

Regina Dunay  
Chairwoman

Chris Rader  
Co-Chair

David Gragg  
Board Member

Marion Rayburn  
Board Member

Dr. Aileen Trivedi  
Board Member

**PUBLIC NOTICE**  
**PLANNING AND ZONING BOARD MEETING – November 12, 2018**

---

---

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

---

---

The Planning and Zoning Board as the Local Planning Agency for the City of Edgewood will meet at 405 Larue Avenue, Edgewood, Florida, to consider the items of business listed herein at the time and date indicated below.

**Monday, November 12, 2018 at 6:30 pm**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call and Determination of Quorum
4. Approval of Minutes
  - October 8, 2018 – Regular P&Z Meeting
5. New Business
  - The Waterfront 4201 S Orange Avenue
    - Variance 2018-07 Landscape buffer Sec. 114-4 (1)(a)(1)
    - Variance 2018-08 Tree placement Sec. 114-4(1)(a)(2)
    - Variance 2018-09 Building setback from the Normal High Water Elevation (NHWE) Sec. 134-348(e)
6. Ordinance No. 2018-13 Floodplain Management  
**AN ORDINANCE BY THE CITY OF EDGEWOOD AMENDING THE CITY OF EDGEWOOD CODE OF ORDINANCES CHAPTER 106 TO MAKE MODIFICATIONS TO BRING THE REGULATIONS INTO AGREEMENT WITH THE MOST CURRENT FEMA-APPROVED, CODE-COMPANION FLOODPLAIN MANAGEMENT ORDINANCE FOR FLORIDA**

COMMUNITIES; TO ADOPT NEW FLOOD HAZARD MAPS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

7. Ordinance No. 2018-14 Electronic Signs Operational Limits  
AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO SIGNS; AMENDING CHAPTER 122 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO REGULATE ANY LAWFULLY NONCONFORMING ELECTRONIC CHANGEABLE MESSAGE SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.
8. Ordinance No. 2018-15 Amendment of Code for Edgewood Central District  
AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES RELATED TO THE EDGEWOOD CENTRAL DISTRICT TO CORRECT SCRIVENERS' ERRORS, PROVIDE CLARIFICATION OF ADOPTED REGULATIONS AND STANDARDS, AMEND CERTAIN DESIGN GUIDELINES AND STANDARDS, AND TO PROVIDE AMENDED REGULATIONS RELATED TO CERTAIN LOTS WITH MULTIPLE FRONTAGES ALONG STATE ROAD 527; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.
9. Comments/Announcements

**FUTURE MEETINGS:** (SCHEDULE CONTINGENT UPON SUBMITTAL OF ITEMS THAT REQUIRE CONSIDERATION OF THE PLANNING & ZONING BOARD AS THE LOCAL PLANNING AGENCY FOR THE CITY OF EDGEWOOD)

- November 12, 2018
- December 10, 2018

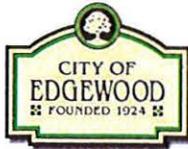
#### **GENERAL RULES OF ORDER**

The Board is pleased to hear non-repetitive comments related to business before the Board; however, a five (5) minute time limit per person has been set by the Board. Large groups are asked to name a spokesperson. If you wish to appear before the Board, please fill out an Appearance Request Registration Form and give it to the City Clerk. When recognized, state your name and speak directly into the microphone. The City is guided by ROBERTS RULES OF ORDER in governing the conduct of the meeting. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at 407-851-2920 at least 24 hours in advance of the meeting.

WE ASK THAT ALL ELECTRONIC DEVICES (IE. CELL PHONES, PAGERS) BE SILENCED DURING OUR MEETING!

Thank you for participating in your government!

APPEALS: According to Edgewood City Code Section 26-24 (2), "any person aggrieved by any recommendation of the Board acting either under its general powers or as a Board of Adjustment may file a notice of appeal to the City Council within seven (7) days after such recommendation is filed with the City Clerk.



PLANNING & ZONING BOARD DRAFT MINUTES  
October 8, 2018

**Planning and Zoning Board Members:**

Regina Dunay, Chairperson (Quorum)  
Chris Rader, Co-Chair  
David Gragg, Board Member  
Marion Rayburn, Board Member  
Aileen Trivedi, Board Member

**Staff:**

Drew Smith, City Attorney  
Ellen Hardgrove, City Planner  
David Mahler, Sr. Project Engineer, CPH  
Sandra Riffle, Deputy City Clerk

**Applicant:**

Leslie Griffith, JWB Architects  
Ryan Davis, Loch Investments  
Sam Sebaali, FEG  
Kevin Graham, Suncoast Building Materials

---

**CALL TO ORDER**

Chairwoman Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Deputy City Clerk, Riffle, announced that there was a quorum with all Board Members present.

**APPROVAL OF MINUTES**

- *September 10, 2018*

The following changes were requested to the September 10, 2018 minutes - Page 3 removed the redundant word “that” and also on page 3, changed “The shopping center” to “VanBarry’s across the street.”

Chairwoman Dunay asked for a motion

*Board Member Rader moved to approve the minutes with changes; Second by Board Member Rayburn. The motion was unanimously approved (5/0).*

**NEW BUSINESS**

1. **Variance requests for The Waterfront 4201 S Orange Avenue**
  - Variance 2018-07 Landscape buffer Sec. 114-4 (1)(a)(1)



- Variance 2018-08 Tree placement Sec. 114-4(1)(a)(2)
- Variance 2018-09 Building setback from the Normal High Water Elevation (NHWE) Sec. 134-348(e)

The applications for the variance requests were originally heard in the September 10, 2018 Planning and Zoning meeting. The Board voted to table the discussion until October 8, 2018 meeting in order for the applicant to provide additional details. Engineer Mahler approached the podium and said that the applicant requested to table the variance applications again until the next Board meeting of November 12, 2018.

As there was no further discussion, Chairwoman Dunay asked for a motion:

*Board Member Rayburn made the motion to table the three proposed variances until the November 12h meeting; second by Board Member Gragg. The motion was unanimously passed (5/0).*

## 2. Suncoast Building Materials at 101 Mary Jess Road.

Planner Hardgrove introduced the Public Hearing for the approval of the site plan for Suncoast Building Materials. This is a commercial review for Phase I of construction, which is the area south of the railroad spur. This property is subject to conditions of a Special Exception that was approved for the entire property by City Council August 16, 2016. Per Planner Hardgrove, the conditions of approval are being met. Staff recommends approval of the site plan.

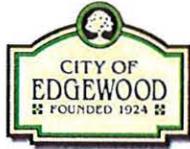
Chairwoman Dunay invited Engineer Sebaali, from FEG who represents Suncoast Materials, to the podium. Engineer Sebaali said that the project is meeting Code, even though they are not developing the property to the north, and they are providing the landscaping adjacent to the property. Chairwoman Dunay asked for a timeline for Phase II. Engineer Sebaali explained that they are pursuing a legal matter regarding the railroad spur. Development now is for Phase I until the issues of the railroad are resolved.

Board Member Rader stated his concerns about the location of outdoor storage placement and how it would be code enforced. Planner Hardgrove said that she discussed storage with Engineer Sebaali and the conditions of the special exception did not specify where the outdoor storage has to be. Board Member Rader says site plan review would include meeting the requirements. Engineer Sebaali stated that the notes on the plan, were discussed with staff, and conditions of approval were that locations of storage are subject to height limitations address this. The intent is to comply with the conditions of approval. Engineer Sebaali added that they could state specific zones on the plans for City Council.

Board Member Rader asked about truck traffic signage on Mary Jess Road. Engineer Sebaali said there would be a sign, which says no truck turn on Chenault Ave.

Board Member Rader asked how Code addresses gravel for temporary parking and noted there is a substantial gravel area. Engineer Sebaali responded that they are not proposing any parking in that area; it is an operation area for outdoor storage and loading/unloading. The formal parking is shown on the east side and is paved per Engineer Sebaali. Planner Hardgrove referred to Sec. 134-609 of Code which addresses off-street loading and unloading requirements of commercial vehicles.

As there was no further discussion, Chairwoman Dunay asked for a motion:



*Board Member Rader made the motion to recommend approval with the condition that the setbacks for storage area be marked on the site plan before it goes to City Council on November 20, 2018; Second by Board Member Trivedi. The motion was unanimously passed (5/0).*

3. **Ordinance 2018-12 - Rezoning Commercial along SR 527 to the Edgewood Central District (ECD) zoning district**

Planner Hardgrove introduced Ordinance 2018-12 with the purpose to consider rezoning the parcels along the Orange Avenue corridor to the Edgewood Central District (ECD). The intent of the ECD is to attract commercial, people-oriented, such as retail, entertainment, retail and mixed uses rather than the existing heavy commercial uses. The ECD standards will steer the achievement of the vision that has been brought forward since 2000. Per Planner Hardgrove, 134-121(f) of the City Code, includes five factors to be considered during rezoning:

1. Be consistent with the Comprehensive Plan. Policies direct the City to amend regulations to support the vision of the Orange Avenue beautification and the encouragement of mixed-use development. The district was approved last month by City Council and this is the implementation of those policies. The ECD is intended to be a catalyst for redevelopment.
2. Conformance of the intent of the zoning regulations. Rezoning of all the parcels is consistent with the zoning regulations.
3. Changed conditions since the effective date of the present zoning district. The conditions have changed in the city since the early 1960's when the zoning was established in the City. The west side has historically been industrial as Edgewood was on the outskirts of Orlando, where industrial uses were expected. When the economy changed, many of those uses moved out. As residential areas developed there was a conflict of uses.
4. Land Use Compatibility. The creation of the ECD includes that development be compatible with adjacent uses.
5. Adequate Public Facilities. Adequate public services are available to support this kind of environment, including sewer and water. Road capacity is not under the City's control as it is a state road. The ECD promotes alternative modes of transportation and establishing design standards which may help.

In response to Chairwoman Dunay's question, Planner Hardgrove said that the bike paths would be with the restriping of Orange Avenue

Chairwoman Dunay asked for discussion amongst the Board.

As there was no further discussion, Chairwoman Dunay asked for public comment.

**Andy Hansen**, Discovery Church at 4400 Orange Avenue – Mr. Hansen spoke on behalf of the church to represent their interests during the ECD rezoning. Discovery Church has purchased a new facility on Sand Lake Road for relocation in fall 2019, and they have concerns about the parking agreement that they have with Water's Edge Shopping Center for a new owner.



Board Member Dunay asked about the Ordinance that was passed regarding off-site parking. Attorney Smith said that off-site parking has to be on the same side of the road. This would not affect Discovery Church at present, but could in the future if they have a new agreement.

Mr. Hansen said there was a variance that was approved by the Board and it is his understanding that even in the new code, pre-existing uses and structures would stay the same as the agreement goes with the land and would be passed with the new purchaser.

Planner Hardgrove asked if another church moves in would they need a new special exception. Attorney Smith responded that if they are operating the building in the same way then they operate under the same special exception.

**Sam Sebaali with FEG** spoke representing John Winter who owns South Orange Shopping Center 5416 Hansel Avenue. Engineer Sebaali said that Mr. Winter has concerns about the zoning; particularly or thrift stores as they are not an allowable use and for standards for outdoor truck parking. Per Engineer Sebaali, these parcels are heavily impacted because State Road (Orange and Hansel Avenues) runs on both sides and it may be difficult to for significant redevelopment. He has had discussions with Planner Hardgrove, and he hopes that the City can work through these items and that Ordinance 2018-09 will come back with some corrections. Engineer Sebaali said that they understand that the idea is to encourage redevelopment, but if it is too difficult or make sense financially, the property will just sit. Board Member Rader said the current pattern up Orange Avenue is to redevelop.

Attorney Smith said that this goes to City Council for first reading on October 16th with a potential second reading in November. He intends to have the “glitch” ordinance, with the changes, ready for November P&Z and timed with City Council’s second reading. He said that there is already some direction on changes to the Ordinance and it will be presented to P&Z.

As there was no further discussion, Chairwoman Dunay asked for a motion.

**Board Member Rayburn made the motion to recommend approval of Ordinance 2018-12; Second by Board Member Rader. The Motion unanimously approved (5/0).** This will go to Council for 1<sup>st</sup> reading October 16, 2018.

#### COMMENTS/ANNOUNCEMENTS

Chairwoman Dunay began discussion of the repeal of the sign ordinance for electronic changeable message (ECM) signs. Attorney Smith replied that a new ordinance will come forward so that lawfully nonconforming uses, as it applies to electronic signage, will have the code to regulate what is there. Dr. Klein’s application for an ECM became subject to the code when he permitted it. Dr. Klein’s sign is a potentially lawfully nonconforming sign because it was permitted before the petition.

Chairwoman Dunay asked if it is possible to have it apply to Dr. Klein and not to the property. Attorney Smith replied that a lawfully nonconforming use belongs to the land unless it is torn down; it is separate from ownership. If the sign is torn down it cannot be put back up.



Board Member Rader asked what would happen if there was unintended destruction to the sign and Attorney Smith said that the damage had to be more than 50% of the sign's replacement cost before it could not be replaced.

Chairwoman Dunay asked if Dr. Klein is aware of the petition to eliminate ECM signs and of the overwhelming opposition to electronic signs. Deputy City Clerk Riffle confirmed that Dr. Klein is aware of this.

Chairwoman Dunay asked Deputy City Clerk, Sandy Riffle for the next P&Z Board meetings and she confirmed that the next Planning and Zoning dates would be

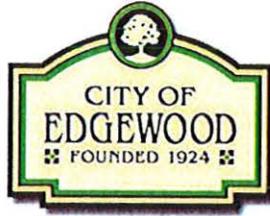
- November 12, 2018
- December 10, 2018

**ADJOURNMENT:**

*With no further business or discussion, Board Member Rader made the Motion to adjourn the Planning and Zoning Board meeting; second by Board Member Rayburn. The motion was unanimously approved (5/0). The meeting adjourned at 7:30 pm.*

\_\_\_\_\_  
Regina Dunay, Chairwoman

\_\_\_\_\_  
Sandra Riffle, Deputy City Clerk



**Memo**

**To:** Planning and Zoning Board Members  
**From:** Sandy Riffle, Deputy City Clerk  
**Date:** November 7, 2018  
**Re:** New Business Items

---

In the November 12, 2018 Planning and Zoning Board meeting you will consider a request to table a proposed variance request and three new proposed ordinances. For your review and consideration, the following is provided in your agenda packet:

1. **The Waterfront Variance Applications - 4201 S. Orange Avenue**  
The applications for variance requests were tabled for decision until November 12, 2018 in order for the applicant to provide more information. The owners of The Waterfront request to table further review until the December Board meeting in order to better respond to P&Z requests for additional information.
2. **Ordinance 2018-13 Floodplain Management**
3. **Ordinance 2018-14 Electronic Signs Operational Limits**
4. **Ordinance 2018-15 Amendment of Code for Edgewood Central District (ECD) Zoning District**
  - Staff Report from Ellen Hardgrove, AICP, City Planning Consultant
  - Ordinance 2018-15

ORDINANCE NO. 2018-13

AN ORDINANCE BY THE CITY OF EDGEWOOD AMENDING THE CITY OF EDGEWOOD CODE OF ORDINANCES CHAPTER 106 TO MAKE MODIFICATIONS TO BRING THE REGULATIONS INTO AGREEMENT WITH THE MOST CURRENT FEMA-APPROVED, CODE-COMPANION FLOODPLAIN MANAGEMENT ORDINANCE FOR FLORIDA COMMUNITIES; TO ADOPT NEW FLOOD HAZARD MAPS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 City of Edgewood participates in the National Flood Insurance Program and 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**, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Orange County, Florida and Incorporated Areas, with an effective date of June 20, 2018; and

**WHEREAS**, the City Council determined that it is in the public interest to amend the Code of Ordinances Chapter 106, to make modifications to bring the regulations into agreement with the most current Model Floodplain Management Ordinance approved by FEMA for Florida communities.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Edgewood that Chapter 106 of the Edgewood Code of Ordinances is amended as set forth in the following amendments, as shown in strikethrough and underline format in Section 2.

**SECTION 1. RECITALS.**

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

**SECTION 2.** This ordinance amends Chapter 106 of the Code of Ordinances of the City of Edgewood as follows:

**CHAPTER 106. FLOOD DAMAGE PREVENTION AND PROTECTION.**

**ARTICLE 1 ADMINISTRATION**

**DIVISION 1 GENERAL**

**106.1 Title.** These regulations shall be known as the *Floodplain Management Ordinance* of the City of Edgewood, hereinafter referred to as "this ordinance."

**106.2 Scope.** The provisions of this ordinance shall apply to all development that is wholly within

or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

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

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

**106.4 Coordination with the *Florida Building Code*.** This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

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

**106.6 Disclaimer of Liability.** This ordinance shall not create liability on the part of the City of

Edgewood or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

## DIVISION 2 APPLICABILITY

**106.7 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

**106.8 Areas to which this ordinance applies.** This ordinance shall apply to all flood hazard areas within the City of Edgewood, as established in Section 102.3 of this ordinance.

**106.9 Basis for establishing flood hazard areas.** The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study for Orange County, Florida and Incorporated Areas City of Edgewood, dated September 25, 2009, dated June 20, 2018, with the accompanying maps and other supporting data, and any subsequent amendments and revisions thereto, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and Flood Insurance Rate Map are on file at the City of Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida 32809.

**106.9.1 Submission of additional data to establish flood hazard areas.** To establish flood hazard areas and base flood elevations, pursuant to Article 1, Division 5 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (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.

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

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

**106.12 Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and

- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

### DIVISION 3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

**106.13 Designation.** The Mayor of the City of Edgewood is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

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

**106.14 Applications and permits.** The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
- (8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

**106.15 Substantial improvement and substantial damage determinations.** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

**106.16 Modifications of the strict application of the requirements of the *Florida Building Code*.** The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 107 of this ordinance.

**106.17 Notices and orders.** The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

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

**106.19 Other duties of the Floodplain Administrator.** The Floodplain Administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.4 of this ordinance;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* ~~and this ordinance~~ to determine that such certifications and documentations are complete; and

- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Edgewood are modified.

**106.20 Floodplain management records.** Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of **Map** Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at City of Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida 32809

#### **DIVISION 4 PERMITS**

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

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

**106.22.1 Buildings, structures and facilities exempt from the *Florida Building Code*.**

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

- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.

- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

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

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

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

**106.25 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.

**106.26 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.

**106.27 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.
- (5) Federal permits and approvals.

#### **DIVISION 5 SITE PLANS AND CONSTRUCTION DOCUMENTS**

**106.28 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 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 **106.29105.2**(2) or (3) 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 **106.29105.2**(1) 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 purpose.
- (7) Existing and proposed alignment of any proposed alteration of a watercourse.

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

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

- (1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
- (2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
- (3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
- (4) Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

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

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and

certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 105.4 of this ordinance.

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

## DIVISION 6 INSPECTIONS

**106.32 General.** Development for which a floodplain development permit or approval is required shall be subject to inspection.

**106.32.1 Development other than buildings and structures.** The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

**106.32.2 Buildings, structures and facilities exempt from the *Florida Building Code*.** The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

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

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

**106.32.2.2 Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 106.32.2.1 of this ordinance.

**106.32.3 Manufactured homes.** The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

## DIVISION 7 VARIANCES AND APPEALS

**106.33 General.** The Planning and Zoning Commission shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Planning and Zoning Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*.

**106.34 Appeals.** The Planning and Zoning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the Planning and Zoning Commission may appeal such decision to the Circuit Court, as provided by Florida Statutes.

**106.35 Limitations on authority to grant variances.** The Planning and Zoning Commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 10638 of this ordinance, the conditions of issuance set forth in Section 106.39 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Planning and Zoning Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

**106.35.1 Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 106.30 of this ordinance.

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

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

**106.38 Considerations for issuance of variances.** In reviewing requests for variances, the Planning and Zoning Commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;

- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**106.39 Conditions for issuance of variances.** Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
- (2) Determination by the Planning and Zoning Commission that:
  - (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

## SECTION 108 VIOLATIONS

**106.40 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.

**106.41 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.

**106.42 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.

## ARTICLE 2 DEFINITIONS

### DIVISION 1 GENERAL

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

**106.44 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.

**106.45 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.

### DIVISION 2 DEFINITIONS

**106.46 Terms defined.**

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

**Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given

year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

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

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

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

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

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

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

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

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

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

**Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

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

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

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

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

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

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

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

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

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

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

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

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

**Functionally dependent use.** A use which cannot perform its intended purpose unless it is

located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

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

**Historic structure.** Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11.12 Historic Buildings.

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

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

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

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

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

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

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

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

**Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet

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

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

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

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

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

**Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

**Recreational vehicle.** A vehicle, including a park trailer, which is: [see in section 320.01, F.S.]

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

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

**Start of construction.** The date of issuance of permits for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the

pouring of slab or footings, the installation of piles, the construction of columns.

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

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

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

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure. [See *Instructions and Notes*]

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

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

## ARTICLE 3 FLOOD RESISTANT DEVELOPMENT

### DIVISION 1 BUILDINGS AND STRUCTURES

**106.47 Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*.** Pursuant to Section 106.22.1 of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Article 3, Division 7 of this ordinance.

### DIVISION 2 SUBDIVISIONS

**106.48 Minimum requirements.** Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

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

**106.49 Subdivision plats.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 106.29(1) of this ordinance; and
- (3) Compliance with the site improvement and utilities requirements of Article 3, Division 3 of this ordinance.

### **DIVISION 3 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**

**106.50 Minimum requirements.** All proposed new development shall be reviewed to determine that:

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

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

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

**106.53 Limitations on sites in regulatory floodways.** No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 106.30105.3(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

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

#### DIVISION 4 MANUFACTURED HOMES

**106.55 General.** All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

**105.56 Foundations.** All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the *Florida Building Code Residential* Section R322.2 and this ordinance. Foundations for manufactured homes subject to Section 105.57 of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

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

**106.58 Elevation.** Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 106.58.1 or 106.58.2 of this ordinance, as applicable.

**106.58.1 General elevation requirement.** Unless subject to the requirements of Section 106.58.2 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).

**106.58.2 Elevation requirement for certain existing manufactured home parks and subdivisions.** Manufactured homes that are not subject to Section 106.58.1 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

- (1) Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code, Residential* Section R322.2 (Zone A); or
- (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at

least equivalent strength that are not less than 36 inches in height above grade.

**106.59 Enclosures.** Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 for such enclosed areas.

**106.60 Utility equipment.** Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322.

#### DIVISION 5 RECREATIONAL VEHICLES AND PARK TRAILERS

**106.61 Temporary placement.** Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

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

**106.62 Permanent placement.** Recreational vehicles and park trailers that do not meet the limitations in Section 106.61 of this ordinance for temporary placement shall meet the requirements of Article 4, Division 4 of this ordinance for manufactured homes.

#### DIVISION 6 TANKS

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

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

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

**106.66 Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

- (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic

loads, including the effects of buoyancy, during conditions of the design flood.

## DIVISION 7 OTHER DEVELOPMENT

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

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 106.53 of this ordinance if located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (4) Be constructed of flood damage-resistant materials; and
- (5) Have mechanical, plumbing, and electrical systems above the design flood elevation **or meet the requirements of ASCE 24**, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

**106.68 Fences in regulated floodways.** Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 106.53 of this ordinance.

**106.69 Retaining walls, sidewalks and driveways in regulated floodways.** Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 106.53 of this ordinance.

**106.70 Roads and watercourse crossings in regulated floodways.** Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 106.53 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section **106.30(3)** of this ordinance.

### SECTION 3. FISCAL IMPACT STATEMENT.

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

### SECTION 4. APPLICABILITY.

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

### SECTION 5. REPEALER.

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

**SECTION 6. INCLUSION INTO THE CODE OF ORDINANCES.**

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

**SECTION 7. SEVERABILITY.**

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

**SECTION 8. EFFECTIVE DATE.**

This ordinance shall take effect on \_\_\_\_\_.

**PASSED** on first reading \_\_\_\_\_.

**PASSED and ADOPTED** in regular session, with a quorum present and voting, by the **City Council of the City of Edgewood**, upon second and final reading this \_\_\_\_\_.

\_\_\_\_\_  
John Dowless, Council President

*ATTEST:*

\_\_\_\_\_  
Bea L. Meeks  
City Clerk

Approved as to form:

\_\_\_\_\_  
D. Andrew Smith, III  
City Attorney



45 Dissolve: a mode of message transition on an Electronic Changeable Message Sign  
46 accomplished by varying the light intensity or pattern, where the first message gradually  
47 appears to dissipate and lose legibility simultaneously with the gradual appearance and  
48 legibility of the second message.

49 Electronic Changeable Message Sign: A sign that uses changing lights or an electronic  
50 medium to form an image, picture, or message of any kind, whether the image, picture, or  
51 message is moving or stationary, wherein the sequence of the messages and the rate of  
52 change are electronically programmed and can be modified by electronic processes.  
53 Electronic changeable signs include LED signs (light emitting diode technology or other  
54 similar semiconductor technology), OLED signs (transmissive, organic light emitting  
55 diodes), LEP signs (light emitting polymer), OEL signs (organic electro luminescence), or  
56 any similar technology.

57 \* \* \*

58 Fade: a mode of message transition on an Electronic Changeable Message Sign  
59 accomplished by varying the light intensity, where the first message gradually reduces  
60 intensity to the point of not being legible and the subsequent message gradually increases  
61 intensity to the point of legibility.

62

63 Flashing: a rapid on and off display of messages, also defined as a message being displayed  
64 for less than the identified Display Time in the regulation.

65 \* \* \*

66 Frame: a complete, static display screen on an Electronic Changeable Message Sign.

67 \* \* \*

68 Illuminance: the amount of light striking a lit object at a given distance (in this case a  
69 passersby eye), measured in foot candles.

70 \* \* \*

71 Interactive Sign: A sign that has the ability to change the display based on the person or  
72 vehicle passing by.

73 \* \* \*

74 Scrolling: a mode of message transition on an Electronic Changeable Message Sign where  
75 the message appears to move vertically down or up the display surface.

76 \* \* \*

77 Static: Motionless.

78 \* \* \*

79 Transition: A visual effect used on an Electronic Changeable Message Sign to change from  
80 one message to another.

81

82 Traveling: A mode of message transition on an Electronic Changeable Message Sign where  
83 the message appears to move horizontally across the display surface.

84 \* \* \*

85 **Sec. 122-10. Prohibited Signs.**

86 The following types of signs are prohibited:

87 A. Abandoned signs

88 B. Balloons, cold air inflatables, streamers, and pennants.

89 C. Banner signs except as expressly allowed in Section 122-12 herein.

90 D. Bench signs, other than the identification of the transit company or its route schedule.

91 E. Billboards.

92 F. Electronic changeable message signs unless otherwise specifically allowed herein.

93 G. Pavement markings, except street addresses and vehicle directional arrows.

94 H. Portable signs except as expressly authorized in Section 122-12 herein.

95 I. Pole signs.

96 J. Roof signs.

97 K. Signs in or upon any lake or other body of water.

98 L. Signs erected by other than a governmental entity on or extending into publicly-owned  
99 land, easements or rights-of-way.

100 M. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.

101 N. Signs that have unshielded illuminating devices or which reflect lighting onto public  
102 rights-of-way thereby creating a potential traffic or pedestrian hazard.

103 O. Animated signs or signs that appear to display motion in any way whatsoever, including  
104 beacons.

105 P. Signs that obstruct, conceal, hide, or otherwise obscure from view any traffic control  
106 device sign or official traffic signal.

107 Q. Snipe signs.

108 R. Obscene signs.

109 S. Hazardous signs.

110 T. Vehicle signs.

111 U. Any sign that is not specifically described or enumerated as permitted.

112 V. Signs attached to temporary structures.

113

114 \* \* \*

115

116 **Sec. 122-11. General standards.**

117 \* \* \*

118 (k) Electronic Changeable Message Signs are prohibited within the City of  
119 Edgewood. Any lawfully nonconforming Electronic Changeable Message Sign  
120 shall not be moved or structurally altered or expanded from the location or  
121 dimensions approved prior to such structure becoming lawfully nonconforming.  
122 Any lawfully nonconforming Electronic Changeable Message Sign shall be subject  
123 comply with all regulations related to Electronic Changeable Message Signs in  
124 place at the time of permit application and shall be subject to the following  
125 operational restrictions:

126 (1) The Electronic Changeable Message Sign shall only contain static  
127 messages. Movement, or the appearance or optical illusion of movement,  
128 of any part of the sign structure, design, or pictorial segment of the sign,  
129 including the movement or appearance of movement of any illumination or  
130 the flashing, scrolling, traveling, or scintillating or varying of light intensity  
131 shall be prohibited.

132 (2) The Electronic Changeable Message Sign shall not emit noise or use  
133 sound.

134 (3) The Electronic Changeable Message Sign shall not have lighting that  
135 would resemble, compete with, or distract from traffic signal lighting.

136 (4) Interactive signs are prohibited.

137 (5) The hours of digital display operation shall be between 6:00 a.m. and  
138 10:00 p.m. The digital display shall be turned off outside of these hours.

139 (6) Minimum Display Time. Each message on the sign must be displayed  
140 for a minimum of 10 seconds.

141 (7) The change of messages must be accomplished instantaneously; only  
142 static transitions shall be allowed. Messages changed by fade, dissolve,  
143 scrolling, traveling, or similar animated images that appear to move or  
144 change in size, lashing and video are prohibited.

145 (8) The Electronic Changeable Message Sign shall be equipped with an  
146 automatic shut off or contain a default design to freeze the display in one  
147 position if a malfunction occurs.

148 (9) The illumination of an Electronic Message Sign shall conform to the  
149 criteria below.

150 a. The illuminance of an Electronic Message Sign shall be measured  
151 with an illuminance meter set to measure footcandles accurate to at  
152 least two decimals. Illuminance shall be measured with the  
153 Electronic Message Sign off, and again with the Electronic Message  
154 Sign displaying a white image. All measurements shall be taken  
155 perpendicular to the face of the Electronic Message Sign at the  
156 distance determined by the total square footage of the Electronic  
157 Message Sign as set forth in the accompanying Sign Area Versus  
158 Measurement Distance table (below).

SIGN AREA VERSUS MEASUREMENT DISTANCE

AREA OF SIGN sq. ft.	MEASUREMENT Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

\* For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 500 sq ft, etc), the measurement distance may be calculated with the following formula: Measurement Distance =  $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$

159

160

161

b. The difference between the off and white screen measurements shall not exceed 0.3 footcandles.

162

163

164

165

166

c. All permitted Electronic Changeable Message Signs shall be equipped with a sensor that automatically determines the ambient illumination and that is programmed to automatically dim according to ambient light conditions to ensure compliance with the 0.3 footcandle limit in all light conditions.

167 d. The owner or operator of an Electronic Changeable Message Sign  
168 shall immediately turn off the display of any Electronic Changeable  
169 Message Sign upon receipt of notification from the City that the sign  
170 is not complying with the standards of this chapter and shall keep  
171 the Display turned off until the nonconformance is corrected.

172  
173 **SECTION THREE. Severability.** If any section, subsection, sentence, clause,  
174 phrase, word or provision of this Ordinance is for any reason held invalid or  
175 unconstitutional by any court of competent jurisdiction, whether for substantive,  
176 procedural, or any other reason, such portion shall be deemed a separate, distinct and  
177 independent provision, and such holding shall not affect the validity of the remaining  
178 portions of this Ordinance.

179  
180 **SECTION FOUR. Codification.** It is the intent of the City Council of the City  
181 of Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted  
182 broad and liberal authority in codifying the provisions of this Ordinance.

183  
184 **SECTION FIVE. Effective date.** This Ordinance shall take effect immediately  
185 upon adoption as provided by the Charter of the City of Edgewood.

186  
187 PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

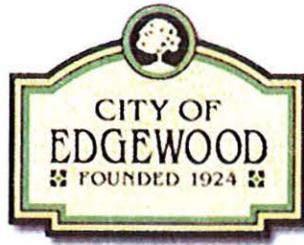
188  
189 PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

190  
191  
192 CITY OF EDGEWOOD, FLORIDA  
193 CITY COUNCIL

194  
195  
196 \_\_\_\_\_  
197 John Dowless, Council President

198 ATTEST:

199 \_\_\_\_\_  
200 Bea Meeks, City Clerk



405 Larue Avenue - Edgewood, Florida 32809-3406  
(407) 851-2920

To: Planning and Zoning Board (P&Z)  
XC: Sandy Riffle, Deputy City Clerk  
Bea Meeks, City Clerk  
Drew Smith, City Attorney  
From: Ellen Hardgrove, AICP, City Planning Consultant  
Date: November 6, 2018  
Re: Changes to ECD Ordinance

On August 21, 2018, City Council approved the new Edgewood Central District (ECD). At that meeting, City Council directed staff to give further consideration to ideas that were presented at the meeting. Subsequent to that meeting, impracticality with implementation of the district on State Road 527 double frontage lots as well as some Scrivener's errors were discovered. The attached proposed ordinance for P&Z's consideration contains changes that address these issues.

The proposed ordinance also includes recommended changes to clarify and ensure the intent of the district is met. The following provides a summary of the proposed changes.

Lines 38 – 49: format changes, no change in meaning

Lines 49 -50: Clarification to improve intended meaning of a Gallery type of building

Lines 56 – 87: Increases protection to adjacent single family homes via increased side and rear yard setbacks, and requires wall and trees

Lines 88 – 92: specifies the ECD Tree Furnishing Sign Area does not apply to local side streets. Development along side streets other than SR 527, Holden, Hoffner, or Gatlin Avenues will be required to conform to a 25 foot building setback and that setback will be allowed to be used for stormwater and parking when consistent with Code landscaping requirements, as well as Code required building perimeter landscaping

Line 108: Street tree spacing change; eliminate duplicated standard in table, i.e., "offset from road intersection"

ECD requires the shade trees along the street to be 25 feet apart. Spacing of 25 feet will likely create an excessive canopy even with the compact nature of the recommended tree

(Highrise Oak). Below is an example of 34-foot on center spacing. Edgewood's current code (landscaping along right-of-way) requires 40-spacing.



Line 119: Scrivener's error in Tree/Furnishings Sign Area name

Line 149: Scrivener's error in Tree/Furnishings Sign Area name

Lines 161 – 164: Format change due to change in Lines 159-164

Lines 162 – 164: Allowing temporary signs in the ECD was specifically connected with the provision of the Pedestrian Path Zone. With the Pedestrian Path Zone eliminated, signs in ECD should be consistent with current sign regulation; temporary signs, except banners, are not allowed in the City.

Lines 165 -249: Flexibility is added to the ECD for relatively shallow lots that have double frontage on SR 527 (i.e., those between Hansel and Orange Avenues). Only one SR 527 frontage will be required to comply with the ECD Building Placement Standards; alternate design standards for the second SR 527 frontage are specified.

Line 251: Scrivener's error – dash vs. period

Line 257: Scrivener's error - capitalization

Lines 269 and 270: Scrivener's error – “Windows shall be a minimum of 2 feet in width” inadvertently omitted from ordinance

Lines 270 – 271: Scrivener’s error - Deleted text belongs in a different section, verbatim text moved to Lines 275-277

Lines 275 – 277: See Lines 270-271

Lines 296 – 301: Increases protection to adjacent single family homes

Lines 317 – 339: Clarification/Scrivener’s error – the text that is shown deleted was moved verbatim to Lines 330-340 to clarify the Secondary Façade standard applies to both development in the Road View and Rear Areas of a parcel

Line 349: Scrivener’s error – “Build Line in the” was inadvertently omitted

Line 399: Scrivener’s error (Section applies to more than “Underground” utilities)

Line 443: Clarifies curbing requirements in parking lots

Line 458: Street wall height increased from 3 feet to 4 feet to ensure cars are adequately screened

Lines 464- 472: Clarification on placement of street wall – with the elimination of the Pedestrian Path Zone, the street wall has the ability to be moved to the Build Line. The street wall landscaping requirements remain unchanged with exception that the hedge height is increased from 24 inches to 36 inches reflecting the street wall height increase

Line 476: Maximum height of columns is increased due to increased height of street wall

Lines 478 -482: Same change as above, i.e., the Tree/Furnishing/Sign Area will not be required on local side streets; requires use of the side street setback for parking to conform to Code landscape requirements

Lines 487 -501: Clarifies where liner buildings are required if a parking structure is constructed within 100 feet of a single family residential zoning district, and clarifies the required landscaping and other land use compatibility requirements

Lines 517-518: Scrivener’s error (“submitted” inadvertently omitted) and clarifies that the parking study is not only to be submitted, but also accepted by the City Council

Lines 522-524: Clarifies how the transit stop distance for parking reduction is measured

Lines 548-552: Clarifies use of walls for screening car wash vacuum stations, etc.

Lines 589-595: Scrivener’s Error (format change)

Line 596: Scrivener’s Error (example was changed at Council adoption hearing; i.e., Queue line start)

Lines 598 – 605: Scrivener’s Error (Council approved the underlined text, but such was not included in the final ordinance)

Line 618: Scrivener’s Error (added “to”)

Lines 645 – 708: Scrivener’s Errors (Number/letters formatting error – no change in regulation)

Line 659: Scrivener’s error (deleting one “in”)

Line 686: Scrivener’s error (deleting one “in”)

Line 803: Scrivener’s Error (deletes duplicate “the”)

Lines 812 – 817: Scrivener’s Errors (Number/letters formatting error – no change in regulation)

End



34 \* \* \*

35 (f) Minimum Percentage of Lot Width Occupied by Building at the Build Line.

36 Buildings located within the Road View Area shall meet the following building façade  
37 width to lot width ratio.

38

<i>Lot Width</i>	<i>Minimum % of Lot Width occupied by Building Façade</i>
<125	50
125 $\leq$ 174.9	60
$\geq$ 175	70

39

40 For the purpose of this standard, the following features shall be included in the calculation  
41 of Building Façade Width:

42 (1) Uncovered recessed courtyards between portions of the building, provided that the  
43 width of such courtyards shall not be more than 50% of the total building frontage and  
44 that the courtyard is paved and enhanced with landscaping;

45 (2) Restaurant outdoor seating areas, provided that such seating areas are less than 30% of  
46 the actual building frontage;

47 (3) Pedestrian access ways to rear parking areas, provided such pedestrian access ways are  
48 located between buildings and not adjacent to driveways; and

49 (4) A gallery-type of building with the use of columns to create a covered arcade beneath  
50 the, ~~with~~ upper stories above the arcade provided a minimum 13-foot ground clearance  
51 in the arcade is provided.

52 (5) Full height wall recesses up to 4 feet in depth and a maximum of 40 feet in length.

53 (g) Building Placement.

54 (1) Building Placement Applicable to All Development

55 a. Minimum Rear Yard/Rear Building Setback Width and Use.  
56 Buildings shall be setback a minimum of 20 feet from the rear property line except  
57 when adjacent to a single family zoning district, in which case buildings shall be  
58 setback a minimum of 25 feet from the rear property line. The single family setback  
59 does not apply if a road or a railroad right of way separates the property from the single  
60 family zoning district. However, in all cases where EC District is adjacent to a single  
61 family district, a seven (7) feet high solid brick wall shall be constructed on the property  
62 line between the single family and ECD zoned property. The wall in proximity to any

63 street or driveway intersection shall be designed to avoid a traffic safety hazard. In  
64 addition to the wall, year-round shade trees shall be planted within a planting area at  
65 least (8) feet in depth from the wall at a rate where, at maturity, the canopies provide  
66 full screening, but in no case less than 1 tree/40 linear feet. A hedge may be substituted  
67 for the tree requirement, upon approval of City Council, if the intended screening  
68 coverage can be provided.

69 b. Minimum Side Yard/Building Setback Width and Use

70 1. The minimum side building setback is zero unless adjacent to a single family  
71 residential district or abutting a side street or natural surface water body. If zero  
72 setback is used, a plan for side building maintenance shall be presented with the  
73 development application and roof slopes shall be away from the zero setback  
74 property line to avoid a negative impact to the abutting property.

75 2. The minimum side building setback for properties abutting a single family residential  
76 district shall be 25 feet. The single family setback does not apply if a road or a  
77 railroad right of way separates the property from the single family zoning  
78 district. However, in all cases where EC District is adjacent to a single family  
79 district, a seven (7) feet high solid brick wall shall be constructed on the  
80 property line between the single family and EC zoned property. The wall in  
81 proximity to any street or driveway intersection shall be designed to avoid a  
82 traffic safety hazard. In addition to the wall, year-round shade trees shall be  
83 planted within a planting area at least (8) feet in depth from the wall at a rate  
84 where, at maturity, the canopies provide full screening, but in no case less than  
85 1 tree/40 linear feet. A hedge may be substituted for the tree requirement, upon  
86 approval of City Council, if the intended screening coverage can be provided.

87 3. On lots abutting SR 527, Holden, Hoffner, or Gatlin Avenue, the side street a  
88 side-street, development within the side yard shall conform to the Road View  
89 site standards and Tree/Furnishing/Sign Areas. Abutting other side streets, the  
90 minimum building setback shall be 25 feet and shall conform to the City’s code  
91 for building perimeter landscaping.

92 4. Buildings shall be setback from every natural surface water body a minimum  
93 of 50 feet, measured from the normal high water elevation.

94 \* \* \*

95 (h) Tree/Furnishings/Sign Area

96 (1) The Tree/Furnishings/Sign Area shall be located along the front property line of the  
97 property and extend 25 feet inward toward the Build Line.

98 (2) Trees shall be provided in the Tree/Furnishings/Sign Area according to the  
99 following standards; provided, however, alternative species may be approved  
100 during the site plan review process when the proposed species of tree can fulfill the  
101 intended design intent, and at the same time achieve full growth and form.  
102 Alternating more than two species is strongly discouraged as it will detract from  
103 the goal of a recognizable, cohesive development pattern:

104  
105

a. Tree Choice:

Street Trees	Characteristics	Minimum Requirements
Highrise Live Oak <i>Quercus virginiana</i>	Once established, Live Oak will thrive in almost any location including narrow spaces and sidewalk to street applications Once established a live oak will grow about 2-4 feet and 1 inch of caliper per year.  Semi-evergreen Mature Height: 30-40' Mature Spread: 16-25'	Minimum 5" caliper (16-18 foot tall)

106  
107

b. Tree Location;

Street Tree Standards (as measured to center of tree)	
On-center spacing*	25-40 feet
Offset from Sidewalk	Minimum 2'-6"
Offset from front property line	12.5 feet**
Offset (Horizontal) from Overhead Wires Utility Pole (as measured from the center of the pole)	Minimum 12.5'-0"
Offset from road intersections and driveways	Consistent with current Florida Green Book Standard (generally 75' from center of intersection stop bar in both directions)
Offset from Underground Utilities	10'-0"
Offset from Light Poles	15'-0"
Offset from Driveways, Fire Hydrants	10'-0"

Offset from Road Intersections

Per current Florida  
Green Book standard

\*Staff has the ability to modify on-center spacing to allow conformance with the remaining spacing standards.

\*\* Staff has the ability to approve tree locations closer to the property line for existing, established trees that meet the intent of the trees in the Tree/Furnishing/Sign area.

108

- 109 (3) Trees shall be planted in a shallow (no greater than a 6:1 slope and maximum 18  
110 inches in depth) pervious swale (no pervious pavers) comprising at least 100 square  
111 feet per tree, that will ensure the capture of rainwater and runoff in order to promote  
112 deep root growth.
- 113 (4) Tree limbs must be maintained to hang no lower than 14.5 feet above any public  
114 street, alleyway, driveway, and no less than 8.5 feet over sidewalks.
- 115 (5) In addition to street trees, sidewalks and street furnishings, including, but not  
116 limited to, seating, lighting, light poles, and bike racks, may be allowed within the  
117 Tree/Furnishings/Sign Area subject to site plan approval.
- 118 (6) All sidewalks in the ~~Tree/Furnishings/Sign Area zone~~ shall be ADA compliant  
119 and a minimum width of 8 feet of which at least 6 feet of width is maintained for  
120 a continuous pedestrian access route free of obstructions.
- 121 (7) Where sidewalks are not located contiguous to the building façade, building  
122 perimeter landscaping shall be provided in accordance with the following  
123 standards.
- 124 a. have a minimum depth from the building of six feet.
- 125 b. shall contain at least a double row of shrubs, preferably of different species,  
126 planted parallel to the building. The shrubs shall be at least 24 inches high  
127 at planting of a species capable of growing to 36 inches in height within 18  
128 months, and spaced to achieve a continuous hedge at maturity. The hedge  
129 height shall be maintained to not obstruct the full window view.
- 130 c. Small/understory trees shall be planted at a rate of one tree/20 feet, or  
131 portion thereof, of the length of the landscaped area as measured along the  
132 building façade. Spacing of the trees shall be at the discretion of the owner,  
133 such that the trees may be aggregated to provide maximum aesthetic value.  
134 The required trees may be credited toward meeting the blank wall  
135 requirement if applicable.
- 136 (8) All street furnishings shall be permanently fixed to the ground through mechanical  
137 fasteners or through the use of concrete footings.
- 138 (9) Unless specifically approved through the site plan review process, all street  
139 furnishing shall have a black finish.

140 (10) Details for all furnishings, including specifications, installation, colors and material  
141 shall be provided as part of the site plan review process.

142 (11) Any unpaved area in the Tree/Furnishings/Sign Area shall, at a minimum, be  
143 planted with a low-maintenance, drought tolerant ground cover.

144 (12) Ground Signs shall be allowed to be placed within the Tree/Furnishings/Sign Area  
145 provided such signs comply with all other provisions of the City Code.

146 (13) The following improvements shall also be allowed within the  
147 Tree/Furnishings/Sign AreaZone.

148 a. Building mounted and/or cantilevered architectural building elements such  
149 as awnings and canopies meeting the following requirements:

- 150 1. Hung 13 to 15 feet above the adjacent sidewalk grade;
- 151 2. Extending 2 to 8 feet from the wall;
- 152 3. A clear height distance of at least 80 inches, as required by  
153 accessibility standards;

154 b. Bay windows with a maximum width of 8 feet not extending greater than  
155 18 inches from the building wall;

156 c. Articulated wall projections of a minimum depth of 8 inches and maximum  
157 depth of 1.5 feet and maximum width of 4 feet in length; and

158 d. Attached Signs, as provided in Chapter 122 of this Code of Ordinances; and

159 e. ~~One Temporary Sign no taller than 36 inches and no wider than 24 inches  
160 that does not block or impair pedestrian traffic and is displayed only during the  
161 business hours of any business located on the property.~~

162 (i) Flexibility for certain lots with double frontage on S.R. 527.

163 Flexibility is needed for lots with double frontage on S.R. 527 where the lots have a right-  
164 of-way to right-of way (ROW to ROW) distance less than 350 feet and in cases where  
165 buildings with 100 feet of depth (east to west measurement) are proposed on the double  
166 frontage lots between 350 and 500 feet from S.R. 527 (ROW to ROW). On such properties,  
167 only one S.R. 527 road frontage is required to meet the Building Placement standards of  
168 this Section. The applicant for development may choose which S.R. 527 frontage shall  
169 meet the Building Placement standards of this Section. When this option is chosen, the  
170 second S.R. 527 road frontage shall meet the following standards, which include three  
171 components: Landscaped Buffer and Wall, Vehicular Use Area, and Back of Building  
172 standards.:

173 (1) Landscaped Buffer and Wall

174 a. a minimum of 15 feet buffer area shall be provided along the S.R. 527 frontage not  
175 used as the primary frontage;

176 b. a 4.5 ft. high solid brick wall shall be constructed parallel to the entire road frontage  
177 (excluding pedestrian and vehicular accessways);

- 178 c. the brick wall shall be constructed 7 feet from the property/right-of-way line within  
179 the buffer and shall comply with the requirements outlined below;
- 180 d. brick columns shall be used, at a minimum, where the wall ends at the property  
181 lines or access points;
- 182 e. the wall shall have modulation at every 40 feet by incorporating recesses away from  
183 the street side. The recesses shall be 20 feet in length and a minimum of 3 feet in  
184 depth. If the wall exceeds 40 feet in length, columns will be required to be  
185 incorporated into the wall at a maximum of 20 feet on center;
- 186 f. columns shall be 5 feet 4 inches in height;
- 187 g. the wall (not columns) may be topped with a wrought iron type trim if not exceeding  
188 a total height of five feet 4 inches for the wall and trim;
- 189 h. the wall shall break to provide for pedestrian entrance into the parcel. At least one  
190 “Pedestrian Entryway” wall break shall be provided per parcel. The number of  
191 Pedestrian Entryways to be provided is based on the placement of such and the  
192 requirement that the distance between the entryways or between the entryway and  
193 an endpoint of the parcel’s SR 527 frontage does not exceed 300 feet (measured  
194 center to center/parcel endpoint). This pedestrian entryway shall be designed with  
195 architectural distinction (e.g., archway, pergola) with a minimum clearance of 8  
196 feet. The Pedestrian Entryway shall also contain a six (6) feet wide sidewalk that is  
197 connected to the public sidewalk. The sidewalk shall also be connected to a six (6)  
198 feet wide sidewalk interior to the vehicular use area that connects with a sidewalk  
199 to the building’s primary public entrance. If the 6 feet wide sidewalk is provided  
200 within a 12 feet wide area between rows of (head to head) parking and is lined with  
201 year-round shade trees are planted at 50-foot intervals (on center), those rows of  
202 parking will not be limited to a maximum of ten spaces without a landscape break.  
203 These shade trees shall a minimum caliper of 3 inches dbh and minimum 14 feet in  
204 height at planting;
- 205 i. the buffer area on the road side of the wall shall be designed according to the  
206 following standards:
- 207 1. one year-round green shade tree shall be planted in the area created by each  
208 wall recess; shade trees shall be a minimum caliper of 3 inches dbh and  
209 minimum 14 feet in height at planting;
- 210 2. two clustered understory/small trees shall be planted in front of the non-  
211 recessed portion of the wall. Understory/small trees shall be a minimum of  
212 seven feet in height and have at least a two-inch caliper at planting;
- 213 3. at least a double row, multi-height hedge shall be planted parallel to the wall  
214 and the shrubs shall be at least 24 inches high at planting of a species capable  
215 of growing to 36 inches in height within 18 months and spaced to achieve a  
216 continuous hedge at maturity; the hedge height shall be maintained at the height  
217 no taller than the wall;
- 218 4. low-maintenance, drought tolerant ground cover shall be used for areas without  
219 hedges and trees or pavement;

220 5. street furniture permanently fixed to the ground through mechanical fasteners  
221 or through the use of concrete footings shall be allowed; all street furnishings  
222 shall have a black finish unless specifically approved through the site plan  
223 review process;

224 j. The buffer on the non-street side of the wall shall include a row of shrubs and  
225 understory trees as follows:

226 1. the shrubs shall be planted parallel to the wall and be at least 24 inches high at  
227 planting of a species capable of growing to 36 inches in height within 18 months  
228 and spaced to achieve a continuous hedge at maturity; the hedge height shall be  
229 maintained at the height no taller than the wall.

230 2. understory trees shall be planted at a rate of 1 tree/20 linear feet of wall;  
231 understory/small trees shall be a minimum of seven feet in height, have at least  
232 a two-inch caliper.

233 (2) Vehicular Use Areas

234 Vehicular use areas on the building side of the wall shall be consistent with the parking  
235 lot standards contained in Section 134-460, except as follows:

236 a. the maximum number of parking spaces in a row without a landscape break is ten  
237 except when using a head to head sidewalk/shade tree median option as described  
238 above. However, a landscaped break/end cap shall continue to be required at the  
239 ends of each row of parking spaces;

240 b. decorative lighting shall be provided at a pedestrian level (maximum 10 feet in  
241 height) throughout the vehicular use area.

242 (3) Back of Building

243 The primary façade of the building shall front the non-alternate State Road frontages  
244 and meet the Building Design standards of Section 134-459. Mechanical equipment  
245 shall be integrated into the overall mass of a building by screening it behind or parapets  
246 or by recessing equipment into hips, gables, walls, or similar features.

247 \* \* \*

248 **Sec. 134-459. Building Design.**

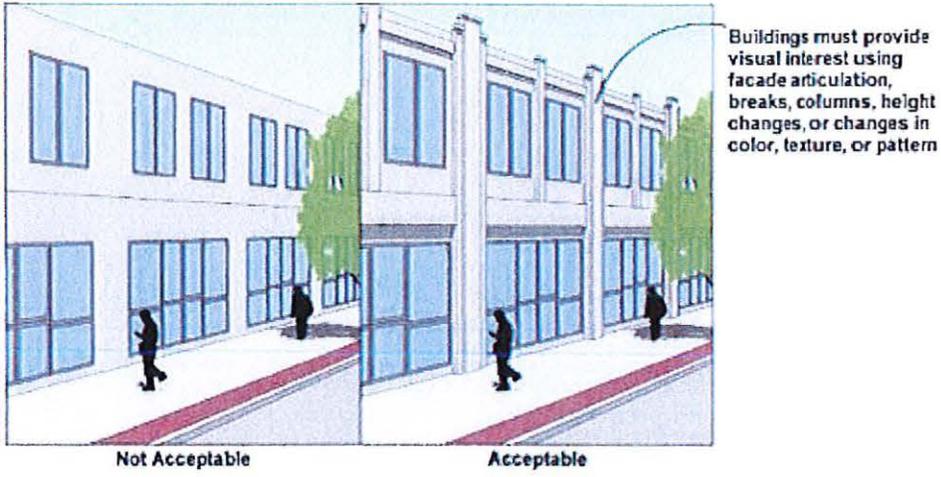
249 The intent of these design standards is to avoid long uninterrupted, monolithic appearance of  
250 façade planes, thus enhancing the visual appearance of development within the City and creating  
251 a human scale building, which in turn encourages pedestrian activity. The façade design is intended  
252 to give the appearance of a series of buildings having varied sizes and volumes vs. a single massive  
253 structure.

254 (a) Design of Buildings within the Road View Portion of the Site

255 (1) Primary Entrance: The building façade facing the front property line shall include a  
256 primary entrance to the building. This entrance can be placed at an angle not more than  
257 45 degrees to the road if oriented to a road intersection.

258 (2) First Floor Façade Transparency: At least 60% of the width of the ground floor road  
 259 frontage façade shall contain clear (transparent) or spectrally selective glazings  
 260 (minimum VLT of 60%) considered as “non-reflective” glass. This requirement  
 261 includes doors and windows affording views into the interior areas. Opaque,  
 262 translucent or reflective glass cannot be counted towards the transparency ratio.  
 263 Window placement shall be incorporated to create a horizontal and/or vertical rhythm.  
 264 The windows are encouraged to be full height of the ground floor, but in no instance  
 265 shall the sill be more than 3 feet above grade, with the window height extending to at  
 266 least the top height of the primary entrance door. Windows shall be a minimum of 2  
 267 feet in width. ~~A wall projection less than or equal to 18 inches is allowed to extend~~  
 268 ~~into Tree/Furnishings/Sign Area.~~

269 (3) Facade Horizontal Variation: Building façade design shall vary horizontally at least  
 270 every 40 feet by incorporating two or more of the following techniques:  
 271 a. Articulation (wall projections or recesses) of a minimum of 8 inches in depth and  
 272 maximum 4 feet in width, for the full height of the building. A wall projection less  
 273 than or equal to 18 inches is allowed to extend into Tree/Furnishings/Sign Area.



274  
 275 b. A full height material change; e.g., stucco to brick with varying roof heights (paint  
 276 color is not considered a material change).  
 277 c. Full height wall recesses of up to 4 feet in depth, and maximum 40 feet in length  
 278 with varying roof height.  
 279 d. Non-continuous cantilevered window treatments no more than 40 feet wide,  
 280 occupying 50-70% of the building’s length, placed 13-15 feet above the adjacent  
 281 sidewalk grade, with a minimum 8 feet clear height.  
 282 e. Uncovered recessed courtyards between portions of the building, provided that the  
 283 width of such courtyards shall not be more than 50% of the total building frontage  
 284 and that the courtyard is paved and enhanced with landscaping;

285 (4) Building Height: The minimum building height shall be 20 feet. For multi-story  
286 buildings, except for stand-alone residential uses, the finished first floor shall be a  
287 minimum of 13 feet in height and at least 8 feet in height for every story above the first.

288 a. Maximum building height shall be as follows:

289 1. Outside an Activity Node: 4 stories/55 feet unless within 100 feet of a single  
290 family residential zoning district, then 3 stories/45 feet.

291 2. Inside an Activity Node: 6 stories/75 feet; provided however, within 100 feet  
292 of a single family residential zoning district, the building shall be designed and  
293 scaled for compatibility with the adjacent single family homes, taking into  
294 consideration shadows, privacy, and visual quality. Methods for achieving  
295 compatibility include ground screening, upper story building step-back, and  
296 building design.

297 b. Façade Vertical Variation: A building height greater than 20 feet, regardless of the  
298 number of stories, shall include a 3-dimensional horizontal change at least 12 inches  
299 in height across at least 75% of the building, placed between 13 to 15 feet above  
300 ground to ensure a human scale, e.g., a material or texture change, or a building  
301 offset (building step back or step forward). The use of banding (continuous  
302 horizontal stripes) across large areas of the façade is prohibited. An alternative to  
303 this standard is a building mounted and/or cantilevered architectural building  
304 elements such as awnings and canopies meeting the following requirements:

305 1. Hung 13 to 15 feet above the adjacent sidewalk grade.

306 2. Extending 2 to 8 feet from the wall.

307 3. A clear height distance of at least 80 inches, as required by accessibility  
308 standards.

309 4. Occupying a total of 50-70 percent of the length of the building façade.

310 \* \* \*

311 ~~(b) — Secondary façades: facades not facing a road but within public view, shall be of finished~~  
312 ~~quality, color, and materials that blend with the remainder of road frontage façade. Major~~  
313 ~~architectural treatments on the road frontage building façade, such as cornices, window~~  
314 ~~treatments, and repeating details, shall be continued around all sides of the building that~~  
315 ~~will be visible to the public. Design of Buildings outside the Road View Portion of the Site~~  
316 ~~shall meet the same design standards for buildings in the Road View portion of the site~~  
317 ~~with the exception of façade transparency. At least 30% of the front façade of buildings~~  
318 ~~located outside the Road View portion of the site shall be devoted to transparent windows~~  
319 ~~and/or glass doors affording some view into the interior areas. Blank walls are~~  
320 ~~encouraged to be creatively designed to create an illusion of transparency.~~  
321

322 (b) Design of Buildings outside the Road View Portion of the Site shall meet the same design  
323 standards for buildings in the Road View portion of the site with the exception of façade  
324 transparency. At least 30% of the front façade of buildings located outside the Road View  
325 portion of the site shall be devoted to transparent windows and/or glass doors affording

326 some view into the interior areas. Blank walls are encouraged to be creatively designed  
327 to create an illusion of transparency.

328 (c) Secondary façades: facades not facing a road but within public view, shall be of finished  
329 quality, color, and materials that blend with the remainder of road frontage façade. Major  
330 architectural treatments on the road frontage building façade, such as cornices, window  
331 treatments, and repeating details, shall be continued around all sides of the building that  
332 will be visible to the public.

333 **Sec. 134-460. Other Design Standards**

334 (a) Stormwater Management

335 Developers are strongly encouraged to create/connect to a shared stormwater system  
336 rather than providing individual on-site facilities. Until such time as a shared system is  
337 available, development is subject to the following requirements:

338 (1) Stormwater management shall be incorporated into the overall design of the  
339 project so as to be a creative feature/amenity of the development or incorporated  
340 into the landscape irrigation system.

341 (2) Except if designed as an exfiltration system, stormwater management shall only  
342 be located behind the Build Line in the Road View portion of the site or, if  
343 approved during site plan review, where aesthetically incorporated into the  
344 Tree/Furnishings/Sign Area.

345 (3) Pond edges in the Road View Area shall be sloped so as to avoid the necessity  
346 of fencing. Outside the Road View Area, where slopes require fencing, only  
347 black, ornamental fencing will be allowed.

348 (4) The use of innovative stormwater management methods is encouraged such as  
349 green roofs, bio retention areas such as the use of deep gardens and planters,  
350 infiltration, permeable paving in parking stalls, cisterns incorporated into the  
351 building architecture with the water reused for landscaping. Use of pervious  
352 pavers/pavement as part of the stormwater management  
353 system requires maintenance of the pervious pavers/pavement by the owner for  
354 continued viability and effectiveness over the life cycle of the development. An  
355 operation and maintenance guide to include a specific maintenance schedule  
356 shall be provided by the design Professional Engineer at the time of permitting  
357 of the pervious pavers/pavement. The owner shall engage a Professional  
358 Engineer to inspect and certify to the city on an annual basis that the constructed  
359 pervious pavers/pavement is being properly maintained and is functioning as  
360 per the approved design of the stormwater management system.

361 (5) At a minimum, the stormwater management system shall comply with St. Johns  
362 River Water Management Standards.

363 (b) Loading/Service Areas/Mechanical Equipment

364 (1) A trash/waste collection area shall be totally screened by masonry walls with  
365 an opaque low maintenance gate constructed of and finished with materials and  
366 colors which are similar to the materials and colors utilized in the principal  
367 building on site. In no case shall the trash collection area be located within 50  
368 feet of a single family residential lot, nor located forward of the rear façade of  
369 a Road View building. To the extent possible, the trash collection area, shall be  
370 incorporated into the primary building design.

371 (2) Loading areas, satellite dishes, truck parking, and other service support  
372 equipment shall be designed so that they cannot be seen from the street and any  
373 adjacent single-family properties. Masonry screen walls with landscaping  
374 material at the base of the wall may be utilized where necessary to screen such  
375 equipment or areas.

376 (3) Mechanical equipment on buildings shall be integrated into the overall mass of  
377 a building by screening it behind parapets or by recessing equipment into hips,  
378 gables, parapets, or similar features.

379 (c) Fences

380 (1) With the exception of decorative railings for outdoor cafes, fences shall not be  
381 allowed in the Road View Area of the property. Decorative railings for cafes  
382 shall not exceed 3 feet in height.

383 (2) Fences shall not create a barrier to cross access easements nor the connection  
384 of cross access easements to public roads.

385 (3) Maximum height of fences anywhere in the district shall be 48 inches.

386 (4) Chain link fencing must be black vinyl-coated and shall not be visible from a  
387 public right-of-way.

388 (d) Corner Sight Clearance

389 Intersection/corner sight clearance shall be consistent with requirements of the current  
390 Florida Greenbook

391 (e) ~~Underground~~ Utility Installation

392 (1) It is the intent of the city to improve the aesthetic appeal of the city and the  
393 reliability of utility service by requiring that utility lines such as electric,  
394 telephone, cable TV, fiber optics and other utilities be placed underground in  
395 conjunction with the construction of all new buildings, unless it is determined  
396 by the City Council that soil, topographical or any other compelling conditions  
397 make the installation of such utility lines as prescribed herein unreasonable or  
398 impracticable. It shall be the developer's responsibility to make the necessary  
399 arrangements with each utility in accordance with the utility's established  
400 policies.

401 (2) The underground installation of incidental appurtenances such as transformer  
402 boxes, pedestal-mounted terminal boxes for electricity, or similar service  
403 hardware necessary for the provision of electric and communication utilities  
404 shall not be required.

405 (3) Below ground installation shall not normally be required for bulk electric power  
406 supply lines and communication major feeder lines. Nothing in this section shall  
407 be construed to prohibit any entity furnishing utility service within the city from  
408 collecting, as a condition precedent to the installation of service facilities, any  
409 fee, prepayment or contribution in aid of construction which may be required.

410 (4) Existing utility service poles to a property shall be removed in compliance with  
411 this section for redevelopment or additions.

412 (f) Access/Parking Design

413 (1) Pedestrian access shall be consistent with Section 134-141 of the City Code.  
414 Where sidewalk width requirements differ, the ECD standard shall apply.  
415 Pedestrian connections from the parking areas to the public building entrance  
416 shall be provided.

417 Where a pedestrian must cross an onsite vehicular travel path for continuous pedestrian  
418 travel, retroreflective crosswalk markings or textures shall be installed to increase  
419 pedestrian safety.

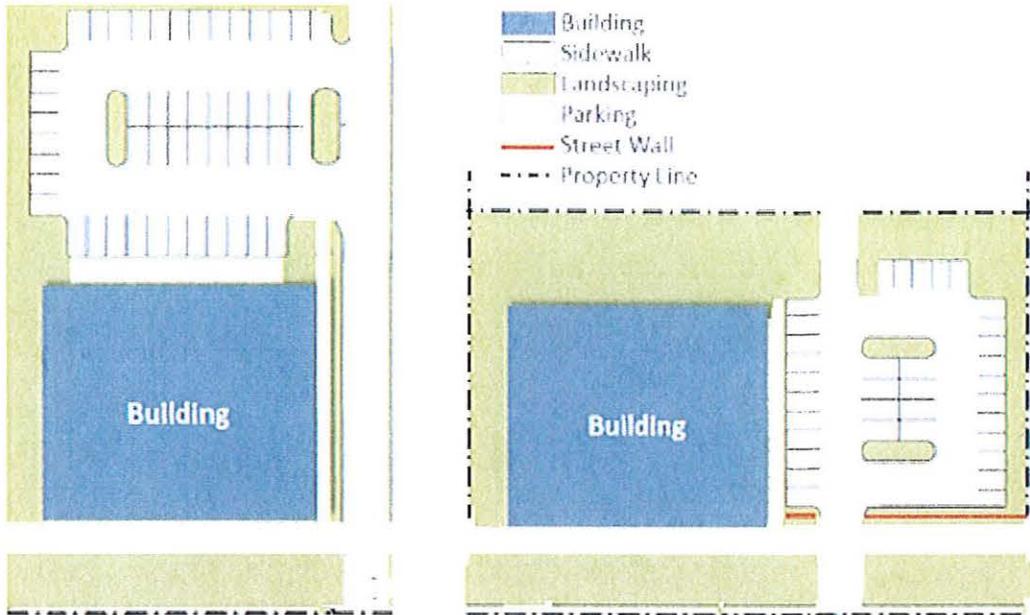
420 (2) Direct vehicular ingress and egress connections will be prohibited along S.R.  
421 527 when the city determines that adequate access can be provided from another  
422 location, including a side street or an existing available shared driveway/cross  
423 access easement.

424 (3) Driveways shall be designed with the pedestrian in mind. This includes  
425 provision of at least a 6 feet sidewalk and a minimum 4 feet wide tree zone,  
426 between the sidewalk and driveway, on both sides of a driveway connected to  
427 a public right-of-way for at least the length from the public sidewalk to the  
428 parking area to give the appearance of a roadway. Lots less than 90 feet in  
429 width shall only be required to have a sidewalk on one side of the driveway in  
430 order to accommodate the “minimum % of lot width occupied by building  
431 façade” standard; however, the 4 feet wide tree zones shall be required on both  
432 sides of the driveways for these lots less than 90 feet.

433 (4) Concrete curb and gutter shall be constructed along the edge of  
434 driveways. Parking lot perimeters and parking row landscaping breaks shall be  
435 constructed with concrete curbing. Bumper stops will be required in addition  
436 to the curbing where necessary to protect landscaping, pedestrian walkways and  
437 buildings.

438  
439  
440  
441  
442  
443

(5) The preferred location for surface parking lots is behind all buildings located in the Road View Area in order to maximize the building's road frontage and pedestrian interest along the road corridor. Parking lots are allowed to be located on the side of a building, subject to the standards set forth in Section 134-460(f)(6), provided the minimum building frontage percentage is maintained.



444  
445

(6) If a parking lot is provided on the side of a building, the vehicular area shall be screened from the road by a street wall, which is intended to screen the vehicle use area and ensure that lights from parked vehicles do not shine into the right-of-way or adjacent pedestrian way. The street wall shall be 3 4 feet in height above grade of the parking lot. Location of street walls in proximity to intersections shall meet the standards outlined in the most current FDOT Florida Green Book. Street walls shall be constructed of materials that complement the finish on the primary building. Chain link, wood and PVC street walls shall be prohibited.

455  
456  
457  
458  
459  
460  
461  
462  
463

The street wall shall be placed at 4 feet behind the Build Line, with landscaping planted between the wall and the Build Line and landscaped with at least one row of shrubs. Such landscaping shall contain at least a row of shrubs, planted parallel to the wall. The shrubs shall be at least 24 inches high at planting of a species capable of growing to 36 inches in height within 18 months, and spaced to achieve a continuous hedge at maturity. In addition to the hedge requirement, small/understory trees shall be planted at a rate of one tree/20 feet, or portion thereof, of the wall. The minimum height that the hedge shall be maintained is 24 36 inches, with the maximum equal to the height of the wall. If the street

464 wall exceeds 40 feet in length, columns will be required to be incorporated into  
465 the wall at a maximum of 20 feet on center.

466 If columns are used as part of the street wall, the maximum height of the  
467 columns shall be 3 4 feet 9 inches.

468 (7) Inclusion of the Tree/Furnishings/Sign Area is required between the surface  
469 parking and State Road 527, Gatlin Avenue, Hoffner Avenue, or Holden  
470 Avenue right-of-way. All surface parking lots along other rights-of-way shall  
471 be landscaped consistent with city code standards. All surface parking lots shall  
472 meet the interior landscape requirements of the city code unless specifically  
473 stated otherwise herein.

474 (8) Parking structures shall reflect the character, scale and massing of the principal  
475 structures they serve and shall not be located within 100 feet from any property  
476 used for single family residential uses without a liner building containing  
477 businesses and/or residential uses, or a façade designed to resemble a building  
478 conforming to the building design standards of the district on the sides facing  
479 the residential area or a street used to enter into a single family residential  
480 neighborhood. The liner buildings or a façade designed to resemble a building  
481 conforming to the building design standards of the district shall also be required  
482 if the parking structure fronts State Road 527, Gatlin Avenue, or Holden  
483 Avenue. The minimum liner building depth shall be 35 feet. Where located  
484 along ~~a road~~ the State Road 527, Gatlin Avenue, Hoffner Avenue, or Holden  
485 Avenue frontage, the Tree/Furnishings/Sign Areas shall be provided. Along  
486 other rights-of-way, the parking structure shall be landscaped consistent with  
487 city code standards, whether or not a liner building is used.

488 In addition to the required liner buildings, where a parking structure will be  
489 within one hundred feet of a property used for single family residential uses, a  
490 seven (7) feet high brick wall shall be constructed on the property line and one  
491 evergreen, shade tree shall be planted along the wall ~~shared property line of~~  
492 those ~~single family lots~~, at 50-foot on center intervals. The chosen species of  
493 such trees shall be capable of reaching a minimum mature height of 50 feet,  
494 with a minimum mature spread of 40. The minimum specifications at  
495 installation shall be 16-18 feet in height or 4-inch caliper diameter at breast  
496 height (dbh) at planting. All internal elements such as plumbing pipes, fans,  
497 ducts and lighting, shall be screened from view from the street. Ramping shall  
498 be internalized. Exposed spandrels shall be prohibited.

499 The design of structured parking should take into consideration a future where  
500 parking demand is reduced. Toward this future, the recommended design of the  
501 parking structures is for adequate space between floors to retrofit for level floors  
502 and HVAC infrastructure for conversion to living or working space.

503 (9) When any land or building accommodates 2 or more categories of uses (e.g.,  
504 residential and commercial), the minimum total number of required parking  
505 spaces for each use may be reduced through shared parking as allowed by  
506 Section 134-607. Reduction in required parking spaces also may be approved  
507 if one of the following is met:

508 a. A parking study is submitted justifying the requested reduction and  
509 accepted by city council. This could include provision  
510 rideshare/transportation network company drop-off zones. Drop-off  
511 zones shall not interfere with transit stops and any designated freight  
512 loading zones curbside.

513 b. Developments within a one-quarter mile from a transit stop, as measured  
514 from the building to the transit stop along the most direct pedestrian  
515 path/sidewalk (which would include a crosswalk if across a road), are  
516 eligible for the following:

517 i. The minimum number of parking spaces may be reduced by up to  
518 5% for sites where the closest portion of the building on the  
519 requested parcel is no more than a 1/4 of a mile (1320 linear feet)  
520 from a bus stop.

521 ii. The minimum number of parking spaces may be reduced by up to  
522 20% for sites in which the closest portion of the building on the  
523 requested parcel is no more than a 1/4 of a mile (1320 linear feet)  
524 radius from a commuter rail or bus transfer station.

525 \* \* \*

526 **Sec. 134-461. Use Specific Design Standards.**

527 (a) Car/Automotive Washing and Detailing

528 (1) All washing, waxing, and detailing of automobiles shall be within an enclosed  
529 building, with the exception of tunnel entrance and exit doors. Detail bays are  
530 prohibited.

531 (2) Tunnel entrance/exits shall not face S.R. 527, Holden Avenue, Gatlin Avenue, or  
532 Hoffner Avenue.

533 (3) Vacuuming and drying of automobiles may be outside the building but shall not  
534 encroach upon any landscape buffer, setback for the principal structure, or the  
535 Tree/Furnishing/Sign Area and shall only be located on paved areas. Vacuuming  
536 equipment or other equipment may only be located on the side or rear of the subject  
537 property.

538 (4) Vacuum stations and related equipment shall be completely screened from all streets  
539 or single family residential uses or zoning districts. To screen from a street, a wall may  
540 be used if such wall meets the façade standards in the Building Design Section of this  
541 district. ~~Such wall shall meet the street wall criteria, as stated above, including~~

542                    landscaping A solid 6 feet high masonry wall may be utilized along the rear or side  
543                    property line to screen the use from a single family residential use/district.

- 544                    (5) There shall be no outside storage, nor outside display of goods offered for sale.
- 545                    (6) Sound from radios, stereos, or other sound amplification devices shall not be audible  
546                    from anywhere off the site.
- 547                    (7) Before a permit will be issued, the property owner shall sign an affidavit documenting  
548                    that the property owner understands conditions of operation.
- 549                    (8) When the business is closed, all portable equipment on the site shall be stored within a  
550                    fully enclosed structure.
- 551                    (9) Any customer vehicles stored overnight shall meet the following standards:  
552
- 553                                       a. shall be either within a completely enclosed building or parked within a  
554                                       designated parking space on a parking lot located behind the line created by the rear  
555                                       of the Road View building. If only the Rear portion of the lot is developed, the  
556                                       vehicles may be parked within a designated parking space within the parking area  
557                                       for that portion of the site (i.e., behind the street wall, and a minimum of 100 feet  
558                                       from the front property line).
- 559
- 560                                       b. No vehicle parked overnight on the property shall be visible from the public  
561                                       right-of-way unless such vehicle is either:
- 562                                                          i. FHWA Class 2 – Passenger Cars. All sedans, coupes, and station  
563                                                          wagons manufactured primarily for the purpose of carrying passengers; or
- 564                                                          ii. FHWA Class 3 – Other Two-Axle, Four-Tire Single Unit Vehicles.  
565                                                          All two-axle, four tire vehicles, other than passenger cars. Included in this  
566                                                          classification are pickups, panels, and vans. Campers, motor homes,  
567                                                          ambulances, hearses, carryalls, and minibuses are not included in this class  
568                                                          of vehicle.
- 569
- 570                                       c. Any wrecked or inoperable vehicle shall not be stored/parked overnight,  
571                                       regardless of location.
- 572
- 573                    (10) In addition to standard commercial site plan requirements, the proposed site plan must  
574                                       be designed and demonstrate effective ingress/egress to the site, adequate stacking for  
575                                       5 vehicles per queuing/stacking lane, realistic turning radiuses, and the accommodation  
576                                       of a by-pass lane(s). The site plan shall also include the proposed architectural building  
577                                       rendering. These plans will include the Exterior Elevations and landscaping, and  
578                                       location for any proposed outside activities

- 579 (b) Drive Up Windows/Facilities  
 580 (1) Drive up windows shall be designed on the rear of the building.  
 581 (2) The drive-up aisle shall not be located between the building and S.R. 527, Gatlin  
 582 Avenue, Holden Avenue, or Hoffner Avenue.  
 583 (3) The building façade facing S.R. 527, Hoffner Avenue, Gatlin Avenue, or Holden  
 584 Avenue whether such elevation functions as the side or rear of the building, shall be  
 585 architecturally designed to avoid a “back of building” appearance.  
 586 (4) Drive up aisles shall have adequate on-site queuing distance to accommodate 6 cars  
 587 (120 feet) before the first stopping point (e.g., ~~pick up~~ order window, teller window,  
 588 atm machine).

589 (c) ~~Garden Center, artisan manufacturing storage, building material storage or other ancillary~~  
 590 ~~storage areas, which are authorized as an ancillary use to a permitted use.~~

591 Ancillary storage, as authorized herein is allowed if incorporated/integrated into the design  
 592 and treatment of the primary building facade with the intent that all merchandise is shielded  
 593 from view from adjacent properties at ground level and street rights-of-way.

594 ~~Garden Centers are allowed if incorporated/integrated into the primary building onsite with~~  
 595 ~~the intent that all merchandise is shielded from view from adjacent properties at ground~~  
 596 ~~level and street rights-of-way.~~

597 \* \* \*

- 598 (f) Passenger Car Rental, Urban Prototype  
 599 (1) Only rental of Passenger Vehicles, as defined by the Federal Highway Administration,  
 600 shall be allowed.  
 601 (2) Deliveries containing multiple vehicles from a truck are not permitted.  
 602 (3) No vehicle maintenance and repair, including oil changes, shall occur on-site.  
 603 (4) Wash and vacuum stations must comply with standards listed in Section 134-461(a)  
 604 (5) Detail bays shall not be permitted.  
 605 (6) There shall be no outside storage, other than the rental vehicles, nor outdoor display of  
 606 goods offered for sale.  
 607 (7) The number of rental cars onsite shall be limited to 15.  
 608 (8) All parking spaces shall be designed to meet code dimensions provided in Sec.134-  
 609 608. Parking shall be provided for employees and customers in addition to the parking  
 610 designated for rental display vehicles.

611  
 612 **Sec. 134-463. Pre-Existing Uses and Structures.**

613 (a) Generally.  
 614 Legally conforming uses and structures that exist on a property shall continue to be  
 615 considered legally conforming notwithstanding the rezoning of such property to the

616 Edgewood Central District. A property on which a legally conforming use or structure  
617 existed immediately prior to the rezoning of such property to the Edgewood Central  
618 District (hereafter, a “Property”) shall continue to be governed by the standards  
619 applicable to the zoning district that applied to the Property immediately before the  
620 rezoning, except as may be provided herein.

621 (b) Change in Use.

622 For any change in principal use that occurs on the Property, the proposed new principal  
623 use shall be consistent with Sec. 134-457 (Permitted Uses within the Edgewood Central  
624 District) unless the following four conditions are met: (i) the proposed new principal use  
625 was not prohibited by the zoning district that applied to the Property immediately before  
626 the rezoning but is prohibited in this Edgewood Central District; (ii) the proposed new  
627 principal use is included in and consistent with the list of principal uses set forth below;  
628 (iii) the proposed new principal use is consistent with all regulations in existence  
629 immediately before the rezoning, including parking, loading, and vehicular maneuvering;  
630 and (iv) any company and fleet vehicle parking on the Property, or, in the case of a multi-  
631 tenant property, any company and fleet vehicle parking associated with the space that is  
632 the subject of the change in use, complies with the company and fleet vehicle parking  
633 standards of Sec. 134-461(e). In such event, the proposed change of use shall be permitted  
634 and considered legally conforming even if it is not consistent with Sec. 134-457.

635 (1) Heating and air conditioning sales and service.

636 (2) Storage and wholesale distribution warehouse, where not adjacent to a residential  
637 zoning district or property with a residential future land use designation, including  
638 those across a right-of-way. Provided, however, a change in principal use to this  
639 category shall comply with the following standards:

640 a. All loading bays on the Property, or, in the event of a multi-tenant building,  
641 all loading bays associated with the space that is the subject of the proposed  
642 change in use, that are within one hundred feet from the front property line  
643 shall face away from S.R. 527;

644 b. The Property shall be brought into compliance with the Tree/Furnishings/Sign  
645 Area standards as set forth in Sec. 134-458(h);

646 c. If the building associated with the change is located within one hundred feet  
647 from the front property line, then the front of such building shall be brought  
648 into compliance with the first-floor façade transparency requirement as set  
649 forth in ~~in~~ Sec. 134-459(a)(2) and with the blank wall design standards as set  
650 forth in Sec. 134-459(a)(7), subject to any applicable credit as set forth in Sec.  
651 134-458(h)(7)c.; and

652 d. All parking for the Property, or, in the event of a multi-tenant building, all  
653 parking associated with the space that is the subject of the proposed change in  
654 use, that is located within 100 feet from the front property line shall be  
655 configured so as to be located on the side or rear of the Property only. If such  
656 parking is located on the side of the Property, it must be screened from the  
657 road by a street wall that meets the standards set forth in Sec. 134-460(f)(6).

- 658 (3) Cabinet makers, rug and carpet cleaning, upholstering, electrical, roofing and  
659 plumbing shops.
- 660 (4) Mechanical garage, including personal vehicle body shop and painting. (No fuel  
661 services provided). For avoidance of doubt, Automotive Repair and Services are  
662 included in this category to the extent the specific proposed use was included as  
663 a principal permitted use on the Property prior to rezoning to the Edgewood  
664 Central District. Provided, however, a change in principal use to mechanical  
665 garage shall comply with the following standards:
- 666 a. All garage bays on the Property, or, in the event of a multi-tenant building, all  
667 garage bays associated with the space that is the subject of the proposed  
668 change in use, that are within one hundred feet from the front property line  
669 shall face away from S.R. 527;
- 670 b. The Property shall be brought into compliance with the Tree/Furnishings/Sign  
671 Area standards as set forth in Sec. 134-458(h);
- 672 c. If the building associated with the change is located within one hundred feet  
673 from the front property line, then the front of such building, shall be brought  
674 into compliance with the first-floor façade transparency requirement as set  
675 forth in ~~in~~ Sec. 134-459(a)(2) and with the blank wall design standards as set  
676 forth in Sec. 134-459(a)(7), subject to any applicable credit as set forth in Sec.  
677 134-458(h)(7)c.; and
- 678 d. All parking for the Property, or, in the event of a multi-tenant building, all  
679 parking associated with the space that is the subject of the proposed change in  
680 use, that is located within 100 feet from the front property line shall be  
681 configured so as to be located on the side or rear of the Property only. If such  
682 parking is located on the side of the Property, it must be screened from the  
683 road by a street wall that meets the standards set forth in Sec. 134-460(f)(6).
- 684 (25) Miniwarehouses, provided, however, a change in principal use to  
685 miniwarehouses shall comply with the following standards:
- 686 ~~e.~~ a. All storage units shall be located within a completely enclosed building with  
687 sole access to the units through the interior of the building;
- 688 ~~f.~~ b. The Property shall be brought into compliance with the  
689 Tree/Furnishings/Sign Area standards as set forth in Sec. 134-458(h);
- 690 ~~g.~~ c. If the building associated with the change is located within one hundred feet  
691 from the front property line, then the front of such building shall be brought into  
692 compliance with the Design of Buildings within the Road View Portion of the  
693 Site standards as set forth in Sec. 134-459(a);
- 694 ~~h.~~ d. No vehicular building access shall face a road right-of-way;
- 695 ~~i.~~ e. No outside storage shall be allowed; and
- 696 ~~j.~~ f. Such change of use to miniwarehouses shall only be allowed upon the  
697 approval of the City Council after a recommendation by the Planning and Zoning  
698 Board and a hearing in which the City Council considers the character of the area

699 in which the proposed use is to be located, its consistency with the Comprehensive  
700 Plan, its compatibility with surrounding uses and development, and its effect on  
701 the value of surrounding lands. Notice of such review shall be provided in the  
702 same manner as required for special exceptions as provided in Sec. 134-105.

703 (c) Expansion of Existing Buildings.

704 For purposes of this Sec. 134-463(c), an "Expansion" shall mean an increase in building  
705 square footage of one or more existing buildings on a Property; and the "Historical  
706 Adjusted Square Footage" on a Property shall mean the total square footage of all  
707 buildings that existed on a Property at the time it was rezoned to Edgewood Central  
708 District minus the total of all building square footage, if any, removed from the Property  
709 following its rezoning to Edgewood Central District pursuant to an intentional demolition  
710 as provided in Sec. 134-463(e), calculated at the time of a proposed Expansion.

711 An Expansion shall cause the Property to be governed by the standards set forth in this  
712 Edgewood Central District unless the following conditions are met, in which case the  
713 Property shall continue to be governed by the standards applicable to the zoning district  
714 that applied to the Property immediately before the rezoning:

- 715 (1) an Expansion shall be subject to City site plan approval;
- 716 (2) an Expansion shall be allowed on a Property so long as all company and fleet  
717 vehicle parking on the Property complies with the company and fleet vehicle  
718 parking standards of Sec. 134-461(e);
- 719 (3) if the size of a proposed Expansion, when combined with all other Expansions  
720 that have occurred on the Property after it was rezoned to Edgewood Central  
721 District, exceeds 10% of the Historical Adjusted Square Footage on the Property,  
722 then such Expansion shall only be allowed if the Property complies with  
723 subparagraph (2) above and with the Tree/Furnishings/Sign Area standards as set  
724 forth in Sec. 134-458(h);
- 725 (4) if the size of a proposed Expansion, when combined with all other Expansions  
726 that have occurred on the Property after it was rezoned to Edgewood Central  
727 District, exceeds 20% of the Historical Adjusted Square Footage on the Property,  
728 then such Expansion shall only be allowed if the Property complies with  
729 subparagraphs (2) and (3) above and all parking is configured so as to be located  
730 on the side or rear of the Property only and, if on the side of the Property, screened  
731 from the road by a street wall that meets the standards set forth in Sec. 134-  
732 460(f)(6);
- 733 (5) if the size of a proposed Expansion, when combined with all other Expansions  
734 that have occurred on the Property after it was rezoned to Edgewood Central  
735 District, exceeds 30% of the Historical Adjusted Square Footage on the Property,  
736 then such Expansion shall be only be allowed if the Property complies with  
737 subparagraphs (2), (3) and (4) above and all buildings located within 100 feet of  
738 the front property line comply with the first-floor façade transparency  
739 requirement as set forth in Sec. 134-459(a)(2), the minimum building façade-  
740 width-to-lot-width ratio as set forth in Sec. 134-458(f), and the blank wall design

741 standards as set forth in Sec. 134-459(a)(7), subject to any applicable credit as set  
742 forth in Sec. 134-458(h)(7)c.; and

743 (6) if the size of a proposed Expansion, when combined with all other Expansions  
744 that have occurred on the Property after it was rezoned to Edgewood Central  
745 District, exceeds 40% of the Historical Adjusted Square Footage on the Property,  
746 then such proposed Expansion shall be prohibited.

747 (d) Election.

748 The owner of a Property may elect at any time in writing to have its Property be governed  
749 by the standards set forth in this Edgewood Central District in lieu of the standards  
750 applicable to the zoning district that applied to the Property immediately before the  
751 rezoning. To be effective, such election must be in writing, signed by the owner of the  
752 Property, properly notarized and addressed to the City Planner.

753 (e) Demolition.

754 Demolition of more than 50% of the total building square footage on a Property caused  
755 by the intentional act or agreement of the owner shall cause the Property to be governed  
756 by the standards set forth in this Edgewood Central District. Building square footage  
757 removed by such demolition shall be considered in the calculation of Historical Adjusted  
758 Square Footage as provided in Section 134-463(c).

759 (f) Replacement of Destroyed Buildings.

760 Repair or reconstruction of buildings damaged or destroyed by any act not caused by the  
761 intentional act or agreement of the owner shall not cause the Property to be governed by  
762 this Edgewood Central District provided that such repair or reconstruction occurs within  
763 the same building footprint that existed as of the date of rezoning or any expansion of  
764 such building footprint meets the standards of subsection (c), above, related to expansion  
765 of existing buildings.

766 (e) Construction of New Buildings. If a new building is constructed on the Property, then  
767 such new building shall be governed by the standards set forth in the Edgewood Central  
768 District.

769

770 **Sec. 134-464. Waivers.**

771 (a) The City Council may authorize waivers from the minimum standards set forth in  
772 this division when it finds, based upon substantial competent evidence presented to it, that  
773 strict application of such standards would create an illogical, impossible, impractical or  
774 unreasonable result on a landowner or other petitioner with the consent of the owner  
775 (hereinafter, the "Applicant"). This waiver procedure is not available for purposes of  
776 changing a use that is otherwise prohibited (or limited to a special exception) herein to one  
777 that is permitted (or no longer limited to a special exception).

778 (b) A request for a waiver shall be filed with the City Clerk, including a non-refundable  
779 fee as set by Resolution of the City Council paid by the Applicant to cover processing and  
780 advertising costs, and shall include a detailed explanation of the claim for waiver along  
781 with documentation of the current physical conditions on the site, alternatives from the

782 applicable standards set forth in this division, cost estimates or other credible data required  
783 to support or justify the requested waiver.

784 (c) A public hearing on any request for a waiver shall be held by the Planning and  
785 Zoning Board at the first regular meeting of the Planning and Zoning Board that occurs  
786 after the expiration of the period for publication of notice of the request for waiver. After  
787 consideration of the request, the Planning and Zoning Board shall forward its  
788 recommendation on the request to the City Council. A public hearing shall be held by the  
789 ~~the~~ City Council at its next regular meeting after receipt of the Planning and Zoning  
790 Board's recommendation.

791 (d) Notice of filing of a request for a waiver, and the date, time, and place of the  
792 hearings thereon shall be published once at least 7 days prior to the hearing in a newspaper  
793 of general circulation within the city limits.

794 (e) In reviewing an application for a waiver, the Planning and Zoning Board and the  
795 City Council shall consider the following non-exclusive factors:

796 (1) The history of the subject property, including the date of purchase and the  
797 history of uses on the subject property;

798 (4~~2~~) The location of the subject property;

799 (5~~3~~) The configuration of the subject property;

800 (6~~4~~) The impact of the requested waivers on adjacent properties;

801 (7~~5~~) All measures proposed by the Applicant to comply with the spirit or intent  
802 of the provisions from which waiver is sought; and

803 (8~~6~~) All measures proposed by the Applicant to prevent, reduce, or offset any  
804 adverse impact the grant of the requested waiver would have on surrounding  
805 properties.

806 \* \* \*

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

812 **SECTION FIVE. Conflicts.** In the event of a conflict or conflicts between this Ordinance  
813 and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as  
814 allowable under the law.

815 **SECTION SIX. Codification.** It is the intent of the City Council of the City of Edgewood  
816 that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal  
817 authority in codifying the provisions of this Ordinance.

818 **SECTION SEVEN. Effective date.** This Ordinance shall take effect immediately upon  
819 adoption as provided by the Charter of the City of Edgewood.

820

821 PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

822

823 PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

824

825

826 CITY OF EDGEWOOD, FLORIDA

827 CITY COUNCIL

828

829

830 \_\_\_\_\_  
John Dowless, Council President

831 ATTEST:

832

833

834 \_\_\_\_\_  
Bea Meeks, City Clerk

835