AGENDA
ORMOND BEACH PLANNING BOARD
Regular Meeting

May 14, 2009

City Commission Chambers
22 South Beach Street
Ormond Beach, FL

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. ROLL CALL

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT
THE PLANNING BOARD WILL NOT HEAR NEW ITEMS AFTER 10:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 10:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

V. PLANNING DIRECTOR'S REPORT

VI. APPROVAL OF THE MINUTES
A. April 9, 2009
VII. PUBLIC HEARINGS

A. SE 09-13: Special Exception Amendment - Thirty-One On the Boulevard Redevelopment Plan

Ms. Dorian Burt, Property Manager of the Highlander Corporation, requests approval to amend an existing Special Exception granted on August 26, 2008, with Resolution 2008-146. The original approval allowed a master redevelopment plan that approved a variety of uses, including restaurants, and required site improvements. The proposed application seeks to amend the allowed restaurant use at 43 West Granada Boulevard as follows:

1. Expand the number of seats permitted for a restaurant from 30 to 60, which requires a parking waiver.

2. To allow full alcohol service under a 4COP license, where previously only beer and wine would be permitted, and under certain conditions that will ensure the use is operated as a restaurant.

B. LDC 09-15: Land Development Code Amendments - Section 2-02

An administrative request to amend Chapter II, District Regulations, Article I, Establishment of Zoning Districts and Official Zoning Map, Section 2-02, Future Land Use Map Designations and Zoning Districts, of the Land Development Code to revise the zoning districts that are consistent with the “Activity Center” land use category.

VIII. OTHER BUSINESS/INFORMATIONAL ITEMS

A. EAR-Based Amendments Discussion: Transportation Element

IX. MEMBER COMMENTS

X. ADJOURNMENT
MINUTES
ORMOND BEACH PLANNING BOARD
Regular Meeting

April 9, 2009 7:00 PM

City Commission Chambers
22 South Beach Street
Ormond Beach, FL 32174

Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Planning Board with respect to any matter considered at this public meeting, that person will need a record of the proceedings and for such purpose, said person may need to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with a disability, such as a vision, hearing or speech impairment, or persons needing other types of assistance, and who wish to attend City Commission meetings or any other board or committee meeting may contact the City Clerk in writing, or may call 677-0311 for information regarding available aids and services.

I. ROLL CALL

Members Present
John Adams
Pat Behnke
Al Jorczak
Rita Press

Staff Present
Laureen Kornel, AICP, Senior Planner
Randy Hayes, City Attorney
Steven Spraker, Senior Planner
Christine Jarrell, Recording Technician

Members Absent
Patrick Opalewski
Doug Thomas
Doug Wigley

II. INVOCATION

Mrs. Behnke led the invocation.

III. PLEDGE OF ALLEGIANCE
IV. NOTICE REGARDING ADJOURNMENT

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V. APPROVAL OF MINUTES

Mr. Jorczak noted a typographical error on Page 8 of the February 18, 2009 Planning Board minutes; Stanford, Connecticut had been spelled incorrectly. The minutes were approved, as amended.

Mr. Jorczak moved to approve the minutes of the March 12, 2009 Planning Board meeting. The motion was seconded by Mr. Adams and also approved by unanimous vote.

VI. PUBLIC HEARINGS

A. PBD 09-04: Planned Business Development Amendment - The Courtyards at Ormond Beach

Mr. Spraker said this was a request for a planned business and residential use on the east side of North US1 between Highland and Dix Avenues. He said that the proposed 20,000 square feet of commercial space would be located along the US 1 frontage, with 16 rental townhomes in the rear. He recalled that the property had gone through two previous iterations: one in 2003, for 30,000 square feet of retail and 17 residential units, and then again in 2005 for 14,000 square feet of office and retail with 52 residential units. The 2005 version included a five-story building in the front, with two-story residential uses in back.

Mr. Spraker referenced the site plan exhibits provided, which showed that the developer planned to accomplish the project in phases. As part of site improvements, a stormwater pond was planned during the first phase to address initial concerns with drainage in the area and existing flows from surrounding properties. Mr. Spraker said it was not yet known what type of retail would be in the commercial section, which was planned for the second phase (to be accomplished within three years) and that the final phase would be the construction of the townhomes. The applicant was requesting a five-year expiration date for the final phase. Stating that the site had been designed to have the same architectural features throughout, Mr. Spraker said the applicant planned to use monument signs and put in buffers that exceeded the City’s standards.

As part of the site development, the applicant held a neighborhood meeting in September, 2008. Mr. Spraker said some residents had expressed concern with the hours during which delivery trucks would be allowed to load and unload. The applicant had agreed to limit loading hours for those trucks so there would not be any negative impact on the neighborhood.

Mr. Spraker said that the applicant was requesting flexibility on the 50-foot setback required between single-family and multi-family uses, since the rear of the multi-family buildings would
back up to the single-family dwellings. He explained that although the setback could be met, it would result in the parking for the multi-family buildings facing the back of the single-family homes; therefore, staff felt that the proposed design would have less impact on the existing single-family homes.

Mr. Spraker advised that the architectural style was to be Florida Cracker and stated that the proposed plan exceeded all the design requirements. He said that the Dollar General store would face the interior of the site and that the applicant would like the signage facing the interior of the parking lot rather than Dix Avenue.

Mr. Spraker said that staff recommended approval subject to the conditions outlined in the staff report.

Mr. Jorczak observed that aerial appeared to indicate a significant amount of vegetation and trees at the back of the neighboring homes. Mr. Spraker agreed, adding that the applicant was doing a good job of saving a number of trees, but pointed out that they would be clearing parts of the property in order to install the necessary pipes, etc. He said that some existing trees would remain, but that additional trees and vegetation would be planted; a fence was also planned.

Ms. Behnke asked for a clarification of the language on Page 9, Item 4. Mr. Spraker said the double negative was an error and confirmed that it should be rewritten.

Mr. Don Wallace of D’Argent Properties, Clearwater, said he had gotten a lot of input from the neighborhood meeting and had substantially updated the plan in response, including bike paths/sidewalks, etc., to make the development more user-friendly. He said opening the Dollar General would help control prices in the area by offering competition and stated that the Dollar General Company made it a point to contribute to the areas in which they were located, specifically through a literacy program they offered through area schools. Mr. Wallace said that he had been building retail centers such as this throughout the United States and stated that it was a proven fact that their presence and convenience to the neighborhoods helped to increase the property values when they were well done.

Mrs. Press opened the floor to public comment.

Mr. Roy Saunders, 145 Highland Avenue, said he had not attended the September meeting. He voiced concern that the retention pond, to be located in back of his property, would lower his property value. He was also concerned with the safety for children and pets, the maintenance of the pond, and the aesthetics of the landscaping. He questioned why such a pond was needed, since believed the area drained into the river during storms.

Mr. Spraker responded that there would be a landscape buffer and a fence around the retention pond, which would include a fountain, and added that in similar projects, neighbors had viewed such ponds as an amenity, similar to that of waterfront property. He assured Mr. Saunders that maintenance standards were included in the plan, backed up by code enforcement. He explained that the pond slope was specifically designed for safety and that stormwater management was a primary part of the application. He further explained that a standing mandate to staff was that historic flow from other properties must not be stopped and said that the applicant had done a
good job of addressing that requirement. Mrs. Press added that the fountain would prohibit the pond from becoming stagnant and agreed that it was a good thing to have.

In response to Mr. Jorczak’s inquiry regarding the pond depth, Mr. Daniel Johns, the project engineer, 3869 S. Nova, said there would be a gentle slope at first that would drop off near the center. The pond would be 8’-10’ when full but would usually be around 3’-4’ deep. He said that because this site was one of the last undeveloped properties in the area, considerable drainage flowed onto the property from those that surrounded it. He explained that State law and City regulations both mandated that the amount of water discharged from the site, once developed, could not exceed the amount currently discharging from the site. And, he pointed out that although the current water discharge from the site was untreated, the post-development water discharge would be treated before going into the river.

Ms. Joan Counts, 153 Highland Avenue, said she lived behind the site and acknowledged that it did get rather wet. She said she had called the City before about drainage problems on the street, with standing water after a rain. She pointed out that traffic in the area and on Highland Avenue had already been made worse because of the redesign of North Yonge Street and said that she had also called several times because of safety concerns for the children in the area. She stated that she was opposed to the proposed development.

Mr. Spraker confirmed for Mrs. Press that a sign could be erected to alert drivers to the presence of the children in the area and agreed with Ms. Counts that the redesign of US 1 had had an impact on neighborhood traffic. He assured Ms. Counts that the proposed development would not exceed the traffic levels of service that had been established.

Mrs. Press advised that the first reading of the item before the City Commission would be on May 19th, with the second reading on June 2nd.

Mr. Spraker confirmed for Mrs. Press that the sidewalks would be completed with each respective phase of the project.

Mrs. Press also asked why the residential units were being developed as rental units rather than condominiums. The developer replied that condominiums might be considered at a later date once the economy stabilized, but said that rentals were needed at present, with very little demand for single-family homes. Mrs. Press questioned whether or not garages would be required for reconsideration as condominiums, to which Mr. Spraker replied that garages were not required for multi-family units. He also responded to Mr. Jorczak that the developer was not yet at the point of estimating the price per unit. Mr. Adams noted that the townhomes were still five years from being constructed.

**Mr. Adams made a motion to approve PBD 09-04. Ms. Behnke seconded the motion, which was passed by unanimous vote.**
B. **PBD 09-11: Planned Business Development Amendments - RaceTrac**

Mr. Spraker stated that the item was an application for a PBD amendment for property on SR 40 at Interchange Boulevard. He recalled that last year the property had been approved for a gas station of 5,000 square feet with 24 gas pumps and 12 fueling stations, and said that the applicant had been approved for waivers, particularly for the size of the canopy. He stated that the applicant was now before the board to request new amendments because of changes in the economy.

Although the originally approved canopy was to have been Mediterranean in style, Mr. Spraker advised that staff was not opposed to the overall concept of the new style, since changes could be proposed as long as they were within the allowable styles. He noted, however, that staff did recommend that the downspouts and scuppers shown on the proposal be covered. He added that if the new building style was approved, the applicant wanted to change the canopy from the originally-approved barrel tile roof to one more in line with RaceTrac’s standards, which include striping and signage. He informed the Board that staff would not support that type of request and explained that in accordance with the LDC architectural standards put in place in 2004, other gas stations had been required to take down striping and signage as they requested changes.

Mr. Spraker also pointed out that the new landscape plan proposed by the applicant would take away the fuller, larger oak trees and replace them with slash pines, and proposed to eliminate the wax/crape myrtles planned throughout the site. He said that the City’s greenbelt standards required 44 tree credits within the front buffer; the current plan proposed 39. The plan originally approved was for 89 tree credits. He stated that at the very minimum, the applicant would have to provide 44 tree credits.

Mr. Spraker stated that Staff was concerned about the canopy. He said that the applicant could have opened up view corridors (keeping, but moving the landscaping), but that the solution proposed by staff had apparently not been acceptable to the applicant. Mr. Spraker summarized for the Board that the staff recommendation was for approval of the building design and denial of other requests.

Mr. Michael Woods of Cobb & Cole, 351 E. New York Ave., Deland, stated that Todd Duplantis, RaceTrac’s director of engineering and permitting for Florida, was also present. He said that RaceTrac management currently had concerns with developing the SR 40 project, due to economic concerns and the drop in population in Florida, and more importantly with regard to identity and visibility issues. He said that Mr. Duplantis had been informed by the management that the project would be taken off of their action list if those concerns could not be addressed. Mr. Woods pointed out that RaceTrac had been in development review with the City since 1999. He said that approval to move forward had been given prior to the current canopy standards being instituted by the City, but had not done so. Mr. Woods acknowledged that to have been a mistake on the part of RaceTrac, but said that they believed the City’s policies were not evenly applied. He added that prohibitions focused on architectural design resulted in the nature of the business being hidden and in the case of the subject, a fueling station located 750 feet from the interstate.
Mr. Woods explained that the City’s Code policies did not limit canopy size, but rather set the size of the canopy as a ratio to the size of the main building, which meant that with a larger building, RaceTrac could have a larger canopy. He said that he viewed that regulation as a mechanical inconsistency in the code with unintended consequences, and said that there was no reason to build a larger building. He assured the board that no one wanted the canopy to stick out, but pointed out that RaceTrac had concerns about visibility and corporate signage, particularly given the location next to the interstate and the poor visibility in that area. He said that their customers needed to be able to recognize the station as a RaceTrac and noted that similar stations nearby had been allowed to use their corporate signage. He stressed that it was a problem if a business could not be recognized.

Regarding the landscaping, Mr. Woods stated that the original plans looked great, but hid the structure. He reiterated that RaceTrac was dependent upon visibility and stated that the necessary visibility could not be achieved if they met the current greenbelt corridor standards. He said that given that restricted visibility by City’s standards and the difficult economic conditions, RaceTrac management had become concerned about the ability to do business at that site. He pointed out for the Board members that RaceTrac hired only full-time employees with full benefits and that the proposed development could be expected to provide 15-20 people with good jobs. He stated that without the requested relief, the company would be forced to abandon the project. He added that the corporation respected the City’s decisions, but asked that the Planning Board recommend approval of RaceTrac’s requests.

In response to Mr. Jorczak’s inquiry, Mr. Woods stated that the issue was not cost of construction, but rather concern about the long term viability of property without visibility and corporate signage. He thought the new store would be a beneficial business addition to Ormond Beach (rather than Daytona) and mentioned that he was aware of other business owners who had been unsuccessful in their attempts to get better signage on the interstate.

Ms. Angela Payne-Hellenic of Creative Hotel Association, which managed and operated Hampton Inn, 155 Interchange Blvd., said that they were located across from the RaceTrac site and said that her hotel had been on the Department of Transportation’s waiting list for signage for ten years. She said that they had fought to get signage on the interstate, only to be told that there was not enough room to propose sites for signs for hotels, and the sign for gasoline she thought was full. In response to Mr. Jorczak, she said that their billboard advertising had become cost prohibitive; the cost was approximately $70,000 per year. Ms. Payne-Hellenic explained that when the interstate was elevation, the hotel had lost its monopole signage and, thus, considerable business. She said that cutting back all the trees had increased walk-ins, but that business was not what it should be; 50% of her business was from Interstate 95 and that due to the visibility issue, people were passing by the area and going to Daytona Beach and Palm Coast. Ms. Payne-Hellenic believed that the RaceTrac could impact her hotel substantially by increasing walk-in traffic. She urged the Board to do everything possible to work with RaceTrac and help to open the new station. She also informed the Board of a problem with vagrants on the undeveloped lot and said the property needed to be developed.

Christine Jarrell, 421 Division Avenue, stated that she traveled a lot in the area where the interchange was located, as well as around Jupiter and other Florida cities. She said Jupiter’s
codes were similar to Ormond Beach’s and she had many times passed by restaurants and gas stations in Jupiter when she was looking for a place to stop, because she could not see them through the landscaping until after it was too late to turn. She acknowledged that it looked beautiful and said she was sure the people who lived there appreciated it, but said she had noticed that it was hard to see the businesses. Ms. Jarrell added that she thought the area could use a good gas station, as she found both the Hess station and the 7-11 at Tymber Creek Road and SR 40 difficult to access. She said she thought the station would be an asset to Ormond Beach.

Mr. Jorczak stated that the canopy looked much better in the original design than what was now proposed. He verified with Mr. Woods that both the planned landscaping cuts and the corporate canopy design must be met in order for the project to go through. Mr. Todd Duplantis added that RaceTrac had 300-400 stores across the country and, just like Chick-Fil-A or McDonald’s, had corporate standards to which to adhere. He said RaceTrac wanted to be recognized by people as they drove along the interstate, since people would choose RaceTrac over other stores with the idea that the station would be the least expensive and would have the cleanest bathrooms. He said that such name recognition during these difficult economic times was extremely important. Mr. Duplantis said that he, personally, had been involved with the project for ten years, and that one week earlier, he had been instructed by the CEO and president of RaceTrac to sell the property; the company no longer wanted to pay taxes on a piece of property that could not be developed to RaceTrac’s standards. He said that he had been able to convince them to let him try to make the project work, since he had been involved with it from its inception and it was important to him to see it through. What was being offered now was something that could have been built five years ago and that it was a shame that RaceTrac had not gone through with the project then; however, he felt it would still be a great product and would benefit to the community.

Ms. Behnke pointed out that the interchange was the same at present as it had been when the plans were submitted and approved in 2008, and commented that she did not like the either/or scenario presented to the Board. She conceded that reduced foliage could make the canopy more visible, but said she traveled that corridor very frequently and had never had a problem with accessing the 7-11 or the Hess stations. She also stated that as hard as jobs were to come by, fifteen jobs were not enough for her to abandon the City’s codes, which she noted had not been put in place capriciously.

Ms. Behnke said she had loved the original concept proposed by RaceTrac, which she thought to be beautiful. She pointed out that other stations, some of which might have had striping, were deteriorating and would not be able to utilize that same look when they redeveloped, unless the City abandoned its Codes with the current RaceTrac request. She said she could support the reduced landscaping as it would allow more visibility, but could not go along with the corporate signage and striping.

Mr. Duplantis reiterated that they would be providing 15-20 full-time positions with full medical and dental benefits, and 401K, and that the average sales tax revenue of existing stores across the state was half a million dollars or more. He added that RaceTrac was a neighborhood company that was involved with its communities, since those were the people who supported the business. In response to Ms. Behnke, he said that the RaceTrac on US 1 and I-95 had approximately 20
positions; he said that he would get the store’s statistics on what that store contributed to the tax base. He also advised that corporate members from Atlanta had previously visited local chambers of commerce to determine what was needed by those communities supporting RaceTrac. Ms. Behnke again responded that she would like to see the RaceTrac built since she thought it would be a benefit to the community, but that she could not support the striping. She noted that she would go along with reduced vegetation.

Mr. Adams said he would love to see the project move forward and that he agreed with some of the statements made earlier regarding the need for newer facilities in that area. At the same time, he wondered why the applicants had moved forward only a year ago with a project that they would not do today. He acknowledged that the economy had changed, but he did not see that the added visibility would be enough to make or break the deal. Although he felt that the applicant kept asking for more and more flexibility from the City, he also thought the project would be great and hoped they could find a way to make it work, even if an agreement could not be reached at the meeting.

Mrs. Press agreed that RaceTrac and the Board were close and that it seemed ridiculous to have a project fail with such a slight difference. She, too, remarked that she loved the project as it had been approved and up to City standards and said that she felt it would be good for Ormond Beach. She pointed out that the City had approved a canopy 81% larger than allowed by Code; therefore, it was not as if the City was unwilling to work with the applicant. She said that the City had made it clear by permitting the changes requested a year ago that it supported the project and wanted it in Ormond Beach. She said that it was right off the interstate and would be easily seen by anyone with the 16-foot canopy that had already been approved by the City, and that everyone would know it was RaceTrac.

Mrs. Press said she supported putting the RaceTrac look on a monument sign, but did not think it was necessary to place the logo on every pump. She suggested that RaceTrac could go back to the drawing board and come back with something more palatable to the City. She felt that Ormond Beach wanted and deserved high standards and that RaceTrac could produce high standards, but said she could not support what was being requested by RaceTrac.

**Mr. JorczaK moved to adopt staff recommendations with respect to the project. Ms. Behnke seconded the motion.** Mr. Spraker restated the recommendations: to approve the building elevations submitted (after reworking the rear elevation to hide downspouts and scuppers), to deny the proposed canopy, signage on the canopy, and striping; and to deny the proposed landscape plan.

All were in favor of adopting the recommendations except for Mr. Adams, who voted against the motion.

**C. LDC 08-55: Land Development Code Amendments: A-frame Signage**

Mr. Spraker stated that this was a request from Ormond Beach MainStreet to modify the Land Development Code to allow A-frame signage on businesses throughout Ormond. He said there had been some discussion at the City Commission and that the planning director had been asked
to come up with a draft ordinance to establish standards and to allow a sunset date, which had been left blank. The date could be set for any period of time the Board wished or sent back to the City Commission to set if that was the Board’s preference.

In response to Mr. Adams, Mr. Spraker said similar signs could be seen in downtown DeLand and that the signs were designated according to allowable square footage rather than height, which automatically limited them to a certain size. Mr. Jorczak asked if there was any concern about damage caused by the signs being blown by strong winds and the potential for lawsuits against the City. Mr. Spraker said that if a sign was deemed unsafe, then action would be taken to remedy the situation, but that signs could not be made resistant to high winds. He said Mr. Goss had researched policies in other communities to come up with the recommended ordinances.

City Attorney Hayes addressed Mr. Jorczak’s concerns, stating that if a sign was on private property, the City could not be sued, though if it was on public property and placed in a manner that made it unsafe for pedestrians, that could be another matter. He said he thought the idea was to have the tenant or property owner submit a paper indemnifying the City. He noted, however, that anything on public property opened the City up for possible liability. Mr. Jorczak said he would like to see standards for sturdier signs to shield the City, at least to some extent. Mr. Spraker said it was also possible to forbid the signs within the public right-of-way, which, Mr. Hayes said, would be best from his perspective as an attorney. Mr. Jorczak said he was in favor of trying to do something that would help small businesses, but wanted to tighten the specifications a little. Mr. Spraker offered the idea of having to submit a sign packet for the City to review. Mr. Jorczak approved of the idea.

Mr. Adams congratulated the Planning Department on the fast response to the plea from businesses in town. He felt that this was something that was really needed in the downtown district, given the current economic conditions. He said he had seen similar signs in DeLand and had noticed that they had an impact on his decisions about which businesses to enter, so he felt the signs would be helpful to the local businesses. As for the right-of-way issue, he said he did not see the point in passing any ordinance at all if the signs would not be permitted to reach into the right-of-way. He pointed out that A-frame signs were generally considered sidewalk signs. He also thought the signs should be made available to businesses along both East and West Granada. Mr. Adams did have an issue with the $50 first time fee, which he considered it high. He observed that the fee was higher than other similar fees in the City and asked if he could make a motion to reduce the fee. Mr. Spraker said the fee had been set, based on the amount of work and staff time involved for the Building Department, but that reducing the fee was certainly within the Board’s realm.

Ms. Behnke said she was in favor of the signs and that she had often seen them weighed down with sandbags on windy days. She said her concern was the ability to enforce the restrictions as there were only two people in code enforcement [the Neighborhood Improvement Division]. She said that in a two-hour tour of local businesses she took with another person, she found 28 violations. Mr. Spraker said it would be easy to identify what was permitted and what was not using the policies proposed. Further, he said the sunset date was the hammer. It was in businesses’ best interest to follow the codes, otherwise the City was likely to take away the option if there were too many transgressions. Ms. Behnke approved of the sunset date. She said
she did not think the signs would be attractive, but she supported the idea if the situation could be well monitored.

Stating that she would like to go on record in support of the option (she had been a small business person and worked with small businesses), Mrs. Press said that because the business owners thought it was going to help, she was willing to give the idea a try. However, she recommended a sunset of six (6) months from adoption of the policy. She said she knew people would complain that those who only wintered in the area would not be back until November, but that was her stance: six months to see how the policy worked. She felt there would be problems with the policy, but for the small business owner who thought the signs would make a difference, she was willing to give it a try. She opened the meeting for public comment.

Mr. Barry Bayer from Tradewinds Grill, 1425 Hand Avenue, said he was that small business person who was hurting and, just like the people from the gasoline company, he was looking for visibility. Stating that he did not fully understand what would be allowed with the A-frame signs, he asked to show some pictures of his small local business that would demonstrate his visibility problem. As he passed around the pictures, Ms. Behnke said she had been to the site and had been able to see it very clearly from the road. Mr. Bayer said he did not have the luxury of having sidewalks there and asked to be allowed to put an A-frame sign on the property in the driveway area during mealtime hours showing the daily special. He said allowing some restaurants to use the signs, but not others, would not be fair. Ms. Behnke reiterated that she’d had no difficulty seeing his restaurant and said that his situation was the same as all the businesses in Ormond Plaza. Were they all to put out signs, there would be a minimum of twenty signs on the street. Mr. Bayer said they were allowed to disagree, but noted that she had been looking for the building. He said he had tried 100 percent to live by the City’s codes and was just trying to survive. If his competitors were allowed to put out signs, he said, they were being given the advantage. Ms. Behnke suggested having the trees trimmed, to which Mr. Bayer replied that the telephone pole was a big issue, but he had spoken with the landlord, who had told him he would not trim the trees as he liked them there.

In response to Mrs. Press’s request for a motion, Ms. Behnke moved to accept the proposed policy as presented by staff for a time period of six months from passage by the City Commission. Mr. Adams asked if Ms. Behnke would be amenable to adjusting the application processing fee to $20. Ms. Behnke said she would and Mr. Adams offered a second for the motion. Mr. Adams, Mr. Jorczak, and Ms. Behnke voted in favor. Mrs. Press voted against the motion as she thought all small businesses should have the opportunity to use the signs, as had been requested by Mr. Bayer. Mrs. Press said the item would go before the City Commission for the first reading on April 21st.

VII. DISCUSSION ITEM

A. E.A.R. Amendments: Utilities Element

Ms. Kornel presented a discussion item related to a memorandum she wrote at the beginning of April on the EAR amendments. Regarding tonight’s discussion on the Utilities Element, Ms.
Kornel said the amendments consisted of changes to utilities consistent with levels of service and with capital improvements policies. She said the Water Supply Plan amendments were separate and had already been completed, so were not included with the EAR amendments. She indicated that a detailed list of the policy changes could be found on Page 2. Stating that no vote was needed on the item, she asked if there were any questions.

Mr. Jorczak asked about the equipment to be used for the leak detection system, whether there were many leakage problems with the existing system, and whether the detection system was mandated by the State or by Ormond’s own policies. Ms. Kornel said she would check into it and respond to him via e-mail.

VIII. MEMBER COMMENTS

Mr. Jorczak said he thought the night’s discussions were very apropos with respect to the City’s standards. He said he would have liked to have seen the RaceTrac operation go through and that he hoped it would in the future, but he did not see the need to compromise the City’s standards significantly to make that happen. Whether the project went forward or not, he said, the site was a valuable piece of property on an interstate interchange and such properties were in demand. Ms. Behnke said Mr. Jorczak had put it very well and she could not have said it better. She felt that more and more people were trying to get around the City’s standards, but she felt it was important to stick with them. Though money was also important, it was not more important than quality of life and she felt businesses would be glad to be in Ormond Beach. Mr. Adams said he thought there had been good discussions and that he appreciated everyone’s time.

Mrs. Press recalled her first discussion ever as Chair of the Planning Board had been about a development on Airport Road and everyone had been totally against it. The Board members had not asked any questions but had gone right into why they were against the project. The attorney representing the project had become quite upset and said the board was operating as a quasi public entity. She said that event was what had led her to recommend that the Board members ask questions first and then give their comments after all of the information had been discussed. City Attorney Hayes commended her decision, stating that it was always better to listen first and ask questions in order to allow a full discussion.

IX. ADJOURNMENT

Mrs. Press thanked the board members for their time and adjourned the meeting at 9:09 p.m.

Respectfully submitted,

[Signature]

Ric Goss, AICP, Planning Director
ATTEST:

________________________
Mrs. Rita Press, Chair

Minutes transcribed by Shannon McLeish.
INTRODUCTION:
Ms. Dorian Burt, Property Manager of the Highlander Corporation, requests approval of a Special Exception to amend an existing Special Exception granted on August 26, 2008, with Resolution 2008-146. The original approval allowed a master redevelopment plan that approved a variety of uses, including restaurants, and required site improvements. The proposed application seeks to amend the allowed restaurant use at 43 West Granada Boulevard as follows:

1. Expand the number of seats permitted for a restaurant from 30 to 60, which requires a parking waiver.

2. To allow full alcohol service under a 4COP license, where previously only beer and wine would be permitted, and under certain conditions that will ensure the use is operated as a restaurant.

BACKGROUND:
The City’s Land Development Code contains provisions for a Special Exception Redevelopment Plan. The Redevelopment Plan was created specifically to address concerns that the City’s regulations were preventing redevelopment in the City’s Downtown area. The purpose of the Redevelopment Plan is to acknowledge that existing development in the Downtown area cannot meet all the requirements of the City’s Land Development Code that are more suburban based and to establish a public hearing process to review redevelopment plans. The Redevelopment Plan has been utilized for the development of LuLu’s restaurant, 30 South Atlantic Avenue, and The Ultra, located next to City Hall, the approval for which has expired.

The project area consists of three separate parcels, each with existing structures and improvements. The properties are as follows:

1. **11-23 West Granada Boulevard (Buschman Building):** This structure is listed on the City’s Local Landmark List for Historic structures and was constructed
around 1925. The project does not propose any building modifications to the structure, only site modifications. The site modifications include parking, landscaping, and an outdoor patio seating area (for a restaurant) with hardscape and landscape features.

2. **29/31 West Granada Boulevard (On the Boulevard):** This structure is approximately 3,000 square feet and according to the Volusia County Property Appraiser’s office was constructed in 1957. This property has been used as an office and is proposed to be utilized for a 150-seat restaurant, with 82 seats inside and 68 seats on the outside patio. Site improvements include parking landscaping, lighting, and stormwater.

3. **43 West Granada Boulevard (Rose Villa):** This structure was constructed around 1905, and is a three-story frame vernacular commercial building exhibiting a porch with turned posts, a canvas covered walkway, wood detail, and balustrade on the first and second-story verandahs. In recent years the building has been utilized for office space. The original application sought to allow a restaurant use on this property.

The project was reviewed by the Development Review Board on July 24, 2008 and recommended for approval. The City Commission approved the project on August 26, 2008 allowing the following areas of flexibility:

1. Waiver of required parking.
2. Utilization of an Art Deco architectural style for the On the Boulevard building at 31 West Granada Boulevard.
3. Waiver of the Unity of Title requirement to combine the three properties into one.
4. Waiver of interior lot line and building foundation plantings in order to have one master parking lot over the three parcels.
5. Provision for site specific wall and monument sign standards.
6. Waiver of front yard setbacks for a courtyard wall/structure to provide boundaries for the courtyard area and to screen outdoor patrons from some of the noise impact of Granada Boulevard.
7. Allowance of live music to be permitted within the buildings.

The approved project proposes to create a shared parking facility, site landscaping, decorative lighting, stormwater retention, building updates and outdoor seating areas. The existing properties have an unimproved dirt parking area along New Britain Avenue that is proposed to be converted into a master planned parking lot with stormwater, landscaping and decorative site lighting to match the existing streetscapes along New Britain Avenue and Granada Boulevard. Outdoor seating is proposed in a new courtyard area that will be screened from Granada Boulevard and will include hardscape and landscape features. Existing above-ground power poles and chain link fencing is proposed to be removed. Finally, the building façade of 29/31 West Granada Boulevard will be updated and all mechanical equipment shall be screened.
Since the City Commission approval, the applicant has continued to refine the 31 West Granada Boulevard building. The building was approved for an Art Deco architectural style. Staff has provided the most current architectural plan of the building in Exhibit 4.

**PROJECT DESCRIPTION:**

The site is designated as “General Commercial” on the City’s Future Land Use Map (FLUM) and is zoned B-4 (Central Business) on the City’s Official Zoning Map. This application seeks to modify what was approved for the 43 West Granada Boulevard, “Rose Villa” property only. There are no modifications to approval conditions for the 31 West Granada Boulevard (“On the Boulevard”) or 11-23 West Granada Boulevard (“Buschman Building”) properties.

The proposed application seeks to two modifications to the restaurant use at 43 West Granada Boulevard as follows:

1. Expand the number of seats permitted for a restaurant from 30 to 60, which requires a parking waiver.

2. To allow full alcohol service under a 4COP license, where previously only beer and wine would be permitted, under certain conditions that will ensure the use is operated as a restaurant.

**ANALYSIS:**

**Redevelopment Plan Criteria**

Section 2-70.D of the Land Development Code states that the purpose of a Redevelopment Plan, “is to produce a development having design compatibility, meeting required parking to the maximum extent feasible, and achieving a high level of aesthetic appeal through a combination of architecture, landscaping and hardscape material.” The Land Development Code provides the Planning Board and City Commission criteria to review development proposals, as follows (with staff’s review):

1. **Create an aesthetically attractive and efficiently designed downtown area which is a pleasant experience for shoppers and visitors.**
   
   The proposed amendment will not impact the original approval and is sought to make the use more viable.

2. **Enhance and protect a traditional downtown character.**
   
   The Downtown has a number of restaurants and this proposal seeks to expand the seating and alcohol options for this restaurant. The applicant believes that both of these amendments are necessary to ensure a successful restaurant. As detail in Criteria 6 below, staff is proposing conditions to ensure the use will remain as a restaurant. The proposed uses will provide activity at night and on weekends, which is needed in this section of the Downtown.

3. **Promote redevelopment and infill development.**
Redevelopment in the Downtown has many challenges, including existing developed sites, small parcel sizes, inadequate road widths, and a lack of stormwater. This project sought to allow a variety of uses on these properties to ensure that they can be utilized and to add to the Downtown character of the City. The City's Land Development Code is designed to regulate suburban development on large lots. Acknowledging that fact, the City created the Redevelopment Plan to allow the redevelopment of smaller lots through a coordinated site plan process monitored by the Planning Board and City Commission. This amendment is designed to assist the restaurant use be successful.

4. Create economically beneficial business environment supporting land use and locational needs for smaller businesses, particularly those serving local markets.

The land use designation of the property is “General Commercial”; the application complies with the goals of this land use category. The applicant has acquired a number of properties over the last five years to assist with the redevelopment of the Downtown. A number of local businesses are now housed within property owned by the applicant.

5. Establish design guidelines for both private and public entities.

The original application provided site plans, architectural renderings, and landscape plans that demonstrate compliance with the City’s Land Development Code, with the exception of the items listed above that seek flexibility. The amendment will not impact the design guidelines as approved in the original Development Order approval.

6. Allow design flexibility in development/redevelopment of the properties in the downtown area.

It has been acknowledged that redevelopment in the Downtown area is difficult and cannot meet a number of the Land Development Code requirements. Through the Special Exception Redevelopment, the applicant is seeking flexibility to allow the following waivers from the Land Development Code:

1. **Required parking.** The City’s Land Development Code (Chapter 3, Article III, Section 3-26.C) requires all properties to meet certain parking requirements. The parking calculations for restaurants are one parking space per each three seats or each two bar seats and one parking space for each two employees on the largest shift. The Downtown Overlay District allows a reduction for outdoor seating to one parking space for each six outdoor seats. The original parking calculation for the subject property is as follows:
With the addition of 30 additional seats to the 43 West Granada Boulevard portion of the project, an additional 10 parking spaces would be required. Based on the increase in the required parking not waived in the first Special Exception, this amendment is required.

Through a coordinated site plan, the three properties have provided 31 parking spaces. The original application requested a parking waiver of any required parking over 31 for these three properties. The exact parking waiver number is difficult to determine based on the mixture of uses.

With the 2008 application, the applicant provided an analysis of the existing parking conditions in this area of the Downtown. The analysis demonstrates two points. The first is that there is adequate public parking in this area to support this type of use. The second is that the applicant has other properties in the Downtown that can be utilized to support the proposed redevelopment, either by making restaurant staff park in remote lots or by the utilization of valet parking or other parking management strategies.

The purpose of the Redevelopment Plan is to provide flexibility to encourage redevelopment in the Downtown through a public hearing process. It is staff’s determination that the applicant has provided a coordinated plan to redevelop the three parcels that is compliant to the Land Development Code to the maximum extent practical. The waiver of the additional 10 required parking spaces will not negatively
impact the Downtown area. The proposed use is one that the redevelopment plan encouraged and can be utilized to attract additional individuals to the Downtown area.

2. **To allow full alcohol service under a 4COP license.** The City’s Land Development Code defines the proposed restaurant as follows:

   “Type “B”: have less than 150 seats that serve customers attracted from their immediate area and not generally dependent on exposure to heavy automotive traffic. Type “B” establishments are permitted to offer beer & wine only”.

Per the Land Development Code, a restaurant with less than 150 seats is permitted to serve beer and wine only. A restaurant with 150 seats or more is permitted to have full alcohol service, typically through a SRX state license, that ensures that the use will always function as a restaurant.

The application is proposing to allow the full alcohol service with a 4COP State license. This type of license is typically used for the operation of bars and does not have manumit food sales requirements associated with the license. In an attached letter, the applicant states, “As with most fine dining establishments the ability to have an alcoholic beverage with dinner and perhaps after dinner, some fine Cognacs or after dinner liquors, is paramount to the ambiance and dining experience.”

In staff’s review, the objective was to ensure that the use is always licensed and functioned as a restaurant. Staff has proposed, and the applicant is willing, to accept the following conditions that would be included in the Development Order approval:

1. The use shall operate and be licensed at all times as a restaurant.
2. The restaurant shall contain a full-service kitchen including a refrigerator, freezer, stove, hood and fire suppression system that is used for cooking and preparing food.
3. Any separate bar or lounge area shall not occupy more than 25 percent of the floor area of the entire restaurant exclusive of the kitchen, restrooms, storage and utility areas.
4. Alcoholic beverages are sold or dispensed only for consumption on the premises.
5. Alcoholic beverages shall not be sold or dispensed unless the kitchen is open and prepared food is available to patrons.

**Special Exception Criteria**

Section 2-56 of the Land Development Code also outlines the general criteria for all Special Exception approvals:

**A. Off-street parking loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.**
The project proposes 31 parking spaces by physically combining the rear lots of the three parcels into one master design. As detailed above, the applicant is requesting an additional parking waiver of 10 spaces based on available public parking in the area and other lots in the area owned by the applicant. Staff does not believe that there will be any adverse impact on surrounding property owners.

B. **Required yards, screening or buffering, and landscaping shall be consistent with the district in general, the specific needs of the abutting land uses, Chapter 3, Article 1, and other applicable provisions of this Code.**

The amendment does not propose any actions that would impact the approved buffering and landscaping of the original approval.

C. **Size, location, or number of conditional or Special Exceptions in an area shall be limited so as to maintain the overall character of the district in which said conditional or Special Exceptions are located.**

The requested Special Exception amendment is consistent with the developed character of this area of the Downtown. The application is sought to make the proposed restaurant use a more viable use and increase the probability of its long-term success.

D. **Hours of operation may be limited and the City may require additional information on structural design and site arrangement, to assure the compatibility of the development with existing and proposed uses in the surrounding area.**

The surrounding land uses are “General Commercial” and “Office/Professional”. There are several residential units in close proximity to the project; however, these units are existing nonconforming uses on commercially zoned property. There are no hours-of-operation limits proposed at the Rose Villa site.

E. **The Special Exception shall not generate hazardous waste or require use of hazardous materials in its operation without use of City-approved mitigative techniques.**

This amendment will not generate hazardous waste.

F. **All development proposed as a Special Exception within or adjacent to a historic district shall be reviewed based on applicable criteria stated herein for residential, commercial or mixed use development and shall also comply with appearance and design guidelines for historic structures.**

There are no building alterations proposed with this amendment. The subject property has filed an application to be included on the City’s Local Landmark List.
G. **Outdoor lighting shall have no spillover onto adjacent property or rights-of-way beyond the building site property line and the lumens shall not exceed two (2) foot-candles at the property line.**

The amendment is not modifying the approved lighting plan and no impacts are associated with this request.

**Consistency with Comprehensive Plan**

The site is designated as “General Commercial” on the City’s Future Land Use Map (FLUM) and is zoned B-4 (Central Business) on the City’s Official Zoning Map. The site’s future land use designation is consistent with the Comprehensive Plan.

**Land Use**

Adjacent land uses and zoning are as follows:

<table>
<thead>
<tr>
<th>Current Land Uses</th>
<th>Future Land Use Designation</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Nonconforming Single Family Residential and Parking Lot</td>
<td>“Office/Professional”</td>
</tr>
<tr>
<td></td>
<td></td>
<td>B-1 (Professional/Office &amp; Hospital)</td>
</tr>
<tr>
<td>South</td>
<td>Across SR 40 – Retail, City Hall, and Park</td>
<td>“General Commercial” &amp; “Open Space/Conservation”</td>
</tr>
<tr>
<td></td>
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<td>B-4 (Central Business)</td>
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<tr>
<td>East</td>
<td>Office</td>
<td>“General Commercial”</td>
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<tr>
<td></td>
<td></td>
<td>B-4 (Central Business)</td>
</tr>
<tr>
<td>West</td>
<td>Retail, Residential, Restaurant</td>
<td>“General Commercial”</td>
</tr>
<tr>
<td></td>
<td></td>
<td>B-4 (Central Business)</td>
</tr>
</tbody>
</table>

**CONCLUSION:**

Per Section 1-15.E. of the Land Development Code the following criteria are to be used in reviewing the amendment request, with staff’s review listed below the criteria:

1. **The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The proposed amendment conforms to the standards and requirements of the Land Development Code as a Redevelopment Plan. The application of the typical parking and other requirements would severely hamper any site redevelopment of this project and other Downtown properties. The proposed use will not create undue crowding or adversely affect the public health.
2. **The proposed development is consistent with the Comprehensive Plan.**

The site has a Future Land Use designation of “General Commercial”, which is consistent with the proposed uses. The directive text of the Future Land Use Element of the Comprehensive Plan notes that the City is addressing many of the same issues as the original 1976 Central Business District plan, including the compatibility of new uses with existing uses, the need for additional off-street parking, and the need for a coordinated design approach. The City adopted an updated Downtown Master Plan in 2007, that recommended flexibility for redevelopment projects and the use of more after-5:00 pm uses to more fully utilize the Downtown area.

Other Comprehensive Plan policies applicable to this application include:

- **POLICY 1.2.6.**
  
  Recognizing the importance of the Central Business District, the City shall continually assess its progress toward meeting the objectives of the CBD Plan, revise objectives and proposals where necessary and develop practical methods to accomplish the necessary proposed improvements.

- **POLICY 1.2.7.**
  
  The redevelopment and renewal of blighted commercial areas shall be encouraged.

3. **The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

The proposed amendment will not adversely impact environmentally sensitive lands or natural resources and is an existing developed site.

4. **The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

It is staff’s determination that amendment will not negatively impact surrounding properties or cause depreciation. The parking waiver is justified by the Downtown location, public parking, and other private parking in the area. The conditions on the 4COP alcohol license will ensure the use shall be a restaurant.
5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.

Public facilities currently serve the site and adequate capacity exists to serve the proposed use and the amendment will have no impact.

6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.

The proposed amendment will not impact traffic or circulation patterns that were approved as part of the original application.

7. The proposed development is functional in the use of space and aesthetically acceptable.

The amendment does not modify that approved site plan that has been determined to be functionally and aesthetically acceptable.

8. The proposed development provides for the safety of occupants and visitors.

The amendment has no impact on the overall safe movement on the site for occupants and visitors as originally approved.

9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.

The proposed amendment does not propose any architectural changes and will not adversely impact the neighborhood and aesthetics of the area.

10. The testimony provided at public hearings.

This application has not been reviewed in a public forum and no testimony has been provided.

**RECOMMENDATION:** It is expected that the application will be reviewed by the City Commission on June 16, 2009. It is recommended that the Planning Board recommend **APPROVAL** of Special Exception amendment at 43 West Granada Boulevard to allow the proposed restaurant to:

1. Expand the number of seats permitted for a restaurant from 30 to 60.
2. To allow full alcohol service under a 4COP license, where previously only beer and wine would be permitted, under certain conditions that will ensure the use is operated as a restaurant under the following conditions:

   A. The use shall operate and be licensed at all times as a restaurant.

   B. The restaurant shall contain a full-service kitchen including a refrigerator, freezer, stove, hood and fire suppression system that is used for cooking and preparing food.

   C. Any separate bar or lounge area shall not occupy more than 25 percent of the floor area of the entire restaurant exclusive of the kitchen, restrooms, storage and utility areas.

   D. Alcoholic beverages are sold or dispensed only for consumption on the premises.

   E. Alcoholic beverages shall not be sold or dispensed unless the kitchen is open and prepared food is available to patrons.
Exhibit 1

Location Maps
Exhibit 2

Applicant Letter and Original Parking Analysis
Memorandum in Support of
Special Exception Application
Highlander Corp. For 4 COP License
for Restaurant located at
43 West Granada Blvd.

Resolution No. 2008-146,
"A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A
DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REDEVELOPMENT PLAN
AT 15, 29, AND 43 WEST GRANADA BOULEVARD, SAID PROPERTY BEING
WITHIN THE B-4 CENTRAL BUSINESS ZONING DISTRICT AND DOWNTOWN
OVERLAY DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF
APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE"

was signed on August 26, 2008, and recorded on 9/9/08, in the public records of Volusia County
in Book 6274 at page 215.

By this Special Exception Application property owner, Highlander Corp., seeks to amend that
section regarding the proposed restaurant now under construction, at 43 W. Granada Boulevard,
by increasing the number of seats from 30 to 60 and to allow the restaurant to operate with a
4COP license limiting the use of said license under the following conditions:

1. The use shall operate and be licensed at all times as a restaurant.

2. The restaurant shall contain a full service kitchen including a refrigerator, freezer, stove,
hood and fire suppression system that is used for cooking and preparing food.

3. Any separate bar or lounge area shall not occupy more than 25 percent of the floor areas
of the entire restaurant exclusive of kitchen, restrooms, storage and utility areas.

4. Alcoholic beverages are sold or dispensed only for consumption on premises.

5. Alcoholic beverages shall not be sold or dispensed unless the kitchen is open and
prepared food is available to patrons.

Highlander Corp. agrees to all conditions precedent and further states that as to no. 2, the
approved building plans are currently in the construction phase and that all of the equipment has
been ordered and will be installed upon construction completion by Edward Don Kitchen Sales
and Daytona Fired and Hood.

Highlander Corp. is the property owner of the three parcels contained in the Development Order.
The restaurant which is currently under construction at 43 W. Granada Blvd., will be owned and
operated by a corporation known as Rosebutt, Inc. Said corporation is owned by William H.
Jones, Jr., president and sole shareholder. Highlander Corp. proposes to purchase said 4COP
license in the name of Rosebutt, Inc. It is required by the State of Florida, Dept. Of Professional Regulation, Division of Hotels and Restaurants and Division of Alcohol and Tobacco, that the restaurant corporation that runs the restaurant be the title holder of the 4COP license.

As to the increase in the number of seats, Highlander Corp. asks for an additional waiver of 14 parking spaces. Highlander Corp. is currently in negotiations with Ormond Medical to lease 20 parking spaces. Highlander Corp. is also assessing the purchase of additional property adjacent to the three parcels contained in the “31 on the Boulevard” project which would provide an additional 25 parking spaces. However, Highlander asks for the waiver not be conditioned on either of those negotiations coming to fruition.

The Rose Villa, the restaurant under construction at 43 West Granada Blvd., will be a fine dining restaurant. The Rose, as it is affectionately termed, was built in 1901. The Rose is loving being restored as only Mr. Jones, with his attention to detail, love of history and authenticity, and his commitment to the Downtown, can do. Mr. Jones’ commitment is further evidenced by the enormity of the 31 on the Blvd. Project, the Ormond Garage, the Bushman Building, 123 W. Granada Blvd., and to various organizations such as Ormond Main Street and the Chamber of Commerce.

As with most fine dining establishments the ability to have an alcoholic beverage with dinner and perhaps after dinner, some fine Cognacs or after dinner liquors, is paramount to the ambiance and dining experience. We ask that you grant this special exception so that the Rose may return to it’s former glory and that Mr. Jones be able to complete his vision.

Respectfully submitted,

Dorian Burt
Project Coordinator
Highlander Corp.
Rosebutt, Inc.
Memorandum Addressing Waiver of Parking Requirements
for the Project known as
THIRTY ONE on the BOULEVARD
encompassing the following addresses
revised 7/10/08

11-23, 29/31 and 43 West Granada Blvd.

Picture a vibrant downtown where people walk a block or two to park, see the sights, explore new establishments, in short, do what we are hoping they will do, if they have to walk a block or two to park. This will never happen if we continue to require downtown to redevelop as a suburban site where everyone drives to each location and no walking occurs.

Every aspect of our citizenry is looking for redevelopment to occur in the Downtown. Here we have a highly invested Corporation wanting to bring life to Downtown and the Land Development Code, even with the special exception process, (which gives no guarantees) stands directly in the way. We appeal to you to grant the parking waiver unconditionally and agree that should it become necessary we will provide valet parking.

Highlander Corp. is proposing a 150 seat restaurant to be built on the property located at 29 W. Granada utilizing the current building and creating a 2000 sq. ft. outside dining patio/courtyard in the vacant area between 23 and 29 W. Granada, said vacant land being part of the parcel containing 11-23 W. Granada. There will also be a thirty seat “Romantic Dining Establishment” located at 43 West Granada.

The required number of parking spaces required by the current LDC for this project is 88, parking chart attached. There is no way to accomplish 88 parking spaces on these combined properties. Historically, the uses on these properties have utilized different peak demand of parking, on street parking, or do not generate the LDC parking required under specialty retail, which designation lumps large big box retailers with small boutiques. Our engineers have been able to place 31 parking spaces on these properties and abide by the storm water requirements. We are asking for a waiver of 57 parking spaces. This takes into consideration that the businesses currently located in the Busehman Building are typically not open after 5 pm and are closed on Saturdays or Sundays. There is available, the use of on street parking, the possible use of parking agreements and if necessary, providing valet parking to other parking lots owned by the Highlander that are not used in the evening hours and are located in the River, should that become necessary. The Highlander Corp. does not believe in towing and this large parking area will be
open to all. If someone is visiting one merchant and decides to stroll down to another location they may leave their vehicles without fear of their vehicle having been towed.

Below is an outline of current properties owned by the Highlander Corp., their current uses and parking spaces and the current number of public parking spaces located in the River district to further illustrate the ample supply of parking.

I. Description of properties owned by the Highlander Corp. in the River District, of the Downtown Overlay District, running from Beach Street on the East to Washington Street on the West and North and South of Granada one block, Corbie and New Britain. Said description will include addresses, current uses, number of parking spaces on property, current hours of operation and possible future uses.

II. Current public parking places available in the River District.

I. Properties Owned by the Highlander Corp. In the River District

From East on Beach Street going West to Washington Street on Granada Blvd. - South Side

1. 38 West Granada - currently a vacant lot - to be part of a Special Exception
2. 44 West Granada - two story bldg., being renovated, retail downstairs, residential apt. upstairs
3. 48 West Granada - Ormond Garage - working on structural and architectural Revisions -
4. 37 Corbin - currently vacant lot

All 4 properties to be part of a Special Exception in the future. Number of proposed parking spaces not yet available.

136 W. Granada through 154 W. Granada and 9 & 11 Washington Street

This property was known as Granada Crossings Shopping Center. It consists of approximately 24,000 sq. feet of retail space. It has on site 91 plus 4 handicap parking spaces. The hours of operation for the businesses are from 10 am until 6 pm, Monday through Saturday.
From East on Beach Street going West to Washington Street on Granada Blvd-
North Side

1. 15 - 23 W. Granada - 6 retail shops, two apts. - hours of operation - 10 - 6 pm -
Monday through Friday - currently utilize on street parking and some grass parking.
In the future a possible small 30 seat restaurant to be located in some 1800 sq. feet
of the 3935 sq. feet of retail. Parking requirements for said restaurant are included
in this site plan and parking requirement chart. This property is known as the
Buschman property and is on the local historic landmark list. It was recently
restored by the Highlander Corp. To its’ former glory and received a standing
ovation for a wonderful restoration at a Commission meeting.

2. 29/31 W. Granada - site plan submittal for a 150 seat restaurant - (will have 31
parking spaces once approved and completed)

3. 43 W. Granada - vacant building - to be restored in the future to a 30 seat
restaurant (necessary parking for restaurant included in this site plan and parking
chart) (Nos. 1,2, and 3 above are part of site plan)

4. 45 - 51 W. Granada - 3 retail shops and a Bistro- approximately 12 on site
parking spaces. NOT PART OF SITE PLAN

Properties above are all contiguous and go from Granada to New Britain with three
access walkways to be created from Granada to New Britain.

Total number once completed - 43

119 W. Granada Blvd - retail space and 123 West Granada - Frappes - restaurant
with 44 spaces on site.

139 - 159 W. Granada - 6 retail and professional shops - 41 parking spaces on site.
This property is contiguous to 123 West Granada and in the future will have access
opened to both lots with a walk way through to Granada.

East from Beach to Washington on New Britain -

South side -
20 New Britain - residential
50 New Britain - behind 45-51 W. Granada - 2 apts., future 5 possible retail shops currently garage storage

North Side -
49 New Britain - residential
65 New Britain - residential
73 New Britain - residential
83 New Britain - residential
33 New Britain - residential

Total no. of Highlander owned parking spaces - 223

II. Number of public parking spaces in the area Beach Street to Washington Street on Granada and one block North and One Block South of Granada

1. Casson Park - 45 and 1 handicap
2. Casson Park on Street Parking - 10
3. City Hall - 218 and 8 handicap
4. On Corbie behind City Hall - (North and South side on street) 16
5. Ormond Elementary - 69 and 2 handicap
6. Police Station - 19 plus 3 handicap
7. City lot on Washington and Tomoka - 70 and 3 handicap
8. On Street Parking - Granada - South Side - 30
9. Bailey River Bridge Gardens - 19 and 1 handicap
10. On Street Parking - Granada - North Side - 14
11. Lot behind Chamber - 36 plus 3 handicap

Total no. public parking spaces - 567
Current & Future Usage and Parking Chart  –updated 7/10/08

<table>
<thead>
<tr>
<th>Address</th>
<th>Current Use</th>
<th>Unit/SF</th>
<th>Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 - 23 W. Granada</td>
<td>retail/restaurant/employees</td>
<td>3935</td>
<td>21</td>
</tr>
</tbody>
</table>

This property is known as the Buschman property. It consists of a two story frame building housing two retail spaces as well as the stucco building which houses 2 residential apartments and retail space. There will possibly a small restaurant in about 1600 sq. feet of the retail space in the future.

<table>
<thead>
<tr>
<th>Address</th>
<th>Current Use</th>
<th>Unit/SF</th>
<th>Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 A and B W. Granada</td>
<td>apartments</td>
<td>2</td>
<td>4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>Current Use</th>
<th>Unit/SF</th>
<th>Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>29/31 W. Granada</td>
<td>restaurant - inside</td>
<td>48</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>Bar seats</td>
<td>34</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Patio seats</td>
<td>68</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Employees</td>
<td></td>
<td>5</td>
</tr>
</tbody>
</table>

This building is currently vacant and it is made of concrete block and encompasses 2940 square feet. This is the site of the proposed Thirty One on the Boulevard restaurant with courtyard dining.

<table>
<thead>
<tr>
<th>Address</th>
<th>Current Use</th>
<th>Unit/SF</th>
<th>Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>43 W. Granada</td>
<td>restaurant</td>
<td>30 seats</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Employees</td>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>

This building is currently vacant. It is of frame construction. It will be a 30 seat intimate Italian restaurant with dining on the first floor and restaurant storage on the second.

Total no. of required parking spaces for all properties and uses- 88
On the Boulevard Parking Analysis

Legend:
- On Street Parking
- Public Parking
- Applicant Parking

- On Street Parking
- Public Parking
- Applicant Parking

- After 3pm

- 20
- 35
- 42
- 41
- 91
- 22
- 73
- 72 after 3pm
- 216
- 15
- 10
- 4
- 42
- 31
Exhibit 3

Approved Special Exception
August 28, 2008

Ms. Dorian Burt, Property Manager
Highlander Corporation
203 Pine Cone Trail
Ormond Beach, FL 32174

RE: Resolution No. 2008-146
Special Exception Redevelopment Plan Development Order
15, 29 and 43 West Granada Blvd.

Dear Ms. Burt:

At its August 26, 2008, meeting, the City Commission of Ormond Beach approved Resolution No. 2008-146 authorizing the execution of a Development Order for a Special Exception Redevelopment Plan at 15, 29, and 43 West Granada Boulevard. Please be aware this Development Order contains expiration dates.

The resolution and development order have been sent to the Clerk of the Court for recording, and a recorded copy will be forwarded to you when it has been received from the Clerk of the Circuit Court. In the meantime, should you have any questions regarding the development order, please contact Mr. Ric Goss, Planning Director, at 386-676-3238.

Sincerely,

Veronica Patterson, CMC
City Clerk

Enclosure

cc: Randal A. Hayes, Esquire, City Attorney
Ric Goss, Planning Director
Steven Spraker, Senior Planner
RESOLUTION NO. 2008-146

A RESOLUTION AUTHORIZING THE EXECUTION AND ISSUANCE OF A DEVELOPMENT ORDER FOR A SPECIAL EXCEPTION REDEVELOPMENT PLAN AT 15, 29 AND 43 WEST GRANADA BOULEVARD, SAID PROPERTY BEING WITHIN THE B-4 (CENTRAL BUSINESS) ZONING DISTRICT AND DOWNTOWN OVERLAY DISTRICT; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE

WHEREAS, the Highlander Corporation, a Florida corporation, has applied for the issuance of a Special Exception Redevelopment Plan to redevelop the existing structures and construct site improvements to allow a mixture of uses, including restaurants types "A" and "B", on a three parcels located at 15, 29 and 43 West Granada Boulevard, within the B-4 (Central Business) zoning district and Downtown Overlay District, and

WHEREAS, City of Ormond Beach Land Development Code ("the Land Development Code") establishes a Redevelopment Plan to produce development having design compatibility, meeting required parking to the maximum extent feasible, and achieving a high level of aesthetic appeal through a combination of architecture, landscaping, and hardscape material, and

WHEREAS, the application is in compliance, to the maximum extent feasible, with all applicable provisions of the City of Ormond Beach Land Development Code ("the Land Development Code") and the general laws of Florida, and

-1-
WHEREAS, the City Commission has duly held a public hearing on the application and has considered the testimony and evidence presented, and

WHEREAS, the City Commission has considered the following:

(1) The report and recommendations of the Development Review Board;

(2) The report and recommendations of the Site Plan Review Committee; and

(3) The comments of governmental agencies, utility corporations and individuals, as received, and

WHEREAS, based upon all of the foregoing and in consideration thereof, the City Commission finds that:

(1) The proposed development conforms to the standards and requirements of the Land Development Code and will not create undue crowding beyond the conditions normally permitted in the B-8, Commercial zoning district, or adversely affect the public health, safety, welfare or quality of life;

(2) The proposed development is consistent with the Comprehensive Plan;

(3) The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;

(4) The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties;
(5) There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds;

(6) Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe;

(7) The proposed development is functional in the use of space and aesthetically acceptable;

(8) The proposed development provides for the safety of occupants and visitors;

(9) The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area; and

(10) The testimony provided at public hearings,

now therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. The Mayor and the City Manager are hereby authorized and directed to execute and issue a Special Exception Redevelopment Plan to allow the redevelopment three properties, including site improvement and building renovations to the 15, 29 and 43 West Granada Boulevard structure (On the Boulevard), B-4 (Central Business) zoning district and Downtown Overlay District, on that real property described in the Special Exception
Redevelopment Plan Development Order, a copy of which is attached hereto and incorporated herein by reference.

**SECTION TWO.** The Special Exception Redevelopment Plan specifically authorizes the following:

1. **Required Parking:** A waiver to accept 31 parking spaces for the project area as required by Chapter 3, Article III, Section 3-26.C of *Land Development Code* for the restaurant and retail uses will be granted by the City, as authorized by Chapter 2, Article VI, Section 2-70.H of the *Land Development Code*.

2. **Building Architecture:** A waiver of the architectural design standards established by Chapter 3, Article VI, Section 3-67.D.b of the *Land Development Code* to permit an Art Deco architectural style for the 29 West Granada Boulevard structure will be granted by the City.

3. **Unity of Title:** A waiver of the design standards for multiple structures established by Chapter 2, Article II, Section 2-42.D.3 of the *Land Development Code* is granted by the City; the applicant shall either provide a cross access easement for the three properties or establish a property owners association prior to the issuance of any building permits.

4. **Landscaping:** A waiver of the required lot line and building foundation landscaping requirements established by Chapter 3, Article 1, Section 3.05.C.7 and Section 3.06 of the *Land Development Code* is granted by the City to allow coordinated site plan.

5. **Signage:** A waiver of the wall signage requirements established by Chapter 3, Article IV, Section 3-46 of the *Land Development Code* is granted by the City to allow an additional 16 square feet of wall signage (from 32 square feet to 48 square feet), for each building within the 31 On the Boulevard project. A waiver of the monument signage requirements established by Chapter 3, Article IV, Section 3-47 of the *Land Development Code* is granted by the City, to allow a monument sign on each parcel, to front New Britain Avenue and not to exceed 32 square feet.

6. **Fences and Walls:** The courtyard wall/structure shall be allowed to exceed three feet in height as established by Chapter 2, Article III, Section 2.50.M of the *Land Development Code* to provide boundaries for the courtyard area and to screen outdoor patrons from some of the noise impact of Granada Boulevard.
7. **Live Music inside Buildings:** A waiver to allow live entertainment within the establishments is granted by the City and outdoor musical entertainment is prohibited.

**SECTION THREE.** This Resolution shall take effect immediately upon its adoption.

**APPROVED AND AUTHENTICATED this 26th day of August, 2008.**

[Signature]

FRED COSTELLO  
Mayor

**ATTEST:**

[Signature]

VERONICA PATTERSON  
City Clerk
BEFORE THE
CITY COMMISSION
OF THE
CITY OF ORMOND BEACH

IN RE: Highlander Corporation, a Florida corporation
SE 08-12
"31 On the Boulevard"
15, 29 & 43 West Granada Boulevard

SPECIAL EXCEPTION
REDEVELOPMENT PLAN
DEVELOPMENT ORDER

This matter having come on for public hearing before the City Commission of the City of Ormond Beach, Florida, on August 19, 2008, and the City Commission having considered those items as required by Section 1-18 of the Land Development Code, and having heard testimony and evidence from all affected persons, the City Commission hereby finds that:

1. The proposed development conforms to the standards and requirements of the Land Development Code and will not create undue crowding beyond the conditions normally permitted in the B-8, Commercial zoning district, or adversely affect the public health, safety, welfare or quality of life;

2. The proposed development is consistent with the Comprehensive Plan;

3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;

4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive
noise, odor, glare, or visual impacts on the neighborhood and adjoining properties;

5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds;

6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe;

7. The proposed development is functional in the use of space and aesthetically acceptable;

8. The proposed development provides for the safety of occupants and visitors;

9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area; and

10. The testimony provided at public hearings.

Thereupon and in consideration thereof, the City Commission hereby orders that:

A. The application of Highlander corporation, a Florida corporation, for a Special Exception Redevelopment Plan to redevelop the existing structures and construct site improvements to allow a mixture of uses, including restaurants types “A” and “B”, on a three parcels located at 15, 29 and 43 West Granada Boulevard, within the B-4 (Central Business) zoning district and Downtown Overlay District, on that real property described on Exhibit “A” attached hereto and incorporated herein by reference, is hereby granted, subject to the following conditions:
1. All applicable provisions of the Land Development Code shall be
complied with at all times, such provisions being incorporated herein by reference and hereby
specifically made a part of this Special Exception;

2. The Site Plan Review Committee comments in Exhibit “B” attached
hereto and incorporated herein by reference shall be satisfactorily addressed prior to final sign-off
by the Site Plan Review Committee and, thereafter, shall at all times be strictly complied with;

B. The final plans for the Redevelopment Plan shall be consistent with the
site plans depicted in Exhibit “C” attached hereto and incorporated herein by reference, to allow
the following:

1. Required Parking: A waiver to accept 31 parking spaces for the
project area as required by Chapter 3, Article III, Section 3-26.C of Land Development Code for
the restaurant and retail uses will be granted by the City, as authorized by Chapter 2, Article VI,
Section 2-70.H of the Land Development Code.

2. Building Architecture: A waiver of the architectural design
standards established by Chapter 3, Article VI, Section 3-67.D.b of the Land Development Code
to permit an Art Deco architectural style for the 29 West Granada Boulevard structure will be
granted by the City.

3. Unity of Title: A waiver of the design standards for multiple
structures established by Chapter 2, Article II, Section 2-42.D.3 of the Land Development Code
is granted by the City; the applicant shall either provide a cross access easement for the three
properties or establish a property owners association prior to the issuance of any building
permits.

4. Landscaping: A waiver of the required lot line and building
foundation landscaping requirements established by Chapter 3, Article I, Section 3.05.C.7 and
Section 3.06 of the Land Development Code is granted by the City to allow coordinated site plan.

5. Signage: A waiver of the wall signage requirements established by
Chapter 3, Article IV, Section 3-46 of the Land Development Code is granted by the City to allow
an additional 16 square feet of wall signage (from 32 square feet to 48 square feet), for
each building within the 31 On the Boulevard project. A waiver of the monument signage
requirements established by Chapter 3, Article IV, Section 3-47 of the Land Development Code
is granted by the City, to allow a monument sign on each parcel, to front New Britain Avenue
and not to exceed 32 square feet.
6. **Fences and Walls:** The courtyard wall/structure shall be allowed to exceed three feet in height as established by Chapter 2, Article III, Section 2.50.M of the *Land Development* Code to provide boundaries for the courtyard area and to screen outdoor patrons from some of the noise impact of Granada Boulevard.

7. **Live Music inside Buildings:** A waiver to allow live entertainment within the establishments is granted by the City and outdoor musical entertainment is prohibited.

C. No material change shall be made to the final plans for this Special Exception without further review by the Development Review Board and approval by the City Commission in accordance with the procedures for the approval of this Special Exception Redevelopment Plan Development Order.

D. All site construction activity shall be performed in strict compliance with the terms and conditions of this Special Exception, and of the *Land Development Code*.

E. In the event a Neighborhood Improvement Officer subsequently determines there to be any violation of this Special Exception, such Officer shall promptly present such determination to Special Master for hearing.

F. Pursuant to Chapter 1, Article II, Section 1-14(C) (3), of the *Land Development Code*, this Special Exception shall automatically expire and become void, without further action by the City Commission, in 2 years (August 19, 2010), unless a building permit has been issued prior to that date; and if a building permit is so issued, this Special Exception shall remain in full force and effect unless and until subsequently amended by the City Commission.

G. If this Special Exception is abandoned for a period of six (6) months, a zoning approval for a new use, subject to Special Exception requirements, shall not be issued until the Site Plan review Committee determines that all of the conditions of Chapter I, Article II, Section 1-14(C) of the *Land Development Code* have been meet.

H. This Special Exception Redevelopment Plan Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of Highlander Corporation, a Florida corporation, and shall be binding upon Highlander Corporation, a Florida corporation, and its successors and assigns, and shall run with the real property described in Exhibit “A” attached hereto and incorporated herein by reference. (Parcel ID No.: 4215-16-00-0101, 4215-16-00-0100 and 4215-16-00-0080)
ORDERED this 19th day of August 2008.

By:

FRED COSTELLO
Mayor

(CITY SEAL)

Attest:

THEODORE S. MacLEOD
Acting City Manager
EXHIBIT “A”

LEGAL DESCRIPTION

4215-16-00-0010
15 W GRANADA BLVD 15-23 ORMOND BEACH

PARCEL 2:
THE EASTERLY 4 OF LOT 10 AND THE WEST 22 FEET OF LOT 12, ALL AS LIES NORTHERLY OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 40, PENFIELD BLOCK, AS RECORDED IN PLAT BOOK 1, PAGE 78, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PORTION OF LOT 12: AS A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE WEST LINE 12; AS A POINT OF BEGINNING OF THIS DESCRIPTION, THENCE, DEPARTING SAID SOUTH LINE OF SAID LOT 12 AND THE NORTH LINE OF SAID LOT 12, RUN NORTH 35°17'41" WEST, A DISTANCE OF 85.32 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID LOT 12; THENCE, DEPARTING THE NORTH LINE OF SAID LOT 12, RUN SOUTH 21°0'50" WEST, A DISTANCE OF 85.58 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF SAID LOT 12; THENCE, RUN SOUTH 54°00'44" WEST, ALONG THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 7.04 FEET TO A POINT THEREOF, THENCE DEPARTING THE WEST 35°17'41" WEST, A DISTANCE OF 90.73 FEET TO A POINT WHERE THE EAST 35°17'41" EAST, A DISTANCE OF 90.73 FEET TO A POINT WHERE THE WESTERLY 4 OF LOT 10, ALL AS LIES.

29 W GRANADA BLVD ORMOND BEACH

4215-16-00-0100

PARCEL 3:
THE EASTERLY 165 FEET OF LOT 9 AND THE WESTERLY 335 FEET OF LOT 10, PENFIELD BLOCK, AS RECORDED IN PLAT BOOK 1, PAGE 78, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. CONTAINING 9066 SQUARE FEET = 0.21 ACRES MORE OR LESS.

43 West Granada Boulevard

4215-16-00-0080

PARCEL 4
LEGAL DESCRIPTION
LOT 0, PENFIELD BLOCK SUBDIVISION, AS PER MAP RECORDED IN MAP BOOK 1, PAGE 78, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND FURTHER DESCRIBED AS FOLLOWS: BEGINNING AT A CERTAIN STAKE PLACED ON THE SOUTH LINE OF NEW BRITAIN AVENUE, DISTANT 600 FEET FROM THE CENTER LINE OF PINE STREET MEASURED ON AN EASTERLY DIRECTION ALONG SAID SOUTH LINE OF NEW BRITAIN AVENUE, RUNNING FROM SAID DESCRIBED LINE STAKE 323.30', 213.10 FEET TO THE CENTER LINE OF PINE STREET MEASURED ON AN SOUTHWESTLY DIRECTION, A DISTANCE OF 213.10 FEET TO THE SOUTH LINE OF NEW BRITAIN AVENUE, THENCE 323.30', 67 FEET ALONG THE SOUTH LINE OF NEW BRITAIN AVENUE TO THE PLACE OF BEGINNING. THE FOREGOING PIECE OF LAND BEING OTHERWISE KNOWN AS LOT 0, PENFIELD BLOCK, A SUBDIVISION OF PART OF RIVER LOTS 3 AND 34 EAST OF PINE STREET AND OF RECORD IN MAP BOOK 1, PAGE 78, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. CONTAINING 21180 SQUARE FEET = 0.49 ACRES MORE OR LESS.
SPRC Comments

1. There are a number of improvements that are shared among the three lots. Prior to the issuance of building permits, provide evidence of all easements or alternatively create a property owner's association to ensure that the common attributes can be maintained and utilized by all three lots.

2. What is the setback of the patio wall and the property line? Consider setting back patio in order to allow sidewalk area for customers. You may also want to consider some landscaping in front of the wall.

3. Please identify on the site plan where the mechanical equipment is proposed to serve the restaurant, such as hoods or air conditioning units.

4. The rear of the structure does not provide any architectural attributes. Are there no opportunities for embellishment? Please verify the height of the proposed wall.

5. The dumpster enclosure is very visible from the New Britain ROW. Staff recommends that the side be architecturally treated.

6. Update the sheet index to include all the sheets in the plan set.

7. Remove detail M-19 as this is intended for City CIP projects only.

8. Please don't include tree removal information on sheet 2 of 11 as the LA has prepared a Tree Removal Plan.

9. Please revise the silt fence location to make it consistent with the TRP.

10. Detail SC-7A also requires SC-7B.

11. Include City detail SC-1,2,3,4A to accompany SC-4B on sheet 3 of 11.

12. Include an irrigation plan with the next submittal.

13. Provide Top of Pond contour to define the limits of the pond. This must be min. 6” above the Design High Water Level and located outside the public roadway ROW. Also, all signs, backflow preventers, etc. must be outside the limits of the pond.

14. Provide the seasonal high groundwater elevation, the bottom of exfiltration trench elevation (min. 1' above SHWL) and the top of trench elevation (below the level of the pavement base).
15. The exfiltration system requires a weir and overflow discharge to the pond.

16. The permeability used for design drawdown must be equal to 50% of the estimated permeability.

17. Provide standard concrete spillways at the pond inlets. Provide construction detail.

18. Provide the thickness of the existing shell base. The requirement for milling to achieve design grades will probably result in inadequate pavement base thickness.

19. LDC 3-28A5 requires high back curb at 18’ parking stalls. Replace the wheel stops with curbs.

20. LDC 3-25C3 requires min. 25’ driveway radius. A 10% reduction may be taken for light travel.

21. The southwest diagonal parking stall appears to be unsafe. It requires backing into the public sidewalk to exit. We recommend eliminating this space.

22. Due to this project includes three separate parcels, provide existing construction type of all buildings in order to calculate required fire flow for each building. (Ref. NFPA 1, Uniform Fire Code, 2003 Ed., Table H.5.1 and Table I.3 and Florida Building Code, 2004 Ed., Table 503).

23. Provide occupancy use for all buildings and all stories.

24. In case of businesses or industrial developments hydrants shall be installed at intervals not to exceed three (300) hundred feet with a minimum main size of eight (8) inches. (Ref. Code of Ordinances, Section 9-2, 603.1.3 (a)(ii)).

25. If an existing fire hydrant is farther than three hundred (300’) feet away from the farthest point of a structure as a fire hose would be laid, then the owner shall install fire hydrants as necessary to comply with this requirement. (Ref. Land Development Code, Article V, Section 3-57(8)). Distances shall be measured along street right-of-way or private access roads. No distances shall be measured across a street or road.

Note: Existing fire hydrants can be utilized to satisfy the above code requirements. The City of Ormond Beach, financed by the economic development TIF Fund, is exploring the installation of additional fire hydrants on New Britain Ave. in order to satisfy some of the above requirements.

27. The City of Ormond Beach conducted a fire flow test on the hydrant located at 49 New Britain Ave and the fire flow provided was 717 gpm @ 20 psi. The results of the fire flow test will not meet the minimum required fire flow for this project. Alternative fire protection shall be required. Buildings #43 and #29 & #31 shall require the installation of an automatic sprinkler system. Provide the location of the point of service, fire main, double check backflow assembly, valves, fire department connection and fire sprinkler riser.

28. In the case of a building which will provide a stand-pipe and/or sprinkler system, a fire hydrant shall be installed within 150 ft of the fire department connection. (Ref. Ormond Beach Code of Ordinances, Section 9-2, 603.1.3(iii)).

The Utilities Department has the following comments:

29. Sheet 4 Paving, Grading, Drainage and Utility Plan

a. The proposed grease trap is west of the existing sanitary sewer lateral. Show how the connection to the existing lateral will occur.

b. The existing lateral is 4-inches in diameter. This lateral will need to be upsized to 6-inches in diameter for the proposed restaurant.

c. The exfiltration trench conflicts with the sanitary sewer lateral. Show how the conflict will be resolved.

d. Increase the wye connection on the sanitary sewer main from 4-inches to 6-inches in diameter.

e. The connection to the existing water main is shown as 2-inches in diameter. A minimum size of 6-inches is required for a fire hydrant.

f. Locate the 2-inch water meter at the property line.

g. Locate the 90° bend further south on the fire hydrant line to place it into the island area of the parking lot.

h. Call out the fittings on the fire hydrant main and the water service line.

i. The fire hydrant main will need to cross underneath the 6-inch PVC drain line due to the shallow depth.
j. Locating the water service main underneath the pavement will increase the repair costs if they need to be made in the future. There can also be problems with cold water production in the summer months as the pavement will tend to heat the water in the service line. Relocating the connection to the east side of the parking lot would eliminate that problem.

k. The existing water service connection to the building is near the northeast corner. Maintaining that connection point will allow less pipe to be used.

l. Use a tapping sleeve and valve to connect to the existing water main.

m. Add a note to the drawings indicating that shop drawings for the grease trap shall also be sent to the City of Ormond Beach.

30. Sheet 7 Water Standard Details

a. Delete Water Meter Assembly Detail Index W-12.

b. Add Gate Valve and Valve Box Detail Index W-2.

c. Add PVC and Restrained Joint Table Index W-5.

d. Add Thrust Block Details Index W-4.

e. Add Utility Pipe Location Materials Detail Index M-10. Provide plans showing the connection of the buildings to the utility system.

31. Revise the wastewater flow demand to be 80% of the water demand.
Proposed New "Thirty One On The Boulevard"
Proposed New "Thirty One on the Boulevard"
Exhibit 4

Current rendering for the On the Boulevard Building at 31 West Granada
INTRODUCTION:
This is a request to amend the zoning districts that are consistent with the “Activity Center” land use as follows:

<table>
<thead>
<tr>
<th>Comprehensive Plan Future Land Use Map Designation</th>
<th>Corresponding Compatible Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity Center</td>
<td>1. Ormond Crossings Development of Regional Impact (DRI): Planned Mixed Use Development (PMUD)</td>
</tr>
<tr>
<td></td>
<td>2. Property outside of Ormond Crossings Development of Regional Impact: Highway Tourist Commercial (B-7) Commercial (B-8) Planned Business Development (PBD) Planned Industrial Development (PID)</td>
</tr>
</tbody>
</table>

BACKGROUND:
The City of Ormond Beach initiated an annexation of 3,095-acres that is known as “Ormond Crossings” in 2004, after years of planning and analyzing potential use of the property. The City initiated amendments to the adopted Comprehensive Plan to include this property as part of the Plan. The amendments included the development of the “Activity Center” land use category and the specific guidelines for the development of
property assigned this land use designation. The goal of the “Activity Center” land use category and the associated amendments was to establish regulatory framework for a mixed-use, master-planned development that would provide economic benefits to the area, while establishing a sustainable mix of residential, commercial and institutional uses.

On September 20, 2005, the City Commission unanimously approved Ordinance No. 2005-16, adopting the revised amendments for the Ormond Crossings project and surrounding properties. The amendments included changes made by the Planning Department staff to address the objections, recommendations and comments raised by various state agencies. In accordance with state law, the Planning Department transmitted the adopted amendments to the Department of Community Affairs (DCA) for their review and determination as to consistency with the requirements of the State’s land use regulations.

In November 2005, the DCA issued a Notice of Intent (NOI) to find the revised amendments not consistent with State law. City staff is in process of developing a satisfactory settlement framework for the “Activity Center” land use. On December 19, 2006, the City of Ormond Beach approved Resolution Number 2006-269 approving the Development Order (DO) for the Ormond Crossings Development of Regional Impact (DRI). This approval was stipulated on two issues:

1. Completion of a proportionate share agreement for transportation improvements with the appropriate parties; and

2. A new analysis of the stormwater basin used in the DRI application to ensure that the assumptions used in the analysis were valid. Also, the analysis was to show that there was adequate and sufficient treatment and storage of stormwater in the post-development conditions.

It is expected that the final remedial amendments, Amended and Restated Development Order, and Settle Agreement for the “Activity Center” land use will be completed in the summer of 2009.

LDC Related Issues with the “Activity Center” land use:

The “Activity Center” land use includes two areas. The first is the area that has been incorporated into the Ormond Crossing DRI. This area is west of the railroad tracks and is owned by Tomoka Holdings. The second area is the land between the railroad tracks and US1. This area is not part of the DRI, and there have been land sales that have transferred some of the land from Tomoka Holdings to other property owners. The approximate acreage is as follows:
The central issue is that the current Land Development Code provides only one zoning designation that is compatible with the “Activity Center” land use, which is the Planned Mixed Use Development (PMUD) zoning designation requiring 2,000 acres. The total non-DRI land area is approximately 100 acres and is held in varied ownership and cannot comply with the 2,000-acre minimum requirement of the PMUD. Staff is proposing that the consistency matrix for the “Activity Center” land use be amended to clarify the DRI and non-DRI portions of the land use classification as listed below:

<table>
<thead>
<tr>
<th>Property Owners</th>
<th>Approximate Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terratran</td>
<td>18.40</td>
</tr>
<tr>
<td>AA Accurate</td>
<td>1.01</td>
</tr>
<tr>
<td>Avalon</td>
<td>13.89</td>
</tr>
<tr>
<td>Vanacore</td>
<td>4.50</td>
</tr>
<tr>
<td>Gran Central</td>
<td>1.75</td>
</tr>
<tr>
<td>Tomoka Holdings</td>
<td>60.45</td>
</tr>
</tbody>
</table>

The amendment would not impact the Ormond Crossings DRI or the requirement that all the land west of the railroad tracks be zoned as a Planned Mixed Use Development.

**ANALYSIS:**

The purpose of this amendment is to provide compatible zoning designations for the non-DRI property in the “Activity Center” land use that are less than 2,000 acres. The zoning districts proposed were selected based on the commercial and tourist

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**TABLE 2-2: FUTURE LAND USE MAP DESIGNATIONS AND COMPATIBLE ZONING DISTRICTS**

<table>
<thead>
<tr>
<th>Comprehensive Plan Future Land Use Map Designation</th>
<th>Corresponding Compatible Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity Center</td>
<td>1. Ormond Crossings Development of Regional Impact (DRI): Planned Mixed Use Development (PMUD)</td>
</tr>
<tr>
<td></td>
<td>2. Property outside of Ormond Crossings Development of Regional Impact: Highway Tourist Commercial (B-7) Commercial (B-8) Planned Business Development (PBD) Planned Industrial Development (PID)</td>
</tr>
</tbody>
</table>

[05.14.09 Section 2-02 - PB Staff Report.doc]
commercial uses in the area and the close proximity to the US1 and the I-95 interchange. Attached in Exhibit 2 are the B-7 and B-8 zoning designations with the primary difference that the B-7 zoning designation allows transient lodging facilities. Both the B-7 and B-8 districts allow office, retail, personal services, and restaurant uses. The two zoning districts allow a maximum of 35% building coverage and a maximum impervious ratio of 75%. It is expected that the non-DRI property will develop with a similar intensity as allowed under the County zoning standards.

The two Planned Development zoning districts (Business and Industrial) are included to allow the non-DRI “Activity Center” land use to provide the ability to introduce uses that the B-7 and B-8 districts may not allow, and to achieve site flexibility. The proposed consistency matrix would allow industrial uses under the monitoring of a Planned Development.

CONCLUSION:

There are certain criteria that must be evaluated before adoption of an amendment according to the Land Development Code (LDC), the Planning Board must consider the following criteria when making their recommendation.

1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.

The proposed Land Development Code amendment will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. The purpose of the amendments is to provide compatible zoning designations for the non-DRI property in the “Activity Center” land use that are less than 2,000 acres.

2. The proposed development is consistent with the Comprehensive Plan.

The proposed Land Development Code amendments are consistent with the Comprehensive Plan. The goal of the “Activity Center” land use category and the associated amendments was to establish the regulatory framework for a mixed-use, master-planned development that would provide economic benefits to the area, while establishing a sustainable mix of residential, commercial and institutional uses. The proposed zoning designations would implement the Activity Center land use and be consistent with the Comprehensive Plan.

3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.
The proposed Land Development Code amendment will not have an adverse impact on environmentally sensitive lands.

4. **The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

The proposed Land Development Code amendment will have no adverse effect on surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare or visual impacts on adjoining properties. Each property will undergo a development review process to ensure that there are no negative impacts on adjoining properties.

5. **There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

The proposed Land Development Code amendment is not applicable to public facilities.

6. **Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.

7. **The proposed development is functional in the use of space and aesthetically acceptable.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.

8. **The proposed development provides for the safety of occupants and visitors.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.

9. **The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.
10. The testimony provided at public hearings.

There has not been a public hearing at this time. The comments from the Planning Board meeting will be incorporated into the City Commission packet.

RECOMMENDATION:
It is recommended that the Planning Board APPROVE to amend the zoning districts that are consistent with the “Activity Center” land use as follows:

<table>
<thead>
<tr>
<th>TABLE 2-2: FUTURE LAND USE MAP DESIGNATIONS AND COMPATIBLE ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehensive Plan Future Land Use Map Designation</td>
</tr>
<tr>
<td>Activity Center</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
Exhibit 1
Activity Center Land
Use Maps
LAND USE MAP
Activity Center (DRI and Non-DRI) Land Use
Activity Center – Ormond Crossing
DRI – west of Railroad Tracks

Activity Center – Non-DRI – east of Railroad Tracks

Line split
Railroad tracks

I-95
US-1
LAND USE MAP
Activity Center Non-DRI Property Ownership (all others owned by Tomoka Holdings)
Exhibit 2

Proposed Compatible Zoning Districts
### SECTION 2-28  B-7: HIGHWAY TOURIST COMMERCIAL Zoning District

**A. PURPOSE:** The purpose of the Highway Tourist Commercial (B-7) zoning district is to provide for a variety of tourist facilities and tourist-related support activities in an attractive setting which will promote pedestrian activity and reinforce positive visitor experience. This district is designed for use within or in close proximity to other districts within which major Transit Lodging development has occurred or is permitted.

**B. DIMENSIONAL STANDARDS**

<table>
<thead>
<tr>
<th>Type</th>
<th>Density</th>
<th>Maximum Building Height</th>
<th>Maximum Impervious Lot Coverage</th>
<th>Minimum Lot Size in Square Feet (SF)</th>
<th>Minimum Lot Width</th>
<th>Minimum Lot Depth</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Residential Uses</td>
<td>36</td>
<td>50'</td>
<td>45%</td>
<td>20,000</td>
<td>100'</td>
<td>N/A</td>
<td>20'</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>20' when abutting residential district; 5' additional combined yard area required for each story over 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10'</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>20'</td>
</tr>
</tbody>
</table>

**C. PERMITTED USES**

<table>
<thead>
<tr>
<th>1. Adult Day Care Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Assisted Living Facility</td>
</tr>
<tr>
<td>3. Business Professional Services</td>
</tr>
<tr>
<td>4. Business Services</td>
</tr>
<tr>
<td>5. Clubs and Fraternal Organization</td>
</tr>
<tr>
<td>6. Convenience Store, Type &quot;A&quot;</td>
</tr>
<tr>
<td>7. Financial Institutions</td>
</tr>
<tr>
<td>8. Nursing Home</td>
</tr>
<tr>
<td>9. Personal Services</td>
</tr>
<tr>
<td>10. Retail Sales and Services</td>
</tr>
<tr>
<td>11. School of Art</td>
</tr>
<tr>
<td>12. Schools, Public</td>
</tr>
<tr>
<td>13. Transient Lodging</td>
</tr>
<tr>
<td>14. VeteranCare</td>
</tr>
</tbody>
</table>

**D. CONDITIONAL USES**

| 1. Bar |
| 2. Community Residential Home |
| 3. Convenience Store, Type "B" |
| 4. Convenience Store, Type "C" |
| 5. Dwelling, Multi-Family |
| 6. Family Day Care Home |
| 7. Golf Courses, uncontrolled |
| 8. Hospital |
| 9. House of Worship |
| 10. Nightclub |
| 11. Parking Lot |
| 12. Parking Garage |
| 13. Parks and Recreation Facilities, Private |
| 14. Parks and Recreation Facilities, Public |
| 15. Public Facilities |
| 16. Public Buildings |
| 17. Recreation Facilities, Indoor |
| 18. Restaurant, Type "A" |
| 19. Restaurant, Type "B" |
| 20. Restaurant, Type "C" |
| 21. School Private |
| 22. Shopping Center |
| 23. Telecommunication Tower, Camouflaged |
| 24. Theater |
| 25. Wind Energy System |

**E. SPECIAL EXCEPTION USES**

| 1. Automatic Amusement Center |
| 2. Nightclub |
| 3. Outdoor Activity |
| 4. Outdoor Storage |
| 5. Recreation Facilities, Outdoor |
| 6. Telecommunication Tower |
| 7. Vehicle Rental |

**F. OTHER STANDARDS**

All development must comply with the following requirements:

| 1. Wetlands (Chapter 3, Article II) |
| 2. Special corridors and buffer requirements (Chapter 3, Article II) |
| 3. See Conditional and Special Exception regulations (Chapter 3, Article IV) |
| 4. Multi-family dwelling units shall have the following minimum square footage per bedroom: |

| 1 Bedroom = 600 SF | 2 Bedroom = 750 SF | Each Additional Bedroom = 150 SF |

**G. PERMITTED ACCESSORY USES:** Accessory uses customarily associated with, dependent on, and incidental to the principal uses, provided that such uses conform to the regulations set forth in Chapter 2, Article II.
SECTION 2-29  B-8: COMMERCIAL Zoning District

**A. PURPOSE:** The purpose of the Commercial (B-8) zoning district is to provide for the establishment of general commercial activities (other than automotive or heavy commercial uses) on properties that abut arterial roads. Due to the proximity of lands in the district to residential areas, the district regulations are intended to promote the preservation of natural vegetation, increase opportunities for beautification, and provide extensive buffering between non-residential and residential uses not otherwise separated from each other by a collector or arterial road. Multi-family, governmental, and institutional uses are also encouraged in such corridors as a relief from extensive strip commercial development, and allowable uses are restricted to those most compatible with residential uses. Where used in conjunction with the Planned Business Development District, these regulations are intended to encourage the establishment of locally planned, mid-rise, community-level centers that offer a variety of retail, office, restaurant, recreation and institutional uses.

### B. DIMENSIONAL STANDARDS

<table>
<thead>
<tr>
<th>Type</th>
<th>Density</th>
<th>Maximum Building Height</th>
<th>Maximum Building Coverage</th>
<th>Maximum Impervious Lot Coverage</th>
<th>Minimum Lot Size in Square Feet (SF)</th>
<th>Minimum Lot Width</th>
<th>Minimum Lot Depth</th>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Residential Uses</td>
<td>26</td>
<td>20'</td>
<td>150%</td>
<td>75%</td>
<td>24,000</td>
<td>100'</td>
<td>N/A</td>
<td>20'</td>
</tr>
<tr>
<td></td>
<td>20'</td>
<td>20'</td>
<td>20'</td>
<td>20'</td>
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<tr>
<td></td>
<td>15'</td>
<td>15'</td>
<td>15'</td>
<td>15'</td>
<td>15'</td>
<td>15'</td>
<td>15'</td>
<td>15'</td>
</tr>
</tbody>
</table>

### C. PERMITTED USES

1. Adult Day Care Center
2. Assisted Living Facility
3. Business/Professional Services
4. Business Services
5. Child and Youth Organizations
6. Convenience Store, Type "A"
7. Convenience Stores, Type "B"
8. Convenience Store, Type "C"
9. Daycare, Multi-Family
10. Daycare, Private
11. Daycare, Public
12. Daycare, School
13. Daycare, School-Public
14. Daycare, Public
15. Daycare, Private
16. Daycare, School
17. Daycare, School-Public
18. Daycare, Public
19. Daycare, Private
20. Daycare, School
21. Daycare, School-Public
22. Daycare, Public
23. Daycare, Private
24. Daycare, School
25. Daycare, School-Public
26. Daycare, Public
27. Daycare, Private
28. Daycare, School
29. Daycare, School-Public
30. Daycare, Public
31. Daycare, Private
32. Daycare, School
33. Daycare, School-Public
34. Daycare, Public
35. Daycare, Private
36. Daycare, School
37. Daycare, School-Public
38. Daycare, Public
39. Daycare, Private
40. Daycare, School
41. Daycare, School-Public
42. Daycare, Public
43. Daycare, Private
44. Daycare, School
45. Daycare, School-Public
46. Daycare, Public
47. Daycare, Private
48. Daycare, School
49. Daycare, School-Public
50. Daycare, Public
51. Daycare, Private
52. Daycare, School
53. Daycare, School-Public
54. Daycare, Public
55. Daycare, Private
56. Daycare, School
57. Daycare, School-Public
58. Daycare, Public
59. Daycare, Private
60. Daycare, School
61. Daycare, School-Public
62. Daycare, Public
63. Daycare, Private
64. Daycare, School
65. Daycare, School-Public
66. Daycare, Public
67. Daycare, Private
68. Daycare, School
69. Daycare, School-Public
70. Daycare, Public
71. Daycare, Private
72. Daycare, School
73. Daycare, School-Public
74. Daycare, Public
75. Daycare, Private
76. Daycare, School
77. Daycare, School-Public
78. Daycare, Public
79. Daycare, Private
80. Daycare, School
81. Daycare, School-Public
82. Daycare, Public
83. Daycare, Private
84. Daycare, School
85. Daycare, School-Public
86. Daycare, Public
87. Daycare, Private
88. Daycare, School
89. Daycare, School-Public
90. Daycare, Public
91. Daycare, Private
92. Daycare, School
93. Daycare, School-Public
94. Daycare, Public
95. Daycare, Private
96. Daycare, School
97. Daycare, School-Public
98. Daycare, Public
99. Daycare, Private
100. Daycare, School
101. Daycare, School-Public
102. Daycare, Public
103. Daycare, Private
104. Daycare, School
105. Daycare, School-Public
106. Daycare, Public
107. Daycare, Private
108. Daycare, School
109. Daycare, School-Public
110. Daycare, Public
111. Daycare, Private
112. Daycare, School
113. Daycare, School-Public
114. Daycare, Public
115. Daycare, Private
116. Daycare, School
SECTION 2-36: PLANNED BUSINESS DEVELOPMENT (PBD)

A. **Purpose.** The objective of this zoning district is to establish regulatory standards for controlling the location of comprehensively planned business centers accessible to arterial roadways. The PBD is intended to incorporate a flexible management policy which incorporates urban design amenities, including streetscape improvements, and fosters innovative master planning in the design and development of commercial centers. The PBD district provides a diversified mix of permitted, conditional, and special land uses and higher standards of land planning and site design than are available under conventional zoning categories. All Planned Business Developments shall be designed and administered consistent with the criteria and administrative procedures in the LDC.

1. Promote innovative site and building design and a high level of amenities, including traditional neighborhood developments.

2. Provide efficient location and utilization of infrastructure through orderly and economical development, including a fully integrated network of streets and pedestrian/bicycle facilities.

3. Establish open area set aside for the preservation of natural resources, significant natural features and vistas, and listed species habitats.

4. Create usable and suitable located civic spaces, recreational facilities, open spaces and scenic areas; than would otherwise be provided within conventional zoning districts.

5. Proved for a coherent and visually attractive physical environment through the creation of focal points and vistas, as well as coordination and consistency of architectural styles, landscaping designs and other elements of the building environment.

6. Provide for other limitations, restrictions and requirements as deemed necessary by the City to ensure compatibility with adjacent neighborhoods and effectively reduce potential adverse impacts.

B. **Land Use Mix.** The specific land use mix within a PBD district development shall be determined by the underlying Comprehensive Plan Future Land Use Map designations.

C. **Permitted Uses.** A PBD may incorporate any commercial or residential development allowed as permitted uses in the underlying zoning district designation, as well as any commercial or residential uses allowed under the Code for any district, provided the following findings are made:

1. The use is specifically shown on the site plan and includes a list of all proposed uses not permitted in the underlying zoning district (to the maximum extent known at the time of site plan submittal), a general description of the location, floor area to be occupied by such use, typical hours of operation and other relevant operation characteristics.

2. The use, by virtue of its location, vehicular circulation pattern, noise and visual buffering, traffic generation rates and peak traffic hours, odor emission controls, lighting and use of materials will not have an adverse impact on surrounding land uses, particularly where the site abuts areas developed with or zoned primarily for single-family homes.

3. Conversion of occupancy from a use approved under a PBD to a permitted use in the underlying district will not require an amendment to the PBD.
4. The use does not exceed any size limitations, use restrictions or other requirements provided under Chapter 2, Article II of this Code.

D. Dimensional Requirements

1. **Buffer Areas.** Buffer areas may be reduced to a minimum of six feet (6’), based on a finding that due to the type of adjoining use, natural features (such as water bodies, retention ponds, conservation areas), architecture, fenestration and proposed landscaping and screening, such reduction will not have an adverse impact on any adjoining site or the subject site, provided however that a minimum buffer of six feet (6’) shall be maintained except where there is a standing body of water.

2. **Building Setbacks.** Building setback requirements may be reduced by up to twenty percent (20%) of the required setback in order to achieve site design objectives related to architectural form and visual amenity, provided that such reduction will not have an adverse impact on abutting properties or vehicular safety, nor jeopardize the safety. The minimum setback may be reduced for sites where a bluff of ten feet (10’) above the mean high water mark exists along the Tomoka River or the Little Tomoka River.

3. **Building Height.** Height limits may exceed that allowed by district regulations by a maximum of fifteen feet (15’), provided that the structure is so located as to not have an adverse impact on adjoining properties, particularly single-family homes. This additional height allowance will not be awarded for any portion of a structure located within fifty feet (50’) of a single-family home or for a vacant site in a zoning district designed primarily for such use. In no case shall any building height exceed seventy-five feet (75’) when measured from the average median lot elevation to the highest point of any structure and/or attached services.

4. **Distance Between Buildings.** The distance requirement between buildings may be reduced to that required by the Building and Fire Prevention codes in order to achieve site design objectives related to architectural form.

5. **Minimum Parcel Size.** The minimum parcel size shall be the same as for permitted uses within the zoning district in which the site is located. All contiguous properties under the same ownership shall either be included in the PBD or shall be subsequently addended to and included in as part of the original PBD. Individual parcels within a Planned Business Development may be exempt from the minimal parcel size requirement of the underlying zoning district subject to following conditions:

   a. The area that is included within the Planned Business Development is equal to or greater than the minimal dimensional and area requirements associated with the underlying zoning classification.

   b. There is a "property owners' association" established to maintain common areas.

   c. There are deed restrictions that require that all buildings within the PBD conform to a uniform design standard.

   d. Reduction of the minimum parcel size will not create the need to request a waiver of buffers, building setbacks, building heights or minimum distance between parcels.

   e. The site is developed to ensure safe access such that there are minimal driveway cuts onto rights-of-way and frontage roads/shared access is required.
f. Approval of Subdivision in accordance with Chapter 4, Article II of the City's Land Development Code.

g. In no case shall the minimum size of a parcel be less than .75 acres.

E. Landscaping and Utility Lines

1. All common open space, parking lot islands, and all land not otherwise developed shall be landscaped in a manner that enhances the appearance of the project.

2. An underground irrigation system shall be installed in all landscaped areas of the planned development. After installation, the system shall be regularly used and maintained. Landscaped buffer areas shall be provided as required in Chapter 3, Article I, if applicable.

F. Parking

1. All development plans shall provide for adequate off-parking and traffic flow as established in Chapter 3, Article III. The availability of parking shall be determined based on the accessibility of these parking areas to the proposed business activity as measured by distance and ease of pedestrian access; the amount of surplus over the current and projected demand for parking; and, any other constraints that may affect the proposed business activity’s ability to benefit from the designated parking area. The City Commission may approve other standards for required parking subject to a parking study prepared by a registered engineer licensed to practice traffic engineering in the State of Florida; and subject to review and approval of the Site Plan Review Committee.

G. Supplemental Requirements

1. **Signs:** All signs shall comply with Chapter 3, Article IV of this Code and shall be integrated with the total project in terms of placement, materials and design. A sign plan shall be required and reviewed with the final plan. The City Commission may allow for deviations to maximum height, size or location of signs, if the sign plan and overall development plan indicate that the architectural standards of the buildings and site plan provide for sufficient upgrade above the minimum standards of this Land Development Code such that the requested sign waivers are justified.

2. **Maintenance.** The person or entity with possessor interest in a site within the development must, at all times, keep the site, building, improvements and appurtenances in a safe, clean, wholesome condition and comply in all respects with all government, health and policy requirements. All landscaping and exterior portions of structures shall be maintained in order to keep an attractive appearance, including that portion of the street right-of-way between the paved portion of the street and the property lines.

3. **Pedestrian Circulation.** In areas where heavy pedestrian traffic is expected, protection from weather conditions shall be provided, to the maximum extent feasible, through the use of elements such as awnings, canopies, overhangs, covered walkways, trees, etc.

4. **Accessibility.** Commercial business areas shall provide efficient, safe and pleasant accessibility for pedestrians coming from either residential areas within the same development or from the surrounding neighborhoods, to discourage the use of automobiles.
5. **Unity of Title.** Where there is more than one (1) principal building, a Unity of Title agreement or condominium association with covenants describing responsibilities is required.

H. **Application and Review**

1. A written application, consistent with the requirements of Article 4, Chapter 2, for PBD shall be made to the Planning Department, using the application form provided by the City. The application shall be processed as required in Chapter 1, Article II (*Administration and Enforcement*).

2. Applications shall include the following:
   a. Complete site plan submittal per Chapter 4, Article I of this Code, except that final engineering and construction drawings may be withheld pending the issuance of a development order by the City Commission.
   b. Documentation, including written explanations, drawings, and illustrations, demonstrating conformance with Paragraph 4 of this Section.
   c. Special studies including, but not limited to Traffic Impact Study, Environmental Assessment Report, and Holding Capacity Analysis as required by this Land Development Code.

3. Following approval of rezoning to PBD and issuance of development order, the applicant may submit final site plan drawings or make application for preliminary plat approval in accordance with Chapter 4, Article II of this Code.

4. In considering an application for a PBD, the Planning Board may recommend approval, approval with conditions, or disapproval and the City Commission may base its conditions of approval or denial of the issuance of a development order on the extent to which the development offers site amenities above that normally found for permitted uses in the district with regard to the following:
   a. Building form, architecture and appropriateness of materials with regard to long-term maintenance, relation to the surrounding neighborhood and aesthetics. Architectural drawings shall be approved as part of the Development Order and adhered to in all development phases.
   b. Landscaping and related site amenities including fountains, plazas, decks, benches, and the like.
   c. Mitigation of off-site impacts.
   d. Overall lighting plan, particularly in relation to aesthetics and glare reduction.
   e. Overall signage plans, particularly in relation to aesthetics and readability.

I. **Adoption/Amendments/Expiration.** The PBD Development Order shall be adopted by the City Commission in accordance with the provisions of Chapter 1, Article II, of this Code.
H. **Recreational Facilities.** No changes

I. **Supplemental Requirements** No changes

J. **Application and Review** No changes

K. **Adoption/Amendments/Expiration.** No changes

L. **Exceptions:** A PRD application involving land in the R-4, R-5 and R-6 Zoning District shall be subject to the following in lieu of the standards contained in this section:

1. **Recreational Standard:** None.

2. **Parking Standard:** In lieu of the general parking standards and Paragraph F. above, the number of dwellings is limited by the requirement of 1.50 spaces per unit. If located on a transit route, the parking standard may be reduced to 1.0 space per unit.

3. **Setback Standard:** Shall be based upon the underlying zoning district.

**SECTION TWENTY-EIGHT.** Section 2-36, Planned Business Development (PBD), of Chapter 2, District Regulations, of Article II, District and General Regulations of the LDC is hereby amended to read as follows:

**SECTION 2-36: PLANNED BUSINESS DEVELOPMENT (PBD)**

A. **Purpose.** No changes

B. **Land Use Mix.** No changes

C. **Permitted Uses.** No changes

D. **Dimensional Requirements** No changes

E. **Landscaping and Utility Lines** No changes
F. Parking  No changes

G. Supplemental Requirements  No changes

H. Application and Review

1. A written application, consistent with the requirements of Article 4, Chapter 2, for PBD shall be made to the Planning Department, using the application form provided by the City. The application shall be processed as required in Chapter 1, Article II (Administration and Enforcement).

2. Applications shall include the following:
   
a. Complete site plan submittal per Chapter 4, Article I of this Code, except that final engineering and construction drawings may be withheld pending the issuance of a development order by the City Commission.

b. Documentation, including written explanations, drawings, and illustrations, demonstrating conformance with Paragraph 4 of this Section.

c. Special studies including, but not limited to Traffic Impact Study, Environmental Assessment Report, and Holding Capacity Analysis as required by this Land Development Code.

3. Public Benefit Minimums: Applications for a PBD rezoning shall provide a minimum of two of the listed public benefits listed below or propose alternative public benefits which are acceptable to the City Commission. For each variance requested, an additional two public benefit items shall be required:

   a. Increase landscaping requirements either by density (25% above the required minimum) or through more mature landscaping as measured by increased caliper of tree (25% above minimum standard).

   b. Increase the number of optional architectural attributes (2 or more over and above the required minimum of three optional attributes).

   c. Reduce the minimum parking requirement by 10% or more and utilize this area for landscaping reserving this area for parking if necessary.

   d. Provide a sheltered bus stop (applicable only if an existing bus stop exists on site and VOTRANS provides approval).

   e. Provide elements which enhance the pedestrian walking zones such as arcades, overhangs, awnings, landscape and pedestrian amenities such as outdoor art.
benches, tables and umbrellas. For restaurants, provide outdoor dining areas, particularly cafe style.

f. Provide parking to the side or rear of the building with the building facing the public ROW.

g. Where feasible and practical, provide stormwater treatment for parking lot runoff using bioretention areas, filter strips, and/or other LID practices that can be integrated into required landscaping areas and interior landscaped islands.

h. Increase the street frontage buffer by 25% above the minimum requirement.

i. Direct rooftop runoff to pervious areas such as required yards, vegetated areas, or to underground vaults for reuse irrigation.

j. Incorporate monument signage into enhanced landscaping berms using retaining walls.

k. Provide a combination of walls, berms, and landscaping to define perimeter of the site.

l. In lieu of a monument sign, provide only wall signage.

m. Provide monument or walls signs which are 25% smaller than the signs permitted based upon lot or occupancy frontage.

n. Provide loft apartments above ground floor commercial space.

o. Adopt a transit route that is closest to the site in question by contributing funds to offset the operating costs of the route as determined in the PBD.

p. Attach dumpsters to primary buildings and integrate the enclosure into the selected architectural theme.

4. In considering an application for a PBD, the Planning Board may recommend approval, approval with conditions, or disapproval and the City Commission may base its conditions of approval or denial of the issuance of a development order on the extent to which the development offers site amenities above that normally found for permitted uses in the district with regard to the following:

a. Building form, architecture and appropriateness of materials with regard to long-term maintenance, relation to the surrounding neighborhood and aesthetics. Architectural drawings shall be approved as part of the Development Order and adhered to in all development phases.

b. Landscaping and related site amenities including fountains, plazas, decks, benches, and the like.

c. Mitigation of off-site impacts.
d. Overall lighting plan, particularly in relation to aesthetics and glare reduction.

e. Overall signage plans, particularly in relation to aesthetics and readability.

I. Adoption/Amendments/Expiration. No changes

SECTION TWENTY-EIGHT. Section 2-42, Design Standards, of Chapter 2, District Regulations, of Article II, District and General Regulations of the LDC is hereby amended to read as follows:

A. Minimum Floor Area

1. All single-family residential buildings shall have the minimum floor area provided in the following table when a letter suffix is part of the zoning district designation shown on the official zoning map:

<table>
<thead>
<tr>
<th>Zone Suffix</th>
<th>1 Story (sq. ft.)</th>
<th>Split Level (sq. ft.)</th>
<th>2 Story (sq. ft.)</th>
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The required minimum building square footage for residential structures in the R-3 (Single-Family Medium Density) zoning district, with a "C" zoning suffix (as shown on the Official Zoning Map), may be reduced by fifteen percent (15%) where the Chief Building Official finds that the proposed building is to be occupied by residents which qualify for assistance as low-to-medium income as defined by the United States Department of Housing and Urban Development.

2. All single-family residential dwellings located in the T-1 and T-2 Districts shall have a minimum floor area of eight hundred fifty (850) square feet and shall have a minimum width of twenty-four feet (24') when located in the T-1 District.

3. All single-family and duplex dwellings located in the B-6 District shall have a minimum floor area of one thousand five hundred (1,500) square feet, not including the stairwell areas in split-level and two- (2-) story units.

4. In the SR District, the minimum floor area shall be one thousand three hundred fifty (1,350) square feet for single-family detached dwellings and one thousand two hundred fifty (1,250) square feet for zero-lot line and attached, semi-attached and detached single-family cluster dwellings.
SECTION 2-37: PLANNED INDUSTRIAL DEVELOPMENT (PID)

A. **Purpose.** The objective of this zoning district is to establish regulatory standards for controlling the location of comprehensively PID located in areas removed from residential areas and accessible to arterial roadways. The PID is intended to incorporate a flexible management policy which fosters innovative master planning in the design and development of large scale industrial areas. The PID district provides for industrial land uses and accessory sales and service activities.

1. Promote innovative site and building design and a high level of amenities, including traditional neighborhood developments.

2. Provide efficient location and utilization of infrastructure through orderly and economical development, including a fully integrated network of streets and pedestrian/bicycle facilities.

3. Establish open area set aside for the preservation of natural resources, significant natural features and vistas, and listed species habitats.

4. Create usable and suitable located civic spaces, recreational facilities, open spaces and scenic areas; than would otherwise be provided within conventional zoning districts.

5. Proved for a coherent and visually attractive physical environment through the creation of focal points and vistas, as well as coordination and consistency of architectural styles, landscaping designs and other elements of the building environment.

6. Provide for other limitations, restrictions and requirements as deemed necessary by the City to ensure compatibility with adjacent neighborhoods and effectively reduce potential adverse impacts.

B. **Land Use Mix.** The specific land use mix within a PID district development shall be determined by the underlying land uses as shown on the Adopted Future Land Use Map.

C. **Dimensional Requirements**

1. **Minimum Industrial Park Size.** A minimum of five (5) separate business/industrial facilities situated on a total site area of at least ten (10) acres.

2. **Setbacks.** All setbacks shall comply with the setback requirements of the I-1 (Industrial) District. However, in order to provide greater flexibility in building placement, the setbacks may be reduced by twenty percent (20%), provided that impact on adjacent uses be minimized by either providing additional landscaping and buffering or by orienting the building in a way that minimizes its impact on adjacent uses/structures. Electrical transformers and air conditioner compressors may be located in the required front yard nearest the principal building so long as such structures are located in front of the principal building and are screened with a wall that is no more than four feet (4’) high and is designed to be compatible with the principal building.

   Provided further, that one (1) access drive, perpendicular to the frontage road shall be allowed in the required front yard or side corner yard.

3. **Maximum Lot Coverage.** Forty percent (40%)
4. **Maximum Building Height.** As provided in the zoning district regulations for the I-1 (Industrial) zoning district

5. **Minimum Lot Frontage.** One hundred feet (100’)

6. **Minimum Lot Size.** Twenty thousand (20,000) square feet

**D. Driveways and Access Areas**

1. Plans shall provide adequate maneuvering areas on-site to accommodate the backing of trucks to their loading berths or garages with a clear view from the cab of the vehicle to shop or other areas as necessary for the operation of the business.

2. The edge of a driveway apron shall be no closer than ten (10’) feet from the nearest adjacent property line unless a common driveway is utilized. Whenever a driveway is abandoned, the person or entity with possessory interest in the site shall remove all driveway pavement, replace the curb and landscape the area to match the adjacent landscaping. Parking of vehicles in driveways for more than two (2) hours will not be permitted.

3. Each parking space shall be directly accessible from a street, alley or other right-of-way or from an adequate access aisle or driveway leading to or from a street, alley or other right-of-way. All off-street parking facilities shall be so arranged that no automobile shall have to back into any street. No entrance or exit driveway shall be permitted closer than fifty (50’) feet from a street intersection.

4. Access to the site and the structure(s) thereon for fire fighting purposes shall be provided in accordance with Chapter 2, Article III, §2-51 (*Public Safety*) of this Code.

**E. Loading**

1. All loading facilities must be on the site, located only in the rear or side interior yard if feasible, and screened from the street to the maximum extent feasible. No on-street loading is permitted.

2. Truck loading aprons and other loading areas shall be paved with Type 1 asphalt, bituminous or concrete materials and a suitable sub-base as approved by the City Engineer. Such areas shall be designed to accommodate the imposed loads of fire fighting vehicles/apparatus as required by the Fire Chief. Two (2) or more uses may be served by a single loading bay or bays, provided each use is readily accessible to the bay that services it.

**F. Parking.** Off-street parking spaces sufficient to accommodate the parking demands as indicated on the site plan shall be provided on the site. No on-street parking is permitted.

1. Off-street parking areas shall be constructed to the following standards:
   a. **Dimensions.** All parking design standards shall meet the requirements of Chapter 3, Article III.

   b. **Surface Material and Drainage.** Except as provided in this Section, all off-street parking facilities, including access aisles, driveways and maneuvering areas, shall be constructed in accordance with Chapter 3, Article III of this Code and maintained in good condition at all times. All off-street parking facilities shall be suitably sloped and drained and shall be of
strength adequate for the traffic expected. All parking stalls shown on the site plan shall be clearly marked on the paved surface.

c. **Approval.** Plans for parking areas shall be submitted to the SPRC for approval.

2. Off-street parking spaces shall be provided with the following minimum requirements:
   
a. Two (2) spaces for every three (3) employees on the largest working shift, based on detailed information to be provided by the applicant and generally prevailing parking demand for the type of use proposed, or the parking requirements of Chapter 3, Article III of this Code, whichever is greater. Up to fifty percent (50%) of the required parking may remain in “natural state” until needed.

b. If future building expansion is contemplated, additional areas shall be reserved for future parking.

c. If construction vehicles (e.g., dump trucks, end loaders, etc.) are utilized in the normal operations of the business and are expected to customarily or regularly be parked on-site, a separate location shall be indicated for such vehicles on the site plan, which location shall be screened to minimize on- and off-site impacts with either fencing or a wall and/or landscaped materials designed to achieve a seventy-five percent (75%) opacity to a height of six feet (6’) within two (2) years of the date of planting.

3. When located adjacent to a parking area, the side corner buffer area shall include landscaping materials selected, located and maintained to provide a visual screen of the parking area, which screen will be seventy-five percent (75%) or more opaque within two (2) years from the time of planting.

G. **Landscaping.** Any and all landscaping proposed shall meet the requirements as set forth in Chapter 3, Article I, except as follows:

1. The twenty feet (20’) of any required side corner yard and the ten feet (10’) of any required side interior or rear yard nearest the lot line shall be maintained as a landscaped buffer area.

2. Where parking bays abut a retention area, bumper stops or continuous curbing shall be provided at least seven feet (7’) from the top of the bank.

H. **Utilities**

1. All utilities shall be underground, provided however, that utility sources may be placed overhead on the outer perimeter of the park as well as within rear lot line easements. All connections between any allowed overhead source and any building shall be underground. The person or entity with the possessory interest in the site will be responsible for the excess cost of such underground service over and above the cost of overhead service. Pad-mounted electrical transformers shall be located and screened so as to prevent viewing from any street or adjacent property.

2. No utility lines or structures, including but not limited to poles, wires, and pad-mounted electrical transformers, shall in any manner interfere with or hinder access to required fire hydrants and fire access roads or lanes.
3. Easements shall be obtained for all utilities including sewer, storm sewer, water, gas, electricity and telephone. As-built drawings of the underground and overhead utilities within the easement areas shall be furnished to the City of Ormond Beach after completion of installation.

I. **Common Open Space.** Common open space shall be:

1. Dedicated to and usable by all the owners and/or tenants of the PID. At the option of the developer, and with the approval of the City Commission, common open space may be dedicated to the general for its use.

2. Suitably improved for its intended use. Common open space containing natural features worthy of preservation may be left unimproved. Appropriate arrangements shall be made to guarantee the continued maintenance of common open space through the establishment of trust funds, creation of a development owners association or dedication to the .

J. **Supplemental Requirements**

1. **Outside Storage.** No outdoor storage or work area shall be permitted until after the location is shown on the site plan and approved by the Site Plan Review Committee. All outdoor storage of raw material, finished products or equipment and outdoor work areas shall be screened from view in all directions utilizing walls, fences and/or landscaping. Any plant materials shall be selected, located and maintained to provide a visual barrier that is seventy-five percent (75%) or more opaque within two (2) years of the date of installation.

2. **Construction and Exterior Standards.** At least forty percent (40%) of the building facade facing a street, including the facade along a side corner yard which is located closer than fifty feet (50’) to the side corner property line, shall be constructed of non-metal building materials, including but not limited to wood, stucco, stone, brick, glass or masonry.

3. **Signs.** All signs shall comply with Chapter 3, Article IV of this Code and shall be integrated with the total project in terms of placement, materials and design. A sign plan shall be required and reviewed with the final plan.

4. **Maintenance.** The person or entity with possessory interest in a site within the development must, at all times, keep the site, building, improvements and appurtenances in a safe, clean, wholesome condition and comply in all respects with all government, health and policy requirements. All landscaping and exterior portions of structures shall be maintained in order to keep an attractive appearance, to and including that portion of the street right-of-way between the paved portion of the street and the property lines.

5. **Unity of Title.** All land included within a planned industrial development shall be under the control of the applicant, whether that applicant is an individual, partnership, or corporation or group of individuals, partnerships or corporations. Applicants shall present firm evidence, at the time of application, of unified control of the entire area within the proposed development.

The applicant shall provide the following:

a. an agreement to proceed with the proposed development according to all of the provisions of these regulations;
b. agreements, contracts, deed restrictions and sureties acceptable to the Ormond Beach City Commission for completion of the development, or each approved phase of the development, according to the approved plans;

c. agreements, through the establishment of an Owners’ Association, for the continuing operation and maintenance of all such areas, functions, and facilities as are not to be provided, operated, or maintained at expense, acceptable to the City Commission, and

d. an agreement to notify the City of Ormond Beach, at the same time the development owners are notified, of any proposed amendments to the Development Owners’ Associations, and

e. assurance that binds the applicant’s successors in title to any commitments made under 2, 3 and 4 preceding.

All such agreements and evidence of unified control shall be examined by the City Attorney of Ormond Beach and no development approval shall be granted without a certificate by the City Attorney that such agreements and evidence of unified control meet the requirements of this Ordinance.

K. Application and Review

1. A written application, consistent with the requirements of Chapter 2, Article IV, for PID shall be made to the Planning Department, using the application form provided by the City. The application shall be processed as required in Chapter 1, Article II (Administration and Enforcement).

2. Applications shall include the following:

   a. Complete site plan submittal per Chapter 4, Article I of this Code, except that final engineering and construction drawings may be withheld pending the issuance of a development order by the City Commission.

   b. Documentation, including written explanations, drawings, and illustrations, demonstrating conformance with Paragraph 4 of this Section.

   c. Special studies including, but not limited to Traffic Impact Study, Environmental Assessment Report, and Holding Capacity Analysis as required by this Land Development Code.

3. Following approval of rezoning to PID and issuance of development order, the applicant may submit final site plan drawings or make application for preliminary plat approval in accordance with Chapter 4, Article II of this Code.

4. In considering an application for a PID, the Planning Board may recommend approval, approval with conditions, or disapproval and the City Commission may base its conditions of approval or denial of the issuance of a development order on the extent to which the development offers site amenities above that normally found for permitted uses in the district with regard to the following:

   a. Building form, architecture and appropriateness of materials with regard to long-term maintenance, relation to the surrounding neighborhood and aesthetics. Architectural drawings shall be approved as part of the Development Order and adhered to in all development phases.
Chapter 2: District and General Regulations

Article II: District Regulations

b. Landscaping and related site amenities including fountains, plazas, decks, benches, and the like.

c. Mitigation of off-site impacts.

d. Overall lighting plan, particularly in relation to aesthetics and glare reduction.

e. Overall signage plans, particularly in relation to aesthetics and readability.

L. Adoption/Amendments/Expiration. The PID Development Order shall be adopted by the City Commission in accordance with the provisions of Chapter 1, Article II of this Code.
TO: Chairman Thomas and Planning Board Members
FROM: Ric Goss, AICP, Planning Director
DATE: May 1, 2009
SUBJECT: 2009 Evaluation and Appraisal Report (EAR) Based Amendments - Transportation Element

The attached Transportation Element EAR-Based Amendments will be discussed at the May Planning Board meeting. The Planning Board was provided a hard copy of the amendments with the February Planning Board agenda and package. However, there have been some revisions made to the Amendments since that time. Board members are requested to refer to the attached proposed Transportation Element EAR-Based Amendments. Below please find both broad and specific changes to the policies.

Broad Objective and Policy Changes:

1. Establishes of John Anderson Drive as policy constrained (General Goal Statement, Page 1).
2. Expands and strengthens access management in the City (Objective 1.3, Policy 1.3.1, Page 4).
3. Develops a Transportation Demand Management Program (Objective 1.15, Policies 1.15.1 through 1.15.5 and associated Policies 1.5.7 and 1.8.2).
4. Expands the city’s commitment to alternative modes of transportation by placing greater emphasis on transit and pedestrian facilities by establishing a Level of Service Standard for sidewalk coverage (Objective 1.5, Policy 1.5.1).
5. Makes city roads more context sensitive by preserving landscaped roadway medians (Objective 1.9, Policy 1.10.3).
6. Supports truck routes in the City for movement of goods and services (Objective 1.12, Policy 1.12.2).
The following list based on the previously adopted EAR, details the proposed EAR-Based Amendments for the Transportation Element:

- Establishment of a Transportation Concurrency Exception Area for the Downtown (Policy 1.1.1, Page 2).
- Establishment of a Multi-modal Transportation District for Ormond Crossings (Policy 1.1.2, Page 2).
- Setting forth an approach to how building setbacks shall be calculated from the rights-of-way (Policy 1.2.2).
- Use of Art Plan to determine LOS as an alternative to the current volume/capacity analyses currently performed by staff (Policy 1.1.4, Page 2).
- Adoption of VCMPO Transportation Impact Analysis Guidelines for assessing traffic impacts (Policy 1.4.1).
- Incorporation of Votran into review of site plans which meet certain thresholds (Policy 1.5.3).
- Policies to support payment in lieu of sidewalk construction (Policy 1.5.6).
- Update of Table 6 entitled, “Future Roadway Functional Classification” to include Ormond Crossing Boulevard and identification of John Anderson Drive as constrained and elimination of Break-a-way Trail as a public minor collector roadway.

The Intergovernmental Coordination Element and Cultural and Historic Resources Element Amendments will be discussed at the June 2009 Planning Board meeting.
## GOAL 1.

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TABLE 6 – FUTURE ROADWAY FUNCTIONAL CLASSIFICATION .......................... 13

TABLE 7 – ROADWAY DESIGN STANDARDS ........................................... 15
TRANSPORTATION ELEMENT
GOALS, OBJECTIVES AND POLICIES

GENERAL GOAL STATEMENT

PURSUANT TO THE FLORIDA LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT OF 1985, AS AMENDED, THIS TRANSPORTATION ELEMENT IS IN COMPLIANCE WITH THE GOALS, OBJECTIVES AND POLICIES CONTAINED IN THE STATE PLAN AND THE EAST CENTRAL FLORIDA COMPREHENSIVE REGIONAL POLICY PLAN (ECFCRPP HEREAFTER).

ONE AREA OF CONCERN IN FORMULATING THESE GOALS, OBJECTIVES AND POLICIES WAS THE APPROPRIATE LEVEL-OF-SERVICE (LOS) STANDARD TO BE UTILIZED IN THE CITY. THE ECFCRPP RECOMMENDS LOS D IN URBAN FRINGE AREAS, URBAN RESIDENTIAL AREAS AND OUTLYING BUSINESS DISTRICTS, AND LOS E IN CENTRAL BUSINESS DISTRICTS. THESE STANDARDS ARE APPROPRIATE FOR THE CITY’S URBAN RESIDENTIAL AREAS AND OUTLYING BUSINESS DISTRICTS SUCH AS THE NOVA ROAD/STATE ROAD 40 (SR40) COMMERCIAL AREA AND HAS A CENTRAL BUSINESS DISTRICT. IN ADDITION, THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) HAS ESTABLISHED LOS D AS ITS STANDARD FOR PRINCIPAL ARTERIALS AND LOS E FOR MINOR ARTERIALS AND SPECIAL TRANSPORTATION AREAS.

LOWER LEVELS-OF-SERVICE ARE ACCEPTABLE ON CONSTRAINED AND BACKLOGGED FACILITIES, DEFINED AS FOLLOWS:

BACKLOGGED ROADS: ROADS THAT OPERATE BELOW THE ADOPTED LEVEL-OF-SERVICE, ARE NOT IN THE FDOT THREE-YEAR WORK PROGRAM AND ARE NOT “CONSTRAINED”;

CONSTRAINED ROADS: ROADS THAT OPERATE BELOW THE ADOPTED LEVEL-OF-SERVICE BUT MAY NOT BE FEASIBLY EXPANDED BY ADDING TWO OR MORE LANES DUE TO PHYSICAL, ENVIRONMENTAL OR POLICY CONSTRAINTS.
ON THE ENVIRONMENTAL AND VISUAL CHARACTERISTICS OF JOHN ANDERSON DRIVE, THIS ROAD IS CONSIDERED POLICY CONSTRAINED.

GOAL 1.

TO PROVIDE A SAFE, COST-EFFECTIVE, EFFICIENT AND REASONABLY CONVENIENT TRANSPORTATION SYSTEM UTILIZING MOTORIZED AND NON-MOTORIZED MODES OF TRAVEL AVAILABLE TO ALL RESIDENTS AND VISITORS OF ORMOND BEACH.

OBJECTIVE 1.1.

Upon Plan adoption, all roads within the City shall function at LOS “D” Daily or better, except for minor arterial roadways in the downtown area.

Measure: Number and length of roadway segments not meeting the peak hour level-of-service D standard.

POLICY 1.1.1

In the interim, minor arterials in the downtown area shall function at LOS “E” Daily or better until the City prepares and receives approval for a Transportation Concurrency Exception Area from the state.

Measure: Number of minor arterials in the downtown area not meeting the peak hour level-of-service E standard.

POLICY 1.1.2

The City shall investigate the appropriateness of establishing a Transportation Concurrency Exception Area for the area contained within the Downtown Redevelopment Plan Update, as amended.

POLICY 1.1.3

The City shall seek a Multi-Modal Transportation District designation for the Activity Center area which encompasses the Ormond Crossings DRI.

POLICY 1.1.4

The City may accept, as an alternative Levels of Service determinations using volume/capacity analyses for concurrency purposes, an Art Plan analysis prepared consistent with the applicable FDOT guidelines for such use.

OBJECTIVE 1.2.
All new roadways and reconstructed roadways shall have right(s)-of-way widths consistent with Table 7, “Roadway Design Standards.” Such right(s)-of-way will be identified and added to the Capital Improvements Element.

POLICY 1.2.1.
All new development shall be required to dedicate its pro rata share of rights-of-way in accordance with Table 6, “Future Roadway Functional Classification” prior to the issuance of a final development order consistent with the requirements specified in this Plan.

Measure: Number of new developments approved which do not dedicate sufficient right(s)-of-way.

POLICY 1.2.2.
All building setbacks shall be measured from the centerline of the existing right(s)-of-way line. The building setback shall include ½ of the required right(s)-of-way for the road on which a building fronts as determined in Table 6 plus the front setback distance of the applicable zoning district.

Measure: Number of new structures or altered structures which encroach on setback from new right-of-way line.

POLICY 1.2.3.
The impact of new and/or widened right(s)-of-way on existing residential use or residentially zoned property shall be minimized by the use of walls or combination of berm/landscape buffers as appropriate to the particular site. Impacts to be considered shall include noise levels, safety, aesthetics, usefulness and property values. Walls and other buffers will be constructed by developers.

Measure: Percentage of right-of-way acquisitions of property containing dwellings that provide planted buffers and/or fences.

POLICY 1.2.4.
No existing right(s)-of-way for major roads shall be abandoned, vacated or otherwise conveyed from public ownership unless a positive recommendation has been made by the Site Plan Review Committee to the City Commission that the right-of-way will not be needed for the future expansion of the roadway as required in Table 6, “Future Roadway Functional Classification.”

Measure: Amount of right-of-way abandoned, vacated, or conveyed.

OBJECTIVE 1.3
Provide safe, adequate, and efficient circulation by ensuring that on-site circulation will minimally interrupt the traffic flow of public road facilities.
POLICY 1.3.1.

All land use plan amendments, zonings, plats and site plans requiring City approval and access to Federal, State, County, and City roads shall comply with the following access management strategies, if determined applicable:

a. Traffic circulation and maneuvering shall be accomplished on-site;

b. Driveway entrances and exits shall be located as far as possible from street intersections;

c. Nonresidential lots having frontage on two or more streets shall have access to the street(s) with the lowest functional classification;

d. Interior throughways within parking areas shall be separated from parking aisle areas;

e. Peripheral outparcels designed for freestanding uses shall be integral parts of the total interior circulation system for a larger site;

f. Driveways should align with opposite driveways;

g. Joint curbcuts, cross-access easements, internal access for outparcels and other transportation system management strategies shall be employed to effectively reduce the number of curbcuts and median openings on all public road facilities;

h. Curbcuts for driveways shall be minimized, and the location and number of cuts should relate to lot size, turnover rate, relationship to adjoining streets and the type of clientele served. Access points shall be designed to prevent hazards to vehicular or pedestrian traffic. Merging and turnout lanes and traffic dividers shall be provided on abutting roadways and on-site where existing or anticipated heavy flows of traffic indicate the need;

i. Internal streets, roads, driveways and parking, loading and service areas shall be designed so as to provide safe and convenient vehicular access to all uses and facilities;

j. Development proposals exceeding the thresholds established in the 2008 Votran Transit Design Guidelines shall include transportation demand management strategies, such as: ride sharing, van pooling, car pooling, flextime and bicycle usage as methods to alleviate the need for automobile trips;

k. Joint curbcuts with adjacent development parcels shall be provided where feasible;

l. Multifamily and non-residential developments shall provide connectivity with public transportation facilities for bicyclists and pedestrians; and
OBJECTIVE 1.4.

All new developments that may be considered significant traffic generators shall provide a traffic impact assessment consistent with the requirements in the City’s Land Development Code and if required, transportation improvements to mitigate their impacts on the City’s transportation system.

POLICY 1.4.1.

The City shall utilize VCMPO’s Transportation Impact Analysis (TIA) Guidelines Methodology as the principal means for assessing site development impacts on state, county, and city roads when roadways are below the adopted level of service standards. Measure: Percentage of new developments which provide a traffic impact assessment.

POLICY 1.4.2.

New developments generating the number of trips or greater specified in Policy 1.4.1 that negatively impact a roadway segment below its adopted Level-of-Service Standard (LOSS) contained on the latest, adopted Volusia County metropolitan Planning Organization (MPO) Federal Functional Classification Map, shall be required to either restore adopted standard or provide equal mitigation at the same location.

Measure: Percentage of applicable projects providing improvements.

POLICY 1.4.3.

New development shall pay its fair share through a Proportionate Fair Share Agreement to construct proposed road improvements that are not scheduled for construction within the first three years of the impact.

Measure: Percentage of applicable developments providing new facilities.

POLICY 1.4.4.

New residential developments that exceed 200 average daily trips should provide emergency access to a collector or minor collector street independent of the primary access to the development.

Measure: Number of applicable developments providing emergency access.
OBJECTIVE 1.5.

The City shall promote alternative modes of transportation through the construction of bikepaths, pedestrian facilities and the use of transit.

POLICY 1.5.1.

By 2012, the City shall have established pedestrian walking sheds and a LOSS for sidewalk coverage between residential areas, retail centers and public destination points such as libraries, schools, and parks.

POLICY 1.5.2.

Bikepaths shall be established where feasible on one side of every arterial (except I-95) and collector street with sidewalks established on the opposite side of the street.

Measure: Number of bikepaths and sidewalks constructed.

POLICY 1.5.3.

The City shall incorporate Votran as a member of the Site Plan Review Committee for those developments which meet or exceed the recommended review thresholds contained in Votran’s Transit Design Guidelines, as amended.

Measure: Percentage of applicable projects providing bus stop improvements and transit information.

POLICY 1.5.4.

In order to promote pedestrian safety, pedestrian-activated walk signals shall be incorporated at all signalized intersections in Downtown Ormond Beach, at beach access points, and other appropriate areas as warranted.

Measure: Number of intersections studied for walk signal warrants.

POLICY 1.5.5.

The City shall continue to implement its adopted 2002 Sidewalk Master Plan Update to add sidewalks based upon evaluation criteria that includes safety, school access, recreational access, transit access, and road classification.

Measure: Linear feet of sidewalk built.

POLICY 1.5.6.

The City shall permit a payment in lieu of sidewalk construction for development if it is determined that the need for sidewalk is much greater in other areas of the city.
Measure: **Number of payments in lieu of sidewalk construction approved as part of a Development Order (DO) issuance.**

**POLICY 1.5.7.**

The City shall **develop a Transportation Demand Management (TDM) Program based upon the type of city approval needed and whether the current or projected roadway on which the parcel needing approval is located is currently or projected to be congested.**

Measure: **Number of TDM Plans part of a land use plan amendment or TDM measures incorporated into a DO issuance.**

**OBJECTIVE 1.6.**

*The City shall maintain all jurisdictional roads to current standard using a Pavement Management System.*

**POLICY 1.6.1.**

All new streets shall be constructed and paved to acceptable standards prior to their dedication to the City. Private streets shall be constructed to the same standards as public streets. A development agreement providing for the private maintenance of private streets by a homeowners' association or other means shall be approved by the City prior to the issuance of a final development order.

Measure: **Percentage of streets constructed to City standards.**

**POLICY 1.6.2.**

All new developments which require subdivision or site plan approval shall have access to a paved street and shall pave all unpaved roads that bisect or are located adjacent to their property for the length of their property and to the nearest major road.

Measure: **Percentage of projects approved with access to paved roads.**

**OBJECTIVE 1.7.**

*Outside of the Downtown, adequate off-street parking shall be provided by all land use activities in the City.*

**POLICY 1.7.1**

All new developments shall make provisions for adequate off-street parking facilities for motorized and non-motorized vehicles prior to the issuance of a final development order.

Measure: **Percentage of new applicable developments not providing adequate off-street parking.**
OBJECTIVE 1.8.

The City’s transportation loss shall be maintained to meet the traffic demands of all new development prior to the issuance of a final development order.

POLICY 1.8.1.

Land use plan amendments, rezonings, development orders and development permits such as site plan approval, will only be issued if the necessary impacted transportation facilities are either in place at the time of the request for rezoning or if an application for a development permit or order (excluding building permits and certificates of occupancy) includes adequate levels-of-service or improvements. For such transportation facilities that have been programmed for construction within the first three (3) years of the City’s Schedule of Capital Improvement Projects contained in the City’s Capital Improvements Element, Development Orders will only be issued if the conditions of the Concurrence Management System as specified in the Land Development Code have been met.

Measure: Number of development orders issued when necessary facilities are not in place, under construction or budgeted.

POLICY 1.8.2

The City shall incorporate Votran’s 2008 Transit Development Guidelines into a Transit Demand Management strategy utilizing the following decision matrix when assessing consistency of Comprehensive Plan amendments involving land and its location on currently or projected congested roadways:

<table>
<thead>
<tr>
<th>Future Land Use Plan Amendment</th>
<th>Current or Projected 2017 Roadway Congestion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistent</td>
<td>Yes</td>
</tr>
<tr>
<td>Inconsistent</td>
<td>X</td>
</tr>
<tr>
<td>Consistent</td>
<td>X</td>
</tr>
<tr>
<td>Inconsistent</td>
<td>X</td>
</tr>
</tbody>
</table>

OBJECTIVE 1.9

The City’s transportation system shall be designed to be context sensitive, thereby promoting aesthetics through the creation of overlay districts and the provision of appropriate landscaping of medians which will not adversely impact public safety.
POLICY 1.10.1.
Medians in subdivision roadways shall utilize drought resistant landscaping whenever possible. Irrigation systems shall be installed in the landscaped medians and maintained in perpetuity by property owner associations.
Measure: Percentage of medians which are landscaped.

POLICY 1.10.2.
The City shall utilize Greenbelt Corridor Standards on selected major arterial and collector roadways leading into the City. Enhanced setback distances, building design and ground mounted signs shall be signature elements to creating attractive entranceways into the City.

POLICY 1.10.3.
Except for a super majority vote of the City Commission, the City shall not support improving roadway LOS, regardless of jurisdiction, at the expense of reducing or eliminating landscaped medians.

POLICY 1.10.6.
The City shall continue to protect existing scenic highways and roadways designations.
Measure: Number of scenic roads recognized.

OBJECTIVE 1.11.
Transportation facilities shall be designed and/or buffered to minimize noise and air pollution impacts on adjacent land uses.

POLICY 1.11.1.
The City shall maintain enhanced landscaped buffer requirements along each side of I-95 with the addition of xeric-type plantings as necessary.
Measure: Percentage of I-95 mileage with a buffer.

OBJECTIVE 1.12.
The City shall provide for a routing plan that establishes official truck routes for the movement of goods into and throughout the city.

POLICY 1.12.1.
In the interim until an official truck routing plan is prepared and adopted, the movement of goods through the city shall be limited to the arterial roadway system except for local deliveries.
POLICY 1.12.2.

By 2012, the City shall have prepared and adopted an Official Truck Routing Plan identifying roadways on which heavy commercial trucks may operate.

OBJECTIVE 1.13.

New streets and intersections shall be designed and constructed to maximize safety and convenience.

POLICY 1.13.1.

All new streets shall be paved with a minimum paved driving surface to meet the requirements of the Land Development Code.

Measure: Number of applicable streets which meet minimum requirements.

OBJECTIVE 1.14.

The traffic circulation in the Ormond Beach Central Business District shall be improved by the implementation of the following Policies.


The City shall pursue landscaped medians on West Granada between US 1 and Beach Street to further the goals of the 2007 Downtown Redevelopment Plan and provide access management by restricting turning movements along the corridor other than at signalized intersections.

POLICY 1.14.2.

All infill development and redevelopment in the downtown shall provide off-street parking to the maximum extent possible. Where off-street on-site parking is not possible, public parking may be counted towards the parking requirement provided such parking is within the downtown pedestrian walking shed distance. The City shall establish pedestrian sheds denoting walkability between existing public offsite parking and destination points within the downtown district as a supplement to offset the provision of less required on-site parking.

POLICY 1.14.3.

To the maximum extent feasible and without sacrificing safety, the City shall support the continued use of on-street parking on Granada Boulevard between A1A and John Anderson Drive, and between US 1 and Beach Street. This policy will be coordinated with FDOT by Resolution of the City Commission.
OBJECTIVE 1.15.
The City shall coordinate its Transportation Demand Management Program (TDM) with transportation planning and the Future Land Use Element to provide transportation facilities which are adequate to accommodate the uses shown on the Future Land Use Map.

POLICY 1.15.1.
The City shall implement a TDM Program for roadways that are currently congested or projected to be congested in 2017.

POLICY 1.15.2.
The TDM program shall be utilized as part of the Concurrency Management System for reviewing land use plan amendments, rezonings, plats, and site plans on congested or projected congested roadways.

POLICY 1.15.3.
The TDM Program shall initially coordinate transit with current or projected congested roadways by requiring development to construct or contribute money to fund operations or construct bus amenities in keeping with the Votran Transit Design Guidelines, as amended.

POLICY 1.15.4
Payments or construction in lieu of payments to Votran shall be in addition to the City’s Transportation Impact Fee Program.

POLICY 1.15.5
The TDM Program shall be triggered where required approvals for development of land are located on roadway corridors currently congested or projected to be congested in 2017.
## TABLE 6 - FUTURE ROADWAY FUNCTIONAL CLASSIFICATION

<table>
<thead>
<tr>
<th>Street</th>
<th>SEGMENT</th>
<th>From</th>
<th>To</th>
<th>Functional Classification</th>
<th>No. of Lanes</th>
<th>Type of Facility</th>
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<tbody>
<tr>
<td>I-95</td>
<td>North City Limits</td>
<td>South City Limits</td>
<td>Principal Arterial</td>
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<td>Divided-Limited Access</td>
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<td>US 1</td>
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<td>South City Limits</td>
<td>Principal Arterial</td>
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<td>Nova Road</td>
<td>US 1</td>
<td>Wilmette</td>
<td>Principal Arterial</td>
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<td>Nova Road</td>
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<td>South City Limits</td>
<td>Principal Arterial</td>
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<tr>
<td>SR 40 (Granada)</td>
<td>US 1</td>
<td>West City Limits</td>
<td>Principal Arterial</td>
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<tr>
<td>SR 40</td>
<td>A-1-A</td>
<td>John Anderson</td>
<td>Minor Arterial</td>
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<tr>
<td>SR 40</td>
<td>John Anderson</td>
<td>Beach Street</td>
<td>Minor Arterial</td>
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<tr>
<td>SR 40</td>
<td>Beach Street</td>
<td>US 1</td>
<td>Minor Arterial</td>
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<tr>
<td>SR A-1-A</td>
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<td>South City Limits</td>
<td>Principal Arterial</td>
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<td>SR A-1-A</td>
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<td>Clyde Morris Boulevard</td>
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<td>South City Limits</td>
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<td>Beach Street</td>
<td>SR 40</td>
<td>North City Limits</td>
<td>Major Collector</td>
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</tr>
<tr>
<td>Airport Road</td>
<td>US 1</td>
<td>Tymber Creek Road</td>
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<tr>
<td>Airport Road</td>
<td>Tymber Creek Road</td>
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<td>Williamson</td>
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<td>Tymber Creek Road</td>
<td>Airport Road</td>
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<td>Minor Arterial</td>
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<tr>
<td>Tymber Creek Road (CR 2013)</td>
<td>Airport Road</td>
<td>US 1</td>
<td>Minor Arterial</td>
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<tr>
<td>Ormondal Crossing Boulevard</td>
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<td>John Anderson Drive (Constrained)</td>
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<td>Amsden Road</td>
<td>John Anderson Drive</td>
<td>SR A-1-A</td>
<td>Minor Collector</td>
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<tr>
<td>Halifax Drive</td>
<td>John Anderson Drive</td>
<td>Fluhart Drive</td>
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<tr>
<td>Riverside Drive</td>
<td>Fluhart Drive</td>
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<td>Riverbeach Drive</td>
<td>Riverside Drive</td>
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<tr>
<td>Neptune Avenue</td>
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<tr>
<td>Sanchez Avenue</td>
<td>Yonge Street</td>
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<td>Major Collector</td>
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<td>Wilmette Avenue</td>
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<td>Yonge Street</td>
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<td>Sanchez Avenue</td>
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<td>Domicilio</td>
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<td>Center Street</td>
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<td>Minor Collector</td>
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</tr>
</tbody>
</table>

*Vining Court changed to “local access” by Ordinance 94-84, adopted on August 16, 1994.*
### TABLE 6 - FUTURE ROADWAY FUNCTIONAL CLASSIFICATION, continued

<table>
<thead>
<tr>
<th>Street</th>
<th>From</th>
<th>To</th>
<th>Functional Classification</th>
<th>No. of Lanes</th>
<th>Type of Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orchard Street</td>
<td>N. of Sterthaus</td>
<td>Hand Avenue</td>
<td>Major Collector</td>
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<tr>
<td>Tomoka</td>
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<tr>
<td>Ormond Parkway</td>
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<td>Halifax Drive</td>
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<td>Kings Road</td>
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<td>The Main Trail</td>
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<td>Hammock Lane</td>
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<td>Sunshine Boulevard</td>
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<tr>
<td>Pineland Trail</td>
<td>Airport Road</td>
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<td>Shadow Crossings Coll.</td>
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<tr>
<td>Fleming Avenue</td>
<td>East of F.E.C.R.R.</td>
<td>Beach Street</td>
<td>Minor Collector</td>
<td>2</td>
<td>Undivided</td>
</tr>
<tr>
<td>Ann Rustin</td>
<td>Halifax</td>
<td>SR A-1-A</td>
<td>Minor Collector</td>
<td>2</td>
<td>Undivided</td>
</tr>
<tr>
<td>Standish</td>
<td>John Anderson</td>
<td>SR A-1-A</td>
<td>Minor Collector</td>
<td>2</td>
<td>Undivided</td>
</tr>
<tr>
<td>Rio Pinar Trail</td>
<td>South St. Andrews Dr.</td>
<td>The Main Trail</td>
<td>Subdivision Feeder</td>
<td>2</td>
<td>Undivided</td>
</tr>
<tr>
<td>Iroquois Trail</td>
<td>South St. Andrews Dr.</td>
<td>The Main Trail</td>
<td>Subdivision Feeder</td>
<td>2</td>
<td>Undivided</td>
</tr>
<tr>
<td>Hand Avenue</td>
<td>Ridgewood</td>
<td>Nova Road</td>
<td>Major Collector</td>
<td>2</td>
<td>Undivided</td>
</tr>
</tbody>
</table>

Source: Harland Bartholomew & Associates, Inc.
## TABLE 7 - ROADWAY DESIGN STANDARDS

<table>
<thead>
<tr>
<th>Type of Street</th>
<th>Minimum Right-of-Way Width</th>
<th>Lane Width</th>
<th>No. of Lanes</th>
<th>Drainage Structure</th>
<th>ADT Served</th>
<th>Sidewalk/Bikeway*</th>
<th>Intersects with</th>
<th>Land Access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Arterial</td>
<td>120’-300’</td>
<td>12’</td>
<td>4-6</td>
<td>Curb &amp; Gutter (urban) Swale (rural)</td>
<td>15,000 +</td>
<td>Yes</td>
<td>Minor Arterials, Major Collectors, Minor Collectors</td>
<td>Limited to Major Trip Generators</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>120’</td>
<td>12’</td>
<td>2-5</td>
<td>Curb &amp; Gutter (urban) Swale (rural)</td>
<td>10,000 - 30,000</td>
<td>Yes</td>
<td>Principal Arterials, Major Collectors, Minor Collectors</td>
<td>Limited to Major Trip Generators</td>
</tr>
<tr>
<td>Major Collector</td>
<td>80’</td>
<td>12’</td>
<td>2-4</td>
<td>Curb &amp; Gutter</td>
<td>3,000 - 12,000</td>
<td>Yes</td>
<td>Principal Arterials, Minor Arterials, Minor Collectors</td>
<td>Limited Direct Access</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>60’-80’</td>
<td>12’</td>
<td>2-4</td>
<td>Miami Curb</td>
<td>1,500 3,000</td>
<td>Yes</td>
<td>Subdivision Feeders, Major Collectors, Arterials</td>
<td>Limited Direct Access</td>
</tr>
<tr>
<td>Subdivision Feeder</td>
<td>60’</td>
<td>11’</td>
<td>2</td>
<td>Miami Curb</td>
<td>500 - 1,500</td>
<td>Yes</td>
<td>Local Access, Minor Collectors, Cul-de-Sacs</td>
<td>Direct Access</td>
</tr>
<tr>
<td>Local Access</td>
<td>50’</td>
<td>10’</td>
<td>2’</td>
<td>Miami Curb</td>
<td>500</td>
<td>Yes</td>
<td>Subdivision Feeders, Minor Collectors, Cul-de-Sacs</td>
<td>Direct Access</td>
</tr>
<tr>
<td>Cul-de-Sacs</td>
<td>50’</td>
<td>10’</td>
<td>2</td>
<td>Miami Curb</td>
<td>Less than 200</td>
<td>No</td>
<td>Local Access Subdivision Feeder</td>
<td>Direct Access</td>
</tr>
</tbody>
</table>

* Sidewalks shall have a minimum width of five feet. Bikeways shall consist of either bicycle lanes or bicycle paths. Bicycle lanes at the edge of streets shall have a minimum paved width of four feet in each direction. Bicycle paths separated from the street shall have a minimum paved width of five feet for one-way traffic and ten feet for two-way traffic.

Source: Harland Bartholemew & Associates, Inc.
POLICY 1.1.3.
By 2002, Nova Road from Wilmette Avenue to the south City limits will function at a peak hour level-of-service D.

POLICY 1.1.5.
Until completion of planned expansion, Nova Road will function at a level-of-service F. No new development shall be permitted within one-half mile in either direction of the section of Nova Road from Wilmette Avenue to the south City limits if the traffic from such development combined with the traffic from existing and committed development would increase the traffic on that section of Nova Road to a point more than ten (10%) percent greater than the 1989 average daily traffic (ADT). The 1989 traffic volume for Nova Road was 24,100 ADT south of Granada Boulevard and 24,296 ADT north of Granada.

Granada Boulevard shall be developed as a nicely landscaped four-lane divided and five-lane undivided roadway throughout the City consistent with the Granada Boulevard Streetscape overlay district in the CBD and with the Greenbelt standards from Orchard Street to the west City limits.

Measure: Percentage of Granada Boulevard that is landscaped.

POLICY 1.10.4.
An A1A overlay district shall be implemented to ensure that medians within the right-of-way are planted, irrigated and maintained.

Measure: Number of medians planted and irrigated.

POLICY 1.10.5.
By 2003, an overlay district shall be created for Nova Road to require landscaped buffers of 25 feet for properties less than 100 feet deep, and 35 feet for properties greater than or equal to 100 feet in depth. The overlay district shall also require appropriate landscaping for future medians in the roadway.

Measure: Whether or not overlay district is created by 2003.

POLICY 1.10.7.
Transportation improvements shall be evaluated by the Ormond Beach Historic Landmark Preservation Board for possible effects on properties listed or eligible to be
listed on the National Register. Also such improvements shall be consistent with the “Volusia County Scenic Road Element” and program. Impacts to historic resources shall be avoided to the maximum extent possible.

shipment of goods through the City shall be limited to the arterial street system except for local deliveries.

By 2000, the City shall identify areas within the City where trucks are not following truck routes and establish alternate routes which will ensure that trucks stay on the arterial street system except for local deliveries.

Measure: Whether or not alternate routes are designated
CULTURAL AND HISTORICAL RESOURCES ELEMENT
GOALS, OBJECTIVES, AND POLICIES

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GOAL 1.

THE CITY SHALL MAINTAIN A BALANCE OF CULTURAL AND HISTORIC ACTIVITIES AND RESOURCES APPROPRIATE TO RESIDENTS OF ALL AGES, NATIONAL ORIGINS, AND ECONOMIC LEVELS.

OBJECTIVE 1.1.

The City shall maintain and improve access to its cultural and historic resources and encourage the development of programs of State and regional excellence.

POLICY 1.1.1.

The Leisure Services Department shall serve as a community arts agency to provide a mechanism for social and leisure interaction, and arts awareness in the community. The Department shall organize, schedule, coordinate, promote, and supervise cultural and historic civic activities such as a concert series, a community arts outreach program, continuing exhibits by local and regional-national artists, and other special events utilizing City and other public facilities.

POLICY 1.1.2.

The City’s cultural and historic activities and programs shall be determined through a continuous assessment of community needs, as identified through surveys, citizen responses, civic interaction, and population growth in conjunction with Recreation Policy 1.1.9.

POLICY 1.1.3.

The appropriate City advisory boards shall continue to provide advice and make recommendations on matters related to cultural and historic resources and activities, per the criteria in the City’s Land Development Code.

POLICY 1.1.4.

The Leisure Services Department shall report the needs for building and grounds maintenance to the Chief Building Official and Facilities Maintenance Manager, respectively, to ensure orderly and responsible maintenance and conduct of facilities.
CULTURAL AND HISTORICAL RESOURCES ELEMENT
GOALS, OBJECTIVES, AND POLICIES

POLICY 1.1.5.
The Department shall prepare and submit, in April of each year, an annual report that describes the status of cultural and historical affairs in the City. The report shall assess the general needs of the population, evaluate the City’s cultural and historic activities and programs, assess interdepartmental and intergovernmental areas of concern, and assess the condition of cultural and historic facilities. The annual report shall include recommendations for specific program changes, budgetary needs, and schedule of events.

OBJECTIVE 1.2.
The City shall continue to maintain and improve cultural and historic facilities to prevent deterioration and to maintain the aesthetic qualities of the community.

POLICY 1.2.1.
The Rockefeller Gardens Park shall be restored to its “Rockefeller Era” condition. Plans for the development of this Park have been programmed as part of the 2009-2014 5-year Capital Improvements Program.

POLICY 1.2.2.
The City will encourage private entities to create, maintain, and promote a new Birthplace of Speed Museum exhibit.

POLICY 1.2.3.
The Ames House, cottage, and grounds shall continue to be maintained and used by the City’s Legal Department. The grounds shall continue to be available for use by any civic group and residents.

POLICY 1.2.4.
The Bailey-Riverbridge Gardens Park shall continue to be maintained to prevent deterioration and to ensure public access, and shall continue to be available for use by any civic group and residents.

POLICY 1.2.5.
The Indian Mound Park site shall be developed with amenities on site such as an interpretation center that explains the history of Indians in the area and displays certain related artifacts. No playground or other non-archaeological facilities shall be permitted on this site.

POLICY 1.2.6.
The building and landscaping at the Senior Center/Performing Arts Center shall continue to be properly maintained.

POLICY 1.2.7.
The Quality of Life Board, the Public Works Department, and the Leisure Services Department shall annually evaluate conditions at the City’s parks, recreation, and cultural facilities, to ensure that the landscaping of such facilities are maintained in good condition and are aesthetically pleasing (pursuant to Recreation Policy 1.1.9).

POLICY 1.2.8.
The Ormond Memorial Art Museum and Gardens shall continue to be properly maintained and operated by the City, so as to promote and encourage outstanding Florida Artists. The following criteria shall apply in implementation of this policy:

a. The Museum’s Malcolm Fraser Art Exhibit shall be properly maintained and available to the public free of an admission charge.

b. The Ormond War Memorial Art Gallery Corporation is encouraged to continue functioning as an operating body to manage and direct the museum with responsibilities to publish newsletters, coordinate volunteer groups, curate exhibitions, grant writing, fund-raising, and outreach public relations projects with school and civic related groups.

c. Due to the public-private partnership as it relates to administration and maintenance, the Museum shall work cooperatively with appropriate City departments to establish operational rules and regulations.

POLICY 1.2.9.
The Leisure Services Department and the Quality of Life Board will periodically consider creating an Art in Public Places Program, which may require that one (1%) percent of the value of all new industrial and commercial structures over $500,000 or new public buildings be required to provide on-site art amenities for review by the Quality of Life Board and approval by the City Commission.

OBJECTIVE 1.3.
The City shall develop fiscally sound cultural and historical facilities and programs.

POLICY 1.3.1.
The City shall maintain the Friends of the Performing Arts Center and other foundations for the purpose of receiving and dispensing funds donated from various sources. This foundation shall...
POLICY 1.3.2.
The City shall continue to work with the Florida Department of State for Florida Endowment Arts Fund monies for the purpose of establishing a City investment fund to generate interest income to offset operating expenses.

POLICY 1.3.3.
The City shall continue to financially support the cultural activities and programs offered by the Leisure Services Department.

POLICY 1.3.4.
The City shall continue to pursue outside funding sources by monitoring, on an on-going basis, the availability of cultural and historic grants and funds. Applications shall be submitted in a timely manner to ensure procurement and proper outside agency review.

POLICY 1.3.5.
A user fee system shall continue to be an integral and vital component of the overall funding mechanism for cultural and historic programs and events. The following criteria shall apply in implementation of this policy:

a. The fee shall be reasonably established and shall not restrict access on the basis of affordability.

b. The City shall periodically review the fee structures of other local government jurisdictions as a basis for determining the equity of the fee structure.

c. Reasonable fees shall be established for use of all City facilities based on the type of event, the particular facility, and the expected number of people of attending.

d. Fees shall be established, as necessary, for cultural programs such as dance, ballet, arts, and crafts, but shall not be established for admission into the Memorial Art Museum’s Malcolm Fraser Art Exhibit.

e. The fee schedule shall be reviewed and updated on an annual basis.

OBJECTIVE 1.4.
The City shall operate a senior citizen program and maintain a senior center facility that offers a diversity of activities and events to meet the full range of user interests.
POLICY 1.4.1.
The City, through the Leisure Services Department, shall provide services designed to increase community involvement and to improve employment opportunities for the elderly.

POLICY 1.4.2.
The City shall, in cooperation with the Volusia County School Board, support efforts to increase the participation of the elderly in education and social service programs serving children.

POLICY 1.4.3.
The City shall continue to study the need and availability of adequate transportation for the elderly, to facilitate participation in senior activities and events, and to ensure adequate accessibility.

POLICY 1.4.4.
The Senior Center shall offer support services for the elderly that provide mechanisms for achieving maximum self-sufficiency, self-support, and personal independence.

POLICY 1.4.5.
The City shall offer an active participation program for seniors, to include theater productions, concerts, dancing, and arts and crafts.

OBJECTIVE 1.5.
The City shall support special events such as street fairs, festivals, performances, special audience programs (Very Special Arts), and art exhibits in developing a leisure time policy for use of recreation facilities to ensure a balanced recreation program that highlights the cultural and historic tradition of the City and supports the activity preferences of ethnic and racial groups by exposing the public to the music and art of different eras of time and of different folk cultures.

OBJECTIVE 1.6.
The City shall consider, but not limit itself to, special events, including a downtown area festival, neighborhood festivals, and other art festivals. The City shall also consider sponsoring and providing fireworks at the 4th of July Festival.
The City will cooperate and coordinate with other local, State, and Federal governments to ensure that cultural and historic services are available to City residents.

POLICY 1.6.1.

Coordination shall be maintained with the State in the development of a strategy for the construction of arts facilities based on a City assessment of needs and capabilities. This shall be accomplished with the City assessment pursuant to Recreation Element Policy 1.1.9. The following minimum criteria and procedures shall be adhered to in the implementation of this policy:

a. Maintain an inventory of existing facilities, to include stage size, seating capacity, and display areas, which currently provide access to cultural activities.

b. Develop criteria and procedures for evaluating and determining the locations, extent, and types of public need for additional facilities to provide public access to cultural activities and performances.

c. Develop a strategy to encourage the renovation of existing facilities which show potential for future use in providing increased public access to cultural activities; and the construction of new facilities, as determined by need, which will provide additional public access to cultural activities.

d. Develop a strategy for the identification and/or establishment of financial mechanisms necessary for the construction of arts and cultural activities.

e. Develop a strategic plan based on the 2004 Master Recreation Plan as it relates to cultural and historical services events, programs, and classes.

POLICY 1.6.2.

The City shall strive to expand and strengthen organizational ties with outside agencies and the private sector. Increased emphasis shall be placed on financial support from the general public and the private sector to assist in the provision of increased cultural and historic opportunities in the region, so as to accomplish:

a. An increased frequency of cultural and historical events;

b. A reduction in participatory costs or greater availability of scholarships so that cultural and historic events are economically accessible to the region’s population; and;

c. Enhanced identification, preservation, and use of historic properties and resources.

OBJECTIVE 1.7.

Historic resources listed on, or eligible for listing on, the Florida Master Site File or National Register of Historic Places shall be taken into consideration in development projects, with such programs and activities being implemented in a manner sufficient to ensure the protection and preservation of those resources.
POLICY 1.7.1.
Additions or modifications to historic resources shall ensure that the architectural form, qualities, and integrity of those resources be protected, preserved, and enhanced, as possible. If the additions or alterations are ever removed, the essential form and integrity of the historic structure will be unimpaired.

POLICY 1.7.2.
The historic property shall be used for purposes that are the same as, or compatible with, the original uses(s) or as an adaptive reuse in order to preserve and maintain the integrity of the original structure.

POLICY 1.7.3.
The identification and evaluation of adverse impacts on historic sites, structures, or properties include assessments of, but are not limited to:

- a. The visual continuity of the historical resource’s immediate surroundings;
- b. The degree of compatibility between the historical resource and proposed land uses in the immediate vicinity;
- c. The maintenance of an historical resource with other ancillary or supporting structures and appurtenances such as fences, walkways, outbuildings, plants, and trees which might be an important part of the entity’s history, function, or purpose;
- d. The maintenance of the relative prominence of an historical resource in terms of height, accessibility, view distance, and linear distance from other buildings and structures; and
- e. Prior to the approval for a development or project, a determination of the effects on any historic resource that is included in or eligible for inclusion in the National Register of Historic Places and locally designated landmarks and districts shall be made, with consultations being undertaken with the Florida Division of Historic Resources, as required by the Land Development Code.

POLICY 1.7.4.
If an historic resource is to be demolished, destroyed, or substantially altered in a way which adversely affects the character, form, integrity, or other qualities which contribute to its historical, architectural, or archaeological values, timely actions developed in consultation with the Florida Division of Historic Resources shall be taken to determine that no feasible and prudent alternative to the proposed demolition, destruction, or alteration exists.

POLICY 1.7.5.
In situations where no such practicable alternative is determined to exist, timely actions shall be taken either to avoid or mitigate the adverse impacts, or to undertake an appropriate archaeological salvage excavation, data recording, or other appropriate action to document the resource as it existed prior to destruction or alteration.

POLICY 1.7.6.

The City shall exercise caution to assure that any historic and archaeological resources within its control are not inadvertently transferred, sold, demolished, destroyed, substantially altered, or allowed to deteriorate significantly.

POLICY 1.7.7.

Based on recommendations of the Florida Division of Historic Resources, special field surveys of historic and archaeological resources will be required to identify the extent of potential endangerment resulting from the proposed projects.

a. A determination of need for such surveys shall be made by the Florida Division of Historic Resources and City staff.

b. The design and procedures of such surveys and mitigative measures shall be developed in consultation with the Florida Division of Historic Resources and the City’s Historic Landmark Preservation Board.

c. New information on previously unrecorded historic resources shall be transmitted to the Florida Division of Historic Resources.

POLICY 1.7.8.

Following the discovery of unknown archaeological or historic resources or remains, the Florida Division of Historic Resources shall be immediately notified and development activities shall be stopped until a professional archaeologist determines an appropriate area that should be protected and the discovery can be investigated and determined as to its significance or lack thereof.

POLICY 1.7.9.

Chapter 872, Florida Statutes, shall be implemented upon discovering burial sites or human remains during development activities.

POLICY 1.7.10

Methods of rehabilitation and public accessibility to historic resources shall be developed in consultation with the Florida Division of Historic Resources, with emphasis being placed on public access, interpretative programs, and exhibits designed to increase public awareness, understanding, and enjoyment of historic resources.
POLICY 1.7.11.
The identification and evaluation of adverse impacts on archaeological sites or areas from adjacent land uses include assessments of, but are not limited to:

a. The effects of proposed land uses in the immediate vicinity of the archaeological resource in terms of its continued existence and maintenance or integrity;

b. The relationship, role, and function of the archaeological resource to the surrounding land uses and activities, which based on applicable standards, are designed as either:
   “Desirable” which includes: protection of its intrinsic value as an archaeological resource; incorporation into an harmonious development pattern; adequate protection while providing for public access and information about the archaeological resource; incorporation in site development plans as green space; conservation area, passive recreational area, or other land uses which do not disturb the ground; or “Undesirable” which includes: destruction, damage, or diminishment resulting from land modification and site development activities; purposeful looting and vandalism; incompatible land uses and activities resulting in changes in surface water or groundwater levels due to drainage modifications or groundwater chemistry due to the introduction of pollutants.

POLICY 1.7.12.
Efforts shall be made to promote increased public awareness of, and access to, an expanded variety of cultural programs and historical resource appreciation activities in the City.

POLICY 1.7.13.
Archaeological resources shall be protected from vandalism and destruction. Adherence to this policy, at a minimum, will require the following actions:

a. Continued anonymity of the exact locations of archaeological resources in remote locations or situations where adequate site protection or security would be difficult to provide.

b. Enhanced site security and property protection systems and procedures shall be utilized as needed.

c. Preparation and dissemination of increased levels of public information on the extent of vandalism and theft in terms of losses of historic resources, diminished usage, and the public costs of repair and replacement, with the information being disseminated via posters, television and radio public service announcements, news releases, and information to interested organizations.

POLICY 1.7.14.
Old King’s Road is a significant historic resource which shall be recognized and interpreted for the benefit of the citizens.
GOAL 2. HISTORICAL, ARCHAEOLOGICAL, AND PALEONTOLOGICAL RESOURCES

CONSISTENT WITH THE FUTURE LAND USE, HOUSING, CULTURAL AFFAIRS, AND RECREATION AND OPEN SPACE ELEMENTS, THE CITY SHALL PROTECT AND PRESERVE HISTORICAL, ARCHAEOLOGICAL, AND PALEONTOLOGICAL RESOURCES.

OBJECTIVE 2.1. HISTORIC Overlay DISTRICT

The City shall consider the creation of historic overlay districts to protect significant historic areas.

POLICY 2.1.1.

District Regulations contained in Chapter 3, Article VI of the Land Development Code shall be maintained and periodically reviewed in order to protect the character of existing properties and to prevent negative impacts from new development.

POLICY 2.1.2.

The Planning Department shall perform a detailed survey to identify the predominant architectural features, colors, and materials of any area targeted for the designation.

POLICY 2.1.3.

A setback policy shall be maintained for those properties located on the west side of North and South Beach Street which shall not be less than the average building setback of all existing single-family dwelling units within 300 feet of either side of the proposed single-family dwelling unit.

POLICY 2.1.4.

The City shall consider the addition of Streetscape elements such as pavers, street lamps, street signs, and historical markers, that would project a common theme for each historic district.

POLICY 2.1.5.

The City shall consider, on an ongoing basis, the feasibility of historic districts in other areas of the City.

OBJECTIVE 2.2. PROTECTION OF HISTORIC, ARCHAEOLOGICAL, AND PALEONTOLOGICAL RESOURCES

Development activities shall protect significant historic, archaeological, and paleontological resources to the extent practicable and in the public interest. When no other practicable
alternative exists to the proposed development activity, appropriate management and mitigation plans shall be prepared and implemented by the applicant for such development activity.

POLICY 2.2.1.
Coordination shall be maintained with the Florida Division of Historic Resources, for review of development activities in potentially significant historic, archaeological, and paleontological areas. If the State determines that an area is potentially significant, an archaeological or historic survey shall be prepared by the applicant prior to development approval and in accordance with criteria established and recommended by the Florida Division of Historic Resources.

POLICY 2.2.2.
All capital improvement projects shall be devised and implemented in a manner sufficient to protect and preserve significant historic, archaeological, and paleontological resources.

POLICY 2.2.3.
The City shall maintain and periodically review the standards, regulations, and guidelines for the protection of historic, archaeological, and paleontological resources contained within the Land Development Code.
Cooperate with and assist in the promotion of civic and cultural activities with other City departments and civic groups within the City;

Receive and approve applications for permitted uses of cultural centers;

Sponsor, develop, encourage, sanction, promote and supervise civic and cultural programs consisting of classes and workshops in the visual and performing arts, dimensional and literary arts which optimize the utilization of the cultural centers in the City;

Report the needs for building and grounds maintenance to the Chief Building Official and Facilities Maintenance Manager, respectively, and provide general supervision over custodial and cleaning services of the cultural centers;

Ensure the maintenance of orderly and responsible conduct of the centers and outlying facilities;

Prepare and submit in April of each year an annual report that in general describes the status of cultural affairs in the City, assesses the general needs of the population, evaluates the cultural activities and programs, assesses interdepartmental and intergovernmental areas of concern and propose solutions, and assesses the condition of cultural facilities. The annual report shall include recommendations for specific program changes and budget needs along with a listing of activities and classes scheduled.

Administer and ensure the proper maintenance of historic and art collections.

The following criteria shall be applied in implementation of this policy:

Coordination with other City departments and civic groups of studio (e.g., continuing education) programs, special events and referral services in the arts, civic affairs, historic preservation and humanities, held at the primary arts center and at various outreach locations. Such programs shall be available for all ages and not limited to any levels of proficiency.
Coordination of or liaison to the development of other community enhancement projects (i.e., historic showcase festivals; Birthplace of Speed Antique Auto Show; Memorial Gallery; Local History).

Develop an outreach strategy that provides cultural activities and programs on a neighborhood basis.

and as noted in the text of this chapter

OBJECTIVE 1.4.

In cooperation with Volusia County, the City shall ensure that Ormond Beach residents have adequate and acceptable access to a fully operational public library system in order to promote to the maximum extent feasible, personal, vocational and educational growth and to supplement the formal education facilities of the County.

POLICY 1.4.1.

The City shall encourage the County to operate the library facility with a sufficient number of staff who are fully qualified to ably and effectively meet the needs of the City residents who financially support capital improvements at this site.

POLICY 1.4.2.

The following criteria shall apply for library site selection:

Libraries should be located in areas where people frequently congregate; the best sites may not always correspond with an area where the population is most dense.

The best locations may be in or adjacent to shopping centers, on major roadways, or in other highly visible areas.

Sites should be easily accessible by automobile and located in an area with a strong positive identity and image.

The library should be compatible with adjacent existing and proposed land uses.

POLICY 1.4.3.

The City shall coordinate with the County Library to maximize public participation especially with regard to the City summer recreation programs.
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GOAL 1.

THE CITY SHALL ESTABLISH AND MAINTAIN EFFECTIVE COORDINATION TO ADDRESS MULTI-JURISDICTIONAL ISSUES OF CONCERN AND TO IMPLEMENT THE CITY’S COMPREHENSIVE PLAN.

OBJECTIVE 1.1. CAPITAL IMPROVEMENTS

The City shall provide public facilities in a timely and efficient manner, coordinating planning, acquisition, development, funding, and improvements with other governments and agencies to the greatest extent possible.

POLICY 1.1.1.

Intergovernmental cooperation and coordination shall be maintained in order to plan for and provide efficient, cost effective, and environmentally sound public facilities and services.

POLICY 1.1.2.

Effective procedural mechanisms which promote the coordination, planning and provision of public facilities and services shall be used at every possible opportunity. Adherence to this policy, at a minimum, shall include the following actions:

a. The City shall maintain formal and informal channels of communication with appropriate units of government in order to provide opportunity for interjurisdictional coordination in the planning, construction and operation of new or expanded public facilities.

b. The City shall continue to review all Army Corps of Engineers (ACOE), Florida Department of Environmental Protection (DEP) and St. Johns River Water Management District (SJRWMD), permit applications and offer comments to the permitting agency in a timely manner in order to ensure that such permits are consistent with City policy.

c. On an ongoing basis, the City shall provide information on Cultural Affairs programs, economic development, public safety, active and passive recreation, transportation, and utilities capital improvement projects with adjacent and/or affected governments and utilities.

d. The City shall coordinate with Federal, State, regional and local permitting agencies to ensure that all permits be received by the time of the issuing of a development order.
POLICY 1.1.3.

a. The City shall maximize grant and revenue funds for capital improvement projects.

OBJECTIVE 1.2.  COASTAL MANAGEMENT

The City shall coordinate and cooperate with other governmental units and agencies to effectively and efficiently manage coastal resources.

POLICY 1.2.1.

The City shall cooperate with the Volusia Council of Governments (VCOG) to establish and maintain intergovernmental coordination mechanisms as needed for the proper management of coastal resources.

POLICY 1.2.2.

The City shall review the Comprehensive Plans and any amendments thereto of the adjacent municipalities, Volusia County, and Flagler County to determine if coastal resources including the Halifax River, the Tomoka River and its tributaries, the barrier island, and any associated wetlands are being managed in a consistent manner.

POLICY 1.2.3.

The City shall cooperate as provided for by the County Home Rule Charter and State Statutes in joint planning and management programs with adjacent municipalities and counties and other public agencies that operate governments within its boundaries for mosquito impoundments, beach renourishment, hurricane evacuation, provision of public access, providing water dependent use sites, controlling stormwater, reducing wastewater treatment plant discharges into the lagoon, and coordinating efforts to protect designated and other rare species.

POLICY 1.2.4.

The City shall maintain an intergovernmental coordination mechanism that provides potentially affected municipalities, counties, and agencies opportunities for review and comment of development proposals.
POLICY 1.2.5.
The City shall encourage the State and regional permitting agencies to require that a proposed project not be inconsistent with local government comprehensive plans and land development regulations before issuing a development permit.

POLICY 1.2.6.
The City, in cooperation with the DEP, shall support the protection of the Tomoka Marsh Aquatic Preserve in accordance with the DEP Management Plan and the City Comprehensive Plan.

POLICY 1.2.8.
The City shall cooperate with the County in the development and implementation of minimum standards for environmental protection in accordance with the Volusia County Home Rule Charter.

POLICY 1.2.10.
The city shall continue to monitor and implement legislative changes in environmental protection measures.

POLICY 1.2.11.
On a continuous basis the City shall review and implement stormwater quality programs and regulations as proposed by the Federal Environmental Protection Agency, the DEP, and the SJRWMD.

POLICY 1.2.12.
The City shall support and participate in the preparation of management plans, water quality studies, and sampling programs in conjunction with Volusia County, the East Central Florida Regional Planning Council (ECFRPC), the SJRWMD, the Department of Health and Rehabilitative Services, and DEP.

POLICY 1.2.13.
Land use decisions shall be consistent with the natural resource protection policies contained within the East Central Florida Strategic Regional Policy Plan and the State Comprehensive Plan.

POLICY 1.2.15.
Deleted: consistency of
Deleted: Department of Environmental Protection
Deleted: POLICY 1.2.7.
The City shall continue to encourage the Department of Environmental Protection to provide full-time management staff and funding for the Tomoka Marsh Aquatic Preserve.
Deleted: POLICY 1.2.9.
By 2001, the City shall initiate a procedure to work cooperatively with Flagler County to ensure that development in the upstream portions of the Tomoka River watershed does not adversely impact water quality of the Tomoka River.
Deleted: St. Johns River Water Management District
Deleted: Department of Environmental Protection
Deleted: generally
Deleted: POLICY 1.2.14.
The City shall maintain, by interlocal agreement with Volusia County and Daytona Beach and other appropriate entities, a policy of no degradation of the water quality of the Tomoka River in conjunction with permitting of development activities in the Tomoka River basin south of SR 40.
The City shall review proposed development activity for consistency with appropriate portions of resource management protection plans addressing the estuaries, beach and dune systems, and the barrier island. The following criteria shall apply in implementation of this policy:

a. The City shall forward all development proposals adjacent to the Tomoka River Aquatic Preserve to the DEP for its review and comment.

b. The City shall cooperate with State and regional efforts to coordinate management of the Tomoka Marsh Aquatic Preserve, including participation in watershed committees, basin-wide stormwater management planning, and development of best management practices.

c. The City shall assist the ECFRPC and the SJRWMD in the protection of regionally significant coastal resources.

OBJECTIVE 1.3. CONSERVATION

The City shall, through cooperative programs and intergovernmental coordination, and through membership in various intergovernmental coordination organizations, promote and foster the effective conservation of natural resources.

POLICY 1.3.1.

The City, in cooperation with other governments and governmental agencies shall protect the floodplain, and maintain the surface water quality, as well as native aquatic and wetland floral and faunal species diversity of the upper Halifax River, the Tomoka River and its tributaries.

POLICY 1.3.2.

The City shall continue to cooperate with State and regional agencies and adjacent local governments in updating information available on floral and faunal species, significant habitat areas, wildlife movement corridors, and existing and necessary protection mechanisms.

POLICY 1.3.3.

The City shall, continue to work in partnership with Volusia County on matters related to designated species.

POLICY 1.3.4.

Basin-wide management programs shall assure that historic stream courses are not channelized or impeded but retained in their current condition.

POLICY 1.3.6.

The City shall support the maintenance of the “Outstanding Florida Waters” status for that portion of the Tomoka River extending from US 1 to US 92.
POLICY 1.3.7.

The City shall, in cooperation with local, regional, and State agencies, implement the stormwater management plan that maintains or improves ambient surface water quality and protects natural drainage features (See Utilities Element for criteria).

POLICY 1.3.9.

On a continuous basis, the City shall cooperate with Federal, State, regional, and local agencies to acquire and/or protect unique, environmentally sensitive, or recreationally significant properties.

POLICY 1.3.10.

On a continuous basis, the City shall coordinate the identification and protection of significant archeological, historical, and paleontological sites with the appropriate agencies and organization.

POLICY 1.3.11.

The City shall continue to cooperate with Federal, State and local agencies to maximize the protection of natural floodplain functions and to improve floodplain information.

POLICY 1.3.12.

On a continuous basis, the City shall coordinate and cooperate with adjacent governments and agencies to ensure the protection of wildlife corridors and significant floral and faunal habitats, which extend into contiguous jurisdictions.

POLICY 1.3.13.

The City shall coordinate and cooperate with other governments and agencies to preserve air quality when presented with appropriate opportunities.

POLICY 1.3.14.

On a continuous basis, the City shall coordinate and cooperate with local governments, the FDEP, and SJRWMD to ensure that mineral extraction sites are reclaimed according to current law and permit requirements.

POLICY 1.3.15.

The City shall maintain standards in the Land Development Code for the identification and management of potentially significant archaeological or paleontological resources.

OBJECTIVE 1.4. RECREATION AND OPEN SPACE
The City shall cooperate and coordinate with adjacent local governments and other public agencies to effectively and efficiently provide acceptable and affordable levels of service standards for municipal recreation and open space facilities.

POLICY 1.4.1.
The City shall cooperate and coordinate with other government agencies to develop waterfront recreation facilities.

POLICY 1.4.2.
The City shall continue to encourage Volusia County and the State to provide well maintained high quality beach accesses with adequate parking to serve the park.

POLICY 1.4.4.
On a continuous basis, the City shall encourage Volusia County to maintain and improve existing beach access and provide future access when needed in a manner which does not create a negative impact on Ormond Beach.

POLICY 1.4.5.
The City shall cooperate with other governments and agencies to provide a safe and effective bicycle facilities network. The following criteria shall apply in implementation of this policy:

a. The City shall cooperate with Florida Department of Transportation (DOT), DEP, VCOG, Metropolitan Planning Organization (MPO), Volusia County, and the School Board to develop an interconnected bicycle facilities network.

b. The City shall cooperate with VCOG, the School Board, law enforcement agencies, and the FDOT to promote a bicycle safety program; this shall include a program in the schools and a media information program.

c. The City shall maintain the requirements for the provision of bicycle lanes and racks through the Land Development Code.

POLICY 1.4.6.
The provision of recreation programs and facilities shall be coordinated among adjacent local government jurisdictions and agencies to develop the most cost-effective services to the public.

POLICY 1.4.7.
The City shall work in cooperation with the School Board and the MPO to develop and implement Bike/Ped School Safety Studies.

POLICY 1.4.8.
The City shall continue to submit grant applications *when appropriate and applicable* under programs sponsored by Federal, State, regional governments, and the County Land Acquisition Trust Fund.

**POLICY 1.4.9.**
The City shall notify in a timely manner, for review and comment, the Tomoka State Park management and provide information regarding any development activities and ordinances that may significantly affect the park environment and operations.

**OBJECTIVE 1.5. CULTURAL AFFAIRS**
The City shall continue to promote cultural affairs through coordination and cooperation with other governments and agencies.

**POLICY 1.5.1.**
The City shall continue to identify and pursue outside funding sources *when appropriate and applicable* by monitoring the availability of cultural grants and funds on an on-going basis.

**POLICY 1.5.2.**
In cooperation with Volusia County, the City shall ensure that Ormond Beach residents have adequate and acceptable access to a fully-operational public library system.

**POLICY 1.5.3.**
The City shall coordinate with the County Library to maximize public participation.

**OBJECTIVE 1.6. HOUSING**
The City shall continue to coordinate with the appropriate public agencies to provide affordable housing.

**POLICY 1.6.1.**
The City shall continue to coordinate with Volusia County, the State of Florida, and the Department of Housing and Urban Development (HUD) to provide Community Development Block Grant funds to eligible persons.

**POLICY 1.6.2.**
On an ongoing basis, the City staff shall research and make available to the City Commission information about all new Federal, State, and local housing assistance programs.
POLICY 1.6.3.
The City shall cooperate with the Florida Department of Children and Families to ensure the availability of adequate sites for group homes or foster care facilities.

POLICY 1.6.4.
The City shall continue to coordinate its housing programs with those of Volusia County and the adjacent municipalities.

OBJECTIVE 1.7. LAND USE

The City shall coordinate the review of proposed development activity with adjacent local governments and with State, regional, and local public agencies.

POLICY 1.7.1.
The City shall cooperate with the appropriate local governments and public agencies to promote compact development patterns and to discourage urban sprawl.

POLICY 1.7.2.
The City shall continue to coordinate with local, State and regional agencies to ensure public infrastructure and facilities will be provided concurrent with the impacts of development as mandated by Florida Statutes.

POLICY 1.7.3.
The City shall continue to request that State and regional permitting agencies not permit a project unless the development proposal is consistent with the City Comprehensive Plan and Land Development Code.

POLICY 1.7.4.
The City shall actively participate in organizations formed to promote systematic growth and development, including the ECFRPC, the VCOG, the MPO, Volusia Growth Management Commission, and the Coastal Management Technical Steering Committee to discourage urban sprawl adjacent to or near the City’s urban fringe.

POLICY 1.7.5.
The City shall work cooperatively with Flagler County, adjoining cities, and Volusia County to ensure that development in the upstream portions of the Tomoka River watershed does not adversely impact water quality of the Tomoka River.

POLICY 1.7.6.
The City shall resolve annexation issues through its active participation in the Volusia Growth Management Commission.

**OBJECTIVE 1.8. TRAFFIC CIRCULATION**

The City shall continue to coordinate its transportation plans with Federal, State, regional, and local agencies in order to maintain the adopted level-of-service.

**POLICY 1.8.1.**

The City shall continue to coordinate transportation planning and the provision of transportation facilities with the appropriate public agencies to the maximum extent feasible.

**POLICY 1.8.2.**

The City shall continue to coordinate and cooperate with the FAA and FDOT to operate the Ormond Beach Municipal Airport.

**POLICY 1.8.3.**

The City shall coordinate its transportation planning with Volusia County 2035 Long Range Transportation Plan (VCLRTP), MPO, Volusia County, DOT, Votran, VCOG, and other appropriate agencies to the maximum extent feasible.

**POLICY 1.8.4.**

The City shall coordinate proposed transportation Level-of-Service Standards with DOT and adjacent local government jurisdictions.

**POLICY 1.8.5.**

The City shall continue to request that the County collect and disburse transportation impact fee funds in impact fee zones that are designed to ensure that the payer of the fee is in fact the benefactor of the fee.

**POLICY 1.8.6**

The City shall develop in association with Votran and the Volusia County Metropolitan Planning Organization multi-modal strategies that reduce vehicles miles travelled.

**1.9. UTILITIES**

The City shall coordinate the provision of utilities infrastructure and service with Federal, State, and local agencies.

**POLICY 1.9.1.**
The City shall coordinate the provision of potable water with Federal, State, and local agencies and develop intergovernmental responses to groundwater problems.

POLICY 1.9.2.
The City shall provide raw water to its residents in cooperation with the DEP, the SJRWMD, the Water Authority of Volusia and Volusia County.

POLICY 1.9.3.
The City shall continue to participate in the Water Authority of Volusia.

POLICY 1.9.4.
The City shall continue to provide solid waste collection in cooperation with DEP and Volusia County.

POLICY 1.9.5.
The City and the County shall work in cooperation to implement the hazardous waste management program.

POLICY 1.9.6.
The City shall coordinate and cooperate with adjacent jurisdictions to participate in basin-wide stormwater management studies for the Halifax River and Tomoka River.

POLICY 1.9.7.
The City shall participate in drainage studies for the Halifax River and Tomoka River basins, when available or through direct coordination with affected entities.

OBJECTIVE 1.10. CONFLICT RESOLUTION
Maintain and increase the use of intergovernmental planning agencies for discussion and resolution of multi-jurisdictional issues. This objective shall be achieved through the implementation of the policies associated with this objective.

POLICY 1.10.1.
Continue active membership and support of intergovernmental planning agencies to resolve issues and disputes through mechanisms such as VCOG, MPO, VGMC, ECFRPC and the Florida Growth Management Conflict Resolution Consortium.

POLICY 1.10.2
Support the Volusian Water Alliance, in developing solutions for the regional management of water resources.

**POLICY 1.10.3**
Work with VGMC to ensure coordination of all planning activities mandated by the Comprehensive Plan.

**OBJECTIVE 1.12. JOINT PLANNING AREAS**
Identify, implement, and coordinate joint planning areas for annexation and service provision.

**POLICY 1.12.1**
The City will continue to coordinate with the Volusia Council of Governments, VGMC, Volusia County, the Cities of Holly Hill and Daytona Beach, and other jurisdictions when annexations occur.

**POLICY 1.12.2.**
The City will provide a copy of its published or posted notice of annexation to the Volusia County Council as required by Florida Statutes as amended.

**POLICY 1.12.3.**
The City will continue to provide potable water and sewer service within its identified service boundary areas.

**POLICY 1.12.4.**
The City will continue to coordinate procedures through interlocal agreements with Volusia County and other adjoining jurisdictions, as appropriate, on the review of development orders and guaranteed compliance with the City of Ormond Beach Land Development Code for projects requesting City utility services.

**POLICY 1.12.5.**
The City will promote sound growth management by providing city services to contiguous areas before non-contiguous areas.

**OBJECTIVE 1.13. JOINT PROCESSES FOR COLLABORATIVE PLANNING AND DECISION MAKING**

Deleted: To the greatest extent possible, the City shall attempt to resolve issues and disputes through informal mechanisms and processes as an alternative to litigation. These include but are not limited to the following: VGMC, Volusia Council of Governments, Florida Growth Management Conflict Resolution Consortium.
Identify and describe joint processes for collaborative planning on population projections, school siting, facilities subject to concurrency, facilities with countywide significance, and problematic land uses.

POLICY 1.13.1.

The City will continue to coordinate with the Volusia County Growth Management Department, the Volusia Council of Governments, the MPO, the University of Florida Bureau of Economic and Business Research, and other agencies in order to develop citywide and countywide population projections that include expected growth shown in the comprehensive plan for the City. In addition, the City will use these mutually agreed upon and coordinated population figures in the comprehensive plan.

POLICY 1.13.5.

City staff will coordinate annually, or more often as needed, with Volusia County staff for the purpose of determining future unincorporated area needs for water and sewer within each respective unincorporated area served by the county.

POLICY 1.13.6.

The City will forward requests for access to County or State maintained roadways to each respective agency for comment concerning their respective plans and policies.

POLICY 1.13.7.

The City will coordinate with service providers that have no regulatory authority over the use of land in the City to develop recommendations that address ways to improve coordination of the City’s concurrency management methodologies and systems, and levels-of-service.

POLICY 1.13.8.

The City will enter into an interlocal agreement with Volusia County for joint projects identified in the City’s Stormwater Management Plan and the County’s Stormwater Management Plan.

POLICY 1.13.9.

The Planning Department will coordinate concurrency reviews with the respective City Departments, Volusia Council of Governments and any other agencies as deemed appropriate and necessary.

POLICY 1.13.10.

The City will continue to coordinate with Volusia County for the provision of countywide facilities, including but not limited to, solid waste disposal and the Volusia County Emergency Operations Center.
POLICY 1.13.11.
The City will forward notice of proposed future land use plan policies related to hurricane shelters and evacuation routes, as well as map amendments resulting in an increase in population within coastal high hazard areas, to the ECFRPC and the Volusia County Emergency Management Department to determine hurricane shelter space availability and the effect of increased evacuating populations on evacuation clearance times and routes.

POLICY 1.13.12
The City shall forward site plans to Votran in accordance with defined thresholds as stated in the Volusia County Transit Design Guidelines.
Advance Notice – A procedure that provides for advance notice of all annexations to the respective parties of interest.

Accurate Legal Description – A means to review and validate the legal descriptions for annexation.

State Law Compliance – Definitions and examples by which to determine compliance with the State law for contiguity, compactness, enclaves, and procedures for annexation agreements/indentures.

Ability to Serve – Pre-determined or administrative means to establish a municipality’s ability to serve the area.

Service Contracts – Enabling provisions to enter into mutually acceptable agreements to provide selected services where it is beneficial to the citizenry and cost-effective to do so in lieu of annexation.

Predictability – The delineation of area eligible to be annexed by each jurisdiction.

Consistency – A requirement for consistency with the City of Ormond Beach Comprehensive Plan and Land Development Code at the time of annexation.

Coordination with State Plan Amendment Review Process – To establish eligibility for waiver of the requirement for plan amendment pursuant to Section 163.3171(3), FS, at the time of annexation.
GOALS, OBJECTIVES AND POLICIES

THE FOLLOWING GOALS AND OBJECTIVES INCLUDE LEVELS-OF-SERVICE (LOS) AND THE POLICIES AND PROCEDURES NECESSARY TO MAINTAIN THE CITY’S RECREATIONAL AND OPEN SPACE NEEDS, REVENUE SOURCES AND REQUIRED FUNDING TO IMPLEMENT THE PLAN HAVE BEEN GENERALLY IDENTIFIED IN THIS ELEMENT AND WILL BE SPECIFICALLY IDENTIFIED IN THE CAPITAL IMPROVEMENTS ELEMENT.

GOAL 1.

PROVIDE AN ACCEPTABLE QUALITY, QUANTITY, AND VARIETY OF ACTIVE AND PASSIVE RECREATION AREAS AND FACILITIES NECESSARY TO MEET THE EXISTING AND FUTURE RECREATIONAL NEEDS OF THE CITY’S RESIDENTS AND OF ITS VISITORS.

OBJECTIVE 1.1.

The City shall require of new development activities concurrency with the adopted level-of-service standards according to the Parks and Recreation Master Plan Study of 2005.

POLICY 1.1.1.

The City shall apply the level-of-service standard of parks, and park categories and facilities according to the Parks and Recreation Master Plan Study of 2005 which have been updated utilizing the National Parks and Recreation Association (NPRA) accepted methodology. The following individual level-of-service standards shall be adopted:

<table>
<thead>
<tr>
<th>Category</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks</td>
<td>13.045 acres per 1000 population</td>
</tr>
<tr>
<td>Outdoor Aquatic and Passive Facilities</td>
<td>0.925 per 1000 population</td>
</tr>
<tr>
<td>Sports Facilities</td>
<td>1.471 per 1000 population</td>
</tr>
<tr>
<td>Outdoor Trails</td>
<td>0.254 mile per 1000 population</td>
</tr>
<tr>
<td>Indoor Active/Passive Facilities</td>
<td>0.224 per 1000 population</td>
</tr>
</tbody>
</table>

POLICY 1.1.2.
Parks and recreational facilities shall be located throughout the City to allow access opportunities to all segments of the population.

**POLICY 1.1.3.**
The City shall continue to provide sufficient lighting where needed at any active recreation facilities existing at that time.

**POLICY 1.1.4.**
The City shall continue to acquire the appropriate acreage for neighborhood and community park and recreation sites to meet its level-of-service standards when necessary.

**POLICY 1.1.5.**
Alligator Island shall be maintained under the Open Space/Conservation land use designation.

**POLICY 1.1.6.**
The City’s facility needs and program planning shall be determined through a continuous assessment of facility capacities and community needs, thorough surveys, citizen responses, civic interaction, and population growth. Surveys shall be completed as needed by the Leisure Services and Planning Departments. The following criteria shall be applied in implementation of this policy.

a. Coordination with other City departments and civic groups of studio (e.g., continuing education) programs, special events and referral services. Such programs shall be available for all ages and not limited to any level of proficiency.

b. Coordination of or liaison to the development of other community enhancement projects (e.g., Santaland Art in the Park, and Easter Egg Hunt).

c. Develop an outreach strategy that provides recreation activities and programs on a neighborhood basis.

d. Determine the need for additional multi-diversified leisure facilities to better accommodate existing and future needs.

e. Survey of the use of recreation facilities by developmentally disabled and physically handicapped people. The plan shall further contain specific recommendations for correcting existing deficiencies and meeting future needs.

f. Assess the special population needs and provide structured activities for youth and adults that would interface with mainstream youth programs.

**OBJECTIVE 1.2.**
To maximize the responsible use of existing public lands and facilities, City parks and recreation facilities shall be maintained by the City’s Leisure Services Department in order to promote public use and community pride, and discourage vandalism.
POLICY 1.2.1.
The City shall manage undeveloped City-owned land for the long-term public interest, doing so in a manner by which the City sets an example for others to follow.

POLICY 1.2.2.
The City shall maintain its boat ramps, piers, docks, and other water-access facilities in a safe and operable condition.

POLICY 1.2.3.
By 2025, the City shall develop a youth facility at Central Park to support after school programs and other activities.

POLICY 1.2.4.
The City shall actively maintain any saltmarsh areas adjacent to City property to be free of litter and/or other garbage.

POLICY 1.2.5.
The City shall continue to provide information and interpretive signs at all City-operated boat ramps to alert users of the endangered manatees, the Tomoka River Manatee Sanctuary, and the City personal watercraft ordinance.

OBJECTIVE 1.3.
Balance the functioning value of the natural environment so there is an optimum combination of aesthetic, ecological, and recreation values.

POLICY 1.3.1.
Use park systems or open space to buffer incompatible land uses, where parks or open spaces are compatible with these land uses.

POLICY 1.3.2.
The City shall acquire or dedicate lands to assure their protection where there are environmental assets that shall be preserved, as well as providing community access and/or recreation opportunities/value to the community.

POLICY 1.3.3.
To the maximum extent consistent with Federal, State, and City objectives, policies, and responsibilities, multiple uses of public lands shall be considered, to reduce the cost of and expedite the acquisition of additional needed public lands.
OBJECTIVE 1.4.
The City shall maintain and improve access to its parks, recreation, and open space areas, facilities, programs, and events and encourage development of facilities, programs, and events of state and regional excellence.

POLICY 1.4.1.
The Leisure Services Department shall develop and distribute literature and maps listing the parks, leisure service sites, and historic sites located within the City, their facilities, location, and operating hours.

POLICY 1.4.2.
The Leisure Services Department shall, in October of each year, prepare an annual report that in general describes the status of for presentation to the City Commission that department’s functions in the City; assess the general needs of the population; describes event which affect or are affected by that department; and assesses interdepartmental and intergovernmental areas of concern and proposed solutions to these areas of concern.

OBJECTIVE 1.5.
The City shall develop a fiscally sound public parks recreation facilities program.

POLICY 1.5.1.
The City shall continue to pursue outside funding sources by monitoring on an on-going basis, the availability of parks and recreation grants and funds. The applications shall be submitted in a timely manner to ensure procurement and proper outside review.

POLICY 1.5.2.
A user fee system shall continue to be an integral and vital component of the overall funding mechanism for recreation programs and events. The following criteria shall apply in implementation of this policy:

a. The fee shall be reasonably established and shall not restrict access on the basis of affordability.

b. The City shall periodically review the fee structures of other local government jurisdictions and per capita operating expenses and recurring capital expenses as a basis for determining the equity of the fee structure.

c. Reasonable fees shall be established for use of all City facilities based on the type of event, the particular facility and the expected number of people attending.

d. The fee schedule shall be reviewed and updated on an annual basis.

POLICY 1.5.3.
The City shall continue to financially support the activities, events, and programs offered by the Leisure Services Department, in order to maintain programs at their current level-of-service according to the Parks and Recreation Master Plan Study of 2005.

**POLICY 1.5.4.**
The City shall continue to assess a Recreational Impact Fee as per the City Land Development Code in order to provide for the acquisition and development of additional recreational space and facilities needed by the occupants of such new residential dwelling units.

**POLICY 1.5.5.**
New development shall be encouraged to provide land for accessible and usable public parks in accordance with the Parks and Recreation Master Plan Study of 2005 and the City Land Development Code.

**POLICY 1.5.6.**
The City shall continue to charge a non-resident fee determined by the Leisure Services Department and the City Commission for the use of City recreation facilities.

**POLICY 1.5.7.**
The City shall continue to utilize user fee charges for services and facilities to help offset costs at recreation sites.

**OBJECTIVE 1.6.**
The City shall recommend policies and programs to Volusia County that maintain and improve public access to beach recreational opportunities.

**POLICY 1.6.1.**
Participate in and encourage State, Regional, and County programs to provide on and off-site beach parking.

**OBJECTIVE 1.7.**
Safe bicycling opportunities, for both recreation and transportation, shall be provided within the city where possible.

**POLICY 1.7.1.**
Bicycle facilities shall be incorporated into arterial and collector roadway construction widening, and reconstruction plans and programs as provided by the Land Development Code.
The City shall cooperate with bicycle organizations, law enforcement agencies, and the FDOT to promote a bicycle safety program; this shall include a program in the schools and a media information program.

POLICY 1.7.3. Bicycle facilities connecting schools with nearby active recreation areas shall be a priority of the City.

POLICY 1.7.4. The City shall continue to provide bicycle facilities at all City-owned buildings or facilities that are open to the public.

POLICY 1.7.5. When providing bicycle and pedestrian pathways the City shall determine, through its traffic consultant, upon which streets or roads bicycle traffic would constitute an unacceptable hazard. This shall also determine the time of day when this hazard would exist.

POLICY 1.7.6. The City shall maintain regulations requiring new developments to incorporate bicycle and pedestrian paths as an integral part of their transportation plans.

POLICY 1.7.7. To the extent practical, utility easements (overhead transmission lines, gas and water) shall be considered in the development of trails to provide for connections and linkages to neighborhoods, and recreation and open space facilities.

OBJECTIVE 1.8. Active and passive recreation facilities shall be designed and used in a manner that protects the quality of the natural systems including, but not limited to, the surface waters, significant wildlife habitats, designated species habitats, and wetlands. The permitting criteria of Federal, State, and regional agencies shall be met during the design and construction of active and passive recreation facilities.

POLICY 1.8.1. The use of off-road recreational vehicles in wetland or upland habitats shall be limited to the maximum extent allowed by law.

POLICY 1.8.2.
New proposed land development adjacent to parks, recreation, and conservation areas shall be compatible with both natural systems and the intended function of the park, recreation, or conservation area.

POLICY 1.8.3.
The City shall acquire sensitive lands to meet open space objectives and/or adopt regulations to protect and enhance the functional values of such lands.

OBJECTIVE 1.9.
Public recreation facilities shall both accommodate and integrate handicapped and disabled persons consistent with Federal and State standards.

POLICY 1.9.1.
The City shall provide physical programs for the handicapped and disabled of all ages, based upon demand.

POLICY 1.9.2.
Recreation facility construction or renovation shall be designed to accommodate and integrate the handicapped and disabled consistent with Federal and State ADA standards.

POLICY 1.9.3.
When possible, handicap access to the beach shall be improved by the process of handicap parking spaces and pedestrian beach access ramps.

POLICY 1.9.4.
Playgrounds shall include handicap and disability accessible and usable facilities, to integrate handicapped children into the mainstream.

OBJECTIVE 1.10.
The provision of recreation programs and facilities shall be coordinated among adjacent local government jurisdictions and private sector providers to develop the most cost-effective services to the public.

POLICY 1.10.1.
The City shall notify in a timely manner, for review and comment, the Tomoka State Park management and provide information regarding any development activities and ordinances that may significantly affect the park environment and operations.

POLICY 1.10.2.
The City shall continue to coordinate with the Volusia County School District per Resolution No. 88-136 which authorizes an interlocal agreement for the use by each agency of the other’s facilities for recreation and other programs.

POLICY 1.10.3.
The City shall cooperate with the School District regarding the location and design of new schools, bike paths, and recreational areas in such a manner that will maximize efficient use by school children and area residents.

POLICY 1.10.4.
The City shall maintain with the School District a coordination mechanism that allows the City to review and comment upon school development proposals for expansion of existing facilities or for construction of new facilities in order to promote to the maximum extent feasible the joint development and use of recreation facilities at the school sites.
The City shall continue to actively participate in the Volusia County land acquisition programs and to request utilization of such funds for open space land purchases within the City as appropriate and to the maximum extent feasible.

POLICY 1.10.3

The City shall submit when appropriate and applicable grant applications to local, state and federal grant programs for the acquisition, planning and development/management of City owned lands. Programs include, but are not limited to:

- Florida Recreation and Development Assistance Program;
- Land and Water Conservation Fund Program;
- Florida Forever;
- Florida Boating Improvement Program;
- Save our Rivers Program (SJRWMD);
- Ponce DeLeon Port Authority;
- Florida Inland Navigation District;
- Florida Communities Trust Program; and
- ECHO.

POLICY 1.10.4

The City shall continue to submit applications for grants under programs sponsored by various State and regional governments including the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, and the Florida Inland Navigation District.

POLICY 1.10.5

The City shall enter into agreements, as appropriate, with private institutional recreation organizations to provide services and programs including joint use of facilities and personnel.

POLICY 1.10.6

Wherever possible, Ormond Beach Recreational trail corridors shall be coordinated with other national level trails such as the East Coast Greenway as well as other state trail systems.

OBJECTIVE 1.11.

The City shall periodically review and amend the Land Development Code relative to current open space definitions and standards to implement the Recreation and Open Space Element. The following policies shall apply to the review of development activities and the conduct of public activity.
POLICY 1.11.1.
The following shall be applied by the City to protect and provide buffers, greenbelts, and recreation within the open space system:

a. Regulate the use of land and water consistent with the Future Land Use, Conservation, and Coastal Management Elements.
b. Ensure the protection of natural vegetation and unique land features.
c. Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.
d. Maintain and protect major environmental areas, parks, preserves, wildlife management areas and refuges.
e. Provide mechanisms for the on-site transfer of development rights as per the Future Land Use Element.
f. Develop performance standards for protecting lands with historic, scenic, recreational or environmental significance.
g. Protect against significant adverse impacts to wildlife, wildlife habitats/corridors.

POLICY 1.11.2.
Innovative techniques shall be utilized to protect identified open space areas. Such techniques could include overlay districts, flood zones, performance standards, or other incentive-based methods.

POLICY 1.11.3.
Designated open space areas encompassing natural resource areas, significant environmental features, marine and wildlife habitats, conservation or potential recreation areas shall, at minimum, be protected, by buffer zones, deed restrictions, limiting density and intensity of development, conservation easements, acquisition, transfer of development rights, and purchase of development rights or land exchanges.

POLICY 1.11.4.
Criteria and standards to be used for reviewing development proposals within existing and proposed open space areas shall be maintained in the Land Development Code. Upon adoption of the plan, site specific analysis shall include an Environmental Assessment Report as per the criteria of the Conservation Element to be submitted, reviewed and approved prior to the issuance of a development order.

POLICY 1.11.5.
Coordinate with local governments, State and other public agencies in developing consistent standards, criteria and land development regulations for the protection of open space areas.
OBJECTIVE 1.12.
The City shall continue to increase the public provision, protection and enhancement of open space by utilizing the Volusia County Land Acquisition Programs with the cooperation of the Florida Forever, Save Our Rivers, Land and Water Conservation Fund, County Port Authority, St. Johns River Water Management District land acquisition programs, and similar programs to acquire by purchase or donation those lands identified by the City Commission. Provision of open space by private enterprise shall be accomplished through donation or requirements for dedication of open and common space as specified in the Land Development Code.

POLICY 1.12.1.
Land or easements suitable for the provision of open space shall be encouraged as donations from public agencies and private enterprises. The location, shape, size and character shall be evaluated for applicability to City land development regulations. The City is not obligated to accept donations of open space areas from public areas and private enterprise.

POLICY 1.12.2.
Open Space areas shall be preserved for the following types of development:

a. Residential development required to provide park needs and open space areas as required by the Land Development Code.
b. Planned overlay districts required to provide open space and common open space per the Land Development Code.
c. Development plans encompassing valuable resource habitats such as, but not limited to, environmental corridors as identified in the Conservation and Future Land Use Elements.
d. Non-residential development required to provide open space areas as required by the Land Development Code.

OBJECTIVE 1.13.
Provide for recreational corridors to link the City-owned parks as well as other open space/conservation areas.

POLICY 1.13.1.
The City shall designate scenic roadways under the State and Federal Programs as provided for by the Coastal Management Element and the Land Development Code.

POLICY 1.13.2.
The City’s standards designed to ensure preservation of the scenic value of designated routes shall be maintained in the Land Development Code.
POLICY 1.13.3.
The City shall continue to coordinate with utility companies the potential multi-use concept for open space and recreation uses within utility easements.

POLICY 1.13.4.
To the extent practical, utility easements (overhead transmission lines, gas and water, sewer and drainage) shall be made available for bike path, nature, jogging, and horse trail development. This off-road corridor system shall be designed and developed to connect neighborhoods and communities to recreation and open facilities.

POLICY 1.13.5.
Open space systems or conservation areas identified for potential outdoor classroom sites or nature study facilities shall be provided with the appropriate access facilities. Facilities shall include, but are not limited to: on-site circulation system elements, natural trails, above ground boardwalks and limited passive areas designated for picnicking.

POLICY 1.13.6.
Public access to the beach and waterways shall be provided in accordance with the policies under Goal 7 of the Coastal Management Element.
Park categories and allowable facilities shall be defined as:

**Mini-Park:** Mini-Parks are the smallest classified parks and serve an aesthetic, relaxation, or open space purpose. Mini-parks are usually less than five acres in size and have a service area of approximately ¼ mile. These parks usually serve concentrated populations, isolated areas, or unique recreational or scenic opportunities. Areas along natural resources that have pedestrian improvements may be considered mini-parks. An example of a mini-park is Huguenot Park at the east end of Melrose Avenue. Mini-parks may include any combination of the following facilities:

- benches
- scenic vista points
- open space/picnic areas
- pedestrian facilities
- historic/cultural points of interest
- playground

**Neighborhood Park:** Neighborhood parks are local residential parks that serve the population in the immediate area. The service area for a neighborhood park is approximately ½ to 1 mile. Neighborhood parks may include a multi-purpose sports field, open space, and pedestrian facilities. The average size of a neighborhood park is 5 acres. Sanchez Park is an example of a neighborhood park in Ormond Beach. Neighborhood parks may include any combination of the following facilities:

- benches
- open space/picnic area
- pedestrian facilities
- playground
- one or two multi purpose fields
- health/fitness equipment
- court facilities
- racquet facilities
- parking facilities

**Community Park:** Community parks focus on meeting community based recreational needs, as well as preserving unique landscapes and open spaces. These parks are “ride to” parks located on major city roads. Community parks are designed to serve the needs of the entire community. Community parks provide recreation facilities and organized programs, as well as open space. An example of a community park in Ormond Beach is the Nova Recreational Center. Community parks may include any combination of the following facilities:

- benches
- open space/picnic area
- pedestrian facilities
- multi-purpose fields
- playground
- health/fitness equipment
- gymnasium/multi-purpose room
- racquet sport facilities
bicycle paths          parking facilities

**Athletic Complex:** A small community (under 50,000 population) will usually only have one athletic complex. Athletic complexes are designed to serve the recreational needs of the entire community or the entire city. These facilities provide recreation areas and organized programs that are facilities-based. The athletic complex in Ormond Beach is the Airport Recreation Complex.

**Special Use Complexes:** Special use complexes cover a broad range of parks and recreation facilities oriented toward single-purpose uses. The typical special use complex addresses areas such as, but not limited to:

1. **Historic/Cultural/Social Sites** – Examples are the Casements, MacDonald House, Performing Arts Center, historic downtown areas, performing arts centers, ornamental gardens, churches, public buildings or dramatic theaters.

2. **Recreation Facilities** – Examples are senior centers, marinas, golf courses, and aquatic parks.

**POLICY 1.1.2.**

By 1998, the City shall ensure that an appropriate level-of-service for parks and recreation facilities are maintained by utilizing the most recent version of the National Parks and Recreation Association guidelines as stated below. These standards shall relate to city-provided, school-provided, and private facilities that are open to the public.


1. Determine the Park/Recreation Classifications for which the LOS will apply. Each type of park has a different intended use.
2. Determine the activity menu for each classification. This represents the facilities that can be constructed at each type of park or recreation area.
3. Determine the size standards for each type of park. Every intended use requires different spacing criteria.
4. Determine the present supply of park/recreation facilities. This represents an inventory of park/recreation facilities. This will be determined by the Leisure Services Department utilizing the following formula:

   
   EU x A = RFS

   Where: EU = Expected Use

   A = Availability
RECREATION AND OPEN SPACE ELEMENT
GOALS, OBJECTIVES AND POLICIES

RFS = Recreations Facility Supply

Determine the Demand of the population being served. This will be completed as a survey of Ormond Beach residents to be completed every three years. This will be required by the Comprehensive Plan and the results will be utilized annually in the Capital Budgeting process. This will be determined by the Leisure Services Department utilizing the following formula:

\[ \frac{RFD}{RFS} = MPSR \]

Where:
- \( RFS \) = Recreation Facility Supply
- \( RFD \) = Recreation Facility Demand
- \( MPSR \) = Minimum Population Service Requirements

Determine the Minimum Population (Ormond Beach residents) Service Requirements for the recreation choices specified. This will be determined by the Leisure Services Department utilizing the following formula:

\[ \frac{RFD}{RFS} = MPSR \]

Where:
- \( RFS \) = Recreation Facility Supply
- \( RFD \) = Recreation Facility Demand
- \( MPSR \) = Minimum Population Service Requirements

Determine the LOS for each park classification based on the usage and activity choices reflected in the survey. This will be determined by the Leisure Services Department utilizing the following formula:

\[ \frac{\text{Parks Acres/Classification/Total Population Served}}{1,000 \text{ people}} = \text{Level-of-Service by Classification} \]

Determine the LOS for the entire Park/Recreation System. Based on the individual park classification LOS, Leisure Services will determine an overall LOS based on acreages. This will be determined by the Leisure Services Department utilizing the following formula:

\[ \text{LOS Class 1} + \text{LOS Class 2} + \text{LOS Class 3} + \text{LOS Class 4} + \ldots = \text{Total Level-of-Service} \]
Recently, the State Legislature approved SB 360 which affects the current Growth Management laws as it pertains to concurrency, DRI’s, and review of Comprehensive Plan amendments. Staff will be attending a DCA sponsored conference on SB 360 in late June, so from that meeting I will provide you an update to this memo about how the legislation will be implemented by DCA. However, this memo provides a basic understanding of what the changes are and where Ormond Beach is positioned with these amendments.

1. SB 360 creates a definition in Ch. 163 for “Dense Urban Land Area or “DULA” for the acronym conscious planner. As defined, a DULA means a local government having an average of at least 1,000 people per-square mile of land area, or a county, including all cities located therein, which has a population of at least 1 million, according to the latest census and latest population estimates from the Office of Economic and Demographic Research. The following 8 counties meet this definition: Broward, Duval, Hillsborough, Miami-Dade, Orange, Palm Beach (based on total pop. threshold), Pinellas and Seminole Counties. Cities with an average of at least 1,000 people per square mile and a total population of 5,000 are also considered a DULA. This includes approximately 190 cities affecting another 24 counties statewide.

   **Ormond Beach is considered a DULA because it has a population per square mile of 1,409.8 as of the 2000 Census.**

2. SB 360 creates transportation concurrency exception areas (TCEAs) in the following areas: Cities that qualify as dense urban land areas (Ormond Beach); urban service areas that have been adopted into the comprehensive plan and are within counties that qualify as dense urban land areas; counties, including cities therein, that have a population of at least 900,000, that qualify as a dense urban land area but do not have an urban service area designated in the comprehensive plan.
Staff is currently evaluating the establishment of TCEA’s for the Downtown Overlay District, A1A southbound from SR 40 to the City Line; US 1 from Arroyo Parkway to Willmette Avenue. Each of these areas are candidates for infill and redevelopment. All other areas would be subject to concurrency.

3. SB 360 requires Ormond Beach to adopt transportation mobility strategies within designated TCEA’s within 2 years. If such strategies are not adopted within this time period, DCA may submit a finding to the Administration Commission, which may impose sanctions on Ormond Beach.

Contained in your draft Transportation Element are policies which positions Ormond Beach to take advantage of this TCEA. Your attention is directed to Objective 1.15, Policies 1.15.1 through 1.15.5 and associated policies 1.5.7 and 1.8.2. Also, staff is proposing the establishment of Level of Service Standards for sidewalk coverage to ensure residential areas and destination points to include transit stops are walkable and have continuous sidewalk. Staff has met with Votran and have had discussions with FDOT regarding Transportation Demand Management strategies proposed.

4. SB 360 eliminates the DRI program in DULA’s. The act requires that Development Orders from DRI-size projects even though they may be exempt under the bill may still be reviewed by DCA.

As to whether this provision is applicable to Ormond Crossing which already has an approved Development Order, the jury is out. Further discussions and analysis of the bill will need to occur. Staff is moving forward with recommending approval of the Settlement Agreement, Remedial Amendments, and the Amended and Restated Development Order (ARDO) to the City Commission in July, 2009.

5. The bill eliminates the penalty for local governments (i.e., FLUM amendments that increase density) that fail to adopt a public school facilities element and enter into an interlocal agreement. DCA is required however to submit a finding to the Administration Commission if it finds insufficient cause by the local government for not adopting a school facilities element into its plan. School districts are required to include relocatable facilities (a.k.a. portables) in its level-of-service (LOS) calculations if such facilities are used in the student station inventory.

Ormond Beach is in good shape. The Public School Facilities Element was approved early last year and we are a party to the Interlocal Agreement. This portion of the bill does not affect the City.

6. The bill extends the Financial Feasibility of the CIE to December 2011 (applies to all counties).

Ormond Beach submitted its Financial Feasibility CIE and it was approved in January, 2009. This portion of the bill does not affect us.
7. Extends the Alternative State Review Process which was a pilot project to any local government that wants to adopt an Urban Service Area.

   **Ormond Beach has adopted it’s Urban Service Area in the Comprehensive Plan already so this has no applicability to the City.**

8. Extends any local government development order or building permit issued between September 1, 2008 through January 1, 2012 for an additional 2 years.

   **This affects Ormond Beach for all permits and DO’s issued since 9.1.08. Site Plans and Special Exception DO’s were extended from 1 year to 2 years while Planned Developments were extended from 2 to 3 years. The City permits a 1 year extension beyond these expirations dates which were approved in December, 2007. An additional extension requires review and assessment if conditions (level of service) has changed since issuance of the initial DO.**

9. Requires zoning changes to be made simultaneously with any plan amendments if requested by the applicant. Zoning changes take effect upon the comprehensive plan amendment becoming effective.

   **While the City of Ormond Beach has processed Comp Plan amendments and zoning changes in tandem, the City has not approved a zoning change with a condition that such zoning change will be contingent upon the Comp Plan amendment being approved. This will require a change in the Legal Department regarding ordinance drafting and effective dates of ordinances.**

10. Requires FDOT and DCA to develop a Mobility Fee Methodology to be presented to the House and Senate no later than the end of the year. The Mobility Fee would replace the current concurrency management system.

   **This will affect Ormond Beach and all other governmental jurisdictions that have concurrency management systems.**

There are a number of affordable housing amendments included in SB 360. Given the extensive dialogue that Planning Board members and staff had regarding whether affordable housing is an issue given the current state of affairs, the legislature has provided increased stimulus to both the production (supply) of affordable housing through the Florida Housing Finance Corporation’s SAIL Program and demand (raised the affordability cap from 120% of Area Median Income (AMI to 140% of AMI)) for SHIP funding assistance. These and other provisions are designed to address the affordability housing need stated in the legislative findings.

I have not provided a copy of the bill, but members of the Planning Board wishing a copy, we will forward by email or hardcopy upon request.
Provided to Planning Board members at the May 14th Meeting:
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