**ORDINANCE NO. 2025-09**

**AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO PLATTING; AMENDING CHAPTERS 101, 106, 110, 126, AND 134 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES RELATING TO PLATING; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.**

**WHEREAS**, Section 163.3202, Florida Statutes, empowers and requires local governments to adopt and enforce land development regulations consistent with their adopted comprehensive plans; and

**WHEREAS**, Chapter 177, Florida Statutes, establishes minimum requirements for the platting of lands and grants local governments additional powers to regulate and control subdivisions; and

**WHEREAS**, Governor DeSantis signed Senate Bill 784 – Platting Reform in Florida, effective July 1, 2025, which amends provisions within Chapter 177, Florida Statutes, concerning platting procedures and requirements; and

**WHEREAS**, it is necessary for the City of Edgewood to amend its Code of Ordinances to ensure consistency and full compliance with the updated provisions of Chapter 177, Florida Statutes, thereby providing clarity and efficiency in the subdivision review process; and

**WHEREAS**, these amendments are intended to facilitate the timely development of residential and other projects while maintaining the public health, safety, and welfare of the community; and

**WHEREAS**, the City Planning and Zoning Board, after due public notice, conducted a public hearing on August 11, 2025 and recommended approval of the proposed amendments to the Land Development Code; and

**WHEREAS**, the City Council, after due public notice and a public hearing on August 19, 2025, has reviewed the proposed amendments and finds them to be consistent with the City's Comprehensive Plan and necessary to implement state law.

 **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. The City of Edgewood Code of Ordinances is hereby amended as set forth as follows (note: additions are indicated by underline, deletions are indicated by strikethrough, and portions of the Code that remain unchanged and which are not reprinted here are indicated by ellipses (\*\*\*):

Sec. 101-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* shall mean and refer to an owner or an owner's authorized agent who submits an application, proposal, petition or project to the city.

*Application* shall mean and refer to an application, petition or proposal, including amendments to previously approved applications, submitted to the city pertaining to development for which city approval is required, and shall be limited to the following:

(1) Comprehensive plan amendment;

(2) Concurrency determination;

(3) Development agreement, formulation and review;

(4) Development of regional impact;

(5) Subdivision f~~F~~inal ~~subdivision~~ plans and plats, including any revisions to a previously approved or existing subdivision or plat;

(6) Planned unit development;

(7) Preliminary subdivision plat;

(8) Rezoning (with or without a comprehensive plan amendment);

(9) Variance application;

(10) Site plan review;

(11) Special exception application;

(12) Boat dock application;

(13) Sign permit applications;

(14) Applications for waivers from the Edgewood Central District standards;

(15) Application for pool installation permits;

(16) Application for commercial driveway installation permits.

*City* shall mean and refer to the City of Edgewood, Florida.

*City consultant* shall mean and refer to those companies, private consultants, governments, individuals or other entities under contract with the city to provide services to or for the city or who provide technical or legal expertise to or for the city, including but not limited to, attorneys, engineers, planners and surveyors.

*City staff* shall mean and refer to city employees.

*Owner* shall mean and refer to an owner or group of owners of fee simple title to a particular lot, tract, or parcel of real property.

*Owner's authorized agent* shall mean and refer to an agent of the owner duly authorized to submit and process an application. If the applicant is not the property owner, a proper authorization must accompany the application. Such authorization shall be evidenced by a power of attorney signed by the owner and notarized specifically authorizing the agent to represent the owner in connection with the application and as to the owner's real property which is the subject of the application. The authorization shall include an agreement of the owner to be bound by the actions of the owner's authorized agent and the provisions of this article and an acknowledgement that a lien may be placed on the property as provided herein.

*Review deposit* shall mean and refer to a deposit of money, as established by this article, to be paid by an applicant at the time of the filing of an application as defined above.

*Total development review estimate* shall mean and refer to the city's estimated fees, expenses and costs to process an application as provided in section 101-7.

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Sec. 106-262. Subdivision plans and plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary and final ~~plats~~ plans and final plats;

(2) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 106-112(1) of this chapter; and

(3) Compliance with the site improvement and utilities requirements of article III, division 3 of this chapter.

\* \* \*

Sec. 110-27. Public streets.

The following are applicable to street lighting installed on public streets:

(1) The developer shall be responsible for the installation, maintenance, repair, replacement, operational and electrical costs of street lighting installed on public streets as required herein until the end of the calendar year in which the city receives written notice from the developer that certificates of occupancy have been issued for buildings constructed on 75 percent of the lots in the subdivision. Beginning with the calendar year following such notice, the city shall be responsible for the maintenance, repair, replacement, operation and electrical costs of standard street lighting on public streets. The city shall not have any responsibility for and the developer shall have continuing responsibility for specialized street lighting, which is subject to a separate agreement and the developer shall have continuing responsibility for specialized street lighting pursuant to agreement entered with the city. Such agreement shall be in a form adopted and approved by the city, which form is on file with the city clerk and may be changed from time to time. The written notice from the developer regarding issuance of certificates of occupancy is subject to verification by the city for accuracy.

(2) At the time of the preconstruction conference, the developer shall advise the city regarding the type of street lighting to be installed and shall, at the time of the final ~~plat~~ subdivision plans, based upon the billing estimate received by the city from the electric utility with respect to the proposed street lighting, prepay to the city the street lighting costs, including charges related to specialized street lighting, if applicable, for the first year (i.e., 12 months) for all such street lighting to be installed on public streets. The city shall use such funds for the payment of street lighting invoices received from the electric utility and any other costs associated with such street lighting. Thereafter, the city shall annually submit an invoice to the developer in advance for such street lighting costs until such time as the city receives written notice from the developer that certificates of occupancy have been issued for 75 percent of the lots in the subdivision as set forth in the article and as verified by the city. If the city has received written notice from the developer that the responsibilities for the payment of invoices, including charges related to specialized street lighting if applicable, have been transferred to a homeowners' association and satisfactory evidence indicating the homeowners' association's agreement and capacity to assume such costs has been recorded in the public records, the city may submit an invoice to the homeowners' association. The developer shall remain liable and shall pay for all such costs if not promptly paid by the homeowners' association. Invoices to the developer or association shall be based on estimated costs of the public street lighting as determined by the city. The developer or association shall not be entitled to a refund for prepaid street lighting costs incurred either before or during the calendar year in which the city receives written notice from the developer that certificates of occupancy have been issued for 75 percent of the lots in the subdivision.

(3) During the time the developer or homeowners' association is responsible for the costs of public street lighting, the city may, at its option, arrange for direct billing by the electric utility to a developer or homeowners' association for the costs of public street lighting. In such event the procedures set forth in this article regarding payments by the developer to the city shall not be applicable.

(4) Any invoices from the city to a developer or homeowners' association for payment of public street lighting shall be due and payable 30 days from the date of such invoice. If payment is not received within such timeframe, the invoices shall bear interest at the rate of 18 percent per annum or the highest rate allowed by law, whichever is less, until paid. If any such invoice remains unpaid for a period of 60 days, the city may take any action deemed necessary in order to collect the unpaid invoice, including but not limited to the retaining of the services of a collection agency or attorney, whether or not a lawsuit is commenced for the collection thereof. In such event, the city shall be entitled to receive its reasonable attorney's fees, paralegal fees and other costs and expenses, whether incurred prior to, during, or subsequent to court proceedings or on appeal.

(5) If a developer proposes to install specialized street lighting on a public street, the developer, the applicable homeowners' association and the city shall, prior to or at the time of approval of the ~~first~~ final ~~subdivision~~ plan ~~plat~~, enter into an agreement acceptable to the city, per subsection (1) of this section, which provides that the electric utility shall directly bill the developer or homeowners' association for all costs associated with public street lighting. At such time as the city becomes responsible for the standard street lighting costs on such public streets, as provided in this article, the city shall reimburse and shall continue to reimburse the developer or homeowners' association for the prevailing rate for standard street lighting costs on public streets thereafter incurred and paid by the developer or homeowners' association. Payments to be made by the city after payment by the developer or homeowners' association shall start in January of the calendar year following the written notice and verification of issuance of 75 percent of the certificates of occupancy and each January thereafter. Nothing contained in this article shall be construed to prevent the homeowners' association from entering into such agreement during the time it is controlled by the developer. The developer and the homeowners' association shall remain liable for all costs for specialized street lighting above costs for standard streetlights.

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#### DIVISION 3. FINAL PLANS AND PLAT

Sec. 126-93. Authority for approval; conformance.

Approval of the preliminary plans shall be construed as authority for submitting ~~a~~ final plans. The final plans shall conform substantially to the preliminary plans as approved, and may constitute only that portion of the approved preliminary plans which the subdivider proposes to record and develop at the time, provided that such portion conforms to all requirements of this chapter.

Sec. 126-94. Submission and review.

The final plans and supporting data required for approval shall be prepared as specified in sections 126-190 through 126-199. ~~The final plat plans and all other materials required by sections 126-190 through 126-199 shall be submitted to the office of the mayor~~. Review procedures shall be the same as for preliminary plans. ~~A public hearing will not be required for final approval by the city council~~. The ~~office of the mayor~~ city shall forward the final ~~engineering~~ plans and cost estimate to the city engineer and any other appropriate staff. ~~and the planning and zoning board for review. The departments~~ Staff shall report within 15 working days on whether the final plans comply with requirements established in this chapter.

Sec. 126-95. Action by the planning and zoning board and council.

The final plans, supporting data, and reports shall be reviewed by ~~from~~ the planning and zoning board, who shall provide a ~~and reviewing agencies may with the~~ recommendation ~~from the planning and zoning board be submitted~~ to the city council at any regular meeting. The council shall approve the final plans ~~and plat~~ if it complies with this chapter and is in substantial conformity with the approved~~al~~ preliminary plan. In disapproving any final plans, the council shall provide reasons for such action making reference to specific sections in this chapter. The city council shall have the final authority to approve, approve subject to conditions or disapprove the final plans~~and plat~~.

Sec. 126-96. Recording of final plat.

Approval of the final plans shall be construed as authority for submitting a final plat. The final plat shall conform to the final plan as approved.

The final plat shall be submitted to the ~~office of the mayor~~ city clerk’s office which ~~who~~ shall forward it to the city engineer. Within 7 calendar days of the city’s receipt of the plat, the city engineer will provide written notice to the applicant acknowledging receipt, identifying any missing documents or information required for compliance with the Final Plan, code sections 126-200 – 201, and all statutory requirements. The notice shall also provide information regarding the approval process including requirements and timeframes. Upon determination of compliance, the city engineer shall approve, approve with conditions, or deny the plat within the timeframe identified in the initial written notice. Denial shall be accompanied by an explanation citing unmet requirements.

The ~~office of the mayor~~ city clerk’s office shall submit the approved final plat to the comptroller of the county for recording ~~Such plats shall comply with section 126-190 and F.S. ch. 177, and be~~ accompanied by two paper prints. ~~No plat of lands in the county subject to this chapter shall be recorded, whether as an independent instrument or by attachment to another instrument entitled to record, unless and until such plat has been approved by the council. (See Appendix 1, on file in the city clerk's office). In addition, all fees incidental to recording will be paid by the subdivider.~~

Secs. 126-97—126-120. Reserved.

Sec. 126-67. Time limit on approval; voiding of plans.

The final subdivision ~~plat~~ plan for all or a portion of the area subject to the preliminary plans shall be submitted within one year of the date of approval of the preliminary plans. The council may void the preliminary plans if substantial work has not been accomplished within one year after approval of such preliminary plans.

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DIVISION 3. FINAL PLANS

Sec. 126-190. Reserved ~~Final plat.~~

~~Final subdivision plans shall include a final plat, which shall be drawn with black drawing ink on linen tracing cloth, or equally durable material, using sheets 24 inches by 30 inches. Each sheet shall have a marginal line completely around the sheet placed to leave a three-inch bind margin on the left and a one-inch margin on the other three sides. Final plats shall meet all the requirements of F.S. ch. 177 and shall be so certified by the land surveyor. (See Appendix 1 and Exhibit 2, on file in the city clerk's office.)~~

Sec. 126-191.  Engineering plans.

(a) Final ~~subdivision~~ plans shall include three copies each of the subdivision engineering plans and specifications for the following utility systems and improvements:

(1) Water (water system plans shall be submitted prior to construction, but may be submitted after the final plat is approved);

(2) Sanitary sewer;

(3) Drainage facilities;

(4) Bulkheads;

(5) Excavation and fill;

(6) Sidewalks, bicycle paths and bridle paths;

(7) Streets;

(8) Grading plan showing original and final contours at one-foot intervals based on United States Coast and Geodetic Survey Datum. Final contours may be omitted; however, sufficient information, such as pad elevations and lot cross sections shall be provided to show final grading in all areas, with particular emphasis on the periphery of the property and areas around lakes and along watercourses. Grading of lots need not be accomplished prior to issuance of a final letter of acceptance by the city;

(9) Street lighting.

(b) The office of the ~~mayor~~ city clerk or the city engineer may also require submission of engineering calculations in support of proposed plans and specifications. When construction of improvements required by this chapter is complete, a set of as-built plans shall be submitted by the developer's engineers to the city clerk.

Sec. 126-192. Estimated costs.

Final ~~subdivision~~ plans shall include the estimated cost of installing all required improvements to be owned and maintained by public authorities. Such estimates shall be prepared by a state-registered engineer. As an alternate to the above, bids of two reputable contractors or a copy of an executed contract for the installation of the above-mentioned improvements may be submitted. (See Appendix 2, on file in the city clerk's office.)

Sec. 126-193. Certification of improvements or performance bond.

No building permit for any structure within a subdivision shall be approved unless ~~Final subdivision plans shall include~~ certification ~~by the office of the mayor~~ that all required improvements to be owned and maintained by the city have been installed in accordance with this chapter has been submitted to the city clerk’s office, or, as an alternative, a surety bond executed by a company authorized to do business in the state that is satisfactory to the council payable to the city. (See Appendix 3, on file in the city clerk's office.) Such bond shall be in the penal sum of the amount of the engineer's estimate or low bid for all required improvements to be owned and maintained by the city. As an alternative to the provision of a surety bond, the developer may provide for the deposit of cash in an escrow account or any other alternative acceptable to the council. (See Appendix 4, on file in the city clerk's office.)

Sec. 126-194. Dedication

Final ~~subdivision~~ plans shall ~~include a dedication~~ show all intended dedications to the public by the owners of land involved of all roads, streets, alleys and other rights-of-way ~~however designated shown of the plan~~ for perpetual use for public road, street and utility purposes and other purposes incidental thereto, including vehicular access rights where required. If the property is encumbered by a mortgage, the owner and mortgagee shall join in the dedication or in some other manner subordinate the mortgagee's interest to the intended dedication of public right-of-way. (See Appendix 5, on file in the city clerk's office.)

Sec. 126-195. Maintenance, materials and workmanship warranty bond.

(a) Final ~~subdivision~~ plans shall include a maintenance, materials and workmanship warranty bond, which shall be posted by the developer and executed by a company authorized to do business in the state that is satisfactory to the council payable to the city in the amount of 20 percent of the estimated construction cost of all required improvements to be owned and maintained by the city.

(b) Such bond shall guarantee maintenance of all required improvements to be owned and maintained by the city for a one-year period, and the materials, workmanship and structural integrity of sewers and drainage facilities, excluding mechanical equipment, for a one-year period, commencing after a certificate of completion has been issued by the city. (See Appendix 6, on file in the city clerk's office.) The manufacturer's warranty will be acceptable for mechanical equipment. As an alternative to the provision of a surety bond, the developer may provide for the deposit of cash in an escrow account or any other alternative acceptable to the council.

Sec. 126-196. Certification of payment of taxes.

Final ~~subdivision~~ plans shall include certification that all payable taxes have been paid and all tax sales against the land redeemed. Furthermore, certification shall be presented that a deposit has been made with the county comptroller for the payment of the current year's taxes of a sum equal to 125 percent of the taxes for the previous year.

Sec. 126-197. Certificate of title and encumbrances.

Final ~~subdivision~~ plans shall include title certification as required by F.S. ch. 177.

Sec. 126-198. Insurance.

The contractor shall maintain the insurance fixed by the city council during the life of his contract, to hold the city free from any claim due to the contractor's action.

Sec. 126-199. Release of liens.

Prior to final inspection and/or acceptance by the city, the developer shall furnish the city with copy of all release of liens from material men, subcontractors, and contractor necessary to hold the city harmless from any and all claims.

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Sec~~s~~. 126-200 Final Plat

~~The final plat shall be drawn with black drawing ink on linen tracing cloth, or equally durable material, using sheets 24 inches by 30 inches. Each sheet shall have a marginal line completely around the sheet placed to leave a three-inch bind margin on the left and a one-inch margin on the other three sides.~~ Final plats shall meet all the requirements of F.S. ch. 177 and shall be so certified by the land surveyor. (See Appendix 1 and Exhibit 2, on file in the city clerk's office.)

Sec. 126-201 Dedication.

The f~~F~~inal ~~subdivision~~ plat shall include a dedication to the public by the owners of land involved of all roads, streets, alleys and other rights-of-way however designated shown of the Final Plan for perpetual use for public road, street and utility purposes and other purposes incidental thereto, including vehicular access rights where required. If the property is encumbered by a mortgage, the owner and mortgagee shall join in the dedication or in some other manner subordinate the mortgagee's interest to the dedication of public right-of-way. (See Appendix 5, on file in the city clerk's office.)

126-202—126-221. Reserved.

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Sec. 126-337. Parks and recreation sites.

(a) It is the intent of this chapter that properly located public parks, playgrounds and recreation facilities be provided. When lands are subdivided within the city, at least five percent of the gross area of such lands shall be dedicated by the owner or developer to the city for parks and recreation purposes. The location of such parks and recreation areas shall be clearly shown on the preliminary plans and no final ~~plat~~ plans shall be accepted without these areas clearly shown and their location approved by the city council. Where property abuts a lake, the five-percent dedication shall be lakefront property.

(b) If, in the judgment of the city council, the land area to be subdivided is too small for a park or recreation area to be dedicated from such land, then the owner or developer shall pay to the city a sum of money, equal to five percent of the value of the gross area to be subdivided, such money to be held in escrow and used by the city for the purpose of acquiring park and recreation areas and for no other purpose. Determination of the value of the gross area to be subdivided shall be determined jointly by the city council and the owner or developer. If the city council and the owner cannot agree on a land value, then the value shall be determined by arbitration. The city council shall appoint a professional land appraiser and the developer shall appoint a third. The total cost of such appraisal shall be borne by the owner or developer of the land being subdivided.

\* \* \*

Sec. 126-590. Appeals.

Any person aggrieved by the council's decision regarding a preliminary or final ~~subdivision~~ plan ~~or plat~~, or the council's decision regarding any variance, may appeal to the circuit court of the county.

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Sec. 134-72. Function, powers and duties.

The planning and zoning board shall have the following functions, powers and duties:

(1) *Acquire information.* The board shall gather information necessary for the drafting, establishment and maintenance of the various components of this chapter and other zoning and land use ordinances. Toward that end, the board shall hold public hearings and acquire and maintain current basic information and materials necessary to understand past trends, present conditions and forces causing future changes. Such materials may include maps and photographs; statistics on population, property values, economic bases and land use; and other information important to determining the amount, direction and type of development expected in the city. Board members may, in the performance of official duties, enter upon lands and make examinations or surveys in the same manner as other authorized city agents or employees.

(2) *Act as local planning agency.* Pursuant to and in accordance with Florida Statutes, the board has been and is hereby again designated and established as the local planning agency for the city. As such, the board shall:

a. Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the city.

b. Coordinate said comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the state.

c. Recommend said comprehensive plan or elements or portions thereof to the city council for adoption.

d. Monitor and oversee the effectiveness and status of said comprehensive plan and recommend to the city council changes in the comprehensive plan as required from time to time.

e. Do all other acts as from time to time required by law.

The city council shall appropriate funds to the local planning agency for expenses necessary in the conduct of its work.

(3) *Advise regarding planning and zoning.* The board shall keep the city council and the general public informed and advised on matters relating to planning and zoning. The city council may refer to the board for consideration and recommendation matters which fall within the scope of the duties of the board.

(4) *General power;~~plats~~ subdivision plans, rezoning, annexations, variances, appeals, special exceptions, etc.* The board shall conduct public hearings and shall meet as specified by this chapter to review and report recommendations to the city council on the following matters:

a. Proposed ~~plats~~ plans for the subdivision of land.

b. Proposed rezoning of land pursuant to section 134-121.

c. Boundaries of zoning districts and appropriate regulations and amendments thereto.

d. Proposed annexations of land into the city and the ability of the city to provide necessary public services and facilities to such lands.

e. Proposed initial zoning of land annexed into the city.

f. As the board of adjustment for proposed special exceptions, appeals and variances from the terms of this chapter and other chapters of this city Code where so provided.

Board review and recommendation on the items listed above shall be required prior to any final action by the city council.

(5) *Miscellaneous.* The board shall perform other lawfully assigned duties.

\* \* \*

Sec. 134-517. Fences/screening walls.

(a) *Purpose and intent.* The purpose and intent of this section is to regulate the location, height, and appearance of fences and walls to maintain visual harmony within neighborhoods and throughout the city, protect adjacent land from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

(b) *Applicability.*

(1) Unless exempted below, the provisions of this section shall apply to all new construction or repair or replacement of 50 percent or more of any existing wall or fence length. The term wall in this section applies to screening walls and not walls required for support of a principal or accessory structure.

(2) *Permit required.* All fences and walls subject to these standards shall obtain a building permit prior to construction. Requests for permits for walls and fences must be accompanied by a scaled site plan and drawings clearly showing the locations, heights and materials for which approval is requested.

(c) *District location standards.*

(1) *Residential districts.*

a. *Fences and walls in a required front yard:* Except where allowed in this section, fences and walls within the required minimum front setback shall not exceed four feet in height.

b. For residential zoned lots with a front or side yard on a FDOT functionally classified arterial or collector road, the maximum height for a fence or wall in a required minimum front and street side yard may be increased to six feet if the following is met:

1. Fences shall be of decorative materials such as wrought iron or powder-coated aluminum in a style of wrought iron.

2. Walls shall be concrete block, stone, cultured stone, brick, or prefabricated with a textured manufactured finish. If concrete blocks are used, the wall shall have a minimum one-inch thick stucco finish or be clad in brick, stone and/or cultured stone veneer.

3. Brick, stone and/or cultured stone columns shall be constructed when using either a fence or a wall, and such columns shall, at a minimum, be placed where the fence/wall ends at the property lines and at driveways. If the lot's road frontage is in excess of 100 feet, additional columns shall be required to be spaced evenly along the frontage, with the wall/fence segment not exceeding 40 feet in length. The columns may extend up to 12 inches above the fence height.

4. The fence/wall shall be constructed a minimum of seven feet from the road right-of-way line.

5. Shade trees shall be planted along the fence/wall at a rate of one per 40 linear feet of road frontage. Trees shall be evenly spaced along the pervious area of the frontage. Each tree shall be a minimum caliper of five inches (as measured one foot above grade) and minimum 14 feet in height at planting with six-foot minimum vertical clearance to the limbs. If overhead utilities exist along the right-of-way, the required shade trees shall be understory trees spaced every 20 feet on center, with said understory trees a minimum of nine feet in height and at least a three-inch caliper (measured six inches above grade) at planting if single stem; for multi-stem understory trees, at least three stems are required with each stem at least of one-inch caliper (measured six inches above grade).

6. If hedges are planted along the fence or wall, such shall be maintained at a height not to exceed six feet in height.

7. If a vehicular gate is used, the gate shall be automated and setback a minimum of 20 feet from the lot side of the public sidewalk. If no sidewalk exists, the gate shall be set back 20 feet from the right-of-way/property line.

8. If on a corner lot, the fence/wall shall meet the proximity to right-of-way intersection standard in subsection 134-517(d).

c. Unless abutting a FDOT functionally classified arterial or collector, on any corner lot, abutting the side of another lot, a fence/wall along the side street exceeding four feet in height shall be set back 15 feet from the street side property line.

d. Maximum fence and wall height outside the minimum front setback shall be eight feet in height unless a more restricted height limit applies. A fence or wall height greater than eight feet may be approved by special exception.

e. Subdivision walls and buffers.

1. Subdivisions that include lots with rear or side yards adjacent to a public right-of-way must include a screen wall and vegetative buffer to provide both a desirable buffer for the residents of the subdivision from the street as well as provide an aesthetic buffer for the users of the adjacent right-of-way. Height of the screen wall shall be six feet from the finished grade of the location of the wall or street, whichever provides the highest screening height. Compliance with this section will require a buffer with hedges, evergreen shade trees (at 40-foot on center spacing) and one understory tree centered between the shade tree, on the street side of the wall. The minimum width of the buffer shall be ten feet, as measured from the right-of-way line to the wall. The shade tree shall be a minimum caliper of five inches (as measured one foot above grade) and minimum 14 feet in height at planting with six-foot minimum vertical clearance to limbs. If overhead utilities exist along the right-of-way, the required shade trees shall be understory trees spaced every 20 feet on center, with said understory trees a minimum of nine feet in height and at least a three-inch caliper (measured six inches above grade) at planting if single stem; for multi-stem understory trees, at least three stems are required with each stem at least of one-inch caliper (measured six inches above grade).

2. The following are not considered adequate buffers for compliance with this section:

• Chain linked fences;

• Wood fences;

• Painted or untreated block walls; and

• Insufficient planting area for maturing landscaping.

3. Maintenance of these improvements will be the responsibility of the homeowners' association and must be clearly defined on subdivision ~~the~~ preliminary and final ~~subdivision~~ plans ~~and final plat~~.

f. No barbed wire fencing shall be allowed except by special exception approval. Such fencing, when allowed, shall be consistent with the standards listed in subsection 134-517(d)(6).

**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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2025, 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

City Clerk