

ORDINANCE NO. 2014-06

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING ORDINANCE NO. 2003-15 BY AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 103 WEST HOLDEN AVENUE COMPRISING 1.19 ACRES, MORE OR LESS, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM SINGLE-FAMILY RESIDENTIAL (R-1A) ZONING CLASSIFICATION TO A COMMERCIAL (C-3) ZONING CLASSIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Edgewood received a rezoning application from Boise Cascade Building Materials Distribution, LLC on behalf of Fellowship Baptist Church of Orlando, Inc., owner of property herein described, in accordance with Section 134-121 of the City of Edgewood *Land Development Regulations*; and

WHEREAS, Section 134-121 (i) of the City of Edgewood Land Development Regulations authorizes the City to include certain additional restrictions on property being rezoned when such restrictions are requested or concurred with by the owner of the property being rezoned; and

WHEREAS, Boise Cascade Building Materials Distribution, LLC and Fellowship Baptist Church of Orlando, Inc., have requested and concurred with certain additional restrictions to be placed on the property being rezoned; and

WHEREAS, the Planning and Zoning Board, sitting as the Land Planning Agency, considered the subject rezoning request at a duly scheduled and advertised meeting on July 14, 2014, found the rezoning to be consistent with the City's adopted Comprehensive Plan and recommended approval of the rezoning to the City Council with inclusion of certain restrictions on the property being rezoned; and

WHEREAS, this Council has duly considered the recommendation of the Planning and Zoning Board and reviewed all comments both written and verbal, pro and con, regarding this requested rezoning; and

WHEREAS, the City Council of the City of Edgewood, Florida finds that said rezoning request was processed in accordance with applicable law and desires to amend its Zoning Map by changing the zoning designation of the subject property with inclusion of certain restrictions on the property being rezoned; and

WHEREAS, the City Council of the City of Edgewood, Florida finds that the rezoning is in the best interest of its residents and that said zoning is in compliance with the City's Comprehensive Plan.

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

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

Section 2: The City Council of the City of Edgewood, Florida hereby amends its Official Zoning Map by designating the property described in Exhibit "A," attached hereto and incorporated herein, presently zoned Single-Family Residential (R-1A) to Commercial (C-3) subject to the following restrictions requested and concurred with by the owner of the property and the applicant for the rezoning:

- (1) The property is to be used and accessed with adjacent C-3 zoned land;
- (2) An 8 feet high masonry wall shall be constructed along the west property boundary;
- (3) A landscape buffer shall be provided along the west property boundary to include irrigated, large non-deciduous trees and/or shrubs adjacent to the wall that will achieve a dense visual screening from 8 feet to at least 25 feet in height;
- (4) Building setback shall be 30 feet from residential zoned land west of the property and 25 feet from residential zoned land south of the property. Use of the specified setbacks shall be limited to landscaping and stormwater management. Structures, including accessory buildings, shall not be allowed within the building setback;
- (5) Buildings shall be limited to one story and a maximum of 35 feet in height;
- (6) The rail spur located on adjacent property shall not be extended onto the subject property;
- (7) The conditions of approval shall be notated on the City of Edgewood Zoning Map and shall run with the Subject property as documented in a Memorandum of Understanding (MOU) executed by the Owner, Applicant, and City. The Owner/Applicant shall cause the MOU to be recorded in order to place subsequent purchasers on notice of the additional zoning restrictions placed upon the Subject Property.

Section 3: The City Clerk is hereby directed and authorized to amend the Zoning Map in accordance with the provisions of this ordinance.

Section 4: All ordinances or parts thereof in conflict herewith, are and the same are hereby repealed.

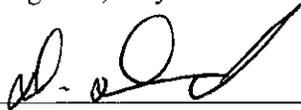
Section 5: If any section, paragraph, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 6: This ordinance shall take effect upon recording of the MOU provided for in paragraph 7 of Section 2 in the official records of Orange County, Florida.

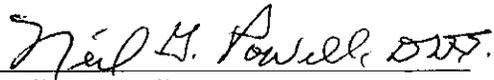
PASSED AND ADOPTED this 19th day of August, 2014, by the City Council of the City of Edgewood, Florida.



Ray Bagshaw, Mayor



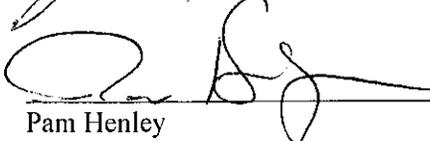
Dan Drummond
Council Member



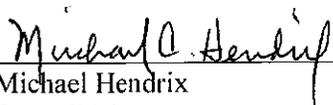
Neil G. Powell
Council Member



John Dowless, Council President

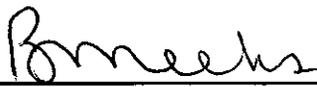


Pam Henley
Council Member



Michael Hendrix
Council Member

ATTEST:



Bea L. Meeks, MMC City Clerk

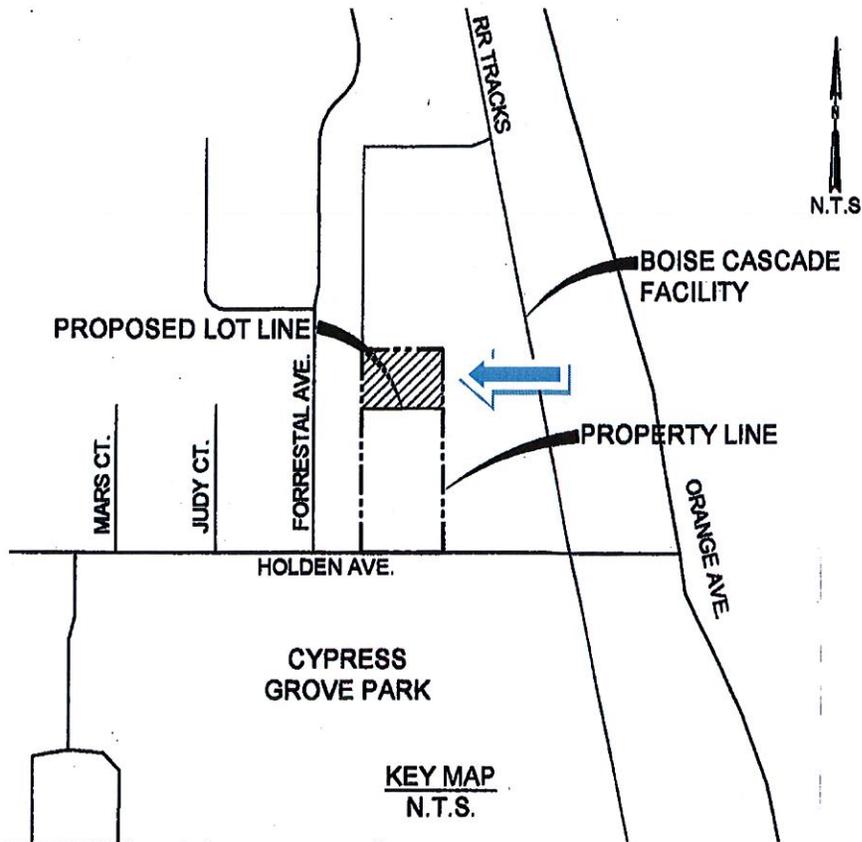
Display Ad: July 3, 2014
First Reading: July 15, 2015
Display Ad: August 7, 2014

EXHIBIT "A"
LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF SECTION 11, TOWNSHIP 23 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF SAID SECTION 11 WITH THE WEST LINE OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE SOUTHEAST ONE-QUARTER (SE-1/4); THENCE N00°08'45"W ALONG SAID WEST LINE A DISTANCE OF 468.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°08'45"W ALONG SAID WEST LINE A DISTANCE OF 194.40 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID SOUTHEAST ONE-QUARTER (SE-1/4) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE SOUTHEAST ONE-QUARTER (SE-1/4); THENCE N89°39'57"E ALONG SAID NORTH LINE A DISTANCE OF 265.60 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE WEST 265.60 FEET OF THE SAID SOUTHEAST ONE-QUARTER (SE-1/4) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE SOUTHEAST ONE-QUARTER (SE-1/4); THENCE S00°08'45"E A DISTANCE OF 194.40 FEET; THENCE S89°39'57"W PARALLEL WITH SAID NORTH LINE A DISTANCE OF 265.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.19 ACRES, MORE OR LESS



Per section 6 of Ordinance 2014-06 Ordinance did not take effect the MOU was not recorded.