

Mayor  
John Dowless

Richard Alan Horn  
Council President

Ben Pierce  
Council President  
Pro Tem

Lee Chotas  
Council Member

Susan Fortini  
Council Member

Chris Rader  
Council Member

**CITY COUNCIL AGENDA**  
**Regular Meeting**  
**City Hall – Council Chamber**  
**405 Bagshaw Way , Edgewood, Florida**  
**Tuesday, January 21, 2020**  
**6:30 p.m.**

WELCOME! We are very glad you have joined us for today’s Council meeting. If you are not on the agenda, please complete an appearance form and hand it to the City Clerk. When you are recognized, state your name and address. The Council is pleased to hear relevant comments; however, a five-minute limit has been set by Council. Large groups are asked to name a spokesperson. Robert’s Rules of Order guide the conduct of the meeting. PLEASE SILENCE ALL CELLULAR PHONES AND PAGERS DURING THE MEETING. “THANK YOU” for participating in your City Government.

A. CALL TO ORDER

B. INVOCATION & PLEDGE OF ALLEGIANCE

C. ROLL CALL & DETERMINATION OF QUORUM

D. PRESENTATION

None.

E. CONSENT AGENDA

1. Review and Consideration of City Council Meeting Minutes

**(Pgs. 1-9)** December 17, 2019

*(Items on the consent agenda are defined as routine in nature, therefore, do not warrant detailed discussion or individual action by the Council. Any member of the Council may remove any item from the consent agenda simply by verbal request prior to consideration of the consent agenda. The removed item(s) are moved to the end of New Business for discussion and consideration.)*

**F. ORDINANCES**

None.

**G. PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)**

1. **(Pgs. 10-19) 2019-11** -AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO ILLICIT STORMWATER CONNECTIONS AND DISCHARGES; AMENDING THE CODE OF ORDINANCES; CREATING CHAPTER 30, "HEALTH AND SANITATION," ARTICLE V, "ILLICIT DISCHARGE PREVENTION"; PROVIDING FOR CONFLICTS; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.
  
2. **(Pgs. 20-21) 2019-12** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 134-1, "DEFINITIONS," OF THE CODE OF ORDINANCES TO CREATE A DEFINITION FOR THE TERM BEAUTY SALON; PROVIDING THAT PERMANENT MAKEUP APPLICATION AND LASER HAIR REMOVAL ARE SERVICES THAT MAY BE PROVIDED AT A BEAUTY SALON; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

**H. UNFINISHED BUSINESS**

**I. NEW BUSINESS**

1. **(Pgs. 22-27) Discussion Only** - AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA RELATING TO ESTABLISHING SHORT-TERM RENTAL STANDARDS AND PROVIDING FOR A PROCESS FOR GRANTING SHORT-TERM RENTAL CERTIFICATES IN CHAPTER 21-5 'SUPPLEMENTAL DISTRICT REGULATIONS' OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**J. GENERAL INFORMATION (No action required)**

None

**K. CITIZEN COMMENTS**

**L. BOARDS & COMMITTEES**

None.

**M. STAFF REPORTS**

City Attorney Smith:

Police Chief Freeburg:

- (Pg. 28) Chief's Report

City Clerk Meeks:

**N. MAYOR & COUNCIL REPORTS**

- Mayor Dowless
- Council President Horn
- Council Member Chotas
- Council Member Fortini
- Council Member Pierce
- Council Member Rader

**O. ADJOURNMENT**

**UPCOMING EVENTS:**

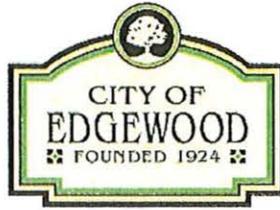
Friday, February 21, 2020.....Mardi Gras in Bagshaw Park (Details Coming Soon)

**UPCOMING MEETINGS:**

Monday, February 10, 2020.....Planning & Zoning Meeting (6:30 p.m.)

Tuesday, February 18, 2020.....Regular City Council Meeting (6:30 p.m.)

You are welcome to attend and express your opinion. Please be advised that 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 proceedings and may need to ensure that a verbatim record is made. 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.



**CITY COUNCIL REGULAR MEETING MINUTES**  
Tuesday, December 17, 2019  
6:30 p.m.

**CALL TO ORDER**

Council President Horn called the Edgewood City Council meeting to Order at 6:30 p.m. He gave the invocation followed by leading everyone in the Pledge of Allegiance.

**ROLL CALL & DETERMINATION OF QUORUM**

City Clerk Meeks announced a quorum, with three Council Members present. She announced that Council Members Chotas and Fortini gave advance notice of their absence and requested a motion to excuse their absence.

*Council Member Pierce made the Motion to excuse Council Members Chotas and Fortini's absence; Second by Council President Horn. Approved (3/0)*

**Attendees**

John Dowless, Mayor  
Richard Alan Horn, Council President  
Ben Pierce, Council President Pro-Tem  
Chris Rader, Council Member

**Absent**

Lee Chotas, Council Member  
Susan Fortini, Council Member

**Staff**

Bea L. Meeks, City Clerk  
Sandy Riffle, Deputy City Clerk  
John Freeburg, Police Chief  
Drew Smith, City Attorney  
Ellen Hardgrove, AICP, City Planner

**PRESENTATION**

None.

**A. CONSENT AGENDA**

1. Review and Consideration of City Council Meeting Minutes

- November 19, 2019

City Clerk Meeks explained that before the Council meeting, City Planner Hardgrove requested an addition to the minutes to include the conditions for each of the approved waivers. She noted that Council was provided with a copy of the additions to be made at their dais seat. Additionally, City Clerk Meeks will correct the spelling of Planner Hardgrove’s name.

Mayor Dowless also requested the following corrections be made:

- Page 6 - 2<sup>nd</sup> paragraph –

Planner Hardgrove said if Council is inclined to **removed** “F” and G”.....

- Page 9 – 4<sup>th</sup> paragraph -

Mayor Dowless said that during staff’s meeting with the applicant, they found there were some ~~loop holes~~ **inconsistencies** in the Code that need to be addressed in the future.

*Council Member Rader made a motion to approve the November 19, 2019 meeting minutes with corrections; second by Council Member Pierce. Motion passed (3/0).*

## 2. McDirmit ≈ Davis’ Letter of Engagement

City Clerk Meeks referred to the agenda memo regarding McDirmit≈Davis’ Letter of Engagement. She noted that Council approved the continuation of services provided by McDirmit≈Davis in their March Council meeting; however, the term of the agreement is on a fiscal year basis.

*Council Member Pierce made a motion to authorize Mayor Dowless to sign the Letter of Engagement; second by Council Member Pierce. Motion passed (3/0).*

## ORDINANCES

1. **Ordinance No. 2019-11** -AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO ILLICIT STORMWATER CONNECTIONS AND DISCHARGES; AMENDING THE CODE OF ORDINANCES; CREATING CHAPTER 30, “HEALTH AND SANITATION;” ARTICLE V, “ILLICIT DISCHARGE PREVENTION”; PROVIDING FOR CONFLICTS; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2019-11 in title only, followed by giving some history on the purpose of the Ordinance. City Attorney Smith said the Ordinance is a result of the City’s recent stormwater audit by the Florida Department of Environmental Protection (FDEP). He said FDEP requested that the City amend their current Ordinance and include a provision for code enforcement to have a stronger arm, which allows them to go onto property without a warrant. The provision is needed to address illicit discharge, primarily from grease traps and mechanical oils, so that water bodies are protected.

City Attorney Smith also noted a scrivener’s error on page 25, Section 30-63, it should read “stormwater pollutants.”

In response to Council Member Rader, City Attorney Smith said case law is moving code enforcement towards needing a warrant; however, the District Court is not considering exceptions. Council Member Rader asked if it is inappropriate. City Attorney Smith responded that there is no provision for a warrantless search. Council President Horn said there can be an administrative search warrant because the Courts do not want a warrantless search.

City Clerk Meeks said Code Enforcement Officer Renteria is scheduled to attend a class to assist with the required processes.

There were no public comments.

*Council Member Rader made a motion to approve the first reading of Ordinance 2019-11; second by Council Member Pierce.*

<i>The Motion was approved by the following roll call vote (3/0):</i>	
<i>Council Member Pierce</i>	<i>- Yes</i>
<i>Council Member Rader</i>	<i>- Yes</i>
<i>Council President Horn</i>	<i>- Yes</i>
<i>Council Member Chotas</i>	<i>- Absent</i>
<i>Council Member Fortini</i>	<i>- Absent</i>

- 2. Ordinance No. 2019-12 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 134-1, “DEFINITIONS,” OF THE CODE OF ORDINANCES TO CREATE A DEFINITION FOR THE TERM BEAUTY SALON; PROVIDING THAT PERMANENT MAKEUP APPLICATION AND LASER HAIR REMOVAL ARE SERVICES THAT MAY BE PROVIDED AT A BEAUTY SALON; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.**

City Attorney Smith read Ordinance 2019-12 in title only. City Attorney Smith said the Ordinance is a result of a request that was made for a use in a beauty salon. He said the use request was for permanent makeup, which is regulated the same as tattoos. City Attorney Smith said he felt the use should be specific in the code. He said laser hair removal was added as well for clarity. City Attorney Smith said that the Planning and Zoning Board requested an amendment to the fifth “whereas” clause to add “to continue the prohibition of tattoo parlors in the commercial district.”

Mayor Dowless asked if there is anything else that should be added. City Attorney Smith said no, the amendment was made to clarify that permanent makeup is different from tattoos. In response to Council Member Rader, City Attorney Smith said this is not to be confused with a medspa. He said the functions would define the use.

There were no public comments.

*Council President Horn made a motion to approve the first reading of Ordinance 2019-12 with amendment; second by Council Member Pierce.*

*The Motion was approved by the following roll call vote (3/0):*

<i>Council Member Rader</i>	-	<i>Yes</i>
<i>Council President Horn</i>	-	<i>Yes</i>
<i>Council Member Pierce</i>	-	<i>Yes</i>
<i>Council Member Chotas</i>	-	<i>Absent</i>
<i>Council Member Fortini</i>	-	<i>Absent</i>

**PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)**

- 1. Ordinance No. 2019-10** AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 14-11 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES REGARDING RULES AND REGULATIONS FOR BOAT DOCK CONSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Smith read Ordinance 2019-10 in title only, followed with a word clarification on line 288, page 41, noting that “hearing” should be plural. He said the ordinance addressed all the minor comments, and a definition was created for maintenance and repair.

Council President Horn said that nothing addressed a turbidity curtain that would go around the work area during construction. City Attorney Smith said this would be temporary during construction.

City Clerk Meeks asked if that would fall under NPDES. City Attorney Smith confirmed but considers it to be a good idea to add it section 14-11(a) line 147, to include sedimentation and erosion controls as part of the required application package. City Attorney Smith said the engineer would know to look for it.

Council President Horn said the Ordinance did not include notifying City Hall of maintenance work. City Clerk Meeks said it was agreed to remove that language. Council Member Rader said routine maintenance needs to be defined. Council President Horn said having no notification opens up to opportunities for less scrupulous contractors to inform homeowners to call the work “maintenance and repairs.” City Attorney Smith agreed that Council President Horn’s point is fair; he said the people who don’t care about code will do it anyway. Council President Horn said that notification makes it easier to get things done within the code.

City Clerk Meeks read an email from resident Tina Demostene regarding the revisions for repairing boat docks. Resident Demostene said she appreciates staff’s support of the ordinance for processing. Council Member Rader said Resident Demostene was the one who recommended a more holistic approach.

There were no public comments.

*Council Member Pierce made a motion to approved Ordinance 2019-10; second by Council President Horn.*

*The Motion was approved by the following roll call vote (3/0):*

<i>Council President Horn</i>	-	<i>Yes</i>
<i>Council Member Pierce</i>	-	<i>Yes</i>
<i>Council Member Rader</i>	-	<i>Yes</i>
<i>Council Member Chotas</i>	-	<i>Absent</i>
<i>Council Member Fortini</i>	-	<i>Absent</i>

#### **UNFINISHED BUSINESS**

1. Request For Proposal Review Committee – Recommendation for Secondary Debris Management Services Provider

Council Member Pierce updated Council on the RFP process and announced that Crowder Gulf is the committee's recommendation for the secondary debris management service.

There were no public comments.

*Council Member Rader made a motion to approve Crowder Gulf for secondary debris management services; second by Council President Horn. Motion approved (3/0).*

#### **NEW BUSINESS**

None.

#### **GENERAL INFORMATION (No action required)**

None

#### **CITIZEN COMMENTS**

Resident Steve Kreidt said his family moved to Edgewood in 2004. He said he has a proposal for Council and went on to explain that he and his son travel extensively, and they enjoy Airbnbs. He said his house is frequently empty, and he and his wife considered an Airbnb. He said he thinks this is good for exposing people to a community, and this location is good because of the closeness of the airport. Resident Kreidt said that current code does not allow an Airbnb, and they want to be in compliance. He asked if Council would consider allowing Airbnbs. City Clerk Meeks noted that currently, only R-3 zoning allows an Airbnb with the approval of a special exception.

City Attorney Smith said Resident Kreidt's request is to open the door to the hosted stays, not the empty house version. He said Maitland recently addressed this, and he can send Maitland's ordinance for Council to review and discuss in January meeting.

City Attorney Smith said in 2011, the State took away the ability to prohibit unless there was a preexisting Code. He said the way we deal with boarding houses encapsulates the type of rentals that cause problems; that is making sure the host is actually a host.

Mayor Dowless noted that an investment home will cause traffic.

Council President Horn asked about a hotel tax. Mayor Dowless said that the county handles the tax. City Attorney Smith clarified that the Department of Business and Professional Regulations is responsible, but they have delegated to the counties.

Resident Kreidt noted that in the Airbnb network, there is a “grade” on guests. City Attorney Smith said that with an ordinance, complaints would be addressed. In response to Council President Horn, City Attorney Smith said there is an application with a fee, but not a tax. ***No action was taken; it was agreed to place this on the January agenda for discussion.***

**BOARDS & COMMITTEES**

- 5655 S. Orange Avenue – Cornerstone Hospice/PACE Application for Special Exception

City Planner Hardgrove provided a brief summary of Cornerstone’s application, noting the operating hours, adult daycare for 55 and older, and no overnight stays. Planner Hardgrove said staff is in support of the facility as a progressive option rather than an institution. City Planner Hardgrove recommends approval.

Attorney Brent Spain of Theriaque & Spain spoke on behalf of the applicant. He said the adult daycare is the completion of a 2016 project in the shopping center. He said it is legislatively funded and that Cornerstone has received funds for this year.

There were no public comments.

***Council Member Rader made a motion to approve Special Exception 2019-01 to allow an adult daycare; second by Council Member Pierce.***

***The Motion was approved by the following roll call vote (3/0):***

<b><i>Council Member Pierce</i></b>	-	<b><i>Yes</i></b>
<b><i>Council President Horn</i></b>	-	<b><i>Yes</i></b>
<b><i>Council Member Rader</i></b>	-	<b><i>Yes</i></b>
<b><i>Council Member Chotas</i></b>	-	<b><i>Absent</i></b>
<b><i>Council Member Fortini</i></b>	-	<b><i>Absent</i></b>

- 4721 S. Orange Avenue (Gatlin Hall Brewery)– Commercial Review

City Planner Hardgrove introduced the plan for a food hall and brewery in Ft. Gatlin Shopping Center. She said there is a small expansion to add a cooler, which does not trigger the ECD. Planner Hardgrove said staff recommends support after review by her and CPH. She said this is a physical expansion, which means it needs to go for commercial review.

Council Member Rader asked if there is a long term tracking mechanism so that it is not incrementally added. City Planner Hardgrove said a condition would be that no parking of fleet vehicles in the front,

even though this is an ECD requirement already. City Attorney Smith said that it is not a bad idea to add it as a condition so that it is on the site plan. Council Member Rader said that the tracking is administrative but not a condition of approval. City Attorney Smith said Council can add the condition that “All fleet vehicles must be in compliance with the ECD”.

In response to City Planner Hardgrove, City Attorney Smith said the tracking will not be on the site plan; it is administrative and will be in the minutes. He confirmed for City Clerk Meeks that it would not be added to the Business Tax Receipt. City Planner Hardgrove asked if a decision letter will be sent with details. Deputy City Clerk Riffle confirmed a letter with full details will be provided to the applicant.

There were no public comments.

*Council Member Rader made a motion to approve the commercial review of Gatlin Hall Brewery with conditions that all fleet vehicles must be in compliance with the Edgewood Central District; second by Council Member Pierce.*

*The Motion was approved by the following roll call vote (3/0):*

<i>Council Member Pierce</i>	-	<i>Yes</i>
<i>Council Member Rader</i>	-	<i>Yes</i>
<i>Council President Horn</i>	-	<i>Yes</i>
<i>Council Member Chotas</i>	-	<i>Absent</i>
<i>Council Member Fortini</i>	-	<i>Absent</i>

**STAFF REPORTS**

**City Attorney Smith:**

City Attorney Smith reported that the Oakwater annexation is moving forward. He said Oakwater needs to be within a budgeted amount, and that is what they would like to communicate back to Council. Mayor Dowless said Oakwater has up to \$50,000 to spend for paving. He said if all is not used for paving, it can be used for beautification.

**Police Chief Freeburg:**

Chief Freeburg referred to his report and asked if there were any questions; there were none.

He reported that there was a bomb threat at Edgewood Isle. He explained that a robocall went out about a bomb in the area and to go to the website for more information. He said the website had malware. He said the plaza was cleared in a few minutes and people returned back to the shopping center. Chief Freeburg said the County supported the perimeter, and dogs from GOA were used.

**City Clerk Meeks:**

City Clerk Meeks reported on the following:

1. Announced that two candidates qualified for the two open seats for the March 17, 2020 election; for this reason, there will not be a municipal election in March. City Clerk Meeks reminded Council that Council Chamber will be the precinct for the Presidential Preference Primary on March 17, 2020. She reminded them that a tentative date of March 24, 2020, was set to hold their March Council meeting.

*Council President Horn made a motion to move the March meeting to March 24, 2020, due to the Presidential Preference Primary; second by Council Member Pierce. Motion passed 3/0.*

City Clerk Meeks announced that Chris Rader and Susan Lomas will be sworn in at this meeting.

2. Confirmed that the records management compliance report was timely completed and submitted to the State.
3. Announced that Friday, January 10, 2020, City Hall staff will be working in the afternoon handling records disposition. She said this will take place after City Hall closes at noon, and staff takes a lunch break.
4. Confirmed that appropriation requests were filed with Representative Anna Eskamani and Senator Linda Stewart. City Clerk Meeks said that Rep. Eskamani filed HB 3547. She said the bill made it through the subcommittee; however, this is not unusual. She explained the four roads and streets projects she submitted to support the appropriation requests. City Clerk Meeks said it is now “wait and see”.
5. Thanked Attorney Patrick Brackins for making contact with Landfall Strategies. She said Ryan Kelley, from Landfall Strategies, made contact with her and sent additional support documentation, which she has forwarded to the Florida Division of Emergency Management.
6. Confirmed participation in the December 16, 2019 pre-legislative session conference call and provided a couple of proposed legislation that could affect the City. City Attorney Smith said he is attending Legislative week in Tallahassee in February, and will convey concerns/questions Council might have regarding legislation.
7. Announced that City Hall will be closed Christmas Eve day and Christmas day.
8. Announced she will be out of the office from December 20, 2019 through January 3, 2020; returning Monday, January 6, 2020.
9. Announced that Byron Brooks, Orange County Chief of Staff, requested a meeting with her on January 7, 2020, to discuss Mayor Deming’s proposed one-cent sales tax. City Clerk Meeks said the project list is completed and that a calendar request will be sent to Mayor Dowless.

## **MAYOR & COUNCIL REPORTS**

- **Mayor Dowless**

Mayor Dowless said the Santa fly-in was great and gave credit to Police Analyst Stacey Salemi and Sgt. Ireland for their work decorating the grounds.

Mayor Dowless thanked City Planner Hardgrove for her input regarding Mayor Deming’s proposed sales tax.

In response to Mayor Dowless’s request for an alternate to attend MAC meetings in his absence, Council Member Pierce volunteered.

Mayor Dowless said the projects that the City could use the proposed sales tax to include Gatlin/Holden/Orange realignment, SunRail, bike paths, and safety for pedestrians. Mayor Dowless thanked Council President Horn for his assistance with the project list.

- **Council President Horn**

Council President Horn said that the Florida Department of Transportation completed the reforming of the apron from Orange Avenue to Harbour Island Road.

In response to Council President Horn inquiring about the status of the dog bar, City Planner Hardgrove said waiver applications have been submitted and are in staff review. She said potentially, they could be going to the Planning & Zoning Board meeting for review in January.

Mayor Dowless inquired about window signage, specifically East-West Records. Deputy City Clerk Riffle provided a brief report.

- **Council Member Chotas**

Absent

- **Council Member Fortini**

Absent

- **Council Member Pierce**

No report

- **Council Member Rader**

Congratulated Susan Lomas on her election to City Council.

**ADJOURNMENT**

Having no further business, the Council meeting adjourned at 7:43 p.m., on the Motion of Council Member Rader and Second by Council President Horn (3/0).

Richard Alan Horn  
Council President

Bea L. Meeks, MMC, CPM, CBTO  
City Clerk

*Approved on*

**ORDINANCE 2019-11**

**AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO ILLICIT STORMWATER CONNECTIONS AND DISCHARGES; AMENDING THE CODE OF ORDINANCES; CREATING CHAPTER 30, "HEALTH AND SANITATION," ARTICLE V, "ILLICIT DISCHARGE PREVENTION"; PROVIDING FOR CONFLICTS; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Edgewood appreciates the importance of protecting the City's water bodies; and

**WHEREAS**, in its annual audit, the Florida Department of Environmental Protection commented on the need for proactive enforcement and inspection for potential illicit discharges into the City's stormwater system; and

**WHEREAS**, in order to protect the City's water bodies from illicit discharges into the City's stormwater system, the City Council finds it in the best interest of health, safety and welfare to adopt this Ordinance; and

**WHEREAS**, herein underlined words constitute additions to the City of Edgewood Code of Ordinances, ~~strikethrough~~ constitutes deletions from the original, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA THAT:**

**SECTION 1.** The provisions set forth in the recitals of this Ordinance are hereby adopted by the City Council as the legislative findings and intent pertaining to this Ordinance.

**SECTION 2.** The City of Edgewood Code of Ordinances, Chapter 30, "Health and Sanitation," Article V, "Illicit Discharge Prevention," is hereby amended as follows:

**Chapter 30 – HEALTH AND SANITATION**

\* \* \*

**ARTICLE V. – ILLICIT DISCHARGE PREVENTION**

**Sec. 30-54. Purpose and Intent.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Edgewood, Florida, through the regulation of non-storm water discharges to

the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

**Sec. 30-55. Definitions.**

For the purposes of this Article, the following definitions shall apply:

*Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

*Clean Water Act* means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

*Construction Activity* means activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 5 acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

*Hazardous Materials* means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Illegal Discharge* means any direct or indirect non-storm water discharge to the storm drain system, except as otherwise expressly exempted herein.

*Illicit Connections* means an illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge means any discharge to the storm drain system that is not composed entirely of storm water.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System means publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Stormwater Pollution Prevention Plan means document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

### **Sec. 30-56. Applicability.**

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

### **Sec. 30-57. Responsibility for Administration.**

The City of Edgewood shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Mayor of the City of Edgewood to persons or entities acting in the beneficial interest of or in the employ of the agency.

**Sec. 30-58. Ultimate Responsibility.**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

**Sec. 30-59. Discharge and Connection Prohibitions.**

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. No person shall construct, use or continue any illicit connection to the municipal storm drain system.

- (1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants; discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety; dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test;
- (2) This prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system;

**Sec. 30-60. Suspension of MS4 Access.**

The City of Edgewood may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary

to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City of Edgewood shall notify a violator of the proposed termination of its MS4 access. The violator may petition City Council for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City.

### **Sec. 30-61. Industrial or Construction Activity Discharges.**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Edgewood prior to the allowing of discharges to the MS4.

### **Sec. 30-62. Monitoring Discharges.**

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity:

- (1) The City of Edgewood shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City.
- (2) Facility operators shall allow the City of Edgewood ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (3) The City of Edgewood shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
- (4) The City of Edgewood has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the

City of Edgewood and shall not be replaced. The costs of clearing such access shall be borne by the operator.

- (6) Unreasonable delays in allowing the City of Edgewood access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- (7) If the City of Edgewood has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

**Sec. 30-63. Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.**

The City of Edgewood will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

**Sec. 30-64. Watercourse Protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

**Sec. 30-65. Notification of Spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Edgewood within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**Sec. 30-66. Enforcement.**

Whenever the City of Edgewood finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

**Sec. 30-67. Appeal of Notice of Violation.**

Any person receiving a Notice of Violation may appeal the determination of the City to the Code Enforcement Hearing Officer. The notice of appeal must be received within fifteen days from the date of the Notice of Violation. Hearing on the appeal before the Code Enforcement Hearing

14 Officer shall take place within thirty days from the date of delivery of the notice of appeal. The  
15 decision of the Code Enforcement Hearing Officer shall be final.

16

17 **Sec. 30-68. Enforcement Measures After Appeal.**

18

19 If the violation has not been corrected pursuant to the requirements set forth in the Notice of  
20 Violation, or , in the event of an appeal, within thirty days of the decision of the Code Enforcement  
21 Hearing Officer upholding the decision of the authorized enforcement agency, then representatives of  
22 the authorized enforcement agency shall enter upon the subject private property and are authorized to  
23 take any and all measures necessary to abate the violation and/or restore the property. It shall be  
24 unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the  
25 government agency or designated contractor to enter upon the premises for the purposes set forth  
26 above.

27

28 **Sec. 30-69. Cost Abatement of the Violation.**

29

30 Within thirty days after abatement of the violation, the owner of the property will be notified  
31 of the cost of abatement, including administrative costs. The property owner may file a written  
32 protest objecting to the amount of the assessment within fifteen days. If the amount due is not paid  
33 within a timely manner as determined by the decision of the municipal authority or by the expiration  
34 of the time in which to file an appeal, the charges shall become a special assessment against the  
35 property and shall constitute a lien on the property for the amount of the assessment.

36

37 Any person violating any of the provisions of this article shall become liable to the City by  
38 reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at  
39 the rate of twelve percent per annum shall be assessed on the balance beginning on the 1st day  
40 following discovery of the violation.

41

42 **Sec. 30-70. Injunctive Relief.**

43

44 It shall be unlawful for any person to violate any provision or fail to comply with any of the  
45 requirements of this ordinance. If a person has violated or continues to violate the provisions of this  
46 ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction  
47 restraining the person from activities which would create further violations or compelling the person  
48 to perform abatement or remediation of the violation.

49

50 **Sec. 30-71. Compensatory Action.**

51

52 In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the  
53 authorized enforcement agency may impose upon a violator alternative compensatory actions, such  
54 as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

**Sec. 30-72. Violations Deemed a Public Nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**Sec. 30-73. Criminal Prosecution.**

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law.

The City may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

**Sec. 30-74. Remedies not Exclusive.**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

**Section 3:** Conflicts. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4:** Severability. If any section, paragraph, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 5:** Codification. The provisions of this Ordinance shall be codified as and become and be made a part of the *Code of Ordinances of the City of Edgewood*. The Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

**Section 6:** This ordinance shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** this 21st day of January, 2020, by the City Council of the City of Edgewood, Florida.

PASSED ON FIRST READING: December 17, 2019

PASSED ON SECOND READING: January 21, 2020

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Richard A. Horn, Council President

*ATTEST:*

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Bea L. Meeks  
City Clerk

**ORDINANCE NO. 2019-12**

**AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 134-1, "DEFINITIONS," OF THE CODE OF ORDINANCES TO CREATE A DEFINITION FOR THE TERM BEAUTY SALON; PROVIDING THAT PERMANENT MAKEUP APPLICATION AND LASER HAIR REMOVAL ARE SERVICES THAT MAY BE PROVIDED AT A BEAUTY SALON; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE**

**WHEREAS**, businesses located within the City of Edgewood have inquired as to the permissibility of providing permanent makeup and laser hair removal at beauty salons; and

**WHEREAS**, the City Code does not currently contain a definition for "beauty salons;" and

**WHEREAS**, the City's zoning Code prohibits tattoo parlors in commercial districts; and

**WHEREAS**, permanent makeup application is regulated by the State of Florida in the same manner as tattoo application; and

**WHEREAS**, the City Council finds it appropriate for permanent makeup application to be an allowed service at beauty salons but desires to continue to prohibit tattoo parlors in commercial districts; and

**WHEREAS**, the City's Code neither expressly permits nor prohibits laser hair removal from being performed at beauty salons; and

**WHEREAS**, in the interest of clarity, the City Council finds it appropriate to provide that laser hair removal treatments are a service allowed to be provided at beauty salons; and

**WHEREAS**, herein underlined words constitute additions to the City of Edgewood Code of Ordinances, ~~strikethrough~~ constitutes deletions from the original, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA THAT:**

**SECTION 1.** The provisions set forth in the recitals of this Ordinance are hereby adopted by the City Council as the legislative findings and intent pertaining to this Ordinance.

**SECTION 2.** The City of Edgewood Code of Ordinances, Section 134-1, "Definitions," is amended as follows:

*Basement* means a portion of a building located partly or wholly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

*Beauty Salon* means an establishment where people go to receive beauty treatments which include some or all of the following: cutting, shampooing, weaving, coloring, waving, or styling hair; hair removal, including laser hair removal; facials; applying makeup, including permanent makeup; and nail care services.

*Blank Wall* means a portion of the exterior facade of the building that does not include windows or doors, columns, pilasters or other articulation greater than 18 inches in depth.

**Section 3:** Conflicts. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4:** Severability. If any section, paragraph, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 5:** Codification. The provisions of this Ordinance shall be codified as and become and be made a part of the *Code of Ordinances of the City of Edgewood*. The Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

**Section 6:** This ordinance shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the City Council of the City of Edgewood, Florida.

PASSED ON FIRST READING: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_

\_\_\_\_\_  
Richard A. Horn, Council President

ATTEST:

\_\_\_\_\_  
Bea L. Meeks, MMC  
City Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA RELATING TO ESTABLISHING SHORT-TERM RENTAL STANDARDS AND PROVIDING FOR A PROCESS FOR GRANTING SHORT-TERM RENTAL CERTIFICATES IN CHAPTER 21-5 ‘SUPPLEMENTAL DISTRICT REGULATIONS’ OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the short-term rental industry is growing in Central Florida and nationwide, and

**WHEREAS**, these businesses have been observed locally and nationally to have impacts and potential impacts on neighborhoods such as noise, parking, and housing supply; and

**WHEREAS**, a study was published in May 2018 in the journal Injury Prevention, that found a lack of fire and life safety features in short-term rental properties in 16 U.S. cities, finding that 20 percent of the property owners did not report having smoke alarms, 42.5 percent didn’t report having carbon monoxide (CO) alarms, and 58 percent didn’t report having fire extinguishers; and

**WHEREAS**, the study’s co-author stated that most fire deaths and carbon monoxide poisonings occur in residential housing; and

**WHEREAS**, in 2011 the Florida legislature originally pre-empted regulation of vacation rentals to the state by expanding the definition of “Public Lodging Establishment” under Section 509.032, Florida Statutes to include “vacation rentals” as a classification of Public Lodging Establishment; and because Section 509.032 (7)(a) already preempted all regulation of Public Lodging Establishments to the state, there was theoretically no possibility for local regulation of short-term rentals; and the legislature added Section 509.032(7)(b) which explicitly preempted virtually all local regulation of vacation rentals (excepting any ordinance adopted before June 1, 2011); and

**WHEREAS**, in 2014 the Florida legislature amended Section 509.032 (7)(b)’s language to narrow the explicit preemption to only ordinances that prohibit vacation rentals or regulate the frequency or duration of rentals, implicitly allowing some regulation by stating explicitly in subsection (7)(b) what local governments cannot regulate; and

**WHEREAS**, the City, through this ordinance has sought to implement ways to both reduce impacts and potential impacts on neighborhoods from short-term rentals and to ensure the safety of guests utilizing short-term rentals; and

**WHEREAS**, the Maitland Local Planning Agency has found the ordinance will promote the public health, safety, welfare, economic order and aesthetics of both the region and the community; and

**WHEREAS**, the City Council concurs in the foregoing findings.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAITLAND, FLORIDA THAT:**

**SECTION 1.** Chapter 21-5, “Supplemental district regulations” of the City of Maitland Code of Ordinances is hereby amended to create Article XVIII, which shall read as follows:

**ARTICLE XVIII: SHORT-TERM RENTAL**

- A. Applicability.** This section shall apply to short-term rental of a single-family, two-family, three-family, or four-family dwelling as a business, as defined in Chapter 21-5 of the Code. This section shall not apply to or authorize short-term rentals within a multi-family residential building, or a group of multi-family residential buildings, which includes five (5) or more individual dwelling units within such building or group of buildings.

Owner-occupied and host-stay short-term rentals shall be permitted in single-family, two-family, three-family, or four-family dwellings provided they are in compliance with this section. No person shall rent or lease all or any portion of a dwelling unit as a short-term rental as defined in this Article without obtaining a short-term rental certificate from the City of Maitland and demonstrating compliance with all local, State and Federal laws pertaining to Short-term Rentals.

B. **Short-Term Rental Certificate.** Any property owner who wishes to use his or her dwelling unit as a short-term rental must first apply for and receive approval of a Short-Term Rental Certificate from the City of Maitland, and renew the Certificate annually for as long as the unit is used as a short-term rental. Each dwelling unit used as a short-term rental requires a separate Short-Term Rental Certificate. An annual Certificate fee shall be paid for each dwelling unit certified as a short-term rental to cover the costs of administration of the Certificate and inspection program. Failure to comply with any of the requirements of this section shall be subject to the remedies and enforcement provided in Chapter 5.3, Maitland City Code, as well as any other remedies described in this Article. The City shall approve an application for a Short-Term Rental Certificate or renewal only upon the applicant demonstrating compliance with the following:

1. **Minimum life/safety requirements:**

- a. Units containing swimming pools, spas and/or hot tubs shall demonstrate compliance with Chapter 515, Florida Statutes and Chapter 41, Florida Building Code.
- b. All sleeping rooms shall meet the single- and two-family dwelling requirements of the most current adopted Florida Building Code (Residential) regarding, at minimum, size and life-safety regulations.
- c. Smoke and carbon monoxide (CO) detection and notification system meeting the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code (Residential) shall be installed, inspected and maintained, unless the City Building Official otherwise determines that the smoke and carbon monoxide protections provided adequately protect the health and safety of the inhabitants.
- d. Portable, multi-purpose dry chemical fire extinguishers shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
- e. The property shall be in compliance with all applicable provisions of the Florida Building Code, National Fire Protection Association Codes, and the City's Property Maintenance, Building, Electrical, Mechanical and Plumbing Codes and be free of any active zoning violations.

2. **Occupants.** Short-term rental occupancy shall be limited to two (2) persons per sleeping room. The maximum occupancy shall not exceed eight (8) transient occupants per short-term rental unit. For the purpose of maximum occupancy, those under two (2) years of age shall not be counted. The term Occupants shall be differentiated from the definition of *Family* per *Section 21-23. Definitions* of the Maitland City Code, which relates to the use of a dwelling for residential purposes and not in the context of short-term rental. The minimum age to sign a short-term rental lease contact is eighteen (18) years.

3. **Parking.** Short-term rental units shall provide a minimum of one (1) off-street parking space per two (2) occupants, located in accordance with Section 21-5 (Front Yard Parking), Maitland City Code. Garage spaces may be counted if the garage contains a minimum 9' by 18' space free of storage, vehicles or other obstructive materials and the transient occupants are given vehicular access to the garage. On-street parking shall be strictly prohibited in association with a short-term rental use.

4. **Advertising.** Any advertising of the short-term rental unit shall conform to information included in the Short-Term Rental Certificate and the property's approval, particularly as this pertains to maximum occupancy. On-site advertising of the short-term rental use shall be prohibited.

5. **On-Site Occupancy.** Short-term rentals are permitted for hosted visits only, where the owner is a permanent resident of either the short-term rental unit or a dwelling that is part of the same duplex, triplex or quadplex as the short-term rental unit.

6. **Rental to Persons Convicted of Certain Sex Offenses.** Short-term rental units may not be rented to any individual who would be prohibited from residing at said unit under Section 775.215, Florida Statutes, or Section 10-62, Maitland City Code.

C. **Required posting of the following short-term rental unit information.** On the back of or next to the main entrance door or on the refrigerator there shall be provided as a single page the following information:

1. Name, address and phone number of the short-term rental or host-stay owner;
2. Maximum approved occupancy of the unit;
3. Notice that quiet hours are to be observed between 10:00 p.m. and 8:00 a.m. daily or as superseded by any City noise regulation;
4. Maximum number of vehicles that can be parked at the unit, along with a sketch of the location of the off-street parking spaces;
5. Days of trash and recycling pickup;
6. Location of the nearest hospital;
7. Emergency (911) and non-emergency police phone numbers.

**D. Short-term rental contact person & responsibilities.**

All approved short-term rental units shall identify the property owner or host-stay contact responsible for responding to routine inspections and as well non-routine complaints and other more immediate problems related to the short-term rental of the property. The property owner or host-stay contact shall serve as contact person or shall otherwise designate a responsible party to act on their behalf. Any person eighteen (18) years of age or older may be designated as contact person by the owner provided they can perform the duties listed below.

1. The contact person is responsible for ensuring every renter has read and understands the information provided in the required posting as outlined in Section C, above.
2. The contact person shall attempt to contact a renter by phone or in person within twenty (20) minutes of receiving any complaint concerning the conduct of a renter.
3. The contact person shall respond to and attempt to resolve complaints concerning matters other than the conduct of a renter within twenty-four (24) hours.
4. The contact person is responsible for determining, prior to agreeing to any rental, whether any of the prospective guests would be unable to reside at the short-term rental unit under Section 775.215, Florida Statutes, or Section 10-62, Maitland City Code.
5. The name and phone number of the owner and contact person shall be provided on the application filed with the City. The owner shall provide all dwelling units located within five hundred feet (500') of the short-term rental with written notice of the contact information of the owner and contact person, along with the process for reporting a complaint as outlined in Section E, below. In addition, the owner is responsible for providing written notice to the City and owners of all dwelling units within 500' of the short-term unit each time there is a change to the name or phone number of the contact person.
6. Failure to fulfill any of the duties above shall be a violation of this Article.

**E. Complaints.** Any renter or affected resident wishing to report a complaint regarding activity conducted at a short-term rental unit may follow the complaint procedure as outlined below:

1. The complaining party shall first attempt to communicate with the contact person designated on the permit and describe the problem.
2. The contact person shall promptly respond to the complaint and make reasonable efforts to remedy any situation that is out of compliance with the Maitland City Code.
3. If the complaint is not resolved informally, then the complaining party may then contact the Code Enforcement Specialist within the Maitland Community Development Department regarding building, zoning or property maintenance issues, or the Maitland Police Department for noise complaints or criminal activity. This contact may be done by phone, email or through the City website. The complaint shall include a description of the attempts to resolve the complaint with the short-term rental unit contact person prior to contacting the City. Upon receiving and validating the complaint, the City shall open an active Police report or Code Enforcement case, respectively, and follow the procedures outlined in the Maitland Zoning Code and Code of Ordinances.
4. Nothing contained herein shall prevent the City of Maitland from seeking all other available remedies which may include, but not be limited to, suspension or revocation of a Short-Term Rental Certificate.
5. Nothing herein shall prevent any renter or affected resident from contacting law enforcement or other emergency services.

- F. **Application for a Short-Term Rental Certificate.** Each property owner seeking initial issuance of a Short-Term Rental Certificate, renewal, transfer, or modification of a Short-Term Rental Certificate, shall submit a City of Maitland Short-Term Rental application to the Community Development Department, along with an application fee listed on the application, which shall be set by resolution of the City Council. The initial Short-Term Rental Certificate shall be valid through December 31 of the first year of issuance. Subsequent applications or renewals shall expire on December 31 of each year, unless otherwise specified on the approved certificate.
1. **New Applications.** A complete application for the initial or modification of a Short-Term Rental Certificate shall demonstrate compliance with the Short-Term Rental Standards through the following submittals:
    - a. A completed application and applicable fees.
    - b. A sketch or recent property survey demonstrating compliance with the standards contained herein. The sketch or survey provided shall be drawn to scale and indicate all structures, pools, fencing, and uses, including areas provided for off-street parking, as outlined in Section B(3), above.
    - c. A sketch or floorplan showing a floor layout and demonstrating compliance with the standards contained herein. The sketch of floorplan shall be drawn to scale and identify all bedrooms and sleeping areas, exits, smoke/ carbon monoxide detectors and fire extinguishers as outlined in Section B(1), above.
    - d. Required short-term rental postings - Copies of required postings shall be provided.
    - e. Signed and notarized affidavit verifying notice of the short term rental has been provided to property owners within five hundred feet (500'). A copy of the notice sent to the property owners shall be provided with the affidavit.
    - f. Proof of liability insurance coverage on the short term rental.
    - g. Proof that either the Owner is a permanent resident of either the proposed short-term rental unit or a dwelling within the same duplex, triplex or quadplex as the proposed short-term rental unit. Permanent residency may be proven through a copy of a valid, current government-issued I.D. showing the unit address or two (2) months of bills sent to the Owner or host-stay contact at the unit address within the previous four months.
    - h. Any other required information necessary to demonstrate compliance with the Short-Term Rental Standards herein.
  2. **Certificate renewals or transfers.** The application for renewal or transfer of a Short-Term Rental Certificate shall be filed with the Community Development Department. Applications for renewal or transfer of the Certificate shall be accompanied by proof of continued permanent residency. If no other changes have occurred since the issuance of the most recent Short-Term Rental Certificate, then no additional submittals are required to accompany the renewal/transfer Short-Term Rental Certificate application. All requests for transfer of an existing approved Certificate shall require a new inspection and fee. Annual renewals shall apply no sooner than August 1 and no later than November 1 of each year and shall have passed all inspections and complied fully with this ordinance by December 31.
  3. **Modification of Certificate.** An application for modification of a Short-Term Rental Certificate is necessary when either the gross square footage of the dwelling unit has increased, the number of sleeping areas/bedrooms is proposed to increase or the occupancy is otherwise proposed to increase. In any such modification, the application for modification shall include additional submittals specific to the modification(s) as necessary to demonstrate compliance with the Standards herein. No modifications in facility usage may occur until after a successful City inspection. Short term rental use is not permitted while building permits for the dwelling unit expansion are open and until the modification of the Certificate is granted by the City. If the existing Certificate is still valid, there is no fee for the certificate modification. However if the Certificate has expired, a new application & fee is required.
  4. **Initial and routine compliance inspections.** An inspection of the dwelling unit for compliance with

this section is required prior to issuance of an initial Short-Term Rental Certificate. If violations are found, all violations must be corrected and the dwelling unit must be re-inspected prior to issuance of the initial Short-term Rental Certificate as provided herein. Once issued, a short-term rental unit must be properly maintained in accordance with the Short-Term Rental Standards herein and will be subject to re-inspection every calendar year or, in the event of a Certificate transfer, re-inspected at the time of transfer. All violations found during an inspection must be corrected and re-inspected within thirty (30) calendar days. Failure to correct such inspection deficiencies in the timeframes provided shall result in denial of a Short-Term Rental Certificate or revocation of an existing approved Certificate.

**G. Certificates.** The Community Development Department shall keep a register of the Short-Term Rental Certificates issued each year. Certificates are reviewed in the order they are received.

**H. Definitions.**

*Bedroom:* The term "bedroom" shall have the same meaning as in §381.0065(2)(b), Florida Statutes. The term "sleeping room" is the same as a bedroom and shall meet the minimum requirements of the Florida Building Code (Residential) and National Fire Protection Association Code.

*Host-stay:* The term "host-stay short-term rental" refers to a use where the record owner of a short-term rental unit acts as host to short-term rental unit guests for the duration of the guests' stay and is a resident of a unit within the same duplex, triplex or quadplex as the short-term rental unit.

*Owner-Occupied:* The term "owner-occupied short-term rental" refers to a use where the record owner of the short-term rental unit acts as host to short-term rental unit guests for the duration of the guests' stay.

*Short-term rental:* For the purpose of this Ordinance, a Short-term rental unit refers to any single-family, two-family, three-family, or four-family unit that is rented, in part or in whole, more than three times in a calendar year for any duration less than 30 consecutive days, or which is advertised or held out to the public as a place regularly rented to guests. This includes uses where a portion or the entire unit is marketed to the public for temporary lodging primarily within a residential neighborhood or residentially zoned property. This does not include Bed and Breakfast units or Timeshare Projects regulated by the State or single-family or duplex units rented for durations exceeding 30 consecutive days.

**I. Vesting.**

1. *Rental agreement vesting.* It is recognized that likely there are existing rental/lease agreements for short-term rentals in existence at the time of passage of the ordinance enacting this section which may not be in compliance with the terms of this section. Rental agreements that were entered into prior to the adoption of this Article shall be considered vested, and performance of the obligations within the vested agreements shall be considered excepted from the requirements of this Article. No special vesting process or fee shall be required to obtain this vesting benefit. Should any issue arise as to whether a rental agreement allows occupancy in excess of occupancy provided by a Short-Term Rental Certificate or as otherwise authorized in this subsection, the owner or contact person shall establish a vested rental agreement to the satisfaction of the City, including providing electronic data that establishes the date on which an agreement was entered into.
2. *Maximum occupancy vesting.* In applying the standards of subsection B.2. to the short-term rentals lawfully in existence prior to the enactment of this Article, it is understood that there are properties that may otherwise physically qualify for larger occupancies if the maximum occupancy were set higher. In an effort to recognize investment backed expectations and yet balance and protect the interest of other single-family and two-family properties which are not rental properties, there shall be a phasing-in of maximum occupancy. The maximum occupancy for these properties shall be temporarily capped at fourteen (14) for two calendar years following the effective date of the enactment of this Article.
3. *Alternative Vesting.* The processes described in this section are in addition to any other right to apply for a vested right under the Maitland City Code.

**SECTION 2. CODIFICATION.** It is the intent of the City Council of the City of Maitland that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

**SECTION 3. SEVERABILITY.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**SECTION 4. CONFLICTS.** In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

**ADOPTED** by the City Council of the City of Maitland, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF MAITLAND, FLORIDA

By: \_\_\_\_\_  
A. Dale McDonald, Mayor

Attest: \_\_\_\_\_  
Maria Waldrop, City Clerk

# Edgewood Police Department January City Council Report 2020

	December	January
Residential Burglaries	0	2
Commercial Burglaries	1	1
Auto Burglaries	0	0
Theft	5	1
Assault/Battery	1	1
Sexual Battery	0	0
Homicides	0	0
Robbery	0	0
Traffic Accident	16	7
Traffic Citations	142	148
Red Light Citations	597	734
Traffic Warnings	385	448
Felony Arrests	1	2
Misdemeanor Arrests	0	2
Warrant Arrests	0	1
Traffic Arrests	3	7
DUI Arrests	0	2

## Department Highlights:

- On December 9, 2019 the Edgewood Police Department was dispatched to Edgewood Isles Shopping Plaza in reference to a bomb threat. The plaza was cleared and the area was checked. Nothing was found and it was determined to be a hoax that spanned across the state and country.
- On December 13<sup>th</sup> the Edgewood Police Department participated in the Annual Santa Fly In. Thanks to all the hard work of both City Hall and Police staff the event this year was a success. Over 100 children visited Santa and received a letter thanking them for visiting the City of Edgewood.
- During the month of December, the city provided a specific dumpster for all Christmas gift boxes to be thrown away. This service was provided in hopes of keeping the knowledge of what citizens got for Christmas unknown to the criminals.
- Over 500 toys were donated to the Edgewood Police Department and City Hall for the Orlando Union Rescue Mission. These toys, along with \$1000 worth of gift cards, were donated to them on behalf of the City.

Reporting Dates: December 8th to January 7th 2020