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

42
43 **SECTION ONE.** The findings set forth in the recitals above are hereby adopted as
44 legislative findings of the City Council pertaining to this Ordinance.

45
46 **SECTION TWO.** Chapter 134, “Zoning,” Article IV, “District Regulations,” is hereby
47 amended as follows:

48
49 **DIVISION 13. - COMPREHENSIVE PLAN PLANNED DEVELOPMENT- CPPD**
50 **ZONING DISTRICT**

51 **Sec. 134-476. Intent and purpose of CP PD district.**

- 52 a) There is hereby created the Comprehensive Plan Planned Development (CP PD) zoning
53 district.
- 54 b) The intent and purpose of the CP PD district is to implement the Site Specific Plan future land
55 use designation of the City’s comprehensive plan, establishing a process that will ensure a
56 proposed development is compatible with adjacent land uses, protect environmentally sensitive
57 areas, and is coordinated with available public services and facilities.
- 58 c) In the event of any conflict with any other provision of this Code, the provisions of this
59 Division shall prevail unless specifically provided otherwise.

60 **Sec. 134-477. Uses permitted and prohibited.**

- 61 a) Uses Permitted. The permitted uses allowed in the CP PD shall be consistent with the
62 corresponding comprehensive plan policy adopted at the time the Site Specific Plan (SSP)
63 future land use designation was established for the subject property.
- 64 b) Uses Prohibited. Any use prohibited in the C-1, C-2, C-3, I, ECD or Ind-CA district shall be
65 prohibited in the CP PD district.
- 66 c) Development Agreement. The specific permitted uses for property zoned CP PD shall be set
67 forth in a development agreement approved as provided herein, which shall be recorded in the
68 official public records of Orange County, Florida.

69 **Sec. 134-478. Approval Procedure.**

- 70 a) Application Submittals.
- 71 a) Formal Application and Payment of Fees for consideration of establishing a SSP future
72 land use designation on the subject property; a corresponding Comprehensive Plan Future
73 Land Use Element policy; and rezoning to CP PD. The application shall include the

- 74 applicant's name and contact information, full legal description of the property, acreage,
 75 owner's name and contact information, and agent authorization if applicant is not the owner
 76 of the property.
- 77 b) Proposed Future Land Use Element Policy identifying, at a minimum, the proposed
 78 permitted uses and densities/intensities, consistent with the requirements as specified
 79 within F.S. ch. 163, pt. II, with a narrative explaining
- 80 a. The need and justification for the change;
 81 b. The benefits the development will provide to the community;
 82 c. The compatibility of the proposed land use with surrounding properties; and
 83 d. How the proposed use is consistent with and/or furthers the goals, objectives and
 84 policies of the city's comprehensive plan.
- 85 c) An analysis of potential land use compatibility issues and the proposed mitigation. Land
 86 use compatibility is of premier importance of this district. Compatible means a
 87 development, building and/or land use is designed to be able to exist or occur without
 88 conflict with its surroundings in terms of its uses, scale, height, massing and location on its
 89 site, as well as is without negative impact to public services and facilities. Land use
 90 compatibility analysis shall address visual impact, on-site operational impact, and impact
 91 to public services and facilities.
- 92 a. Visual Impact; i.e., the three-dimensional scale of the structures onsite including height,
 93 bulk, width, and depth compared to adjacent uses. This not only includes the
 94 appearance of any structures, but also the effect of outdoor storage areas, as well
 95 as the long term maintenance of buildings, landscaping, etc. onsite.
- 96 b. Operational Impact; i.e., operational by-products such as noise, odors, dust, vibration,
 97 light, heat, electrical interference etc. that will negatively impact adjacent uses.
- 98 c. Impact to public services and facilities, including, but not limited to the area road
 99 network; pedestrian and bike lane/path network; police and fire protection.
- 100 d) The Site Plan drawn to a scale of one inch equals 200 feet or larger, unless otherwise
 101 appropriate, and consisting of properly identified exhibits and support materials, clearly
 102 indicating the following,
- 103 a. The project name, legal description, total acreage and location map
 104 b. Signed and sealed boundary survey
 105 c. Topographic survey at one-foot contours based on the county datum (or as approved
 106 by the city engineer) and other natural features including, but not limited to, lakes,
 107 watercourses, wetland, and conservation areas

- 108 d. On-site soil types (based on the soil conservation service classification system), flood
109 hazard areas and generalized vegetation
- 110 e. Existing uses, easements, and demolition plan
- 111 f. Proposed land use
- 112 1. Proposed Residential site plans shall include the total number of units; as well as
113 number of units by type, i.e., within single family and multi family structures; the
114 total residential land area, which is defined as the area, excluding natural water
115 bodies and wetlands, to be occupied by residential use; density, calculated by total
116 number of units divided by residential land area; minimum lot size; dimensions of
117 irregular lots; impervious surface ratio maximum per lot; minimum air conditioned
118 living floor area per unit; building height (in stories and feet); minimum building
119 and accessory use setbacks; illustrated building setbacks of all irregular shaped lots;
120 open space delineated in tracts with identified acreage in each tract; recreation areas
121 delineated in tracts with acreage and type of recreation facilities identified for each
122 tract.
- 123 2. Proposed Nonresidential site plans shall include the specific types of uses in each
124 building; gross building floor area(s); building floor area ratio (FAR) based on area
125 to be used by nonresidential uses (excluding natural water bodies and wetlands);
126 building height (in stories and feet); building setbacks from all sides; impervious
127 surface per lot/tract; delineated areas where outdoor activities, including but not
128 limited to outdoor storage areas and employee gathering areas, will take place with
129 a listing of the type of outdoor activities proposed; and open space delineated in
130 tracts with identified acreage in each tract.
- 131 g. The phasing of development and the manner in which each phase of development can
132 exist as an independent unit with all necessary public services and facilities.
- 133 h. Adjacent streets and rights-of-way within 500 feet of proposed access points, any major
134 street setbacks, and planned right-of-way lines.
- 135 i. Utility Information: providers, method of connection, service demand/generation
136 (gallons per day), with water service including fire flows.
- 137 j. Stormwater management system plan, including direction of surface drainage flow and
138 drainage calculations.
- 139 k. Refuse storage areas locations.
- 140 l. Proposed easements.
- 141 m. Transportation facilities including proposed internal roads and offsite road and transit
142 improvements, and pedestrian and bike facilities, including the proposed right-of-way,
143 sidewalk and bike path widths.

- 144 n. A traffic impact analysis, based on established professional standards, investigating the
145 ability of the area road network and necessary improvements - both operational and
146 physical - to accommodate projected traffic volumes from the proposed development.
- 147 o. Vehicular and bicycle parking spaces detailing location and size.
- 148 p. Exterior Lighting Plan prepared by a professional engineer, landscape architect or
149 professional architect registered in Florida and prepared in a scale that is easily legible
150 and shall include a photometric plan for the exterior lighting coverage that
151 demonstrates that outdoor areas are safe and secure, particularly in vehicle and
152 bicycle parking areas, all building entrances, and other areas of special security
153 concern. The exterior lighting plan shall be coordinated with the landscape plan
154 ensuring no conflicts between the proposed lighting and landscaping will exist.
155 Except for bollard type lights, light poles shall be set a minimum distance of 17.5 feet
156 from tree trunk edges. The plan shall provide pole, fixture, and lamp technical
157 specifications. The minimum foot candle where pedestrians will be present is one.
- 158 q. Open Space Plan demonstrating that at least 25% of the gross land area consists of open
159 space as defined in Code Section 114-31 and is designed and counted consistent with
160 Code Section 114-35, with the exception that 50% of that required open space, shall be
161 “land use compatibility open space” used to enhance land use compatibility with
162 adjacent uses. The enhancement buffer shall be provided parallel and adjacent to
163 the boundaries shared with properties needing buffering due to compatibility issues.
164 The width of such boundary buffers shall be such to sustain a substantial and
165 continuous linear massing of evergreen trees to mitigate visual and operational impacts
166 as determined by City Council, but in no case shall be less than that cited in Code
167 Section 114-5. Reference to Code Section 114-5 is based on the listed uses not the listed
168 zoning districts. The evergreen tree massing shall be a minimum of two rows deep. Use
169 of berms are strongly encouraged if noise abatement is necessary in addition to the
170 evergreen tree mass planting. Pervious areas such as stormwater retention or
171 detention ponds, parking lot islands or landscape planting areas around
172 building foundations shall not be counted toward the land use compatibility open
173 space.
- 174 r. Existing Tree Protection/Preservation Plan with an effort toward site layout that
175 conserves and protects onsite mature trees to enhance community appearance, assist in
176 the natural control of solar heat, soil conservation and erosion, oxygen production,
177 pollution, noise, and to provide a haven for community wildlife and meeting the
178 following.
- 179 1. Trees removed shall be replaced at rate equal to the 75% of the total caliper of the
180 trees that will be removed as measured at the diameter at breast height (DBH - i.e.,
181 4.5 feet from ground).

182 2. The minimum replacement tree caliper shall be 3 inches DBH as measured per
183 Florida Grades and Standards definition. In addition to the caliper minimum, the
184 height of a replacement tree for any historic tree removed shall be a minimum of
185 18 feet in height and of a species from the approved list. The replacement trees
186 may be used for other required trees, e.g., in buffers or parking lots.

187 3. Where space is limited and it is shown with substantial and competent evidence
188 that the total number of required replacement trees cannot fit on the site when using
189 6-inch caliper DBH trees, payment into the tree fund will be an option. The payment
190 to the tree fund shall be based on 2.75 times the current wholesale cost of a 3”
191 caliper DBH live oak.

192 s. Landscape Plan, to include species, quantity, and sizes, not only for land use
193 compatibility mitigation, but also for the enjoyment of site users (employees and/or
194 residents). The plan shall exceed the standards of Chapter 114.

195 t. Inclusion of compatibility mitigative measures identified in the development
196 agreement.

197 u. Design elevations/renderings of all proposed structures.

198 v. Sign Plan, including scaled plans of proposed signs.

199 w. School age population (if applicable).

200 x. Requested waivers from the subdivision regulations or other development standards; if
201 any requested, written justification shall be presented as part of the application
202 submittals detailing the particular provisions of the Code requested to be waived and
203 basis for the request.

204 e) Subdivision Plan. If the developer or applicant proposes to create a subdivision, a
205 preliminary subdivision plan shall be processed concurrently with the site plan in
206 accordance with Chapter 126 and shall be subject to approval by the City Council.

207 f) Letters from utility providers of the availability of facilities and services including Potable
208 Water, Wastewater, Solid Waste Disposal, Fire Protection.

209 g) An Environmental Study if required by the City’s Engineer or Planner analyzing the
210 suitability of the proposed development given the soils, topography, wetlands, floodplains,
211 native vegetation, and other environmentally sensitive areas onsite.

212 h) The draft Development Agreement. The document shall detail, at a minimum, covenants,
213 conditions, restrictions, and agreements that govern the use, maintenance and continued
214 protection of minimum standards established by the rezoning/comprehensive plan policy;
215 the maintenance and protection of the building exterior quality, infrastructure, lighting,
216 recreation areas, and landscaping; and a list of the measures that will be used to mitigate

217 identified compatibility issues. Submission of the Development Agreement draft shall be
218 submitted at least two weeks prior to the Planning and Zoning Board's public hearing.

219 i) Statement from a certified appraiser relative to the effect on adjacent property values.

220 j) Any supporting data the applicant deems necessary to support the request.

221 b) Distribution for Review After determining the application is complete, the City Clerk shall
222 distribute the application to pertinent city staff for review. An incomplete application will not
223 be forwarded to staff, resulting in the delay of processing.

224 c) Staff/Applicant Meeting/Initial Review Comments. The City Clerk will coordinate with the
225 applicant and staff to schedule a meeting to discuss staff's initial review comments, as well as
226 guide further refinement of the application if necessary. Additional staff/applicant meetings
227 can be requested by the applicant or city staff.

228 d) Community Meeting. Prior to the final staff report preparation, the applicant shall schedule and
229 host a community meeting to provide an informal setting for the applicant to present the project
230 and gain input from area residents/businesses. City staff's attendance will be in the form of
231 monitoring rather than facilitation. The same public notice for the Planning and Zoning Board
232 hearing shall be used for public notice for the Community Meeting and be at the applicant's
233 expense. A report prepared by the applicant summarizing the community meeting proceedings
234 and any modifications to the proposal based on the input shall be submitted to the City Clerk
235 for staff distribution.

236 e) Staff Report. Following the applicant's report on the community meeting, City staff shall
237 prepare a report addressing the comprehensive plan amendments and the proposed
238 development site plan with a recommendation for approval, approval with conditions, or
239 denial, which will be sent to the applicant. Upon receipt of the staff report, the applicant shall
240 either request an additional staff/applicant meeting to discuss the report or request the City
241 Clerk to schedule a public hearing before the Planning and Zoning Board.

242 f) Planning and Zoning Board Hearing.

243 (1) The Planning and Zoning Board hearing shall hold public hearings to consider the request
244 for comprehensive plan amendments and rezoning. Such hearings shall not be scheduled
245 within 21 days of the City Clerk receiving the request from the applicant to proceed to
246 public hearing unless the minimum time is waived by the City Clerk.

247 (2) In addition to the public notice specified in the State law and City Code, written public
248 notice of the hearing's time and place shall be mailed at the applicant's expense to the
249 following at least 15 days prior to the hearings:

250 a. All owners of property within a subdivision that has a boundary located within 500
251 feet of a boundary of the subject property, and

252 b. All owners of property that are not within subdivisions but are located within 500
253 feet of a boundary of the subject property.

254 (3) The Planning and Zoning Board shall recommend either approval with conditions that
255 ensure land use compatibility, such as but not limited to, limitations on building size and
256 height, minimum setbacks, building design or use features, landscaping, vehicle access
257 configuration, and/or hours of operation; denial; or submit such request with no
258 recommendation to the City Council in the case of a tie vote.

259 g) City Council Hearings. First Public Hearing for Comprehensive Plan Amendments. At least
260 ten days after the Planning and Zoning Board hearing, unless the time is waived by the City
261 Clerk and advertising requirements have been met, the City Council shall hold the first of two
262 public hearings, in accordance with Florida law and City Code, to consider approval of the
263 proposed comprehensive plan amendments. Unless the future land use amendment qualifies
264 for a small scale amendment, Council shall either vote to transmit the comprehensive plan
265 amendments to the State land planning agency in accordance with State law or deny the
266 request. If the amendment qualifies as a small-scale amendment, Council shall vote to either
267 deny or approve a second reading of the ordinance. An affirmative vote for a second reading
268 shall include conditions that ensure adjacent land use compatibility.

269 (1) First Public Hearing for Rezoning. Following an affirmative vote for a second reading for
270 the comprehensive plan amendments, Council shall hold the first of two public hearings to
271 consider approval of the rezoning. The Council shall vote to consider a second reading of
272 the rezoning ordinance. An affirmative vote for second reading shall include conditions
273 that will ensure land use compatibility with adjacent land such as, but not limited to,
274 limitations on building size and height, minimum setbacks, building design or use features,
275 landscaping, vehicle access configuration, and/or hours of operation.

276 (2) Second Public Hearings for Comprehensive Plan Amendments and Rezoning The second
277 public hearings for the proposed comprehensive plan amendments and rezoning will occur
278 based on the timeline in Florida law and City Code. At the second public hearings, City
279 Council shall either approve; approve with additional conditions, or deny the requests. If
280 the comprehensive plan amendments are denied by Council, Council shall the deny the
281 proposed rezoning.

282 (3) Rezoning Effective Date. Approval of the rezoning shall not become effective until after
283 the effective date of the comprehensive plan amendments.

284 (4) Advertising Requirements. In addition to the public notice specified in the State law and
285 City Code, written public notice of both Council hearings' time and place shall be mailed
286 at the applicant's expense to the following at least 15 days prior to the hearings:

287 a. All owners of property within a subdivision that has a boundary located within 500
288 feet of a boundary of the subject property, and

289 b. All owners of property that are not within subdivisions but are located within 500 feet
290 of a boundary of the subject property.

291 **Sec. 134-479 Other Development Standards**

- 292 a) Maximum Height shall be determined during CP PD review.
293 b) Parking quantity shall be consistent with code standards unless competent and substantial
294 evidence demonstrates a reduced quantity is appropriate.
295 c) Landscaping shall exceed the minimum code standards of Chapter 114 and shall be provided
296 to mitigate compatibility issues as well as for aesthetics.
297 d) Where other site standards have not been specifically delineated, the Code requirements shall
298 apply; however, consideration of waivers to these code requirements can be considered during
299 the CP PD process.
300 e) Off-site improvements may be required in conjunction with the CP PD approval in order to
301 offset the impacts on public facilities and services created by the proposed development.
302 f) All projects shall provide an adequate level of public facilities and services to accommodate
303 the project as proposed in the development plan.

304 **Sec. 134-480. Amendments to the CP PD.**

- 305 a) Amendments to the approved CP PD shall be classified as either substantial or nonsubstantial
306 amendments.
307 b) A substantial amendment is an amendment that would result in any of the following:
308 (1) A change that would include a land use not previously permitted under the approved SSP
309 Policy applicable to the property and/or the CP PD zoning.
310 (2) A change to a building design or location within 300 feet of a property boundary.
311 (3) An amendment to the city's conditions of approval/development agreement.
312 (4) A change that would increase the land use intensity and/or density.
313 (5) An amendment to the phasing that would propose a land use in advance of the development
314 it was designed to support.
315 c) The determination of a substantial or nonsubstantial amendment shall be made jointly by the
316 city engineer and city planner. If an agreement is not reached, the determination shall be made
317 by the City Council.
318 d) Where the developer proposes to reduce the number of units or floor area in one phase of the
319 project, a corresponding increase in the number of units or floor area in another phase may be
320 administratively approved if all other conditions of approval are not adversely affected and no
321 other change is proposed that would be considered a substantial amendment.
322 e) Substantial amendments must be approved at applicable public hearings and with the same
323 public notice as listed for Planning and Zoning Board and City Council CP PD hearings, which
324 could include amendment to the comprehensive plan.
325 f) A proposed amendment deemed nonsubstantial may be processed without public hearing.

326 **Sec. 134-481. Control of development following approval.**

- 327 a) Construction of uses and infrastructure shall not commence until the City receives proof that
328 the Development Agreement has been recorded in Orange County official records.
- 329 b) The approved CP PD approved site plan and Development Agreement shall take precedent
330 over other provisions of this chapter. Where the CP PD site plan or Development Agreement
331 is silent, city codes, ordinances, policies and resolutions in force at the time of CP PD approval
332 shall apply to the project.
- 333 c) The city engineer and city planner shall be responsible for certifying that all aspects of the
334 development, including conditions of approval have been satisfactorily completed prior to the
335 issuance of a certificate of completion/certificate of occupancy.
- 336 d) After certification, no changes may be made to the approved development plan except that:
- 337 (1) Any structural extension, alteration or modification of existing building structures that are
338 consistent with the approved site plan may be authorized by the city engineer or other city
339 designee.
- 340 (2) A building or structure that is destroyed may be reconstructed only in compliance with the
341 correlated Comprehensive Plan policy, the CP PD site plan, and Development Agreement
342 unless an amendment to these documents is approved under the provisions of this division.
- 343 e) Property which has been rezoned to CP PD for which the development approvals have lapsed
344 or otherwise expired shall be subject to administrative rezoning by the City to the zoning
345 district that applied to the property prior to the rezoning to CP PD.

346 **Sec. 134-482 Enforcement and penalties.**

347 In the event of a noncompliance with this article, the City Council shall have the authority to
348 suspend construction activity and revoke any building permit issued under this article, and to take
349 all actions necessary to halt construction until such time as the provisions herein are complied
350 with. In the event legal action is necessary and professional fees and costs are incurred by the city
351 enforcing compliance, these expenses shall be borne by the developer or parties violating the terms
352 of this article. These penalties are in addition to any other penalties provided by law.

353 **SECTION THREE.** The provisions of this Ordinance shall be codified as and become
354 and be made a part of the Code of Ordinances of the City of Edgewood.

355 **SECTION FOUR.** If any section, sentence, phrase, word or portion of this ordinance
356 is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to
357 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or
358 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

359 **SECTION FIVE.** All ordinances that are in conflict with this Ordinance are hereby
360 repealed.

361 **SECTION SIX.** This Ordinance shall become effective immediately upon its passage and

362 adoption.

363

364 **PASSED AND ADOPTED** this _____ day of _____, 2023, by the City
365 Council of the City of Edgewood, Florida.

366

367 PASSED ON FIRST READING: _____

368

369 PASSED ON SECOND READING: _____

370

371 _____

372

373 Richard A. Horn, Council President

374 *ATTEST:*

375

376 _____

377 Sandra Riffle

378 City Clerk

379