

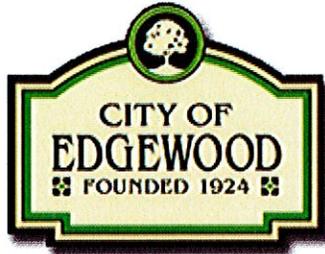
# Memo

To: Planning and Zoning Board Members  
From: Sandy Repp, Administrative Assistant  
Date: December 7, 2016  
Re: New Business Items

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The following proposed ordinance is provided in your agenda packet, under new business, for your review:

**1. ORDINANCE NO. 2016-10 – SPECIAL EXCEPTION AUTOMOTIVE REPAIR**



Regina Dunay  
Chairwoman

Keith Farmer  
Board Member

Ben Pierce  
Board Member

Chris Rader  
Board Member

Marion Rayburn  
Board Member

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

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**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.

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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

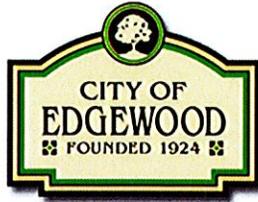
**GENERAL RULES OF ORDER**

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

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**CALL TO ORDER**

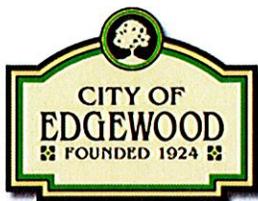
Chairperson Regina Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m., followed by the Pledge of Allegiance. Administrative Assistant, Sandy Repp, announced that there was a quorum.

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.

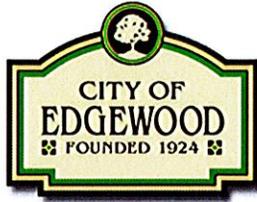
Board Member Rayburn asked for a timeline. Mr. Gaus said that, at best, they are looking at a year because permits processes are lengthy. They are looking at 2017 construction and they would like to open in 2017.

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.

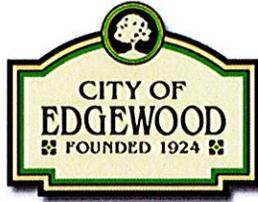
## 2. BOAT DOCK VARIANCES– 5221 ALLEMAN DRIVE

- **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

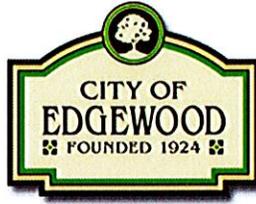
City Engineer Mahler said the applicant request is to stay in the same location as the present dock and DEP also suggests they stay in the same location, as stated in their letter. Per Mr. Mahler there are other docks on the lake that have the same setbacks or less. The setback requirement is 15 foot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

Discussion ensued 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.*

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Regina Dunay, Chairwoman

ATTEST

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Sandra Repp, Administrative Assistant

ORDINANCE NO. 2016--10

1  
2  
3 AN ORDINANCE OF THE CITY OF EDGEWOOD,  
4 ORANGE COUNTY, FLORIDA AMENDING CHAPTER  
5 134, "ZONING," OF THE CITY OF EDGEWOOD CODE OF  
6 ORDINANCES; AMENDING THE LISTS OF PERMITTED,  
7 PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN  
8 THE C-2 ZONING DISTRICT TO MAKE AUTOMOTIVE  
9 REPAIR CENTERS WITHIN THE C-2 ZONING DISTRICT  
10 A SPECIAL EXCEPTION USE; AMENDING THE LISTS  
11 OF PERMITTED, PROHIBITED, AND SPECIAL  
12 EXCEPTION USES WITHIN THE C-2 ZONING DISTRICT  
13 TO CLARIFY THE EXISTING CODE PROVISIONS  
14 WHICH PROHIBIT AUTOMOBILE, BOAT, AND  
15 RECREATIONAL VEHICLE SALES LOTS; AMENDING  
16 THE LISTS OF PERMITTED, PROHIBITED, AND  
17 SPECIAL EXCEPTION USES WITHIN THE C-3 ZONING  
18 DISTRICT TO MAKE AUTOMOTIVE REPAIR CENTERS  
19 WITHIN THE C-3 ZONING DISTRICT A SPECIAL  
20 EXCEPTION USE; AMENDING THE LISTS OF  
21 PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION  
22 USES WITHIN THE C-3 ZONING DISTRICT TO CLARIFY  
23 THE EXISTING CODE PROVISIONS WHICH PROHIBIT  
24 AUTOMOBILE AND BOAT SALES LOTS; PROVIDING  
25 ADDITIONAL STANDARDS TO BE CONSIDERED  
26 DURING REVIEW OF AN APPLICATION FOR A SPECIAL  
27 EXCEPTION FOR AN AUTOMOTIVE REPAIR CENTER  
28 WITHIN THE C-2 AND C-3 ZONING DISTRICTS;  
29 PROVIDING FOR THE LAWFUL NON-CONFORMITY OF  
30 USES LAWFULLY IN EXISTENCE AS OF THE DATE OF  
31 ENACTMENT OF THIS ORDINANCE; PROVIDING FOR  
32 CODIFICATION, SEVERABILITY, CONFLICTS, AND AN  
33 EFFECTIVE DATE.

34  
35 WHEREAS, the City Council of the City of Edgewood finds and determines that  
36 traditional automobile service centers are not consistent with the City's intent and vision for  
37 future of development within the C-2 and C-3 Zoning Districts; and  
38

39 WHEREAS, the City Council of the City of Edgewood finds and determines that  
40 traditional automobile service centers are incompatible with many of the uses that the City,  
41 through the C-2 and C-3 Zoning Districts, desires to encourage; and  
42

43 WHEREAS, the City Council of the City of Edgewood does not intend by this  
44 Ordinance to cause any property lawfully in use as an automobile repair center to cease such use;  
45 and  
46

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

50  
51 **WHEREAS**, automobile service centers that are designed and built with a retail or office  
52 architectural character and scale rather than a traditional automotive service center architectural  
53 character and scale may be consistent with the City’s intent and vision for the C-2 and C-3  
54 Zoning Districts; and

55  
56 **WHEREAS**, accordingly, the City Council of the City of Edgewood finds and  
57 determines that by making automobile service centers a special exception use within the C-2 and  
58 C-3 Zoning District, the City can guide future development within the C-2 and C-3 Zoning  
59 Districts; and

60  
61 **WHEREAS**, the City Council of the City of Edgewood recognizes that questions as to  
62 the existing Code’s interpretation have arisen in the past as to the prohibition of automobile, boat  
63 and recreational vehicle sales lots and the City Council desires to maintain such prohibition and  
64 to clarify the language of the Code; and

65  
66 **WHEREAS**, the City Council of the City of Edgewood finds that the adoption of this  
67 Ordinance is consistent with the City’s Comprehensive Plan and that it is in the best interest of  
68 the public health, safety and welfare; and

69  
70 **WHEREAS**, the Planning and Zoning Board of the City of Edgewood, sitting as the  
71 Local Planning Agency, has reviewed the proposed amendment, found it consistent with the  
72 City’s Comprehensive Plan, and recommended approval by the City Council.

73  
74 **NOW, THEREFORE, BE IT ENACTED** by the City Council of the City of  
75 Edgewood, Florida as follows:

76  
77 **NOTE:** Underlined words constitute additions to the City of Edgewood Code of  
78 Ordinances, ~~strikethrough~~ constitutes deletions from the original Code of Ordinances, and  
79 asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain  
80 unchanged.

81  
82 **Section 1.** Legislative Findings and Intent. The findings set forth in the recitals above  
83 are hereby adopted as legislative findings pertaining to this ordinance.

84  
85 **Section 2.** Chapter 134, Article IV, Division 8 of the City of Edgewood Code of  
86 Ordinances shall be amended as follows:

87  
88 **DIVISION 8. - C-2 GENERAL COMMERCIAL DISTRICT**

89  
90 **Sec. 134-372. - Intent and purpose.**

91  
92 The intent and purpose of the C-2 district is as follows: This district is composed of  
93 certain lands and structures used to provide for the retailing of commodities and the furnishing of  
94 several major services, selected trade shops. This district will be encouraged at locations along  
95 minor arterials and major arterial roads where general commercial uses would be compatible  
96 with the surrounding neighborhood. Characteristically, this district occupies an area larger than  
97 that of the C-1 retail commercial district, serves a considerably greater population, and offers a  
98 wider range of services.

99

100 Sec. 134-373. - Permitted uses.

101

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

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

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

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

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

109 (5) Frozen food lockers.

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

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

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

117 (98) Other uses which are similar to the uses permitted herein, which would  
118 promote the intent and purposes of directive of the city council after public notice and  
119 public hearing.

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

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

123 (2) Check cashing or other similar businesses;

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

126 (4) Any individual, specific use which is contained within a shopping center  
127 which is not otherwise expressly permitted as an individual use pursuant to section 134-  
128 345, as it may be amended or replaced from time to time, or which is not expressly listed  
129 as a special exception pursuant to section 134-346, as it may be amended or replaced  
130 from time to time.

131 Sec. 134-374. - Prohibited uses.

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

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

134 (2) Title loan stores.

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

136 (4) Labor pool offices.

137 (5) Bail bond offices.

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

139 (7) Soup kitchens.

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

141 (9) Convalescent facilities.

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

144 (11) Treatment and recovery facilities.

145 (12) Other similar uses consistent with this section.

146 (13) New and used automobile and boat sales.

147 (14) Pain management clinics.

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

149 Sec. 134-375. - Special exceptions.

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

155 (1) Miniwarehouses for dry storage only;

156 (2) Open-air flea markets;

157 (3) Auctions;

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

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

162           (6) Zero lot line commercial developments;

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

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

165           (9) Christmas tree lots;

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

168           (11) Adult congregate living facilities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

217 ~~(3) Auctions.~~

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

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

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

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

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

225 ~~(9) Christmas tree lots.~~

- 226                   ~~(10) New car and boat sales and services.~~
- 227                   ~~(11) Adult congregate living facilities.~~
- 228                   ~~(12) Any general commercial establishment occupying more than 50,000 square~~  
229                   ~~feet and less than 100,000 square feet.~~

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

232

233 DIVISION 9. - C-3 WHOLESALE COMMERCIAL DISTRICT

234

235 Sec. 134-402. - Intent and purpose.

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

240 Sec. 134-403. - Permitted uses.

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

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

246                   (2) Heating and air conditioning sales and service.

247                   (3) Bakeries (wholesale).

248                   (4) Soft drink bottling.

249                   (5) Testing of materials, equipment and products.

250                   (6) Machine shops.

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

253                   (8) Manufacture of novelties and souvenirs.

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

- 257 (10) Trade shops including tinsmith, cabinet maker, rug and carpet cleaning,  
258 upholstery, mattress renovation, electrical, roofing and plumbing shop.
- 259 (11) Car washes. (No fuel services provided.)
- 260 (12) Confectionery manufacture.
- 261 (13) Furniture stripping.
- 262 (14) Garment manufacturing.
- 263 ~~(15) Mechanical garages, including personal vehicle body shop and painting. (No~~  
264 ~~fuel services provided.)~~
- 265 (1516) Milk bottling and distribution plants; ice cream manufacturing, citrus  
266 processing.
- 267 ~~(1617)~~ Sign manufacturing, installation, service and sales.
- 268 ~~(1718)~~ Welding shop.
- 269 ~~(1819)~~ New and off-site factory reconditioned automobile parts.
- 270 (1920) Other uses which are similar to the uses permitted herein, which are not  
271 specifically prohibited in section 134-404, which would promote the intent and purposes  
272 of these districts. Determination shall be made by authority and directive of the city  
273 council after public notice and hearing.
- 274 Sec. 134-404. - Prohibited uses.
- 275 The following uses shall be prohibited in the C-3 wholesale commercial district:
- 276 (1) Any use or activity which is not in full compliance with all the requirements  
277 and standards set forth in this article.
- 278 (2) Animal slaughtering, or the confinement of animals for feeding, finishing and  
279 preparation for slaughter, including stockyards and feeding pens.
- 280 (3) Asphalt manufacturing or refining, or any similar petroleum or petrochemical  
281 refining or manufacturing process.
- 282 (4) Asphalt or concrete paving, mixing or batching plant.
- 283 (5) Corrosive acid manufacture or bulk storage including, but not limited to,  
284 hydrochloric, nitric, sulphuric or similar acids.
- 285 (6) Bone distillation or the reduction, rendering, incineration or storage of  
286 garbage, offal, animals or animal waste, fats, fish or similar materials or products.

- 287 (7) Blast furnace, or similar heat or glare generating operations or incinerator or  
288 crematorium.
- 289 (8) Cement, lime, gypsum or Plaster-of-Paris manufacture, or the open storage of  
290 raw materials or finished products related to such manufacture.
- 291 (9) Glue, size or gelatin manufacture where the processes involve the refining or  
292 recovery of such products from fish, animal or refuse materials.
- 293 (10) Tallow, grease, lard or vegetable oil refining.
- 294 (11) Junkyard, salvage yard, recycling or wrecking yard or structure wherein  
295 motor vehicles, appliances or similar used equipment or material is stored, dismantled, or  
296 sorted for display, sale or packing.
- 297 (12) ~~New and used~~ Automobile, and boat, and recreational vehicle sales lots.
- 298 (13) Mobile and modular homes.
- 299 (14) Other uses which are similar to those listed above which are not specifically  
300 permitted in section 134-403, the prohibition of which would promote the intent and  
301 purposes of this district. Determination shall be made by authority and directive of the  
302 city council which shall be after public notice and public hearing.
- 303 (15) Title loan stores; check cashing, payday advance stores, or other similar  
304 businesses; labor pool offices; bail bond offices; tattoo, body piercing, massage parlors;  
305 fortunetelling shops; soup kitchens; runaway and related emergency shelters; homeless  
306 shelters; convalescent facilities; residential social service facilities; addiction treatment  
307 and recovery facilities; welfare, food stamp, and other social service offices and  
308 institutional facilities; other similar uses consistent with this subsection.
- 309 (16) Any individual, specific use whether or not contained within a shopping  
310 center, which is not otherwise expressly permitted as an individual use pursuant to this  
311 section or sections 134-345, 134-373 and 134-403, as these sections may be amended or  
312 replaced from time to time, or which is not expressly listed as a special exception  
313 pursuant to sections 134-346, 134-375 or 134-405, as those sections may be amended or  
314 replaced from time to time.
- 315 (17) Any commercial establishment occupying more than 100,000 square feet.
- 316 (18) Any other use specifically prohibited in the C-1, C-2 or C-3 commercial  
317 districts.
- 318 (19) Professional auction houses.
- 319 (20) Dyeing, dry cleaning and laundering; this prohibition shall not include drop-  
320 off facilities where the dyeing, dry cleaning or laundering occurs at an off-site location.

321 (21) Pain management clinics.

322 Sec. 134-405. - Special exceptions.

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

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

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

332 (3) Zero lot line commercial developments.

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

335 (5) Meat storage, cutting and distribution.

336 (6) Wholesale products distribution.

337 (7) Christmas tree lots.

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

340 (9) Machinery sales, rental and storage.

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

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

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

345 (13) Miniwarehouses.

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

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

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

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

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

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

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

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

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

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

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

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

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

397 (3) Zero lot line commercial developments.

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

399 (5) Meat storage, cutting and distribution.

400 (6) Wholesale products distribution.

401 (7) Christmas tree lots.

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

404 (9) Machinery sales, rental and storage.

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

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

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

409 (13) Miniwarehouses.

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

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

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

420  
421 **Section 6.** If any section, sentence, phrase, word or portion of this ordinance is  
422 determined to be invalid, unlawful or unconstitutional, said determination shall not be held to  
423 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or  
424 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.  
425

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

427  
428            **Section 8.**     This Ordinance shall become effective immediately upon its passage and  
429 adoption.

430  
431            **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City  
432 Council of the City of Edgewood, Florida.

433  
434 PASSED ON FIRST READING: **November 15, 2016**

435  
436 PASSED ON SECOND READING: \_\_\_\_\_

437  
438  
439 \_\_\_\_\_  
440 John Dowless, Council President

441  
442  
443 *ATTEST:*  
444  
445 \_\_\_\_\_  
446 Bea L. Meeks, MMC, CPM, CBTO  
447 City Clerk