



PLANNING AND ZONING BOARD MEETING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Monday, July 11, 2022 at 6:30 PM

Steve Kreidt
Chair

Ryan Santurri
Vice-Chair

David Gragg
Board Member

David Nelson
Board Member

Melissa Gibson
Board Member

AGENDA

WELCOME! We are very glad you have joined us for today's Planning and Zoning meeting. The Planning and Zoning Board is an advisory board to City Council comprised of citizen members who voluntarily and without compensation devote their time and talents to a variety of zoning and land development issues in the community. All P&Z recommendations are subject to final action by City Council. The results of today's meeting will be presented at the noted City Council meeting for approval of recommended actions. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. **CAUTION:** Untimely filing by any appellant shall result in an automatic denial of the appeal.

A. CALL TO ORDER

B. ROLL CALL AND DETERMINATION OF QUORUM

C. APPROVAL OF MINUTES

- [1.](#) June 13, 2022 Planning and Zoning Meeting Minutes

D. NEW BUSINESS

- [1.](#) Details for 7-11-2022 Planning and Zoning Meeting
- [2.](#) Ordinance 2022-06: Fence Regulation
- [3.](#) Special Exception 2022-03: Suncoast Special Exception Amendment
- [4.](#) Variance 2022-04: 495 Mandalay Rd. - Boat Dock
- [5.](#) Variance 2022-06: 525 Mandalay Rd. - Boat Dock

E. UNFINISHED BUSINESS

- [1.](#) Ordinance 2022-05: Site-Specific Zoning

F. COMMENTS/ANNOUNCEMENTS

G. ADJOURNMENT

UPCOMING MEETINGS

Tuesday, July 19, 2022.....Meeting Info
 Monday, August 8, 2022.....Meeting Info

General Rules of Order

You are welcome to attend and express your opinion. The Board is pleased to hear non-repetitive comments related to business before the Board; however, a **five (5) minute time limit per person** has been set by the Board. Large groups are asked to name a spokesperson. If you wish to appear before the Board, please fill out an Appearance Request Registration Form and give it to the City Clerk. When recognized, state your name and speak directly into the microphone. The City is guided by **Roberts Rules of Order** in governing the conduct of the meeting. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at (407) 851-2920 at least 24 hours in advance of the meeting.

We ask that all electronic devices (i.e. cell phones, pagers) be silenced during our meeting!

Thank you for participating in your government!

Appeals

According to Edgewood City Code Section 26-24 (2), “any person aggrieved by any recommendation of the Board acting either under its general powers or as a Board of Adjustment may file a notice of appeal to the City Council within seven (7) days after such recommendation is filed with the City Clerk. Per **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 proceeding and may need to ensure that a verbatim record is made.

Americans with Disabilities Act

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**.



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Board Member

DRAFT MEETING MINUTES

CALL TO ORDER

Vice-Chair Santurri called the meeting to order at 6:34 pm and led everyone in the Pledge of Allegiance.

ROLL CALL AND DETERMINATION OF QUORUM

Interim City Clerk Riffle confirmed there was a quorum. Board Members Kreidt and Gibson were unable to attend the meeting.

The following Planning and Zoning and staff members were present:

Board Members:

Ryan Santurri, Vice-Chair
David Gragg, Board Member
David Nelson, Board Member

Absent:

Steve Kreidt, Chair
Melissa Gibson, Board Member

Staff:

Sandra Riffle, Interim City Clerk
Tim Cardinal, Police Sergeant
Drew Smith, City Attorney
Ellen Hardgrove, City Planner

APPROVAL OF MINUTES

1. May 9, 2022 P&Z draft meeting minutes

Board Member Santurri made a motion to approve the May 9, 2022 meeting minutes as presented; seconded by Board Member Nelson. Approved (3/0).

NEW BUSINESS**1. Ordinance 2022-04 Lot Splits**

AN ORDINANCE OF THE CITY OF EDGEWOOD AMENDING CHAPTER 126 OF THE CODE OF ORDINANCES, "SUBDIVISIONS," PROVIDING FOR A LOT SPLIT PROCEDURE FOR THE DIVISION OF A SINGLE LOT INTO TWO LOTS IN LIEU OF REPLATTING OR PLATTING UNDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

Board Member Gragg recused himself from a vote as he declared a voting conflict. He had an application for a subdivision of his property under review with City staff. Form 8B is attached with the minutes.

Planner Hardgrove then introduced Ordinance 2022-04 for the Board's recommendation to amend the City's subdivision regulations, Code Chapter 126, to allow a simple process for dividing a single parcel into two, known as a "lot split."

City Council established the process with Resolution 2005-R002, but did not amend the Code to allow the revised process. Planner Hardgrove said the Ordinance would simplify the process for lot splits and is consistent with State statutes that define a "subdivision" as the creation of three or more lots.

There was no public comment or further discussion from the Board.

The Planning and Zoning Board did not vote on Ordinance 2022-04 as there were only two voting Board Members, leaving an insufficient quorum.

2. Ordinance 2022-05 Site-Specific Zoning

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES TO CREATE A NEW SITE-SPECIFIC PLAN ZONING CATEGORY; ESTABLISHING A PROCESS AND REQUIREMENTS FOR REZONING PROPERTY TO SITE-SPECIFIC PLAN ZONING; ESTABLISHING APPLICATION AND EVALUATION STANDARDS RELATED TO SITE-SPECIFIC PLAN ZONING REQUESTS; PROVIDING FOR PERMITTED, AND PROHIBITED USES WITHIN SUCH ZONING; PROVIDING FOR SITE AND DEVELOPMENT STANDARDS; PROVIDING FOR REGULATIONS AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

Planner Hardgrove introduced Ordinance 2022-05 for discussion. The Ordinance will return for the Board's recommendation on the July 11, 2022 Planning and Zoning agenda when more Board members would be present.

Planner Hardgrove explained that, upon review, City Council desired to remove all mention of environmental sustainability and compatibility. She said that Council did not want land use to be subjective.

In response to Vice-Chair Santurri, Attorney Smith confirmed that Council did not intend to eliminate the whole concept but required more of a definition for sustainability and compatibility.

Discussion ensued regarding encouraging Leadership in Energy and Environmental Design (LEED) standards. Site-Specific zoning is a negotiated zoning district, and Attorney Smith said that innovation with environmental sustainability and compatibility could mitigate some of the impacts of development.

Further discussion included the purpose and requirements of open space.

The Ordinance proposed that Recreation and open space/excluding landscape buffers shall constitute 25% of the total acreage of the property. Board Member Nelson said that a landscape buffer will not lend itself to recreation and Board Member Santurri suggested that 15% of the required space be designated for meaningful open space. Planner Hardgrove said she would conduct more research on the topic.

Vice-Chair Santurri asked about giving staff more flexibility for approval. Attorney Smith said that a public review process keeps staff from receiving criticism and allows the public the opportunity to contribute its opinion.

There was no public comment.

The Board did not vote on the Ordinance and will wait until the July 11, 2022 meeting to make a recommendation when more Board members are present.

UNFINISHED BUSINESS - None

COMMENTS/ANNOUNCEMENTS

Interim City Clerk Riffle reminded the Board to complete and return their Form 1 before the July deadline.

ADJOURNMENT

The meeting adjourned at 7:23 pm.

Steve Kreidt, Chair

Sandra Riffle, Interim City Clerk

Memo

To: Planning and Zoning Board Members
CC: Sandy Riffle, Drew Smith, Ellen Hardgrove, Allen Lane
From: Brett Sollazzo, Administrative Assistant
Date: July 7, 2022
Re: Business Items Planning and Zoning Meeting July 11, 2022

For the July 11, 2022 Planning and Zoning Board meeting, the following is provided in your agenda packet for your review and consideration.

New Business

1. Ordinance 2022-06: Fence Regulations

- Fence Regulations Ordinance

2. Special Exception 2022-03: Suncoast Special Exception Amendment

- City Planner report dated 6/23/2022
- Special Exception application dated 6/3/2022

The notice of Public Hearing was mailed on Friday, July 1 2022 to those property owners within 500 feet of the subject property regarding Special Exception 2022-03. There were 74 notices provided by U.S. Mail. Two notices were returned as undeliverable, and no objections were received at City Hall as of the date of this memo.

3. Variance 2022-04: 495 Mandalay Road – Boat Dock

- City Engineer report dated 6/30/2022
- Variance application dated 5/12/2022

The notice of Public Hearing was mailed on Friday, July 1 2022 to those property owners within 500 feet of the subject property regarding Variance 2022-04. There were 62 notices provided by U.S. Mail. Zero notices were returned as undeliverable, and no objections were received at City Hall as of the date of this memo.

4. Variance 2022-06: 525 Mandalay Road – Boat Dock

- City Engineer report dated 6/30/2022
- Variance application dated 6/24/2022

The notice of Public Hearing was mailed on Thursday, June 30 2022 to those property owners within 500 feet of the subject property regarding Variance 2022-06. There were 44 notices provided by U.S. Mail. Zero notices were returned as undeliverable, and no objections were received at City Hall as of the date of this memo.

Unfinished Business

- 1. Ordinance 2022-05: Site-Specific Plan Zoning**
 - Site-Specific Plan Zoning Ordinance

City Staff is prepared for discussion and to respond to any questions you may have regarding any of the above business items. Applicants will also be in attendance.



Date: July 7, 2022
To: Planning and Zoning (P&Z) Board
From: Ellen Hardgrove, City Planning Consultant
XC: Sandy Riffle, Interim City Clerk
Brett Sollazzo, Administrative Assistant
Drew Smith, City Attorney
Re: Proposed Fence Regulation Changes

This agenda item is for consideration of amending the City's fence regulations; i.e., Code Section 134-517. City Council directed staff to review and recommend changes to the current regulation based on the number of variances related to type and location of fences throughout the city. As well, the proposed changes reflect the need to update the standards applicable to the installation of fences and screening walls to ensure the best interests of the health, safety and welfare of the residents and visitors to the City.

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ORDINANCE 2022 – 06

AN ORDINANCE OF THE CITY OF EDGEWOOD AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES RELATED TO LOCATION, HEIGHT, AND CONSTRUCTION STANDARDS AND REGULATIONS APPLICABLE TO FENCES AND SCREENING WALLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Edgewood, Florida, finds it necessary and in the best interests of the health, safety and welfare of the residents and visitors to the City to update the standards applicable to the installation of fences and screening walls; and

WHEREAS, within this Ordinance, deletions are identified by strikethrough text and additions are identified by underline text.

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

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

SECTION TWO. Chapter 134-517 is hereby amended as follows:

Sec. 134-517. - ~~Location of fences~~screening walls.

~~In any residential district, no closed fence or wall shall be erected or maintained within 20 feet from a corner intersection of street right of way. Fences or walls beyond the front building line shall be limited to a maximum height of four feet. A fence or wall shall be limited to a maximum height of eight feet in the rear and side yards. In any residential district, all chainlink fences shall be installed with the pointed ends to the ground. No electrically charged wire fence shall be erected in any residential district. No barbed wire fence shall be erected in any residential district, except for security of public utilities, provided such use is limited to three strands, a minimum of six feet above the ground. Barbed wire may be used on security fences erected in any commercial or industrial district provided such use is limited to three strands, a minimum of six feet above the ground.~~

(a) Purpose and Intent. The purpose and intent of this section is to regulate the location, height, and appearance of fences and walls to maintain visual harmony within neighborhoods and throughout the City, protect adjacent land from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

35 **(b) Applicability.**

- 36 a. Unless exempted below, the provisions of this section shall apply to all new construction
 37 or repair or replacement of 50 percent or more of any existing wall or fence. The term
 38 wall in this section applies to screening walls and not walls required for support of a
 39 principal or accessory structure.
- 40 b. Permit Required. All fences and walls subject to these standards shall obtain a building
 41 permit prior to construction. Requests for permits for walls and fences must be
 42 accompanied by a scaled site plan and drawings clearly showing the locations, heights
 43 and materials for which approval is requested.

44 **(c) District Location Standards.**

45 1. **Residential Districts.**

- 46 a. Fences and Walls in a Required Front Yard: Except where allowed in this section,
 47 fences and walls within the required minimum front setback shall not exceed 4 feet in
 48 height.
- 49 b. For residential zoned lots with a front or side yard on a FDOT functionally classified
 50 arterial or collector road, the maximum height for a fence or wall in a required
 51 minimum front and street side yard may be increased to six feet if the following is
 52 met.
- 53 1. Fences shall be of decorative materials such as wrought iron or powder coated
 54 aluminum in a style of wrought iron.
- 55 2. Walls shall be concrete block, stone, cultured stone, brick, or prefabricated with a
 56 textured manufactured finish. If concrete blocks are used, the wall shall have a
 57 minimum 1" thick stucco finish or be clad in brick, stone and/or cultured stone
 58 veneer.
- 59 3. Brick, stone and/or cultured stone columns shall be constructed when using either
 60 a fence or a wall, and such columns shall, at a minimum, be placed where the
 61 fence/wall ends at the property lines and at driveways. If the lot's road frontage is
 62 in excess of one hundred (100) feet, additional columns shall be required to be
 63 spaced evenly along the frontage, with the wall/fence segment not exceeding 40
 64 feet in length. The columns may extend up to 12 inches above the fence height.
- 65 4. The fence/wall shall be constructed a minimum of 7 feet from the road right-of-
 66 way line.
- 67 5. One (1) evergreen shade tree shall be planted along the fence/wall, on the street
 68 side of the fence/wall every 40 feet on center maximum. The tree shall be a
 69 minimum caliper of 5 inches (as measured 1 foot above grade) and minimum 14
 70 feet in height at planting with 6' minimum clear trunk. If overhead utilities exist
 71 along the right-of-way, the required shade trees shall be understory trees spaced
 72 every twenty (20) feet on center, with said understory trees a minimum of nine

73 feet in height and at least a three-inch caliper (measured 6 inches above grade) at
 74 planting if single stem; for multi-stem understory trees, at least three stems are
 75 required with each stem at least of one-inch caliper (measured 6 inches above
 76 grade).

77 6. If hedges are planted along the fence or wall, such shall be maintained at a height
 78 not to exceed six feet in height in the required front setback or street side setback
 79 and shall not exceed eight feet in other required setbacks.

80 7. If a gate is used, the gate shall be automated and setback a minimum of 20 feet
 81 from the public sidewalk.

82 8. If on a corner lot, the fence/wall shall meet the Proximity to Right-of-Way
 83 Intersection standard in Section Sec. 134-517(d).

84 c. Unless abutting a FDOT functionally classified arterial or collector, on any corner lot,
 85 abutting the side of another lot, a fence/wall along the side street exceeding four (feet)
 86 in height shall be setback 15 feet from the street side property line.

87 d. Maximum fence and wall height outside the minimum front setback shall be eight (8)
 88 feet in height unless a more restricted height limit applies. A fence or wall height
 89 greater than eight feet may be approved by special exception.

90 e. Subdivision walls and buffers.

91 1. Subdivisions that include lots with rear or side yards adjacent to a public right-of-
 92 way must include a screen wall and vegetative buffer to provide both a desirable
 93 buffer for the residents of the subdivision from the street as well as provide an
 94 aesthetic buffer for the users of the adjacent right-of-way. Height of the screen
 95 wall shall be six feet from the finished grade of the location of the wall or street,
 96 whichever provides the highest screening height. Compliance with this section
 97 will require a buffer with hedges, evergreen shade trees (at 40-foot on center
 98 spacing) and one understory tree centered between the shade tree, on the street
 99 side of the wall. The minimum width of the buffer shall be ten (10) feet, as
 100 measured from the right of way line to the wall. The shade tree shall be a
 101 minimum caliper of 5 inches (as measured 1 foot above grade) and minimum 14
 102 feet in height at planting with 6' minimum clear trunk. If overhead utilities exist
 103 along the right-of-way, the required shade trees shall be understory trees spaced
 104 every twenty (20) feet on center, with said understory trees a minimum of nine
 105 feet in height and at least a three-inch caliper (measured 6 inches above grade) at
 106 planting if single stem; for multi-stem understory trees, at least three stems are
 107 required with each stem at least of one-inch caliper (measured 6 inches above
 108 grade).

109 2. The following are not considered adequate buffers for compliance with this
 110 section:

- 111 • Chain linked fences;
- 112 • Wood fences;

- 113 • Painted or untreated block walls; and,
- 114 • Insufficient planting area for maturing landscaping.
- 115 3. Maintenance of these improvements will be the responsibility of the homeowners'
- 116 association and must be clearly defined on the preliminary subdivision plan and
- 117 final plat.
- 118 f. No barbed wire fencing shall be allowed except by special exception approval.

119 **2. Nonresidential Districts Except the ECD and Industrial districts.**

- 120 a. Fences or walls within the front setback shall be limited to a maximum height of four
- 121 (4) feet. For fences and walls, the front yard setback shall apply to all sides fronting a
- 122 road.
- 123 b. Outside the front or street side setback, the maximum height of a fence or wall shall
- 124 be eight (8) feet, except as noted for public utilities.
- 125 c. No barbed wire fence shall be allowed except for security of public utilities. Such
- 126 fencing around the public utility shall be consistent with the standards listed in
- 127 Section 134-517(d).

128

129 **3. Industrial Districts.**

- 130 a. Fences within the front setback shall be permitted to be a maximum height of eight
- 131 (8) feet provided such fencing is non-opaque. Opaque fences and walls shall be
- 132 limited to a maximum height of four (4) feet in the front setback.
- 133 b. If a landscape buffer is required by Chapter 114, the fence/wall shall be placed on the
- 134 lot side of the buffer yard.
- 135 c. Barbed wire along the top of a fence may be used provided following is met.
- 136 1. The barbed wire shall not exceed one additional foot in height of the fence and
- 137 the fence height shall be limited to a maximum height of nine feet without a
- 138 special exception approval.
- 139 2. The outward limit of the barbed wire shall not be within 20 feet of any street
- 140 right-of-way line, sidewalk, or adjacent property.
- 141 2. Without a special exception, no barbed wire may be used in locations adjacent
- 142 to a residential zoning or future land use designation.

143 4. **ECD.** Fences in the Edgewood Central District shall comply with ECD regulations.

144 **(d) Standards Applicable to All Districts.**

- 145 1. **Chain Link Fencing.** Except where specifically allowed by this section, chain
- 146 link fences are prohibited between the front lot line and the front of the structure in all
- 147 districts. Where chain link fencing is allowed, such shall be green, black, or brown vinyl
- 148 coated.
- 149 2. **Wood Fencing.** Wooden fences shall be constructed of stained or painted pressure
- 150 treated pine, cedar, or cypress. Plywood, particle board, or similar wood materials are

- 151 prohibited. The finished side shall face outward, and stringers and posts shall not be
152 visible from the outside.
- 153 3. **Masonry concrete block walls.** Concrete block walls shall be clad in brick, stone or
154 cultured stone veneer or have a 1 inch thick stucco finish with brick stone or cultured
155 stone accent features.
- 156 4. **Pre-cast Concrete Walls.** Pre-cast Concrete Walls shall have manufactured imprinted
157 texture and patterns to mimic brick, stone or cultured stone patterns.
- 158 5. **Barbed Wire.** The following standards apply when barbed wire fencing is used around
159 public utilities.
- 160 a. Without a special exception, no barbed wire may be used in locations within or
161 adjacent to a residential zoning or future land use designation.
- 162 b. The minimum fence height shall be eight (8) feet.
- 163 c. The barbed wire shall not exceed one additional foot in height without a special
164 exception approval.
- 165 d. The outward limit of the barbed wire shall not be within 20 feet of any street right-of-
166 way line, sidewalk, or adjacent property.
- 167 6. **Fence/Wall Colors.** Fence or wall colors shall be matte finish of any earth tone color
168 (i.e., color found in soil, such as sand, clay, slate), matte black, matte white, or pastels
169 with a minimum matte white content of 90 percent. Colors shall complement the primary
170 color of the development and shall not be so extreme in contrast or intensity that the color
171 competes with the building for attention or acts as a sign.
- 172 7. **Fences/Walls adjacent to Required Landscape Buffers.** Where landscape buffers are
173 required adjacent to public rights-of-way, the fence/wall shall be located on the lot side of
174 the buffer. Fences or walls located along interior side or rear lot lines may be placed atop
175 the property line with required plantings located inside the fence or wall.
- 176 8. **Proximity to Right-of-Way Intersections.** To prevent obstruction of view of an
177 oncoming vehicle or train at an intersection of two rights of way or a right-of-way and
178 ingress/egress access points, at a minimum, fences and walls shall comply with the most
179 current FDOT criteria and standards for Intersection Clear Sight Lines.
- 180 9. **Maximum Height in All Districts.** Outside the minimum yard standards (setbacks), the
181 maximum height of fences and walls shall be eight (8) feet unless specifically approved
182 by special exception or elsewhere in this code.
- 183 10. **Adjacent to Water Bodies.** All fences and walls located adjacent to water bodies shall
184 not extend into such water body beyond the normal high water elevation (NHWE). The
185 maximum height of a fence/wall within 10 feet of the NHWE shall be four (4) feet.
- 186 11. **Swimming Pools Fencing.** All swimming pools of any type whatsoever, including but
187 not limited to portable swimming pools, constructed in such a manner as to permit a
188 water depth of two (2) feet or more and an area of 36 sq. ft. or more shall be completely
189 enclosed by a minimum 48” high fence, wall, or other equivalent barrier with an access
190 gate designed in accordance with the current publication of the Florida Building Code

191 Swimming Pool Barrier Requirements, this code for fence and wall material
192 requirements, and as approved by the City Engineer.

193 12. **Firefighting access.** Fences and walls shall be designed and constructed so that adequate
194 access to buildings is maintained for firefighting purposes.

195 13. **Electric fences.** It shall be unlawful for any person to erect, install or maintain any
196 electrically charged fence within the city, except for an electrically charged fence to
197 retain animals upon proof submitted to City Council, that the fence will not be hazardous
198 to life.

199 14. **Temporary Fencing.**

200 a. A temporary fence not exceeding 8 feet in height may be erected during construction
201 in any district.

202 b. The temporary fence shall be restricted to chain link, vinyl picket, industrial
203 aluminum, or wrought iron. All other materials are prohibited. Orange construction
204 fencing for tree protection during construction shall be allowed.

205 c. Any portion of the temporary fencing facing a right-of-way must allow a reasonably
206 unrestricted view of the grounds of the undeveloped lot from the right-of-way. Picket-
207 style materials fronting a right-of-way shall have minimum spacing of four inches
208 between each picket with a maximum picket width of one inch.

209 d. A pedestrian access gate is required. The gate must swing into the lot.

210 e. At all times, the ground cover of the lot shall be maintained, and the lot shall be kept
211 free of trash and debris.

212 f. The temporary fence shall be removed prior to any Certificate of occupancy.

213 15. **Fences/Walls in regulated floodways.** Fences and walls in regulated floodways shall be
214 designed to avoid blocking the passage of floodwaters as determined by the City
215 Engineer.

216 16. **Maintenance.** All walls and fences shall be maintained at the proper height, in a plumb
217 and upright position, free of any defects, damage, mold and mildew and any other
218 discoloration.

219
220 **SECTION THREE.** The provisions of this Ordinance shall be codified as and become and be
221 made a part of the Code of Ordinances of the City of Edgewood.

222
223 **SECTION FOUR.** If any section, sentence, phrase, word or portion of this ordinance is
224 determined to be invalid, unlawful or unconstitutional, said determination shall not be held to
225 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or
226 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

227
228 **SECTION FIVE.** All ordinances that are in conflict with this Ordinance are hereby repealed.
229

230 **SECTION SIX.** This Ordinance shall become effective immediately upon its passage and
231 adoption.

232
233 **PASSED AND ADOPTED** this _____ day of _____, 2022, by the City Council of
234 the City of Edgewood, Florida.

235
236 PASSED ON FIRST READING: _____

237
238 PASSED ON SECOND READING: _____

239
240 _____
241 Richard A. Horn, Council President

242 *ATTEST:*
243
244 _____
245 Sandy Riffle
246 Interim City Clerk



Date: June 23, 2022
 To: Planning and Zoning (P&Z) Board
 From: Ellen Hardgrove, City Planning Consultant
 XC: Sandy Riffle, Interim City Clerk
 Drew Smith, City Attorney
 Allen Lane, CPH Engineering, City Engineering Consultant
 Brett Sollazzo, Administrative Assistant
 Re: Suncoast Special Exceptions Condition Modification – Operating Hours

I. Subject Property

The subject property is located on the north side of Mary Jess Road, west of the railroad tracks as shown in Exhibit 1. The property address is 101 Mary Jess Road. It is the location of Suncoast Building Material and is zoned C-3, with special exceptions approved in 2016 for outdoor storage of merchandise, parts or other equipment; building material storage and sales; and storage and wholesale distribution warehouse adjacent to a residential zoning district including those across a right-of-way.

Exhibit 1 – Subject Property



II. Request

The applicant is requesting modification to Condition 11 of the 2016 special exceptions. Condition 11 limits hours of operation to 6 A.M. to 6 P.M. Monday through Saturday. The

requested change is to allow the hours of operation to be limited from 5 A.M. to 8 P.M. Monday through Saturday.

III. Analysis

The approval of these special exceptions included 13 conditions to ensure land use compatibility with the residential uses adjacent to the north, which include two-story homes, as well as the residential uses along Mary Jess Road. The complete list of conditions is included in the appendix of this report. These conditions were based on the staff recommendations as well as residents in the area who spoke at the public hearings. The applicant accepted these conditions.

In the past, the residents have contacted City Hall voicing complaints of the business operations under the currently restricted hours. Expanded operational hours will likely exacerbate the negative impacts experienced by these residents.

The applicant's justification for the expanded business operation hours ,as included in the application submitted to City Hall, is as follows.

- As part of the Special Exception approval in 2016, it was the applicant's understanding that the hours of operation meant the hours when their business is open to the public (i.e., when the doors are open to customers). The applicant agreed to the Condition limiting the hours based on that understanding; however, this condition has severely limited their ability to operate their business as City staff is interpreting it to limit any work on the site during these hours including work by employees inside the buildings. The applicant needs time each day before their "doors are open" to prepare for conducting their business, stage materials, load trucks, and other related functions. In addition, in the afternoon after the applicant's delivery trucks return from various jobsites, the applicant needs time to load the trucks for the next day's deliveries. Given traffic constraints and the nature of the construction business, the delivery trucks frequently do not return to the site until after 6 P.M.
- Covid-19 has impacted the applicant's workforce and driver status, and they are having to operate with less employees (drivers) than they did prior to the pandemic. As such, they are doing more or the same work with less people to meet their customers' needs, which requires more operating time.
- There are times when their customers such as Disney World, Universal Studios and others require that the applicant delivers and unload the material then leave the site before their customer opens for business or in some instances make deliveries after their customer's workforce has left. Serving these customers is not feasible under the current hours of operation constraint.
- The applicant has a fuel service that fills up their delivery trucks each evening Monday thru Friday. The fuel service provider needs to be able to service all the delivery trucks after their return to the site. In some cases, the delivery trucks are not able to return to the site by 6 P.M. due to jobsite related delays or traffic delays, which creates uncertainty for the fuel service delivery and as such extending the hours until 8 P.M. would allow proper scheduling of fuel service.

- Supply chain issues have impacted the applicant’s business to a large degree, which is also causing them to strive harder to meet the demands of the market with less equipment and less product availability. Thus, more time is needed to operate their business and meet these added demands.
- The current constraint on the hours of operation is restricting the applicant to properly conduct their business, and the City has not placed similar restriction on other similar businesses in the same C-3 Zoning District with similar conditions. Thus, the applicant is being limited in their ability to compete with other similar businesses due to the hour of operation constraint.

The reference to similar businesses in the area without operation constraints, is assumed to be Rosen Building Materials on the adjacent property to the west. This is a legal nonconforming use and should not be used as justification for modifying the hours of operation for the subject property. It should be noted that the operating hours currently listed for Rosen Building Materials (7 a.m. to 4 p.m., Monday through Saturday) are more restrictive than that currently allowed for operation on the subject property (6 A.M. to 6 P.M. Monday through Saturday).

Furthermore, Condition 11’s operating hours currently are also less restrictive than those generally accepted for noise generating uses adjacent to residential areas. Code Section 134-919 establishes noise standards to protect the health, safety and general welfare of residents of the City, with noise particularly limited during the hours of 9 p.m. and 7 a.m.

It should be noted that the adjacent residential uses pre-existed the current use of the subject property. Whereas the former use of the property, Cemex cement mixing plant, existed at the time of many of the adjacent residential uses were constructed, that use was nonconforming and eventually would be eliminated. The adjacent residents relied on the established conditions of the current use to minimize land use compatibility issues.

IV. Staff Recommendation

As stated in Code Section 134-104, a special exception can only be approved with a finding that the approval shall not adversely affect the public interest and shall not negatively impact the character of the neighborhood in which the proposed use is to be located and the value of surrounding lands. The conditions of approval attached to the 2016 special exceptions were part of the City Council’s required finding in granting the special exception.

There have been no changes to the adjacent properties or land use in the area to warrant a change in the conditions of the special exception. The applicant’s justification for the modification may be valid; however, the applicant has not addressed the potential increased negative impacts to the adjacent residential uses and residential uses along Mary Jess Road if the expanded hours are authorized. Staff recommends denial.

ESH



September 29, 2016

Sam Sebaali, PE
President
FEG
5127 S. Orange Avenue, Ste. 200
Orlando, FL 32809

SSebaali@feg-inc.us

RE: 2016-SE-03 Code 134-405 (b)(10) Outdoor storage of merchandise, parts or other equipment

2016-SE-04 Code 134-405 (b)(11) Building material storage and sales (new, no junk or used material)

2016-SE-05 Code 134-405(b)(14) Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.

Sam:

This correspondence serves to confirm that on September 12, 2016, the City of Edgewood's Planning & Zoning Board considered your client(s) application for the variances noted above. The Planning & Zoning Board forwarded a recommendation for approval with eight (8) conditions to the City Council. In their regular City Council meeting held on September 20, 2016, City Council approved the Planning & Zoning Board's recommendation along with their conditions, and added four conditions. The following conditions were included in the approval of the above referenced conditions:

- 1) A "Type A" landscape buffer shall be provided along the northern property line, adjacent to lots of Lake Jessamine Estates, Phase 2. This buffer is required to include a masonry wall. The existing wall along the north property line can be used to satisfy the masonry wall requirement.

Landscaping adjacent to the wall shall include planting large, non-deciduous trees or shrubs that will achieve a dense continuous visual screening from eight feet to at least 25 feet in height. Shade trees for each 40 lineal feet or fraction thereof shall be planted within the buffer area.

The buffer area may be used for stormwater management, provided that the buffer yard screening requirements are maintained. Vehicular use areas, storage of materials, and accessory structures are prohibited within the buffer area.

- 2) Buildings onsite shall be limited to one story and a maximum of 35 feet in height.
- 3) Stacked material and equipment stored onsite shall be limited to a maximum height of 25 feet.

405 Bagshaw Way • Tel: 407-851-2920 • Fax: 407-851-7361 • www.edgewood-fl.gov

- 4) A six (6) feet wide landscape buffer shall be planted and maintained along the property's Mary Jess Road frontage.* One understory, non-deciduous shade tree shall be planted within the Mary Jess Road buffer for each 20 linear feet, or fraction thereof. The trees can be grouped for aesthetic purposes, but a distance between groupings shall not exceed 60 feet. The buffer shall also include a continuous hedge at least three feet high, and 50 percent opaque at planting of a species capable of growing to at least five feet in height and 75 percent opacity within 18 months. *This condition was modified by City Council November 17, 2020.
- 5) A continuous hedge at least three feet high and 50 percent opaque at planting, of a species capable of growing to at least five feet in height and 75 percent opacity within 18 months shall be planted and maintained along the east property line south of the existing wall.
- 6) Water efficient plants in the onsite landscaping are encouraged. A permanent underground central irrigation system providing 100 percent coverage of all landscape/buffer areas is required.
- 7) If the wall along Mary Jess Road remains, the wall shall be re-painted in earth tones to blend in with the landscaping.
- 8) Truck traffic is prohibited on Mary Jess Road west of Chenault Avenue.
- 9) Applicant shall install appropriate signage on the property to indicate no truck traffic west bound on Mary Jess Road.
- 10) Storage located within 50 feet of the north and south lines of the property shall be limited to 10 feet in height.
- 11) Hours of operations shall be limited to 6 a.m. to 6p.m.; Monday through Saturday.
- 12) In addition to being painted, the wall shall be restored to good repair
- 13) Limited to one vehicular access curb cut from the public right-of-way.

Please let me know if you have any questions.

Sincerely,

Bea L. Meeks, MMC, CPM, CBTO
City Clerk
bmeeks@edgewood-fl.gov



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6/3/2022
Section D, Item 3.
CITY OF EDGEWOOD

APPLICATION FOR SPECIAL EXCEPTION

Reference: City of Edgewood Code of Ordinances, Section 134-121
REQUIRED FEE: \$750.00 + Applicable Pass-Through Fees (Ordinance 2013-01)
(Please note this fee is non-refundable)

PLANNING AND ZONING MEETING DATE:	7/11/2022
CITY COUNCIL MEETING DATE:	8/16/2022

IMPORTANT: A COMPLETE application with all required attachments must be submitted to the City Clerk 30 days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for.

Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

- New Special Exception Request
- Amendment to Special Exception. Date special exception granted 09/29/2016

Applicant's Name:	William R. Johns, Mary Jess, LLC	Owner's Name:	William R. Johns, Mary Jess, LLC
Address:	44700 N. Groesbeck Hwy, Clinton Township, MI 48036-1105	Address:	44700 N. Groesbeck Hwy, Clinton Township, MI 48036-1105
Phone Number:	586-469-3404	Phone Number:	586-469-3404
Fax:	586-469-2084	Fax:	586-469-2084
Email:	marylyn@wrjco.com	Email:	marylyn@wrjco.com
Legal Description:	See attached legal description		
Zoned:	Wholesale Commercial District (C-3)		
Location:	101 Mary Jess Road, Orlando, FL 32839		
Tract Size:	412,063 S.F. (+/-)		
City section of the Zoning Code from which Special Exception is requested:	Prior Special Exception approval dated 09-29-2016 condition (11) hours of operation shall be limited to 6 a.m. to 6 p.m. Monday through Saturday.		
Request:	change operation hours to 5:00 AM to 8:00 PM Monday thru Saturday		
Existing on Site:	Existing warehouse on-site with related site infrastructure		



The applicant hereby states that the above request for Special Exception does not violate any deed restrictions on the property. **Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached.**

Applicant's Signature	<i>William R. Johns</i>	Date:	4-22-22
Applicant's Printed Name	William R. Johns	Date:	
Owner's Signature	<i>William R. Johns</i>		
Owner's Printed Name	William R. Johns		

Office Use Only:	
Received Date:	6/3/2022
Received By:	Brett Sollazzo
Forwarded To:	City Planner Ellen Hardgrove
Notes:	Amendment to original Special Exception

Please submit your completed application to City Hall via email to info@edgewood-fl.gov, via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Bagshaw Way. For additional questions, please contact City Hall at 407-851-2920.

SPECIAL EXCEPTION APPLICATION

1. Provide the legal description (include street address) .

101 Mary Jess Road, Orlando, FL 32893, Please see attached Legal Description.

2. If you are not the owner of the subject property, provide written acknowledgement and authorization from property owner that they do not object to the use requested in the Special Exception Application, and give their authorization for the use if approved.

Please see attached Letter of Authorization form.

3. SURROUNDING ZONING DESIGNATIONS:

DIRECTION	ZONING
NORTH	R-1A
SOUTH	R-1AA, C-3, I-3
EAST	ECD
WEST	C-3

4. Describe the proposed use you; including conditions on the use, hours of operation, required parking and loading spaces, and number of employees. If proposed use is a training/vocational school, provide the number of anticipated students/clients.

5. **If applicable, please provide:**

- Dimensions of the property (see attached example)
- Existing and proposed location of structure(s) on the property
- Vehicular access ways, driveways, circulation areas (include widths)
- Off-street parking and loading areas
- Refuse and service areas
- Required setbacks; landscape or buffer areas; and other open spaces
- Existing and proposed adjacent rights-of-way, showing widths and centerlines
- Distances between buildings
- Interior and terminal landscape islands
- All existing and proposed sidewalks.
- Landscape plan

Revised 2/8/2022



Agent Authorization Form

FOR PROJECTS LOCATED IN THE CITY OF EDGEWOOD

Please type or print in **BLACK INK**. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

I/WE, (PRINT PROPERTY OWNER NAME) William R. Johns, MBR, Mary Jess LLC, AS
 THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, _____

101 Mary Jess Road, Orlando, FL 32893, DO HEREBY AUTHORIZE TO ACT AS MY/OUR
 AGENT (PRINT AGENT'S NAME) Sam J. Sebaal, President
 Florida Engineering Group, Inc., TO EXECUTE ANY PETITIONS OR

OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS AND TO APPEAR ON MY /OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION. BY SIGNING THIS AUTHORIZATION, THE OWNER AGREES TO BE BOUND BY THE ACTIONS OF THE AUTHORIZED AGENT AND THE PROVISIONS OF CHAPTER 101, ARTICLE I, ENTITLED "PASS-THROUGH FEES" AND ACKNOWLEDGE AND AGREES THAT A LIEN MAY BE PLACED ON THE PROPERTY FOR NON-PAYMENT OF PASS-THROUGH FEES AS PROVIDED IN THE CITY CODE.

Date: 4-22-22 *William R. Johns* William R. Johns
 Signature of Property Owner Print Name Property Owner

Date: _____ Signature of Property Owner Print Name Property Owner

STATE OF ~~FLORIDA~~ Michigan COUNTY OF Macomb

I certify that the foregoing instrument was acknowledged before me this 22 day of April, 2022 by William R. Johns. He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 22 day of April in the year 2022.

Mary Lyn Girodat
 Signature of Notary Public

- (Notary Seal) MARY LYN GIRODAT
 Notary Public, Macomb County, MI
 My Commission Expires May 5, 2028
 Acting in Macomb County, MI

Notary Public for the State of ~~Florida~~ Michigan
 My Commission Expires: 05/05/2028

Legal Description(s) or Parcel Identification Number(s) are required:	
PARCEL ID#:	<u>13-23-29-0000-00-009 & 13-23-29-0000-00-005</u>
LEGAL DESCRIPTION:	
<u>See Attached</u>	

Please hand deliver to Edgewood City Hall at 405 Bagshaw Way. For additional questions, please contact Edgewood City Hall at (407) 851-2920, or send email to bmeeks@edgewood-fl.gov or sriffle@edgewood-fl.gov. Revised: 6/26/2019



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6/3/2022
CITY OF EDGEWOOD

SPECIAL EXCEPTION AMENDMENT NARRATIVE
SE-2016-03, SE 2016-04, and SE 2016-05
SUNCOAST BUILDING MATERIALS
101 MARY JESS ROAD, EDGEWOOD
Parcel "A" I.D. No.: 13-23-29-0000-00-009
Parcel "B" I.D. No.: 13-23-29-0000-00-005

MAY 31, 2022

This narrative is submitted in connection with a Special Exception amendment request for the subject site. The site is currently used by Suncoast Building Materials development for their storage and wholesale distribution business.

The Applicant is requesting that Condition 11 of the Special Exception approval, which requires the hours of operation to be limited from 6 A.M. to 6 P.M. Monday through Saturday be changed to allow the hours of operation to be limited from 5 A.M. to 8 P.M. Monday through Saturday.

The following provides a description of the project site and a brief justification of the request.

Project Location: The project site is located at 101 Mary Jess Road within the City of Edgewood. There are two (2) parcels which are included in the overall development as follows: Parcel "A" ID No. is 13-23-29-0000-00-009 and Parcel "B" ID No. is 13-23-29-0000-00-005. The two parcels are separated by a third parcel, Parcel ID No. 13-23-29-0000-00-024, which is not part of the ownership. Parcel "B", which is 4.97 Acres, has been developed and currently contains an existing 24,000 S.F. building, which houses the Suncoast Building Materials business. Parcel "A" is currently used for material storage and is planned for future development, which has been delayed due to an access dispute. The third parcel located in between Parcel "A" and Parcel "B" contains an existing railroad spur.

Existing and Surrounding Zoning: The existing site is Zoned C-3 (Wholesale Commercial District) in the City of Edgewood and contains the first phase of the Suncoast Building Materials development on Parcel "B". The surrounding Zoning includes R-1A to the north, ECD to the east, C-3 to the west, and R-1AA, C-3 and I-3 to the southwest, south, and southeast respectively.

Justification for Request: The applicant is requesting relief from the City's prior approved Special Exception Condition No.11 based on the following justifications:

- As part of the Special Exception approval in 2016, it was the applicant's understanding that the hours of operation meant the hours when their business is open to the public (i.e., when the doors are open to customers). The applicant agreed to the Condition limiting the hours based on that understanding; however, this condition has severely limited their ability to operate their business as City staff is interpreting it to limit any work on the site during these hours including work by employees inside the buildings. The applicant needs time each day before their "doors are open" to prepare for conducting their business, stage materials, load trucks, and other related functions. In addition, in the afternoon after the applicant's delivery trucks return from various jobsites, the applicant needs time to load the trucks for the next day's deliveries. Given traffic constraints and the nature of the construction business, the delivery trucks frequently do not return to the site until after 6 P.M.

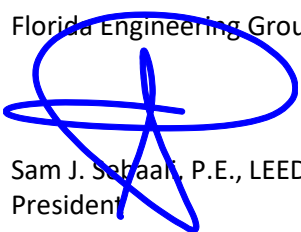
- Covid-19 has impacted the applicant's workforce and driver status, and they are having to operate with less employees (drivers) than they did prior to the pandemic. As such, they are doing more or the same work with less people to meet their customers' needs, which requires more operating time.
- There are times when their customers such as Disney World, Universal Studios and others require that the applicant delivers and unload the material then leave the site before their customer opens for business or in some instances make deliveries after their customer's workforce has left. Serving these customers is not feasible under the current hours of operation constraint.
- The applicant has a fuel service that fills up their delivery trucks each evening Monday thru Friday. The fuel service provider needs to be able to service all the delivery trucks after their return to the site. In some cases, the delivery trucks are not able to return to the site by 6 P.M. due to jobsite related delays or traffic delays, which creates uncertainty for the fuel service delivery and as such extending the hours until 8 P.M. would allow proper scheduling of fuel service.
- Supply chain issues have impacted the applicant's business to a large degree, which is also causing them to strive harder to meet the demands of the market with less equipment and less product availability. Thus, more time is needed to operate their business and meet these added demands.
- The current constraint on the hours of operation is restricting the applicant to properly conduct their business, and the City has not placed similar restriction on other similar businesses in the same C-3 Zoning District with similar conditions. Thus, the applicant is being limited in their ability to compete with other similar businesses due to the hour of operation constraint.

We are hopeful that the city can evaluate and approve this request.

Please do not hesitate to contact me should you have any questions or need additional clarification regarding this request. I can be reached by phone at 407-895-0324 or by email at SSebaali@feg-inc.us.

Sincerely,

Florida Engineering Group, Inc.


Sam J. Sebaali, P.E., LEED® AP
President

cc: Mr. Williams Johns, Suncoast Building Materials, Inc.
Mr. Kevin Graham, Suncoast Building Materials, Inc.



Engineering the Future

5127 S. Orange Avenue, Suite 200

Orlando, FL 32809

Phone: 407-895-0324 Fax: 407-895-0325

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6/3/2022

Section D, Item 3.

CITY OF EDGEWOOD

LETTER OF TRANSMITTAL

Date: June 3, 2022 Job No. 21-010

Attention Sandy Riffle

Re: Suncoast Building Materials
Special Exception Amendment Package

To: City of Edgewood - City Hall

405 Larue Avenue

Edgewood, Florida 32809

WE ARE SENDING YOU

- Attached Under separate cover via _____ the following items:
 Shop Drawings Prints Plans Samples Specifications
 Copy of Letter Change Order Other

COPIES	DATE	DESCRIPTION
1	04/25/22	Application Fee Check No. 2211, for \$1,750
1	04/22/22	Special Exception Permit Application
1	04/22/22	Agent Authorization Form
1	05/31/22	Legal Description
1	05/31/22	Special Exception Amendment Narrative Request
1	05/10/22	Site Geometry Plan (no plan changes proposed from previous City Approvals)

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ Copies for approval
 For your use Approved as noted Submit _____ Copies for distribution
 As requested Returned for corrections Return _____ Corrected prints
 For review and comment FOR BIDS DUE _____ Prints Returned after Loan to us _____

COPY TO: File, Client SIGNED: Sam J. Sebaali, P.E.

IF ENCLOSED ARE NOT AS NOTED, KINDLY NOTIFY US AT ONCE

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CITY OF EDGEWOOD

LEGAL DESCRIPTION

BEGINNING AT THE SOUTHWEST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SECTION 13, TOWNSHIP 23 SOUTH, RANGE 29 EAST, AND RUNNING NORTHWARDLY ALONG THE WEST LINE OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 13, A DISTANCE OF 632.15 FEET TO THENCE EASTWARDLY, PARALLEL WITH THE SOUTH LINE OF THE SW 1/4 OF SW 1/4 OF SAID SECTION 13, A DISTANCE OF 1069.40 FEET TO A POINT 24 FEET SOUTHWESTERLY, MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF THE ATLANTIC COAST LINE RAILROAD COMPANY'S MAIN TRACK; THENCE SOUTHEASTERLY, PARALLEL WITH SAID CENTER LINE, 652.2 FEET TO THE SOUTH LINE OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 13 THENCE WESTWARDLY ALONG SAID SOUTH LINE 1218.38 FEET TO THE BEGINNING CORNER. LESS AND EXCEPT RIGHT OF WAY FOR MARY JESS ROAD.

AND LESS AND EXCEPT LANDS DESCRIBED IN AND CONVEYED BY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 3716, PAGE 2022, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

June 30, 2022

Ms. Sandy Riffle, CMC, CBTO
Interim City Clerk
City of Edgewood
405 Bagshaw Way
Edgewood, FL 32809-3406

**RE: 495 Mandalay Rd - boat dock variance application review
CPH project number E7601**

Dear Ms. Riffle;

We are in receipt of the variance application, date stamped May 12, 2022, for the above listed address. The applicant is requesting a variance to Sec 14-11(b)(2) of the City's code to allow a dock to be constructed 24.4 feet away from the dock across the canal, in lieu of the minimum 25ft requirement; and to allow the dock to extend 28% into the canal, in lieu of the 25% maximum. The variance application included an as-built survey of the boat dock with the necessary dimensions to verify the dock location and size. The application also included a letter from the applicant identifying the issues with the constructed dock and justification of the variance request.

CPH previously inspected the dock and provided a letter to the City noting the differences between the original plans and the constructed location of the dock. Based on the as-built survey and our site visits, below are our notes for the constructed dock:

- The as-builts show the dock was constructed 11.26 feet from the west property line of the lot. The original plans showed the dock was to be constructed 25 feet from the west property line. The applicant has provided to the City a "no objection letter" from the adjacent property referencing the proximity of the dock to the adjacent property line.
- Based on the existing conditions, the new seawall is approximately 12 inches farther out into the canal than the original seawall, thus reducing the overall width of the canal. This is reflected on the revised as-builts.
- Based on the as-builts, the distance between the two docks is 24.40 feet. The code states the minimum distance between any two docks is 25 feet.
- The as-builts also show the dock extends 13.95 feet into the canal, measured from the face of the new seawall. Based on the submitted as-builts, the width of the canal at the boat dock is 49 feet. 25% of the width of the canal is 12.25 feet, which is the maximum distance the dock can extend into the canal, per City code. The dock is into the canal 13.95 feet (28% of the width), a difference of approximately 1.7 feet from the approved plans.

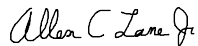
In addition to the as-builts review, the City also contacted the Orange County Sherriff's office and had one of their "boat patrols" visit the area and to navigate between the new dock and the existing dock in an effort to verify if the new dock will cause a navigation hazard. Based on the response from the City, the Sherriff's office does not see this as a navigation hazard.

Per City code, Chapter 14, Sec. 14-11 Dock Construction, (b), (2), "No dock shall be constructed or extended to a length of more than 25 percent of the navigable corridor..." As

noted above, the applicant is asking for a variance to the distance the dock extends into the canal.

Based on the inspections by CPH and the submitted as-builts, the dock was constructed both in the wrong location along the shore line and off-set too far into the canal. CPH does not see any extenuating circumstances that would cause the dock to be built in the location it was constructed. Both of these are hardships due to dock construction and not existing conditions. CPH cannot support the variance request.

Sincerely,
CPH, LLC



Allen C. Lane, Jr., P.E.
Sr. Project Manager

CC: David E. Mahler, P.E., CPH, file



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Section D, Item 4.

5/12/2022

CITY OF EDGEWOOD

APPLICATION FOR VARIANCE – BOAT DOCKS

Reference: City of Edgewood Code of Ordinances, Section 126-588

REQUIRED FEE: \$350 RESIDENTIAL \$750 COMMERCIAL
(Plus Applicable Pass-Through Fees - Ordinance 2013-01)

Please note this fee is non-refundable

Office Use Only:		Variance Application #:	2022-04
Received Date:	5/12/2022	Received by:	Brett Sollazzo
P&Z Meeting Date:	June 13, 2022	City Council Meeting Date:	July 19, 2022

IMPORTANT: A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk _____ days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for. Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

Applicant's Name:	Sheila Cichra	Owner's Name:	Chris Dawson
Address:	1002 Fort Mason Dr, Eustis, FL 32726	Address:	495 Mandalay Road
Phone Number:	(407) 450-4241	Phone Number:	(850) 449-0066
Fax:		Fax:	
Email:	sheilacichra@gmail.com	Email:	ChrisDawsonEsq@gmail.com
Legal Description:	MANDALAY SHORES 3/37 LOT 4		
Zoned:	R-1AA		
Location:	495 Mandalay Road - in rear of sfr		
Tract Size:	.43 acres		
City section of the Zoning Code from which Variance is requested:	Chapter 14, Sec. 14-11 Dock Construction, (b), (2)		
Request:	to allow a dock to be constructed such that it projects across 28% of a canal and is 24.4' away from the adjacent dock		
Existing on Site:	an sfr and a boat dock		

The applicant hereby states that this request for Variance does not violate any deed restrictions on the property.
Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached.



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5/12/2022
CITY OF EDGEWOOD

The planning and zoning board shall hear and make a recommendation to the city council on any application for variance. To recommend to the city council such variance, the following factors shall be considered:

- a. Average length of other docks in the surrounding 300-foot area;
- b. The reasonable use of the property by the owner;
- c. The effects the dock will have on navigation and safety of boaters;
- d. The overall general welfare of the neighborhood;
- e. Whether special conditions exist such that strict compliance with the provisions of this article would impose a unique and unnecessary hardship on the applicant;
- f. The effect of the proposed variance on abutting shoreline property owners;
- g. Whether the granting of the variance would be contrary to the intent and purpose and this article; and
- h. A variance may be granted if it is necessary to reach a water depth suitable for boating, but in no event shall a dock be extended in length beyond where the water depth will exceed five feet as measured from the normal high water elevation.

Applicant must agree that:

- In granting any variance, the City may prescribe appropriate conditions and safeguards in conformity with the Ordinances, and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of Edgewood ordinances.

AGREE:	✓	DISAGREE:	
---------------	---	------------------	--

- The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE:	✓	DISAGREE:	
---------------	---	------------------	--

The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:		Date:	May 11, 2022
Applicant's Printed Name:	Sheila Cichra		
Owner's Signature:		Date:	
Owner's Printed Name:			

Please submit your completed application to City Hall via email at bmeeks@edgewood-fl.gov or sriffle@edgewood-fl.gov, via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Bagshaw Way. For additional questions, please contact City Hall at 407-851-2920.

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5/12/2022

CITY OF EDGEWOOD

Section D, Item 4.



Date: May 11, 2022
To: City of Edgewood
From: Sheila Cichra
Re: 495 Mandalay Road – after-the-fact boat dock variance

The attached application package is a variance request to allow a dock to remain in the location that it was constructed, even though it obstructs 28% of the canal (in lieu of the 25% allowed) and is 24.4' away from the adjacent boathouse on the other side of the canal (in lieu of the 25' that it is supposed to be).

This situation was unfortunately created when a new seawall was installed, which effectively narrowed the canal by about 1.5 feet. That caused the boathouse that was constructed directly adjacent to the new seawall to project into the canal ever so slightly farther than originally planned.

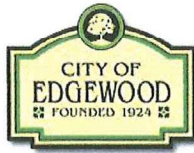
The minimal deviation from the code is hardly noticeable and does not create a navigation hazard.

There are many docks on the adjacent Edgewood canals that project into the canal more than 28%. At idle speed, 24.4' is more than enough for safe navigation, even if two boats happen to be passing through at the same time.

Thank you for your consideration.

5/12/2022

CITY OF EDGEWOOD



Agent Authorization Form

FOR PROJECTS LOCATED IN THE CITY OF EDGEWOOD

Please type or print in BLACK INK. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

I/WE, (PRINT PROPERTY OWNER NAME) Christopher Dawson, AS

THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 495 Mandalay Road

Edgewood, FL 32809, DO HEREBY AUTHORIZE TO ACT AS MY/OUR

AGENT (PRINT AGENT'S NAME) Sheila Cichra, TO EXECUTE ANY PETITIONS OR

OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS AND TO APPEAR ON MY /OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION. BY SIGNING THIS AUTHORIZATION, THE OWNER AGREES TO BE BOUND BY THE ACTIONS OF THE AUTHORIZED AGENT AND THE PROVISIONS OF CHAPTER 101, ARTICLE I, ENTITLED "PASS-THROUGH FEES" AND ACKNOWLEDGE AND AGREES THAT A LIEN MAY BE PLACED ON THE PROPERTY FOR NON-PAYMENT OF PASS-THROUGH FEES AS PROVIDED IN THE CITY CODE.

Date: 6/8/21 [Signature] Chris Dawson
Signature of Property Owner Print Name Property Owner

Date: Signature of Property Owner Print Name Property Owner

STATE OF FLORIDA: COUNTY OF ORANGE

I certify that the foregoing instrument was acknowledged before me this 8 day of JUNE, 2021 by CHRISTOPHER DAWSON. He/she is personally known to me or has produced as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 8 day of JUNE in the year 2021.

(Notary Seal) Christine Barkley Notary Public State of Florida Comm# HH045885 Expires 10/5/2024

[Signature] Signature of Notary Public Notary Public for the State of Florida My Commission Expires: 10/5/2024

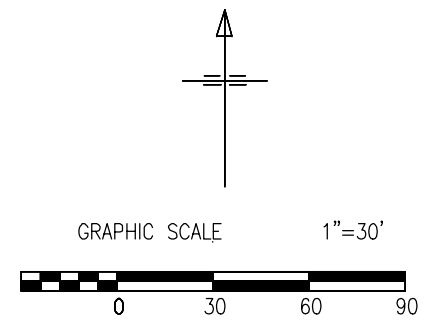
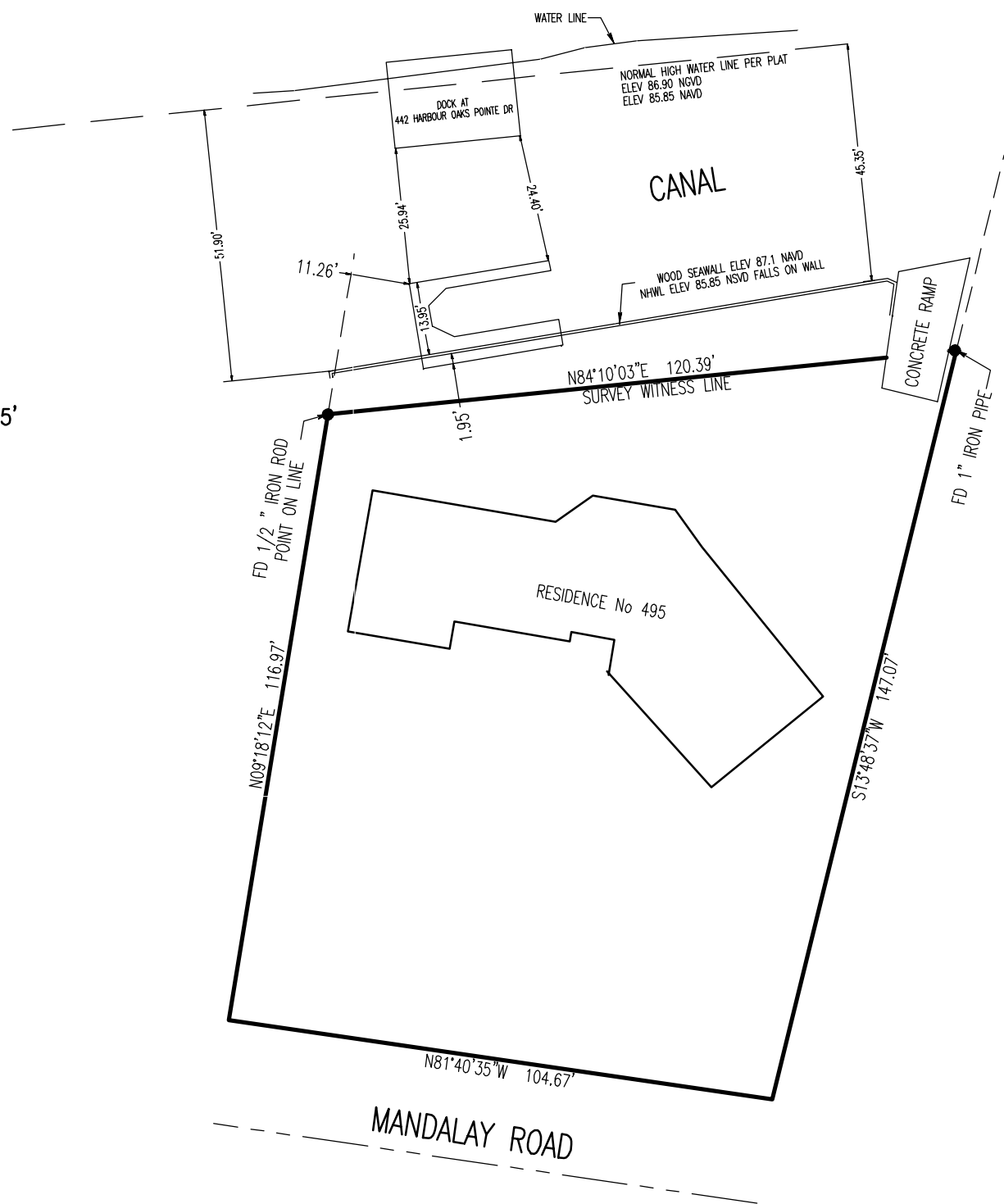
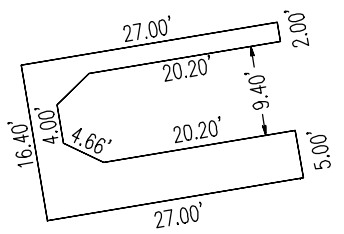
Table with 2 columns: Field Name, Value. Includes PARCEL ID# (13-23-29-5489-00-040) and LEGAL DESCRIPTION (MANDALAY SHORES 3/37 LOT 4).

Please hand deliver to Edgewood City Hall at 405 Larue Avenue. For additional questions, please contact Edgewood City Hall at (407) 851-2920, or send email to bmeeks@edgewood-fl.gov or srepp@edgewood-fl.gov. Revised: 10/4/2016

RECEIVED
5/12/2022
CITY OF EDGEWOOD

DOCK AS-BUILT SURVEY
 495 MANDALAY ROAD
 ORLANDO, FLORIDA 32809

DOCK DETAIL 1" = 20'
 NHWE = 85.85 (NAVD 1988)
 DECK ELEV = 87.5 NAVD
 ROOF HEIGHT FROM DECK = 10.5'



I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED UNDER MY DIRECTION AND THAT THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE ADOPTED "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATE STATUTES.

EDWARD J MIZO
 PROFESSIONAL SURVEYOR AND MAPPER NO. 3376
 NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC SIGNATURE AND SEAL OF A PROFESSIONAL SURVEYOR AND MAPPER.

- SURVEYORS NOTES:
1. BEARINGS SHOWN HEREON ARE BASED ON THE REFERENCED PLAT.
 2. ALL DISTANCES SHOWN ARE PLAT AND MEASURED UNLESS NOTED.
 3. THE MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET. THE ACCURACY OF THIS SURVEY EXCEEDS THE REQUIREMENTS OF FLORIDA ADMINISTRATIVE CODE 5J-17.

AS-BUILT SURVEY
 DOCK AS-BUILT
 495 MANDALAY ROAD
 ORLANDO FL 32809

EDWARD MIZO PLS
 PROFESSIONAL LAND SURVEYOR
 175 ANCONA AVE
 DEBARY, FL 32713
 321-436-9391

DOCK AS-BUILT FEB 27, 2022

June 30, 2022

Ms. Sandy Riffle, CMC, CBTO
Interim City Clerk
City of Edgewood
405 Bagshaw Way
Edgewood, FL 32809-3406

**RE: 525 Mandalay Rd - boat dock variance application review
CPH project number E7601**

Dear Ms. Riffle;

We are in receipt of the original variance application, date stamped June 3, 2022, and a revised application for a boat dock variance, date stamped June 24, 2022. The application included a survey, and boat dock site plan, boathouse plans, and variance acknowledgment letter signed by the adjacent property owner. The applicant is requesting a variance for the existing side setback of 6.93', instead of the required 15 feet per the City land development code, Sec 14-11 (b)(1).

The proposed variance is for the existing dock. The existing dock is 6.93' from the north property line. We recognize it is not feasible to modify the existing dock to bring the existing dock up to City code.

The proposed boathouse is to be constructed as an extension of the original dock. The new boathouse is proposed to have a 10 foot setback from the north property line, which is also less than the required 15 foot setback. The existing dock and proposed boat house will not meet the 15 FT setback requirement per Sec 14-11(b)(1) of the City land development code. The application also applies to the proposed addition.

We have reviewed the application, plans and supporting documents, and we do not have any objections to the City of Edgewood approving this boat dock variance application. Please be reminded, final approval of the dock variance application by the City of Edgewood is not an approval to construct the proposed dock and does not grant authority to alter other portions of this property, nor does it waive any permits that may be required by Federal, State, or County agencies which may have jurisdiction.

Please note that the applicant will still need to submit a boat dock construction application upon approval of the variance.

Sincerely,
CPH, LLC

Lee Hurst

Lee Hurst
Project Engineer

CC: Allen C. Lane, P.E., CPH, file

J:\E7601\Civil\City Plans-Application Review\525 Mandalay Rd - boat dock app\letter\525 Mandalay Rd - dock app review 6-27-22.docx



APPLICATION FOR VARIANCE – BOAT DOCKS

Reference: City of Edgewood Code of Ordinances, Section 126-588

REQUIRED FEE: \$350 RESIDENTIAL \$750 COMMERCIAL
(Plus Applicable Pass-Through Fees - Ordinance 2013-01)

Please note this fee is non-refundable

Office Use Only:		Variance Application #:	2022-06
Received Date:	6/24/2022	Received by:	Brett Sollazzo
P&Z Meeting Date:	July 11, 2022	City Council Meeting Date:	August 16, 2022

IMPORTANT: A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk 10 days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for. Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

Applicant's Name:	Sheila Cichra	Owner's Name:	Chris Pashley
Address:	1002 Fort Mason Dr, Eustis, FL 32726	Address:	525 Mandalay Road
Phone Number:	(407) 450-4241	Phone Number:	(407) 925-6907
Fax:		Fax:	
Email:	sheilacichra@gmail.com	Email:	CPtheCFP@yahoo.com
Legal Description:	MANDALAY SHORES 3/37 LOT 7		
Zoned:	R-1AA		
Location:	525 Mandalay Road - in rear of sfr		
Tract Size:	.53 acres		
City section of the Zoning Code from which Variance is requested:	Chapter 14, Sec. 14-11 Dock Construction, (b), (1)		
Request:	requesting permission to maintain a 6.93' side setback while adding a deck and boathouse		
Existing on Site:	a single family residence with a pool and a boat dock		

The applicant hereby states that this request for Variance does not violate any deed restrictions on the property.
Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached.



The planning and zoning board shall hear and make a recommendation to the city council on any application for variance. To recommend to the city council such variance, the following factors shall be considered:

- a. Average length of other docks in the surrounding 300-foot area;
- b. The reasonable use of the property by the owner;
- c. The effects the dock will have on navigation and safety of boaters;
- d. The overall general welfare of the neighborhood;
- e. Whether special conditions exist such that strict compliance with the provisions of this article would impose a unique and unnecessary hardship on the applicant;
- f. The effect of the proposed variance on abutting shoreline property owners;
- g. Whether the granting of the variance would be contrary to the intent and purpose and this article; and
- h. A variance may be granted if it is necessary to reach a water depth suitable for boating, but in no event shall a dock be extended in length beyond where the water depth will exceed five feet as measured from the normal high water elevation.

Applicant must agree that:


1. In granting any variance, the City may prescribe appropriate conditions and safeguards in conformity with the Ordinances, and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of Edgewood ordinances.

AGREE:	✓	DISAGREE:	
---------------	---	------------------	--

2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE:	✓	DISAGREE:	
---------------	---	------------------	--

The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:		Date:	June 23, 2022
Applicant's Printed Name:	Sheila Cichra		
Owner's Signature:		Date:	
Owner's Printed Name:			

Please submit your completed application to City Hall via email at bmeeks@edgewood-fl.gov or sriffle@edgewood-fl.gov, via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Bagshaw Way. For additional questions, please contact City Hall at 407-851-2920.



RECEIVED

6/3/2022

Section D, Item 5.

CITY OF EDGEWOOD

Agent Authorization Form

FOR PROJECTS LOCATED IN THE CITY OF EDGEWOOD

Please type or print in **BLACK INK**. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

I/WE, (PRINT PROPERTY OWNER NAME) Christopher C Pashley Life Estate, AS

THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 525 Mandaly Road

Edgewood, FL 32809, DO HEREBY AUTHORIZE TO ACT AS MY/OUR

AGENT (PRINT AGENT'S NAME) Sheila Cichra, TO EXECUTE ANY PETITIONS OR

OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS AND TO APPEAR ON MY /OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION. BY SIGNING THIS AUTHORIZATION, THE OWNER AGREES TO BE BOUND BY THE ACTIONS OF THE AUTHORIZED AGENT AND THE PROVISIONS OF CHAPTER 101, ARTICLE I, ENTITLED "PASS-THROUGH FEES" AND ACKNOWLEDGE AND AGREES THAT A LIEN MAY BE PLACED ON THE PROPERTY FOR NON-PAYMENT OF PASS-THROUGH FEES AS PROVIDED IN THE CITY CODE.

Date: 4/11/22

[Handwritten Signature]
Signature of Property Owner

Christopher Pashley
Print Name Property Owner

Date: _____

Signature of Property Owner

Print Name Property Owner

STATE OF FLORIDA: COUNTY OF ORANGE

I certify that the foregoing instrument was acknowledged before me this 11 day of April, 2022 by Christopher C Pashley. He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 11 day of April in the year 2022.



[Handwritten Signature]
Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires: 03/22/2026

Legal Description(s) or Parcel Identification Number(s) are required:	
PARCEL ID#:	<u>13-23-29-5489-00-070</u>
LEGAL DESCRIPTION:	<u>MANDALAY SHORES 3/37 LOT 7</u>

Please hand deliver to Edgewood City Hall at 405 Larue Avenue. For additional questions, please contact Edgewood City Hall at (407) 851-2920, or send email to bmeeks@edgewood-fl.gov or srepp@edgewood-fl.gov. Revised: 10/4/2016

I, Eric Baker, owner of 535 Mandalay Road, on the Bali Hai Lagoon of Lake Conway, have reviewed my adjacent property owner's proposed boat dock construction plan and have no objection to the project, which will maintain the current side setback of 6.93'.

[Handwritten Signature]

(Signature)

6/5/2022

(Date)

Eric Baker

(Print Name)

ACKNOWLEDGEMENT:

STATE OF FLORIDA

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 5th day of June, 2022, by Sandra M. McMillan.



[Handwritten Signature]

(Signature of Notary Public – State of Florida)

Personally Known OR Produced Identification

Type of Identification Produced _____



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6/3/2022

CITY OF EDGEWOOD

Section D, Item 5.



Date: June 3, 2022
To: City of Edgewood
From: Sheila Cichra
Re: 525 Mandalay Road – boat dock side setback variance

The attached application package is a variance request to allow for a boathouse and covered deck to be added onto an existing dock, which currently has a 6.93' side setback, in lieu of the required 10' side setback (with a setback waiver).

The existing dock has been there for about 20 years and was inadvertently constructed too close to the property line, due to a fence that was not installed on the shared property line, but almost 30' North (near the NHWE) of the shared property line.

Due to the location of the fence, the minimal deviation from the code is not at all noticeable and the adjacent affected property owner has signed a letter of no objection.

All other aspects of the code, such as square footage, deck and roof height and percentage of obstruction of the canal, are met by the proposed boat dock addition.

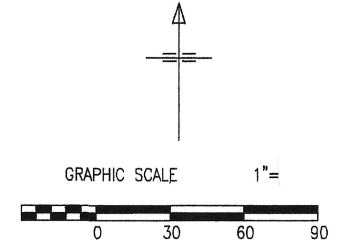
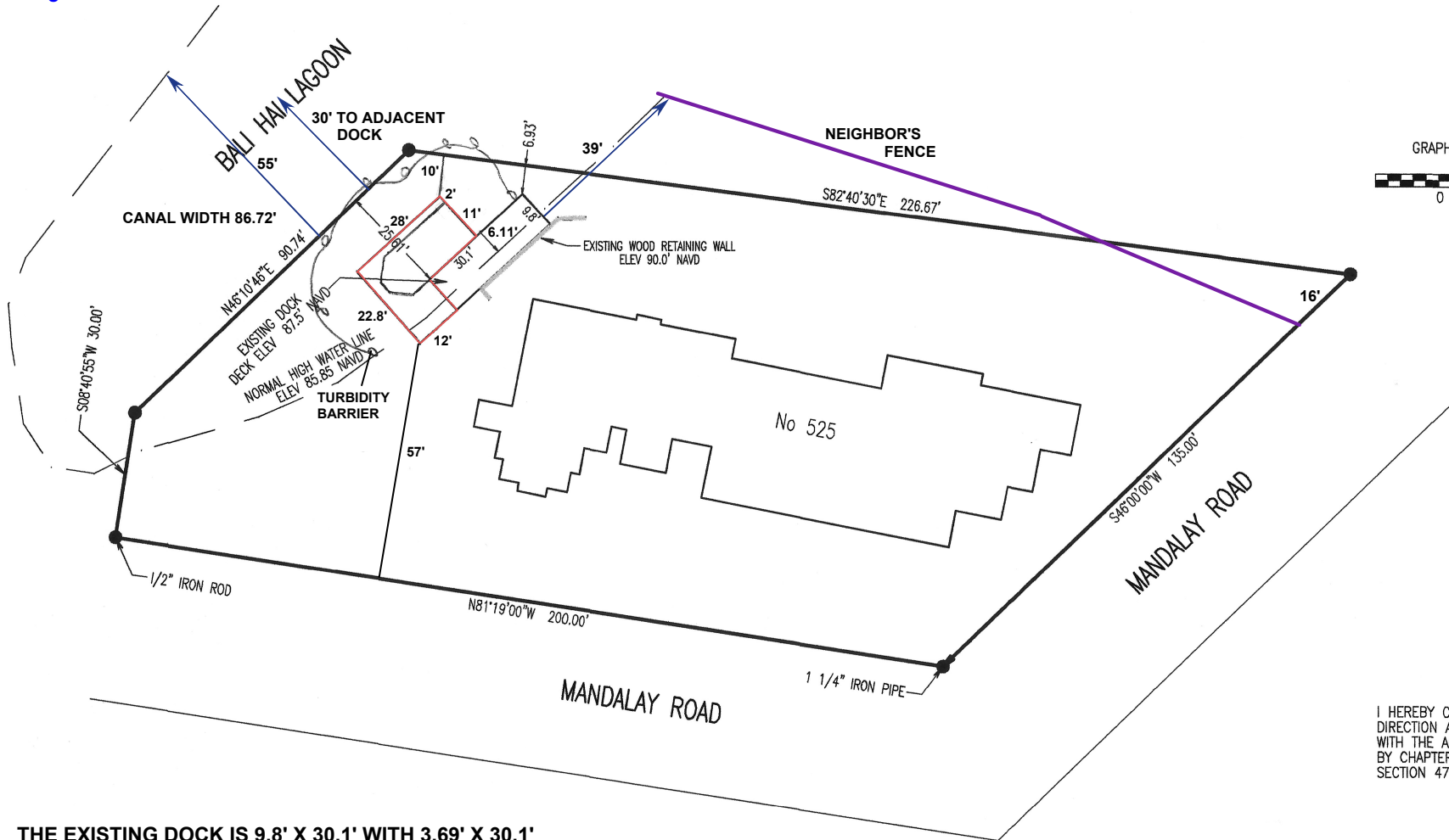
Thank you for your consideration.

PASHLEY BOAT DOCK SITE PLAN

ADD A 12' X 9.8' DECK AND A 13' X 28' BOATHOUSE TO THE EXISTING DOCK

525 MANDALAY ROAD
ORLANDO, FLORIDA 32809

Section D, Item 5.



THE EXISTING DOCK IS 9.8' X 30.1' WITH 3.69' X 30.1' ABOVE THE NHWE & 6.11' X 30.1' BELOW THE NHWE

PROPOSED CANAL OBSTRUCTION IS 19.11' OR 22% OF THE CANAL

I HEREBY CERTIFY THAT THIS AS-BUILT SURVEY HAS BEEN PREPARED UNDER MY DIRECTION AND THAT THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE ADOPTED "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATE STATUTES.

SURVEYORS NOTES:

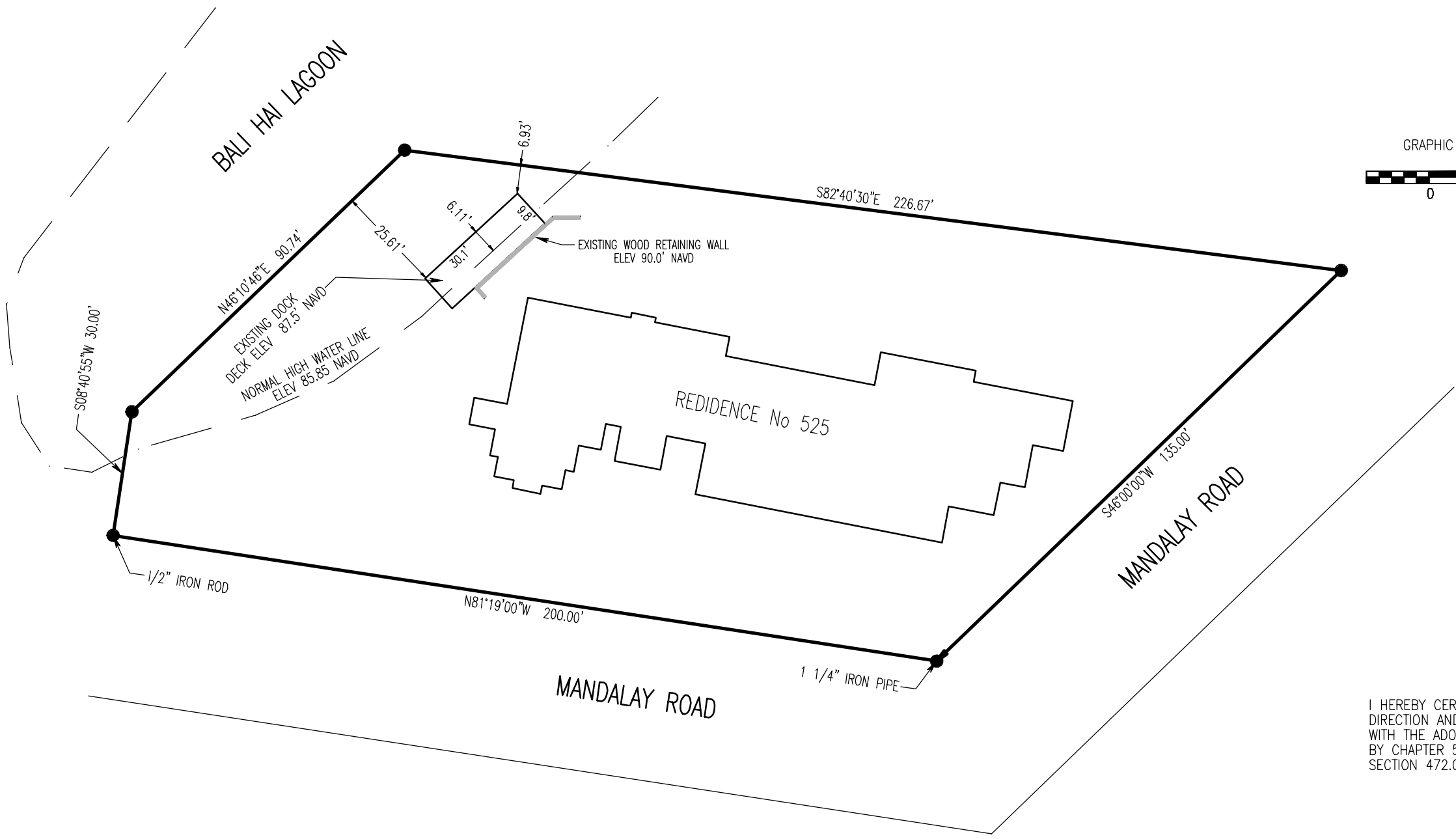
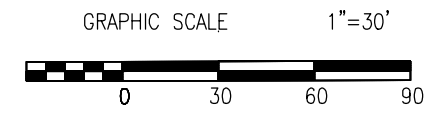
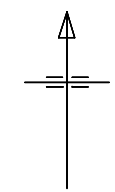
1. BEARINGS SHOWN HEREON ARE BASED ON THE REFERENCED PLAT.
2. ALL DISTANCES SHOWN ARE PLAT AND MEASURED UNLESS NOTED.
3. THE MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET. THE ACCURACY OF THIS SURVEY EXCEEDS THE REQUIREMENTS OF FLORIDA ADMINISTRATIVE CODE 5J-17.

DOCK AS-BUILT MAY 25, 2022

525 MANDALAY ROAD
ORLANDO, FL 32809

EDWARD MIZO PLS
PROFESSIONAL LAND SURVEYOR
175 ANCONA AVE
DEBARY, FL 32713
321-436-9391

DOCK AS-BUILT SURVEY
525 MANDALAY ROAD
ORLANDO, FLORIDA 32809



I HEREBY CERTIFY THAT THIS AS-BUILT SURVEY HAS BEEN PREPARED UNDER MY DIRECTION AND THAT THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE ADOPTED "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATE STATUTES.

EDWARD J MIZO
PROFESSIONAL SURVEYOR AND MAPPER NO. 3376
NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC SIGNATURE AND SEAL OF A PROFESSIONAL SURVEYOR AND MAPPER.

- SURVEYORS NOTES:
- 1. BEARINGS SHOWN HEREON ARE BASED ON THE REFERENCED PLAT.
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 - 3. THE MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET. THE ACCURACY OF THIS SURVEY EXCEEDS THE REQUIREMENTS OF FLORIDA ADMINISTRATIVE CODE 5J-17.

RECEIVED
6/3/2022
CITY OF EDGEWOOD

AS-BUILT SURVEY
525 MANDALAY ROAD
ORLANDO, FL 32809

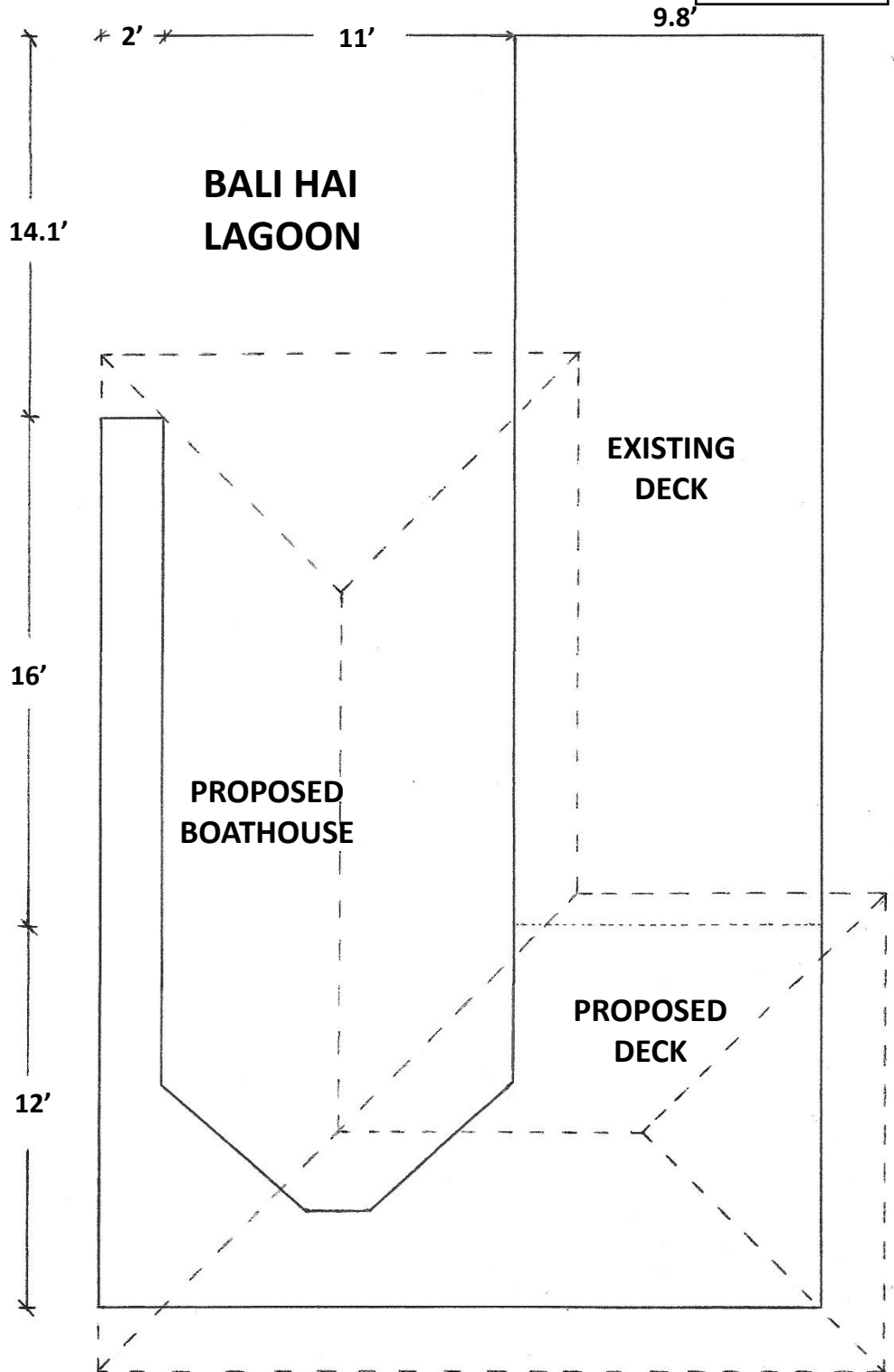
EDWARD MIZO PLS
PROFESSIONAL LAND SURVEYOR
175 ANCONA AVE
DEBARY, FL 32713
321-436-9391

DOCK AS-BUILT
MAY 25, 2022

Plan View

Section D, Item 5.

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6/24/2022
CITY OF EDGEWOOD



EXISTING:
9.8' X 30.1' DECK
PROPOSED:
9.8' X 12' DECK
13' X 28' BOATHOUSE
776.58 TOTAL SQ FT

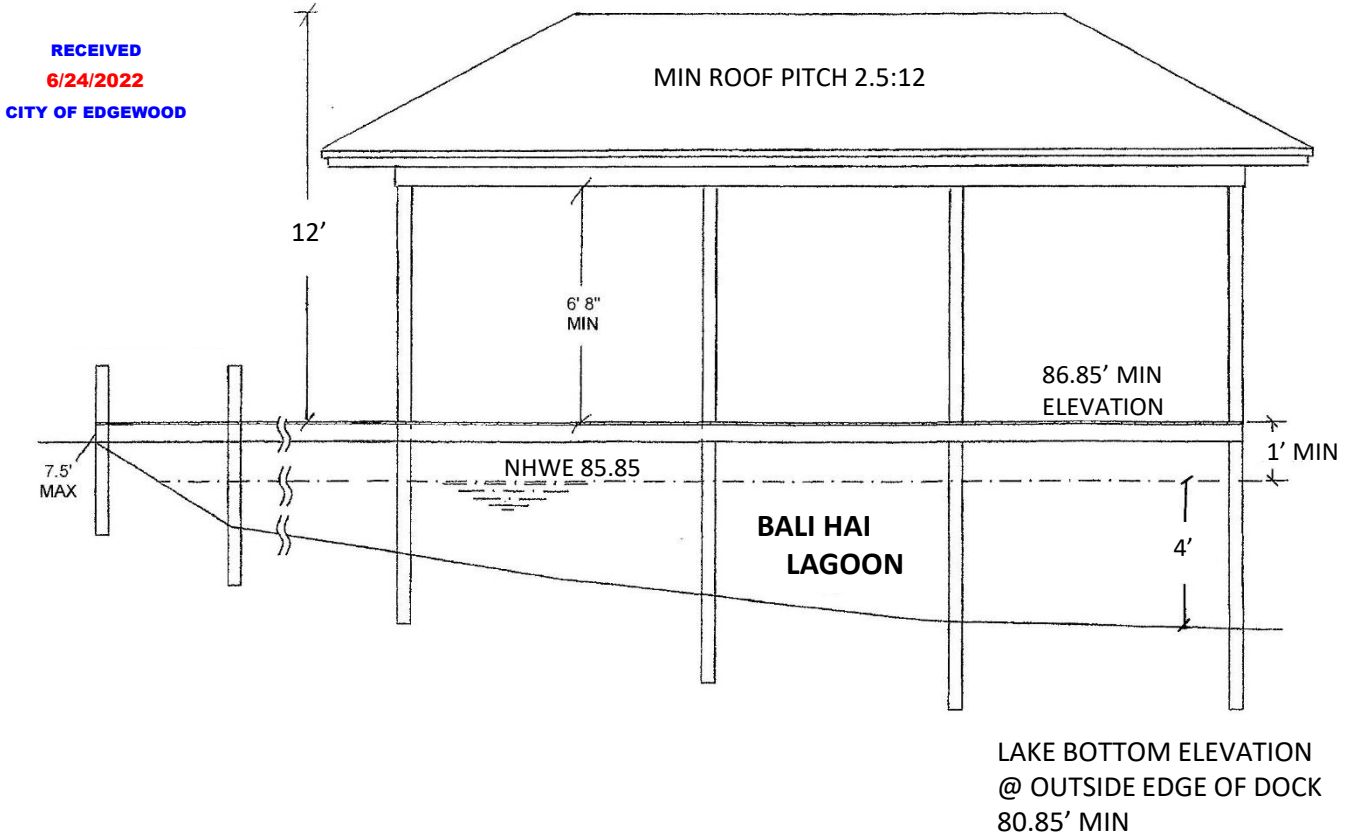
Pashley

525 Mandalay Road, Edgewood

Elevation and FBC Specs

Section D, Item 5.

ROOF HEIGHT NOT TO EXCEED 13' ABOVE NHWE, INCLUDING ROOFING MATERIAL



THIS STRUCTURE HAS BEEN DESIGNED TO MEET THE 2020 FLORIDA BUILDING CODE, 7TH EDITION AND ASCE 7- 16 AND 2017 NATIONAL ELECTRIC CODE.

1. BASIC WIND SPEED (V_{asd}) = 108 MPH, ULTIMATE WIND SPEED (V_{ult}) = 140 MPH
2. IMPORTANCE FACTOR: $I = 1.0$
3. WIND EXPOSURE = CATEGORY D
4. OPEN STRUCTURE WITH A ZERO PRESSURE COEFFICIENT

Pashley

525 Mandalay Road, Edgewood

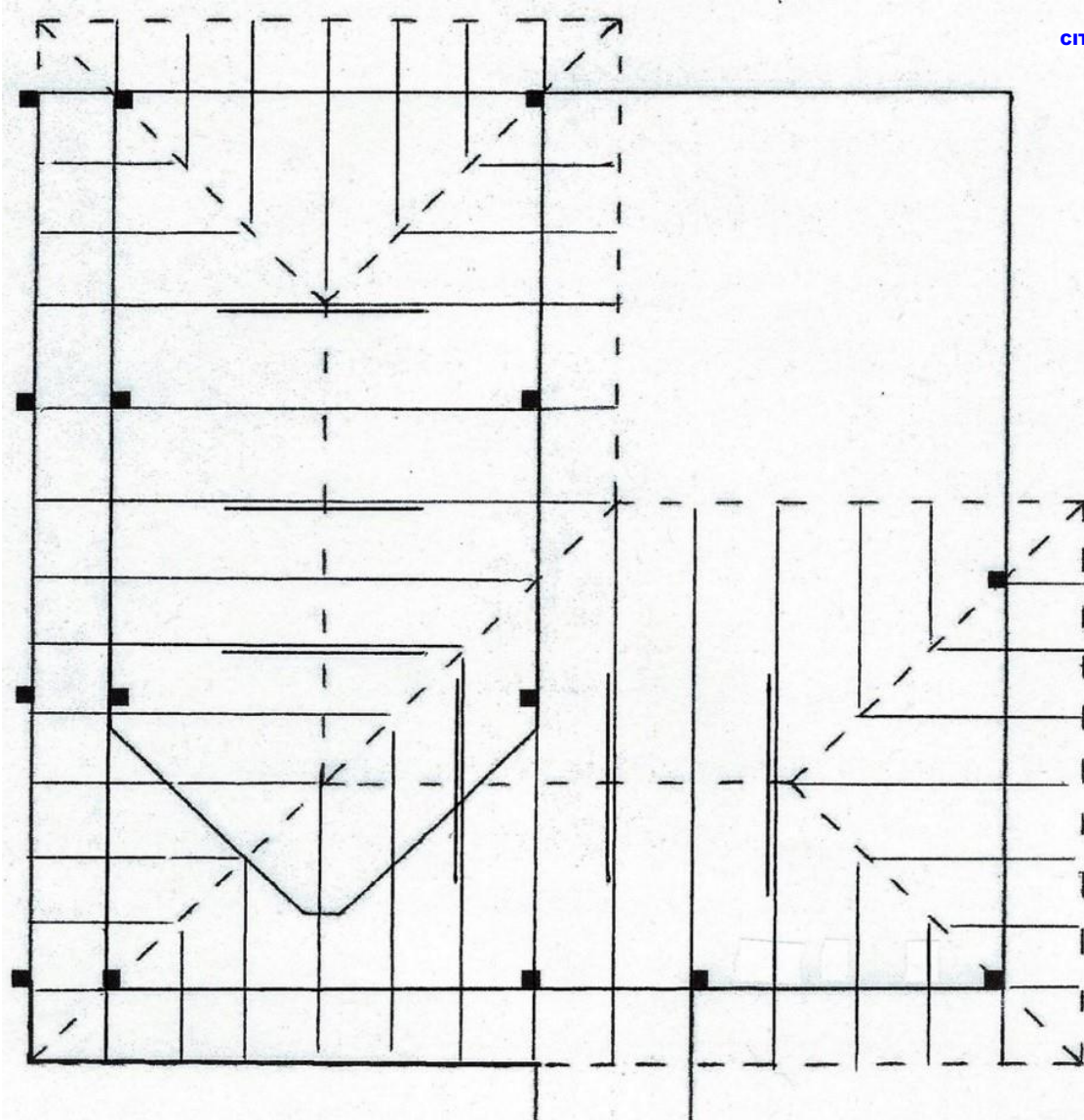
Roof Framing

Section D, Item 5.

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6/24/2022

CITY OF EDGEWOOD



2 X 6 RAFTERS 2' O.C. W/(3) 10d TOE NAILS TO HIPS AND RIDGE

2 X 6 COLLAR TIES 4' O.C. W/(4) 10d NAILS EACH END

2 X 8 HIPS & VALLEYS W/(4) 10d TOE NAILS EA END

2 X 6 FASCIA W/(2) 10d NAILS TO RAFTERS

(2) 2 X 10 PERIMETER BEAM W/(2) ½" HDG THRU BOLT

6 X 6 PILINGS 12' O.C. MAX

FLASHING WILL BE INSTALLED IN THE VALLEY

FLAT CONCRETE TILE INSTALLED PER MANUFACTURER'S SPECS

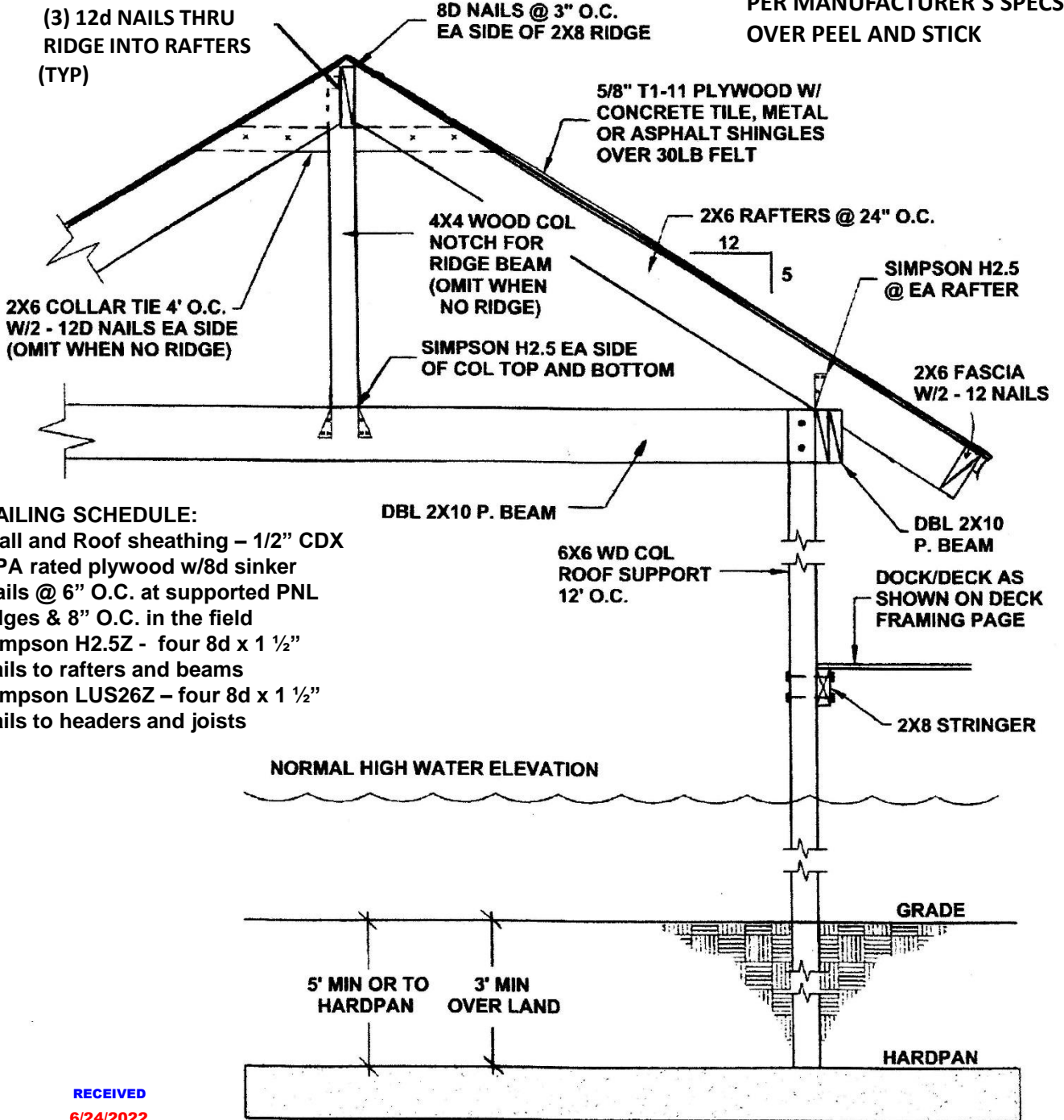
Pashley

525 Mandalay Road, Edgewood

Details and Specifications - Roof Cross Sect

Section D, Item 5.

**CONCRETE TILE INSTALLED
PER MANUFACTURER'S SPECS
OVER PEEL AND STICK**



RECEIVED
6/24/2022

CITY OF EDGEWOOD

Pashley 525 Mandalay Road, Edgewood

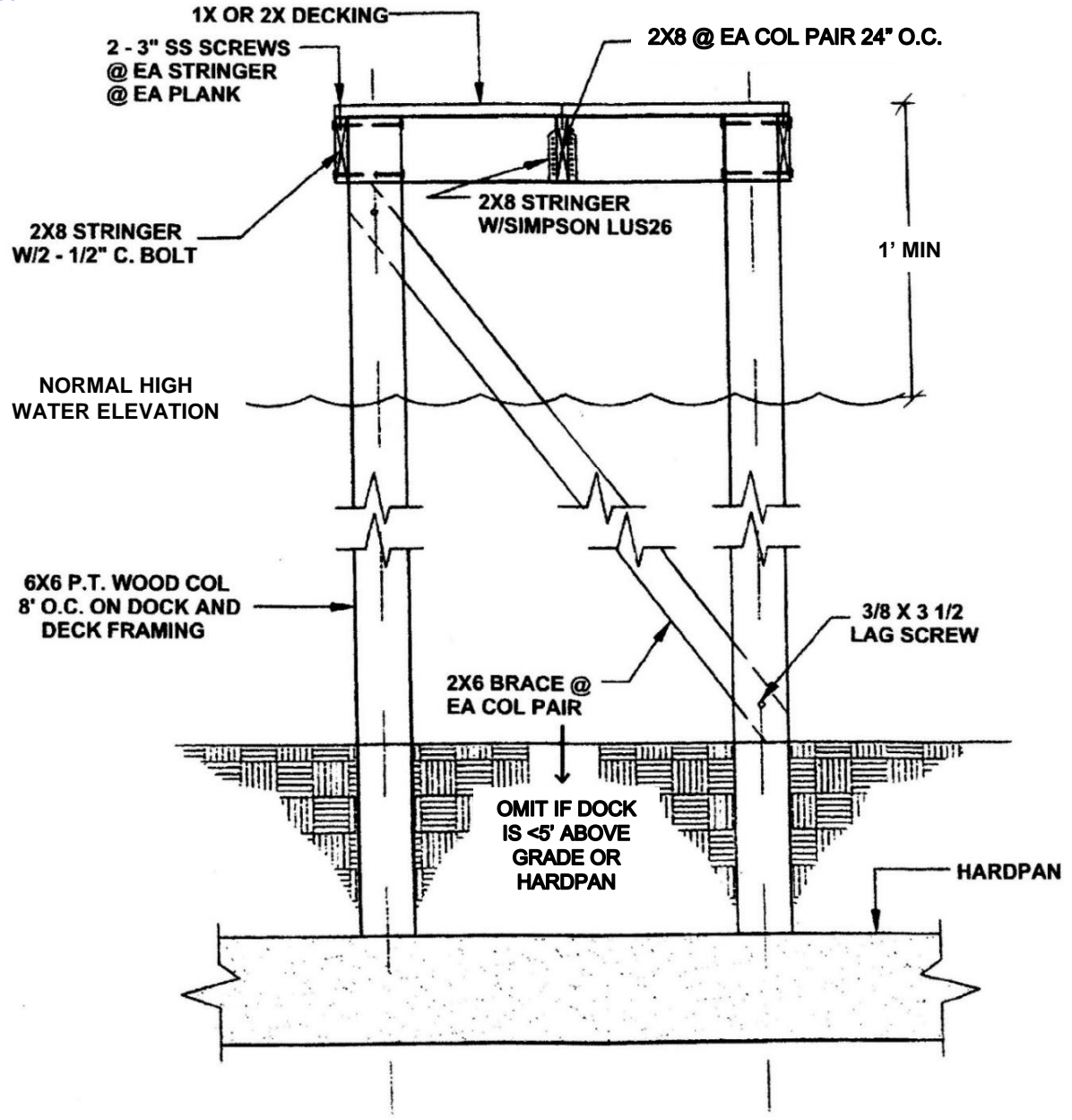
Dock/Deck Cross Section and Bracing

Section D, Item 5.

RECEIVED

6/24/2022

CITY OF EDGEWOOD



Pashley

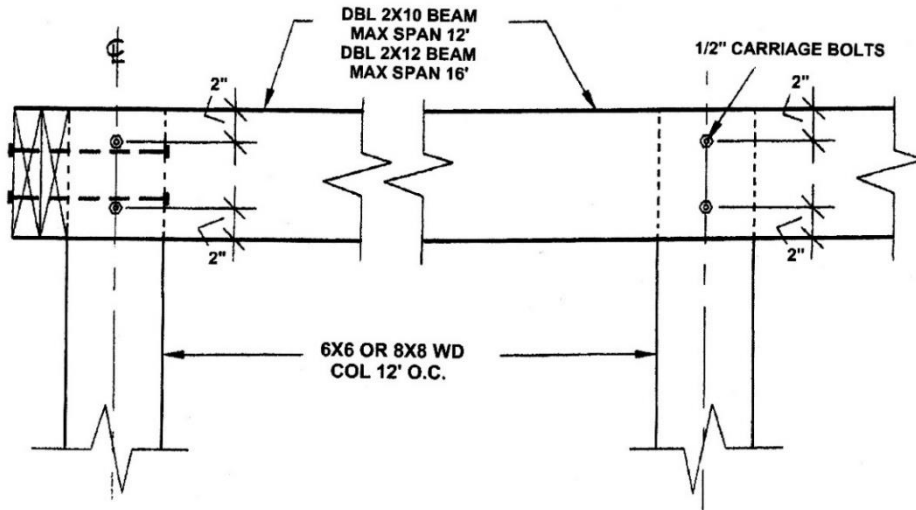
525 Mandalay Road, Edgewood

Details and Specifications (P. Beam and Framing)

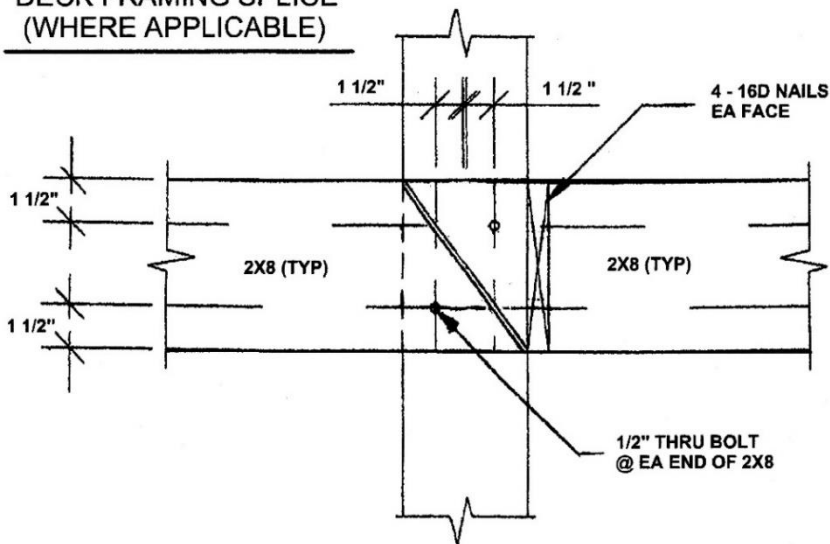
Section D, Item 5.

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6/24/2022
CITY OF EDGEWOOD

P. BEAM DETAIL



DECK FRAMING SPLICE (WHERE APPLICABLE)



Pashley

525 Mandalay Road, Edgewood

The following are general design standards. More stringent design standards may be noted on the plans.

General Requirements:

Reproductions of contract drawings by contractor in lieu of preparation of shop drawings signifies acceptance of information shown as correct and obligates himself to any expense, real or implied, arising from their use. A change to the structural drawings due to the acceptance of alternates and/or substitutes is the responsibility of the contractor and must be submitted to the engineer for approval. The general contractor and each subcontractor shall verify all existing conditions prior to the start of any work. All inconsistencies shall be reported to the designer and/or structural engineer, if needed. Should contractor construct the premises in a fashion not consistent with the plans prepared by the designer and/or structural engineer, or in any fashion, change the plans and drawing without the review and approval from the designer and/or structural engineer. Then designer and/or structural engineer shall bear no responsibility or liability for the construction of premises and accuracy of the drawings.

Structural Aluminum:

Conform to latest edition of Aluminum Association of Florida standard practice for aluminum design.

All aluminum shall be 6061-T6 (E= 10,000 ksi; Fy = 35 ksi)

Timber :

Design in accordance with the National Design specification for wood construction. All graded structural lumber shall be pressure treated and meet the following minimum requirements:

Minimum bending stress = 1250 psi

Young Modulus = 1,600 ksi

Maximum of 15% moisture content

Contractor to use - Southern Yellow Pine No. 2, U.N.O.

Lumber sizes shown are nominal sizes. Lumber shall be furnished in finished sizes meeting the requirement of the American Softwood Lumber Standard.

Galvanized Bolts:

All bolts shall be galvanized be ASTM A36, threaded round stock with a minimum yield stress of 36,000 psi.

Design Loads:

Pursuant to Chapter 16 –Table 1607.1

Deck Live Load: 60 psf

Deck Dead Load: 10 psf

Roof Live Load: 20 psf

Handrail / Guardrails Post: 200 lbs acting horizontally on top of the Post, 42” A.F.F.

Guardrails and handrails : 50 plf at top rail

Guardrail in fill components: 50 psf

Stair L.L. : 100 psf

Components and cladding, design wind pressures + 38psf / -38psf

RECEIVED

6/24/2022

CITY OF EDGEWOOD

Pashley

525 Mandalay Road, Edgewood

1 AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA,
 2 AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES TO
 3 CREATE A NEW SITE SPECIFIC PLAN ZONING CATEGORY;
 4 ESTABLISHING A PROCESS AND REQUIREMENTS FOR REZONING
 5 PROPERTY TO SITE SPECIFIC PLAN ZONING; ESTABLISHING
 6 APPLICATION AND EVALUATION STANDARDS RELATED TO SITE
 7 SPECIFIC PLAN ZONING REQUESTS; PROVIDING FOR PERMITTED,
 8 AND PROHIBITED USES WITHIN SUCH ZONING; PROVIDING FOR
 9 SITE AND DEVELOPMENT STANDARDS; PROVIDING FOR
 10 REGULATIONS AND ENFORCEMENT; PROVIDING FOR
 11 SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND
 12 AN EFFECTIVE DATE

13
 14 WHEREAS, certain parcels of land located within the City may present unique
 15 development challenges due to configuration and surrounding uses; and

16
 17 WHEREAS, the City is desirous of encouraging creative solutions to development
 18 challenges; and

19
 20 WHEREAS, Euclidean zoning sometimes does not allow the necessary flexibility to
 21 implement such creative solutions; and

22
 23 WHEREAS, the City Council finds that creating a Site Specific Plan zoning district that
 24 allows for collaboration between the City, the developer, and neighboring property owners and
 25 stakeholders encourages dialogue and problem solving that can lead to mutually beneficial
 26 solutions to development challenges; and

27
 28 WHEREAS, the City Council also finds that it is necessary to implement regulations
 29 governing the appropriateness, limitations, and implementation of site specific zonings; and

30
 31 WHEREAS, as of the effective date of this Ordinance, the City will have amended its
 32 Comprehensive Plan, to contemplate site specific zonings under certain circumstances; and

33
 34 WHEREAS, within this Ordinance, deletions are identified by ~~striketrough~~ text,
 35 additions are identified by underline text, and portions of the Code that remain unchanged and
 36 which are not reprinted here are indicated by ellipses (***)

37
 38 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
 39 OF EDGEWOOD, FLORIDA, AS FOLLOWS:

40
 41 SECTION ONE. The findings set forth in the recitals above are hereby adopted as
 42 legislative findings of the City Council pertaining to this Ordinance.

43

44 SECTION TWO. Chapter 134, "Zoning," Article IV, "District Regulations," is hereby
45 amended as follows:

46
47 **DIVISION 12. - SSP SITE SPECIFIC PLAN ZONING DISTRICT**

48 **Sec. 134-476. Intent and purpose of SSP district.**

- 49 a) There is hereby created the Site Specific Plan (SSP) zoning district.
- 50 b) The intent and purpose of the SSP district is to implement the Site Specific Plan future land
51 use designation of the City's comprehensive plan, establishing a process that will ensure a
52 proposed development is compatible with adjacent land uses, protect environmentally
53 sensitive areas, and is coordinated with available public services and facilities
- 54 c) In the event of any conflict with any other provision of this Code, the provisions of this
55 Division shall prevail unless specifically provided otherwise.

56 **Sec. 134-477. Uses permitted.**

- 57 a) Uses Permitted. Any use permitted in any zoning district within the City shall be considered
58 a potential use in the SSP district unless such use is specifically enumerated as a prohibited
59 use within the SSP district.
- 60 b) Development Agreement. The specific permitted uses for property zoned SSP shall be set
61 forth in a development agreement approved as provided herein, which shall be recorded in
62 the official public records of Orange County, Florida.

63
64 **Sec. 134-478. Prohibited Uses**

- 65 a) Any use prohibited in the C-1, C-2, or C-3 district shall be prohibited in the SSP district.
- 66 b) Car washes

67 **Sec. 134-479. Approval Procedure.**

- 68 a) The applicant shall submit to the City Clerk an application and payment of the application
69 fees for consideration of comprehensive plan amendments (future land use map amendment
70 and site specific policy detailing, at a minimum, the proposed use and density and/or
71 intensity) and rezoning approval. The application shall include sufficient copies, as required
72 by the city, of the following.
 - 73 1) Complete application form documenting the applicant's name and contact information,
74 full legal description of the property, acreage, owner's name and contact information,
75 and agent authorization if applicant is not the owner of the property
 - 76 2) The proposed comprehensive plan amendments per Section 134-480
 - 77 3) The Site Specific Plan per Section 134-481

- 78 4) A statement of need and justification for the change
- 79 5) An analysis of how the proposed use is consistent with and/or furthers the goals,
80 objectives and policies of the city's comprehensive plan
- 81 6) An analysis of potential land use compatibility issues and the proposed mitigation. Land
82 use compatibility is of premier importance to this district. Compatible means, a
83 development, building and/or land use that is designed to be able to exist or occur without
84 conflict with its surroundings in terms of its uses, scale, height, massing and location on
85 its site, as well as is without negative impact to public services and facilities. Land use
86 compatibility analysis shall address visual impact, on-site operational impact, and impact
87 to public services and facilities, including, but not limited to the area road network.
88 Examples of mitigation measures include, but are in no way limited to, the following;
89 often times, more than one mitigation strategy is necessary for each category.
- 90 a) Visual impact/Building Scale and Site Design Impact; i.e., the three-dimensional
91 bulk of a structures onsite including height, width, and depth compared to adjacent
92 uses. This not only includes the appearance of any structures, but also the
93 effect of outdoor storage, as well as the long term maintenance of buildings,
94 landscaping, etc. onsite. Mitigation for visual impact include, but are not limited
95 to the following.
- 96 1) Provide gradual transition between smaller and larger residential lots through
97 the arrangement and scale of lots and/or by providing appropriately scaled
98 buffers.
- 99 2) Minimize the mass of buildings that directly face smaller, pre-existing
100 buildings by: 1) reducing the visual impact with larger setbacks; 2)
101 incorporating design and elevation features that complement adjacent lower-
102 density/intensity development; 3) stepping buildings down to a scale (building
103 bulk, footprint size, and height) complementing adjacent development; and/or
104 4) breaking up massing of buildings with architectural features.
- 105 3) Design structures in a manner that provides a visual or height transition and
106 complements the scale and form of adjacent development. This can be done
107 through reducing building height, providing step-backs, varying massing,
108 increasing setbacks, and other techniques.
- 109 4) Alternate/undulate facades and roof lines, especially for buildings significantly
110 longer than buildings on adjacent; i.e., variation in vertical and horizontal
111 elevation and use of decorative elements.
- 112 5) Avoid blank walls, by using design techniques such as evergreen vine wall
113 (trellis or wire/vine system), variety or decorative masonry pattern of at least
114 two types of materials, color, texture, or architectural feature (such as accents
115 and relief elements), or use of faux windows.

- 116 6) Increase the use of landscaping, and building setbacks to reflect patterns in
 117 adjacent, lower-intensity residential areas.
- 118 7) Use mature trees to improve compatibility in building scale.
- 119 8) Locate, design, and manage stormwater management features (including
 120 retention and detention basins, swales, surface drainageways, constructed
 121 wetlands, and greenways) to provide visual amenities and opportunities for
 122 passive recreation.
- 123 9) Use landscape, pedestrian ways, bioswales, and parking design to divide large
 124 parking lots into smaller blocks.
- 125 10) Use significant landscaped buffers and screening to reduce the visual impact
 126 of parking facilities on adjacent residential areas.
- 127 11) Place parking lots between taller commercial buildings and single family
 128 homes.
- 129 b) Operational Impact; i.e., operational by-products such as noise, odors, dust,
 130 vibration, light, heat, electrical interference etc. that will negatively impact adjacent
 131 uses.
- 132 1) Contain operations within building walls to the maximum degree possible.
- 133 2) Design the building layout to orient operations internal to the site.
- 134 3) Use vertical screening to block visual effects of high-impact components such
 135 as mechanical equipment and service areas.
- 136 4) Locate dumpsters away from adjacent residential areas.
- 137 5) Direct light generated by higher intensity uses, including direct illumination
 138 of parking and service areas, signs, and structures, away from adjacent
 139 residential areas and public streets.
- 140 6) Reduce noise through additional wall insulation, plantings, fences and walls,
 141 and strategic placement of doors and windows.
- 142 7) Hours of operation—Low intensity uses such a residential generally have
 143 much more restricted activities than higher intensity uses such as industrial.
- 144 c) Impact to public services and facilities.
- 145 1) Coordinate with the City/County/State to construct improvements necessary to
 146 mitigate the project’s impact on the area road network.
- 147 2) Utilize site designs, building groupings, and site features that accommodate
 148 and encourage the use of transportation alternatives, including pedestrian,
 149 bicycle, and public transportation. Examples of techniques include provision
 150 of wide sidewalks, provision of transit stops/shelters; visible and convenient
 151 bicycle parking facilities; and multi-use paths to building entrances.

- 152 3) Increase the connectivity of the street network to reduce reliance on single
 153 routes for access.
- 154 4) Use latest technology for energy use, stormwater management, potable water
 155 supply.
- 156 7) An analysis of the availability of facilities and services including Potable Water,
 157 Wastewater, Stormwater Management, Solid Waste Disposal, Police and Fire
 158 Protection, and Transportation.
- 159 8) An analysis of the suitability of the proposed development given the soils,
 160 topography, wetlands, floodplains, native vegetation, and environmentally
 161 sensitive areas on site.
- 162 9) An analysis of how the proposed development promotes water and energy
 163 conservation.
- 164 10) The proposed Development Agreement per Section 134-483.
- 165 11) Statement from a certified appraiser relative to the effect on adjacent property
 166 values.
- 167 12) Any supporting data the applicant deems necessary to support the request.
- 168 b) *Distribution for Review* After determining the application is complete, the City Clerk shall
 169 distribute the application to pertinent city staff for review. An incomplete application will
 170 not be forwarded to staff, resulting in the delay of processing.
- 171 c) *Staff/Applicant Meeting/Initial Review Comments.* The City Clerk will coordinate with the
 172 applicant and staff to schedule a meeting to discuss staffs' review comments, as well as guide
 173 further refinement of the application if necessary.
- 174 d) *Community Meeting.* Prior to the final staff report preparation, the applicant shall schedule
 175 and attend a community meeting to provide an informal setting to present the project and
 176 gain input from area residents/businesses. A report prepared by the applicant summarizing
 177 the community meeting proceedings and any modifications to the proposal based on the input
 178 shall be submitted to the City Clerk for staff distribution.
- 179 e) *Staff Report.* Following the applicant's report on the community meeting, a joint staff report
 180 addressing the comprehensive plan amendment and site specific plan will be prepared for the
 181 Planning and Zoning Board by staff, which will be sent to the applicant. The applicant may
 182 request an additional staff/applicant meeting to discuss the report or request the City Clerk
 183 to schedule a public hearing before the Planning and Zoning Board.
- 184 f) *Planning and Zoning Board Hearing.* The Planning and Zoning Board hearing date shall not
 185 be scheduled within 21 days of the City Clerk receiving the request from the applicant to
 186 proceed to public hearing unless the minimum time is waived by the City Clerk.
- 187 g) *City Council Hearings.* The public hearing before the City Council shall be held at least ten
 188 days after the Planning and Zoning Board hearing, unless the time is waived by the City
 189 Clerk. The city shall process the comprehensive plan amendment in accordance with Chapter

190 163, Florida Statutes. Final approval of the zoning shall not occur until after the effective
191 date of the comprehensive plan amendments.

192 **Section 134-480 Preparation of the Comprehensive Plan Amendments**

193 a) The necessary amendments to the comprehensive plan (Future Land Use Map amendment
194 and new policy identifying, at a minimum, the permitted uses and densities/intensities) shall
195 conform to the requirements as specified within F.S. ch. 163, pt. II. and follow the process
196 outlined below.

197 (1) The comprehensive plan text or map amendments shall be submitted to the Planning
198 and Zoning Board for study and recommendation. The Planning and Zoning Board
199 shall study such proposals to determine:

- 200 a. The need and justification for the change;
- 201 b. The effect of the change, if any, on the particular property and the surrounding
202 properties;
- 203 c. The compatibility of the proposed land uses with surrounding properties; and
- 204 d. The relationship of the proposed amendment to the goals, objectives and policies
205 and text of the city's comprehensive plan, with appropriate consideration as to
206 whether the proposed change will further, or at least not be contrary to the
207 comprehensive plan.

208 (2) No recommendation for transmittal or adoption of any amendment to the comprehensive
209 plan shall be made by the Planning and Zoning Board until and unless a public hearing
210 has been held. In addition to the public notice requirements of F.S. ch. 163, pt. II, written
211 notice of the time and place of such meeting and the proposed action to be taken shall be
212 posted upon the property and mailed to all owners of record of property within 2640 feet
213 of the property requested for map amendment at least 15 days prior to the public hearing.
214 The public notice posted on the property shall be erected to be in full view of the general
215 public on each street side of said land and shall be erected by the applicant.

216 (3) The Planning and Zoning Board, following their public hearing, may recommend
217 approval, approval with conditions, denial or submit such request with no
218 recommendation to the City Council in the case of a tie vote.

219 (4) Upon the filing of the recommendations report by the Planning and Zoning Board, the
220 City Council shall hold the first of two public hearings to consider approval of the request
221 in a timely fashion in accordance with Florida law. The second public hearing on the
222 ordinance to consider approval will occur based on the timeline in Florida law, and with
223 notice and hearings conducted in the manner prescribed by law. If the amendment
224 qualifies as a small-scale amendment, review/recommendation by the Planning and
225 Zoning Board and two public hearings by City Council shall occur after giving at least
226 15 days' notice of time and place of such hearings consistent with State law as well as
227 posted upon the property by the applicant in full view of the general public on each street

228 side of said land, and mailed to all owners of record of property within 2640 feet of the
229 property.

230 b) The proposed policy amendment shall restrict the range of permitted uses and development
231 intensity/density. The City Council may also restrict or impose requirements such as, but not
232 limited to, limitations on building size and height, minimum setbacks, other site design or
233 building design or use features, and/or vehicle access configuration.

234

235 **Sec. 134-481 The Specific Site Plan (SSP).**

236 a) The Specific Site plan shall address the use of all or a portion of the subject property. If the
237 developer or applicant proposes to create a subdivision, a preliminary subdivision plan shall
238 be processed concurrently with the site plan in accordance with Chapter 126 and shall be
239 subject to approval by the City Council.

240 b) The site plan, drawn to scale not to exceed one inch equals 200 feet, unless otherwise
241 appropriate, and consisting of properly identified exhibits and support materials, shall clearly
242 indicate the following.

243 (1) The project name, legal description, total acreage and location map.

244 (2) Existing topography at one-foot contours based on the county datum (or as approved
245 by the city engineer) and other natural features including, but not limited to, lakes,
246 watercourses, wetland, and conservation areas.

247 (3) On-site soil types (based on the soil conservation service classification system), flood
248 hazard areas and generalized vegetation.

249 (4) Existing uses, easements, and demolition plan

250 (5) Proposed land uses and development intensity/density, with each phase of the total
251 development identified if phasing is proposed

252 a. Proposed Residential. Maximum gross density, total number of units, type of unit(s),
253 minimum lot size, minimum air conditioned living floor area per unit, building height
254 (in stories and feet), impervious surface maximum per lot, minimum building and
255 accessory use setbacks, open space acreage delineated in tracts, and recreation area
256 delineated in tracts. Recreation and open space/excluding landscape buffers shall
257 constitute 25% of the total acreage of the property (excluding water bodies and
258 wetland). At least two recreation activities shall be provided per recreation tract.

259 b. Proposed Nonresidential. Specific types of uses; gross building floor area;, building
260 floor area ratio; building height (in stories and feet); minimum setbacks from all
261 sides;, maximum impervious surface per lot/tract; delineated areas where outdoor
262 activities will take place, and a listing of the type of outdoor activities are proposed;
263 and open space acreage delineated in tracts.

264 (6) The phasing of development and the manner in which each phase of development can
265 exist as an independent stable unit with all necessary public services and facilities.

- 266 (7) Identification of adjacent streets, and street intersections or rights-of-way within 500
267 feet of proposed access points, any major street setbacks, and planned right-of-way
268 lines.
- 269 (8) Proposed method of providing the following services:
270 a. Water service (including fire flows), plus gallons-per-day requirement.
271 b. Sewage disposal, plus gallons per day generated.
- 272 (9) Proposed method of land use compatibility.
- 273 (10) Stormwater management system, including direction of surface drainage flow.
- 274 (11) Refuse storage areas locations.
- 275 (12) Proposed easements.
- 276 (13) Transportation facilities including roads, and pedestrian and bike facilities proposed
277 in the development, including the proposed right-of-way, sidewalk and bike path
278 widths.
- 279 (14) Projected vehicle traffic generation based on established standards. A traffic study
280 shall be provided if determined to be necessary by the city engineer.
- 281 (15) Vehicular and bicycle parking spaces detailing location and size.
- 282 (16) Exterior lighting.
- 283 (17) Existing tree protection/preservation plan with an effort toward site layout that
284 conserves and protects onsite mature trees to enhance community appearance, assist
285 in the natural control of solar heat, soil conservation and erosion, oxygen
286 production, pollution, noise, and to provide a haven for community wildlife. At a
287 minimum, the plan shall be consistent with Chapter 130. Removal of Historic and/or
288 Specimen Trees shall be replaced with trees sold in 15-gallon containers of at least
289 1½ inches in diameter as measured three feet above soil level.
- 290 (18) Landscape plan, to include species, quantity, and sizes, not only for land use
291 compatibility mitigation, but also for the enjoyment of site users (employees and/or
292 residents). The plan shall exceed the standards of Chapter 114.
- 293 (19) Sustainability plan that documents the inclusion of innovative technology for the
294 provision of infrastructure needs such as electric charging stations and alternative
295 energy sources as well as green building design.
- 296 (20) Design elevations or renderings of structures.
- 297 (21) Sign plan, including scaled plans of proposed signs.
- 298 (22) School age population (if applicable).
- 299 (23) Requested waivers from the subdivision regulations or other development standards
300 shall be indicated on the site plan or submitted in writing detailing the particular
301 provisions of the Code requested to be waived and basis for the request.

302 c) The SSP shall serve as the basis for the required new comprehensive policy, SSP zoning
303 district ordinance, and the required Development Agreement.

304 **Sec. 134-482 Site and Building Standards**

- 305 a) Maximum Height shall be determined during SSP review.
- 306 b) Parking quantity shall be consistent with code standards unless competent and substantial
307 evidence demonstrates a reduce quantity is appropriate.
- 308 c) Landscaping shall exceed the minimum code standards and shall be provided to mitigate
309 compatibility issues.
- 310 d) Where other site standards have not been specifically delineated in the Site Specific Plan,
311 the Code requirements shall apply.

312
313 **Sec. 134-483 Development Agreement:** The draft Development Agreement is required to be
314 submitted at the time of application. The document shall detail covenants, conditions, restrictions,
315 and agreements that govern the use, maintenance and continued protection of minimum standards
316 established by the rezoning/comprehensive plan policy, as well as maintenance and protection of
317 the building structures, infrastructure, recreation areas, and landscaping. Finalization of the
318 Development Agreement shall occur at least two weeks prior to the Planning and Zoning Board’s
319 public hearing.

320
321 **Sec. 134-484. Amendments to the Site Specific Plan.**

- 322 a) Amendments to the approved Site Specific Plan shall be classified as either substantial or
323 nonsubstantial amendments.
- 324 b) A substantial amendment is an amendment that would result in any of the following:
 - 325 (1) A change that would include a land use not previously permitted under the approved Site
326 Specific Plan zoning.
 - 327 (2) A change that would alter the location of a building within 300 feet of a property
328 boundary, except when it is a reduction in the mass or height
 - 329 (3) A change that would require an amendment to the city's conditions of approval.
 - 330 (4) A change that would increase the land use intensity.
 - 331 (5) An amendment to the phasing that would propose a land use in advance of the
332 development it was designed to support.
- 333 c) The determination of a substantial or non-substantial amendment shall be made jointly by
334 the city engineer and city planner. If an agreement is not reached, the determination shall be
335 made by the City Council.
- 336 d) Where the developer proposes to reduce the number of units or floor area in one phase of the
337 project, a corresponding increase in the number of units or floor area in another phase may

338 be administratively approved, if all other conditions of approval are not adversely affected,
339 and no other change is proposed that would be considered a substantial amendment.

340 e) Substantial amendments must be approved at applicable public hearings, which could include
341 amendment to the comprehensive plan.

342 **Sec. 134-485. Control of development following approval.**

343 a) Upon the approval of the Site Specific Plan, the use of land and the construction or
344 modification of any buildings or structures on the property shall be in accordance with the
345 approved Site Specific Plan, rather than with the other provisions of this chapter. However,
346 all other city codes, ordinances, policies and resolutions shall apply to the project.

347 b) The city engineer and city planner shall be responsible for certifying that all aspects of the
348 development, including conditions of approval have been satisfactorily completed prior to
349 the issuance of a certificate of completion.

350 c) After certification, no changes may be made to the approved development plan except that:

351 (1) Any structural extension, alteration or modification of existing building structures that
352 are consistent with the approved site plan may be authorized by the city engineer or other
353 city designee.

354 (2) A building or structure that is destroyed may be reconstructed only in compliance with
355 the development plan unless an amendment to the site plan is approved under the
356 provisions of this division.

357 **Sec. 134-486. Other requirements.**

358 a) Off-site improvements may be required in conjunction with the Site Specific Plan approval
359 in order to offset the impacts on public facilities and services created by the proposed
360 development.

361 b) All projects shall provide an adequate level of public facilities and services to accommodate
362 the project as proposed in the development plan.

363 c) At the time of development, the development shall comply with all regulations and
364 ordinances in force at the time of engineering plan approval, unless specifically addressed
365 by the Development Agreement.

366 d) Projects that have not been developed and which the City Council considers to be
367 inconsistent with the provisions of this division may be required to update the site plan or
368 may be subject to administrative rezoning if the project is not vested under the applicable
369 law.

370 **Sec. 134-487 Enforcement and penalties.**

371 In the event of a noncompliance with this article, the City Council shall have the authority
372 to suspend construction activity and revoke any building permit issued under this article, and to

373 take all actions necessary to halt construction until such time as the provisions herein are complied
374 with. In the event legal action is necessary, and professional fees and costs are incurred by the city
375 enforcing compliance, these expenses shall be borne by the developer or parties violating the terms
376 of this article. These penalties are in addition to any other penalties provided by law.

377
378 **SECTION THREE.** The provisions of this Ordinance shall be codified as and become
379 and be made a part of the Code of Ordinances of the City of Edgewood.

380
381 **SECTION FOUR.** If any section, sentence, phrase, word or portion of this ordinance
382 is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to
383 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or
384 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

385
386 **SECTION FIVE.** All ordinances that are in conflict with this Ordinance are hereby
387 repealed.

388
389 **SECTION SIX.** This Ordinance shall become effective immediately upon its passage and
390 adoption.

391
392 **PASSED AND ADOPTED** this _____ day of _____, 2022, by the City
393 Council of the City of Edgewood, Florida.

394 PASSED ON FIRST READING: _____

395 PASSED ON SECOND READING: _____

396
397
398
399 _____
400
401 Richard A. Horn, Council President

402 *ATTEST:*
403
404 _____
405 Sandy Riffle
406 Interim City Clerk
407