

**MINUTES
CITY OF OCOEE
PLANNING AND ZONING COMMISSION
(Acting as the Local Planning Agency)
REGULAR MEETING**

MAY 9, 2023

6:30 pm

• CALL TO ORDER

Chair Lomneck called the regular session to order at 6:30 PM in the Commission Chambers of City Hall. The invocation was led by **Chair Lomneck**, followed by the Pledge of Allegiance to the Flag. **Recording Clerk Heard** called the roll and declared a quorum present.

Present: Chair Lomneck, Member Crocker, Member Forges, Member Mellen, Member Williams, Alternate Member Keller

Absent: None

Also Present: Development Services Director Rumer, Zoning Manager Whitfield, Assistant City Attorney Drage, Recording Clerk Heard

• CONSENT AGENDA

1. Minutes of the Planning and Zoning Commission Meeting held on April 11, 2023.

Motion for Approval of the Consent Agenda: Moved by Member Williams, Seconded by Member Forges; Motion carried unanimously.

• OLD BUSINESS - None

• NEW BUSINESS

1. **LDC Update - Articles II, V, & VI & Table 5-1 Relative to Kennels/Pet Care, Clarification on Impervious Surface Materials, and Correction of Scrivener's Errors. (Zoning Manager Whitfield)**

Zoning Manager Whitfield presented a brief overview of the proposed Land Development Code (LDC) amendments of Article II, Section 2-4; Article V, Table 5-1 and Section 5-4; Article VI, Section 6-4H. She explained the differences within Article II, Section 2, between a kennel, veterinary clinic or hospital and animal hospitals, and she clarified that Table 5-1 makes no distinction between the more intense animal-related uses and the less intense services because they are all grouped into a single use category and are only permitted in the C-3 and I-1 zoning districts. The City currently has pet grooming facilities within the C-2, C-3 and a few PUD with an underlying C-2 zoning districts. Staff has also received requests from professional dog

trainers seeking locations where basic obedience training facilities can be permitted with no overnight boarding. Staff believes creating a distinction between less intense pet care establishments offering non-boarding animal/pet care services versus more intensive establishments with animal breeding and overnight boarding would benefit the public.

She summarized the proposed LDC amendments as follows:

1. Revise the definition of "Kennel, Pet" to read as follows: "A place where dogs and other house pets are kept, sheltered, boarded, or bred for compensation and facilities for protection training. For activities related to the retail sale of dogs, cats and rabbits, refer to Section 43-3 of Article I, Chapter 43, Code of Ordinances."
2. Add a new definition for "Pet Care Services" to be defined as follows: "Services identified in the North American Industry Classification System (NAICS) for pet care services, including, but not limited to, pet grooming, pet-sitting/walking, and basic obedience training services, include non-medical activities and services which improve the appearance, obedience and hygiene of dogs, cats and other small animals or household pets. Pet care services do not include and forbid protection training services, pet kennels, or the kenneling or over-night boarding or sheltering of dogs and other pets."
3. Modify Table 5-1 to add a new use category for "Pet Care Services when Confined within Structure" and to allow this use in the A-1, A-2, C-2, C-3 and I-1 zoning districts.

Chair Lomneck asked the Board if there are any questions on the Kennels/Pet Care amendment.

Member Mellen recommended taking the language "bred for compensation" out of the amendment and asked staff why they are proposing breeding into the amendment.

Zoning Manager Whitfield stated breeding was already in the LDC, and explained the prohibition that the City Commission adopted was for retail sales and not breeding. Discussion ensued regarding breeding, kennels and retail sales of dogs.

The Public hearing was opened.

Matt Smith, owner of *Sit Means Sit Dog Training, Longwood*, said they currently have 25 trainers and are looking to expand. They found a location within Ocoee and explained amending the language would help them finalize this location in order to help the community with dog obedience and training.

The Public hearing was closed.

Member Mellen stated he will not vote in favor with the language "bred for compensation". Further discussion ensued regarding the current and proposed language.

(7:02 pm)

Motion: Move that the Planning and Zoning Commission, acting as the Local Planning Agency, recommend to the Ocoee City Commission Approval of LDC Amendment to update Article II, Section 2-4, Subsections 167 and 328 with adding the modification to Table 5-1, as recommended by Staff and resolution of the remaining staff comments before the City Commission meeting; Moved by Member Williams, Seconded by Member Forges; motion carried 4-1 with Member Mellen opposing.

Zoning Manager Whitfield presented a brief overview of the proposed Land Development Code (LDC) amendments of Article II, Section 2-4 (Definitions), Subsections 90, 159, and 160, Article V, Section 5-4K (Open Space Regs), and Article VI, Section 6-4H (Parking Regs) and Table 5-1. She explained the differences between impervious and pervious land on residential lots. She outlined the proposed amendments are as follows:

1. Clarify and clearly define the definitions of impervious surface materials, and
2. Modify Section 5-4K and Section 6-4H to clearly state that impervious materials within the 2-foot side and rear setbacks are not permitted in order to preserve the required open space and maintain drainage flows and needs of the lot, and
3. Modify Section 5-4K and Section 6-4H further to clarify that natural mulch (such as pine straws/needles, pine bark, etc.) shall be considered "pervious" materials and shall be allowed in the 2-foot side and rear yard setback areas, and in open space areas when they are used for landscaping but shall be considered as "impervious" materials and shall not be allowed in the 2-foot side and rear setback areas and open space areas when they are used for parking.

The Public hearing was opened. As no speaker forms were received, the public hearing was closed.

Assistant City Attorney Drage stated the motion to be voted on should be for Article II, Section 2-4, Subsections 90, 159, 160, and 185, Article V, Section 5-4K, and Article VI, Section 6-4H.

(7:27 pm)

Motion: Move that the Planning and Zoning Commission, acting as the Local Planning Agency, recommend to the Ocoee City Commission Approval of the LDC Amendment to update Article II, Section 2-4, Subsections 90, 159, 160, and 185; Article V, Section 5-4K; and Article VI, Section 6-4H, subject to resolution of the remaining staff comments before the City Commission meeting; Moved by Member Mellen, Seconded by Member Williams; motion carried unanimously.

Zoning Manager Whitfield presented a brief overview of the proposed Land Development Code (LDC) amendment with regard to a scrivener's error relative to the terms "Agriculture" and "Agricultural Processing" within the Code. She explained that "Agriculture" is the less intense use category whereas "Agricultural Processing" is the

more intense use category, and it was found that somewhere in and around 2014 these terms within the Code were swapped in Table 5-1 without their corresponding use regulations following them, which created the scrivener's error in Table 5-1. This error created a situation where the more intense industrial Agricultural Processing use became a permitted use in all of the agriculture and residential zoning districts and the less intense Agriculture use became a prohibited use in these same zoning districts.

The Board had no questions for staff.

The Public hearing was opened. As no speaker forms were received, the public hearing was closed.

(7:32 pm)

Motion: Move that the Planning and Zoning Commission, acting as the Local Planning Agency, recommend to the Ocoee City Commission Approval of the LDC Amendment to update a Scrivener's Error in Table 5-1, subject to resolution of the remaining staff comments before the City Commission meeting; Moved by Member Williams, Seconded by Member Crocker; motion carried unanimously.

• **MISCELLANEOUS**

1. Project Status Report

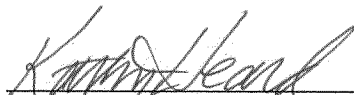
Development Services Director Rumer updated the Board with the following:

- The June 13th P&Z meeting has been canceled and asked the board which night would work for them during the week of June 26th. **Consensus of the Board was to move the Tuesday, June 13, 2023, Regular Planning and Zoning Commission meeting to Monday, June 26, 2023.**
- The Planning Department is working on the Comprehensive Plan Update and is currently at the Data & Analysis portion. The LDC will be undergoing an update as well.

2. May Development Status – None

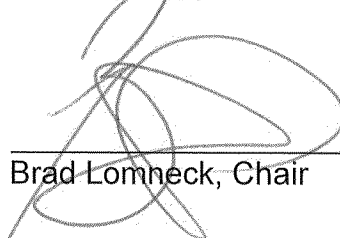
• **ADJOURNMENT at 7:47 pm.**

ATTEST:



Kathy Heard, Recording Clerk

APPROVED:



Brad Lombeck, Chair