



PLANNING AND ZONING BOARD MEETING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Monday, August 12, 2024 at 6:30 PM

Ryan Santurri
Chair

David Nelson
Vice-Chair

David Gragg
Board Member

Charles Phillips
Board Member

Todd Nolan
Board Member

AGENDA

WELCOME! We are very glad you have joined us for today’s Planning and Zoning meeting. The Planning and Zoning Board is an advisory board to City Council comprised of citizen members who voluntarily and without compensation devote their time and talents to a variety of zoning and land development issues in the community. All P&Z recommendations are subject to final action by City Council. The results of today’s meeting will be presented at the noted City Council meeting for approval of recommended actions. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. **CAUTION:** Untimely filing by any appellant shall result in an automatic denial of the appeal.

A. CALL TO ORDER & PLEDGE OF ALLEGIANCE

B. ROLL CALL AND DETERMINATION OF QUORUM

C. APPROVAL OF MINUTES

- 1. June 10, 2024 Planning & Zoning Meeting Minutes

D. NEW BUSINESS

- 1. Swearing in of New Board Member Katherine Charles Phillips
- 2. Ordinance 2024-06: Tattoo Establishments
- 3. Ordinance 2024-07: Awning Definition

E. UNFINISHED BUSINESS

F. COMMENTS/ANNOUNCEMENTS

G. ADJOURNMENT

UPCOMING MEETINGS

Thursday, August 15, 2024.....Third Budget Workshop 6PM
Wednesday, August 21, 2024.....City Council Meeting 6:30PM
Monday, September 9, 2024.....1st Budget Hearing 6:30PM

Due to 1st Budget Hearing, September P&Z date will need to be moved **IF** a meeting is needed.

General Rules of Order

You are welcome to attend and express your opinion. The Board is pleased to hear non-repetitive comments related to business before the Board; however, a **five (5) minute time limit per person** has been set by the Board. Large groups are asked to name a spokesperson. If you wish to appear before the Board, please fill out an Appearance Request Registration Form and give it to the City Clerk. When recognized, state your name and speak directly into the microphone. The City is guided by **Roberts Rules of Order** in governing the conduct of the meeting. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at (407) 851-2920 at least 24 hours in advance of the meeting.

We ask that all electronic devices (i.e. cell phones, pagers) be silenced during our meeting!

Thank you for participating in your government!

Appeals

According to Edgewood City Code Section 26-24 (2), “any person aggrieved by any recommendation of the Board acting either under its general powers or as a Board of Adjustment may file a notice of appeal to the City Council within seven (7) days after such recommendation is filed with the City Clerk. Per **Section 286.0105**, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceeding and may need to ensure that a verbatim record is made.

Americans with Disabilities Act

In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the **City Clerk at (407) 851-2920**.

CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL & DETERMINATION OF QUORUM

APPROVAL OF MINUTES



PLANNING AND ZONING BOARD MEETING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Monday, June 10, 2024 at 6:30 PM

Ryan Santurri
Chair

David Nelson
Vice-Chair

Melissa Gibson
Board Member

David Gragg
Board Member

Todd Nolan
Board Member

MINUTES

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Vice Chair Nelson called the meeting to order at 6:30 pm and led everyone in the Pledge of Allegiance.

ROLL CALL AND DETERMINATION OF QUORUM

Administrative & Permitting Manager Sollazzo confirmed there was a quorum with three (3) Board Members present. Chair Santurri and Board Member Gibson were unable to attend.

BOARD MEMBERS PRESENT

Vice Chair David Nelson
Board Member David Gragg
Board Member Todd Nolan

BOARD MEMBERS ABSENT

Chair Ryan Santurri
Board Member Melissa Gibson

STAFF PRESENT

Brett Sollazzo, Administrative & Permitting Manager
Drew Smith, City Attorney
Ellen Hardgrove, City Planner
Scott Zane, Officer

APPROVAL OF MINUTES

May 13, 2024 Planning & Zoning Meeting Minutes

Board Member Gragg made a motion to approve the May 13, 2024 Planning and Zoning meeting minutes as presented. The motion was seconded by Board Member Nolan. Approved (3/0) by voice vote.

NEW BUSINESS

1. Variance 2024-04: 5525 Jessamine Ln. - Rear Setback

Planner Hardgrove presented a request for a variance to allow a 15.5-foot rear yard (north) setback instead of the required 35 feet for a new home at 5525 Jessamine Lane.

The property is a zoned County R1AA, since a City zoning has never been established. As such, it is a non-conforming lot zoned. The lot is smaller than the required 10,000 square feet minimum and has been in this category since before October 7, 1957. A house meeting minimum size requirements can be built on the property, but it would harm several mature oak trees, including removing at least one. The variance is requested to protect the trees.

The neighboring property's configuration as a flag lot and the existence of a wall along the subject property's north property line, minimizes the impact of reducing the rear yard setback. Similar setbacks

exist for nearby properties: the house to the east is 13 feet from the north property line, and the garage to the west is 18 feet from the north property line. The proposed house would be 15.5 feet from the line. Typically, variance approvals require meeting specific criteria. However, an exception is made for requests solely to preserve historic or specimen trees, which is the case for the subject request. Staff recommends approving the variance to reduce the rear yard setback from 35 to 15.5 feet on the condition that the property is developed as shown in the site plan submitted with the variance application in order to maximize tree preservation.

Applicant Nathan Alexkosky supported the planner's proposal, confirming that all options to save the tree without a variance had been explored. There were no public comments.

Vice Chair Nelson made a motion to recommend approval of Variance 2024-04 to allow a rear yard setback (north property line) of 15.5 feet in lieu of County R1AA required 35 feet conditioned on the site is developed as proposed on the site drawing submitted with the variance application, which maximizes tree preservation.

The motion was seconded by Board Member Nolan. Approved (3/0) by roll call vote.

The motion was approved by roll call vote.

Vice Chair Nelson	Favor
Board Member Gragg	Favor
Board Member Nolan	Favor
Chair Santurri	Absent
Board Member Gibson	Absent

2. Variances 2024-02 & 2024-03: 425 Oak Lynn Dr. - Pool Equipment & Fence

Variances 2024-02: Pool Equipment

Planner Hardgrove presented a request for a variance to allow pool equipment and appurtenant fixtures to be located 12 feet from the west property line at 425 Oak Lynn Drive. City Code Section 134-483(e) requires pool equipment and appurtenant fixtures to adhere to building setbacks, which is 15 feet for this property's Haverill Drive side according to Code Sections 134-484(g) and 134-550(b).

Pool equipment has already been installed 12 feet from the property line without prior city review. The county was apparently unaware of city regulations, and a survey error omitted the 15-foot right-of-way easement. The equipment could have been placed on the north side of the house in compliance with the code.

A complication in the equipment placement is a 15-foot right-of-way easement along the west property line, established with the plat in November 2020. This easement, which was granted by variance in lieu of the required 25-foot dedication to provide a standard width for Haverill Drive, allows for its public use including, but not necessarily limited to pedestrians, potential road widening, sidewalks, or future utilities like sewer lines.

Planner Hardgrove stated that the applicant has not met the six criteria for variance approval under Code Sections 134-104(3)b and therefore recommended denial. If the applicant can demonstrate these criteria

at the public hearing, the variances may be granted, contingent upon City Council approval of a right-of-way utilization permit and the owner's agreement to remove any equipment within the easement at their sole expense if the easement is needed for future city use.

Variations 2024-03: Fence

Planner Hardgrove presented a request for a variance to allow a six-foot fence to be located ten feet from the west property line at 425 Oak Lynn Drive. City Code Section 134-517(c)(1)c. mandates a 15-foot setback for fences on this property line, while Code Section 134-484(g) requires a 15-foot setback from the side street.

Similar to the pool equipment, the requested fence location is complicated by the 15-foot right-of-way easement. However, unlike the pool equipment, the fence has not yet been installed and can be located to comply with the code by extending it north from the northwest corner of the house.

Planner Hardgrove stated that the applicant has not met the six criteria for variance approval and recommended denial. If the applicant can demonstrate these criteria at the public hearing, the variances may be granted, contingent upon City Council approval of a right-of-way utilization permit and the owner's agreement to remove the fence at their sole expense if the easement was needed for future city use.

Applicants Steven and Lauren Betancourt claimed to meet all six variance criteria and attributed the issue to an incorrect survey that omitted the right-of-way easement.

Board members discussed the matter with Planner Hardgrove and Attorney Smith, considering the potential code violation if the requests were denied. They reviewed each variance criterion and determined that both the criteria for variance approval has been met for both the pool equipment/appurtenant fixtures and fence, provided the applicant agrees to a right-of-way utilization agreement and removal of the anything placed in the easement at their expense should the city need to use the easement in the future.

There were no public comments for either request.

Board Member Gragg made a motion to recommend approval of Variations 2024-02 and 2024-03 to allow pool equipment and appurtenant fixtures to the residence be 12 feet from the west property line instead of 15 feet; and to allow a 6 feet high fence 10 feet from the west side property line. Recommendation conditioned on City Council approval of a right-of-way utilization permit and acceptance that should the City need to use the right-of-way easement in the future, any equipment/appurtenant/accessory fixtures/fence within the easement will be removed at that time solely at the owner's expense.

The motion was seconded by Board Member Nolan. Approved (3/0) by roll call vote.

The motion was approved by roll call vote.

Vice Chair Nelson	Favor
Board Member Gragg	Favor
Board Member Nolan	Favor
Chair Santurri	Absent
Board Member Gibson	Absent

3. Special Exception 2024-01: 220 Verzon Ct. - Guest Cottage

Planner Hardgrove presented a request for a special exception to allow a guest cottage on a property zoned R1A (single-family residential) at 220 Verzon Court. The property currently has a 2,570-square-foot single-story house.

A guest cottage is defined as “living quarters within a detached accessory building located on the same lot or parcel of land as the principal building, to be used exclusively for housing members of the family occupying the principal building and their nonpaying guests, such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.” Approval of a special exception depends on a finding that the proposed use is compatible with the neighborhood and will not negatively impact property values, required open space, or parking.

The property is part of the Lake Jessamine Estates single-family residential subdivision and building a guest cottage would not alter the neighborhood's character. While it is an accessory structure, the cottage is proposed to meet the same setback requirements as a primary residence (30 feet front, 35 feet rear, 10 feet side) within the R1A district. Construction of the cottage also will not result in exceeding the maximum 45% impervious surface and 40% required recreation area. The same square footage could be added to the main house without a special exception due to the property's size. The lot is nearly three times larger than the typical 7,500-square-foot lot in the subdivision, measuring 20,038 square feet according to the Orange County Property Appraiser.

The proposed guest cottage location will maintain the neighborhood's character. It will be invisible from the street and only visible to one neighboring property, which supports the project via a letter of support from that resident submitted to City Hall on May 23, 2024. The cottage's occupancy restrictions will preserve the single-family character of the neighborhood, preventing negative impacts on property values. The other adjacent property that the cottage will be visible from are non-residential properties (railroad, commercial areas, and water features).

No additional parking spaces are planned. Existing extra-long driveway space (approximately 50 feet) can accommodate any potential parking needs due to the guest cottage, as the house is already set back further than the minimum requirement.

The applicant/homeowner was unable to attend the meeting but will be present at the City Council meeting to provide comments. No public comments were received.

Vice Chair Nelson made a motion to recommend approval of Special Exception 2024-01 as presented to allow a guest cottage on the property located at 220 Verzon Court. The motion was seconded by Board Member Nolan. Approved (3/0) by roll call vote.

The motion was approved by roll call vote.

Vice Chair Nelson	Favor
Board Member Gragg	Favor
Board Member Nolan	Favor
Chair Santurri	Absent
Board Member Gibson	Absent

4. Proposed Sign Regulation Changes

Planner Hardgrove presented proposed changes to the city's sign regulations (Chapter 122). Over time, inconsistencies and outdated language have developed within the regulations. Staff has conducted a comprehensive review and recommends the proposed changes to improve clarity for all stakeholders, reduce sign clutter, and protect public health, safety, and welfare.

The board reviewed the proposed changes prior to the meeting and had no questions on the clarity-focused revisions. The discussion centered on the significant changes to the regulation, including new regulations for business signs, flags, and window signs.

There were no public comments.

Vice Chair Nelson made a motion to recommend that the proposed sign code amendments be forwarded to City Council for consideration as presented by staff. The motion was seconded by Board Member Gragg. Approved (3/0) by roll call vote.

The motion was approved by roll call vote.

Vice Chair Nelson	Favor
Board Member Gragg	Favor
Board Member Nolan	Favor
Chair Santurri	Absent
Board Member Gibson	Absent

ADJOURNMENT

The meeting was adjourned at 8:25 PM.

Ryan Santurri, Chair

Brett Sollazzo, Administrative and Permitting Manager

NEW BUSINESS

**Swearing in of New Board
Member Katherine Charles
Phillips**

Ordinance 2024-06: Tattoo Establishments

1 **ORDINANCE NO 2024-_____**

2 **AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA,**
3 **AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES TO**
4 **PROVIDE THAT TATTOO ESTABLISHMENTS MAY BE PERMITTED**
5 **ON A CASE-BY-CASE BASIS AS A SPECIAL EXCEPTION USE WITHIN**
6 **THE C-1, C-2, C-3, AND EDGEWOOD CENTRAL DISTRICT ZONING**
7 **DISTRICTS; ESTABLISHING CRITERIA SPECIFIC TO TATTOO**
8 **ESTABLISHMENTS FOR CONSIDERATION DURING ANY REVIEW OF**
9 **AN APPLICATION FOR A SEPCIAL EXCEPTION; PROVIDING FOR**
10 **SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND**
11 **AN EFFECTIVE DATE.**

12 **WHEREAS,** the City currently prohibits tattoo establishments with the C-1, C-2, C-3, and
13 Edgewood Central District Zoning Districts; and

14 **WHEREAS,** the City has previously distinguished between tattoo establishments and
15 salons that apply permanent makeup; and

16 **WHEREAS,** the City also recognizes that tattoo establishments and public perception of
17 them have evolved over the last twenty years; and

18 **WHEREAS,** the City recognizes that the Supreme Court of the United States has found
19 that there are First Amendment rights involved in issues dealing with tattooing and tattoo
20 establishments; and

21 **WHEREAS,** in order to balance the competing interests and considerations on this topic,
22 the City Council has determined moving tattoo establishments into the category of Special
23 Exception Use within the C-1, C-2, C-3, and Edgewood Central District Zoning Districts to be
24 reasonable and appropriate.

25 **WHEREAS,** the City Council finds that adding criteria for consideration specific to this
26 subject for use during a Special Exception review of a tattoo establishment to be in the best interest
27 of the City, its residents, businesses, and visitors; and

28 **WHEREAS,** in this Ordinance additions to the Code of Ordinances are indicated by
29 underline, deletions are indicated by ~~strikethrough~~, and portions of the Code that remain
30 unchanged and which are not reprinted here are indicated by ellipses (***)

31 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**
32 **EDGEWOOD, FLORIDA, AS FOLLOWS:**

33 **SECTION ONE.** The findings set forth in the recitals above are hereby adopted as
34 legislative findings of the City Council pertaining to this Ordinance.

35 **SECTION TWO.** Chapter 134, “Zoning” is hereby amended as follows:

36 * * *

37 **Sec. 134-1. – Definitions.**

38 ***

39 Tattoo establishment means any permanent location, place, area, structure, or business where
40 tattooing is performed; provided, however, that beauty salons at which permanent makeup only is
41 applied shall not be considered tattoo establishments. For purposes of professional suites where
42 studio suites or chairs are rented, if tattooing is performed at such location, the entire location shall
43 be considered a single tattoo establishment regardless of the number of chairs rented to different
44 professionals.

45 ***

46 **Sec. 134-346. - Special exceptions.**

47 (a)The following uses may be permitted as a special exception in the C-1 district, provided
48 that any review and hearing of an application for a special exception shall consider the
49 character of the neighborhood in which the proposed use is to be located, its effect on the
50 value of surrounding lands, and the area of the site as it relates to the required open spaces
51 and off-street parking facilities.

52 (b)In addition, for any application for a special exception, the planning and zoning board
53 and the city council shall consider the following criteria:

54 (1)Compatibility of the proposed facility with the surrounding uses.

55 (2)The size of the lot on which the proposed facility will be located.

56 (3)The number of persons to be residing in the proposed facility.

57 (4)The amount of traffic generated by the proposed facility.

58 (5)The availability of adequate water and sewer facilities.

59 (6)Whether the location of the proposed facility will maintain the stability of residential
60 areas.

61 (7)The general health, safety and welfare of the community.

62 (c)Each application for a special exception shall be accompanied by a site plan
63 incorporating the regulations established herein. As part of the application, the site plan
64 shall include a simple plan drawn to an appropriate scale, including legal description, lot
65 area, site dimensions, right-of-way location and width, parking areas and number of
66 parking spaces, proposed building location and setbacks from lot lines, total floor area
67 proposed for any building, proposed points of access, location of signs, location of existing
68 easements and a general plan of proposed landscaping. Said site plan shall be submitted to
69 and considered by the city council after recommendation by the planning and zoning board
70 as provided for in article II of this chapter prior to the granting of a building permit. Upon
71 such approval, said site plan becomes part of the building permit and may be amended only

72 by the city council after recommendation by the planning and zoning board. Development
73 under the special exception shall comply with all applicable city codes and ordinances.

74 (1)Hotel and motels.

75 (2)Churches and schools.

76 (3)Day nurseries, kindergartens, and other child care centers.

77 (4)Hospitals, including veterinary hospitals.

78 (5)Clinics.

79 (6)Laundromats.

80 (7)One single-family dwelling which is accessory and attached to a permitted principal
81 building.

82 (8)Open air fruit, vegetable and farmers markets.

83 (9)Pet grooming establishments.

84 (10)Bowling alley.

85 (11)Civic clubs and fraternal lodges.

86 (12)Thrift stores or other similar uses.

87 (13)Christmas tree lots.

88 (14)Theaters, except drive-in theaters which shall be prohibited.

89 (15)Any retail commercial establishment occupying more than 50,000 square feet and less
90 than 100,000 square feet.

91 (16) Tattoo establishments.

92 **Sec. 134-347. - Uses prohibited.**

93 The following uses shall be prohibited in any C-1 retail commercial district:

94 (1) Title loan stores.

95 (2) Check cashing, payday advance stores, or other similar businesses.

96 (3) Labor pool offices.

97 (4) Bail bond offices.

98 (5) ~~Tattoo~~, ~~Body~~ piercing, massage parlors and fortunetelling shops.

99 (6) Soup kitchens.

100 (7) Runaway and related emergency shelters; homeless shelters.

- 101 (8) Convalescent facilities.
- 102 (9) Residential social service facilities; welfare, food stamp, and other social service offices
- 103 and institutional facilities.
- 104 (10) Treatment and recovery facilities.
- 105 (11) New and used automobile and boat sales.
- 106 (12) Medical marijuana dispensaries.
- 107 (13) Non-medical marijuana sales.
- 108 (14) Cannabis farm.
- 109 (15) Other similar uses consistent with this section.
- 110 (16) Any use or activity which is not in full compliance with all the requirements and
- 111 standards set forth in this division.
- 112 (17) Uses listed in section 134-403, except uses listed at subsection 134-403(1), or section
- 113 134-404 of the C-3, wholesale commercial district (article IV, division 9 of this chapter).
- 114 (18) Pain management clinics.

115 ***

116 **Sec. 134-374. - Prohibited uses.**

117 The following uses shall be prohibited in any C-2 general commercial district:

- 118 (1) Any use prohibited in the C-1 district.
- 119 (2) Title loan stores.
- 120 (3) Check cashing, payday advance stores, or other similar businesses.
- 121 (4) Labor pool offices.
- 122 (5) Bail bond offices.
- 123 (6) ~~Tattoo, b~~Body piercing, massage parlors and fortunetelling shops.
- 124 (7) Soup kitchens.
- 125 (8) Runaway and related emergency shelters; homeless shelters.
- 126 (9) Convalescent facilities.
- 127 (10) Residential social service facilities; welfare, food stamp, and other social service
- 128 offices and institutional facilities.
- 129 (11) Treatment and recovery facilities.
- 130 (12) Other similar uses consistent with this section.

131 (13) New and used automobile and boat sales.

132 (14) Pain management clinics.

133 **Sec. 134-375. - Special exceptions.**

134 (a)The following uses may be permitted as a special exception, provided that any review
135 and hearing of an application for a special exception shall consider the character of the
136 neighborhood in which the proposed use is to be located, its effect on the value of
137 surrounding lands, and the area of the site as it relates to the required open spaces and off-
138 street parking facilities.

139 (b)Each application for a special exception shall be accompanied by a site plan
140 incorporating the regulations established herein. As a part of the application, the site plan
141 shall include a simple plan drawn to an appropriate scale, including legal description, lot
142 area, site dimensions, right-of-way location and width, parking areas and number of
143 parking spaces, proposed building location and setbacks from lot lines, total floor area
144 proposed for any building, proposed points of access, location of signs, location of existing
145 easements, and a general plan of proposed landscaping. Said site plan shall be submitted
146 to and considered by the city council after recommendation by the planning and zoning
147 board as provided for in article II of this chapter prior to the granting of a building permit.
148 Upon such approval, said site plan becomes part of the building permit and may be
149 amended only by the city council after recommendation by the planning and zoning board.
150 Development under the special exception shall comply with all applicable city codes and
151 ordinances.

152 (1) Miniwarehouses for dry storage only.

153 (2) Open-air flea markets.

154 (3) Auctions.

155 (4) Living quarters in conjunction with a commercial use to be occupied by the owner of
156 the business or an employee.

157 (5) Institutional uses, public or private, such as churches, schools, hospitals, nursing homes,
158 libraries, community centers and universities.

159 (6) Zero lot line commercial developments.

160 (7) Radio broadcasting and telecasting stations, studios and offices.

161 (8) Car washes. (No fuel services provided.)

162 (9) Christmas tree lots.

163 (10) New car and boat sales and services.

164 (11) Adult congregate living facilities.

165 (12) Any general commercial establishment occupying more than 50,000 square feet and
166 less than 100,000 square feet.

167 (13) Tattoo establishments.

168 ***

169 **Sec. 134-404. - Prohibited uses.**

170 The following uses shall be prohibited in the C-3 wholesale commercial district:

171 (1)Any use or activity which is not in full compliance with all the requirements and
172 standards set forth in this article.

173 (2)Animal slaughtering, or the confinement of animals for feeding, finishing and
174 preparation for slaughter, including stockyards and feeding pens.

175 (3)Asphalt manufacturing or refining, or any similar petroleum or petrochemical refining
176 or manufacturing process.

177 (4)Asphalt or concrete paving, mixing or batching plant.

178 (5)Corrosive acid manufacture or bulk storage including, but not limited to, hydrochloric,
179 nitric, sulphuric or similar acids.

180 (6)Bone distillation or the reduction, rendering, incineration or storage of garbage, offal,
181 animals or animal waste, fats, fish or similar materials or products.

182 (7)Blast furnace, or similar heat or glare generating operations or incinerator or
183 crematorium.

184 (8)Cement, lime, gypsum or Plaster-of-Paris manufacture, or the open storage of raw
185 materials or finished products related to such manufacture.

186 (9)Glue, size or gelatin manufacture where the processes involve the refining or recovery
187 of such products from fish, animal or refuse materials.

188 (10)Tallow, grease, lard or vegetable oil refining.

189 (11)Junkyard, salvage yard, recycling or wrecking yard or structure wherein motor
190 vehicles, appliances or similar used equipment or material is stored, dismantled, or sorted
191 for display, sale or packing.

192 (12)New and used automobile and boat sales.

193 (13)Mobile and modular homes.

194 (14)Other uses which are similar to those listed above which are not specifically permitted
195 in section 134-403, the prohibition of which would promote the intent and purposes of this
196 district. Determination shall be made by authority and directive of the city council which
197 shall be after public notice and public hearing.

198 (15)Title loan stores; check cashing, payday advance stores, or other similar businesses;
199 labor pool offices; bail bond offices; ~~tattoo~~, body piercing, massage parlors; fortunetelling
200 shops; soup kitchens; runaway and related emergency shelters; homeless shelters;
201 convalescent facilities; residential social service facilities; addiction treatment and
202 recovery facilities; welfare, food stamp, and other social service offices and institutional
203 facilities; other similar uses consistent with this subsection.

204 (16)Any individual, specific use whether or not contained within a shopping center, which
205 is not otherwise expressly permitted as an individual use pursuant to this section or sections
206 134-345, 134-373 and 134-403, as these sections may be amended or replaced from time
207 to time, or which is not expressly listed as a special exception pursuant to sections 134-
208 346, 134-375 or 134-405, as those sections may be amended or replaced from time to time.

209 (17)Any commercial establishment occupying more than 100,000 square feet.

210 (18)Any other use specifically prohibited in the C-1, C-2 or C-3 commercial districts.

211 (19)Professional auction houses.

212 (20)Dyeing, dry cleaning and laundering; this prohibition shall not include drop-off
213 facilities where the dyeing, dry cleaning or laundering occurs at an off-site location.

214 (21)Pain management clinics.

215 **Sec. 134-405. - Special exceptions.**

216 (a)The following uses may be permitted as a special exception, provided that any review
217 and hearing of an application for a special exception shall consider the character of the
218 neighborhood in which the proposed use is to be located, its effect on the value of
219 surrounding lands, and the area of the site as it relates to the required open spaces and off-
220 street parking facilities.

221 (b)Each application for a special exception shall be accompanied by a site plan
222 incorporating the regulations established herein. As a part of the application, the site plan
223 shall include a simple plan drawn to an appropriate scale, including legal description, lot
224 area, site dimensions, right-of-way location and width, parking areas and number of
225 parking spaces, proposed building location and setbacks from lot lines, total floor area
226 proposed for any building, proposed points of access, location of signs, location of existing
227 easements and a general plan of proposed landscaping. Said site plan shall be submitted to
228 and considered by the city council after recommendation by the planning and zoning board
229 as provided for in article II of this chapter prior to the granting of a building permit. Upon
230 such approval, said site plan becomes part of the building permit and may be amended only
231 by the city council after recommendation by the planning and zoning board. Development
232 under the special exception shall comply with all applicable city codes and ordinances.

233 (1) Dwelling unit in conjunction with a commercial use to be occupied by the owner,
234 operator or employee of the business.

- 235 (2)Institutional uses, public or private, such as churches, schools, hospitals, nursing homes,
- 236 libraries, community centers and universities.
- 237 (3)Zero lot line commercial developments.
- 238 (4)Bus, cab, light truck repair.
- 239 (5)Meat storage, cutting and distribution.
- 240 (6)Wholesale products distribution.
- 241 (7)Christmas tree lots.
- 242 (8)Any wholesale commercial establishment occupying more than 50,000 square feet and
- 243 less than 100,000 square feet.
- 244 (9)Machinery sales, rental and storage.
- 245 (10)Outdoor storage of merchandise, parts or other equipment.
- 246 (11)Building material storage and sales (new, no junk or used material).
- 247 (12)Contractors' storage and equipment yards, including well drilling equipment and land
- 248 clearing equipment.
- 249 (13)Miniwarehouses.
- 250 (14)Storage and wholesale distribution warehouse adjacent to a residential zoning district
- 251 or property with a residential future land use designation, including those across a right-of-
- 252 way.
- 253 (15) Tattoo establishments.

Sec. 134-467. - Permitted uses within the Edgewood Central District.

* * *

Tattoo and/or body piercing	S
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* * *

(c) The review and hearing of an application for a special exception shall consider consistency with the ECD Vision, the character and compatibility of the surrounding area in which the proposed use is to be located, its effect on the value of surrounding lands, availability of public services and facilities, and the area of the site as it relates to the required open spaces and off-street parking facilities. Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. The site plan shall be drawn to an appropriate scale, and include the property’s legal description, lot area, site dimensions, adjacent right-of-way location and width, existing and/or proposed parking areas and number of parking spaces, existing

266 and/or proposed building location and setbacks from lot lines, total floor area existing and/or
267 proposed for any building, proposed points of access, location of signs, location of existing
268 easements and a proposed landscaping plan. A special exception shall not be recommended by
269 the Planning and Zoning Board (Board) nor approved by the City Council unless and until the
270 Board and City Council make a finding that the granting of the special exception is consistent
271 with the comprehensive plan and ECD Vision, the use is similar and compatible with the
272 surrounding area, and will not act as a detrimental intrusion into the surrounding area nor
273 negatively impact the level of service of public services and facilities. Upon such approval, said
274 site plan becomes part of the building permit and may be amended only by the city council after
275 recommendation by the planning and zoning board. Development under the special exception shall
276 comply with all applicable city codes and ordinances.

277 * * *

278 134-527 Tattoo Establishments

279 In zoning districts where tattoo establishments are permitted as a special exception, the
280 following additional criteria must be complied with:

- 281 1) All activities conducted at the establishment shall be in accordance with applicable
282 state statutes and regulations;
- 283 2) Tattooing shall not be performed on the property between the hours of 12:00 a.m. and
284 8:00 a.m.;
- 285 3) Tattoo establishments shall not be established on any parcel located adjacent to an
286 existing single-family zoning district; and
- 287 4) Tattoo establishments shall not be established within 1,500 feet of an existing tattoo
288 establishment.

289 **SECTION THREE.** Severability. If any section, subsection, sentence, clause, phrase,
290 word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court
291 of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion
292 shall be deemed a separate, distinct and independent provision, and such holding shall not affect
293 the validity of the remaining portions of this Ordinance.

294 **SECTION FOUR.** Conflicts. In the event of a conflict or conflicts between this Ordinance
295 and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict,
296 as allowable under the law.

297 **SECTION FIVE.** Codification. It is the intent of the City Council of the City of Edgewood
298 that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal
299 authority in codifying the provisions of this Ordinance.

300 **SECTION SIX.** Effective date. This Ordinance shall take effect immediately upon
301 adoption as provided by the Charter of the City of Edgewood.

302 PASSED ON FIRST READING THIS _____ DAY OF _____ 2024.

303 PASSED AND ADOPTED THIS _____ DAY OF _____ 2024.

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL

Richard A. Horn, Council President

ATTEST:

Sandra Riffle, City Clerk

304

Ordinance 2024-07:

Awning Definition

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ORDINANCE NO. 2024-07

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 134, ARTICLE I, SECTION 134-1, “DEFINITIONS,” CREATING A DEFINITION FOR “AWNING;” PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City’s Code of Ordinances does not currently include a definition for the term “Awning;” and

WHEREAS, awnings are referenced in the Code of Ordinances, particularly in the context of “awning signs;” and

WHEREAS, in order to provide clarity and avoid confusion the City Council finds it in the best interest of the City to adopt a definition for the term “Awning.”

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Edgewood, Florida as follows:

NOTE: Underlined words constitute additions to the City of Edgewood Code of Ordinances, ~~striketrough~~ constitutes deletions from the original Code of Ordinances, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this ordinance.

Section 2. Chapter 134, Article I, Section 134-1 “Definitions” of the City of Edgewood Code of Ordinances shall be amended as follows:

Sec. 134-1. - Definitions.

25 * * *

26 Awning means a shelter above a door or window, projecting from and supported by the exterior
27 wall of a building constructed of rigid or non-rigid durable, weather-resistant materials on a
28 supporting framework that may include a type that can be retracted, folded or collapsed against
29 the wall of a supporting building. Minimum vertical clearance for awnings from the underlying
30 floor or ground level shall be 7'6".

31 * * *

32 **Section 3.** The provisions of this Ordinance shall be codified as and become and be made a
33 part of the Code of Ordinances of the City of Edgewood.

34 **Section 4.** Severability. If any section, sentence, phrase, word or portion of this ordinance is
35 determined to be invalid, unlawful or unconstitutional, said determination shall not be held to
36 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or
37 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

38 **Section 5.** Conflicts. All ordinances that are in conflict with this Ordinance are hereby
39 repealed.

40 **Section 6.** Effective Date. This Ordinance shall become effective immediately upon its
41 passage and adoption.

42 **PASSED AND ADOPTED** this _____ day of _____, 2024, by the City
43 Council of the City of Edgewood, Florida.

44

45 PASSED ON FIRST READING: _____

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47 PASSED ON SECOND READING: _____

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Richard Horn, Council President

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ATTEST:

Sandra Riffle
City Clerk

UNFINISHED BUSINESS

COMMENTS & ANNOUNCEMENTS

ADJOURNMENT