

Tuesday, November 1, 2016
City Council Workshop

Council President Pro-Tem Chotas called the workshop to Order at 4:01 p.m. He dispensed with the formalities. Council President Pro-Tem Chotas noted that business owner John Moccio was in attendance (owner of SMD). City Clerk Meeks announced that Council President Dowless had a work conflict and could not attend the workshop however, a quorum was present with the following attendance:

ATTENDEES

Ray Bagshaw, Mayor
Neil Powell, DDS, Council Member
Lee Chotas, Council President Pro Tem
Susan Fortini, Council Member
Pam Henley, Council Member

Bea L. Meeks, City Clerk
Drew Smith, City Attorney
Chris Francisco, Police Chief

Council President Pro Tem Chotas said that he wanted to go page by page of Ordinance 2016-10.

ORDINANCE 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 EXISTING 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.

4:05 Council Member Henley is attendance.

Changes:

Page 1 - No Changes.

Page 2 - Paragraph beginning at line 70

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; ~~and~~

Page 3 - No Changes

Page 4 - Paragraph beginning at line 133.

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

Paragraph beginning at line 148.

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

Page 5 - (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: **Insert lines 191-207.**

(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;

[remuneration will be changed accordingly]

Page - 5 Beginning at line 179

(bc) 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.~~

Page 6 - Beginning at line 191

Lines 191 through 207 are deleted.

Page 7 - No changes.

Page 8 - No changes.

Page 9 - No changes.

Page 10 - No changes.

Page 11 - No changes.

Page 12 - No changes.

Discussion:

Following John Moccio's statement, Mayor Bagshaw said he has no problem with Enterprise Leasing and Moccio's offices. He said the audio place is a concern. John Moccio said it is an "old old" building.

Council Member Henley said that it seemed like the City was making an Ordinance focusing on one business. Council Member Chotas said he thinks value should not be taken from an owner's property. Council Member Henley agreed with Council Member Chotas however, she said she also understands that things need to be aesthetically pleasing. She said she has no issues with the building on the right side of Mr. Moccio's property. She asked what can be done to the building on the left to make it like the building on the right.

4:29 p.m. Chief Francisco in attendance.

City Attorney Smith asked "What about John Moccio's property would we want to change to let it continue to be a non-lawful use?" City Attorney Smith and Council Member Chotas talked about a partial special exception.

Discussion regarding current code related to landscaping §62-57. Council Member Chotas gave suggested language for those properties fronting the road. Council Member Henley said she liked the option to split the partial for a special exception. Drew

Council Member Fortini said signage should be included .

P. 5 – Beginning at I-167/168 - Council Member Chotas said strike and adjoining properties.

(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 the right of way and adjoining properties. 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.

Council Members Fortini and Henley said the Ordinance should be for all properties; not just SMD.

Mayor Bagshaw said John Moccio needs to present his own case: John Moccio said he is trying to keep the property as is. He said he has other property in other counties, and he borrows off this property at times because it is a valuable piece of property. He said if it becomes non-conforming, it takes away his leverage to borrow. Mayor Bagshaw asked what are the one or two things John cannot live with that is in the ordinance: John said screening and landscaping.

Mayor Bagshaw said he thinks the intent of the Ordinance had to do with what is visible and John's buildings are not visible to the front. Council Member Fortini said Council needs to keep in mind other property.

John Moccio referred Council to line 175 of the Ordinance and said "blend" is a matter of opinion. He said his colors are beige and white. City Attorney Smith said what he has in mind is earth tones. He said Council can adopt a color pallet but that gets pretty specific.

John Moccio said he agreed that the suggested changes by the City Attorney is what he wants, along with including screen from view from residential properties.

City Attorney Smith summarized the changes and said he will add verbiage regarding partial special exception. In response to the Mayor, City Attorney Smith confirmed that the Special Exception is a case by case business.

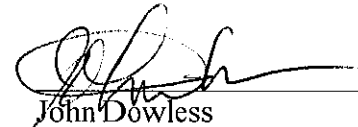
Other Business:

City Clerk Meeks asked Council Member Henley if she could stay after the meeting to sign checks. City Clerk Meeks also announced that the Florida Department of Revenue found the City's millage to be in compliance and accepted the City's TRIM.


Mayor Bagshaw announced that Mike Favorit has been hired to fill the position of the Code Enforcement Officer/Admin Support.

ADJOURNMENT

Having no further business or discussion, the City Council workshop adjourned at 5:28 p.m.



John Dowless
Council President



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

Approved by City Council on November 15, 2016.