CITY OF EDGEWOOD
FOUNDED 1924

Regina Dunay	Keith Farmer	Ben Pierce	Chris Rader	Marion Rayburn
Chairwoman	*Board Member*	*Board Member*	*Board Member*	*Board Member*

PUBLIC NOTICE
PLANNING AND ZONING BOARD MEETING – December 12, 2016

WELCOME! We are very glad you have joined us for today's Planning and Zoning meeting. The Planning and Zoning Board is an advisory board to City Council comprised of citizen members who voluntarily and without compensation devote their time and talents to a variety of zoning and land development issues in the community. All P&Z recommendations are subject to final action by City Council. The results of today's meeting will be presented at the noted City Council meeting for approval of recommended actions. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. CAUTION: Untimely filing by any appellant shall result in an automatic denial of the appeal.

The Planning and Zoning Board as the Local Planning Agency for the City Of Edgewood will meet at 405 Larue Avenue, Edgewood, Florida, to consider the items of business listed herein at the time and date indicated below.

Monday, December 12, 2016 at 6:30 pm

1. Call To Order

2. Pledge of Allegiance

3. Roll Call and Determination of Quorum

4. Approval of Minutes
   - September 12, 2016– Regular P&Z Meeting

5. Selection of new Co-Chair

6. New Business
   - **(City Council Meeting 12/20/2016) ORDINANCE NO: 2016-10 – (SPECIAL EXCEPTION AUTOMOTIVE REPAIR)**

7. Comments/Announcements

FUTURE MEETINGS: (*SCHEDULE CONTINGENT UPON SUBMITTAL OF ITEMS THAT REQUIRE CONSIDERATION OF THE PLANNING & ZONING BOARD AS THE LOCAL PLANNING AGENCY FOR THE CITY OF EDGEWOOD*)

- January 9, 2016
- February 13, 2016

GENERAL RULES OF ORDER

The Board is pleased to hear non-repetitive comments related to business before the Board; however, a five (5) minute time limit per person has been set by the Board. Large groups are asked to name a spokesperson. If you wish to appear before the Board, please fill out an Appearance Request/Lobbyist Registration Form and give it to the City Clerk. When recognized, state your name and speak directly into the microphone. The City is guided by ROBERTS RULES OF ORDER in governing the conduct of the meeting. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at 407-851-2920 at least 24 hours in advance of the meeting.

WE ASK THAT ALL ELECTRONIC DEVICES (IE. CELL PHONES, PAGERS) BE SILENCED DURING OUR MEETING!

Thank you for participating in your government!

APPEALS: According to Edgewood City Code Section 26-24 (2), "any person aggrieved by any recommendation of the Board acting either under its general powers or as a Board of Adjustment may file a notice of appeal to the City Council within seven (7) days after such recommendation is filed with the City Clerk.

PLANNING & ZONING BOARD MEETING MINUTES
September 12, 2016

Planning and Zoning Board Members:
Regina Dunay, Chairperson (Quorum)
Marion Rayburn, Board Member
Chris Rader, Board Member
Ben Pierce, Board Member

Staff:
Sandy Repp, Administrative Assistant
Drew Smith, City Attorney
Chief Francisco, Police Chief
Ellen Hardgrove, City Planner
David Mahler, City Engineer

Contractor/Applicants:
Matt Langbehn, Summertime Dock and Deck
Bill and Beth Seabrook, Applicants for boat dock at 5221 Alleman Drive
William (Hal) Valdes, Carta Construction
Timothy Gaus, AIA, Inc.
Robert Harding, Grey Robinson

CALL TO ORDER

Chairperson Regina Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m., followed by the Pledge of Allegiance. Administrative Assistant, Sandy Repp, announced that there was a quorum.

Chairwoman Dunay announced the resignation of Board Member Susan Lomas after more than seven years of service on the Planning and Zoning Board. Board Member Lomas has decided to go back to schools which will conflict with the meetings on Monday nights.

APPROVAL OF MINUTES

- August 8, 21016

Board Member Rayburn made the Motion to approve the August 8, 2016 minutes; seconded by Chairwoman Dunay. Unanimously approved (4/0)

NEW BUSINESS

Chairwoman Dunay announced that she would change the order of the agenda allowing the variance application for Julie's Waterfront to go as the first order of business.

1. **JULIE'S WATERFRONT 2016-VAR-06** – The variance application was submitted by William (Hal) Valdes on behalf of First American Land Trust, LLC/Abel Carbajal (Julie's Waterfront) requesting to enclose all components of an existing restaurant currently located within the Normal High Water Elevation setback.

   Discussion began about the proposed plan which was described by City Planner Hardgrove. Per Ms. Hardgrove, the main issue is the applicant's intention to close the patio because it no longer meets setback requirement; it is currently a legal nonconforming use for a patio. Enclosing it requires the variance. The dock will not be considered during this meeting.

   Chairwoman Dunay announced that if anyone wished to speak then they will need to complete a speaker form and bring it to the front.

   In response to Chairwoman Dunay, Robert Harding, attorney for the applicant came to podium. Mr. Harding then introduced Timothy Gaus, architect from AIA. Mr. Harding said that the applicant and the property owner are both in attendance as well.

   Mr. Harding said that the applicant agrees to the seven (7) requirements for a variance. They are requesting 12 months due to the difficult rehab instead of the 6 months. Mr. Gaus presented renderings of the proposed building and the property as seen from different vantage points. Mr. Gaus asked for questions from the Board.

   Board Member Rayburn asked for a timeline. Mr. Gaus said that, at best, they are looking at a year because permits processes are lengthy. They are looking at 2017 construction and they would like to open in 2017.

   Board Member Rader said this would be a great addition and asked if there were opportunities explored on the south end of the property. Mr. Harding said their inquiries were rebuffed but they are interested.

   Further discussion ensued included parking challenges, stormwater facilities and traffic flow including emergency vehicles. City Attorney Smith reminded the Board to limit their discussion and questions to the variance request.

   Chairwoman Dunay opened discussion from the floor.

   Brett Barner, Edgewood resident -- Mr. Barner stated his concerns regarding the proposed construction and the effect on the lake. Mr. Barner distributed a handout to the Planning and Zoning Board which showed the current conditions of the lakeside by Julie's Waterfront.

Further discussion ensued regarding the stormwater, vegetation, runoff/NPDES, and calculations for the berm swales. The restaurant would be on sewer going forward. City Attorney Smith reiterated that this is not yet the site plan and this discussion for the Variance.

Chairwoman Dunay asked for a motion.

Board Member Rader moved to recommend approval of the variance application based on the reasons below; seconded by Board Member Rayburn; motion unanimously approved (4/0).

Planning and Zoning recommends that City Council approve the variance in the City Code's Normal High Water Elevation Setback to enclose the four components of the existing restaurant into one building and extend the roof projection an additional six (6) feet where the boardwalk is contiguous to the building finding the six criteria for variance approval have been met with the following conditions:

1. **All finished floor elevations of the building constructed within the 50-foot setback shall meet the minimum elevation required for construction within the 100-year FEMA flood plain elevation.**
2. **Roof projection from the building shall be cantilevered, not be supported by posts or walls extending from the ground, and in no case shall a roof projection drip line extend beyond the normal high water elevation line.**
3. **The eastern edge of the roof shall include a gutters and downspout system to provide enclosed drainage to discharge into the site's stormwater management system.**
4. **Final design of the site plan shall include a barrier along the easterly side of the parking lot to prevent wind-blown debris in the lake and to provide drainage discharge into the sites stormwater management system.**
5. **Any vegetation planted within the 50-foot normal high water elevation setback shall be native lakeshore trees, shrubs and grasses.**
6. **A 7 feet wide landscape buffer shall be provided between the parking lot and Orange Avenue right-of-way. Non-deciduous trees compatible with the overhead utility lines within the Orange Avenue right-of-way at mature height shall be substituted for the tree requirement.**
7. **Any mechanical equipment to be located on the roof shall be screened from view of the street.**

2. **BOAT DOCK VARIANCES– 5221 ALLEMAN DRIVE**

- **2016-VAR-02** Code 14-11 (b)(3) – length of boat dock beyond 65'
- **2016-VAR-04** Code 14-11 (b)(1) – build a boat dock within setback distance
- **2016-VAR-05** Code 14-11 (b)6) – boat dock with square footage greater than 1,000 square feet

City Engineer David Mahler introduced the boat dock belonging to Bill and Beth Seabrook at 5221 Alleman Drive. This is the second time that they are appearing before P&Z and they have provided more documentation, particularly about the lift.

a. 2016-VAR-02 Code 14-11 (b) (3) – length of boat dock beyond 65'

Chairwoman Dunay said that she attended the City Council meeting when it was discovered that they need to be in deeper water with the type of boar lift they have selected.

Beth and Bill Seabrook came to the podium and said that a sling is temporary storage. The boat lift presented is a cradle and it is recommended for the size of their boat. They do not have an extremely large boat but a sling would damage their boat long term. Per Mr. Seabrook, this is not a matter of it being their choice; slings are for lighter weight boats.

Chairwoman Dunay asked for the contractor Matt Langbehn to come to the podium. Mr. Langbehn said that slings cause cracks and are used for temporary relocation. Summertime Dock and Deck install cradles for the docks that they build. Per Mr. Langbehn, it is recommended by the boat manufacturers themselves to use a cradle as well for the Seabrooks exact boat to use the cradle.

Chairwoman Dunay asked if they went through the criteria and Mr. Mahler said they did and added that that this is the depth they need to get the boat in. City Attorney Smith said that according to the consultant, the criteria are met.

Board Member Rader moved to recommend approval of the variance application; seconded by Chairwoman Dunay; motion unanimously approved (4/0).

b. 2016-VAR-05 Code 14-11 (b)6) – boat dock with square footage greater than 1,000 square feet
Chairwoman Dunay stated that the extra square footage is based on the length of the dock. This was confirmed by City Engineer David Mahler.

Chairwoman Dunay asked for a motion.

Board Member Rayburn moved to recommend approval of the variance application to allow a boat dock greater than 1,000 square feet; seconded by Board Member Rader; motion unanimously approved (4/0).

c. 2016-VAR-04 Code 14-11 (b)(1) – build a boat dock within setback distance

City Engineer Mahler said the applicant request is to stay in the same location as the present dock and DEP also suggests they stay in the same location, as stated in their letter. Per Mr. Mahler there are other docks on the lake that have the same setbacks or less. The setback requirement is 15 foot and this dock is just under 12 foot; 11.67 feet.

Discussion ensured regarding the location and minimizing the footprint of the boat dock and environmental impacts on a new location.

Mr. Mahler further reviewed the code and said the requirement is for a side setback of 10 feet. For a side setback less than 15 feet there must be a letter of no objection and a signed site plan, which the applicant has. As this dock is proposed to be located at 11.67, it does not require a variance. Mr. Mahler said that he thought it was a 15 foot setback requirement, but the code in section 14-11 specifically reads ten (10) feet.

In response to Chairwoman Dunay, Mr. Smith said there is no reason to proceed further. Matt Langbehn said they would withdraw their application for the variance.

The applicant withdrew their request for the Variance.

COMMENTS/ANNOUNCEMENTS

- Workshop 10/10/2016 at 5:00 pm to 6:00 pm with City Council.
- There will be a Planning and Zoning meeting on October 10, 2016 to discuss an ordinance for automotive uses.

ADJOURNMENT:

With no further business or discussion, Board Member Rader made the Motion to adjourn the Planning and Zoning Board meeting; Seconded by Board Member Rayburn; the meeting adjourned at 7:55 p.m.

Regina Dunay, Chairwoman

ATTEST

Sandra Repp, Administrative Assistant

ORDINANCE NO. 2016--10

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 134, "ZONING," OF THE CITY OF EDGEWOOD CODE OF ORDINANCES; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-2 ZONING DISTRICT TO MAKE AUTOMOTIVE REPAIR CENTERS WITHIN THE C-2 ZONING DISTRICT A SPECIAL EXCEPTION USE; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-2 ZONING DISTRICT TO CLARIFY THE EXISTING CODE PROVISIONS WHICH PROHIBIT AUTOMOBILE, BOAT, AND RECREATIONAL VEHICLE SALES LOTS; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-3 ZONING DISTRICT TO MAKE AUTOMOTIVE REPAIR CENTERS WITHIN THE C-3 ZONING DISTRICT A SPECIAL EXCEPTION USE; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-3 ZONING DISTRICT TO CLARIFY THE EXISITING CODE PROVISIONS WHICH PROHIBIT AUTOMOBILE AND BOAT SALES LOTS; PROVIDING ADDITIONAL STANDARDS TO BE CONSIDERED DURING REVIEW OF AN APPLICATION FOR A SPECIAL EXCEPTION FOR AN AUTOMOTIVE REPAIR CENTER WITHIN THE C-2 AND C-3 ZONING DISTRICTS; PROVIDING FOR THE LAWFUL NON-CONFORMITY OF USES LAWFULLY IN EXISTENCE AS OF THE DATE OF ENACTMENT OF THIS ORDINANCE; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Edgewood finds and determines that traditional automobile service centers are not consistent with the City's intent and vision for future of development within the C-2 and C-3 Zoning Districts; and

WHEREAS, the City Council of the City of Edgewood finds and determines that traditional automobile service centers are incompatible with many of the uses that the City, through the C-2 and C-3 Zoning Districts, desires to encourage; and

WHEREAS, the City Council of the City of Edgewood does not intend by this Ordinance to cause any property lawfully in use as an automobile repair center to cease such use; and

WHEREAS, the City Council finds and determines that automobile service centers can be designed and constructed in a manner that gives an appearance of a retail or office oriented use; and

WHEREAS, automobile service centers that are designed and built with a retail or office architectural character and scale rather than a traditional automotive service center architectural character and scale may be consistent with the City's intent and vision for the C-2 and C-3 Zoning Districts; and

WHEREAS, accordingly, the City Council of the City of Edgewood finds and determines that by making automobile service centers a special exception use within the C-2 and C-3 Zoning District, the City can guide future development within the C-2 and C-3 Zoning Districts; and

WHEREAS, the City Council of the City of Edgewood recognizes that questions as to the existing Code's interpretation have arisen in the past as to the prohibition of automobile, boat and recreational vehicle sales lots and the City Council desires to maintain such prohibition and to clarify the language of the Code; and

WHEREAS, the City Council of the City of Edgewood finds that the adoption of this Ordinance is consistent with the City's Comprehensive Plan and that it is in the best interest of the public health, safety and welfare; and

WHEREAS, the Planning and Zoning Board of the City of Edgewood, sitting as the Local Planning Agency, has reviewed the proposed amendment, found it consistent with the City's Comprehensive Plan, and recommended approval by the City Council.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Edgewood, Florida as follows:

NOTE: Underlined words constitute additions to the City of Edgewood Code of Ordinances, ~~strikethrough~~ constitutes deletions from the original Code of Ordinances, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this ordinance.

Section 2. Chapter 134, Article IV, Division 8 of the City of Edgewood Code of Ordinances shall be amended as follows:

DIVISION 8. - C-2 GENERAL COMMERCIAL DISTRICT

Sec. 134-372. - Intent and purpose.

The intent and purpose of the C-2 district is as follows: This district is composed of certain lands and structures used to provide for the retailing of commodities and the furnishing of several major services, selected trade shops. This district will be encouraged at locations along minor arterials and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood. Characteristically, this district occupies an area larger than that of the C-1 retail commercial district, serves a considerably greater population, and offers a wider range of services.

Sec. 134-373. - Permitted uses.

(a) Only the following principal uses and structures shall be permitted within any C-2 general commercial district:

(1) Any use permitted in the C-1 retail commercial district.

(2) Printing, bookbinding, lithography, and publishing plants.

(3) Bowling alleys, skating rinks and billiard parlors, provided such activities and facilities are enclosed within a soundproof building.

(4) Veterinary hospitals and kennels when confined within structure.

(5) Frozen food lockers.

(6) Washing and packaging of fruit when accessory to retain fruit sales on the premises.

(7) Amusement and recreational facilities such as, but not limited to, miniature golf courses, go-cart tracks, golf driving ranges, baseball batting ranges and trampoline centers.

~~(8) Enclosed mechanical garage, without paint and body and motor work unless incidental to dealer use.~~

(~~9~~8) Other uses which are similar to the uses permitted herein, which would promote the intent and purposes of directive of the city council after public notice and public hearing.

(b) The following uses are hereby deemed not to be similar and compatible with those uses expressly authorized in this section:

(1) Bail bond and similar bonding offices or agencies;

(2) Check cashing or other similar businesses;

(3) Soup kitchens, runaway and related emergency shelters, homeless shelters or convalescent facilities, similar social service, institutional and welfare use; and

(4) Any individual, specific use which is contained within a shopping center which is not otherwise expressly permitted as an individual use pursuant to section 134-345, as it may be amended or replaced from time to time, or which is not expressly listed as a special exception pursuant to section 134-346, as it may be amended or replaced from time to time.

Sec. 134-374. - Prohibited uses.

The following uses shall be prohibited in any C-2 general commercial district:

(1) Any use prohibited in the C-1 district not otherwise permitted herein.

(2) Title loan stores.

(3) Check cashing, payday advance stores, or other similar businesses.

(4) Labor pool offices.

(5) Bail bond offices.

(6) Tattoo, body piercing, massage parlors and fortunetelling shops.

(7) Soup kitchens.

(8) Runaway and related emergency shelters; homeless shelters.

(9) Convalescent facilities.

(10) Residential social service facilities; welfare, food stamp, and other social service offices and institutional facilities.

(11) Treatment and recovery facilities.

(12) Other similar uses consistent with this section.

(13) New and used automobile and boat sales.

(14) Pain management clinics.

(15) Automobile, boat, or recreational vehicle sales lots.

Sec. 134-375. - Special exceptions.

(a) The following uses may be permitted as a special exception, provided that any review and hearing of an application for a special exception shall consider the character of the neighborhood in which the proposed use is to be located, its effect on the value of surrounding lands, and the area of the site as it relates to the required open spaces and off-street parking facilities~~.~~:

(1) Miniwarehouses for dry storage only;

(2) Open-air flea markets;

(3) Auctions;

(4) Living quarters in conjunction with a commercial use to be occupied by the owner of the business or an employee;

(5) Institutional uses, public or private, such as churches, schools, hospitals, nursing homes, libraries, community centers and universities;

(6) Zero lot line commercial developments;

(7) Radio broadcasting and telecasting stations, studios and offices;

(8) Car washes. (No fuel services provided);

(9) Christmas tree lots;

(10) Automotive repair centers including mechanical garages, automobile body shops, automotive upholsterers, and automotive painting;

(11) Adult congregate living facilities;

(12) Any general commercial establishment occupying more than 50,000 square feet and less than 100,000 square feet;

(b) In addition to the factors to be considered in paragraph (a), above, for any application for automotive repair centers, the planning and zoning board and the city council shall consider the following criteria:

(1) Compatibility of the proposed automotive repair center and its archictectural character and scale with the surrounding uses and the commercial intent of the zoning district.

(2) Whether the proposed landscaping located between the frontage of all public road rights-of-way and the front building line meets all current requirements of this Code of Ordinances.

(3) Whether all proposed signage meets all current requirements of this Code of Ordinances.

(4) Whether parking and vehicular storage areas meet all current requirements of this Code of Ordinances.

(5) Whether the proposed automotive repair center is configured in a manner in which garage bays or other work areas are screened from view from all public road rights-of-way. Garage bays and work areas may be screened by buildings, walls or opaque fences consistent with the Code of Ordinances, landscaping or any combination thereof.

(6) Whether areas for storage of serviced automobiles are screened from view from all public road rights-of-way. Automobile storage areas may be screened by

buildings, walls or opaque fences consistent with the Code of Ordinances, landscaping or any combination thereof.

(7) Whether all bay doors visible from any public road right-of-way are painted in earth tones or otherwise treated in a manner to blend and be consistent with the overall building façade.

(8) Whether the site is configured and buildings are designed and constructed in a manner to give an outward appearance of a retail or office use from any public road right-of-way.

(~~b~~c) Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. As a part of the application, the site plan shall include a simple plan drawn to an appropriate scale, including legal description, lot area, site dimensions, right-of-way location and width, parking areas and number of parking spaces, proposed building location and setbacks from lot lines, total floor area proposed for any building, proposed points of access, location of signs, location of existing easements, and a general plan of proposed landscaping. Said site plan shall be submitted to and considered by the city council after recommendation by the planning and zoning board as provided for in article II of this chapter prior to the granting of a building permit. Upon such approval, said site plan becomes part of the building permit and may be amended only by the city council after recommendation by the planning and zoning board. Development under the special exception shall comply with all applicable city codes and ordinances. Upon written request by the applicant, city staff may modify the required elements for the site plan, provided however, the planning and zoning commission or city council may require any omitted or abbreviated information be provided prior to final review if in their sole determination they find such information would be necessary or helpful in the review of the application.

~~(1) Miniwarehouses for dry storage only.~~

~~(2) Open-air flea markets.~~

~~(3) Auctions.~~

~~(4) Living quarters in conjunction with a commercial use to be occupied by the owner of the business or an employee.~~

~~(5) Institutional uses, public or private, such as churches, schools, hospitals, nursing homes, libraries, community centers and universities.~~

~~(6) Zero lot line commercial developments.~~

~~(7) Radio broadcasting and telecasting stations, studios and offices.~~

~~(8) Car washes. (No fuel services provided.)~~

~~(9) Christmas tree lots.~~

~~(10) New car and boat sales and services.~~

~~(11) Adult congregate living facilities.~~

~~(12) Any general commercial establishment occupying more than 50,000 square feet and less than 100,000 square feet.~~

Section 3. Chapter 134, Article IV, Division 9 of the City of Edgewood Code of Ordinances shall be amended as follows:

DIVISION 9. - C-3 WHOLESALE COMMERCIAL DISTRICT

Sec. 134-402. - Intent and purpose.

The C-3 district is composed of those lands and structures which, by their use and location, are especially adapted to the conduct of the business of the wholesale distribution, storage and indoor light manufacturing. Such lands are conveniently located to principal thoroughfares and/or railroads.

Sec. 134-403. - Permitted uses.

Only the following principal uses and structures shall be permitted within any C-3 wholesale commercial district, provided that any permitted activities shall be conducted within a wholly enclosed building unless expressly stated otherwise herein:

(1) Any use permitted in the C-1 retail commercial district or C-2 general commercial district.

(2) Heating and air conditioning sales and service.

(3) Bakeries (wholesale).

(4) Soft drink bottling.

(5) Testing of materials, equipment and products.

(6) Machine shops.

(7) Manufacture and assembly of scientific, electrical, optical and precision instruments or equipment.

(8) Manufacture of novelties and souvenirs.

(9) Storage and wholesale distribution warehouse, where not adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.

(10) Trade shops including tinsmith, cabinet maker, rug and carpet cleaning, upholstering, mattress renovation, electrical, roofing and plumbing shop.

(11) Car washes. (No fuel services provided.)

(12) Confectionery manufacture.

(13) Furniture stripping.

(14) Garment manufacturing.

~~(15) Mechanical garages, including personal vehicle body shop and painting. (No fuel services provided.)~~

(15~~16~~) Milk bottling and distribution plants; ice cream manufacturing, citrus processing.

(16~~17~~) Sign manufacturing, installation, service and sales.

(17~~18~~) Welding shop.

(18~~19~~) New and off-site factory reconditioned automobile parts.

(19~~20~~) Other uses which are similar to the uses permitted herein, which are not specifically prohibited in section 134-404, which would promote the intent and purposes of these districts. Determination shall be made by authority and directive of the city council after public notice and hearing.

Sec. 134-404. - Prohibited uses.

The following uses shall be prohibited in the C-3 wholesale commercial district:

(1) Any use or activity which is not in full compliance with all the requirements and standards set forth in this article.

(2) Animal slaughtering, or the confinement of animals for feeding, finishing and preparation for slaughter, including stockyards and feeding pens.

(3) Asphalt manufacturing or refining, or any similar petroleum or petrochemical refining or manufacturing process.

(4) Asphalt or concrete paving, mixing or batching plant.

(5) Corrosive acid manufacture or bulk storage including, but not limited to, hydrochloric, nitric, sulphuric or similar acids.

(6) Bone distillation or the reduction, rendering, incineration or storage of garbage, offal, animals or animal waste, fats, fish or similar materials or products.

(7) Blast furnace, or similar heat or glare generating operations or incinerator or crematorium.

(8) Cement, lime, gypsum or Plaster-of-Paris manufacture, or the open storage of raw materials or finished products related to such manufacture.

(9) Glue, size or gelatin manufacture where the processes involve the refining or recovery of such products from fish, animal or refuse materials.

(10) Tallow, grease, lard or vegetable oil refining.

(11) Junkyard, salvage yard, recycling or wrecking yard or structure wherein motor vehicles, appliances or similar used equipment or material is stored, dismantled, or sorted for display, sale or packing.

(12) ~~New and used~~ ~~a~~Automobile, ~~and~~ boat, and recreational vehicle sales lots.

(13) Mobile and modular homes.

(14) Other uses which are similar to those listed above which are not specifically permitted in section 134-403, the prohibition of which would promote the intent and purposes of this district. Determination shall be made by authority and directive of the city council which shall be after public notice and public hearing.

(15) Title loan stores; check cashing, payday advance stores, or other similar businesses; labor pool offices; bail bond offices; tattoo, body piercing, massage parlors; fortunetelling shops; soup kitchens; runaway and related emergency shelters; homeless shelters; convalescent facilities; residential social service facilities; addiction treatment and recovery facilities; welfare, food stamp, and other social service offices and institutional facilities; other similar uses consistent with this subsection.

(16) Any individual, specific use whether or not contained within a shopping center, which is not otherwise expressly permitted as an individual use pursuant to this section or sections 134-345, 134-373 and 134-403, as these sections may be amended or replaced from time to time, or which is not expressly listed as a special exception pursuant to sections 134-346, 134-375 or 134-405, as those sections may be amended or replaced from time to time.

(17) Any commercial establishment occupying more than 100,000 square feet.

(18) Any other use specifically prohibited in the C-1, C-2 or C-3 commercial districts.

(19) Professional auction houses.

(20) Dyeing, dry cleaning and laundering; this prohibition shall not include drop-off facilities where the dyeing, dry cleaning or laundering occurs at an off-site location.

(21) Pain management clinics.

Sec. 134-405. - Special exceptions.

(a) The following uses may be permitted as a special exception, provided that any review and hearing of an application for a special exception shall consider the character of the neighborhood in which the proposed use is to be located, its effect on the value of surrounding lands, and the area of the site as it relates to the required open spaces and off-street parking facilities.:

(1) Dwelling unit in conjunction with a commercial use to be occupied by the owner, operator or employee of the business.

(2) Institutional uses, public or private, such as churches, schools, hospitals, nursing homes, libraries, community centers and universities.

(3) Zero lot line commercial developments.

(4) Automotive repair centers including mechanical garages, automobile body shops, automotive upholsterers, and automotive painting.

(5) Meat storage, cutting and distribution.

(6) Wholesale products distribution.

(7) Christmas tree lots.

(8) Any wholesale commercial establishment occupying more than 50,000 square feet and less than 100,000 square feet.

(9) Machinery sales, rental and storage.

(10) Outdoor storage of merchandise, parts or other equipment.

(11) Building material storage and sales (new, no junk or used material).

(12) Contractors' storage and equipment yards, including well drilling equipment and land clearing equipment.

(13) Miniwarehouses.

(14) Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.

(b) In addition to the factors to be considered in paragraph (a), above, for any application for automotive repair centers, the planning and zoning board and the city council shall consider the following criteria:

(1) Compatibility of the proposed automotive repair center and its archictectural character and scale with the surrounding uses and the commercial intent of the zoning district.

(2) Whether the proposed landscaping located between the frontage of all public road rights-of-way and the front building line meets all current requirements of this Code of Ordinances.

(3) Whether all proposed signage meets all current requirements of this Code of Ordinances.

(4) Whether parking and vehicular storage areas meet all current requirements of this Code of Ordinances.

(5) Whether the proposed automotive repair center is configured in a manner in which garage bays or other work areas are screened from view from all public road rights-of-way. Garage bays and work areas may be screened by buildings, walls or opaque fences consistent with the Code of Ordinances, landscaping or any combination thereof.

(6) Whether areas for storage of serviced automobiles are screened from view from all public road rights-of-way. Automobile storage areas may be screened by buildings, walls or opaque fences consistent with the Code of Ordinances, landscaping or any combination thereof.

(7) Whether all bay doors visible from any public road right-of-way are painted in earth tones or otherwise treated in a manner to blend and be consistent with the overall building façade.

(8) Whether the site is configured and buildings are designed and constructed in a manner to give an outward appearance of a retail or office use from any public road right-of-way.

(~~b~~c) Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. As a part of the application, the site plan shall include a simple plan drawn to an appropriate scale, including legal description, lot area, site dimensions, right-of-way location and width, parking areas and number of parking spaces, proposed building location and setbacks from lot lines, total floor area proposed for any building, proposed points of access, location of signs, location of existing easements and a general plan of proposed landscaping. Said site plan shall be submitted to and considered by the city council after recommendation by the planning and zoning board as provided for in article II of this chapter prior to the granting of a building permit. Upon such approval, said site plan becomes part of the building permit and may be amended only by the city council after recommendation by the planning and zoning board. Development under the special exception shall comply with all applicable city codes and ordinances. Upon written request by the applicant, city staff may modify the required elements for the site plan, provided however, the planning and zoning commission or city council may require any omitted or abbreviated information be provided prior to final review if in their sole determination they find such information would be necessary or helpful in the review of the application.

~~(1) Dwelling unit in conjunction with a commercial use to be occupied by the owner, operator or employee of the business.~~

~~(2) Institutional uses, public or private, such as churches, schools, hospitals, nursing homes, libraries, community centers and universities.~~

~~(3) Zero lot line commercial developments.~~

~~(4) Bus, cab, light truck repair.~~

~~(5) Meat storage, cutting and distribution.~~

~~(6) Wholesale products distribution.~~

~~(7) Christmas tree lots.~~

~~(8) Any wholesale commercial establishment occupying more than 50,000 square feet and less than 100,000 square feet.~~

~~(9) Machinery sales, rental and storage.~~

~~(10) Outdoor storage of merchandise, parts or other equipment.~~

~~(11) Building material storage and sales (new, no junk or used material).~~

~~(12) Contractors' storage and equipment yards, including well drilling equipment and land clearing equipment.~~

~~(13) Miniwarehouses.~~

~~(14) Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.~~

Section 4. Any lawfully existing use which is inconsistent with the amended uses allowed within this Ordinance shall be allowed to continue as provided within Section 134-38 of the City of Edgewood Code of Ordinances. A lawfully existing use made lawfully nonconforming by this Ordinance may apply for a special exception to become a conforming use.

Section 5. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Edgewood.

Section 6. If any section, sentence, phrase, word or portion of this ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 7. All ordinances that are in conflict with this Ordinance are hereby repealed.

Section 8. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2016, by the City Council of the City of Edgewood, Florida.

PASSED ON FIRST READING: **November 15, 2016**

PASSED ON SECOND READING: _____

_____
John Dowless, Council President

ATTEST:

_____
Bea L. Meeks, MMC, CPM, CBTO
City Clerk