

Marion Rayburn  
Vice Chair

David Gragg  
Board Member

Ryan Santurri  
Board Member

Dr. Aileen Trivedi  
Board Member

**PUBLIC NOTICE**  
**PLANNING AND ZONING BOARD MEETING – August 12, 2019**

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**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.

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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, August 12, 2019 at 6:30 pm**

- Call to Order
- Pledge of Allegiance
- Roll Call and Determination of Quorum
- Approval of Minutes
  - March 11, 2019 – Regular P&Z Meeting
- New Business
  - **Administer Oath of Office**
    - Steve Kreidt
  - **5156 S Orange Avenue – Edgewood Central District (ECD)**
    - Variance Application No. 2019-01 [Sec. 134-460(f) Access/Parking Design]. To not comply with the Edgewood Central District's requirement for the public sidewalk width and location
    - A REQUEST FOR A WAIVER TO Code Section 134-458(g)(2) a. Building placement in the road view area.
    - A REQUEST FOR A WAIVER TO Code Section 134-458(h)(2) b. Tree location on center spacing.

- A REQUEST FOR A WAIVER TO Code Section 134-458(f). Minimum percentage of lot width occupied by building at build line.
- A REQUEST FOR A WAIVER TO Code 134-460(f) 3. Access/parking Design.
- A REQUEST FOR A WAIVER TO CODE 134-461(b). Drive-up windows designed on the rear of the building.

- **Ordinance No. 2019-03 Small Scale Comprehensive Plan Amendment  
302 Mandalay Road**

**ORDINANCE NO. 2019-03**

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, TO AMEND THE FUTURE LAND USE MAP OF THE EDGEWOOD COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL ON APPROXIMATELY 0.28 ACRES LOCATED AT 302 MANDALAY ROAD; FINDING THAT SUCH CHANGE IN THE FUTURE LAND USE MAP IS A SMALL SCALE AMENDMENT UNDER SECTION 163.3187, *FLORIDA STATUTES*; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

- **Ordinance No. 2019-04**

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO TREES; AMENDING CHAPTERS 50 AND 130 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO CLARIFY AND CONSOLIDATE REQUIREMENTS RELATED TO TREES, SHRUBS, AND PLANTS; AMENDING PROVISIONS RELATED TO MAINTENANCE AND RESPONSIBILITY FOR TREES AND TREE BRANCHES LOCATED WITHIN AND ADJACENT TO RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

- Comments/Announcements

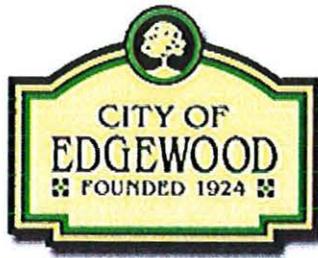
**FUTURE MEETINGS:** *(SCHEDULE CONTINGENT UPON SUBMITTAL OF ITEMS THAT REQUIRE CONSIDERATION OF THE PLANNING & ZONING BOARD AS THE LOCAL PLANNING AGENCY FOR THE CITY OF EDGEWOOD)*

- September 9, 2019
- October 14, 2019

**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!



Marion Rayburn  
Vice Chair

David Gragg  
Board Member

Ryan Santurri  
Board Member

Dr. Aileen Trivedi  
Board Member

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 MEETING MINUTES  
March 11, 2019

**Planning and Zoning Board Members:**

Chris Rader, Chair (Quorum)  
Marion Rayburn, Co-Chair  
David Gragg, Board Member  
Ryan Santurri, Board Member  
Aileen Trivedi, Board Member

**Staff:**

Drew Smith, City Attorney  
Sandra Riffle, Deputy City Clerk  
Mike Fraticelli, Police Detective

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**CALL TO ORDER**

Vice-Chairman Rader called the Planning & Zoning Board meeting to order at 6:30 pm and led the Pledge of Allegiance. The Board held a moment of silence in honor of Mayor Bagshaw who passed away on Sunday, March 10, 2019.

Deputy City Clerk Riffle announced that there was a quorum with all Board Members present.

**APPROVAL OF MINUTES**

- *January 14, 2019*

Vice-Chairman Rader asked for a motion  
*Board Member Gragg moved to approve the minutes; Second by Board Member Rayburn. The motion was approved (4/0).*

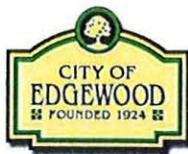
**NEW BUSINESS**

- **Oath of Office:**  
Board Members Rader and Gragg were sworn in to complete another term. Ryan Santurri was also sworn in as a new Board Member.

**Board Member Santurri took his seat at the dais.** Board members made introductions.

- **Selection of Board Chair and Vice-Chair**  
Vice-Chair Rader asked for nominations for the new Planning and Zoning Board Chair for one year.  
*Board Member Gragg made the motion to nominate Board Member Rader for Chair; Second by Board Member Trivedi. Motion approved (5/0).*

*Board Member Gragg made the motion to nominate Board Member Rayburn as Vice Chair; Second by Chair Rader. Motion approved (5/0).*



- **Proposed Ordinance 2019-01 - Pass through fee Ordinance**

Attorney Smith introduced Ordinance 2019-01, which is in addition to an existing ordinance addressing pass-thru fees that is already on the books. Pass through fees transfer some of the cost of certain reviews to the applicant rather than to the City. Ordinance 2019-01 would add sign applications and Edgewood Central District (ECD) waivers to the list of reviews that require pass-through fees.

Attorney Smith explained the process for the pass-thru fee process.

Deputy City Clerk Riffle showed the Board a sample invoice from the City Planner that included billing for sign application reviews. Attorney Smith explained that many applications require input from the City in order to meet requirements, which has been at a cost to the City.

Per Attorney Smith, waivers for the ECD would incur more costs than signage, considering that there is a lot of site design and analysis involved.

In response to Board Member Trivedi's question about pass-through fees, Attorney Smith confirmed that unused deposits are returned to the applicant and as a balance gets low, the City notifies the applicant. If necessary, a review can be stopped if no further deposit is made.

There was no public comment.

Chair Rader asked for a motion.

***Board Member Gragg made the motion to recommend approval of Ordinance 2019-01; Second by Board Member Trivedi. Motion passed (5/0).***

**COMMENTS/ANNOUNCEMENTS**

Attorney Smith discussed Mayor Ray Bagshaw's passing and how much Mayor Bagshaw respected the Board and gave credit to the P&Z Board for their work.

Board Member Rader added his thoughts about Mayor Bagshaw and his reassuring voice.

Board Member Gragg remembered Mayor Bagshaw during hurricane season and said the City will be hard pressed to replace our Mayor.

**ADJOURNMENT:**

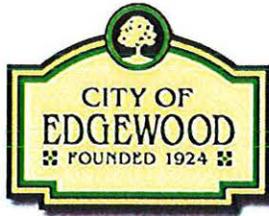
As there was no further discussion, Vice Chairman Rader asked for a motion:

***Board Member Trivedi made the motion to adjourn the meeting; Second by Board Member Rayburn. The motion passed (5/0).***

The meeting adjourned at 6:55 pm.

\_\_\_\_\_  
Marion Rayburn, Vice Chair

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



# Memo

**To:** Planning and Zoning Board Members  
**CC:** Drew Smith, Ellen Hardgrove  
**From:** Sandy Riffle, Deputy City Clerk  
**Date:** August 7, 2019  
**Re:** New Business Items Planning and Zoning Meeting August 12, 2019

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For the August 12, 2019 Planning and Zoning Board meeting, the following is provided in your agenda packet for your review and consideration.

**1. 5156 S Orange Avenue** – Applications for variance and waivers

The following information received by City Hall is included in your agenda package for review.

- City Planner report from Ellen Hardgrove, dated July 29, 2019.
- Application for Variance 2019-01 [Section 134+460(f)(1)] – to not comply with the Edgewood Central District’s requirement for the public sidewalk width and locations, dated July 11, 2019.
- Narrative of justification for variance and waiver requests, dated July 11, 2019
- Project plans and site plan, dated July 24th and 25<sup>th</sup>, 2019

Notice of Public Hearing was published on Monday, August 5, 2019 in the Orlando. Letters were sent on July, 2019 to those property owners within 500 feet of the subject. There were 51 Notices provided by U.S. Mail and public notice was posted on the property. No objections or comments were received at City Hall as of the date of this memo. Four letters were returned as undeliverable.

The City Planner is prepared to respond to any questions you may have regarding the variance requests.

2. **Ordinance 2019-03** – Small Scale Comprehensive Plan Amendment for the property located at 302 Mandalay Road

The following information received by City Hall is included in your agenda package for review.

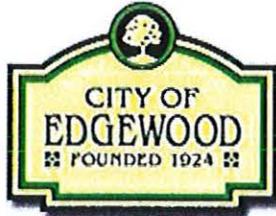
- City Planner report from Ellen Hardgrove, dated July 29, 2019.
- Ordinance No. 2019-03
- Comprehensive Plan Amendment, dated July 12, 2019.
- Narrative for proposed amendment from FEG, date stamped July 29, 2019.
- Letters of objection. As of this date, 30 letters have been received at City Hall in objection to the rezoning from residential to commercial use. As sample letter of objection and organizational letter are provided for your review.

Notice of Public Hearing was published on Friday, August 2, 2019 in the Orlando Sentinel and public notice posted on the property.

The City Planner is prepared to respond to any questions you may have regarding the variance requests.

3. **Ordinance No 2019-04**

- A copy of the proposed amendment is provided.

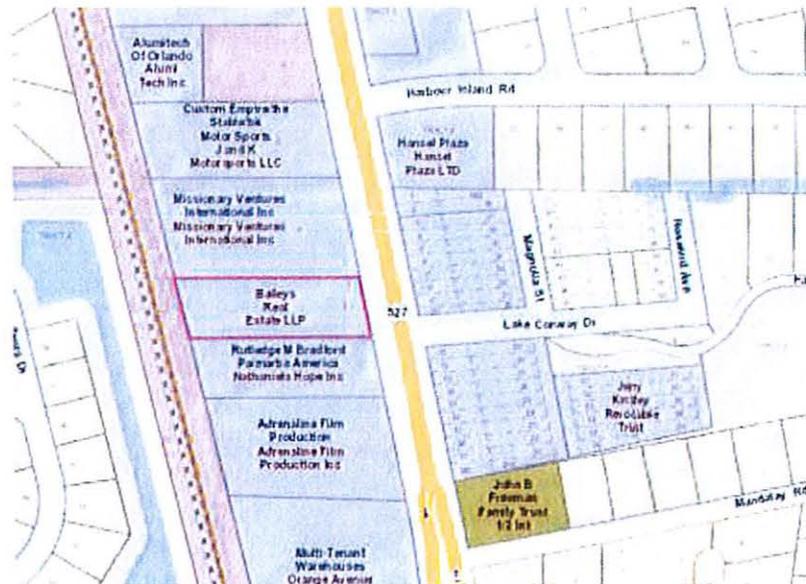


Date: July 29, 2019  
To: Planning & Zoning Board  
From: Ellen Hardgrove, City Planning Consultant  
XC: Sandy Riffle, Deputy City Clerk  
Allen Lane, CPH Engineering, City Engineering Consultant  
Bea Meeks, City Clerk  
Drew Smith, City Attorney  
Re: 5156 South Orange Avenue Request for Waivers/Variance

### Introduction

A proposal has been submitted to the City to redevelop the property at 5156 South Orange Avenue; i.e., Orange County tax parcel 13-23-29-0000-00-007. Exhibit 1 shows the location of the property.

Exhibit 1 – Subject Property Location



The property is zoned ECD. Although this is not the public hearing for site plan review/approval, the proposed site layout needs to be considered due to the proposal of waivers and a variance from ECD standards.

The proposed site plan requires approval of deviations from the following code sections.

- Code Section 134-458(g)(2)a. Building Placement in the Road View Area
- Code Section 134-458(h)(2)b. Tree location/on center spacing
- Code Section 134-458(f) Minimum percentage of lot width occupied by building at build line
- Code Section 134-460(f)(3) Access/Parking design
- Code Section 134-461(b) Drive up windows designed on the rear of the building.

In addition to the waiver requests, the applicant is requesting a variance from Code Section 134-460(f) related to public sidewalk width and location.

Proposal

The applicant is proposing to redevelop the subject property. This will include demolition of the existing building on the property (See Exhibit 2); the driveways are proposed to remain and be used in the new construction.

Exhibit 2 – Existing On Site



The proposed new building includes a drive-up window on the south side. A specific ECD design standard relates to the location of drive-up windows, with these windows designed to be on the rear of the building. Thus, a waiver is being requested.

The proposed drive-up window not only is contrary to the design standard, but the design to accommodate it also is contrary to the primary goals of the ECD: improved aesthetics along Orange Avenue and a change from the automobile-centric to a multi-modal emphasis, particularly the pedestrian. The design to accommodate the side drive-up window includes two driveways: the north driveway in and the south driveway out.

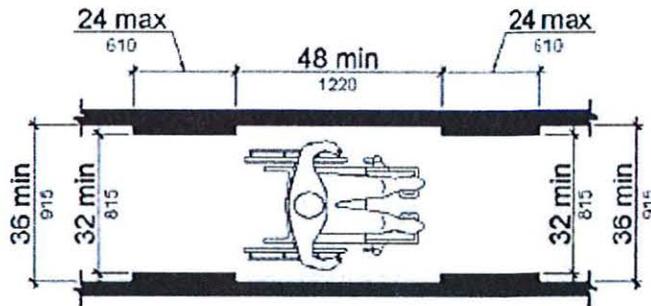
A significant concern with this proposal is the number of points of vehicle conflicts for the pedestrian within  $\pm 60$  feet. If a two-way driveway was proposed, the pedestrian would only cross 24 feet of vehicle path vs. the proposed 44 feet (two 22-foot wide driveways). The standard driveway spacing for a 40 mph State road is at least 440 feet.

Standard driveway spacing will be difficult to achieve, but working toward this standard should be a goal. This is particularly true where widening a road for traffic management is not an option. In addition to improved pedestrian safety, good access management can help reduce congestion and improve traffic flow by managing turning movements. Increased access points diminish the capacity of the road and increase safety issues. Drivers can be overwhelmed by conflict points in close proximity to one another, increasing the potential for crashes.

The proposed two one-way driveways will also cause the need for a waiver in the minimum building to lot width ratio. This ratio was established to achieve the vision of a corridor lined with buildings rather than lined with driveways and parking lots. The submitted site layout shows a building width of 55 feet, resulting in a building to lot percentage of 47.8; code minimum for the size lot of subject is 50%.

The proposed two one-way driveways cause the need for another waiver. The ECD requires at least a 6 feet wide sidewalk and a minimum 4 feet wide tree zone along both sides of a driveway connected to a public right-of-way from the public sidewalk to the parking area. The proposal is for a 5 feet wide sidewalk on only one side of the driveway and no tree zone. Not only will the ECD standard not be met, but the standard for sidewalk design also will not be met. When using 5 feet wide sidewalks, a 2 feet setback from curb is the standard. When adjacent to curb, the standard is 6.0 feet. With a wheelchair needing 32 inches of clear space, at least 64 inches for a two person wide sidewalk is needed. Whereas, there could be merit in not requiring the

sidewalk/tree zone on both sides of the driveway, at least one side meeting this standard is needed to achieve the ECD emphasis on people.



**Figure 403.5.1 Clear Width of an Accessible Route**

Source: ADA.gov

Another waiver that will be needed due to the two one-way driveway proposal is the reduction of at least one of the required street trees; i.e., the 35-foot tree spacing required will not be achieved. Approval of this waiver will compromise the intent to improve the aesthetics along the corridor and transform the SR 527 corridor into an "open space" designed for pedestrians and bicyclists.

Another concern is the precedent these waivers, if approved, will create.

It is noteworthy to recognize that with a site design using one two-way driveway, all of the ECD standards could be met: the standard of 6 feet wide sidewalk and 4 feet wide tree zone on both sides of the driveway, the minimum building to lot width ratio, and the tree spacing. A building designed to accommodate a rear-building drive-up window is possible.

As required by Section 134-464, substantial competent evidence is necessary to show where strict application of the ECD design standards would create an illogical, impossible, impractical or unreasonable result on the applicant. Furthermore, the applicant needs to demonstrate that the goals of ECD design standards will be maintained if the waivers are approved. These goals include the following as listed in the ECD ordinance:

- (1) Creation of a cohesive development pattern along the road;
- (2) Transformation of the SR 527 corridor into an "open space" designed for pedestrians and bicyclists in addition to vehicles;

- (3) Creation of a sense of place that has physical appeal and coordinated functionality and is safe for pedestrians in order to protect, promote and improve public health, safety, comfort, order, convenience, prosperity, and general welfare;
- (4) Improvement of mobility along the corridor for vehicles and pedestrians; and,
- (5) Ensuring connectivity of uses and travel paths.

The applicant is also requesting a variance in the provision of the ECD standard sidewalk. As stated, a goal of the ECD is to make Edgewood more pedestrian oriented. To this end, a minimum 14 foot pedestrian zone is to be provided adjacent to the back of the curb of State Road 527. The pedestrian zone is to include an 8 feet wide sidewalk separated from the curb by at least a 6 feet wide grassed strip. Where the existing right-of-way is wider than 14 feet, the sidewalk is to be placed adjacent to the property line; such is the case for the subject property. [The estimated distance between the curb and property line is 20 feet.] The applicant is requesting this standard not apply to the development of the subject property.

The applicant notes the location of power poles and lack of connection with a similar sidewalk on the adjacent property as the rationale for varying from the ECD design standard. The lack of connection will continue to be a problem as the achievement of the wide sidewalk along Orange Avenue will be incremental.

The solution is not abandonment of the goals of the ECD, but rather to allow the transitioning of the width to the adjacent property sidewalk. The narrowing and location of the transition segment can be rectified by the City as additional redevelopment occurs. Staff can support the narrowing and transition on approach to the adjacent property, however, does not support full discard of the sidewalk design standard; this request does not meet the six (6) criteria that must be found true, per Section 134-104 (3)b. of the City's Code, for approval of a variance.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant.
3. That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The last request waiver has been initiated by staff: a 15-foot build to line rather than the required ECD 25-foot build to line. This waiver request tracks a current proposal by staff to modify the ECD design standard. The 15-foot build to line for the subject property will accommodate the following cross section:

- 12.5 foot landscaped width in front of the building which could include an ADA compliant sidewalk,
- The High Rise Oak (at this location the tree will be  $\pm 12.5$  feet from the overhead utility lines in the right-of-way,
- 2.5-foot tree to sidewalk separation,
- 8-foot wide sidewalk within the right of way, placed on the property line, and
- $\pm 12$ -foot wide pervious buffer in the right-of-way.

### Conclusion

Unless the applicant provides substantial competent evidence to show where strict application of the ECD design standards would create an illogical, impossible, impractical or unreasonable result on the applicant as required by Section 134-464, staff recommends denying the following waivers:

1. Rear building drive-through window location;
2. Minimum building to lot width ratio (50%); and
3. Sidewalk along a driveway width and landscaping (6 feet with 4 feet).
4. The required 35-foot on-center street tree provision

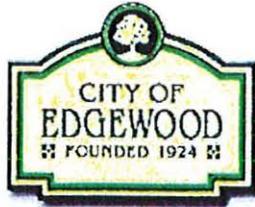
Staff also recommends denial of a deviation in the public sidewalk width and location (8 feet width located adjacent to the property line) in its entirety, but would support a waiver in width and location to allow a transition to the existing sidewalk on adjacent properties.

Staff recommends a waiver to allow a 15-foot build to line.

RECEIVED

JUL 11 2019

CITY OF EDGEWOOD



**APPLICATION FOR VARIANCE**

Reference: City of Edgewood Code of Ordinances, Section 126-588

**REQUIRED FEE: \$350 RESIDENTIAL \$750 COMMERCIAL**

**(Plus Applicable Pass-Through Fees - Ordinance 2013-01)**

Please note this fee is non-refundable

Office Use Only:	
VARIANCE APPLICATION #:	2019-01
PLANNING AND ZONING MEETING DATE:	8/12/2019
CITY COUNCIL MEETING DATE:	9/17/2019

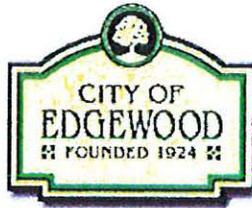
**IMPORTANT:** A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk \_\_\_\_ days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for. Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

Applicant's Name:	Trisha Bailey-Archie	Owner's Name:	Trisha Bailey-Archie
Address:	2109 Brewster Ct	Address:	Orlando, FL 32833-3725
Phone Number:	407-951-2644	Phone Number:	
Fax:		Fax:	
Email:	keith@comtekconstruction.com	Email:	
Legal Description:	The south 38.7 feet of the north 1/2 of the nw 1/4 of the sw 1/4 of section 13, twp 23s, range 29E, lying b/w the Atlantic Coast Railroad ROW and west bdy of the public road b/w Orlando and Pine Castle. and the north 74.3 ft of the south 1/2 of that part of the nw 1/4 of the sw 1/4 of section 13, twp 23S, r 29E, lying east of the Atlantic		
Zoned:	ECD Coast line Railroad ROW and public road from Orlando to Pine Castle, Orange County, Florida		
Location:	5156 South Orange Avenue		
Tract Size:	0.96		
City section of the Zoning Code from which Variance is requested:	ECD 134-460 (f)(1)		
Request:	8' sidewalk separated by 6' from boc		
Existing on Site:	5' s/w at boc, existing to remain		

The applicant hereby states that this request for Variance does not violate any deed restrictions on the property. Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached.

405 Bagshaw Way, Edgewood, Florida, 32809-3406  
Phone: 407-851-2920 / Fax: 407-851-7361  
www.edgewood-fl.gov



**To justify this variance, applicant must demonstrate the following:**

1. That special condition and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification
2. the special conditions and circumstances do no result from the action of the applicant
3. literal interpretation or enforcement of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Ordinance
4. the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible for the regulation at issue
5. the variance sought will not authorize or extend any non-conforming use or other non-conformity with respect to the land or structures in questions
6. the granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will no authorize a use of the property not permitted by its zoning classification
7. the variance sought will be consistent with the Edgewood Comprehensive Plan

**Applicant must agree that:**

1. In granting any variance, the City may prescribe appropriate conditions and safeguards in conformity with the Ordinances, and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of Edgewood ordinances.

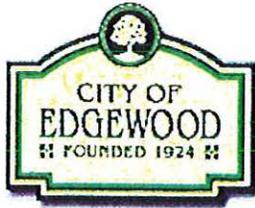
<b>AGREE:</b>	<i>[Signature]</i>	<b>DISAGREE:</b>	7.11.19
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2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

<b>AGREE:</b>	<i>[Signature]</i>	<b>DISAGREE:</b>	7.11.19
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The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:	<i>[Signature]</i>	Date:	7-11-19
Applicant's Printed Name:	KEITH D. ENGER		
Owner's Signature:	<i>[Signature]</i>	Date:	7/9/19
Owner's Printed Name:	Trishs Bailey Archic		



Please submit your completed application to City Hall via email at [bmeeks@edgewood-fl.gov](mailto:bmeeks@edgewood-fl.gov) or [sriffle@edgewood-fl.gov](mailto:sriffle@edgewood-fl.gov), via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Larue Ave. For additional questions, please contact City Hall at 407-851-2920.

Office Use Only:	
Variance #:	
Received Date:	7/11/2019
Received By:	J. Riffle
Forwarded To:	Eileen Handgore
Notes:	

Revised 6/24/2019

Page 4 of 4

## JUSTIFICATION

### SIDEWALK VARIANCE – 5156 South Orange Avenue

1. That special condition and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification. Both the north property line and the south property line contains existing conflicts located within the ROW that the applicant has no control over. These include power poles and utilities. The existing vegetation located with FDOT's ROW would have to be removed to accommodate and would not be eligible for replacement within FDOT's ROW.

2. the special conditions and circumstances do no result from the action of the applicant

The conflicts are located adjacent to the property line and not actually located within applicant owned property. To site is located between two bus stops, each approx. 700' (north and south) and the frontage could become a resting place. The occupant of the building will be in the pharmaceutical trade and feels providing a resting place in front of a building containing prescription drugs is not in spirit of the neighborhood

3. literal interpretation or enforcement of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Ordinance

There are no other 8' wide sidewalks along Orange Ave.

4. the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible for the regulation at issue. The variance equates to approximately 60 lf of sidewalk along Orange Ave. After considering the pedestrian crossings and the clear sight visibility there is approximately 40 lf of sidewalk that would potentially be affected.

5. the variance sought will not authorize or extend any non-conforming use or other non-conformity with respect to the land or structures in questions.

There are not other 8' wide sidewalks in the area. There is an existing s/w owned and maintained by FDOT. The existing sidewalk meets the regulations of FDOT.

6. the granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will no authorize a use of the property not permitted by its zoning classification

The existing sidewalk matches the surrounding properties

7. the variance sought will be consistent with the Edgewood Comprehensive Plan

The requested variance is in harmony with the Edgewood Comprehensive Plan's intent on providing pedestrian circulation.

**SITE DATA**

**JURISDICTION: (permitting)**

SITE PERMITTING -	CITY OF EDGEWOOD
WATER -	OUC
SEWER -	ORANGE COUNTY
STORMWATER MANAGEMENT DISTRICT -	SOUTH FLORIDA WATER MANAGEMENT DISTRICT

**PROJECT SCOPE:**

TO DEMOLISH AN EXISTING OFFICE BUILDING AND CONSTRUCT A NEW 2 STORY BUILDING WITH APPLICABLE INFRASTRUCTURE.

**PROPERTY LOCATION:**

5156 SOUTH ORANGE AVENUE

**PARCEL ID No. :**

13-23-29-0000-00-007

**PROPERTY ZONING:**

EXISTING ZONING ECD

**EXISTING LAND USE:**

COMMERCIAL

**PROPOSED FAR**

12.444 / 41,802 SF = 0.30

**EXISTING PROPERTY AREA:**

TOTAL = 0.96 ACRES

**BUILDING DATA & SETBACKS**

MAXIMUM BUILDING HEIGHT = 35 FEET  
 PROPOSED BUILDING HEIGHT = 2 FLOORS  
 MINIMUM BUILDING SETBACKS:  
 FRONT EAST = 25'  
 SIDE NORTH = 5'  
 SIDE SOUTH = 5'  
 REAR WEST = 15'

**PARKING SPECIFICATIONS:**

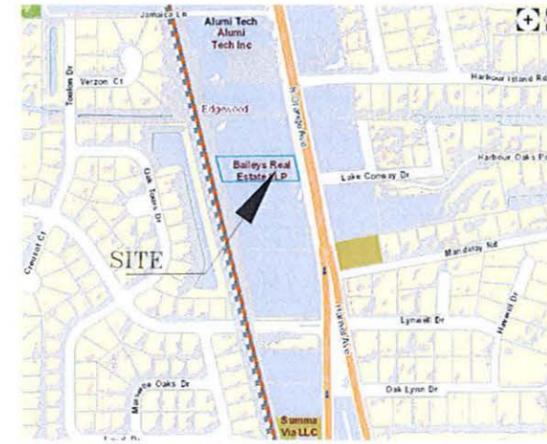
PARKING SPACES REQUIRED  
 CODE - GENERAL ESTABLISHMENT = 1 / 300 SF OF FLOOR AREA = 1,450 SF FLOOR AREA / 300 = 5  
 1ST FLOOR OFFICE = 1/200 SF OF OFFICE AREA = 1,280/200 = 7 SPACES = 12 SPACES REQ. 1ST FLOOR  
 OFFICE 2ND FLOOR = 1/200 SF OF OFFICE AREA = 5,200 SF / 200 = 26 SPACES = 38 TOTAL SPACES REQUIRED  
 TOTAL PROVIDED = 38 TOTAL SPACES

**PROPOSED LOT COVERAGE CALCULATIONS:**

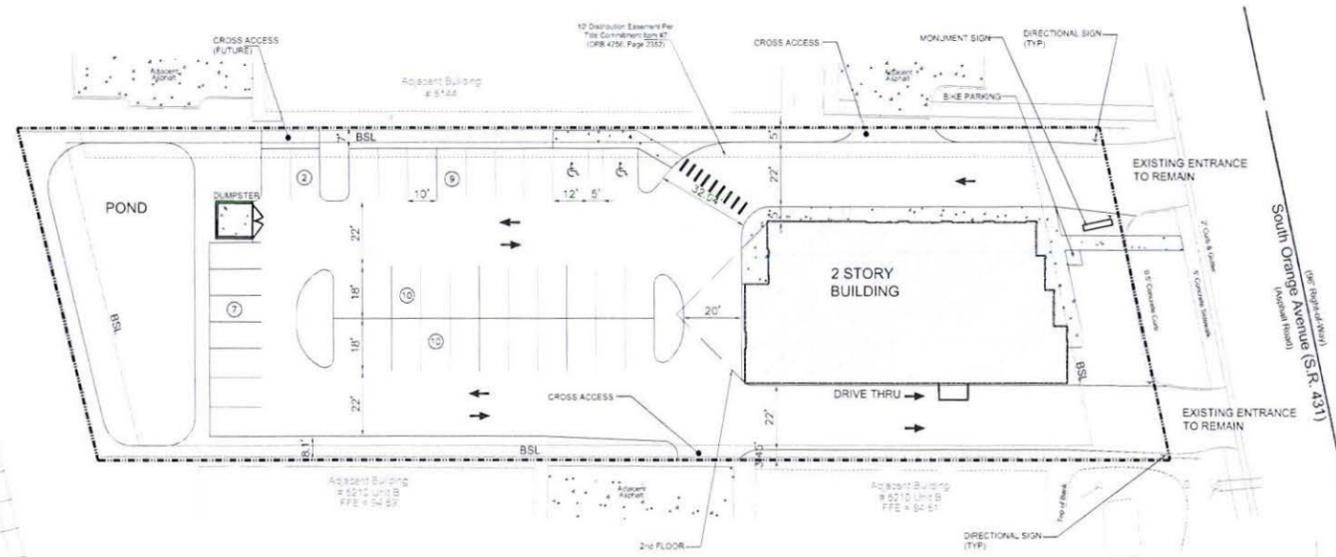
	AREA (sf)	ACRES	% TOTAL
PARKING & DRIVEWAY AREA	25,150	0.58	60.19
BUILDING	5,664	0.13	13.55
TOTAL IMPERVIOUS	30,824	0.71	73.74
POND AREA	4,290	0.10	10.26
OPEN SPACE / GREEN SPACE	6,688	0.15	16.0
TOTAL AREA	41,802	0.96	100.0

**FLOOD ZONE:**

THE LOT DESCRIBED HEREON WAS DETERMINED TO LIE WITHIN FLOOD ZONE "X"



LOCATION MAP



**SITE LEGEND**

- Handicap Parking
- Proposed Drainage Pile
- Proposed Curb
- Site Boundary Line
- Center Line of Road
- Right-of-Way
- Concrete
- Proposed ROW Dedication
- 2nd St Facing Limits Typical
- Handicap
- 10 Parking Spaces
- Sidewalk
- 5' Radius
- Linear Feet
- Square Feet
- Buried Electric



**CIVIL ENGINEERS  
 LAND PLANNERS**  
 1614 White Dove Drive  
 Winter Springs, Florida 32708  
 Tel: (407) 405-7819  
 KIM@CYCORPENGINEERS.COM

**ORANGE AVE  
 PHARMACY**  
 5156 S ORANGE AVE  
 EDGEWOOD

REVISIONS		
Description	Date	By
1		
2		KF

**SITE PLAN**

Date: 6/14/2019  
 Scale: 1/8" = 1'-0"

ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES. DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.  
 ALL DISTANCES TO BE MEASURED TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.  
 ALL DISTANCES TO BE MEASURED TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

NOT VALID UNLESS SIGNED & EMBOSSED BY A REGISTERED ENGINEER

City of Edgewood  
 Received - July 24, 2019

City of Edgewood  
Received - 7/25/2019

# NEW PHARMACY / OFFICE BUILDING

5156 S. Orange Avenue  
Orlando, Florida, 32806

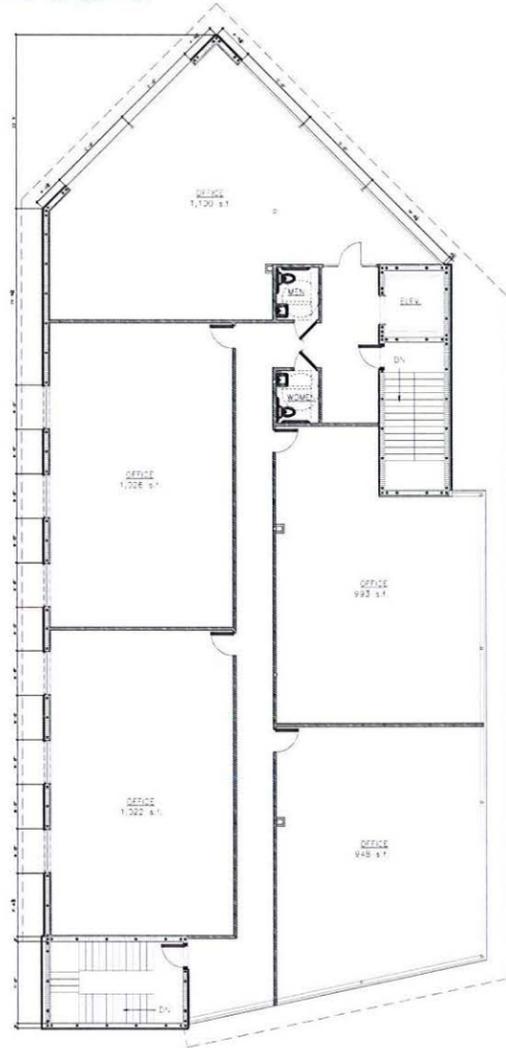
ORANGE COUNTY

	PROJECT INFORMATION	DRAWING INDEX	PROJECT TEAM
<p><b>PROJECT SUMMARY:</b></p> <p>THE SCOPE OF WORK INDICATED ON THESE DRAWINGS IS CONSTRUCTION OF A NEW TWO STORY BUILDING WITH A PHARMACY BUILD-OUT ON THE GROUND FLOOR AND "VANILLA SHELL" OFFICE SPACE TARGETING MEDICAL OFFICE ON THE SECOND FLOOR.</p>	<p><b>CODES:</b> A. CONSTRUCTION SHALL COMPLY WITH CURRENTLY ADOPTED CODES INCLUDING: FLORIDA BUILDING CODE 6TH EDITION (2017) Accessibility Building Energy Conservation Fuel Gas Mechanics Plumbing The National Electrical Code - 2014 EDITION Florida Fire Prevention Code 6TH EDITION (2017) Fire Code - NFPA 7 - 2015 EDITION WITH FLORIDA AMENDMENTS The Life Safety Code - NFPA 101 - 2015 EDITION WITH FL. AMENDS</p> <p><b>OCCUPANCY:</b> MERCANTILE BUSINESS (GROUP M/B)</p> <p><b>CLASSIFICATION OF WORK:</b> NEW CONSTRUCTION</p> <p><b>BUILDING AREA:</b> FIRST FLOOR AREA 5,664 sq ft SECOND FLOOR AREA 6,770 sq ft TOTAL BUILDING AREA 12,434 sq ft</p> <p><b>TYPE OF CONSTRUCTION:</b> TYPE II, UNREINFORCED LASHR REINFORCED NON COMBUSTIBLE</p> <p><b>STRUCTURAL DESIGN CRITERIA:</b> BASIC WIND SPEED 39 mph Use coefficients from Chapter 16 F.B.C. RISK CATEGORY I EXPOSURE B CORROSION AND CLADDING MAXIMUM DESIGN WIND PRESSURE (Roofing, doors and windows) +32.8 psf, -43.9 psf FOUNDATION DESIGN BASED ON ALLOWABLE SOIL BEARING PRESSURE OF 2000 psf.</p>	<p>A00 COVER SHEET/INDEX INFORMATION A01 ARCHITECTURAL SITE PLANS A1.1 LIFE SAFETY PLAN A2.1 FLOOR PLANS A2.2 ROOF ELEVATIONS A3.1 EXTERIOR ELEVATIONS A4.1 BUILDING SECTION A4.2 STAIR DETAILS</p> <p><b>VICINITY MAP:</b></p> 	<p><b>ARCHITECT:</b> HARTER - ADAMS P.A. 377 WATLAND AVE. SUITE 2010 ALAMONTE SPRINGS, FL 32701 PHONE: (407) 647-4367 EMAIL: tom.adams@hartad.com CONTACT: TOM ADAMS</p> <p><b>STRUCTURAL ENGINEER:</b> HB ASSOCIATES, LLC 377 WATLAND AVE. SUITE 2007 ALAMONTE SPRINGS, FL 32701 PHONE: (407) 740-5444 EMAIL: tom@hbassoc.com CONTACT: HENRY BRUNYER</p> <p><b>MEP ENGINEERS:</b> JOSEPH, LAWRENCE &amp; CO. 1180 HURKOE AVE. SUITE 3000 ALAMONTE SPRINGS, FL 32714 PHONE: (352) 972-4466 EMAIL: joseph@jlawrence.com CONTACT: STEPHANIE BRINLEY</p> <p><b>CONTRACTOR:</b> CONTEK CONSTRUCTION, LLC 4113 REBELBROOK CT. ORLANDO, FL 32829 EMAIL: hank@contekconstruction.com PHONE: (407) 951-2644</p>
			<p>REVISION</p>
			<p>JOB NO. 18009</p>
			<p>DATE 7/19/19</p>
			<p>SHEET A0.0</p>
			<p>OF</p>

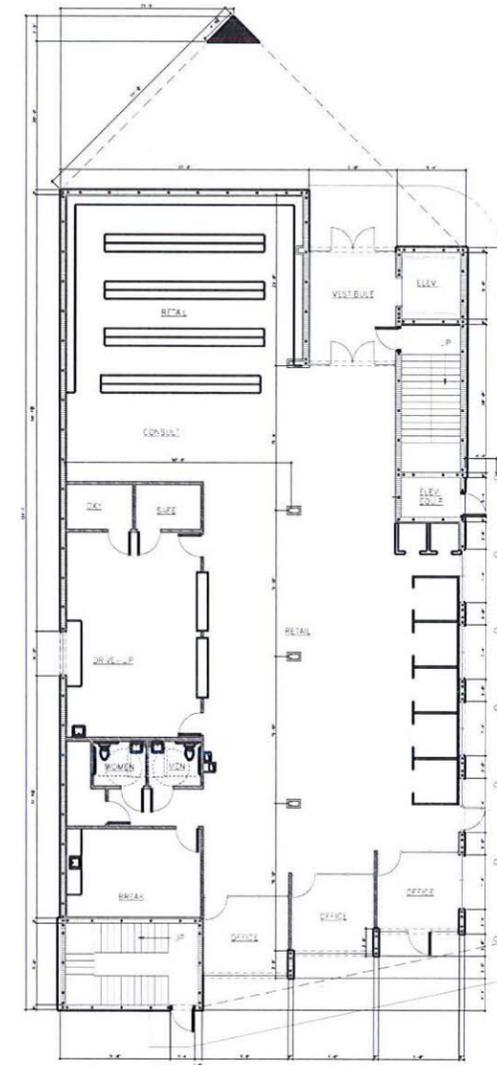
44 C000618  
**HARTER - ADAMS P.A.**  
ARCHITECTS AND PLANNERS  
377 WATLAND AVE. SUITE 2010 ALAMONTE SPRINGS, FLORIDA 32701  
PHONE: 407-647-4367 EMAIL: tom.adams@hartad.com

**NEW PHARMACY/OFFICE BUILDING**  
5156 S. Orange Avenue  
Orlando, FL 32809

City of Edgewood  
 Received- 7/25/2019



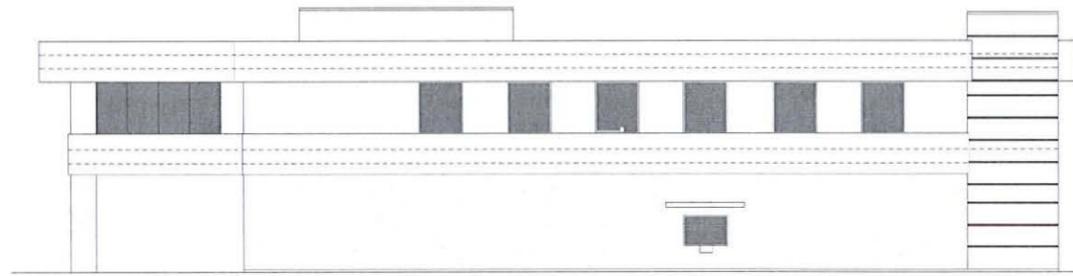
2 SECOND FLOOR PLAN  
 SCALE: 1/4"=1'-0"



1 FIRST FLOOR PLAN  
 SCALE: 1/4"=1'-0"

44 C002604	
HARTER - ADAMS P.A. ARCHITECTS AND PLANNERS 377 WILDHAWK AVENUE, SUITE 3010, ALTAMONTE SPRINGS, FLORIDA, 32709 PHONE: 407-647-0287 FAX: 407-647-0287	
NEW PHARMACY/OFFICE BUILDING 5156 S. Orange Avenue Orlando, FL 32809	
REVISION	
JOB NO.	19009
DATE	7/19/19
SHEET	A2.1
- OF -	

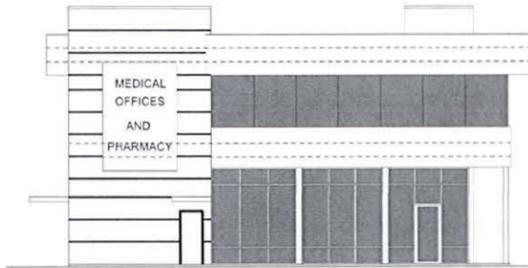
City of Edgewood  
Received - 7/25/2019



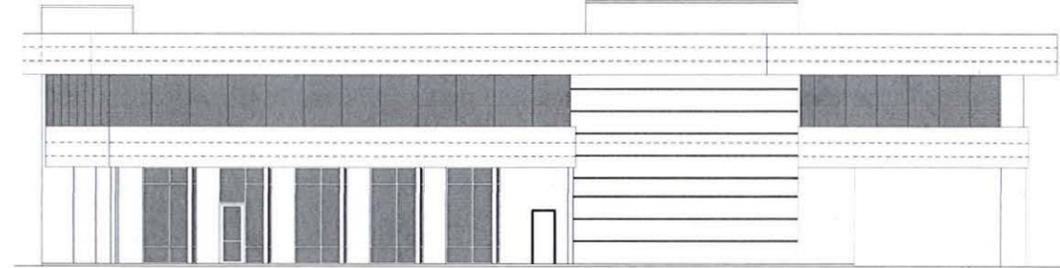
4 SOUTH ELEVATION  
SCALE: 1/4"=1'-0"



3 WEST ELEVATION  
SCALE: 1/4"=1'-0"



1 EAST ELEVATION  
SCALE: 1/4"=1'-0"



2 NORTH ELEVATION  
SCALE: 1/4"=1'-0"

AA 000006

**HARTER - ADAMS P.A.**  
ARCHITECTS AND PLANNERS  
1372 MURRAY AVENUE, SUITE 200  
ORLANDO, FL 32809  
TEL: 407.447.0200 FAX: 407.447.0202  
WWW.HARTER-ADAMS.COM

**NEW PHARMACY/OFFICE BUILDING**  
5156 S. Orange Avenue  
Orlando, FL, 32809

REVISION

JOB NO.

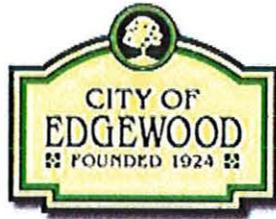
1808

DATE

7/18/18

SHEET

A3.1



Date: July 29, 2019

To: Local Planning Agency/Planning & Zoning Board

From: Ellen Hardgrove, City Planning Consultant

XC: Sandy Riffle, Deputy City Clerk

Bea Meeks, City Clerk

Drew Smith, City Attorney

Allen Lane, CPH Engineering, City Engineering Consultant

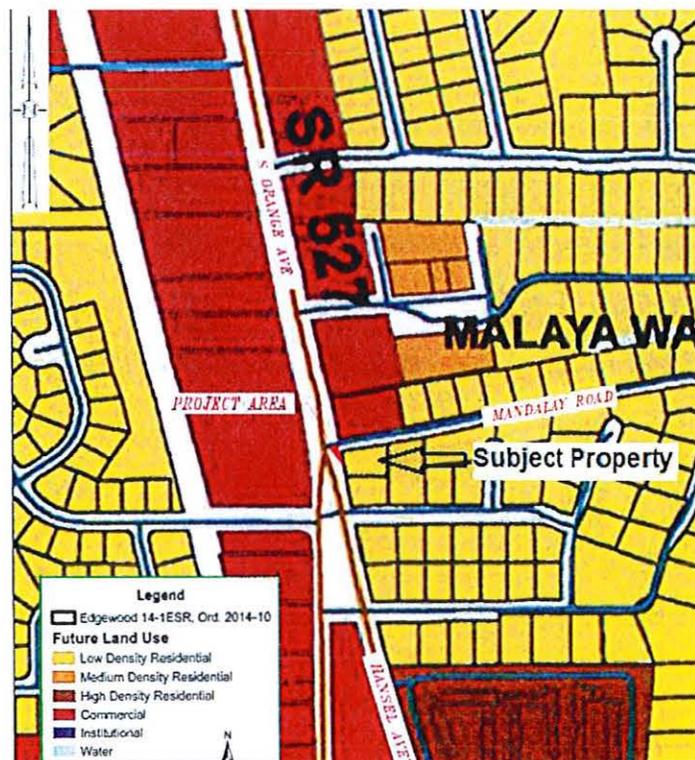
Re: Comprehensive Plan Amendment Low Density Residential to Commercial at 302 Mandalay Road; Applicant: Jose A. Neto, represented by Sam Sebaali, FEG, Inc.

### Introduction

This is a request to change the future land use designation from Low Density Residential to Commercial for property located at the southeast corner of Hansel Avenue and Mandalay Road; the address is 302 Mandalay Road, also known as Orange County tax parcel 13-23-29-6056-03-020. The property comprises  $\pm 0.28$  acre and is undeveloped.

Exhibit 1 shows the location of the property as well as the existing future land use designations of the property and surrounding area.

Exhibit 1 – Subject Property Location

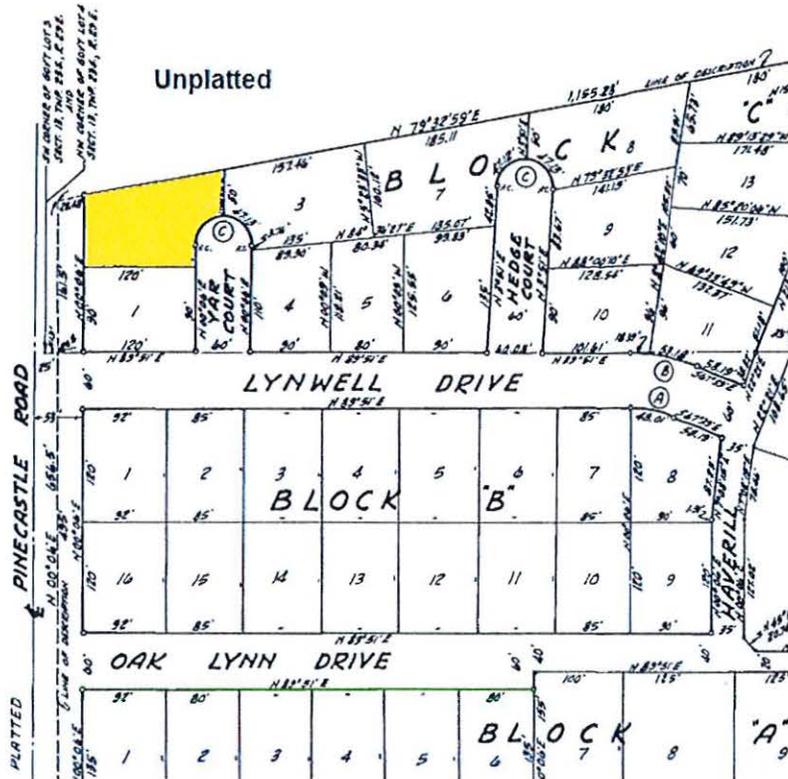


405 Bagshaw Way • Tel: 407-851-2920 • Fax: 407-851-7361 • www.edgewood-fl.gov

Property History

The property is Lot 2, Block C of the Oak Lynn Second Plat and the west ½ of a vacated street (Yar Court) lying east of the lot. The Oak Lynn Second Plat subdivision was approved by the City of Edgewood August 16, 1958; an excerpt from the plat with the subject lot highlighted is shown in Exhibit 2.

Exhibit 2 - Oak Lynn Second Plat (Plat Book W/pg 97)



The majority of the lots created by this subdivision were sold to Sorenson and Fletcher, a Central Florida residential builder, who subsequently sold off the lots. As shown by the plat, the subject lot was intended to be accessed from Yar Court, making construction of a single family home a practical use; however, from title research and City Council minutes, it appears that Lot 2 originally was intended to be used, or was used, as a lift or pump station for the subdivision. The builder sold the lot to Orange Utility Company in April 1961, followed by a sale of the lot to Southern Gulf Utilities in August 1961.

In 1979, the utility company sold the property to Robert and Emily Bramblett. The sale is theorized to have been initiated since the lot no longer was to be used as a utility.

In addition to the theorized use change, the lot has changed in size since platting. At the time of platting, the lot depth from Yar Court was 120 feet. Widening of Hansel Avenue (circa late 1960's) reduced the depth to 94 feet as well as reduced the lot size to below the minimum required for the R1AA zoning district. A variance would have been needed to

construct a single family residence, not only for lot size, but also to create a practical building envelope.

Another change to the practicality of using the lot for a single family residence was the vacation/abandonment of Yar Court in 1981. Although the vacation increased the depth of the lot by 30 feet, a variance still would be necessary to provide a practical building envelope for a home due the width of the new lot front [Hansel Avenue].

In addition to the development limitations due to size, shape and setbacks, the re-orientation of the lot affected the potential use of the lot. The orientation of a structure on the lot would be to either Hansel Avenue, a major arterial road, or a future commercial lot; i.e., the lot on the north side of Mandalay is zoned ECD and has a future land use designation of commercial.

#### Consistency with Comprehensive Plan Policies

Establishing a Commercial future land use designation on the property is consistent with the comprehensive plan policies as listed below.

Future Land Use Policy 1.1.3 directs development where sufficient public facilities are available.

Future Land Use Policy 1.1.4 requires compatibility with surrounding existing land uses and with the overall character of the community.

- The map amendment would be consistent with the city's goals of encouraging new businesses/redevelopment along the Orange/Hansel Avenue Corridor.
- A non-residential use of the lot is consistent with the lot on the north side of Mandalay, which already has a Commercial future land use designation.
- The adjacent residential lots are oriented to Lynwell Drive. [Lots 3 and 4 of the Oak Lynn subdivision have always been tied together and oriented to Lynwell.]
- Given that the property will be rezoned to ECD, design standards will be required to ensure compatibility with the adjacent residential uses. The ECD district will require a minimum 25-foot setback and a seven feet high opaque brick wall along the residential property lines with year-round shade trees planted every 40 linear feet. The ECD district allows buildings with maximum three stories/45 feet height; for compatibility the height could be restricted at the time of rezoning. The applicant is proposing a two story building.

#### Staff Recommendation

Approval of a future land use map amendment from Low Density Residential to Commercial on the property at 302 Mandalay Road, known as Orange County tax parcel 13-23-29-6056-03-020, and legally described as Lot 2, Block C of the Oak Lynn Subdivision, according to the plat thereof, recorded in Plat Book W, Page 97, of the Public Records of Orange County, Florida, less road right-of-way lying westerly of the subject property; and together with that portion of the westerly ½ of vacated road right-of-way lying easterly of subject property.

**ORDINANCE NO. 2019-03**

**AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, TO AMEND THE FUTURE LAND USE MAP OF THE EDGEWOOD COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL ON APPROXIMATELY .28 ACRES LOCATED AT 302 MANDALAY ROAD; FINDING THAT SUCH CHANGE IN THE FUTURE LAND USE MAP IS A SMALL SCALE AMENDMENT UNDER SECTION 163.3187, *FLORIDA STATUTES*; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

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

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

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

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

**WHEREAS**, the amendment to the Comprehensive Plan, Future Land Use Map contemplated herein involves fewer than ten acres; and

**WHEREAS**, the cumulative annual aggregate acreage of all small scale amendments made to the City of Edgewood Comprehensive Plan, Future Land Use Map does not exceed 120 acres; and

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

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

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

WHEREAS, the City Council of the City of Edgewood hereby finds and determines that this Ordinance is internally consistent with the goals, objectives and policies of the City of Edgewood Comprehensive Plan and other controlling law to include, but not limited to, Chapter 163, Florida Statutes, and the provisions of the State Comprehensive Plan as codified at Chapter 187, Florida Statutes.

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

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

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

Ordinances adopting and amending the Comprehensive Plan of the City of Edgewood, Florida, be, are hereby amended to designate that property located at 302 Mandalay Road and more particularly described as:

LOT 2, BLOCK C OF THE OAK LYNN SUBDIVISION,  
ACCORDING TO THE PLAT THEREOF, RECORDED  
IN PLAT BOOK W, PAGE 97, OF THE PUBLIC  
RECORDS OF ORANGE COUNTY, FLORIDA, LESS  
ROAD RIGHT-OF-WAY LYING WESTERLY OF THE  
SUBJECT PROPERTY; AND TOGETHER WITH THAT  
PORTION OF THE WESTERLY ½ OF VACATED  
ROAD RIGHT-OF-WAY LYING EASTERLY OF  
SUBJECT PROPERTY

with Tax Parcel Identification Numbers: 13-23-29-6056-03-020, as Commercial on the Future Land Map in accordance with the Amended Future Land Map attached hereto as Exhibit “A” and incorporated herein.

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

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

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

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

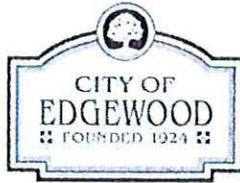
**Section 6 :** This Ordinance and small scale amendment shall become effective 31 days after adoption. If challenged within 30 days after adoption, said amendment shall not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining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

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019, by the City Council of the City of Edgewood, Florida.

\_\_\_\_\_  
Richard A. Horn, Council President  
City of Edgewood

Attest:

\_\_\_\_\_  
Bea Meeks, City Clerk  
City of Edgewood



**ORIGINAL**  
**RECEIVED**  
 JUL 12 2019  
 CITY OF EDGEWOOD

**CITY OF EDGEWOOD APPLICATION FORM  
 COMPREHENSIVE PLAN AMENDMENTS**

PLEASE CHECK THE APPROPRIATE APPLICATION TYPE BELOW:

Amendment Type	Applied For	Cost
LARGE-SCALE MAP AMENDMENT		\$2500 + advertising and Pass-Thru Fees Per Ordinance 2013-01
SMALL-SCALE MAP AMENDMENT (10 acres or fewer)		\$1000 + advertising and Pass-Thru Fees Per Ordinance 2013-01
TEXT AMENDMENT Large Scale (\$2500) Small Scale (\$1000)		\$2500/\$1000* + advertising and Pass-Thru Fees Per Ordinance 2013-01

**REQUIRED DOCUMENTS TO ATTACH TO APPLICATION FOR PROPOSED TEXT AMENDMENT**

- 1) Proposed text in a strike-through/underline format identifying the proposed change(s), including applicable element and policy number. Underline text denotes proposed policy language, whereas, strikethrough text denotes proposed deletions to currently adopted policies.
- 2) A description of how the proposed text change will impact availability of and the demand on sanitary sewer, solid waste, drainage, potable water and water supply, traffic circulation, schools (if the City has adopted school concurrency), and recreation, as appropriate.
- 3) Information regarding the consistency of the proposed text amendment with other goals, objectives and policies of the plan.
- 4) Notarized owner affidavit(s) – see third page of this form.
- 5) Application fee – cash or check made payable to “City of Edgewood.”
- 6) Any additional information that may aid in understanding the proposal, such as a conceptual site plan

**REQUIRED DOCUMENTS TO ATTACH TO APPLICATION FOR PROPOSED FUTURE LAND USE MAP AMENDMENT (add additional pages if necessary):**

- 1) Certified legal description with a boundary sketch signed by a Florida registered surveyor for the specific property proposed to be amended. Certified legal description must include the acreage.
- 2) Illustration subject property’s and adjacent property’s future land use
- 3) Identification on a map of adjacent existing uses
- 4) Environmental Assessment – If there are wetlands on the property, a preliminary environmental assessment is required including a narrative describing the wetland, a table indicating the acreage, and an aerial photograph or map indicating the approximate location and extent of the wetlands on site.
- 5) Attach a statement justifying the need for the requested amendment, including the appropriate data and analysis to support the requested change, illustrating how the amendment is consistent with and furthers various objectives and/or policies of the City’s Comprehensive Plan. The justification should include, but not be limited to, adjacent land use compatibility, availability of sanitary sewer, potable water, stormwater, solid waste, transportation, and recreation facilities and demonstrated need based on population demands and/or market demand. In addition, the maximum development that can occur on

the site under the proposed future land use designation and the anticipated development program under the proposed future land use designation needs to outlined by designation, including the square footage and acreage for each category. If the City has adopted school concurrency, the additional demand on the school facilities shall be provided.

- 6) Notarized owner affidavit(s) – see third page of this form.
- 7) Application fee – cash or check made payable to “City of Edgewood.”
- 8) Any additional information that may aid in understanding the proposal, such as a conceptual site plan

**TYPE or PRINT the following information:**

Owner <u>Jose A. Neto, President of</u> <u>PC-Warriors, LLC</u> Address <u>555 Flower Fields Lane</u> City <u>Orlando</u> State <u>FL</u> Zip Code <u>32824-6153</u>  Phone (H) (    ) (W) ( <u>407</u> ) <u>715-7392</u> (Cell) (    ) (Fax) (    ) E-mail Address <u>joey_neto@hotmail.com</u>	Applicant/Agent <u>Jose A. Neto, President of</u> <u>PC-Warriors, LLC</u> Address <u>555 Flower Fields Lane</u> City <u>Orlando</u> State <u>FL</u> Zip Code <u>32824-6153</u>  Phone (H) (    ) (W) ( <u>407</u> ) <u>715-7392</u> (Cell) (    ) (Fax) (    ) E-mail Address <u>joey_neto@hotmail.com</u>
--	--

Orange County Tax Roll Parcel Number(s) Involved	Total Acreage of Parcel(s)	Developable Acreage of Parcel(s)	Current Future Land Use Category	Proposed Future Land Use Category
13-23-29-6056-03-020	0.28 +/-	0.28 +/-	Vacant	

**CONTACT INFORMATION (NAME, ADDRESS, PHONE NUMBER, FAX AND EMAIL)**

Property owner/applicant	Authorized agent (if not the owner/applicant)

Staff Use Only: Application Complete – Yes    Received: Date 7/12/2019 Time 12:00 a.m. / 12:00 p.m.

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF ORANGE

BEFORE ME THIS DAY PERSONALLY APPEARED

Jose A. Neto, President of PC-Warriors, LLC  
Property owner's name, printed

WHO BEING DULY SWORN, DEPOSES AND SAYS THAT:

- 1. He/she is the owner of the real property legally identified by City of Edgewood/Orange County Parcel numbers:  
302 Mandalay Road Orlando FL 32809 Parcel 13-23-29-6056-03-020
- 2. He/she duly authorizes and designates Sam J. Sebaali, P.E., President of Florida Engineering Group, Inc. to act in his/her behalf for the purposes of seeking a change to the future land use map designation of the real property legally described by the certified legal description that is attached with this amendment request;
- 3. He/she understands that submittal of a Comprehensive Plan map and/or text amendment application in no way guarantees approval of the proposed amendment;
- 4. The statements within the Comprehensive Plan map and/or text amendment application are true, complete and accurate;
- 5. He/she understands that all information within the Comprehensive Plan map and/or text amendment application is subject to verification by county staff;
- 6. He/she understands that false statements may result in denial of the application; and
- 7. He/she understands that he/she may be required to provide additional information within a prescribed time period and that failure to provide the information within the prescribed time period may result in the denial of the application.
- 8. He/she understands that if he/she is one of multiple owners included in this amendment request, and if one parcel is withdrawn from this request, it will constitute withdrawal of the entire amendment application from the current amendment cycle.

[Signature]  
Property owner's signature

6-27-2019  
Date

Signed and sworn to (or affirmed) before me on June 27, 2019 by  
(Date)

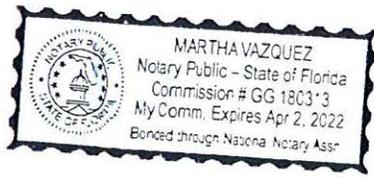
Jose A. Neto. He/she is personally known to me or has produced  
(Property owner's name)

FL Driver License as identification.  
(Driver's license, etc.)

[Signature]  
Notary public signature

State of Florida County of Orange

My commission expires: April 2, 2022





**COMPREHENSIVE PLAN AMENDMENT & REZONING NARRATIVE**

**RECEIVED**

**JUL 29 2019**

**CITY OF EDGEWOOD**

**MANDALAY OFFICE**

**302 MANDALAY ROAD, EDGEWOOD  
Parcel I.D. No.: 13-23-29-6056-03-020**

**JULY 12, 2019**

This letter provides a narrative for the Comprehensive Plan Amendment and Rezoning requests for the subject site located at 302 Mandalay Road.

The Comprehensive Plan Amendment request is to change the existing Future Land Use (FLU) designation of Low Density Residential (LDR) Commercial (C). The re-zoning request is to change from the existing Zoning of R-1AA to Edgewood Central District (ECD).

This request is being submitted in order to allow development of the site for an office use associated with the owner's computer business, which focuses on cyber security defense. The office use is allowed in the ECD. Specifically, the ECD permits Electronic and Consumer electronics and communication equipment repair and maintenance, retail.

**Project Location:** The project site is located at 302 Mandalay Road within the City of Edgewood and consists of a single land parcel with Parcel ID No. 13-23-29-6056-03-020 according to the Orange County Property Appraiser. The parcel has an area of approximately 0.28 acre. The property fronts Hansel Avenue (SR 527) on the west side and Mandalay Rod on the north side.

**Existing and Surrounding Land Uses:** The site has an existing FLU designation of Low Density Residential (LDR). The surrounding FLU designations include LDR to the east and south sides and Commercial to the north and west sides. With exception of 5 parcels (including this parcel) along the Orange Avenue/Hansel Avenue corridor (SR 527), which have a FLU designation of LDR, all of the parcels along the Orange Avenue/Hansel Avenue corridor have a FLU designation of Commercial (C).

**Existing and Surrounding Zoning:** The existing site is Zoned R-1AA. The surrounding Zoning includes ECD to the north, R-1AA to the east, ECD to the west, and R-1AA to the south. With exception of 5 parcels (including this parcel), which have a Zoning designation of R-1AA, all the parcels along the Orange Avenue/Hansel Avenue (SR 527) corridor have a Zoning designation of ECD, P-O, and R-3. The predominant zoning designation is ECD.

**Existing Use:** The subject property is currently a vacant residential lot. The site is accessed from the north via Mandalay Road. There is an existing single-family residence on the east side of the development, a single-family residence on the south side, a vacant commercial lot on the north side across Mandalay Road R.O.W., and various commercial use facilities on the west side across the SR 527 R.O.W. Given the site frontage along Hansel Avenue, which is Principal Arterial, it is not well suited for residential development.

**Proposed Operation:** PC-Warriors, the owner of the property, is a cyber-security consulting company that provides product and consulting services to companies and individuals in Central Florida and other markets. The subject site will act as PC-Warriors' office in Central Florida. PC-Warriors intends to relocate their current operations from the City of Orlando to this property in the City of Edgewood.

**Compatibility with Surrounding Uses:** As stated previously, the entire Orange Avenue/Hansel Avenue (SR 527) corridor, except for 5 parcels, is predominantly zoned commercial with uses consisting mainly of retail and office. The proposed re-zoning to ECD would allow development of the site consistent with the uses along the SR 527 corridor.

The proposed development abuts similar service uses to the existing commercial uses on the north side and on the west side of the subject site.

Residential uses are located to the east and south. The proposed development will provide a transitional use, which would buffer the residential uses on the east side from the Principal Arterial and commercial uses to the west.

In 2018, the City of Edgewood created the ECD with the primary intent to beautify the SR527 corridor and identified SR 527 redevelopment as the primary growth issue facing the City. The ECD promulgated design guidelines and strategies that will improve and revitalize the SR 527 corridor. The proposed re-zoning and development would be consistent with the ECD.

As such, the residential uses to the east will also be buffered from development on this site by a proposed 7-foot high opaque wall as seen on the included concept plan. Landscaping will be proposed on the south side to screen the proposed development from the residential neighbor to the south.

**Anticipated Traffic Impact:** The proposed office development will have minimum impacts on the surrounding roadway segments. With an anticipated maximum development of approximately 3,472 SF of office space, the traffic generated will be as low as 5 peak hour trips (based on the General Office Land Use 710 of the ITE).

**Consistency with Comprehensive Plan:**

This request is consistent with the Future Land Use Element Policies as follows:

**Policy 1.1.3** - The request is consistent with Policy 1.1.3 since the subject site has access to water and sewer facilities and the public facility providers have adequate capacity available for serving the proposed commercial development.

**Policy 1.1.4** - The request is consistent with Policy 1.1.4 since the proposed new development is compatible with the surrounding trend of commercial development along with the central commercial corridor in the City. The proposed office development will include adequate buffers to further reduce the impact of surrounding less intensive uses. Also, the proposed use is a transitional use between the commercial development to the west and north sides and the residential development to the south and east sides.



5127 S. Orange Avenue, Suite  
200 Orlando, FL 32809  
Phone: 407-895-0324  
Fax: 407-895-0325



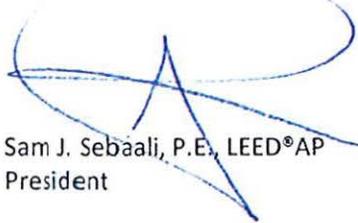
**Policy 1.1.6** – The request is consistent with Policy 1.1.6 for the proposed Commercial development, since the proposed development is anticipated to have less than a 0.30 F.A.R. (floor area ratio), which is less than the allowable 0.50 F.A.R. for Commercial FLU.

**Policy 4.7.1 and Policy 4.7.4** – The request is consistent with Policies 4.7.1 and 4.7.4, since the subject site is planned to include a storm water management system consistent with the ECD design guidelines and SJRWMD requirements. As such, the storm water runoff flow rates and velocities will be at or less than levels that existed prior to development. In addition, project-related land clearing, grading, and site construction activities will not have affect water quality conditions in the receiving surface water bodies nor any impact to wetlands. Also, there will be no increases to stormwater-conveyed pollutant loadings as compared to predevelopment conditions.

Please do not hesitate to contact me should you have any questions or need additional clarification regarding this request. I can be reached by phone at 407-895-0324 or by email at [SSebaali@feg-inc.us](mailto:SSebaali@feg-inc.us).

Sincerely,

Florida Engineering Group, Inc.



Sam J. Sebaali, P.E., LEED®AP  
President

cc: Jose A. Neto, PC-Warriors LLC



5127 S. Orange Avenue, Suite  
200 Orlando, FL 32809  
Phone: 407-895-0324  
Fax: 407-895-0325



Dear Neighbors,

Attached is a letter a number of your neighbors on Mandalay Rd. plan to send to Edgewood Mayor, Mr. John Dowless over the next few weeks. As per the attached letter, we are opposed to changing the zoning of the property at 302 Mandalay from residential to commercial. (This property is located on the south corner of Mandalay and Orange Avenue as you enter Mandalay Rd.) The owner is pursuing a rezoning to commercial property so that he can place a Cyber Security store on the corner. Additional details can be found in the subject letter. We are opposed to the rezoning of this property in our residential neighborhood for the reasons outlined in this letter.

We would appreciate your consideration in sending this letter or a similar letter to the Mayor if you oppose this change to our residential neighborhood. Feel free to sign and submit this letter or copy sections to your own personal letter if you so choose. If you would like an electronic copy of this letter to customize it, please email Tina Baker at [Tbaker2533@att.net](mailto:Tbaker2533@att.net). We are concerned that if this rezoning is approved, other neighborhoods could be susceptible to future commercial rezoning considerations which, in our opinion, would not be in the best interest of our property values and our neighborhood.

Finally, on Friday, July 12, the property owner put in his request to rezone the property with City Hall. The Planning and Rezoning meeting to review this request (before it goes in front of the Town Council for a vote) is set for August 12 at 6:30pm at Edgewood City Hall. We encourage you to attend this meeting to express your opposition and stop this rezoning request before it gets to the Town Council for a vote.

Thank you for your consideration.

Sincerely,

Your Mandalay Road Neighborhood

RECEIVED  
JUL 25 2019  
CITY OF EDGEWOOD

July 16, 2019

RECEIVED  
JUL 17 2019  
CITY OF EDGEWOOD

The Honorable John Dowless  
405 Bagshaw Way  
Edgewood, FL 32809

Re: Opposition to Rezoning of 302 Mandalay Road, Edgewood, FL 32809

Dear Mayor Dowless:

I write today to voice my opposition to the proposed rezoning of the property located at 302 Mandalay Road in Edgewood and commercial development into a Cyber Security Store. Besides the rezoning, I have also learned that although the property is adjacent to Orange Avenue, parking would be accessible through the residential Mandalay Road. Please be advised that, although this proposal is not yet before the Planning and Zoning Board or the City Council, I intend to voice my opposition to it at every available public meeting. In support of my opposition, I have discovered the following issues with the rezoning and potential commercial development which I would like to call to your and the Council's attention.

First, this rezoning would be contrary to the express intent of the City's comprehensive plan due to the lack of compatibility with its Future Land Use Map, last adopted in January of 2015. All along Orange Avenue within the confines of Edgewood, the Planning and Zoning Department and the City Council have recognized in its FLUM that the property in question is part of a residential community. Almost the entirety of the property which is adjacent to Orange Avenue is zoned commercial, except for these few lots near Mandalay Road which are residential in nature. Deviating from this planned course of action would be contrary to the City's plans and contrary to good sense.

In addition, this rezoning would conflict with the City's policies also set forth in its comprehensive plan. This includes policy 1.1.6: "Development orders shall only be approved consistent with the adopted Future Land Use Map." However, it would also conflict with the City's transportation goals by adding considerably to traffic on a residential street and at a dangerous intersection without a traffic control device. In addition, the comprehensive plan states that the City's commercial districts have already been fully developed and that there is no need for further commercial development and that that element should be maintained at current levels. Instead, the City anticipates additional housing needs—at the time that the Comprehensive Plan was put together—of an additional 290 homes in 2020 from 2012 levels. Rezoning a residential lot to commercial, adding commercial development to create further hazards at an already dangerous intersection and traffic to residential streets, and depleting the already small amount of residential property available are all detrimental to the good of the City and in opposition to its comprehensive plan.

Please know that, as a resident of Edgewood, I plan to voice my opposition to this plan at every stage of the local government process. I have already consulted with other neighbors who have ensured me of their support in opposing this request, who may also have sent you letters. Please help maintain the residential character of this area by denying the request to rezone 302 Mandalay Road from residential to commercial, and help maintain the unique character of Edgewood that has contributed to our mutual desire to make this city our mutual home.

ORDINANCE NO. 2019-04

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO TREES; AMENDING CHAPTERS 50 AND 130 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO CLARIFY AND CONSOLIDATE REQUIREMENTS RELATED TO TREES, SHRUBS, AND PLANTS; AMENDING PROVISIONS RELATED TO MAINTENANCE AND RESPONSIBILITY FOR TREES AND TREE BRANCHES LOCATED WITHIN AND ADJACENT TO RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE

WHEREAS, the City Council appreciates the aesthetic and environmental value of trees and vegetation within the City; and

WHEREAS, the City Council also recognizes trees and vegetation require proper maintenance and care; and

WHEREAS, the City Council finds that when trees located adjacent to or within rights-of-way are not properly maintained, such trees or their branches may present safety hazards to those traveling upon the rights-of-way; and

WHEREAS, in order to ensure continued proper maintenance of such trees, the City Council finds it appropriate to clearly delineate the responsibilities related to tree maintenance of public and private property owners; and

WHEREAS, the City Council finds the Code of Ordinances contains multiple Sections in varying locations dealing with planting, care, and removal of trees and vegetation; and

WHEREAS, in the interest of clarity, the City Council finds it appropriate to consolidate and clarify the existing provisions.

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

**SECTION 1: Amendment of Existing Code:** The Edgewood City Code is hereby amended as follows (note: underlined text indicates additions to the Code, ~~strikethrough~~ text indicates deletions, and ellipses (\*\*\*) indicate portions of Code that remain unchanged and are not reprinted here):

**ARTICLE IV. -- TREES**

~~Sec. 50-109. -- Injury and destruction of trees.~~

~~No one shall willfully injure or destroy any tree or shrub located on or in any public right-of-way, park or public property within the city.~~

44 ~~Sec. 50-110. Planting shrubbery and trees at intersections prohibited.~~

45 (a) ~~No person shall plant any shrubbery or trees within the area formed by the property lines of~~  
46 ~~the intersecting streets for a distance of 25 feet from their intersection with one another, which~~  
47 ~~shrubbery or trees reach a height of more than 2½ feet.~~

48 (b) ~~It shall be the duty of any owner of property lying within this area to keep existing shrubbery~~  
49 ~~and trees cut to a height of less than 2½ feet above the pavement.~~

50 ~~Sec. 50-111. Tree planting, maintaining, and removal permits required for public rights-~~  
51 ~~of-way and public property; fallen trees on public rights-of-way and public property.~~

52 (a) ~~Planting trees.~~ No tree, shrub, or plant shall be planted within any right-of-way of the city  
53 without first obtaining a permit from the city. There will be no charge for such a permit. The  
54 permittee shall submit with the application for permit a site plan showing where the tree, plant,  
55 or shrub will be planted, the spacing between trees or plants, if applicable, and the species  
56 proposed to be planted. The city official shall approve of such plan before the permit may be  
57 granted.

58 (b) ~~Maintaining trees.~~ Upkeep, trimming, and maintenance of all trees, shrubs, or plants on any  
59 right-of-way which abut private property shall be the responsibility of the private property  
60 owner between the property line and the curb of the street, except that the city shall be  
61 responsible for trimming and maintaining portions of trees on the street side so as to allow  
62 clearance for vehicles. When any maintenance or trimming of trees in any rights-of-way is  
63 necessary to afford clearance for wires or cables, it shall be the responsibility of a public utility  
64 company to trim and maintain said trees after seeking a permit for same from the city. It shall  
65 be unlawful for any person to maintain any tree, shrub, or plant within any right-of-way of the  
66 city in such a manner that will damage or constitute a hazard to any street, sidewalk curb,  
67 driveway, drainage, water line, sewer line or any other public utility.

68 (c) ~~Removing trees.~~ No tree shall be removed from any public right-of-way without first  
69 obtaining a tree removal permit. The city official may, in some instances, recommend that the  
70 city share the costs for removal of said trees, such costs to be approved by city council.

71 (d) ~~Removing fallen trees.~~ The city shall be responsible for removing any fallen tree planted in  
72 the right-of-way upon being notified of same, a tree planted on private property which falls  
73 on any right-of-way shall be removed by the property owner within a reasonable period of  
74 time, not to exceed 60 days or sooner if the city deems necessary to protect public safety. If  
75 said fallen tree is not removed within the designated periods of time, the city may remove it  
76 and assess costs for removal to the property owner. In the event any tree falls such that a  
77 substantial portion of the tree interferes with traffic, the city shall be responsible for removal  
78 of the portion of the tree which has fallen in the city right-of-way.

79 (e) ~~Permit required.~~ No tree planting, removal, surgery, cavity filling, trimming or spraying  
80 shall be done on any tree or shrub within any public right-of-way or on any property owned  
81 by the city without first obtaining permit for such work from the mayor or his or her designee.  
82 The city shall require the applicant to provide a certified arborists report supporting the  
83 removal of the tree prior to issuance of a permit for the removal of any tree located within the  
84 public right-of-way. There shall be no charge for such a permit. No tree or shrub shall be  
85 trimmed by or under the direction of any public utility company to afford clearance for wires

86 or cables or for any other purpose without possession of such a permit. Such a permit shall be  
87 granted upon a showing that public safety will not be endangered.

88 **Sec. 130-4. - Care of trees; unlawful removal of or injury to trees.**

89 (a) *Artificial irrigation.* Artificial means of irrigation shall be easily available and used regularly  
90 for every tree as may be required for healthy tree growth and maintenance.

91 (b) *Trees near billboards.* It shall be unlawful for persons or businesses trimming tree growth  
92 away from billboard (off-premises sign) surfaces to remove trees or to trim or cut trees below  
93 the level necessary for survival of the tree.

94 (c) *Fallen trees.* In the event a tree has fallen within the boundaries of a private property because  
95 of an act of God or other damage, ~~such that its trunk has been substantially damaged to the~~  
96 ~~extent that the tree no longer can survive,~~ the property owner shall remove said fallen tree  
97 within a reasonable period of time not to exceed 60 days. If a property owner does not remove  
98 a fallen tree within a reasonable period, he or she may be found to be in violation of this  
99 chapter. ~~If the fallen tree poses a safety hazard, the city may remove the tree and assess the~~  
100 ~~costs for such removal to the property owner.~~ No permit is required for removal of fallen trees.

101 (d) *Tree removal permit required.* Except as otherwise provided herein or by Florida Statutes, it  
102 shall be unlawful for any person to, or cause to, to destroy, permanently injure or remove any  
103 existing tree, as defined herein, within the city, without first obtaining a tree removal permit  
104 as required by the provisions of this chapter, or to cause or allow such action to be performed  
105 by an agent.

106 (e) *Unlawful alteration of grade.* It shall be unlawful ~~for any person to, or cause to,~~ place material,  
107 solvents, machinery, temporary soil deposits, or to make any grade changes within six feet of  
108 any tree, or to attach, other than protective wires, braces or other similar, injurious materials  
109 to such tree or to cause or allow such action to be performed by an agent.

110 (f) *Paving around trunk perimeter.* No structure or impervious paving shall be located within a  
111 six-foot radius of the trunk perimeter of any tree. Trees four feet or more in diameter as  
112 measured three feet above actual grade shall require additional space as may be determined.

113 **Sec. 130-10. - Trees, shrubs, and plants-etc., in and adjacent to public rights-of-way.**

114 (a) *Planting trees.* No tree, shrub, or plant shall be planted within any right-of-way of the city  
115 without first obtaining a permit from the city. There will be no charge for such a permit. The  
116 permittee shall submit with the application for permit a site plan showing where the tree, plant,  
117 or shrub will be planted, the spacing between trees or plants, if applicable, and the species  
118 proposed to be planted. The city official shall approve of such plan before the permit may be  
119 granted.

120 (b) *Visibility triangle.* It shall be unlawful to plant on a corner lot any shrubbery or trees which  
121 will grow to a height more than 2 ½ feet within the triangle formed by a line connecting the  
122 two intersecting streets at points 25 feet from the intersection. It shall be the duty of the owner  
123 of such property to keep all shrubbery and trees within the above described triangle cut to a  
124 height no greater than 2 ½ feet.

125 (c) *Maintaining trees, shrubs, and plants.*

126 (1) Upkeep, trim, and maintenance of all trees, shrubs, or plants located between the right-of-  
127 way line and the curb of the street on any right-of-way which abuts private property shall be  
128 the responsibility of the private property owner of the property immediately abutting the right-  
129 of-way, owner between the line and the curb of the street, except that the city shall be  
130 responsible for trimming and maintaining portions of trees on the street side so as to allow  
131 clearance for vehicles.

132 (2) Property owners shall keep all trees, shrubs, and plants located on their private property  
133 and those for which they are responsible for maintenance pursuant to paragraph (1), above,  
134 trimmed in such a manner that motor vehicle traffic and pedestrian paths on public rights-of-  
135 way are not obstructed.

136 (3) Property owners shall remove any unhealthy, diseased, or dying branches that present a  
137 risk of falling on the right-of-way from any trees located on their private property and those  
138 for which they are responsible pursuant to paragraph (1), above.

139 (4) Property owners shall remove from their private property or from within the right-of-way  
140 between the abutting right-of-way line and the curb of the street any dead or dying trees or  
141 trees that, due to some other condition, present a significant and immediate risk of falling upon  
142 the right-of-way.

143 (5) When the City identifies dead or dying trees or branches that present a significant and  
144 immediate risk of falling on the right-of-way the City shall notify the property owner  
145 responsible for such tree and require removal of such tree or branches within thirty days or  
146 such shorter time as the City deems necessary based on the condition of the trees or  
147 branches. If the private property owner fails to remove the tree or branches within the time  
148 allowed, the City may, in its sole discretion, prosecute the matter as a code violation, remove  
149 any such trees or branches located within the right-of-way and assess the costs to the property  
150 owner responsible, or both.

151 (6) After the City has given notice of a tree or branches that threaten the right-of-way, if the  
152 identified tree or branches fall, the City may, in its sole discretion, remove the fallen tree or  
153 branches from the right-of-way or relocate the fallen tree or branches within the right-of-way  
154 to ensure continued safe passage of vehicular and pedestrian traffic. The City shall assess the  
155 costs of any mitigation undertaken by it to the property owner responsible for maintenance of  
156 the tree. If vehicular and pedestrian traffic is not impaired by the fallen tree or branches or if  
157 the City relocates the fallen tree or branches within the right-of-way, the City shall notify the  
158 property owner responsible and allow the said property owner ten days to remove the fallen  
159 tree or branches. If the property owner fails to remove the fallen tree or branches within such  
160 time, the City may, in its sole discretion, prosecute the matter as a code enforcement action,  
161 remove the fallen trees or branches and assess the costs to the property owner responsible, or  
162 both.

163 (7) In the event the City assesses any costs as provided herein, the City shall mail or hand  
164 deliver a notice of such costs and demand for payment to the property owner responsible with  
165 an invoice detailing such costs. If such invoice is not paid within thirty days, the City shall  
166 institute Code Enforcement proceedings against the property owner responsible.

167 (8) No tree removal permit shall be required for the removal of a tree identified hereunder by  
168 the City as necessitating removal.

169 (9) A private property owner may appeal to the City Council the determination that a tree or  
170 branches require removal.

171 (10) When a tree or branch, whether on private property or upon the right-of-way, for which  
172 the City has given no prior notice to the property owner to remove falls upon the right-of-way,  
173 the City shall be responsible for the removal of that portion of the tree or brank that lies upon  
174 the right-of-way. The City may, in its sole discretion, with the permission of the property  
175 owner remove any portion of the tree or branch that lies upon private property.

176 (11) The provisions of this Section are supplemental to any other rights and authority  
177 possessed by the City and nothing provided herein shall impair or abrogate any authority the  
178 City possesses pursuant to this code or State law to immediately mitigate a dangerous  
179 condition.

180 (c) *Maintenance of trees impacting utilities.* When any maintenance or trimming of trees in any  
181 right-of-way is necessary to afford clearance for wires or cables, it shall be the responsibility  
182 of a public utility company to trim and maintain said trees after seeking a permit for such  
183 trimming and maintenance from the city. ~~It shall be unlawful for any person to maintain any~~  
184 ~~tree, shrub or plant within any right-of-way of the city in such a manner that will damage or~~  
185 ~~constitute a hazard to any street, sidewalk, curb, driveway, drainage, water line, sewer line or~~  
186 ~~any other public utility.~~

187 (d) *Protection of infrastructure.* It shall be unlawful for any person to maintain any tree, shrub  
188 or plant within any right-of-way of the city in such a manner that will damage or constitute a  
189 hazard to any street, sidewalk, curb, driveway, drainage, water line, sewer line or any other  
190 public utility.

191 ~~(e)~~(e)*Removing trees and shrubs planted in rights-of-way and public property.* Except as otherwise  
192 provided herein, ~~No~~ tree or shrub shall be willfully damaged or removed from any public  
193 right-of-way or other public property by any party other than the City or its employees or  
194 agents, without prior written permission from the City without first obtaining a tree removal  
195 permit. The city official may, in some instances, recommend that the city share the costs for  
196 removal of said trees, such costs to be approved by city council.

197 ~~(d) *Removing fallen trees.* The city shall be responsible for removing any fallen tree planted in~~  
198 ~~the right-of-way upon being notified of such fallen tree. A tree planted on private property~~  
199 ~~which falls on any right-of-way shall be removed by the property owner within a reasonable~~  
200 ~~period of time, not to exceed 60 days, or sooner if the city deems necessary to protect public~~  
201 ~~safety. If said fallen tree is not removed within the designated periods of time, the city may~~  
202 ~~remove the fallen tree and access costs for removal to the property owner, in the event any~~  
203 ~~tree falls such that a substantial portion of the tree interferes with traffic, the city shall be~~  
204 ~~responsible for removal of the portion of the tree which has fallen in the city right-of-way.~~

205 **SECTION 3: Codification:** Section 1 of this Ordinance shall be codified and made part of the  
206 City of Edgewood Code of Ordinances.

207 **SECTION 4: Severability:** It is the intent of the City Council of the City of Edgewood, and is  
208 hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this  
209 Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such  
210 invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the  
211 remaining provisions of this Ordinance.

212 SECTION 5: Effective Date: This Ordinance shall become effective upon adoption.

213

214 PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the City  
215 Council of the City of Edgewood, Florida.

216

217 PASSED ON FIRST READING: \_\_\_\_\_

218

219 PASSED ON SECOND READING: \_\_\_\_\_

220

221

222

\_\_\_\_\_  
Richard A. Horn, Council President

223

224 *ATTEST:*

225

226

227 \_\_\_\_\_  
Bea L. Meeks

228 City Clerk