

ORDINANCE NO. 2013-50

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE 2,924 ACRES± OF REAL PROPERTY LOCATED WEST AND SOUTH OF THE F.E.C. RAILROAD, EAST OF THE FLAGLER COUNTY BOUNDARY LINE, AND NORTH OF DURRANCE LANE AND HARMONY AVENUE, FROM VOLUSIA COUNTY A-1 (PRIME AGRICULTURE) AND A-2 (RURAL AGRICULTURE) TO ORMOND BEACH PMUD (PLANNED MIXED USE DEVELOPMENT), AUTHORIZING REVISION OF OFFICIAL ZONING MAP; APPROVING A MASTER DEVELOPMENT PLAN TO BE KNOWN AS "ORMOND CROSSINGS"; ESTABLISHING CONDITIONS THEREFORE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Tomoka Holdings, LLC, a Florida limited liability company has initiated this Ordinance to rezone 2,924 acres± of privately-owned real property located west and south of the F.E.C. railroad, east of the Flagler County boundary line, and north of Durrance Lane and Harmony Avenue, described and depicted in Exhibit "A" attached hereto and incorporated herein by reference, and, and

WHEREAS, the property consists of approximately 2,924 acres± of real property and is zoned Volusia County A-1 (Prime Agriculture) and A-2 (Rural Agriculture), and

WHEREAS, the said parcel or real property involves more than ten (10) contiguous acres, and

WHEREAS, the Planning Board held a public hearing regarding this matter as required by Chapter 1, Article II, Section 1-15D, of the *Land Development Code*, following which it recommended the approval of the application for rezoning to PMUD (Planned Mixed Use Development), and

WHEREAS, the City Commission held a public hearing regarding this matter as required by Section 166.041(3)(c)(2) and 166.041(3)(2)(1), *Florida Statutes*, and

WHEREAS, all applicable legal notice requirements have been complied with, and

WHEREAS, the City Commission finds, based on substantial competence evidence, that the application to rezone the Property from Volusia County A-1 (Prime Agriculture) and A-2 (Rural Agriculture) to Ormond Beach (Planned Mixed Use Development) to be consistent with the Future Land Use Element, the Future Land Use Map of the City's adopted *Comprehensive Plan*, the City's *Land Development Code*, and that it is consistent with the general laws of Florida, and

WHEREAS, the Applicant has also submitted an application for a Master Plan Development for the Planned Mixed Use Development zoning designation (the "Project") pertaining to the Property, and

WHEREAS, the Master Development Plan provides a land use plan and a tract map to establish the uses and the dimensional standards within the proposed Project, and

WHEREAS, the City Commission has considered the following:

- (1) The report and recommendations of the Planning 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
- (4) The testimony of the City's planning staff, the Applicant, expert witnesses, persons that may be affected as a result of the application, and documentary evidence pertaining thereto, if any, and

WHEREAS, the City Commission further finds that with respect to the application for the issuance of a Development Order for a Planned Business Development, that there is competent substantial evidence to support the following:

- (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 PMUD (Planned Mixed Use Development) 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. 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;
- (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,

WHEREAS, the City Commission in accordance with Chapter 2, District and General Regulation, of Article II, District Regulations, of Section 2-38 Planned Mixed Use Development (PMUD), of the *Land Development Code*, may base its conditions of approval or denial of the issuance of a master development plan on specific design guidelines that are established to ensure that requests to rezone to PMUD include a balanced and sustainable mix of uses. All development shall, at a minimum, be required to:

- a. Provide visual harmony by, but not limited to, such mechanisms as sign control (i.e., number, height and copy

- area), establishing landscape screening/buffering requirements (i.e., width and composition), requiring the use of underground utilities, and establishing building setbacks and height requirements;
- b. Encourage building orientation which promotes interaction between different projects and discourages creating unnecessary separation or the isolation of projects;
 - c. Establish shared parking, access and loading facilities, as practical, in an effort to reduce impervious surfaces;
 - d. Promote vehicular, pedestrian, and nonvehicular movement throughout the activity center;
 - e. Provide a network of unifying open spaces (said open spaces shall be in, or predominantly in, a natural state) which promote linkage with other adjoining developments; and
 - f. Use common frontage/service roads where appropriate; and
 - g. Use shared or joint facilities, such as stormwater, bus stops and utility easements.

now therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. The request of Tomoka Holdings, LLC, a Florida limited liability company, the property owner, to rezone the Property is hereby granted, and the Official Zoning Map of the City of Ormond Beach, is hereby amended in accordance with Article 1, Establishment of Zoning Districts and Official Zoning Map, Section 2-01, Establishment of Zoning Districts and Official Zoning Map, of the *Land Development Code*, by changing the zoning classification of the Property, which is more particularly described and depicted in Exhibit "A" attached hereto and incorporated herein by reference, from Volusia County A-1

(Prime Agriculture) and A-2 (Rural Agriculture) to Ormond Beach PMUD (Planned Mixed Use Development).

SECTION TWO. The property hereby rezoned consists of approximately 2,924 acres± of real property located west and south of the F.E.C. railroad, east of the Flagler County boundary line, and north of Durrance Lane and Harmony Avenue.

SECTION THREE. The City Commission does hereby approve, authorize and direct the revision of the City's Official Zoning Map to show the classification for the area as hereby zoned as depicted in Exhibit "B" attached hereto and incorporated herein by reference.

SECTION FOUR. The City Commission further approves a Master Development Plan Development Order for a Planned Mixed Use Development to be known as "Ormond Crossings", in accordance with that development order attached hereto and incorporated herein by reference.

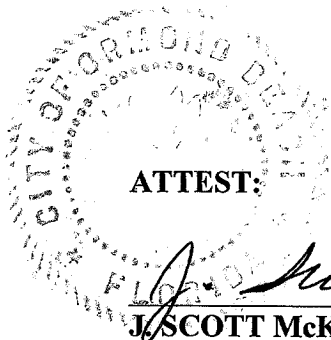
SECTION FIVE. The Mayor and the City Manager are authorized and directed to execute and issue the attached Master Development Plan Development Order for the Planned Mixed Use Development.

SECTION SIX. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION SEVEN. This Ordinance shall be effective immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this 20th day of August, 2013.

PASSED UPON at the second and final reading of the City Commission, this 3rd
day of September, 2013.



ATTEST:

J. Scott McKee

J. SCOTT MCKEE
City Clerk

Ed Kelley

ED KELLEY
Mayor

SKETCH AND DESCRIPTION

RESERVED FOR RECORDING INFORMATION

EXHIBIT "A"
PAGE 2 of 2

LEGAL DESCRIPTION:

A PARCEL OF LAND located in GOVERNMENT SECTIONS 26, 35 AND 36, TOWNSHIP 13 SOUTH, RANGE 31 EAST, GOVERNMENT SECTIONS 1, 2 AND 11, TOWNSHIP 14 SOUTH, RANGE 31 EAST, AND GOVERNMENT SECTION 38, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID GOVERNMENT SECTION 11, TOWNSHIP 14 SOUTH, RANGE 31 EAST, BEING THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE N01°30'18"W, A DISTANCE OF 10,602.80 FEET; THENCE N01°06'07"E, A DISTANCE OF 5,488.00 FEET; THENCE N02°05'35"W, A DISTANCE OF 2,658.01 FEET; THENCE N89°27'29"E, A DISTANCE OF 877.84 FEET; THENCE S49°44'55"E, A DISTANCE OF 6,470.63 FEET; THENCE S49°51'31"E, A DISTANCE OF 5,705.18 FEET; THENCE S49°55'22"E, A DISTANCE OF 809.19 FEET; THENCE S01°43'28"E, A DISTANCE OF 2,062.26 FEET; THENCE S01°28'20"E, A DISTANCE OF 1,483.29 FEET; THENCE N46°51'21"E, A DISTANCE OF 269.06 FEET; THENCE S14°28'13"W, A DISTANCE OF 1,402.23 FEET; THENCE S88°09'47"W, A DISTANCE OF 2,460.96 FEET; THENCE S87°43'43"W, A DISTANCE OF 2,640.24 FEET; THENCE S01°43'39"E, A DISTANCE OF 5,326.33 FEET; THENCE [REDACTED] A DISTANCE OF 5,326.37 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 2,937.53 ACRES, MORE OR LESS.

LESS AND EXCEPT THAT PORTION OF of harmony road (50' and 80') lying east of interstate highway I-95, further described in or book 530, pages 681 through 683 inclusive, of the public records of volusia county, florida, containing 283,918 sq. ft. or 6.52 acres more or less;

less and except florida department of transportation drainage areas 102a, 102b, 102c, further described in or book 4989, pages 2218 through 2220 inclusive, of the public records of volusia county, florida, containing 301,957 sq. ft. or 6.93 acres more or less;

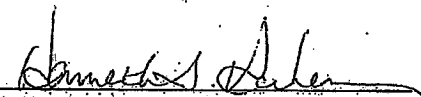
THE AGGREGATE contains 2,924.08 acres more or less.

Planned Projects: T2013-183891.dwg 12/12/2016 7:28:44 AM EST

12/12/06

SURVEYOR'S NOTES:

1. BASED ON THE SOUTHERLY LINE OF GOVERNMENT SECTION 11, TOWNSHIP 14 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA BEING S88°26'08"W.
2. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS SKETCH WHICH MAY BE FOUND IN THE COUNTY PUBLIC RECORDS.
3. THIS IS NOT A BOUNDARY SURVEY.
4. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR / MAPPER.

SIGNED: 
 KENNETH J. KUHAR
 FLA. PROFESSIONAL SURVEYOR/MAPPER # 6103

ABBREVIATIONS

C=CURVE D=DELTA R=RADIUS L=LENGTH CH=CHORD TB=TANGENT BEARING CB=CHORD BEARING R/W=RIGHT OF WAY C= CENTER LINE	S/SECT=SECTION TWP= TOWNSHIP LD=IDENTIFICATION CONC=CONCRETE (R)=RECORD (F)=FIELD MEASURED U.E.=UTILITY EASEMENT	PCP=PERMANENT CONTROL POINT PC=POINT OF CURVE PT=POINT OF TANGENCY PI=POINT OF INTERSECTION PB=PLAT BOOK PG=PAGE POB=POINT OF BEGINNING POC=POINT OF COMMENCEMENT MB=MAP BOOK	PRM=PERMANENT REFERENCE MONUMENT PLS=PROFESSIONAL LAND SURVEYOR PE=PROFESSIONAL ENGINEER ORB=OFFICIAL RECORD BOOK FFE=FINISH FLOOR ELEVATION (NR)=NON-RADIAL (RAD)=RADIAL A/C=AIR CONDITIONER UNIT
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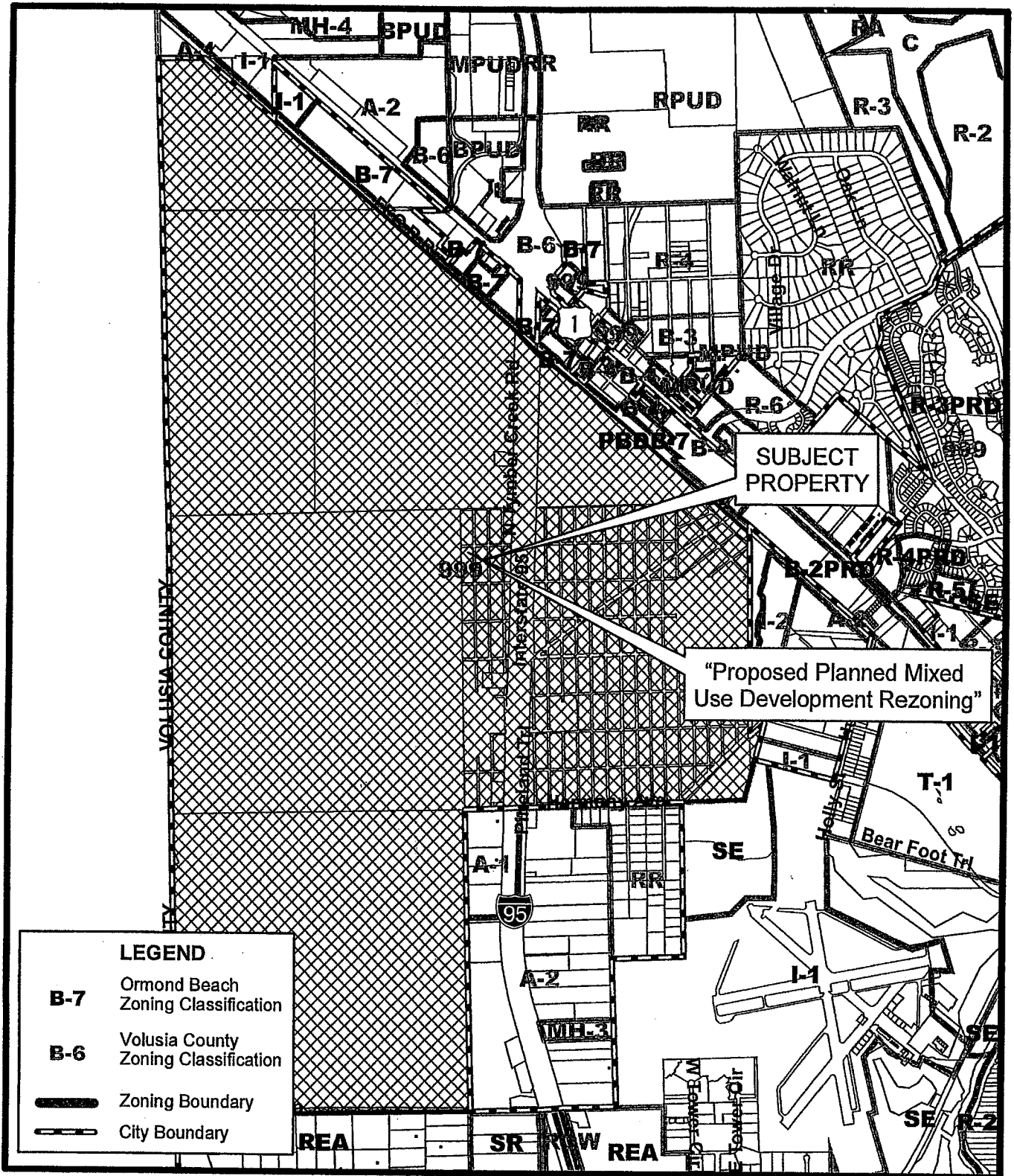
TOMOKA ENGINEERING
 CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
 DAYTONA BEACH FLAGLER/PALM COAST
 Main Office: 900 So. Ridgewood Ave., Daytona Beach, FL 32114
 Phone: 386-257-1600 Fax: 386-257-1601
 email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH AND DESCRIPTION

PROJECT NO.	T2132FLCI
FILE REFERENCE NO.	2132-SL6
DATE	05/05/2005
SHEET NO.	2 OF 2

LB #2232

EXHIBIT "B"



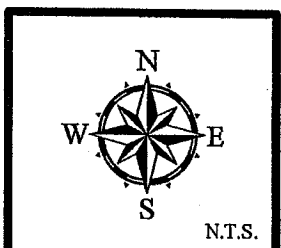
LEGEND

B-7	Ormond Beach Zoning Classification
B-6	Volusia County Zoning Classification
	Zoning Boundary
	City Boundary



**PROPOSED REZONING MAP
 ORMOND CROSSINGS**

Prepared By: The City of Ormond Beach
 G.I.S. Department - July 19, 2013



CERTIFICATE

STATE OF FLORIDA
COUNTY OF VOLUSIA
CITY OF ORMOND BEACH

I, J. Scott McKee, City Clerk of the City of Ormond Beach, Florida, do hereby certify that the foregoing is a true, correct and complete copy of Ordinance No. 2013-50 as the same appears of record at City Hall, City of Ormond Beach, Florida.

Dated this 5th day of September 2013.





J. Scott McKee
City Clerk
CITY OF ORMOND BEACH, FLORIDA