

**ORDINANCE NO. 2018-05**

**AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING CHAPTER 134, "ZONING," OF THE CITY OF EDGEWOOD CODE OF ORDINANCES; AMENDING THE LISTS OF PERMITTED, PROHIBITED, AND SPECIAL EXCEPTION USES WITHIN THE C-1 ZONING DISTRICT TO ALLOW BARS; PROVIDING A DEFINITION OF THE TERM BAR; AMENDING THE DEFINITION OF THE TERM RESTAURANT; AMENDING CHAPTER 6, "ALCOHOLIC BEVERAGES," OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO ALLOW FOR ON-PREMISES OUTDOOR CONSUMPTION OF ALCOHOLIC BEVERAGES RELATED TO BARS AND RESTAURANTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Edgewood finds and determines that Bars, when compliant with the location standards of Section 6-3 of the Code of Ordinances are a consistent and compatible use within the C-1 Zoning District; and

**WHEREAS**, the City Council of the City of Edgewood finds and determines it appropriate to amend existing definitions and regulations related to open containers to clarify that on-premises consumption in outdoor areas of public food service establishments and Bars is permitted; and

**WHEREAS**, the City Council of the City of Edgewood finds that the adoption of this Ordinance is consistent with the City's Comprehensive Plan and that it is in the best interest of the public health, safety and welfare; and

**WHEREAS**, the Planning and Zoning Board of the City of Edgewood, sitting as the Local Planning Agency, has reviewed the proposed amendment, found it consistent with the City's Comprehensive Plan, and recommended approval by the City Council; and

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

**Section 2.** Chapter 134, Section 134-1 of the City of Edgewood Code of Ordinances shall be amended as follows:

Sec. 134-1. - Definitions.

Except where specific definitions are used within a specific article or section of this chapter, the following terms, phrases, words and their derivation shall have the meanings given herein where not inconsistent with the context. Words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "lot" includes the words "plot" and "tract." The word "building" shall include the word "structure." The words "used for" shall include the meaning "designed for." The word "person" shall include the words "firm, association, organization, partnership, trust, company, corporation," as well as "an individual." The word "shall" is mandatory. Whenever in this chapter a term, phrase or word is not defined, then in that event the city council shall define the same.

\* \* \*

Bar means an establishment other than a restaurant, licensed to sell alcoholic beverages for consumption on premises; that limits patronage to adults of legal age for the consumption of alcohol and in which food service may be an accessory to the service of alcoholic beverages. A Bar may include an area outside of an enclosed building provided the limits of that outdoor area are visually delineated, and such area is included in the licensed premises description in the vendor's license certificate.

\* \* \*

Restaurant means any establishment where food is served for consumption off the premises or within an enclosed building. Outdoor seating areas in conjunction with the restaurant shall be considered part of the restaurant.

\* \* \*

**Section 3.** Chapter 134, Section 134-345 of the City of Edgewood Code of Ordinances shall be amended as follows:

Sec. 134-345. - Uses permitted.

Only the following principal uses and structures shall be permitted within any C-1 retail commercial districts:

- (1) Shopping centers, comprised of uses consistent with those described herein.
- (2) Personal service establishments such as, Barbershops, beauty parlors, dental offices, restaurants, Bars, financial institutions, professional and other offices, traditional physician staffed medical offices, dry cleaning pickup stations, shoe repair, tailoring, watch and clock repair, locksmiths, printing (copy) shops and tailor and alteration establishments.
- (3) Retail businesses, such as drug, hardware stores, book, stationery, china and luggage shops, newsstands, photographic supplies and studios, ladies', men's and children's apparel stores, confectionery stores, but expressly excluding pawnshops, adult bookstores,

motion picture theaters and dancing establishments or other similar uses which shall be prohibited in all commercial zoning categories.

- (4) Florist shops.
- (5) Grocery, fruit, vegetable and meat market stores.
- (6) Interior decorating, home furnishings and furniture stores.
- (7) Music conservatory, dancing schools and art studios.
- (8) Music, radio and television shops.
- (9) Retail paint and wallpaper stores.
- (10) Structures for public use, such as community centers, libraries and museums.
- (11) Funeral parlors.
- (12) Dry cleaning establishments using equipment which emits no smoke or escaping steam, and which use nonflammable synthetic cleaning agents (perchloroethylene, trichloroethylene, etc.) but expressly excluding coin laundries which shall be prohibited in all commercial zoning categories.
- (13) Bakeries, retail and wholesale, as long as at least 50 percent of the net proceeds are derived from the retail sale on the premises.
- (14) Nursing homes.
- (15) Other uses which are similar or compatible to the uses permitted herein, which would promote the intent and purposes of this district. Determination shall be made by authority and directive of city council which shall be without public notice or public hearing.

**Section 4.** Chapter 6, Section 6-5 of the City of Edgewood Code of Ordinances shall be amended as follows:

Sec. 6-5. - Open containers.

(a) *Classifications and definitions.* The classifications and definitions contained in F.S. chs. 561—565 are hereby adopted as the classifications and definitions for this section.

(b) *Consumption in general.* It is unlawful for any person to purchase, use, offer for sale, possess, consume or carry in any cup, glass, can or other open or unsealed container, any alcoholic beverage on the streets, sidewalks, alleys or rights-of-way within the city and on any city owned property; provided, however, that:

(1) The city council may permit consumption and carrying of alcoholic beverages on streets, sidewalks, alleys and rights-of-way within the city and on any city owned property during and at events or programs held by any individual, corporation, association or organization, subject to such terms and conditions as the city council may impose for the protection of the public health, safety and welfare.

(2) Any individual, corporation, association or organization which shall have received permission from the city council pursuant to subsection (b)(1) of this section is further authorized to provide alcoholic beverages for consumption at the particular event or program, subject to all other requirements of law.

(c) *Consumption in vehicle.* It is unlawful for any person to consume any alcoholic beverage or any mixture containing an alcoholic beverage on any city-owned property while such person, as operator or passenger, is in or on any vehicle, whether moving or stopped, and such consumption is open to public view.

(d) *Consumption in parking and other like areas.* It is unlawful for any vendor or for any agent, servant or employee of any such vendor to permit the consumption of any alcoholic beverages in or upon any parking or other area outside of the building or room or the outdoor delineated area mentioned in said vendor's license certificate as the address thereof, when any part of such parking or area is adjacent to the building or premises in which the business license is operated and when such parking or other area is owned, rented, leased, regulated, controlled or provided, directly or indirectly, by such licensed vendor or by any agent, servant or employee of such licensed vendor.

(1) If such licensed vendor shall post and maintain a legible, painted or printed sign in at least two separate prominent places on such parking or other areas, with sufficient light directed thereon to be visible during the hours of darkness while such place of business is open, in letters of not less than one inch nor more than three inches in height, stating:

WARNING

DRINKING ALCOHOLIC BEVERAGES

ON THIS LOT PROHIBITED

\$500.00 FINE OR 60 DAYS IN JAIL

CITY ORDINANCE

(2) Such posting of said signs shall constitute prima facie evidence that such vendor is not operating in violation of this subsection.

(3) It is unlawful for any person to consume an alcoholic beverage in or upon any parking area outside of and adjacent to a vendor's licensed premises when such

parking or other area is owned, rented, leased, regulated, controlled or provided, directly or indirectly, by such vendor.

(4) If any licensed vendor mentioned herein is a corporation, then the officers of such corporation shall be regarded as the owners thereof, for the purposes of enforcement of this section.

(e) *Vendors sales.* It is unlawful for any vendor or his agents or employees licensed to sell beer, wine, liquor or other alcoholic beverages within the city, to knowingly allow any person to take from the licensed premises any opened beer, wine, liquor or other alcoholic beverage container, or to knowingly allow any person to take from the licensed premises any glass or other open or unsealed containers containing an alcoholic beverage or any mixture containing an alcoholic beverage.

**Section 5.** Any lawfully existing use which is inconsistent with the amended uses allowed within this Ordinance shall be allowed to continue as provided within Section 134-38 of the City of Edgewood Code of Ordinances.

**Section 6.** 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.

**Section 7.** 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.

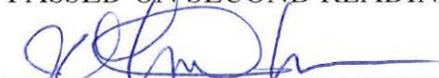
**Section 8.** All ordinances that are in conflict with this Ordinance are hereby repealed.

**Section 9.** This Ordinance shall become effective immediately upon its passage and adoption.

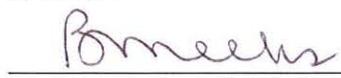
**PASSED AND ADOPTED** this 17th day of **April, 2018**, by the City Council of the City of Edgewood, Florida.

PASSED ON FIRST READING: **March 20, 2018**

PASSED ON SECOND READING: **April 17, 2018**

  
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John Dowless, Council President

ATTEST:

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