CHOP CHOP Stories With possion FLORIDA



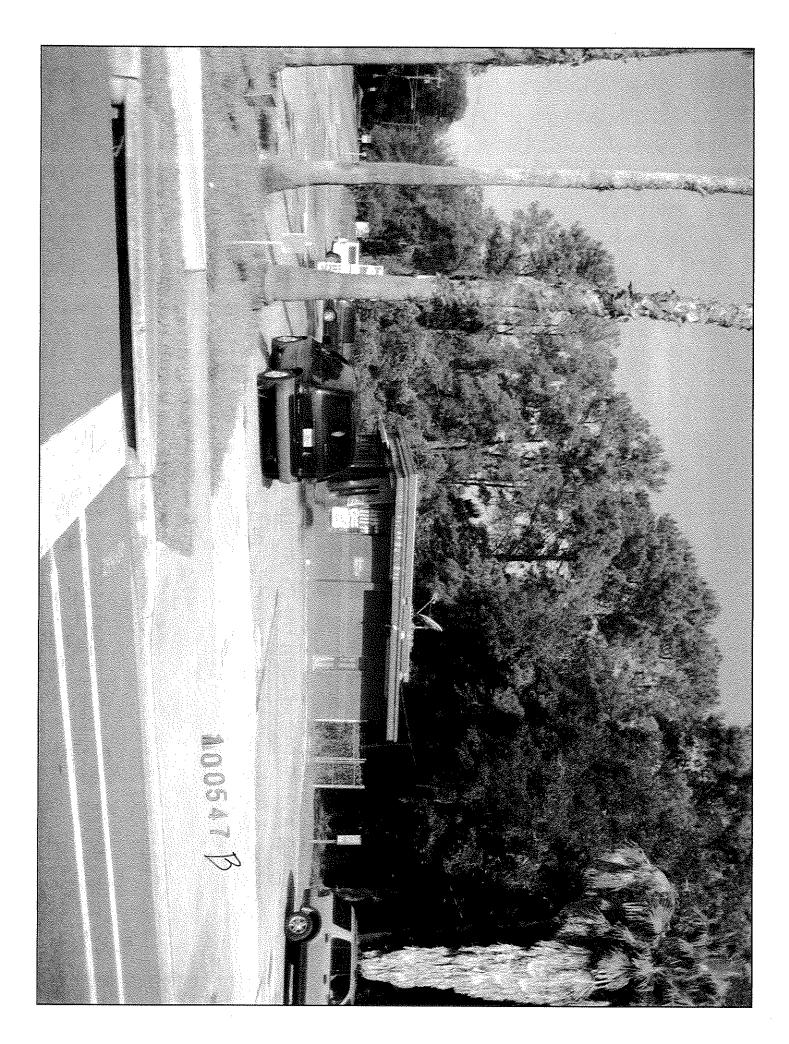




City Commission December 2, 2010

BA-10-6 APP

a retail use for zoning purposes. Zoned MU-1 (Mixed Use Low decision of the Planning Manager to classify the proposed ice Intensity, 8-30 du/ac). Located at 1030 SE 4th Ave Industrial Classification as IN 2097 (Manufactured Ice) instead of Pressman and Associates, Inc., agent for Main and Waldo making and dispensing machine as a use in the Standard Investments LLC. Ice House America appealing an administrative





Appeal of an Administrative Decision

Development Code (Chapter 30). Pursuant to Section 30-354(h), the applicant is appealing a decision made by a City administrative officer of an interpretation of the Land



Administrative Decision

manufacturing ice for sale (IN2097) instead of an ice dealer proposed use is classified as an establishment primarily engaged in (IN5999) The applicant is appealing the determination made by staff that the



Applicant Description of Use

connection to a water line and machinery produces the ice on site." standing self service ice dispenser. The site functions with a use is a retail sales location for ice. The site functions as a free The applicant provided the following explanation of the use: "The



Basis for Staff Determination

- for sale through a self serve vending device. The proposed facility is mechanical equipment that manufactures ice
- The facility does not operate as a typical vending machine. It is larger and takes up more space than typical vending machines
- Staff considers this a new use that was not anticipated in its present form by the 1987 Standard Industrial Classification Manual (SIC).
- The industry as a whole really started in 2003
- Section 30-357 authorizes staff to classify new industries for zoning compliance purposes
- A machine that sells ice can not be classified as an Ice Dealer
- an automated vending machine The owner defined the use in the land development application as

1005475



Use allowed in the City

- District: Business Industrial, Warehousing, and Industrial
- Applicant: Mixed Use District all over the City

100547 B



Potential Options

- Change the Land Development Code to allow the use
- (Applicant has a pending application for a code change pending the decision of the BOA, Code change petition will be decided by the City Commission).
- Place the facility in an approved zoning district.



Board of Adjustment Order

- 2097 which is not allowed in the MU-1 zoning district. administrative decision that the proposed use is classified as IN Based upon the foregoing finding of fact and conclusion of law, the Board of Adjustment voted 3-1 to deny the request to overturn an
- appropriate development standards" manufacturing and sale of ice in the MU-1 zoning district with change submitted by the applicant that would address the Attorney's Office and staff, requesting a speedy review of a text a referral to the City Commission, the City Manager, the City In a second motion, the Board of Adjustment voted 4-0, "to submit