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ORDINANCE 2023-01

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES TO CREATE A NEW PLANNED DEVELOPEMENT ZONING CATEGORY; COMPREHENSIVE PLAN PLANNED DEVELOPMENT DISTRICT (CP PD); ESTABLISHING A PROCESS AND REQUIREMENTS FOR REZONING PROPERTY TO CCPD; ESTABLISHING APPLICATION AND EVALUATION STANDARDS RELATED TO CP PD REZONING REQUESTS; PROVIDING FOR PERMITTED, AND PROHIBITED USES WITHIN SUCH ZONING; PROVIDING FOR SITE AND DEVELOPMENT STANDARDS; PROVIDING FOR REGULATIONS AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE

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

WHEREAS, the City is desirous of encouraging creative solutions to development challenges; and

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

WHEREAS, the City Council finds that creating a Comprehensive Plan Planned Development (CP PD) zoning district, which allows for collaboration between the City, the developer, and neighboring property owners and stakeholders encourages dialogue and problem solving, can lead to mutually beneficial solutions to development challenges; and

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

WHEREAS, as of the effective date of this Ordinance, the City will have amended its Comprehensive Plan, to contemplate the new planned development district under certain circumstances; and

37 **WHEREAS**, within this Ordinance, deletions are identified by ~~strikethrough~~ text,
38 additions are identified by underline text, and portions of the Code that remain unchanged and
39 which are not reprinted here are indicated by ellipses (***)
40

41 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE**
42 **CITY OF EDGEWOOD, FLORIDA, AS FOLLOWS:**
43

44 **SECTION ONE.** The findings set forth in the recitals above are hereby adopted as
45 legislative findings of the City Council pertaining to this Ordinance.
46

47 **SECTION TWO.** Chapter 134, “Zoning,” Article IV, “District Regulations,” is hereby
48 amended as follows:
49

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

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

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

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

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

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

72 c. Application Submittals.

73 (1) Formal Application and Payment of Fees for consideration of establishing a SSP future
74 land use designation on the subject property; a corresponding Comprehensive Plan Future
75 Land Use Element policy; and rezoning to CP PD. The application shall include the
76 applicant's name and contact information, full legal description of the property, acreage,
77 owner's name and contact information, and agent authorization if applicant is not the
78 owner of the property.

79 (2) Proposed Future Land Use Element Policy identifying, at a minimum, the proposed
80 permitted uses and densities/intensities, consistent with the requirements as specified
81 within F.S. ch. 163, pt. II, with a narrative explaining

- 82 a. The need and justification for the change;
- 83 b. The benefits the development will provide to the community;
- 84 c. The compatibility of the proposed land use with surrounding properties; and
- 85 d. How the proposed use is consistent with and/or furthers the goals, objectives and
86 policies of the city's comprehensive plan.

87 (3) An analysis of potential land use compatibility issues and the proposed mitigation. Land
88 use compatibility is of premier importance to this district. Compatible means a
89 development, building and/or land use that is designed to be able to exist or occur without
90 conflict with its surroundings in terms of its uses, scale, height, massing and location on
91 its site, as well as is without negative impact to public services and facilities. Land use
92 compatibility analysis shall address visual impact, on-site operational impact, and impact
93 to public services and facilities, including, but not limited to the area road network.
94 Examples of mitigation measures include, but are in no way limited to, the following;
95 often times, more than one mitigation strategy is necessary for each category.

96 a. Visual Impact; i.e., the three-dimensional scale of the structures onsite including
97 height, bulk, width, and depth compared to adjacent uses. This not only includes
98 the appearance of any structures, but also the effect of outdoor storage areas, as
99 well as the long term maintenance of buildings, landscaping, etc. onsite.
100 Mitigation for visual impacts includes, but is not limited to the following.

- 101 1. Providing large perimeter building setbacks which incorporate a significant
102 amount of mature landscaping
- 103 2. Providing gradual transition between smaller and larger buildings; e.g., stepping
104 buildings down to a scale (building bulk, footprint size, and height)
105 complementing adjacent development
- 106 2. Incorporating architectural design and elevation features that complement
107 adjacent lower-density/intensity development; e.g. breaking up massing of

- 108 buildings by alternating/undulating facades and roof lines especially for buildings
109 significantly longer, taller, or with more mass than buildings on adjacent property
- 110 3. Avoid blank walls by incorporating windows and/or using design techniques such
111 as evergreen vine wall (trellis or wire/vine system), a decorative masonry pattern
112 of at least two types of materials, colors, textures, or architectural features
 - 113 4. Use of low-maintenance exterior building materials and colors to aid in
114 maintaining the appearance of the structure
 - 115 5. Locate, design, stormwater management to provide a visual amenity and
116 opportunities for passive recreation, e.g., wet bottom pond design as a lake with a
117 fountain
 - 118 6. Divide large parking lots into smaller blocks using landscape, pedestrian ways,
119 bioswales
 - 120 7. Use of decorative masonry walls on property lines
- 121 b. Operational Impact; i.e., operational by-products such as noise, odors, dust, vibration,
122 light, heat, electrical interference etc. that will negatively impact adjacent uses.
- 123 1. Contain operations within buildings to the maximum degree possible
 - 124 2. Design the building layout to orient operations internal to the site, particularly
125 noise generating activities such as, but not necessarily limited to, deliveries,
126 dumpster, parking lots, and activities where large groups can congregate
 - 127 3. Use vertical screening to block visual effects of high-impact components such as
128 mechanical equipment and service areas
 - 129 4. Direct light generated by higher intensity uses, including direct illumination of
130 parking and service areas, signs, and structures, away from adjacent residential
131 areas and public streets
 - 132 5. Reduce noise through additional wall insulation, plantings, fences and walls, and
133 strategic placement of doors and windows
 - 134 6. Limit hours of operation
- 135 c. Impact to public services and facilities.
- 136 1. Coordinate with the City/County/State to construct improvements necessary to
137 mitigate the project's impact on the area road network.
 - 138 2. Utilize site designs, building groupings, and site features that accommodate and
139 encourage the use of transportation alternatives, including pedestrian, bicycle, and
140 public transportation. Examples of techniques include provision of wide
141 sidewalks, provision of transit stops/shelters; visible and convenient bicycle
142 parking facilities; and multi-use paths to building entrances.
 - 143 3. Increase the connectivity of the vehicle and pedestrian networks to reduce
144 reliance on single routes for access.

145 4. Use latest technology for energy use, stormwater management, potable water
146 supply.

147 5. Design the site using strategies to reduce opportunities for crime, reference Crime
148 Prevention Through Environmental Design (CPTED), example building entrances
149 should be highlighted with building windows providing a view of entry locations,
150 strategic design of pedestrian ways ensuring parking areas and building entrances
151 are well lit with shielded lighting at a pedestrian scale, comprehensive wayfinding
152 system for vehicles as well as pedestrians to main entryways, use of strategic
153 lighting that minimizes glare and shadows, use of decorative see through fencing
154 with low level maintained landscaping to provide ease of surveillance, avoidance
155 of areas of concealment due to landscaping or structures within and outside
156 buildings as well as parking areas.

157 (4) The Site Plan drawn to scale not to exceed one inch equals 200 feet, unless otherwise
158 appropriate, and consisting of properly identified exhibits and support materials, shall
159 clearly indicate the following

160 a. The project name, legal description, total acreage and location map,

161 b. Signed and sealed boundary survey

162 c. Topographic survey at one-foot contours based on the county datum (or as approved
163 by the city engineer) and other natural features including, but not limited to, lakes,
164 watercourses, wetland, and conservation areas.

165 d. On-site soil types (based on the soil conservation service classification system), flood
166 hazard areas and generalized vegetation.

167 e. Existing uses, easements, and demolition plan

168 f. Proposed land use

169 1. Proposed Residential. Total number of units; as well as number of by units by
170 type, i.e., within single family and multi family structures; total land area,
171 excluding natural water bodies and wetlands, to be occupied by residential use;
172 density calculated by total number of units and proposed residential land area;
173 minimum lot size, impervious surface maximum per lot, minimum air conditioned
174 living floor area per unit, building height (in stories and feet), minimum building
175 and accessory use setbacks, open space acreage delineated in tracts, and
176 recreation areas delineated in tracts.

177 2. Proposed Nonresidential. Specific types of uses; gross building floor area;
178 building floor area ratio based area to be used by nonresidential uses excluding
179 natural water bodies and wetlands; building height (in stories and feet); minimum
180 setbacks from all sides; maximum impervious surface per lot/tract; delineated
181 areas where outdoor activities will take place, and a listing of the type of outdoor
182 activities proposed; and open space acreage delineated in tracts.

- 183 g. The phasing of development and the manner in which each phase of development can
184 exist as an independent stable unit with all necessary public services and facilities.
- 185 h. Adjacent streets and rights-of-way within 500 feet of proposed access points, any
186 major street setbacks, and planned right-of-way lines.
- 187 i. Utility Providers
- 188 1. Water service (including fire flows), plus gallons-per-day requirement.
- 189 2. Sewage disposal, plus gallons per day generated.
- 190 j. Stormwater management system plan, including direction of surface drainage flow
191 and drainage calculations.
- 192 k. Refuse storage areas locations.
- 193 l. Proposed easements.
- 194 m. Transportation facilities including proposed internal roads and offsite road and transit
195 improvements, and pedestrian and bike facilities, including the proposed right-of-
196 way, sidewalk and bike path widths.
- 197 n. Projected vehicle traffic generation based on established standards. A traffic study
198 shall be provided if determined to be necessary by the city engineer.
- 199 o. Vehicular and bicycle parking spaces detailing location and size.
- 200 p. Exterior Lighting Plan prepared by a professional engineer, landscape architect or
201 professional architect registered in Florida and prepared in a scale that is easily
202 legible and shall include a photometric plan for the exterior lighting coverage that
203 demonstrates that outdoor areas are safe and secure, particularly in parking areas, all
204 building entrances, and other areas of special security concern. The exterior lighting
205 plan shall be coordinated with the landscape plans ensuring no conflicts between the
206 proposed lighting and landscaping will exist. Except for bollard type lights, light
207 poles shall be set a minimum distance of 17.5 feet from trees. The plan shall
208 provide pole, fixture, and lamp technical specifications. The minimum foot candle
209 where pedestrians will be present is one.
- 210 q. Open Space Plan demonstrating that at least 25% of the gross land area consists of
211 open space as defined in Code Section 114-31 and is designed consistent with Code
212 Section 114-35. An integrated open space system, i.e., connected by greenways, bike
213 paths and/or walkways, is strongly encouraged. Of the open space provided, a
214 minimum of 25% shall be within a delineated recreation tract(s) that shall include at
215 least two different active recreation activities appropriate for the projected users of
216 the site or the general public.
- 217 r. Existing Tree Protection/Preservation Plan with an effort toward site layout that
218 conserves and protects onsite mature trees to enhance community appearance, assist
219 in the natural control of solar heat, soil conservation and erosion, oxygen production,

220 pollution, noise, and to provide a haven for community wildlife. At a minimum, the
221 plan shall be consistent with Chapter 130. Removal of Historic and/or Specimen
222 Trees shall be replaced with trees sold in 15-gallon containers of at least 1½ inches in
223 diameter as measured three feet above soil level.

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

227 t. Inclusion of compatibility mitigative measures identified in the development
228 agreement

229 u. Design elevations/renderings of structures.

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

231 w. School age population (if applicable).

232 x. Requested waivers from the subdivision regulations or other development standards;
233 if any requested written justification in writing detailing the particular provisions of
234 the Code requested to be waived and basis for the request shall be part of the
235 application submittals.

236 (5) Subdivision Plan. If the developer or applicant proposes to create a subdivision, a
237 preliminary subdivision plan shall be processed concurrently with the site plan in
238 accordance with Chapter 126 and shall be subject to approval by the City Council.

239 (6) Letters from utility providers of the availability of facilities and services including
240 Potable Water, Wastewater, Solid Waste Disposal, Fire Protection.

241 (7) An Environmental Study if required by the City's Engineer or Planner analyzing the
242 suitability of the proposed development given the soils, topography, wetlands,
243 floodplains, native vegetation, and other environmentally sensitive areas onsite.

244 (8) The draft Development Agreement. The document shall detail covenants, conditions,
245 restrictions, and agreements that govern the use, maintenance and continued protection of
246 minimum standards established by the rezoning/comprehensive plan policy; the
247 maintenance and protection of the building exterior quality, infrastructure, lighting,
248 recreation areas, and landscaping; and a list of the measures that will be used to mitigate
249 identified compatibility issues. Finalization of the Development Agreement shall occur at
250 least two weeks prior to the Planning and Zoning Board's public hearing.

251 (9) Statement from a certified appraiser relative to the effect on adjacent property values.

252 (10) Any supporting data the applicant deems necessary to support the request.

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

- 256 c. Staff/Applicant Meeting/Initial Review Comments. The City Clerk will coordinate with the
257 applicant and staff to schedule a meeting to discuss staff’s review comments, as well as guide
258 further refinement of the application if necessary.
- 259 d. Community Meeting. Prior to the final staff report preparation, the applicant shall schedule
260 and attend a community meeting to provide an informal setting for the applicant to present
261 the project and gain input from area residents/businesses. City staff’s attendance will be in
262 the form of monitoring rather than facilitation. The same public notice for the Planning and
263 Zoning Board hearing shall be used for public notice for the Community Meeting. A report
264 prepared by the applicant summarizing the community meeting proceedings and any
265 modifications to the proposal based on the input shall be submitted to the City Clerk for staff
266 distribution.
- 267 e. Staff Report. Following the applicant’s report on the community meeting, City staff shall
268 prepare a report addressing the comprehensive plan amendments and site development plan
269 with a recommendation for approval, approval with conditions, or denial, which will be sent
270 to the applicant. Upon receipt of the staff report, the applicant shall either request an
271 additional staff/applicant meeting to discuss the report or request the City Clerk to schedule a
272 public hearing before the Planning and Zoning Board.
- 273 f. Planning and Zoning Board Hearing.
- 274 (1) The Planning and Zoning Board hearing shall hold public hearings to consider the request
275 for comprehensive plan and rezoning. Such hearings shall not be scheduled within 21
276 days of the City Clerk receiving the request from the applicant to proceed to public
277 hearing unless the minimum time is waived by the City Clerk.
- 278 (2) In addition to the public notice specified in the State law and City Code, written public
279 notice of time and place of such the hearing shall be mailed to all property owners of
280 record within 2,640 feet of the subject property’s boundaries at least 15 days prior to the
281 hearing.
- 282 (3) The Planning and Zoning Board shall recommend either approval with conditions that
283 ensure land use compatibility, such as but not limited to, limitations on building size and
284 height, minimum setbacks, building design or use features, landscaping, vehicle access
285 configuration, and/or hours of operation; denial; or submit such request with no
286 recommendation to the City Council in the case of a tie vote.
- 287 g. City Council Hearings.
- 288 (1) First Public Hearing for Comprehensive Plan Amendments. At least ten days after the
289 Planning and Zoning Board hearing, unless the time is waived by the City Clerk and
290 advertising requirements have been met, the City Council shall hold the first of two
291 public hearings, in accordance with Florida law and City Code, to consider approval of
292 the proposed comprehensive plan amendments. Unless the future land use amendment
293 qualifies for a small scale amendment, Council shall either vote to transmit the
294 comprehensive plan amendments to the State land planning agency in accordance with

295 State law or deny the request. If the amendment qualifies as a small-scale amendment,
296 Council shall vote to either deny or approve a second reading of the ordinance. An
297 affirmative vote for a second reading shall include conditions that ensure adjacent land
298 use compatibility.

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

307 (3) Second Public Hearings for Comprehensive Plan Amendments and Rezoning The second
308 public hearings for the proposed comprehensive plan amendments and rezoning will
309 occur based on the timeline in Florida law and City Code. At the second public hearings,
310 City Council shall either approve; approve with additional conditions, or deny the
311 requests. If the comprehensive plan amendments are denied by Council, Council shall the
312 deny the proposed rezoning.

313 (4) Rezoning Effective Date. Approval of the rezoning shall not become effective until after
314 the effective date of the comprehensive plan amendments.

315 (5) Advertising Requirements. In addition to the public notice specified in the State law and
316 City Code, written public notice of both Council hearings' time and place shall be mailed
317 to all property owners of record within 2,640 feet of the subject property's boundaries at
318 least 15 days prior to the hearings.

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

320 a) Maximum Height shall be determined during CP PD DP review.

321 b) Parking quantity shall be consistent with code standards unless competent and substantial
322 evidence demonstrates a reduced quantity is appropriate.

323 c) Landscaping shall exceed the minimum code standards of Chapter 114 and shall be provided
324 to mitigate compatibility issues as well as for aesthetics.

325 d) Where other site standards have not been specifically delineated, the Code requirements shall
326 apply; however, consideration of waivers to these code requirements can be considered
327 during the CP PD DP process.

328 a) Off-site improvements may be required in conjunction with the CP PD DP approval in order
329 to offset the impacts on public facilities and services created by the proposed development.

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

332 **Sec. 134-480. Amendments to the CP PD DP.**

- 333 a) Amendments to the approved CP PD DP shall be classified as either substantial or
334 nonsubstantial amendments.
- 335 b) A substantial amendment is an amendment that would result in any of the following:
336 (1) A change that would include a land use not previously permitted under the approved CP
337 PD zoning.
338 (2) A change that would alter the location of a building within 300 feet of a property
339 boundary, except when it is a reduction in the mass or height
340 (3) A change that would require an amendment to the city's conditions of approval.
341 (4) A change that would increase the land use intensity.
342 (5) An amendment to the phasing that would propose a land use in advance of the
343 development it was designed to support.
- 344 c) The determination of a substantial or nonsubstantial amendment shall be made jointly by the
345 city engineer and city planner. If an agreement is not reached, the determination shall be
346 made by the City Council.
- 347 d) Where the developer proposes to reduce the number of units or floor area in one phase of the
348 project, a corresponding increase in the number of units or floor area in another phase may be
349 administratively approved, if all other conditions of approval are not adversely affected, and
350 no other change is proposed that would be considered a substantial amendment.
- 351 e) Substantial amendments must be approved at applicable public hearings, which could include
352 amendment to the comprehensive plan.
- 353 f) A proposed amendment deemed nonsubstantial may be processed without public hearing.

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

- 355 a) Construction of uses and infrastructure shall not commence until the City receives proof that
356 the Development Agreement has been recorded in Orange County official records.
- 357 b) The approved CP PD DP and Development Agreement shall take precedent over other
358 provisions of this chapter. Where the CP PD DP or Development Agreement is silent, city
359 codes, ordinances, policies and resolutions in force at the time of CP PD DP approval shall
360 apply to the project.
- 361 c) The city engineer and city planner shall be responsible for certifying that all aspects of the
362 development, including conditions of approval have been satisfactorily completed prior to the
363 issuance of a certificate of completion.
- 364 d) After certification, no changes may be made to the approved development plan except that:
365 (1) Any structural extension, alteration or modification of existing building structures that are
366 consistent with the approved site plan may be authorized by the city engineer or other
367 city designee.

368 (2) A building or structure that is destroyed may be reconstructed only in compliance with
369 the correlated Comprehensive Plan policy, the CP PD DP, and Development Agreement
370 unless an amendment to these documents is approved under the provisions of this
371 division.

372 e) Projects that have not been developed and which the City Council considers to be
373 inconsistent with the provisions of this division may be subject to administrative rezoning if
374 the project is not vested under the applicable law.

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

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

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

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

389 **SECTION FIVE.** All ordinances that are in conflict with this Ordinance are hereby
390 repealed.

391 **SECTION SIX.** This Ordinance shall become effective immediately upon its passage
392 and adoption.

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

396
397 PASSED ON FIRST READING: _____

398
399 PASSED ON SECOND READING: _____

400
401 _____
402 Richard A. Horn, Council President

403 *ATTEST:*
404 _____
405 _____

406 Sandy Riffle
407 Interim City Clerk
408

Draft