

**EDGEWATER PLANNING & ZONING COMMISSION
BUSINESS MEETING MINUTES
DECEMBER 16, 2015**

A business meeting of the Edgewater Planning & Zoning Commission was held in the City Council Chambers.

ITEM 1. CALL TO ORDER

Chair Karen Hing called the meeting to order at 7:05 PM.

ITEM 2. ROLL CALL

Clerk to the Commission and City Clerk Beth A. Hedberg called the roll.

Present: Chair Karen Hing, Commissioner Adam Schorger, Commissioner Jim Tobias, Commissioner Marilyn Gord and Commissioner Nathan Stark who arrived at 7:09 PM.

Also Present: City Attorney Carmen Beery and City Planner Patty McCartney.

Full and timely notice of the meeting had been given and a quorum was present.

ITEM 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ITEM 4. APPROVAL OF AGENDA

Moved by Commissioner Marilyn Gord, **seconded by** Commissioner Jim Tobias to approve the agenda as approved. **Vote:** Motion carried by unanimous vote (**summary:** aye = 4). **Aye:** Chair Karen Hing, Commissioner Adam Schorger, Commissioner Jim Tobias and Commissioner Marilyn Gord.

ITEM 5. PUBLIC COMMENT (NON-AGENDA ITEMS)

There were no public comments.

ITEM 6. CONSENT AGENDA – MEETING MINUTES DATED NOVEMBER 18, 2015

Moved by Commissioner Jim Tobias, **Seconded by** Commissioner Adam Schorger to approve the consent agenda as presented. **Vote:** Motion carried by unanimous vote (**summary:** aye = 4). **Aye:** Chair Karen Hing, Commissioner Adam Schorger, Commissioner Jim Tobias and Commissioner Marilyn Gord.

ITEM 7. GENERAL BUSINESS

a. Discussion and Possible Recommendation on Ordinance 2016-XX, An Ordinance Amending Article 19 of Chapter 16 of the Edgewater Municipal Code Concerning Signs

City Attorney Carmen Beery advised how the United States Supreme Court's issued a decision on June 18, 2015 in *Reed v. Town of Gilbert, Arizona* announcing that content-based regulation of speech was presumptively unconstitutional. That decision was taken into consideration in the drafting of the Ordinance. Commissioner Stark arrived at 7:09 PM.

Attorney Carmen Beery reviewed the changes to Section 16-19-50(a) Exempt Signs. A discussion was held regarding: creating an exempt category for residential signs; regulating the number and location of residential signs; adding security system signs under exempt signs as they would have a compelling government interest; and code enforcement. The Commission decided by consensus to allow up to three (3) residential signs not to exceed the aggregate area of forty (40) square feet. A permit would be required if this was exceeded and there would be a maximum aggregate area of seventy-two (72) square feet.

City Planner Patty McCartney passed out an overall sign analysis, sign code comparison and graphic showing current wall area allowed and proposed wall area allowed. She reviewed these with the Commission.

Commercial signage was addressed with respect to: increasing the allowable square footage of exterior commercial signs; permits needed for signs previously exempt; Marketplace Design Standards; and changes made to sliding scale of wall signs regarding lineal feet of business frontage. A few minor typographical errors were noted.

Moved by Commissioner Adam Schorger, **seconded by** Commissioner Marilyn Gord to recommend the approval of Ordinance 2016-XX, an ordinance amending Article 19 of Chapter 16 of the Edgewater Municipal Code concerning signs with the following amendments: (1)-allow up to three (3) residential signs not to exceed aggregate area of forty (40) square feet, and (2) allow a maximum aggregate sign area of seventy two (72) square feet for residential signs erected with a permit. **Vote:** Motion carried by unanimous vote (**summary:** aye = 5). **Aye:** Chair Karen Hing, Commissioner Adam Schorger, Commissioner Jim Tobias, Commissioner Marilyn Gord and Commissioner Nathan Stark.

b. Discussion and Possible Recommendation on Ordinance 2016-XX, An Ordinance Amending Chapter 16 of the Edgewater Municipal Code, Concerning Zoning, by Amending Section 16-1-50, Concerning Definitions; Sections 16-4-70, 16-5-70, 16-6-70, 16-7-70, 16-8-70, 16-11-50, 16-12-70, 16-13-70 and 16-14-70, All Concerning Lot Coverage; Sections 16-10-10, 16-12-10, 16-13-10 and 16-14-10, All Concerning Permitted Uses; Subsection 16-19-

80(7), Concerning Projecting Signs; Section 16-20-20, Concerning View Obstructions; Sections 16-20-30 and 16-20-60, Concerning Fence Materials; Section 16-30-60, Concerning Medical Marijuana Business License Terms and Renewals; and Subsection 16-30-70(a), Concerning Medical Marijuana License Application Requirements

City Attorney Carmen Beery reviewed the changes she had made to the Ordinance at the Commission's direction given to her at their meeting of November 18, 2015 which included: definition of family; maximum lot coverage; adding accessory building or use to permitted uses to commercial zone districts; definition of projecting signs; maximum sign area; classification of fences and walls; and medical marijuana business license terms and renewals. Attorney Beery advised that the ordinance was missing a small graphic that would be added.

Direction was given to add back in the words "covered porches" in the definition of lot coverage.

Moved by Commissioner Nathan Stark, **seconded by** Commissioner Jim Tobias to recommend the approval of Ordinance 2016-XX, an ordinance amending Chapter 16 of the Edgewater Municipal Code, concerning zoning, by amending Section 16-1-50, concerning definitions; Sections 16-4-70, 16-5-70, 16-6-70, 16-7-70, 16-8-70, 16-11-50, 16-12-70, 16-13-70 and 16-14-70, all concerning lot coverage; Sections 16-10-10, 16-12-10, 16-13-10 and 16-14-10, all concerning permitted uses; Subsection 16-19-80(7), concerning projecting signs; Section 16-20-20, concerning view obstructions; Sections 16-20-30 and 16-20-60, concerning fence materials; section 16-30-60, concerning medical marijuana business license terms and renewals; and Subsection 16-30-70(a), concerning medical marijuana license application requirements with one amendment: return the words "covered porches" to the definition of lot coverage. **Vote:** Motion carried by unanimous vote (**summary:** aye = 5). **Aye:** Chair Karen Hing, Commissioner Adam Schorger, Commissioner Jim Tobias, Commissioner Marilyn Gord and Commissioner Nathan Stark.

c. Meeting Security Discussion

Chair Hing advised that she had spoken with Police Chief John Mackey regarding police presence at the meetings. Utilizing off-duty police officers during contentious public hearings and budgetary concerns were considered. Communicating the meeting schedule with the Police Department and continuing a hearing or tabling an agenda item in order to obtain security at a later meeting date was discussed.

City Councilwoman Laura Keegan reported that the issue of meeting security had been discussed at their Council retreat and she believed that Council would be open to budgeting for off-duty police officer presence.

City Staff would communicate the Commission's desire to City Manager HJ Staf.

ITEM 8. PUBLIC COMMENTS

There were no public comments.

ITEM 9. STAFF REPORTS

a. City Planner

City Planner Patty McCartney reported that a Site Development Plan application had been submitted that would need to go to a public hearing before the Commission.

City Attorney Carmen Beery said that they had completed their office move.

ITEM 10. COUNCIL LIAISON REPORT

Councilwoman Laura Keegan said that she was happy to be at the meeting. Councilwoman Laura Keegan spoke about the recent Council retreat and said that they had received legal liability training from CIRSA. Council had seated two (2) new members. The Municipal Court Judges had been reappointed. The variance by use ordinance had been approved. Council were currently working on the animal ordinance.

ITEM 11. COMMISSIONER COMMENTS

Commissioner Nathan Stark apologized for being late.

Commissioner Marilyn Gord had no comments.

Commissioner Jim Tobias wished everyone a merry Christmas.

Commissioner Adam Schorger thanked City Planner Patty McCartney for her sign spreadsheets.

Chair Karen Hing thanked staff and welcomed City Councilwoman Laura Keegan as the Council liaison. Chair Karen Hing welcomed back Community Services Director Dan Maples.

ITEM 12. DISCUSSION OF UPCOMING AGENDAS

The next meeting would be held on January 6th to discuss residential design standards. City Planner Patty McCartney said that staff had held a meeting and had prepared a list of topics for consideration which she provided to the Commission.

ITEM 13. ADJOURNMENT

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There being no further business, Chair Hing adjourned the meeting at 9:35 PM.

Submitted by:

/s/ Beth A. Hedberg, MMC
Clerk to the Commission and City Clerk