



PLANNING AND ZONING BOARD MEETING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Monday, February 13, 2023 at 6:30 PM

Ryan Santurri
Chair

David Nelson
Vice-Chair

David Gragg
Board Member

Melissa Gibson
Board Member

Todd Nolan
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. PLEDGE OF ALLEGIANCE

C. ROLL CALL AND DETERMINATION OF QUORUM

D. APPROVAL OF MINUTES

- [1.](#) January 9, 2023 Planning & Zoning Meeting Minutes

E. NEW BUSINESS

- [1.](#) Waiver 2023-01: Mecato's Wall
- [2.](#) Ordinance 2023-03: Chapter 134 Boat House/Dock
- [3.](#) Ordinance 2023-02: ECD Special Exception Change (Car Washes)
- [4.](#) Ordinance 2022-08: Comp Plan Amendment

F. UNFINISHED BUSINESS

- [1.](#) Ordinance 2023-01: Site Specific CPPD

G. COMMENTS/ANNOUNCEMENTS

H. ADJOURNMENT

UPCOMING MEETINGS

Tuesday, January 21, 2023.....City Council Meeting
 Monday, March 13, 2023.....Planning & Zoning Meeting

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**.



PLANNING AND ZONING BOARD MEETING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Monday, January 9, 2023 at 6:30 PM

Ryan Santurri
Vice-Chair

David Gragg
Board Member

David Nelson
Board Member

Melissa Gibson
Board Member

Todd Nolan
Board Member

MINUTES

CALL TO ORDER & PLEDE OF ALLEGIANCE

Board Member Nelson called the meeting to order at 6:30 pm and led everyone in the Pledge of Allegiance.

ROLL CALL AND DETERMINATION OF QUORUM

Administrative and Permitting Manager Sollazzo confirmed there was a quorum with four board members present; Vice Chair Santurri was absent.

BOARD MEMBERS PRESENT

Board Member Melissa Gibson
Board Member David Gragg
Board Member David Nelson
Board Member Todd Nolan

STAFF PRESENT

Brett Sollazzo, Administrative & Permitting Manager
Tim Cardinal, Police Sergeant
Drew Smith, City Attorney
Ellen Hardgrove, City Planner

BOARD MEMBERS ABSENT

Vice Chair Ryan Santurri

APPROVAL OF MINUTES

December 12, 2022 Planning & Zoning Meeting Minutes

Board Member Nelson noticed a small typographical error on page 6 of the minutes. Administrative & Permitting Manager Sollazzo stated he will make the correction. Board Member Nelson made a motion to approve the December 12, 2022 Planning and Zoning meeting minutes with the small typographical correction. The motion was seconded by Board Member Gibson. Approved (4/0).

NEW BUSINESS

1. Election of Chair and Vice-Chair

Administrative & Permitting Manger Sollazzo informed the present Board Members that Vice-Chair Santurri gave his consent to be nominated and appointed the Vice-Chair or Chair role in his absence. A brief discussion ensued between Board Members.

Board Member Nelson made a motion to nominate Vice-Chair Santurri to be the Planning & Zoning Board Chair for 2023. The motion was seconded by Board Member Gragg. Approved (4/0).

Board Member Gragg made a motion to nominate Board Member Nelson to be the Planning & Zoning Board Vice-Chair for 2023. The motion was seconded by Board Member Gibson. Approved (4/0).

2. Ordinance 2023-01: Site Specific PD District (CP PD)

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES TO CREATE A NEW PLANNED DEVELOPEMENT ZONING CATEGORY; COMPREHENSIVE PLAN PLANNED DEVELOPMENT DISTRICT (CP PD); ESTABLISHING A PROCESS AND REQUIREMENTS FOR REZONING PROPERTY TO CP PD; ESTABLISHING APPLICATION AND EVALUATION STANDARDS RELATED TO CP PD REZONING 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

The Planning & Zoning Board reviewed the proposed draft for Ordinance 2023-01 for the implementing zoning district for the new future land use designation: Site Specific Plan. Planner Hardgrove gave an overview of the new future land use designation and the proposed zoning district. She pointed out several non-substantial changes to the draft as well as led discussion on parts of the document including provision of open space and recreation areas, the distance for property owner notification for the community meeting and the public hearings. Planner Hardgrove will make the changes to the draft and present a final draft to P&Z in February for the board's final review and recommendation to City Council.

Board Member Nelson made a motion to table the discussion until the February 13, 2022 Planning & Zoning meeting, where Planner Hardgrove will present an updated final draft for final review. The motion was seconded by Board Member Gragg. Approved (4/0).

The motion was approved by roll call vote.

Board Member Gibson	Favor
Board Member Gragg	Favor
Board Member Nelson	Favor
Board Member Nolan	Favor
Vice-Chair Santurri	Absent

ADJOURNMENT

The meeting was adjourned at 7:24PM.

Ryan Santurri, Chair

Brett Sollazzo, Administrative and Permitting Manager

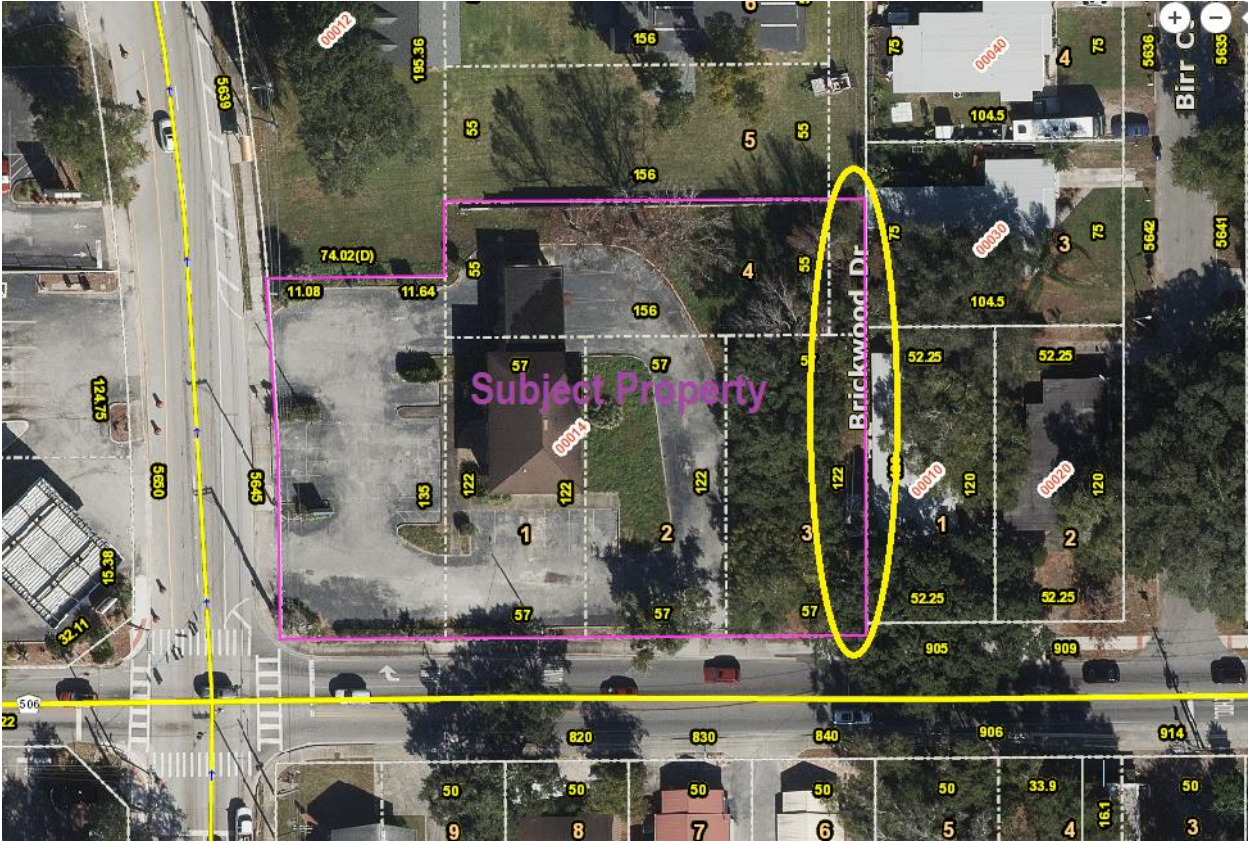


Date: January 26, 2023
 To: Planning and Zoning Board
 From: Ellen Hardgrove, City Planning Consultant
 XC: Sandy Riffle, City Clerk
 Brett Sollazzo, Administrative Assistant
 Drew Smith, City Attorney
 Re: Waiver for wall Mecato's Bakery and Café 5645 Hansel Avenue

Request/Analysis:

This agenda item is a request to waive the ECD required 7 feet high brick wall on the shared property line of an ECD zoned property and a property with a low density residential future land use designation, the east side of the subject property, as circled in Exhibit 1. The waiver is necessary due to a required easement.

Exhibit 1 – Subject Property



At the time the Mecato's site plan was approved, the presence of an Orange County 4" sewer force main located ±4 feet from the east property line was unknown; it was discovered during building permit application/County review of utilities. In order to hook-up to the County's sewer system, the County is requiring dedication of a 20 feet wide easement along the east property

line and requires the property owner to agree “not to build, construct, or create, nor permit others to build, construct, or create any buildings or other structures on the herein granted easement that may interfere with the normal operation or maintenance of the utility facilities installed thereon.” The County has stated a wall will not be permitted; however, a fence is acceptable. The request is to substitute a six (6) feet high fence that looks like stone in lieu of the required brick wall as shown in Exhibit 2; the look of brick was not found to be available. The stone-looking fence would complement the planned stone wall along Hoffner and Hansel Avenues used to buffer the parking.

Exhibit 2



Code Section 134-475 allows for approvals of waivers from the minimum ECD standards based upon substantial competent evidence that strict application of such standards would create an illogical, impossible, impractical or unreasonable result on the property owner. The following factors are to be considered when reviewing the application for the waiver.

- (1) The history of the subject property, including the date of purchase and the history of uses on the subject property;
- (2) The location of the subject property;
- (3) The configuration of the subject property;
- (4) The impact of the requested waivers on adjacent properties;
- (5) All measures proposed by the applicant to comply with the spirit or intent of the provisions from which waiver is sought; and
- (6) All measures proposed by the applicant to prevent, reduce, or offset any adverse impact the grant of the requested waiver would have on surrounding properties.

Approval requires a finding that,

- (1) That the granting of the proposed waiver will not have the effect of nullifying the intent and purpose of the standard that is the subject of the requested waiver;
- (2) That the granting of the proposed waiver will serve the health, safety and welfare of the city;
- (3) That any waiver granted is the minimum waiver that will reasonably eliminate or reduce the illogical, impossible, impractical, or unreasonable result caused the applicable standard contained in this division; and
- (4) That any waiver granted will not adversely impact the use or property values of adjacent properties.

The situation with the necessary 20 feet wide easement along the shared property line of the ECD and the low density residential designated land meets the criteria for approval; a condition detailing a substitution for the required brick wall can provide the safety, security, and aesthetics intended for physical dividing line between the two uses.

Recommendation:

Approval conditioned on the provision of a six (6) feet high composite fence that provides the appearance of a stone wall as was presented at the meeting.

Brett Sollazzo

From: nelson Lerma <nelson_lerma@hotmail.com>
Sent: Tuesday, January 10, 2023 9:38 AM
To: Ellen Hardgrove ; Brett Sollazzo
Cc: Sandy Riffle
Subject: Brick Wall - Waiver Request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Brett,

I need to request a waiver for the brick wall next month. I am not sure if I have to go to both P&Z and Council or just Council.

The waiver is for the following:

Per ECD regulation a 7 foot brick wall is required between the any adjoining residential and commercial properties lines. We currently share 177 feet with two residential neighbors to the east. Between this two properties there is a 4" force main that runs south to north that is four feet west of the Mecatos property line due to an easement never existing for this force main Orange County is requesting 20 feet easement from to prevent any permanent structures from being built. In light of OCU request for an easement we requested the utility line would be located to determine if it was feasible to build a modular brick wall. After further investigation OCU located the 4" line force main four feet from the property line determining that the force main is too close to the property line therefore preventing us from building any permanent structure that could jeopardize the safety of their employees if they ever have to perform future work on this force main. Due to OCU findings we are requesting a waiver to build a six foot fence that looks like brick in lieu of the seven foot brick wall.

Please let me know if you need further details.

Thank you

Nelson Lerma

THIS IS A DONATION

Project: Mecatos Bakery & Cafe Permit B22902437

UTILITY EASEMENT

THIS INDENTURE, made as of the date signed below, between CNBM Investments LLC, a Florida limited liability company, whose address is 1073 Campbell Street, Orlando, Florida 32806, GRANTOR, and Orange County, a charter county and political subdivision of the state of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393, GRANTEE.

WITNESSETH, That the GRANTOR, in consideration of the sum of \$10.00 and other valuable considerations, paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby give and grant to the GRANTEE and its assigns, an easement for utility purposes, with full authority to enter upon, excavate, construct and maintain, as the GRANTEE and its assigns may deem necessary, water lines, wastewater lines, reclaimed water lines, and any other utility facilities over, under and upon the following described lands situate in Orange County aforesaid, to-wit:

SEE ATTACHED EXHIBIT "A"

Property Appraiser's Parcel Identification Number:

a portion of 24-23-29-3400-00-014

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever.

THE GRANTEE herein and its assigns shall have the right to clear and keep clear all trees, undergrowth and other obstructions that may interfere with normal operation or maintenance of the utilities and any facilities placed thereon by the GRANTEE and its assigns, out of and away from the herein granted easement, and the GRANTOR, its successors and assigns, agrees not to build, construct, or create, nor permit others to build, construct, or create any buildings or other structures on the herein granted easement that may interfere with the normal operation or maintenance of the utility facilities installed thereon.

GRANTEE may at any time increase its use of the easement, change the location of pipelines or other facilities within the boundaries of the easement, or modify the size of existing pipelines or other improvements as it may determine in its sole discretion from time to time without paying any additional compensation to GRANTOR or GRANTOR'S heirs, successors, or assigns, provided GRANTEE does not expand its use of the easement beyond the easement boundaries described above.

GRANTEE'S obligation to restore landscaping shall be limited to an obligation to restore to Orange

Project: Mecatos Bakery & Cafe Permit B22902437

County landscaping standards for Orange County right-of-way and shall not include an obligation to restore to exotic or enhanced landscaping standards.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name.

Signed, sealed and delivered
in the presence of:

CNBM Investments LLC,
a Florida limited liability company

Witness

BY: _____

Printed Name

Printed Name

Witness

Title

Printed Name

(Corporate Seal)

(Signature of **TWO** witnesses required by Florida law)

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____, 2022 by _____ as _____ of CNBM Investments LLC, a Florida limited liability company, on behalf of the company. The individual is personally known to me or has produced _____ as identification.

(Notary Seal)

Notary Signature

Printed Notary Name

Notary Public in and for
the county and state aforesaid.

My commission expires:

This instrument prepared by:
Juanita Thomas, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida
P. O. Box 1393
Orlando, FL 32802-1393

JOINDER AND CONSENT TO UTILITY EASEMENT

The undersigned hereby certifies that it is the holder of the following mortgage, lien, or other encumbrance upon the above described Utility Easement: (i) that certain Mortgage and Security Agreement executed by CNBM Investments LLC, a Florida limited liability company, in favor of Axiom Bank, N.A. recorded April 20, 2021, as Official Records Document No. 20210238668, re-recorded on May 7, 2021, as Official Records Document No. 20210277066; (ii) that certain Subordination Agreement executed by CNBM Investments LLC, a Florida limited liability company, in favor of Axiom Bank, N.A., recorded April 20, 2021, as Official Records Document No. 20210238671, re-recorded May 7, 2021, as Official Records Document No. 20210277067; and (iii) that certain Assignment of Leases and Rents executed by CNBM Investments LLC, a Florida limited liability company, in favor of Axiom Bank, N.A., recorded April 20, 2021, as Official Records Document No. 20210238669, and (iv) that certain UCC-1 Financing Statement between CNBM Investments LLC, debtor, in favor of Axiom Bank, N.A., secured party, recorded April 20, 2021 as Official Records Document No. 20210238670, all of the Public Records of Orange County, Florida and that the undersigned hereby joins in and consents to the execution and recording of the foregoing Utility Easement, and agrees that its mortgage, lien, or other encumbrance, as they have been, and as they may be, modified, amended, and/or assigned from time to time, shall be subordinated to the Utility Easement, as said easement may be modified, amended, and/or assigned from time to time.

Witnesses:

Axiom Bank, N.A.

Print Name: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of _____, 20__ by _____ as _____ of Axiom Bank, N.A., on behalf of the National Association. The individual is personally known to me or has produced _____ as identification.

(Notary Seal)

Notary Public

Print Name: _____

My Commission Expires: _____

SKETCH OF DESCRIPTION
PROJECT NAME: MECATOS BAKERY & CAFE
PERMIT #: B22902437 (# 99868)

Exhibit A

Section E, Item 1.

LEGAL DESCRIPTION:

A tract of land situated in Section 24, Township 23 South, Range 29 East and being a portion of Lot 1, Harney Homestead as per Plat Book "C", Page 53, a portion of Lot 3, W.M. Hansel Replat as per Plat Book "J", Page 45 and Lot 4 as per Plat Book "L", Page 74 all being a part of the Public Records of Orange County, Florida, being more particularly described as follows:

Beginning at the southeast corner of Lot 3, W.M. Hansel Replat as per Plat Book "J", Page 45 of said public records being a replat of a portion of said Lot 1, Harney Homestead, thence S89°36'39"W along the south line of said Lot 3 a distance of 20.00 feet; thence N00°22'00"E parallel with the East line of said Lot 3 a distance of 177.00 feet to a point of intersection with the North line of said Lot 4; thence N89°36'39"E along an Easterly projection of the north line of said Lot 4 a distance of 20.00 feet to a point of intersection with the East line of said Lot 1, Harney Homestead and the West line of Birr Court as per Plat Book "T", Page 129 of said public records; thence S00°22'00"W along said East line of said Lot 1 a distance of 177.00 feet to the southeast corner of said Lot 1 and said Point of Beginning.

Containing 3,540 square feet, more or less.

NOTES:

1. PREPARED AS A SKETCH OF DESCRIPTION. *** THIS IS NOT A SURVEY ***
 2. THIS MAP IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS OR FREEDOM OF ENCUMBRANCES AND WAS PREPARED WITHOUT BENEFIT OF ABSTRACT OF TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.
 3. PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD. (RECORDED, UNRECORDED, WRITTEN AND UNWRITTEN).
 4. IMPROVEMENTS OTHER THAN THOSE SHOWN NOT LOCATED.
 5. MAP BASED ON DESCRIPTION PROVIDED BY THE CLIENT.
 6. THIS SURVEY WAS NOT INTENDED TO DELINEATE OR DEFINE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS OR JURISDICTIONAL LINES OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.
 7. ALL BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF LOT 1, HARNEY HOMESTEAD AS PER PLAT BOOK "C", PG 53 AS BEARING N00°22'00"E ASSUMED.
 8. DIMENSIONS OF IMPROVEMENTS SHOWN SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
- © COPYRIGHT 2022 BY ELLIS SURVEYS LLC

"THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY ROBERT A. ELLIS P.L.S. FLORIDA REGISTRATION NO. 3880 ON DATE 11/04/2022; THE ELECTRONIC SIGNATURE HEREON IS IN COMPLIANCE WITH THE FLORIDA ADMINISTRATIVE CODE (FAC) 5J-17-062".

CERTIFIED TO:
NELSON LERMA
ORANGE COUNTY UTILITIES

SHEET 1 OF 2

(SEE SHEET 2 FOR SKETCH and NOTES)

REVISIONS: RESPOND TO COMMENTS 09/02/2022

PROJECT NO: 22-1107-ease

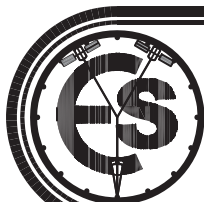
SCALE: 1"= 30'

DRAWN BY: RAE

CHECKED BY: MGEL

DATE DRAWN: 06/21/2022

FIELD BOOK/PAGE: XX/XX



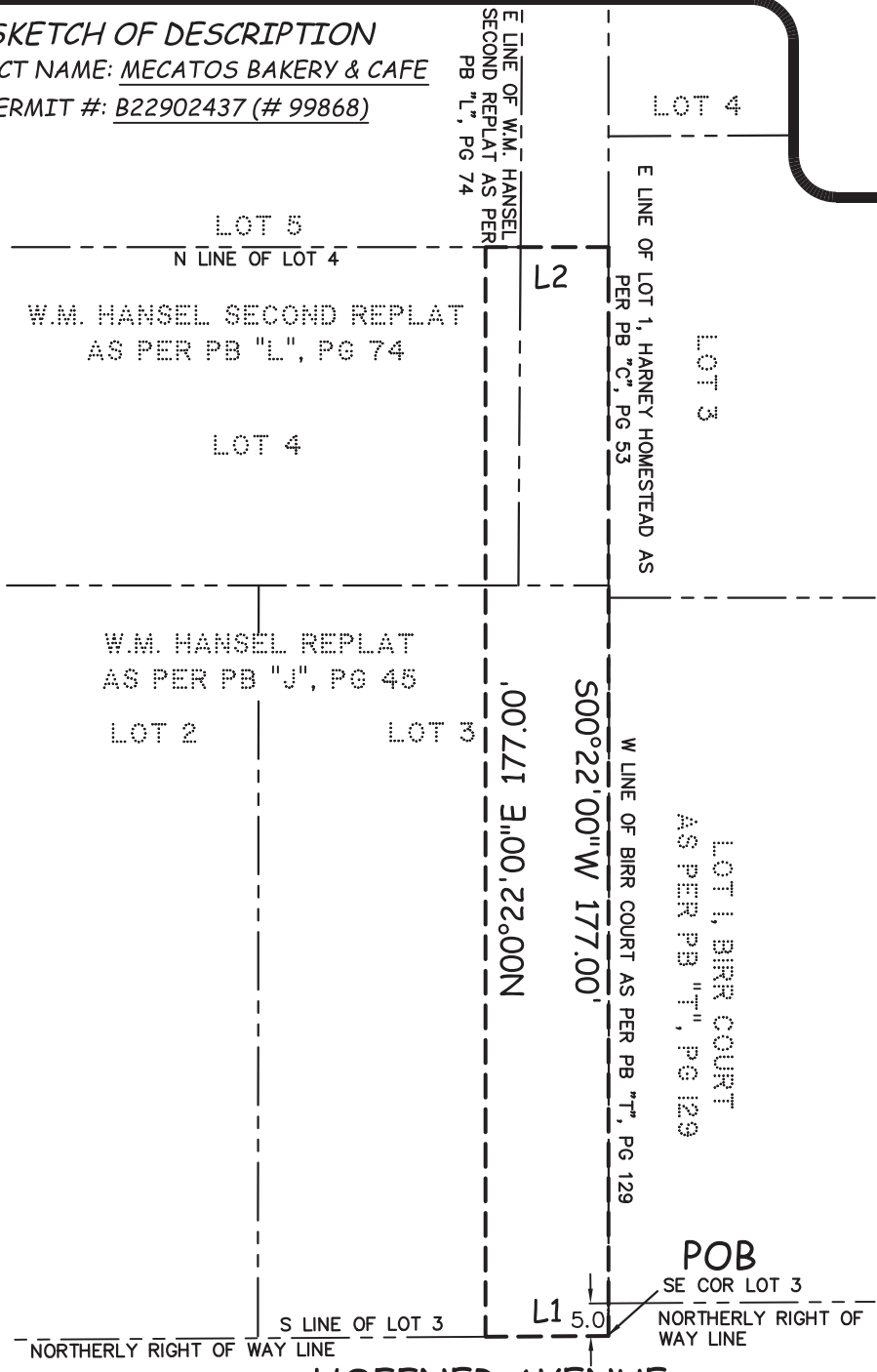
ELLIS SURVEYS LLC
Land Surveying & Planning

P.O. Box 160952
Altamonte Springs, FL 32716
Florida Licensed Business LB-7970
P. 407-834-4003 F. 407-869-5454
www.ellisurveys.com

ROBERT A. ELLIS, P.L.S.
FLORIDA REGISTRATION NO. 3880
FOR THE FIRM
DATE SIGNED: 11/04/20

12

SKETCH OF DESCRIPTION
 PROJECT NAME: MECATOS BAKERY & CAFE
 PERMIT #: B22902437 (# 99868)

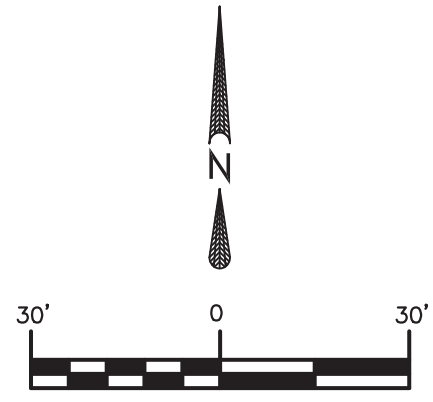


LINE TABLE

LINE	BEARING	DISTANCE
L1	S89°36'39"W	20.00'
L2	N89°36'39"E	20.00'

LEGEND:
 DOC# = OFFICIAL DOCUMENT NUMBER
 L# = LINE NUMBER
 OR = OFFICIAL RECORDS
 PG = PAGE
 PB = PLAT BOOK
 POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT
 (R) = RECORD

CERTIFIED TO:
 NELSON LERMA
 ORANGE COUNTY UTILITIES



HOFFNER AVENUE
 (RIGHT OF WAY VARIES AS PER STATE OF FLORIDA STATE ROAD DEPARTMENT
 RIGHT OF WAY MAP SECTION NO.75040-2501 ROAD NO. 527)

"THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED
 BY ROBERT A. ELLIS P.L.S. FLORIDA REGISTRATION NO. 3880
 ON DATE 11/04/2022; THE ELECTRONIC SIGNATURE HEREON
 IS IN COMPLIANCE WITH THE FLORIDA ADMINISTRATIVE CODE
 (FAC) 5J-17-062".

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SHEET 2 OF 2

(SEE SHEET 1 FOR DESCRIPTION)

REVISIONS: RESPOND TO COMMENTS 09/02/2022

PROJECT NO: 22-1107-EASE
 SCALE: 1"= 30'
 DRAWN BY: RAE
 CHECKED BY: MGEL
 DATE DRAWN: 06/21/2022
 FIELD BOOK/PAGE: XX/XX

ELLIS SURVEYS LLC
 Land Surveying & Planning
 P.O. Box 160952
 Altamonte Springs, FL 32716
 Florida Licensed Business LB-7970
 P. 407-834-4003 F. 407-869-5454
 www.ellissurveys.com

ROBERT A. ELLIS P.L.S. FLORIDA
 FLORIDA REGISTRATION NO. 3880
 FOR THE FIRM
 DATE SIGNED: 11/04/2022



Date: January 26, 2023
To: Planning and Zoning Board
From: Ellen Hardgrove, City Planning Consultant
XC: Sandy Riffle, Interim City Clerk
Brett Sollazzo, Administrative Assistant
Drew Smith, City Attorney
Re: Change to Residential Zoning Districts related to Boat Dock Height

This agenda item is a recommended change to Code Section 134-219 (2), “Uses permitted” in the R-1-AAA, R-1AA, or R-1-A and Code Section 134-255(3), “Permitted Uses” in the R-2 to provide consistency Code Chapter 14 that reference boat dock/house construction.

Currently, the noted zoning residential zoning districts reference a boat dock/house height maximum of 13 feet. The recent change to Code Chapter 14 related to boat dock/house construction (Ordinance 2022-11) increased the height to 15 feet. The approval of the attached ordinance amends the residential districts’ boat dock/house height limit to 15 feet.

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ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 134 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES REGARDING RULES AND REGULATIONS FOR BOAT HOUSE/DOCK CONSTRUCTION IN RESIDENTIAL DISTRICTS; 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 and houses may be constructed; and

WHEREAS, City Council amended Chapter 14 of the City of Edgewood code of ordinances regarding rules and regulations for boat dock/house construction with Ordinance 2022-11;

WHEREAS, there is a need to provide consistency in other sections of the Code that references boat dock/house construction;

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.

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: Code Section 134-219 (2), “Uses permitted” in the R-1-AAA, R-1AA, or R-1-A and Code Section 134-255(3), “Permitted Uses” in the R-2 are hereby amended to read as follows:

Sec. 134-219 (2) Boathouses and boat docks as accessory uses providing the roof of said boathouse does not exceed ~~13~~ 15 feet above the designated control height of the applicable lake. No boathouse or boat dock may be used for residential purposes. Regulations regarding the construction of boathouses and boat docks shall be promulgated by the city council from time to time.

Sec. 134-255 (3) Boathouses and boat docks, provided the roof of the boathouse does not exceed ~~13~~ 15 feet above the normal high water elevation. No boathouse or boat dock may be

40 used for residential purposes. Regulations regarding the construction of boathouses and boat
41 docks shall be promulgated by the city council from time to time.

42
43 **Section 3:** Conflicts. All ordinances or parts thereof in conflict herewith are hereby
44 repealed to the extent of such conflict.

45
46 **Section 4:** Severability. If any section, paragraph, subsection, sentence, clause, phrase or
47 portion of this ordinance is for any reason held invalid or unconstitutional by any court of
48 competent jurisdiction, such portion shall be deemed a separate, distinct, and independent
49 provision and such holding shall not affect the validity of the remaining portions hereof.

50
51 **Section 5:** Codification. The provisions of this Ordinance shall be codified as and become
52 and be made a part of the *Code of Ordinances of the City of Edgewood*. The Sections of this
53 Ordinance may be renumbered or relettered to accomplish such intention and the word
54 “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word.
55 The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

56
57 **Section 6:** This ordinance shall take effect immediately upon its adoption.

58
59 **PASSED AND ADOPTED** this _____ day of _____, 2023, by the City Council
60 of the City of Edgewood, Florida.

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63 PASSED ON FIRST READING: _____

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65 PASSED ON SECOND READING: _____

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69 _____
Richard A. Horn, Council President

70 *ATTEST:*
71
72 _____
73 Sandy Riffle
74 City Clerk

75



Date: January 26, 2023
To: Planning and Zoning Board
From: Ellen Hardgrove, City Planning Consultant
XC: Sandy Riffle, Interim City Clerk
Brett Sollazzo, Administrative Assistant
Drew Smith, City Attorney
Re: Change to Permitted and Special Exception Uses allowed in the ECD.

This agenda item is a recommended change to the uses permitted in the ECD in order to ensure achievement of the ECD vision. Currently the district allows full service car washes (listed as either Car/Automotive Washing/Detailing, full-service only or Automotive washing/detailing, full-service only) as a permitted use. Given these are auto-oriented uses, these uses should undergo additional review to ensure the proposed location is consistent with the ECD vision. The Special Exception process would provide for this additional review.

The recommendation is to also provide more detail on the review criteria for any special exception proposed within the ECD.

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ORDINANCE NO 2023-03

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES RELATED TO THE EDGEWOOD CENTRAL DISTRICT TO CHANGE THE PERMITTED USE KNOWN AS “CAR/AUTOMOTIVE WASHING/DETAILING, FULL-SERVICE” AND “AUTOMOTIVE WASHING/DETAILING, FULL-SERVICE” TO USES ONLY ALLOWED BY SPECIAL EXCEPTION, TO PROVIDE CLARIFICATION OF ADOPTED REGULATIONS AND STANDARDS; 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 require additional review for the location and design standards for a car wash to ensure land use compatibility and consistency with the City’s vision for the State Road 527 corridor; and

WHEREAS, the City Council finds that the Special Exception process provides an adequate review process to consider the location design standards of any proposed car wash with the State Road 527 corridor; and

WHEREAS, in this Ordinance additions to the Code of Ordinances are indicated by underline, deletions are indicated by ~~strikethrough~~, 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 134-467 is hereby amended as follows:

* * *

Sec. 134-467. - Permitted uses within the Edgewood Central District.

* * *

Car/Automotive Washing/Detailing, full-service only ¹	P <u>S</u>
------------------------------------------------------------------	------------

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* * *

Automotive washing/detailing1 , full-service only	P <u>S</u>
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* * *

40 (c) The review and hearing of an application for a special exception shall consider consistency
41 with the ECD Vision, the character and compatibility of the neighborhood surrounding area in
42 which the proposed use is to be located, its effect on the value of surrounding lands, availability
43 of public services and facilities, and the area of the site as it relates to the required open spaces
44 and off-street parking facilities. Each application for a special exception shall be accompanied by
45 a site plan incorporating the regulations established herein. ~~As a part of the application, T~~the site
46 plan shall ~~include a simple plan~~ be drawn to an appropriate scale, and including the property's
47 legal description, lot area, site dimensions, adjacent right-of-way location and width, existing
48 and/or proposed parking areas and number of parking spaces, existing and/or proposed building
49 location and setbacks from lot lines, total floor area existing and/or proposed for any building,
50 proposed points of access, location of signs, location of existing easements and a general plan of
51 proposed landscaping plan. ~~Said site plan shall be submitted to and considered by the city council~~
52 ~~after recommendation by the planning and zoning board as provided for in article II of this chapter~~
53 ~~prior to the granting of a building permit.~~ A special exception shall not be recommended by the
54 Planning and Zoning Board (Board) nor approved by the City Council unless and until the Board
55 and City Council make a finding that the granting of the special exception is consistent with the
56 comprehensive plan and ECD Vision, the use is similar and compatible with the surrounding
57 area, and will not act as a detrimental intrusion into the surrounding area nor negatively impact
58 the level of service of public services and facilities. Upon such approval, said site plan becomes
59 part of the building permit and may be amended only by the city council after recommendation by
60 the planning and zoning board. Development under the special exception shall comply with all
61 applicable city codes and ordinances.

62

* * *

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

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

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

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

76 PASSED ON FIRST READING THIS 21st DAY OF February 2023. PASSED AND

77 ADOPTED THIS 21st DAY OF March 2023

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL

Richard A. Horn, Council President

ATTEST:

Sandra Riffle, City Clerk

78



Date: January 20, 2023
To: Planning and Zoning Board (P&Z)
From: Ellen Hardgrove, City Planning Consultant
XC: Sandy Riffle, City Clerk
Drew Smith, City Attorney
Re: Proposed Comprehensive Plan Amendment – Site Specific Future Land Use Designation

This agenda item is for consideration of adopting the pending proposed comprehensive plan amendment to add a new future land use designation: Site Specific Plan. This is the final step in the comprehensive plan amendment process: transmittal to the Department of Economic Opportunity (DEO), DEO and applicable agency review, then adoption. DEO and the other applicable agencies reviewed the proposed amendment and had no comments.

Recapping, the proposed new designation would allow the consideration of a use that would require specific development standards to ensure land use compatibility with adjacent uses. Any use allowed in any of the other future land use designations could be considered consistent with the Site Specific Plan future land use designation.

The new amendment will require that a proposed future land use map amendment to this new designation must be simultaneous considered with a correlated comprehensive plan policy specifically detailing, at a minimum, the allowable uses and densities/intensities for that parcel.

The proposed amendment also requires that development on property with the Site Specific Plan designation be rezoned to the proposed Comprehensive Plan Planned Development zoning district.

In addition to the new future land use designation, the proposed amendment includes general language applicable to all future land use designations that is intended to provide an understanding that the listed densities/intensities are not an entitlement.

Staff recommends P&Z recommend that Council approve the proposed amendment.

END

Ron DeSantis
GOVERNOR



Meredith Ivey
ACTING SECRETARY

January 20, 2023

The Honorable John Dowless
Mayor, City of Edgewood
405 Bagshaw Way
Edgewood, Florida 32809

Dear Mayor Dowless:

The Department of Economic Opportunity (“Department”) has reviewed the proposed comprehensive plan amendment for the City of Edgewood (Amendment No. 22-02ESR) received on December 22, 2022. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.
- The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, must be held within 180 days of your receipt of agency comments or the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- The adopted amendment must be rendered to the Department. Under Section 163.3184(3)(c)2. and 4., F.S., the amendment effective date is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

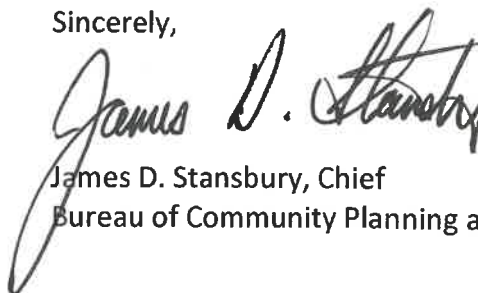
Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | www.Twitter.com/FLDEO | www.Facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

The Honorable John Dowless
January 20, 2023
Page 2 of 2

If you have any questions concerning this review, please contact Adrian Young, Planning Analyst, by telephone at (850) 717-8515 or by email at adrian.young@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/ay

Enclosure(s): Procedures for Adoption

cc: Ellen Hardgrove, City Planning Consultant, City of Edgewood
Tara McCue, Executive Director East Central Florida Regional Planning Council

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | www.Twitter.com/FLDEO | www.Facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

ORDINANCE NO. 2022-08

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

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WHEREAS, the City Council of the City of Edgewood adopted the City of Edgewood Comprehensive Plan by Ordinance No. 91-378 on December 17, 1991, pursuant to Chapter 163.3184, Florida Statutes; and

WHEREAS, the City Council of the City of Edgewood amended the City of Edgewood Comprehensive Plan by Ordinance No. 2013-04 on November 19, 2013, pursuant to Chapter 163.3184, Florida Statutes; and

WHEREAS, the City Council of the City of Edgewood amended the City of Edgewood Comprehensive Plan by Ordinance No. 2021-02 on December 21, 2021 pursuant to Chapter 163.3184, Florida Statutes; and

WHEREAS, the City of Edgewood Comprehensive Plan, is the product of an ongoing planning process; and

WHEREAS, an updated and current City of Edgewood Comprehensive Plan is essential to direct the City’s future planning programs; and

WHEREAS, in some circumstances, certain future land uses require a more detailed level of review to ensure adjacent land use compatibility and/or coordination with the limited availability public infrastructure; and

WHEREAS, the Local Planning Agency for the City of Edgewood received input and advice from its planners and staff; and

WHEREAS, the City Council of the City of Edgewood deems it necessary to make such revisions to the City of Edgewood Comprehensive Plan, as contained in this Ordinance; and

WHEREAS, all required public notices and public hearings for such amendment to the City of Edgewood Comprehensive Plan have been properly given and held; and

WHEREAS, amendments to the Comprehensive Plan as contained in this Ordinance are identified by underlined text.

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

SECTION 1. LEGISLATIVE FINDINGS. The Recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Edgewood.

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SECTION 2. COMPREHENSIVE PLAN AMENDMENT TEXT. .

Policy 1.1.6 Development orders shall only be approved consistent with the adopted Future Land Use Map. The Future Land Use Map classifications are defined below:

Commercial: Activities within land areas that are predominantly connected with the sale, rental and distribution of products, or performance of services. Commercial uses will be at a relatively low to moderate intensity, consistent with existing uses. Maximum commercial intensity shall be 0.50 F.A.R. (floor area ratio), unless as set forth below.

Properties with a Commercial Future Land Use designation that have frontage on a roadway designated as "principal arterial", may have a mixed-use development pattern not exceeding 3.0 F.A.R. and up to 80 dwelling units per acre, when adequate public facilities and services are demonstrated to be available and land use compatibility demonstrated. This mixed-use pattern will promote infill and redevelopment, while also promoting a reduction in vehicle trips and promoting mobility. Properties developing under the mixed- use concept may develop meeting the following design components, implemented through the land development regulations:

1. Massing and scale building heights shall be permitted by land development regulations; however, floors over the first may be required to be stepped back to provide massing relief from adjacent properties with a residential designation.
2. All sides of mixed use buildings shall incorporate architectural detail and design elements so that there are no blank walls on the exterior, incorporating a variety of rooflines, windows, and visual relief through changes in building material, as well as horizontal and vertical changes in the building facades.
3. Active uses within mixed-use buildings, including parking areas, recreational facilities, and mechanical equipment shall be appropriately buffered to reduce impact on existing residential uses.
4. Lighting and signage shall be appropriately designed, scaled and shielded to reduce impact on surrounding residential areas.
5. Other compatibility measures and development standards as may be defined through the Planned Development and site plan review process.
6. Any site with a property line adjacent to a street that provides access to a residential neighborhood shall have no curb cuts onto the residential street, so as to minimize impact to the residential neighborhood, unless approved by

82 City Council in a public hearing as part of a Planned Development Zoning or
83 a conditional use process.

84
85 Low Density Residential: Low density residential land uses shall be at a density
86 not exceeding 4 dwelling units per acre.

87
88 Medium Density Residential: Medium density residential land uses shall be at a
89 density greater than 4 dwellings units per acre and not exceeding 7 dwelling units
90 per acre.

91
92 High Density Residential: High density residential land uses shall be at a density
93 exceeding 7 dwelling units per acre but not greater than 16 units per acre.

94
95 Institutional: Activities within land areas that are predominantly connected with
96 government, schools, hospitals, and medically related facilities. Institutional land
97 uses will be at a relatively low to moderate intensity, consistent with existing
98 uses. Maximum institutional intensity will be 0.50 F.A.R. (floor area ratio).

99
100 Site Specific Plan: The Site Specific Plan designation is used for parcels that, due
101 to the proposed use, residential and/or nonresidential, require a more detailed
102 level of review to ensure land use compatibility. To be compatible means, a
103 development, building and/or land use is designed to be able to exist or occur
104 without conflict with its surroundings in terms of its uses, scale, height, massing,
105 and location on its site, as well as to avoid negative impacts to public services and
106 facilities. The permitted uses on property with a Site Specific Plan designation
107 shall be those allowed in any of the other City future land use designations;
108 however, the ability to develop any use on the property shall be conditioned on
109 demonstration of adjacent land use compatibility. The maximum density allowed
110 shall be 16 units per acre for residential and 1.0 floor area ratio for nonresidential.
111 Simultaneously with establishing this designation on the Future Land Use Map, a
112 policy amendment shall be approved that details the development program for the
113 property including, at a minimum, specific permitted uses and maximum
114 density/intensity. Any change to such policy directives shall require a
115 comprehensive plan amendment. Development on properties with this designation
116 shall be required to be rezoned to a Planned Development District to ensure a
117 well-planned development program compatible with adjacent uses through
118 consistency with site specific design standards and architectural controls.

119 The density/intensity maximums listed in this policy are not an entitlement and are
120 not achievable in all situations. Many factors may limit the permitted use and/or
121 density and/or intensity including, but not necessarily limited to, physical limitations
122 imposed by property dimensions and onsite natural resources and environmental

123 systems; necessary land use compatibility design standards; compliance with smart
124 growth development design including, but not limited to, the need to accommodate
125 innovative technology for the provision of infrastructure needs such as electric
126 charging stations and alternative energy sources, and green building design; the need
127 to provide recreation space in employment as well as residential areas; as well as
128 compliance with applicable code requirements such as, but not limited to parking,
129 open space, setbacks, and impervious surface maximums.

130 **SECTION 3.** All ordinances or parts of ordinances in conflict with this Ordinance are
131 hereby repealed.

132
133 **SECTION 4.** After the first public hearing, this amendment was transmitted to the
134 Department of Economic Opportunity, and a copy was submitted to each of: the East Central
135 Florida Regional Planning Council, the St. Johns River Water Management District, the
136 Department of Environmental Protection, the Department of State, the Department of
137 Transportation, Orange County, and any other unit of local government or governmental agency
138 in the State of Florida that has filed a written request with the Clerk of the City of Edgewood,
139 Florida.

140
141 **SECTION 5.** This Ordinance shall become effective 31 days after the Department of
142 Economic Opportunity notifies the City that the Plan Amendment package is complete, or on the
143 date a final order is issued by the Department of Economic Opportunity or Administration
144 Commission finding the amendment in compliance, whichever occurs sooner. No development
145 permits or land uses dependent on this amendment may be issued or commence before it has
146 become effective.

147
148 **FIRST READING** on the ____ day of _____, 2022.

149 **ADOPTED** by the City Council of the City of Edgewood, Florida, this ____ day of
150 _____, 2022.

151
152 _____
153 Richard A. Horn, Council President

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155
156 *ATTEST:*

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158 _____
159 Sandra Riffle, City Clerk

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Date: January 26, 2023
To: Planning and Zoning Board
From: Ellen Hardgrove, City Planning Consultant
XC: Sandy Riffle, Interim City Clerk
Brett Sollazzo, Administrative Assistant
Drew Smith, City Attorney
Re: Proposed New Zoning District to Implement the Proposed Site Specific Future Land Use Designation

This agenda item is a continuation of P&Z's review of the new zoning district that will implement the proposed Site Specific Plan Future Land Use designation. The recommendations from last meeting were incorporated into the attached draft. One item needs further discussion: Open Space requirements, specifically related to a percentage dedicated to active recreation open space. Should this be a requirement?

The term "active recreation" is defined as an area that affords physical activity as contrasted with passive recreation, which involves no physical activity such as sitting. What is the purpose for requiring it? The only answer is to allow the employee to exercise.

Here are some questions that need to be contemplated: Will employees use the recreation space? Why does it have to be provided outside? Why couldn't an indoor gym take care of that intent? Will there be showers for employees to use if they do use it?

The intent of this district is adjacent land use compatibility; with this in mind, the recommendation is to direct the required open space into buffering instead of requiring active recreation areas. The following is staff's recommendation to be discussed at the meeting.

(4) *The Site Plan ...clearly indicating the following*

- a. *Open Space Plan demonstrating that at least 25% of the gross land area consists of open space as defined in Code Section 114-31 and is designed and counted consistent with Code Section 114-35, with the exception that 50% of that required open space, shall be "land use compatibility open space" used to enhance/buffer land use compatibility with adjacent uses. The enhancement/buffer shall be provided parallel and adjacent to the boundaries shared with properties needing buffering due to compatibility issues or conflicts. The width of such boundary buffers shall be such to sustain a substantial and*

continuous linear massing of evergreen trees to mitigate visual and operational impacts as determined by City Council, with Code Section 114-5 establishing the minimum width of the buffer (as determined by the listed uses not the referenced zoning districts in this Code Section). The evergreen tree massing shall be a minimum of two rows deep. Use of berms are strongly encouraged if noise abatement is necessary in addition to the evergreen tree mass planting. Pervious areas such as stormwater retention or detention ponds, parking lot islands or landscape planting areas around building foundations shall not be counted toward the land use compatibility open space.

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ORDINANCE 2023-01

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES TO CREATE A NEW PLANNED DEVELOPEMENT ZONING CATEGORY; COMPREHENSIVE PLAN PLANNED DEVELOPMENT DISTRICT (CP PD); ESTABLISHING A PROCESS AND REQUIREMENTS FOR REZONING PROPERTY TO CP PD; ESTABLISHING APPLICATION AND EVALUATION STANDARDS RELATED TO CP PD REZONING 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

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

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

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

WHEREAS, the City Council finds that creating a Comprehensive Plan Planned Development (CP PD) zoning district, which allows for collaboration between the City, the developer, and neighboring property owners and stakeholders encourages dialogue and problem solving, can lead to mutually beneficial solutions to development challenges; and

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

WHEREAS, as of the effective date of this Ordinance, the City will have amended its Comprehensive Plan, to contemplate the new planned development district under certain circumstances; and

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

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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,” Article IV, “District Regulations,” is hereby amended as follows:

DIVISION 13. - COMPREHENSIVE PLAN PLANNED DEVELOPMENT- CPPD ZONING DISTRICT

Sec. 134-476. Intent and purpose of CP PD district.

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

Sec. 134-477. Uses permitted and prohibited.

- a) Uses Permitted. The permitted uses allowed in the CP PD shall be consistent with the corresponding comprehensive plan policy adopted at the time the Site Specific Plan future land use designation was established for the subject property.
- b) Uses Prohibited. Any use prohibited in the C-1, C-2, C-3, I, ECD or Ind-CA district shall be prohibited in the CP PD district.
- c) Development Agreement. The specific permitted uses for property zoned CP PD shall be set forth in a development agreement approved as provided herein, which shall be recorded in the official public records of Orange County, Florida.

Sec. 134-478. Approval Procedure.

- a. Application Submittals.
 - (1) Formal Application and Payment of Fees for consideration of establishing a SSP future land use designation on the subject property; a corresponding Comprehensive Plan Future Land Use Element policy; and rezoning to CP PD. The application shall include the

74 applicant’s name and contact information, full legal description of the property, acreage,
75 owner’s name and contact information, and agent authorization if applicant is not the owner
76 of the property.

77 (2) Proposed Future Land Use Element Policy identifying, at a minimum, the proposed
78 permitted uses and densities/intensities, consistent with the requirements as specified
79 within F.S. ch. 163, pt. II, with a narrative explaining

- 80 a. The need and justification for the change;
- 81 b. The benefits the development will provide to the community;
- 82 c. The compatibility of the proposed land use with surrounding properties; and
- 83 d. How the proposed use is consistent with and/or furthers the goals, objectives and
84 policies of the city’s comprehensive plan.

85 (3) An analysis of potential land use compatibility issues and the proposed mitigation. Land
86 use compatibility is of premier importance to this district. Compatible means a
87 development, building and/or land use is designed to be able to exist or occur without
88 conflict with its surroundings in terms of its uses, scale, height, massing and location on its
89 site, as well as is without negative impact to public services and facilities. Land use
90 compatibility analysis shall address visual impact, on-site operational impact, and impact
91 to public services and facilities, including, but not limited to the area road network.
92 Examples of mitigation measures include, but are in no way limited to, the examples listed
93 below; often times, more than one mitigation strategy is necessary for each category.

94 a. Visual Impact; i.e., the three-dimensional scale of the structures onsite including height,
95 bulk, width, and depth compared to adjacent uses. This not only includes the
96 appearance of any structures, but also the effect of outdoor storage areas, as well
97 as the long term maintenance of buildings, landscaping, etc. onsite.

- 98 1. Providing large perimeter building setbacks which incorporate a significant amount
99 of mature landscaping
- 100 2. Providing gradual transition between smaller and larger buildings; e.g., stepping
101 buildings down to a scale (building bulk, footprint size, and height) complementing
102 adjacent development
- 103 2. Incorporating architectural design and elevation features that complement adjacent
104 lower-density/intensity development; e.g., breaking up massing of buildings by
105 alternating/undulating facades and roof lines especially for buildings significantly
106 longer, taller, or with more mass than buildings on adjacent property
- 107 3. Avoiding blank walls on the building by incorporating windows and/or using
108 design techniques such as evergreen vine wall (trellis or wire/vine system), a
109 decorative masonry pattern of at least two types of materials, colors, textures, or
110 architectural features

- 111 4. Using of low-maintenance exterior building materials and colors to aid in
112 maintaining the appearance of the structure
- 113 5. Locating/designing stormwater management to provide a visual amenity and
114 opportunities for passive recreation, e.g., wet bottom pond design as a lake with a
115 fountain
- 116 6. Dividing large parking lots into smaller blocks using landscape, pedestrian ways,
117 bioswales
- 118 7. Using of decorative masonry walls on property lines
- 119 b. Operational Impact; i.e., operational by-products such as noise, odors, dust, vibration,
120 light, heat, electrical interference etc. that will negatively impact adjacent uses.
- 121 1. Containing operations within buildings to the maximum degree possible
- 122 2. Designing the building layout to orient operations internal to the site, particularly
123 noise generating activities such as, but not necessarily limited to, deliveries,
124 dumpster, parking lots, and activities where large groups can congregate
- 125 3. Using vertical screening to block effects of high-impact components such as
126 mechanical equipment and service areas
- 127 4. Using of sound barrier walls along the property lines
- 128 5. Directing light generated by higher intensity uses, including direct illumination of
129 parking and service areas, signs, and structures, away from adjacent residential
130 areas and public streets
- 131 6. Reducing interior building noise through additional wall insulation, plantings, and
132 strategic placement of doors and windows
- 133 7. Limiting hours of operation
- 134 c. Impact to public services and facilities.
- 135 1. Coordinating with the City/County/State to construct improvements necessary to
136 mitigate the project's impact on the area road network.
- 137 2. Utilizing site designs, building groupings, and site features that accommodate and
138 encourage the use of transportation alternatives, including pedestrian, bicycle, and
139 public transportation. Examples of techniques include provision of wide sidewalks,
140 provision of transit stops/shelters; visible and convenient bicycle parking facilities;
141 and multi-use paths to building entrances.
- 142 3. Increasing the connectivity of the vehicle and pedestrian networks to reduce
143 reliance on single routes for access.
- 144 4. Using the latest technology for energy use, stormwater management, potable water
145 supply.

146 5. Designing the site using strategies to reduce opportunities for crime (reference
 147 Crime Prevention Through Environmental Design (CPTED, which include
 148 building entrances should have windows providing a view of entry locations,
 149 strategic design of pedestrian ways ensuring parking areas and building entrances
 150 are well lit with shielded lighting at a pedestrian scale, comprehensive wayfinding
 151 system for vehicles as well as pedestrians to main entryways, use of strategic
 152 lighting that minimizes glare and shadows, use of decorative see-through fencing
 153 along roads with low level maintained landscaping to provide ease of surveillance,
 154 avoidance of areas of concealment due to landscaping or structures within and
 155 outside buildings as well as parking areas).

156 (4) The Site Plan drawn to a scale of one inch equals 200 feet or larger, unless otherwise
 157 appropriate, and consisting of properly identified exhibits and support materials, clearly
 158 indicating the following

- 159 a. The project name, legal description, total acreage and location map,
 160 b. Signed and sealed boundary survey
 161 c. Topographic survey at one-foot contours based on the county datum (or as approved
 162 by the city engineer) and other natural features including, but not limited to, lakes,
 163 watercourses, wetland, and conservation areas.
 164 d. On-site soil types (based on the soil conservation service classification system), flood
 165 hazard areas and generalized vegetation.
 166 e. Existing uses, easements, and demolition plan
 167 f. Proposed land use
 168 1. Proposed Residential. Total number of units; as well as number of units by type,
 169 i.e., within single family and multi family structures; residential land area, which is
 170 defined as the area, excluding natural water bodies and wetlands, to be occupied by
 171 residential use; density calculated by total number of units and proposed residential
 172 land area; minimum lot size, impervious surface maximum per lot, minimum air
 173 conditioned living floor area per unit, building height (in stories and feet), minimum
 174 building and accessory use setbacks, open space acreage delineated in tracts,
 175 recreation areas delineated in tracts and type of recreation facilities to be provided.
 176 2. Proposed Nonresidential. Specific types of uses; gross building floor area(s);
 177 building floor area ratio based on area to be used by nonresidential uses (excluding
 178 natural water bodies and wetlands); building height (in stories and feet); minimum
 179 building setbacks from all sides; maximum impervious surface per lot/tract;
 180 delineated areas where outdoor activities (including but not limited to outdoor
 181 storage areas, employee gathering areas) will take place with a listing of the type
 182 of outdoor activities proposed; and open space acreage delineated in tracts.
 183 g. The phasing of development and the manner in which each phase of development can
 184 exist as an independent unit with all necessary public services and facilities.

- 185 h. Adjacent streets and rights-of-way within 500 feet of proposed access points, any major
186 street setbacks, and planned right-of-way lines.
- 187 i. Utility Providers
 - 188 1. Water service (including fire flows), plus gallons-per-day requirement.
 - 189 2. Sewage disposal, plus gallons per day generated.
- 190 j. Stormwater management system plan, including direction of surface drainage flow and
191 drainage calculations.
- 192 k. Refuse storage areas locations.
- 193 l. Proposed easements.
- 194 m. Transportation facilities including proposed internal roads and offsite road and transit
195 improvements, and pedestrian and bike facilities, including the proposed right-of-way,
196 sidewalk and bike path widths.
- 197 n. Projected vehicle traffic generation based on established standards. A traffic study shall
198 be provided if determined to be necessary by the city engineer.
- 199 o. Vehicular and bicycle parking spaces detailing location and size.
- 200 p. Exterior Lighting Plan prepared by a professional engineer, landscape architect or
201 professional architect registered in Florida and prepared in a scale that is easily legible
202 and shall include a photometric plan for the exterior lighting coverage that
203 demonstrates that outdoor areas are safe and secure, particularly in parking areas, all
204 building entrances, and other areas of special security concern. The exterior lighting
205 plan shall be coordinated with the landscape plans ensuring no conflicts between the
206 proposed lighting and landscaping will exist. Except for bollard type lights, light
207 poles shall be set a minimum distance of 17.5 feet from tree trunk edges. The plan
208 shall provide pole, fixture, and lamp technical specifications. The minimum foot
209 candle where pedestrians will be present is one.
- 210 q. Open Space Plan demonstrating that at least 25% of the gross land area consists of open
211 space as defined in Code Section 114-31 and is designed and counted consistent with
212 Code Section 114-35, with the exception that 50% of that required open space, shall be
213 “land use compatibility open space” used to enhance/buffer land use compatibility with
214 adjacent uses. The enhancement/buffer shall be provided parallel and adjacent to
215 the boundaries shared with properties needing buffering due to compatibility issues or
216 conflicts. The width of such boundary buffers shall be such to sustain a substantial and
217 continuous linear massing of evergreen trees to mitigate visual and operational impacts
218 as determined by City Council, with Code Section 114-5 establishing the minimum
219 width of the buffer (as determined by the listed uses not the referenced zoning districts
220 in this Code Section). The evergreen tree massing shall be a minimum of two rows
221 deep. Use of berms are strongly encouraged if noise abatement is necessary in addition
222 to the evergreen tree mass planting. Pervious areas such as stormwater retention or

223 detention ponds, parking lot islands or landscape planting areas around
 224 building foundations shall not be counted toward the land use compatibility open
 225 space.

226 r. Existing Tree Protection/Preservation Plan with an effort toward site layout that
 227 conserves and protects onsite mature trees to enhance community appearance, assist in
 228 the natural control of solar heat, soil conservation and erosion, oxygen production,
 229 pollution, noise, and to provide a haven for community wildlife. At a minimum, the
 230 plan shall be consistent with Chapter 130. Removal of Historic and/or Specimen Trees
 231 shall be replaced with trees sold in 15-gallon containers of at least 1½ inches in
 232 diameter as measured three feet above soil level.

233 s. Landscape Plan, to include species, quantity, and sizes, not only for land use
 234 compatibility mitigation, but also for the enjoyment of site users (employees and/or
 235 residents). The plan shall exceed the standards of Chapter 114.

236 t. Inclusion of compatibility mitigative measures identified in the development
 237 agreement.

238 u. Design elevations/renderings of structures.

239 v. Sign Plan, including scaled plans of proposed signs.

240 w. School age population (if applicable).

241 x. Requested waivers from the subdivision regulations or other development standards; if
 242 any requested, written justification shall be presented as part of the application
 243 submittals detailing the particular provisions of the Code requested to be waived and
 244 basis for the request.

245 (5) Subdivision Plan. If the developer or applicant proposes to create a subdivision, a
 246 preliminary subdivision plan shall be processed concurrently with the site plan in
 247 accordance with Chapter 126 and shall be subject to approval by the City Council.

248 (6) Letters from utility providers of the availability of facilities and services including Potable
 249 Water, Wastewater, Solid Waste Disposal, Fire Protection.

250 (7) An Environmental Study if required by the City's Engineer or Planner analyzing the
 251 suitability of the proposed development given the soils, topography, wetlands, floodplains,
 252 native vegetation, and other environmentally sensitive areas onsite.

253 (8) The draft Development Agreement. The document shall detail covenants, conditions,
 254 restrictions, and agreements that govern the use, maintenance and continued protection of
 255 minimum standards established by the rezoning/comprehensive plan policy; the
 256 maintenance and protection of the building exterior quality, infrastructure, lighting,
 257 recreation areas, and landscaping; and a list of the measures that will be used to mitigate
 258 identified compatibility issues. Finalization of the Development Agreement shall occur at
 259 least two weeks prior to the Planning and Zoning Board's public hearing.

260 (9) Statement from a certified appraiser relative to the effect on adjacent property values.

- 261 (10) Any supporting data the applicant deems necessary to support the request.
- 262 b. Distribution for Review After determining the application is complete, the City Clerk shall
 263 distribute the application to pertinent city staff for review. An incomplete application will not
 264 be forwarded to staff, resulting in the delay of processing.
- 265 c. Staff/Applicant Meeting/Initial Review Comments. The City Clerk will coordinate with the
 266 applicant and staff to schedule a meeting to discuss staff’s initial review comments, as well as
 267 guide further refinement of the application if necessary. Additional staff/applicant meetings
 268 can be requested by the applicant or city staff.
- 269 d. Community Meeting. Prior to the final staff report preparation, the applicant shall schedule and
 270 host a community meeting to provide an informal setting for the applicant to present the project
 271 and gain input from area residents/businesses. City staff’s attendance will be in the form of
 272 monitoring rather than facilitation. The same public notice for the Planning and Zoning Board
 273 hearing shall be used for public notice for the Community Meeting. A report prepared by the
 274 applicant summarizing the community meeting proceedings and any modifications to the
 275 proposal based on the input shall be submitted to the City Clerk for staff distribution.
- 276 e. Staff Report. Following the applicant’s report on the community meeting, City staff shall
 277 prepare a report addressing the comprehensive plan amendments and site development plan
 278 with a recommendation for approval, approval with conditions, or denial, which will be sent
 279 to the applicant. Upon receipt of the staff report, the applicant shall either request an additional
 280 staff/applicant meeting to discuss the report or request the City Clerk to schedule a public
 281 hearing before the Planning and Zoning Board.
- 282 f. Planning and Zoning Board Hearing.
- 283 (1) The Planning and Zoning Board hearing shall hold public hearings to consider the request
 284 for comprehensive plan amendments and rezoning. Such hearings shall not be scheduled
 285 within 21 days of the City Clerk receiving the request from the applicant to proceed to
 286 public hearing unless the minimum time is waived by the City Clerk.
- 287 (2) In addition to the public notice specified in the State law and City Code, written public
 288 notice of time and place of such the hearing shall be mailed to all property owners of record
 289 within 1,000 feet of the subject property’s boundaries at least 15 days prior to the hearing.
- 290 (3) The Planning and Zoning Board shall recommend either approval with conditions that
 291 ensure land use compatibility, such as but not limited to, limitations on building size and
 292 height, minimum setbacks, building design or use features, landscaping, vehicle access
 293 configuration, and/or hours of operation; denial; or submit such request with no
 294 recommendation to the City Council in the case of a tie vote.
- 295 g. City Council Hearings.
- 296 (1) First Public Hearing for Comprehensive Plan Amendments. At least ten days after the
 297 Planning and Zoning Board hearing, unless the time is waived by the City Clerk and
 298 advertising requirements have been met, the City Council shall hold the first of two public
 299 hearings, in accordance with Florida law and City Code, to consider approval of the

300 proposed comprehensive plan amendments. Unless the future land use amendment
301 qualifies for a small scale amendment, Council shall either vote to transmit the
302 comprehensive plan amendments to the State land planning agency in accordance with
303 State law or deny the request. If the amendment qualifies as a small-scale amendment,
304 Council shall vote to either deny or approve a second reading of the ordinance. An
305 affirmative vote for a second reading shall include conditions that ensure adjacent land use
306 compatibility.

307 (2) First Public Hearing for Rezoning. Following an affirmative vote for a second reading for
308 the comprehensive plan amendments, Council shall hold the first of two public hearings to
309 consider approval of the rezoning. The Council shall vote to consider a second reading of
310 the rezoning ordinance. An affirmative vote for second reading shall include conditions
311 that will ensure land use compatibility with adjacent land such as, but not limited to,
312 limitations on building size and height, minimum setbacks, building design or use features,
313 landscaping, vehicle access configuration, and/or hours of operation.

314 (3) Second Public Hearings for Comprehensive Plan Amendments and Rezoning The second
315 public hearings for the proposed comprehensive plan amendments and rezoning will occur
316 based on the timeline in Florida law and City Code. At the second public hearings, City
317 Council shall either approve; approve with additional conditions, or deny the requests. If
318 the comprehensive plan amendments are denied by Council, Council shall the deny the
319 proposed rezoning.

320 (4) Rezoning Effective Date. Approval of the rezoning shall not become effective until after
321 the effective date of the comprehensive plan amendments.

322 (5) Advertising Requirements. In addition to the public notice specified in the State law and
323 City Code, written public notice of both Council hearings’ time and place shall be mailed
324 to all property owners of record within 1,000 feet of the subject property’s boundaries at
325 least 15 days prior to the hearings.

326 **Sec. 134-479 Other Development Standards**

- 327 a) Maximum Height shall be determined during CP PD review.
- 328 b) Parking quantity shall be consistent with code standards unless competent and substantial
329 evidence demonstrates a reduced quantity is appropriate.
- 330 c) Landscaping shall exceed the minimum code standards of Chapter 114 and shall be provided
331 to mitigate compatibility issues as well as for aesthetics.
- 332 d) Where other site standards have not been specifically delineated, the Code requirements shall
333 apply; however, consideration of waivers to these code requirements can be considered during
334 the CP PD process.
- 335 e) Off-site improvements may be required in conjunction with the CP PD approval in order to
336 offset the impacts on public facilities and services created by the proposed development.
- 337 f) All projects shall provide an adequate level of public facilities and services to accommodate
338 the project as proposed in the development plan.

339 **Sec. 134-480. Amendments to the CP PD.**

340 a) Amendments to the approved CP PD shall be classified as either substantial or nonsubstantial
341 amendments.

342 b) A substantial amendment is an amendment that would result in any of the following:

343 (1) A change that would include a land use not previously permitted under the approved SSP
344 Policy applicable to the property and/or the CP PD zoning.

345 (2) A change that would alter the location of a building within 300 feet of a property boundary,
346 except when it is a reduction in the mass or height

347 (3) A change that would require an amendment to the city's conditions of
348 approval/development agreement.

349 (4) A change that would increase the land use intensity and/or density.

350 (5) An amendment to the phasing that would propose a land use in advance of the development
351 it was designed to support.

352 c) The determination of a substantial or nonsubstantial amendment shall be made jointly by the
353 city engineer and city planner. If an agreement is not reached, the determination shall be made
354 by the City Council.

355 d) Where the developer proposes to reduce the number of units or floor area in one phase of the
356 project, a corresponding increase in the number of units or floor area in another phase may be
357 administratively approved if all other conditions of approval are not adversely affected and no
358 other change is proposed that would be considered a substantial amendment.

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

361 f) A proposed amendment deemed nonsubstantial may be processed without public hearing.

362 **Sec. 134-481. Control of development following approval.**

363 a) Construction of uses and infrastructure shall not commence until the City receives proof that
364 the Development Agreement has been recorded in Orange County official records.

365 b) The approved CP PD and Development Agreement shall take precedent over other provisions
366 of this chapter. Where the CP PD or Development Agreement is silent, city codes, ordinances,
367 policies and resolutions in force at the time of CP PD approval shall apply to the project.

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

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

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

375 (2) A building or structure that is destroyed may be reconstructed only in compliance with the
376 correlated Comprehensive Plan policy, the CP PD, and Development Agreement unless an
377 amendment to these documents is approved under the provisions of this division.

378 e) Property which has been rezoned to CP PD for which the development approvals have lapsed
379 or otherwise expired shall be subject to administrative rezoning by the City to the zoning
380 district that applied to the property prior to the rezoning to CP PD.

381 **Sec. 134-482 Enforcement and penalties.**

382 In the event of a noncompliance with this article, the City Council shall have the authority to
383 suspend construction activity and revoke any building permit issued under this article, and to take
384 all actions necessary to halt construction until such time as the provisions herein are complied
385 with. In the event legal action is necessary and professional fees and costs are incurred by the city
386 enforcing compliance, these expenses shall be borne by the developer or parties violating the terms
387 of this article. These penalties are in addition to any other penalties provided by law.

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

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

394 **SECTION FIVE.** All ordinances that are in conflict with this Ordinance are hereby
395 repealed.

396 **SECTION SIX.** This Ordinance shall become effective immediately upon its passage and
397 adoption.

399 **PASSED AND ADOPTED** this _____ day of _____, 2022, by the City
400 Council of the City of Edgewood, Florida.

401
402 PASSED ON FIRST READING: _____

403
404 PASSED ON SECOND READING: _____

405
406 _____

407
408 Richard A. Horn, Council President

409 *ATTEST:*
410 _____
411
412 Sandy Riffle

413 Interim City Clerk
414

Draft