

CITY OF EDGEWATER
Planning and Zoning Board
Wednesday, August 11, 2010
6:30 p.m.

Edgewater Community Center

102 N. Riverside Drive

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES Regular meeting of June 9, 2010.
4. OLD BUSINESS- PUBLIC HEARING
5. NEW BUSINESS- PUBLIC HEARING
 - a. TA-1002- The City of Edgewater, requesting amendments to the City of Edgewater Land Development Code, Article III, Section 21-37- Special Activity/Permit Requirements.
 - b. TA-1003- The City of Edgewater, requesting amendments to the City of Edgewater Land Development Code, enacting Article X - Boat Slip Allocation. **(Continued from June 9, 2010 meeting)**
6. OTHER BUSINESS
 - a. Board Term Expiration- Pat Card, whose term expires on October 1, 2010, is seeking reappointment.
7. DISCUSSION ITEMS
 - a. Development Services Director's Report
 - b. Chairman's Report
 - c. Agency Members' Report
8. ADJOURNMENT

Pursuant to Chapter 286, F.S., if an individual decides to appeal any decision made with respect to any matter considered at a meeting or hearing, that individual will need a record of the proceedings and will need to ensure that a verbatim record of the proceeding is made. The City does not prepare or provide such record.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact City Clerk Bonnie Wenzel, 104 N. Riverside Drive, Edgewater, Florida, telephone number 386-424-2400 ext. 1101, 5 days prior to the meeting date. If you are hearing impaired or voice impaired, contact the relay operator at 1-800-955-8771.

Citizen comments are to be limited to five (5) minutes

CITY OF EDGEWATER
Planning and Zoning Board
Regular Meeting – Wednesday, June 9, 2010
6:30 p.m.

1. CALL TO ORDER

Chairman Vopelak called to order the Regular Meeting of the Planning and Zoning Board at 6:30 p.m., June 9, 2010, in the Community Center, 102 N. Riverside Drive, Edgewater, Florida.

2. ROLL CALL

Members present were Edwin Vopelak, William Miller, Pat Card, Robert McIntosh and Jean Kayat. John Weiss and Justin Kennedy were excused. Also present were Development Services Director Darren Lear and Planning Technician Tabitha Russell.

3. APPROVAL OF MINUTES

Mr. McIntosh moved to approve the minutes of the May 12, 2010 regular meeting as read, second by Mr. Card.

MOTION CARRIED 5-0

PUBLIC HEARINGS

4. OLD BUSINESS

- a. CU-1001- Indian River Self Storage-Harold Hewitt, applicant, requesting a Conditional Use permit to allow a mini-warehouse facility to be permitted in the B-3 (Highway Commercial) zoning district on property located at 3515 US Highway 1. (Continued from May 12, 2010 meeting)

Chairman Vopelak opened the public hearing. Mr. Lear provided background information and staff's recommendation.

Danny Johns, engineer for the applicant, offered to answer any questions from the Board.

There was discussion between Mr. Card and Mr. Johns in regards to the type of rollers that would be used for soil compaction. Mr. Johns stated that he would instruct his client to use hydraulic rollers instead of vibratory rollers. There was also discussion in regards to effluence from the RV's and the retention pond.

Nora Jane Gillespie – 3588 Omni Circle – Spoke in regards to the request.

Brenda Buldoc – 166 Packwood Dr. – Spoke in regards to the request.

There being no further discussion, Chairman Vopelak closed the public hearing

MOTION by Mr. Card, SECOND by Mr. Miller to approve the Conditional Use permit to allow a mini-warehouse facility in the B-3 (Highway Commercial) zoning district on property located at 3515 US Highway 1.

MOTION CARRIED 5-0

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5. NEW BUSINESS

- a. VA-1001- Leo Neves, applicant, requesting a variance from Article V of the City of Edgewater Land Development Code for property located at 2305 S. Ridgewood Ave.

Chairman Vopelak opened the public hearing. Mr. Lear provided background information and staff's recommendation.

There was discussion between Mr. Lear and Mr. Card regarding the 660' requirement. There being no further discussion, Chairman Vopelak closed the public hearing.

MOTION by Mr. Card, SECOND by Mr. Miller to approve the following variance request from the City of Edgewater Land Development Code:

- Article V, Section 21-52.02(c) to allow a driveway to be located within one hundred forty five feet (145'±) of an intersection on a arterial roadway (US1) in lieu of the required six hundred sixty feet (660') for property located at 2305 S. Ridgewood Ave.

MOTION CARRIED 5-0

- b. CPA-1002- Sea Edge Partners, LLC, applicants seeking an amendment to the Comprehensive Plan Future Land Use Map to include 1.8 acres of land located on US 1 north of Edgewater Lakes Blvd. as Commercial with Conservation Overlay.

Chairman Vopelak opened the public hearing. Mr. Lear provided background information and staff's recommendation.

There were no comments from the public and no questions from the Board members.

MOTION by Mr. McIntosh, SECOND by Mr. Card to send a favorable recommendation to City Council for the amendment to the Comprehensive Plan Future Land Use Map to include 1.8 acres as Commercial with Conservation Overlay for property located on US 1 north of Edgewater Lakes Blvd.

MOTION CARRIED 5-0

- c. TA-1001- The City of Edgewater requesting an amendment to the Land Development Code to enact Article XX (Boat Slip Allocations).

MOTION by Mr. Card, SECOND by Mr. McIntosh to continue the case to the 07/14/10 meeting.

MOTION CARRIED 5-0

6. OTHER BUSINESS

None at this time.

CITY OF EDGEWATER
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7. DISCUSSION ITEMS

a. Development Services Director's Report

Mr. Lear informed the Board that on June 21, 2010 at 5:00 p.m. there would be a joint workshop between the City Council, CEDS Committee, Economic Development Board and the Planning and Zoning Board to discuss the Strategic Plan. He distributed the agenda and Strategic Plan to the Board members.

b. Chairman's Report
None at this time.

c. Agency Members Report

Mr. McIntosh spoke in regards to the June Economic Development Board meeting.

8. ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:05 p.m.

Minutes respectfully submitted by:

Tabitha Russell
Planning Technician

**CITY OF EDGEWATER
PLANNING AND ZONING BOARD**

INFORMATION SUMMARY

CASE # TA-1002

APPLICANT/AGENT: City of Edgewater

REQUESTED ACTION: Land Development Code (LDC) text amendments to Article III proposing modifications to Section 21-37 – Special Activity/Permit Requirements.

BACKGROUND: In aspiring to maintain the positive momentum created by the Jam for America event held in October of 2009, the City has received numerous requests for special activity events that would equal or exceed the positive economic impact produced by the above-referenced event for our local business community. The attached proposed LDC amendments aid in sustaining said economic momentum.

OTHER MATTERS: There will be two (2) public hearings at City Council for the proposed amendments.

STAFF RECOMMENDATION

Staff recommends sending a favorable recommendation to City Council for the amendments to the Land Development Code.

MOTION

Motion to send a favorable recommendation to City Council for the amendments to the Land Development Code.

SECTION 21-37 – SPECIAL ACTIVITY/PERMIT REQUIREMENTS

21-37.01 – Purpose/Scope

To establish policies and procedures pertaining to special activities, including but not limited to, outdoor entertainment, to ensure compliance with all applicable City, County and State requirements. A special activity permit will be required of all special activities held within the City of Edgewater.

21-37.02 – Definitions

Charitable event/activity – is an event/activity or cause sponsored by a business or non-profit organization for the purpose of soliciting aid, assistance or contributions for benevolent purposes. To qualify as a charitable event/activity; all profits (net difference of gross revenues less expenses) must be given to the charitable cause for which the charitable event/activity was organized. For purposes of this definition, a charitable event/activity can not exceed one (1) day. Each charitable event/activity permit application shall adhere to the special activity permitting process as defined in Section 21-37.04. For the purposes of this definition, a charitable event/activity does not include an event/activity with the primary purpose of carrying on propaganda or otherwise attempting to influence legislation, and does not include an event/activity with the primary purpose of raising funds or garnering support for a political campaign on behalf of (or in opposition to) any candidate for public office.

City sponsored activity – sponsored or co-sponsored by the City Council or any City Department for the benefit of the residents of the community.

Civic group/non-profit organization – any group that meets for the improvement of the community and whose main function is to make the community a better place to live either by deed, donations of time or finances. A tax-exempt certificate is not necessary if the group meets the above stated criteria.

Community activity - activities which take place on City owned or controlled property in which the general public is invited to participate.

Live entertainment - entertainment in the form of music, singing, speaking or similar activities that are enhanced by amplification equipment. This includes bands, concerts, performances, karaoke and disk jockey functions.

Outdoor entertainment – entertainment in the form of music, singing, speaking and similar activities, amplified or non-amplified that is located outside of or partially outside of the area of the sponsoring property permitted for normal retail sales or services.

Private business - any business enterprise operating for the purpose of creating a profit.

Special activity – any public or private activity held within the City of Edgewater in which it can be reasonably anticipated that the number of persons attending the activity will exceed the on-site parking, seating or sanitary facilities available at the premises upon which activity will take place and that services will be required beyond that which are regularly provided by the City such as additional traffic control, crowd control, fire and/or emergency services, street closures, cleanup or other municipal services.

Special activity permit – a permit issued by the City Council to authorize a special activity.

Sponsor/promoter – any person, group or entity ultimately responsible in full or part for producing, operating, sponsoring or maintaining a special activity.

21-37.03 – Special Activity Permit Requirements

1. The uses authorized by a Special Activity Permit are temporary and all permitted improvements shall be removed within five (5) days of the completion of the special activity.
2. The number of special activities at any given location or address shall not exceed:
 - a. One 10-day period and two 1-day charitable events/activity between the period of January 1st through June 30th; and
 - b. One 10-day period and two 1-day charitable events/activity between the period of July 1st through December 31st.
 - c. The City Council may grant an exemption to the number events/activities permitted per year for a specific location or address. The exemption shall not be granted for more than a one (1) year period. All other requirements contained in this Section shall apply.
3. Outdoor entertainment/amplified sound in conjunction with a special activity shall be permitted only between the times of 1:00 p.m. to ~~9:00~~ 10:00 p.m.

21-37.04 – Special Activity Permit Application Process

- a. A special activity permit will be required for each special activity held within the City of Edgewater. No special activity permit will be required for any event sponsored or co-sponsored by the City if it is occurring on public property.
- b. A special activity permit application must be completed and submitted to the Development Services Department for review by City staff at least 60-days in advance of the activity. The application must include specific dates and times of the planned activity (including set up and demobilization), number and types of vendors, types and hours of entertainment, specific parking layouts, quantity and number of

sanitary facilities. If the application is for a charitable event/activity, sufficient information (financial, medical and/or socio-economic) must be provided for a clear determination that the event meets the criteria of a charitable event/activity. Hours for outdoor entertainment/amplified sound are described in Section 21-37.03 of this Article.

- c. The completed special activity permit application and staff comments will be provided to the City Council for review and consideration at the next regularly scheduled meeting for those events that exceed an anticipated attendance of 5,000 people. City staff will notify affected property owners within 500-feet of the site requesting the special activity permit from City Council and the date and time of the City Council meeting in which the application will be reviewed. The applicant shall provide names and addresses of each affected property owner, obtained from the Volusia County Property Appraiser's office.

21-37.05 – Special Activity Permit Criteria

- a. The proposed activity will not result in unsafe ingress/egress for either pedestrians or vehicles.
- b. The proposed activity shall comply with the appropriate Florida Fire Prevention Codes conditions.
- c. The proposed activity shall comply with the City's Land Development Code and noise ordinance conditions.
- d. The proposed activity will direct on-site lighting away from adjacent parcels and roadways.
- e. The proposed activity shall have adequate sanitary facilities.
- f. The applicant shall post a bond or provide insurance in the amount of ~~\$200,000~~ 500,000 if no on-site alcohol consumption is proposed and \$1,000,000 if on-site alcohol consumption is permitted to indemnify and hold the City harmless of any and all liabilities.
- g. The City Council may add other conditions to protect the health, safety and welfare of the residents.

21-37.06 – Temporary Structures

It shall be the responsibility of the applicant of the special activity permit to ensure the structural integrity of all temporary structures erected for special activities. The structures are to be safe, structurally sound and of adequate capacity to service the number of persons proposed to use the structure and must be removed with five (5) days

of completion of the special activity. The Building Official and Fire Marshall shall verify such compliance is obtained.

21-37.07 – Inspections to Ensure Compliance

The City shall provide scheduled and unscheduled inspections prior to and/or during the special activity by police, fire, code compliance, building and/or City administration representatives to monitor and ensure compliance with all applicable City, County and State codes. Special activity permits that include outdoor entertainment may require a code compliance officer to remain on site during the activity. The cost of said officer shall be reimbursed to the City by the sponsor/promoter. Appropriate State agencies are responsible for the inspection of amusement rides and public food preparation facilities.

21-37.08 – Penalties

Any person or entity who shall conduct, operate or maintain a special activity and fails to obtain a special activity permit shall be ordered to cease and desist and be punished by a fine of three times the cost of the application fee as well as all associated City fees. No further special activities shall be authorized until all penalties are current. A repeat offender shall not be eligible for a special activity permit for a one-year period. A repeat offender is defined as a sponsor/promoter who violates any of the conditions of the special activity permit more than one time in a six-month period.

21-37.09 – Exceptions

Any special activity sponsored/promoted by a civic group or non-profit organization or co-sponsored by the City of Edgewater may be exempt from any and all fee requirements. This decision shall be rendered by the City Council and any waiver granted regarding these requirements is only binding and applicable upon that one activity or portion thereof and shall not mean that the sponsor/promoter has any rights to future waivers.

**CITY OF EDGEWATER
PLANNING AND ZONING BOARD**

INFORMATION SUMMARY

CASE # TA-1003

APPLICANT/AGENT: City of Edgewater

REQUESTED ACTION: Land Development Code text amendment to enact Article X – Boat Slip Allocation pursuant to Phase II, the Boat Facility Siting Component of the Volusia County Manatee Protection Plan (MPP) as endorsed by City Council in August 2005.

BACKGROUND: As directed by the State, Volusia County was one of thirteen (13) counties charged with developing a MPP. The goal of the MPP is to reduce manatee injury and mortality while taking into consideration natural resources, recreational usage and economic factors.

Phase II of the Manatee Protection Plan sets forth framework for permitting of boat slips along our waterways. The City received approval from the State to utilize the “slip aggregation” option, which creates a level of service for the number of slips that resulted in 798 motorized slips along our shoreline. Upon subtracting existing slips and residential parcels (of record as of 07/13/2005), there are 418 spaces available in the excess boat slip pool. The excess boat slip allocation is provided to allow for a fair and reasonable means of authorizing development of the limited number of boat slips allocated to the City

OTHER MATTERS: There will be two (2) public hearings at City Council for the proposed amendments.

STAFF RECOMMENDATION

Staff recommends sending a favorable recommendation to City Council for the amendment to the Land Development Code.

MOTION

Motion to send a favorable recommendation to City Council for the amendment to the Land Development Code.

ARTICLE X

BOAT SLIP ALLOCATION

SECTION 21-110 -PURPOSE..... X-1

SECTION 21-111- DEFINITIONS..... X-1

SECTION 21-112 - PROCEDURES..... X-2

21-112.01- General Requirements..... X-3

21-112.02- Criteria..... X-3

21-112.03- Effect of Approval..... X-4

21-112.04- Application Process..... X-5

SECTION 21-113- FEES..... X-5

21-112.01- Renewal of Use Fee..... X-6

within the maximum number of permitted slips for the city. The number of available excess slips will make up the slip pool. The slip pool is based on the State approved total number of 798 allowable slips was subtracted by the number of existing single-family parcels as of 7/13/2005 resulting in 418 excess boat slips in the slip pool. The City Council may authorize development of boat slips in excess of the number permitted by right in accordance with the procedure set forth within this article.

- (e) Shoreline. The shortest horizontal straight line that can be established between points on the side lot lines at the mean high water line of a lot or parcel abutting the Indian River.
- (f) Slip or boat slip. Any space located on, adjacent to, or with direct access to the river, which space is designed for the mooring or storage of motorized watercraft or a motor vehicle with attached boat trailer. The term includes wet and dry mooring or storage spaces. The term excludes any space designated exclusively for the mooring or storage of sailboats, and excludes any space designated for transitory use only such as restaurant, bait shop, or fuel dock spaces. Piers authorized only for fishing, or observation, are not considered wet slips.
- (g) Slip inventory. The city shall maintain and continuously update a boat slip inventory list for the purpose of determining remaining boat slip capacity. The inventory shall specifically identify:
 - 1. The number of slips that currently exist;
 - 2. The number of undeveloped slips for which permits have been issued;
 - 3. The number of undeveloped slips reserved;
 - 4. The number of unreserved slips remaining; and
 - 5. The number of slips designated for non-motorized vessels.
- (h) Slip pool or excess boat slips allocation fee – A fee established by the City of Edgewater and deposited in the Edgewater Manatee Trust Fund, is to be remitted to the City for each slip allocated from the slip pool.

Sec. 21.112 - PROCEDURES

- (a) Requests for excess boat slip allocation shall be submitted to the City in accordance with the general application requirements and procedures set forth in this Article.
- (b) The City Council may grant requests for excess boat slip allocation at a public hearing after notice provided by legal advertisement.

- (b) Construction expansion or improvements to new or existing public spaces, parks, plazas, walkways or other features providing access to the waterfront for the general public, on or off-site.
- (c) Parking spaces associated with a boat ramp, marina or other water-related facilities designed to accommodate a boat trailer and vehicle used to tow the trailer shall be considered a boat slip for allocation purposes. Such space must have direct access to the Indian River within the Edgewater municipal boundaries.
- (d) Construction expansion or improvement of a public dock or boat ramp and related facilities.
- (e) Redevelopment of upland uses in a redevelopment area consistent with the adopted area plan.
- (f) Preservation of upland historic properties or structures.
- (g) Construction or allocation of excess slips designed to benefit an underserved segment of the boating public.
- (h) Acquisition of upland for public use.
- (i) Improvements to existing water-related facilities for use by the general public.
- (j) Financial contribution toward a project as described above or any public project that will enhance public use of and access to the waterway, and riparian lands within the City.

Sec. 21.112.03 - Effect of Approval

- (a) Reservation. Slips may be reserved from the slip pool through payment of a boat slip reservation application fee. All lots of record as of July 13, 2005 (other than single-family) shall be afforded a one-time opportunity to reserve slips. An excess boat slip reservation application fee for the slip shall have the effect of placing a reservation on the allocated boat slips for a 3-year period, provided the annual reservation fee is paid. Any slips reserved during this period shall be removed from the available slip pool and held in reserve for those that have paid the boat slip reservation application fee. Any number of slips the applicant does not build during the above-referenced reservation period shall be returned to the slip pool.
- (b) Reservation fee. Upon approval by the City Council, the boat slips shall be reserved provided the applicant pays 100% of the boat slip reservation fee within fifteen (15) days from the date of approval. This fee is non-refundable without the authorization of the City Council. At their discretion, the City Council may approve a refund, less a

(b) The Boat Slip allocation Permit fee will be collected, along with the Volusia County mitigation fee, at the time of building permit issuance.

Excess Boat Slip Allocation Permit

1. Reservation and extension application fee, per slip per year

2. Single family residence application fee, per slip

3. Non-single family residence application fee, per slip

4. Commercial boat slips application fee

Excess Boat Slip Annual Use Renewal

1. Single family residence annual use fee, per slip

2. Non-single family residence annual use fee, per slip

3. Commercial boat slips annual use fee

Sec. 21.113.01 - Renewal of Use Fee

(a) The renewal of the excess boat slip annual Use Fee will be due on October 1st of each year from the time of permit issuance.

(b) Any excess boat slip pool allocation renewal use fee that is not received within 30 days beyond the due date will receive a Notice of Violation requesting remittance of the fee. If the renewal fee is not satisfied within 30 days of issuance of the Notice of Violation, the City of Edgewater may impose appropriate liens equivalent to the excess boat slip pool allocation renewal use fee and any additional filing and administration fees. The lien shall be placed on the real property, and may be compounded annually, that the excess boat slip is assigned to.

D Lear

From: Pat Card [hpatcard@bellsouth.net]
Sent: Thursday, July 29, 2010 11:48 AM
To: D Lear
Subject: Planning and Zoning Board Appointment

Daren, just a note to confirm that it is my desire to be reappointed to the Planning and Zoning board for another three year term. I consider it a privilege to serve on the board and hope I will be reappointed.

Thanks

Pat Card

7/29/2010