

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,  
12 AND 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 ~~strikethrough~~ 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  
39 CITY 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 13. - 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  
58 considered a potential use in the SSP district unless such use is specifically enumerated as a  
59 prohibited 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, C-3, I, or Ind-CA district shall be prohibited in the SSP  
66 district.
- 67     b) Car washes

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

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

- 79 4) A statement of need and justification for the change and the benefits the development  
80 will provide to the community
- 81 5) An analysis of how the proposed use is consistent with and/or furthers the goals,  
82 objectives and policies of the city’s comprehensive plan
- 83 6) An analysis of potential land use compatibility issues and the proposed mitigation.  
84 Land use compatibility is of premier importance to this district. Compatible means, a  
85 development, building and/or land use that is designed to be able to exist or occur  
86 without conflict with its surroundings in terms of its uses, scale, height, massing and  
87 location on its site, as well as is without negative impact to public services and  
88 facilities. Land use compatibility analysis shall address visual impact, on-site  
89 operational impact, and impact to public services and facilities, including, but not  
90 limited to the area road network. Examples of mitigation measures include, but are in  
91 no way limited to, the following; often times, more than one mitigation strategy is  
92 necessary for each category.
- 93 a) Visual impact/Building Scale and Site Design Impact; i.e., the three-dimensional  
94 bulk of the structures onsite including height, width, and depth compared to  
95 adjacent uses. This not only includes the appearance of any structures, but  
96 also the effect of outdoor storage, as well as the long term maintenance of  
97 buildings, landscaping, etc. onsite. Mitigation for visual impact include, but are  
98 not limited to the following.
- 99 1) Provide gradual transition between smaller and larger residential lots through  
100 the arrangement and scale of lots and/or by providing appropriately scaled  
101 buffers.
- 102 2) Minimize the mass of buildings that directly face smaller, pre-existing  
103 buildings by: 1) reducing the visual impact with larger setbacks; 2)  
104 incorporating design and elevation features that complement adjacent lower-  
105 density/intensity development; 3) stepping buildings down to a scale  
106 (building bulk, footprint size, and height) complementing adjacent  
107 development; and/or 4) breaking up massing of buildings with architectural  
108 features.
- 109 3) Alternate/undulate facades and roof lines, especially for buildings  
110 significantly longer than buildings on adjacent; i.e., variation in vertical and  
111 horizontal elevation.
- 112 4) 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 5) Use of low-maintenance exterior building materials and colors to aid in  
117 maintaining the appearance of the structure.
- 118 6) Increase the use of landscaping.

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

- 154                   3) Increase the connectivity of the street network to reduce reliance on single  
155                   routes for access.
- 156                   4) Use latest technology for energy use, stormwater management, potable water  
157                   supply.
- 158                   7) An analysis of the availability of facilities and services including Potable Water,  
159                   Wastewater, Stormwater Management, Solid Waste Disposal, Police and Fire  
160                   Protection, and Transportation.
- 161                   8) An analysis of the suitability of the proposed development given the soils,  
162                   topography, wetlands, floodplains, native vegetation, and environmentally  
163                   sensitive areas on site.
- 164                   9) The proposed Development Agreement per Section 134-483.
- 165                   10) Statement from a certified appraiser relative to the effect on adjacent property  
166                   values.
- 167                   11) 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 staff’s review comments, as well as  
173                   guide 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  
178                   input 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  
180                   report addressing the comprehensive plan amendment and site specific plan will be  
181                   prepared for the Planning and Zoning Board by staff, which will be sent to the applicant.  
182                   The applicant shall either request an additional staff/applicant meeting to discuss the report  
183                   or request the City Clerk to schedule a public hearing before the Planning and Zoning  
184                   Board.
- 185                   f) Planning and Zoning Board Hearing. The Planning and Zoning Board hearing date shall  
186                   not be scheduled within 21 days of the City Clerk receiving the request from the applicant  
187                   to proceed to public hearing unless the minimum time is waived by the City Clerk.
- 188                   g) City Council Hearings. The public hearing before the City Council shall be held at least ten  
189                   days after the Planning and Zoning Board hearing, unless the time is waived by the City  
190                   Clerk. The city shall process the comprehensive plan amendment in accordance with

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

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

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

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

201 a. The need and justification for the change;

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

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

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

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

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

221 (4) Following the recommendations report of the Planning and Zoning Board, the City  
222 Council shall hold the first of two public hearings to consider approval of the request in  
223 a timely fashion in accordance with Florida law. The second public hearing on the  
224 ordinance to consider approval will occur based on the timeline in Florida law, and with  
225 notice and hearings conducted in the manner prescribed by law and that required per  
226 Section 134-479(f). If the amendment qualifies as a small-scale amendment,  
227 review/recommendation by the Planning and Zoning Board and two public hearings by  
228 City Council shall occur after giving at least 15 days' notice of time and place of such  
229 hearings consistent with State law as well as posted upon the property by the applicant

230 in full view of the general public on each street side of said land, and mailed to all  
231 owners of record of property within 2640 feet of the property.

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

237

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

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

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

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

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

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

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

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

255 a. Proposed Residential. Maximum gross density, total number of units, type of  
256 unit(s), minimum lot size, minimum air conditioned living floor area per unit,  
257 building height (in stories and feet), impervious surface maximum per lot, minimum  
258 building and accessory use setbacks, open space acreage delineated in tracts, and  
259 recreation area delineated in tracts.

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

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

- 267 (7) Identification of adjacent streets, and street intersections or rights-of-way within 500  
268 feet of proposed access points, any major street setbacks, and planned right-of-way  
269 lines.
- 270 (8) Proposed method of providing the following services:
- 271 a. Water service (including fire flows), plus gallons-per-day requirement.
- 272 b. Sewage disposal, plus gallons per day generated.
- 273 (9) Stormwater management system, including direction of surface drainage flow.
- 274 (10) Refuse storage areas locations.
- 275 (11) Proposed easements.
- 276 (12) 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 (13) 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 (14) Vehicular and bicycle parking spaces detailing location and size.
- 282 (15) Exterior lighting.
- 283 (16) At least 25% of the gross land area shall consist of open space as defined in Code  
284 Section 114-31 and shall be designed consistent with Code Section 114-35. Of the  
285 open space provided, a minimum of 25% shall be within a delineated recreation  
286 tract that shall include at least two different active recreation activities appropriate  
287 for the projected users of the site.
- 288 (17) Existing tree protection/preservation plan with an effort toward site layout that  
289 conserves and protects onsite mature trees to enhance community appearance,  
290 assist in the natural control of solar heat, soil conservation and erosion, oxygen  
291 production, pollution, noise, and to provide a haven for community wildlife. At a  
292 minimum, the plan shall be consistent with Chapter 130. Removal of Historic  
293 and/or Specimen Trees shall be replaced with trees sold in 15-gallon containers of  
294 at least 1½ inches in diameter as measured three feet above soil level.
- 295 (18) Landscape plan, to include species, quantity, and sizes, not only for land use  
296 compatibility mitigation, but also for the enjoyment of site users (employees and/or  
297 residents). The plan shall exceed the standards of Chapter 114.
- 298 (19) A list of measures that will be used to mitigate identified compatibility issues as  
299 well as those that will benefit the community.
- 300 (20) Design elevations or renderings of structures.
- 301 (21) Sign plan, including scaled plans of proposed signs.
- 302 (22) School age population (if applicable).



303 (23) Requested waivers from the subdivision regulations or other development standards  
304 shall be indicated on the site plan or submitted in writing detailing the particular  
305 provisions of the Code requested to be waived and basis for the request.

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

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

309 a) Maximum Height shall be determined during SSP review.

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

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

314 d) Where other site standards have not been specifically delineated in the Site Specific Plan,  
315 the Code requirements shall apply.

316

317 **Sec. 134-483 Development Agreement:** The draft Development Agreement is required to be  
318 submitted at the time of application. The document shall detail covenants, conditions,  
319 restrictions, and agreements that govern the use, maintenance and continued protection of  
320 minimum standards established by the rezoning/comprehensive plan policy; the maintenance and  
321 protection of the building structures, infrastructure, recreation areas, and landscaping; and a list  
322 of the measures that will be used to mitigate identified compatibility issues. Finalization of the  
323 Development Agreement shall occur at least two weeks prior to the Planning and Zoning Board's  
324 public hearing.

325

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

327 a) Amendments to the approved Site Specific Plan shall be classified as either substantial or  
328 nonsubstantial amendments.

329 b) A substantial amendment is an amendment that would result in any of the following:

330 (1) A change that would include a land use not previously permitted under the approved  
331 Site Specific Plan zoning.

332 (2) A change that would alter the location of a building within 300 feet of a property  
333 boundary, except when it is a reduction in the mass or height

334 (3) A change that would require an amendment to the city's conditions of approval.

335 (4) A change that would increase the land use intensity.

336 (5) An amendment to the phasing that would propose a land use in advance of the  
337 development it was designed to support.

- 338 c) The determination of a substantial or nonsubstantial amendment shall be made jointly by  
339 the city engineer and city planner. If an agreement is not reached, the determination shall  
340 be made by the City Council.
- 341 d) Where the developer proposes to reduce the number of units or floor area in one phase of  
342 the project, a corresponding increase in the number of units or floor area in another phase  
343 may be administratively approved, if all other conditions of approval are not adversely  
344 affected, and no other change is proposed that would be considered a substantial  
345 amendment.
- 346 e) Substantial amendments must be approved at applicable public hearings, which could  
347 include amendment to the comprehensive plan.
- 348 f) A proposed amendment deemed nonsubstantial may be processed without public hearing.

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

- 350 a) Upon the approval of the Site Specific Plan, the use of land and the construction or  
351 modification of any buildings or structures on the property shall be in accordance with the  
352 approved Site Specific Plan, rather than with the other provisions of this chapter. However,  
353 all other city codes, ordinances, policies and resolutions shall apply to the project.
- 354 b) The city engineer and city planner shall be responsible for certifying that all aspects of the  
355 development, including conditions of approval have been satisfactorily completed prior to  
356 the issuance of a certificate of completion.
- 357 c) After certification, no changes may be made to the approved development plan except that:
- 358 (1) Any structural extension, alteration or modification of existing building structures that  
359 are consistent with the approved site plan may be authorized by the city engineer or  
360 other city designee.
- 361 (2) A building or structure that is destroyed may be reconstructed only in compliance with  
362 the SSP unless an amendment to the SSP is approved under the provisions of this  
363 division.

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

- 365 a) Off-site improvements may be required in conjunction with the Site Specific Plan approval  
366 in order to offset the impacts on public facilities and services created by the proposed  
367 development.
- 368 b) All projects shall provide an adequate level of public facilities and services to  
369 accommodate the project as proposed in the development plan.
- 370 c) At the time of development, the development shall comply with all regulations and  
371 ordinances in force at the time of engineering plan approval, unless specifically addressed  
372 by the Development Agreement.

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

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

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

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

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

392  
393 **SECTION FIVE.** All ordinances that are in conflict with this Ordinance are hereby  
394 repealed.

395  
396 **SECTION SIX.** This Ordinance shall become effective immediately upon its passage  
397 and adoption.

398  
399 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the City  
400 Council of the City of Edgewood, Florida.

401 PASSED ON FIRST READING: \_\_\_\_\_

402 PASSED ON SECOND READING: \_\_\_\_\_

403  
404  
405  
406 \_\_\_\_\_  
407 Richard A. Horn, Council President

408 *ATTEST:*  
409  
410 \_\_\_\_\_  
411 Sandy Riffle  
412 Interim City Clerk

