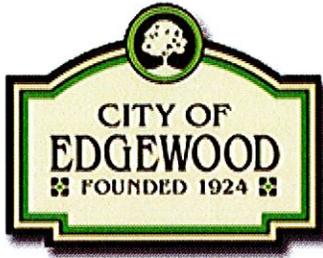


Memo

To: Planning and Zoning Board Members
From: Sandy Repp, Administrative Assistant
Date: January 4, 2017
Re: New Business Items

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

- 1. ORDINANCE NO. 2017-01 – Moratorium regarding qualified dispensing facilities for low THC and medical cannabis and medical marijuana treatment centers**



Regina Dunay
Chairwoman

Keith Farmer
Board Member

Ben Pierce
Board Member

Chris Rader
Co-Chair

Marion Rayburn
Board Member

PUBLIC NOTICE
PLANNING AND ZONING BOARD MEETING – January 9, 2017

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, January 9, 2017 at 6:30 pm

1. Call To Order
2. Pledge of Allegiance
3. Roll Call and Determination of Quorum
4. Approval of Minutes
 - December 12, 2016– Regular P&Z Meeting
5. New Business
 - **Orange Avenue Corridor Study Presentation – Presented by John Paul Weesner, Kittelson & Associates, Inc.**
 - **(City Council Meeting 1/17/2017) Ordinance No. 2017-01 – Moratorium regarding qualified dispensing facilities for low THC and medical cannabis and medical marijuana treatment centers**
 - **Review/Discuss uses in the C-2 and C-3 zoning districts**
6. 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)

- February 13, 2017
- March 13, 2017

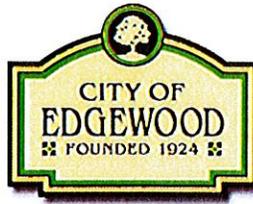
GENERAL RULES OF ORDER

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
December 12, 2016

Planning and Zoning Board Members:

Regina Dunay, Chairperson (Quorum)
Chris Rader, Board Member
Marion Rayburn, Board Member
Ben Pierce, Board Member
Keith Farmer, Board Member

Staff:

Drew Smith, City Attorney
Ray Bagshaw, Mayor
Chief Francisco, Police Chief
Sandy Repp, Administrative Assistant

CALL TO ORDER

Chairperson Regina Dunay called the Planning & Zoning Board meeting to order at 6:46 p.m., followed by the Pledge of Allegiance. Administrative Assistant, Sandy Repp, announced that there was a quorum with all members present.

APPROVAL OF MINUTES

- September 12, 2016

Board Member Marion Rayburn made the Motion to approve the September 12, 2016 minutes as presented; seconded by Board Member Marion Rayburn. The motion was unanimously approved (5/0).

SELECTION OF CO-CHAIR

Board Member Marion Rayburn made the Motion to select Board Member Chris Rader as the Co-Chair; seconded by Board Member Ben Pierce. The motion was unanimously approved (5/0).

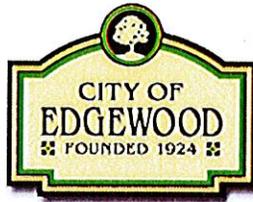
Board Member Rader is the new Planning and Zoning Co-Chair.

NEW BUSINESS

- Ordinance No 2016-10 (Special Exception Automotive Repair)

Chairwoman Dunay introduced the Ordinance and requested that Attorney Drew Smith give a summary of the history of action on the Ordinance.

Per Attorney Smith, P&Z made a recommendation for approval of an ordinance to prohibit automotive uses in the C-2 and C-3 zoning districts, which went to City Council but Council preferred to make it a



Special Exception for those uses that currently exist to have the possibility of applying for a Special Exception and be a lawfully conforming use as opposed to a lawfully nonconforming use. Attorney Smith explained that current uses would be allowed to remain but they would be lawfully nonconforming and Council has some discomfort of making all these uses nonconforming without some possibility of becoming lawfully conforming if they wanted to improve the properties in C-2 and C-3. P&Z also considered the Special Exception Application and those criteria to determine whether or not automotive use qualifies for the Special Exception

In response to Chairwoman Dunay, Attorney Smith responded that uses that are here now would be lawfully nonconforming on the day that the ordinance passed, if it passed. From that point those that currently exist that come before the City and ask for a Special Exception and be lawfully conforming uses. Per Attorney Smith, P&Z recommended that all uses be legally nonconforming uses. Council considered that and recommended a different direction.

Further discussion ensued between Board Members regarding lawfully nonconforming uses versus lawfully conforming uses under a prohibition of an automotive use or supporting the Special Exception.

The Board asked about possible complaints and Chief Francisco discussed complaints regarding some of the automotive properties.

The Edgewood corridor was compared to other developed areas such as College Park and how automotive garage uses limit Edgewood from developing according to the vision of the City.

Board Member Rader and Chairwoman Dunay also discussed the City's comprehensive plan versus writing code for or basing decisions on a vocal minority. Board Member Rader stated that the goal is to phase out the automotive uses versus changing how the use looks.

Board Member Rader expressed that he would like to table their consideration of this so that P&Z can consider this as part of moratorium for uses in the January meeting.

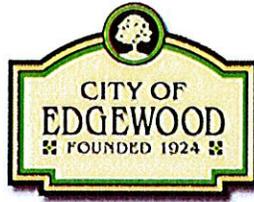
Board Member Ben Pierce was concerned that this was rolling the dice.

In response to Chairwoman Dunay's question about what would change with Council in January as far as approval, Attorney Smith stated that there might be the same opposition to the outright prohibition but that some council is on the fence between property rights and the City's vision.

Board Member Pierce stated his concern and that he would rather not risk the moratorium.

The discussion continued and Mayor Bagshaw gave the Board some input regarding their decision making as well as information from other cities and the retail mix in Edgewood.

Chairwoman Dunay asked for a motion.



Board member Rader moved that the Planning and Zoning Board table Ordinance 2016-10 so that the item can be considered in conjunction with the broader discussion of uses allowed in the area; Seconded by Chairwoman Rayburn; Board member Pierce opposed. Motion passed (4/1).

Board Member Pierce said that he does not agree and supports a bird in the hand.

Justification for motion:

P&Z agrees strongly with limiting future automotive uses and further believes that even Special Exceptions for existing automotive uses may be inconsistent with the vision intended by the City for the Orange Avenue Corridor. P&Z discussions revolved around the notion that while landscaping and other site improvements may improve the look of a property, automotive uses are one that the City's vision would suggest should be phased out and not allowed to remain indefinitely. The Planning & Zoning Board recommends that the ordinance be tabled so the it can be considered as part of a bigger discussion on all uses within the Orange Avenue corridor and possible future legislative actions that will address the types of uses that are allowed in the C-2 and C-3 zoning districts. The Planning & Zoning Board discussed the correlation to this matter and the workshop discussion related to a moratorium on certain uses pending resolution of the corridor planning study recommendation being developed at this time. P&Z also requested that they be allowed to consider a draft moratorium ordinance drafted and available for discussion at their January meeting to be immediately considered by the City Council at their January meeting. The vote by the members was split 4 to 1 on this motion, but it should be noted that the dissenting vote wanted to ensure that additional automotive uses were not authorized prior to the implementation of a moratorium.

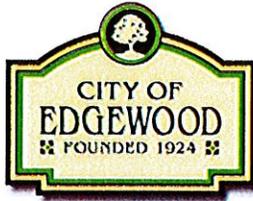
Attorney Smith suggested that there be a second motion that should Council move forward on this that P&Z's recommendation be to prohibit Special Exceptions for properties that do not already have an automotive use. Mr. Smith said that he will add that back in the Ordinance between the P&Z meeting and Council.

Board Member Rader moved that if Council decides to approve the Ordinance that the Ordinance prohibit Special Exceptions on properties that do not already have an existing automotive use. Seconded by Chairwoman Dunay; the motion unanimously passed (5/0).

Justification for motion:

As provided in the justification for Motion 1, the Planning and Zoning Board agrees strongly with limiting future automotive uses and further believes that even Special Exceptions for existing automotive uses may be inconsistent with the vision intended by the City for the Orange Avenue Corridor. Thus, if Council moves forward contrary to P&Z's recommended approach, it is highly recommended that any Special Exception apply only to existing automotive uses.

These motions will be presented to City Council on Tuesday, December 20, 2016.



COMMENTS/ANNOUNCEMENTS

Chairwoman Dunay asked Administrative Assistant, Sandy Repp for the next meetings who confirmed that the next Planning and Zoning dates would be January 9, 2017 and February 13, 2017 if there is business.

ADJOURNMENT:

With no further business or discussion, Board Member Farmer made the Motion to adjourn the Planning and Zoning Board meeting; seconded by Board Member Rader; motion unanimously approved (5/0). The meeting adjourned at 8:19 p.m.

Regina Dunay, Chairwoman

ATTEST

Sandra Repp, Administrative Assistant

ORDINANCE NO. 2017-01

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ESTABLISHING A TEMPORARY 180 DAY MORATORIUM WITHIN THE CITY OF EDGEWOOD PROHIBITING THE ESTABLISHMENT AND OPERATION OF QUALIFIED DISPENSING FACILITIES FOR LOW-THC AND MEDICAL CANNABIS AND MEDICAL MARIJUANA TREATMENT CENTERS FOR MARIJUANA FOR MEDICAL PURPOSES DURING THE 180 MORATORIUM PERIOD; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in 2014, the Florida Legislature passes the Compassionate Medical Cannabis Act of 2014, legalizing the cultivation, processing and dispensing of low-THC cannabis by qualified dispensing organizations to qualified patients; and

WHEREAS, in 2016, the Florida Legislature amended the Compassionate Medical Cannabis Act of 2014, legalizing the cultivation, processing and dispensing of medical cannabis and derived products by qualified dispensing organizations to eligible patients; and

WHEREAS, Constitutional Amendment No. 2 was approved by the voters of the State of Florida on November 8, 2016 by a margin of 71.3% in favor of the amendment to 28.8% opposed, and will become effective on January 3, 2017; and

WHEREAS, Constitution Amendment No. 2 provides for facilities for the medical use of marijuana, to be known as Medical Marijuana Treatment Centers ("MMTCs"); and

WHEREAS, Constitutional Amendment No. 2 provides that the Department of Health is to promulgate rules within six months after the effective date of the Amendment that provide, among other things, for the registration of MMTCs no later than nine months after the effective date of the Amendment; and

WHEREAS, future legislation may further expand the legal use of low-THC and medical cannabis and marijuana for medical purposes in Florida; and

WHEREAS, the City of Edgewood desires to study the impacts of qualified dispensing organizations for dispensing low-THC and medical cannabis and MMTCs for dispensing marijuana for medical purposes; and

WHEREAS, the City Council of the City of Edgewood intends, as part of its study, to provide regulatory guidance for the establishment and operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and MMTCs for dispensing marijuana for medical purposes within the City of Edgewood; and

WHEREAS, the City Council of the City of Edgewood finds that enacting this temporary moratorium is appropriate to protect the health, safety, and general welfare of its citizens.

NOW, THEREFORE, be it enacted by the City Council of the of Edgewood, Florida on this _____ day of 2017 as follows:

Section 1. Findings. The above recitals are incorporated herein as Findings of Fact.

Section 2. Moratorium on the Establishment and Operation of Qualified Dispensing Organizations for Dispensing Low-THC and Medical Cannabis and Medical Marijuana Treatment Centers.

- a. A temporary moratorium is in effect prohibiting the acceptance, processing, or approval of any application, including any application for a business tax receipt, within the City of Edgewood, Florida, relating to the establishment or operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers for dispensing marijuana for medical purposes from the effective date of this Ordinance until the date 180 days after the effective date of this Ordinance, until the City Council approves and enacts land development regulations addressing the uses subject to this moratorium, or until the City Council approves an enacts an Ordinance terminating this moratorium, whichever occurs first;
- b. During the effectiveness of the moratorium, the City shall study the establishment and operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers for dispensing marijuana for medical purposes;
- c. City staff shall report its findings to the City Council, together with any recommended ordinance for the City Council's consideration, prior to the expiration of the temporary moratorium; and
- d. If the City requires additional time to complete the study and provide its recommendations to the City Council, the Council may consider extending the moratorium through a subsequent ordinance providing the justification for the extension, with the extension of the moratorium subject solely to the Council's discretion, provided, however, that the moratorium shall not be unnecessarily extended so as to prevent the establishment or operation of qualified dispensing organizations for dispensing low-THC and medical cannabis and Medical Marijuana Treatment Centers for dispensing marijuana for medical purposes within the City of Edgewood.

Section 3. Non-codification. The provisions of this Ordinance, being temporary in nature, are not intended to be codified as a part of the Code of Ordinances of the City of Edgewood.

Section 4. Severability. 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 5. Conflicts. All ordinances that are in conflict with this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2017, by the City Council of the City of Edgewood, Florida.

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

John Dowless, Council President

ATTEST:

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