



CITY COUNCIL REGULAR MEETING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Tuesday, January 17, 2023 at 6:30 PM

AGENDA

Welcome! We are very glad you have joined us for today's Council meeting. If you are not on the agenda, please complete an appearance form and hand it to the City Clerk. When you are recognized, state your name and address. The Council is pleased to hear relevant comments; however, a **five (5) minute limit** has been set by Council. Large groups are asked to name a spokesperson. **Robert's Rules of Order** guide the conduct of the meeting. **Please silence all cellular phones and pagers during the meeting.** Thank you for participating in your City Government.

A. CALL TO ORDER, INVOCATION, & PLEDGE OF ALLEGIANCE

B. ROLL CALL & DETERMINATION OF QUORUM

C. PRESENTATION OF PROCLAMATION

D. CONSENT AGENDA

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

[1.](#) December 20, 2022 Draft Meeting Minutes

[2.](#) CrowderGulf Contract Renewal (storm debris hauler)

E. ORDINANCES

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

[1.](#) Ordinance 2022-10 Capital Improvement Schedule Annual Update

[2.](#) Ordinance 2022-13 Wall Locations

[3.](#) Ordinance 2022-11 Boat Docks

G. UNFINISHED BUSINESS

H. NEW BUSINESS

I. GENERAL INFORMATION

J. CITIZEN COMMENTS

K. BOARDS & COMMITTEES

L. STAFF REPORTS

City Attorney Smith

Police Chief

[1.](#) Chief's Report - Month of December 2022

City Clerk Riffle

[1.](#) 2023 Municipal Election

M. MAYOR AND CITY COUNCIL REPORTS

Mayor Dowless

Council Member Chotas

Council Member Pierce

Council Member Rader

Council Member Lomas

Council President Horn

N. ADJOURNMENT

UPCOMING MEETINGS

Monday, February 13, 2023.....Planning and Zoning

Tuesday, February 21, 2023.....City Council

Meeting Records Request

You are welcome to attend and express your opinion. Please be advised that **Section 286.0105**, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made.

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**.



CITY COUNCIL REGULAR MEETING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Tuesday, December 20, 2022 at 6:30 PM

DRAFT MINUTES

CALL TO ORDER, INVOCATION, & PLEDGE OF ALLEGIANCE

Council President Horn called the meeting to order at 6:30 pm. He asked for a moment of silence and then led the Pledge of Allegiance.

ROLL CALL & DETERMINATION OF QUORUM

City Clerk Riffle announced a quorum with three Council Members and Mayor Dowless present. Councilmembers Chotas and Rader were unable to attend and requested to be excused.

Councilmember Pierce made a motion to excuse the absences of Councilmembers Chotas and Rader; seconded by Councilmember Lomas. Motion approved by voice vote (3/0).

PRESENT

Mayor John Dowless
Council President Richard A. Horn
Council President Pro-Tem Ben Pierce
Councilmember Susan Lomas

ABSENT

Councilmember Chotas
Councilmember Rader

STAFF

Sandra Riffle, City Clerk
Pete Gauntlett, Interim Police Chief
Tim Cardinal, Police Sergeant
Shannon Patterson, Police Chief of Staff
Stacey Salemi, Code Compliance Officer
Ellen Hardgrove, City Planner

PRESENTATION OF PROCLAMATION

Citizens of the Year 2022

Mayor Dowless read the Citizens of the Year Proclamation and read the corresponding Proclamation to honor Dan and Janie Drummond.

Mayor Dowless said that the Drummonds have offered many hours of volunteer time to the Edgewood community; they are always ready to help. Dan has piloted Santa Clause in over several years, often at his own expense to ensure that the children at the event had an incredible experience. The City of Edgewood wished to thank them for their time and service.

CONSENT AGENDA

November 15, 2022 City Council Meeting Minutes

City Clerk Riffle said there was one correction to the minutes on page four, changing "was" to "said". The sentence should read, "Attorney Smith said the City might not be able to impel them to do anything."

Councilmember Lomas made a motion to approve the November 15, 2022 meeting minutes with the correction; seconded by Councilmember Pierce. The motion was approved by voice vote (3/0).

ORDINANCES

- **Ordinance 2022-08: Comprehensive Plan Amendment**

AN ORDINANCE AMENDING THE CITY OF EDGEWOOD COMPREHENSIVE PLAN RELATED TO THE CREATION OF A SITE-SPECIFIC FUTURE LAND USE DESIGNATION AND GENERAL TEXT TO FUTURE LAND USE POLICY 1.1.6; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Attorney Smith read Ordinance 2022-08 in title only.

Planner Hardgrove said this agenda item is a Comprehensive Plan amendment to add a new future land use designation, Site Specific Plan, to be transmitted to the Department of Economic Opportunity (DEO) for State review. This is the same amendment that Council denied in July 2022; however, based on new input, Council agreed to reconsider the amendment.

She explained that the proposed new designation would allow a use that would require extra scrutiny to ensure land use compatibility with adjacent uses. To use the new designation, applicants must submit a policy along with a Future Land Use Map (FLUM) amendment that details their proposal. The implementing district will require stronger requirements than standard zoning.

Planner Hardgrove recommended changes to lines 109 and 110 from how it went to the State during the last review. There were density caps with a maximum of 16 units per acre for residential and the Floor Area Ratio (FAR) for non-residential was 1.0. She recommended this be removed to allow flexibility for new uses. The density and/or intensity would be identified in the correlated policy when the future land use designation was established on a parcel.

There was no public comment.

Mayor Dowless said he would appreciate the Council's approval.

Council President Horn made a motion to approve Ordinance 2022-08 with changes proposed by the City Planner; seconded by Councilmember Lomas. Motion approved (3/0) by roll call vote.

A roll call vote was taken.

Councilmember Pierce	Favor
Councilmember Lomas	Favor
Council President Horn	Favor
Councilmember Chotas	Absent
Councilmember Rader	Absent

3. Ordinance 2022-09: Small Scale Comp Plan Amendment for County to City Zoning

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, TO AMEND THE FUTURE LAND USE MAP OF THE EDGEWOOD COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE DESIGNATION ON TWO PARCELS: 1) FROM COUNTY COMMERCIAL AND OFFICE TO CITY COMMERCIAL ON THE APPROXIMATELY 8.79 ACRE OAKWATER PROFESSIONAL PARK AND 2) FROM HIGH DENSITY RESIDENTIAL TO COMMERCIAL ON APPROXIMATELY 0.78 ACRE LOCATED AT 5517 HANSEL AVENUE; FINDING THAT SUCH CHANGE IN THE FUTURE LAND USE MAP ARE SMALL SCALE AMENDMENTS UNDER SECTION 163.3187, FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Attorney Smith read Ordinance 2022-09 in title only.

Planner Hardgrove said this Ordinance relates to the City’s effort to administratively rezone areas that continue to have the County zoning after annexation to a City zoning district. Per code, all territory that was annexed into the City is considered to be zoned the same as the County zoning classification unless changed by the City. Rezoning, however, requires consistency with the City’s future land use map. The proposed amendment would provide for this consistency.

Oakwater’s County designation is Office, but the City does not have that classification, and it would be designated as Commercial.

The 5517 Hansel Avenue property has a High-Density Residential future land use designation even though the property is zoned PO (Professional Office). The proposed future land use is Commercial; as stated above, the City does not have an Office future land use designation.

There was no public comment

Councilmember Pierce made a motion to approve Ordinance 2022-09; seconded by Councilmember Lomas. The motion was approved by roll call vote (3/0).

A roll call vote was taken.

Councilmember Lomas	Favor
Councilmember Pierce	Favor
Council President Horn	Favor
Councilmember Chotas	Absent
Councilmember Rader	Absent

4. Ordinance 2022-10: CIE Annual Amendment Transmittal

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA, ADOPTING THE 2022/2023 FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE ANNUAL UPDATE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Smith read Ordinance 2022-10 in title only.

Planner Hardgrove said this agenda item is for approval of the proposed Comprehensive Plan's fiscal years 22/23-26/27 Capital Improvement Schedule, as required by the State. It is a list of capital expenditures of \$10,000 or more that are needed to maintain the level of service standards required by the Comprehensive Plan. Florida Statute requires an annual update to the schedule.

She said that drainage is the only level of service responsibility the City has. According to CPH, no expenditures are needed to maintain the drainage service level. All other responsibilities are implemented by other agencies such as Orange County and OUC. Orange County and FDOT maintain the roads.

There was no public comment

Councilmember Lomas made a motion to approve Ordinance 2022-10; seconded by Councilmember Pierce. The motion was approved by roll call vote (3/0).

A roll call vote was taken.

Councilmember Pierce	Favor
Councilmember Lomas	Favor
Council President Horn	Favor
Councilmember Chotas	Absent
Councilmember Rader	Absent

5. Ordinance 2022-11: Boat Docks

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 14 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES REGARDING RULES AND REGULATIONS FOR BOAT DOCK CONSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Smith read Ordinance 2022-11 in title only. He said this is in response to Council’s direction to amend Edgewood’s boat dock ordinance to capture Orange County’s most recent amendments.

Attorney Smith said some housekeeping items and clarifications were made to the Code. He noted that the substantive changes were that setbacks changed from a uniform 15 feet to setbacks based on lakefront lengths. Height requirements were changed from a maximum of 13 feet to 15 feet.

Council President Horn said he prefers that the Code be uniform with the County.

There was no public comment.

Council President Horn made a motion to approve Ordinance 2022-11; seconded by Councilmember Pierce. The motion was approved by roll call vote (3/0).

A roll call vote was taken.

Councilmember Lomas	Favor
Councilmember Pierce	Favor
Council President Horn	Favor
Councilmember Chotas	Absent
Councilmember Rader	Absent

6. Ordinance 2022-12: Rezoning Process

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

Attorney Smith read Ordinance 2022-12 in title only. He said this is part of the preparation to prepare for rezoning from County zoning to City zoning. The proposal is to reference notice for rezonings consistent with State law. The Code currently references the variance notice procedures for rezonings.

There was no discussion or public comment.

Councilmember Lomas made a motion to approve Ordinance 2022-12; seconded by Councilmember Pierce. The motion was approved by a roll call vote (3/0).

A roll call vote was taken.

Councilmember Pierce	Favor
Councilmember Lomas	Favor
Council President Horn	Favor
Councilmember Chotas	Absent
Councilmember Rader	Absent

7. Ordinance 2022-13: ECD Wall Locations

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES RELATED TO THE EDGEWOOD CENTRAL DISTRICT TO CORRECT SCRIVENERS’ ERRORS, PROVIDE CLARIFICATION OF ADOPTED REGULATIONS AND STANDARDS, AMEND CERTAIN DESIGN GUIDELINES AND STANDARDS, AND TO PROVIDE AMENDED REGULATIONS RELATED TO LOCATION OF WALLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

Attorney Smith read Ordinance 2022-13 in title only.

City Planner Hardgrove said a scrivener’s error was caught in the regulation related to the location of the required wall when a proposed ECD development is adjacent to a property with a Low-Density Residential Future Land Use designation. The Code referenced the location of the required wall when ECD is adjacent to Low-Density Residential land as five feet from the rear property line. Council had changed this to “on the property line” in 2021, but the signed ordinance did not reflect this change. In discussions with the Planning and Zoning Board it is now recommended that placement of the required wall for both the side and rear be “on or within five feet of the property line” to provide flexibility.

There was no public comment.

Council President Horn made a motion to approve Ordinance 2022-13 for a change to wall locations in the ECD when a rear or side yard abuts a property with a Low Density Residential Future Land Use designation; seconded by Councilmember Lomas. The motion was approved by a roll call vote (3/0).

A roll call vote was taken.

Councilmember Lomas	Favor
Councilmember Pierce	Favor
Council President Horn	Favor
Councilmember Chotas	Absent
Councilmember Rader	Absent

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION) - None

UNFINISHED BUSINESS - None

NEW BUSINESS - None

GENERAL INFORMATION - None

CITIZEN COMMENTS - None

BOARDS & COMMITTEES - None

STAFF REPORTS

City Attorney Smith

Attorney Smith thanked City Council for a great year and said the City got a lot done. Mayor Dowless complimented him and noted that he speaks up for the benefit of the City and is constantly available.

Police Chief Gauntlett

- Several people were in attendance as they were being interviewed for Police Chief. This has been a difficult time for law enforcement with staffing challenges and the City competes with other agencies.

Chief Gauntlett responded to Council President Horn and said he is aware of the State offering \$5,000 to out-of-state candidates.

- The state puts out grants, and the Police Department aggressively pursues residual funding. Two vehicles need replacement and the City also needs software and hardware.
- Uniform prime reporting will be completed soon.
- The food and toy drive is completed and went very well. He and Sergeant Cardinal offloaded trailers to the Orlando Rescue Mission. Their donations were down this year and they were very grateful.
- Horn asked about the Thursday night motorcycles and off-road bike racing. He heard Orlando is being aggressive with them and making arrests. Chief Gauntlett said it is a nationwide epidemic and is very dangerous, often involving injury. The Police Department does make arrests.

City Clerk Riffle

- City Clerk Riffle explained the 2023 election calendar, with qualifying taking place from Monday, January 23, 2023 at 9:00 am through Friday, January 27, 2023 at Noon.
- Councilmembers Rader's and Lomas' seats are up for election.
- If more than two people qualify and there is an election, it will be necessary to appoint a canvassing board that typically includes a Councilmember that is not also a candidate, the City Clerk, and a resident. This does not need to be decided until the January Council meeting.
- The Jessamine Glen HOA requested No Parking signs on Glen Grove Lane where the road curves to avoid double parking and keep the road open for garbage and emergency vehicles. Sergeant Cardinal said the signs would be helpful.

Mayor Dowless would like the Police Department's feedback on if the signs should be on one or both sides of the road.

Council President Horn said it is a City road, enforced by the City, so the signs should be supplied by the City.

City Attorney Smith noted that signs are installed if there is a finding that they are necessary for safety.

- The pipe on Harbour Island Road was scoped, and there is new damage, possibly caused by Hurricane Ian. It was part of the report to FEMA.

It also seems probable that there is road failure which will require a core sample. CPH is involved and will guide the diagnosis and repair process. Council President Horn said it is better to repair the damage now rather than wait and have a more significant expense to repair if the failure worsens.

MAYOR AND CITY COUNCIL REPORTS

Mayor Dowless

- Mayor Dowless said the Santa Fly-in was very successful and all went smoothly.
- Holiday banners have been installed on the power poles throughout the City. When the Edgewood banners come in he would like to put up some more.
- City Clerk Riffle told Mayor Dowless that she calls Orange County periodically but they do not have a process or a board in place for municipalities to place their legal ads in lieu of a periodical of general circulation. Mayor Dowless said he will check with the League of Mayors.
- He asked Planner Hardgrove if a full-service car wash should be defined in the Code for the ECD. Planner Hardgrove said she researched the car wash industry and there is a definition that says that for full service the driver has no responsibility for cleaning. Mayor Dowless said he would like to include the definition in Code.

Attorney Smith said that the industry standard definition can be used even if it is not in the City's Code. Planner Hardgrove clarified that the definition she used was from multiple websites, but uniformly it is clear that a driver does not perform any work.

- Mayor Dowless said that there are potentially four properties coming up for sale near the Holden and Orange Avenue intersection which includes the shopping center property at the corner, Coq Au Vin, Fulford Warehouses, and Pep Boys, and there is an opportunity for someone to assemble the properties. The Coq Au Vine property is in the middle.

He said the County said they would do a ROW study to estimate the cost to acquire right-of-way through the shopping center in order to realign Gatlin with Hoffner, but the County's transportation tax did not pass and it may be doubtful that funds would be available to purchase shopping center land.

There is approximately \$1.5M in ARPA funds which can be used for most governmental services. He asked Council for their opinion on purchasing the Coq Au Vin property to hold for the Holden realignment as well as for assembling properties for a transformational

redevelopment instead of incremental development. He believes the property is approximately \$1.6M.

Council had no objection to getting more information and Council President Horn said there is no harm in exploring it.

Council Member Chotas – absent

Council Member Pierce – no report

Council Member Rader - absent

Council President Horn

1. The power poles are unsightly and some are leaning. He asked if there is something in Code to require them to be plumb and to require uniform sag. Attorney Smith said he would look into it for the January Council meeting. Mayor Dowless said that he has already written to Duke.
2. Debris is not always cleaned up after car accidents and it can be seen on the roads. Chief Gauntlett said it is a common issue with tow truck operators and frequently cars will leave the scene without using them. They will push on the operators as much as they can.

Council Member Lomas

The grass is growing over the white lines on Holden Avenue and has not been trimmed. Mayor Dowless added that the area by the railroad tracks is a mess and Council President Horn said that the ROW by FK Your Diet has not been maintained.

ADJOURNMENT

Councilmember Pierce made a motion to adjourn the meeting; seconded by Councilmember Lomas.
The meeting was adjourned at 7:37 pm.

Richard A. Horn, Council President

Attest:

Sandra Riffle, City Clerk

Approved in the _____ City Council Meeting



Memo

To: The Honorable Mayor and City Council
From: Sandy Riffle, City Clerk
Date: January 12, 2023
Re: CrowderGulf – Renewal of Contract

CrowderGulf is the City’s secondary contractor for storm debris hauling, while Southern Disaster Recovery (SDR) is the primary. There are no changes from the original contract and will be under the same terms. Rates are determined when the contractor submits the bid according to FEMA procurement regulations.

The employees at CrowderGulf were very communicative during the 2022 storm season even though we did not have to use their services.

Recommendation: Renew CrowderGulf as the City’s secondary contractor for debris hauling.

CrowderGulf

Section D, Item 2.

Disaster Recovery and Debris Management

5629 Commerce Boulevard East
Mobile, Alabama 36619

Office: (800) 992-6207
Fax: (251) 459-7433

November 21, 2022

Ms. Sandy Riffle
City Clerk
City of Edgewood
405 Bagshaw Way
Edgewood, FL 32809

via email: sriffle@edgewood-fl.gov

Re: Contract Renewal for Debris Removal and Disposal Services

Dear Ms. Sandy Riffle:

CrowderGulf has been providing the City of Edgewood Debris Removal and Disposal Services per the agreement effective on February 01, 2020. The term of this agreement shall begin on the date and year first written and shall continue three (3) years, unless otherwise terminated in accordance herewith. The City shall have the option to renew this contract for two (2) additional one (1) year periods.

If the City of Edgewood is in agreement to renew the existing contract please sign the renewal acceptance below and return to CrowderGulf. Upon execution of this acknowledgement, the contract will continue under the same terms and conditions until its new expiration date of February 01, 2024.

We appreciate the opportunity to renew this contract and stand ready to respond immediately in the event the City of Edgewood requests our services. If you have any questions or if we can be of any further assistance please do not hesitate to contact me at the Disaster Administration Office (DAO), 800-992-6207 or by e-mail jramsay@crowdergulf.com.

Best regards,



Ashley Ramsay-Naile
President

RENEWAL ACCEPTANCE – City of Edgewood, FL

Signature

Name/Title

Date

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ORDINANCE 2022-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA, ADOPTING THE 2022/2023 FIVE YEAR CAPITAL IMPROVEMENT SCHEDULE ANNUAL UPDATE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3177(3)(a), Florida Statutes, requires that local government comprehensive plans contain a capital improvements element designed to consider the need for and the location of public facilities; and

WHEREAS, Section 163.3177(3)(b), Florida Statutes, requires that local governments review the capital improvements element on an annual basis, and provides that modifications to update the five year capital improvements schedule may be accomplished by ordinance; and

WHEREAS, “capital improvement” generally means physical assets constructed or purchased to provide, improve, or replace a public facility, typically large scale, high in cost, and may require multi-year financing; and

WHEREAS, Section 163.3177(3)(a)4, Florida Statutes, requires that projects necessary to achieve and maintain adopted levels of service for the five-year planning period be included in the capital improvement schedule.

NOW, THEREFORE, BE IT IS HEREBY ORDAINED BY THE CITY OF EDGEWOOD AS FOLLOWS:

SECTION 1: RECITALS/INTENT. The recitals set forth above are true and correct and constitute legislative findings of the City Council.

SECTION 2: AMENDMENT TO THE CAPITAL IMPROVEMENT SCHEDULE. The Capital Improvement Program Annual Update is hereby adopted as set forth in Exhibit “A,” attached hereto and incorporated herein by reference.

SECTION 3: EXCLUSION FROM CITY CODE/CODIFICATION. It is the intent of the City of Edgewood City Council that the provisions of this Ordinance shall not be codified into the City of Edgewood Code of Ordinances.

SECTION 4: EFFECTIVE DATE. The effective date of this Ordinance shall be immediately upon adoption.

SECTION 5: CONFLICTS. This ordinance shall supersede any ordinances in conflict herewith to the extent that such conflict exists.

SECTION 6: SEVERABILITY. If any part of this ordinance is found to be invalid, preempted, or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such invalid, preempted, or superseded part.

39 PASSED ON FIRST READING THIS _____ DAY OF _____, 2022.

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41 PASSED AND ADOPTED THIS _____ DAY OF _____, 2023.

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44 CITY OF EDGEWOOD, FLORIDA

45 CITY COUNCIL

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Richard A. Horn, Council President

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49 ATTEST:

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Sandra Riffle, City Clerk

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Date: January 4, 2023
To: City Council
From: Ellen Hardgrove, City Planning Consultant
XC: Sandy Riffle, City Clerk
Brett Sollazzo, Administrative Assistant
Drew Smith, City Attorney
RE: Ordinance 2022-10 - Comprehensive Plan Capital Improvement Schedule Annual Update

This agenda item is for second reading of the proposed comprehensive plan's fiscal years 22/23-26/27 Capital Improvement Schedule (CIS); the required statutory annual update. It is a list of either funded or unfunded projects that are necessary to implement the City's comprehensive plan predominantly based on the adopted level of service standards. As stated at the first reading, all of the listed projects are the responsibility of other agencies and governments; i.e., no financial commitments for Edgewood.

There are no changes to the proposed ordinance and CIS since the Council's first reading. Staff recommendation is for approval.

ESH

CITY OF EDGEWOOD ADOPTED LEVEL OF SERVICE (LOS) STANDARDS

Facility	Adopted LOS	Responsible Agency
Sanitary Sewers:	225 gpd (without reclaimed water)	Orange County, City of Orlando
Potable Water:	325 gallons/dwelling unit/day (without reclaimed water)	Orlando Utilities Commission
Solid Waste:	Landfill Capacity: Disposal Rate: 6.0 lbs per day per person Collection: at least once/week, each household	Disposal: Orange County Collection: Edgewood (franchise)
Drainage:		
Bridges	50 year Design Storm/24-hr. storm event	Edgewood & Orange County
Canals, ditches or culverts for drainage external to the development	25 year Design Storm/24-hr. storm event	Edgewood & Orange County
Cross drains, storm sewers	10 year Design Storm/24-hr. storm event	Edgewood & Orange County
Roadside swales for drainage internal to the development	10 year Design Storm/24-hr. storm event	Edgewood & Orange County
Detention/Retention basins	25 year Design Storm/24-hr. storm event	Edgewood & Orange County
Retention/Detention basins (no positive outfall)	meet pre and post development runoff volumes and rates for the 25-year, 96-hour storm event	Edgewood & Orange County
<p>Water Quality: For a dry retention system retain 0.5 inch of runoff from the contributing basin or 1.25 inches of runoff from impervious areas, whichever is greater, plus half an inch of runoff from the contributing basin. For a wet detention system detain 1 inch of runoff from the contributing basin or 2.5 inches of runoff from the impervious areas, whichever is greater.</p> <p>Stormwater quantity: post development stormwater runoff flow rates, peaks, and velocities shall be equal to or less than levels which existed prior to development for the, 25 year, 24 hour storm event</p> <p>Stormwater quality: no degradation of existing water quality conditions in receiving water bodies below the minimum conditions necessary to ensure the suitability of the water for the designated use of its classification as established in Ch. 17-302, F. A. C.</p>		
Roadways (LOS for planning purposes only – not concurrency)		
Principal Arterials:		
Orange Avenue at Holden	E	Orange County/FDOT
Orange Avenue at the one-way pair	E	FDOT
Hansel Avenue at the one-way pair	E	FDOT
Collectors:		
Holden Avenue	E	Orange County
Gatlin Avenue	E	Orange County

Five-Year Capital Improvements Schedule

	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027
SANITARY SEWERS ORANGE COUNTY 225 GPD (WITHOUT RECLAIMED WATER) The identified expenditures are Orange County's responsibility. City is not fiscally responsible for the wastewater disposal capital improvements.					
Portion of Pump Station Package 35– Rehab of PS 3120 serving the City	\$25,000	\$253,000	\$253,000	\$253,000	\$0
Portion of Pump Station Package 38 – Relocation and rehab of PS 3220 serving the City	\$0	\$0	\$0	\$118,000	\$118,000
Gravity Package 29 – Rehab of existing gravity and manholes serving the City	\$15,000	\$161,000	\$267,000	\$267,000	\$96,000
SANITARY SEWERS CITY OF ORLANDO 225 GPD (WITHOUT RECLAIMED WATER)					
City of Orlando does not have sanitary sewer lines proximate the City limits with no plans within the next five years for extension to the City limits. Should extension occur in the future, Edgewood would not be fiscally responsible such extension.					
POTABLE WATER ORLANDO UTILITIES COMMISSION 325 GALLONS/DWELLING UNIT/DAY (WITHOUT RECLAIMED WATER)					
No known projects at this time.					
SOLID WASTE: ORANGE COUNTY LANDFILL The identified expenditures are Orange County's responsibility. City is not fiscally responsible for the landfill capital improvements.					
Class 3 Waste Disposal Cell 2	\$231,930	\$233,000	\$232,000	\$232,000	\$232,000
Landfill Cell 11	\$1,100,000	\$13,00,000	\$0	\$2,000,000	\$18,600,000
Central Expansion	\$0	\$0	\$1,700,000	\$1,700,000	\$1,700,000
SOLID WASTE COLLECTION: FRANCHISE					
Franchise has identified it has the physical assets to provide the contracted service					
TRANSPORTATION The City has no financial responsibility for maintaining the referenced levels of service standards. No transportation improvements within the City are scheduled in the Metropolitan Planning Organizations Unified Transportation Improvement Program in the next five years. The City must rely on the County, Lynx, and FDOT to accomplish the following projects which are listed as priorities in the City's Transportation Element.					
SunRail Station and associated bus facilities					
Holden Ave/Gatlin Road Intersection Realignment					
Orange Ave access management/medians					

Sources:

- Charles Shultz (407.246.2658) City of Orlando Sewer service area includes only a small part of the City (Oakwater Professional Office Park). Currently there are no lines proximate the City limit and there are no plans for extension in the next 5 years. Closest lines are along Orange Avenue at Pine Loch, ±0.6 miles north of the City limits. No change in wastewater disposal for this north area is expected within the planning period.
- Chuck DiGerlando OUC 407.434.2563 OUC projects water demand on a five year basis to 2025 and at build-out in 2050. The analysis does not distinguish between City and non-City demand.
- OUC 2022 Water Supplies Facilities Work Program
- Christine Doan, P.E., Orange County Utilities Engineering Division 407-254-9921, Christine.Doan@ocfl.net
- Orange County Annual Budget FY 2022/2023
- CPH Engineering, Allen Lane
- MetroPlan Cost Feasible Plan and Transportation Improvement Program



Date: January 6, 2023
To: City Council
From: Ellen Hardgrove, City Planning Consultant
XC: Sandy Riffle, City Clerk
Brett Sollazzo, Administrative Assistant
Drew Smith, City Attorney
Re: Ordinance 2022-13 Amendment to Code Section 134-468 related to the location of walls in the ECD – Second Reading

This agenda item relates to the location of the required wall when a proposed ECD development will be adjacent to a property with a Low Density Residential Future Land Use designation. City Council supported the ordinance at first reading with a minor change: “on or” [within five feet of the property line...]

If approved as currently proposed, the regulation will require a seven-foot high opaque brick wall, of colors normally found in manufactured fired brick, to be constructed on or within five feet from the shared property line between a development proposed in the ECD and Low Density Residential designated land.

Suggested Motion: Approve the Ordinance as presented in the Council agenda packet.

END

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ORDINANCE NO 2022-13

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES RELATED TO THE EDGEWOOD CENTRAL DISTRICT TO CORRECT SCRIVENERS’ ERRORS, PROVIDE CLARIFICATION OF ADOPTED REGULATIONS AND STANDARDS, AMEND CERTAIN DESIGN GUIDELINES AND STANDARDS, AND TO PROVIDE AMENDED REGULATIONS RELATED TO LOCATION OF WALLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City adopted Ordinance No. 2018-09 which created the Edgewood Central District zoning district and provided for development requirements within said district; and

WHEREAS, The City adopted Ordinance No. 2018-15 , which amended certain sections of Ordinance 2018-09,

WHEREAS, The City adopted Ordinance No. 2021-03 , which amended certain sections of Ordinance 2018-15,

WHEREAS, the City desires to correct scriveners’ errors contained in Ordinance No. 2021-03 related to the location of required walls; and

WHEREAS, in this Ordinance additions to the Code of Ordinances are indicated by underline, deletions are indicated by ~~striketrough~~, and portions of the Code that remain unchanged and which are not reprinted here are indicated by ellipses (***) .

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, “Zoning,” Section 134-468 is hereby amended as follows:

* * *

134-468. - Site design.

* * *

(g) *Building placement.*

(1) *Building placement applicable to all development:*

a. Minimum rear yard/rear building setback width and use. Buildings shall be setback a minimum of 20 feet from the rear property line. Where EC District is adjacent to property with a low density residential future land use designation, a seven-foot high opaque brick wall, of colors normally

36 found in manufactured fired brick, shall be constructed on or within five feet from the property
37 line ~~adjacent to a~~ between the property with a low density residential future land use designation
38 and the ECD zoned property; ~~the wall setback is intended to provide space for maintenance and~~
39 ~~footers.~~

40 The wall in proximity to any street or driveway intersection shall be designed to avoid a traffic
41 safety hazard. In addition to the wall, broadleaf evergreen shade trees shall be planted within a
42 planting area at least eight feet in depth from the wall at a rate where, at maturity, the canopies
43 provide full screening, but in no case less than one tree/35 linear feet. Such trees shall be a
44 minimum of ten feet tall, with a minimum two-inch caliper. Broadleaf evergreen understory trees,
45 planted 15 feet on center, ten feet in height with five-foot spread at planting can be an alternative
46 to the shade trees. A hedge may be substituted for the tree requirement, upon approval of city
47 council, if the intended screening coverage can be provided.

48 b. Minimum side yard/building setback width and use.

49 1. The minimum side building setback is zero unless adjacent to property with a low density
50 residential future land use designation or abutting a side street or natural surface water body. If
51 zero setback is used, a plan for side building maintenance shall be presented with the development
52 application and roof slopes shall be away from the zero setback property line to avoid a negative
53 impact to the abutting property.

54 2. The minimum side building setback for properties abutting property with a low density
55 residential future land use designation shall be 25 feet. Where EC District is adjacent to property
56 with a low density residential future land use designation, a seven-foot high opaque brick wall, of
57 colors normally found in manufactured fired brick, shall be constructed on or within five feet from
58 ~~on~~ the property line between the property with a low density residential future land use designation
59 and EC zoned property. The wall in proximity to any street or driveway intersection shall be
60 designed to avoid a traffic safety hazard. In addition to the wall, broadleaf evergreen shade trees
61 shall be planted within a planting area at least eight feet in depth from the wall at a rate where, at
62 maturity, the canopies provide full screening, but in no case less than one tree/35 linear feet. A
63 hedge may be substituted for the tree requirement, upon approval of city council, if the intended
64 screening coverage can be provided.

65 * * *

66 **SECTION THREE.** Severability. If any section, subsection, sentence, clause, phrase,
67 word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court
68 of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion
69 shall be deemed a separate, distinct and independent provision, and such holding shall not affect
70 the validity of the remaining portions of this Ordinance.

71 **SECTION FOUR.** Conflicts. In the event of a conflict or conflicts between this Ordinance
72 and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict,
73 as allowable under the law.

74 **SECTION FIVE.** Codification. It is the intent of the City Council of the City of Edgewood
75 that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal
76 authority in codifying the provisions of this Ordinance.

77 **SECTION SIX.** Effective date. This Ordinance shall take effect immediately upon
78 adoption as provided by the Charter of the City of Edgewood.

79 PASSED ON FIRST READING THIS 20th DAY OF December, 2022. PASSED AND
80 ADOPTED THIS 17th DAY OF January, 2023

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL

Richard A. Horn, Council President

ATTEST:

Sandra Riffle, City Clerk

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ORDINANCE NO. 2022-11

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 14 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES REGARDING RULES AND REGULATIONS FOR BOAT DOCK CONSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Edgewood Code of Ordinances includes rules and regulations as to where and how boat docks may be constructed; and

WHEREAS, City staff has recommended amendments to certain regulations regarding boat dock construction and permitting; and

WHEREAS, members of the public have requested amendments to certain regulations regarding boat dock construction and permitting; and

WHEREAS, Orange County has recently updated its boat dock construction regulations; and

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

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

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

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

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

Section 2: Chapter 14, “Boats, Docks and Waterways” is hereby amended to read as follows:

Chapter 14 - BOATS, DOCKS AND WATERWAYS

Sec. 14-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings described to them by this section:

37 Access walkway means that portion of a dock that commences on the upland parcel and
38 terminates at the junction with the terminal platform. Dock accessories, including kayak and canoe
39 storage racks, or other cantilevered structures designed to store non-motorized craft, are not to be
40 included in the calculation of access walkway width if no part of the accessory extends below the
41 normal high water elevation.

42 ~~Boats means all rowboats, sailboats, canoes, dingies, skiffs, rafts, dugouts, dredges and other~~
43 ~~vehicles of transportation for use on water, including inboard and outboard motorboats, unless~~
44 ~~otherwise indicated; and any and all objects tied to or connected therewith while being propelled~~
45 ~~through the water. Refer to Vessel.~~

46 Dock means any permanently fixed or floating structure extending from the upland into the
47 water, capable of use for vessel mooring and other water-dependent recreational activities. The
48 term "dock" also includes any floating structure, boat lift or mooring piling, detached from the
49 land, capable of use for mooring vessels and/or for other water-dependent recreational activities.
50 The term "dock" also includes any area adjacent to the dock designated for mooring purposes when
51 a mooring feature, including but not limited to a piling or buoy anchored to the lake bottom, is
52 utilized to moor a vessel of any type. This term ~~does not include~~ excludes any vessel that is not
53 permanently docked, moored, or anchored.

54 Dock accessory means an item that is added to an access walkway or terminal platform that
55 makes the dock more useful, versatile, or attractive, including but not limited to bumpers, brackets,
56 mooring arms, lighting, kayak racks, benches, stairs, or canoe racks. A dock accessory does not
57 substantially preempt the use of the water or shoreline and is not included in the calculation of the
58 access walkway width or terminal platform size if no part of the accessory (excluding stairs)
59 extends below the normal high water elevation.

60 Dock accessory structure means an item that preempts the use of the water or shoreline,
61 including but not limited to floating vessel platforms, personal watercraft lifts, shore stations, or
62 any recreational item.

63 Inboard motorboat means any boat which is propelled by any stationary or built-in
64 mechanical device or means of power.

65 Littoral rights means rights incident to ownership of property abutting a lake, canal, or other
66 waters.

67 Mooring area means an area adjacent to any permanently fixed or floating structure where a
68 vessel may be secured.

69 Normal high water elevation (NHWE) means the landward edge of any natural surface water
70 during normal hydrological conditions as determined ~~normal high water elevation for a water body~~
71 ~~as established by Orange County, Florida.~~

72 Principal structure means the building or structure in which the principal use of the parcel or
73 lot is conducted. A dock cannot be the principal structure on a parcel or lot unless the parcel or
74 lot is within a residential subdivision and has been designated as recreation or a similar common
75 area or open space tract on the plat, commercial, institutional, or is government-owned property.

76 Principal use means a use of the upland parcel for residential, commercial, institutional, or
77 governmental purposes. At a minimum, a principal use must be established by the issuance of a
78 building permit for a principal structure. For the exception where a dock is allowed as the principal

79 structure, no building permit will be required to establish the principal use, however, a building
80 permit must be obtained prior to any construction of the dock.

81 *Outboard motorboat* means any boat which is propelled by any mechanical device or means
82 of power which is not stationary or built-in.

83 *Principal use* means a use of the upland parcel for residential, commercial or governmental
84 purposes. At a minimum, a principal use shall be established by the issuance of a building permit
85 for a principal structure.

86 Private dock means a dock that may be used only by those persons living in a single-family
87 residence on the upland parcel and their usual and customary guests.

88 Public dock means a dock that is accessible by members of the public. Docks associated with
89 commercial establishments and activities and governmental or non-governmental institutions are
90 included in the definition of “public dock.”

91 *Riparian rights* means the right of a landowner whose property borders on a body of navigable
92 waters to make reasonable use of the water equal to the rights of other owners of land bordering
93 on the same waters.

94 *Routine maintenance and repair* means those tasks necessary to keep a dock in a safe and
95 useable condition consistent with the original design specifications and shall include replacement
96 of the any walking surface but shall not include replacement of any structural load-bearing
97 components.

98 Semi-private dock means a dock that may be used by a group of residents living in a
99 subdivision or multi-family development and their usual and customary guests or by the
100 membership of a private club or organization and their usual and customary guests. Semi-private
101 docks must not be used by the general public.

102 *Terminal platform* means that portion of a dock designed and used for the storing, mooring,
103 and launching of water vessels or other water-dependent activities.

104 Vessel is synonymous with boat, as referenced in section 1(b), article VII of the Florida
105 Constitution and includes every description of watercraft, barge, and airboat used or capable of
106 being used as a means of transportation on water. The term vessel does not distinguish between
107 motorized and non-motorized. “Vessel” does not include a seaplane located on the water

108 *Water bodies* means and includes lakes, streams, waterways, bays, inlets, canals, and all other
109 waters or bodies of water, whether natural or artificial, located within the boundaries of the City
110 of Edgewood.

111 **Sec. 14-2. Responsibility of owner.**

112 The registered owner of a boat as well as others is responsible for all violations of this chapter
113 by operators of any boat carrying his registered license.

114 **Sec. 14-3. Damaging or disturbing boats and setting hazardous objects adrift prohibited.**

115 It shall be unlawful for any person without the consent of the owner to set adrift any object
116 which may constitute a hazard to the safe operation of any boat or person skiing.

117 **Sec. 14-4. Damage from wake or bow waves; speed limits near shorelines.**

118 Care shall be taken by the operators of all motorboats to prevent damage from their wake or
119 bow wave or from objects towed by such boats to persons, beaches, moored boats, docks, piers
120 and boathouses. It shall be unlawful to operate boats in excess of ten miles per within 150 feet of
121 any shoreline except when taking off or landing with a skier in tow.

122 **Sec. 14-5. Finding boats and hazardous objects adrift.**

123 Any person finding a boat or hazardous object adrift shall secure it at a safe moorage and
124 report such finding to the police department as soon as possible.

125 **Sec. 14-6. Rights-of-way.**

126 Canoes, rowboats and sailboats shall have the right-of-way when approached, passed or
127 overtaken by motorboats or boats under power. It shall be unlawful for such boat under power to
128 operate in the near proximity of or at such speed as to create a wash or wave which would endanger
129 the occupants of boats not under power.

130 **Sec. 14-7. Operation of motorboats near fishing boats.**

131 Motorboats or boats under power shall operate at a safe, reduced speed in the vicinity of, and
132 stay clear of by at least 50 feet, any boat anchored or used for fishing and shall at all times be
133 operated in such manner as will not endanger life and property.

134 **Sec. 14-8. Life preservers and fire extinguishers on boats.**

135 All boats shall carry at least one U.S. Coast Guard-approved life preserver for each person
136 aboard and all inboard motorboats shall carry at least one U.S. Coast Guard-approved fire
137 extinguisher.

138 **Sec. 14-9. Boat lights required.**

139 It shall be unlawful to operate any motor-driven boat at night unless provided with properly
140 mounted, functioning red and green running lights or a combination red and green running light.
141 All other boats in use after sunset shall carry flashlights or other adequate light for showing in
142 emergency.

143 **Sec. 14-10. Deposit of refuse or lowering level of lakes and canals.**

144 It shall be unlawful for any person to permit any refuse such as grass, logs or other debris to
145 be released or thrown into the lakes and canals covered by this chapter, or to in any way or manner
146 cause or permit the unlawful lowering of the water level in such lakes and canals.

147 **Sec. 14-11. Dock construction rules and regulations.**

148 (a) Applications submitted for new docks and alterations to existing docks ~~must~~ shall include all
149 of the following:

- 150 (1) Three copies of a site plan drawn to scale which depicts the exact location of the dock
 151 and which includes the following:
- 152 a. An arrow indicating the northerly direction and the scale to which the plans were
 153 prepared;
 - 154 b. The name of the water body upon which the dock is to be located;
 - 155 c. The exact distance between the existing shoreline, at the point where the dock is to
 156 be located, and a permanent object or marker (e.g., house, tree, USGS benchmark)
 157 to be used as a reference point;
 - 158 d. The exact setback distance from adjacent property lines and projected property lines
 159 to all portions of the dock;
 - 160 e. Floor and roof elevations of the proposed dock structure connected to the dock, and
 161 floor and roof elevations of any existing dock, including any structures currently or
 162 proposed to be connected the dock;
 - 163 f. The current water depth at the end of the dock and at all proposed mooring locations
 164 and the approximate depth of navigable waters beyond the dock and mooring
 165 locations;
 - 166 g. The NHWE;
 - 167 h. The location of any lifts, hoists, mooring pilings, ~~or~~ mooring areas, and dock
 168 accessory structures;
 - 169 i. The exact dimensions of the dock, including the terminal platform and access
 170 walkway, and the specific individual dimensions of the terminal platform, access
 171 walkway, and any roof structures; the length of the dock shall be measured from
 172 the NHWE to the point of the dock furthest waterward from the NHWE;
 - 173 j. A survey of the property that accurately depicts current conditions; and
 - 174 k. The width of the water body at the location of the dock as measured from the
 175 NHWE at the location where the dock is constructed or proposed to the NHWE
 176 directly opposite the water body from such location.
 - 177 l. The exact distance between the existing shoreline at the point where the dock is to
 178 be constructed or is currently located, and a permanent object or marker (e.g. house,
 179 tree, or United States Geological Survey benchmark) to be used as a reference point;
 - 180 m. The location of any conservation easement area or wetland within twenty (20) feet
 181 from any portion of the dock and a description of submerged and emergent
 182 vegetation types occurring within the conservation easement area;
 - 183 n. A description of submerged and emergent vegetation types occurring within the
 184 area
- 185 (2) Satisfactory evidence of title;
- 186 (3) Documentation showing the riparian rights of the property, such as an instrument
 187 indicating ownership extends to the shoreline or legal permission to use the submerged
 188 lands to construct or modify a dock on which the dock is located or proposed;

- 189 (4) A statement indicating whether any portion of the docks are is to be located on abutting
190 properties; ~~and~~
- 191 (5) Three copies of engineered construction plans;
- 192 (6) A mitigation plan offsetting adverse impacts to conservation easement areas or wetlands
193 resulting from the construction or modification of the terminal platform access walkway
194 as may be required pursuant to this article; and
- 195 (7) A description of sediment and erosion control measures to be used during the
196 construction or modification of the dock. These measures must be depicted on the site
197 plan;

198 (b) To obtain a dock permit, the following criteria, at a minimum, must be satisfied:

199 (1) Minimum side setbacks. Private docks on lots or parcels having a shoreline frontage of
200 one hundred (100) feet or less, including designated mooring areas, must have a
201 minimum side setback of ten (10) feet from any property line or projected property line.
202 Private docks on lots or parcels having a shoreline frontage of greater than one hundred
203 (100) feet, including designated mooring areas, must have a minimum side setback of
204 fifteen (15) feet from any property line or projected property line. Semi-private and
205 public docks, including designated mooring areas, must have a minimum side setback
206 of twenty-five (25) feet from any property line or projected property line. ~~Except as~~
207 ~~otherwise provided below docks and associated structures shall have a minimum side~~
208 ~~setback of 15 feet from the projected side property line of abutting shoreline owners. A~~
209 ~~dock may encroach up to five feet into the 15-foot side setback if the applicant submits~~
210 ~~as part of the application an original notarized letter of no objection from the owner of~~
211 ~~the property on the side or sides within which such encroachment occurs. The letter of~~
212 ~~no objection must identify the site plan and construction plan for the proposed dock, and~~
213 ~~a copy of the site plan and construction plan must be attached to the letter submitted to~~
214 ~~the city. For purposes of this determination, and in the absence of property lines that~~
215 ~~already project into the water body, the projected property line of abutting shoreline~~
216 ~~owners shall be construed to mean a line projecting from the shoreline into the water 90~~
217 ~~degrees from the abutting property owner's shoreline.~~

218 (2) Length of docks. No dock shall extend further into a water body than where a reasonable
219 water depth for a single vessel mooring and navigable water is achieved. A reasonable
220 water depth may be defined by a determination that the dock does not extend further
221 than the nearest permitted docks (within three hundred (300) feet or three (3) abutting
222 lots) or a maximum of five (5) feet of water depth as measured from the NHWE,
223 whichever is greater, unless the natural conditions of the surface water necessitate a
224 greater dock length for water depth to achieve reasonable mooring conditions. The dock
225 length necessary to achieve a reasonable water depth must not create a navigation hazard.
226 and in no event shall such depth exceed five feet during normal hydrological conditions
227 unless existing natural conditions of the water body necessitate a greater water depth to
228 allow safe mooring conditions. No dock shall be constructed or extended to a length
229 more than 25 percent of the navigable corridor or to a length that would adversely impact
230 the rights of other persons use of and access to the water body. In no circumstance shall
231 a dock be constructed or extended nor shall a vessel be moored at a dock in such a manner
232 as would cause the navigable width of the water body at the location of the dock to fall

233 below 25 feet as measured from the most waterward point of the dock or moored boat to
234 the nearest permanent obstruction to navigation.

235 (3) *Enclosed structures.* Other than for repair or reconstruction of existing structures, no
236 structures having enclosed sidewalls are permitted. Enclosed shall be defined as, by way
237 of example but not by limitation, screen houses, chain link fencing, lattice fencing and
238 any form of paneling. In the case of existing enclosed structures or grandfathered
239 structures, reconstruction, renovation, and repair shall be permitted as long as the
240 footprint of the existing structures is maintained, the structure is not expanded as
241 documented by the applicant, and adjacent property owners consent thereto in writing.
242 Examples of such documentation may include but not be limited to surveys,
243 photographs, contractors', engineers', or site plans.

244 (4) *Height of docks.* The minimum height of docks shall place them one foot above the
245 NHWE of the applicable water body. The maximum allowable roof height shall be ~~13~~
246 fifteen (15) feet above the NHWE of the applicable water body.

247 (5) *Square footage of docks.* The maximum allowable square footage of the terminal
248 platform ~~is the calculation of shall not exceed the square footage of ten~~ twelve 12 times
249 the linear shoreline frontage, ~~for the first 75 feet of shoreline and five times the linear~~
250 ~~shoreline frontage for each foot in excess of 75 feet, not to exceed a maximum of~~ not to
251 exceed one thousand (1,000) square feet. Access walkways shall not be included in the
252 maximum square footage calculation. Roof eaves that do not extend more than three feet
253 beyond the terminal platform shall not be included within the maximum square footage
254 calculation.

255 (6) *Access walkways.* Access walkways shall not exceed five feet in width. Impacts to
256 wetlands and surface waters must be avoided to the greatest extent practicable. Access
257 walkways traversing any wetland must be elevated a minimum of three (3) feet above
258 the ground surface. The city may require an access walkway be elevated above the
259 minimum elevation to further minimize impacts to wetlands. Portions of access
260 walkways over wetlands or surface waters shall be designed no higher than the nearest
261 permitted docks (within three hundred (300) feet or three (3) abutting lots), unless the
262 natural conditions of the surface water necessitate a greater walkway height to achieve
263 reasonable access to the terminal platform. Access walkways may not extend over or
264 across coves, bays, or canals unless there are no practicable alternatives that allow access
265 to the terminal platform or navigable water.

266 (7) *Docks prohibited in easements.* No work shall be within areas which are legal easements
267 for ingress or egress, drainage, or utilities.

268 (8) One dock shall be allowed on each water body to which a residential lot has frontage
269 when there is no navigable connection between the water bodies. In no other
270 circumstances shall more than one dock per residential lot be allowed.

271 (9) ~~Under no circumstances shall a dock be utilized for residential purposes.~~ Docks and
272 dock accessory structures are prohibited for non-water dependent activities. Dock
273 accessory structures are prohibited within wetlands.

274 (10) Board spacing on the structure should ensure light penetration underneath the structure.

275 (11) Docks must be designed to accommodate vessel use without bottom scouring or
276 propellor dredging.

277 (12) There must not be any dredging or filling associated with construction of the dock other
278 than that required for the installation of the dock pilings;

279 (13) On Outstanding Florida Waters, a reasonable demonstration that dock pilings will not
280 cause degradation of ambient water quality consistent with Rules 62-302.300 and
281 62.302.700, F.A.C. Acceptable measures include but are not limited to: wrapping pilings
282 or using polymer coated pilings that have been installed or treated in a manner that will
283 prevent the leaching of constituents contained in treated wood, or using alternative
284 materials such as concrete or recycled plastic pilings.

285 (c) *Application procedures.*

286 (1) The dock permit application and application fee shall be submitted to the city clerk's
287 office. Any question regarding the dock permit application will be answered by that
288 department, the city engineer, or city building official. The city clerk shall forward the
289 application and all pertinent documents to the city engineer for his/her review and
290 recommendation. Unless a variance from the provisions hereof is requested or required,
291 the city engineer is authorized to approve such applications meeting the requirements of
292 this article following the receipt of a complete application.

293 (2) *Notices to neighboring shoreline property owners.* Upon receiving the application, the
294 clerk shall send notices by first-class mail to the owners of the properties abutting the
295 property, other property owners who could be affected by the new dock because of any
296 unusual configuration of the shoreline as determined by the city engineer or designee,
297 and any other shoreline property owners within 300 feet of the property on which the
298 dock is to be located. All such notices shall require that written comments on the
299 proposed dock permit application be sent to the clerk within 15 calendar days from the
300 date such notices are sent. If no written objections are returned by property owners
301 receiving notice, such owners shall be deemed to have given consent and to have waived
302 their right to object to the construction of the dock. If notices sent by first-class mail to
303 nearby properties are returned to the city, or if the city has reason to believe that the
304 notice is undeliverable as addressed, the city shall use its best efforts to determine the
305 current address of any neighboring property owners entitled to notice herein and shall
306 use its best efforts to notify such current neighboring property owners of the proposed
307 dock.

308 (3) *Approval by the city engineer.* Except as provided by paragraph (c)(5), below, the city
309 engineer is authorized to approve such applications after 15 calendar days from the date
310 notices are sent so long as the minimum criteria are met and the application is complete
311 in all other respects pursuant to this article.

312 (4) *Appeal of city engineer's decision.* The applicant or any person entitled to notice under
313 this article may appeal a decision of the city engineer regarding the interpretation of the
314 contents of the application or the minimum criteria set forth in this section. City council
315 shall consider such appeal at its next available regularly scheduled meeting.

316 (5) *Decision by city council.* The city engineer is not authorized to approve any applications
317 where there are objections from any shoreline property owner within 300 feet of the

318 property or other property owner entitled to notice under subsection (c)(2) above, or
319 where the city engineer or building official, in his or her discretion, believes the
320 application should be decided by city council.

321 a. When city council must decide the application for a dock permit, city council shall
322 approve, deny, or approve with conditions the application to construct the dock at
323 its next available regularly scheduled meeting. Notices of the hearing before city
324 council shall be sent to the applicant and any person entitled to notice under this
325 article. In determining whether to approve, deny, or approve with conditions the
326 application, city council shall determine whether the application has been
327 satisfactorily completed and whether the minimum criteria set forth above for
328 issuance of the dock permit have been met. In addition, city council shall consider
329 the following factors:

- 330 1. Possible obstruction to navigability;
- 331 2. Unreasonable impairment of lake view visibility from abutting properties;
- 332 3. Hazardous conditions; and
- 333 4. Whether the proposed structure unreasonably interferes with the riparian or
334 littoral rights of other property owners. "Unreasonable interference" shall
335 include but not be limited to: (a) proximity of docks of abutting property
336 owners; (b) access for boaters and swimmers; and (c) any unusual
337 configuration of the shoreline which would cause the proposed dock to restrict
338 access to sections of the waterway.

339 b. The decision of the city council shall be in writing and shall indicate the date of the
340 decision. Copies of the decision shall be sent by regular mail to the applicant and
341 to those who previously filed written objections to the application. The decision of
342 city council shall be final.

343 (d) *Variances.*

344 (1) An application for variance from the requirements of this article may be submitted to the
345 city. When a variance is requested, the applicant shall submit to the city clerk's office
346 nine site plans and three sets of engineered construction plans in addition to the required
347 application fee. At a minimum, the applicant shall identify the paragraphs of this article
348 from which the applicant seeks a variance and the extent of the requested variance. An
349 application for a variance may be processed at the same time or prior to an application
350 for a dock permit. Notice of all hearings on a requested variance, including hearings
351 before the planning and zoning board and city council, shall be provided to the applicant
352 and any person entitled to receive notice under this chapter as provided in subsection 14-
353 11(c)(2).

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

- 357 a. Average length of other docks in the surrounding 300-foot area;
- 358 b. The reasonable use of the property by the owner;

- 359 c. The effects the dock will have on navigation and safety of boaters;
 360 d. The overall general welfare of the neighborhood;
 361 e. Whether special conditions exist such that strict compliance with the provisions of
 362 this article would impose a unique and unnecessary hardship on the applicant;
 363 f. The effect of the proposed variance on abutting shoreline property owners;
 364 g. Whether the granting of the variance would be contrary to the intent and purpose
 365 and this article; and
 366 h. A variance may be granted if it is necessary to reach a water depth suitable for
 367 boating, but in no event shall a dock be extended in length beyond where the water
 368 depth will exceed five feet as measured from the normal high water elevation.
- 369 (3) The city council shall receive the planning and zoning board's recommendation and shall
 370 make a final decision on the variance application after consideration of the same factors
 371 described in paragraph (d)(2), above.
- 372 (e) *Compliance checks.* Once a permit has been issued for the construction of a dock by either
 373 the city engineer or the city council, the permit holder and/or designated agent must submit a
 374 notice of completion to the city engineer or designee within 30 days of completion of the
 375 construction of the dock so that a compliance check may be performed by the city engineer.
 376 The compliance check shall determine if the dock was built according to the permit issued by
 377 the city.
- 378 (f) *Building permit.* Following the approval of a dock application, either by the city engineer or
 379 by city council, the applicant is also required to obtain a building permit prior to commencing
 380 construction. In the event electricity is run to the dock, the proper electrical permit must also
 381 be obtained. All construction must be commenced and completed within the guidelines
 382 established by the city and any other agency having jurisdiction. The applicant is responsible
 383 for all fees associated with the procurement of necessary permits.
- 384 (g) *Maintenance and repair.* Routine maintenance and repair of docks may be conducted on any
 385 dock for which a dock permit was obtained from the city provided that no portion of the dock
 386 shall be expanded, enlarged, or enclosed as a result of such maintenance or repair activity.
- 387 (h) Approval of a dock permit by the City of Edgewood will not eliminate the application of any
 388 other government requirements or the necessity for any other governmentally required
 389 permit(s).

390 **Sec. 14-12. Dock regulation: intent and purpose.**

- 391 (a) The purpose of this article is to regulate the construction of docks such that the navigation of
 392 water bodies is not unreasonably impeded.
- 393 (b) An intent of the city council is to protect and enhance the city's water bodies so that the public
 394 can continue to enjoy the traditional recreational uses of those waters such as swimming,
 395 boating, and fishing.
- 396 (c) It is further the intent of the city council to apply these regulations in a manner sensitive to
 397 the riparian and littoral rights and other property rights of the applicant, riparian and littoral

398 rights and other property rights of the waterfront property owners, and the right of the public
399 to the traditional uses and enjoyment of water bodies in the city.

400 **Sec. 14-13. Permits required; fees.**

401 (a) No dock shall be constructed in the city without first seeking and obtaining a dock permit.
402 Applications are available in the office of the city clerk.

403 (b) By resolution, the city council may from time to time establish fees to be applicable to all
404 permits, variances, appeals, or other regulatory activities authorized in this article. Payment
405 of any application fees shall in no way guarantee issuance of a dock permit, and such fee is
406 nonrefundable.

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

409
410 **Section 4:** Severability. If any section, paragraph, subsection, sentence, clause, phrase or
411 portion of this ordinance is for any reason held invalid or unconstitutional by any court of
412 competent jurisdiction, such portion shall be deemed a separate, distinct, and independent
413 provision and such holding shall not affect the validity of the remaining portions hereof.

414
415 **Section 5:** Codification. The provisions of this Ordinance shall be codified as and become
416 and be made a part of the *Code of Ordinances of the City of Edgewood*. The Sections of this
417 Ordinance may be renumbered or relettered to accomplish such intention and the word
418 “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word.
419 The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

420
421 **Section 6:** This ordinance shall take effect immediately upon its adoption.

422
423 **PASSED AND ADOPTED** this _____ day of _____, 2022, by the City Council
424 of the City of Edgewood, Florida.

425
426
427 PASSED ON FIRST READING: _____

428
429 PASSED ON SECOND READING: _____

430
431
432
433 _____
434 Richard A. Horn, Council President

435 *ATTEST:*
436 _____
437 Sandy Riffle
438 City Clerk

439

**Edgewood Police Department
City Council Report
December 2022**

	November	December
Residential Burglaries	1	0
Commercial Burglaries	1	0
Auto Burglaries	4	3
Theft	1	0
Assault/Battery	5	2
Sexual Battery	0	0
Homicides	0	0
Robbery	0	0
Traffic Accident	10	13
Traffic Citations	46	28
Traffic Warnings	41	18
Felony Arrests	1	1
Misdemeanor Arrests	6	3
Warrant Arrests	0	1
Traffic Arrests	1	0
DUI Arrests	1	0
Code Compliance Reports	11	46

Department Highlights:

- On December 2nd, the City of Edgewood and The Edgewood Police Department hosted the 7th Annual Santa Fly-In which went off without a hitch!
- On December 6th the Edgewood Police Department hosted the Oneblood blood bank truck.
- On December 7th Officer Scott Zane and Police Clerk Haymee Watkins attended an LGBTQ+ Training for Criminal Justice Professionals and Allies. The session focused on the challenges members of the LGBTQ+ community face on a daily basis and how we can better serve and support them.
- During the month of December, the Edgewood Police Department promoted and collected a trailer full of unopened toy and non-perishable food to donate to the Orlando Union Rescue Mission. On December 14th the Edgewood Police Department delivered the donations. While providing The Orlando Union Rescue Mission stated they were extremely grateful due to the harsh economy of 2022 and the lack of donations they were able to receive elsewhere.
- On December 16th, the Edgewood Police Department held 3 Police Officer Peer Review Panels. One Officer seen has been granted a Conditional Offer!
- On December 21st the Edgewood Police Department started the promotion of the “Christmas Box Dumpster” for residents to dispose of large boxes (such as TV boxes) to keep subjects from knowing what new additions your house received for Christmas.

2023 ELECTION CALENDAR

The City of Edgewood's Municipal Election is Tuesday, March 14, 2023

(Open seats: Chris Rader and Susan Lomas)

DATE	EVENT
Thursday, December 29, 2022	Council to announce date of election / election notices posted at City Hall (required at least 75 days prior to election day)
Monday, December 12, 2023 Thursday, December 15, 2023	Notice of Election ad to be published in a newspaper of general circulation; must be posted at City Hall (F.S. 100.021). [During the 30 days prior to the beginning of qualifying, the Department of State shall have the notice published two times in a newspaper of general circulation in English and Spanish.
Monday, January 23, 2023 9 am thru Friday, January 27, 2023 Noon	Qualifying begins at 9 a.m. on Monday, January 23, 2023, and ends at Noon on Friday, January 27, 2023 City Code Sec. 6.03 - A candidate for elected office must file his or her application with the city clerk by hand delivery or by registered mail at least forty-six (46) days prior to the election day.
Monday, February 13, 2023	Last day to register with Orange County Supervisor of Elections in order to vote in March 14, 2023 election [must be registered 29 days before election].
Tuesday, February 21, 2023 10:00 a.m.	Public Test at Orange County Supervisor of Election's Office - 119 W. Kaley St., Orlando, FL 32806
Tuesday, March 14, 2023	General Election for the City of Edgewood
Tuesday, March 21, 2023	Newly elected council members take office. Per §3.05, City Charter, Terms commence and begin at the next regularly scheduled council meeting.
CAMPAIGN TREASURER REPORTING DATES	
Friday, February 17, 2023 12:00 NOON	Campaign Treasurer Report due (25 days prior to election) [G1 Report/ January 1 – February 10, 2023].
Friday, March 3, 2023 12:00 NOON	Campaign Treasurer Report due (11 days prior to election) [G2 Report/February 11 – 24, 2023.
Friday, March 10, 2023 12:00 NOON	Campaign Treasurer Report due (4 days prior to election) [G3 Report/February 25 – March 9, 2023].
Monday, June 12, 2023	90-Day Termination Report due <u>if unopposed</u> after qualifying ends on January 27, 2023.
Monday, June 12, 2023	Campaign Treasurer Report due (TR Report/ 90-day

	termination) REPORT <u>if elected or defeated</u> on March 14, 2023. Covering period March 14, 2023 through date report filed. [March 5 – June 7, 2023].
<p style="text-align: center;">LAST DAY TO RECEIVE CAMPAIGN CONTRIBUTIONS PRIOR TO THE MARCH 14, 2023 ELECTION IS MIDNIGHT, THURSDAY, MARCH 9, 2023</p> <p>F.S. §106.08(3) (a) Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy campaign treasurer of such a candidate on the day of that election or less than 5 days before the day of that election must be returned by him or her to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.</p>	

REPORTS: All reports must be received by 4:00 p.m. (12 Noon on Friday) on the due date in the City Clerk’s Office **UNLESS** the report envelope is postmarked by the US Postal Service no later than midnight of the day designated is deemed timely filed. A candidate failing to file a report on the designated due date shall be subject to a fine payable only from personal funds of the candidate. The reports must be filed on the dates provided in the calendar above.

Florida Statute 106.07(7): In any reporting period when there has been no activity in the account (no funds expended or received), the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed (Form DS-DE-87).

Forms may be obtained from the state at <http://election.dos.state.fl.us/forms/index.shtml> then under “Candidate Forms” select “Statewide or Multicounty Candidates”. You can fill them in and print them but you can’t save them via a computer.

Candidates are responsible for reading and understanding Florida Statute Chapter 106, Campaign Financing. The City Clerk and/or City Staff cannot assist any candidate in filling out their treasurer’s report.

Offices Open – Offices currently opened are held by **Councilmembers Susan Lomas and Chris Rader**. The candidates elected as a councilmember will serve three (3) year terms. Voting in the City of Edgewood is at-large and the two candidates receiving the highest number of votes are elected.

i Filing of required, periodic Campaign Treasurer’s Reports.
 A candidate will be provided with an election cycle calendar of campaign treasurer’s reporting dates. **The reports must be filed when due even if a bank account HAS NOT been opened.** Reports must be filed even if the candidate accepts no contributions or makes no expenditures. As a courtesy, candidates will be sent reminder notices when reports are due. F.S. 106.06 - 106.07



Memo

To: The Honorable Mayor and City Council
From: Sandy Riffle, City Clerk
Date: January 12, 2023
Re: Appointment of Canvassing Board

This is a follow-up to the discussion from the December 20, 2022, Council Meeting. Qualifying will end on Friday, January 27, 2023 and pursuant to Edgewood's agreement with the Orange County Supervisor of Elections, **it is necessary to appoint a local canvassing board to canvass absentee and provisional ballots and to certify the municipal election scheduled for Tuesday, March 14, 2023.** Generally speaking, the role of the canvassing board is to make a determination as to questioned ballots (e.g. signatures do not match, etc.). The canvassing board will also need to conduct a manual audit of one randomly selected race pursuant to Section 101 .591 *Florida Statutes* (i.e. hand count of ballots).

Although Edgewood's *Charter* and *Code* are silent as to the composition of the canvassing board, on the municipal level, the canvassing board typically consists of the city clerk and two members of the city council or the city clerk, one council member, and one resident. Any sitting council member who is also a candidate, cannot serve on the canvassing board. The canvassing board for the 2013 municipal election consisted of the City Clerk, one Council Member and one resident.

The canvassing board must convene as follows:

- **On election night** (Tuesday, March 14 2023), the canvassing board must meet to determine which voted absentee ballots are to be tabulated. Along this line, the City Council also needs to designate the Interim City Clerk to assist the election staff with the opening and handling of absentee ballots (generally earlier in the afternoon on election day).
- **On the occasion of the Logic and Accuracy Test** (Thursday, February 21, 2023 at 10 a.m.) to observe a pre-election test of the automatic tabulating equipment to ascertain that the equipment will correctly count the votes for all offices and on all measures. On this particular date, the canvassing board can designate one of its members to attend on its behalf, although all members will need to sign the test certificate. Please note, the City Clerk does attend the test.

All meetings of the canvassing board will be held at the Orange County Supervisor of Elections Office at 119 West Kaley Street, Orlando, Florida. All meetings will be officially advertised.

Recommendation: Appoint the City Clerk, one Councilmember (name not on the ballot), and one resident. I recommend Marion Rayburn to serve as the Edgewood resident. An alternative recommendation Appoint the City Clerk and two members of the city council (name not on the ballot) to serve on the canvassing board for the City of Edgewood.