



**A G E N D A**  
**ORMOND BEACH PLANNING BOARD**  
**Regular Meeting**

**July 11, 2013**

**7:00 PM**

**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. APPROVAL OF THE MINUTES: June 13, 2013.**
- VI. PLANNING DIRECTOR'S REPORT**
- VII. PUBLIC HEARINGS**

**A. PMUD 10-134: Ormond Crossings, Planned Mixed Use Development Rezoning**

This is a request by Tomoka Holdings, LLC to rezone approximately 2,924 acres from Volusia County A-1 (Prime Agriculture) and A-2 (Rural Agriculture) to City of Ormond Beach PMUD (Planned Mixed Use Development). The rezoning is pursuant to the Ormond Crossings Development Agreement, Ordinance 2010-07, approved by the Ormond Beach City Commission on February 16, 2010 which approved 2,950 residential units, 3,050,000 square feet of commercial/office/industrial space, 165,000 square feet of institutional square feet, and one elementary school. The project is located west and south of the F.E.C. railroad, east of the Flagler County boundary line, north of Durrance Lane and Harmony Avenue.

**B. LDC 13-76: Permanent Cosmetics, Land Development Code Amendment**

This is a request by Diane Morgan to amend Chapter 1: General Administration, Article III – Definitions and Acronyms, Section 1-22, Definitions of terms and words of the Land Development Code to amend the definitions of personal services, permanent cosmetics, and tattoo parlor. The purpose of the amendment is to define permanent cosmetics as personal services and not under the definition of a tattoo parlor.

**C. SE 13-82: Thirty-One On the Boulevard – Second Special Exception Amendment**

Ms. Dorian Burt, Property Manager of the Highlander Corporation, requests approval of a Special Exception amendment to delete the parking standards and waivers previously granted with Resolutions 2008-146 and 2009-83 and allow the application of the current Downtown Overlay District standards regarding parking.

**D. LDC 13-84: Malted Beverage Producer, Land Development Code Amendment**

This is a request by Justin Robinson to amend the Land Development Code (LDC) as follows: (1) Chapter 1, General Administration, Article III, Definitions and Acronyms, Section 1-22, Definitions of terms and words, to include a definition of Malted Beverage Producer, (2) Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-32, I-1, Light Industrial zoning district, to add Malted Beverage Producer conditional use to the I-1 (Light Industrial) zoning district, and (3) Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-57, Conditional Uses and Special Exceptions, to include criteria for the Malted Beverage Producer use.

**E. LUPA 13-056: 250 Williamson Blvd., Small Scale Future Land Use Plan Amendment**

This is a City initiated request, to change the existing Future Land Use designation of a ±1.25-acre parcel from Volusia County “Commercial” to Ormond Beach “General Commercial” located at 250 Williamson Boulevard as the result of an annexation.

**F. PBD 13-057: 250 Williamson Blvd. Planned Business Development Rezoning**

This is an administrative request as the result of an annexation for a zoning map amendment for ±1.25 acres from the existing zoning designation of Volusia County B-4 (General Commercial) to City of Ormond Beach PBD (Planned Business Development) to allow an allowable use in an existing building totaling 6,922 square feet. The subject property is currently a Tire Kingdom store and is located at 250 Williamson Boulevard.

**VIII. OTHER BUSINESS**

**IX. MEMBER COMMENTS**

**X. ADJOURNMENT**

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** July 3, 2013

**SUBJECT:** LDC Amendment – Permanent Cosmetics

**APPLICANT:** Diane Morgan

**NUMBER:** LDC 13-76

**PROJECT PLANNER:** Steven Spraker, AICP, Senior Planner

**INTRODUCTION:** This is a request by Diane Morgan to amend Chapter 1: General Administration, Article III – Definitions and Acronyms, Section 1-22, Definitions of terms and words of the Land Development Code to amend the definitions of personal services, permanent cosmetics, and tattoo parlor. The purpose of the amendment is to define permanent cosmetics as personal services and not under the definition of a tattoo parlor.

**BACKGROUND:** Planning staff has been in discussions with several individuals regarding how the City regulates permanent cosmetics. Currently, the Land Development Code groups permanent cosmetics with the tattoo parlor use. The tattoo parlor use is only allowed in the B-5 zoning district as a conditional use.

The applicant is seeking to amend the Land Development Code to separate permanent cosmetics and tattoo parlors as uses. In the application, Ms. Morgan states permanent cosmetics, cosmetic tattooing, and conventional tattooing are being regulated by the State of Florida together under the same category solely for the purpose of public hygiene and safety concerning blood borne pathogens and disease control. Ms. Morgan continued that this is the only requirement that the uses have in common and there are no rules in the Florida Statutes that define where permanent cosmetics locations should be or how they should be locally zoned. Ms. Morgan concludes in her application, that permanent cosmetics and tattooing should be regulated as two separate uses with permanent cosmetics being regulated as a personal service.

Permanent cosmetics have a variety characteristics and sub-uses. Permanent cosmetics includes permanent pigmentation as a means of producing designs that resemble makeup, such as eyelining and other permanent enhancing colors to the skin of the face, lips, and eyelids. Permanent cosmetics is also used to produce artificial eyebrows, particularly in people who have lost them as a consequence of old age, disease, such as alopecia, chemotherapy, or a genetic disturbance, and to disguise scars and white spots in the skin. The application from Ms. Morgan states permanent cosmetics include pigmentation for burn patients to replace lost pigment, draw new eyebrows, and eye lashes.

Permanent cosmetics has also been used to cover-up stretch marks, birthmarks, freckles, age spots, and skin discolorations. A number of individuals seek permanent cosmetics, including those with:

- |                                |                                  |
|--------------------------------|----------------------------------|
| Active lifestyle               | Burn injuries                    |
| Limited dexterity              | Loss of limbs (fingers or hands) |
| Allergies to applied cosmetics | Paralysis of limbs               |
| Poor vision                    | Multiple sclerosis               |

Source: Permanent Makeup & Esthetics, LLC

Ms. Morgan had originally intended to apply for a Planned Business Development (PBD) to add the permanent cosmetic use to a specific development. Based on the site specific nature of the PBD amendment and the number of individuals who have inquired to where permanent cosmetics are allowed, staff suggested a Land Development Code amendment. Ms. Morgan agreed to process the Land Development Code amendment. As part of the application, Ms. Morgan has requested the City Commission consider refunding the application fee of \$1,000. Her request does not request any refund of the advertising cost (hard costs) associated with the Land Development Code amendment. The refund is sought based on the belief that the Land Development Code does not correctly regulated permanent cosmetics.

**LDC AMENDMENT:** Itemized below (and also illustrated in Appendix A) are the proposed amendments:

Chapter 1, Article III, Section 1-22 shall be amended as denoted in underline as follows:

**Person :** (no change in existing text...)

**Personal services:** means beauty parlor, shop or salon, barbershop, permanent cosmetics, tanning salon and similar uses.

**Pet:** (no change in existing text...)

\*\*\*\*\*

**Permanent control point (PCP):** (no change in existing text...)

**Permanent cosmetics** means a specialized form of tattooing involving ~~the application of permanent~~ pigmentation dyes or colors to the lips, eyebrows, and eyelids. The term "permanent cosmetics" also means intraderma pigmentation, scar cover, scar camouflage, and ~~shall be~~

~~subject to all of the requirements of tattooing, as contained in the city's Code of Ordinances.~~

**Permanent reference monument (PRM):** (no change in existing text...)

\*\*\*\*\*

**Tailwater recovery systems:** (no change in existing text...).

**Tattoo parlor** means a business that creates an indelible mark, figure, word or graphic illustration upon a human body by the insertion of pigment under the skin or by the production of scars. The term "tattoo parlor" also includes body illustrations ~~and permanent cosmetics~~. All tattooing operations shall abide by the definitions and restrictions contained in F.S. § 877.04, F.A.C. 59R-2.002 and section 12-376 of the Code of Ordinances.

**Taxi barn:** (no change in existing text...)

**ANALYSIS:** The Land Development Code currently classifies permanent cosmetics as a tattoo parlor use, presumably based on the application of pigmentation to the skin. Based on the discussions with Ms. Morgan, other permanent cosmetic owners and operators, other jurisdictions, and staff research it is recommended that permanent cosmetics be included in the personal services category of uses. Personal services include beauty parlor, shop or salon, barbershop, and tanning salons. Personal services are permitted use in the B-4, B-5, B-7, and B-8 zoning districts and a conditional use in the B-9 and B-10 zoning districts (under specialty retail sales).

**CONCLUSION:**

There are certain criteria that must be evaluated before adoption of an amendment according to the 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.**

No specific development is proposed. The intent of the proposed amendment is to allow permanent cosmetics as a personal service. Standards will not adversely affect public health, safety, welfare or quality of life and will provide a needed service to Ormond Beach residents.

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

The proposed Land Development Code amendment 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.**

Not applicable.

- 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.**

This proposed amendment is not anticipated to have a significant impact on adjacent properties within the zoning districts where personal services are allowed.

- 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.**

Not applicable.

- 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.**

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

**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 expected that the amendment will be reviewed by the City Commission on August 20, 2013 (1<sup>st</sup> reading) and September 3, 2013 (2<sup>nd</sup> reading). It is recommended that the Planning Board **APPROVE** LDC 13-76, to amend Chapter 1: General Administration, Article III – Definitions and Acronyms, Section 1-22, Definitions of terms and words of the Land Development Code to amend the definitions of personal services, permanent cosmetics, and tattoo parlor to define permanent cosmetics as personal services and not under the definition of a tattoo parlor.

Exhibits:

1. Proposed Land Development Code Amendments.
2. Web-based information.
3. Applicant provided information.

# Exhibit 1

## Proposed Land Development Code Amendments (added text in underline)

### Chapter 1, Article III, Section 1-22:

**Person** : (no change in existing text...)

**Personal services:** means beauty parlor, shop or salon, barbershop, permanent cosmetics, tanning salon and similar uses.

**Pet:** (no change in existing text...)

\*\*\*\*\*

**Permanent control point (PCP):** (no change in existing text...)

**Permanent cosmetics** means a specialized form of ~~tattooing~~ involving the application of permanent pigmentation ~~eyes or colors~~ to the lips, eyebrows, and eyelids. The term "permanent cosmetics" also means intraderma pigmentation, scar cover, scar camouflage, and shall be subject to all of the requirements of ~~tattooing, as contained in the city's Code of Ordinances.~~

**Permanent reference monument (PRM):** (no change in existing text...)

\*\*\*\*\*

**Tailwater recovery systems:** (no change in existing text...).

**Tattoo parlor** means a business that creates an indelible mark, figure, word or graphic illustration upon a human body by the insertion of pigment under the skin or by the production of scars. The term "tattoo parlor" also includes body illustrations and ~~permanent cosmetics~~. All tattooing operations shall abide by the definitions and restrictions contained in F.S. § 877.04, F.A.C. 59R-2.002 and section 12-376 of the Code of Ordinances.

**Taxi barn:** (no change in existing text...)

# Exhibit 2

## Web-based Information

### What is Permanent Makeup?



PM is a gentle process of implanting pigment into the upper layer of the skin. PM procedure is performed around eyes, eyebrows and lips, for camouflaging scars, burns, Vitiligo, as well as correcting some facial irregularities. Permanent Makeup (PM) is also known as dermapigmentation, micropigmentation, or cosmetic tattooing, and is an alternative to removable, daily applied cosmetics. The most obvious benefit of permanent makeup is saving time.

### What are the reasons for having Permanent Makeup?



- Active sport lifestyle
- Busy career lifestyle
- Limited time
- Limited dexterity
- Allergies to applied cosmetics
- Poor vision

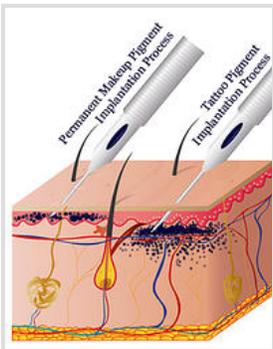


- Burn injuries
- Alopecia
- Limited time
- Loss of limbs (fingers or hands)
- Paralysis of limbs
- Multiple sclerosis

### Are there any contraindications for having Permanent Makeup procedures?

Candidates who are seeking PM and who may be contraindicated include people with **diabetes**, **pregnant and lactating women**, people with **glaucoma**, people who are taking **blood-thinning medicines (e.g. aspirin)**, Cortisone, Steroids, Acutaine, Retin-A, Renova. You must have written permission from your phisitian if you are taking Coumadin or Heparin. People with **skin diseases such as psoriasis, eczema, undiagnosed rashes and blisters, those with allergies to makeup or colors, and those with easily trigged post inflammatory hyperpigmentation** are not good candidates. Also contraindicated are individuals who are attempting to cover or camouflage **Telangestasia or birthmarks**. Additionally, herpes simplex can be considered a contraindication, however, with the advent of medications to control the viral breakout, herpes is no longer considered a contraindication.

### What is the difference between permanent makeup and tattoo?



PM is a cosmetic procedure of tattooing makeup. PM is a process of implanting pigment into the upper layer of the skin - epidermis. The epidermis is the outer layer of skin that is visible to all and is constantly shedding and renewing itself. The process of cells turnover makes color fades. The tattoo process deposits the pigment into the second layer of the skin, dermis. The cells of the dermis are far more stable than the cells of the epidermis, so the tattoo's ink will stay in place, with minor fading and dispersion, for a person's entire life.

Tattoo inks and PM inks are the substance that usually comprises of two basic components: pigments and carriers. Generally iron oxide pigments are specifically made for permanent makeup and tattoo inks: Black - Carbon; Yellow - Curcuma; Blue - Calcium Copper Silicate; Green - Chromium Oxide; Red - Iron Oxide; and White - Zinc Oxide. Carriers are liquids which deliver the pigments under the skin: Listerine, Witch Hazel, Purified Water, Propylene Glycol, Alcohol, and Glycerin. These inks are the least likely to cause an allergic reaction in the skin. They are also gamma radiated for sterility.

### Is the PM procedure painful and how much does it hurt?

Because PM is most often performed on areas of the body that are sensitive, the use of anesthetic agent is not uncommon. The sensation of every person is different. One topical anesthetic is a combination of betacain, lidocaine, tetracain. Other topicals include epinephrine, which is vasoconstrictive and helps to minimize swelling. These products are effective, quick acting, and have various blends designed for use before a procedure or application, after the skin has broken. The multiple-application technique works well to make the client comfortable and allows the technician to complete the procedure effectively.

### How will it look?

Immediately after the procedure, some swelling may occur, and the color will appear a bit darker than the healed and final result. During the procedure, the color of the pigment is mixed with body fluids and is oxidized. The color stays dark for 4-7 days during the healing process, as the upper layers of epidermis are shed and replaced by new epidermal cells. After the healing process you will be able to see a lighter softer color of the pigment. The final color will appear in about 4 weeks after the procedure, and is usually about 50-60% lighter than the color after procedure.



Eyeliner healing process (first 7 days) and changes in color



Lips healing process (first 7 days) and changes in color

# Permanent Makeup & Esthetics

## How long does PM stay? Why does color fade over time?

The best possible color results can stay for many years or may begin to fade over time. Generally, two to five years is common. How much time is individual per person. While permanent makeup pigment remains in the epidermis, its beauty-span may be influenced by several possible factors. These can be environmental, procedural (chemical peels) and individual factors. Sun exposure fades color. The amount and color of pigment deposit under the skin can affect the length of time that permanent makeup looks its best. Very natural looking applications are likely to require a touch-up before more dramatic ones for this reason. Individual influences include lifestyles that find an individual in the sun regularly such as with gardening or swimming. Skin tones are a factor in colour changes over time.

## Is touch-up really needed?

During the healing process, the skin is working on the repairing itself. The lymphatic system is trying to push out all external particles to prevent contamination. That explains why the color implanted the first time is not perfect after healing. Also the first time appointment and procedure is like a sketch for technician. All skin is different and can respond differently by healing and keeping the pigments. At the touch-up, the technician reviews her work and adds the finishing corrective touches for color and shape. Permanent Makeup & Esthetics, LLC prices include one follow up procedure (touch up). However the client should always remember that permanent makeup is almost always a two or more step process.

## How long does the procedure take?

Permanent Makeup & Esthetics, LLC is a stencil-free practice. The most important part of the first procedure is drawing and creating a shape of eyebrows, eyeliners or lips, which could take about 15 - 30 minutes. Anesthesia will take 15 minutes, and the procedure itself takes about 1 - 2 hours. So the total time is about 1.5 - 2.5 hours. The approximate duration of the procedure will be determined during the consultation. The duration of a touch-up procedure is about 1 hour 30 minutes for eyebrows; 2 hours for lips and eyes.

**If you have any questions please e-mail us or give us a call, and we will be happy give you any additional information that you may need.**

# Permanent makeup

From Wikipedia, the free encyclopedia

**Permanent makeup** is a cosmetic technique which employs tattoos (permanent pigmentation of the dermis) as a means of producing designs that resemble makeup, such as eyelining and other permanent enhancing colors to the skin of the face, lips, and eyelids. It is also used to produce artificial eyebrows, particularly in people who have lost them as a consequence of old age, disease, such as alopecia, chemotherapy, or a genetic disturbance, and to disguise scars and white spots in the skin such as in vitiligo. It is also used to restore or enhance the breast's areola, such as after breast surgery.

Most commonly called **permanent cosmetics**, other names include **dermapigmentation**, **micropigmentation**, and **cosmetic tattooing**,<sup>[1]</sup> the latter being most appropriate since permanent makeup is, in fact, tattooing. In the United States and other countries, the inks used in permanent makeup and the pigments in these inks are subject to FDA or similar agency regulation as cosmetics and color additives.

## Contents

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- 3 Results
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## Regulations and oversight

Permanent makeup regulations vary from country to country: sometimes by state, province, county or even city to city. For instance, in the US, while in most areas it falls under the cognizance of the Department of Health, State Boards of Cosmetology are often the oversight agency. In fact, in some areas a cosmetology or esthetics license is required, while in other areas, cosmetologists are prohibited from conducting these procedures. Exclusive to Australia, practitioners are prohibited from advertising the procedures as "permanent" since it is commonly known that tattoos will fade over time

and it is their opinion that the "...benefits of cosmetic tattooing are not permanent and will generally only last three to five years." The purpose of the ACCC action was to alert the consumer public to the fact that touch ups may be required to maintain optimal appearance.<sup>[2]</sup> Some believe this position is not consistent with the fact that permanent makeup is tattooing and tattooing is a permanent process.<sup>[3]</sup>

Cosmetic tattooing salons are generally regulated by local health authorities for skin penetration procedures, which is a separate category from general beauty therapy services. Mobile tattooing (in-home) services are prohibited in some locations, such as in Melbourne, Australia.<sup>[4]</sup>

## History

Permanent makeup dates back at least to the start of the 20th century, though its nature was often concealed in its early days. The tattooist George Burchett, a major developer of the technique when it became fashionable in the 1930s, described in his memoirs how beauty salons tattooed many women without their knowledge, offering it as a "complexion treatment ... of injecting vegetable dyes under the top layer of the skin."<sup>[5][6]</sup>

## Results

### Immediate results

Permanent makeup results in enhanced features of the face—definition is rendered to eyebrows, eyes and lips by the use of colors. Results can imitate topically applied cosmetics or can be quite unnoticeable, depending upon the design, color value and amount of pigment used.

At first, permanent makeup results may look darker. This is due to colour remaining in the outermost epidermal layers of skin at the start. Colour softens within a few days during the healing process as the upper layers of epidermis slough and are replaced by new epidermal cells.

### Long term results

The best possible colour results can perform for many years or may begin to fade over time. How much time is individual per person. While permanent makeup pigment remains in the dermis its beauty-span may be influenced by several possible factors. These can be environmental, procedural and/or individual factors.<sup>[3]</sup> Sun exposure fades colour. The amount and colour of pigment deposit at the dermal level can affect the length of time that permanent makeup looks its best. Very natural looking applications

are likely to require a touch-up before more dramatic ones for this reason. Individual influences include lifestyles that find an individual in the sun regularly such as with gardening or swimming. Skin tones are a factor in colour value changes over time.

## Imperfections

Permanent makeup is a welcome enhancement for most recipients. There are cases, however, of undesired results.<sup>[7]</sup> The 4 most common complaints are "too dark," "wrong colour," "uneven" and "too big." A skilled, experienced, permanent makeup professional is able to adjust the colour and evenness of permanent makeup results in most cases. A design that is too large presents a serious challenge, however. Costly pigment lightening techniques and/or removal may be the only solutions.

However, before embarking on the aforementioned removal/correction procedures, it should also be noted that one still has the option of applying conventional makeup to correct any imperfections or to further enhance the overall effect.

## Removal

*See also: Tattoo removal*

As with tattoos, permanent makeup can be difficult to remove. Common techniques used for this are laser resurfacing, dermabrasion (physical or chemical exfoliation), and surgical removal. Camouflaging—adding a new pigment which counteracts the tattoo color and attempts to emulate normal skin color is considered a poor choice by professionals. Removal is more painful and laborious than the tattooing itself.

The choice to get a tattoo that is later regretted is related to the end-of-history illusion, in which teenagers and adults of all ages know that their tastes and preferred fashion and makeup styles have changed regularly over the years before the current moment, but they believe that their tastes will somehow not continue to grow and mature in the future.<sup>[8]</sup> As a result, they wrongly believe that the permanent makeup style that appeals to them today will always appeal to them in the future.

## Adverse effects and complications

*See also: Tattoo health risks*

As with tattoos, permanent makeup may have complications, such as allergies to the pigments, formation of scars, granulomas and keloids, skin cracking, peeling, blistering and local infection.<sup>[9]</sup> The use of unsterilized tattooing instruments may infect the patient with serious diseases such as HIV and hepatitis. Removal problems may also ensue, due to patient dissatisfaction or regret, and they may be particularly difficult to remove in

places such as eyelids and lips without leaving permanent sequelae. Compliance with 'standard precautions' and a uniform code of safe practice should be insisted upon by an person considering undergoing a cosmetic tattoo procedure.<sup>[10]</sup>

On very rare occasions, people with permanent makeup have reported swelling or burning in the affected areas when they underwent magnetic resonance imaging (MRI). However a detailed review of the cases within the medical literature involving Cosmetic Tattoos indicates that poor quality pigments, pigments adulterated with heavy metals, and pigments with diametric magnetic properties may have been the causative factors in most of those cases.<sup>[11]</sup>

Topical anaesthetics are often used by technicians prior to Cosmetic Tattooing and there is the potential for adverse effects if topical anaesthetics are not used safely, in 2013 the International Industry association CosmeticTattoo.org published a detailed position and general safety precautions for the entire industry.<sup>[12]</sup>

## Examples

This client had her eyebrows and top eyeliner permanently tattooed. The eyebrow tattooing is an example of a "powdery filled" technique as opposed to individual hairline strokes since the client already has eyebrow hair but simply wanted an enhancement and shaping. The top eyeliner represents a thin eyeliner tattoo and a "lash enhancement" procedure that is used to define the eye without making it look excessively made up.



Eyebrow & Top Eyeliner Procedure

## References

- <sup>1</sup> ^ Industry Profile Study: Vision 2009 (<http://www.spcp.org/vision2009.pdf>)
- <sup>2</sup> ^ Cosmetic web advertising to change after ACCC action (<http://www.accc.gov.au/content/index.phtml/itemId/87634/fromItemId/622047>)
- <sup>3</sup> ^ <sup>a</sup> <sup>b</sup> Position on Semi-Permanent Makeup, Society of Permanent Cosmetic Professionals ([http://www.spcp.org/semi\\_permanent\\_makeup\\_position.htm](http://www.spcp.org/semi_permanent_makeup_position.htm))
- <sup>4</sup> ^ Australian Victorian Government Health Guidelines: Body art—tattooing and piercing - Section 2.5.6 ([http://www.health.vic.gov.au/\\_\\_data/assets/pdf\\_file/0007/20023/health\\_guidelinesb2.pdf](http://www.health.vic.gov.au/__data/assets/pdf_file/0007/20023/health_guidelinesb2.pdf))
- <sup>5</sup> ^ Revolting Bodies: The Monster Beauty of Tattooed Women (<http://www.iupress.indiana.edu/journals/nwsa/nws12-2.html>), Christine Braunberger, NWSA Journal Volume 12, Number 2
- <sup>6</sup> ^ "Lip Tattooing Is the Latest Fad" (<http://blog.modernmechanix.com/2008/07/31/lip-tattooing-is-the-latest-fad/>). *Moder Mechanix*. January 1933. Retrieved 18 February 2009.
- <sup>7</sup> ^ FDA on *Tattoos and Permanent Makeup* (<http://www.fda.gov/Cosmetics/ProductandIngredientSafety/ProductInformation/ucm108530.1>)

8. ^ Tierney, John (4 January 2013). "You Won't Stay the Same, Study Finds" (<http://www.nytimes.com/2013/01/04/science/study-in-science-shows-end-of-history-illusion.html>). *The New York Times*. Retrieved 6 January 2013.
9. ^ FDA: Tattoo Pigment Recalls (<http://www.fda.gov/Safety/Recalls/EnforcementReports/2005/ucm120342.htm>)
10. ^ Code of Ethics & Conduct: Detailed recommended industry standards for safe practice (<http://www.cosmetictattoo.org/blog/members-code-of-ethics-conduct.html>)
11. ^ CosmeticTattoo.org Review: Cosmetic Tattooing & MRI's - Diametric Particle Agitation Hypothesis (DPA) (<http://www.cosmetictattoo.org/article/cosmetic-tattooing-mri-diametric-particle-agitation.html>)
12. ^ CosmeticTattoo.org Position Statement: Topical Anaesthetics & Cosmetic Procedures (<http://www.cosmetictattoo.org/article/topical-anaesthetics-cosmetic-procedures.html>)

## External links

- FDA: Tattoos and Permanent Makeup (<http://www.cfsan.fda.gov/~dms/cos-204.html>)
- FDA: Think Before You Ink - Are Tattoos Safe? (<http://www.fda.gov/consumer/features/tattoos120607.html>)
- Society of Permanent Cosmetic Professionals (<http://www.spcp.org>)
- American Academy of Micropigmentation (<http://www.micropigmentation.org/>)
- International Micropigmentation Association (<http://www.micropigmentation.net/>)
- CosmeticTattoo.org Pink Provider Commitment (<http://www.cosmetictattoo.org/blog/what-is-a-pink-provider.html/>)

Retrieved from "[http://en.wikipedia.org/w/index.php?title=Permanent\\_makeup&oldid=560682501](http://en.wikipedia.org/w/index.php?title=Permanent_makeup&oldid=560682501)"

Categories: Cosmetics | Tattooing | Plastic surgery

- 
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The Society of Permanent Cosmetic Professionals

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# Information for the Public

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## TRANSLATE

Select Language



Jump-start your Permanent Makeup career for less than the cost of a cup of coffee a day.

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If you're looking for information on Permanent Cosmetic a wealth of information and articles available in our Put procedure is also known as a Cosmetic Tattoo, Pe

### Frequently Asked Questions

Start here for answers on the most common question Cosmetics, such as "Will it hurt?", "How much does it take?" Have a question you don't see listed? We've

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### Selecting a Permanent Cosmetics Technician

What could be better than to wake up looking as good as new every evening? And once you have made the decision to have the important task of finding a qualified technician

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### Information on Specific Procedures

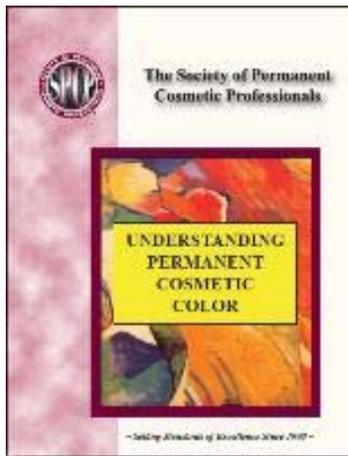
- **Lip Liner**: Are you tired of refreshing your lip liner and lipstick? Do the current all day lipstick brands make your lips crack and chapped? Do lipsticks getting financially out of hand and a burden to your budget? Do you wish you had some of the natural coloring you see in the models? Permanent Cosmetic Lip Liner is for you!

[Read More about Permanent Makeup Lip Liner Now](#)

- **Eyebrows**: Are you eyebrow challenged? Are your eyebrows thinning? Is there a medical condition? Do you have little or no eyebrow hair? Do you have crooked or uneven eyebrows without your glasses, but your glasses are in the way? Do your penciled brows wear off many, many more, Women all over are finding permanent eyebrows a great solution.

[Read More about Permanent Makeup Eyebrows Now](#)

- **Eyeliner**: Is eyeliner important to your appearance and self-confidence? Do you have an eyeliner smudge? Does it wear off during the day? Do you



Understanding Permanent  
Cosmetic Colors

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Tattooing and the Truth  
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even? Are you allergic to cosmetic products or your a  
times a day? Maybe your job requires that you go ma  
procedures are perfect for you

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- **Other Procedures:** A variety of other advanced proc  
permanent cosmetic technician. These procedures ir  
and others.

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**Permanent Cosmetics, Tattooing, and the Truth**

Thanks to the art of tattooing, many woman in all sta  
their eyebrows, eyeliner and lips colored permanently

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**No Runs, No Smears, No Fuss**

Women from all walks of life are choosing to share so  
glamorous Hollywood celebrities like Raquel Welch, I  
they share with these, and many other celebrities is F  
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## **A Place for Permanent Cosmetics**

By Emily Marshall. From the Northwest Dermacolor & Permanent Cosmetics, including selecting a technician. September 11/2000

**Read More Now**

## **Semi-Permanent Makeup?**

During the past year there have been press releases subject of "Semi-Permanent Makeup" as it might relate to Permanent Cosmetic Professionals (SPCP) has patiently waited for these non-truths to become evident. To use the term to "adjust" their positioning according to be in a state of confusion, the SPCP is pleased to provide the following information.

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SPCP.o

# Exhibit 3

Applicant Provided  
Information

VIA: HAND DELIVERY

June 11, 2013

Steven Spraker AICP  
Senior Planner  
Planning Department  
City of Ormond Beach  
22 South Beach Street  
Ormond Beach, FL 32175

*RE: Land Development Code (LDC) Amendment - Permanent Cosmetics*

Dear Steven:

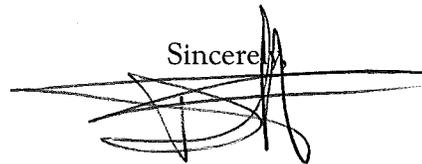
In response to our various emails and conversations please find enclosed an application to amend the Land Development Code of the City of Ormond Beach. The Amendment is to change the definition of Permanent Cosmetics so that it is allowed under the Personal Services category.

I have enclosed the application and check in the amount of \$1,600.00.

As part of my application I would like to request that the City Commission consider refunding the application portion in the amount of \$1,000.00. The amendment that I am making is Citywide and will benefit all permanent cosmetic vendors throughout Ormond Beach. There is obviously a conflict with the State regulations where they have included permanent cosmetics with tattoo parlors, however that is clearly not what a permanent cosmetic technician provides.

If you're requiring any additional information regarding this request please do not hesitate to contact me at 386-492-2895.

Sincerely,

A handwritten signature in black ink, appearing to be 'Dee Morgan', written over a horizontal line. The signature is stylized and somewhat messy, with several loops and a long horizontal stroke.

Dee Morgan.



**CITY OF ORMOND BEACH**

Planning Department

v3.2013

22 South Beach Street, Ormond Beach, FL 32174

Tel: (386) 676-3238

www.ormondbeach.org

comdev@ormondbeach.org

**PUBLIC HEARING- APPLICATION**

*For Planning Department Use*

Application Number

13-76

Date Submitted

6/11/13

**APPLICATION TYPE AND FEES**

	Application	Advertising Deposit for Advisory Board	Advertising Deposit for Commission	Total*
<input type="checkbox"/> Annexation				No Fees
<input type="checkbox"/> Annexation Agreement	100	--	--	100
<input checked="" type="checkbox"/> Land Development Code (LDC) Amendment	1000	300	300	1600
<input type="checkbox"/> Large-Scale Comprehensive Plan Amendment (Map)	2500	700	1400	4600
<input type="checkbox"/> Official Zoning Map Amendment, 10.01 acres or more	1000	700	1400	3100
<input type="checkbox"/> Official Zoning Map Amendment, 10 acres or less	1000	300	600	1900
<input type="checkbox"/> Planned Development, 10.01 acres or more	2000	800	1500	4300
<input type="checkbox"/> Planned Development, 10 acres or less	2000	300	600	2900
<input type="checkbox"/> Planned Development Amendment - Major	1000	800	1500	3300
<input type="checkbox"/> Small-Scale Comprehensive Plan Amendment (Map)	2000	400	800	3200
<input type="checkbox"/> Special Exception - New Construction/Redevelopment	850	400	400	1650
<input type="checkbox"/> Special Exception - Downtown CRA Redevelopment	400	400	400	1200
<input type="checkbox"/> Street Vacation	500	--	1500	2000
<input type="checkbox"/> Other	TBD	TBD	TBD	TBD

\*The Land Development Code requires the applicant to pay the full costs of public advertising. The deposit is the average of past applications. Applicants shall receive a refund where costs paid are greater than advertising costs and will be if advertising costs are greater than the deposit paid.

**APPLICANT INFORMATION**

This application is being submitted by  Property Owner  Agent, on behalf of Property Owner\*\*

Name Diane Morgan

Full Address 175 South Nova Road, Suite 3, Ormond Beach, Florida 32174

Telephone [redacted] Email info@permanent-cosmetic.com

\*\* If this application is being submitted by a person other than the property owner, please provide the following Property Owner Information as well as a notarized letter designating you as agent.

**PROPERTY OWNER INFORMATION\*\*\***

Name

Full Address

Telephone Email

\*\*\*If the property owner does not reside on the property for which the application refers, please provide the following Property Details.

**PROPERTY DETAILS**

Full Address

N/A

Legal Description

**PROJECT COORDINATOR**

Name

N/A

Full Address

Telephone

Email

**PROJECT INFORMATION**

Name

Request amendment to the LDC

Description

Applicant is requesting an amendment to the LDC as it relates to personal cosmetics, personal services and tattoo parlors

Applicant also request that the City Commission consider refunding the application portion of the fee in the amount of \$1000.

**CERTIFICATION**

By submitting this application, I hereby certify that the information provided above is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and review process for this application. I hereby authorize City of Ormond Beach Staff to place legal notice on my property and to take pictures pertaining to my request. I am aware of the required pre-application meeting and am aware that if all the required information is not provided, my application will be continued to the next regularly scheduled hearing.

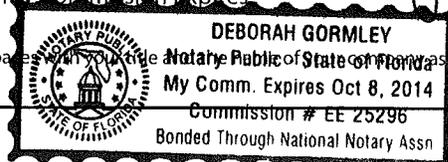
Signature

STATE OF FLORIDA

COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 11 day of June 2013 by Piave Morgan as \_\_\_\_\_ (title\*) for \_\_\_\_\_ (name of corporation\*), who () provided \_\_\_\_\_ as identification, or () who is personally known to me.

Debbie Gormley  
Notary Public, State of Florida  
My Commission Expires:



\* If you are executing this document on behalf of a corporation please complete the space with the name of the corporation as indicated.

Applicants Request the Following Amendments to the LDC:

**Personal Services Definition:** Adding permanent cosmetics to the definition.

**Permanent Cosmetics:** Amend the following to remove tattoo references:

*Permanent cosmetics* means a specialized form of tattooing involving the application of permanent dyes or colors to the lips, eyebrows, and eyelids. The term "permanent cosmetics" also means scar cover, scar camouflage and intraderma pigmentation and shall be subject to all of the requirements of tattooing, as contained in the city's Code of Ordinances.

**Tattoo Parlor:** Amend the following to remove permanent cosmetics references:

Tattoo parlor means a business that creates an indelible mark, figure, word or graphic illustration upon a human body by the insertion of pigment under the skin or by the production of scars. The term "tattoo parlor" also includes body illustrations and permanent cosmetics. All tattooing operations shall abide by the definitions and restrictions contained in F.S. § 877.04, F.A.C. 59R-2.002 and section 12-376 of the Code of Ordinances.

## **BENEFITS OF MEDICAL MICROPIGMENTATION**

Medical micropigmentation techniques can be applied in many ways: Skin Camouflage helps improve the appearance of persons with skin diseases such as Vitiligo or post-inflammatory hypopigmentation from skin trauma. Scar Camouflage helps reduce the appearance of scars from accidents, burns, surgery, or the repair of congenital disorders such as Cleft Palate. Hair simulation helps restore the appearance of missing hair lost to disease (Cancer or Alopecia), trauma, or natural thinning within an eyebrow, moustache, or scalp. That technique can also be used to simulate hair stubble. Reconstructive camouflage helps post-mastectomy patients by creating a nipple and areola on the new reconstructed breast. The appearance of areola incision scars from breast surgeries for augmentation, reduction, and breast lift can also be masked.

### **Q. What is micropigmentation?**

A. This is the name of the process used to implant color in permanent makeup. Permanent makeup permanent cosmetics, micropigmentation and intradermal micropigmentation are all words used within the industry to describe cosmetic tattooing.

### **Q. Is it the same as a tattoo?**

A. It is a form of tattoo, although different techniques and pigments are used. The equipment for the facial permanent makeup is also different than that used in traditional body art. The true definition of a tattoo is pigment being implanted in the dermal layer of the skin.

## **Current Patients and Clients**

We have twelve cancer patients at various stages of scar relaxation and camouflage their treatment can take up to 12 months to complete. There are 8 patients at various stages of Scar relaxation treatment. We have 7 breast reconstruction patients at various stages scar relaxation and pigmentation of new areola, treatment can take 10 to 12 months. The remaining 100 or so are a mixture of patients and clients getting treatment for various other conditions. Our current and potential patients would benefit from a change of use to allow them to continue all of their treatment in a suitable medical office in an area and facility that is not intimidating.

We have received notice of violation by the City, although we are not sure what it's for since we had not worked with anyone needing pigment at the time the city code enforcement came by we had just moved in and not yet unpacked we were waiting for our final inspection from the Health Department, although we did not know at the time zoning for pigmentation was not allowed at 175 S Nova Rd, we had not yet started business other than seeing patients for check ups and consultations. Our Corporation is called Permanent Cosmetics Inc. we can see how this can be confusing when advertising our website also has our corporation name,

The City planning dept agreed and licensed us to continue for all our procedures with the exception of pigmentation.

## **MODIFICATION REQUEST**

**This modification is being requested for pigmentation only, we are already approved by the City for all other permanent makeup procedures as follows: Removal, correction and medical aesthetics. Some of the procedures require pigmentation as part of the treatment It would make sense to be able to complete the pigmentation treatment for existing patients and clients and potential new clients at the same facility as the rest of their treatments. Rather than have patients to go elsewhere just for pigmentation as they do now.**

**The medical procedures we would like to be able to perform requiring pigmentation at 175 S Nova Rd include The following:**

Scar camouflage and hyper-pigmentation. Treatment of burn patients replace lost pigment draw new brows and eyelashes. Treating accident scarred patients with Scar Relaxation and camouflage. Defining with pigmentation disfigured facial features including birth defects and strokes. Treat cancer patients after surgery for scar relaxation and camouflage. Treating breast cancer patients with scar relaxation, camouflage and forming of new areola after breast reconstruction. Relaxing scars for Cleft Palate (Hare Lip) patients and redefining an even lip outline with pigment. Removal of prior permanent makeup mistakes and repair misplaced pigment. Color correction of faded brows, eyeliner or lip liner. Color correction of Blue lips and brows. Color correction of blue, orange or pink brows and blue or purple lips. Correction of misplaced features such as brows in wrong place and lip color out side of the vermilion line.

**We are currently licensed at 175 S Nova Rd, Ste #3 for all procedures below, including advanced permanent cosmetics and medical aesthetics but not pigmentation, this has to be done at a different facility also in Ormond Bch..**

We are licensed at 175 S Nova Rd, Medi-Spa for the following procedures ; Aesthetic restoration. All types of scar relaxation. Even out skin tone for burn patients. Removal of blue color in lips. Removal of Blue or odd colored brows. Treat hyper-pigmentation, dark and light spots. Cosmetic and conventional tattoo removal. Removal of previously placed flesh color that has turned cream or white. Removal of ink that has blown out into surrounding facial tissue. Lightening or removing of ink blown into the surrounding fat and tissue by inexperienced persons, giving the appearance of black eyes or badly bruised skin. Correction of uneven or blotchy eyeliner. Removal of dark dots from lip liner and eyeliner. Remove areas of pigment that were dotted by mistake by previous impatient or inexperienced technicians. Removal of cosmetic and conventional tattoo's.

Most of these medical procedures are not performed elsewhere Central Florida as a sole occupation, our business is concerned only with corrective and medical conditions, 50% of our patients and clients are referred by Doctors and Surgeons. We also remove tattoo's from potential recruits sent to us from the military recruitment offices.

Our business hours are 9.30am to 4pm Mon thru Thur and 9.30am to Noon Fri. Occasional Sat morning.

## **COSMETIC VERSUS CONVENTIONAL TATTOO'S**

**The State of Florida's recent laws concerning Permanent Cosmetics, Cosmetic Tattooing and Conventional Tattooing are being regulated together under the same category solely for the purpose of public hygiene and safety concerning blood borne pathogens and disease control.** This is the only requirement they have in common, there are no rules in the FL Statute that state where Permanent Cosmetic locations should be or how they should be zoned. Neither does the Statute say cosmetic tattoo's and conventional tattoo's should be treated the same, the interpretation is therefore considered a grey area and regulation is left to the discretion of each individual City. It is possible for them to be regulated as two different categories, **a. Cosmetics and b. Body Art**

### **TATTOO ARTISTS**

**There are no requirements of schooling or certification for tattoo artists other than the an inspection from the DOH and passing the State exam for Blood Borne Pathogens and Infectious Disease.**

The American Academy of Micro-pigmentation an advisory and governing entity for the majority of technicians practicing Permanent Cosmetics, Cosmetic Tattooing and Micro-pigmentation define the unique areas of Permanent Cosmetics as separate specialties within the field of tattooing, involving placement of colorants into the skin for the purpose of cosmetic enhancement, medical correction and aesthetic restoration. Specialized training with unique standards are required in order to perform these services.

### **PERMANENT COSMETICS**

**Permanent Cosmetics has several categories of its own including medical procedures. Technicians cannot not be certified without attending the appropriate classes at a State registered Permanent Cosmetic School.**

1. Basic Student Certification requires 200 education hours. Cannot perform medical procedures,

2. Intermediate Certification, 100 hours requires technicians to practice permanent cosmetic procedures on a daily basis for one year after completing the basic course. Cannot perform medical procedures

3. Advanced Certification is for every specialty stage of permanent cosmetics including medical procedures, the technician would be required to practice permanent cosmetic procedures on a daily basis for 3 years to qualify to attend classes for certification of each advanced category. The appropriate classroom hours of each specialty would be required at a State approved School.

- a. Advanced Permanent Cosmetics (all stages of correction and repair)**
- b. Removal and Lightening of Permanent make and Conventional Tattoo's**
- c. Dry Needling and Scar Relaxation.**
- d. Scar Cover and Scar Camouflage.**
- e. Medical Correction and Aesthetic Restoration.**

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** July 2, 2013

**SUBJECT:** Thirty-One On the Boulevard – Second Special Exception Amendment

**APPLICANT:** Ms. Dorian Burt, Property Manager  
Highlander Corporation

**NUMBER:** SE 13-82

**PROJECT PLANNER:** Steven Spraker, AICP, Senior Planner

### **INTRODUCTION:**

Ms. Dorian Burt, Property Manager of the Highlander Corporation, requests approval of a Special Exception amendment to delete the parking standards and waivers previously granted with Resolutions 2008-146 and 2009-83 and allow the application of the current Downtown Overlay District standards regarding parking.

### **BACKGROUND:**

In 2008, the City's Land Development Code contained 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 was 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.

On August 26, 2008, in accordance with Resolution 2008-146, the Highlander Corporation was granted a Special Exception Redevelopment Plan to redevelop the properties located at 11-23 West Granada Boulevard (Buschman Building), 29/31 West Granada Boulevard (On the Boulevard), and 43 West Granada Boulevard (Rose Villa). Resolution 2008-146 specifically allowed the following waivers:

1. Required Parking: A waiver to accept 31 parking spaces for the project area.
2. Building architecture: Utilization of an Art Deco architectural style for the On the Boulevard building at 31 West Granada Boulevard.
3. Unity of Title: waiver of the requirement to combine the three properties into one.
4. Landscaping: Waiver of interior lot line and building foundation plantings in order to allow one master parking lot over the three parcels.
5. Signage: Provision for site specific wall and monument sign standards.

6. Fences and walls: 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 West Granada Boulevard.
7. Live inside music: Allowance of live music to be permitted within the buildings.

The 2008 project created a shared parking facility, site landscaping, decorative lighting, stormwater retention, building updates and outdoor seating areas. The unimproved dirt parking area along New Britain Avenue was converted into a master planned parking lot with stormwater, landscaping and decorative site lighting to match the existing streetscapes along New Britain Avenue and West Granada Boulevard. Outdoor seating was planned in a new courtyard area that will be screened from West Granada Boulevard and will include hardscape and landscape features. All above-ground power poles and chain link fencing were removed.

On June 16, 2009, in accordance with Resolution 2009-83, the City Commission approved the first amended Special Exception Redevelopment Plan that allowed the following exceptions for the property at 43 West Granada Boulevard:

1. Expanding the number of seats permitted for a restaurant from 30 to 60, requiring a parking waiver.
2. Allowing 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.

On December 7, 2010, the City adopted Ordinance 2010-51 that repealed the Downtown Overlay District that included the Special Exception Redevelopment Plan and implemented a form based code with specific provisions for building form and parking waivers. The purpose of this amendment is to allow the project area to utilize the parking standards of the current Downtown Overlay District and delete the parking standards and waivers previously granted with Resolutions 2008-146 and 2009-83.

**PROJECT DESCRIPTION:**

The site is designated “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 sole purpose of the Special Exception request is to delete the parking standards and waivers previously granted with Resolutions 2008-146 and 2009-83 and to allow the project area to utilize the parking standards associated with the adopted form based code. The subject property at 43 West Granada Boulevard is seeking to increase the number of restaurant seats from 60 to 152. Based upon the previous two Special Exception approvals, the applicant is required to amend the Special Exception to utilize the form based code parking standards.

**ANALYSIS:**

Prior to the 2010 revisions of the Downtown Overlay District, the Special Exception Redevelopment Plan was the mechanism for design flexibility in the Downtown, including parking waivers. Many of the issues noted with Downtown development and redevelopment led to the 2010 Downtown Overlay District. The subject property cannot

utilize the current parking standards because of the previously approved Special Exceptions.

The purpose of this amendment is to delete the previous approvals related to parking and utilize the current parking regulations of Section 2-70.F (see Exhibit B). The current regulations allow the following:

- A waiver of 25% of the required parking based on transit availability;
- Valet and remote parking;
- Payment in lieu of the provision of parking;
- Parking reduction study;
- Shared parking; and
- Utilization of public parking.

Based on the provisions of the current Downtown Overlay District, the parking waivers previously granted are no longer necessary. The three sites, including the proposed conversion to a 150 seat restaurant at 43 West Granada Boulevard, can provide the required parking with the application of the current code.

### **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 current Downtown Overlay District provides section “f” regarding required parking. The applicant is unable to utilize the parking standards approved in 2010 based upon the existing Special Exceptions. It is requested that the project area be allowed to use the current standards of the Downtown Overlay District. There shall be no adverse impacts to adjoining properties as the result of this amendment.

***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 previous approvals.

***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. With the LDC changes in 2010, many developments and redevelopment would no longer require a Special Exception.

- 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”. The request is solely to allow the project area to utilize the standards of the current Downtown Overlay District.

- 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 and this criterion does not apply.

- 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:

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

**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 and is solely seeking to utilize the current Downtown Overlay District parking requirements. The proposed Special Exception 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.

- 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 Special Exception 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.**

The Special Exception is solely seeking to use the current parking standards of the Downtown Overlay District and will not impact the value of any adjoining property or create any other impacts.

- 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 Special Exception 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 Special Exception 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 Special Exception amendment does not modify the 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 Special Exception 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 Special Exception 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 August 20, 2013. It is recommended that the Planning Board recommend **APPROVAL** of the Special Exception amendment for the On the Boulevard project to delete the previous parking standards and waivers granted with Resolutions 2008-146 and 2009-83 and utilize the Downtown Overlay District parking standards as they exist today or are amended in the future.

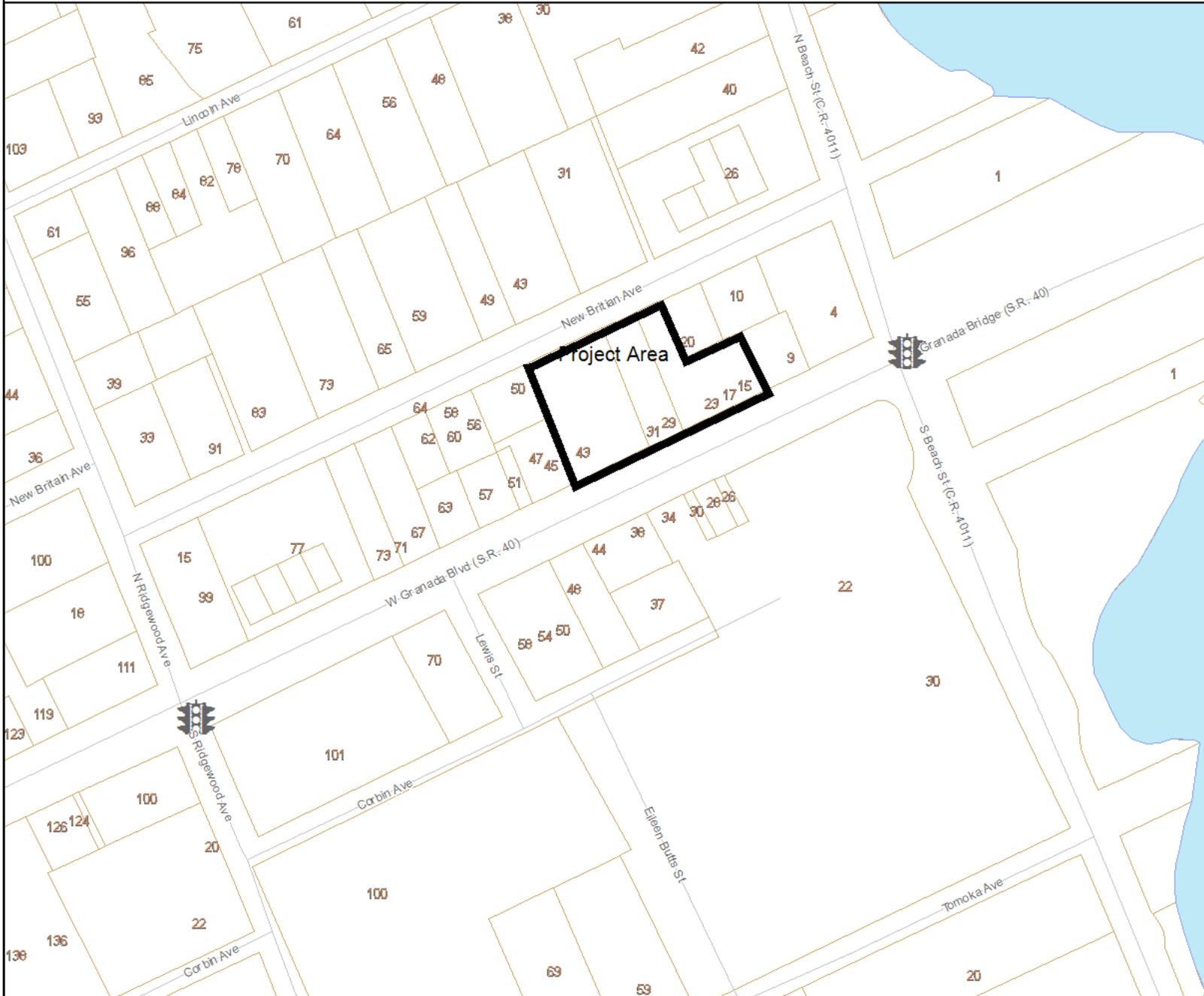
### Exhibits:

- A. Project area map and description.
- B. Downtown Overlay District parking regulations.

# Exhibit A

Project area map and  
description

# On the Boulevard Special Exception Location Map



-  Golf Courses
-  Address Points
-  Traffic Signals
-  Airport and Railroad
-  AIRPORT
-  RAILROAD
- City Streets**
-  DIRT
-  MAJOR
-  PAVED
-  Water Features
-  Property Lines

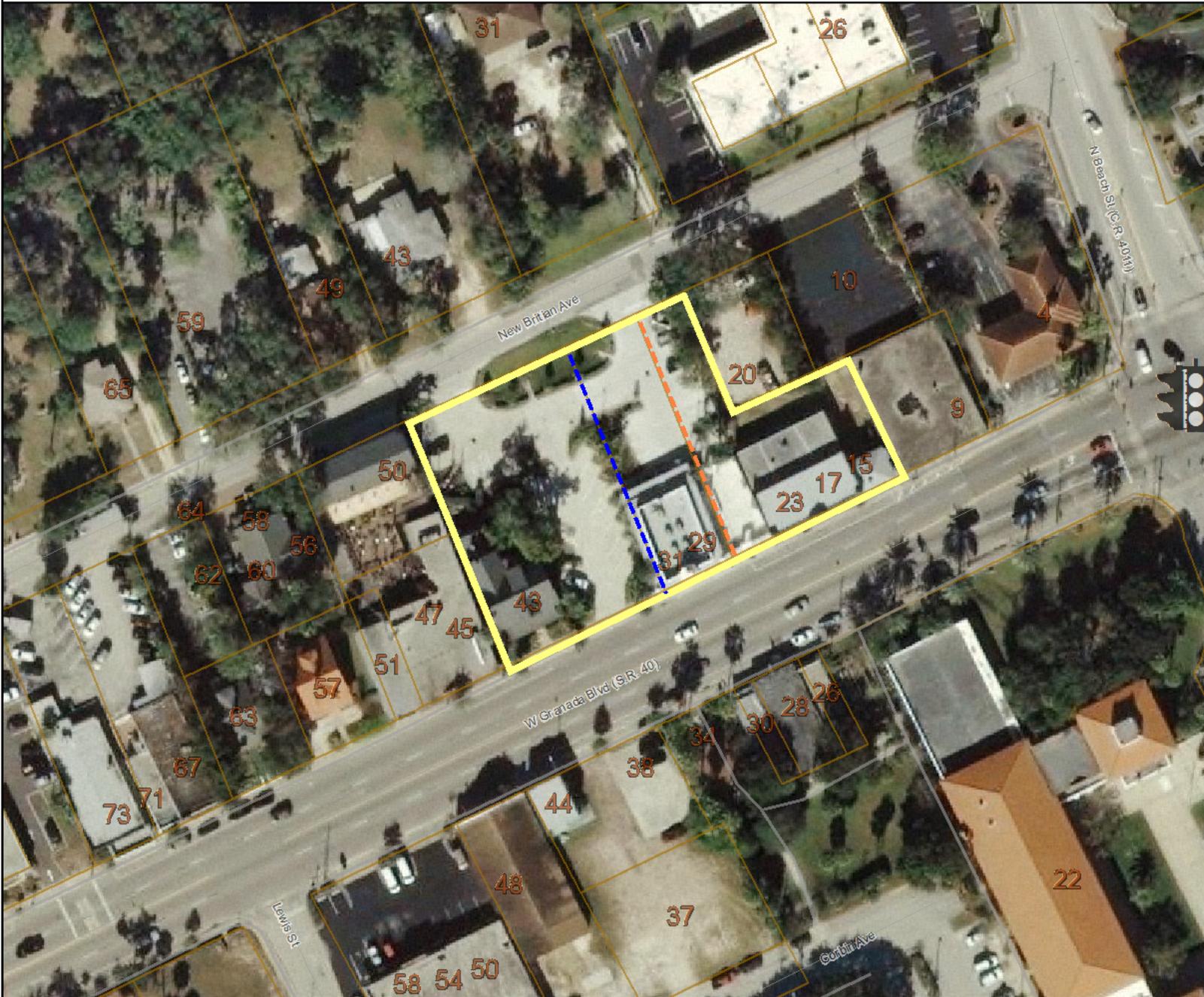
196 ft



GIS data is provided on an "as is" basis. The accuracy or reliability of the data is not guaranteed or warranted in any way. The City of Ormond Beach specifically disclaims any warranty either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular use. The entire risk as to quality and performance of the data is with the end user. In no event will the City, its staff or it's representatives be liable for any direct, indirect, incidental, special, consequential, or other damages, including loss of profit, arising out of the use of this data even if the City has been advised of the possibility of such damages.



# On the Boulevard Project Area Map



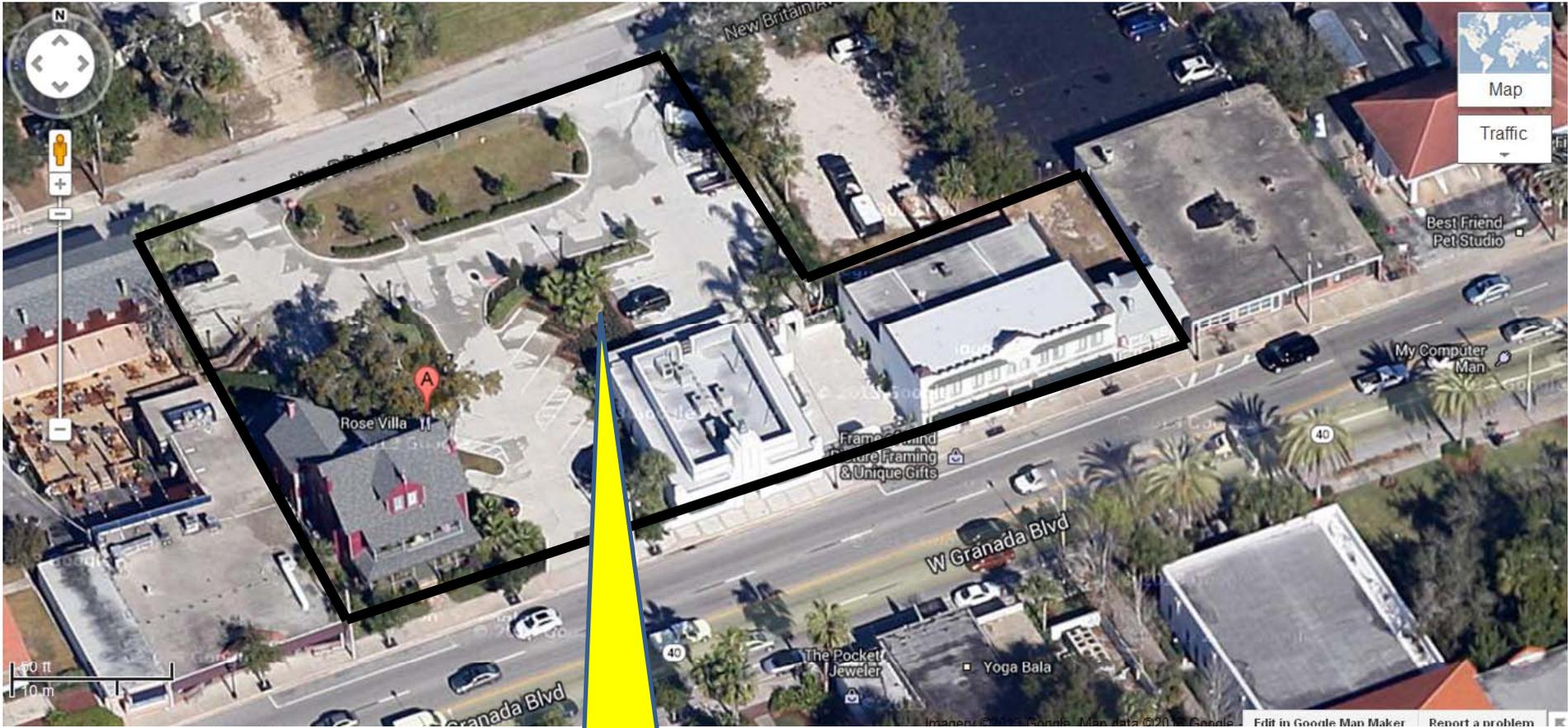
- Sidewalks
- Golf Courses
- Address Points
- 🚦 Traffic Signals
- ✈ Airport and Railroad
- AIRPORT
- ➔ RAILROAD
- City Streets
- DIRT
- MAJOR
- PAVED
- Water Features
- Property Lines

95 ft



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Special Exception  
project area

LEGAL DESCRIPTION

4215-16-00-0101  
 15 W GRANADA BLVD 15-23 ORMOND BEACH

PARCEL 2:  
 THE EASTERLY  $\frac{1}{2}$  OF LOT 10 AND THE WEST 92 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 OF SAID LOT 12 WITH THE NORTHERLY RIGHT OF WAY OF STATE ROAD #40; THENCE RUN NORTH 64°08'44" EAST, ALONG THE SOUTH LINE OF SAID LOT 12, BEING ALSO THE NORTHERLY RIGHT OF WAY LINE OF FLORIDA STATE ROAD #40 (WEST GRANADA BOULEVARD), A DISTANCE OF 91.13 FEET TO A "X" CUT IN CONCRETE, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE, DEPARTING SAID SOUTH LINE OF LOT 12 AND THE NORTH LINE OF FLORIDA STATE ROAD #40, RUN NORTH 25°51'16" WEST, A DISTANCE OF 85.32 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID LOT 12; THENCE RUN NORTH 64°17'16" EAST, ALONG THE NORTH LINE OF SAID LOT 12 A DISTANCE OF 7.84 FEET TO A POINT THEREIN; THENCE, DEPARTING THE NORTH LINE OF SAID LOT 12, RUN SOUTH 21°10'56" EAST A DISTANCE OF 85.58 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF SAID LOT 12; THENCE RUN SOUTH 64°08'44" WEST, ALONG THE SOUTH OF SAID LOT 12, A DISTANCE OF 0.87 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, RESERVING AN EASEMENT FOR INGRESS, EGRESS, ROOF OVERHANG AND STAIRWELL PURPOSES OVER SAID PARCEL FOR THE BENEFIT OF THE PROPERTY OWNER TO THE WEST.  
 CONTAINING 13519 SQUARE FEET = 0.31 ACRES MORE OR LESS

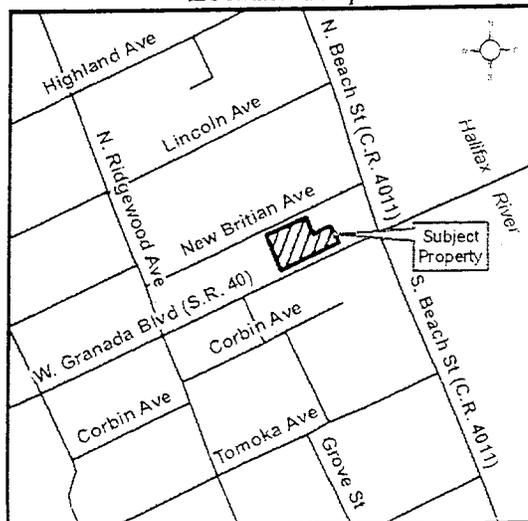
29 W GRANADA BLVD ORMOND BEACH  
 4215-16-00-0100

PARCEL 3:  
 THE EASTERLY 16 $\frac{3}{4}$  FEET OF LOT 9 AND THE WESTERLY 33 $\frac{1}{4}$  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 8, 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:  
 THAT CERTAIN PIECE OF LAND IN THE TOWN OF ORMOND, COUNTY OF VOLUSIA, STATE OF FLORIDA, 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 S23°35'E, 213.10 FEET; THENCE N51°25'E, 67 FEET ON THE LINE BETWEEN LOTS NUMBER 3 AND 4; THENCE N23°35'WEST, 213.10 FEET TO THE SOUTH LINE OF NEW BRITAIN AVENUE, THENCE S51°25'W, 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 8 OF PENFIELD BLOCK, A SUBDIVISION OF PART OF RIVER LOTS 3 AND 3 $\frac{1}{2}$  EAST OF PINE STREET AND OF RECORD IN MAP BOOK 1, PAGE 78, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. ALSO, THE WESTERLY FIFTY (50) FEET OF LOT 9, PENFIELD BLOCK ORMOND, ACCORDING TO THE PLAT THEREOF AS FILED IN MAP BOOK 1, PAGE 78, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING FROM THE ABOVE DESCRIBED PARCEL THAT PORTION LYING WITHIN THE RIGHT OF WAY OF WEST GRANADA BOULEVARD, AN 80 FOOT RIGHT OF WAY EXISTING AND OF RECORD 11 MAY, 1999.  
 CONTAINING 21180 SQUARE FEET = 0.49 ACRES MORE OR LESS

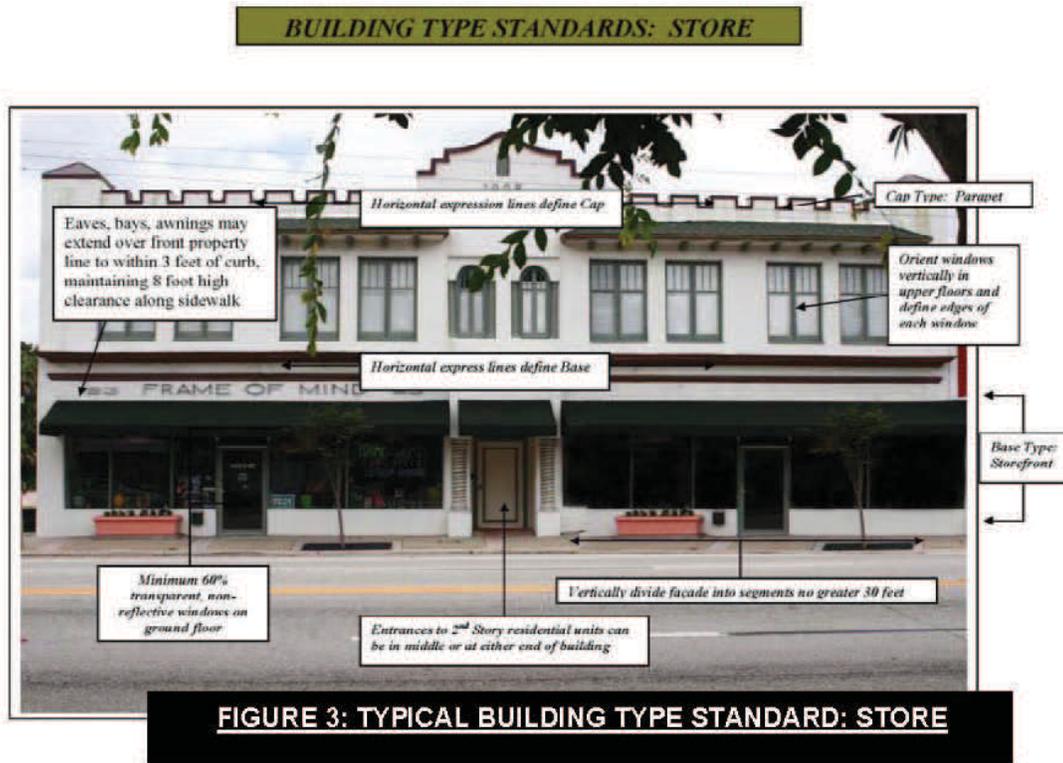
Location Map



# Exhibit B

Downtown Overlay  
District parking  
regulations

- (4) *Downtown design guidelines incorporated by reference.* The downtown design guidelines are incorporated herein for more detailed guidance on specific design elements such as proportion, wall and window pattern, materials, doors, ornamentation, color and skyline articulation.



**Figure 3: Building Type Standards: Store**

(f) *Access and parking requirements.*

(1) *Access.*

- a. Location. On-site surface parking lots are permitted only to the rear of a lot, fully screened from the front property line by a building. Parking may be placed on the side of a building but a street wall with landscaping at the base of the wall must be provided. The street wall must be designed to screen the view of vehicles from the principal street. A three-foot (3') street wall must be designed with the same building materials as the principal building;
- b. Driveways as a general rule shall not be permitted on Granada Boulevard. Access shall be taken from a lower classification street if available; and
- c. Driveway access from a secondary access street must be located at least fifty feet (50') from the front property line on Granada Boulevard.

(2) *Parking.*

- a. There shall be provided on the same site with any use, off-street parking spaces for automobiles and bicycles in accordance with the requirements of section 3-26. In all cases where bicycle parking is provided, such parking shall not be more inconveniently located than car parking and attempts should be made to have bicycle parking more convenient;
- b. Off-street parking requirements shall not be considered as providing required off-street parking facilities for any other use except as provided for when shared parking is proposed;
- c. Parking requirements for uses within the DOD districts shall vary according to the size of development, the location of public parking and transit availability. Where parking is required, parking may be provided through the use of shared parking, off-site valet or remote parking, a parking reduction study, a payment in lieu of on-site parking, on-site parking or a combination of these approaches. It is not the intent of this provision to limit the alternative parking approaches to those identified in this section. Other alternative approaches which have been used successfully in other downtown areas similar to the city which are rational and based upon applied science may be considered;
- d. Due to transit availability, and the existence of on-street parking and public parking lots in the River District, the first two thousand (2,000) square feet of floor area for any new development within the River District shall be exempt from the minimum parking requirements as calculated in section 3-26;
- e. In all other districts (ocean and creek) such parking may be reduced by twenty-five percent (25%) due to transit availability;
- f. Where parking is required due to the size of the development or type of use, parking may be provided on site or off site through valet or remote parking or through shared parking where the city acts as the broker, coordinator and approving authority for the shared parking; and
- g. When parking is provided as a principal or accessory use on site, parking may remain on a semi-improved surface, such as shale or stone until a master stormwater conceptual permit is approved and implemented for the downtown. This option is at the sole discretion of the city and should not be construed as an entitlement by an individual property owner. Once improvements within the subbasis area where the unimproved parking lot is located, the property shall be constructed and landscaped in accordance with sections 3-28 and 3-05, respectively.

(3) *Alternative parking options to on-site parking provisions.*

- a. *Valet or remote parking.* Upon application to the city, a business may utilize off-site valet parking or provide remote parking to meet the parking requirements. Valet or remote parking need not be located on the same side of the street

of the use to be serviced by such parking. If valet parking is to be used, the applicant must provide the location and number of the valet parking spaces, or the location and size of the valet parking zone being requested; the location of the off-street parking area the valet parking operation intends to use for the storing of the vehicles, and a signed contract or agreement showing that the valet parking has acquired the legal right to store the vehicles; and proof of insurance as required by the city;

- b. *Payment in lieu of parking.* An applicant may elect to make a payment in lieu of parking to the city. Such payment shall be based upon the current construction cost of one (1) surface parking space times the number of parking spaces. Payments shall be deposited to the city tax increment financing account for construction of parking based on demand;
- c. *Parking study reduction.* A study prepared by a qualified transportation firm or individual may be used to support reduction of parking based upon the known characteristics of the use. It shall be at the city's discretion to accept all, a portion, or none of the parking supported by the study; and
- d. *Shared parking.* Shared parking may be used, if feasible, to satisfy all or a portion of the minimum off-street parking requirements. Shared parking is permitted between different categories of uses or uses with different hours of operation provided the city acts as the broker, coordinator, and approving authority for the banking of parking arrangement. The planning director may authorize upon application, the allocation, transfer and the use of public parking spaces and private spaces to another land use to serve as the required off-street parking, based upon the percentage of required parking which is anticipated to be available by general use and time of day, as indicated in the following table 2:

*Table 2. Percentage of Available Parking Permitted to be Shared*

<i>General Use Classification</i>	<i>Weekdays</i>			<i>Weekends</i>		
	<i>12:00 midnight to 7:00 a.m.</i>	<i>7:00 a.m. to 6:00 p.m.</i>	<i>6:00 p.m. to 12:00 midnight</i>	<i>12:00 midnight to 7:00 a.m.</i>	<i>7:00 a.m. to 6:00 p.m.</i>	<i>6:00 p.m. to 12:00 midnight</i>
Office	95	0	95	100	95	100
Retail	100	0	50	100	0	25
Restaurant	50	30	0	30	65	0
Lodging	0	35	0	0	35	0
Residential	0	50	20	0	25	25
Entertainment	95	80	0	95	50	0
Place of worship	100	70	50	100	0	25

- e. *Shared use parking example.* Assume a parcel in the downtown is to have a five thousand (5,000) square-foot retail building constructed upon it. This LDC requires twenty-five (25) spaces; however, only twelve (12) spaces can be accommodated on site. A twenty percent (20%) reduction is permitted because a transit route exists, reducing the required parking to twenty (20) spaces. Based upon table 2, the applicant for the retail establishment would be permitted to

share one hundred percent (100%), or twelve (12) spaces, for 12:00 midnight to 7:00 a.m.; no spaces from 7:00 a.m. to 6:00 p.m.; and fifty percent (50%), or six (6) spaces, from 6:00 p.m. to 12:00 midnight. In return for the city's permitting eight (8) spaces from a city-owned fifty (50) space parking lot located within six hundred-sixty feet (660') of the use in order for the applicant to meet his parking requirement of twenty (20) spaces during the period of time the most number of parking is needed (7:00 a.m. to 6:00 p.m.), the applicant would be required to permit the use of all twelve (12) parking spaces for the public from 12:00 midnight to 7:00 a.m. and six (6) spaces from 6:00 p.m. to 12:00 midnight. The use of this parking by the public would be establishments which require parking at different hours than the retail use. In this example, the city has leveraged its fifty (50) space parking lot by increasing the number of spaces available in the early morning to sixty-two (62) spaces, forty-two (42) parking spaces during the day, and fifty-six (56) spaces at night. The increased parking made available between 12:00 midnight to 7:00 a.m. supports increased residential densities in the downtown, while providing nighttime uses, such as restaurants, with a supply of parking required between 6:00 p.m. and 12:00 midnight. A public parking easement would be required from the owner of the five thousand (5,000) square-foot retail building, but the easement would only be effective for as long as the shared parking arrangement continued. This easement could be terminated by the owner upon notice to the city; however, the owner will still be required to provide the required parking to meet his daytime need. In this example, the city is the banker, broker, coordinator and approving authority for the shared parking arrangement.

(g) *Public space standards.*

- (1) Streets within the city's downtown, regardless of jurisdiction, should be inviting public space and integral components of community design. The state and local street network provides for bicycle, pedestrian, and transit accessibility. All side streets parallel to and connecting to Granada Boulevard should continue to connect and not be vacated except for Lewis Street, which should be vacated as a pedestrian connection. These local connections help create a network of public areas to allow free movement of automobiles, bicyclists and pedestrians. In order for this street network to be safe for motorists and pedestrians, all design elements must consistently be applied to calm automobile traffic. Designs should permit comfortable use of the street by motorists, pedestrians, and bicyclists. Pavement widths, design speeds and the number of motor travel lanes should be minimized to enhance safety for motorists and nonmotorists alike. The specific design of any given street must consider the building types which have frontage and the relationship of the street to the overall street network. All new or renovated transportation infrastructure in the city's downtown CRA should achieve safety, comfort and convenience for all modes of travel, including pedestrians,

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** July 3, 2013

**SUBJECT:** LDC Amendment – Malted Beverage Producer

**APPLICANT:** Justin Robinson

**NUMBER:** LDC 13-84

**PROJECT PLANNER:** Steven Spraker, AICP, Senior Planner

**INTRODUCTION:** This is a request by Justin Robinson to amend the Land Development Code (LDC) as follows: (1) Chapter 1, General Administration, Article III, Definitions and Acronyms, Section 1-22, Definitions of terms and words, to include a definition of Malted Beverage Producer, (2) Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-32, I-1, Light Industrial zoning district, to add Malted Beverage Producer conditional use to the I-1 (Light Industrial) zoning district, and (3) Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-57, Conditional Uses and Special Exceptions, to include criteria for the Malted Beverage Producer use.

**BACKGROUND:** Planning staff has had several discussions regarding a potential malt beverage brewery located in the I-1 zoning district. Staff has classified the use as a light industrial use, which is a permitted use. As staff and the applicant further discussed the business operations of the malt beverage brewery, there was a desire of the applicant to allow an area for a tasting/serving area and an area for retail operations. The LDC amendment proposes to include a definition of malted beverage producer, add a malted beverage producer conditional use to the I-1 zoning district and include certain conditions/criteria to the conditional use section of the LDC.

**LDC AMENDMENT:** Itemized below (and also illustrated in Appendix A) are the proposed amendments:

1. Chapter 1, Article III, Section 1-22 shall be amended as denoted in underline as follows:

**Major structure, nonhabitable:** (no change in existing text...)

**Malted beverage producer:** A use that produces alcohol containing and non-alcoholic fermented beverages, in which the primary ingredient is the

grain, or seed of the barley plant, which has been allowed to sprout in a traditional way called malting slightly before it is processed.

**Mangrove:** (no change in existing text...)

2. Chapter 2, Article II, Section 2-32: D. Conditional Uses shall be amended as denoted in underline as follows:
  8. House of Worship (*no change in existing text...*)
  9. Malted Beverage Producer
  10. Non-Emergency Medical Transport Services (*no change in existing text...*)
3. Chapter 2, Article IV, Section 2-57: M. shall be amended as denoted in underline as follows:

#### Malted Beverage Producer

1. Shall operate in full compliance with Florida Statutes Section 561.221(2).
2. Shall operate in full compliance with Federal Regulation 27 CFR 25.25.
3. Shall be permitted to operate a tasting room on premise to showcase and promote products as well as the tourist industry of the state.
4. Shall be permitted a retail area to sell accessories of the brewery including, but not limited to, shirts, hats, glassware, and malt beverages.
5. The tasting room and retail area shall not exceed 50% of the gross floor area of the brewery of the malted beverage producer.
6. The hours of operation of the tasting room and retail area shall be approved as part of the business tax receipt and the use shall not operate as a bar as defined by this Code.

**ANALYSIS:** The brewery aspect of the malted beverage producer is allowed as a permitted use within the I-1 zoning district as a light industrial use. As seen across the country, breweries and microbrewers are seeking to allow an area where customers can sample or buy brewed beverages and also purchase retail items associated with the brewery. The purpose of the LDC amendment is to allow a tasting room and retail area associated with the brewery as a conditional use. Staff has reviewed the proposed conditions proposed by the applicant and has found the conditions to be acceptable. Staff does not anticipate any negative impacts from the proposed use. The City's I-1 zoning district is located along the FEC railroad from Wilmette Avenue to Division Avenue, around the Ormond Beach Airport, and along the western portion of North US1 (see Exhibit 2).

## **CONCLUSION:**

There are certain criteria that must be evaluated before adoption of an amendment according to the 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.**

No specific development is proposed. The intent of the proposed amendment is to provide a newly identified use. Standards will not adversely affect public health, safety, welfare or quality of life and will provide a needed service to Ormond Beach residents.

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

The proposed Land Development Code amendment 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.**

Not applicable.

- 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.**

This proposed amendment is not anticipated to have a significant impact on adjacent properties within the I-1 zoning district.

- 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.**

Not applicable.

- 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.**

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

**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 expected that the amendment will be reviewed by the City Commission on August 20, 2013 (1<sup>st</sup> reading) and September 3, 2013 (2<sup>nd</sup> reading). It is recommended that the Planning Board **APPROVE** LDC 13-84, to amend the Land Development Code to allow a Malted Beverage Producer as a conditional use, as follows:

1. Chapter 1, General Administration, Article III, Definitions and Acronyms, Section 1-22, Definitions of terms and words, to include a definition of Malted Beverage Producer;
2. Chapter 2, District and General Regulations, Article II, District Regulations, Section 2-32, I-1, Light Industrial zoning district, to add Malted Beverage Producer conditional use to the I-1 (Light Industrial) zoning district; and
3. Chapter 2, District and General Regulations, Article IV, Conditional and Special Exception Regulations, Section 2-57, Conditional Uses and Special Exceptions, to include criteria for the Malted Beverage Producer use.

Exhibits:

1. Proposed Land Development Code Amendments.
2. Location map of the I-1 (Light Industrial) zoning district.
3. Applicant provided information.

# Exhibit 1

## Proposed Land Development Code Amendments (added text in underline)

### 1. Chapter 1, Article III, Section 1-22:

**Major structure, nonhabitable:** (no change in existing text...)

**Malted beverage producer:** A use that produces alcohol containing and non-alcoholic fermented beverages, in which the primary ingredient is the grain, or seed of the barley plant, which has been allowed to sprout in a traditional way called malting slightly before it is processed.

**Mangrove:** (no change in existing text...)

### 2. Chapter 2, Article II, Section 2-32: D.:

8. House of Worship (*no change in existing text...*)

9. Malted Beverage Producer

10. Non-Emergency Medical Transport Services (*no change in existing text...*)

### 3. Chapter 2, Article IV, Section 2-57: M.:

Malted Beverage Producer

1. Shall operate in full compliance with Florida Statutes Section 561.221(2).

2. Shall operate in full compliance with Federal Regulation 27 CFR 25.25.

3. Shall be permitted to operate a tasting room on premise to showcase and promote products as well as the tourist industry of the state.

4. Shall be permitted a retail area to sell accessories of the brewery including, but not limited to, shirts, hats, glassware, and malt beverages.

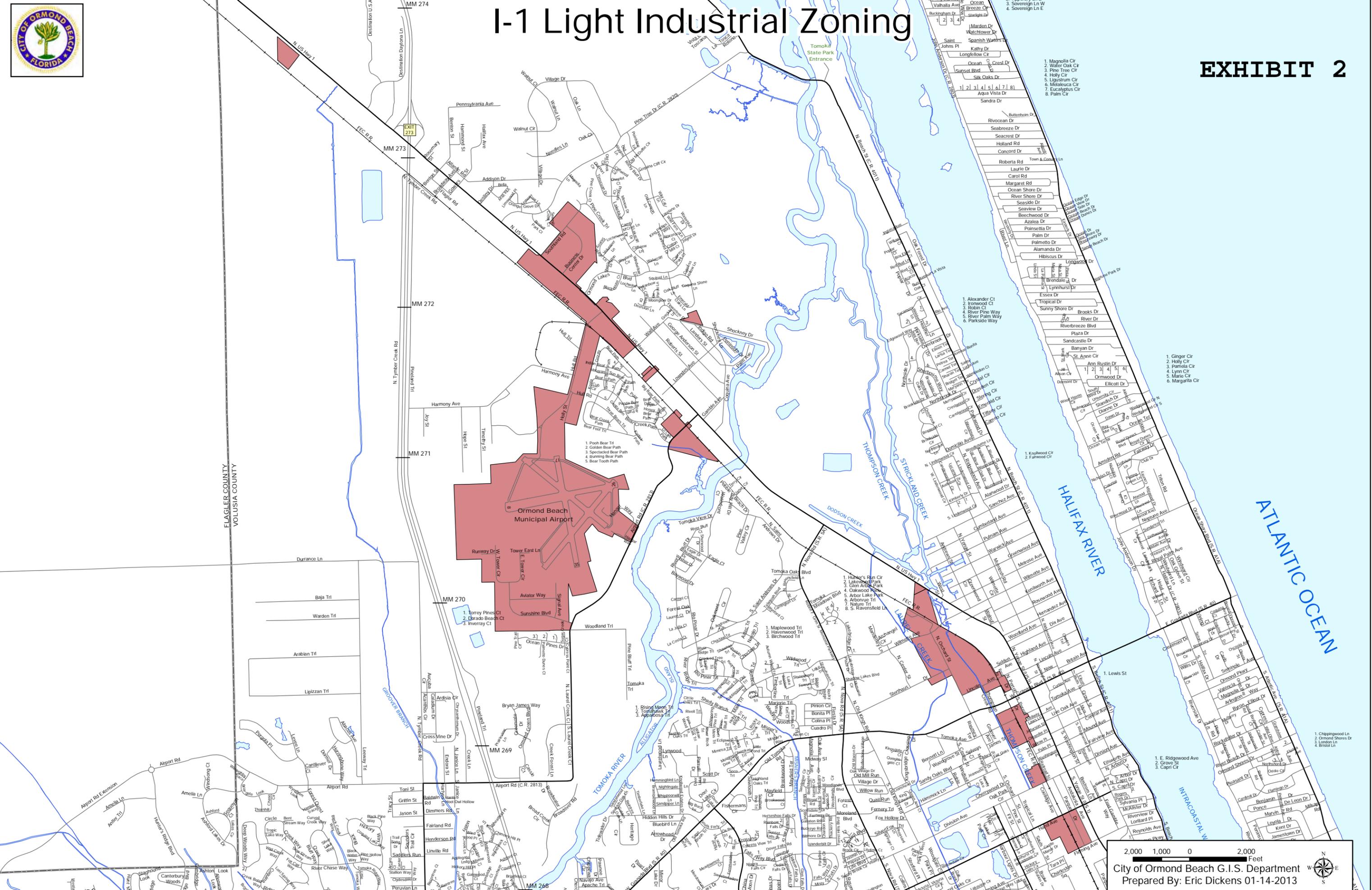
5. The tasting room and retail area shall not exceed 50% of the gross floor area of the brewery of the malted beverage producer.

6. The hours of operation of the tasting room and retail area shall be approved as part of the business tax receipt and the use shall not operate as a bar as defined by this Code.



# I-1 Light Industrial Zoning

## EXHIBIT 2



- 1. Magnolia Cir
- 2. Water Oak Cir
- 3. Pine Tree Cir
- 4. Holly Cir
- 5. Ligustrum Cir
- 6. Melaleuca Cir
- 7. Eucalyptus Cir
- 8. Palm Cir

- 1. Alexander Ct
- 2. Ironwood Ct
- 3. Robin Ct
- 4. River Pine Way
- 5. River Palm Way
- 6. Parkside Way

- 1. Ginger Cir
- 2. Holly Cir
- 3. Pamela Cir
- 4. Lynn Cir
- 5. Marie Cir
- 6. Margarita Cir

- 1. Pooh Bear Trl
- 2. Golden Bear Path
- 3. Spectacular Bear Path
- 4. Running Bear Path
- 5. Bear Tooth Path

- 1. Hanker's Run Cir
- 2. Lakewood Park
- 3. Glen Arbor Park
- 4. Oakwood Park
- 5. Arbor Lake Park
- 6. Arborvue Trl
- 7. Nations Trl
- 8. S. Ravenfield Ln

- 1. E. Ridgewood Ave
- 2. Grove St
- 3. Capri Ct

- 1. Chippingwood Ln
- 2. Ormond Shores Dr
- 3. Bristol Ln

2,000 1,000 0 2,000 Feet  
 City of Ormond Beach G.I.S. Department  
 Prepared By: Eric Dickens 01-14-2013

# Exhibit 3

Applicant Provided  
Information

## Proposed LDC Amendment for I-1 Zoning

Ormond Hop House LLC

Located at 301 Division Ave, Ormond Beach FL 32174

Conditional Use Category:

Malted Beverage Producer w/ Tasting Room

Background:

Under the current LDC a brewery would be allowed in the I-1 zoning district as a light industrial use from a zoning perspective. The proposed amendment will allow for the brewery to have a retail component to sell brewery accessories to promote the business as well as the tourist industry of the state.

Conditions:

- \* Operate in full compliance with Florida Statutes 561.221 (2)
- \* Operate in full compliance with Federal Regulation 27 CFR 25.25
- \* Malt beverage producer will be able to operate a tasting room on premise to showcase and promote our products as well as the tourist industry of the state.
- \* Will be permitted to have a retail component to sell accessories of the brewery including but not limited to shirts, hats, glassware, and malt beverages.
- \* Serving area for malt beverage will not exceed 50% of the brewery space.
- \* Will be permitted to have live entertainment .
- \* Will not operate as a “Bar”

**561.221 Licensing of manufacturers and distributors as vendors and of vendors as manufacturers; conditions and limitations.—**

(1)(a) Nothing contained in s. 561.22, s. 561.42, or any other provision of the Beverage Law prohibits the ownership, management, operation, or control of not more than three vendor's licenses for the sale of alcoholic beverages by a manufacturer of wine who is licensed and engaged in the manufacture of wine in this state, even if such manufacturer is also licensed as a distributor; provided that no such vendor's license shall be owned, managed, operated, or controlled by any licensed manufacturer of wine unless the licensed premises of the vendor are situated on property contiguous to the manufacturing premises of the licensed manufacturer of wine.

(b) The Division of Alcoholic Beverages and Tobacco shall issue permits to a certified Florida Farm Winery to conduct tasting and sales of wine produced by certified Florida Farm Wineries at Florida fairs, trade shows, expositions, and festivals. The certified Florida Farm Winery shall pay all entry fees and shall have a winery representative present during the event. The permit is limited to the length of the event.

(2) The division is authorized to issue vendor's licenses to a manufacturer of malt beverages, even if such manufacturer is also licensed as a distributor, for the sale of alcoholic beverages on property consisting of a single complex, which property shall include a brewery and such other structures which promote the brewery and the tourist industry of the state. However, such property may be divided by no more than one public street or highway.

(3)(a) Notwithstanding other provisions of the Beverage Law, any vendor licensed in this state may be licensed as a manufacturer of malt beverages upon a finding by the division that:

1. The vendor will be engaged in brewing malt beverages at a single location and in an amount which will not exceed 10,000 kegs per year. For purposes of this subsection, the term "keg" means 15.5 gallons.

2. The malt beverages so brewed will be sold to consumers for consumption on the vendor's licensed premises or on contiguous licensed premises owned by the vendor.

(b) Any vendor which is also licensed as a manufacturer of malt beverages pursuant to this subsection shall be responsible for applicable reports pursuant to ss. 561.50 and 561.55 with respect to the amount of beverage manufactured each month and shall pay applicable excise taxes thereon to the division by the 10th day of each month for the previous month.

(c) It shall be unlawful for any licensed distributor of malt beverages or any officer, agent, or other representative thereof to discourage or prohibit any vendor licensed as a manufacturer under this subsection from offering malt beverages brewed for consumption on the licensed premises of the vendor.

(d) It shall be unlawful for any manufacturer of malt beverages or any officer, agent, or other representative thereof to take any action to discourage or prohibit any distributor of the manufacturer's product from distributing such product to a licensed vendor which is also licensed as a manufacturer of malt beverages pursuant to this subsection.

**History.**—s. 1, ch. 63-11; s. 1, ch. 67-511; s. 1, ch. 72-230; s. 1, ch. 78-187; s. 1, ch. 79-54; s. 1, ch. 84-142; s. 1, ch. 87-63; s. 8, ch. 92-151; s. 1, ch. 94-296.

Sec. 25.25 Operation of a tavern on brewery premises.

(a) General. A brewer desiring to operate a tavern as an alternate use of brewery premises, shall submit a Brewer's Notice, ATF F 5130.10 containing the information required by paragraph (b) of this section. If the regional director (compliance) finds that the operation of the tavern on brewery premises will not jeopardize the revenue or impede the effective administration of this part and is not contrary to specific provisions of law, the approval of the Brewer's Notice, ATF F 5130.10 shall constitute approval of the alternate use of brewery premises, in lieu of the application required by Sec. 25.23. As used in this section, "tavern" means a portion of brewery premises where beer is sold to consumers. Food, and/or taxpaid wine, and/or taxpaid distilled spirits may also be sold at a tavern operated on brewery premises. Taxpaid beer

[[Page 602]]

produced by other brewers may be received, stored and sold on brewery premises in accordance with Sec. 25.24.

(b) Brewer's Notice. In preparing the Brewer's Notice, AFT F 5130.10, the applicant shall show the following information, in addition to the information required by the form:

(1) The applicant shall identify the portion of the brewery which will be operated as a tavern by providing a diagram or narrative description of the boundaries of the tavern. The diagram or description shall identify areas of the brewery which are accessible to the public and areas which are not. The applicant shall describe security measures to be used to segregate public areas from non-public areas.

(2) The applicant shall describe in detail the method to be used for measuring beer for the purposes of tax determination.

(3) The applicant shall identify the tanks which will periodically contain tax-determined beer, and any other areas where tax-determined beer will be stored.

(c) Procedures. The following procedures shall apply to operation of a tavern on brewery premises:

(1) The brewery shall have a suitable method for measurement of the beer, such as a meter or gauge glass. Tax determination shall consist of the measurement of the beer and the preparation of the brewer's record of tax determination, required by Sec. 25.292(a)(8). The taxes shall be determined prior to the time that the beer is dispensed into a container for consumption.

(2) If the brewer uses one or more tanks for tax determination, the following procedures shall apply:

- (i) Each such tank shall be durably marked with the words "tax-determination tank";
- (ii) The taxes shall be determined each time beer is added to a tax-determination tank; and
- (iii) The brewer may never simultaneously pump into and out of a tax-determination tank.

(3) A brewer qualified under this section may store, on brewery premises, tax-determined beer which is intended for sale at a tavern operated on brewery premises, in accordance with this section. The prohibition of Sec. 25.24 shall not apply to such tax-determined beer.

(4) Beer consumed by employees and visitors in the brewery's tavern shall be beer on which the tax has been paid or determined.

[T.D. ATF-268, 53 FR 8628, Mar 16, 1988]

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** June 26, 2013

**SUBJECT:** 250 Williamson Boulevard (Tire Kingdom) – Small-Scale  
Land Use Map Amendment

**APPLICANT:** Administrative

**NUMBER:** LUPA 13-056

**PROJECT PLANNER:** S. Laureen Kornel, AICP, Senior Planner

**INTRODUCTION:** This is a City initiated request, to change the existing Future Land Use designation of a ±1.25-acre parcel from Volusia County “Commercial” to Ormond Beach “General Commercial” located at 250 Williamson Boulevard as the result of an annexation.

**BACKGROUND:** The property located at 250 Williamson Boulevard, is owned by Julie Deal, as trustee for the Julie Deal Revocable Trust U/A and is developed as a Tire Kingdom, an 8-bay retail tire store and automotive center. The property was developed under Volusia County review in 2011 and connected to City water in 2011. The property was annexed on April 2, 2013, with Ordinance 2013-21 based on connection to City of Ormond Beach Utilities in 2011 and contiguity with the City boundary. Since the subject property is now located within the City of Ormond Beach, the City is required by policy to assign a similar land use and zoning in terms of density and intensity as in the County. Until a City future land use designation and zoning classification are adopted, the property maintains its County land use and zoning classifications.

The subject property currently has a County Future Land Use Map designation of Volusia County “Commercial” and fronts the west side of Williamson Boulevard roughly 1,800 feet south of West Granada Boulevard. The property abuts the United States Post Office property to the south and vacant land to the north. A retention pond lies to the west. The Interstate 95 is located adjacent and to the west of the retention pond. The property is currently developed with a Tire Kingdom, and there are currently no plans for further site development. The expected zoning classification will be PBD to allow for Vehicle Repair, Type A. The rezoning will follow upon the completion of the administrative land use change from Volusia County “Commercial” to Ormond Beach “General Commercial”. The proposed land use amendment schedule of the subject property is as follows:

Action/Board	Date
Planning Board	July 11, 2013
Transmit to Volusia County Growth Management Commission and adjoining jurisdictions	July 12, 2013
City Commission 1 <sup>st</sup> Reading	August 7, 2013
City Commission 2 <sup>nd</sup> Reading	August 20, 2013
Transmit to Florida Department of Economic Opportunity	August 21, 2013

**ANALYSIS:** The proposed amendment seeks to change the land use designation of the subject property from unincorporated Volusia County “Commercial” to City of Ormond Beach “General Commercial” to assign a land use to the subject property as a result of annexation. Staff has reviewed the proposed Future Land Use Map amendment based upon the following criteria:

**1. Whether the land use meets the criteria established in the City’s Comprehensive Plan and Florida Statute.**

**City’s Comprehensive Plan:**

Objective 1.2 of the Future Land Use Element of the Comprehensive Plan states that the City needs to ensure that there are adequate amounts of lands to meet the commercial land use needs of the community. The existing development pattern in this area is the “General Commercial” land use designation. In addition, Policy 5.1.1 under Goal 5. Annexation of the Future Land Use Element, states that the City shall assign a similar land use to annexed properties.

**2. Whether the proposed plan amendment meets the criteria established in the Florida Statutes.**

**Florida Statute:** In accordance with Chapter 163.3187(1), Florida Statutes, any local government comprehensive plan amendments directly related to proposed small-scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan. A small-scale development amendment may be adopted only under the following conditions:

- a. The proposed amendment involves a use of 10 acres or fewer and:**

The subject property is ±1.25 acres (less than 10 acres).

- b. The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government does not exceed a maximum of 120 acres in a calendar year.**

The proposed small-scale amendment complies with this requirement and will be the tenth amendment for the current year 2013. The following table illustrates previous small scale future land use amendments for 2013:

Case #	Address	±Acreage
LUPA 13-011	1428 North US Highway 1	0.53
LUPA 13-009	1438 North US Highway1	0.15
LUPA 13-007	1444 North US Highway1	0.72
LUPA 12-116	1433, 1435, 1437, and 1439 North US Highway 1	3.97
LUPA 12-099	1608 N US Highway 1	6.88
LUPA 12-101	1622 N US Highway 1	1.15
LUPA 12-103	1626 N US Highway 1	0.46
LUPA 13-056	305 N. Tymber Creek Road	0.44
		14.3 acres

- c. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government’s comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section.**

The proposed amendment is solely to the Future Land Use Map and does not propose any text amendments to the City’s Comprehensive Plan.

- d. The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s. [420.0004\(3\)](#), and is located within an area of critical state concern designated by s. [380.0552](#) or by the Administration Commission pursuant to s. [380.05\(1\)](#).**

The site location is not located within an area of state critical concern, and this criterion does not apply.

**3. Whether the land use is an appropriate use of the land.**

**Land Use:** The adjacent land uses and zoning are as follows:

<b>Land Use and Zoning Designations of Adjacent Property</b>			
	<b>Current Land Uses</b>	<b>Future Land Use Designation</b>	<b>Zoning</b>
<b>North</b>	Vacant Land	Volusia County "Commercial"	Volusia County B-4 (General Commercial)
<b>South</b>	United States Post Office	Volusia County "Urban Medium Density"	Volusia County BPUD (Business Planned Unit Development)
<b>East</b>	Vacant Land	Volusia County "Commercial"	Volusia County R-4 (Urban Single Family)
<b>West</b>	Vacant (Retention Pond)	Volusia County "Urban Medium Density"	Volusia County B-4 (General Commercial)

The future land use designation presently assigned to the subject property is Volusia County "Commercial". The directive text of Volusia County's Comprehensive Plan states the following for the "Commercial" land use category:

"Commercial (C) - This designation accommodates the full range of sales and service activities. These uses may occur in self-contained centers, multi-story structures, campus parks, municipal central business districts, or along arterial highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and design will depend on locational factors, particularly compatibility with adjacent uses, availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be located to protect adjacent residential use from such impacts as noise or traffic. In wellfield protection areas uses are prohibited that involve the use, handling, storage, generation or disposal of hazardous or toxic material or waste or petroleum products. Intensity shall be no more than a fifty-five percent Floor Area Ratio (0.55 FAR) consistent with the applicable underlying zoning classification standards and land development regulations.

Commercial development in newly developing areas is designated in nodes at major thoroughfare intersections. Primarily new development should be designed to utilize the shopping center concept and not designed to encourage strip style commercial development. The various types of shopping centers are described in Chapter 20, Definitions under Shopping Centers.

However, the Plan recognizes existing strip commercial development along many arterial roadways may remain. These areas are identified on the Future Land Use Map and if the designation is shown on only one side of a roadway, this specifically provides that particular side is intended for commercial use and is not to suggest that the opposite side is also

included. Future extension of the strip commercial beyond that shown on the Plan Map shall require a Plan amendment.

Existing commercial uses not indicated on the Future Land Use Map may be consistent with the Plan if they comply with Number 16 of the Interpretation Section.”

The request is for an amendment to the City “General Commercial” land use category. The directive text of the City’s Comprehensive Plan states the following for “General Commercial” category:

“Purpose: A multi-use land use category to provide for the sales of retail goods and services, high density multi-family, professional offices and services, and restaurants, depending on the range of population to be served and the availability of transit. For projects that propose a mixture of residential and non-residential uses, the minimum FAR should be 0.2.

Density: Maximum: 32 units per acre.

Maximum FAR: 0.7”

The proposed future land use designation is compatible with adjacent land uses in terms of Volusia County density and intensity standards.

#### **4. Whether there is adequate infrastructure to serve the proposed land use.**

**Infrastructure:** Impact analysis examines the maximum expected impacts of the current designation versus the requested designation based on a preliminary development scenario. This analysis is not meant to replace or contradict the findings of a Concurrency Management Review. However, the relative differences between designations can provide useful information in the long-range planning process. This analysis is based on ±1.25 developed acres to be assigned the City “General Commercial” land use.

**Transportation:** Based on the ITE rate of category 848 (ITE Trip Generation Manual, 9<sup>th</sup> Edition), an 8-bay retail tire store and automotive center is estimated to generate 172 daily trips. Since the site is already developed and designated Volusia County “Commercial”, a change in Future Land Use to Ormond Beach “General Commercial” will not generate an increase in new trips at this time.

**Water & Sewer:** The subject property is located in the utility service area of the City of Ormond Beach and will not generate in increase in demand.

**Stormwater Management:** The site is developed and was constructed in accordance with current stormwater regulations. Any new development would require stormwater review.

**Solid Waste:** This property is developed and will not generate an increase in demand since the property is already being served by the City of Ormond Beach.

Schools: The site is developed as an 8-bay retail tire store and automotive center and there will be no impacts to schools as a result of the subject land use amendment.

Other Services: City police and fire protection services serve this area. The parcel is located within an approximate 4-5 minute response time from emergency facilities.

## **5. Whether the proposed map amendment impacts surrounding jurisdictions.**

The developed property is not located next to another City and there are no new impacts expected to any surrounding jurisdiction. The Williamson Boulevard corridor east of I-95 is a mixture of properties located within Ormond Beach and unincorporated Volusia County.

**CONCLUSION:** Staff supports the land use amendment from Volusia County “Commercial” to Ormond Beach “General Commercial”. Since the existing parcel is developed as an 8-bay retail tire store and automotive center, this small-scale land use map amendment is an administrative amendment required to assign a City Future Land Use Map designation to the subject parcel. Staff believes that the Ormond Beach “General Commercial” land use category is appropriate for the following reasons:

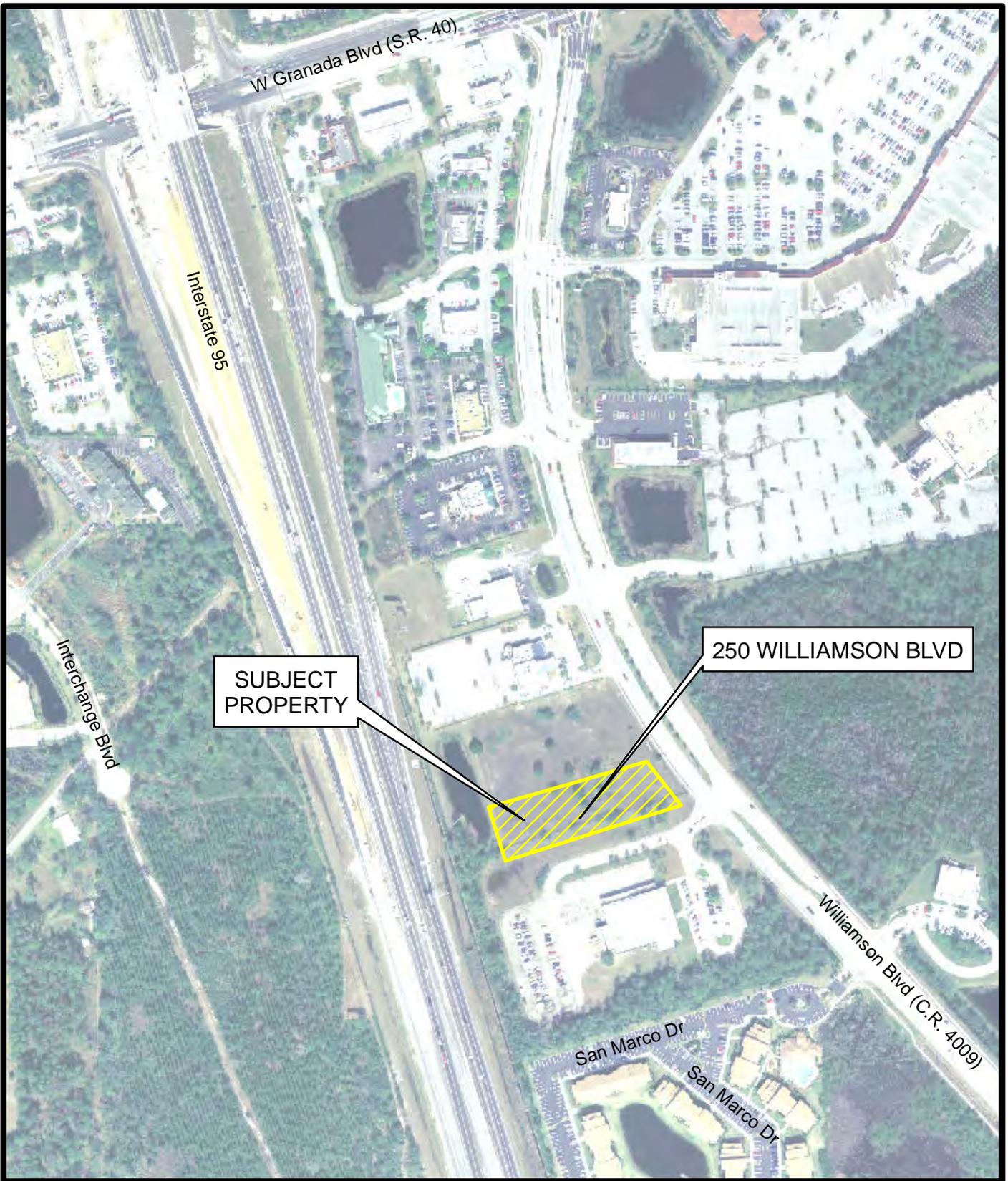
1. The amendment meets the Goals, Objectives, and Policies of the City’s comprehensive plan;
2. The amendment meets the criteria established in the City’s Comprehensive Plan and Florida Statute;
3. The proposed land use is an appropriate use of land; and
4. There is adequate infrastructure to serve the proposed land use. Since the site is already developed, there will be no change to impacts on facilities and services as a result of the administrative change in land use from county “Commercial” to Ormond Beach “General Commercial”.
5. The proposed land use will not impact surrounding jurisdictions.

**RECOMMENDATION:** Staff recommends that the Planning Board recommend **APPROVAL** of Case # LUPA 13-056 – a Future Land Use map amendment to change the land use for ±1.25 acres from the existing land use designation of Volusia County “Commercial” to City of Ormond Beach “General Commercial” for 250 Williamson Boulevard.

- Attachments
- Exhibit 1: Location Aerial and Photo
  - Exhibit 2: Future Land Use Maps
  - Exhibit 3: Legal Description and Sketch

# EXHIBIT 1

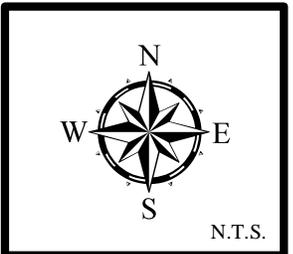
Location Aerial and Photo



**AERIAL MAP**  
**250 WILLIAMSON BLVD (4230-13-00-0030)**

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The City of Ormond Beach G.I.S. Deaprtment  
Prepared By: Eric Dickens 12/04/2012

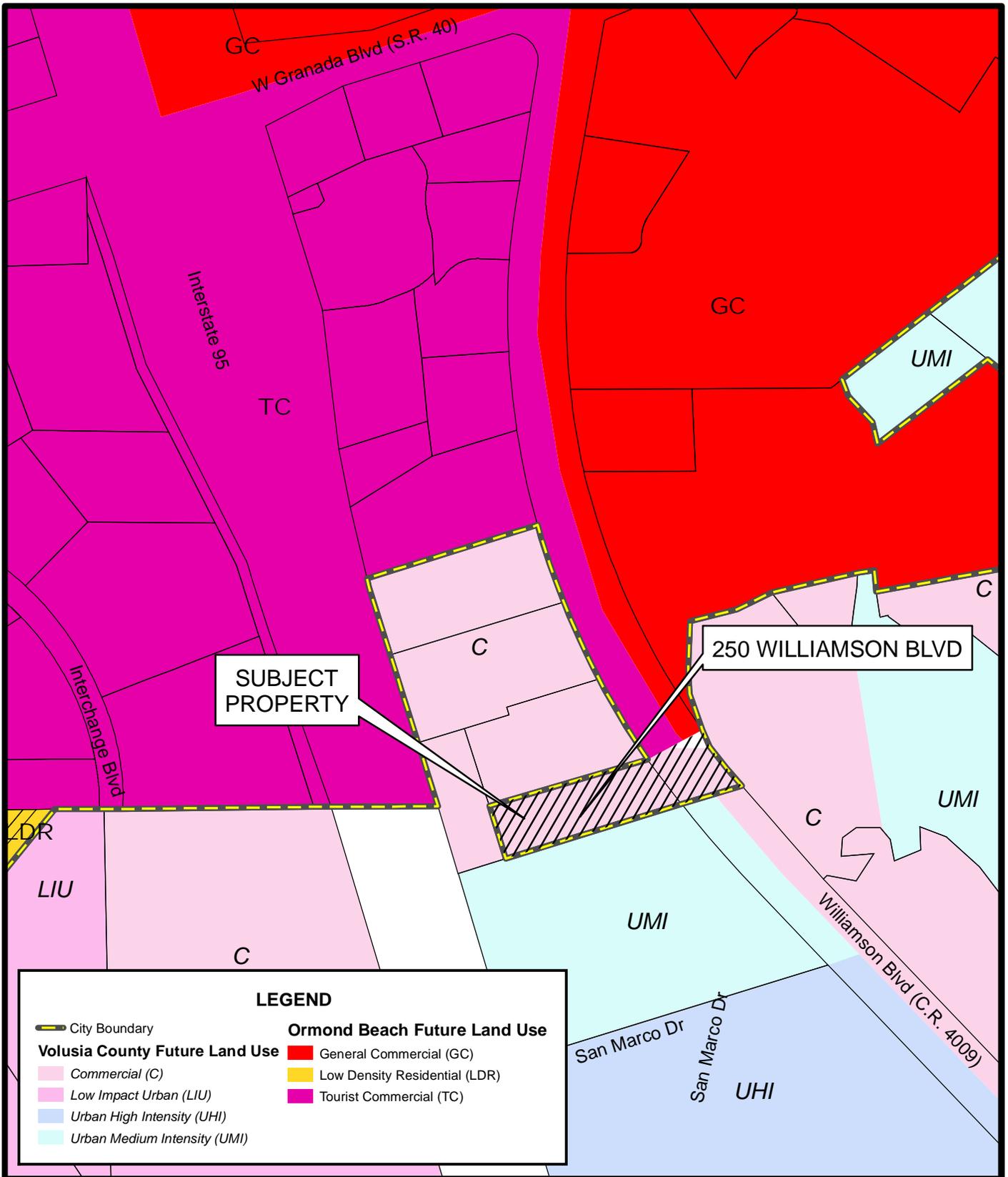




250 Williamson Blvd. 06.27.13

# EXHIBIT 2

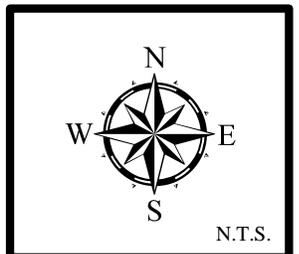
Future Land Use Maps

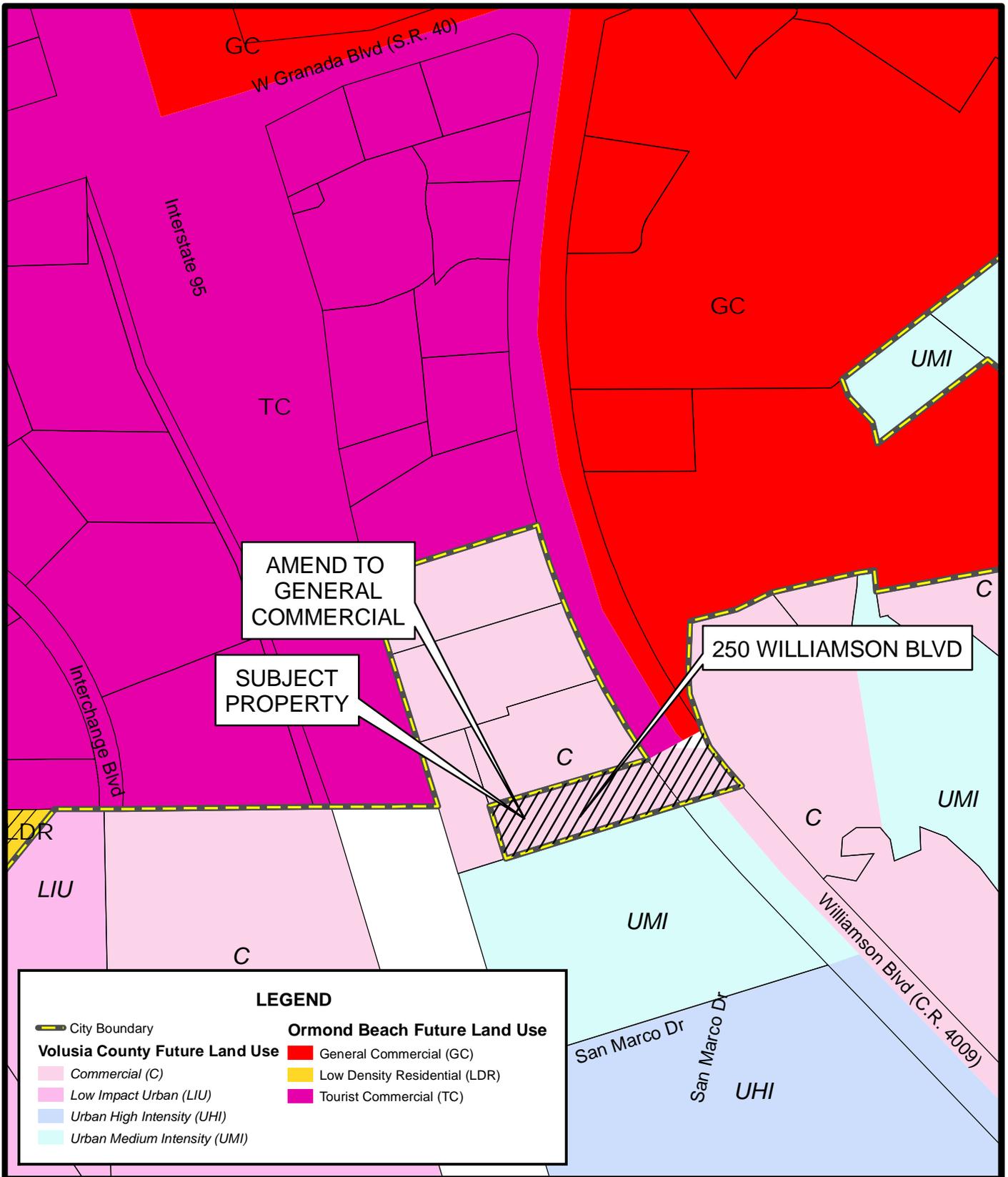


**CURRENT FUTURE LAND USE MAP**  
**250 WILLIAMSON BLVD**  
**(4230-13-00-0030)**

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The City of Ormond Beach G.I.S. Department  
 Prepared By: Eric Dickens 6/27/2013

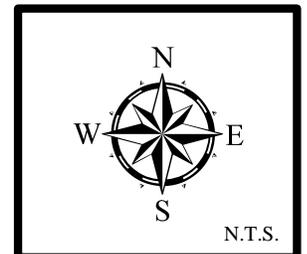




**PROPOSED FUTURE LAND USE MAP**  
**250 WILLIAMSON BLVD**  
**(4230-13-00-0030)**

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The City of Ormond Beach G.I.S. Department  
 Prepared By: Eric Dickens 6/27/2013

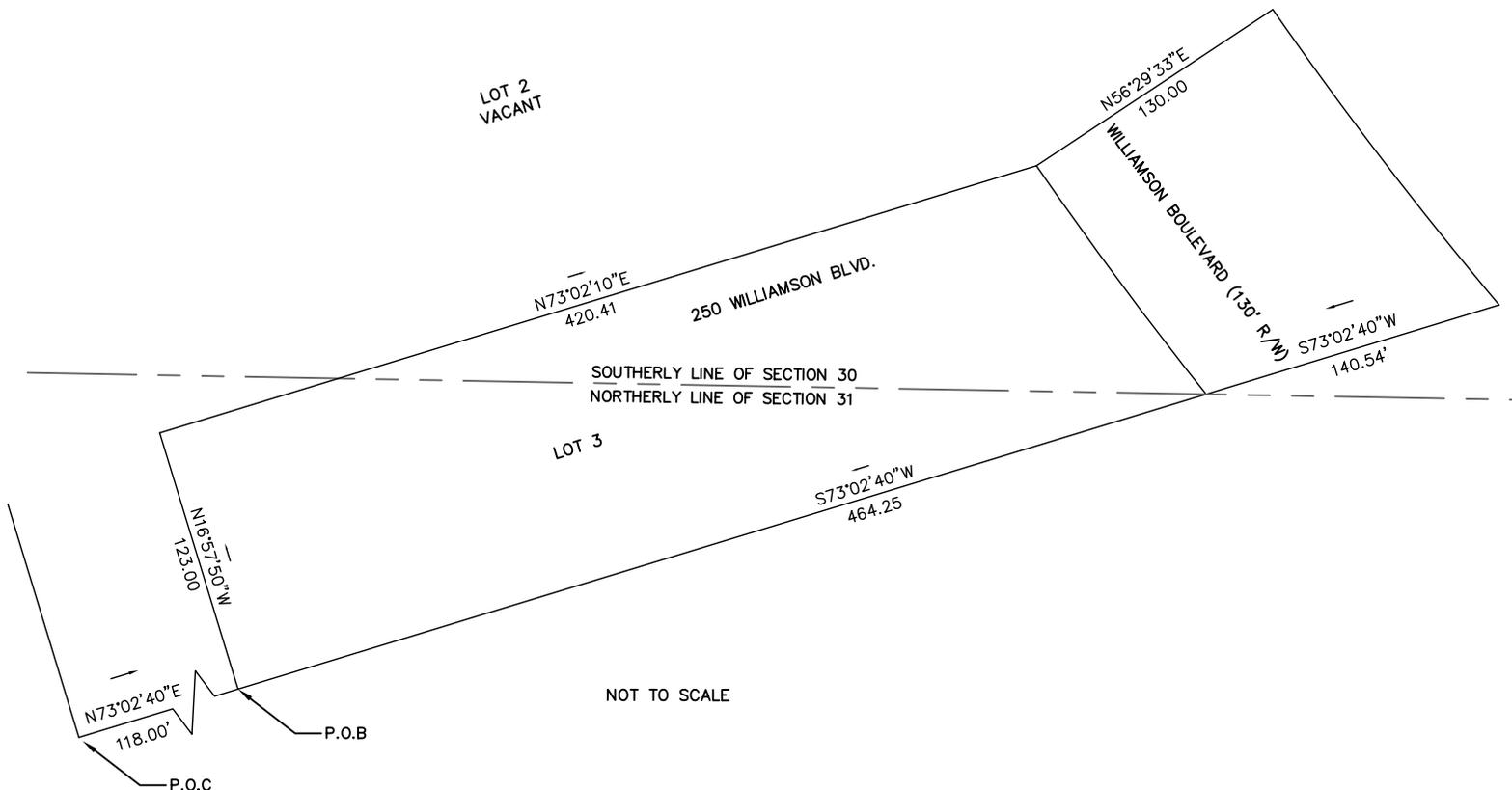


# EXHIBIT 3

Legal Description and Sketch

A PARCEL LOCATED IN THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 14 SOUTH, RANGE 32 EAST AND THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 32 EAST LYING WESTERLY OF WILLIAMSON BOULEVARD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE, BEGIN AT THE SOUTHWEST CORNER OF WEST WILLIAMSON COMMERCIAL PARK AS RECORDED IN MAP BOOK 46, PAGE 90, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA; THENCE N 73°02'40" E A DISTANCE OF 118.00 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 3 OF THE AFORESAID WEST WILLIAMSON COMMERCIAL PARK, AND ALSO THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE N 16°57'50" W A DISTANCE OF 123.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE N 73°02'10" E ALONG THE NORTHERLY LINE OF LOT 3 DISTANCE OF 420.41 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD (A 130 FOOT RIGHT-OF-WAY AS NOW OCCUPIED AND ESTABLISHED); THENCE N 56°29'33"E A DISTANCE OF 130.00 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF AFORESAID WILLIAMSON BOULEVARD, SAID POINT BEING ON A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1830.08 FEET, A CENTRAL ANGLE OF 05°21'08", A CHORD BEARING OF S 37°25'43" E, A CHORD DISTANCE OF 170.90 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 170.96 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY OF WILLIAMSON BOULEVARD S 73°02'40" W A DISTANCE OF 140.54 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD; THENCE CONTINUE S 73°02'40" W A DISTANCE OF 464.25 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINING 73,924 SQ.FT. OR 1.70 ACRES MORE OR LESS



# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** June 28, 2013

**SUBJECT:** Tire Kingdom, 250 Williamson Boulevard  
Zoning Map Amendment

**APPLICANT:** Administrative

**NUMBER:** PBD 13-057

**PROJECT PLANNER:** S. Laureen Kornel, AICP, Senior Planner

### **INTRODUCTION:**

This is an administrative request as the result of an annexation for a zoning map amendment for ±1.25 acres from the existing zoning designation of Volusia County B-4 (General Commercial) to City of Ormond Beach PBD (Planned Business Development) to allow an allowable use in an existing building totaling 6,922 square feet. The subject property is currently a Tire Kingdom store and is located at 250 Williamson Boulevard.

### **BACKGROUND:**

Tire Kingdom, an 8-bay retail tire store and automotive center, was approved by the Volusia County Development Review Committee (DRC) and construction completed in 2011 for a building totaling 6,922 square feet. On June 21, 2011 the owner of the property voluntarily petitioned or requested the City of Ormond Beach to annex the subject property into the City of Ormond Beach. As part of the DRC process, it was identified that the parcel was contiguous to the city of Ormond Beach. As such, the City of Ormond Beach completed a review of the applicant's site plans in accordance with the city's Gateway Corridor and Utility Standards, regarding architectural design, site signage, landscaping, and site utilities.

Based upon the annexation of the property, the City is required to assign a city land use category and zoning district that reflects the actual development of the property at the time of annexation. The purpose of this zoning map amendment is to assign a city zoning designation to the property consistent with the "General Commercial" land use and incorporating the Volusia County site plan.

**PROJECT DESCRIPTION:**

The project has been approved by Volusia County and the City of Ormond Beach and was constructed in 2011. The existing County B-4 zoning designation allows the following uses:

**Volusia County Permitted B-4 Uses**

Art, dance, modeling and music schools	Dental laboratories	Home occupations, Class A	Publicly owned parks and recreational areas
Auction parlors	Employment agencies	Household moving center	Publicly owned or regulated water supply wells
Automobile, bicycle, boat, mobile home, motorcycle, recreational vehicle, trailer and light truck sales or rental establishments and the service thereof, when said service is performed as an accessory use to the principal use of sales or rental	Essential utility services	Houses of worship	Recycling collection center
Automobile driving schools	Exempt excavations	Laundry and dry-cleaning establishments	Restaurants, types A and B
Automobile service station, types A and C	Exempt landfills	Libraries	Retail plant nursery
Barber and beauty shops	Financial institutions	Medical and dental clinics	Retail sales and services
Bars and liquor stores	Fire stations	Museums	Retail specialty shops
Bowling alleys	Funeral homes	Nightclubs	Sweepstakes centers
Catering services	Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements	Outdoor entertainment event	Tailors
Communication towers not exceeding 70 feet in height above ground level	General offices	Pawnshops	Taxicab stands
Convenience stores with more than eight vehicular service positions per fuel dispenser island	Government-sponsored civic centers	Pest exterminators	Theaters
Cultural art centers	Hardware/home improvement retail center	Private clubs	Travel agencies
Day care centers	Health clubs or spas	Public schools	Veterinary clinics

The project consists of one building for a total of 6,922 square feet. The project has one access point of a right in/right out along Williamson Boulevard. The properties directly to north and east of the subject property are undeveloped and a retention pond lies directly

to the west. The property directly to the south is developed with the United States Post Office. The site plan provides parking along the front and rear of the building. The landscaping has been designed to comply with the City’s Greenbelt Overlay District and water and sewer standards.

**ANALYSIS:**

There is a separate land use amendment that proposes a change from Volusia County “Commercial” to City of Ormond Beach “General Commercial”. If approved as “General Commercial”, these are the following options for zoning designations:

<b>Comprehensive Plan Future Land Use Map Designation</b>	<b>Corresponding Compatible Zoning District</b>
General Commercial	Neighborhood Commercial (B-2) Reserved (B-3) Central Business (B-4) Commercial (B-8) Planned Business Development (PBD)

Chapter 2, Article I Zoning Districts, Section 2.02 Future Land Use Map Designations and Zoning Districts, Table 2-2

The application is not proposing Neighborhood Commercial uses (B-2) and is not located in the Central Business District (B-4), eliminating the B-2 and B-4 zoning designations as options. The B-8 zoning district is most compatible with the county B-4 district and the surrounding zoning along Williamson Boulevard, however, Vehicle Repair, Type A is not allowed with the city B-8 zoning district. Based upon policies in the Comprehensive Plan to apply a zoning district that is compatible with the vehicle repair use and to avoid creating a conforming use where none existed prior to annexation, staff is recommending rezoning the subject property to PBD, incorporating the B-8 uses and the Vehicle Repair, Type A use. The rezoning to PBD, with the B-8 zoning standards, will ensure that the Tire Kingdom development will be allowed as a Vehicle Repair, Type A use, along with the same uses the property had while located in unincorporated Volusia County. As such, the subject property will remain a conforming use within the newly assigned Ormond Beach zoning classification. In addition, Staff is seeking to incorporate the Volusia County site plan as part of the applicant’s zoning.

**Planned Business Development**

According to Chapter 2, Article II, Section 2-36 of the Land Development Code, the purpose of the Planned Business Development 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.”

One goal of the Planned Business Development is to “provide 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.”

Through the Planned Business Development rezoning the administrative application seeks to maintain the Volusia County and City of Ormond Beach approved site plan as described below:

Uses:

Chapter 2, Article II, Section 2-36.C. of the Land Development Code states:

“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.”  
**(Staff responses to the LDC criteria for permitted uses are in bold),**

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.

**The application seeks to allow a Vehicle Repair, Type A use as already established and to incorporate the uses and dimensional standards of the B-8 zoning district. The approved site plan provides a description of the location, floor area to be occupied 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.

**The subject property abuts commercial land uses to the north and east. While the Volusia County Urban Medium Density land use designation lies to south and west of the subject property, the property that directly abuts the subject property to the south maintains the BPUD (Business Planned Unit Development) zoning classification and is developed with a post office. The property lying directly to the east on Williamson Boulevard has a Volusia County land use designation of commercial and a zoning classification of R-4 (Urban Single Family). There are currently no residential units abutting the subject property. As such, the existing use will not negatively impact surrounding uses.**

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.

**The project seeks to incorporate the B-8 zoning district uses and could in the future convert from a Vehicle Repair, Type A to any of the uses within the B-8 zoning district.**

4. The use does not exceed any size limitations, use restrictions or other requirements provided under Chapter 2, Article II of this Code.

**The project has been approved by Volusia County and the City of Ormond Beach and will not exceed the size limitations, use restrictions or other requirements provided for under Chapter 2, Article II of this Code.**

**Consistency with Comprehensive Plan**

The property is designated as Volusia County “Commercial” and is seeking a land use map amendment to City of Ormond Beach “General Commercial”. The directive text of the Comprehensive Plan states,

“These areas of the City are intended to provide for the sales of retail convenience goods, and similar uses, such as services, liquor stores, professional services, and restaurants, depending on the range of population to be served. This category generally includes the B 2, B-3, B-4 and B-8 (Neighborhood Commercial, Planned Commercial, Central Business, and Commercial Districts) types of development as stipulated in the zoning district regulations.”

**Zoning and Adjacent Land Uses**

The adjacent land uses and zoning classifications are illustrated in the following table:

	Current Land Uses	Future Land Use Designation	Zoning
North	Vacant Land	Volusia County “Commercial”	Volusia County B-4 (General Commercial)
South	United States Post Office	Volusia County “Urban Medium Density”	Volusia County BPUD (Business Planned Unit Development)
East	Vacant Land	Volusia County “Commercial”	Volusia County R-4 (Urban Single Family)
West	Vacant (Retention Pond)	Volusia County “Urban Medium Density”	Volusia County B-4 (General Commercial)

## **PLANNED BUSINESS DEVELOPMENT CRITERIA:**

In considering an application for a Planned Business Development, the Planning Board may recommend to approve, approve with conditions, or disapprove 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.**

Architectural elevations were included in the Volusia County approval and are included in the exhibits. The building architectural is appropriate for the use and the corridor.

- b) **Landscaping and related site amenities.**

A landscape plan has been included in the site plan packet and is compliant with the City's landscaping standards, including the 36' landscape buffer along Williamson Boulevard.

- c) **Mitigation of off-site impacts.**

There are no anticipated off-site impacts. The project abuts vacant land to the north and east and a retention pond to the west.

- d) **Overall lighting plan, particularly in relation to aesthetics and glare.**

The site lighting of the proposed application was approved as part of the Volusia County development review and there are no modifications proposed.

- e) **Overall signage plan, particularly related to aesthetics and readability.**

The project was required to have a monument sign as part of the city's review of the Greenbelt and Gateway Preservation Overlay District. The site has existing monument and wall signage.

There are certain criteria that must be evaluated before a Planned Business Development amendment can be approved. According to Chapter 1, Article I, Section 1-15.C.3 of the Land Development Code, the Planning Board shall consider the following when making its decision:

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 project conforms to the standards of Volusia County and has been reviewed and approved by the County and the City of Ormond Beach. The project is consistent with the landscaping and utility standards of the city's Land Development Code and the PBD rezoning seeks to incorporate the approved site plan into the zoning designation. It is staff's determination that the developed project 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.

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

The subject property is designated as Volusia County “Commercial” and is seeking a land use map amendment to City of Ormond Beach “General Commercial” designation. The proposed uses and site plan are consistent with the “General Commercial” land use designation.

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

The subject property is currently developed and built out in accordance with approvals from Volusia County and the City of Ormond Beach. There is no new construction proposed so the criterion is not applicable.

**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.**

This proposed zoning map amendment is not anticipated to have a significant impact on adjacent properties and the existing Tire Kingdom will continue to operate as it historically has.

**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 property is currently developed and built out. There is no construction proposed so the criterion is not applicable.

**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 property is currently developed and built out. There is no new construction proposed so the criterion is no applicable.

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

The property is currently developed and built out. There is no new construction proposed so the criterion is no applicable.

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

The property is currently developed and built out. There is no new construction proposed so the criterion is no applicable.

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

The property is currently developed and built out. There is no new construction proposed so the criterion is no applicable.

**10. The testimony provided at public hearings.**

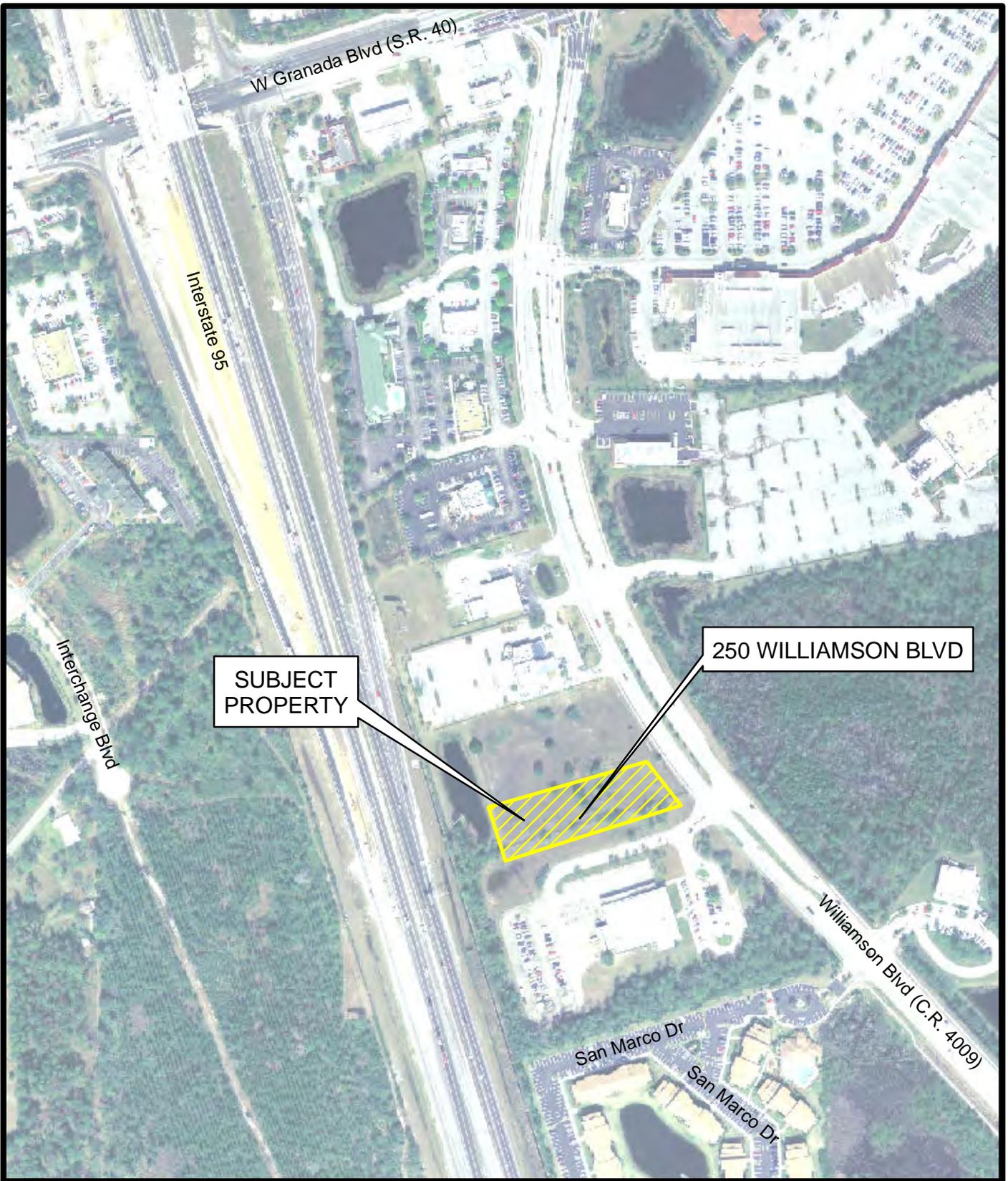
This application has not been heard and no public testimony has been provided.

**RECOMMENDATION:**

It is expected that the application will be reviewed by the City Commission in August. It is recommended that the Planning Board recommend **APPROVAL** of case PBD 13-057 for a rezoning from Volusia County B-4 to City of Ormond Beach PBD (Planned Business Development), incorporating the Vehicle Repair, Type A use the uses and standards of the city B-8 zoning district, and incorporating the Volusia County approved site plan with one building totaling 6,922 square feet, located at 250 Williamson Boulevard.

# EXHIBIT 1

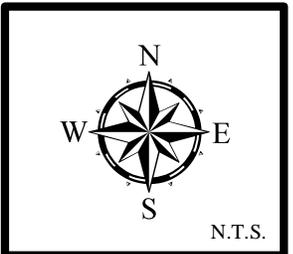
Location Aerial, Photo and Zoning Map



**AERIAL MAP**  
**250 WILLIAMSON BLVD (4230-13-00-0030)**

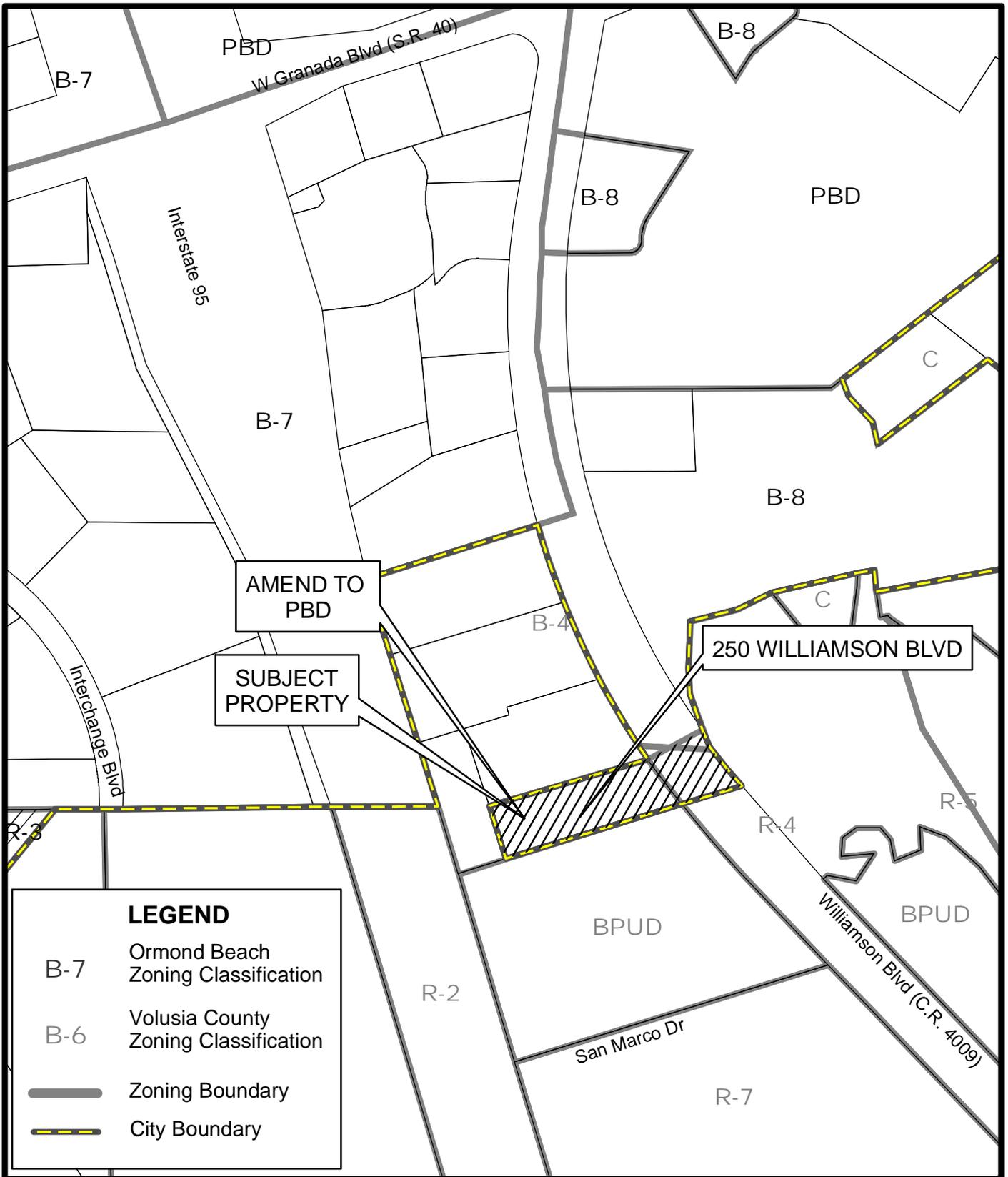
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The City of Ormond Beach G.I.S. Deaprtment  
Prepared By: Eric Dickens 12/04/2012





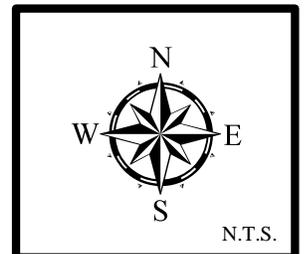
250 Williamson Blvd. 06.27.13



**ZONING MAP**  
**250 WILLIAMSON BLVD**  
**(4230-13-00-0030)**

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The City of Ormond Beach G.I.S. Deaprtment  
 Prepared By: Eric Dickens 6/27/2013

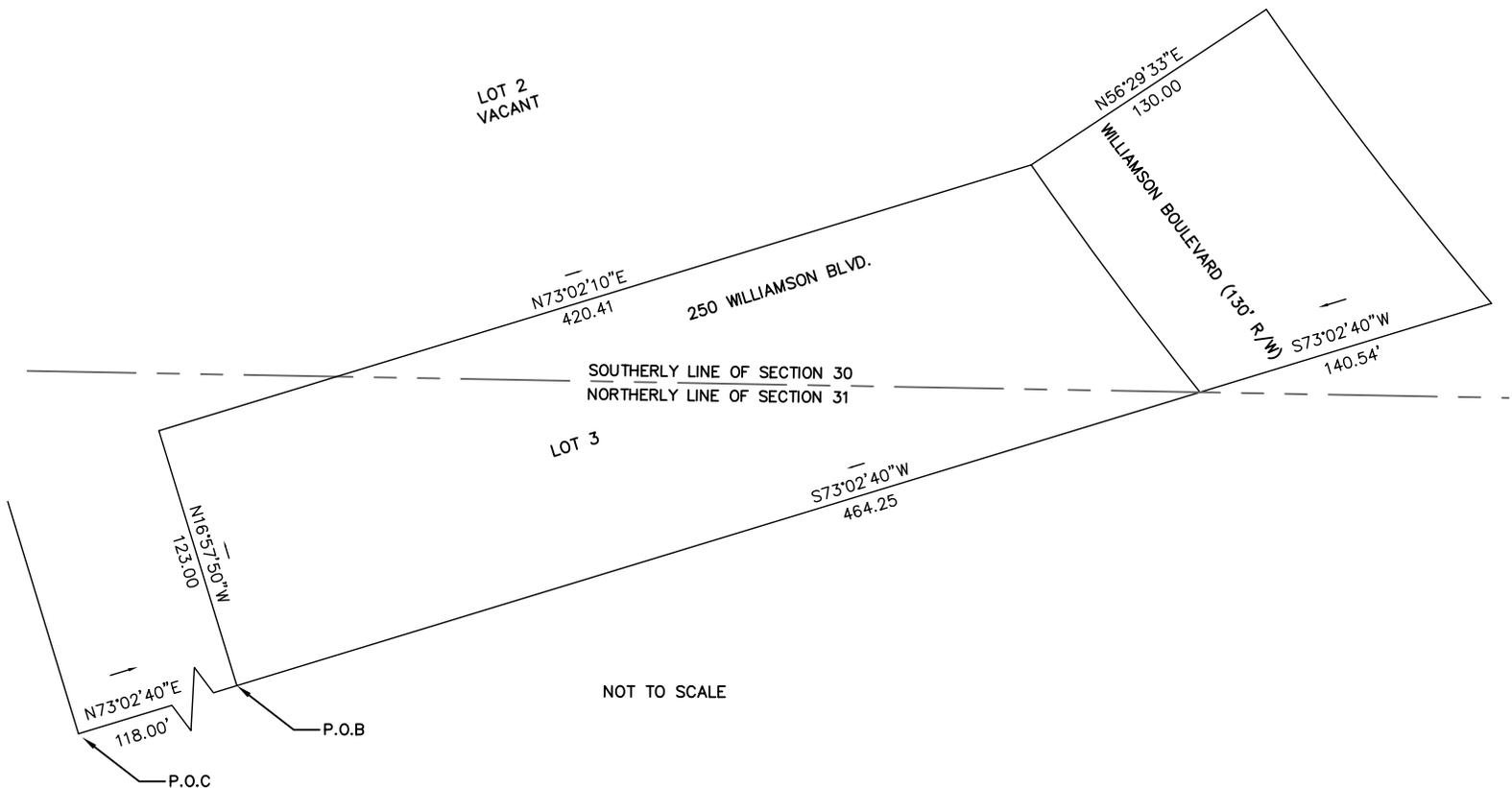


# EXHIBIT 2

Legal Description and Sketch

A PARCEL LOCATED IN THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 14 SOUTH, RANGE 32 EAST AND THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 32 EAST LYING WESTERLY OF WILLIAMSON BOULEVARD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE, BEGIN AT THE SOUTHWEST CORNER OF WEST WILLIAMSON COMMERCIAL PARK AS RECORDED IN MAP BOOK 46, PAGE 90, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA; THENCE N 73°02'40" E A DISTANCE OF 118.00 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 3 OF THE AFORESAID WEST WILLIAMSON COMMERCIAL PARK, AND ALSO THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE N 16°57'50" W A DISTANCE OF 123.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE N 73°02'10" E ALONG THE NORTHERLY LINE OF LOT 3 DISTANCE OF 420.41 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD (A 130 FOOT RIGHT-OF-WAY AS NOW OCCUPIED AND ESTABLISHED); THENCE N 56°29'33"E A DISTANCE OF 130.00 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF AFORESAID WILLIAMSON BOULEVARD, SAID POINT BEING ON A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1830.08 FEET, A CENTRAL ANGLE OF 05°21'08", A CHORD BEARING OF S 37°25'43" E, A CHORD DISTANCE OF 170.90 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 170.96 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY OF WILLIAMSON BOULEVARD S 73°02'40" W A DISTANCE OF 140.54 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD; THENCE CONTINUE S 73°02'40" W A DISTANCE OF 464.25 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINING 73,924 SQ.FT. OR 1.70 ACRES MORE OR LESS



# EXHIBIT 3

B-8 Zoning District

<b>Sec. 2-29. B-8, Commercial Zoning District.</b> <b>A. PURPOSE:</b> The purpose of the B-8, Commercial 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, these district regulations are intended to promote the preservation of natural vegetation, increase opportunities for beautification, and provide extensive buffering between nonresidential and residential uses not otherwise separated from each other by a collector or arterial road. Multifamily, 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. When used in conjunction with the Planned Business Development District, these regulations are intended to encourage the establishment of totally planned, multiuse, community-level centers having a variety of retail, office, restaurant, recreation and institutional uses.														
<b>B. DIMENSIONAL STANDARDS</b>														
1. Type	2. Density	3. Maximum Building Height	4. Maximum Building Coverage	5. Maximum Impervious Lot Coverage	6. Minimum Lot Size	7. Minimum Lot Width	8. Minimum Lot Depth	9. Setbacks						
								a. Front	b. Rear	c. Side	d. Street Side/ Corner	e. Waterfront		
Nonresidential Uses	36 (transient lodging)	30'	35%	75%	28,000 SF	100'	N/A	50' 20' for properties located on US 1 adjacent to Dodson Creek	20' 30' if abutting residential district; 5' additional combined side yard required for each story over 2.	10' 20' when abutting a multifamily district; 25' when abutting a single-family district; 5' of additional combined yard area required for each story over 2	20'	30'		
Multifamily	10	30'	35%	75%	20,000 SF	100'	N/A	50'	20' 30' if abutting residential district	10; 20' when abutting a multifamily district; 25' when abutting a single-family district;	20'	30'		
C. PERMITTED USES			D. CONDITIONAL USES				E. SPECIAL EXCEPTION USES			F. OTHER STANDARDS				
1. Adult Day Care Center 2. Assisted Living Facility 3. Business and Professional Office 4. Business Services 5. Clubs and Fraternal Organizations 6. Convenience Store, Type "A" 7. Financial Institution 8. Nursing Home 9. Personal Services 10. Retail Sales and Services 11. School of Art 12. School, Public 13. Veterinarian			1. Bowling Center 2. Child Care Facility 3. Community Residential Home 4. Convenience Store, Type "B" 5. Convenience Store, Type "C" 6. Dwelling, Multifamily 7. Family Day Care Home 8. House of Worship 9. Parks and Recreation Facilities, Private 10. Parks and Recreation Facilities, Public 11. Public Facilities 12. Public Utilities 13. Recreational Facilities, Indoor 14. Restaurant, Type "A" 15. Restaurant, Type "B" 16. Restaurant, Type "C" 17. School, Private 18. Sexually Oriented Business 19. Shopping Center 20. Telecommunication Tower, Camouflaged 21. Theater 22. Wind Energy System				1. Automatic Amusement Center 2. Outdoor Activity 3. Outdoor Storage 4. Recreational Facilities, Outdoor 5. Warehouse, Mini-rental			All development must comply with the following requirements: 1. Wetlands (chapter 3, article II) 2. Special corridors and buffer requirements (chapter 3, article I) 3. See conditional and special exception regulations (chapter 2, article IV) 4. Multifamily dwelling units shall have the following minimum square footage per bedroom: <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>1 bedroom = 600 SF</td> <td>3 bedroom = 900 SF</td> </tr> <tr> <td>2 bedroom = 750 SF</td> <td>Each additional bedroom = 150 SF</td> </tr> </table>	1 bedroom = 600 SF	3 bedroom = 900 SF	2 bedroom = 750 SF	Each additional bedroom = 150 SF
1 bedroom = 600 SF	3 bedroom = 900 SF													
2 bedroom = 750 SF	Each additional bedroom = 150 SF													
<b>G. PERMITTED ACCESSORY USES:</b> Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in chapter 2, article III.														

(Ord. No. 2012-03, § 7, 2-7-2012)