

ORDINANCE 2022-05

1 **AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA,**
2 **AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES TO**
3 **CREATE A NEW SITE SPECIFIC PLAN ZONING CATEGORY;**
4 **ESTABLISHING A PROCESS AND REQUIREMENTS FOR REZONING**
5 **PROPERTY TO SITE SPECIFIC PLAN ZONING; ESTABLISHING**
6 **APPLICATION AND EVALUATION STANDARDS RELATED TO SITE**
7 **SPECIFIC PLAN ZONING REQUESTS; PROVIDING FOR PERMITTED,**
8 **AND PROHIBITED USES WITHIN SUCH ZONING; PROVIDING FOR**
9 **SITE AND DEVELOPMENT STANDARDS; PROVIDING FOR**
10 **REGULATIONS AND ENFORCEMENT; PROVIDING FOR**
11 **SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND**
12 **AN EFFECTIVE DATE**

13
14 **WHEREAS,** certain parcels of land located within the City may present unique
15 development challenges due to configuration and surrounding uses; and

16
17 **WHEREAS,** the City is desirous of encouraging creative solutions to development
18 challenges; and

19
20 **WHEREAS,** Euclidean zoning sometimes does not allow the necessary flexibility to
21 implement such creative solutions; and

22
23 **WHEREAS,** the City Council finds that creating a Site Specific Plan zoning district that
24 allows for collaboration between the City, the developer, and neighboring property owners and
25 stakeholders encourages dialogue and problem solving that can lead to mutually beneficial
26 solutions to development challenges; and

27
28 **WHEREAS,** the City Council also finds that it is necessary to implement regulations
29 governing the appropriateness, limitations, and implementation of site specific zonings; and

30
31 **WHEREAS,** as of the effective date of this Ordinance, the City will have amended its
32 Comprehensive Plan, to contemplate site specific zonings under certain circumstances; and

33
34 **WHEREAS,** within this Ordinance, deletions are identified by ~~striketrough~~ text,
35 additions are identified by underline text, and portions of the Code that remain unchanged and
36 which are not reprinted here are indicated by ellipses (***)

37
38 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
39 **OF EDGEWOOD, FLORIDA, AS FOLLOWS:**

40
41 **SECTION ONE.** The findings set forth in the recitals above are hereby adopted as
42 legislative findings of the City Council pertaining to this Ordinance.

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

46
47 **DIVISION 12. - SSP SITE SPECIFIC PLAN ZONING DISTRICT**

48 **Sec. 134-476. Intent and purpose of SSP district.**

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

56 **Sec. 134-477. Uses permitted.**

- 57 a) Uses Permitted. Any use permitted in any zoning district within the City shall be considered
58 a potential use in the SSP district unless such use is specifically enumerated as a prohibited
59 use within the SSP district.
60 b) Development Agreement. The specific permitted uses for property zoned SSP shall be set
61 forth in a development agreement approved as provided herein, which shall be recorded in
62 the official public records of Orange County, Florida.

63
64 **Sec. 134-478. Prohibited Uses**

- 65 a) Any use prohibited in the C-1, C-2, or C-3 district shall be prohibited in the SSP district.
66 b) Car washes

67 **Sec. 134-479. Approval Procedure.**

- 68 a) The applicant shall submit to the City Clerk an application and payment of the application
69 fees for consideration of comprehensive plan amendments (future land use map amendment
70 and site specific policy detailing, at a minimum, the proposed use and density and/or
71 intensity) and rezoning approval. The application shall include sufficient copies, as required
72 by the city, of the following.
73 1) Complete application form documenting the applicant’s name and contact information,
74 full legal description of the property, acreage, owner’s name and contact information,
75 and agent authorization if applicant is not the owner of the property
76 2) The proposed comprehensive plan amendments per Section 134-480
77 3) The Site Specific Plan per Section 134-481

- 78 4) A statement of need and justification for the change
- 79 5) An analysis of how the proposed use is consistent with and/or furthers the goals,
80 objectives and policies of the city's comprehensive plan
- 81 6) An analysis of potential land use compatibility issues and the proposed mitigation. Land
82 use compatibility is of premier importance to this district. Compatible means, a
83 development, building and/or land use that is designed to be able to exist or occur without
84 conflict with its surroundings in terms of its uses, scale, height, massing and location on
85 its site, as well as is without negative impact to public services and facilities. Land use
86 compatibility analysis shall address visual impact, on-site operational impact, and impact
87 to public services and facilities, including, but not limited to the area road network.
88 Examples of mitigation measures include, but are in no way limited to, the following;
89 often times, more than one mitigation strategy is necessary for each category.
- 90 a) Visual impact/Building Scale and Site Design Impact; i.e., the three-dimensional
91 bulk of a structures onsite including height, width, and depth compared to adjacent
92 uses. This not only includes the appearance of any structures, but also the
93 effect of outdoor storage, as well as the long term maintenance of buildings,
94 landscaping, etc. onsite. Mitigation for visual impact include, but are not limited
95 to the following.
- 96 1) Provide gradual transition between smaller and larger residential lots through
97 the arrangement and scale of lots and/or by providing appropriately scaled
98 buffers.
- 99 2) Minimize the mass of buildings that directly face smaller, pre-existing
100 buildings by: 1) reducing the visual impact with larger setbacks; 2)
101 incorporating design and elevation features that complement adjacent lower-
102 density/intensity development; 3) stepping buildings down to a scale (building
103 bulk, footprint size, and height) complementing adjacent development; and/or
104 4) breaking up massing of buildings with architectural features.
- 105 3) Design structures in a manner that provides a visual or height transition and
106 complements the scale and form of adjacent development. This can be done
107 through reducing building height, providing step-backs, varying massing,
108 increasing setbacks, and other techniques.
- 109 4) Alternate/undulate facades and roof lines, especially for buildings significantly
110 longer than buildings on adjacent; i.e., variation in vertical and horizontal
111 elevation and use of decorative elements.
- 112 5) Avoid blank walls, by using design techniques such as evergreen vine wall
113 (trellis or wire/vine system), variety or decorative masonry pattern of at least
114 two types of materials, color, texture, or architectural feature (such as accents
115 and relief elements), or use of faux windows.

- 116 6) Increase the use of landscaping, and building setbacks to reflect patterns in
117 adjacent, lower-intensity residential areas.
- 118 7) Use mature trees to improve compatibility in building scale.
- 119 8) Locate, design, and manage stormwater management features (including
120 retention and detention basins, swales, surface drainageways, constructed
121 wetlands, and greenways) to provide visual amenities and opportunities for
122 passive recreation.
- 123 9) Use landscape, pedestrian ways, bioswales, and parking design to divide large
124 parking lots into smaller blocks.
- 125 10) Use significant landscaped buffers and screening to reduce the visual impact
126 of parking facilities on adjacent residential areas.
- 127 11) Place parking lots between taller commercial buildings and single family
128 homes.
- 129 b) Operational Impact; i.e., operational by-products such as noise, odors, dust,
130 vibration, light, heat, electrical interference etc. that will negatively impact adjacent
131 uses.
- 132 1) Contain operations within building walls to the maximum degree possible.
- 133 2) Design the building layout to orient operations internal to the site.
- 134 3) Use vertical screening to block visual effects of high-impact components such
135 as mechanical equipment and service areas.
- 136 4) Locate dumpsters away from adjacent residential areas.
- 137 5) Direct light generated by higher intensity uses, including direct illumination
138 of parking and service areas, signs, and structures, away from adjacent
139 residential areas and public streets.
- 140 6) Reduce noise through additional wall insulation, plantings, fences and walls,
141 and strategic placement of doors and windows.
- 142 7) Hours of operation—Low intensity uses such a residential generally have
143 much more restricted activities than higher intensity uses such as industrial.
- 144 c) Impact to public services and facilities.
- 145 1) Coordinate with the City/County/State to construct improvements necessary to
146 mitigate the project’s impact on the area road network.
- 147 2) Utilize site designs, building groupings, and site features that accommodate
148 and encourage the use of transportation alternatives, including pedestrian,
149 bicycle, and public transportation. Examples of techniques include provision
150 of wide sidewalks, provision of transit stops/shelters; visible and convenient
151 bicycle parking facilities; and multi-use paths to building entrances.

- 152 3) Increase the connectivity of the street network to reduce reliance on single
153 routes for access.
- 154 4) Use latest technology for energy use, stormwater management, potable water
155 supply.
- 156 7) An analysis of the availability of facilities and services including Potable Water,
157 Wastewater, Stormwater Management, Solid Waste Disposal, Police and Fire
158 Protection, and Transportation.
- 159 8) An analysis of the suitability of the proposed development given the soils,
160 topography, wetlands, floodplains, native vegetation, and environmentally
161 sensitive areas on site.
- 162 9) An analysis of how the proposed development promotes water and energy
163 conservation.
- 164 10) The proposed Development Agreement per Section 134-483.
- 165 11) Statement from a certified appraiser relative to the effect on adjacent property
166 values.
- 167 12) Any supporting data the applicant deems necessary to support the request.
- 168 b) *Distribution for Review* After determining the application is complete, the City Clerk shall
169 distribute the application to pertinent city staff for review. An incomplete application will
170 not be forwarded to staff, resulting in the delay of processing.
- 171 c) *Staff/Applicant Meeting/Initial Review Comments.* The City Clerk will coordinate with the
172 applicant and staff to schedule a meeting to discuss staffs' review comments, as well as guide
173 further refinement of the application if necessary.
- 174 d) *Community Meeting.* Prior to the final staff report preparation, the applicant shall schedule
175 and attend a community meeting to provide an informal setting to present the project and
176 gain input from area residents/businesses. A report prepared by the applicant summarizing
177 the community meeting proceedings and any modifications to the proposal based on the input
178 shall be submitted to the City Clerk for staff distribution.
- 179 e) *Staff Report.* Following the applicant's report on the community meeting, a joint staff report
180 addressing the comprehensive plan amendment and site specific plan will be prepared for the
181 Planning and Zoning Board by staff, which will be sent to the applicant. The applicant may
182 request an additional staff/applicant meeting to discuss the report or request the City Clerk
183 to schedule a public hearing before the Planning and Zoning Board.
- 184 f) *Planning and Zoning Board Hearing.* The Planning and Zoning Board hearing date shall not
185 be scheduled within 21 days of the City Clerk receiving the request from the applicant to
186 proceed to public hearing unless the minimum time is waived by the City Clerk.
- 187 g) *City Council Hearings.* The public hearing before the City Council shall be held at least ten
188 days after the Planning and Zoning Board hearing, unless the time is waived by the City
189 Clerk. The city shall process the comprehensive plan amendment in accordance with Chapter

190 163, Florida Statutes. Final approval of the zoning shall not occur until after the effective
191 date of the comprehensive plan amendments.

192 **Section 134-480 Preparation of the Comprehensive Plan Amendments**

193 a) The necessary amendments to the comprehensive plan (Future Land Use Map amendment
194 and new policy identifying, at a minimum, the permitted uses and densities/intensities) shall
195 conform to the requirements as specified within F.S. ch. 163, pt. II. and follow the process
196 outlined below.

197 (1) The comprehensive plan text or map amendments shall be submitted to the Planning
198 and Zoning Board for study and recommendation. The Planning and Zoning Board
199 shall study such proposals to determine:

200 a. The need and justification for the change;

201 b. The effect of the change, if any, on the particular property and the surrounding
202 properties;

203 c. The compatibility of the proposed land uses with surrounding properties; and

204 d. The relationship of the proposed amendment to the goals, objectives and policies
205 and text of the city's comprehensive plan, with appropriate consideration as to
206 whether the proposed change will further, or at least not be contrary to the
207 comprehensive plan.

208 (2) No recommendation for transmittal or adoption of any amendment to the comprehensive
209 plan shall be made by the Planning and Zoning Board until and unless a public hearing
210 has been held. In addition to the public notice requirements of F.S. ch. 163, pt. II, written
211 notice of the time and place of such meeting and the proposed action to be taken shall be
212 posted upon the property and mailed to all owners of record of property within 2640 feet
213 of the property requested for map amendment at least 15 days prior to the public hearing.
214 The public notice posted on the property shall be erected to be in full view of the general
215 public on each street side of said land and shall be erected by the applicant.

216 (3) The Planning and Zoning Board, following their public hearing, may recommend
217 approval, approval with conditions, denial or submit such request with no
218 recommendation to the City Council in the case of a tie vote.

219 (4) Upon the filing of the recommendations report by the Planning and Zoning Board, the
220 City Council shall hold the first of two public hearings to consider approval of the request
221 in a timely fashion in accordance with Florida law. The second public hearing on the
222 ordinance to consider approval will occur based on the timeline in Florida law, and with
223 notice and hearings conducted in the manner prescribed by law. If the amendment
224 qualifies as a small-scale amendment, review/recommendation by the Planning and
225 Zoning Board and two public hearings by City Council shall occur after giving at least
226 15 days' notice of time and place of such hearings consistent with State law as well as
227 posted upon the property by the applicant in full view of the general public on each street

228 side of said land, and mailed to all owners of record of property within 2640 feet of the
229 property.

230 b) The proposed policy amendment shall restrict the range of permitted uses and development
231 intensity/density. The City Council may also restrict or impose requirements such as, but not
232 limited to, limitations on building size and height, minimum setbacks, other site design or
233 building design or use features, and/or vehicle access configuration.

234

235 **Sec. 134-481 The Specific Site Plan (SSP).**

236 a) The Specific Site plan shall address the use of all or a portion of the subject property. If the
237 developer or applicant proposes to create a subdivision, a preliminary subdivision plan shall
238 be processed concurrently with the site plan in accordance with Chapter 126 and shall be
239 subject to approval by the City Council.

240 b) The site plan, drawn to scale not to exceed one inch equals 200 feet, unless otherwise
241 appropriate, and consisting of properly identified exhibits and support materials, shall clearly
242 indicate the following.

243 (1) The project name, legal description, total acreage and location map.

244 (2) Existing topography at one-foot contours based on the county datum (or as approved
245 by the city engineer) and other natural features including, but not limited to, lakes,
246 watercourses, wetland, and conservation areas.

247 (3) On-site soil types (based on the soil conservation service classification system), flood
248 hazard areas and generalized vegetation.

249 (4) Existing uses, easements, and demolition plan

250 (5) Proposed land uses and development intensity/density, with each phase of the total
251 development identified if phasing is proposed

252 a. Proposed Residential. Maximum gross density, total number of units, type of unit(s),
253 minimum lot size, minimum air conditioned living floor area per unit, building height
254 (in stories and feet), impervious surface maximum per lot, minimum building and
255 accessory use setbacks, open space acreage delineated in tracts, and recreation area
256 delineated in tracts. Recreation and open space/excluding landscape buffers shall
257 constitute 25% of the total acreage of the property (excluding water bodies and
258 wetland). At least two recreation activities shall be provided per recreation tract.

259 b. Proposed Nonresidential. Specific types of uses; gross building floor area;, building
260 floor area ratio; building height (in stories and feet); minimum setbacks from all
261 sides;, maximum impervious surface per lot/tract; delineated areas where outdoor
262 activities will take place, and a listing of the type of outdoor activities are proposed;
263 and open space acreage delineated in tracts.

264 (6) The phasing of development and the manner in which each phase of development can
265 exist as an independent stable unit with all necessary public services and facilities.

- 266 (7) Identification of adjacent streets, and street intersections or rights-of-way within 500
267 feet of proposed access points, any major street setbacks, and planned right-of-way
268 lines.
- 269 (8) Proposed method of providing the following services:
- 270 a. Water service (including fire flows), plus gallons-per-day requirement.
- 271 b. Sewage disposal, plus gallons per day generated.
- 272 (9) Proposed method of land use compatibility.
- 273 (10) Stormwater management system, including direction of surface drainage flow.
- 274 (11) Refuse storage areas locations.
- 275 (12) Proposed easements.
- 276 (13) Transportation facilities including roads, and pedestrian and bike facilities proposed
277 in the development, including the proposed right-of-way, sidewalk and bike path
278 widths.
- 279 (14) Projected vehicle traffic generation based on established standards. A traffic study
280 shall be provided if determined to be necessary by the city engineer.
- 281 (15) Vehicular and bicycle parking spaces detailing location and size.
- 282 (16) Exterior lighting.
- 283 (17) Existing tree protection/preservation plan with an effort toward site layout that
284 conserves and protects onsite mature trees to enhance community appearance, assist
285 in the natural control of solar heat, soil conservation and erosion, oxygen
286 production, pollution, noise, and to provide a haven for community wildlife. At a
287 minimum, the plan shall be consistent with Chapter 130. Removal of Historic and/or
288 Specimen Trees shall be replaced with trees sold in 15-gallon containers of at least
289 1½ inches in diameter as measured three feet above soil level.
- 290 (18) Landscape plan, to include species, quantity, and sizes, not only for land use
291 compatibility mitigation, but also for the enjoyment of site users (employees and/or
292 residents). The plan shall exceed the standards of Chapter 114.
- 293 (19) Sustainability plan that documents the inclusion of innovative technology for the
294 provision of infrastructure needs such as electric charging stations and alternative
295 energy sources as well as green building design.
- 296 (20) Design elevations or renderings of structures.
- 297 (21) Sign plan, including scaled plans of proposed signs.
- 298 (22) School age population (if applicable).
- 299 (23) Requested waivers from the subdivision regulations or other development standards
300 shall be indicated on the site plan or submitted in writing detailing the particular
301 provisions of the Code requested to be waived and basis for the request.

302 c) The SSP shall serve as the basis for the required new comprehensive policy, SSP zoning
303 district ordinance, and the required Development Agreement.

304 **Sec. 134-482 Site and Building Standards**

- 305 a) Maximum Height shall be determined during SSP review.
- 306 b) Parking quantity shall be consistent with code standards unless competent and substantial
307 evidence demonstrates a reduce quantity is appropriate.
- 308 c) Landscaping shall exceed the minimum code standards and shall be provided to mitigate
309 compatibility issues.
- 310 d) Where other site standards have not been specifically delineated in the Site Specific Plan,
311 the Code requirements shall apply.

312

313 **Sec. 134-483 Development Agreement:** The draft Development Agreement is required to be
314 submitted at the time of application. The document shall detail covenants, conditions, restrictions,
315 and agreements that govern the use, maintenance and continued protection of minimum standards
316 established by the rezoning/comprehensive plan policy, as well as maintenance and protection of
317 the building structures, infrastructure, recreation areas, and landscaping. Finalization of the
318 Development Agreement shall occur at least two weeks prior to the Planning and Zoning Board's
319 public hearing.

320

321 **Sec. 134-484. Amendments to the Site Specific Plan.**

- 322 a) Amendments to the approved Site Specific Plan shall be classified as either substantial or
323 nonsubstantial amendments.
- 324 b) A substantial amendment is an amendment that would result in any of the following:
- 325 (1) A change that would include a land use not previously permitted under the approved Site
326 Specific Plan zoning.
- 327 (2) A change that would alter the location of a building within 300 feet of a property
328 boundary, except when it is a reduction in the mass or height
- 329 (3) A change that would require an amendment to the city's conditions of approval.
- 330 (4) A change that would increase the land use intensity.
- 331 (5) An amendment to the phasing that would propose a land use in advance of the
332 development it was designed to support.
- 333 c) The determination of a substantial or non-substantial amendment shall be made jointly by
334 the city engineer and city planner. If an agreement is not reached, the determination shall be
335 made by the City Council.
- 336 d) Where the developer proposes to reduce the number of units or floor area in one phase of the
337 project, a corresponding increase in the number of units or floor area in another phase may

338 be administratively approved, if all other conditions of approval are not adversely affected,
339 and no other change is proposed that would be considered a substantial amendment.

340 e) Substantial amendments must be approved at applicable public hearings, which could include
341 amendment to the comprehensive plan.

342 **Sec. 134-485. Control of development following approval.**

343 a) Upon the approval of the Site Specific Plan, the use of land and the construction or
344 modification of any buildings or structures on the property shall be in accordance with the
345 approved Site Specific Plan, rather than with the other provisions of this chapter. However,
346 all other city codes, ordinances, policies and resolutions shall apply to the project.

347 b) The city engineer and city planner shall be responsible for certifying that all aspects of the
348 development, including conditions of approval have been satisfactorily completed prior to
349 the issuance of a certificate of completion.

350 c) After certification, no changes may be made to the approved development plan except that:

351 (1) Any structural extension, alteration or modification of existing building structures that
352 are consistent with the approved site plan may be authorized by the city engineer or other
353 city designee.

354 (2) A building or structure that is destroyed may be reconstructed only in compliance with
355 the development plan unless an amendment to the site plan is approved under the
356 provisions of this division.

357 **Sec. 134-486. Other requirements.**

358 a) Off-site improvements may be required in conjunction with the Site Specific Plan approval
359 in order to offset the impacts on public facilities and services created by the proposed
360 development.

361 b) All projects shall provide an adequate level of public facilities and services to accommodate
362 the project as proposed in the development plan.

363 c) At the time of development, the development shall comply with all regulations and
364 ordinances in force at the time of engineering plan approval, unless specifically addressed
365 by the Development Agreement.

366 d) Projects that have not been developed and which the City Council considers to be
367 inconsistent with the provisions of this division may be required to update the site plan or
368 may be subject to administrative rezoning if the project is not vested under the applicable
369 law.

370 **Sec. 134-487 Enforcement and penalties.**

371 In the event of a noncompliance with this article, the City Council shall have the authority
372 to suspend construction activity and revoke any building permit issued under this article, and to

373 take all actions necessary to halt construction until such time as the provisions herein are complied
374 with. In the event legal action is necessary, and professional fees and costs are incurred by the city
375 enforcing compliance, these expenses shall be borne by the developer or parties violating the terms
376 of this article. These penalties are in addition to any other penalties provided by law.

377

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

380

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

385

386 **SECTION FIVE.** All ordinances that are in conflict with this Ordinance are hereby
387 repealed.

388

389 **SECTION SIX.** This Ordinance shall become effective immediately upon its passage and
390 adoption.

391

392 **PASSED AND ADOPTED** this _____ day of _____, 2022, by the City
393 Council of the City of Edgewood, Florida.

394

395 PASSED ON FIRST READING: _____

396

397 PASSED ON SECOND READING: _____

398

399

400

401

Richard A. Horn, Council President

402 *ATTEST:*

403

404

Sandy Riffle
Interim City Clerk

407