

Marion Rayburn
Vice Chair

David Gragg
Board Member

Ryan Santurri
Board Member

Dr. Aileen Trivedi
Board Member

PUBLIC NOTICE
PLANNING AND ZONING BOARD MEETING – September 9, 2019

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 Bagshaw Way, Edgewood, Florida, to consider the items of business listed herein at the time and date indicated below.

Monday, September 9, 2019 at 6:30 pm

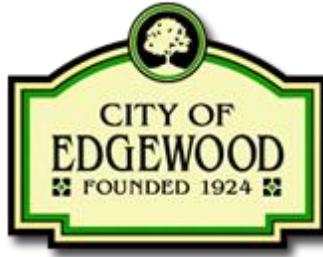
- Call to Order
- Pledge of Allegiance
- Roll Call and Determination of Quorum
- Approval of Minutes
 - March 11, 2019 – Regular P&Z Meeting
 - August 12, 2019 - Regular P&Z Meeting
- New Business
 - **Administer Oath of Office**
 - Steve Kreidt
 - **5156 S Orange Avenue – Edgewood Central District (ECD)**
 - 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.
- **Ordinance No. 2019-06**
AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 134 – “ZONING” BY CLARIFYING LOCATION STANDARDS FOR ACCESSORY STRUCTURES, INCLUDING SCREEN ENCLOSURES AND POOLS; DEFINING TERMS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.
- **Ordinance No. 2019-07**
AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA AMENDING CHAPTER 14-11 REGARDING RULES AND REGULATIONS FOR BOAT DOCK CONSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE
- Comments/Announcements



Marion Rayburn
Vice Chair

David Gragg
Board Member

Ryan Santurri
Board Member

Dr. Aileen Trivedi
Board Member

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)*

- October 14, 2019
- November 11, 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!

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

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).

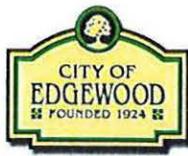
NEW BUSINESS

- **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:

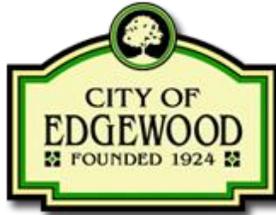
As there was no further discussion, Vice Chairman Rader asked for a motion:

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



PLANNING & ZONING BOARD DRAFT MEETING MINUTES
August 12, 2019

Planning and Zoning Board Members:

Marion Rayburn, Vice-Chair (No Quorum)
David Gragg, Board Member (absent)
Ryan Santurri, Board Member
Aileen Trivedi, Board Member (absent)

Staff:

Patrick Brackins, City Attorney
Ellen Hardgrove, City Planner
Sandra Riffle, Deputy City Clerk
Mike Fraticelli, Police Detective

Applicants:

Trisha Bailey, Bailey's Medical
Keith Eaker, Comtek Construction
Kim Fischer, P.E., Cycorp Engineering, Inc.
Sam Sebaali, P.E., FEG
Jose Neto, PC-Warriors, LLC

CALL TO ORDER

Vice-Chair Rayburn called the Planning & Zoning Board meeting to order at 6:30 pm and led the Pledge of Allegiance.

Deputy City Clerk Riffle announced that a quorum was not present. Board members Gragg and Trivedi, and incoming Board Member Steve Kreidt were not able to attend the meeting.

APPROVAL OF MINUTES

NEW BUSINESS

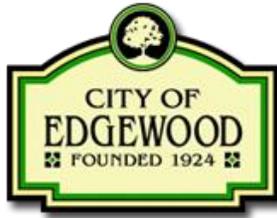
COMMENTS/ANNOUNCEMENTS

ADJOURNMENT:

The meeting adjourned at 6:32 pm.

Marion Rayburn, Vice Chair

Sandra Riffle, Deputy City Clerk



Memo

To: Planning and Zoning Board Members
CC: Bea Meeks, Drew Smith, Ellen Hardgrove, David Mahler, Allen Lane
From: Sandy Riffle, Deputy City Clerk
Date: August 30, 2019
Re: New Business Items Planning and Zoning Meeting September 9, 2019

For the September 9, 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 25th, 2019

Notice of Public Hearing was published on Thursday, August 29, 2019 in the Orlando Sentinel, to be followed up with a second notice on Thursday, October 3, 2019. Letters were sent on August 29, 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. As of the date of this memo, no objections or comments were received at City Hall and no letters have been returned undeliverable to City Hall.

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

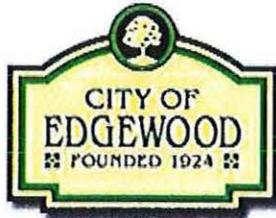
The following information received by City Hall is included in your agenda package for review.

- City Planner report from Ellen Hardgrove, dated July 29, 2019.
- Ordinance No. 2019-03 – Amend the Future Land Use Map (FLUM) of the Edgewood Comprehensive Plan.
- Comprehensive Plan Amendment Application, dated July 12, 2019.
- Narrative for proposed amendment from FEG, date stamped July 29, 2019.
- Letters of objection. As of the date of this memo, 32 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 Thursday, August 29, 2019 in the Orlando Sentinel, to be followed up with a second notice on Thursday, October 3, 2019. Notice of Public Hearing letters were sent on August 29, 2019 to those property owners within 500 feet of the subject property. There were 65 Notices provided by U.S. Mail and public notice was 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** – Requirements related to trees, shrubs, and plants.
4. **Ordinance No 2019-06** – Accessory structures.
 - Copy of proposed Ordinance No 2019-06
 - Planner's Report Dated August 31, 2019
5. **Ordinance No 2019-07** – Boat docks on canals.
 - Copy of proposed Ordinance No 2019-07
 - Planner's Report Dated August 31, 2019

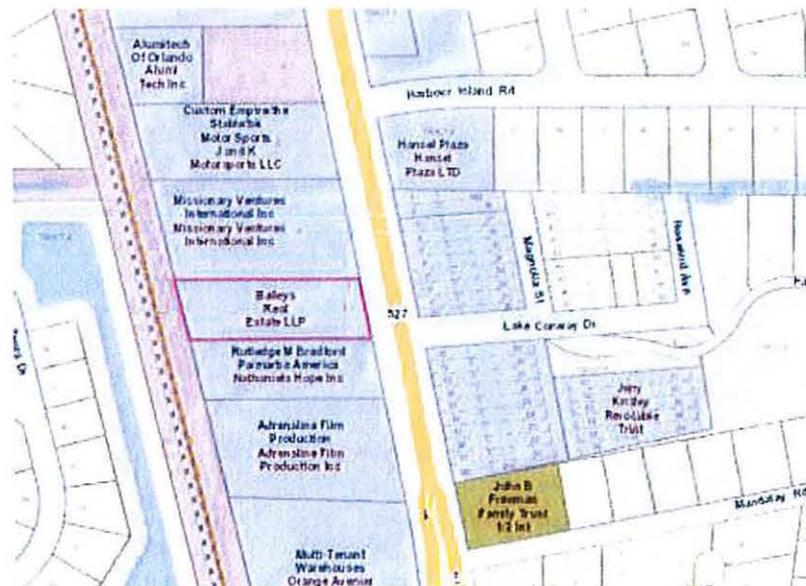


Date: July 29, 2019
To: Planning & Zoning Board
From: Ellen Hardgrove, City Planning Consultant
XC: Sandy Riffle, Deputy City Clerk
Allen Lane, CPH Engineering, City Engineering Consultant
Bea Meeks, City Clerk
Drew Smith, City Attorney
Re: 5156 South Orange Avenue Request for Waivers/Variance

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 ± 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.

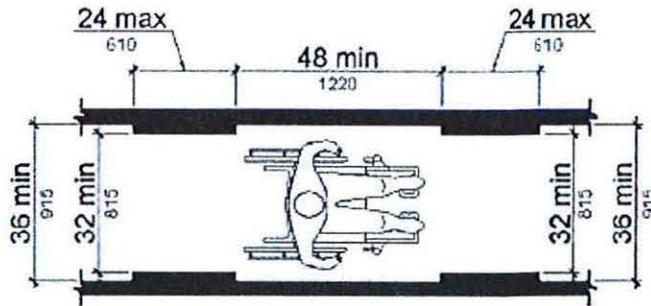


Figure 403.5.1 Clear Width of an Accessible Route

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 ± 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
- ± 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

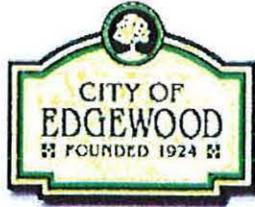
Staff also recommends denial of a deviation in the public sidewalk width and location (8 feet width located adjacent to the property line) in its entirety, but would support a waiver in width and location to allow a transition to the existing sidewalk on adjacent properties.

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:	5156 S Orange Avenue
VARIANCE APPLICATION #:	2019-01
PLANNING AND ZONING MEETING DATE:	8/12/2019
CITY COUNCIL MEETING DATE:	9/17/2019

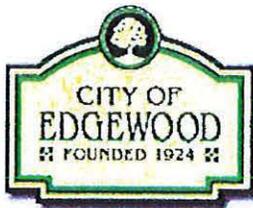
IMPORTANT: A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk ____ days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for. Notarized letter of authorization from Owner MUST be 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.

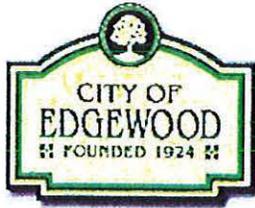
AGREE:	<i>[Signature]</i>	DISAGREE:	7.11.19
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2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE:	<i>[Signature]</i>	DISAGREE:	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 or 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:

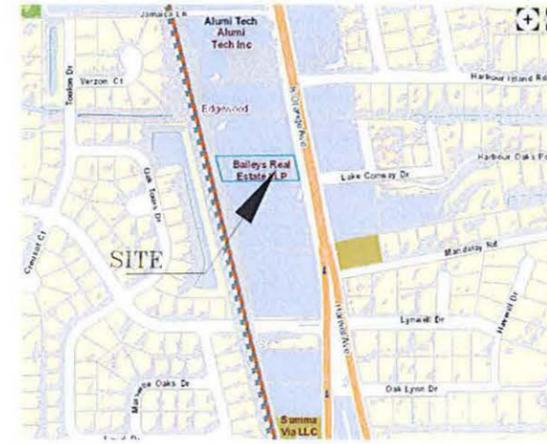
PARKING SPACES REQUIRED
 CODE - GENERAL ESTABLISHMENT = 1 / 300 SF OF FLOOR AREA = 1,450 SF FLOOR AREA / 300 = 5
 1ST FLOOR OFFICE = 1/200 SF OF OFFICE AREA = 1,280/200 = 7 SPACES = 12 SPACES REQ. 1ST FLOOR
 OFFICE 2ND FLOOR = 1/200 SF OF OFFICE AREA = 5,200 SF / 200 = 26 SPACES = 38 TOTAL SPACES REQUIRED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

PROPOSED LOT COVERAGE CALCULATIONS:

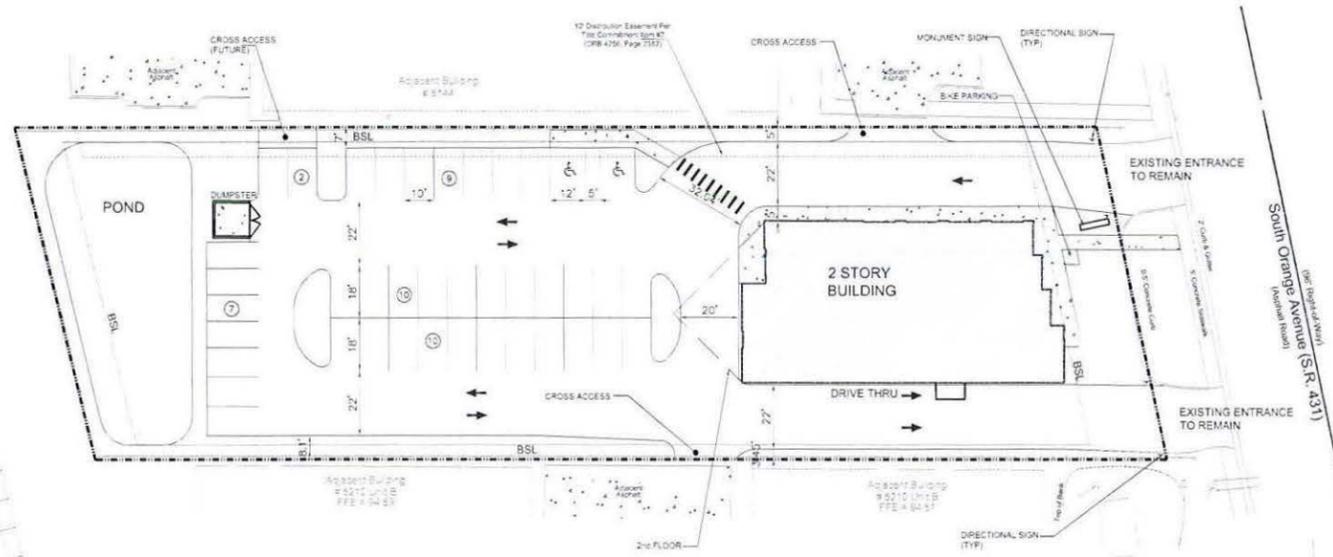
	AREA (sf)	ACRES	% TOTAL
PARKING & DRIVEWAY AREA	25,150	0.59	60.19
BUILDING	5,664	0.13	13.55
TOTAL IMPERVIOUS	30,824	0.71	73.74
POND AREA	4,290	0.10	10.26
OPEN SPACE / GREEN SPACE	6,688	0.15	16.0
TOTAL AREA	41,802	0.96	100.0

FLOOD ZONE:

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



LOCATION MAP



SITE LEGEND

- HANDICAP PARKING
- PROPOSED DRAINAGE PATH
- PROPOSED CURB
- SITE BOUNDARY LINE
- CENTER LINE OF ROAD
- RIGHT-OF-WAY
- CONCRETE
- PROPOSED ROW DEDICATION
- 2ND STAKING LIMITS
- TYPICAL
- HANDICAP
- 10 PARKING SPACES
- SIDEWALK
- 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			KP

SITE PLAN

Date: 06.19.2019

Scale: 1/8" = 1'-0"

NOT VALID UNLESS SIGNED & EMBOSSED BY A REGISTERED ENGINEER

Sheet Number: 2

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

44 C000618
HARTER - ADAMS P.A.
 ARCHITECTS AND PLANNERS
 377 WATLAND AVENUE, SUITE 2000, AUBURN, ALABAMA 36831
 PHONE: 205-837-5029 FAX: 205-837-5029 EMAIL: info@hartad.com

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

 REVISION
 JOB NO.
 18009
 DATE
 7/19/19
 SHEET
A0.0
 OF

PROJECT INFORMATION

CODES:
 A. CONSTRUCTION SHALL COMPLY WITH CURRENTLY ADOPTED CODES INCLUDING:
 FLORIDA BUILDING CODE 6TH EDITION (2017)
 Accessibility
 Building
 Energy Conservation
 Fuel Gas
 Mechanical
 Plumbing
 The National Electrical Code - 2014 EDITION
 Florida Fire Prevention Code 6TH EDITION (2017)
 Fire Code - NFPA 7 - 2012 EDITION WITH FLORIDA AMENDMENTS
 The Life Safety Code - NFPA 101 - 2015 EDITION WITH FL. AMENDS

OCCUPANCY:
 MERCANTILE BUSINESS (GROUP "M")

CLASSIFICATION OF WORK:
 NEW CONSTRUCTION

BUILDING AREA:
 FIRST FLOOR AREA 5,664 sq ft
 SECOND FLOOR AREA 6,170 sq ft
 TOTAL BUILDING AREA 11,834 sq ft

TYPE OF CONSTRUCTION:
 TYPE - 8, UNREINFORCED LASH/CLASSED
 NON COMBUSTIBLE

STRUCTURAL DESIGN CRITERIA:
 BASIC WIND SPEED 39 mph
 Use coefficients from Chapter 16.4.3.0
 Risk Category - 1 EXPOSURE - B
 COMPONENTS AND CLADDING MAXIMUM DESIGN WIND PRESSURE
 (including doors and windows) - +32.8 psf, -43.9 psf
 FOUNDATION DESIGN BASED ON ALLOWABLE SOIL BEARING PRESSURE OF 2000 psf

DRAWING INDEX

A0.0 COVER SHEET/INDEX INFORMATION
 A0.1 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

PROJECT TEAM

ARCHITECT:
 HARTER - ADAMS P.A.
 377 WATLAND AVE, SUITE 2000
 AUBURN, ALABAMA, FL 36831
 PHONE: (205) 837-5029
 EMAIL: info@hartad.com
 CONTACT: TOM ADAMS

STRUCTURAL ENGINEER:
 HB ASSOCIATES, LLC
 177 WATLAND AVE, SUITE 2000
 AUBURN, ALABAMA, FL 36831
 PHONE: (205) 740-5444
 EMAIL: hbs@hbassoc.com
 CONTACT: HEIDI BRUMLEY

MEP ENGINEERS:
 JOSEPH, LAWRENCE & CO.
 1150 HURLOCK AVE, SUITE 3000
 AUBURN, ALABAMA, FL 36831
 PHONE: (205) 972-4466
 EMAIL: jlawrence@jlceng.com
 CONTACT: SETHAN BRUMLEY

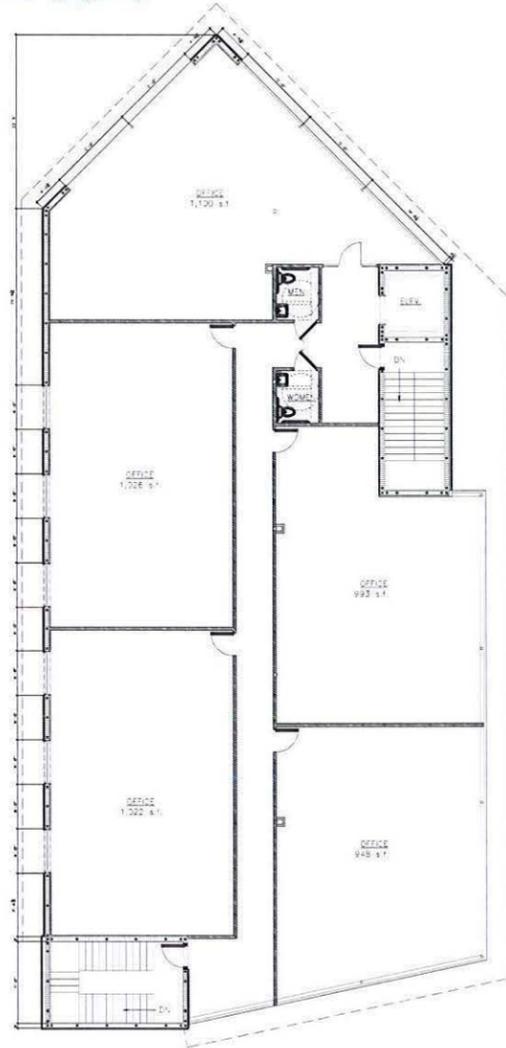
CONTRACTOR:
 CONTEX CONSTRUCTION, LLC
 4113 REBELBROOK CT
 ORLANDO, FL 32829
 EMAIL: info@contextconstruction.com
 PHONE: (407) 95-2644

VICINITY MAP:

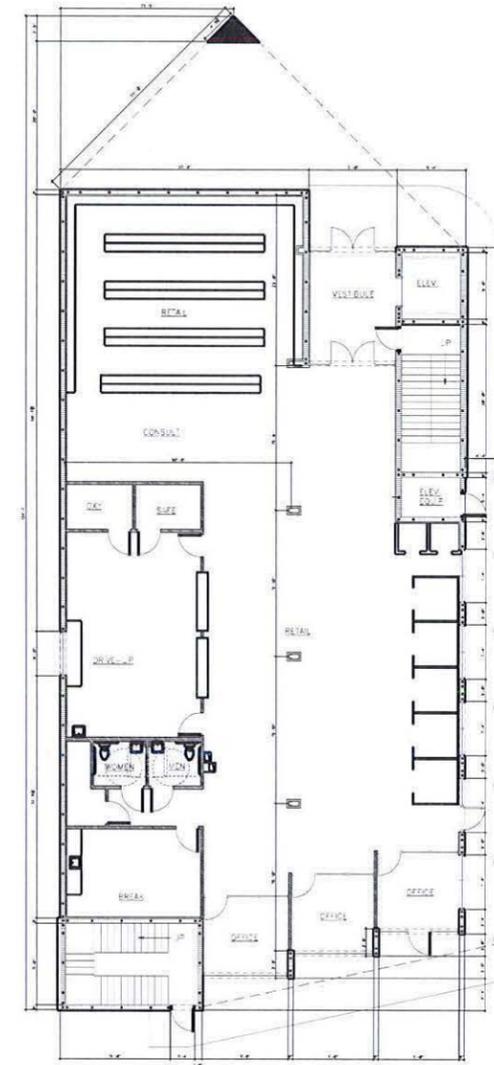


PROJECT SUMMARY:
 THE SCOPE OF WORK INDICATED ON THESE DRAWINGS IS CONSTRUCTION OF A NEW TWO STORY BUILDING WITH A PHARMACY BUILD-OUT ON THE GROUND FLOOR AND "VANILLA SHELL" OFFICE SPACE TARGETING MEDICAL OFFICE ON THE SECOND FLOOR.

City of Edgewood
 Received- 7/25/2019



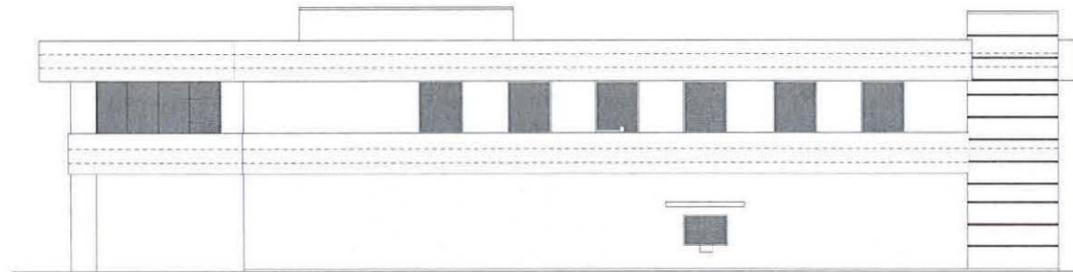
2 SECOND FLOOR PLAN
 SCALE: 1/4"=1'-0"



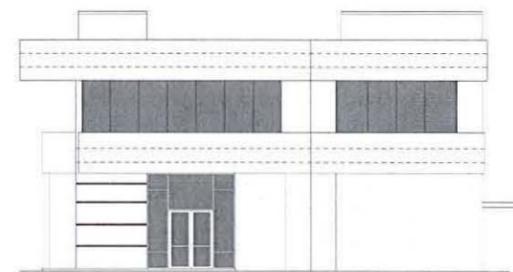
1 FIRST FLOOR PLAN
 SCALE: 1/4"=1'-0"

44 C002604 HARTER - ADAMS P.A. ARCHITECTS AND PLANNERS <small>377 WILDHAWK AVENUE, SUITE 3010, ATLANTINE SPRINGS, FLORIDA, 32704 PHONE: 407-647-0287 FAX: 407-647-0288</small>	
NEW PHARMACY/OFFICE BUILDING 5156 S. Orange Avenue Orlando, FL 32809	
REVISION	
JOB NO.	19009
DATE	7/19/19
SHEET	A2.1
- OF -	

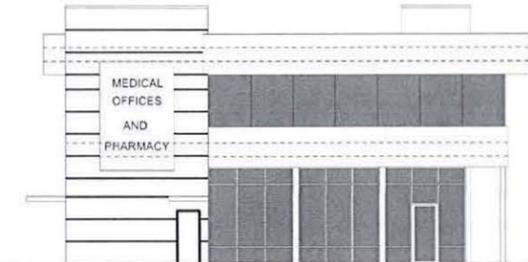
City of Edgewood
Received - 7/25/2019



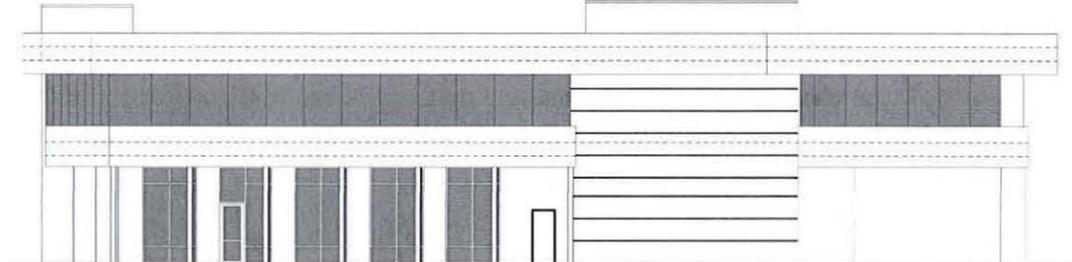
4 SOUTH ELEVATION
SCALE: 1/4"=1'-0"



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

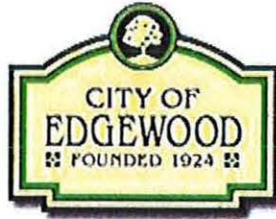


1 EAST ELEVATION
SCALE: 1/4"=1'-0"



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

AK 000006
HARTER - ADAMS P.A. ARCHITECTS AND PLANNERS 107 HIGHLAND AVE #17-202 ORLANDO, FL 32809 PHONE: 407-827-0362 FAX: 407-827-0363 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
1 OF 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

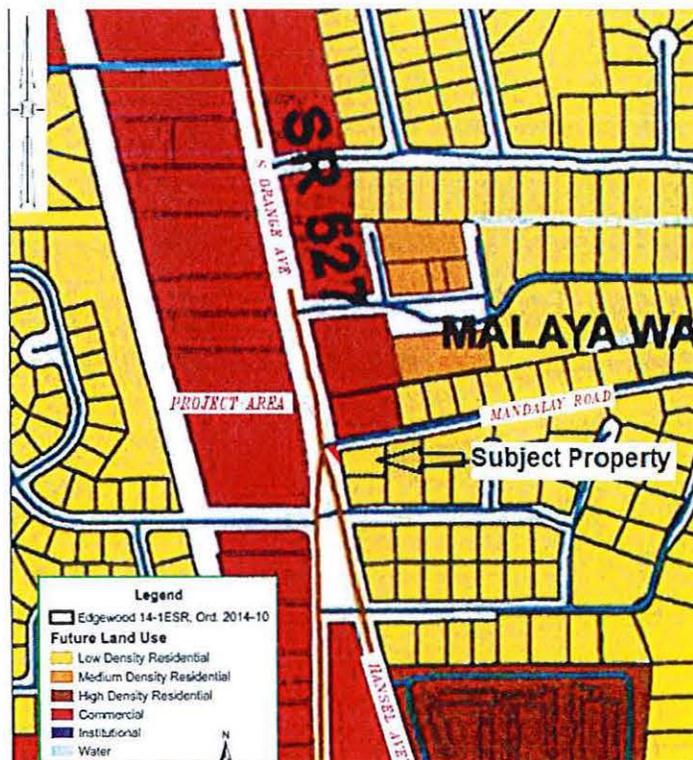
Re: Comprehensive Plan Amendment Low Density Residential to Commercial at 302 Mandalay Road; Applicant: Jose A. Neto, represented by Sam Sebaali, FEG, Inc.

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 ±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.

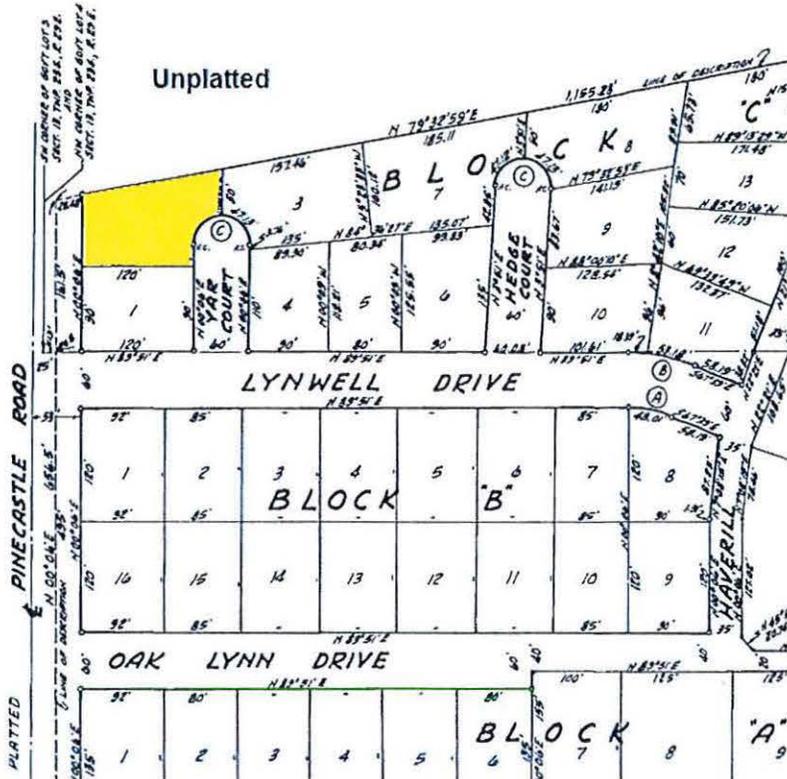
Exhibit 1 – Subject Property Location



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.

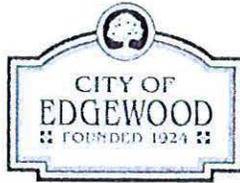
Section 6 : This Ordinance and small scale amendment shall become effective 31 days after adoption. If challenged within 30 days after adoption, said amendment shall not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining 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_net@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_net@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. / 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.

Jose A. Neto
Property owner's signature

6-27-2019
Date

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

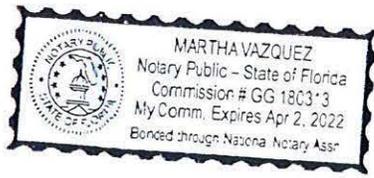
Jose A. Neto . He/she is personally known to me or has produced
(Property owner's name)

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

Martha Vazquez
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



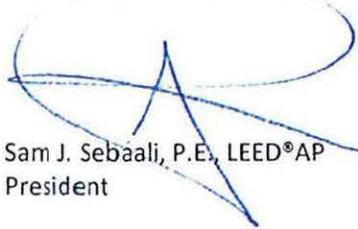
Policy 1.1.6 – The request is consistent with Policy 1.1.6 for the proposed Commercial development, since the proposed development is anticipated to have less than a 0.30 F.A.R. (floor area ratio), which is less than the allowable 0.50 F.A.R. for Commercial FLU.

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.

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. 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.

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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, ~~N~~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

1
2 **ORDINANCE NO. 2019-06**
3

4 **AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA**
5 **AMENDING CHAPTER 134 – “ZONING” BY CLARIFYING LOCATION**
6 **STANDARDS FOR ACCESSORY STRUCTURES, INCLUDING SCREEN**
7 **ENCLOSURES AND POOLS; DEFINING TERMS; PROVIDING FOR**
8 **CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR**
9 **CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE**

10
11 **WHEREAS**, the City of Edgewood Code of Ordinances includes standards for
12 development and construction of accessory structures; and
13

14 **WHEREAS**, City staff has recommended amendments to certain standards related to
15 development and construction of accessory structures, including screen enclosures and pools, in
16 order to allow reasonable development of such structures; and
17

18 **WHEREAS**, the Planning and Zoning Board has reviewed this Ordinance and
19 recommended to the City Council approval of same; and
20

21 **WHEREAS**, the City Council finds the amendments contained herein are reasonable and
22 appropriate and in the best interest of the health, safety, and welfare of the residents of the City
23 of Edgewood; and
24

25 **WHEREAS**, deletions are identified herein by ~~striketrough~~, additions are identified by
26 underscore and portions of the Code remaining unchanged which are not reprinted here are
27 identified by ellipses ***).
28

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

31
32 **Section 1:** The recitals set forth above are hereby adopted as findings of the City
33 Council.
34

35 **Section 2:** Section 134-1, “Definitions,” is hereby amended to read as follows:
36

37 Sec. 134-1. - Definitions.

38 Except where specific definitions are used within a specific article or section of this chapter,
39 the following terms, phrases, words and their derivation shall have the meanings given herein
40 where not inconsistent with the context. Words used in the present tense include the future,
41 words in the plural number include the singular number and words in the singular number
42 include the plural number. The word "lot" includes the words "plot" and "tract." The word
43 "building" shall include the word "structure." The words "used for" shall include the meaning
44 "designed for." The word "person" shall include the words "firm, association, organization,
45 partnership, trust, company, corporation," as well as "an individual." The word "shall" is

46 mandatory. Whenever in this chapter a term, phrase or word is not defined, then in that event the
47 city council shall define the same.

48 *Abutting property* means any property that is immediately adjacent to or contiguous to
49 property that may be subject to any hearing required to be held under this chapter or that is
50 located immediately across any road or public right-of-way from the property subject to any
51 hearing under this act.

52 *Accessory ~~buildings~~ structures and uses* means a subordinate and incidental structures and
53 uses to the principal structure and use-, including but not limited to residential garages, carports,
54 workshops, garden sheds, gazebos, pool houses, cabanas, screen enclosures, children’s play
55 houses, and other appurtenant fixtures associated with the primary building. ~~The principal use~~
56 must be in existence before an accessory building or use may be constructed or utilized. No
57 accessory structure shall be permitted unless a principal structure is located on the same
58 property.

59

60 * * *

61

62 *Service station.* See *Automobile service station.*

63 *Screen enclosure* means an accessory structure that is self-supporting and has a permeable
64 roof and walls comprised of insect screening. A screen enclosure may be a detached
65 freestanding structure or attached to a principal or accessory structure.

66 * * *

67 **Section 3:** Section 134-483, “Location of accessory buildings and uses in residential
68 areas,” is hereby amended to read as follows:
69

70 Sec. 134-483. - Location of accessory ~~buildings~~ structures and uses in residential areas.

71 (a) With the exception of screen enclosures and boat docks/boat houses, ~~W~~when an accessory
72 building structure is attached to a principal structure by a breezeway, passage or otherwise,
73 it shall become a part of the principal building and shall be subject to the required setbacks
74 of the principal building.

75 (b) With the exception of screen enclosures and boat docks/boat houses, ~~A~~a detached accessory
76 buildingstructure, including garage apartments, shall not be located closer than five feet to a
77 lot line, nor closer than six feet to any other accessory building on the same lot.

78 (c) No detached accessory building structure shall be located in front of the principal building.

79 (d) No accessory building structure may be constructed prior to construction of the principal
80 building.

81 (e) Unless specifically provided otherwise elsewherein in this Code, accessory fixtures,
82 including but not limited to, generators, air conditioning/heating and ventilation

83 components, and swimming pool pumps/heaters, appurtenant to any building are considered a
84 part of such building and shall conform to all requirements of this section.

85 (f) Up to three detached accessory structures may be located on a single residential property,
86 with only one being a detached garage.

87
88 (g) With the exception of screen enclosures and boat docks/boat houses, accessory structures
89 with a footprint over 200 square feet may not be constructed unless a variance is approved.

90
91 (h) A screen enclosure, whether attached or detached, shall meet the following criteria:

- 92
93 1. the screen enclosure shall meet the side setback requirements of the zoning district in
94 which it is located;
- 95 2. the screen enclosure shall be located no closer than five feet from the rear property line;
- 96 3. the area enclosed by screening shall not exceed the square footage of the living area of
97 the primary structure;
- 98 4. all impervious surface shall count toward the maximum impervious surface allowed on
99 the lot;
- 100 5. the screen enclosure shall be no higher than the roof of the primary structure;
- 101 6. the screen enclosure cannot extend over an established easement; and
- 102 7. enclosed screen patios shall not be used as garages, carports, storage rooms, or habitable
103 rooms.

104
105 **Section 4:** Section 134-515, “Swimming pools; owner’s responsibilities in operation and
106 maintenance; city’s authority,” is hereby amended to read as follows:

107
108
109 Sec. 134-515. - Swimming pools; owner's responsibilities in operation and maintenance; city's
110 authority.

111 (a) The outside water edge of swimming and wading pools shall be located no closer than ten
112 feet from rear or side lot lines, nor within any required front yard. All pools shall be
113 completely enclosed by a screen enclosure, a wood or link-type fence or a solid wall at least
114 four feet in height, the gates of which shall be a latching type on the inside of the gate or
115 enclosure, except that requirements for fencing or wall along the lakeside of lakefront
116 property shall not apply where the other three sides are fenced or fully enclosed, and such
117 side enclosure is continued at least to the present or proposed low water control level of the
118 lake. ~~No screened enclosure shall be located within any required front yard, nor nearer than~~
119 ~~five feet from any side or rear property line.~~ Screen enclosures shall meet the standards
120 found in Section 134-483.

121
122 For lakefront property, pool setbacks shall be measured from the normal high water line
123 (NHWL) to the water's edge of the pool with the setback being the rear setback for that
124 particular zoning district. Encroachments into drainage swales or easements shall be
125 prohibited regardless of setback distance.
126

- 127 (b) It is the responsibility of the pool owner to see that the operation of his pool does not cause
128 undue noise or excess lighting which might prevent the enjoyment by adjoining property
129 owners of their property.
- 130 (c) Upon construction of a swimming pool, the owner or persons responsible for its operation
131 shall keep in service all items designed for the purification of the water supply or its
132 protection from pollution to perform adequately the function for which such were designed.
- 133 (d) Drains shall be provided whereby when the pool is not to be used for a period of time, all
134 piping, pits, etc., can be drained to a safe level and maintained.
- 135 (e) The water supply for all pools shall be clean, clear and free from objectionable minerals and
136 physical characteristics, meeting the bacteriological requirements for domestic water supply.
- 137 (f) If evidence indicates the above noted conditions do not exist, the council shall direct that the
138 owner of the pool be given 15 days' notice by certified mail that the city will, at the
139 expiration of 15 days from the date of such notice, proceed to clean or empty such pool; and
140 that the cost thereof will be assessed against the owner thereof.
- 141 (g) Should any such owners not comply with the provisions of this section by draining or
142 cleaning such pool, the city may then proceed with such work and the cost thereof shall be a
143 charge against the owners of such land and shall remain a lien against such land until paid.

144
145 **Section 5:** Section 134-579, "Table of bulk regulations and setbacks," is hereby amended
146 to read as follows:
147

148 Sec. 134-579. - Table of bulk regulations and setbacks.

149 * * *

150 ¹ Setbacks from every natural surface water body shall be a minimum of 50 feet, measured
151 from the normal high water elevation. ~~Pool setbacks shall be measured from the normal high~~
152 ~~water line (NHWL) as established by the county to the water's edge of the pool (as outlined~~
153 ~~in the Code). The setback distance used shall be the rear setback for that particular zoning~~
154 ~~district (per the county). Encroachments into drainage swales, easements, etc., will not be~~
155 ~~allowed, regardless of setback distance. Pool decks and enclosures will be allowed to~~
156 ~~encroach into the setback a distance not to exceed five feet.~~

157 ² Buildings in excess of 35 feet in height may be permitted as a special exception.

158 ³ Buildings in excess of one story in height within 100 feet of side or rear lot line of any
159 single-family residential district may be permitted as a special exception

160 ⁴ Side setback is 25 feet where adjacent to single-family district.

161 ⁵ Corner lots shall be 125 feet on major streets (see this division), 100 feet for all other
162 streets.

163 ⁶ Corner lots shall be 150 feet on major streets (see this division), 125 feet for all other
164 streets.

165
166 **Section 6:** Conflicts. All ordinances or parts thereof in conflict herewith are hereby
167 repealed to the extent of such conflict.
168

169 **Section 7:** Severability. If any section, paragraph, subsection, sentence, clause, phrase or
170 portion of this ordinance is for any reason held invalid or unconstitutional by any court of
171 competent jurisdiction, such portion shall be deemed a separate, distinct, and independent
172 provision and such holding shall not affect the validity of the remaining portions hereof.
173

174 **Section 8:** Codification. The provisions of this Ordinance shall be codified as and
175 become and be made a part of the *Code of Ordinances of the City of Edgewood*. The Sections of
176 this Ordinance may be renumbered or relettered to accomplish such intention and the word
177 “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate
178 word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.
179

180 **Section 9:** This ordinance shall take effect immediately upon its adoption.
181

182 **PASSED AND ADOPTED** this _____ day of _____, 2019, by the City
183 Council of the City of Edgewood, Florida.
184

185
186 PASSED ON FIRST READING: _____
187

188 PASSED ON SECOND READING: _____
189

190 _____
191 Richard A. Horn, Council President
192

193 *ATTEST:*
194 _____
195
196 Bea L. Meeks
197 City Clerk
198



Date: August 31, 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: Code change related to screened patios

This proposal is to amend the code to recognize screen patios, regardless of whether a pool is within the screened area or not, as an accessory use to a residence.

Per Code Section 134-515, a screened enclosure for a pool is allowed to be located as close as five feet from any side or rear property line. Without a pool, the screen enclosure must meet the building setback. The question is this: “what is the difference between a screened patio with or without a pool?”

Several variance requests have been received over the years requesting the ability for a screened patio without a pool to extend into the rear building setback. When approved, a condition has been attached, particularly when the roof of the screen room is of solid material, that the screened area cannot be further enclosed or air conditioned. The condition closes the loophole of creating a nonconforming building setback by emphasizing that it is not to become part of the habitable structure.

If P&Z supports the proposal to allow the same standards for screened enclosures with or without a pool, staff recommends the following code changes (as represented by strikethrough for deletions and underline for additions), which includes criteria for screened enclosed patios to protect the public’s health, safety and general welfare.

Amend Section 134-1: Definitions

Accessory ~~structures, buildings and uses~~ means a subordinate and incidental use to the principal use. Such would include, but is not necessarily limited to garage or workshop, Garden shed, Gazebo, Carport, Pool house or cabana, Screen enclosure, Play house, and other appurtenant fixtures associated with the primary building. The principal use must be in existence before an accessory building or use may be constructed or utilized.

Screen Enclosures mean an accessory structure, in whole or in part that is self-supporting and having walls and roof of insect screening; i.e., does not have a solid roof. A screen enclosure can be a freestanding structure or attached to a structure with a roof.

Amend Section 134-483. - Location of accessory buildings structures and uses in residential areas.

- (a) With the exception of screen enclosures and boat docks/houses, w~~When~~ an accessory building structure is attached to a principal structure by a breezeway, passage or otherwise, it shall become a part of the principal building and shall be subject to the required setbacks of the principal building.
- (b) With the exception of screen enclosures and boat docks/houses, a detached accessory building- structure, including garage apartments, shall not be located closer than five feet to a lot line, nor closer than six feet to any other accessory building on the same lot.
- (c) No detached accessory building structure shall be located in front of the principal building.
- (d) No accessory building structure may be constructed prior to construction of the principal building.
- (e) Unless specifically provided otherwise elsewhere in this Code, accessory fixtures, including but not limited to, generators, air conditioning/heating and ventilation components, and swimming pool pumps/heaters, appurtenant to any building are considered a part of such building and shall conform to all requirements of this section.
- (f) Up to three detached accessory structures may be located on a single residential property, with only one being a detached garage.
- (g) With the exception of screen enclosures and boat docks, accessory structures with a footprint of over 200 square feet must receive a variance is approved.
- (h) A screen enclosure, whether attached or detached, shall meet the following criteria
 - 1. The screen enclosure shall meet the side setback requirement of the zoning district in which the structure is located.
 - 2. The screen enclosure shall be located closer than five feet from the rear property line.
 - 3. The area enclosed by screening shall not exceed the footprint of the living area of the primary structure.
 - 4. All impervious surface shall count toward the maximum impervious surface allowed on the lot.
 - 5. The screen enclosure shall be no higher than the roof of the primary structure.
 - 6. The screen enclosure cannot extend over an established easement.
 - 7. Enclosed screen patios shall be used for recreational, outdoor living purposes and not as carports, garages, storage rooms or habitable rooms.

Amend Section 134-515. – Swimming pools; setbacks, owner's responsibilities in operation and maintenance; city's authority.

(a) The outside water edge of swimming and wading pools shall be located no closer than ten feet from rear or side lot lines, nor within any required front yard. All pools shall be completely enclosed by a screen enclosure, a wood or link-type fence or a solid wall at least four feet in height, the gates of which shall be a latching type on the inside of the gate or enclosure, except that requirements for fencing or wall along the lakeside of lakefront property shall not apply where the other three sides are fenced or fully enclosed, and such side enclosure is continued at least to the present or proposed low water control level of the lake. ~~No screened enclosure shall be located within any required front yard, nor nearer than five feet from any side or rear property line.~~ Screen enclosures shall meet the standards found in Section 134-483.

For lakefront property, pool setbacks shall be measured from the normal high water line (NHWL) to the water's edge of the pool (as outlined in the Code) with the setback being the rear setback for that particular zoning district. Encroachments into drainage swales, easements, etc., will not be allowed, regardless of setback distance.

Amend Section 134-579. - Table of bulk regulations and setbacks.

Setbacks from every natural surface water body shall be a minimum of 50 feet, measured from the normal high water elevation, with the exception of pool setbacks and screen enclosures. ~~Pool setbacks shall be measured from the normal high water line (NHWL) as established by the county to the water's edge of the pool (as outlined in the Code). The setback distance used shall be the rear setback for that particular zoning district (per the county).~~ Encroachments into drainage swales, easements, etc., will not be allowed, regardless of setback distance. ~~Pool decks and enclosures will be allowed to encroach into the setback a distance not to exceed five feet.~~

ESH

1
2 **ORDINANCE NO. 2019-07**
3

4 **AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA**
5 **AMENDING CHAPTER 14-11 REGARDING RULES AND**
6 **REGULATIONS FOR BOAT DOCK CONSTRUCTION; PROVIDING**
7 **FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING**
8 **FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE**
9

10 **WHEREAS**, the City of Edgewood Code of Ordinances includes rules and regulations as
11 to where and how boat docks may be constructed; and
12

13 **WHEREAS**, City staff has recommended amendments to certain regulations regarding
14 boat dock construction; and
15

16 **WHEREAS**, the Planning and Zoning Board has reviewed this Ordinance and
17 recommended to the City Council approval of same; and
18

19 **WHEREAS**, the City Council finds the amendments contained herein are reasonable and
20 appropriate and in the best interest of the health, safety, and welfare of the residents of the City
21 of Edgewood; and
22

23 **WHEREAS**, deletions are identified herein by ~~striketrough~~, additions are identified by
24 underscore and portions of the Code remaining unchanged which are not reprinted here are
25 identified by ellipses ***).
26

27 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE**
28 **CITY OF EDGEWOOD, FLORIDA as follows:**
29

30 **Section 1:** The recitals set forth above are hereby adopted as findings of the City
31 Council.
32

33 **Section 2:** Section 14-11, "Boat dock construction rules and regulations" is hereby
34 amended to read as follows:
35

36 Sec. 14-11. - Boat dock construction rules and regulations.

37 (a) Applications submitted shall include all of the following:

38 (1) The name of the lake or water body.

39 (2) An arrow indicating the northerly direction.

40 (3) All drawings must be drawn at a standard engineering scale, and the drawings must
41 indicate the scale to which the plans are prepared.

42 (4) A sealed drawing showing the dimensions of the subject property, location of any
43 buildings and easements on the property, and the length and location of the proposed
44 boat dock (length shall be measured from the normal high water line).

- 45 (5) The exact distance between the existing shoreline; at the point where the dock is to be
46 constructed; and a permanent object or structure (e.g., house, tree) to be used as a
47 reference point.
- 48 (6) The exact distance of setbacks from adjacent property lines, and an approximation of
49 the distance from the closest boat dock on each side of the property.
- 50 (7) The floor elevation of the proposed boat dock, and the floor and roof elevation of any
51 boathouse or any other structure connected to the dock.
- 52 (8) Depth of water at end of proposed dock.
- 53 (9) A survey prepared by a Florida registered surveyor and mapper of the property showing
54 the normal high water line as established by Orange County and the proposed dock, to
55 scale, with the length, orientation and setbacks as established by this article.
- 56 (10) Width of the waterway or canal at the location of the proposed dock, if said water body
57 or canal is less than 200 feet in width (all measurements to be taken from the normal
58 high water line).
- 59 (11) The original signature(s) of the property owner(s) upon which the upland portion of the
60 dock is to be constructed.
- 61 (12) The original signature(s) of the applicant(s), if the applicant is not the property owner.
- 62 (13) A statement indicating whether docks are located on abutting properties.
- 63 (14) Applicants may submit the following information with their applications:
- 64 a. A request for a variance under this article.
- 65 b. Notarized, original, and signed letters of no objection from the abutting shoreline
66 property owners, when applicable. The letters of no objection must identify the site
67 plan and construction plan for the proposed dock, and a copy of the site plan and
68 construction plan must be attached to the letter submitted to the city.
- 69 (b) To obtain a dock construction permit, the following criteria, at a minimum, must be
70 satisfied:
- 71 (1) *Minimum side setbacks—Lake and canal properties.* Boat docks and associated
72 structures shall have a minimum side setback of ten feet from the projected property
73 line of abutting shoreline owners. If the side setback is less than 15 feet, then the
74 applicant shall submit notarized, original, signed letters of no objection from the
75 abutting shoreline property owners. The letter of no objection must identify the site plan
76 and construction plan for the proposed dock, and a copy of the site plan and
77 construction plan must be attached to the letter submitted to the city. For purposes of
78 this determination, and in the absence of property lines that already project into the
79 water body, the projected property line of abutting shoreline owners shall be construed
80 to mean a line projecting from the shoreline into the water 90 degrees from the abutting
81 property owner's shoreline.
- 82 (2) ~~*Minimum rear setback—Canal properties.* Boat docks and associated structures shall~~
83 ~~have a minimum setback of 25 feet from the abutting rear property lines of property~~
84 ~~owners on the opposite shoreline of any canal.~~ [Reserved]

- 85 (3) *Length of boat docks.* The maximum permitted length of boat docks and other structures
86 which shall include walkways, boat house and terminal platforms shall not exceed 65
87 feet as measured from the normal high water line as established by Orange County,
88 Florida, as marked by a registered surveyor and mapper, unless a variance is secured
89 from the city council. No dock on a canal or otherwise shall extend waterward of the
90 mean or ordinary high water line more than 25 percent of the width of the water body at
91 the location of the dock. This is to assure that other property owners will retain their
92 rights or reasonable use of, and access to, the lake.
- 93 (4) *Enclosed structures.* Other than for repair or reconstruction of existing structures, no
94 structures having enclosed sidewalls are permitted. Enclosed shall be defined as, by way
95 of example but not by limitation, screen houses, chain link fencing, lattice fencing and
96 any form of paneling. In the case of existing enclosed structures or grandfathered
97 structures, reconstruction, renovation, and repair shall be permitted as long as the
98 footprint of the existing structures is maintained, the structure is not expanded as
99 documented by the applicant, and adjacent property owners consent thereto in writing.
100 Examples of such documentation may include but not be limited to surveys,
101 photographs, contractors', engineers', or site plans.
- 102 (5) *Height of boat docks.* The minimum height of boat docks shall place them one foot
103 above normal high water elevation of the applicable lake as established by Orange
104 County. The maximum height shall be 13 feet above the normal high water line of the
105 applicable lake.
- 106 (6) *Square footage of boat docks.* No boat dock shall exceed 1,000 square feet in total area.
107 The total area of the dock is that portion of the dock lying waterward of the normal high
108 water line of the applicable lake or water body.
- 109 (7) *Docks prohibited in easements.* No work shall be within areas which are legal
110 easements for ingress or egress, drainage, or utilities.
- 111 (8) Construction of more than one dock per residential lot is not permitted. However, one
112 dock may be permitted on each water body to which a residential lot has frontage if
113 there is no navigable connection between the water bodies.
- 114 (9) Under no circumstances shall a boat dock be utilized for residential purposes.
- 115 (c) *Application procedures.*
- 116 (1) The boat dock application, a permit fee, three site plans and three sets of engineered
117 construction plans, and any other documents as set forth above shall be submitted to the
118 city clerk's office. Any question regarding the boat dock application will be answered
119 by that department, the city engineer, or city building official. The city clerk shall
120 forward the application and all pertinent documents to the city engineer for his/her
121 review and recommendation. Unless a variance from the provisions hereof is requested
122 or required, the city engineer is authorized to approve such applications meeting the
123 requirements of this article following the receipt of a complete application.
- 124 (2) Notices to neighboring shoreline property owners. Upon receiving the application, the
125 clerk shall send notices by first-class mail to the owners of the properties abutting the
126 property, other property owners who could be affected by the new dock because of any
127 unusual configuration of the shoreline as determined by the city engineer or designee,

128 and any other shoreline property owners within 300 feet of the property on which the
129 dock is to be located. All such notices shall require that written comments on the
130 proposed boat docks be sent to the clerk within 15 calendar days from the date such
131 notices are sent. If no written objections are returned by property owners receiving
132 notice, such owners shall be deemed to have given consent and to have waived their
133 right to object to the construction of the dock. If notices sent by first-class mail to
134 nearby properties are returned to the city, or if the city has reason to believe that the
135 notice is undeliverable as addressed, the city shall use its best efforts to determine the
136 current address of any neighboring property owners entitled to notice herein and shall
137 use its best efforts to notify such current neighboring property owners of the proposed
138 dock.

139 (3) Approval by the city engineer. The city engineer is authorized to approve such
140 applications after 15 calendar days from the date notices are sent so long as the
141 minimum criteria are met and the application is complete in all other respects pursuant
142 to this article.

143 a. Appeal of city engineer's decision. The applicant or any person entitled to notice
144 under this article may appeal a decision of the city engineer regarding the
145 interpretation of the contents of the application or the minimum criteria set forth in
146 this section. City council shall consider such appeal at its next available regularly
147 scheduled meeting.

148 (4) Decision by city council. The city engineer is not authorized to approve any
149 applications where there are objections from any shoreline property owner within 300
150 feet of the property or other property owner entitled to notice under subsection (2)
151 above, or where the city engineer or building official, in his or her discretion, believes
152 the application should be decided by city council. When an application for a boat dock
153 must be decided by city council, the applicant shall submit a total of nine site plans and
154 three sets of engineered construction plans to the city clerk's office.

155 a. When city council must decide the application for a boat dock, city council shall
156 approve, deny, or approve with conditions the application to construct the boat
157 dock at its next available regularly scheduled meeting. Notices of the hearing
158 before city council shall be sent to the applicant and any person entitled to notice
159 under this article. In determining whether to approve, deny, or approve with
160 conditions the application, city council shall determine whether the application has
161 been satisfactorily completed and whether the minimum criteria set forth above for
162 issuance of the dock permit have been met. In addition, city council shall apply the
163 following criteria:

- 164 1. Possible obstruction to navigability;
- 165 2. Unreasonable impairment of lake view visibility from abutting properties;
- 166 3. Hazardous or safety conditions; and
- 167 4. Whether the proposed structure unreasonably interferes with the riparian or
168 littoral rights of other property owners. "Unreasonable interference" shall
169 include but not be limited to: (a) proximity of docks of abutting property
170 owners; (b) access for boaters and swimmers; and (c) any unusual

171 configuration of the shoreline which would cause the proposed dock to restrict
172 access to sections of the waterway.

173 b. The decision of the city council shall be in writing and shall indicate the date of the
174 decision. Copies of the decision shall be sent by regular mail to the applicant and to
175 those who previously filed written objections to the application. The decision of
176 city council shall be final.

177 (d) *Variances.*

178 (1) An application for variance from the requirements of this article shall be made to the
179 planning and zoning board simultaneous with the submission of the boat dock
180 application and permit fee. When a variance is requested, the applicant shall also submit
181 to the city clerk's office nine site plans and three sets of engineered construction plans.
182 At a minimum, the applicant shall identify the paragraphs of this article from which the
183 applicant seeks a variance and the extent of the requested variance.

184 (2) To recommend to the city council such variance from the terms of this article, the
185 following criteria shall be applied to the application:

186 a. Average length of other docks in the surrounding 300-foot area;

187 b. The reasonable use of the property by the owner;

188 c. The effects the dock will have on navigation and safety of boaters;

189 d. The overall general welfare of the neighborhood;

190 e. Whether special conditions exist such that strict compliance with the provisions of
191 this article would impose a unique and unnecessary hardship on the applicant;

192 f. The effect of the proposed variance on abutting shoreline property owners;

193 g. Whether the granting of the variance would be contrary to the intent and purpose
194 and this article; and

195 h. A variance from the maximum length of 65 feet may be granted if it is necessary to
196 reach a water depth suitable for boating, but in no event shall a dock be extended in
197 length beyond where the water depth will exceed five feet as measured from the
198 normal high water elevation.

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

205 (f) *Building permit.* Following the approval of a boat dock application, either by the city
206 engineer or by city council, the applicant is also required to obtain a building permit prior to
207 commencing construction. In the event electricity is run to the boat dock, the proper
208 electrical permit must also be obtained. All construction must be commenced, or completed,
209 or both within the guidelines established by the city. The applicant is responsible for all fees
210 associated with the procurement of necessary permits.

211 (g) Approval of a boat dock permit by the City of Edgewood will not eliminate the application
212 of any other government requirements or the necessity for any other governmentally
213 required permit(s).

214
215 **Section 3:** Conflicts. All ordinances or parts thereof in conflict herewith are hereby
216 repealed to the extent of such conflict.

217
218 **Section 4:** Severability. If any section, paragraph, subsection, sentence, clause, phrase or
219 portion of this ordinance is for any reason held invalid or unconstitutional by any court of
220 competent jurisdiction, such portion shall be deemed a separate, distinct, and independent
221 provision and such holding shall not affect the validity of the remaining portions hereof.

222
223 **Section 5:** Codification. The provisions of this Ordinance shall be codified as and
224 become and be made a part of the *Code of Ordinances of the City of Edgewood*. The Sections of
225 this Ordinance may be renumbered or relettered to accomplish such intention and the word
226 “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate
227 word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

228
229 **Section 6:** This ordinance shall take effect immediately upon its adoption.

230
231 **PASSED AND ADOPTED** this _____ day of _____, 2019, by the City
232 Council of the City of Edgewood, Florida.

233
234
235 PASSED ON FIRST READING: _____

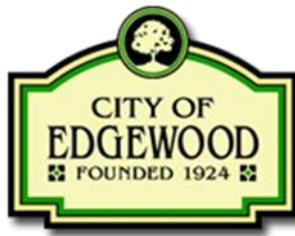
236
237 PASSED ON SECOND READING: _____

238
239 _____
240 Richard A. Horn, Council President

241
242 *ATTEST:*

243
244 _____
245 Bea L. Meeks
246 City Clerk

247



Date: August 31, 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: Code change related to dock construction on canals

This proposal is to amend the City's Code to eliminate an overly restrictive setback for docks on canal front lots. Per Code Section 14-11.B.2, specifically related to boat dock construction for canal properties, a boat dock and associated structures must be no closer than 25 feet from the abutting rear property line of the lot on the opposite shoreline of the canal. This standard limits the ability of some canal-front properties to have a dock.

An example of where the implementation of the existing standard results in this inability would be Lot 44 in the exhibit below. A dock would not be possible since it would have to be 25 feet back from Lot 27's rear lot line. The end of a dock on Lot 44 meeting the 25 feet setback would be on upland. A similar situation would result for the owner of lots 42 and 43.



The purpose of the canal setbacks should be to preserve the navigability of the canal, which another section of the Code already seems to achieve: Code Section 14-11.B.3 states, "No dock on a canal or otherwise shall extend waterward of the mean or ordinary high water line more than 25 percent of the width of the water body at the location of the dock." Staff recommends the elimination of Code Section 14-11.B.2.

~~(2) Minimum rear setback—Canal properties. Boat docks and associated structures shall have a minimum setback of 25 feet from the abutting rear property lines of property owners on the opposite shoreline of any canal.~~