

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES TO CREATE NEW ZONING DISTRICTS; PROVIDING FOR PERMITTED, AND PROHIBITED USES WITHIN THE NEW ZONING DISTRICTS; PROVIDING FOR DEVELOPMENT STANDARDS AND REGULATIONS WITHIN THE NEW ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City has annexed land into the jurisdictional boundaries of the City; and

WHEREAS, some of the lands annexed have not been assigned City zoning districts and have retained their Orange County zoning designations; and

WHEREAS, properties that retain Orange County zoning designations create multiple inefficiencies for the property owners and the City; and

WHEREAS, the City Council is also mindful of not creating nonconformities upon developed properties as a result of changing from Orange County to City zoning designations; and

WHEREAS, creation of new zoning districts are needed to allow property owners of developed land to continue to use site standards of the County zoning that existed prior to annexation while allowing the City to properly assess and advise as to future use and development activities; and

WHEREAS, within this Ordinance, deletions are identified by ~~striketrough~~ text, additions are identified by underline text, and portions of the Code that remain unchanged and which are not reprinted here are indicated by ellipses (***)

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

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

SECTION TWO. Chapter 134, “Zoning,” Article IV, “District Regulations,” is hereby amended as follows:

Sec. 134-221. R-1AA-CA and R-1A-CA Intent and purpose.

The R-1-AA-CA and R-1-A-CA single-family dwelling districts are exclusively for land that has been annexed from the County and developed under County site standards.

Sec. 134-222. R-1AA-CA and R-1A-CA Uses permitted.

The permitted uses within the R1AA-CA and R1A-CA districts shall be the same as the permitted uses set forth for R-1-AA and R-1-A zoning districts in Section 134-219.

Sec. 134-223. R-1AA-CA and R-1A-CA Special exceptions.

The special exception uses within the R1AA-CA and R1A-CA districts shall be the same as the special exception uses set forth for R-1-AA and R-1-A zoning districts in Section 134-220.

Sec. 134-224 – R-1AA-CA and R-1A-CA Site Standards.

| | <u>R-1AA-CA</u> | <u>R-1A-CA</u> |
|-----------------------------------|---------------------------|--------------------------|
| <u>Minimum Lot Area</u> | <u>10,000 square feet</u> | <u>7,500 square feet</u> |
| <u>Minimum Living Area</u> | <u>1,200 square feet</u> | <u>1,200 square feet</u> |
| <u>Minimum Lot Width</u> | <u>85 feet</u> | <u>75 feet</u> |
| <u>Minimum Building Setback</u> | | |
| <u>Front Yard</u> | <u>25 feet</u> | <u>25 feet</u> |
| <u>Rear Yard</u> | <u>30 feet</u> | <u>30 feet</u> |
| <u>Side Yard</u> | <u>7.5 feet</u> | <u>7.5 feet</u> |
| <u>Maximum Height</u> | <u>35 feet</u> | <u>35 feet</u> |
| <u>Maximum Impervious Surface</u> | <u>45%</u> | <u>45%</u> |

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Sec. 134-284. –R-3-CA Intent and purpose.

The R-3-CA district is exclusively for land zoned R-3 at the time of annexation into the City.

Sec. 134-285. R-3-CA Uses permitted.

Only the following uses shall be permitted within any R-3-CA district:

- (1) Any use permitted in the R-2 district, pursuant to Section 134-255, provided the density does not exceed that allowed by the property's comprehensive plan future land use designation.
- (2) Multiple-family dwellings, provided the density does not exceed that allowed by the property's comprehensive plan future land use designation.
- (3) Kindergarten and day nurseries.

Sec. 134-286. R-3-CA Special exceptions.

The special exception uses within the R-3-CA district shall be the same as the special exception uses set forth for in the R-3 district by Section 134-282.

Sec. 134-287. – R3-CA Site development standards.

Site development standards within the R3-CA district shall be the same as required for the R3 district set forth in Section 134-579. with the exception of impervious surface maximum for lots with a one family building (aka single family dwelling). For a one family building lot, a minimum of 40% private open space shall be provided on each lot. Residential private open space for this section is defined as the usable open space on individual lots maintained by the required front, rear and side yards of the residential zoning district and excluding paved driveways, principal and accessory structures; but recreational structures such as, but not limited to, pools, tennis courts and porches can be included in calculating residential open space.

* * *

Sec. 134-439– IND-CA Intent and purpose.

The IND-CA district is exclusively for land that has been annexed from the County and developed under County Ind-3 site standards.

Sec. 134-440. - Uses permitted.

The following uses shall be permitted with the IND-CA district:

- (1) Any use permitted in the C-3 wholesale commercial district as set forth in Section 134-403.
- (2) Any other use when, after a review of an application, the city council finds as a fact that the proposed use is consistent with the general zoning plan and with the public interest. Determination shall be after public notice and public hearing.

110 **Sec. 134-441. - Uses prohibited.**

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112 The following uses are expressly prohibited in the IND-CA district:

113 (1) Non-medical marijuana sales.

114 (2) Cannabis farm.

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116 **Sec 134.442. - Performance standards.**

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118 All uses in the IND-CA district shall conform to the standards of performances described
119 below in addition to those standards contained in Article VII of this chapter and shall be so
120 constructed, maintained, and operated as not to be injurious or offensive to the occupants of
121 adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other
122 particulate matter, toxic or noxious waste materials, odors, fire and explosive hazard or glare.

123
124 (1) Floor area ratio (FAR) shall not exceed 0.75.

125 (2) Front yards: Twenty-five (25) feet.

126 (3) Side yards: Fifteen (15) feet.

127 (4) Rear yards: Ten (10) feet.

128 (5) Rear yards and side yards may be reduced to zero when the rear or side property
129 lines abut the boundary of a railroad right-of-way, but only in those cases where
130 an adjacent wall or walls of a building or structure are provided with railroad
131 loading and unloading capabilities; however, no trackage shall be located nearer
132 than three hundred (300) feet from any residential district.

133 (6) Setbacks shall be a minimum of fifty (50) feet from the normal high water
134 elevation on every natural surface water body.

135 (7) Maximum building height: Fifty (50) feet, except thirty-five (35) feet within one
136 hundred (100) feet of any residential use or district.

137 (8) Driveways, streets, and facilities for routing traffic shall be designed in such a
138 manner that entrances and exits to public streets are not hazardous and that traffic
139 congestion is minimized. Furthermore, no entrances or exits shall direct traffic
140 into adjacent residential districts.

141 (9) The open storage of equipment, materials or commodities may be permitted,
142 provided such storage shall not be located within any required front or buffer
143 yard; shall be screened from all public streets; and, when located on a lot adjacent
144 to a residential district, shall be screened from such residential district. Such
145 screens may be in the form of walls, fences or landscaping; shall be at least six (6)
146 feet in height; and shall be at least fifty (50) percent opaque as viewed from any
147 point along the public street, right-of-way, or the residential district boundary.
148 When landscaping is used for screening, the height and opacity requirements shall
149 be attained within eighteen (18) months after open storage uses are established.

- 150 (10) The parking of commercial vehicles, such as trucks, cargo trailers and tractors
151 may be permitted on hard surface lots, provided such lots shall not be located in
152 any required landscaped area/buffer yard or within the front fifty (50) percent of
153 any required front yard. Furthermore, such commercial vehicles, when located on
154 a lot abutting a residential district, shall be screened from the residential district.
155 Such screen may be in the form of walls, fences or landscaping; shall be at least
156 six (6) feet in height; and shall be at least fifty (50) percent opaque as viewed
157 from any point along the residential district boundary. When landscaping is used
158 for screening, the height and opacity requirements shall be attained within
159 eighteen (18) months after commercial parking lots are established.
- 160 (11) The parking of passenger vehicles shall be permitted in any required yard except
161 the front fifty (50) percent of required front yards and portions of the landscaped
162 areas/buffer yards as otherwise required by Chapter 114.
- 163 (12) An increased setback not less than sixty (60) feet in width shall be provided along
164 each I-CA industrial district boundary line which abuts any residential zoning
165 district. Specific landscaping within the setback area shall be in accordance with
166 Chapter 114 of this Code. That portion of the setback area that is not required to
167 be landscaped shall not be used for processing activities, buildings or structures
168 other than fences, walls or off-street parking.
- 169 (13) Within 300 feet of a residential district, all processes and storage, except of
170 passenger vehicles, shall be in completely closed buildings. Processes and storage
171 located at a greater distance shall be effectively screened by a solid wall or fence
172 at least eight feet in height, but in no case lower in height than the enclosed
173 process or storage.
- 174 (14) *Fire and safety hazard.* Each use shall be operated so as to minimize the danger
175 from fire and explosion.
- 176 a. All uses storing, processing or producing free or active burning material shall
177 be located entirely within buildings or structures having exterior
178 incombustible walls, and all such buildings shall be set back at least 250 feet
179 from all lot lines.
- 180 b. All materials or products which produce flammable or explosive vapors or
181 gases under ordinary weather conditions shall not be permitted within 100 feet
182 of any lot line.
- 183 c. All buildings and structures containing explosives shall be set back from all
184 property lines at least 100 feet.
- 185 (15) *Electrical disturbance and radioactivity.* Each use shall be so operated as to
186 prevent the emission of quantities of radioactive materials in excess of limits
187 established as safe by the United States Bureau of Standards.
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189

190 **Sec. 134-443. Other Ind-3-CA requirements.**

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192 (1) Landscaping/buffer yards/open space. As set forth in the City Code, Chapter 114
193 (Landscape and Buffer Regulations).

194 (2) Parking. As set forth in the City Code, Chapter 134, article V (Parking
195 Standards).

196 (3) Signage. As set forth in the City Code, Chapter 122 (Sign Regulations).

197 (4) Development permits. As set forth in the City Code, Chapter 134, Article II,
198 Division 4 (Site Plan Review).

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200 * * *

201 **SECTION THREE.** The provisions of this Ordinance shall be codified as and become
202 and be made a part of the Code of Ordinances of the City of Edgewood.

203
204 **SECTION FOUR.** If any section, sentence, phrase, word or portion of this ordinance
205 is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to
206 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or
207 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

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209 **SECTION FIVE.** All ordinances that are in conflict with this Ordinance are hereby
210 repealed.

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212 **SECTION SIX.** This Ordinance shall become effective immediately upon its passage
213 and adoption.

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215 **PASSED AND ADOPTED** this _____ day of _____, 2022, by the City
216 Council of the City of Edgewood, Florida.

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218 PASSED ON FIRST READING: _____

219
220 PASSED ON SECOND READING: _____

221
222
223
224 _____
225 Richard A. Horn, Council President

226 *ATTEST:*

227
228 _____
229 Sandy Riffle
230 Interim City Clerk
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