

EDGEWOOD ANNEXATIONS

April 19, 2022

*History and
Recommended
Rezoning*

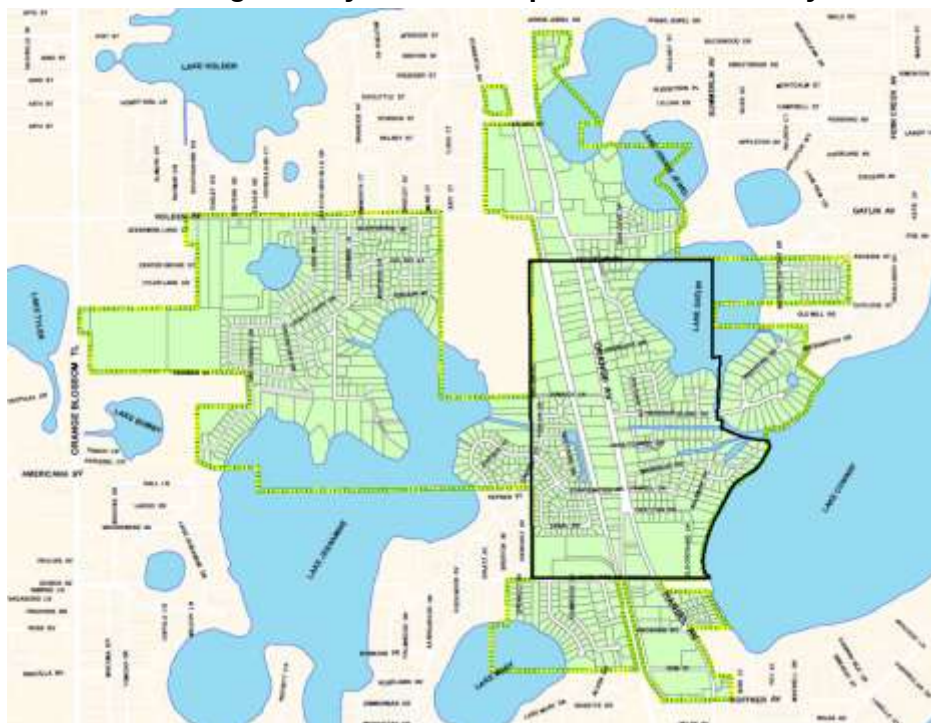
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City Boundary History

The city was officially incorporated November 5, 1965. The original city limits (in black) compared to the current limits are shown in Exhibit 1. As can be seen, the city has grown significantly since 1965.

Exhibit 1 – Original City Limits Compared to Current City Limits



Need for Rezoning

With the exception of establishing ECD along the Orange Avenue corridor, city zoning was not established for the annexed land. Per Code Section 134-172, all territory which is annexed to the city is considered to be zoned in the same manner as existed when under the county zoning classification unless such classification is affirmatively changed by the city. The lack of establishing a City zoning district has created confusion of development standard application.

Staff recommends rezoning most of the annexed land to newly created zoning districts with the intent of using these new districts to provide the property owner use of the same development standards as allowed in the County, while providing the City the control of the permitted uses. Generally, the new districts would apply to land that was zoned R1AA, R1A, R3, and Ind-3 at the time of annexation. The proposed new districts are R1AA-CA, R1A-CA, R3-CA and Ind-CA; the CA signifies to “County Annexed.” The new districts are detailed in the proposed ordinance included in the appendix of this report.

Nearly all property that was zoned PO, C1 and C3 at the time of annexation is recommended to be rezoned to the same City district as the County and City site standards for these districts are the same.

In one instance, staff is recommending the annexed land retain the County zoning. The County zoning conflicts with the City's comprehensive plan and the property is undeveloped. Prior to any development on the property either a rezoning must occur that is consistent with the future land use designation, or a future land use map amendment must be proposed and approved. If the latter is chosen, the appropriate type of land use can be debated during the future land use amendment process.

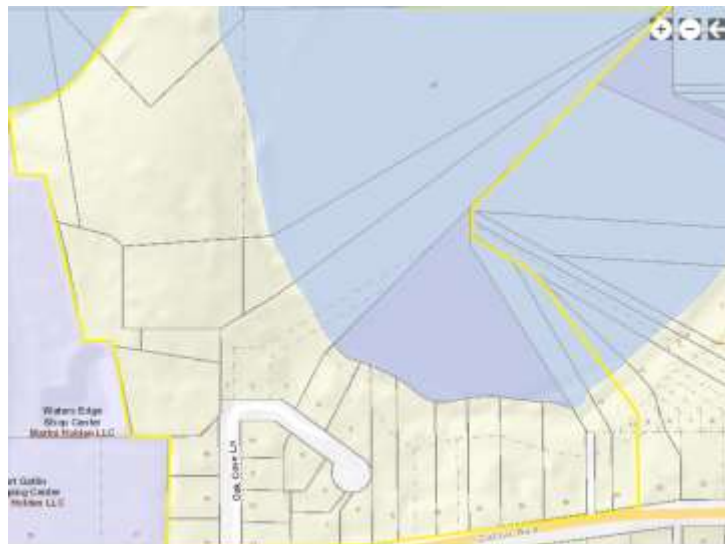
The following report sections summarize the annexed land and the recommended zoning.

Rezoning to New Districts

R1AA-CA and R1A-CA

The areas where the R1AA-CA district would be established are identified in Exhibit 2.

Exhibit 2 – Proposed R1AA-CA Areas



Annexed by Ordinance 8-7-70; 86-321; 86-322; and 91-377



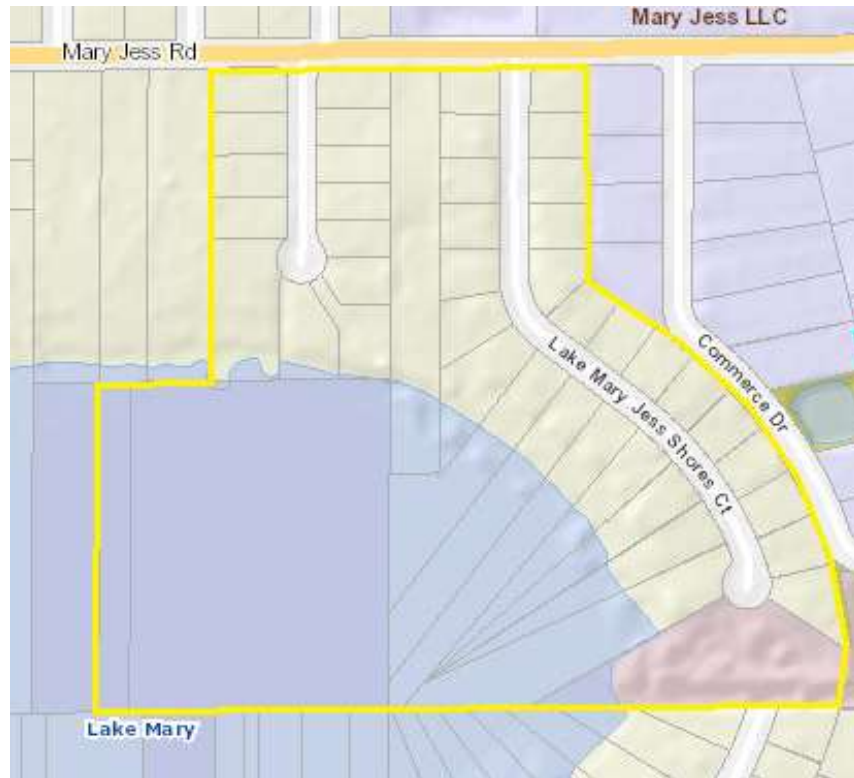
Annexed by Ordinances 8-1-69 and 8-12-71



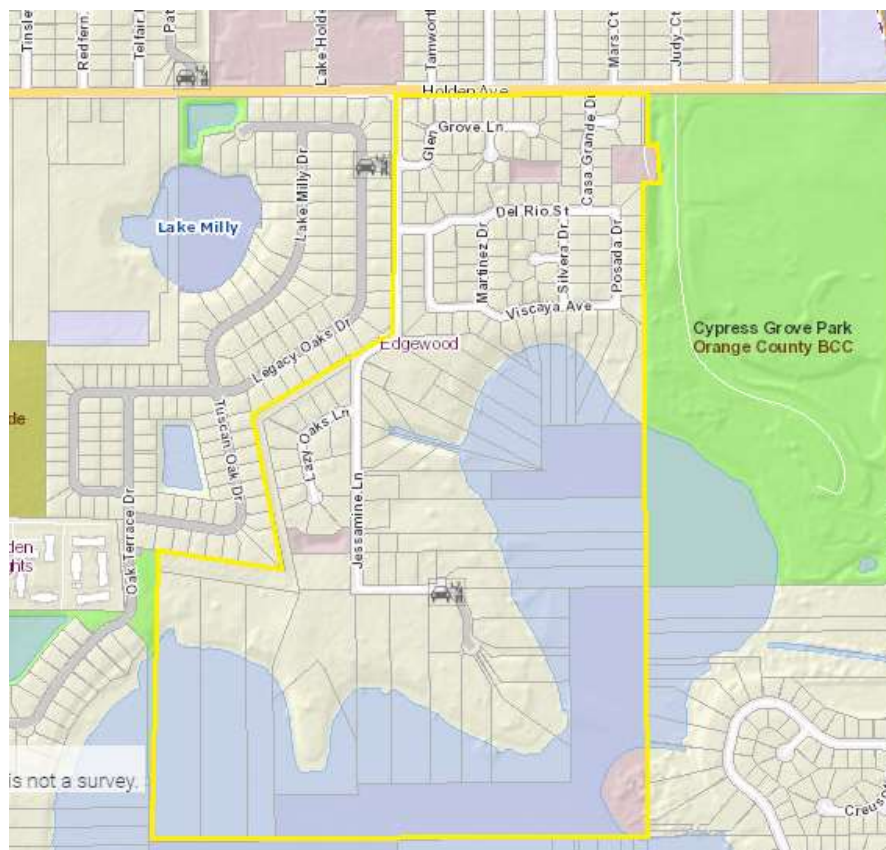
Annexed by Ordinance 93-388



Annexed by Ordinances 2-12-76 and 95-408



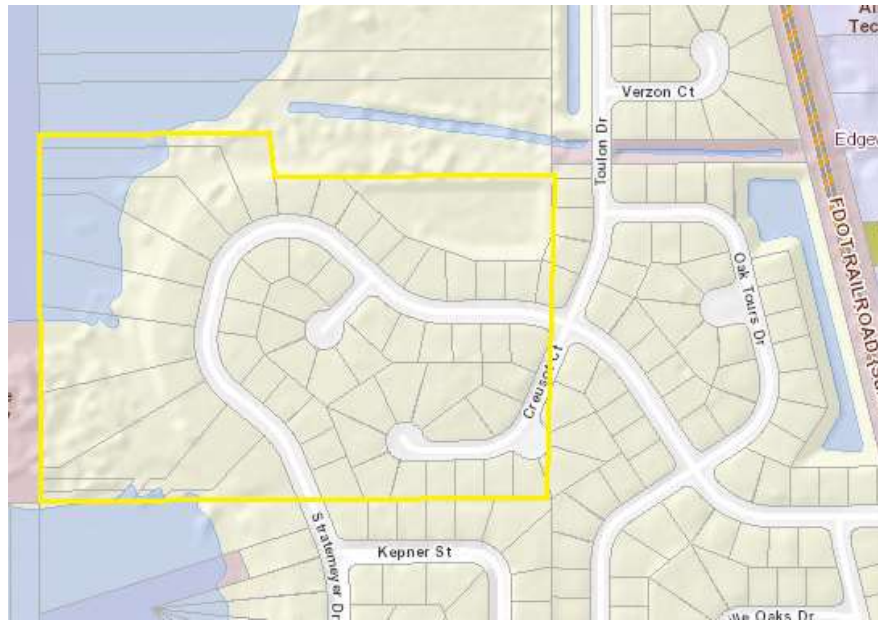
Annexed by Ordinances 1990-355 and 91-373



Annexed with Ordinance 95-415 and 2010-03

The areas where R1A-CA district would be established are identified in the Exhibit 3.

Exhibit 3 – Proposed R1A-CA Areas



Annexed with Ordinance 85-264

As can be seen in the proposed ordinance, the R1AA-CA and R1A-CA uses mirror the City's R1AA and R1A districts, respectively, while retaining the County's site standards. Exhibits 4 and 5 provide a comparison of the proposed site standards and the City standards.

Exhibit 4 – Site Standards Comparison Proposed R1AA-CA and Existing City R1AA

	R1AA-CA	City R1AA
Minimum Lot Area	10,000 square feet	10,890 square feet
Minimum Living Area	1,200 square feet	2,200 square feet
Minimum Lot Width	85 feet	90 feet
Minimum Building Setback		
Front Yard	30 feet	30 feet
Rear Yard	35 feet	35 feet
Side Yard	7.5 feet	10 feet
Maximum Height	35 feet	35 feet
Maximum Impervious Surface	45%*	45%

*P&Z recommended to use City Standard vs the County standard, which is minimum of 40% private open space required on each lot which includes the required front, rear and side yards (excluding paved driveways) and recreational structures such as, but not limited to, pools, tennis courts and porches.

Exhibit 5 – Site Standards Comparison Proposed R1A-CA and Existing City R1A

		R1A-CA	City R1A
Minimum Lot Area		7,500 square feet	9,000 square feet
Minimum Living Area		1,200 square feet	1,800 square feet
Minimum Lot Width		75 feet	85 feet
Minimum Building Setback			
	Front Yard	25 feet	30 feet
	Rear Yard	30 feet	35 feet
	Side Yard	7.5 feet	10 feet
Maximum Height		35 feet	35 feet
Maximum Impervious Surface		45%*	45%

*P&Z recommended to use City Standard vs the County standard, which is minimum of 40% private open space required on each lot vs which includes the required front, rear and side yards (excluding paved driveways) and recreational structures such as, but not limited to, pools, tennis courts and porches.

R3-CA

There are two areas of the City zoned County R3 as shown in Exhibit 6; one east of Hansel Avenue the other on the west side of the city. Development under this district would be significantly restricted due to the properties' future land use designations, which by state statute takes precedent over zoning.

The area east of Hansel Avenue has a future land use designation of Low Density Residential, where, by policy, density cannot exceed four (4) dwelling units per acre. The area on the west side of the city has a future land use designation of Medium Density Residential, where, by policy, density is to be greater than 4 dwellings units per acre and not exceed 7 dwelling units per acre. The proposed R3-CA district stipulates that the permitted use must be consistent with the property's city future land use designation.

Exhibit 6 – County Zoned R3 Areas



Annexed by Ordinances 87-330 and 91-374 (lakefront lot)

Exhibit 6 – County Zoned R3 Areas Continued



Annexed by Ordinance 95-415

The area east of Hansel includes the Edgewood Village on Lake Conway subdivision plus two parcels on the north side of the subdivision. Both the subdivision and the two parcels are developed consistent with the Low Density Future Land Use designation.

The subdivision was platted after annexation with the lot sizes and widths consistent with the County's R-3 zoning district for single family detached homes, which are generally identical to the City's R3 district. The City approved a variance for building setbacks allowing zero on one side, 15 feet on the other and 15 feet front and rear. The only site standard difference between the County and City R3 districts for this subdivision would be maximum impervious surface. Whereas the City restricts impervious surface to a maximum of 45%, the County does not have this restriction. The County, however, requires a minimum of 40% private open space on each single family lot. Residential private open space is defined as the usable open space on individual lots maintained by the required front, rear and side yards of the residential zoning district and excluding paved driveways, principal and accessory structures; but recreational structures such as, but not limited to, pools, tennis courts and porches can be included in calculating residential open space. The Planning and Zoning Board discussed this difference at their March board hearing and recommends requiring the City impervious standard and excluding the County open space requirement. This should not result in negative impacts to the lots of Edgewood Village as all the lots are developed.

The second area with County R3 zoning is owned by Randallmade Corp and is undeveloped. The City future land use designation with the new R3-CA district would result in a subdivision of 5,000 square foot single family lots or multifamily buildings at a density not to exceed 7 dwelling units per acre.

Ind-3-CA

The City's Industrial district is basic compared to the County Ind-3 district; the City's Industrial district is essentially the City's C3 district, requiring the same site standards and allowing the same uses as the City C3 district. Only one area of the City is zoned County Ind-3; i.e., the Force Four Subdivision, which is shown in Exhibit 7.

Exhibit 7 – Existing County Ind-3 within City Limits



Annexed by Ordinance 87-331

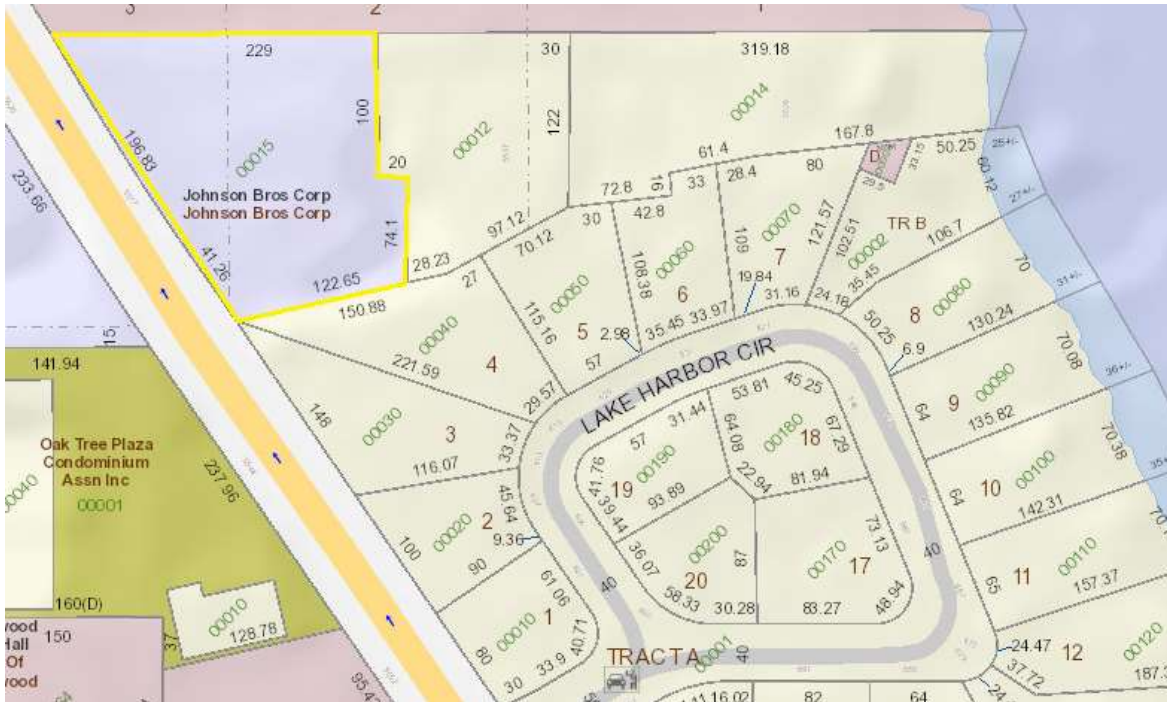
The Force Four subdivision was developed prior to annexation with the exception of the mini-warehouses on Lots 9 and 10, which were developed in the City in 1988. The proposed district requirements are in the proposed ordinance. The district resembles the City's Ind district with the exception of retaining the County's Ind-3 performance standards.

Rezoning to Existing City Districts

County PO to City PO

There is only one parcel with County PO in the city, which is shown in Exhibit 8. The County and the City PO districts are identical with the exception of the city's increased side setback for buildings that are more than two stories (two feet for each additional story). Since the development on the PO zoned property meets the City's standards, staff recommends a new district not be created and to formerly rezone the subject property to City PO.

Exhibit 8 County PO to City PO



Annexed by Ordinance 87-330

County C1 to City C1

Similarly, rezoning from County C1 to City C1 is appropriate since the City's and County's C1 site standards are nearly identical. This would apply to the Oakwater Professional Center as shown in Exhibit 9.

Exhibit 9 County C1 to City C1



Annexed 2020

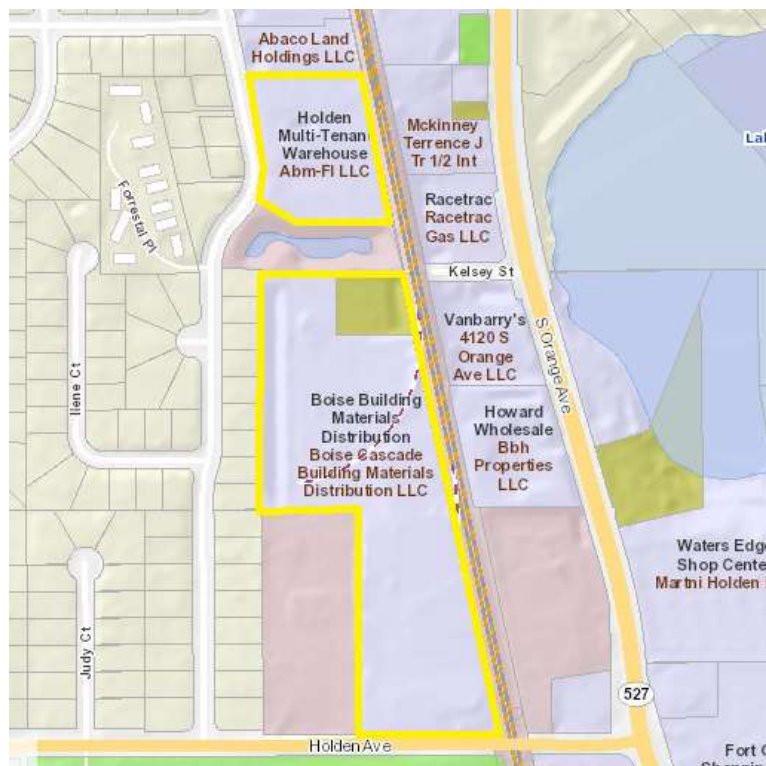
County C3 to City C3

Likewise, rezoning from County C3 to City C3 for the land in Exhibit 10 is appropriate since the City's and County's C-3 site standards are nearly identical. The minor differences include location of outdoor storage and maximum impervious surface. Related to outdoor storage, the County's C3 district prohibits open storage in the required front yard (25 feet). The City's allows outdoor storage within the back 10 feet of the front 25 feet setback.

Exhibit 10 County C3 Zoning within City Limits



Annexed by Ordinance 97-85



Boise area annexed 8-6-1973, and by Ordinances 1980-219 (strip), 82-234 and 94-403.
Forrestal Warehouse was annexed by Ordinance 85-299.

County R1AA to City R1AA

There are two areas, as shown on Exhibit 11, where a rezoning from County R1AA to the new R1AA-CA district is not recommended. Instead a rezoning to the City R1AA is recommended. The land use on these relatively large parcels is either undeveloped or contains development that is consistent with the City R1AA site standards, thus, a rezoning to the City R1AA district causes no disadvantage to the property owner.

Exhibit 11 County R1AA to City R1AA



Annexed with Ordinance 95-415



Annexed by Ordinance 95-415

County R1A to City R1A

Similarly, a rezoning from County R1A to City R1A is recommended for the parcels of Exhibit 12.

Exhibit 12 County R1A to City R1A



Annexed with Ordinance 95-415



Annexed with Ordinance 2002-15

Recommendation for No Change

There is one area where zoning to a City district is not recommended, which is shown in Exhibit 13. The property, owned by Randallmade Corp, is undeveloped and currently zoned County C-1 – Retail Commercial. This district is inconsistent with the City's Future Land Use Map, which shows the majority of the property designated for Medium Density Residential. Prior to any development on the property either a rezoning must occur that is consistent with the future land use designation, or a future land use map amendment must be proposed and approved. If the latter is chosen, the appropriate type of land use can be debated during the future land use amendment process.

Exhibit 13



Annexed by Ordinance 2002-03

Appendix

Proposed Ordinance for Chapter 134 – Zoning Amendment

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES TO CREATE NEW ZONING DISTRICTS; PROVIDING FOR PERMITTED, AND PROHIBITED USES WITHIN THE NEW ZONING DISTRICTS; PROVIDING FOR DEVELOPMENT STANDARDS AND REGULATIONS WITHIN THE NEW ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City has annexed land into the jurisdictional boundaries of the City; and

WHEREAS, some of the lands annexed have not been assigned City zoning districts and have retained their Orange County zoning designations; and

WHEREAS, properties that retain Orange County zoning designations create multiple inefficiencies for the property owners and the City; and

WHEREAS, the City Council is also mindful of not creating nonconformities upon developed properties as a result of changing from Orange County to City zoning designations; and

WHEREAS, creation of new zoning districts are needed to allow property owners of developed land to continue to use site standards of the County zoning that existed prior to annexation while allowing the City to properly assess and advise as to future use and development activities; and

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

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

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

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

Sec. 134-221. R-1AA-CA and R-1A-CA Intent and purpose.

The R-1-AA-CA and R-1-A-CA single-family dwelling districts are exclusively for land that has been annexed from the County and developed under County site standards.

Sec. 134-222. R-1AA-CA and R-1A-CA Uses permitted.

The permitted uses within the R1AA-CA and R1A-CA districts shall be the same as the permitted uses set forth for R-1-AA and R-1-A zoning districts in Section 134-219.

Sec. 134-223. R-1AA-CA and R-1A-CA Special exceptions.

The special exception uses within the R1AA-CA and R1A-CA districts shall be the same as the special exception uses set forth for R-1-AA and R-1-A zoning districts in Section 134-220.

Sec. 134-224 – R-1AA-CA and R-1A-CA Site Standards.

	<u>R-1AA-CA</u>	<u>R-1A-CA</u>
<u>Minimum Lot Area</u>	<u>10,000 square feet</u>	<u>7,500 square feet</u>
<u>Minimum Living Area</u>	<u>1,200 square feet</u>	<u>1,200 square feet</u>
<u>Minimum Lot Width</u>	<u>85 feet</u>	<u>75 feet</u>
<u>Minimum Building Setback</u>		
<u>Front Yard</u>	<u>25 feet</u>	<u>25 feet</u>
<u>Rear Yard</u>	<u>30 feet</u>	<u>30 feet</u>
<u>Side Yard</u>	<u>7.5 feet</u>	<u>7.5 feet</u>
<u>Maximum Height</u>	<u>35 feet</u>	<u>35 feet</u>
<u>Maximum Impervious Surface</u>	<u>45%</u>	<u>45%</u>

* * *

Sec. 134-284. –R-3-CA Intent and purpose.

The R-3-CA district is exclusively for land zoned R-3 at the time of annexation into the City.

Sec. 134-285. R-3-CA Uses permitted.

Only the following uses shall be permitted within any R-3-CA district:

- (1) Any use permitted in the R-2 district, pursuant to Section 134-255, provided the density does not exceed that allowed by the property's comprehensive plan future land use designation.
- (2) Multiple-family dwellings, provided the density does not exceed that allowed by the property's comprehensive plan future land use designation.
- (3) Kindergarten and day nurseries.

Sec. 134-286. R-3-CA Special exceptions.

The special exception uses within the R-3-CA district shall be the same as the special exception uses set forth for in the R-3 district by Section 134-282.

Sec. 134-287. – R3-CA Site development standards.

Site development standards within the R3-CA district shall be the same as required for the R3 district set forth in Section 134-579 with the exception of impervious surface maximum for lots with a one family building (aka single family dwelling). For a one family building lot, a minimum of 40% private open space shall be provided on each lot. Residential private open space for this section is defined as the usable open space on individual lots maintained by the required front, rear and side yards of the residential zoning district and excluding paved driveways, principal and accessory structures; but recreational structures such as, but not limited to, pools, tennis courts and porches can be included in calculating residential open space.

* * *

Sec. 134-439– IND-CA Intent and purpose.

The IND-CA district is exclusively for land that has been annexed from the County and developed under County Ind-3 site standards.

Sec. 134-440. - Uses permitted.

The following uses shall be permitted with the IND-CA district:

- (1) Any use permitted in the C-3 wholesale commercial district as set forth in Section 134-403.
- (2) Any other use when, after a review of an application, the city council finds as a fact that the proposed use is consistent with the general zoning plan and with the public interest. Determination shall be after public notice and public hearing.

Sec. 134-441. - Uses prohibited.

The following uses are expressly prohibited in the IND-CA district:

- (1) Non-medical marijuana sales.
- (2) Cannabis farm.

Sec 134.442. - Performance standards.

All uses in the IND-CA district shall conform to the standards of performances described below in addition to those standards contained in Article VII of this chapter and shall be so constructed, maintained, and operated as not to be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazard or glare.

- (1) Floor area ratio (FAR) shall not exceed 0.75.
- (2) Front yards: Twenty-five (25) feet.
- (3) Side yards: Fifteen (15) feet.
- (4) Rear yards: Ten (10) feet.
- (5) Rear yards and side yards may be reduced to zero when the rear or side property lines abut the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities; however, no trackage shall be located nearer than three hundred (300) feet from any residential district.
- (6) Setbacks shall be a minimum of fifty (50) feet from the normal high water elevation on every natural surface water body.
- (7) Maximum building height: Fifty (50) feet, except thirty-five (35) feet within one hundred (100) feet of any residential use or district.
- (8) Driveways, streets, and facilities for routing traffic shall be designed in such a manner that entrances and exits to public streets are not hazardous and that traffic congestion is minimized. Furthermore, no entrances or exits shall direct traffic into adjacent residential districts.
- (9) The open storage of equipment, materials or commodities may be permitted, provided such storage shall not be located within any required front or buffer yard; shall be screened from all public streets; and, when located on a lot adjacent to a residential district, shall be screened from such residential district. Such screens may be in the form of walls, fences or landscaping; shall be at least six (6) feet in height; and shall be at least fifty (50) percent opaque as viewed from any point along the public street, right-of-way, or the residential district boundary. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after open storage uses are established.

- (10) The parking of commercial vehicles, such as trucks, cargo trailers and tractors may be permitted on hard surface lots, provided such lots shall not be located in any required landscaped area/buffer yard or within the front fifty (50) percent of any required front yard. Furthermore, such commercial vehicles, when located on a lot abutting a residential district, shall be screened from the residential district. Such screen may be in the form of walls, fences or landscaping; shall be at least six (6) feet in height; and shall be at least fifty (50) percent opaque as viewed from any point along the residential district boundary. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after commercial parking lots are established.
- (11) The parking of passenger vehicles shall be permitted in any required yard except the front fifty (50) percent of required front yards and portions of the landscaped areas/buffer yards as otherwise required by Chapter 114.
- (12) An increased setback not less than sixty (60) feet in width shall be provided along each I-CA industrial district boundary line which abuts any residential zoning district. Specific landscaping within the setback area shall be in accordance with Chapter 114 of this Code. That portion of the setback area that is not required to be landscaped shall not be used for processing activities, buildings or structures other than fences, walls or off-street parking.
- (13) Within 300 feet of a residential district, all processes and storage, except of passenger vehicles, shall be in completely closed buildings. Processes and storage located at a greater distance shall be effectively screened by a solid wall or fence at least eight feet in height, but in no case lower in height than the enclosed process or storage.
- (14) Fire and safety hazard. Each use shall be operated so as to minimize the danger from fire and explosion.
- a. All uses storing, processing or producing free or active burning material shall be located entirely within buildings or structures having exterior incombustible walls, and all such buildings shall be set back at least 250 feet from all lot lines.
 - b. All materials or products which produce flammable or explosive vapors or gases under ordinary weather conditions shall not be permitted within 100 feet of any lot line.
 - c. All buildings and structures containing explosives shall be set back from all property lines at least 100 feet.
- (15) Electrical disturbance and radioactivity. Each use shall be so operated as to prevent the emission of quantities of radioactive materials in excess of limits established as safe by the United States Bureau of Standards.

Sec. 134-443. Other Ind-3-CA requirements.

- (1) Landscaping/buffer yards/open space. As set forth in the City Code, Chapter 114 (Landscape and Buffer Regulations).
- (2) Parking. As set forth in the City Code, Chapter 134, article V (Parking Standards).
- (3) Signage. As set forth in the City Code, Chapter 122 (Sign Regulations).
- (4) Development permits. As set forth in the City Code, Chapter 134, Article II, Division 4 (Site Plan Review).

* * *

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

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

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

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

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

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

Richard A. Horn, Council President

ATTEST:

Sandy Riffle
Interim City Clerk