

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

**ORDINANCE NO. 2022-12**

**AN ORDINANCE OF THE CITY OF EDGEWOOD,  
ORANGE COUNTY, FLORIDA AMENDING CHAPTER  
134, "ZONING," SECTION 134-121, "REZONING  
PROCESS," SUBSECTION (d) RELATING TO NOTICE  
REQUIREMENTS FOR REZONINGS; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR CODIFICATION,  
CONFLICTS, AND EFFECTIVE DATE.**

**WHEREAS**, Section 134-121 (d) currently establishes the variance notice standards as the notice standard to be used for the Planning and Zoning Board hearing of rezonings; and

**WHEREAS**, Section 134-121 (d) currently establishes required statutory notice as the notice standard to be used for the Council hearing of rezonings; and

**WHEREAS**, Jurisdictions are allowed to establish higher standards for notice than that required by State law; however, the notice standard for variances (a typically single site specific application) are not well tailored to rezonings (usually including many properties); and

**WHEREAS**, the statutory notice requirements are sufficient minimum notice requirements for the City to use as evidenced by its longstanding use of statutory notice for Council hearings of rezonings.

**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, ~~strikethrough~~ 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.** Chapter 134, Section 134-121 (d) of the City of Edgewood Code of Ordinances shall be amended as follows:

**Sec. 134-121. - Rezoning process.**

(d)Review process.

- (1) Planning and zoning board. The planning and zoning board shall hold a public hearing with due public notice to consider the rezoning. Based on the zoning request and the requirements of this chapter, the board shall prepare recommendations for the consideration of the city council.

- 46 (2) City council. Following review by the planning and zoning board, the rezoning  
47 request shall be forwarded to the city council. The city council shall hold a de  
48 novo public hearing with due public notice to consider the rezoning. Based on  
49 the request, the requirements of this chapter and the recommendations of the  
50 planning and zoning board, the city council shall approve or deny the rezoning.  
51
- 52 (3) Hearing requirements. The notice requirements for these public hearings shall  
53 be the same as required by State law for variance requests, except that hearings  
54 before the council shall be noticed as required in F.S. § 166.041. The procedure  
55 for the hearings shall be set from time to time by the board and the city council.  
56 The board and the city council shall have the power to administer oaths and to  
57 compel the attendance of witnesses at all hearings.  
58
- 59 (4) Reapplication time limit. Unless specifically permitted otherwise by city  
60 council, no application for any rezoning shall be considered by the planning and  
61 zoning board within nine months from the time the property described in such  
62 application has been decisively acted upon by the city council as a result of a  
63 previous application.  
64

65 **Section 2.** The provisions of this Ordinance shall be codified as and become and be  
66 made a part of the Code of Ordinances of the City of Edgewood.  
67

68 **Section 3.** If any section, sentence, phrase, word or portion of this ordinance is  
69 determined to be invalid, unlawful or unconstitutional, said determination shall not be held to  
70 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or  
71 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.  
72

73 **Section 4.** All ordinances that are in conflict with this Ordinance are hereby repealed.  
74

75 **Section 5.** This Ordinance shall become effective immediately upon its passage and  
76 adoption.  
77

78 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the City  
79 Council of the City of Edgewood, Florida.  
80

81 PASSED ON FIRST READING: \_\_\_\_\_  
82

83 PASSED ON SECOND READING: \_\_\_\_\_  
84

85  
86 \_\_\_\_\_  
87 Richard A. Horn, Council President

88 *ATTEST:*  
89

90 \_\_\_\_\_  
91 Sandy Riffle  
City Clerk