



PLANNING AND ZONING BOARD MEETING

City Hall – Council Chamber
405 Bagshaw Way, Edgewood, Florida
Monday, December 12, 2022 at 6:30 PM

Steve Kreidt
Chair

Ryan Santurri
Vice-Chair

David Gragg
Board Member

David Nelson
Board Member

Melissa Gibson
Board Member

AGENDA

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

A. CALL TO ORDER & PLEDGE OF ALLEGIANCE

B. ROLL CALL AND DETERMINATION OF QUORUM

C. APPROVAL OF MINUTES

- [1.](#) November 14, 2022 Planning & Zoning Meeting Minutes

D. NEW BUSINESS

- [1.](#) Details for 12/12/2022 Planning & Zoning Meeting
- [2.](#) 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.

- [3.](#) 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.

4. 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

5. 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.

6. Ordinance 2022-13: ECD Wall Location

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.

E. UNFINISHED BUSINESS

F. COMMENTS/ANNOUNCEMENTS

G. ADJOURNMENT

UPCOMING MEETINGS

Tuesday, December 20, 2022.....City Council Meeting

Monday, January 9, 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, November 14, 2022 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

Vice Chair Santurri called the meeting to order at 6:32 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 three board members present; Board Member Nelson was absent.

BOARD MEMBERS PRESENT

Vice Chair Ryan Santurri
Board Member David Gragg
Board Member Melissa Gibson
Board Member Todd Nolan

STAFF PRESENT

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

BOARD MEMBERS ABSENT

Board Member David Nelson

APPROVAL OF MINUTES

September 12, 2022 Planning & Zoning Meeting Minutes

Board Member Gibson made a motion to approve the September 12, 2022 Planning and Zoning meeting minutes as presented. The motion was seconded by Board Member Gragg. Approved (3/0).

NEW BUSINESS

1. Administer Oath of Office - Todd Nolan

Attorney Smith swore in Mr. Todd Nolan as the newest Planning and Zoning Board Member.

2. ORDINANCE NO. 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

Planner Hardgrove began by giving a brief overview of the proposed Comprehensive Plan Amendment related to the creation of a site-specific future land use designation; explaining that the comprehensive plan is the foundation for any development decision, with the future land use map a main component of the comprehensive plan.

The same comprehensive plan amendment was proposed back in April 2022; which had full support from the Planning and Zoning Board. At the adoption hearing, City Council denied the proposal due to feeling it was only being used for one specific development on the Randall property.

Planner Hardgrove went on to explain that the site specific future land use designation would help set forth a process to develop a piece of property for a specific land use which would need more scrutiny to ensure adjacent land use compatibility. Attorney Smith added that a comprehensive plan amendment is legislative backed, while rezoning is at a quasi-judicial level. In addition, Planner Hardgrove clarified that the proposed amendment is essentially the same as it was when last presented to the Planning and Zoning Board in April 2022, and has to go through the entire process again for approval due to the original denial from City Council.

Board Member's Gibson and Gragg questioned why City Council would deny this comprehensive plan amendment if it would allow the City to have more control and scrutiny over projects. Attorney Smith explained that it was approved for transmittal, and transmitted to the state for their review. However, at the adoption hearing there was more debate regarding the proposal, which led to the denial. At subsequent Council meetings, discussion ensued regarding the comprehensive plan amendment and how it could benefit the City in a more general, rather than a specific parcel (Randall), purpose, which led to it being reintroduced.

Discussion ensued among Board Members, Planner Hardgrove, and Attorney Smith regarding the site specific policy which would follow the transmittal and adoption process for comprehensive plan amendments. Planner Hardgrove also noted the general text that was proposed to be added to the Future Land Use policy relating to the identified maximum densities and intensities for each future land use designation not being entitlements.

Board Member Gragg made a motion to recommend approval of Ordinance 2022-08 to modify Policy 1.1.6 of the Comprehensive Plan to add a site-specific plan designation as well as the general text applicable to all future land use designations that explains the density/intensity maximums are not an entitlement and are not achievable in all situation; seconded by Board Member Gibson. Approved (4/0).

The motion was approved with a roll call vote.

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

ADJOURNMENT

The meeting was adjourned at 6:52PM.

Ryan Santurri, Vice Chair

Brett Sollazzo, Administrative and Permitting Manager

Memo

To: Planning and Zoning Board Members
CC: Sandy Riffle, Drew Smith, Ellen Hardgrove,
From: Brett Sollazzo, Administrative & Permitting Manager
Date: December 8, 2022
Re: Business Items Planning and Zoning Meeting December 12, 2022

For the December 12, 2022 Planning and Zoning Board meeting, the following is provided in your agenda packet for your review and consideration.

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

- City Planner report dated 12/5/2022
- Ordinance 2022-09

2. Ordinance 2022-10: CIE Annual Amendment Transmittal

- City Planner report dated 12/2/2022
- Ordinance 2022-10

3. Ordinance 2022-11: Boat Docks

- Ordinance 2022-11

4. Ordinance 2022-12: Rezoning Process

- Ordinance 2022-12

5. Ordinance 2022-13: ECD Wall Location

- City Planner report dated 12/7/2022
- Ordinance 2022-13

Planner Hardgrove and Attorney Smith are prepared to respond to any questions you may have regarding the above business items.

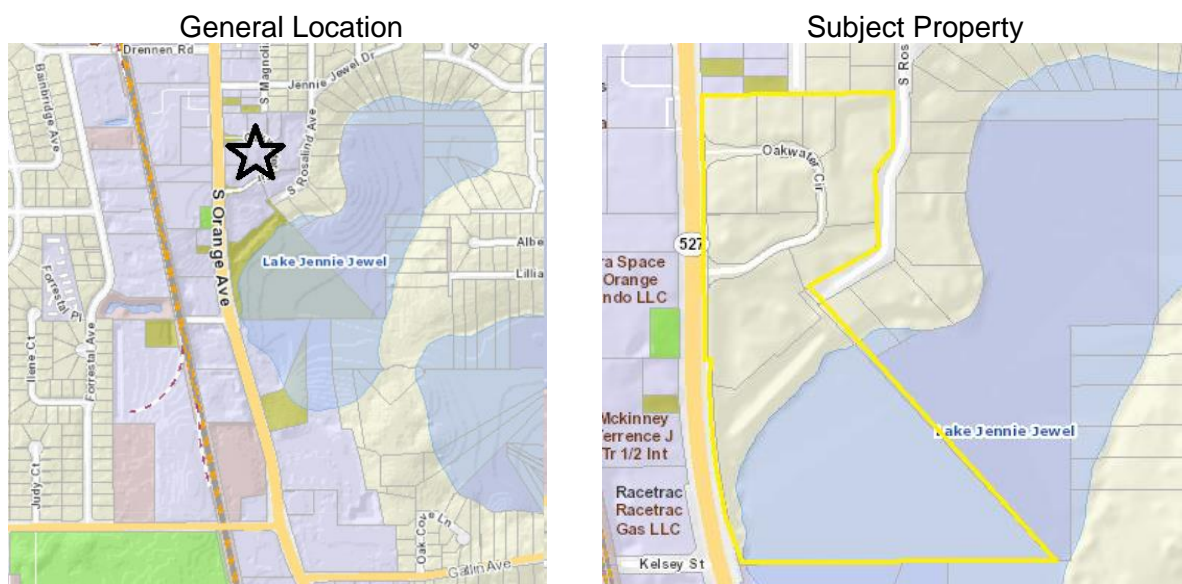


Date: December 5, 2022
 To: Planning and Zoning Board
 From: Ellen Hardgrove, City Planning Consultant
 XC: Sandy Riffle, City Clerk
 Brett Sollazzo, Administrative Assistant
 Drew Smith, City Attorney
 Re: Small Scale Future Land Use Map Amendments

This agenda item relates to the City’s effort to administratively rezone areas of the City that continue to have the County zoning after annexation to a City zoning district. Per Code Section 134-172, all territory that was annexed into the City is considered to be zoned in the same manner as existed when under the County zoning classification unless such classification is affirmatively changed by the City. The proposed rezonings will be to districts that are similar to their current County district. With a requirement that all rezonings must be consistent with the comprehensive plan, the City’s comprehensive plan’s future land use map needs to be amended before two of the necessary rezonings can be approved.

The first area is the Oakwater Office Park as shown in Exhibit 1. This area, comprising ±16.32 acres including ±7.4 acres of land in Lake Jennie Jewel, was annexed in 2020.

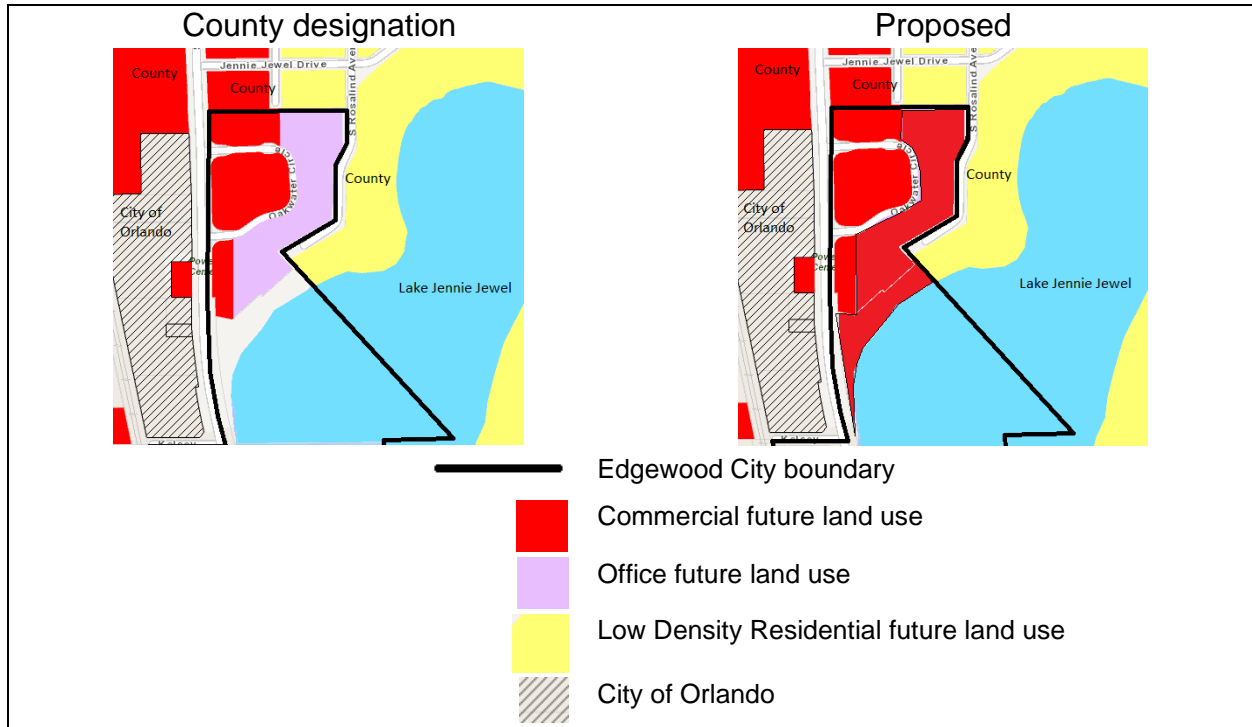
Exhibit 1 – Oakwater Office Park



As shown in Exhibit 2, the western portion of the property has a County Commercial future land use designation; the eastern portion is Office. The proposed future land use

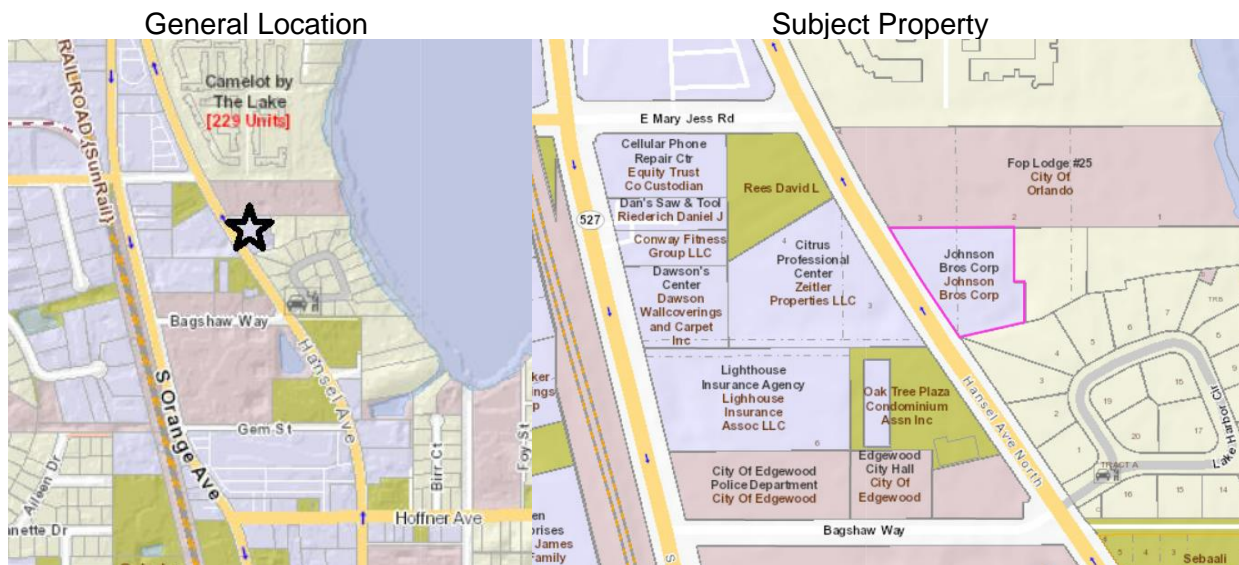
designation for the entire subdivision above the normal high water elevation of Lake Jennie Jewel is Commercial; Office is not an option as the City does not have an Office future land use designation.

Exhibit 2– Oakwater Office Park Existing/Proposed Future Land Use



The second area for a future land use map amendment is shown in Exhibit 3. The property is at 5517 Hansel Avenue, comprising ±0.78 acre, and is occupied by a one-story office building.

Exhibit 3 – Area 2



As shown in Exhibit 4, the 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.

Exhibit 4 – Area 2 Existing/Proposed Future Land Use



Given both recommended future land use map amendments are consistent with the development on the property, land use compatibility issues will not be created. The amendments will not change the demand for public facilities as redevelopment is not anticipated. Any redevelopment would require demonstration that adequate services and facilities are available to accommodate the new development.

Since each amendment involves less than 50 acres, the amendment can be processed as a “small scale comprehensive plan amendment,” which only requires one City Council hearing for approval. The State Department of Economic Opportunity review is eliminated from the typical amendment process. Per Chapter 163.3187, Florida Statutes, the amendments will not become effective until 31 days after adoption, provided the amendments are not challenged.

Staff recommends the Planning and Zoning Board recommend that City Council amend the Future Land Use Map as proposed.

ESH

ORDINANCE NO 2022-09

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.

WHEREAS, the City of Edgewood is committed to planning and managing the future growth and redevelopment of the City; and

WHEREAS, the City of Edgewood has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the City Council of Edgewood desires to adopt an amendment to the Comprehensive Plan, Future Land Use Map, to guide and control the future development of the City and to preserve, promote and protect the public’s health, safety and welfare; and

WHEREAS, the property satisfies the criteria for a small scale amendment under Section 163.3187, Florida Statutes; and

WHEREAS, each proposed amendment to the Comprehensive Plan, Future Land Use Map contemplated herein involves fewer than fifty acres; and

WHEREAS, the City of Edgewood’s Planning and Zoning Board, as the City’s local planning agency, held a public hearing to consider this amendment to the Future Land Use Map of the Future Land Use Plan Element of the City of Edgewood Comprehensive Plan; and

WHEREAS, the City Council as the City’s governing body, held a public hearing for adoption to consider the amendment to the City of Edgewood Comprehensive Plan in accordance with the controlling provisions of State law; and

WHEREAS, the City of Edgewood has complied with all requirements and procedures of Florida law in processing this small scale amendment to the City of Edgewood Comprehensive Plan.

WHEREAS, the City Council of the City of Edgewood hereby finds and determines that this Ordinance is internally consistent with the goals, objectives and

47 policies of the City of Edgewood Comprehensive Plan and other controlling law to
48 include, but not limited to, Chapter 163, Florida Statutes, and the provisions of the State
49 Comprehensive Plan as codified at Chapter 187, Florida Statutes.

50
51
52
53

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

54
55
56

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

57
58
59

Section 2: Small Scale Comprehensive Plan Amendments – Future Land Use Map:

60
61
62
63
64
65
66

Ordinances adopting and amending the Comprehensive Plan of the City of Edgewood, Florida, be, are hereby amended to designate the property legally described as The Oakwater Professional Park, Units 1-11, as described in Orange County Official Records Book 3633, Page 1930, less the area below the normal high water elevation of Lake Jennie Jewel; and

67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82

Part of Lots 1, 2, and 3 of 3 J.J. REAVES SUBDIVISION as recorded in Plat Book "F", Page 66 of the Public Records of Orange County, Florida, lying East of State Road 527, being more particularly described as follows: Begin at the intersection of the Easterly Right-of-Way line of said State Road 527 and the Southerly line of the North 190.00 feet of said Lot 3; thence run North 89 degrees 46' 46" East, along said Southerly line, a distance of 229.00 feet; thence departing said Southerly line run South 00 degrees 13' 14" East a distance of 100.00 feet; thence North 89 degrees 46' 46" East, a distance of 20.00 feet; thence South 00 degrees 13' 14" East, a distance of 74.10 feet; thence South 77 degrees 35' 27" West, a distance of 122.65 feet to a point on the Easterly Right-of-Way line of said State Road 527; thence North 34 degrees 17' 47" West, along said Right-of-Way line, a distance of 41.26 feet to the point of curvature of a curve, concave Northeasterly, having a central angle of 02 degrees 58' 33" and a radius of 3,789.83 feet; thence run Northwesterly along the arc of said curve, a distance of 196.83 feet to the Point of Beginning as Commercial on the Future Land Map; in accordance with the Amended Future Land Map attached hereto as Exhibit "A" and incorporated herein.

83
84

Section 3: The City Clerk is hereby directed to transmit a copy of this amendment of the Comprehensive Plan to the State Land Planning Agency.

85
86
87

Section 4: All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

88
89
90
91

Section 5: If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance, it being the

92 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
93 part.

94
95 **Section 6:** This Ordinance and small scale amendment shall become effective
96 31 days after adoption. If challenged within 30 days after adoption, said amendment
97 shall not become effective until the State Land Planning Agency or the Administration
98 Commission, respectively, issues a final order determining the adopted small scale
99 amendment is in compliance, pursuant to *Florida Statute* 163.3187(3)(c).

100
101 PASSED AND ADOPTED this ____ day of _____, 2022, by the City
102 Council of the City of Edgewood, Florida.

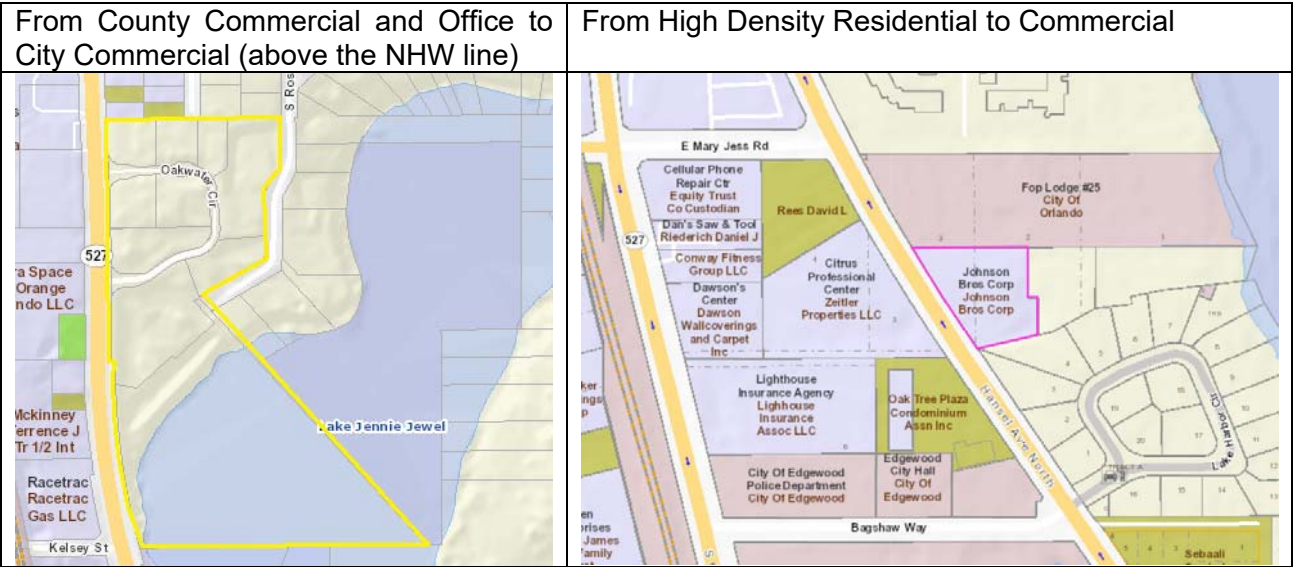
103
104
105 _____
106 John Dowless, Mayor
107 City of Edgewood

108 Attest:
109
110 _____
111 Sandra Riffle, City Clerk
112 City of Edgewood

113

114
115

Exhibit A



116



Date: December 2, 2022
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: Ordinance 2022-10 - Comprehensive Plan Capital Improvement Schedule Annual Update

This agenda item is for review and recommendation of the proposed comprehensive plan’s fiscal years 22/23-26/27 Capital Improvement Schedule. 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. Pursuant to Section 163.3177(3)(b), Florida Statutes (FS), this schedule is required to be annually updated.

Per Section 163.3164(7), FS, capital improvements are physical assets, excluding items like operation and maintenance costs and studies. Per City Policy 8.1.1, only projects that are estimated to cost \$10,000 or more are included.

To note, since the City relies on outside providers for all service and facilities related to the adopted level of service standards except drainage, the listed projects are the responsibility of other agencies and governments. No drainage improvements are deemed necessary to maintain the adopted level of service.

Staff’s recommendation is for P&Z to recommend that Council approve Ordinance 2020-10.

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	\$240,000	\$200,000	\$0	\$0	\$0
Portion of Pump Station Package 38 – Relocation and rehab of PS 3220 serving the City	\$22,000	\$100,000	\$235,000	\$135,000	\$0
Gravity Package 29 – Rehab of existing gravity and manholes serving the City	\$865,000	\$0	\$0	\$0	\$0
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	\$232,572	\$231,936	\$231,936	\$232,572
Landfill Cell 11	\$5,460,000	\$7,540,000	\$2,000,000	\$12,133,333	\$7,866,667
Central Expansion	\$0	\$1,703,333	\$1,703,335	\$1,703,335	\$6,580,000
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

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.

40

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

42

43

44 CITY OF EDGEWOOD, FLORIDA

45 CITY COUNCIL

46

47

48 _____
Richard A. Horn, Council President

49 ATTEST:

50

51

52 _____
Sandra Riffle, City Clerk

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:

Access walkway means that portion of a dock that commences on the upland parcel and terminates at the junction with the terminal platform. Dock accessories, including kayak and canoe storage racks, or other cantilevered structures designed to store non-motorized craft, are

39 not to be included in the calculation of access walkway width if no part of the accessory extends
 40 below the normal high water elevation.

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

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

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

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

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

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

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

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

71 *Principal structure* means the building or structure in which the principal use of the parcel
 72 or lot is conducted. A dock cannot be the principal structure on a parcel or lot unless the parcel
 73 or lot is within a residential subdivision and has been designated as recreation or a similar
 74 common area or open space tract on the plat, commercial, institutional, or is government-owned
 75 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
 79 principal structure, no building permit will be required to establish the principal use, however, a
 80 building 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
89 with commercial establishments and activities and governmental or non-governmental
90 institutions are included in the definition of “public dock.”

91 *Riparian rights* means the right of a landowner whose property borders on a body of
92 navigable waters to make reasonable use of the water equal to the rights of other owners of land
93 bordering 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
109 other waters or bodies of water, whether natural or artificial, located within the boundaries of the
110 City 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
113 chapter 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
129 endanger 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,
132 and 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
146 manner 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
 156 to be located, and a permanent object or marker (e.g., house, tree, USGS
 157 benchmark) to be used as a reference point;
 - 158 d. The exact setback distance from adjacent property lines and projected property
 159 lines to all portions of the dock;
 - 160 e. Floor and roof elevations of the proposed dock structure connected to the dock,
 161 and floor and roof elevations of any existing dock, including any structures
 162 currently or proposed to be connected the dock;
 - 163 f. The current water depth at the end of the dock and at all proposed mooring
 164 locations and the approximate depth of navigable waters beyond the dock and
 165 mooring 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.
 179 house, tree, or United States Geological Survey benchmark) to be used as a
 180 reference point;
 - 181 m. The location of any conservation easement area or wetland within twenty (20) feet
 182 from any portion of the dock and a description of submerged and emergent
 183 vegetation types occurring within the conservation easement area;
 - 184 n. A description of submerged and emergent vegetation types occurring within the
 185 area
- 186 (2) Satisfactory evidence of title;
- 187 (3) Documentation showing the riparian rights of the property, such as an instrument
 188 indicating ownership extends to the shoreline or legal permission to use the submerged
 189 lands to construct or modify a dock on which the dock is located or proposed;

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

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

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

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

234 dock in such a manner as would cause the navigable width of the water body at the
235 location of the dock to fall below 25 feet as measured from the most waterward point
236 of the dock or moored boat to the nearest permanent obstruction to navigation.

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

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

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

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

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

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

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

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

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

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

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

287 (c) *Application procedures.*

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

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

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

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

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

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

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

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

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

345 (d) *Variances.*

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

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

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

- 361 c. The effects the dock will have on navigation and safety of boaters;
- 362 d. The overall general welfare of the neighborhood;
- 363 e. Whether special conditions exist such that strict compliance with the provisions of
- 364 this article would impose a unique and unnecessary hardship on the applicant;
- 365 f. The effect of the proposed variance on abutting shoreline property owners;
- 366 g. Whether the granting of the variance would be contrary to the intent and purpose
- 367 and this article; and
- 368 h. A variance may be granted if it is necessary to reach a water depth suitable for
- 369 boating, but in no event shall a dock be extended in length beyond where the
- 370 water depth will exceed five feet as measured from the normal high water
- 371 elevation.

372 (3) The city council shall receive the planning and zoning board's recommendation and
 373 shall make a final decision on the variance application after consideration of the same
 374 factors described in paragraph (d)(2), above.

375 (e) *Compliance checks.* Once a permit has been issued for the construction of a dock by either
 376 the city engineer or the city council, the permit holder and/or designated agent must submit
 377 a notice of completion to the city engineer or designee within 30 days of completion of the
 378 construction of the dock so that a compliance check may be performed by the city engineer.
 379 The compliance check shall determine if the dock was built according to the permit issued
 380 by the city.

381 (f) *Building permit.* Following the approval of a dock application, either by the city engineer or
 382 by city council, the applicant is also required to obtain a building permit prior to
 383 commencing construction. In the event electricity is run to the dock, the proper electrical
 384 permit must also be obtained. All construction must be commenced and completed within
 385 the guidelines established by the city and any other agency having jurisdiction. The
 386 applicant is responsible for all fees associated with the procurement of necessary permits.

387 (g) *Maintenance and repair.* Routine maintenance and repair of docks may be conducted on
 388 any dock for which a dock permit was obtained from the city provided that no portion of the
 389 dock shall be expanded, enlarged, or enclosed as a result of such maintenance or repair
 390 activity.

391 (h) Approval of a dock permit by the City of Edgewood will not eliminate the application of
 392 any other government requirements or the necessity for any other governmentally required
 393 permit(s).

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

395 (a) The purpose of this article is to regulate the construction of docks such that the navigation
 396 of water bodies is not unreasonably impeded.

397 (b) An intent of the city council is to protect and enhance the city's water bodies so that the
 398 public can continue to enjoy the traditional recreational uses of those waters such as
 399 swimming, boating, and fishing.

400 (c) It is further the intent of the city council to apply these regulations in a manner sensitive to
401 the riparian and littoral rights and other property rights of the applicant, riparian and littoral
402 rights and other property rights of the waterfront property owners, and the right of the
403 public to the traditional uses and enjoyment of water bodies in the city.

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

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

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

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

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

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

424
425 **Section 6:** This ordinance shall take effect immediately upon its adoption.

426
427 **PASSED AND ADOPTED** this _____ day of _____, 2022, by the City Council
428 of the City of Edgewood, Florida.

429
430 PASSED ON FIRST READING: _____

431
432 PASSED ON SECOND READING: _____

433
434
435
436
437 _____
438 Richard A. Horn, Council President

439 *ATTEST:*
440 _____
441 Sandy Riffle
442 City Clerk

ORDINANCE NO. 2022-12

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.

WHEREAS, Section 134-121 (d) currently establishes the variance notice standards as the notice standard to be used for the Planning and Zoning Board hearing of rezonings; and

WHEREAS, Section 134-121 (d) currently establishes required statutory notice as the notice standard to be used for the Council hearing of rezonings; and

WHEREAS, Jurisdictions are allowed to establish higher standards for notice than that required by State law; however, the notice standard for variances (a typically single site specific application) are not well tailored to rezonings (usually including many properties); and

WHEREAS, the statutory notice requirements are sufficient minimum notice requirements for the City to use as evidenced by its longstanding use of statutory notice for Council hearings of rezonings.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Edgewood, Florida as follows:

NOTE: Underlined words constitute additions to the City of Edgewood Code of Ordinances, strikethrough constitutes deletions from the original Code of Ordinances, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 1. Chapter 134, Section 134-121 (d) of the City of Edgewood Code of Ordinances shall be amended as follows:

Sec. 134-121. - Rezoning process.

(d)Review process.

- (1) Planning and zoning board. The planning and zoning board shall hold a public hearing with due public notice to consider the rezoning. Based on the zoning request and the requirements of this chapter, the board shall prepare recommendations for the consideration of the city council.

46 (2) City council. Following review by the planning and zoning board, the rezoning
47 request shall be forwarded to the city council. The city council shall hold a de
48 novo public hearing with due public notice to consider the rezoning. Based on
49 the request, the requirements of this chapter and the recommendations of the
50 planning and zoning board, the city council shall approve or deny the rezoning.
51

52 (3) Hearing requirements. The notice requirements for these public hearings shall
53 be the same as required by State law for variance requests, ~~except that hearings~~
54 ~~before the council shall be noticed as required in F.S. § 166.041.~~ The procedure
55 for the hearings shall be set from time to time by the board and the city council.
56 The board and the city council shall have the power to administer oaths and to
57 compel the attendance of witnesses at all hearings.
58

59 (4) Reapplication time limit. Unless specifically permitted otherwise by city
60 council, no application for any rezoning shall be considered by the planning and
61 zoning board within nine months from the time the property described in such
62 application has been decisively acted upon by the city council as a result of a
63 previous application.
64

65 **Section 2.** The provisions of this Ordinance shall be codified as and become and be
66 made a part of the Code of Ordinances of the City of Edgewood.
67

68 **Section 3.** If any section, sentence, phrase, word or portion of this ordinance is
69 determined to be invalid, unlawful or unconstitutional, said determination shall not be held to
70 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or
71 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.
72

73 **Section 4.** All ordinances that are in conflict with this Ordinance are hereby repealed.
74

75 **Section 5.** This Ordinance shall become effective immediately upon its passage and
76 adoption.
77

78 **PASSED AND ADOPTED** this _____ day of _____, 2023, by the City
79 Council of the City of Edgewood, Florida.
80

81 PASSED ON FIRST READING: _____
82

83 PASSED ON SECOND READING: _____
84

85 _____
86 Richard A. Horn, Council President

87 *ATTEST:*
88 _____
89 _____
90 Sandy Riffle
91 City Clerk



Date: December 7, 2022
To: Planning and Zoning Board (P&Z)
From: Ellen Hardgrove, City Planning Consultant
XC: Sandy Riffle, Interim City Clerk
Brett Sollazzo, Administrative Assistant
Drew Smith, City Attorney
Re: Scrivener's Error ECD Ordinance 2021-03

This agenda item is for review and recommendation of draft Ordinance 2022-13, which corrects a scrivener's error on Ordinance 2021-03 related to the location of the required wall when an ECD development is adjacent to a property with a Low Density Residential Future Land Use designation.

The Council's direction at first reading of Ordinance 2021-03 was to delete text referencing the wall should be located five (5) feet from the property line. This deletion was made when the property line was a lot "side," but inadvertently not in the regulation pertaining to a lot "rear." The proposed change in the draft of Ordinance 2022-13 provides for consistency with Council's direction. Please see the ~~strikerough~~ and underlined text in the attached draft ordinance.

Suggested Motion: Recommend City Council adopt the changes in the proposed draft of Ordinance 2022-13 to correct the scrivener's error related to the location of the required wall on a rear lot line adjacent to a property with a Low Density Residential Future Land Use designation.

END

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 ~~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 134-468 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 ~~five feet from~~ on the property line adjacent
37 ~~to a~~ between the property with a low density residential future land use designation and the ECD
38 zoned property; ~~the wall setback is intended to provide space for maintenance and footers.~~

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

47 * * *

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

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

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

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

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

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL

Richard A. Horn, Council President

ATTEST:

Sandra Riffle, City Clerk