

ORDINANCE NO. 2019-08

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 134 – “ZONING” BY CLARIFYING LOCATION STANDARDS FOR ACCESSORY STRUCTURES, INCLUDING SCREEN ENCLOSURES AND POOLS; DEFINING TERMS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Edgewood Code of Ordinances includes standards for development and construction of accessory structures; and

WHEREAS, City staff has recommended amendments to certain standards related to development and construction of accessory structures, including screen enclosures and pools, in order to allow reasonable development of such structures; and

WHEREAS, the Planning and Zoning Board has reviewed this Ordinance and recommended to the City Council approval of same; and

WHEREAS, the City Council finds the amendments contained herein are reasonable and appropriate and in the best interest of the health, safety, and welfare of the residents of the City of Edgewood; and

WHEREAS, deletions are identified herein by ~~striketrough~~, additions are identified by underscore and portions of the Code remaining unchanged which are not reprinted here are identified by ellipses ***).

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA as follows:

Section 1: The recitals set forth above are hereby adopted as findings of the City Council.

Section 2: Section 134-1. “Definitions.” is hereby amended to read 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.

Abutting property means any property that is immediately adjacent to or contiguous to property that may be subject to any hearing required to be held under this chapter or that is located immediately across any road or public right-of-way from the property subject to any hearing under this act.

~~*Accessory buildings structures and uses* means a subordinate and incidental structures and uses to the principal structure and use., including but not limited to residential garages, carports, workshops, garden sheds, gazebos, pool houses, cabanas, screen enclosures, and children’s play houses. The principal use must be in existence before an accessory building or use may be constructed or utilized~~ No accessory structure shall be permitted unless a principal structure is located on the same property.

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Service station. See Automobile service station.

Screen enclosure means an accessory structure that is self-supporting and has a permeable roof and walls comprised of insect screening. A screen enclosure may be a detached freestanding structure or attached to a principal or accessory structure.

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Section 3: Section 134-483, “Location of accessory buildings and uses in residential areas.” is hereby amended to read as follows:

Sec. 134-483. - Location of accessory ~~buildings~~ structures and uses in residential areas.

- (a) With the exception of screen enclosures and boat docks/boat houses, ~~When~~ an accessory building structure is attached to a principal structure by a breezeway, passage or otherwise, it shall become a part of the principal building and shall be subject to the required setbacks of the principal building.
- (b) With the exception of screen enclosures and boat docks/boat houses, ~~A~~ detached accessory building structure, including garage apartments, shall not be located closer than five feet to a lot line, nor closer than six feet to any other accessory building on the same lot.
- (c) No detached accessory building structure shall be located in front of the principal building.
- (d) No accessory building structure may be constructed prior to construction of the principal building.
- (e) Unless specifically provided otherwise elsewherein in this Code, accessory fixtures, including but not limited to, generators, air conditioning/heating and ventilation components, and swimming pool pumps/heaters, appurtenant to any building are considered a

part of such building and shall conform to all requirements of this section and shall not be construed as an accessory structure.

- (f) The square footage of all accessory structures, including screen enclosures, shall count toward the impervious surface maximum for the lot;
- (g) Detached garages shall be limited to a maximum of six hundred square feet;
- (h) Except as otherwise specifically provided, the maximum height of any accessory structure located between the setback line established for the zoning district and the property line shall be sixteen feet;
- (i) Except as otherwise specifically provided, the maximum height of any accessory structure located within the building envelope established for the zoning district (i.e. within the setback lines) shall be no greater than the principal structure located on the property;
- (j) A screen enclosure, whether attached or detached, shall meet the following criteria:
 - 1. the screen enclosure shall meet the side setback requirements of the zoning district in which it is located;
 - 2. the screen enclosure shall be located no closer than five feet from the rear property line;
 - 3. the area enclosed by screening shall not exceed the square footage of the living area of the primary structure;
 - 4. the screen enclosure shall be no higher than the roof of the primary structure;
 - 5. the screen enclosure cannot extend over an established easement; and
 - 6. enclosed screen patios shall not be used as garages, carports, storage rooms, or habitable rooms.

Section 4: Section 134-515, "Swimming pools; owner's responsibilities in operation and maintenance; city's authority," is hereby amended to read as follows:

Sec. 134-515. - Swimming pools; owner's responsibilities in operation and maintenance; city's authority.

- (a) The outside water edge of swimming and wading pools shall be located no closer than ten feet from rear or side lot lines, nor within any required front yard. All pools shall be completely enclosed by a screen enclosure, a wood or link-type fence or a solid wall at least four feet in height, the gates of which shall be a latching type on the inside of the gate or enclosure, except that requirements for fencing or wall along the lakeside of lakefront property shall not apply where the other three sides are fenced or fully enclosed, and such

side enclosure is continued at least to the present or proposed low water control level of the lake. ~~No screened enclosure shall be located within any required front yard, nor nearer than five feet from any side or rear property line.~~ Screen enclosures shall meet the standards found in Section 134-483.

For lakefront property, pool setbacks shall be measured from the normal high water line (NHWL) to the water's edge of the pool with the setback being the rear setback for that particular zoning district. Encroachments into drainage swales or easements shall be prohibited regardless of setback distance.

- (b) It is the responsibility of the pool owner to see that the operation of his pool does not cause undue noise or excess lighting which might prevent the enjoyment by adjoining property owners of their property.
- (c) Upon construction of a swimming pool, the owner or persons responsible for its operation shall keep in service all items designed for the purification of the water supply or its protection from pollution to perform adequately the function for which such were designed.
- (d) Drains shall be provided whereby when the pool is not to be used for a period of time, all piping, pits, etc., can be drained to a safe level and maintained.
- (e) The water supply for all pools shall be clean, clear and free from objectionable minerals and physical characteristics, meeting the bacteriological requirements for domestic water supply.
- (f) If evidence indicates the above noted conditions do not exist, the council shall direct that the owner of the pool be given 15 days' notice by certified mail that the city will, at the expiration of 15 days from the date of such notice, proceed to clean or empty such pool; and that the cost thereof will be assessed against the owner thereof.
- (g) Should any such owners not comply with the provisions of this section by draining or cleaning such pool, the city may then proceed with such work and the cost thereof shall be a charge against the owners of such land and shall remain a lien against such land until paid.

Section 5: Section 134-579, "Table of bulk regulations and setbacks," is hereby amended to read as follows:

Sec. 134-579. - Table of bulk regulations and setbacks.

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¹ Setbacks from every natural surface water body shall be a minimum of 50 feet, measured from the normal high water elevation. ~~Pool setbacks shall be measured from the normal high water line (NHWL) as established by the county to the water's edge of the pool (as outlined in the Code). The setback distance used shall be the rear setback for that particular zoning district (per the county).~~ Encroachments into drainage swales, easements, etc., will not be allowed, regardless of setback distance. ~~Pool decks and enclosures will be allowed to encroach into the setback a distance not to exceed five feet.~~

² Buildings in excess of 35 feet in height may be permitted as a special exception.

³ Buildings in excess of one story in height within 100 feet of side or rear lot line of any single-family residential district may be permitted as a special exception

⁴ Side setback is 25 feet where adjacent to single-family district.

⁵ Corner lots shall be 125 feet on major streets (see this division), 100 feet for all other streets.

⁶ Corner lots shall be 150 feet on major streets (see this division), 125 feet for all other streets.

Section 6: Conflicts. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 7: 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 8: 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 9: This ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 19th day of November, 2019, by the City Council of the City of Edgewood, Florida.

PASSED ON FIRST READING: September 17, 2019

PASSED ON SECOND READING: November 19, 2019



Richard A. Horn, Council President

ATTEST:



Bea L. Meeks
City Clerk