

**EDGEWOOD CITY COUNCIL
AUGUST 21, 2012 CITY COUNCIL REGULAR MEETING**

On Tuesday, August 21, 2012, Council President Beardslee called the regular meeting of the Edgewood City Council to order at 6:30 p.m. Council Member Powell gave the invocation, followed by the Pledge of Allegiance.

The following attendance is noted:

Attendees:

Ray Bagshaw, Mayor
Judy Beardslee, Council President
Neil Powell, Council Member
John Dowless, Council Member
Lee Chotas, Council Member

Excused:

Pam Henley, Council Member

Staff

City Clerk Meeks
Chief Marcus
City Attorney Smith

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City Clerk Meeks informed Council that Council Member Henley was not in attendance due to illness. ***Council Member Dowless made the Motion to excuse Council Member Henley's absence, with Second by Council member Chotas. Unanimously approved.***

CONSENT AGENDA

1. Approval of:

- FDOT Highway Landscape Construction and Maintenance Memorandum of Agreement (SR 527 – City of Edgewood – Median.

Council President Beardslee asked to pull FDOT Agreement from the consent agenda to discuss later in the meeting; there was no opposition.

Council President Beardslee moved the agenda to accept general comments.

Robert Brown, 5519 Lake Mary Jess - Resident Robert Brown spoke about flooding in his yard (referred to letters he brought) also brought pictures. Mr. Brown gave a history of when he moved into his house. Council Member Powell gave history of when he and former Mayor Teague did an onsite visit, along with former Engineer Miller. Council Member Powell noted that there is not a lot of pervious surface due to ground cover. Mayor Bagshaw confirmed that Engineer Sebaali has looked at the property. He said the property in question is private property and there is not an easement. Mayor Bagshaw noted Mr. Brown indicated he will get an attorney, and said if he wants to do that he should, and they need to talk to the owners of the commerce property. Council Member Chotas said Mr. Brown should get an attorney to do the "fact finding". Council President Beardslee said that before Mr. Brown gets an attorney, the City needs to determine whether or not the property in question is the City's. Mr. Brown agreed to let the City engineer come onto his property to look at his concerns.

PRESENTATIONS

1. Mayoral Proclamation – Declaring September 17 – 23, 2012 "Constitution Week"

Mayor Bagshaw presented the Proclamation.

ORDINANCES – FIRST READING

1. **ORDINANCE 2012-05** - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO SIGNS; AMENDING THE DEFINITION OF GROUND SIGNS; PROVIDING A DEFINITION FOR PEDESTAL BASE; AMENDING THE REQUIRED SETBACKS FOR GROUND SIGNS; PROVIDING FOR CONFLICT AND SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2012-05 in title only. **Council Member Powell made the Motion to approve Ordinance 2012-05, with Second by Council Member Dowless.**

Council Member Powell noted that at page 20, the Ordinance addresses construction signs in residentially zoned areas but not in areas zoned for business. City Attorney Smith said it was not adopted with the original Ordinance. He said it can be addressed in this Ordinance; however, it will change the title of the Ordinance and would have to come back to Council for first reading. Council President Beardslee said that she would like to do a sign overhaul. City Attorney Smith reminded Council that this is the Ordinance that addresses the signs installed after the 2002 sign Ordinance. Council Member Powell called to question.

The Ordinance passed with the following roll call vote (4/0):

Council Member Powell	Favor
Council Member Dowless	Favor
Council Member Chotas	Favor
Council President Beardslee	Favor

Council Member Henley**Absent**

2. **ORDINANCE 2012-06** AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 122-31 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES, PROVIDING THAT CERTAIN SIGNS PERMITTED AFTER MAY 7, 2002 ARE PRESUMED TO BE LAWFULLY CONFORMING GROUND SIGNS; PROVIDING FOR CONFLICT AND SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2012-06 in title only. **Council Member Powell made the Motion to approve the first reading of Ordinance 2012-06, with Second by Council Member Chotas.** Council President Beardslee noted that this is a companion Ordinance to 2012-05. City Attorney Smith said this Ordinance cures the permitting problems. It was agreed that the applicant has to provide the permit.

Richard Brinkman-Brinkman CPA, 4853-A, South Orange Avenue, Edgewood, FL 32806, addressed the Council; noting that he met with the Mayor to talk about signage. Mr. Brinkman said his sign was permitted in 1992. He said according to Ordinance 2012-05, he would have to remove his sign but someone who permitted after 2002 can keep their sign. He asked Council to repeal the Ordinance, or grandfather everyone.

Council Member Powell said he wants to table for a specific time. City Attorney Smith said if Council wants to bring the Ordinance back for an overhaul, let the original motion die.

Council Member Powell made the Motion to withdraw is original Motion. Council President Beardslee and Council Member Powell voted yes to withdraw; and Council Members Chotas and Dowless voted no. The Motion died.

In response to Mr. Brinkman, City Attorney Smith said if Ordinance 2012-06 passes, then any sign approved as a ground sign after May 7, 2002 is presumed to be a ground sign.

City Attorney Smith said that Council needs to vote on the original Motion; Council President Beardslee "called to question".

The Motion failed with the following roll call vote (2/2):

Council Member Chotas	Favor
Council Member Dowless	Favor
Council Member Powell	Nay
Council President Beardslee	Nay
Council Member Henley	Absent

Council President Beardslee requested that the City Clerk forward the sign information to the Council Members.

Council President Beardslee made the Motion that Code Enforcement not enforce Ordinance 2002-04 until January 31, 2013, with Second by Council Member Powell, the Motion passed (3/1 Chotas).

- 3. **ORDINANCE 2012-07 AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AUTHORIZING THE CHIEF OF POLICE TO DESIGNATE TRAFFIC INFRACTION ENFORCEMENT OFFICERS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND SETTING AN EFFECTIVE DATE.**

City Attorney Smith read Ordinance 2012-07 in title only. City Attorney Smith explained the reason for the Ordinance.

Council Member Powell made the Motion to approve the first reading of Ordinance 2012-07, with Second by Council Member Chotas.

Council Member Powell says it spells out many things but no duties that speak to the Code Enforcement Officer. City Attorney Smith said the Ordinance is only addressing the matters underlined. Council Member Powell called to question.

The Ordinance passed with the following roll call vote (4/0):

Council President Beardslee	Favor
Council Member Powell	Favor
Council Member Dowless	Favor
Council Member Chotas	Favor
Council Member Henley	Absent

Council President Beardslee passed the gavel to Council President Pro tem Dowless and momentarily excused herself from the meeting.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

None

UNFINISHED BUSINESS

- 1. Planning & Zoning Board Members – Terms

City Clerk Meeks confirmed that she contacted Planning and Zoning members to confirm if they want to stay on the Board. She said member Regina Dunay is the only member who favorably responded, and was going to assume that a lack of response meant the other members are favorable to staying on the Board.

Council Member Chotas made the Motion to approve the term of Jon Van Vorhiss to expire December 31, 2014, and extend the staggered terms as recommended by the Mayor; with Second by Council Member Powell.

MEMBERS	1 ST DATE OF APPOINTMENT	TERM EXPIRES
BRIAN LEAHY	Sworn-in 12/11	12/31/10 REAPPOINTED TO 12/31/2013
MARIAN RAYBURN	Sworn-in 5/12	12/31/12 REAPPOINTED TO 12/31/2013
REGINA DUNAY	9/18/07	12/31/12 REAPPOINTED TO 12/31/2014
JON VAN VORHIS	Appointed to complete term of Frank Aguilar in July 2012 meeting	12/31/12 REAPPOINTED TO 12/31/2014
SUSAN LOMAS	9/18/07	12/31/12 REAPPOINTED TO 12/31/2013

City Clerk Meeks noted that Mr. Van Vorhiss term was approved when Council approved his appointment to the Board in the July regular council meeting.

The Motion was unanimously approved (3/0).

Council President Pro Tem Dowless moved to Staff Reports.

Chief Marcus noted frequency of emails from Dr. Coble and asked that Council and Staff not respond. Chief Marcus said that Dr. Coble is no longer part owner in an Edgewood business.

Council President Beardslee returned to the meeting.

NEW BUSINESS

1. Graffiti-Free -- (Agenda item request from Council Member Powell)

Council President Beardslee referred to Council Member Powell. He referenced problems with graffiti a couple of years ago. In response to Council Member Powell, Chief Marcus said that

there have not been recent problems but he did like the information Council Member Powell provided and thinks that it is a good idea.

In response to Council President Beardslee, Chief Marcus confirmed the City does not currently have an ordinance that addresses graffiti. Chief Marcus explained how the City has been addressing the problem when it occurs but noted that the City has nothing to use for enforcement. Council Member Powell asked that the City Attorney provide an Ordinance.

Motion by Council Member Powell to have the City Attorney provide an Ordinance addressing graffiti, with Second by Council President Beardslee; the Motion was unanimously approved.

2. City of Edgewood v. Domingo Herrea – Code Enforcement Repeat Violation

Council President Beardslee referred to Mayor Bagshaw, who said Jerry Reynolds will be cleaning the property associated with this Code Enforcement issue. He said the bank has told him that the home has sold under a short sale; closing pending. He also noted \$3400 in liens, and a request has been made for a reduction. City Attorney Smith recommended addressing liens on a case-by-case basis. He also said the bank lien is superior to the City's lien, which is why the City may want to consider accepting a reduction.

Council Member Powell made the Motion to accept the reduction offer. There being no second, the Motion died.

Council Member Chotas made the Motion that the Mayor should be authorized to do what he thinks it will take to clean up the property, and take care of the lien, with Second by Council Member Powell. Council Member Chotas amended his Motion to include mowing as deemed appropriate and to settle the lien maximum in an appropriate amount not less than the \$2000.00. The Motion was approved unanimously.

Chief Marcus said that this matter was coming before Council tonight at the request of the neighborhood, and because the last Order entered by the Special Magistrate cited health and safety issues. He asked Council to address the clean up therefore; separate the two issues. Mayor Bagshaw said any additional expenses will be for Jerry Reynolds to rent something to mow with because the grass is very high with lots of over growth.

Council President Beardslee went back to the consent agenda and questioned why there was no plan attached to the FDOT Agreement. City Clerk Meeks said Council was not provided with a plan because the City was provided with one plan and it is a large plan. She said the City does not have the capability to copy the plan. Mayor Bagshaw explained the history behind why the City has been asked to approve the Agreement. City Clerk Meeks provided the plan to the Council President.

Council President Beardslee noted invoices from FEG relevant to landscape plans. Mayor Bagshaw confirmed that with approval of the 12/13 FY budget the cost to maintain the median

would come from these funds. Council President Beardslee said she doesn't like being asked to approve something without seeing it prior to the meeting. She asked that no offense be taken but said she wants Council to be more informed.

Mayor Bagshaw said that Council does not get the threatening phone calls he receives, and he gets the heat that Council does not get. He said he does take offense of being taken advantage of and that the City is getting some "pretty good service for free". He said he wanted to make sure that everyone understands that he will still make mistakes.

Mayor Bagshaw confirmed for Council Member Powell that Engineer Sebaali worked with FDOT on the landscape plan. Mayor Bagshaw said it will cost approximately \$500.00. Mayor Bagshaw confirmed for Council President Beardslee that he will be providing some of the labor which is why the cost is low.

Council Member Chotas made the Motion, with appreciation to the Mayor for his time and energy put into the project, to approve and sign the Agreement, with Second by Council President Beardslee.

Council Member Powell asked about E-Verify, and City Attorney Smith said E-Verify is addressing subcontracting employees, not the City employees. ***Council President Beardslee called to Question, and the Motion unanimously passed.***

Referring to an earlier viewing of a picture on a cell phone during the meeting, City Attorney Smith reminded Council that when you pull up a picture on a cell phone it is a public record.

Council President Beardslee passed the gavel to Council President Pro Tem Dowless, and excused herself from the meeting.

Council Member Powell reported that CSX was sold to DOT; however CSX uses the railway at night. He said he has been working with Mike Heffinger regarding cleaning of rights of way. He said he will continue to pursue the project, and referred to it as a work in progress.

Mayor Bagshaw provided a rendering of a city sign (directional sign); which he said will cost under \$3000.00. He said construction of the sign is for future consideration. In response to Council Member Dowless, he said no one has been able to provide cost on quiet zones.

City Clerk Meeks referred to the Mayor regarding a meeting they had with Ken Small from Florida League of Cities, who stopped by City Hall to thank the City for their support. Mayor Bagshaw updated Council on the meeting.

City Clerk Meeks reported on the following:

- Confirmed she responded to Florida Department of Economic Opportunity regarding the EAR;

- Confirmed that she completed her work with Florida Department of Revenue regarding the master address list; meeting the September 3, 2012 deadline.
- Confirmed BEBR provided April 1, 2012 preliminary population estimate of 2602, and that it was signed by the Mayor and returned to Bureau of Economics and Business Research.
- Reminded Council that the next Tri-County meeting is September 20, 2012; Town of Oakland.
- Reminded Council that City Hall will be closed on Monday, September 3, 2012 (Labor Day)

Council Member Powell asked for a Proclamation recognizing Howard's Wholesale be presented at the next Council Meeting. City Clerk Meeks will prepare the Proclamation.

Council Member Dowless told the Mayor that after the November elections, he will be available to help the Mayor.

ADJOURNMENT

Having no further business or comments, a Motion was made by Council Member Dowless, with Second by Council Member Powell; to adjourn the meeting at 9:15 p.m.

ATTEST:

 Judy Beardslee
 Council President

 Bea L. Meeks, MMC, CPM
 City Clerk

APPROVED BY CITY COUNCIL ON _____

PENDING COUNCIL APPROVAL

**EDGEWOOD CITY COUNCIL
SEPTEMBER 18, 2012 CITY COUNCIL REGULAR MEETING**

CALL TO ORDER

On Tuesday, September 18, 2012, Council President Pro Tem Dowless called the Edgewood City Council Regular Meeting to order at 6:30 p.m. The invocation was given by former Mayor Richard Brinkman followed by the Pledge of Allegiance. Mayor Bagshaw announced that anyone in attendance to address the sign Ordinance should know that it was tabled until January, 2013.

The following attendance is noted:

Attendees:

Ray Bagshaw, Mayor
Neil Powell, DDS, Council Member
Pam Henley, Council Member
John Dowless, Council Member
Lee Chotas, Council Member

Absent:

Judy Beardslee, Council President (excused)

Staff

City Clerk Meeks
Chief Marcus
City Attorney Smith

City Clerk Meeks announced that Council President Beardslee is not in attendance due to illness. ***Council Member Chotas made the Motion to excuse her absence, with Second by Council Member Powell. Unanimously approved.***

CONSENT AGENDA

Approval of the following Minutes:

- July 16, 2012 – City Council Workshop
- July 17, 2012 – City Council Regular Meeting
- July 24, 2012 – City Council Workshop
- July 30, 2012 – City Council Workshop
- August 7, 2012 – City Council Workshop
- August 15, 2012 – City Council Workshop
- August 15, 2012 – City Council Special Meeting
- September 4, 2012 – City Council Special Meeting

City Clerk Meeks said that Council Member Chotas provided her with corrections for clerical errors in the July 17, 2012 minutes.

Council Member Powell made the Motion to approve the Minutes with corrections; with Second by Council Member Chotas. Unanimously approved.

PRESENTATIONS

Mayor Bagshaw recognized the following Proclamations:

- Week of the Family
- 12th Annual Put the Brakes on Fatalities Day
- Childhood Cancer Awareness Month

Mayor Bagshaw presented Blair Howard with a Proclamation recognizing Howard's Wholesale's one-hundred years in business.

Council President Pro-tem Dowless moved the agenda to take public comments.

Richard Brinkman, Brinkman CPA, 4853 –A, South Orange Avenue, Edgewood

Mr. Brinkman asks Council to direct the City attorney to prepare an Ordinance repealing the 2002 Ordinance for Council to approve.

Vince Constantini, Tops N Detail

Mr. Constantini ask for a repeal of the 2002 sign Ordinance so that the matter can be resolved and the City can move forward with more important matters. Mr. Constantini confirmed for Council Member Powell that he does not own the property where his business is located.

Mayor Bagshaw explained why the Ordinance has been tabled until January. Mayor Bagshaw confirmed for Council Member Chotas that he will keep the business owners apprised of his research related to signage.

ORDINANCES – FIRST READING

1. **ORDINANCE 2012-09** AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, REPEALING AND REPLACING CHAPTER 106 OF THE CODE OF ORDINANCES; TO DESIGNATING A FLOODPLAIN ADMINISTRATOR; ADOPTING PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD-HAZARD AREAS, AND FOR OTHER PURPOSES; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2012-09 in title only.

Council Member Chotas made the Motion to approve Ordinance 2012-09; with Second by Council Member Powell.

City Attorney Smith explained the "overhaul" of the floodplain code. Referred Council to Page 54 of the Ordinance. City Attorney Smith confirmed that this is a whole new Ordinance. Discussion held regarding the Ordinance appointing the Mayor, or his designee, as the floodplain administrator.

The Ordinance passed with the following roll call vote (4/0):

Council Member Chotas	Favor
Council Member Dowless	Favor
Council Member Henley	Favor
Council Member Powell	Favor
Council President Beardslee	Absent

City Clerk Meeks announced second and final reading will be October 16, 2012.

As Blair Howard was leaving the meeting, Mayor Bagshaw asked him how the 2002 sign Ordinance affected his business because he did adhere to the code. Mr. Howard explained what his business did to correct their signage to bring into compliance. He said it was not expensive, and the end results were good.

2. **ORDINANCE 2012-10** AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134, "ZONING", ARTICLE I OF THE CODE OF ORDINANCES OF THE CITY OF EDGEWOOD, FLORIDA TO PROVIDE A DEFINITION FOR PAIN MANAGEMENT CLINICS; AMENDING CHAPTER 134, "ZONING", ARTICLE IV, "DISTRICT REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF EDGEWOOD, FLORIDA TO AMEND CERTAIN USE SCHEDULES RELATED TO PAIN MANAGEMENT CLINICS; AMENDING THE LISTS OF PERMITTED, PROHIBITED AND SPECIAL EXCEPTION USES IN THE P-O, PROFESSIONAL OFFICE ZONING DISTRICT TO PROVIDE THAT PAIN MANAGEMENT CLINICS ARE A PROHIBITED USE; AMENDING THE LISTS OF PERMITTED, PROHIBITED AND SPECIAL EXCEPTION USES IN THE C-1, RETAIL COMMERCIAL ZONING DISTRICT TO PROVIDE THAT PAIN MANAGEMENT CLINICS ARE A PROHIBITED USES; AMENDING THE LISTS OF PERMITTED, PROHIBITED AND SPECIAL EXCEPTION USES IN THE C-2, GENERAL COMMERCIAL ZONING DISTRICT TO PROVIDE THAT PAIN MANAGEMENT CLINICS ARE A PROHIBITED USE; AMENDING THE LISTS OF PERMITTED, PROHIBITED AND SPECIAL EXCEPTION USES IN THE C-3, WHOLESALE COMMERCIAL ZONING DISTRICT TO PROVIDE THAT PAIN MANAGEMENT CLINICS ARE A PROHIBITED USE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS, AND ESTABLISHING AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2012-10 in title only.

Council Member Powell made the Motion to approve Ordinance 2012-10; with Second by Council Member Henley.

Council Member Powell referred to Pg. 59 regarding rehab and convalescent homes, and he referenced Select Medical and their C-1 zoning. City Attorney Smith confirmed for Council Member Chotas that pain management clinics could go into the City's Industrial area. **Council Member Powell moved to amend to include "free standing"; no second-failed.**

City Clerk Meeks was directed to review how Select Medical was permitted; conforming or non-conforming?

Council Member Chotas called to question.

The Ordinance passed with the following roll call vote (3/1):

Council Member Henley	Favor
Council President Pro Tem Dowless	Favor
Council Member Chotas	Favor
Council Member Powell	Nay
Council President Beardslee	Absent

Council President Pro Tem Dowless ask the City Attorney to bring back information regarding "free standing".

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

- 1. ORDINANCE 2012-08** AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES UPON THE ASSESSED REAL AND BUSINESS PERSONAL PROPERTY TAX ROLLS FOR FISCAL YEAR 2012/2013, BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith read Ordinance 2012-08 in title only.

Council Member Chotas made the following Motion; with Second by Council Member Powell:

I move to adopt Ordinance No. 2012-08 setting the City of Edgewood's millage rate for Fiscal Year 2012/2013 at 4.7000 which represents a -1.61 percent decrease over the roll-back rate of 4.7768 mills.

Council President Pro Tem Dowless opened for public hearing.

No comments; public hearing was closed

The Ordinance passed with the following roll call vote (4/0):

Council Member Powell	Favor
Council Member Chotas	Favor
Council President Pro Tem Dowless	Favor
Council Member Henley	Favor
Council President Beardslee	Absent

- 2. RESOLUTION 2012-02** A RESOLUTION OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2012/2013, BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith read Resolution 2012-02 in title only

Council Member Powell made the following Motion; with Second by Council President Pro Tem Dowless:

I move to adopt Resolution No. 2012-02 adopting the City of Edgewood's budget for fiscal year 2012-2013.

Council President Pro Tem Dowless opened for public hearing.

No comments; public hearing was closed

Council Member Henley ask about the contingency fund. City Attorney Smith explained that these are expenditures that you do not anticipate. He also explained that the unspent funds can be placed in reserve.

Council Member Henley also ask about the landscape fund (\$15,000). Mayor Bagshaw said that Council President Beardslee wanted some beautification done. Council Member Henley said she did not think it was a good expenditure. Resident JT Blanton said \$15,000 is not much "fat" in a three million dollar budget, and these matters should have been resolved in workshops.

The Resolution passed with the following roll call vote (4/0):

<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council Member Powell</i>	<i>Favor</i>
<i>Council President Pro Tem Dowless</i>	<i>Favor</i>
<i>Council Member Henley</i>	<i>Favor</i>
<i>Council President Beardslee</i>	<i>Absent</i>

UNFINISHED BUSINESS

City Clerk Meeks noted her failure to advertise Ordinance 2012-05, which is why it was not placed on the agenda; however, it will be on the October agenda.

NEW BUSINESS

1. Proposal Of Control Specialists Company

Mayor Bagshaw explained the purpose of the proposal for lights by putting a generator in place which would avoid placing two police officers at the light when it goes out. Chief Marcus said at minimum they have to have two officers on site and said it is a safety issue. Mayor Bagshaw said he isn't sure the City has money in this budget (11/12) but would be in the next fiscal year budget. **Consensus of the council to move forward with the proposal.**

2. Proposed Resolution Regarding Quiet Zones

Mayor Bagshaw said other cities have signed the resolution for quiet zones. Mayor Bagshaw confirmed that this is a draft however City Attorney Smith said they can read if they want.

City Attorney Smith read Resolution 2012-03 in title only.

A RESOLUTION OF THE CITY OF EDGEWOOD, FLORIDA SUPPORTING THE CONSTRUCTION OF QUIET ZONES THROUGHOUT THE RAIL CORRIDOR IN CENTRAL FLORIDA AS PART OF THE SUNRAIL PROJECT.

The Resolution passed with the following roll call vote (4/0):

<i>Council Member Chotas</i>	<i>Favor</i>
<i>Council Member Powell</i>	<i>Favor</i>
<i>Council President Pro Tem Dowless</i>	<i>Favor</i>
<i>Council Member Henley</i>	<i>Favor</i>

Council President Beardslee

Absent

Cornerstone Charter Academy – Sponsorship Request

Brief discussion regarding the number of students who attend Cornerstone who are residents in Edgewood. Mayor Bagshaw said he would follow up and see if the number is available.

Council President Pro Tem Dowless made the Motion to approve a donation in the amount of \$250.00, with Second by Council Member Henley. Unanimously approved.

GENERAL INFORMATION (No action required)

None.

CITIZEN COMMENTS

Moved up on the agenda.

BOARDS & COMMITTEES

None.

STAFF REPORTS

1. Police Chief

Chief Marcus said officers made a significant arrest when they made a bank fraud arrest. The arrest made the news, which helped other agencies in clearing other bank fraud cases.

2. City Clerk

City Clerk Meeks announced there will be a Planning & Zoning meeting in October for members to consider flood plain management and pain management clinic Ordinances. She noted that Jon Van Voorhis will be sworn in during this meeting.

3. City Attorney

City Attorney Smith said that he and other city attorneys met with the Court regarding red light challenges. He said he will be happy to talk with Council members one on one regarding this meeting. Council President Pro tem Dowless asked about superiority and what is the difference in Orange County Charter Commission versus the City. City Attorney Smith said the City's law takes precedence.

A. MAYOR & COUNCIL REPORTS

Council Member Powell reported that he is continuing to work with DOT regarding the cleaning and clearing of the rights-of-way.

Council Members Chotas and Henley had nothing to report.

Mayor Bagshaw said he has an inquiry out regarding the cost to City for quiet zones (include consultant time). He also reported on meeting with officers to discuss the City's insurance benefits. He said that open enrollment was scheduled for Thursday and Friday (September 20th and 21st).

Council Member Chotas complimented the Mayor for the budget. He said that Council talked a few months ago about moving some money, and he believes the delay is causing the City to lose money. He said that the money needs to be moved by next month. The Mayor said the City can move the money, but not comfortable doing it himself. He said it can be done this week if the Council wants to make money. ***Council Member Chotas made the Motion to move the money to an interest bearing account in accordance with the best interest of the City, with Second by Council Member Henley. Unanimously approved 4/0.***

ADJOURNMENT

Having no further business or comments, a Motion was made by Council Member Powell, with Second by Council Member Henley; to adjourn the meeting at 8:05 p.m.

ATTEST:

Judy Beardslee
Council President

Bea L. Meeks, MMC, CPM
City Clerk

APPROVED BY CITY COUNCIL ON _____

PENDING COUNCIL APPROVAL

**CITY OF EDGEWOOD, FLORIDA
MAYORAL PROCLAMATION**

Declaring the month of November "Pancreatic Cancer Awareness Month" in the City of Edgewood of the State of Florida

WHEREAS in 2012, an estimated 43,920 people will be diagnosed with pancreatic cancer in the United States and 37,390 will die from the disease;

WHEREAS pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States;

WHEREAS when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

WHEREAS of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups;

WHEREAS approximately 2,670 pancreatic cancer deaths will occur in Florida in 2012;

WHEREAS there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years;

WHEREAS the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in the City of Edgewood, Florida and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

WHEREAS the Pancreatic Cancer Action Network and its affiliates in the City of Edgewood, Florida support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

WHEREAS the good health and well-being of the residents of the City of Edgewood, Florida are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; therefore be it

RESOLVED that the City of Edgewood, Florida designates the month of November, 2012 "Pancreatic Cancer Awareness Month" in the City of Edgewood, Florida.

Dated this 18TH day of October, 2012.

Ray Bagshaw, Mayor

Attest:

Bea L. Meeks, MMC, CPM
City Clerk

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ORDINANCE NO. 2012-10

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134, "ZONING", ARTICLE I OF THE CODE OF ORDINANCES OF THE CITY OF EDGEWOOD, FLORIDA TO PROVIDE A DEFINITION FOR PAIN MANAGEMENT CLINICS; AMENDING CHAPTER 134, "ZONING", ARTICLE IV, "DISTRICT REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF EDGEWOOD, FLORIDA TO AMEND CERTAIN USE SCHEDULES RELATED TO PAIN MANAGEMENT CLINICS; AMENDING THE LISTS OF PERMITTED, PROHIBITED AND SPECIAL EXCEPTION USES IN THE P-O, PROFESSIONAL OFFICE ZONING DISTRICT TO PROVIDE THAT PAIN MANAGEMENT CLINICS ARE A PROHIBITED USE; AMENDING THE LISTS OF PERMITTED, PROHIBITED AND SPECIAL EXCEPTION USES IN THE C-1, RETAIL COMMERCIAL ZONING DISTRICT TO PROVIDE THAT PAIN MANAGEMENT CLINICS ARE A PROHIBITED USES; AMENDING THE LISTS OF PERMITTED, PROHIBITED AND SPECIAL EXCEPTION USES IN THE C-2, GENERAL COMMERCIAL ZONING DISTRICT TO PROVIDE THAT PAIN MANAGEMENT CLINICS ARE A PROHIBITED USE; AMENDING THE LISTS OF PERMITTED, PROHIBITED AND SPECIAL EXCEPTION USES IN THE C-3, WHOLESALE COMMERCIAL ZONING DISTRICT TO PROVIDE THAT PAIN MANAGEMENT CLINICS ARE A PROHIBITED USE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS, AND ESTABLISHING AN EFFECTIVE DATE.

39 **WHEREAS**, the Orange County Sheriff's Office and the Metropolitan Bureau of
40 Investigation for the Ninth Judicial Circuit have found that a pattern of illegal drug use
41 and distribution of certain dangerous drugs has been linked in large part to certain pain
42 management clinics operating in and around Orange County; and
43

44 **WHEREAS**, certain opiate analgesic dangerous drugs, that may be safe when
45 used moderately or properly, have been shown to be particularly dangerous when
46 overprescribed by doctors in specialized businesses that are primarily focused on treating

47 large numbers of persons who complain of any pain with very high doses of opiate drugs,
48 and have been shown to be particularly dangerous when over-consumed by citizens and
49 visitors who may obtain a large number of such opiate drugs by engaging in doctor
50 shopping to obtain multiple prescriptions, close in time, from multiple doctors, by failing
51 to disclose prior recent prescriptions to subsequent doctors, and then obtaining the
52 prescriptions from multiple dispensing pharmacies, often by using multiple and false
53 identities at both medical clinics and pharmacies; and

54
55 **WHEREAS**, the dangerous overprescribing and excessive consumption of high
56 amounts of those dangerous opiate prescription drugs has resulted in increased addiction
57 of persons, increased crime associated with such activity, and a high number of deaths in
58 surrounding areas related to prescription drug abuse, and has created an urgent situation
59 requiring immediate action to reduce the threat to the health, safety and welfare of
60 citizens of the City of Edgewood; and

61
62 **WHEREAS**, the City Council has determined it to be in the best interest of the
63 health, safety and welfare of the residents of the City of Edgewood to amend the lists
64 of permitted, prohibited and special exception uses provided for in the C-3 zoning
65 district; and

66
67 **WHEREAS**, the local planning agency for the City of Edgewood has
68 reviewed these regulations and found them consistent with the City's Comprehensive
69 Plan and recommended approval.

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

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74 **Section 1.** Chapter 134, "Zoning," Article I, "In General," Section 134-1,
75 "Definitions," is amended as follows (deletions are identified by ~~striketrough~~ and
76 additions are identified by underline):

77
78 **Sec. 134-1. Definitions**

79
80 Except where specific definitions are used within a specific article or section
81 of this chapter, the following terms, phrases, words and their derivation shall have the
82 meanings given herein where not inconsistent with the context. Words used in the
83 present tense include the future, words in the plural number include the singular
84 number and words in the singular number include the plural number. The word "lot"
85 includes the words "plot" and "tract." The word "building" shall include the word
86 "structure." The words "used for" shall include the meaning "designed for." The word
87 "person" shall include the words "firm, association, organization, partnership, trust,
88 company, corporation," as well as "an individual." The word "shall" is mandatory.
89 Whenever in this chapter a term, phrase or word is not defined, then in that event the
90 city council shall define the same.

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Clinic means an establishment, other than a pain management clinic as defined herein, where patients who are not lodged overnight are admitted for examination and treatment by one person or a group of persons, practicing any form of healing or health building services to individuals, whether such persons are medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession the practice of which is lawful in the state.

* * *

Pain Management Clinic has the meaning ascribed in Section 458.3265 or Section 459.0137, Florida Statutes, as applicable, and is a clinic that is required to register with the Florida Department of Health pursuant to Section 458.3265 or 459.0137, Florida Statutes.

* * *

Section 2. Chapter 134, "Zoning," Article IV, "District Regulations," is amended as follows (deletions are identified by ~~strike through~~ and additions are identified by underline):

* * *

Sec. 134-317. - Uses prohibited.

The following uses shall be prohibited in the P-O district:

- (1) Any business, except a medical or dental clinic or pharmacy, which displays merchandise for sale at retail or wholesale, or any business requiring the physical handling of merchandise to be sold at retail or wholesale on the premises.
- (2) Any use conducted either partially or totally outside a building or structure except for parking areas.
- (3) Veterinary establishments.
- (4) Other uses which are similar to those listed above, and which are not specifically permitted in this division and which the prohibition thereof would maintain the intent and authority and directive of the city council, which shall be determined after public notice and public hearing.
- (5) Pain Management Clinics.

* * *

Sec. 134-347. - Uses prohibited.

The following uses shall be prohibited in any C-1 retail commercial district:

- 134 (1) Title loan stores.
- 135 (2) Check cashing, payday advance stores, or other similar businesses.
- 136 (3) Labor pool offices.
- 137 (4) Bail bond offices.
- 138 (5) Tattoo, body piercing, massage parlors and fortunetelling shops.
- 139 (6) Soup kitchens.
- 140 (7) Runaway and related emergency shelters; homeless shelters.
- 141 (8) Convalescent facilities.
- 142 (9) Residential social service facilities; welfare, food stamp, and other
- 143 social service offices and institutional facilities.
- 144 (10) Treatment and recovery facilities.
- 145 (11) Other similar uses consistent with this subsection.
- 146 (12) New and used automobile and boat sales.
- 147 (13) Any use or activity which is not in full compliance with all the
- 148 requirements and standards set forth in this division.
- 149 (14) Uses listed in section 134-403 except uses listed at section 134-
- 150 403(1), or section 134-404 of the C-3, wholesale commercial district
- 151 (article IV, division 9 of this chapter).
- 152 (15) Pain Management Clinics.

153 * * *

156 **Sec. 134-374. - Prohibited uses.**

157 The following uses shall be prohibited in any C-2 general commercial district:

- 158 (1) Any use prohibited in the C-1 district.
- 159 (2) Title loan stores.
- 160 (3) Check cashing, payday advance stores, or other similar businesses.
- 161 (4) Labor pool offices.
- 162 (5) Bail bond offices.
- 163 (6) Tattoo, body piercing, massage parlors and fortunetelling shops.
- 164 (7) Soup kitchens.
- 165 (8) Runaway and related emergency shelters; homeless shelters.
- 166 (9) Convalescent facilities.
- 167 (10) Residential social service facilities; welfare, food stamp, and other
- 168 social service offices and institutional facilities.
- 169 (11) Treatment and recovery facilities.
- 170 (12) Other similar uses consistent with this section.
- 171 (13) New and used automobile and boat sales.
- 172 (14) Pain Management Clinics.

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174 * * *

175 **Sec. 134-404. - Prohibited uses.**

176 The following uses shall be prohibited in the C-3 wholesale commercial district:

- 177 (1) Any use or activity which is not in full compliance with all the
178 requirements and standards set forth in this article.
- 179 (2) Animal slaughtering, or the confinement of animals for feeding,
180 finishing and preparation for slaughter, including stockyards and feeding
181 pens.
- 182 (3) Asphalt manufacturing or refining, or any similar petroleum or
183 petrochemical refining or manufacturing process.
- 184 (4) Asphalt or concrete paving, mixing or batching plant.
- 185 (5) Corrosive acid manufacture or bulk storage including, but not limited
186 to, hydrochloric, nitric, sulphuric or similar acids.
- 187 (6) Bone distillation or the reduction, rendering, incineration or storage of
188 garbage, offal, animals or animal waste, fats, fish or similar materials or
189 products.
- 190 (7) Blast furnace, or similar heat or glare generating operations or
191 incinerator or crematorium.
- 192 (8) Cement, lime, gypsum or Plaster-of-Paris manufacture, or the open
193 storage of raw materials or finished products related to such manufacture.
- 194 (9) Glue, size or gelatin manufacture where the processes involve the
195 refining or recovery of such products from fish, animal or refuse materials.
- 196 (10) Tallow, grease, lard or vegetable oil refining.
- 197 (11) Junkyard, salvage yard, recycling or wrecking yard or structure
198 wherein motor vehicles, appliances or similar used equipment or material
199 is stored, dismantled, or sorted for display, sale or packing.
- 200 (12) New and used automobile and boat sales.
- 201 (13) Mobile and modular homes.
- 202 (14) Other uses which are similar to those listed above which are not
203 specifically permitted in section 134-403, the prohibition of which would
204 promote the intent and purposes of this district. Determination shall be
205 made by authority and directive of the city council which shall be after
206 public notice and public hearing.
- 207 (15) Title loan stores; check cashing, payday advance stores, or other
208 similar businesses; labor pool offices; bail bond offices; tattoo, body
209 piercing, massage parlors; fortunetelling shops; soup kitchens; runaway
210 and related emergency shelters; homeless shelters; convalescent facilities;
211 residential social service facilities; addiction treatment and recovery
212 facilities; welfare, food stamp, and other social service offices and
213 institutional facilities; other similar uses consistent with this subsection.

- 214 (16) Any individual, specific use whether or not contained within a
- 215 shopping center, which is not otherwise expressly permitted as an
- 216 individual use pursuant to this section or sections 134-345, 134-373 and
- 217 134-403, as these sections may be amended or replaced from time to time,
- 218 or which is not expressly listed as a special exception pursuant to sections
- 219 134-346, 134-375 or 134-405, as those sections may be amended or
- 220 replaced from time to time.
- 221 (17) Any commercial establishment occupying more than 100,000 square
- 222 feet.
- 223 (18) Any other use specifically prohibited in the C-1, C-2 or C-3
- 224 commercial districts.
- 225 (19) Professional auction houses.
- 226 (20) Dyeing, dry cleaning and laundering; this prohibition shall not
- 227 include drop-off facilities where the dyeing, dry cleaning or laundering
- 228 occurs at an off-site location.
- 229 (21) Pain Management Clinics.

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232
233 **Section 3.** All ordinances or parts thereof that are in conflict with this Ordinance
234 be and the same are hereby repealed.

235
236 **Section 4.** If any portion of this Ordinance is for any reason held or declared to be
237 unconstitutional, inoperative, or void, such holding shall not affect the remaining
238 portions of this Ordinance.

239
240 **Section 5.** Effective Date. This ordinance shall become effective immediately upon
241 its adoption.

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243 FIRST READING: _____

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245 SECOND READING: _____

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247 PASSED AND ADOPTED this ____ day of _____, 2012.

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250 _____
251 Judy Beardslee, Council President

252
253 *ATTEST:*

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255 _____
256 Bea L. Meeks, MMC, CPM
257 City Clerk

ORDINANCE NO. 2012-11

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, PROHIBITING GRAFFITI; PROVIDING A DEFINITION OF GRAFFITI; PROVIDING PROCEDURES FOR ABATEMENT OF GRAFFITI BY THE CITY; PROVIDING AUTHORITY FOR THE CITY OF EDGEWOOD TO IMPOSE A LIEN FOR THE COST OF ABATEMENT OF GRAFFITI; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes §806.13(8) recognizes that because of the difficulty of confronting the blight of graffiti, it is the intent of the Legislature that municipalities and counties not be preempted by state law from establishing ordinances that prohibit the marking of graffiti or other graffiti-related offenses; and

WHEREAS, the City Council finds that graffiti can represent a blight on the aesthetic appeal on a community; and

WHEREAS, the City Council finds that enacting this ordinance is in the common interest of the people of the City in that it would foster strong civil awareness, cooperation, and a sense of personal responsibility; and

WHEREAS, the City Council finds it necessary to adopt an anti-graffiti ordinance to assist in the elimination and prevention of graffiti.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA.

SECTION ONE. There is hereby created in the Code of Ordinances of the City of Edgewood, Florida a new Chapter 27 entitled "Graffiti Prevention and Abatement" which Chapter shall read as follows:

CHAPTER 27. GRAFFITI PREVENTION AND ABATEMENT.

Sec. 27-1. Definition.

For purposes of this Chapter, "Graffiti" shall mean any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn or painted on any surface of public or private property.

Sec. 27-2. Prohibition of Graffiti.

- (a) It shall be unlawful for any building, structure or other surface to be marked or defaced with graffiti.
- (b) It shall be unlawful for any property owner to suffer or permit any building, structure or other surface under his, her or its control or management to be marked or defaced with graffiti.

Sec. 27-3. Abatement of Graffiti.

Whenever the Code Enforcement Officer finds that there appears to be a violation of Section 27-2, the Code Enforcement Officer may serve a notice of violation upon the owner directing such owner to cure the violation within ten (10) calendar days of the date such notice is received. For purposes of this Chapter "notice is received" on the earliest of the day it is hand delivered to the property owner, the date the property is posted with said notice, or five days after said notice is mailed to the property owner, postage prepaid. The Code Enforcement Officer shall, within five (5) days of the date the notice is mailed, cause a sign to be placed upon the property in a conspicuous and easily visible location. The sign shall be at least eight inches by twelve inches in size and shall include the following information:

(1) a sufficient description by address and/or legal description to identify the property upon which the violation exists;

(2) a description of the violation to be cured;

(3) a statement that if the described violation is not cured within ten (10) calendar days after notice is received the City shall cause the violation to be terminated and abated.

(4) that a lien shall be imposed upon the property for the actual cost of such termination and abatement, plus administrative expenses, and

(5) a preliminary nonbinding, minimum estimate of the cost of termination and abatement.

(6) The notice of violation shall further state in bold and conspicuous letters that if such violation, within the ten-day period prescribed by subsection (a) of this section:

(i) has not been cured; or

(ii) has not been timely appealed in accordance with this Section; or

(iii) has been timely appealed but the appeal process proves unsuccessful.

the City shall cause the violation to be terminated and abated, and the actual cost of such termination and abatement, plus administrative costs, shall constitute a lien on the property in accordance with Section 27-5.

(c) If the property owner fails to cure the violation within the ten-day period prescribed herein, the City may cause the violation to be terminated and abated. The City may hire and enter into contracts with independent contractors to terminate and abate violations of this section.

Sec. 27-4. Appeals.

(a) Within the ten-day (10) period prescribed by subsection 27-3, an aggrieved party may appeal the Code Enforcement Officer's determination that a notice of violation is warranted for the property in question.

(b) An appeal by an aggrieved party shall:

(1) be addressed to the Code Enforcement Officer; and

(2) be either hand-delivered to the Code Enforcement Officer or postmarked within the ten-day period after notice is received.

(c) Upon receipt of a timely appeal, the Code Enforcement Officer shall schedule a hearing date before the Code Enforcement Special Magistrate.

(d) At the hearing, the Code Enforcement Special Magistrate shall allow the City and the appellant an opportunity to present evidence and to examine and cross-examine witnesses. After considering the evidence and testimony, the Code Enforcement Special Magistrate shall make a factual determination as to whether the property is in violation of Section 27-2. If the Code Enforcement Special Magistrate makes a factual determination that the property is in violation of Section 27-2, he or she shall affirm the Code Enforcement Officer's issuance of the notice of violation and issue an order requiring the appellant to promptly cure the violation. If the Appellant has not remedied the violation within five (5) calendar days after the date of the Code Enforcement Special Magistrate's holding that Section 2702 has been violated, then the City may terminate and abate the violation as provided in Section 27-3.

(e) Any appeal of the Code Enforcement Special Magistrate's decision shall be filed in a timely manner with the Circuit Court.

Sec. 27-5. Liens; assessment.

(a) After causing the violation to be terminated and abated as provided in section 27-3, City staff shall certify to the City Clerk the actual cost incurred in terminating and abating the violation, whereupon such cost, plus the City's administrative expenses, shall be due within 10 days.

(b) Upon certification to the City Clerk the actual cost incurred in remedying the condition, the Code Enforcement Officer shall, by hand or certified mail, return receipt requested, deliver or send a notice of assessment of costs to the last known owner of record of the subject real property. If the assessment is not paid or arrangements satisfactory to the City have not been made to pay such assessment within ten days after the notice, then the Code Enforcement Officer shall refer the matter to the City Council to consider the imposition of a lien against the subject property. If a lien is imposed, the amount due shall bear interest at the rate of twelve percent (12%) per annum from the date the Council approves imposition of a lien.

(c) A certified copy of the claim of lien shall be recorded in the public records of the County and shall constitute a lien against the subject property.

(d) 90 days after the recording of a certified copy of a claim of lien in the public records of the County, the City Council may authorize the City Attorney to institute legal proceedings to foreclose such lien. The property owner shall be liable for all costs, including reasonable attorney's fees, incurred in any such action.

Sec. 27-6. Remedies Supplemental.

The provisions of this Chapter are supplemental to the procedures described in Chapter 162, Florida Statutes. The City may utilize the procedures outlined in Chapter 162, Florida Statutes to address any property determined by the Code Enforcement Officer to be in violation of Section 27-2 in addition or in the alternative to any of the procedures described in this Chapter

Section 2. All ordinances or parts thereof that are in conflict with this Ordinance be and the same are hereby repealed.

Section 3. If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this Ordinance.

Section 4. Effective Date. This ordinance shall become effective immediately upon its adoption.

FIRST READING: _____

SECOND READING: _____

PASSED AND ADOPTED this _____ day of _____, 2012.

Judy Beardslee, Council President

ATTEST:

Bea L. Meeks, MMC, CPM
City Clerk

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ORDINANCE 2012-05

**AN ORDINANCE OF THE CITY OF EDGEWOOD,
FLORIDA, RELATING TO SIGNS; AMENDING THE
DEFINITION OF GROUND SIGNS; PROVIDING A
DEFINITION FOR PEDESTAL BASE; AMENDING THE
REQUIRED SETBACKS FOR GROUND SIGNS;
PROVIDING FOR CONFLICT AND SEVERABILITY
AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City Code currently provides that a Ground Sign may not have any air space between the bottom of the sign and a pedestal base; and

WHEREAS, the City Council finds it appropriate to amend the definition of Ground Sign to include, in addition to signs that are constructed immediately on top of a pedestal base, signs where the sign face is located on the ground without a pedestal base and signs where there is no more than two feet of airspace between the sign face and a pedestal base, provided certain requirements are met; and

WHEREAS, the City Council finds is appropriate to define the term "pedastal base;" and

WHEREAS, the City Council finds that Ground Signs, when they meet the requirements of City Code may be displayed in a safe manner when set back from road curbing at least five feet instead of the twenty feet currently provided by Code; and

WHEREAS, the City Council finds that the regulations amended herein are directed only to the location and manner of sign displays and are not in any way based on the content of such signs.

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

Section 1. Section 122-2 and 122-3 of the The City of Edgewood Code of Ordinances are amended as follows. (Note: deletions are identified by ~~striketrough~~, additions are identified by underline and portions of text not reproduced here that are intended to remain unchanged are identified by ellipses * * *).

Sec. 122-2. -Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertising copy area means the advertising display surface area (copy area) of a sign encompassed within any regular geometric figure which would enclose all parts of the sign. The structural supports or members for the sign, whether they be poles, columns, pylons, or a building or a part thereof, shall be part of the sign but shall not be included in the advertising copy area.

49 *Abandoned sign* means a sign that advertises a business that is no longer doing
50 business at that location and/or does not have an appropriate, current occupational
51 license.

52 *Beacon light* means any light with one or more beams, capable of being directed
53 in any direction or directions, or capable of being revolved automatically.

54 *Development* means any development within all zoning districts within the
55 corporate boundaries of the city.

56 *Erect* means to build, construct, attach, hang, paint, place, suspend or affix any
57 type of sign as described herein.

58 *Location* means any real property, premises, building, structure, wall, vehicle,
59 window or any place whatsoever upon which a sign is located.

60 *Person* means and includes any person, firm, partnership, association,
61 corporation, company or organization, singular or plural, of any kind.

62 *Public body* means any government or governmental agency of the city, the
63 county, the state, or of the United States of America.

64 *Roofline* means the juncture of the roof and the perimeter wall of the structure.

65 *Semipublic body* means any organization operating as a chartered nonprofit
66 activity and serving a public purpose or service and shall include such organizations as
67 noncommercial clubs, lodges, theatre groups, recreational and neighborhood associations,
68 cultural organizations and fraternal, benevolent, charitable, eleemosynary, philanthropic,
69 altruistic, civic, community, veteran, educational organizations or other organizations of
70 like or similar nature.

71 *Shopping center* means a building or buildings where multiple occupancy is
72 permitted and is actually used for individual stores and businesses using a common
73 parking facility.

74 *Signs* means any surface, fabric, device, or display which bears lettered, pictorial
75 or sculptured matter, including forms shaped to resemble any human, animal or product,
76 designed to convey information visually and which is exposed to public view. The term
77 "sign" shall include all structural members. A sign shall be construed to be a display area
78 or device containing organized and related elements composed to form a single unit. In
79 cases where matter is displayed in a random or unconnected manner without organized
80 relationship of the components, each such component shall be considered to be a single
81 sign. Included within the definition of signs are the following types of signs:

82 *Awning sign* means and consists of information painted on, or imprinted
83 on, awnings. An "awning" is defined as a sheltering screen, extending over or

84 before any place which has windows, doors, outside walks or the like, and
85 providing shelter or protection against the weather.

87 *Animated sign* means any sign of which all or any part thereof revolves or
88 moves in any fashion whatsoever; and any sign which contains or uses for
89 illumination any light, lights or lighting device or devices which change color,
90 flash or alternate, show movement or motion or create the illusion of motion, or
change the appearance of said sign or any part thereof automatically.

91 *Banner sign* means any sign intended to be hung either with or without
92 frames, possessing characters, letters, illustrations or ornamentations applied to
93 paper, plastic or fabric of any kind. National flags, flags of political subdivisions,
94 or symbolic flags of any institution or business shall not be considered banners for
95 the purpose of this chapter.

96 *Bench sign* means a sign located on any part of the surface of a bench or
97 seat.

98 *Billboard sign* means a non-point-of-sale sign as more specifically defined
99 herein.

100 *Building/shopping center identification sign* means a sign that identifies
101 the designated name of a building or group of buildings or shopping center which
name is independent from the name of the occupant or occupants or services
performed therein. This shall include but not be limited to office buildings and
104 shopping centers.

105 *Changeable copy sign* means a sign that is designed so that characters,
106 letters or illustrations can be changed or rearranged without altering the face or
107 surface of the sign. This shall also include the changing of copy on existing
108 nonconforming billboards.

109 *Community center sign* means a sign for a church, club, community center
110 or service center run by a not-for-profit organization for the benefit of others, and
111 other similar facilities.

112 *Construction sign* means any sign giving the name or names of the owner,
113 general contractor, architect, and financial institution responsible for construction
114 on the site where the sign is placed, together with similar information included
115 thereon pertaining to a building or project under construction upon lots or parcels
116 of land where a building permit has been secured for construction of a building or
117 project on such lot or parcel of land.

118 *Directional sign* means a sign that is placed at access drives and only
directs motorists to the location of off-street parking areas.

120 *Directory sign* means a sign on which the names and locations or
121 occupants of a building are given. This shall include but not be limited to office
122 buildings and shopping centers.

123 *Freestanding sign* means any mobile or portable sign or sign structure, not
124 structurally secured to the ground or to any other structure.

125 *Ground sign* means any freestanding sign mounted directly on a pedestal
126 base or mounted directly on the ground without air space beneath as distinguished
127 from the support of a pole or poles; or a sign supported by one or more poles no
128 more than two feet in height. ~~and which is~~ The sign shall be designed to
129 incorporate similar shape, massing, color, size and building materials which are
130 consistent with the architectural theme of the existing or proposed buildings on
131 the premises.

132 *Illuminated sign* means any sign illuminated in any manner by an artificial
133 light source.

134 *Integral sign* means memorial signs or tablets, names of buildings and date
135 of erection when cut into any masonry surface or when constructed of bronze or
136 other incombustible materials mounted on the face of a building.

137 *Marquee sign* means any sign attached to and made a part of a marquee. A
138 marquee is defined as a permanent rooflike structure projecting beyond a building
139 wall at an entrance to a building or extending along and projecting beyond the
140 building's wall and generally designed and constructed to provide protection
141 against the weather.

142 *Menu board sign* means any sign which carries only the name of a
143 restaurant and the current list and prices of foods or food preparations available in
144 that restaurant.

145 *Motor vehicle sign* means a sign or advertising display mounted or painted
146 on a motor vehicle.

147 *Nonconforming sign* means any sign which does not conform to the
148 regulations of this chapter at the time of the adoption of the ordinance from which
149 this chapter is derived and/or at the time of the adoption of the immediately
150 preceding sign ordinance, or at the time that the property upon which the sign is
151 located is annexed into the city.

152 *Nonpoint-of-sale sign* means a sign relating, in its subject matter, to
153 commodities, accommodations, services or activities offered on premises other
154 than the property upon which such sign is located.

155 *Pedestal base* means a fixed structural base that is located directly on the
156 ground.

157 *Point-of-sale sign* means any sign which carries only the name of the firm,
158 major enterprise, products, or services offered for sale on the premises, or a
159 combination of these things.

160 *Pole sign* means any sign which is supported by structures or supports on
161 or upon the ground and independent of support from any building.

162 *Political sign* means any sign erected to advocate the candidacy of a party
163 or issues or individuals for elective office.

164 *Projecting sign* means any sign other than a wall sign affixed to any
165 building or wall the leading edge of which extends beyond such building or wall.

166 *Real estate sign* means any sign which is used to offer for sale, lease or
167 rent the property upon which the sign is placed.

168 *Roof sign* means any sign erected or constructed wholly upon and over the
169 roof of any building and supported solely on the roof structure.

170 *Snipe sign* means any sign of any material whatsoever that is attached in
171 any way to a utility pole, tree, fence post or any other similar object.

172 *Temporary directional non-point-of-sale sign* means any sign intended for
173 display for a limited time which is located on private property which is different
174 from the location to which people are directed by such sign. Included in this
175 category are "For Sale" or "For Lease" signs, "Open House" and "Garage Sale"
176 signs, and other similar type signs.

177 *Wall sign* means any sign painted on or attached to and erected parallel to
178 the face of, or erected and confined within the limits of, the outside wall of any
179 building and supported by such wall or building, and which displays only one
180 advertising surface.

181 *Window sign* means any sign placed inside, or printed or placed upon, a
182 window facing the outside and which is intended to be seen from the exterior.

183 The following sign standards shall apply; only signs as described herein and not
184 prohibited shall be permitted:

185 (1)

186 *Point-of-sale signs.* Point-of-sale signs shall only be erected upon
187 improved property located in commercially zoned districts using the
188 following standards:

189 a. *Maximum allowable advertising copy area.* Unless otherwise
190 specified, a maximum total advertising copy area of two square feet for
191 each linear foot of building frontage shall be allowed. If the building has
192

193 multiple frontage, an additional maximum advertising copy area of one
194 square foot per additional linear foot of building frontage shall be allowed.
195 If multiple frontages exist, the allowable copy area for each frontage must
196 be utilized for that frontage to which it relates. In no event, however, shall
197 there be more than a total maximum of 100 square feet of advertising copy
198 area irrespective of the number of frontages.

199
200 b. *Building frontage.* For purposes of this chapter, the term "building
201 frontage" shall mean only frontage on public rights-of-way and shall be
202 that part of the building where lines perpendicular to a straight line
203 connecting the corners of the building site intersect the building.
204

205 c. *Advertising copy area computation.* In computing copy area,
206 standard mathematical forms for known shapes will be used. In the case of
207 irregular shapes, straight lines drawn closest to the extremities of the shape
208 shall be used.
209

210 d. *Multiple-faced signs.* On any sign with more than one face, only
211 the face or faces visible from any one direction at any one time will be
212 counted; provided, however, that all faces of a multiple-faced sign shall be
213 equal in size and contained within a common perimeter.
214

215 e. *Types and locations of allowed point-of-sale signs.* Only the
216 following types of signs constructed in the following manner shall be
217 conforming point-of-sale signs. All regulations shall relate to each
218 building frontage as defined herein unless otherwise provided:
219

220 1. *Awning signs.*

221
222 2. *Building/shopping center identification signs.* Each
223 building or group of buildings and shopping center which has a
224 designated name shall be permitted an identification sign which
225 may only identify the designated name of the building and
226 shopping center. This shall be a point-of-sale ground or pole sign
227 subject to the size and other requirements for such ground and pole
228 signs.
229

230 3. *Directory signs.* Directory signs may be allowed for office
231 buildings, shopping centers and other similar multiple occupancy
232 facilities as follows:
233

234 i. *Total sign area allowed.* A total sign area of four
235 square feet per tenant is allowed.
236

237 ii. *General regulations.* General regulations for signs
238 shall be as follows:

241 A. *Location and height.* The location and
242 height requirements shall be the same as for all
243 other pole and ground signs.

244 B. *Content.* Directory signs shall indicate only
245 the name, address, location and occupation of the
246 tenants.

247 C. *Combinations.* This sign may be placed on
248 the same structure as the building/shopping center
249 identification sign as provided elsewhere herein.
250
251

252 4. *Freestanding signs.* Freestanding signs shall be included in
253 the total copy area limits of this chapter and are subject to the
254 following regulations:
255

256 i. Each person engaged in the renting, leasing, owning
257 or otherwise providing any freestanding sign shall be
258 properly licensed as required by law and shall, prior to
displaying each sign upon any business site, secure a permit
for each sign from the city clerk.

261 ii. The placement of a freestanding sign without a
262 permit shall constitute usage and the issuance of a permit
263 subsequent to removal of such illegal sign shall be subject
264 to a 30-day waiting period.
265
266

267 iii. No freestanding sign shall be placed closer than 20
268 feet to the curb or pavement, whichever is closer. On corner
269 lots, no such signs may be placed within the triangular area
270 formed by the street right-of-way lines and a line
271 connecting them at points 25 feet from the corner formed
272 by the intersection of the street right-of-way lines, nor shall
273 any freestanding sign be located closer than 50 feet to any
274 other sign, no matter what type.
275

276 iv. The placement of a freestanding sign in a parking
277 space which is required to meet the minimum parking
278 requirements of the city shall be prohibited.

280 v. Freestanding signs, exclusive of the transportation
281 mechanism, shall not exceed 40 square feet in area per face.

282
283 vi. All freestanding signs shall be limited to
284 commercially zoned districts.

285
286 vii. There shall be a maximum of one freestanding sign
287 per business location. The term "business location" shall
288 mean each location where an occupational license is
289 required.

290
291 viii. Each freestanding sign shall in some manner be
292 secured so that only the person providing the sign shall
293 have the capability of moving the sign in a normal manner.

294
295 ix. All incandescent bulbs in, on, or attached to any
296 freestanding sign, shall be rated at not more than 75 watts.
297 Flashing illumination shall be prohibited on freestanding
298 signs. No more than ten spotflood bulbs per face of each
299 trailer sign shall be permitted.

300
301 x. All wiring and fixtures must meet current electrical
302 code standards. Permits and electrical inspections must also
303 be obtained.

304
305 5. *Ground signs.* Ground signs shall not exceed 100 square
306 feet in total advertising copy area (with no more than 72 square
307 feet per face) and shall only be permitted when the lot upon which
308 it is to be placed has a minimum of 50 linear feet of width on the
309 side where the sign is to be placed. In addition, no ground sign
310 shall be erected closer than 50 feet to any other ground sign. No
311 part of any such sign (including the structure) shall extend beyond
312 any right-of-way line, nor shall any part of such sign be closer than
313 ~~20~~ 5 feet to the curb or pavement, whichever is closer. All ground
314 signs may extend up to eight feet above ground level to the tip of
315 the sign. On corner lots, all signs within the triangular area formed
316 by the street right-of-way lines and a line connecting them to a
317 point 25 feet from the corner formed by the intersection of the
318 street right-of-way lines shall have a minimum clearance of ten
319 feet above finished grade level. Pole signs are prohibited, but
320 notwithstanding any provisions to the contrary in this chapter, any
321 pole sign legally permitted prior to the effective date of the
322 ordinance from which this chapter is derived, shall be considered
323 nonconforming signs and shall not be required to be removed until
324 June 1, 2012. Any reference in this Code to pole signs shall mean
325 pole signs permitted prior to May 2002. Ground signs meeting the
326 allowable area requirements in place prior to the effective date of

327 Ordinance No. 2002-04, which are properly permitted, shall be
328 grandfathered in.

331 6. *Marquee signs.* Signs may be placed on the vertical faces
332 or on top of a marquee, but no such sign shall project more than 12
333 inches above the marquee's upper edge or more than 12 inches out
334 from the vertical face, nor extend beyond the marquee's perimeter,
335 nor shall any part of such sign project below the bottom of the
336 vertical face of the marquee.

337 7. *Projecting signs.* Projecting signs may not project over
338 public rights-of-way. No projecting sign or supporting structure
339 shall project more than 48 inches from the wall of a building. No
340 projecting sign or supporting structure shall extend above the top
341 of a parapet wall.
342

343 8. *Shopping center or multi-occupants signs.* In addition to
344 the directory and building/shopping center identification signs
345 permitted for shopping centers, each business location in the
346 shopping center shall be permitted individual point of sale signs.
347 The maximum allowable advertising copy area for all occupants in
348 the total shopping center shall be based on two square feet of sign
349 area for each linear foot of building frontage of the shopping center
350 building. If the shopping center has multiple stories which are
351 utilized for business locations, then the width of each additional
352 story shall be utilized in calculating the building frontage. Each
353 occupant (occupational license holder) shall then be allocated sign
354 square footage based on their rental (or owned) square footage
355 percentage of the total available square footage in the shopping
356 center. In no event, however, may any one business location
357 exceed a maximum of 100 square feet of total sign area.
358

359 9. *Wall signs.* Wall signs may not project over any public
360 right-of-way. No wall sign or supporting structure shall project
361 more than 12 inches from the wall of a building. Further, no wall
362 sign shall extend above the roofline except where an exterior
363 parapet wall projects above the roofline, in which case such sign
364 may extend to the top of such wall. Wall signs may not disrupt
365 architectural features of the building (see Figure A in this section)
366 and must be architecturally compatible and consistent with the
367 building. This subsection applies to any rezoning, subdivision,
368 special exception, building or other permit, or other development
370 permit, as the term "development permit" is defined by general
law, that is applied for after November 16, 2004, where the

371 application seeks to construct, reconstruct, renovate, alter, or
372 enlarge a land use, building or structure.
373

374 * * *

375 10. *Window signs.* Temporary signs shall be permitted inside or
376 upon a window and excluded from the maximum allowable copy
377 area when used for less than 30 days to advertise special sales or
378 events. Permanent window signs shall have their copy area
379 included in the maximum allowable area defined in this chapter.
380 The combined area of temporary and permanent window signs
381 shall not exceed 35 percent of the window glass area of any side of
382 the building.
383

384 (2) *Other signs.* Unless otherwise specified, the following sign regulations
385 and the sign standards contained in this section shall apply generally throughout
386 the city:
387

388 a. *Banner signs.* Banner signs may only be displayed as provided
389 herein:
390

391 1. No banner sign shall be displayed unless a permit is issued
392 by the city clerk, which permit will be issued upon a finding of the
393 following facts:
394

395 i. That the banner sign is to be located on the premises
396 owned or leased by the applicant; and
397

398 ii. That the banner sign or copy thereon does not
399 violate any provisions of this chapter.
400

401 2. Applications for banner sign permits under this section
402 shall be submitted in writing to the city clerk and shall contain all
403 pertinent information relating to the banner sign, including its size,
404 copy and dates of display. All approvals or denials shall be in
405 writing on, or accompanied by, one copy of the application.
406 Approvals shall clearly state the dates the banner sign may be
407 displayed and the information regarding an approved location
408 within the following limits:
409

410 i. Banner signs may be permitted on a property for up
411 to 30 consecutive calendar days provided that an applicant
412 shall not be permitted to display banner signs on the same
413 property more than 60 total days in a calendar year.

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ii. Banner signs shall be limited to one banner sign on the property and may be mounted on a building or other appropriate support. If not mounted on a building, the banner sign must be at least 20 feet from adjacent property lines and not over 20 feet above the ground.

iii. Each banner sign shall be limited to a maximum of 40 square feet of copy area.

iv. All banner sign shall be maintained in good condition and shall be repaired or removed within 24 hours of notice that such action is required.

3. Banner signs allowed under this section shall be exempt from the other building permit requirements.

4. No streamers, pennants, flags, ribbons, spinners, wind-operated devices, or other prohibited devices shall be included or incorporated with the display of a banner sign approved under this section.

b. *Community center signs.* One ground sign of a permanent nature, setting forth the name and services of a community center as defined herein, may be located on the site of the community center. Such sign shall not exceed 32 square feet in area.

c. *Construction signs.* No more than one construction sign, not to exceed 72 square feet in size, may be erected on the site where the construction is being performed and shall be removed when the building or project has been completed, prior to issuance of the final certificate of occupancy, or within 15 days after construction operations have ceased, whichever is earlier. Construction signs shall be set back at least ten feet from all property lines in residential zoned districts.

d. *Directional signs.* One private directional sign, not exceeding nine square feet in area, may be permitted at each access drive providing such sign only directs motorists to the location of off-street parking areas. No permit shall be required for this type of sign.

e. *Integral signs.* Individual letters and numerals comprising such signs shall not exceed 12 inches in height and the integral sign itself shall not exceed 12 square feet in area, which shall be excluded from the total allowable sign area.

459 f. *Menu board signs.* Menu board signs shall be permitted; provided,
460 however, that said menu boards shall not exceed nine square feet in size
461 and shall be attached to the restaurant building. The copy area shall be
462 included in the total copy area limits of this section.

463
464 g. *Political signs.*

465
466 1. Political signs shall be permitted in all residential districts
467 under the following conditions: On each residential site, a
468 maximum of two nonilluminated signs, not more than four square
469 feet in area each, shall be permitted. Any such sign may only be
470 installed by, or with the express consent of, the occupant of the
471 premises or the owner of vacant property.

472
473 2. Political signs shall be permitted in all other zoning
474 districts, under the following conditions: On each property,
475 nonilluminated signs, not to exceed 16 square feet in area each,
476 provided that no sign larger than four square feet shall be located
477 within 50 feet of any other political sign. On each unimproved or
478 unoccupied property, the property owner shall be responsible for
479 the placement and removal of political signs. On occupied
480 property, the tenant shall be responsible for the placement and
481 removal of political signs. Political signs installed on private
482 property will be permitted for a period not to extend beyond 48
483 hours after the campaign issue has been decided. Signs erected
484 pursuant to this section shall not be considered as part of the
485 maximum allowable sign area for the premises upon which they
486 are located. Political signs shall not be placed on public property,
487 and any sign so located shall be removed immediately, as provided
488 in section 122-8.

489
490 h. *Public signs.* Governmental information or directional signs,
491 historical markers, signs relating to national defense and security and other
492 emergency signs, and ornamental signs of a permanent character
493 displaying only the name of a commonly known and accepted name of a
494 section of the city, deemed by the city council to be of a general public
495 interest, may be located in any zoning district.

496
497 i. *Real estate signs.* Real estate signs with copy on either one or both
498 sides shall be permitted in all zoning districts provided that only one sign
499 may be erected for each street frontage of the parcel of property or unit
500 offered for sale, lease or rent. No such sign shall exceed four square feet in
501 area in residentially zoned districts. Multiple-listing strips and
502 sold/rented/leased signs may be allowed when attached to a real estate
503 sign. These shall be in addition to the above allowed sizes. Signs shall be

504 removed after consummation of the sale, lease or rental. In addition to the
505 above, open for inspection signs not exceeding four square feet in area
506 may be allowed on property that is open for inspection, but only at such
507 time as a representative of the owner or broker is in attendance. Signs shall
508 be located a minimum of 20 feet from adjoining property lines and a
509 minimum of 20 feet from the curb or pavement, whichever is closer. (See
510 also "temporary directional nonpoint-of-sale signs".) No permits shall be
511 required for these signs.

512
513 j. *Subdivision development signs.* Signs advertising a subdivision
514 development of residential properties may be permitted providing the
515 subdivision has been approved, platted, and under active development and
516 sale. Such signs shall not exceed 128 square feet in area, including trim.
517 Signs shall not be closer than 20 feet to a curb or pavement, whichever is
518 closer, and at least 20 feet from any property under different ownership.
519 The top of the sign shall not exceed 16 feet above ground level. Only two
520 signs will be permitted in any one subdivision. Each sign shall be
521 approved for a period of one year and, upon expiration of such approval, a
522 renewal may be granted by the city council. All such signs must be
523 immediately removed when the subdivision is not under active
524 development and sale.

525
526 k. *Subdivision and multiple-family residential signs.* One sign
527 denoting only the name of a subdivision or multiple-family residential
528 development with letters no more than 12 inches in height may be erected
529 at each entranceway. In addition, one wall or ground sign may be located
530 on the site of an apartment development provided it is not more than two
531 square feet in area for each unit up to 16, for a maximum sign area of 32
532 square feet. However, such sign shall be no more than eight feet in height
533 above established lot grade. Such sign shall indicate only facilities
534 available on the immediate premises. When an apartment development is
535 located on more than one street, one sign may be displayed on each such
536 street.

537
538 l. *Temporary signs.* A temporary sign announcing any public,
539 charitable, educational, or religious event or function may be located on
540 the premises of the sponsoring public or semipublic institution. Signs shall
541 not exceed 24 square feet in area and, if ground-mounted, shall be no more
542 than eight feet in height to the top of the sign, and shall not be illuminated.
543 In all other respects, the use of temporary signs shall be subject to the
544 same terms and conditions as provided for banner signs.

545
546 m. *Temporary directional nonpoint-of-sale signs.* No temporary
547 directional nonpoint-of-sale signs may remain for more than 72 hours at
548 any one time. A permit cannot be renewed, nor can a permit be obtained

549 for the same premises within a period of 15 days after the expiration of
550 any previous permit. The overall dimensions of a temporary sign shall not
551 exceed three feet vertically by four feet horizontally. Written authorization
552 from the owner of the property upon which the sign is to be located must
553 be submitted with the application for the permit. No permit fee shall be
554 charged for these signs.

555
556 (3) *Noncommercial signs.* All signs permitted by this chapter may similarly
557 carry noncommercial messages so long as such message does not violate the
558 terms of this chapter.
559

560 **Section 2.** Conflicts. All ordinances or parts of ordinances in conflict with any of the
561 provisions of this Ordinance are hereby repealed.
562

563 **Section 3.** Severability. If any section, sentence, phrase, word or portion of this
564 Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not
565 be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,
566 word or portion of this Ordinance not otherwise determined to be invalid, unlawful or
567 unconstitutional.
568

569 **Section 4.** Codification. The provisions of this Ordinance shall be codified as and
570 become and be made a part of the Code of Ordinances of the City of Edgewood. The Sections of
571 this Ordinance may be renumbered or relettered to accomplish such intention and the word
572 "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate
573 word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.
574

575 **Section 5.** Effective Date. This ordinance shall become effective immediately upon its
576 adoption.
577

578 FIRST READING: _____
579

580 SECOND READING: _____
581

582 PASSED AND ADOPTED this _____ day of _____, 2012.
583

584 _____
585 Judy Beardslee, Council President
586

587 *ATTEST:*
588

589 _____
590 Bea L. Meeks, MMC, CPM
591 City Clerk
592
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596

ORDINANCE 2012-07

**AN ORDINANCE OF THE CITY OF EDGEWOOD,
FLORIDA AUTHORIZING THE CHIEF OF POLICE TO
DESIGNATE TRAFFIC INFRACTION ENFORCEMENT
OFFICERS; PROVIDING FOR CODIFICATION;
PROVIDING FOR CONFLICTS; AND SETTING AN
EFFECTIVE DATE.**

WHEREAS, the City Council has authorized the installation and use of red light cameras pursuant to Sections 316.008 and 316.0083, Florida Statutes; and

WHEREAS, the City Council has authorized the Chief of Police to designate traffic infraction enforcement officers to perform the requirements of Section 316.0083, Florida Statutes; and

WHEREAS, the City Council desires to codify its authorization for the Chief of Police to designate the traffic enforcement officers charged with carrying out the requirements of Section 316.0083.

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

Section 1. Chapter 46, Article I, Section 46-2 is amended as follows (NOTE, additions are identified by underline and deletions are identified by ~~strikethrough~~:

Sec. 46-2. - Chief of police; powers and duties.

(a) The chief of police shall attend such meetings of the city council as directed by the council and aid in the enforcement of order under the direction of the presiding officer. The chief of police shall perform such other duties appropriate to his office as may be imposed upon him by law, the ordinances of the city and by direction of the council. The chief of police shall have the right to suspend any officer or employee of the police force because of incompetence, neglect of duty, moral turpitude, drunkenness, failure to obey orders given by proper authority or for any other just and reasonable cause pursuant to applicable state law, and he shall immediately report the fact of said suspension to the council for final action.

(b) The chief of police shall be responsible for performing other duties which include, but are not limited to, the following:

(1) Prepare and submit to the council a budget for each fiscal year which includes projected costs for salaries, training, fuel, etc., necessary to operate the police department.

(2) Schedule the duty hours of regular and reserve police officers for the most efficient and equitable operation.

(3) Investigate applicants for the city police force and submit recommendations to the mayor or council.

(4) Perform other investigative or police functions, including inspection of premises to verify ordinance compliance, as desired by the mayor and the council.

(5) Publish and maintain general orders and other regulations applicable to the police department.

(6) Designate traffic infraction enforcement officers to implement, carry out and enforce the purposes, powers and duties provided in Section 316.0083, Florida Statutes, as may be amended from time to time.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

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

Section 4. Codification. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Edgewood. The Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 5. Effective Date. This ordinance shall become effective immediately upon its adoption.

FIRST READING: _____

SECOND READING: _____

PASSED AND ADOPTED this _____ day of _____, 2012.

Judy Beardslee, Council President

ATTEST:

Bea L. Meeks, MMC, CPM
City Clerk

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ORDINANCE 2012-09

AN ORDINANCE BY THE CITY OF EDGEWOOD AMENDING THE CITY OF EDGEWOOD CODE OF ORDINANCES TO REPEAL CHAPTER 106 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES; TO ADOPT A NEW CHAPTER 106 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Edgewood and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Edgewood was accepted for participation in the National Flood Insurance Program and the City Commission of the City of Edgewood desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

WHEREAS, the City Council of the City of Edgewood has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Edgewood of that the following floodplain management regulations, and the following local administrative amendments to the 2010 *Florida Building Code*, are hereby adopted.

51 **SECTION 1. RECITALS.**

52
53 The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

54
55 **SECTION 2. This ordinance specifically repeals and replaces Chapter 106 of the City of**
56 **Edgewood Code of Ordinances.**

57
58 **DIVISION 1 ADMINISTRATION**

59
60 **ARTICLE 101 GENERAL**

61
62 **106-101.1 Title.** These regulations shall be known as the *Floodplain Management Ordinance* of
63 the City of Edgewood, hereinafter referred to as “this ordinance.”

64
65 **106-101.2 Scope.** The provisions of this ordinance shall apply to all development that is wholly
66 within or partially within any flood hazard area, including but not limited to the subdivision of land;
67 filling, grading, and other site improvements and utility installations; construction, alteration,
68 remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings,
69 structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or
70 replacement of manufactured homes and manufactured buildings; installation or replacement of
71 tanks; placement of recreational vehicles; installation of swimming pools; and any other
72 development.

73
74 **106-101.3 Intent.** The purposes of this ordinance and the flood load and flood resistant
75 construction requirements of the *Florida Building Code* are to establish minimum requirements
76 to safeguard the public health, safety, and general welfare and to minimize public and private
77 losses due to flooding through regulation of development in flood hazard areas to:

- 78 1. Minimize unnecessary disruption of commerce, access and public service during times of
79 flooding;
- 80 2. Require the use of appropriate construction practices in order to prevent or minimize
81 future flood damage;
- 82 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations,
83 storage of equipment or materials, and other development which may increase flood
84 damage or erosion potential;
- 85 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the
86 impact of development on the natural and beneficial functions of the floodplain;
- 87 5. Minimize damage to public and private facilities and utilities;
- 88 6. Help maintain a stable tax base by providing for the sound use and development of flood
89 hazard areas;
- 90 7. Minimize the need for future expenditure of public funds for flood control projects and
91 response to and recovery from flood events; and
- 92 8. Meet the requirements of the National Flood Insurance Program for community
93 participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

94
95 **106-101.4 Coordination with the *Florida Building Code*.** This ordinance is intended to be
96 administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE

97 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

98
99 **106-101.5 Warning.** The degree of flood protection required by this ordinance and the *Florida*
100 *Building Code*, as amended by this community, is considered the minimum reasonable for
101 regulatory purposes and is based on scientific and engineering considerations. Larger floods can and
102 will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not
103 imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood
104 hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood
105 elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the
106 requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the
107 Federal Emergency Management Agency, requiring this community to revise these regulations to
108 remain eligible for participation in the National Flood Insurance Program. No guaranty of vested
109 use, existing use, or future use is implied or expressed by compliance with this ordinance.

110
111 **106-101.6 Disclaimer of Liability.** This ordinance shall not create liability on the part of the
112 City Council of the City of Edgewood or by any officer or employee thereof for any flood
113 damage that results from reliance on this ordinance or any administrative decision lawfully made
114 thereunder.

115 116 **ARTICLE 102 APPLICABILITY**

117
118 **106-102.1 General.** Where there is a conflict between a general requirement and a specific
119 requirement, the specific requirement shall be applicable.

120
121 **106-102.2 Areas to which this ordinance applies.** This ordinance shall apply to all flood
122 hazard areas within the City of Edgewood, as established in Section 106-102.3 of this ordinance.

123
124 **106-102.3 Basis for establishing flood hazard areas.** The areas of special flood hazard
125 identified by the Federal Emergency Management Agency in the Flood Insurance Study (FIS)
126 for the City of Edgewood, dated September 25, 2009, with the accompanying maps and other
127 supporting data, and any subsequent revisions thereto, are adopted by reference and declared to
128 be a part of this ordinance. The Flood Insurance Study and Flood Insurance Rate Map are on file
129 at the City of Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida 32809.

130
131 **106-102.3.1 Submission of additional data to establish flood hazard areas.** To establish
132 flood hazard areas and base flood elevations, pursuant to Article 105 of this ordinance the
133 Floodplain Administrator may require submission of additional data. Where field surveyed
134 topography prepared by a Florida licensed professional surveyor or digital topography accepted
135 by the community indicates that ground elevations:

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1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.
 2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

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146 **106-102.4 Other laws.** The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

147 **106-102.5 Abrogation and greater restrictions.** This ordinance supersedes any ordinance in
148 effect for management of development in flood hazard areas. However, it is not intended to
149 repeal or abrogate any existing ordinances including but not limited to land development
150 regulations, zoning ordinances, stormwater management regulations, or the *Florida Building*
151 *Code*. In the event of a conflict between this ordinance and any other ordinance, the more
152 restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or
153 easement, but any land that is subject to such interests shall also be governed by this ordinance.
154

155 **106-102.6 Interpretation.** In the interpretation and application of this ordinance, all provisions
156 shall be:

- 157 1. Considered as minimum requirements;
- 158 2. Liberally construed in favor of the governing body; and
- 159 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

160 **ARTICLE 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

161
162
163 **106-103.1 Designation.** The Mayor of the City of Edgewood is designated as the Floodplain
164 Administrator. The Floodplain Administrator may delegate performance of certain duties to other
165 employees.
166

167 **106-103.2 General.** The Floodplain Administrator is authorized and directed to administer and
168 enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to
169 render interpretations of this ordinance consistent with the intent and purpose of this ordinance
170 and may establish policies and procedures in order to clarify the application of its provisions.
171 Such interpretations, policies, and procedures shall not have the effect of waiving requirements
172 specifically provided in this ordinance without the granting of a variance pursuant to Section 107
173 of this ordinance.
174

175 **106-103.3 Applications and permits.** The Floodplain Administrator, in coordination with other
176 pertinent offices of the community, shall:

- 177 1. Review applications and plans to determine whether proposed new development will be
178 located in flood hazard areas;
- 179 2. Review applications for modification of any existing development in flood hazard areas
180 for compliance with the requirements of this ordinance;
- 181 3. Interpret flood hazard area boundaries where such interpretation is necessary to
182 determine the exact location of boundaries; a person contesting the determination shall
183 have the opportunity to appeal the interpretation;
- 184 4. Provide available flood elevation and flood hazard information;
- 185 5. Determine whether additional flood hazard data shall be obtained from other sources or
186 shall be developed by an applicant;
- 187 6. Review applications to determine whether proposed development will be reasonably safe
188 from flooding;
- 189 7. Issue floodplain development permits or approvals for development other than buildings
190 and structures that are subject to the *Florida Building Code*, including buildings,
191 structures and facilities exempt from the *Florida Building Code*, when compliance with

192 this ordinance is demonstrated, or disapprove the same in the event of noncompliance;
193 and

194 8. Coordinate with and provide comments to the Building Official to assure that
5 applications, plan reviews, and inspections for buildings and structures in flood hazard
areas comply with the applicable provisions of this ordinance.

197
198 **106-103.4 Determinations for existing buildings and structures.** For applications for building
199 permits to improve buildings and structures, including alterations, movement, enlargement,
200 replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial
201 improvements, repairs of substantial damage, and any other improvement of or work on such
202 buildings and structures, the Floodplain Administrator, in coordination with the Building
203 Official, shall:

204 1. Estimate the market value, or require the applicant to obtain an appraisal of the market
205 value prepared by a qualified independent appraiser, of the building or structure before
206 the start of construction of the proposed work; in the case of repair, the market value of
207 the building or structure shall be the market value before the damage occurred and before
208 any repairs are made;

209 2. Compare the cost to perform the improvement, the cost to repair a damaged building to
210 its pre-damaged condition, or the combined costs of improvements and repairs, if
211 applicable, to the market value of the building or structure;

212 3. Determine and document whether the proposed work constitutes substantial improvement
213 or repair of substantial damage; and

214 4. Notify the applicant if it is determined that the work constitutes substantial improvement
5 or repair of substantial damage and that compliance with the flood resistant construction
requirements of the *Florida Building Code* and this ordinance is required.

218 **106-103.5 Modifications of the strict application of the requirements of the *Florida Building***
219 ***Code.*** The Floodplain Administrator shall review requests submitted to the Building Official that
220 seek approval to modify the strict application of the flood load and flood resistant construction
221 requirements of the *Florida Building Code* to determine whether such requests require the
222 granting of a variance pursuant to Article 107 of this ordinance.

224 **106-103.6 Notices and orders.** The Floodplain Administrator shall coordinate with appropriate
225 local agencies for the issuance of all necessary notices or orders to ensure compliance with this
226 ordinance.

228 **106-103.7 Inspections.** The Floodplain Administrator shall make the required inspections as
229 specified in Article 106 of this ordinance for development that is not subject to the *Florida*
230 *Building Code*, including buildings, structures and facilities exempt from the *Florida Building*
231 *Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development
232 is undertaken without issuance of a permit.

234 **106-103.8 Other duties of the Floodplain Administrator.** The Floodplain Administrator shall
235 have other duties, including but not limited to:

236 1. Establish, in coordination with the Building Official, procedures for administering and
7 documenting determinations of substantial improvement and substantial damage made
pursuant to Section 106-103.4 of this ordinance;

- 239 2. Require that applicants proposing alteration of a watercourse notify adjacent communities
240 and the Florida Division of Emergency Management, State Floodplain Management
241 Office, and submit copies of such notifications to the Federal Emergency Management
242 Agency (FEMA);
- 243 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support
244 permit applications to submit to FEMA the data and information necessary to maintain
245 the Flood Insurance Rate Maps if the analyses propose to change base flood elevations,
246 flood hazard area boundaries, or floodway designations; such submissions shall be made
247 within 6 months of such data becoming available;
- 248 4. Review required design certifications and documentation of elevations specified by this
249 ordinance and the *Florida Building Code* and this ordinance to determine that such
250 certifications and documentations are complete; and
- 251 5. Notify the Federal Emergency Management Agency when the corporate boundaries of
252 the City of Edgewood are modified.

253
254 **106-103.9 Floodplain management records.** Regardless of any limitation on the period
255 required for retention of public records, the Floodplain Administrator shall maintain and
256 permanently keep and make available for public inspection all records that are necessary for the
257 administration of this ordinance and the flood resistant construction requirements of the *Florida*
258 *Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of
259 permits and denial of permits; determinations of whether proposed work constitutes substantial
260 improvement or repair of substantial damage; required design certifications and documentation
261 of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent
262 communities, FEMA, and the state related to alterations of watercourses; assurances that the
263 flood carrying capacity of altered watercourses will be maintained; documentation related to
264 appeals and variances, including justification for issuance or denial; and records of enforcement
265 actions taken pursuant to this ordinance and the flood resistant construction requirements of the
266 *Florida Building Code*. These records shall be available for public inspection at City Hall, 405
267 Larue Avenue, Edgewood Florida.

268
269 **ARTICLE 104 PERMITS**

270
271 **106-104.1 Permits required.** Any owner or owner's authorized agent (hereinafter "applicant")
272 who intends to undertake any development activity within the scope of this ordinance, including
273 buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly
274 within or partially within any flood hazard area shall first make application to the Floodplain
275 Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and
276 approval(s). No such permit or approval shall be issued until compliance with the requirements of
277 this ordinance and all other applicable codes and regulations has been satisfied.

278
279 **106-104.2 Floodplain development permits or approvals.** Floodplain development permits or
280 approvals shall be issued pursuant to this ordinance for any development activities not subject to the
281 requirements of the *Florida Building Code*, including buildings, structures and facilities exempt
282 from the *Florida Building Code*. Depending on the nature and extent of proposed development that
283 includes a building or structure, the Floodplain Administrator may determine that a floodplain
284 development permit or approval is required in addition to a building permit.

285
286 **106-104.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*.**
287 Pursuant to the requirements of federal regulation for participation in the National Flood

288 Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals
289 shall be required for the following buildings, structures and facilities that are exempt from the
290 *Florida Building Code* and any further exemptions provided by law, which are subject to the
291 requirements of this ordinance:

1. Railroads and ancillary facilities associated with the railroad.
- 293 2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- 294 3. Temporary buildings or sheds used exclusively for construction purposes.
- 295 4. Mobile or modular structures used as temporary offices.
- 296 5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which
297 are directly involved in the generation, transmission, or distribution of electricity.
- 298 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole
299 Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided
300 wooden hut that has a thatched roof of palm or palmetto or other traditional materials,
301 and that does not incorporate any electrical, plumbing, or other non-wood features.
- 302 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and
303 assembled on site or preassembled and delivered on site and have walls, roofs, and a floor
304 constructed of granite, marble, or reinforced concrete.
- 305 8. Temporary housing provided by the Department of Corrections to any prisoner in the
306 state correctional system.
- 307 9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida*
308 *Building Code* if such structures are located in flood hazard areas established on Flood
309 Insurance Rate Maps

312 **106-104.3 Application for a permit or approval.** To obtain a floodplain development permit or
313 approval the applicant shall first file an application in writing on a form furnished by the
community. The information provided shall:

- 314 1. Identify and describe the development to be covered by the permit or approval.
- 315 2. Describe the land on which the proposed development is to be conducted by legal
316 description, street address or similar description that will readily identify and definitively
317 locate the site.
- 318 3. Indicate the use and occupancy for which the proposed development is intended.
- 319 4. Be accompanied by a site plan or construction documents as specified in Section 105 of
320 this ordinance.
- 321 5. State the valuation of the proposed work.
- 322 6. Be signed by the applicant or the applicant's authorized agent.
- 323 7. Give such other data and information as required by the Floodplain Administrator.

324
325 **106-104.4 Validity of permit or approval.** The issuance of a floodplain development permit or
326 approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any
327 violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this
328 community. The issuance of permits based on submitted applications, construction documents,
329 and information shall not prevent the Floodplain Administrator from requiring the correction of
errors and omissions.

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106-104.5 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

106-104.6 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

106-104.7 Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The St. Johns River Water Management District; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

ARTICLE 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

106-105.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 106-105.2 of this ordinance.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 106-105.2(1) or (2) of this ordinance.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended

376 purpose.

377 7. Existing and proposed alignment of any proposed alteration of a watercourse.

378

379 The Floodplain Administrator is authorized to waive the submission of site plans, construction
380 documents, and other data that are required by this ordinance but that are not required to be
381 prepared by a registered design professional if it is found that the nature of the proposed
382 development is such that the review of such submissions is not necessary to ascertain compliance
383 with this ordinance.

384

385 **106-105.2 Information in flood hazard areas without base flood elevations (approximate**
386 **Zone A).** Where flood hazard areas are delineated on the FIRM and base flood elevation data
387 have not been provided, the Floodplain Administrator shall:

388 1. Obtain, review, and provide to applicants base flood elevation and floodway data
389 available from a federal or state agency or other source or require the applicant to obtain
390 and use base flood elevation and floodway data available from a federal or state agency
391 or other source; or

392 2. Where base flood elevation and floodway data are not available from another source,
393 where the available the data are deemed by the Floodplain Administrator to not
394 reasonably reflect flooding conditions, or where the available data are known to be
395 scientifically or technically incorrect or otherwise inadequate:

396 a. Require the applicant to develop base flood elevation data prepared in
397 accordance with currently accepted engineering practices; or

398 b. Specify that the base flood elevation is two (2) feet above the highest adjacent
399 grade at the location of the development, provided there is no evidence
400 indicating flood depths have been or may be greater than two (2) feet.

401 3. Where the base flood elevation data are to be used to support a Letter of Map Change
402 from FEMA, advise the applicant that the analyses shall be prepared by a Florida
403 licensed engineer in a format required by FEMA, and that it shall be the responsibility of
404 the applicant to satisfy the submittal requirements and pay the processing fees.

405

406 **106-105.3 Additional analyses and certifications.** As applicable to the location and nature of
407 the proposed development activity, and in addition to the requirements of this section, the
408 applicant shall have the following analyses signed and sealed by a Florida licensed engineer for
409 submission with the site plan and construction documents:

410 1. For development activities proposed to be located in a regulatory floodway, a floodway
411 encroachment analysis that demonstrates that the encroachment of the proposed
412 development will not cause any increase in base flood elevations; where the applicant
413 proposes to undertake development activities that do increase base flood elevations, the
414 applicant shall submit such analysis to FEMA as specified in Section 106-105.4 of this
415 ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA,
416 with the site plan and construction documents.

417 2. For development activities proposed to be located in a riverine flood hazard area for
418 which base flood elevations are included in the Flood Insurance Study or on the FIRM
419 and floodways have not been designated, a floodway encroachment analysis which
420 demonstrates that the cumulative effect of the proposed development, when combined
421 with all other existing and anticipated flood hazard area encroachments, will not increase
422 the base flood elevation more than one (1) foot at any point within the community. This

423 requirement does not apply in isolated flood hazard areas not connected to a riverine
424 flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

425 3. For alteration of a watercourse, an engineering analysis prepared in accordance with
426 standard engineering practices which demonstrates that the flood-carrying capacity of the
427 altered or relocated portion of the watercourse will not be decreased, and certification that
428 the altered watercourse shall be maintained in a manner which preserves the channel's
429 flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in
430 Section 106-105.4 of this ordinance.

431
432 **106-105.4 Submission of additional data.** When additional hydrologic, hydraulic or other
433 engineering data, studies, and additional analyses are submitted to support an application, the
434 applicant has the right to seek a Letter of Map Change from FEMA to change the base flood
435 elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on
436 FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by
437 a Florida licensed engineer in a format required by FEMA. Submittal requirements and
438 processing fees shall be the responsibility of the applicant.

439 440 **ARTICLE 106 INSPECTIONS**

441
442 **106-106.1 General.** Development for which a floodplain development permit or approval is
443 required shall be subject to inspection.

444
445 **106-106.1.1 Development other than buildings and structures.** The Floodplain Administrator
446 shall inspect all development to determine compliance with the requirements of this ordinance
447 and the conditions of issued floodplain development permits or approvals.

448
449 **106-106.1.2 Buildings, structures and facilities exempt from the *Florida Building Code*.** The
450 Floodplain Administrator shall inspect buildings, structures and facilities exempt from the
451 *Florida Building Code* to determine compliance with the requirements of this ordinance and the
452 conditions of issued floodplain development permits or approvals.

453
454 **106-106.1.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*,
455 lowest floor inspection.** Upon placement of the lowest floor, including basement, and prior to
456 further vertical construction, the owner of a building, structure or facility exempt from the
457 *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain
458 Administrator:

- 459 1. If a design flood elevation was used to determine the required elevation of the lowest
460 floor, the certification of elevation of the lowest floor prepared and sealed by a Florida
461 licensed professional surveyor; or
- 462 2. If the elevation used to determine the required elevation of the lowest floor was
463 determined in accordance with Section 105.2(3) of this ordinance, the documentation of
464 height of the lowest floor above highest adjacent grade, prepared by the owner or the
465 owner's authorized agent.

466
467 **106-106.1.2.2 Buildings, structures and facilities exempt from the *Florida Building Code*,
468 final inspection.** As part of the final inspection, the owner or owner's authorized agent shall
469 submit to the Floodplain Administrator a final certification of elevation of the lowest floor or
470 final documentation of the height of the lowest floor above the highest adjacent grade; such
471 certifications and documentations shall be prepared as specified in Section 106-106.1.2.1 of this

472 ordinance.

473

474 **106-106.1.3 Manufactured homes.** The Floodplain Administrator or designee shall inspect
475 manufactured homes that are installed or replaced in flood hazard areas to determine compliance
476 with the requirements of this ordinance and the conditions of the issued permit. Upon placement
477 of a manufactured home, certification of the elevation of the lowest floor shall be submitted to
478 the Floodplain Administrator.

479

480

ARTICLE 107 VARIANCES AND APPEALS

481

482 **106-107.1 General.** The City Council shall hear and decide on requests for appeals and requests
483 for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the
484 City Council shall hear and decide on requests for appeals and requests for variances from the
485 strict application of the flood resistant construction requirements of the *Florida Building Code*.

486

487 **106-107.2 Appeals.** The City Council shall hear and decide appeals when it is alleged there is
488 an error in any requirement, decision, or determination made by the Floodplain Administrator in
489 the administration and enforcement of this ordinance. Any person aggrieved by the decision of
490 City Council may appeal such decision to the Circuit Court, as provided by Florida Statutes.

491

492 **106-107.3 Limitations on authority to grant variances.** The City Council shall base its
493 decisions on variances on technical justifications submitted by applicants, the considerations for
494 issuance in Section 107.6 of this ordinance, the conditions of issuance set forth in Section 106-
495 107.7 of this ordinance, and the comments and recommendations of the Floodplain
496 Administrator and the Building Official. The City Council has the right to attach such conditions
497 as it deems necessary to further the purposes and objectives of this ordinance.

498 **106-107.3.1 Restrictions in floodways.** A variance shall not be issued for any proposed
499 development in a floodway if any increase in base flood elevations would result, as evidenced by
500 the applicable analyses and certifications required in Section 106-105.3 of this ordinance.

501

502
503 **106-107.4 Historic buildings.** A variance is authorized to be issued for the repair, improvement,
504 or rehabilitation of a historic building that is determined eligible for the exception to the flood
505 resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11
506 Historic Buildings, upon a determination that the proposed repair, improvement, or
507 rehabilitation will not preclude the building's continued designation as a historic building and the
508 variance is the minimum necessary to preserve the historic character and design of the building.
509 If the proposed work precludes the building's continued designation as a historic building, a
510 variance shall not be granted and the building and any repair, improvement, and rehabilitation
511 shall be subject to the requirements of the *Florida Building Code*.

512

513 **106-107.5 Functionally dependent uses.** A variance is authorized to be issued for the
514 construction or substantial improvement necessary for the conduct of a functionally dependent
515 use, as defined in this ordinance, provided the variance meets the requirements of Section 106-
516 107.3.1, is the minimum necessary considering the flood hazard, and all due consideration has
517 been given to use of methods and materials that minimize flood damage during occurrence of the
518 base flood.

519

520 **106-107.6 Considerations for issuance of variances.** In reviewing requests for variances, the
City Council shall consider all technical evaluations, all relevant factors, all other applicable

522 provisions of the *Florida Building Code*, this ordinance, and the following:

- 523 1. The danger that materials and debris may be swept onto other lands resulting in further
524 injury or damage;
- 525 2. The danger to life and property due to flooding or erosion damage;
- 526 3. The susceptibility of the proposed development, including contents, to flood damage and
527 the effect of such damage on current and future owners;
- 528 4. The importance of the services provided by the proposed development to the community;
- 529 5. The availability of alternate locations for the proposed development that are subject to
530 lower risk of flooding or erosion;
- 531 6. The compatibility of the proposed development with existing and anticipated
532 development;
- 533 7. The relationship of the proposed development to the comprehensive plan and floodplain
534 management program for the area;
- 535 8. The safety of access to the property in times of flooding for ordinary and emergency
536 vehicles;
- 537 9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of
538 the floodwaters and the effects of wave action, if applicable, expected at the site; and
- 539 10. The costs of providing governmental services during and after flood conditions including
540 maintenance and repair of public utilities and facilities such as sewer, gas, electrical and
541 water systems, streets and bridges.

542
543 **106-107.7 Conditions for issuance of variances.** Variances shall be issued only upon:

- 544 1. Submission by the applicant, of a showing of good and sufficient cause that the unique
545 characteristics of the size, configuration, or topography of the site limit compliance with
546 any provision of this ordinance or the required elevation standards;
- 547 2. Determination by the City Council that:
 - 548 a. Failure to grant the variance would result in exceptional hardship due to the
549 physical characteristics of the land that render the lot undevelopable; increased
550 costs to satisfy the requirements or inconvenience do not constitute hardship;
 - 551 b. The granting of a variance will not result in increased flood heights, additional
552 threats to public safety, extraordinary public expense, nor create nuisances, cause
553 fraud on or victimization of the public or conflict with existing local laws and
554 ordinances; and
 - 555 c. The variance is the minimum necessary, considering the flood hazard, to afford
556 relief;
- 557 3. Receipt of a signed statement by the applicant that the variance, if granted, shall be
558 recorded in the Office of the Clerk of the Court in such a manner that it appears in the
559 chain of title of the affected parcel of land; and
- 560 4. If the request is for a variance to allow construction of the lowest floor of a new building,
561 or substantial improvement of a building, below the required elevation, a copy in the
562 record of a written notice from the Floodplain Administrator to the applicant for the
563 variance, specifying the difference between the base flood elevation and the proposed
564 elevation of the lowest floor, stating that the cost of federal flood insurance will be

565 commensurate with the increased risk resulting from the reduced floor elevation (up to
566 amounts as high as \$25 for \$100 of insurance coverage), and stating that construction
567 below the base flood elevation increases risks to life and property.

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ARTICLE 108 VIOLATIONS

106-108.1 **Violations.** Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

106-108.2 **Authority.** For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

106-108.3 **Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

DIVISION 2 DEFINITIONS

ARTICLE 201 GENERAL

106-201.1 **Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

106-201.2 **Terms defined in the *Florida Building Code*.** Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

106-201.3 **Terms not defined.** Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

ARTICLE 202 DEFINITIONS

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the

615 *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil
616 Engineers, Reston, VA.

617
618 **Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given year.
619 [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the
620 "100-year flood" or the "1-percent-annual chance flood."

621
622 **Base flood elevation.** The elevation of the base flood, including wave height, relative to the
623 National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other
624 datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section
625 1612.2.]

626
627 **Basement.** The portion of a building having its floor subgrade (below ground level) on all sides.
628 [Also defined in FBC, B, Section 1612.2.]

629
630 **Design flood.** The flood associated with the greater of the following two areas: [Also defined in
631 FBC, B, Section 1612.2.]

- 632 1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
633 2. Area designated as a flood hazard area on the community's flood hazard map, or
634 otherwise legally designated.

635
636 **Design flood elevation.** The elevation of the "design flood," including wave height, relative to
637 the datum specified on the community's legally designated flood hazard map. In areas
638 designated as Zone AO, the design flood elevation shall be the elevation of the highest existing
639 grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard
640 map. In areas designated as Zone AO where the depth number is not specified on the map, the
641 depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

642
643 **Development.** Any man-made change to improved or unimproved real estate, including but not
644 limited to, buildings or other structures, tanks, temporary structures, temporary or permanent
645 storage of equipment or materials, mining, dredging, filling, grading, paving, excavations,
646 drilling operations or any other land disturbing activities.

647
648 **Encroachment.** The placement of fill, excavation, buildings, permanent structures or other
649 development into a flood hazard area which may impede or alter the flow capacity of riverine
650 flood hazard areas.

651
652 **Existing building and existing structure.** Any buildings and structures for which the "start of
653 construction" commenced before January 16, 1988. [Also defined in FBC, B, Section 1612.2.]

654
655 **Existing manufactured home park or subdivision.** A manufactured home park or subdivision
656 for which the construction of facilities for servicing the lots on which the manufactured homes
657 are to be affixed (including, at a minimum, the installation of utilities, the construction of streets,
658 and either final site grading or the pouring of concrete pads) is completed before January 16,
659 1988.

660
661 **Expansion to an existing manufactured home park or subdivision.** The preparation of
662 additional sites by the construction of facilities for servicing the lots on which the manufactured
663 homes are to be affixed (including the installation of utilities, the construction of streets, and

664 either final site grading or the pouring of concrete pads).

665

666 **Federal Emergency Management Agency (FEMA).** The federal agency that, in addition to
667 carrying out other functions, administers the National Flood Insurance Program.

669 **Flood or flooding.** A general and temporary condition of partial or complete inundation of
670 normally dry land from: [Also defined in FBC, B, Section 1612.2.]

- 671 1. The overflow of inland or tidal waters.
- 672 2. The unusual and rapid accumulation or runoff of surface waters from any source.

673

674 **Flood damage-resistant materials.** Any construction material capable of withstanding direct
675 and prolonged contact with floodwaters without sustaining any damage that requires more than
676 cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

677

678 **Flood hazard area.** The greater of the following two areas: [Also defined in FBC, B, Section
679 1612.2.]

- 680 1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any
681 year.
- 682 2. The area designated as a flood hazard area on the community's flood hazard map, or
683 otherwise legally designated.

684

685 **Flood Insurance Rate Map (FIRM).** The official map of the community on which the Federal
686 Emergency Management Agency has delineated both special flood hazard areas and the risk
687 premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

688

690 **Flood Insurance Study (FIS).** The official report provided by the Federal Emergency
691 Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and
692 Floodway Map (if applicable), the water surface elevations of the base flood, and supporting
693 technical data. [Also defined in FBC, B, Section 1612.2.]

694

695 **Floodplain Administrator.** The office or position designated and charged with the
696 administration and enforcement of this ordinance (may be referred to as the Floodplain
697 Manager).

698

699 **Floodplain development permit or approval.** An official document or certificate issued by the
700 community, or other evidence of approval or concurrence, which authorizes performance of
701 specific development activities that are located in flood hazard areas and that are determined to
702 be compliant with this ordinance.

703

704 **Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas that
705 must be reserved in order to discharge the base flood without cumulatively increasing the water
706 surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

707

708 **Floodway encroachment analysis.** An engineering analysis of the impact that a proposed
709 encroachment into a floodway is expected to have on the floodway boundaries and base flood
710 elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using
711 standard engineering methods and models.

712 **Florida Building Code.** The family of codes adopted by the Florida Building Commission,
713 including: *Florida Building Code, Building; Florida Building Code, Residential; Florida*
714 *Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code,*
715 *Plumbing; Florida Building Code, Fuel Gas.*

716
717 **Functionally dependent use.** A use which cannot perform its intended purpose unless it is
718 located or carried out in close proximity to water, including only docking facilities, port facilities
719 that are necessary for the loading and unloading of cargo or passengers, and ship building and
720 ship repair facilities; the term does not include long-term storage or related manufacturing
721 facilities.

722
723 **Highest adjacent grade.** The highest natural elevation of the ground surface prior to
724 construction next to the proposed walls or foundation of a structure.

725
726 **Historic structure.** Any structure that is determined eligible for the exception to the flood
727 hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic
728 Buildings.

729
730 **Letter of Map Change (LOMC).** An official determination issued by FEMA that amends or
731 revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change
732 include:

733 Letter of Map Amendment (LOMA): An amendment based on technical data showing
734 that a property was incorrectly included in a designated special flood hazard area. A
735 LOMA amends the current effective Flood Insurance Rate Map and establishes that a
736 specific property, portion of a property, or structure is not located in a special flood
737 hazard area.

738 Letter of Map Revision (LOMR): A revision based on technical data that may show
739 changes to flood zones, flood elevations, special flood hazard area boundaries and
740 floodway delineations, and other planimetric features.

741 Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or
742 parcel of land has been elevated by fill above the base flood elevation and is, therefore,
743 no longer located within the special flood hazard area. In order to qualify for this
744 determination, the fill must have been permitted and placed in accordance with the
745 community's floodplain management regulations.

746 Conditional Letter of Map Revision (CLOMR): A formal review and comment as to
747 whether a proposed flood protection project or other project complies with the minimum
748 NFIP requirements for such projects with respect to delineation of special flood hazard
749 areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood
750 Insurance Study; upon submission and approval of certified as-built documentation, a
751 Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

752
753 **Light-duty truck.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds
754 Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less
755 and which has a basic vehicle frontal area of 45 square feet or less, which is:

- 756 1. Designed primarily for purposes of transportation of property or is a derivation of such a
757 vehicle, or
758 2. Designed primarily for transportation of persons and has a capacity of more than 12
759 persons; or
760 3. Available with special features enabling off-street or off-highway operation and use.

761

762 **Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure, including
763 basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle
764 parking, building access or limited storage provided that such enclosure is not built so as to
765 render the structure in violation of the *Florida Building Code* or ASCE 24. [Also defined in
766 FBC, B, Section 1612.2.]

767
768 **Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet
769 or more in width and greater than four hundred (400) square feet, and which is built on a
770 permanent, integral chassis and is designed for use with or without a permanent foundation when
771 attached to the required utilities. The term "manufactured home" does not include a "recreational
772 vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

773
774 **Manufactured home park or subdivision.** A parcel (or contiguous parcels) of land divided
775 into two or more manufactured home lots for rent or sale.

776
777 **Market value.** The price at which a property will change hands between a willing buyer and a
778 willing seller, neither party being under compulsion to buy or sell and both having reasonable
779 knowledge of relevant facts. As used in this ordinance, the term refers to the market value of
780 buildings and structures, excluding the land and other improvements on the parcel. Market value
781 may be established by a qualified independent appraiser, Actual Cash Value (replacement cost
782 depreciated for age and quality of construction), or tax assessment value adjusted to approximate
783 market value by a factor provided by the Property Appraiser.

784
785 **New construction.** For the purposes of administration of this ordinance and the flood resistant
786 construction requirements of the *Florida Building Code*, structures for which the "start of
787 construction" commenced on or after January 16, 1988 and includes any subsequent
improvements to such structures.

790 **New manufactured home park or subdivision.** A manufactured home park or subdivision for
791 which the construction of facilities for servicing the lots on which the manufactured homes are to
792 be affixed (including at a minimum, the installation of utilities, the construction of streets, and
793 either final site grading or the pouring of concrete pads) is completed on or after January 16,
794 1988

795
796 **Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and
797 which is built on a single chassis and is designed to provide seasonal or temporary living quarters
798 when connected to utilities necessary for operation of installed fixtures and appliances. [Defined
799 in 15C-1.0101, F.A.C.]

800
801 **Recreational vehicle.** A vehicle, including a park trailer, which is: [Defined in section
802 320.01(b), F.S.)

- 803 1. Built on a single chassis;
- 804 2. Four hundred (400) square feet or less when measured at the largest horizontal
805 projection;
- 806 3. Designed to be self-propelled or permanently towable by a light-duty truck; and
- 807 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters
8 for recreational, camping, travel, or seasonal use.

810 **Special flood hazard area.** An area in the floodplain subject to a 1 percent or greater chance of
811 flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO,
812 A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

813
814 **Start of construction.** The date of issuance for new construction and substantial improvements
815 to existing structures, provided the actual start of construction, repair, reconstruction,
816 rehabilitation, addition, placement, or other improvement is within 180 days of the date of the
817 issuance. The actual start of construction means either the first placement of permanent
818 construction of a building (including a manufactured home) on a site, such as the pouring of slab
819 or footings, the installation of piles, the construction of columns.

820 Permanent construction does not include land preparation (such as clearing, grading, or
821 filling), the installation of streets or walkways, excavation for a basement, footings, piers, or
822 foundations, the erection of temporary forms or the installation of accessory buildings such as
823 garages or sheds not occupied as dwelling units or not part of the main buildings. For a
824 substantial improvement, the actual "start of construction" means the first alteration of any wall,
825 ceiling, floor or other structural part of a building, whether or not that alteration affects the
826 external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

827
828 **Substantial damage.** Damage of any origin sustained by a building or structure whereby the
829 cost of restoring the building or structure to its before-damaged condition would equal or exceed
830 50 percent of the market value of the building or structure before the damage occurred. [Also
831 defined in FBC, B Section 1612.2.]

832
833 **Substantial improvement.** Any repair, reconstruction, rehabilitation, addition, or other
834 improvement of a building or structure, the cost of which equals or exceeds 50 percent of the
835 market value of the building or structure before the improvement or repair is started. If the
836 structure has incurred "substantial damage," any repairs are considered substantial improvement
837 regardless of the actual repair work performed. The term does not, however, include either:
838 [Also defined in FBC, B, Section 1612.2.]

- 839 1. Any project for improvement of a building required to correct existing health, sanitary, or
840 safety code violations identified by the building official and that are the minimum
841 necessary to assure safe living conditions.
- 842 2. Any alteration of a historic structure provided the alteration will not preclude the
843 structure's continued designation as a historic structure.

844
845 **Variance.** A grant of relief from the requirements of this ordinance, or the flood resistant
846 construction requirements of the *Florida Building Code*, which permits construction in a manner
847 that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

848
849 **Watercourse.** A river, creek, stream, channel or other topographic feature in, on, through, or
850 over which water flows at least periodically.

851 **DIVISION 3 FLOOD RESISTANT DEVELOPMENT**

852 **ARTICLE 301 BUILDINGS AND STRUCTURES**

853
854
855
856 **106-301.1 Design and construction of buildings, structures and facilities exempt from the**
857 ***Florida Building Code*.** Pursuant to Section 106-104.2.1 of this ordinance, buildings, structures,
858 and facilities that are exempt from the *Florida Building Code*, including substantial improvement or

859 repair of substantial damage of such buildings, structures and facilities, shall be designed and
860 constructed in accordance with the flood load and flood resistant construction requirements of ASCE
861 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall
862 comply with the requirements of Section 307 of this ordinance.

864
865 **ARTICLE 302 SUBDIVISIONS**
866

867 **106-302.1 Minimum requirements.** Subdivision proposals, including proposals for
868 manufactured home parks and subdivisions, shall be reviewed to determine that:

- 869 1. Such proposals are consistent with the need to minimize flood damage and will be
870 reasonably safe from flooding;
- 871 2. All public utilities and facilities such as sewer, gas, electric, communications, and water
872 systems are located and constructed to minimize or eliminate flood damage; and
- 873 3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and
874 AO, adequate drainage paths shall be provided to guide floodwaters around and away
875 from proposed structures.

876
877 **106-302.2 Subdivision plats.** Where any portion of proposed subdivisions, including
878 manufactured home parks and subdivisions, lies within a flood hazard area, the following shall
879 be required:

- 880 1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood
881 elevations, as appropriate, shall be shown on preliminary plats and final plats;
- 882 2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood
883 elevations are not included on the FIRM, the base flood elevations determined in
884 accordance with Section 106-105.2(1) or (2) of this ordinance; and
- 885 3. Compliance with the site improvement and utilities requirements of Section 303 of this
886 ordinance.

887
888 **ARTICLE 303 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**
889

890 **106-303.1 Minimum requirements.** All proposed new development shall be reviewed to
891 determine that:

- 892 1. Such proposals are consistent with the need to minimize flood damage and will be
893 reasonably safe from flooding;
- 894 2. All public utilities and facilities such as sewer, gas, electric, communications, and water
895 systems are located and constructed to minimize or eliminate flood damage; and
- 896 3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and
897 AO, adequate drainage paths shall be provided to guide floodwaters around and away
898 from proposed structures.

899
900 **106-303.2 Sanitary sewage facilities.** All new and replacement sanitary sewage facilities,
901 private sewage treatment plants (including all pumping stations and collector systems), and on-
902 site waste disposal systems shall be designed in accordance with the standards for onsite sewage
903 treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or
904 eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood

905 waters, and impairment of the facilities and systems.

906

907 **106-303.3 Water supply facilities.** All new and replacement water supply facilities shall be
908 designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C.
909 and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

910

911 **106-303.4 Limitations on sites in regulatory floodways.** No development, including but not
912 limited to site improvements, and land disturbing activity involving fill or regrading, shall be
913 authorized in the regulatory floodway unless the floodway encroachment analysis required in
914 Section 106-105.3(1) of this ordinance demonstrates that the proposed development or land
915 disturbing activity will not result in any increase in the base flood elevation.

916

917 **106-303.5 Limitations on placement of fill.** Subject to the limitations of this ordinance, fill
918 shall be designed to be stable under conditions of flooding including rapid rise and rapid
919 drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and
920 scour. In addition to these requirements, if intended to support buildings and structures (Zone A
921 only), fill shall comply with the requirements of the *Florida Building Code*.

922

923 **ARTICLE 304 MANUFACTURED HOMES**

924

925 **106-304.1 General.** All manufactured homes installed in flood hazard areas shall be installed by
926 an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the
927 requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

928

929 **106-304.2 Foundations.** All new manufactured homes and replacement manufactured homes
930 installed in flood hazard areas shall be installed on permanent, reinforced foundations that are
931 designed in accordance with the foundation requirements of the *Florida Building Code*
932 *Residential* Section R322.2 and this ordinance.

933

934 **106-304.3 Anchoring.** All new manufactured homes and replacement manufactured homes
935 shall be installed using methods and practices which minimize flood damage and shall be
936 securely anchored to an adequately anchored foundation system to resist flotation, collapse or
937 lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or
938 frame ties to ground anchors. This anchoring requirement is in addition to applicable state and
939 local anchoring requirements for wind resistance.

940

941 **106-304.4 Elevation.** Manufactured homes that are placed, replaced, or substantially improved
942 shall comply with Section 106-304.4.1 or 106-304.4.2 of this ordinance, as applicable.

943

944 **106-304.4.1 General elevation requirement.** Unless subject to the requirements of Section 106-
945 304.4.2 of this ordinance, all manufactured homes that are placed, replaced, or substantially
946 improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new
947 manufactured home park or subdivision; (c) in an expansion to an existing manufactured home
948 park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a
949 manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated
950 such that the bottom of the frame is at or above the elevation required, as applicable to the flood
951 hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).

952

953 **106-304.4.2 Elevation requirement for certain existing manufactured home parks and**
954 **subdivisions.** Manufactured homes that are not subject to Section 106-304.4.1 of this ordinance,

955 including manufactured homes that are placed, replaced, or substantially improved on sites
956 located in an existing manufactured home park or subdivision, unless on a site where substantial
957 damage as result of flooding has occurred, shall be elevated such that either the:

- 3 1. Bottom of the frame of the manufactured home is at or above the elevation required in the
4 *Florida Building Code, Residential* Section R322.2 (Zone A); or
- 960 2. Bottom of the frame is supported by reinforced piers or other foundation elements of at
961 least equivalent strength that are not less than 36 inches in height above grade.

962
963 **106-304.5 Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply
964 with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed
965 areas.

966
967 **106-304.6 Utility equipment.** Utility equipment that serves manufactured homes, including
968 electric, heating, ventilation, plumbing, and air conditioning equipment and other service
969 facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section
970 R322.

971 972 **ARTICLE 305 RECREATIONAL VEHICLES AND PARK TRAILERS**

973
974 **106-305.1 Temporary placement.** Recreational vehicles and park trailers placed temporarily in
975 flood hazard areas shall:

- 976 1. Be on the site for fewer than 180 consecutive days; or
- 977 2. Be fully licensed and ready for highway use, which means the recreational vehicle or
978 park model is on wheels or jacking system, is attached to the site only by quick-
979 disconnect type utilities and security devices, and has no permanent attachments such as
980 additions, rooms, stairs, decks and porches.

981
982 **106-305.2 Permanent placement.** Recreational vehicles and park trailers that do not meet the
983 limitations in Section 106-305.1 of this ordinance for temporary placement shall meet the
984 requirements of Section 106-304 of this ordinance for manufactured homes.

985 986 **ARTICLE 306 TANKS**

987
988 **106-306.1 Underground tanks.** Underground tanks in flood hazard areas shall be anchored to
989 prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic
990 loads during conditions of the design flood, including the effects of buoyancy assuming the tank
991 is empty.

992 **106-306.2 Above-ground tanks, not elevated.** Above-ground tanks that do not meet the
993 elevation requirements of Section 306.3 of this ordinance shall be permitted in flood hazard areas
994 provided the tanks are anchored or otherwise designed and constructed to prevent flotation,
995 collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during
996 conditions of the design flood, including the effects of buoyancy assuming the tank is empty and
997 the effects of flood-borne debris.

998
999 **106-306.3 Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be
1000 attached to and elevated to or above the design flood elevation on a supporting structure that is
1001 designed to prevent flotation, collapse or lateral movement during conditions of the design flood.
1002 Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard

1003 area.

1004

1005 **106-306.4 Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

- 1006 1. At or above the design flood elevation or fitted with covers designed to prevent the
1007 inflow of floodwater or outflow of the contents of the tanks during conditions of the
1008 design flood; and
- 1009 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic
1010 loads, including the effects of buoyancy, during conditions of the design flood.

1011

1012 **ARTICLE 307 OTHER DEVELOPMENT**

1013

1014 **106-307.1 General requirements for other development.** All development, including man-
1015 made changes to improved or unimproved real estate for which specific provisions are not
1016 specified in this ordinance or the *Florida Building Code*, shall:

- 1017 1. Be located and constructed to minimize flood damage;
- 1018 2. Meet the limitations of Section 106-303.4 of this ordinance if located in a regulated
1019 floodway;
- 1020 3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic
1021 loads, including the effects of buoyancy, during conditions of the design flood;
- 1022 4. Be constructed of flood damage-resistant materials; and
- 1023 5. Have mechanical, plumbing, and electrical systems above the design flood elevation,
1024 except that minimum electric service required to address life safety and electric code
1025 requirements is permitted below the design flood elevation provided it conforms to the
1026 provisions of the electrical part of building code for wet locations.

1027

1028 **106-307.2 Fences in regulated floodways.** Fences in regulated floodways that have the
1029 potential to block the passage of floodwaters, such as stockade fences and wire mesh fences,
1030 shall meet the limitations of Section 106-303.4 of this ordinance.

1031

1032 **106-307.3 Retaining walls, sidewalks and driveways in regulated floodways.** Retaining walls
1033 and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet
1034 the limitations of Section 106-303.4 of this ordinance.

1035

1036 **106-307.4 Roads and watercourse crossings in regulated floodways.** Roads and watercourse
1037 crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles
1038 or pedestrians to travel from one side of a watercourse to the other side, that encroach into
1039 regulated floodways shall meet the limitations of Section 106-303.4 of this ordinance. Alteration
1040 of a watercourse that is part of a road or watercourse crossing shall meet the requirements of
1041 Section 106-105.3.3(3) of this ordinance.

1042

1043 **SECTION 3. Section 102-26 of the Code of Ordinances is hereby amended to include the**
1044 **following administrative amendments to the *Florida Building Code*.**

1045

1046 **102-26. Administrative Amendments to the Florida Building Code**

1047

1048 A new Sec. 107.6.1 is added as follows:

1049

1050 **107.6.1 Building permits issued on the basis of an affidavit.** Pursuant to the
1051 requirements of federal regulation for participation in the National Flood Insurance
1052 Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to
1053 issue permits, to rely on inspections, and to accept plans and construction documents on
the basis of affidavits and plans submitted pursuant to 105.14 and Section 107.6, shall not
1055 extend to the flood load and flood resistance construction requirements of the *Florida*
1056 *Building Code.*

1057
1058 A new Sec. 117 is added as follows:

1059
1060 **117 VARIANCES IN FLOOD HAZARD AREAS**

1061
1062 **117.1 Flood hazard areas.** Pursuant to section 553.73(5), F.S., the variance procedures
1063 adopted in the local floodplain management ordinance shall apply to requests submitted
1064 to the Building Official for variances to the provisions of Section 1612.4 of the *Florida*
1065 *Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building*
1066 *Code, Residential.* This section shall not apply to Section 3109 of the *Florida Building*
1067 *Code, Building.*

1068
1069
1070 **SECTION 4. FISCAL IMPACT STATEMENT.**

1071 In terms of design, plan application review, construction and inspection of buildings and
1072 structures, the cost impact as an overall average is negligible in regard to the local technical
1073 amendments because all development has been subject to the requirements of the local
1074 floodplain management ordinance adopted for participation in the National Flood Insurance
1075 Program. In terms of lower potential for flood damage, there will be continued savings and
benefits to consumers.

1076
1077
1078 **SECTION 5. APPLICABILITY.**

1079 For the purposes of jurisdictional applicability, this ordinance shall apply in the City of
1080 Edgewood. This ordinance shall apply to all applications for development, including building
1081 permit applications and subdivision proposals, submitted on or after the effective date.

1082
1083 **SECTION 6. REPEALER.**

1084 Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of
1085 any conflict. This ordinance specifically repeals and replaces Chapter 106 of the City of
1086 Edgewood Code of Ordinances

1087
1088 **SECTION 7. INCLUSION INTO THE CODE OF ORDINANCES.**

1089 It is the intent of the City Council of the City of Edgewood that the provisions of this ordinance
1090 shall become and be made a part of the City of Edgewood Code of Ordinances, and that the
1091 sections of this ordinance may be renumbered or relettered and the word "ordinance" may be
1092 changed to "section," "article," "regulation," or such other appropriate word or phrase in order to
1093 accomplish such intentions.

1094
1095 **SECTION 8. SEVERABILITY.**

1096 If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason,
1097 declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity
1098 of the ordinance as a whole, or any part thereof, other than the part so declared.

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SECTION 9. EFFECTIVE DATE.

This ordinance shall take effect immediately upon its adoption.

FIRST READING: _____

SECOND READING: _____

PASSED AND ADOPTED this _____ day of _____, 2012.

Judy Beardslee, Council President

ATTEST:

Bea L. Meeks, MMC, CPM
City Clerk

Bea Meeks

From: Jean Abi-Aoun [JAbiAoun@feg-inc.us]
Monday, September 24, 2012 2:42 PM
Bea Meeks
Ray Bagshaw; Sam Sebaali; aprilfisher73@gmail.com
Subject: City of Edgewood - Task 1
Attachments: Edgewood Task 1 Report.docx; Edgewood EAR evaluation checklist 2012.doc

Good afternoon Bea;

In accordance with our Comprehensive Plan amendment contract, we have completed Task 1 and I have enclosed a copy of the project list identifying the items that need to be updated based on the applicable State Laws and based on the 2008 EAR recommendations. You may want to distribute the attached Task 1 Report file to the Local Planning Agency/ City Council members for review. I have also enclosed a detailed EAR evaluation checklist outlining the different rule changes that took place since 1986 that affects the Comprehensive Plan. This list is more for you and for the mayor's records. Please review and if you have any questions please give me call.

The next step will be to set up a workshop to discuss the identified amendments in Task 1 and have our visioning session. As discussed with the Mayor this morning, I suggest that we pursue the following tentative schedule:

- 1- First Workshop with the City Council members, Planning and Zoning members, City attorney and City staff – Monday October 15, 2012 at 2:00 PM till 6:00 PM.
- 2- Second Workshop (Include the General Public) – Monday December 17, 2012 at 6:30 PM
- 3- Planning and Zoning Transmittal Hearing – January 2012
- 4- City Council Transmittal Hearing – February 2012
- 5- City Council Adoption Hearing – April 2012

I hope this helps. Please call me if you have any questions.

Thanks

Jean Abi-Aoun, P.E., Vice President, LEED® AP



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MEMORANDUM

TO: CITY OF EDGEWOOD
FROM: FLORIDA ENGINEERING GROUP, INC.
SUBJECT: COMPREHENSIVE PLAN EVALUATION AND APPRAISAL REPORT
COMPREHENSIVE PLAN AMENDMENTS- TASK 1
DATE: 10/10/2012

Below summarizes the proposed changes to the Edgewood Comprehensive Plan as part of the 2012 Evaluation and Appraisal Report (EAR) process.

Detailed information is provided in the attachment, which is a checklist that the State makes available for local governments to evaluate how they comply with State laws as the laws applicable to comprehensive planning (Chapter 163, Florida Statutes) have changed each year. This checklist was reviewed and completed for Edgewood to be able to provide the summary needs below.

There have been changes since the City published the 2008 EAR. For example, a ten-year water supply facilities work plan is required; however public school concurrency is now optional. The amendments proposed by this EAR evaluation seek to incorporate the proposed amendments identified in the adopted 2008 EAR and proposed amendments resulting from the 2012 review and update process.

The proposed amendments are identified for each Comprehensive Plan Element. Additional components are identified as well.

Required Comprehensive Plan Elements

1. Future Land Use- this Element will need to be updated to include the following:
 - a. Incorporate amendments resulting from the 2008 adopted EAR:
 - i. Policy 1.1.5- revise the policy to state that development orders shall only be approved consistent with the adopted Future Land Use Map and densities
 - ii. Policy 1.3.1- revise the policy to pursue potential historic resources: The City will pursue grant funding for a comprehensive cultural resource assessment survey to locate and evaluate potential archaeological sites and historic buildings, and, if found necessary, develop and adopt a historic preservation ordinance to provide appropriate protection for significant historic resources.

- iii. Policy 1.4.2- references reserving right-of-way which was determined to be unconstitutional in the State of Florida. This policy needs to be clarified within the limits of the law.
 - iv. Policy 1.4.3- add "including but not limited to electric substations"
 - v. Policy 1.4.X Specific standards for approval of public utilities/services shall be identified in the Land Development Code using Chapter 163.3208, Florida Statutes for guidance. These standards shall include, but not be limited to, adjacent land use compatibility (at a minimum setbacks; landscaping, including maintenance and trimming within established electric transmission and distribution line right-of-way consistent with Statute 163.3209; and walls/screening), other aesthetic compatibility based standards, and alternative site analysis.
 - vi. Policy 1.2.4- Amend to allow schools in all future land use designations.
- b. Revise the land use inventory based on the most recent updates
 - c. Update the Future Land Use Map (incorporate amendments adopted per Ordinances 2009-01, 2009-04 and 2009-10)
 - d. Revise policy text to remove or update antiquated dates
 - e. Review and discuss redevelopment/ urban infill strategies for possible policy amendments
 - f. Address policies regarding protection of environmentally sensitive areas from urbanization
2. Traffic circulation- this Element will need to be updated to include the following:
- a. Revise to reflect "transportation" element per statutory conformance and update per requirements
 - b. Amendments resulting from the 2008 adopted EAR:
 - i. Policy 2.1.4 The City will promote the widening of 527 (Orange Avenue) to six lane by removing the parking spaces. This policy can be deleted since the parking spaces have been removed. The road has been re-striped as four lanes with a center continuous turn lane. The transformation of Traffic Circulation to the Transportation Element should consider the aesthetic implication of a continuous turn lane.
 - ii. Policy 2.2.1- The policy should either be eliminated or revised during the plan update to reflect the need for intergovernmental coordination to achieve the objective. The major roads within the City limits are either State or County roads.
 - iii. Objective 2.4-This objective and the corresponding policies (2.4.1 - 2.4.3) have been found to be unconstitutional and should be removed during the plan update.

- iv. Objective 2.6- This objective has not been met and should be re-considered.
 - v. Objective 2.9- A new policy should be considered in the plan update to promote the safe interaction of transportation modes and land uses; e.g., "The City shall coordinate with FDOT to facilitate the construction of pedestrian crosswalks/signals or overpasses on Orange Avenue for safe pedestrian movement to transit stops".
 - vi. A policy should also be considered which would require coordination with Lynx on needed transit shelters and a code requirement for provision of such during development or redevelopment via easements.
- c. Revise LOS data based on the most recent MPO data
3. Housing- this Element will need to be updated to include the following:
- a. Amendments resulting from the 2008 adopted EAR:
 - i. Objective 3.1- The objective should be revised to reflect the City's limited role in providing or ensuring building of affordable housing. The new objective should focus on Edgewood's contribution to the regional solution.
 - ii. Policy 3.1.3 The City will post at City Hall information to assist the private sector in the provision of sufficient housing of various types, sizes and costs.
 - iii. The City maintains a copy of the land development regulations for public use at City Hall. This information is also now available online to facilitate use. The City does not maintain costs for the construction of housing. The policy should be amended to reflect City operations.
 - iv. Policy 3.1. 7 The City will review and revise its LDRs to ensure that the use of energy efficient materials and techniques and other advance construction techniques is allowed in the construction of housing. This policy is obsolete. Construction in the City must comply with Chapter 13 of the Florida Building Code: Florida Energy Efficiency.
 - v. The City's regulations of group homes and foster care facilities need to be updated consistent with State law. The reference to manufactured homes needs to be changed to modular homes consistent with Chapter 553, Florida Statutes. Manufactured homes are not permitted within the City. Per change in Florida Statue 163.3177, "work force housing" and "extremely-low-income persons" will be considered in the plan update.

- b. Update population data utilizing the BEBR medium population projections for the City per State requirements
 - c. Update housing and socio-economic data utilizing that most recent United States Census data available for the City
 - d. Review and discuss possible incentive policies to address affordable housing (revisions to Policy 3.4.4)
4. Public Facilities- this Element will need to be updated to include the following:
- a. Amendments resulting from the 2008 adopted EAR:
 - i. Objective 4.1- rewrite to reflect an ongoing nature
 - ii. Policy 4.1.3 Public services will be operated so as to be consistent with the urban growth policies of the Future Land Use Element of this plan. Provision of wastewater, drainage, potable water, and solid waste services will be limited to: 1) the service areas shown for wastewater and drainage in the support documents of this plan; 2) contractual agreements with Orange County for solid waste disposal and the OUC for potable water; 3) and to areas where the City has legal commitments to provide facilities and services as of the adoption of the plan. The policy should be updated to reflect the City of Edgewood does not operate or provide the public services addressed in this plan. Furthermore, solid waste disposal in the City is provided by a private contractor via a franchise agreement.
 - iii. Policy 4.1.4 The City will request an annual summary of proportional use data from Orange County Solid Waste at the landfill and OUC (potable water service). Neither Orange County Solid Waste nor OUC tabulate this data. Furthermore, the franchise company contracted for solid waste disposal is responsible for proper disposal which could be at the County's landfill or a private waste facility approved by FDEP. This policy should be eliminated.
 - iv. Policy 4.2.- add "consistent with Policies 8.1.4 and 8.1.5."
 - v. Policy 4.4. 1 Projected flow rates will be updated annually based on best available data. This is implemented by the provider. Since the City is not the provider the policy is irrelevant and should be eliminated. The Policy should address the need for coordination if the future land vision is changed. This will assist the County with the projected flow rates.
 - vi. Policy 4.4.2 Expansion of the design capacity of the Wastewater Treatment Plant shall be based on at least the two LOS criteria listed in Policy 4.1. 1 and consideration shall be given to multijurisdictional wastewater planning efforts in Orange County.

- The City has no control over the expansion of design capacity listed in Policies 4.4.1, and 4.4.2. This policy should be eliminated.
- vii. Policy 4.4.3 Developers will be required to obtain a letter from Orange County guaranteeing wastewater service before a development order will be issued by the City. This is an ongoing policy which continues to be implemented and needs to be retained. The policy should be qualified to reflect the possible exception for use of a septic tank (authorization given by City Council after receipt of written petition by the owner).
 - viii. Policy 4.7.1 Approval of new development will be based, in part, upon an evaluation of the impact of the development on the wastewater treatment plant. A letter of capacity is required to be submitted prior to development order approval. The policy should be retained in the plan update. The policy should be qualified to reflect the possible exception for use of a septic tank (authorization given by City Council after receipt of written petition by the owner).
 - ix. Objective 4.8-When necessary, direct dialogue occurs between the city and the County to ensure wastewater service is available to residents and businesses within the City. Coordination typically and routinely occurs during concurrency management review and approval since the County must approve the capacity intended for development proposals. This intergovernmental coordination will remain relevant throughout the planning period of new plan. Retain objective with the change of wording "planning process" to "planning period".
 - x. Policy 4.10.1 Stormwater management standards that require stormwater runoff flow rates and velocities at or less than levels that existed prior to development will be established and implemented for all new development and redevelopment within the City. Section 134-137 (11) of the City Code prohibits approval of a site development permit application approval unless the City determines will ensure the rate and volume of stormwater discharge after the proposed development is built will not exceed that which occurred prior to site development. The policy should be retained. A new policy directing consolidation of all stormwater management regulations should be added in the plan update.
 - xi. Policy 4.10.2 The retention of the first inch of rainfall runoff will be required for new development drainage areas greater than one (1) acre. City requires a permit from the SJRWMD prior to development approval. The WMD permit addresses quantity and quality of stormwater management. The policy should be amended to address redevelopment as well as new development.

- xii. Policy 4.10.3- The policy should be amended to address redevelopment as well as new development. A new policy in the plan update should be added to encourage developed lakefront property owners to construct swales to minimize impacts of fertilizer and insecticides on lake quality.
- xiii. Policy 4.10.8 The City will adopt, or amend where necessary, ordinances requiring that all development involving the rebuilding or rehabilitation of existing structures which would expand the existing facility more than 25% of its existing square footage shall include stormwater treatment measures pursuant to this Comprehensive Plan.
- xiv. Regulations requiring retrofit of stormwater management are included in Section 134-140 of the Code. The regulations do not, however, specifically include the 25% threshold. This policy needs to be retained and implemented.
- xv. Policy 4.11.1 Surface water management system components will be inspected and maintained on at least an annual basis, based on financial feasibility. This is accomplished with NPDES permit requirements. The policy should be maintained to ensure continued inspections, but should be amended to reflect its applicability to only city-owned or operated facilities. Private facilities are regulated through code enforcement.
- xvi. Objective 4.13 conflicts with Policy 4.11.4 and Policy 1.1.2.3. Policy 1.1.2.3 and Objective 4.13 prohibit development in the 100-year floodplain. Policy 4.11.4 allows for encroachment. All should be reviewed and analyzed to eliminate contradiction. Minor encroachment (as defined by volume and/or area in the Land Development Code) should be allowed with approved compensating storage.
- xvii. Policy 4.13.1 Public infrastructure improvements that encourage the development of wetlands will not be allowed for the purpose of protecting and preserving wetland areas. The policy's intent is unclear. The policy should be restated to prohibit development in wetlands unless approved by the SJRWMD.
- xviii. Policy 4.13.2 The City will review its land development and zoning ordinances, regulations and standards in order to remove any requirements that allow development in wetland areas. Regulations do not exist in the Code which allow development in wetlands. This policy can be eliminated.
- xix. Policy 4.13.5- The drainage level of service standard should be revised during the plan update. An example is as follows: Permit approved by SJRWMD, as applicable, and consistent with the

- stormwater management regulations in the code which address quality and quantity.
- xx. Policy 4. 13A.2 The City will amend the Comprehensive Plan at the time the Stormwater Master Plan is completed to include the results of the Storm water Master Plan. The Comprehensive Plan has not been amended to reflect the results of the Stormwater Master Plan. This will be accomplished during the plan update.
 - xxi. Objective 4.15- This objective needs to be amended to reflect the territory agreement between OUC and Orange County.
 - xxii. Policy 4. 15.3 Expansion of the distribution system will continue to be funded with user fees and connection charges in accordance with the requirements of the franchise agreement. The "user pays" philosophy has been and continues to be the City's policy. The Policy needs to be retained in the plan update; though, reference to a franchise agreement is irrelevant and needs to be eliminated.
 - xxiii. Objective 4.16- City staff informs the public of the potable water service provider. Technical questions are directed to OUC. OUC annually, through the billing process, provides information related to potable water quality. The objective and corresponding policy should be amended.
 - xxiv. Policy 4.19.1 The collection service will be operated with revenues from non ad valorem taxes and the sales of refuse containers to solid waste customers. The City maintains a franchise with a private company for solid waste collection. The City charges residents, consistent with the policy, a user fee which is processed at the time of property tax invoicing. The City did, but no longer sells refuse containers. The policy should be amended to eliminate reference to the sale. The remainder is relevant.
 - xxv. Policy 4.20.1 The private company under contract with the City will deliver the City's solid waste to the Orange County Solid Waste Processing facility in accordance with Orange County requirements, with the exception of recyclables. The policy needs to be amended to reflect the private company not only collects solid waste, but also recyclables. The policy also needs to be amended to reflect the private company's option to dispose of the waste at the Orange County landfill or any other private waste facility approved by FDEP.
 - xxvi. Objective 4.20- A new policy should be added under this objective to ensure notification to the County if significant change occurs to the Future Land Use Map that would impact the forecasted solid waste generation.
 - xxvii. Objective 4.21- Based on reported tonnage and population of Orange County in 1990 and 1994, this objective has not been

achieved. Nor is it a goal of the County. Since the City does not have control over landfill operations, nor the policies of the other local governments who use the landfill for solid waste disposal.

The objective needs to be eliminated or aligned to conditions that can be controlled by the City.

- b. A State mandated 10-year water supply facilities work plan (the City will prepare a plan modeled after Orange County's plan, as Edgewood is not a service provider)
 - c. Change all references of "FDER" to "FDEP"
 - d. Revise LOS data based on any changes in the City
5. Conservation- this Element will need to be updated to include the following:
- a. amendments resulting from the 2008 adopted EAR:
 - i. Policy 5.1.1 The City shall use the site design standards contained in Chapter 17-3 FAC for the control of stormwater runoff to ensure the adequate treatment of storm water from all new development or redevelopment prior to its discharge to surface waters, in order to ameliorate the adverse effects of stormwater pollutants on fisheries habitats. The policy is relevant, routinely practiced, and should be retained in the plan with a change to the reference to Chapter 17-3 FAC to the new Chapter dealing with stormwater management.
 - ii. Policy 5.6.1 The City shall use site design standards contained in Ch. 17-3 FAC for the control of storm water runoff to ensure the adequate treatment of storm water from all new development or redevelopment prior to its discharge to surface waters, in order to ameliorate the adverse effects of storm water pollutants on fisheries. The policy is relevant, routinely practiced and should be retained in the plan with a change to the reference to Chapter 17-3 F AC the new chapter dealing with stormwater management.
 - iii. Policy 5.6.2 The City shall identify means for reducing the volume of untreated storm water discharged to surface waters in order to maintain the drainage level of service as contained in Policy 4.1.1. This is a duplicate of Policy 5.1.2.
 - iv. Policy 5.6.4 The City shall, in conjunction with Orange County, develop a program to take corrective action, to the greatest extent feasible, via retrofit of stormwater facilities. This program will be based on the recommendation of the Orange County Storm water Master Plan. The City coordinates with Orange County and the other components of the of the NPDES permit. The policy should be amended to reflect the City's Stormwater Master Plan instead of Orange County's.

- v. **Objective 5.2-** This objective cannot be measured as Orlando Utilities Commission (service provider) does not record usage by municipality and uses an interconnected system. However, the service provider records show a reduction in water use by significantly more than three percent. This has occurred due to increased public awareness of water conservation need and irrigation restrictions. The objective should be modified in the plan update to focus on the City's ability to influence potable water conservation. During the plan update the City should investigate additional water conservation tools and incentives that can be implemented. This could include adopting an ordinance which establishes the twice per week irrigation restriction as permanent, incentives for increased open space for water recharge, incentives for implementing gray water systems in businesses and homes when available, and incentives for using native plants.

The City shall use OUC, Orange County and the SJRWMD as resources in implementing non-facility based water supply/conservation programs.

Furthermore, the City of Edgewood will support OUC's efforts by incorporating the OUC/WMD 10 year water supply plan into the City's plan update; and where feasible help to implement programs identified in the water supply plan.

- vi. **Policy 5.9.2** The City shall establish a program to ensure that businesses which store, generate or transport hazardous wastes or materials do so in accordance with State and Federal guidelines and regulations.

The City relies on Orange County Environmental Department to monitor businesses which store, generate or transport hazardous wastes or materials companies. The policy needs to be amended to reflect the City's limited role.

- vii. **Policy 5.3.1** The City shall coordinate with the County and the FDOT in the monitoring of transportation related air quality impacts, and the planning of improvements needed on regionally significant roadways to rectify observed or predicted air quality problems on those roads.

The City has a limited role in monitoring transportation related air quality and planning improvements needed on regionally significant roadways to rectify air quality problems.

The policy should be amended to reflect a cooperative effort instead of a coordinated effort. Air quality continues to meet acceptable standards. The City will continue to support alternative transportation modes including transit where financially feasible, construction of bike lanes and sidewalks, and promoting flex time schedules.

- b. Update environmental inventory
 - c. Amendments to comply with state laws changed since 2008- ensure policies address factors affecting energy conservation.
6. Recreation and Open Space- this Element will need to be updated to include the following:
- a. Amendments resulting from the 2008 adopted EAR:
 - i. Objective 6.1- this objective can be reworded in order to maintain the remaining policies.
 - ii. Policy 6.2.1 The City will participate in Orange County recreational programs that are designed to ensure accessibility of recreational facilities for the disabled, elderly and economically disadvantaged.

Cypress Grove Park opened in 1994 and is available, at no charge, to all residents of Edgewood. The park was designed to minimize barriers including using a synthetic surface for playground surfaces, wheel chair accessible sidewalks, and benches for sitting.

The policy can be eliminated or broadened to increase accessibility to the facility. For example, The City should ensure the recently negotiated secondary access to the park at Jamaica Lane is realized; and the City should pursue the use of signalized cross walks or a pedestrian overpass to ensure safe access to Cypress Grove Park for residents on the east side of Orange Avenue.
 - iii. Policy 6.3.1- Many homeowner associations have taken the responsibility of trash cleanup along contiguous roadways. These efforts should continue to be encouraged. These groups, however, have not been involved with "establishing" recreational facilities. This part of the policy should be removed.
 - iv. Policy 6.3.2- The City's work with Orange County on the development of Cypress Grove Park satisfied this policy. Expansion of the policy for coordination of additional facilities and programming at Cypress Grove Park may be appropriate.
 - v. Policy 6.3.3 Adopt regulations requiring the dedication of park land or fees in lieu thereof by all new residential developments to insure that future park sites are developed to meet the demand for recreational activities associated with their residential developments.

The City, since 1985, has had the following requirement (Sec. 126-337). "When lands are subdivided within the city, at least five percent of the gross area of such lands shall be dedicated by the owner or developer to the city for parks and recreation purposes. If, in the judgment of the city council, the land area to be subdivided is too small for a park or recreation area to be dedicated from such land, then the owner or developer shall pay to the city a sum of money, equal to five percent of the value of the gross area to be subdivided, such money to be held in escrow and used by the city for the purpose of acquiring park and recreation areas and for no other purpose."

The City Attorney has determined this policy and regulation to be unenforceable. The policy needs to be eliminated.

- vi. Objective 6.3- A new policy may want to be considered in which the City would pursue a joint use agreement with the City of Orlando to facilitate additional lake access for the residents of Edgewood on the property currently occupied by the Fraternal Order of Police lodge.
 - vii. Objective 6.4- Within one year of plan submittal, the land development regulations will include provisions addressing the open space needs of the City. This objective has been met and can be eliminated.
 - viii. Objective 6.4- A new policy also should be considered requiring creation of specific standards for open space and landscaping along the major road corridors for beautification, including the use of landscaped/treed medians, promoting a sense of identity for the City, and traffic calming.
- b. Update facility inventory and LOS analysis (State law does not require that these are subject to concurrency)
7. Intergovernmental Coordination- this Element will need to be updated to include the following:
- a. Amendments resulting from the 2008 adopted EAR:

An additional objective will need to be devised during the plan update to provide direction for the City to coordinate with the St. Johns' River Water Management District and OUC related to the water supply work plan.
 - b. Amendments to comply with state laws changed since 2008- update policies to require a mandatory (rather than voluntary) dispute resolution process
 - c. Amendments as needed per implementation of the ten-year water supply facilities work plan from the Public Facilities Element

- d. Revise data to reflect organization or agency changes
 - e. Ensure there are adequate policies addressing involvement of school districts with the local planning agency
8. Capital Improvements- this Element will need to be updated to include the following:
- a. Amendments resulting from the 2008 adopted EAR:
 - i. Policy 8.5. 1 The City shall maintain service agreements with the outside service providers listed in Policy 9.3. 1 throughout the planning period

Policy 8.5.1 references Policy 9.3.1 which should be 8.3.1. Amendment to the policy should be included in the Plan update reflecting potable water and wastewater territory agreements are between the County/OUC and County/City of Orlando, respectively. An agreement for road maintenance with FDOT is unnecessary. A franchise agreement exists (expired year 2011) with the solid waste provider.

 - ii. Add a new policy to reflect the practice of approving the annual City budget at an advertised public hearing and that it is required to amend the CIE as part of the annual CIP budget process.
 - b. Update the five-year Capital Improvement Plan based on new priorities established by the City and remove projects that have been completed
 - c. Update the CIE, incorporating the amendments adopted in Ordinance 2009-04

Additional Components of the Comprehensive Plan to Evaluate

- 1. Procedures for Monitoring and Evaluating- no changes noted. The City may want to consider moving this section to Volume II or moving out of the Comprehensive Plan. It is not a section required by State law. As it currently sits in Volume 1, if the City sought to change the procedures, such change may be considered an amendment to the Comprehensive Plan, which could be subject to State review before any changes could be made.
- 2. Public Participation Process- update for consistency with State law. The City may want to consider moving this section to Volume II or moving out of the Comprehensive Plan. It is not a section required by State law. As it currently sits in Volume 1, if the City sought to change the procedures, such change may be considered an amendment to the Comprehensive Plan, which could be subject to State review before any changes could be made.

3. **Concurrency Management System-** update reflective of 2008 EAR amendments and amendments to coordinating Elements.

4. **Acronyms and Definitions-** update for consistency with State law. The City may want to consider moving this section to Volume II of the Comprehensive Plan. It is not a section required by State law. As it currently sits in Volume 1, if the City sought to change the procedures, such change may be considered an amendment to the Comprehensive Plan, which could be subject to State review before any changes could be made.

Additional Components

1. The Comprehensive Plan Map Series will be digitally updated so that a Series of GIS maps are produced for the City.

2. All references in the Comprehensive Plan text to Florida Administrative Code 9J-5 sections will be removed as these no longer apply. In the 2011 legislature, all applicable 9J-5 requirements were incorporated into state laws governing comprehensive planning.

3. New Goals, Objectives and Policies per vision direction from the City will be implemented into the draft Comprehensive Plan amendment package

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
1986: [Ch. 86-191, SS.7 - 12, & 18 - 31, Laws of Florida]					
1	The requirement that plans include soil surveys which indicate the suitability of soils for septic tanks moved from the Capital Improvements Element to the General Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element, by striking Subparagraph 163.3177(3)(a)4., and adding the last sentence of Paragraph 163.3177(6)(c).	163.3177(6)(c)		Procedural. No action needed.	
2	A Future Land Use Element must have "goals, policies, and measurable objectives," rather than "measurable goals, objectives, and policies."	163.3177(6)(a)		The existing plan was written with measurable objectives.	
3	Eliminated the 12-month delay for consistency with the comprehensive regional policy plans.	163.3177(9)(c)		Procedural. No action needed.	
4	Approved 9J-5, F.A.C. Defined "consistency," "compatible with," and "furtheres." Required each local government to review and address all State Comprehensive Plan provisions relevant to that jurisdiction. Support data shall not be subject to the compliance review process, but that goals and policies must be clearly based on appropriate data. The Department of Community Affairs authorized to reject data if not collected in a professionally accepted manner, but forbidden to require a particular professionally accepted methodology. 9J-5 does not require original data collection. Recognized that local governments are charged with setting level-of-service standards. Public facilities and services needed to support development shall be available concurrent with the impacts of development. Established the "shield" against rule challenges to 9J-5 until July 1, 1987.	163.3177(10)		Procedural. No action needed.	
5	Required the comprehensive master plan for each deepwater port to be submitted to the appropriate local government at least 6 months before the due date of the local plan; defined "appropriate local government," and provided for sanctions for deepwater ports which are not part of a local government and which fail to submit	163.3178(2)(k)	*	N/A- no deepwater ports in Edgewood.	

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
Changes to Chapter 163, F.S. their comprehensive master plan.				
6 Substantially reworded Section 163.3184, "Process for adoption of comprehensive plan or amendment thereto," to basic format in place today.	163.3184		Procedural. No action needed.	
7 Extended development of regional impact exemption from twice-a-year plan amendments to Florida Quality Developments.	163.3187(1)(b)		Procedural. No action needed.	
8 Exempted small scale amendments from the twice-a-year limitation.	163.3187(1)(c)		Procedural. No action needed.	
9 Required the local planning agency's evaluation and appraisal report to be transmitted to DCA, and required the governing body of the local government to adopt, or adopt with changes, the local planning agency's report within 90 days after receipt. Authorized transmittal of the EAR plan amendments, rather than the entire plan as amended, to DCA.	163.3191(1) & (4) [Note: 163.3191 was amended and reworded in 1998. Check statutes for current wording.]	x	N/A- Obsolete	
10 Delayed implementation of concurrency until 1 year after due date for submittal of the comp plan.	163.3202(2)(g)		Concurrency already implemented through plan	
11 Initial adoption of the Florida Local Government Development Agreement Act.	[Now: 163.3220-3243]		Procedural. No action needed.	
1987: [Ch. 87-224, SS. 24, 25 & 26, Laws of Florida (Revisor's bill), and Ch. 87-338, Laws of Florida] 1 Extended date for DCA to adopt schedule for submittal of local plans from October 1, 1986 to October 1, 1987, and extended the latest date for submission by non-coastal counties from July 1, 1990 to July 1, 1991.	[Now: 163.3167(2)]	x	N/A- Obsolete	
1988: None				
1989: None				
1990: None				
1991: [Ch. 91-45, SS. 31 and 32, Laws of Florida] Nothing substantive.				
1992: [Ch. 92-129, Laws of Florida, and Ch. 92-279, S. 77, Laws of Florida]				
1 Clarified that the procedures for approval of the original plans also applied to plan amendments.	[Now: 163.3189(2)(a)]		Procedural. No action needed.	
2 Provided that the local planning agency should prepare plan amendments.	163.3174 163.3164(13)[N OW: (14)] 163.3221(10)[N OW: (11)]		Procedural. No action needed.	

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
Changes to Chapter 163, F.S. 3 Added "spoil disposal sites for maintenance dredging located in the intracoastal waterways, except for spoil disposal sites owned or used by ports" to the definition of "public facilities."	163.3184(24)	x	N/A- Intracoastal waterways not within Edgewood	
4 Added requirement that independent special districts submit a public facilities report to the appropriate local government.	163.3177(6)(n) 2. [Now: 163.3177(6)(h) 3.]	x	N/A- Edgewood is not an independent special district	
5 Extended "shield" against challenges to the portion of Rule 9J-5 that was adopted before October 1, 1986, from July 1 1987 to April 1, 1993.	163.3177(10)(k)		Procedural. No action needed.	
6 (11)(a): Recognized the need for innovative planning and development strategies to address the anticipated continued urbanization of the coast and other environmentally sensitive areas. (11)(b): Stated that plans should allow land use efficiencies within existing urban areas, and should also allow for the conversion of rural lands to other uses.	163.3177		The City's existing development regulations effectively protect environmentally sensitive areas from urbanization. A policy will be added to ensure maintenance of such regulation. Future Land Use Element provides for efficient land use. No rural areas exist within Edgewood.	Future Land Use
(11)(c): Provided that plans and land development regulations (LDRs) should maximize the use of existing facilities and services through redevelopment, urban infill, and other strategies for urban revitalization.			Redevelopment/ Urban Infill is addressed in the Future Land Use Element. The EAR recommends additional strategies be included in the Plan update. Procedural. No action needed.	
7 Amended definition of "affected person" to clarify that the affected person's comments, recommendations, or objections have to be submitted to the local government after the transmittal hearing for the plan amendment and before the adoption of the amendment.	163.3184(1)(a)		Procedural. No action needed.	
8 Required the local government to include such materials as DCA specifies by rule with each plan amendment transmittal.	163.3184(3)(b)		Procedural. No action needed.	
9 Gave the local government 120 days, rather than 60 days, after receipt of the objections, recommendations, and comments to adopt or not adopt with changes the plan or amendment; and gives	163.3184(7)(a) [Now: 163.3184(7)(c)]		Procedural. No action needed.	

N/A = Not / jle

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
Changes to Chapter 163, F.S. the local government 10 days, rather than 5 days, after adoption to transmit the adopted plan or amendment to DCA. Also requires that a copy of the adopted plan or amendment be transmitted to the regional planning council.	11		Procedural. No action needed.	
10 Provided that the Secretary of DCA, as well as a "senior administrator other than the Secretary" can issue a notice of intent (NOI).	163.3184(3)(b)		Procedural. No action needed.	
11 Required that the Division of Administrative Hearings hearing must be held "in the county of and convenient to" the affected local jurisdiction.	163.3184(9)(b) & (10)(a)		Procedural. No action needed.	
12 Provided that new issues cannot be raised concerning plan compliance more than 21 days after publication of the NOI.	163.3184(10)(a)		Procedural. No action needed.	
13 Added a procedure for Compliance Agreements.	163.3184(16)		Procedural. No action needed.	
14 Changed the requirements for small scale amendments: <ul style="list-style-type: none"> Increased the geographic size from 5 to 10 acres of residential land use at a density of 10, rather than 5, units per acre; and for other land use, an increase from 3 to 10 acres. Also increased the annual total from 30 to 60 acres. Allowed local governments to use a newspaper ad of less than a quarter page in size. Authorized DCA to adopt rules establishing an alternative process for public notice for small scale amendments. Provided that small scale amendments require only an adoption hearing. 	163.3187(1)(c)		Procedural. No action needed.	
15 Provided that a plan amendment required by a compliance agreement may be approved without regard to the twice-a-year limitation on plan amendments.	163.3187(1)(e) [Now: 163.3187(1)(d)]		Procedural. No action needed.	
16 Stated that nothing in the statute prevented a local government from requiring a person requesting an amendment to pay the cost of publication of notice.	163.3187(5)		Procedural. No action needed.	
17 Created an alternative process for amendment of adopted comprehensive plans	163.3189		Procedural. No action needed.	
18 Provided that the first EAR report is due 6 years after the adoption of the comp plan, and subsequent EAR reports are due every 5 years thereafter.	163.3191(5) [Now: 163.3191(13)]		Procedural. No action needed.	
19 Amended the Development Agreement Act by providing: <ul style="list-style-type: none"> Development agreements are not effective unless the comp 	163.3235		Procedural. No action needed.	

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>plan or plan amendments related to the agreement are found in compliance.</p> <ul style="list-style-type: none"> Development agreements are not effective until properly recorded and until 30 days after received by DCA. 	163.3239			
1993: [Ch. 93-206, Laws of Florida (aka the ELMS bill) and Ch. 93-285, S. 12, Laws of Florida]				
1	163.3161(9)		Procedural. No action needed.	
2	163.3164		Procedural. No action needed.	
3	163.3167(11)		Procedural. No action needed.	
4	163.3177(6)(f)1		<p>At the time of the 2008 EAR:</p> <p>Only 69 acres of vacant land designated residential remains in Edgewood. Density bonuses for provision of affordable housing are already available in the Plan (Policy 3.4.4), but the private sector has not taken advantage of such incentive. Additional incentives will be considered in the Plan update.</p>	Housing
	(f)2.		<p>Very low income families are considered in Policy 3.3.2. Existing housing in Edgewood contributes to the regional effort of providing affordable housing. The rent for nearly all rental housing in Edgewood is below the</p>	

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how) accepted ratio of affordability.	Amendment Needed By Element
<p>5 Amended the intergovernmental coordination element (ICE) by:</p> <p>Requiring each ICE to include:</p> <ul style="list-style-type: none"> • A process to determine if development proposals will have significant impacts on state or regional facilities. • A process for mitigating extrajurisdictional impacts in the jurisdiction in which they occur. • A dispute resolution process. • A process for modification of DRI development orders without loss of recognized development rights. • Procedures to identify and implement joint planning areas. • Recognition of campus master plans. • Requiring each county, all municipalities within that county, the school board, and other service providers to enter into formal agreements, and include in their plans, joint processes for collaborative planning and decision-making. <p>Requiring DCA to:</p> <ul style="list-style-type: none"> • Adopt rules to establish minimum criteria for ICE. • Prepare a model ICE. <p>Establish a schedule for phased completion and transmittal of ICE plan amendments.</p>	<p>163.3177(6)(h) 1. and 2.</p> <p>[Note: Requirement deleted in 1996]</p>	<p>x</p>	<p>N/A- obsolete</p>	
<p>6 Providing that amendments to implement the ICE must be adopted no later than December 31, 1997 [Now: 1999].</p>	<p>[Now: 163.3177(9)(h) 163.3177(9)(h) 163.3177(6)(h) 5]</p> <p>Now: 163.3177(6)(h) 5.</p>	<p>x</p>	<p>N/A- obsolete</p>	
<p>7 Requiring a transportation element for urbanized areas.</p>	<p>163.3177(6)(h) [Now: 163.3177(6)(i)]</p>		<p>Entire existing Element will be updated in accordance with the new Transportation Element requirements and submitted with the Plan update.</p>	<p>Transportation</p>
<p>8 Adding an optional hazard mitigation/post disaster redevelopment element for local governments that are not</p>	<p>163.3177(7)(i)</p>		<p>The City will not pursue this optional element at this</p>	

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
required to have a coastal management element.			time.	
9 Requiring DCA to consider land use compatibility issues near airports.	163.3177(10)(l)		Procedural. No action needed.	
10 Amended the coastal management element by:	163.3178	x	N/A- Edgewood is not coastal	
<ul style="list-style-type: none"> Defining "high hazard coastal areas" as category 1 evacuation zones, and stated that mitigation and redevelopment policies are at the discretion of the local government. Affirming the state's commitment to deepwater ports, and required the Section 186.509 dispute resolution process to reconcile inconsistencies between port master plans and local comp plans. Encouraging local governments to adopt countywide marina siting plans. Requiring coastal local governments to identify spoil disposal sites in the future land use and port elements. Requiring each county to establish a process for identifying and prioritizing coastal properties for state acquisition. 	(2)(h) (5) (6) (7) (8)			
11 Created a new section for concurrency which: <ul style="list-style-type: none"> Provides concurrency on a statewide basis only for roads, sewers, solid waste, drainage, potable water, parks and recreation, and mass transit; a local government can extend concurrency to public schools if it first conducts a study to determine how the requirement would be met. Set timing standards for concurrency of: <ul style="list-style-type: none"> For sewer, solid waste, drainage and potable water facilities, in place no later than the issuance of the certificate of occupancy. For parks and recreation facilities, no later than 1 year after issuance of certificate of occupancy. For transportation facilities, in place or under actual construction no later than 3 years after issuance of a certificate of occupancy. Allowing exemptions from transportation concurrency for urban infill, urban redevelopment and downtown revitalization. Allowing a de minimis transportation impact of not more than 0.1% of the maximum volume of the adopted level of service as an exemption from concurrency. 	163.3180 [New]		Edgewood's re-write of the Transportation Element will consider all listed. Timing standards for other services and facilities included in existing Plan.	Transportation

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<ul style="list-style-type: none"> Authorizing the designation of transportation management areas. Allowing urban redevelopment to create 110% of the actual transportation impact caused by existing development before complying with concurrency. Authorizing local governments to adopt long-range transportation concurrency management systems with planning periods of up to 10 years where significant backlogs exist. Requiring local governments to adopt the level-of-service standard established by the Department of Transportation for facilities on the Florida Intrastate Highway System. Allows development that does not meet concurrency if the local government has failed to implement the Capital Improvements Element, and the developer makes a binding commitment to pay the fair share of the cost of the needed facility. 				Capital Improvements Element
<p>12</p> <p>Provided a procedure to ensure public participation in the approval of a publicly financed capital improvement.</p>	163.3181(3)		<p>The City's budget is approved annually at an advertised public hearing. A new policy will be added to the Plan update to reflect this existing practice. The policy will also include the requirement to amend the CIE as part of the annual CIP budget process.</p>	Capital Improvements Element
<p>13</p> <p>Amended the procedure for the adoption of plans and plan amendments as follows:</p> <ul style="list-style-type: none"> Proposed plans or amendments, and materials, must be transmitted to the regional planning council, the water management districts, the Department of Environmental Protection, and the Department of Transportation as specified in DCA's rules. DCA reviews amendments only upon the request of the regional planning council, an affected person, or the local government, or those, which it wishes to review. The regional planning council's review of plan amendments is limited to effects on regional facilities or resources identified 	163.3184		<p>Procedural. No action needed.</p>	

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>in the strategic regional policy plan and extra jurisdictional impacts.</p> <ul style="list-style-type: none"> DCA may not require a local government to duplicate or exceed a permitting program of a state, federal, or regional agency. 	163.3187(5) [Now: 163.3187(6)(a)]		Procedural. No action needed.	
14 Prohibited local governments from amending their comp plans after the date established for submittal of the EAR report unless the report has been submitted.	163.3189(1)		Procedural. No action needed.	
15 Changed the Alternative Process for the amendment of adopted comp plans to the Exclusive Process.	163.3189(2)(a)		Procedural. No action needed.	
16 Provided that plan amendments do not become effective until DCA or the Administration Commission issues a final order determining that the amendment is in compliance.	163.3189(2)(b)		Procedural. No action needed.	
16 Provides that the sanctions assessed by the Administration Commission do not occur unless the local government elects to make the amendment effective despite the determination of noncompliance.			Procedural. No action needed.	
18 Authorizing the local government to demand formal or informal mediation, or expeditious resolution of the amendment proceeding.	163.3191		Procedural. No action needed.	
19 Amended the Evaluation and Appraisal Report section of the statute.	[Note: 163.3191 was amended and reworded in 1998. Check statute for current wording.]			
1994 [Ch. 94-273, S. 4, Laws of Florida]				
1 A plan amendment for the location of a state correctional facility can be made at any time, and does not count toward the twice-a-year limitation.	163.3187(1)(f) [Now: 163.3187(1)(e)]	x	N/A- state correctional facilities are not located within the City limits nor are anticipated to locate within the City during the planning period.	
1995 [Ch. 95-181, ss. 4-5; Ch. 95-257, ss. 2-3; Ch. 95-310, ss. 7-12; Ch. 95-322, ss. 1-7; Ch. 95-341, ss. 9, 10, and 12, Laws of Florida]				
1 Required opportunities for mediation or alternative dispute resolution where a property owner's request for a comprehensive plan amendment is denied by a local government [Subsection	163.3184(10)(c)		Procedural. No action needed.	

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>Changes to Chapter 163, F.S.</p> <p>163.3181(4)] and prior to a hearing where a plan or plan amendment was determined by the DCA to be not in compliance.</p> <p>Added a definition for "transportation corridor management" [Subsection 163.3164(30)] and allowed the designation of transportation corridors in the required traffic circulation and transportation elements and the adoption of transportation corridor management ordinances.</p>	<p>163.3177(6)(f)9 [New]</p>		<p>Entire existing element will be updated in accordance with the new Transportation Element requirements and submitted with the Plan update.</p>	<p>Transportation</p>
<p>Amended the definition of "public notice" and certain public notice and hearing requirements to conform to the public notice and hearing requirements for counties and municipalities in Sections 125.66 and 166.041, respectively.</p>	<p>163.3164(18), 163.3171(3), 163.3174(1) and (4), and 163.3181(3)(a), 163.3184(15)(a)-(c), 163.3187(1)(c)</p>		<p>Procedural. No action needed.</p>	
<p>Prohibited any initiative or referendum process concerning any development order or comprehensive plan or map amendment that affects five or fewer parcels of land.</p>	<p>163.3167(12)</p>		<p>Procedural. No action needed.</p>	
<p>Reduced to 30 [Note: changed to 20] days the time for DCA to review comp plan amendments resulting from a compliance agreement.</p>	<p>163.3184(8)(a)</p>		<p>Procedural. No action needed.</p>	
<p>Amended the requirements for the advertisement of DCA's notice of intent.</p>	<p>163.3184(8)(b)</p>		<p>Procedural. No action needed.</p>	
<p>Required the administrative law judge to realign the parties in a Division of Administrative Hearings (DOAH) proceeding where a local government adopts a plan amendment pursuant to a compliance agreement.</p>	<p>163.3184(16)(f)</p>		<p>Procedural. No action needed.</p>	
<p>Added clarifying language relative to those small scale plan amendments that are exempt from the twice-per-year limitation and prohibited DCA review of those small scale amendments that meet the statutory criteria in Paragraph 163.3187(1)(c).</p>	<p>163.3187(1)(c) and (3)(a)-(c)</p>		<p>Procedural. No action needed.</p>	
<p>Required DCA to consider an increase in the annual total acreage threshold for small scale amendments. (later repealed by s. 16, Ch. 2000-158, Laws of Florida).</p>	<p>163.3177(7)</p>		<p>Procedural. No action needed.</p>	
<p>Required local planning agencies to provide opportunities for involvement by district school boards and community college boards.</p>	<p>163.3174(1)</p>		<p>Public School Concurrency requirements have been repealed from state law. The Plan update will evaluate coverage of this in the Intergovernmental</p>	<p>Intergovernmental</p>

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
11 Required that the future land use element clearly identify those land use categories where public schools are allowed.	163.3177(6)(a)		Element and recommend an updated policy if not adequately addressed. Existing Policy 1.2.4 provides for schools with conventional academic curriculums are allowed in all future land use designations. This is consistent with current zoning regulations.	
12 Established certain criteria for local governments wanting to extend concurrency to public schools . (later amended by s. 5, Ch. 98-176, Laws of Florida).	163.3180(1)(b) [Now: 163.3180(13)]		Procedural. No action needed.	
1996: [Ch. 96-205, s. 1; Ch. 96-320, ss. 10-11; 96-416, ss. 1-6, 15, Laws of Florida]				
1 Substantially amended the criteria for small scale amendments that are exempt from the twice-per-year limitation .	163.3187(1)(c)		Procedural. No action needed.	
2 Revised the objectives in the coastal management element to include the maintenance of ports .	163.3177(6)(g)	X	N/A- there are no ports in Edgewood	
3 Provide that certain port related expansion projects are not DRIs under certain conditions.	163.3178(2), (3), and (5)	X	N/A- there are no ports in Edgewood	
4 Allowed a county to designate areas on the future land use plan for possible future municipal incorporation .	163.3177(6)(a)	X	N/A- does not apply to cities	
5 Required the ICE to include consideration of the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land.	163.3177(6)(h)		Public School Concurrency requirements have been repealed from state law. The Plan update will evaluate coverage of this in the Intergovernmental Element and recommend an updated policy if not adequately addressed.	Intergovernmental
6 Revised the processes and procedures to be included in the ICE.	163.3177(6)(h)		Procedural. No action needed.	
7 Required that within 1 year after adopting their ICE each county and all municipalities and school boards therein establish by interlocal agreement the joint processes consistent with their ICE.	163.3177(6)(h) 2.		Public School Concurrency requirements have been repealed from state law. The Plan update will evaluate coverage of this in the Intergovernmental	Intergovernmental

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how) Element and recommend an updated policy if not adequately addressed. Procedural. No action needed.	Amendment Needed By Element
8 Required local governments who utilize school concurrency to satisfy intergovernmental coordination requirements of ss. 163.3177(6)(h)1.	163.3180(1)(b) 2. [Now: 163.3180(13)(g)]		Procedural. No action needed.	
9 Permitted a county to adopt a municipal overlay amendment to address future possible municipal incorporation of a specific geographic area.	163.3217	X	N/A- does not apply to cities	
10 Authorized DCA to conduct a sustainable communities demonstration project.	163.3244 [Now: Repealed.]	X	Repealed	
1997: [Ch. 97-253, ss. 1-4, Laws of Florida]				
1 Amended the definition of de minimis impact as it pertains to concurrency requirements.	163.3180(6)		Procedural. No action needed.	
2 Established that no plan or plan amendment in an area of critical state concern is effective until found in compliance by a final order.	163.3184(14)	X	N/A- there are no areas of critical concern in Edgewood	
3 Amended the criteria for the annual effect of Duval County (Jacksonville) small scale amendments to a maximum of 120 acres.	163.3187(1)(c) 1.a.III	X	N/A- Edgewood is not in Duval County	
4 Prohibited amendments in areas of critical state concern from becoming effective if not in compliance.	163.3189(2)(b)	X	N/A- there are no areas of critical concern in Edgewood	
1998: [Ch. 98-75, s. 14; Ch. 146, ss. 2-5; Ch. 98-176, ss. 2-6 and 12-15; Ch. 98-258, ss. 4-5, Laws of Florida]				
1 Exempted brownfield area amendments from the twice-a-year limitation.	163.3187(1)(g)		Procedural. No action needed.	
2 Required that the capital improvements element set forth standards for the management of debt.	163.3177(3)(a) 4.		Existing Policy 8.2.1 addresses debt management	
3 Required inclusion of at least two planning periods – at least 5 years and at least 10 years.	163.3177(5)(a)		Plan update will specifically address 5 and 10 year forecasts and strategies	As applicable
4 Allowed multiple individual plan amendments to be considered together as one amendment cycle.	163.3184(3)(d)		Procedural. No action needed.	
5 Defined “optional sector plan” and created Section 163.3245 allowing local governments to address DRI issues within certain identified geographic areas.	163.3164(31) and 163.3245	X	N/A- the City does not use this option	

N/A = Not Applicable

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
6	Established the requirements for a public school facilities element.	163.3177(12)	X	A public school facilities is no longer required and Edgewood has no public schools within it	
7	Established the minimum requirements for imposing school concurrency.	163.3180(12) [Now: Section (13)]	X	A public school facilities is no longer required and Edgewood has no public schools within it	
8	Required DCA adopt minimum criteria for the compliance determination of a public school facilities element imposing school concurrency.	163.3180(13) [Now: Section 14]	X	A public school facilities is no longer required and Edgewood has no public schools within it	
9	Required that evaluation and appraisal reports address coordination of the comp plan with existing public schools and the school district's 5-year work program.	163.3191(2)(i) [Now: 163.3191(2)(k)]	X	A public school facilities is no longer required and Edgewood has no public schools within it	
10	Amended the definition of "in compliance" to include consistency with Sections 163.3180 and 163.3245.	163.3184(1)(b)		Procedural. No action needed.	
11	Required DCA to maintain a file with all documents received or generated by DCA relating to plan amendments and identify; limited DCA's review of proposed plan amendments to written comments, and required DCA to identify and list all written communications received within 30 days after transmittal of a proposed plan amendment.	163.3184(2), (4), and (6)		Procedural. No action needed.	
12	Allowed a local government to amend its plan for a period of up to one year after the initial determination of sufficiency of an adopted EAR even if the EAR is insufficient.	163.3187(6)(b)		Procedural. No action needed.	
13	Substantially reworded Section 163.3191, F.S., related to evaluation and appraisal reports.	163.3191		Procedural. No action needed.	
14	Changed the population requirements for municipalities and counties which are required to submit otherwise optional elements.	163.3177(6)(i)		Procedural. No action needed.	
1999: [Ch. 99-251, ss. 65-6, and 90; Ch. 99-378, ss. 1, 3-5, and 8-9, Laws of Florida]					
1	Required that ports and local governments in the coastal area, which has spoil disposal responsibilities, identify dredge disposal sites in the comp plan.	163.3178(7)	X	N/A- Edgewood is not in a coastal area	
2	Exempted from the twice-per-year limitation certain port related amendments for port transportation facilities and projects eligible for funding by the Florida Seaport Transportation and Economic Development Council.	163.3187(1)(h)	X	N/A- no ports are in Edgewood	
3	Required rural counties to base their future land use plans and	163.3177(6)(a)	X	N/A- Edgewood is not a	

N/A = Not applicable

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how) rural County	Amendment Needed By Element
	the amount of land designated industrial on data regarding the need for job creation, capital investment, and economic development and the need to strengthen and diversity local economies.			Urban infill and redevelopment incentives will be addressed in the Plan update	Future Land Use
4	Added the Growth Policy Act to Ch. 163, Part II to promote urban infill and redevelopment.	163.2511, 163.2514, 163.2517, 163.2520, 163.2523, and 163.2526 [New]		Addressed by existing Policy 1.2.4	Transportation
5	Required that all comp plans comply with the school siting requirements by October 1, 1999.	163.3177(6)(a)		Transportation Concurrency already in Plan. Entire existing Element will be updated in accordance with the new Transportation Element requirements and submitted with Plan update	Transportation
6	Made transportation facilities subject to concurrency.	163.3180(1)(a)		Entire existing Element will be updated in accordance with the new Transportation Element requirements and submitted with Plan update	Transportation
7	Required use of professionally accepted techniques for measuring level of service for cars, trucks, transit, bikes and pedestrians.	163.3180(1)(b)		Entire existing Element will be updated in accordance with the new Transportation Element requirements and submitted with Plan update	Transportation
8	Excludes public transit facilities from concurrency requirements.	163.3180(4)(b)		Entire existing Element will be updated in accordance with the new Transportation Element requirements and submitted with Plan update	Transportation
9	Allowed multiuse DRIs to satisfy the transportation concurrency requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180(12)		Entire existing Element will be updated in accordance with the new Transportation Element requirements and submitted with Plan update	Transportation
10	Allowed multimodal transportation districts in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180(15)		Entire existing Element will be updated in accordance with the new Transportation Element requirements and submitted with Plan update	Transportation
11	Exempted amendments for urban infill and redevelopment areas, public school concurrency from the twice-per-year limitation.	163.31879(1)(h) and (i) [Now: (i) and (j)]		Procedural. No action needed.	

N/A = Not Applicable

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations (j)]	N/A*	Addressed (where/how)	Amendment Needed By Element
12	Defined brownfield designation and added the assurance that a developer may proceed with development upon receipt of a brownfield designation. [Also, see Section 163.3221(1) for "brownfield" definition.]	163.3220(2)	x	Procedural. No action needed. No brownfields in Edgewood	
2000: [Ch. 2000-158, ss. 15-17, Ch. 2000-284, s. 1, Ch. 2000-317, s. 18, Laws of Florida]					
1	Repealed Section 163.3184(1)(c), F.S., that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	163.3184(1)(c) [Now: Repealed]	x	Repealed	
2	Repealed Section 163.3187(7), F.S. that required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.	163.3187(7) [Now: Repealed]	x	Repealed	
3	Repealed Sections 163.3191(13) and (15), F.S.	163.3191(13) and (15) [Now: Repealed]	x	Repealed	
4	Allowed small scale amendments in areas of critical state concern to be exempt from the twice-per-year limitation only if they are for affordable housing.	163.3187(1)(c) 1.e	x	N?A- no areas of critical state concern in Edgewood	
5	Added exemption of sales from local option surtax imposed under Section 212.054, F.S., as examples of incentives for new development within urban infill and redevelopment areas.	163.2517(3)(j)2		Procedural. No action needed.	
2001: [Ch. 2001-279, s. 64, Laws of Florida]					
1	Created the rural land stewardship area program.	163.3177(1)(d)	x	No rural land stewardship area	
2002: [Ch. 2002-296, ss. 1 - 11, Laws of Florida]					
1	Required that all agencies that review comprehensive plan amendments and rezoning include a nonvoting representative of the district school board.	163.3174		The Intergovernmental Coordination Element will be updated to reflect this.	Intergovernmental
2	Required coordination of local comprehensive plan with the regional water supply plan.	163.3177(4)(a)		Intergovernmental, Conservation, and Potable Water Elements will be amended to ensure coordination	Intergovernmental, Conservation, Potable Water
3	Plan amendments for school-siting maps are exempt from s. 163.3187(1)'s limitation on frequency.	163.3177(6)(a)		Procedural. No action needed.	
4	Required that by adoption of the EAR, the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer	163.3177(6)(c)		Intergovernmental, Conservation, and Potable	Intergovernmental, Conservation

N/A = Not applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>Changes to Chapter 163, F.S. recharge element consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities.</p>			Water Elements will be amended to ensure coordination	Potable Water
<p>Required consideration of the regional water supply plan in the preparation of the conservation element.</p>	163.3177(6)(d)		Intergovernmental, Conservation, and Potable Water Elements will be amended to ensure coordination	Intergovernmental, Conservation, Potable Water
<p>Required that the intergovernmental coordination element (ICE) include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.</p>	163.3177(6)(h)		Intergovernmental, Conservation, and Potable Water Elements will be amended to ensure coordination	Intergovernmental, Conservation, Potable Water
<p>Required the local governments adopting a public educational facilities element execute an inter-local agreement with the district school board, the county, and non-exempting municipalities.</p>	163.3177(6)(h) 4.	x	A public school facilities element is no longer required and no public schools are located in Edgewood.	
<p>Required that counties larger than 100,000 population and their municipalities submit an inter-local service delivery agreements (existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with affected parties to discuss and id strategies to remedy any deficiencies or duplications.</p>	163.3177(6)(h) 6, 7, & 8.	x	N/A- Territory agreements for sewer and water service areas exist between all service providers in Orange County. Edgewood is not a service provider.	
<p>Required local governments and special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003. NOTE: this requirement repealed by Ch. 2005-290, s. 2, LOF.</p>	163.3177(6)(h) 9. [Now repealed]	x	Repealed	
<p>Added a new Section 163.31776 that allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.</p>	163.31776 [New]	x	Not applicable to cities	
<p>Added a new Section 163.31777 that requires local governments and school boards to enter into an inter-local agreement that addresses school siting, enrollment forecasting, school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.</p>	163.31777 [New]	x	A public school facilities element is no longer required and no public schools are located in Edgewood.	
<p>Added a provision that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.</p>	163.3180(4)(c)		Entire existing Element will be updated in accordance with the new Transportation Element requirements and	Transportation

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
13 Expanded the definition of "affected persons" to include property owners who own land abutting a change to a future land use map.	163.3184(1)(a)		Submitted with Plan update Procedural. No action needed.	
14 Expanded the definition of "in compliance" to include consistency with Section 163.31776 (public educational facilities element).	163.3184(1)(b)		Procedural. No action needed.	
15 Streamlined the timing of comprehensive plan amendment review.	163.3184(3), (4), (6), (7), and (8)			
16 Required that local governments provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and addresses.	163.3184(15)(c)		Procedural. No action needed.	
17 Exempted amendments related to providing transportation improvements to enhance life safety on "controlled access major arterial highways" from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)(k)	x	There are no controlled access major arterials in Edgewood.	
18 Required Evaluation and Appraisal Reports to include (1) consideration of the appropriate regional water supply plan, and (2) an evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.	163-3191(2)(1)		Will be addressed in Intergovernmental, Conservation, and Public Facilities sections of the EAR. Coastal High Hazard areas are not applicable to Edgewood.	Intergovernmental, Conservation, Public Facilities
19 Allowed local governments to establish a special master process to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	163.3215	x	N/A- The City has not used this provision.	
20 Created the Local Government Comprehensive Planning Certification Program to allow less state and regional oversight of comprehensive plan process if the local government meets certain criteria.	163.3246	x	The City will not pursue certification.	
21 Added a provision to Section 380.06(24), Statutory Exemptions, that exempts from the requirements for developments of regional impact, any water port or marina development if the relevant local government has adopted a "boating facility siting plan or policy" (which includes certain specified criteria) as part of the coastal management element or future land use element of its comprehensive plan. The adoption of the boating facility siting plan or policy is exempt from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)	x	N/A- Water ports do not exist within Edgewood, nor is there a potential for marinas.	

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how) Procedural. No action needed.	Amendment Needed By Element
<p>Changes to Chapter 163, F.S.</p> <p>22 Prohibited a local government, under certain conditions, from denying an application for development approval for a requested land use for certain proposed solid waste management facilities.</p> <p>2003: [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, Laws of Florida.]</p>	163.3194(6)		Procedural. No action needed.	
<p>1 Creates the Agricultural Lands and Practices Act.</p> <p>(2): Provides legislative findings and purpose with respect to agricultural activities and duplicative regulation.</p> <p>(3): Defines the terms "farm," "farm operation," and "farm product" for purposes of the act.</p> <p>(4): Prohibits a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm operation on land that is classified as agricultural land.</p> <p>(4)(a): Provides that the act does not limit the powers of a county under certain circumstances.</p> <p>(4)(b): Clarifies that a farm operation may not expand its operations under certain circumstances.</p> <p>(4)(c): Provides that the act does not limit the powers of certain counties.</p> <p>(4)(d): Provides that certain county ordinances are not deemed to be a duplication of regulation.</p>	163.3162 [New]		Procedural. No action needed.	
<p>2 Changes "State Comptroller" references to "Chief Financial Officer."</p>	163.3167(6)		Procedural. No action needed.	
<p>3 Provides for certain airports to abandon DRI orders.</p>	163.3177(6)(k)	x	N/A- Does not apply to Edgewood	
<p>4 Throughout s. 163.3177, F.S., citations for Ch. 235, F.S., are changed to cite the appropriate section of Ch. 1013, F.S.</p>	163.31776		Procedural. No action needed.	
<p>5 Throughout s. 163.31777, F.S., citations for Ch. 235, F.S., are changed to cite the appropriate section of Ch. 1013, F.S.</p>	163.31777		Procedural. No action needed.	
<p>2004: [Ch. 04-5, s. 11; ch. 04-37, s. 1; ch. 04-230, ss. 1-4; ch. 04-372, ss. 2-5; ch. 04-381, ss. 1-2; ch. 04-384, s. 2, Laws of Florida.]</p> <p>1 (10): Amended to conform to the repeal of the Florida High-Speed Rail Transportation Act, and the creation of the Florida High-Speed Rail Authority Act.</p>	163.3167		(13) Will be addressed in Public Facilities	Public Facilities

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>(13): Created to require local governments to identify adequate water supply sources to meet future demand for the established planning period.</p> <p>(14): Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations.</p>				
<p>(1): Provides legislative findings on the compatibility of development with military installations.</p> <p>(2): Provides for the exchange of information relating to proposed land use decisions between counties and local governments and military installations.</p> <p>(3): Provides for responsive comments by the commanding officer or his/her designee.</p> <p>(4): Provides for the county or affected local government to take such comments into consideration.</p> <p>(5): Requires the representative of the military installation to be an ex-officio, nonvoting member of the county's or local government's land planning or zoning board.</p> <p>(6): Encourages the commanding officer to provide information on community planning assistance grants.</p>	Creates 163.3175.	x	N/A- no military installations in Edgewood	
<p>(6)(a):</p> <ul style="list-style-type: none"> Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with military installations. Changed to encourage rural land stewardship area designation as an overlay on the future land use map. <p>(6)(c): Extended the deadline adoption of the water supply facilities work plan amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments.</p> <p>(10)(f): Provides for the coordination by the state land planning</p>	163.3177		Water Supply facilities to be addressed in Public Facilities Element update. Incentives such as mixed-use, high density development to encourage urban infill and redevelopment will be investigated during the Plan update.	Public Facilities, Conservation, Intergovernmental Future Land Use

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>Changes to Chapter 163, F.S. agency and the Department of Defense on compatibility issues for military installations.</p> <p>(11)(d)1.: Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to rural land stewardship areas.</p> <p>(11)(d)2.: Provides for multi-county rural land stewardship areas.</p> <p>(11)(d)3.-4: Revises requirements, including the acreage threshold for designating a rural land stewardship area.</p> <p>(11)(d)6.j.: Provides that transferable rural land use credits may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.</p> <p>(11)(e): Provides legislative findings regarding mixed-use, high-density urban infill and redevelopment projects; requires DCA to provide technical assistance to local governments.</p> <p>(11)(f): Provides legislative findings regarding a program for the transfer of development rights and urban infill and redevelopment; requires DCA to provide technical assistance to local governments.</p>				
<p>4</p> <p>(1): Provides legislative findings with respect to the shortage of affordable rentals in the state.</p> <p>(2): Provides definitions.</p> <p>(3): Authorizes local governments to permit accessory dwelling units in areas zoned for single family residential use based upon certain findings.</p> <p>(4) An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant, which attests that the unit will be rented at an affordable rate to a very-low-income, low-income, or moderate-income person or persons.</p> <p>(5): Provides for certain accessory dwelling units to apply towards satisfying the affordable housing component of the</p>	<p>Creates 163.31771</p>		<p>Procedural. No action needed.</p>	

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>Changes to Chapter 163, F.S. housing element in a local government's comprehensive plan.</p> <p>(6): Requires the DCA to report to the Legislature.</p>				
<p>5 Amends the definition of "in compliance" to add language referring to the Wekiva Parkway and Protection Act.</p>	163.3184(1)(b)	x	N/A- Edgewood is outside the Wekiva Area	
<p>6 (1)(m): Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close proximity to military installations do not count toward the limitation on frequency of amending comprehensive plans.</p>	163.3187	x	N/A- there are no military installations or rural areas in Edgewood.	
<p>(1)(n): Created to provide that amendments to establish or implement a rural land stewardship area do not count toward the limitation on frequency of amending comprehensive plans.</p>				
<p>7 Created to provide that evaluation and appraisal reports evaluate whether criteria in the land use element were successful in achieving land use compatibility with military installations.</p>	163.3191(2)(n)	x	N/A- there are no military installations in Edgewood.	
2005 [Ch. 2005-157, ss 1, 2 and 15; Ch. 2005-290; and Ch. 2005-291, ss. 10-12, Laws of Florida]				
<p>1 Added the definition of "financial feasibility."</p>	163.3164(32) [New]		Procedural. No action needed.	
<p>2 (2): Required comprehensive plans to be "financially" rather than "economically" feasible.</p> <p>(3)(a)5: Required the comprehensive plan to include a 5-year schedule of capital improvements. Outside funding (i.e., from developer, other government or funding pursuant to referendum) of these capital improvements must be guaranteed in the form of a development agreement or interlocal agreement.</p>	163.3177		The Plan will be updated to include a five year schedule of capital improvements and address applicable financial feasibility requirements.	Capital Improvements Element
<p>(3)(a)6.b.1.: Required plan amendment for the annual update of the schedule of capital improvements. Deleted provision allowing updates and change in the date of construction to be accomplished by ordinance.</p>			The City will reference OUC's water supply plan in the Plan update.	Public Facilities
<p>(3)(a)6.c.: Added oversight and penalty provision for failure to adhere to this section's capital improvements requirements.</p>				
<p>(3)(a)6.d.: Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system.</p>				

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>(6)(a): Deleted date (October 1, 1999) by which school sitting requirements must be adopted.</p> <p>(6)(a): Requires the future land use element to be based upon the availability of water supplies (in addition to public water facilities).</p> <p>(6)(a): Add requirement that future land use element of coastal counties must encourage the preservation of working waterfronts, as defined in s.342.07, F.S.</p> <p>(6)(c): Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the alternative water supply projects and traditional water supply projects and conservation and reuse selected by the local government to meet its projected water supply needs. The ten-year water supply work plan must include public, private and regional water supply facilities, including development of alternative water supplies. Such amendments do not count toward the limitation on the frequency of adoption of amendments.</p> <p>(6)(e): Added waterways to the system of sites addressed by the recreation and open space element.</p> <p>(6)(h)1.: The intergovernmental coordination element must address coordination with regional water supply authorities.</p> <p>(11)(d)4.c.: Required rural land stewardship areas to address affordable housing.</p> <p>(11)(d)5.: Required a listed species survey be performed on rural land stewardship receiving area. If any listed species present, must ensure adequate provisions to protect them.</p> <p>(11)(d)6.: Must enact an ordinance establishing a methodology for creation, conveyance, and use of stewardship credits within a rural land stewardship area.</p> <p>(11)(d)6.j.: Revised to allow open space and agricultural land to be just as important as environmentally sensitive land when assigning stewardship credits.</p>				

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>(12): Must adopt public school facilities element.</p> <p>(12)(a) and (b): A waiver from providing this element will be allowed under certain circumstances.</p> <p>(12)(g): Expanded list of items to be to include collocation, location of schools proximate to residential areas, and use of schools as emergency shelters.</p> <p>(12)(h): Required local governments to provide maps depicting the general location of new schools and school improvements within future conditions maps.</p> <p>(12)(i): Required DCA to establish a schedule for adoption of the public school facilities element.</p> <p>(12)(j): Established penalty for failure to adopt a public school facility element.</p> <p>(13): (New section) Encourages local governments to develop a "community vision," which provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources.</p> <p>(14): (New section) Encourages local governments to develop an "urban service boundary," which ensures the area is served (or will be served) with adequate public facilities and services over the next 10 ars. See s. 163.3184(17).</p>	<p>[New]</p> <p>[New]</p>			
<p>3</p> <p>163.31776 is repealed</p>	<p>163.31776 [Now: Repealed]</p>	<p>X</p>	<p>Repealed</p>	
<p>4</p> <p>(2): Required the public schools interlocal agreement (if applicable) to address requirements for school concurrency. The opt-out provision at the end of Subsection (2) is deleted.</p> <p>(5): Required Palm Beach County to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school facilities element requirements.</p> <p>(7): Provided that counties exempted from public school facilities element shall undergo re-evaluation as part of its EAR to</p>	<p>163.31777</p>	<p>X</p> <p>X</p> <p>X</p>	<p>School concurrency is now not mandated</p> <p>Edgewood is not in Palm Beach County.</p> <p>School concurrency is now not mandated</p>	

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>Changes to Chapter 163, F.S.</p> <p>determine if they continue to meet exemption criteria.</p>				
<p>5</p> <p>(2)(g): Expands requirement of coastal element to include strategies that will be used to preserve recreational and commercial working waterfronts, as defined in s. 342.07, F.S.</p>	163.3178	x	Edgewood is not Coastal	
<p>6</p> <p>(1)(a): Added "schools" as a required concurrency item.</p> <p>(2)(a): Required consultation with water supplier prior to issuing building permit to ensure "adequate water supplies" to serve new development will be available by the date of issuance of a certificate of occupancy.</p> <p>(2)(c): Required all transportation facilities to be in place or under construction within 3 years (rather than 5 years) after approval of building permit.</p> <p>(4)(c): The concurrency requirement, except as it relates to transportation and public schools, may be waived in urban infill and redevelopment areas. The waiver shall be adopted as a plan amendment. A local government may grant a concurrency exception pursuant to subsection (5) for transportation facilities located within an urban infill and redevelopment area.</p> <p>(5)(d): Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.</p> <p>(5)(e) – (g): If local government has established transportation exceptions, the guidelines for implementing the exceptions must be "consistent with and support a comprehensive strategy, and promote the purpose of the exceptions." Exception areas must include mobility strategies, such as alternate modes of transportation, supported by data and analysis. FDOT must be consulted prior to designating a transportation concurrency exception area. Transportation concurrency exception areas existing prior to July 1, 2005 must meet these requirements by July 1, 2006, or when the EAR-based amendment is adopted, whichever occurs last.</p> <p>(6): Required local government to maintain records to determine whether 110% de minimis transportation impact threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110%</p>	163.3180	x	<p>School concurrency is now not mandated</p> <p>Already is required in the Future Land Use Element Policy 1.1.3.</p> <p>Transportation Element will be updated accordingly.</p> <p>School concurrency is now not mandated</p> <p>Procedural. No action needed.</p> <p>Transportation Element will be updated accordingly.</p>	<p>Transportation</p> <p>Transportation</p>
<p>N/A = Not Applicable</p>			<p>Transportation Element will be updated accordingly.</p>	<p>Transportation</p>

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>proportionate to the demand.</p> <p>(13)(e)1.: Enumerated mitigation options for achieving proportionate-share mitigation.</p> <p>(13)(e)2.: If educational facilities funded in one of the two following ways, the local government must credit this amount toward any impact fee or exaction imposed on the community:</p> <ul style="list-style-type: none"> • contribution of land • construction, expansion, or payment for land acquisition <p>(13)(g)2.: (Section deleted) – It is no longer required that a local government and school board base their plans on consistent population projection and share information regarding planned public school facilities, development and redevelopment and infrastructure needs of public school facilities. However, see (13)(g)6. a. for similar requirement.</p> <p>(13)(g)6. a.: [Formerly (13)(g)7. a.] Local governments must establish a uniform procedure for determining if development applications are in compliance with school concurrency.</p> <p>(13)(g)7. [Formerly (13)(g)8.] Deleted language that allowed local government to terminate or suspend an interlocal agreement with the school board.</p> <p>(13)(h): (New 2005 provision) The fact that school concurrency has not yet been implemented by a local government should not be the basis for either an approval or denial of a development permit.</p> <p>(15): Prior to adopting Multimodal Transportation Districts, FDOT must be consulted to assess the impact on level of service standards. If impacts are found, the local government and the FDOT must work together to mitigate those impacts. Multimodal districts established prior to July 1, 2005 must meet this requirement by July 1, 2006 or at the time of the EAR-base amendment, whichever occurs last.</p> <p>(16): (New 2005 section) Required local governments to adopt by December 1, 2006 a method for assessing proportionate fair-share mitigation options. FDOT will develop a model ordinance</p>	<p>[New]</p> <p>[New]</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>School concurrency is now not mandated.</p> <p>Procedural. No action needed.</p> <p>Proportionate Share Ordinance to be adopted per 2008 EAR. (see if this was implemented)</p>	<p></p>

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>Changes to Chapter 163, F.S. by December 1, 2005.</p> <p>7 (17): (New 2005 section) If local government has adopted a community vision and urban service boundary, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.</p> <p>(18): (New 2005 section) If a municipality has adopted an urban infill and redevelopment area, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.</p>	163.3184 [New]	X	Edgewood does not seek to use this provision.	
<p>8 (1)(c)1.f.: Allowed approval of residential land use as a small-scale development amendment when the proposed density is equal to or less than the existing future land use category. Under certain circumstances, affordable housing units are exempt from this limitation.</p> <p>(1)(c)4.: (New 2005 provision) If the small-scale development amendment involves a rural area of critical economic concern, a 20-acre limit applies.</p> <p>(1)(o): (New 2005 provision) An amendment to a rural area of critical economic concern may be approved without regard to the statutory limit on comprehensive plan amendments.</p>	163.3187 [New]		Procedural. No action needed.	
<p>9 (2)(k): Required local governments that do not have either a school interlocal agreement or a public school facilities element, to determine in the Evaluation and Appraisal Report whether the local government continues to meet the exemption criteria in s.163.3177(12).</p> <p>(2)(l): The Evaluation and Appraisal Report must determine whether the local government has been successful in identifying alternative water supply projects, including conservation and reuse, needed to meet projected demand. Also, the Report must identify the degree to which the local government has implemented its 10-year water supply workplan.</p> <p>(2)(o): w 2005 provision) The Evaluation and Appraisal</p>	163.3191 [New]	X	School concurrency is now not mandated. The Public Facilities Element will be updated accordingly.	Public Facilities

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>Changes to Chapter 163, F.S.</p> <p>Report must evaluate whether any Multimodal Transportation District has achieved the purpose for which it was created.</p> <p>(2)(p): (New 2005 provision) The Evaluation and Appraisal Report must assess methodology for impacts on transportation facilities.</p> <p>(10): The Evaluation and Appraisal Report -based amendment must be adopted within a single amendment cycle. Failure to adopt within this cycle results in penalties. Once updated, the comprehensive plan must be submitted to the DCA.</p>	[New]		Existing methodology addressed in 2008 EAR. Procedural. No action needed.	
<p>10</p> <p>(10) New section designating Freeport as a certified community. (11) New section exempting proposed DRIs within Freeport from review under s.380.06, F.S., unless review is requested by the local government.</p>	163.3246 [New]	X	Applies to Freeport only	
2006 [Ch. 2006-68, Ch. 2006-69, Ch. 2006-220, Ch. 2006-252, Ch. 2006-255, Ch. 2006-268, Laws of Florida]				
1	163.3162(5) [New]	X	Edgewood does not have agricultural enclaves.	
2	163.3164(33) [New]		Procedural. No action needed.	
3	163.3177(6)(g) 2. [New]	X	Edgewood is not Coastal.	
4	163.3177(11)(d) 6.	X	Edgewood has no rural stewardship area.	
5	163.3177(1), (2) and (4) s.420.0004(8), F.S. Ch. 2006-69, LOF.		Procedural. No action needed.	
6	163.3178(2)(d)		Procedural. No action needed.	
7	163.3178(2)(h)	X	Edgewood is not Coastal.	
8	163.3178(9)(a) [New]	X	Edgewood is not Coastal.	

N/A = Not Applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>concentrations away from the CHHA and maintains or reduces hurricane evacuation times by maintaining an adopted LOS Standard for out-of-county hurricane evacuation for a category 5 storm, by maintaining a 12-hour hurricane evacuation time or by providing mitigation that satisfies these two requirements. Ch. 2006-68, LOF.</p>				
<p>Adds a new section establishing a level of service for out-of-county hurricane evacuation of no greater than 16 hours for a category 5 storm for any local government that wishes to follow the process in s.163.3178(9)(a) but has not established such a level of service by July 1, 2008. Ch. 2006-68, LOF.</p>	163.3178(9)(b) [New]	X	Edgewood is not Coastal.	
<p>Requires local governments to amend their Future Land Use Map and coastal management element to include the new definition of the CHHA, and to depict the CHHA on the FLUM by July 1, 2008. Ch. 2006-68, LOF.</p>	163.3178(2)(c)	X	Edgewood is not Coastal.	
<p>Allows the sanitary sewer concurrency requirement to be met by onsite sewage treatment and disposal systems approved by the Department of Health. Ch. 2006-252, LOF.</p>	163.3180(2)(a)		Procedural. No action needed.	
<p>Changes s.380.0651(3)(f) to s.380.0651(3)(h) as the citation for the standards a multiuse DRI must meet or exceed. Ch. 2006-220, LOF.</p>	163.3180(12)(a)		Procedural. No action needed.	
<p>Deletes use of extended use agreement as part of the definition of small scale amendment. Ch. 2006-69, LOF.</p>	163.3187(1)(c) 1.f.		Procedural. No action needed.	
<p>Creates a new section related to electric distribution substations; establishes criteria addressing land use compatibility of substations; requires local governments to permit substations in all FLUM categories (except preservation, conservation or historic preservation); establishes compatibility standards to be used if a local government has not established such standards; establishes procedures for the review of applications for the location of a new substation; allows local governments to enact reasonable setback and landscape buffer standards for substations. Ch. 2006-268, LOF.</p>	163.3208 [New]	X	Addressed in existing Policy 1.4.3	
<p>Creates a new section preventing a local government from requiring for a permit or other approval vegetation maintenance and tree pruning or trimming within an established electric transmission and distribution line right-of-way. Ch. 2006-268, LOF.</p>	163.3209 [New]		A new policy should be added to the Future Land Use Element as follows to ensure compatibility between the utility/service and adjacent land use. Policy 1.4.X Specific	Future Land Use

N/A = Not applicable

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
			standards for approval of public utilities/services shall be identified in the Land Development Code using Chapter 163.3208, Florida Statutes for guidance. These standards shall include, but not be limited to, adjacent land use compatibility (at a minimum setbacks; landscaping, including maintenance and trimming within established electric transmission and distribution line right-of-way consistent with Statute 163.3209; and walls/screening), other aesthetic compatibility-based standards, and alternative site analysis.	
16	New		Procedural. No action needed.	
17	New		Procedural. No action needed.	
2007 [Ch. 2007-196, Ch. 2007-198, Ch. 2007-204, Laws of Florida]				

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>1</p> <p>(26) Expands the definition of "urban redevelopment" to include a community redevelopment area. Ch. 2007-204, LOF.</p> <p>(32) Revises the definition of "financial feasibility" by clarifying that the plan is financially feasible for transportation and schools if level of service standards are achieved and maintained by the end of the planning period even if in a particular year such standards are not achieved. In addition, the provision that level of service standards need not be maintained if the proportionate fair share process in s.163.3180(12) and (16), F.S., is used is deleted. Ch. 2007-204, LOF.</p>	163.3164	X	Procedural. No action needed.	
<p>(2) Clarifies that financial feasibility is determined using a five-year period (except in the case of long-term transportation or school concurrency management, in which case a 10 or 15-year period applies). Ch. 2007-204, LOF.</p> <p>(3)(a)6. Revises the citation to the MPO's TIP and long-range transportation plan. Ch. 2007-196, LOF.</p>	163.3177	X	Financial feasibility no longer required	
<p>(3)(b)1. Requires an annual update to the Five-Year Schedule of Capital Improvements to be submitted by December 1, 2008 and yearly thereafter. If this date is missed, no amendments are allowed until the update is adopted. Ch. 2007-204, LOF.</p> <p>(3)(c) Deletes the requirement that the Department must notify the Administration Commission if an annual update to the capital improvements element is found not in compliance (retained is the requirement that notification must take place is the annual update is not adopted). Ch. 2007-204, LOF.</p>	[New]		Procedural. No action needed. Edgewood will amend the CIE to include the current practice of CIP/budget as well as a requirement to include such annually in the plan per the 2008 EAR.	Capital Improvements
<p>(3)(e) Provides that a comprehensive plan as revised by an amendment to the future land use map is financially feasible if it is supported by (1) a condition in a development order for a development of regional impact or binding agreement that addresses proportionate share mitigation consistent with s.163.3180(12), F.S., or (2) a binding agreement addressing proportionate fair-share mitigation consistent with s.163.3180(16)(f), F.S., and the property is located in an urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment or urban service area. Ch. 2007-204, LOF.</p>			Procedural. No action needed. Proportionate share ordinance to be adopted (See if this was done.) Only 64 acres of vacant land designated residential remains in Edgewood.	

N/A = Not / oled

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>(6)(f)1.d. Revises the housing element requirements to ensure adequate sites for affordable workforce housing within certain counties. Ch. 2007-198, LOF.</p> <p>(6)h. and i. Requires certain counties to adopt a plan for ensuring affordable workforce housing by July 1, 2008 and provides a penalty if this date is missed. Ch. 2007-198, LOF.</p>	<p>[New]</p>		<p>Density bonuses for provision of affordable housing are already available in the Plan (Policy 3.4.4), but the private sector has not taken advantage of such incentive. Additional incentives will be considered in the Plan update.</p> <p>Very low income families are considered in Policy 3.3.2. Existing housing in Edgewood contributes to the regional effort of providing affordable housing. The rent for nearly all rental housing in Edgewood is below the accepted ratio of affordability.</p>	

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>(4)(b) Expands transportation concurrency exceptions to include airport facilities. Ch. 2007-204, LOF.</p> <p>(5)(b)5 Adds specifically designated urban service areas to the list of transportation concurrency exception areas. Ch. 2007-204, LOF.</p> <p>(5)(f) Requires consultation with the state land planning agency regarding mitigation of impacts on Strategic Intermodal System facilities prior to establishing a concurrency exception area. Ch. 2007-204, LOF.</p>	163.3180	X	Edgewood has no airports. Transportation Element will be updated accordingly. Transportation Element will be updated accordingly.	Transportation Transportation
<p>(12) and (12)(a) Deletes the requirement that the comprehensive plan must authorize a development of regional impact to satisfy concurrency under certain conditions. Also, deletes the requirement that the development of regional impact must include a residential component to satisfy concurrency under the conditions listed. Ch. 2007-204, LOF.</p>	[New]		Procedural. No action needed.	
<p>(12)(d) Clarifies that any proportionate-share mitigation by development of regional impact, Florida Quality Development and specific area plan implementing an optional sector plan is not responsible for reducing or eliminating backlogs. Ch. 2007-204, LOF.</p> <p>(13)(e)4. A development precluded from commencing because of school concurrency may nevertheless commence if certain conditions are met. Ch. 2007-204, LOF.</p>	[New]		Proportionate share ordinance to be adopted. See if this was done. Procedural. No action needed.	
<p>(16)(c) and (f) Allows proportionate fair-share mitigation to be directed to one or more specific transportation improvement. Clarifies that such mitigation is not to be used to address backlogs. Ch. 2007-204, LOF.</p> <p>(17) Allows an exempt from concurrency for certain workforce housing developed consistent with s.380.061(9) and s.380.0651(3). Ch. 2007-198, LOF.</p>	[New]		Proportionate share ordinance to be adopted. See if this was done. Procedural. No action needed.	
<p>Allows a local government to establish a transportation concurrency backlog authority to address deficiencies where existing traffic volume exceeds the adopted level of service standards. Defines the powers of the authority to include tax</p>	163.3182 [New]		Transportation Element will be updated accordingly.	Transportation

N/A = Not applicable

3

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
Changes to Chapter 163, F.S. increment financing and requires the preparation of transportation concurrency backlog plans. Ch. 2007-196, LOF and Ch. 2007-204, LOF.				
5 Allows plan amendments that address certain housing requirements to be expedited under certain circumstances. Ch. 2007-198, LOF.	163.3184(19) [New]		Procedural. No action needed.	

Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
Exempts from the twice per year limitation on the frequency of adoption of plan amendments any amendment that is consistent with the local housing incentive strategy consistent with s.420.9076. Ch. 2007-198, LOF.	163.3187(1)(p) [New]		Procedural. No action needed.	
Add an amendment to integrate a port master plan into the coastal management element as an exemption to the prohibition in ss.163.3191(10). Ch. 2007-196, LOF and Ch. 2007-204, LOF.	163.3191(14) [New]	X	Edgewood is not Coastal	
Extends the duration of a development agreement from 10 to 20 years. Ch. 2007-204, LOF.	163.3229		Procedural. No action needed.	
Establishes an alternative state review process pilot program in Jacksonville/Duval, Miami, Tampa, Hialeah, Pinellas and Broward to encourage urban infill and redevelopment. Ch. 2007-204, LOF.	163.32465 [New]	X	Edgewood is not in any of these jurisdictions.	
If a property owner contributes right-of-way and expands a state transportation facility, such contribution may be applied as a credit against any future transportation concurrency requirement . Ch. 2007-196, LOF.	339.282 [New]		Transportation Element will be updated accordingly.	Transportation
Establishes an expedited plan amendment adoption process for amendments that implement the Community Workforce Housing Innovation Pilot Program and exempts such amendments from the twice per year limitation on the frequency of adoption of plan amendments. Ch. 2007-198, LOF.	420.5095(9)		Procedural. No action needed.	
2008 [Ch. 2008-191 and Ch. 2008-227, Laws of Florida]				
The future land use plan must discourage urban sprawl. Ch. 2008-191, LOF.	163.3177(6)(a)		Update the Future Land Use Element as applicable to comply with this provision. See if this was repealed.	Future Land Use
The future land use plan must be based upon energy-efficient land use patterns accounting for existing and future energy electric power generation and transmission systems. Ch. 2008-191, LOF.	163.3177(6)(a)		Repealed	
The future land use plan must be based upon greenhouse gas reduction strategies. Ch. 2008-191, LOF.	163.3177(6)(a)	X	Repealed	
The traffic circulation element must include transportation strategies to address reduction in greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(b)	X	Repealed	
The conservation element must include factors that affect energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)		Review Element to determine policies.	Conservation
The future land use map series must depict energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)	X	Repealed	
The housing element must include standards, plans and principles	163.3177(6)(f)1	X	Repealed	

	Changes to Chapter 163, F.S.	Chapter 163, F.S. Citations h. and i.	N/A*	Addressed (where/how)	Amendment Needed By Element
	to be followed in energy efficiency in the design and construction of new housing and in the use of renewable energy resources. Ch. 2008-191, LOF.				
8	Local governments within an MPO area must revise their transportation element to include strategies to reduce greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(j)		See if this was repealed.	
9	Various changes were made in the State Comprehensive Plan (Chapter 187, F.S.) that address low-carbon-emitting electric power plants. See Section 5 of Chapter 2008-227, LOF.	State Comprehensive Plan	x	Edgewood does not have an electric power plant.	
2009 [Chapters 2009-85 and 2009-96, Laws of Florida]					
1	Changes "Existing Urban service area" to "Urban service area" and revises the definition of such an area. Section 2, Chapter 2009-96, LOF.	163.3164(29)			
2	Adds definition of "Dense urban land area." Section 2, Chapter 2009-96, LOF.	163.3164(34)			
3	Postpones from December 1, 2008 to December 1, 2011, the need for the annual update to the capital improvements element to be financially feasible. Section 3, Chapter 2009-96, LOF.	163.3177(3)(b) 1.	x	2011 Statutory changes repealed financial feasibility requirements.	
4	Requires the future land use element to include by June 30, 2012, criteria that will be used to achieve compatibility of lands near public use airports. For military installations, the date is changed from June 30, 2006, to June 30, 2012. Section 3, Chapter 2009-85, LOF.	163.3177(6)(a)	x	No public airports are within Edgewood nor near proximity.	
5	Requires the intergovernmental coordination element to recognize airport master plans. Section 3, Chapter 2009-85, LOF.	163.3177(6)(h) 1.b.			Intergovernmental Coordination
6	Requires the intergovernmental coordination element to include a mandatory (rather than voluntary) dispute resolution process and requires use of the process prescribed in section 186.509, F.S., for this purpose. Section 3, Chapter 2009-96, LOF.	163.3177(6)(h) 1.c.		Update Intergovernmental Coordination Element as applicable	Intergovernmental Coordination
7	Requires the intergovernmental coordination element to provide for interlocal agreements pursuant to s.333.03(1)(b), F.S., between adjacent local governments regarding airport zoning regulations. Section 3, Chapter 2009-85, LOF.	163.3177(6)(h) 1.d.			
8	Defines "rural agricultural industrial center" and provides for their expansion though the plan amendment process. Section 1, Chapter 2009-154, LOF	163.3177(15)(a) [New]	x	There are no rural agricultural areas in Edgewood that would qualify for this provision.	
9	Allows a municipality that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation concurrency exception areas. Section 4,	163.3180(5)(b) 2.			

N/A = Not Applicable

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	Chapter 2009-96, LOF.				
10	Allows a county that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation concurrency exception areas . Section 4, Chapter 2009-96, LOF.	163.3180(5)(b) 3.	x	Applicable to counties only	
11	Requires local governments with state identified transportation concurrency exception areas to adopt land use and transportation strategies to support and fund mobility within such areas. Section 4, Chapter 2009-96, LOF.	163.3180(5)(b) 4.		Check to see if this is applicable to Edgewood and update Transportation Element accordingly	Transportation
12	Except in transportation concurrency exception areas , local governments must adopt the level-of-service established by the Department of Transportation for roadway facilities on the Strategic Intermodal System . Section 4, Chapter 2009-96, LOF.	163.3180(10)		Check to see if this is adhered to and update Transportation Element accordingly	Transportation
13	Defines a backlogged transportation facility to be one on which the adopted level-of-service is exceeded by existing trips, plus additional projected background trips. Section 5, Chapter 2009-85, LOF.	163.3180(12)(b) & (16)(i)		Check to see if this is adhered to and update Transportation Element accordingly	Transportation

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
2010 [Chapters 2010-5, 2010-33, 2010-70, 2010-102, 2010-182, 2010-205 and 2010-209, Laws of Florida]					
1	Deletes section 163.3177(1)(g), F.S. (obsolete language that addressed an accessory dwelling unit report); no sustentative comprehensive planning requirement impact. Section 16, Chapter 2010-5, LOF.			Procedural. No action needed.	
2	Chapter 2010-102, Laws of Florida, makes several minor changes which do not effect sustentative comprehensive planning requirements: <ol style="list-style-type: none"> 1. Section 163.2526, F.S.: repealed 2. Section 163.3167(2), F.S.: obsolete language deleted 3. Section 163.3177(6)(h), F.S.: minor wording changes 4. Section 163.3177(10)(k), F.S.: minor wording changes 5. Section 163.3178(6), F.S.: obsolete language deleted 6. Section 163.2511(1), F.S.: minor wording changes 7. Section 163.2514, F.S.: minor wording changes 8. Section 163.3202, F.S.: minor wording changes 			Procedural. No action needed.	
3	Chapter 2010-205, Laws of Florida, makes several minor wording changes Chapter 163, Part II, F.S., which do not affect sustentative comprehensive planning requirements: <ol style="list-style-type: none"> 1. Section 163.3167(13), F.S. 2. Section 163.3177(4)(a), F.S. 3. Section 163.3177(6)(c), (d) and (h), F.S. 4. Section 163.3191(2)(i), F.S. 			Procedural. No action needed.	
4	Chapter 2010-209, Laws of Florida, make a minor wording change in Section 163.2523, F.S., which does not affect sustentative comprehensive planning requirements.			Procedural. No action needed.	
5	Deleted the phrase "SMART Schools Clearinghouse". Section 11, Chapter 2010-70, LOF.	163.31777(1)(a) and (3)(a)		Procedural. No action needed.	
6	Revises section 163.3175, F.S., to list the 14 military installations and 43 local governments affected by special coordination and communication requirements. Section 1, Chapter 2010-182, LOF.	163.3175(2)			
7	Revises section 163.377(6)(a), F.S., to specify that the 43 local governments listed in section 163.3175(2), F.S., must consider the factors listed in section 163.3175(5), F.S., when considering the	163.3177(6)(a)	x	Edgewood does not have military installations within its jurisdiction nor in proximity	

N/A = Not Applicable

<p>Changes to Chapter 163, F.S. compatibility of land uses proximate to military installations. Section 2, Chapter 2010-182, LOF.</p>	<p>Chapter 163, F.S. Citations</p>	<p>N/A*</p>	<p>Addressed (where/how) to it.</p>	<p>Amendment Needed By Element</p>
<p>Revised section 163.3180(4)(b), F.S., to define hangars for the assembly, manufacture, maintenance or storage of aircraft as public transit facilities. Section 1, Chapter 2010-33, LOF.</p>	<p>163.3180(4)(b)</p>		<p>Procedural. No action needed.</p>	

2011 [Chapter 2011-139, Laws of Florida]

<p>1 Deletes the exemption for plan amendments to designate an urban infill and redevelopment area from the twice per year amendment limitation of s. 163.3187.</p>	<p>163.2517(4)</p>		<p>Procedural. No action needed.</p>	
<p>2 Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."</p>	<p>163.3161(1)</p>		<p>Procedural. No action needed.</p>	
<p>3 Expresses the purpose of the act, changing "control" future development to "manage" future development "consistent with the proper role of local government."</p>	<p>163.3161(2)</p>		<p>Procedural. No action needed.</p>	
<p>4 States the intent of the act is to focus the state role in managing growth to protect the functions of important state resources and facilities.</p>	<p>163.3161(3) [New]</p>		<p>Procedural. No action needed.</p>	
<p>5 Modifies the intent of the legislature with respect to how comprehensive plans and amendments affect property rights.</p>	<p>163.3161(10)</p>		<p>Procedural. No action needed.</p>	
<p>6 States the intent is to recognize and protect agriculture, tourism and military presence as being the state's traditional economic base.</p>	<p>163.3161(11) [New]</p>		<p>Procedural. No action needed.</p>	
<p>7 States the intent is to not require local government plans that have been found to be in compliance to adopt amendments implementing the new statutory requirements until the evaluation and appraisal period provided in s. 163.3191.</p>	<p>163.3161(12) [New]</p>		<p>Procedural. No action needed.</p>	
<p>8 Modifies the provisions for agricultural lands and practices to state that a plan amendment for an agricultural enclave is presumed not to be urban sprawl as defined in 163.3164.</p>	<p>163.3162(4)</p>		<p>Procedural. No action needed.</p>	
<p>9 Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act" and sets forth new and modified definitions, many of which were included in repealed Rule 9J-5.003, F.A.C.</p>	<p>163.3164</p>		<p>Procedural. No action needed.</p>	
<p>10 Establishes definition for "adaptation action area."</p>	<p>163.3164(1) [New]</p>		<p>Procedural. No action needed.</p>	
<p>11 Establishes definition for "affordable housing" [same meaning as in s.420.0004(3)].</p>	<p>163.3164(3) [previously in Rule 9J-5.001]</p>		<p>Need to ensure that the housing element is consistent with the definition</p>	<p>Housing</p>

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
12	Establishes definition for "antiquated subdivision."	163.3164(5) [New]		Procedural. No action needed.	
13	Establishes definition for "capital improvement."	163.3164(7) [previously in Rule 9J-5]		Need to ensure that the capital improvements element is consistent with the definition	Capital Improvement
14	Establishes definition for "compatibility."	163.3164(9) [previously in Rule 9J-5]		Procedural. No action needed.	
15	Establishes definition for "deepwater ports."	163.3164(11) [previously in Rule 9J-5]		Procedural. No action needed.	
16	Establishes definition for "density."	163.3164(12) [previously in Rule 9J-5]		Procedural. No action needed.	
17	Establishes definition for "floodprone areas."	163.3164(18) [previously in Rule 9J-5]		Procedural. No action needed.	
18	Establishes definition for "goal."	163.3164(19) [previously in Rule 9J-5]		Procedural. No action needed.	
19	Establishes definition for "intensity."	163.3164(22) [previously in Rule 9J-5]		Procedural. No action needed.	
20	Establishes definition for "internal trip capture."	163.3164(23) [New]		Need to ensure that the transportation element is consistent with the definition	Transportation
21	Establishes definition for "level of service."	163.3164(28) [previously in Rule 9J-5]		Procedural. No action needed.	
22	Deletes definition for "financial feasibility."	163.3164(32) [Deleted]		Plan does not have to prove it meets this definition- references may be removed	Check all Plan Elements
23	Establishes definition for "new town."	163.3164(32) [previously in Rule 9J-5]		Procedural. No action needed.	
24	Establishes definition for "objective."	163.3164(33) [previously in Rule 9J-5]		Procedural. No action needed.	
25	Deletes definition for "dense urban land areas."	163.3164(34)	x	Deleted	

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
Changes to Chapter 163, F.S.	[Deleted]			
26	Establishes definition for "policy."	163.3164(36) [previously in Rule 9J-5]	Procedural. No action needed.	
27	Deletes health systems and spoil disposal sites for maintenance dredging located in intracoastal waterways (except sites owned by ports) from the definition of "public facilities."	x	No ports in Edgewood	
28	Changes definition of "regional planning agency" to "the council created pursuant to chapter 186."	163.3164(38)	Procedural. No action needed.	
29	Establishes definition for "seasonal population."	163.3164(40)	Procedural. No action needed.	
30	Establishes definition for "optional sector plan" to "sector plan" and clarifies the purpose of a sector plan. The term includes an optional sector plan that was adopted before the effective date of the act.	163.3164(41) [previously in Rule 9J-5]	Procedural. No action needed.	
31	Establishes definition for "suitability."	163.3164(42)	Procedural. No action needed.	
32	Establishes definition for "transit-oriented development."	163.3164(45) [previously in Rule 9J-5]	Procedural. No action needed.	
33	Establishes definition for "transit-oriented development."	163.3164(46) [New]	Review Future Land Use Element and Transportation Element for application	Future Land Use, Transportation
34	Clarifies the definition of "urban service area" to delete the term "built-up" and to include any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation.	163.3164(50)	Procedural. No action needed.	
35	Establishes new definition for "urban sprawl."	163.3164(51) [replaces definition previously in 9J-5]	Review Future Land Use Element for application	Future Land Use
36	Modifies requirements for maintaining comprehensive plan, deleting the reference to s. 1633184 and the requirement that proposed plan amendments be submitted to the state land planning agency.	163.3167(2)	Procedural. No action needed.	
37	Deletes provisions for regional planning agency adoption of plan amendments for elements and amendments not prepared by a local government.	163.3167(3) and (6) [Deleted]	Deleted	
38	Deletes provisions for local government challenge of costs associated with preparing a comprehensive plan and related state land planning agency action.	163.3167(7) [Deleted]	Deleted	

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
38	Deletes provisions for encouraging each local government to articulate a vision of its future physical appearance and qualities of its community.	163.3167(11) [Deleted]	X	Deleted	
39	Establishes provisions for "planning innovations and technical assistance" and clarifies the roles of the state land planning agency and all other appropriate state and regional agencies in the process. Requires, upon request by the local government, the state land planning agency to coordinate multi-agency assistance on plan amendments that may adversely impact important state resources or facilities. Requires the state land planning agency to provide on its website guidance on the submittal and adoption of comprehensive plans, amendments and land development regulations, prohibiting such guidance from being adopted by rule and exempting such guidance from s. 120.54(1)(a).	163.3168(1) – (4) [New]		Procedural. No action needed.	
40	Modifies areas of authority under this act with respect to joint agreements and intergovernmental coordination between cities and counties and planning in advance of jurisdictional changes.	163.3171(4)		Procedural. No action needed.	
41	Modifies military base compatibility provisions to not require that commanding officer comments, underlying studies and reports be binding on the local government. Requires the affected local government to be sensitive to private property rights and not be unduly restrictive on those rights in considering the comments provided by the commanding officer or designee.	163.3175(5)(d) and (6)		Procedural. No action needed.	
42	Modified to require that any local government comprehensive plan that has been amended to address military compatibility requirements after 2004 and was found in compliance be deemed in compliance until the local government conducts its evaluation and appraisal review pursuant to s. 163.3191 and determines that amendments are necessary.	163.3175(9)	X	Edgewood is not subject to this provision as there are no military establishments within or surrounding the City.	
43	Modified to include significant portions of repealed Rule 9J-5.001 and 9J-5.005, F.A.C., with respect to the principles, guidelines, standards and strategies to be set forth in required and optional elements of the comprehensive plan and requirements for basing these elements on relevant, appropriate and professionally accepted data.	163.3177(1)		Review all Elements of Plan for compliance with this provision	All Elements
44	Deletes financial feasibility requirements.	163.3177(2)	X	Deleted	
45	Modifies provisions for preparing the capital improvements element to require the schedule to cover a 5-year period and identify whether projects are either funded or unfunded and given a level of priority for funding. Deletes requirements for financial feasibility.	163.3177(3)(a) 4		Capital Improvements Element needs to comply with this provision	Capital Improvements

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
Changes to Chapter 163, F.S. Modifies requirements for local government annual review of capital improvements element to no longer require transmittal of the adopted amendment to the state land planning agency and deletes provisions related to sanctions by the Administration Commission, adoption of long-term concurrency management systems and financial feasibility.	163.3177(3)(b)		Procedural. No action needed.	
47 Modifies planning period requirements, allowing additional planning periods for specific components, elements, land use amendments, or projects as part of the planning process.	163.3177(5)(a)		Procedural. No action needed.	
48 Modifies requirements for the future land use element to include guidance from repealed Rule 9J-5.006, F.A.C., relative to general range of density or intensity of uses for gross land area and establishing a long term end toward which land use programs and activities are ultimately directed.	163.3177(6)(a)		Future Land Use Element needs to comply with this provision	Future Land Use
49 Modifies the standards on which future land use plan and plan amendments are based to include: permanent and seasonal population, compatibility, the need to modify land uses and development patterns within antiquated subdivisions, preservation of waterfronts, location of schools proximate to urban residential areas, and other considerations taken from repealed Rule 9J-5.006, F.A.C.	163.3177(6)(a) 2 and 3		Future Land Use Element needs to comply with this provision	Future Land Use
50 Modifies requirements for the future land use element "to accommodate at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for at least a 10-year planning period unless otherwise limited."	163.3177(6)(a) 4		Future Land Use Element needs to comply with this provision	Future Land Use
51 Establishes requirements for analyzing future land use map amendments using portions of repealed Rule 9J-5.006, F.A.C.	163.3177(6)(a) 8 [New]		Procedural. No action needed.	
52 Establishes requirements for the future land use element and map series, including with slight revisions the primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl that were in repealed Rule 9J-5.006, F.A.C.	163.3177(6)(a) 9 and 10 [New]		Future Land Use Element needs to comply with this provision	Future Land Use
53 Modifies requirements for the transportation element to include significant portions of repealed Rule 9J-5.019, F.A.C., addressing circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities and airport master plans.	163.3177(6)(b)		Transportation Element needs to comply with this provision	Transportation
54 Modifies requirements for the general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element to include guidance from portions of repealed Rule 9J-5.011, F.A.C., and deletes requirements for including a topographic map of existing any areas adopted by a water management district	163.3177(6)(c)		Public Facilities Element needs to comply with this provision	Public Facilities

N/A = Not Available

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	as prime groundwater recharge areas and addressing areas served by septic tanks.				
55	Modifies potable water supply planning requirements to remove the provision that states that "amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan."	163.3177(6)(c) 3		Procedural. No action needed.	
56	Modifies requirements for the conservation element to include portions of repealed Rule 9J-5.013, F.A.C., to list the natural resources to be identified, analyzed and protected and toward which conservation principles, guidelines and standards are to be directed.	163.3177(6)(d) 1 and 2 [New]		Conservation Element needs to comply with this provision	Conservation
57	Modifies requirements for analyzing current and projected water sources for a 10-year period to include consideration of demands for industrial, agricultural and potable water use and the quality and quantity of water available to meet these demands and the existing levels of conservation, use and protection and policies of the regional water management district.	163.3177(6)(d) 3		Public Facilities Element needs to comply with this provision	Public Facilities
58	Clarifies requirements for the housing element to include guidelines, standards and strategies based on an inventory taken from the latest decennial United States Census or more recent estimates and various other considerations listed in repealed Rule 9J-5.010, F.A.C.	163.3177(6)(f)1 and 2		The housing Element will be updated to reflect this requirement	Housing
59	Deletes requirement for an affordable housing needs assessment conducted by the state land planning agency.	163.3177(6)(f)2 [Deleted]	x	Deleted	Check for previous references that they be deleted so that there is consistency
60	Based on repealed Rule 9J-5.010, F.A.C., sets forth new requirements for the creation and preservation of affordable housing, elimination of substandard housing conditions, providing for adequate sites and distribution for a range of incomes and types and including programs for partnering, streamlined permitting, quality of housing, neighborhood stabilization and improving historically significant housing.	163.3177(6)(f)3 [New]		The housing Element will be updated to reflect this requirement	Housing
61	Modifies the objectives of the coastal management element and includes a new requirement for preserving historic and archaeological resources.	163.3177(6)(g)	x	Edgewood is not Coastal	
62	Deletes provisions for local government adoption of recreational surface water use policies.	163.3177(6)(g) 2 [Deleted]	x	Deleted	
63	Sets forth an option for the local government to develop an adaptation action area designation for low-lying coastal zones experiencing coastal flooding due to extreme high tides and storm	163.3177(6)(g) 10 [New]	x	Edgewood is not Coastal	

N/A = Not Applicable

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	surge and are vulnerable to the impacts of rising sea level.				
64	Deletes requirement for intergovernmental coordination element to provide for recognition of campus master plans and airport master plans.	163.3177(6)(h) 1.b [Deleted]	x	Deleted	
65	Modifies requirements for the intergovernmental coordination element to include portions of repealed Rule 9J-5.015, F.A.C., including coordinating and addressing impacts on adjacent municipalities and coordinating the establishment of level of service standards.	163.3177(6)(h) 3.a and b [New]		Intergovernmental Coordination Element needs to comply with this provision	Intergovernmental Coordination
66	Deletes requirements in intergovernmental coordination element for fostering coordination between special districts and local general purpose governments, submittal of public facilities report, execution of interlocal agreement with district school board, the county and nonexempt municipalities, and submittal of reports to the Florida Department of Community Affairs by counties with populations greater than 100,000.	163.3177(6)(h) 3 and 4 [Deleted]	x	Deleted	
67	Deletes provisions for optional elements of the comprehensive plan, transportation and traffic circulation, airport compatibility and other requirements related to transportation corridors and reduction of greenhouse gas emissions specific to local governments within an urbanized area.	163.3177(6)(i), (j), (k) [Deleted]	x	Deleted	Check for previous references that they be deleted so that there is consistency
68	Deletes provisions for airport master plans.	163.3177(6)(k) [Deleted]	x	Deleted	
69	Deletes provisions for additional plan elements, or portions or phases thereof, including an economic development element.	163.3177(7)(a)- (i) [Deleted]	x	Deleted	
70	See prior table entries for description of deleted provisions.	163.3177(8)- (14) [Deleted] 163.3177(15)(a)) Now: 163.3177(7)(a)	x	Deleted	
71	See Chapter 2011-139, Laws of Florida.			Procedural. No action needed.	
72	Modifies provisions for processing plan amendments for land located within a rural agricultural industrial center to presume that these amendments are not urban sprawl as defined in s. 163.3164 and shall be considered within 90 days after any review required by the state land planning agency if required by s. 163.3184.	163.3177(7)(c) 2		Procedural. No action needed.	
73	Deletes requirements for public schools interlocal agreements with respect to submittal of the agreements to the state land planning agency based on an established schedule and other requirements involving the state land planning agency related to waivers and	163.3177(1)(b))-(d) and (2)		Procedural. No action needed.	

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	exemptions.				
74	Deletes requirements related to the submittal of comments from the Office of Educational Facilities on the interlocal agreement, challenges to the state land planning agency notice of intent and other review process requirements.	163.31777(3)(a)-(c) and (4)-(7) [Deleted]		Procedural. No action needed.	
75	Deletes parks and recreation, schools and transportation from the list of public facilities and services subject to the concurrency requirement on a statewide basis.	163.3180(1)		Deleted	Check for previous references that they be deleted so that there is consistency
76	Modifies concurrency requirements to include portions of repealed Rule 9J-5.0055, F.A.C., which relate to achieving and maintaining adopted levels of service for a 5-year period, and providing for rescission of any optional concurrency provisions by plan amendment, which is not subject to state review.	163.3180 (1)(a) and (b) [New]		Check Capital Improvements and Concurrency Management for compliance with this new provision	Capital Improvements and Concurrency Management
77	Deletes requirement that professionally accepted techniques be used for measuring levels of service for automobiles, bicycles, pedestrians, transit and trucks.	163.3180(1)(b) [Deleted]		Deleted	Check for previous references that they be deleted so that there is consistency
78	Deletes requirement that parks and recreation facilities to serve new development are in place or under actual construction no later than one year after issuance of a certificate of occupancy or its functional equivalent.	163.3180(2)(b) and (c) [Deleted]		Deleted	Check for previous references that they be deleted so that there is consistency
79	Deletes provisions addressing governmental entities and establishment of binding level of service standards with respect to limiting the authority of any agency to recommend or make objections, recommendations, comments or determinations during reviews conducted under s. 163.3184	163.3180(3)		Deleted	Check for previous references that they be deleted so that there is consistency
80	Deletes concurrency provisions specifically related to public transit facilities and urban infill and redevelopment areas.	163.3180(4)(b) and (c) [Deleted]		Deleted	Check for previous references that they be deleted so that there is consistency
81	Establishes concurrency provisions for transportation facilities, which include portions of repealed Rule 9J-5.0055, F.A.C. Sets forth requirements with respect to adopted level of service standards, including use of professionally accepted studies to evaluate levels of service, achieving and maintaining adopted levels of service standards, and including the projects needed to accomplish this in 5-year schedule of capital improvements. Requires coordination with adjacent local governments and setting forth the method to be used in calculating proportionate-share	163.3180(5)(a)-(h) [New]		Check Transportation Element for compliance with this new provision	Transportation

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
<p>Changes to Chapter 163, F.S. contribution. Defines the term "transportation deficiency."</p>	<p>163.3180(6)-(13) [Deleted]</p>		<p>Procedural. No action needed.</p>	
<p>See prior table entries for description of deleted provisions. Sets forth concurrency provisions for public education, setting forth provisions for those local governments that apply concurrency to public education. If a county and one or more municipalities that represent at least 80 percent of the total countywide population have adopted school concurrency, the failure of one or more municipalities to adopt the concurrency and enter into the Interlocal agreement does not preclude implementation of school concurrency within jurisdictions of the school district that have opted to implement concurrency.</p>	<p>163.3180(6)(a) [New]</p>		<p>Procedural. No action needed. School Concurrency is not mandated now but this sets out that local governments are not precluded from implementing school concurrency.</p>	
<p>Modifies school concurrency provisions to clarify that adoption and application of school concurrency is optional.</p>	<p>163.3180(6)(f)1 and 2</p>		<p>Procedural. No action needed.</p>	
<p>Modifies school concurrency provisions to remove requirement for financial feasibility and to require that facilities necessary to meet adopted levels of service during a 5-year period are identified and consistent with the school board's educational facilities plan.</p>	<p>163.3180(d) Now: 163.3180(g)</p>		<p>Procedural. No action needed.</p>	
<p>Modifies school concurrency provisions to allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency if certain factors are shown to exist, including adequate facilities are provided for in the capital improvements element and school board's educational facilities plan, demonstration that facilities needs can be reasonably provided, and the local government and school board have provided a means by which proportionate share is assessed.</p>	<p>163.3180(h)1.a, b and c [New]</p>		<p>Procedural. No action needed.</p>	
<p>See prior table entries for description of deleted provisions.</p>	<p>163.3180(14)-(17) [Deleted]</p>			
<p>Changes "transportation concurrency backlogs" to "transportation deficiencies" and makes related clarifications.</p>	<p>163.3182 [Revised]</p>		<p>Check Transportation Element for compliance with this new provision</p>	<p>Transportation</p>
<p>Changes "creation of transportation concurrency backlog authorities" to "creation of transportation development authorities" and makes related clarifications.</p>	<p>163.3182(2) [Revised]</p>		<p>Check Transportation Element for compliance with this new provision</p>	<p>Transportation</p>
<p>Changes "powers of a transportation concurrency backlog authority" to "powers of a transportation development authority" and makes related clarifications.</p>	<p>163.3182(4) [Revised]</p>		<p>Check Transportation Element for compliance with this new provision</p>	<p>Transportation</p>
<p>Modifies the definition of "in compliance" to include a reference to s. 163.3248 and delete the reference to now repealed chapter 9J.</p>	<p>163.3184(1)(b) [Revised]</p>		<p>Check to see which element may be applicable</p>	

		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
	Changes to Chapter 163, F.S. 5, F.A.C.				
92	Provides a list of the "reviewing agencies."	163.3184(1)(c) [New]		Procedural. No action needed.	
93	Sets forth the "expedited" and "coordinated" review processes.	163.3184(2) [New]		Procedural. No action needed.	
94	Sets forth requirements for adopting and processing plan amendments according to the "expedited" and "coordinated" review processes, the scope of the comments to be provided by review agencies, responsibilities of the state land planning agency with respect to its various levels of review and coordination with other state agencies and public hearings.	163.3184(3) and (4) [New]		Procedural. No action needed.	
95	Sets forth requirements for administrative challenges to plans and plan amendments, compliance agreements and mediation and expeditious resolution.	163.3184(5)-(7) [New]		Procedural. No action needed.	
96	Modifies provisions to enable the administration commission to specify sanctions to which the local government will be subject if it elects to make a plan amendment notwithstanding a determination of noncompliance.	163.3184(11) Now: 163.3184(8)		Procedural. No action needed.	
97	Modifies provisions for public hearings to state there is no prohibition or limitation on the authority of local governments to require a person requesting an amendment to pay some or all of the cost of the public notice.	163.3184(15) Now: 163.3184(11)		Procedural. No action needed.	
98	Establishes provisions for concurrent zoning, requiring a local government, at the request of an applicant, to consider an application for zoning changes that would be required to properly enact any proposed plan amendment and making the approved zoning changes contingent upon the comprehensive plan or amendment becoming effective.	163.3184(12) [New]		Procedural. No action needed.	
99	Revises provisions to require that no proposed local government comprehensive plan or plan amendment that is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in paragraph (1)(b).	163.3184(13) [New]		Procedural. No action needed.	
100	Modifies provisions to address the process for adoption of small-scale comprehensive plan amendments, deleting several exceptions. Plan amendments are no longer limited to two times per calendar year and text changes that relate directly to and are adopted simultaneously with small scale FLUM amendments are permissible.	163.3187(1)(a)-(f) Now: 163.3187(1)(a)-(d)		Procedural. No action needed.	
101	Modifies the public notice requirements for small scale plan	163.3187(1)2.a		Procedural. No action	

N/A = Not Applicable

	Chapter 163, F.S. Citations	N/A*	Addressed (where/how) needed.	Amendment Needed By Element
<p>Changes to Chapter 163, F.S.</p> <p>amendments, addressing petitions, prohibiting the state land planning agency from intervening and requiring that consideration be given to the plan amendment as a whole and whether it furthers the intent of this part in all challenges.</p>	<p>&b;3,4 and (e)-(q) Now: 163.3187(2)-(5)</p>		<p>needed.</p>	
<p>See prior table entries for description of deleted provisions.</p>	<p>163.3189 Now: Repealed</p>	<p>x</p>	<p>Repealed</p>	
<p>103 Modifies provisions for evaluation and appraisal of comprehensive plan. Maintains the requirement for local government evaluation of plan to occur at least once every 7 years. The local government is required to determine if amendments are necessary to reflect changes in state requirements (only) since the last update and to notify the state land planning agency by letter as to its determination. If needed, these amendments are to be prepared and transmitted within 1 year of this determination for review pursuant to 163.3184 (i.e., State Coordinated Review). Local governments are encouraged to comprehensively evaluate and as necessary update plans to reflect changes in local conditions. If a local government fails to submit its notification letter to the state land planning agency or fails to update its plan to reflect changes in state requirements, then the local government is prohibited from amending its plan until it complies with these requirements. The state land planning agency may not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with these requirements.</p>	<p>163.3191(1)-(14) Now: 163.3191(1)-(5)</p>		<p>Procedural. No action needed.</p>	
<p>104 Deletes the reference to s. 163.3187(1) and provisions regarding the frequency of adoption of plan amendments as they relate to adoption of a municipal overlay.</p>	<p>163.3217(2)</p>		<p>Procedural. No action needed.</p>	
<p>105 Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."</p>	<p>163.3220(3)</p>		<p>Procedural. No action needed.</p>	
<p>106 Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."</p>	<p>163.3221(2)&(1)</p>		<p>Procedural. No action needed.</p>	
<p>107 Revises the duration of a development agreement from 20 years to 30 years, unless it is extended by mutual consent, and deletes reference to s. 163.3187 and s. 163.3189 regarding compliance determination by state land planning agency.</p>	<p>163.3229</p>		<p>Procedural. No action needed.</p>	
<p>108 Modifies provisions for periodic review of a development agreement to delete requirements for annual review conducted during years 6 through 10, incorporation of the review into a written report and the state land planning agency adoption of rules regarding the contents of the report.</p>	<p>163.3235</p>		<p>Procedural. No action needed.</p>	

N/A = Not A .ole

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
109	Deletes requirements that a copy of the recorded development agreement be submitted to the state land planning agency within 14 days after the agreement is recorded and for the effectiveness of the agreement based on receipt by the state land planning agency.	163.3239		Procedural. No action needed.	
110	Changes "Optional Sector Plans" to "Sector Plans" and clarifies the intent to promote and encourage long-term planning for conservation, development and agriculture on a landscape scale and protection of regionally significant resources, including regionally significant water courses and wildlife corridors. Revises the amount of geographic area intended for sector plans from at least 5,000 acres to at least 15,000 acres and protection of public facilities.	163.3245(1)		Procedural. No action needed.	
111	Deletes provisions for the state land planning agency entering into an agreement to authorize preparation of an optional sector plan, and consideration of the state comprehensive and strategic regional policy plans, and clarifies the process for scoping meetings and joint planning agreements.	163.3245(2)		Procedural. No action needed.	
112	Modifies the provisions for two levels of sector planning, clarifying the requirements for the long term master plan and detailed specific area plan. These plans may be based upon a planning period longer than timeframe on which the local comprehensive plan is based and are not required to demonstrate need. The state land planning agency is required to consult with certain other agencies as part of its review of the plans.	163.3245(3)		Procedural. No action needed.	
113	Requires consistency with any long-range transportation plan and regional water supply plans, including consideration of water supply availability and consumptive use permitting.	163.3245(4) [New]		Public Facilities Element will need to be reviewed and updated accordingly	Look at to see if applicable to Transportation Element also
114	Requires the detailed specific area plan to establish a buildout date until which the approved development is not subject to downzoning, unit density reduction or intensity reduction, with certain exceptions.	163.3245(5)(d) [New]		Look at to see if applicable	
115	Establishes provisions for master development approval, pursuant to s. 380.06(21), for the entire planning area in order to establish a buildout date and describes the level of detail appropriate for review of the application.	163.3245(6) [New]		Procedural. No action needed.	
116	Establishes provisions for a developer within an area subject to a long-term master plan or detailed specific area plan to enter into a development agreement.	163.3245(7) [New]		Procedural. No action needed.	

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how)	Amendment Needed By Element
117	Establishes provisions for landowner withdrawal of consent to the master plan relative to proposed and adopted amendments.	163.3245(8) [New]		Procedural. No action needed.	
118	Allows the right to continue, after adoption of a long-term master plan or a detailed specific area plan, existing agricultural or silvicultural uses or other natural resource-based operations or establishment of similar new uses that are consistent with plans approved pursuant to this section.	163.3245(9) [New]		Procedural. No action needed.	
119	Allows the state land planning agency to enter into an agreement with a local government that on or before July 1, 2011 adopted a large-area comprehensive plan amendment consisting of at least 15,000 acres based on certain requirements.	163.3245(10) [New]		Procedural. No action needed.	
120	Addresses a detailed specific area plan to implement a conceptual long-term buildout overlay found in compliance before July 1, 2011.	163.3245(11) [New]		Procedural. No action needed.	
121	Provides for a landowner or developer that has received approval of a master DRI development order to implement this order by filing application(s) to approve the detailed specific area plan.	163.3245(12) [New]		Procedural. No action needed.	
122	Modifies provisions in the local government comprehensive planning certification program to allow small scale development amendments to follow the process in s. 163.3187.	163.3246(9)(a)		Procedural. No action needed.	
123	Deletes provisions in the local government comprehensive planning certification program that address the failure to adopt a timely evaluation and appraisal report and failure to adopt an evaluation and appraisal report found to be sufficient.	163.3246(12)		Procedural. No action needed.	
124	Deletes the requirement that the Office of Program Policy Analysis and Government Accountability prepare a report evaluating the certification program.	163.3246(14) [Deleted]		Procedural. No action needed.	
125	See prior table entries for description of repealed provisions.	163.32465 Now: Repealed	X	Repealed	
126	Establishes provisions for Rural Land Stewardship Areas, which were provided for as part of the innovative and flexible planning and development strategies in now repealed s. 163.3177(11).	163.3248 [New]		Procedural. No action needed.	
127	Sets forth the intent of Rural Land Stewardship Areas	163.3248(1) [New]		Procedural. No action needed.	
128	Establishes a process upon which local governments may adopt a future land use overlay, which may not require a demonstration of need based on population projections or any other factors.	163.3248(2) [New]		Procedural. No action needed.	
129	Sets forth six broad principles of rural sustainability that rural land stewardship areas are to further.	163.3248(3) [New]		Procedural. No action needed.	
130	Provides for agency assistance and participation to local	163.3248(4)		Procedural. No action	

N/A = Not A

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/flow) needed.	Amendment Needed By Element
	governments or property owners in development of a plan for rural land stewardship area.	[New]		needed.	
131	Requires that a rural land stewardship area not be less than 10,000 acres, is located outside of municipalities and established urban service areas and is designated by plan amendment by each local government with jurisdiction.	163.3248(5) [New]		Procedural. No action needed.	
132	Requires the plan amendment(s) designating a rural land stewardship area to be reviewed pursuant to s. 163.3184 and to meet certain requirements involving criteria for designating receiving areas, the application of innovative planning and development strategies, a process for implementing these strategies and a mix of densities and intensities that would not be characterized as urban sprawl.	163.3248(5)(a)-(d) [New]		Procedural. No action needed.	
133	Requires a receiving area to be designated only pursuant to procedures established in the local government's land development regulations. If approval of the designation by a county board of county commissioners is required, it is to be made by resolution with a simple majority vote. A listed species survey must be performed and coordinated with appropriate agencies if listed species occur on the receiving area development site. Protective measures must be based on the rural land stewardship area as a whole.	163.3248(6) [New]		Procedural. No action needed.	
134	Sets forth requirements for establishing a rural land stewardship overlay zoning district and methodology for the creation, conveyance, and use of transferable rural land use/stewardship credits.	163.3248(7) [New]		Procedural. No action needed.	
135	Sets forth limitations for creating, assigning and transferring stewardship credits based on underlying permitted uses, densities and intensities, and considerations for assigning credits based on the value and location of land and environmental resources.	163.3248(8)(a)-(k) [New]		Procedural. No action needed.	
136	Provides for incentives to owners of land within rural land stewardship sending areas, in addition to use or conveyance of credits, to enter into rural land stewardship agreements.	163.3248(9)(a)-(e) [New]		Procedural. No action needed.	
137	Expresses the intent of the section as an overlay of land use options that provide economic and regulatory incentives for landowners outside of established and planned urban service areas.	163.3248(10) [New]		Procedural. No action needed.	
138	Expresses the intent of the Legislature that the rural land stewardship area in Collier County be recognized as a statutory rural land stewardship area and be afforded the incentives in this section.	163.3248(11) [New]		Procedural. No action needed.	

N/A = Not Applicable

Changes to Chapter 163, F.S.		Chapter 163, F.S. Citations	N/A*	Addressed (where/how) needed	Amendment Needed By Element
139	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."	163.360(2)(a)		Procedural. No action needed.	
140	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."	163.516(3)(a)		Procedural. No action needed.	

This draft MEMORANDUM of UNDERSTANDING is designed to promote dialogue, review, constructive edit and improvement, and ultimate agreement on text and terms; and in no way represents the legal opinions of local government counsel, commissions, officers or staff.

FII Red-letter Version 8.21

MEMORANDUM OF UNDERSTANDING

Central Florida's "Open for Business" Initiative to Promote Business Climate, Great Service, Job Creation and Business Investment

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into, by and between the undersigned local governments of the region of Central Florida.

WITNESSETH

WHEREAS, a reputation for a sound business climate is vital to the reputation of regions around the globe;

WHEREAS, Central Florida is the ___th largest region in the United States and home to over ___ people;

WHEREAS, the undersigned are united in a mission to ensure Central Florida is a great destination for business, capital and employment;

WHEREAS, sustaining and growing resident businesses of all sizes is vital to economic stability and employment;

WHEREAS, competition for capital investment and industry diversification often rests on a market's ability to provide outstanding customer service;

WHEREAS, the impacts of the "Great Recession" require collaboration across jurisdictions and sharing of promising practices;

WHEREAS, an initiative called Central Florida "Open for Business" has identified licensing and permitting, and overall business communications and transactions, as breakthrough areas for reputation-building, and business confidence;

WHEREAS, the undersigned governments want to honor the work of the teams involved in "Open for Business" research and due diligence;

WHEREAS, "Open for Business" has identified areas for collaboration, improvement and measurement;

WHEREAS, a multi-jurisdictional streamlined permitting agenda may send an unprecedented, positive message to incumbent, new, expanding and relocating businesses;

WHEREAS, the undersigned governments are committed to promoting clarity, data-driven decision-making and regional collaboration; and

WHEREAS, local governments have independently and collectively developed useful, productive and meaningful practices that ensure business compliance and seamless service

NOW THEREFORE, the undersigned local governments [counties] agree to the following:

I. ADOPTION OF "OPEN FOR BUSINESS" JOINT STATEMENT OF REGIONAL WORK GROUPS RELATIVE TO STREAMLINED PERMITTING

We are confident that the identification and removal of regional barriers constraining existing and new business enterprises inspires employer confidence and job creation, and distinguishes Central Florida as a place that is truly "Open for Business." We see local governments within our region joining together to set high standards for streamlined permitting processes that allow businesses to open quickly, so that people are able to work. New and incumbent businesses deserve those same high standards wherever they do business in Central Florida. The "Open for Business" recommendations are difficult but "do-able." They ensure meaningful and measurable progress toward our goals. We must remove obstacles to participating in the new economy. These are our priority actions. ("Open for Business" Report: Leaders in Eight Counties Identify Ways to Create More Jobs, Fall 2011, Page 2.)

II. KEY PRINCIPLES

We will work together, guided by the key principles of:

- A. Sharing success and seeking common ways to measure progress
- B. Communicating breakthroughs inside and outside of Central Florida
- C. Developing and adopting promising practices and technologies
- D. Celebrating breakthroughs among co-signee peers
- E. Watching and evaluating other markets
- F. Listening to the customer
- G. Understand and develop a culture of customer service

III. ACTIONS AND APPROACHES TO ENSURE SUCCESS

A. CUSTOMER SERVICE

Instill a positive, pro-active attitude in the staff project review team, throughout the entire process, to help the customer make his or her project a reality.

B. PRE-APPLICATION REVIEW

Provide for each pre-application project review to include all applicable departments. Build an integrated, multi-departmental, approach over time.

C. MINIMIZE COST

Minimize customer costs, especially during the pre-application and preliminary review process to keep customer costs down.

D. ENSURE THE OMBUDSMAN ROLE

After pre-application review, provide on point of contact to guide customers throughout the entire approval process.

E. TIME IS OF THE ESSENCE

Establish aggressive timelines for project approvals to advance savings of time and money for the customer and the taxpayer.

F. MINIMIZE APPROVAL STEPS

Minimize the steps for project approval depending on the type and size of development request, including planned unit development, subdivision, permitted conditional use, etc.

G. PROCESS IMPROVEMENTS

Commit to regular evaluations of the development review and permitting process to ensure an efficient and value-added process. Implement process improvements to include technology upgrades and innovations, as appropriate and feasible. Tie and test through Item A., above.

H. POST PROJECT APPROVAL

After project approval is achieved, minimize the time and steps for project permit amendments and/or revisions.

I. CONSISTENCY AND EXECUTION FOR REGIONAL IMPACT AND REPUTATION

Ensure common language and consistent measures to prove regional impact and commitment.

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<p>CUSTOMER SERVICE – Instill positive proactive attitude in the staff project review team, throughout the entire process, to help the customer make his or her project a reality.</p>	<p>Provide Opportunity for customer feedback by Project</p> <p>Provide an opportunity for customers to evaluate and comment on their customer service experience on an individual project basis. Where feasible, provide customers with option to provide comments electronically.</p>
<p>Example:</p>	
<p>Reward Excellent Customer Service</p>	<p>Implement recognition and rewards program for excellent customer service including timely, accurate staff reviews. Include assessment of customer service skills as part of employee performance reviews.</p>
<p>Example:</p>	
<p>Service Targets for Project Review</p>	<p>Establish service targets for project review, e.g., the average or maximum time for staff review and comment.</p>
<p>Example:</p>	
<p>Regular Training Program</p>	<p>Establish and maintain a regular training program for process and permit technicians (staff who assist customers in preparing applications). Goals of the training program to: 1) teach best customer service practices; 2) promote higher quality for first submittals; and 3) empower employees at lower levels to make more decisions.</p>
<p>Example:</p>	
<p>PRE-APPLICATION REVIEW – Provide for each pre-application project review to include all applicable departments. Everyone to work with the customer to try and make the project a reality.</p>	

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<p>Related Measures</p> <p>Check all that apply</p>	<p>Development Review Committee</p> <p>Form a development review committee to include representatives of all departments that are a part of the development review process. Where feasible, include representatives of outside permitting agencies.</p> <p>Example:</p> <p>Optional Pre-Application Review Meetings</p> <p>Offer pre-application review meetings with the development review committee. Schedule the review of potential projects at the option of applicants to discuss project requirements and review/approval timeline.</p> <p>Example:</p>
<p>MINIMIZE COST – Minimize customer costs especially during the pre-application and preliminary review process to keep customer costs down.</p>	<p>Customer Education Program on Permitting Process</p> <p>Implement a customer education program using one or more of the following: classroom instruction, informational videos, brochures or the publication of other marketing material.</p> <p>Example:</p> <p>Offer Expedited Review Process</p> <p>Provide an expedited review process for targeted projects or offer the option of an expedited process at an added cost to the applicant.</p> <p>Example:</p>
<p>Related Measures</p> <p>Check all that apply</p>	<p>Implement Master File Program for Commercial and Residential Building Permits</p> <p>Implement process to allow an approved set of master file drawings to be used to permit individual buildings of the same type with only a review of site specific conditions.</p> <p>Example:</p> <p>Application Checklist</p> <p>Provide checklists to aid customers in the preparation of applications to promote higher quality for first submittals.</p> <p>Electronic Submission and Review of Plans</p> <p>Implement electronic submission and review of plans to reduce customer costs related to the production, submission or resubmittal of plans.</p> <p>Example:</p>

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	Reduced Paper Copies
	Reduce the number of copies required for the submittal of paper application packages. Example:
ENSURE THE OMBUDSMAN ROLE	After pre-application review, provide one point of contact to guide customer throughout the entire approval process.
	Single Point of Contact - Problem Solver
	Provide a staff person with problem-solving skills to serve as a single point of contact for customers throughout the entire development review and permitting process (from project concept to building permit and inspection). Use staff person to facilitate communication between applicant and review staff and to anticipate and resolve project issues if possible.
Related Measures	
Check all that apply	Example: Customer Contact List Prepare a customer contact list for each project to include the owner, applicant, architect, planner and engineer. Provide contact list a courtesy copy of correspondence to project manager to help ensure timely and effective communication. Example:
TIME IS OF THE ESSENCE	Establish aggressive timelines for project approvals. Again, this saves the customer time and money.
	One-Stop Shop
	Implement a "one-stop shop" approach to bring as many review functions as possible together within the same operating unit. Example:
Related Measures	
Check all that apply	Example: Standard Applications Use standard template for applications to foster familiarity and ease of use. Develop common elements, e.g., same terminology or format, to be used in application forms within the same county. Example: Standard Comment Language Use standard comment language – boilerplate wording – for review comments to promote consistent, clear review comments. Example:

	<p>Online Access to Review Comments</p> <p>Provide online access to information on project status and reviewer comments.</p> <p>Example:</p> <p>Mobile Technology</p> <p>Use mobile technology to schedule and conduct building inspections – provide remote access to approved plans and project files.</p> <p>Example:</p> <p>MINIMIZE APPROVAL STEPS – Minimize the steps for project approval depending on the type and size of development request; (Planned Unit Development) (Subdivision) (Permitted Conditional Use) etc.</p> <p>Establish Performance Standards for Project Approval</p> <p>Adopt land development regulations that allow planned developments to be approved through an administrative and technical review when meeting outlined performance standards.</p> <p>Example:</p> <p>Concurrent Review of Applications</p> <p>Provide option for concurrent review and approval of applications, e.g., review and approval of site plan and building permits at the same time.</p> <p>Example:</p> <p>Issuance of Conditional Permits</p> <p>Authorize the issuance of conditional permits in special circumstances to allow customers to proceed with site development activity pending the completion of certain tasks.</p> <p>Example:</p> <p>PROCESS IMPROVEMENTS – Commit to regular evaluations of the development review and permitting process to ensure an efficient and value-added process. Implement process improvements, to include technology upgrades and innovations, as appropriate and feasible.</p>
<p>Related Measures</p> <p>Check all that apply</p>	<p>Third Party Advisory Group</p> <p>Engage local and regional parties to help evaluate the need to improve the efficiency of the development review and permitting process.</p> <p>Example:</p> <p>Review and Update of Land Development Regulations</p>
<p>Related Measures</p> <p>Check all that apply</p>	

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	<p>Establish a process for the periodic review and update of land development regulations to include the participation of industry stakeholders.</p>
	<p>Example:</p>
	<p>Customer Wait Times</p>
	<p>Track and report wait times for walk-in customers.</p>
	<p>Example:</p>
	<p>Project Review Times</p>
	<p>Track and report project review times. Measure: 1) overall review time; 2) time application is in customer hands, e.g., preparation of resubmittal; and 3) time application is under staff review.</p>
	<p>Example:</p>
	<p>POST PROJECT APPROVAL – After project approval is achieved, minimize the time and steps for project permit amendments and/or revisions.</p>
	<p>Project Revisions</p>
	<p>Implement a simplified review process and reduced fees for minor modifications to approved plans. Provide administrative authority for in the field revisions to approved plans where appropriate.</p>
	<p>Example:</p>



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<p>Related Measures Check all that apply</p>	<p>CUSTOMER SERVICE – Instill positive proactive attitude in the staff project review team, throughout the entire process, to help the customer make his or her project a reality.</p>
	<p>Provide Opportunity for Customer Feedback by Project Provide an opportunity for customers to evaluate and comment on their customer service experience on an individual project basis. Where feasible, provide customers with option to provide comments electronically.</p> <p>Example:</p>
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<p>ENSURE THE OMBUDSMAN ROLE – After pre-application review, provide one point of contact to guide customer throughout the entire approval process.</p>	<p>Single Point of Contact: Problem-Solver</p> <p>Provide a staff person with problem-solving skills to serve as a single point of contact for customers throughout the entire development review and permitting process (from project concept to building permit and inspection). Use staff person to facilitate communication between applicant and review staff and to anticipate and resolve project issues if possible.</p>
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POLICE DEPARTMENT QUARTERLY ACTIVITY UPDATE**3RD QUARTER 2012****RESIDENTIAL BURGLARY (0) (LAST QTR 2)**

DATE	TIME	LOCATION	NOTES

COMMERCIAL BURGLARY (1) (LAST QTR 2)

DATE	TIME	LOCATION	NOTES
08/10/12	3:35 AM	4704 S. ORANGE - POP'S AUTO	THEFT OF TOOLS

AUTO BURGLARY (6) (LAST QTR 8)

DATE	TIME	LOCATION	NOTES
08/03/12	12:50 PM	4901 S. ORANGE - ALL FAITHS CHAPEL	THEFT OF PURSE
08/31/12	8:34 AM	5051 OAK TOURS	THEFT OF GOLF CLUBS-UNLOCKED VEHICLE - ARREST MADE
09/01/12	10:30 AM	5112 LAVAL	THEFT OF TOOLS/GOLF CLUBS - UNLOCKED VEHICLE - ARREST MADE
09/02/12	1:35 PM	5106 CREUSOT	THEFT OF GOLF CLUBS-UNLOCKED VEHICLE - ARREST MADE
09/14/12	6:12 PM	4704 S. ORANGE - POP'S AUTO	THEFT OF PURSE
09/28/12	5:08 PM	5650 HANSEL - 7-11	THEFT OF GPS - UNLOCKED VEH

GRAND THEFT (5) (IN EXCESS OF \$300. VALUE) (LAST QTR 4)

DATE	TIME	LOCATION	NOTES
07/21/12	12:40 PM	1077 WINDSONG	THEFT OF KAYAK
07/23/12	4:59 PM	4709 S. ORANGE - WELLS FARGO	THEFT OF LAWN MAINT EQUIP -ARREST PENDING
07/29/12	8:34 PM	4704 S. ORANGE - POP'S AUTO	THEFT OF BOAT & TRAILER
08/10/12	8:00 AM	5655 S. ORANGE - HUG ME CTR	THEFT OF I-PAD
09/13/12	9:43 PM	5339 HANSEL	THEFT OF JET SKI - RECOVERED

PETIT THEFT (4) (UNDER \$300. VALUE) (LAST QTR 3)

DATE	TIME	LOCATION	NOTES
07/05/12	8:58 AM	5579 S. ORANGE - SELECT HOSPITAL	STOLEN WALLET
07/27/12	5:10 PM	5621 S. ORANGE - FAMILY DOLLAR	SHOPLIFT
07/31/12	7:33 PM	5650 S. ORANGE - 7-11	SHOPLIFT
09/28/12	01/00/00	5650 HANSEL - 7-11	SHOPLIFT

RESIST OFFICER (1) (LAST QTR 2)

DATE	TIME	LOCATION	NOTES
09/08/12	1:55 PM	MARY JESS & FORCE FOUR	RESIST W/O VIOLENCE - ARREST MADE

ASSAULT/BATTERY (0) (LAST QTR 4)

DATE	TIME	LOCATION	NOTES

SEXUAL BATTERY (0) (LAST QTR 0)

DATE	TIME	LOCATION	NOTES

ROBBERY (0) (LAST QTR 1)

DATE	TIME	LOCATION	NOTES

OTHER ARRESTS (12) (LAST QTR 12)

DATE	TIME	LOCATION	NOTES
07/05/12	10:44 AM	5650 HANSEL - 7-11	TRESPASS
07/31/12	8:30 AM	5345 HANSEL	DOMESTIC VIOLENCE INJUNCTION
08/01/12	1:00 PM	HANSEL & GEM	DOMESTIC VIOLENCE INJUNCTION
08/05/12	9:01 PM	5428 S. ORANGE	DOMESTIC VIOLENCE INJUNCTION
08/14/12	3:44 AM	S. ORANGE & HOLDEN	STOLEN VEHICLE
08/16/12	12:38 AM	652 GLEN GROVE	DOMESTIC VIOLENCE
09/01/12	4:06 AM	5650 HANSEL - 7-11	DOMESTIC VIOLENCE
09/04/12	7:00 PM	2609 S. ORANGE - PLAY IT AGAIN SPTS	VEHICLE BURGLARY (3 CLEARED)
09/04/12	5:02 PM	5301 S. ORANGE - CFE CU	FRAUD
09/04/12	4:28 PM	HOLDEN & CASA GRANDE	GIVING FALSE INFO
09/04/12	4:28 PM	HOLDEN & CASA GRANDE	PROBATION VIOLATION
09/08/12	1:55 PM	MARY JESS & FORCE FOUR	RESIST W/OUT VIOLENCE

TRAFFIC CRASH INFO (28) (LAST QTR 24)

TYPE	#	LOCATION	NOTES
FATALITY	0		
HIT & RUN	1	S. ORANGE & GATLIN	NO INJURY
	1	5424 HANSEL	NO INJURY
INJURY	2	S. ORANGE & HOLDEN	
	1	S. ORANGE & GEM	
	1	S. ORANGE & GATLIN	
NON-INJURY	6	S. ORANGE & GATLIN	
	5	S. ORANGE & HOLDEN	
	2	HOFFNER & HANSEL	
	1	S. ORANGE & HOFFNER	
	1	S. ORANGE & LA RUE	
	1	S. ORANGE & GEM	
	1	HOLDEN & TELFAIR	
	1	HOLDEN & BRADLEY	
	1	HANSEL & MARY JESS	
	1	4709 S. ORANGE	
	1	4200 S. ORANGE	
	1	4100 S. ORANGE	

MISCELLANEOUS

ARREST WARRANTS/CIVIL PROCESS SERVED: 37 (LAST QTR 21)	
CITATIONS ISSUED: 741 (LAST QTR 901)	
RED LIGHT CAMERA CITATION ISSUED: 3146 (LAST QTR 3171)	
ALARMS ANSWERED: 47 (LAST QTR 65)	

CODE ENFORCEMENT

SIGNS COLLECTED: 202 (LAST QTR - 64)	
CASES INITIATED: 77 (LAST QTR - 62)	
CASES TAKEN TO HEARING: 3 (LAST QTR - 0) (CASES WON - 3)	

P.D. ISSUES

RESERVE OFFICER BUTLER RESIGNED TO TAKE FULL TIME POSITION WITH STATE OF FLORIDA	
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From the desk of the City Clerk....

Bea L. Meeks, MMC, CPM

Report for October 16, 2012 City Council Meeting

- Pursuant to the approval of the 12/13 FY budget, Roxanna Siglar is now a permanent part-time employee assisting City Hall Staff.
- City Hall staff continues to receive permits for zoning clearance, with some requiring review by our City Engineer.
- Roxanna continues to receive and process Business Tax Receipts. All renewals received after October 1, 2012 are assessed a late fee.
- Cinnamon has transferred the FY 11/12 AP, AR and Payroll files, and replaced with FY 12/13. The 11/12 files will be set aside until 11/12 fiscal year audit is complete. I spoke with Tom Reilly on September 24, 2012, and he informed me that he will be contacting me within the next couple of weeks to begin the audit process.
- Orange County Property Appraiser and Tax Collector received our Ordinance and Resolution adopting the City's millage rate and budget.
- Held open enrollment on September 20th and 21st. I met individually with all employees to confirm their 12/13 FY payroll increase, and confirm their deductions.
- 10/1/2012 FRS submittal made to Department of Revenue
- 10/2/12 returned form to Florida League of Cities confirming no increase for Business Tax Receipt
- Reminder that all articles for Newsletter need to be submitted to Cinnamon no later than November 1, 2012.
- TRIM compliance package forwarded to Department of Revenue.

Items For Consideration:

1. City Council approved an Ordinance in 2004 (2004-009) regarding procedures for the enforcement and collection of liens, establishing service charges, etc. Within this Ordinance is language that allows the City to bill excess of any previously collected fees to the applicant. As you may recall, when I began my tenure with the City in 2011, I told you that the reviews fees from the City Engineer often were more than what the City charged. For this reason, I am asking you for consideration of the following:

Allow staff to bring to Council a Resolution amending their review fees to include the billing of the excess fees to the applicant, as allowed per Ordinance 2004-009; i.e.

SERVICE	FEE	CODE/STATUTORY REFERENCE (if applicable)
<p>Any expenses incurred by the city during any review, inspection, permission or approval process for constructed improvements (including, but not limited to site plans, subdivision plans, plat approvals, variances) or land use improvements (including, but not limited to comprehensive plan amendments; zonings and rezoning; special exceptions; and building and/or uses of land connected with occupational license applications) in excess of any fees previously collected shall be billed to the owner/applicant/developer/subdivider by the City Clerk for payment.</p>	<p>Actual fee in excess of fee paid at time of application.</p>	<p>Section 7 (b) (Ord. No. 2004-09 adopted on 1/4/2005)</p>

2. City Hall staff provides zoning clearance to every applicant for a building permit. Orange County will not issue a permit without the City providing zoning clearance. Currently, we do not charge a fee for this service. As you know, the purpose of zoning clearance is to ensure that any proposed business, new structure, or addition to structure is an allowed use.

Zoning clearance typically involves review zoning map to verify zoning, review code to ensure allowed uses, prohibited uses, or those uses allowed through special exception. Copies of the application, including all support documents are maintained in City records and go through the required retention and disposition process. Orange County does not permit residential fences; however, the City does clear them for zoning and maintain the information on file. In our review, we also make sure that the allowed setbacks are clearly identified on the site plan or boundary survey. Applicants also sign a form that essentially states that they will follow the code when installing their fence or accessory structure. Fences and accessory structures are not reviewed by the engineer unless; there are unusual circumstances, i.e. lakes and easements.

Minneola, Florida \$25.00

Groveland, Florida \$20.00

Belle Island, Florida \$30.00 (Sheds-Fence) Pools, Room Additions (\$165.00) [I was told it depends]

Allow staff to bring to Council a Resolution amending their review fees to include a fee for zoning clearance, i.e.

SERVICE	FEE	CODE/STATUTORY REFERENCE (if applicable)
Zoning Clearance	\$25.00	

