



HISTORIC TOWN OF EATONVILLE, FLORIDA

PLANNING AND ZONING BOARD AGENDA

Thursday, February 12, 2026 at 6:30 PM

Town Hall - 307 E Kennedy Blvd

Please note that the HTML versions of the agenda and agenda packet may not reflect changes or amendments made to the agenda.

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION AND PLEDGE OF ALLEGIANCE
- IV. CITIZEN PARTICIPATION (Three minutes strictly enforced)
- V. CONSENT AGENDA
- VI. BOARD DISCUSSIONS/DECISIONS
 - [1.](#) 331 E Kennedy Boulevard Fence approval (**Planning**)
 - [2.](#) Discussion and Review of Certified Recovery Residences Ordinance (**Administrative**)
 - [3.](#) Revisions to Chapter 60, Article IV, Sec.60-79 Commerical District (**Planning**)
- VII. COMMENTS
 - 4. Staff Comments
- VIII. ADJOURNMENT

The Town of Eatonville is subject to the Public Records Law. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

****PUBLIC NOTICE****

This is a Public Meeting, and the public is invited to attend. This Agenda is subject to change. Please be advised that one (1) or more Members of any of the Town's Advisory Boards/Committees may attend this Meeting and may participate in discussions. Any person who desires to appeal any decision made at this meeting will need a verbatim record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based – per Section 286.0105 Florida Statutes. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Town of Eatonville at (407) 623-8910 "at least 48 hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26



HISTORIC TOWN OF EATONVILLE, FLORIDA PLANNING AND ZONING BOARD MEETING FEBRUARY 12, 2025, AT 6:30 PM Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: 331 E Kennedy Boulevard Fence approval

BOARD ACTION:

BOARD DISCUSSION	Yes	Department: PLANNING DEPARTMENT
CONSENT AGENDA		Exhibits: NONE
NEW BUSINESS	Yes	
ADMINISTRATIVE	Yes	

REQUEST: Request for Planning and Zoning Board to administratively approval a commercial fence for 331 E. Kennedy Boulevard that is consistent with Chapter 60, Article IV Fences of the Town’s LDC.

SUMMARY: Subject property has a request to install a fence that meets the LDC, Chapter 60, Article IV Fences.

Sec 60-71 Front Yard. New fences shall not be permitted in the required front yard.

Sec. 60-72. Side and rear yards.

All garden walls, fences and hedges located within the required side or rear yards shall not exceed six feet in height except for a required street side or required street rear yard of a corner lot which shall be considered a front yard for these purposes

Sec. 60-74. Fences; types, construction material permitted.

Type of fences constructed in the town shall be limited to standard materials that would normally be available at places that are in business for that purpose. Said fences shall be wood, chainlink/vinyl-coated, concrete masonry wall design, brick, wrought iron or ornamental iron. Barb-wire and hog-wire fences may be constructed in industrial and conservation zoning districts with the approval of the mayor or his designee. Barb-wire fences may be used on fences in excess of six feet in height around retention ponds, commercial pools, lift stations, substations and any local, state, and federal land uses where applicable with the approval of the building inspector.

Sec. 60-75. Height of fences.

Fences in all residential zoning districts shall be limited to six feet in height in the rear and side yards and four feet. Fences constructed in commercial, industrial and conservation zoning districts shall be limited eight feet in height with the athletic uses such as baseball backstops and tennis court enclosure may exceed eight feet in height. The height of fences shall be measured from the average natural grade along the fence line.

Sec. 60-79. Commercial districts.

- (a) All fences in the commercial zoning district must be approved by the planning board before a permit can be issued. Fences in commercial zoning districts shall be limited to vinyl-coated, concrete/masonry, and ornamental iron or other decorative designs. In the professional office zoning district fences shall be limited to six feet in height and shall only be permitted along the side and rear property lines.
- (b) In all other commercial zoning districts, the fences shall be limited to six feet in height along the side and rear property lines and shall meet the setbacks as required by the code. The planning board will have the authority to authorize the type of fence to be used in all new commercial developments and will be part of the site plan process. Retention ponds which must be fenced should be located on the property in an area that will not distract from the aesthetics of the area and be screened as much as possible.

RECOMMENDATION: It is the recommendation of staff for the Planning and Zoning Board to approve a commercial fence to be installed on 331 E. Kennedy Boulevard.

FISCAL & EFFICIENCY DATA: N/A



**HISTORIC TOWN OF EATONVILLE, FLORIDA
PLANNING AND ZONING BOARD MEETING
FEBRUARY 12, 2025, AT 6:30 PM
Cover Sheet**

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Discussion and Review of Certified Recovery Residences Ordinance

BOARD ACTION:

BOARD DISCUSSION	Yes	Department: ADMINISTRATIVE Exhibits: <ul style="list-style-type: none">• Certified Recovery Residence Ordinance
CONSENT AGENDA		
NEW BUSINESS	Yes	
ADMINISTRATIVE	Yes	

REQUEST: Request for Planning and Zoning Board Discussion and Review of Certified Recovery Residences Ordinance.

SUMMARY: In accordance with Section 397.487, *Florida Statutes*, the planning department has reviewed the Land Development Code to establish a process for the review of reasonable accommodation requests for certified recovery residences and has determined that there is a requirement to amend the City’s Land Development Code in order to comply with Section 397.487, *Florida Statutes*.

RECOMMENDATION: It is the recommendation of staff for the Planning and Zoning Board to review and discuss the Certified Recovery Residence Ordinance.

FISCAL & EFFICIENCY DATA: N/A

ORDINANCE NO. 2025-____

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 60 TO ADD ARTICLE XX, ESTABLISHING A PROCESS FOR THE REVIEW OF REASONABLE ACCOMMODATION REQUESTS FOR CERTIFIED RECOVERY RESIDENCES PURSUANT TO FLORIDA STATUTES SECTION 397.487; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 397.487(15)(a), Florida Statutes, mandates that by no later than January 1, 2026, each municipality and county in the State of Florida must adopt an ordinance establishing procedures for the review and approval of certified recovery residences; and

WHEREAS, Section 397.487(15)(a), Florida Statutes, further mandates the inclusion within such ordinance of a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; and

WHEREAS, Section 397.487(15)(b), Florida Statutes, provides that the regulation of the establishment of certified recovery residences must be consistent with the Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601 et seq.) and Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131 et seq.); and

WHEREAS, the Town of Eatonville Planning and Zoning Board held a public hearing, with all required public notice, on [redacted] to provide recommendations to the Town Council on this Ordinance to amend the Land Development Code and recommend that the Town Council adopt the Ordinance; and

WHEREAS, adoption of this Ordinance ensures that the Town of Eatonville complies with Section 397.487(15), Florida Statutes, and that the best interest of the public health, safety, and welfare is served.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA:

(Note: additions indicated by underline; deletions indicated by ~~strikethrough~~; and text that shall remain unaltered that is not reproduced here is indicated by ellipses (***)

SECTION 1. The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

SECTION 2. Chapter 60, Article XX, *Requests for Accommodations by Certified Recovery Residences*, of the Town of Eatonville Land Development Code, is hereby created to read as follows:

Sec. 60-862. - REQUESTS FOR ACCOMMODATIONS BY CERTIFIED RECOVERY RESIDENCES.

- (1) *Purpose and applicability.* The purpose of this section is to establish procedures for review and approval of reasonable accommodation requests to the Town’s land use and zoning ordinances, rules, regulations, policies, and procedures that may prohibit establishment of certified recovery residences pursuant to section 397.487, Florida Statutes. Facilitating reasonable accommodation requests ensures that individuals with a disability and/or handicap have equal opportunity to use and enjoy dwellings, buildings or structures, or to provide accessibility in another manner, as provided by the Federal Fair Housing Amendments Act (42 U.S.C. §§ 3601 et seq. (“FHA”) and Title II of the Americans with Disabilities Amendments Act (42 U.S.C. §§ 12131 et seq. (“ADA”). For purposes of this section, a “disabled” person is an individual who qualifies as disabled and/or handicapped under the FHA and/or ADA. Any person who is disabled (or qualifying entities) may request a reasonable accommodation with respect to the Town’s Land Development Code, Code of Ordinances, rules, regulations, policies, or procedures as provided by the FHA and the ADA pursuant to the procedures set out in this section.

- (2) *Applicant.* Any person who is disabled or a provider of services to disabled individuals qualifying for a reasonable accommodation, collectively referred to as “Applicant” in this subsection, may request a reasonable accommodation to the Town’s land use and zoning ordinances, rules, regulations, policies, and procedures that prohibit establishment of certified recovery residences. It is the responsibility of the Applicant to establish that they, or those who are being provided recovery services, are protected individuals under the FHA and/or ADA by demonstrating that the proposed accommodation is reasonable and necessary to afford the Applicant, or those who are being provided services, an equal opportunity to use and enjoy a residential dwelling.

- (3) *Application Procedure.* A request for reasonable accommodation shall be made to the Planning Director of the Planning and Zoning Department. An application for reasonable accommodation must, at a minimum, provide the following:
 - a. Name and contact information of the Applicant or the Applicant’s authorized representative;
 - b. Property address and parcel identification number of where the reasonable accommodation is being requested. If the Applicant is not the owner of the property, then the contact information for the owner and an owner’s authorization form is also required;

- c. A description of the accommodation and the specific regulation(s) and/or procedures from which the accommodation is sought;
- d. Reasons the accommodation may be necessary for the Applicant or those who are being provided services;
- e. A description of the qualifying disability or handicap;
- f. A certification signed by the Applicant stating: I CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS REQUEST IS TRUE AND CORRECT. I UNDERSTAND THAT IF I KNOWINGLY PROVIDE FALSE INFORMATION WITH THIS REQUEST, MY REQUEST SHALL BECOME NULL AND VOID;
- g. A verification of disability status form executed by someone with personal knowledge of the Applicant's, or those who are being provided services', disability, such as a medical or social services professional;
- h. Any additional information or documentation the Applicant feels is necessary to supplement the request for reasonable accommodation.
- i. Signature of the Applicant and date.

The Planning Director of the Planning and Zoning Department will date-stamp the application upon receipt and notify the Applicant, in writing, within 30 days if additional information is required. The Applicant must provide the additional information within 30 days. Failure of the Applicant to provide a response within 30 days will result in the application being denied, unless the Applicant requests an extension of time in writing.

- (4) Review. Within 60 days of receiving a completed application, the Planning Director of the Planning and Zoning Department, or designee, shall review the request for reasonable accommodation and make a determination consistent with the FHA and/or ADA, after considering all of the following:
- a. Whether the Applicant has established that they are protected under the FHA and/or ADA by demonstrating that they or those being provided recovery services, are handicapped or disabled, as defined in the FHA and/or ADA. To do this, the following must be shown:
 - 1. A physical or mental impairment which substantially limits one (1) or more major life activities;
 - 2. That they are regarded as having such impairment; and
 - 3. A record of having such impairment.
 - b. Whether the requested accommodation is reasonable and necessary to afford the Applicant an equal opportunity to use and enjoy the dwelling, building or structure, or provides accessibility in another manner.
 - c. Whether the requested accommodation would impose an undue financial or administrative burden on the Town.
 - d. Whether the requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the Town.

If the Planning Director of the Planning and Zoning Department, or designee, finds that the requested accommodation will impose an undue financial or administrative burden on the Town or will require a fundamental alteration in the nature of the Town's land use and zoning regulation, they may consider whether an alternative reasonable accommodation exists which would effectively meet the disability-related need. An alternative reasonable accommodation may be the requested accommodation with conditions. In conducting the review, the Planning Director of the Planning and Zoning Department, or designee, may make a site visit to the property where the reasonable accommodation is being requested.

- (5) *Determination.* Once review of the request is complete, the Planning Director of the Planning and Zoning Department, or designee, will make a determination in writing to:
- a. Approve the reasonable accommodation request in whole or in part, with or without conditions; or
 - b. Deny the reasonable accommodation request, in accordance with state and federal law, and state the objective evidence-based reasons for denial and identify any deficiencies or actions necessary for reconsideration.

The written determination by the Planning Director of the Planning and Zoning Department, or designee, shall also include the Applicant's right and method to appeal the determination. If the written determination is not issued within 60 days after receipt of the completed application, the reasonable accommodation request is deemed approved unless the parties agree in writing to a reasonable extension of time.

- (6) *Appeals.* Applicant shall have 30 days from the date of the Planning Director of the Planning and Zoning Department, or designee's, written determination to appeal the determination or any conditions included therein, to the City Council. Appeals must be made in writing and include the name of the Applicant, address and contact information, a written summary of the reason for the appeal, and an explanation of why the determination or condition is in error. Appeals shall be submitted to the City Council. The City Council shall issue a final decision on the appeal within 45 days of submitting the appeal to City Council.
- (7) *No Fee.* There shall be no fee imposed by the Town for the reasonable accommodation request process outlined in this section.
- (8) *Stay of Enforcement.* While a request for reasonable accommodation, or its appeal, is pending, the Town will not enforce any applicable land use and zoning ordinances, rules, regulations, policies, and procedures against the Applicant.
- (9) *Expiration of Approvals.* Approval of requests for reasonable accommodation shall expire within one hundred eighty (180) days if not implemented.

- (10) Revocation of Reasonable Accommodation. Any reasonable accommodation received shall be deemed revoked if the Applicant or the property upon which the accommodation is granted is found in violation of any conditions of the approval granting the reasonable accommodation by a court of law or by the code enforcement board hearing code enforcement cases. Failure to obtain state certification or a required state license, or failure to maintain state certification or a required state license or alternate certification permitted by this section, shall result in revocation of the reasonable accommodation and cessation of operations within sixty (60) days of termination of the license or certification.

- (11) Confidential Information. Should the information provided by the Applicant to the Town include medical information or records, including records indicating the medical condition, diagnosis, or medical history of the disabled individual(s), such individual(s) may, at the time of submitting such medical information, request that the Town, to the extent allowed by law, treat such medical information as confidential information of the disabled individual(s).

- (12) General Provisions. The following general provisions are applicable to all reasonable accommodation requests:
 - a. The Applicant may apply for a reasonable accommodation on their own behalf or may be represented at all stages of the reasonable accommodation process by an attorney, legally appointed guardian, or other person designated by Applicant as a power of attorney.
 - b. In the event that a reasonable accommodation is granted, the Applicant shall continue to comply with any and all other applicable building and/or permitting processes required by the Town's Code of Ordinances and Land Development Code and all other state and federal laws.
 - c. A reasonable accommodation is specific to the Applicant and does not run with the subject property.

* * *

SECTION 3. All Town ordinances or parts thereof in conflict herewith are, to the extent of such conflict, repealed.

SECTION 4. It is the intent of the Town Council of the Town of Eatonville that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of the Ordinance.

SECTION 5. If any section, subsection, clause, or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

SECTION 6. This Ordinance shall become effective upon its adoption.

Upon motion duly made and carried, the foregoing ordinance was approved upon its first reading on _____, 2025.

Upon motion duly made and carried, the foregoing ordinance was approved upon its second reading on _____, 2025.

TOWN OF EATONVILLE

Angie Gardner, Mayor

Attest:

Veronica King, Town Clerk

Approved as to form:

Clifford B. Shepard, Town Attorney



HISTORIC TOWN OF EATONVILLE, FLORIDA PLANNING AND ZONING BOARD MEETING FEBRUARY 12, 2025, AT 6:30 PM Cover Sheet

****NOTE**** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

ITEM TITLE: Revisions to Chapter 60, Article IV, Sec.60-79 Commerical District

BOARD ACTION:

BOARD DISCUSSION	Yes	Department: PLANNING DEPARTMENT Exhibits: NONE
CONSENT AGENDA		
NEW BUSINESS	Yes	
ADMINISTRATIVE	Yes	

REQUEST: Request for Planning and Zoning Board to recommend revisions to Chapter 60, Article IV Fences, Sec. 60-79

SUMMARY: The following section of the LDC should be updated to remove the planning board review and approval of fences. There are no standards to modify, and should be implemented administratively

Sec. 60-79. Commercial districts.

- (a) ~~All fences in the commercial zoning district must be approved by the planning board before a permit can be issued.~~ Fences in commercial zoning districts shall be limited to vinyl-coated, concrete/masonry, and ornamental iron or other decorative designs. In the professional office zoning district fences shall be limited to six feet in height and shall only be permitted along the side and rear property lines.

RECOMMENDATION: It is the recommendation of staff for the Planning and Zoning Board to make a recommendation for modifying the LDC to reflect consist standards for review.

FISCAL & EFFICIENCY DATA: N/A