



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

**November 14, 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:** October 10, 2013.
- VI. PLANNING DIRECTOR'S REPORT**
- VII. PUBLIC HEARINGS**

**A. LUPA 14-006: Small Scale Land Use Map Amendment, 55 & 75 North Nova Road**

This is a joint request from Paul F. Holub Jr., owner of 75 North Nova Road, and Doug Hautz, Pastor of Alliance Church, owner of 55 North Nova Road for a Small Scale Comprehensive Plan Land Use Map amendment. The application seeks to amend:

1. The 0.73± acre property at 75 North Nova Road from the existing land use designation of "Office/Professional" to "Low Intensity Commercial"; and
2. A 0.98± acre portion of 55 North Nova Road from the existing land use designation of "Office/Professional" to "Low Intensity Commercial"; and
3. A 1.42± acre portion of 55 North Nova Road from the existing land use designation of "Public/Institutional" to "Low Intensity Commercial".

**B. RZ 14-007: Zoning Map Amendment, 55 & 75 North Nova Road**

This is a joint request from Paul F. Holub Jr., owner of 75 North Nova Road, and Doug Hautz, Pastor of Alliance Church, owner of 55 North Nova Road for a zoning map amendment to change:

1. The 0.73± acre property at 75 North Nova Road from B-1 (Professional Office/Hospital) to B-8 (Commercial); and
2. The 2.40± acre property at 55 North Nova Road from B-1 (Professional Office/Hospital) to B-8 (Commercial).

**C. LUPA 13-131: Land Use Map Amendment, 1500 San Marco Drive also known as 390 Williamson Blvd. (San Marco Apartments)**

This is a City initiated request for a Future Land Use Map amendment pursuant to the Florida Expedited State Review Process for the San Marco Apartments property. The property is owned by San Marco Associates, Ltd. The request is to change the land designation of approximately 18.68 acres from Volusia County “Urban High Intensity’ to City of Ormond Beach “Office/Professional” as the result of annexation on November 5, 2013, based on connection to city utilities and contiguity with the City of Ormond Beach.

**D. LDC 14-008: Chapter 1, General Administration, Article III, Definitions and Acronyms, Section 1-22, Definitions of Terms and Words, and Chapter 3, Performance Standards, Article II, Environmental Protection Standards, Section 3-20 Floodplain Management and Protection**

This is an administrative amendment to the Land Development Code (LDC), Chapter 1, General Administration, Article III, Definitions and Acronyms, Section 1-22, Definitions of Terms and Words, and Chapter 3, Performance Standards, Article II, Environmental Protection Standards, Section 3-20 Floodplain Management and Protection; to update definitions and regulations consistent with requirements of the National Flood Insurance Program (NFIP) and the Community Rating System (CRS).

- VIII. OTHER BUSINESS**
- IX. MEMBER COMMENTS**
- X. ADJOURNMENT**

**M I N U T E S**  
**ORMOND BEACH PLANNING BOARD**  
**Regular Meeting**

October 10, 2013

7:00 PM

**City Commission Chambers**

22 South Beach Street  
Ormond Beach, FL 32174

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

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**I. ROLL CALL**

Members Present

Pat Behnke  
Harold Briley  
Rita Press  
Al Jorczak  
Doug Wigley  
Doug Thomas  
Lewis Heaster

Staff Present

Ric Goss, AICP, Planning Director  
Steven Spraker, AICP, Senior Planner  
S. Lauren Kornel, AICP, Senior Planner  
Becky Weedo, AICP, Senior Planner  
Randy Hayes, City Attorney  
Meggan Znorowski, Recording Technician

**II. INVOCATION**

Mr. Thomas led the invocation.

**III. PLEDGE OF ALLEGIANCE**

**IV. NOTICE REGARDING ADJOURNMENT**

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**V. MINUTES**

**A. September 12, 2013**

**Mr. Briley moved to approve the minutes as submitted. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved.**

## VI. PLANNING DIRECTOR'S REPORT

None.

## VII. PUBLIC HEARINGS

### A. PBD 13-122: Hospice of Volusia/Flagler Wall Waiver- Special Exception 235 Booth Road

Mr. Steven Spraker, Senior Planner, stated this is an application for a special exception at 235 Booth Road specifically for a wall waiver. Mr. Spraker explained the location, orientation, and characteristics of the subject property and presented the staff report. Mr. Spraker stated the applicant did hold a public meeting and HOA representatives for the abutting property were in attendance. Mr. Spraker explained that if the applicant had met what staff felt was a large area of natural vegetation or other distinct topographical features, but since the 50' right-of-way could potentially be developed, staff was not recommending approval. Mr. Spraker stated the HOA has provided a letter and minutes of their recommendation to waive the wall and accept the additional landscaping.

Mr. Briley asked if the property was developed without a wall, if another use occupied this site later would the new use have to come before the Board to evaluate the wall waiver.

Mr. Spraker responded that if there was a significant change of use that intensified the site, the Site Plan Review Committee would inform the applicant that they changed the use and now the site must be brought up to the current code.

Mr. Jorczak asked if the right-of-way was part of the original development.

Mr. Spraker replied that the right-of-way is in favor of Indigo Development, which was owned by Consolidated Tomoka who was the original land owner. Mr. Spraker explained that in discussions with Mr. Merrill, at the time Interchange Boulevard was not established and the land owner was likely keeping the right-of-way in case they needed access. Mr. Spraker continued that Southern Trace was developed in the early 1990s, which was after the sale of this property.

Ms. Press asked if the swale on the property ever fills with water.

Mr. Spraker answered yes.

Ms. Press asked if a wall would impede the flow of water.

Mr. Spraker responded no because the stormwater has been designed with the outfall in mind.

Ms. Press asked if the proposed wall was approximately 700' in length.

Mr. Spraker responded yes.

Mr. Heaster asked for clarification as to the criterion as to why staff is recommending denial.

Mr. Spraker explained that the criteria for a wall waiver is contained in §2-50, which contains the definition of large areas of natural vegetation to remain, and staff has not found that criteria to have been met. Mr. Spraker continued that there are no other distinct topographical features such as waterways, wetlands, storm water retentions to mitigate the need for a wall. Mr. Spraker stated that staff looked to the Land Development Code and its standards regarding public health, safety, welfare, and quality of life, and Criteria 4, which involves negatively impacting adjoining properties, visual impacts of neighborhoods in their determination.

Mr. Heaster stated that the LDC is vague in its definition as to large area.

Mr. Spraker responded that if the LDC requirement is 20' and they provide 20', which is not anything over and above what the LDC requires. Alternatively, if the 50' was not encumbered by an easement, staff would consider that a large area because then there is 70' to provide the buffer.

Mr. Wigley asked if the proposed buffer satisfies the large area of natural vegetation which would afford the applicant a waiver.

Mr. Spraker answered that the applicant has planted as much as they can physically plant in 20'. Mr. Spraker explained that the design by Zev Cohen is a quality design, but they are required to provide a 20' buffer, and that is what they provided. Mr. Spraker continued that if the Board thinks that 20' buffer is sufficient, then the Board should recommend approval of the application.

Mr. Robert Merrill, Esquire, Cobb & Cole, 150 Magnolia Avenue, Daytona Beach, attorney for the applicant, stated he had additional pictures to distribute to the Board (attached hereto as Exhibit "A", Exhibit "B", and Exhibit "C"). Mr. Merrill explained that this is different that situations staff has seen in the past that soured their taste to a green wall versus a masonry wall. Mr. Merrill continued that some people do not like a stark concrete wall as a divider between 2 potentially compatible uses. Mr. Merrill stated that the language in the LDC is vague, but the question is, is what the applicant is providing satisfactory to screen the existing home from the hospice facility. Mr. Merrill urged the Board to consider the passive use. Mr. Merrill stated this shows the proposed plan in color (referring to Exhibit "A"); the next picture (referring to Exhibit "B") is a photo-simulation by Zev Cohen, which is an actual photograph taken of the area with the proposed planting superimposed on the photograph of the vegetation as it exists now. Mr. Merrill stated this will result in a green wall which will look much better than a masonry wall. Mr. Merrill directed the Board's attention to the third picture (attached hereto as Exhibit "C"). Mr. Merrill explained the history of the ownership of the properties and the easement, which was a reservation in case Interchange Boulevard was not built and the original owners sold the property behind the proposed hospice center. Mr. Merrill continued that the HOA has provided a letter in support of the waiver, and the HOA had a unanimous vote. Mr. Merrill added that homeowners adjacent to the property are in attendance in support. Mr. Merrill asked for the residents in the audience to raise their hands (6 hands raised), and informed them they could speak should they choose to. Mr. Merrill explained that the residents in the audience are the people that are to be protected by the wall, and they do not want a wall as they would rather have landscape. Mr. Merrill explained that the easement was kept in case they ever needed to build a road,

and Interchange Boulevard was constructed instead; therefore there is no need nor would anyone spend the money to construct a road in the easement.

Ms. Behnke asked given the amount of vegetation that is in the easement, how likely is it that the residents would actually see the masonry wall.

Mr. Merrill responded that most of the vegetation is on the hospice side of the 50' which is intensive, and to install a wall some of the trees that exist would have to be removed.

Ms. Behnke asked if the applicant could remove the trees in the easement.

Mr. Merrill stated he was trying to be brief due to the length of the Board's agenda, and added that the applicant owns the easement property. Mr. Merrill explained that when Halifax took title to this property, the people that owned the remaining adjacent property were concerned that they may not be able to get access to it from State Road 40, so when Halifax bought the property, they reserved an easement. Mr. Merrill continued that Halifax owns the property subject to the easement and the rights of someone to utilize the easement if they needed to.

Ms. Behnke asked if the large gaps in the hedge rows, as shown in the rendering, would be filled in.

Mr. Merrill answered that the hedge row gaps are there to create character rather than a solid wall of hedge.

Mr. Dwight DuRant, Zev Cohen & Associates, 300 Interchange Boulevard, stated they have been out to the site many times and what they have committed to is an opaque wall. Therefore, where the hedges are located are where they feel there is not enough ground cover. Mr. DuRant explained they do have a surplus of plants in their bid, said bid exceeds the cost of the site work.

Mr. Jorzak stated that when he visited the site, that with the vegetation that already exists, one could barely see the houses, and that does not include the proposed landscaping.

Mr. Ted Frank, Chairman of the homeowners association, stated that when this was first discussed, there were some rather contentious meetings, but as time went on, the residents' questions were answered, and by the time the homeowners association held their meeting on August 2, 2013, there were negative and positive comments until the discussion moved to a motion and vote, which was unanimous that the association ask the Board to waive the requirement for the wall.

Mr. Bob Gilmore, 8 Southern Trace, stated he is directly adjacent to the proposed wall and that he walked the property with Mr. Durrant. Mr. Gilmore stated that he would see the wall from his home, and the wall is not something he wants to see. Mr. Gilmore continued that when he purchased his home 14 years ago, the vegetation behind his property was a selling point.

Ms. Press stated she is always impressed with the staff having meetings with homeowners and when residents who live and view the project are for something are supported by the Planning Board and Commission. Ms. Press explained that it is the residents' asset and if the residents feel it is desirable then she is for the waiver.

Mr. Heaster stated this is a unique item as staff is recommending denial and the homeowners adjacent to the property were so in favor of it. Mr. Heaster stated this is why the Board exists. Mr. Heaster continued that this is hospice for people who are terminally ill, which is a low intensity use, and the proposed vegetation buffer goes with the theme of the people that will be at the facility. Mr. Heaster stated he feels it will complement the hospice as well as the neighbors. Mr. Heaster added with all due respect to staff, the Board needs to take all of the information that has been presented, listen to the homeowners, and make a common sense decision.

Ms. Behnke stated that she appreciates the homeowners' input, but by strict definition the need for exception has not been established according to the City's regulations and codes. Ms. Behnke stated the wall would not be subject to blight or disease although she appreciates the applicant's position, but she supports staff's position.

Mr. Jorczak stated he walked the area, and is taking into consideration the fact that this is a low use facility as there are only 12 suites. Mr. Jorczak stated he tends to favor natural vegetation.

Mr. Briley stated since this is a low intensive use and the neighbors do not want the wall, he feels it is a win/win to approve the wall waiver.

Mr. Thomas stated he is a strong proponent for having a division between businesses and residential. However, in this case, Mr. Thomas stated he is going to deviate from his beliefs because when a homeowners association has a unanimous agreement that is something to take note of. Mr. Thomas continued that the existing vegetation with the proposed additional landscaping will be of a greater benefit to the residents than a masonry wall.

**Mr. Briley moved to approve PBD 13-122 as submitted. Ms. Press seconded the motion. Mr. Briley for; Mr. Heaster for; Mr. Jorczak for; Ms. Press for; Mr. Wigley for; Ms. Behnke against; Mr. Thomas for. The motion carried.**

**B. RZ 13-112: Zoning Map Amendment, 1298 West Granada Boulevard**

Mr. Spraker stated this is a request for a zoning map amendment. Mr. Spraker explained the location, orientation, and characteristics of the subject property, presented the staff report, and stated staff is recommending approval.

Mr. Glenn Storch, Storch & Harris, 420 S. Nova Road, Daytona Beach, stated this is good planning, and is available should the Board have any questions.

Ms. Behnke asked what business is proposed for this project.

Mr. Storch responded a small shopping center similar to what is across the street.

Ms. Behnke asked if it will have a wall behind it.

Mr. Storch responded they will do whatever is required by the B-8 zoning district.

Ms. Press asked if the Board will see the site plan.

Mr. Spraker responded that there will be a noticed neighborhood meeting, but as long as the applicant meets the criteria of the B-8 zoning district, review will be through the Site Plan Review Committee as this is a not planned business development.

**Mr. Jorzak moved to approve RZ 13-112 as submitted. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.**

**C. LDC 13-128: Vehicle repair, type "B"- Special Exception, 266 North Yonge Street**

Mr. Spraker stated this is a request for a special exception at 266 North Yonge Street. Mr. Spraker explained the location, orientation, and characteristics of the subject property, presented the staff report, and stated staff is recommending approval. Mr. Spraker stated staff received one call and their concern was the parking issue in the area, but this use would actually reduce the parking demand because it is in association with an existing business, not another business creating demand for automobile repair.

Mr. Briley asked if there were similar uses in this area.

Mr. Spraker responded yes.

Ms. Press asked if the painting booth was going to be in the garage portion of the building only or the entire building.

Mr. Spraker responded the building is split in two. The Easy Does It Club occupies a portion of the building.

Mr. Joseph Corini, Top Gun Motorsports, stated that the booth is a brand new 2013 EPA approved self-contained unit.

Ms. Press asked if there were going to be any improvements to the exterior of the building.

Mr. Corini responded that he is working with the landlord, the parking will be returned to the Easy Does It Club which was being used by the previous tenant, and the building will be painted.

Mr. Jorzak asked if any of the paint fumes will be vented outside of the structure.

Mr. Corini responded that everything is contained internally with regards to the paint booth. Mr. Corini explained that there will be an exhaust fan on the roof which drives the air through the booth, but the filtration system is self-contained.

Mr. Jorzak asked if it would not pose any vaporous problem for neighbors.

Mr. Corini responded that is correct.

Mr. Joe Rudder, NAPA Autoparts, stated that he supports over 150 different automotive facilities throughout Volusia County, and Top Gun Autosports is a NAPA Auto Care Center which has been vetted and tested by his company, and they meet the highest standards set for the automotive industry. Mr. Rudder continued that he is routinely at their facility to ensure those standards are maintained. Mr. Rudder explained that the facility has been completely repainted on the exterior.

**Mr. Briley moved to approve LDC 13-128 as submitted. Mr. Wigley seconded the motion. Vote was called, and the motion unanimously approved.**

**D. LUPA 13-101: Land Use Map Amendment, 200-208 Booth Road and 1720 and 1760 West Granada Boulevard (Tomoka Landings)**

Ms. Weedo, Senior Planner stated this is a proposed land use map amendment from Volusia County Low Impact Urban to City of Ormond Beach Low Intensity Commercial +/- .69 acres and Volusia County Environmental Systems Corridor to City of Ormond Beach Open Space Conservation +/- 4.2 acres as a result of annexation. Ms. Weedo explained the location, orientation, and characteristics of the subject property, presented the staff report, and stated staff is recommending approval.

**Mr. Jorzak moved to approve LUPA 13-101 as submitted. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.**

**E. RZ 13-102: Zoning Map Amendment Booth Road and 1720 and 1760 West Granada Boulevard (Tomoka Landings)**

Ms. Weedo, Senior Planner stated this is an administrative request to amend the City's official zoning map from Volusia County R-7 Urban Multi-Family Residential to City of Ormond Beach B-1 Professional Office; Volusia County RC to the City of Ormond Beach Special Environmental; and from Volusia County Planned Business Unit Development to City of Ormond Beach Planned Business Development as a result of annexation. Ms. Weedo explained the location, orientation, and characteristics of the subject property, presented the staff report, and stated staff is recommending approval.

**Mr. Jorzak moved to approve RZ 13-102 as submitted. Mr. Heaster seconded the motion. Vote was called, and the motion unanimously approved.**

**F. LUPA 13-099: Land Use Map Amendment, 1740 West Granada Boulevard (FDOT Retention Pond)**

Ms. Weedo, Senior Planner stated this is an administrative proposed land use map amendment from Volusia County Low Impact Urban to City of Ormond Beach Low Intensity Commercial as a result of annexation. Ms. Weedo explained the location, orientation, and characteristics of the subject property, presented the staff report, and stated staff is recommending approval.

**Mr. Briley moved to approve LUPA 13-099 as submitted. Mr. Heaster seconded the motion. Vote was called, and the motion unanimously approved.**

**G. RZ 13-100: Zoning Map Amendment, 1740 West Granada Boulevard (FDOT Retention Pond)**

Ms. Weedo, Senior Planner stated this is an administrative request to amend the City's official zoning map from Volusia County R-7 Urban Multi-Family to City of Ormond Beach B-1 Professional Office as a result of annexation. Ms. Weedo explained the location, orientation, and characteristics of the subject property, presented the staff report, and stated staff is recommending approval.

**Mr. Briley moved to approve RZ 13-100 as submitted. Mr. Jorzak seconded the motion. Vote was called, and the motion unanimously approved.**

**H. RZ 13-126: Zoning Map Amendment, 1951 West Granada Boulevard**

Ms. Weedo, Senior Planner stated this is an administrative request to amend the City's official zoning map from Volusia County General Commercial to City of Ormond Beach B-8 as a result of annexation in 2005. Ms. Weedo explained the location, orientation, and characteristics of the subject property, presented the staff report, and stated staff is recommending approval.

**Mr. Heaster moved to approve RZ 13-126 as submitted. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.**

**I. RZ 13-127: Zoning Map Amendment, 1999 West Granada Boulevard and 33 Tymber Creek Road**

Ms. Weedo, Senior Planner stated this is an administrative request to amend the City's official zoning map from Volusia County B-4 to City of Ormond Beach B-8 as a result of annexation in 2005. Ms. Weedo explained the location, orientation, and characteristics of the subject property, presented the staff report, and stated staff is recommending approval.

**Mr. Heaster moved to approve RZ 13-127 as submitted. Ms. Press seconded the motion. Vote was called, and the motion unanimously approved.**

**J. LDC 13-114 Chapter 1: General Provisions, Article III- Definitions and Acronyms, Section 2-22: Definitions of terms and words**

Ms. Lauren Kornel, Senior Planner, stated this is a Land Development Code Amendment to amend the definition section of the code to add a definition for lot consolidation, delete the definition of finished grade and modify the definition of height, building. Ms. Kornel, presented the staff report, and stated staff is recommending approval.

**Mr. Briley moved to approve LDC 13-114 as submitted. Mr. Jorzak seconded the motion. Vote was called, and the motion unanimously approved.**

**VIII. OTHER BUSINESS**

Mr. Richard Goss, Planning Director, reminded the Board that neighborhood meeting for Dr. Gonzalez's 30 unit mixed use development proposed for 550 West Granada Boulevard is October 11, 2013, at 7:00 PM in 500 West Granada Boulevard, Unit 5.

**IX. MEMBER COMMENTS**

Mr. Briley asked what is being proposed on North Halifax on the vacant church.

Mr. Goss answered that there is a proposal to put 8 single family units with a private drive, and should it move forward they will need a land use map amendment and rezoning.

Mr. Thomas inquired as to the status of clean up at the restaurant on the northeast corner of Nova Road and Granada.

Mr. Goss responded they did clean it up as you can see the bench and walk on the sidewalk.

Mr. Thomas stated they did so with minimal effort.

Mr. Briley stated the letters on their sign are curled up and peeling as well.

Mr. Goss responded that he would provide the Board's comments to Joanne Naumann.

Mr. Thomas inquired as to the status of the vacant gas station on the northwest corner of Nova Road and Granada Boulevard.

Mr. Goss answered that staff's comments were submitted through the consultant to the property owner.

**X. ADJOURNMENT**

The meeting was adjourned at 8:18 p.m.

Respectfully submitted,

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Ric Goss, AICP, Planning Director

ATTEST:

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Doug Thomas, Chair

*Minutes transcribed by Meggan Znorowski.*



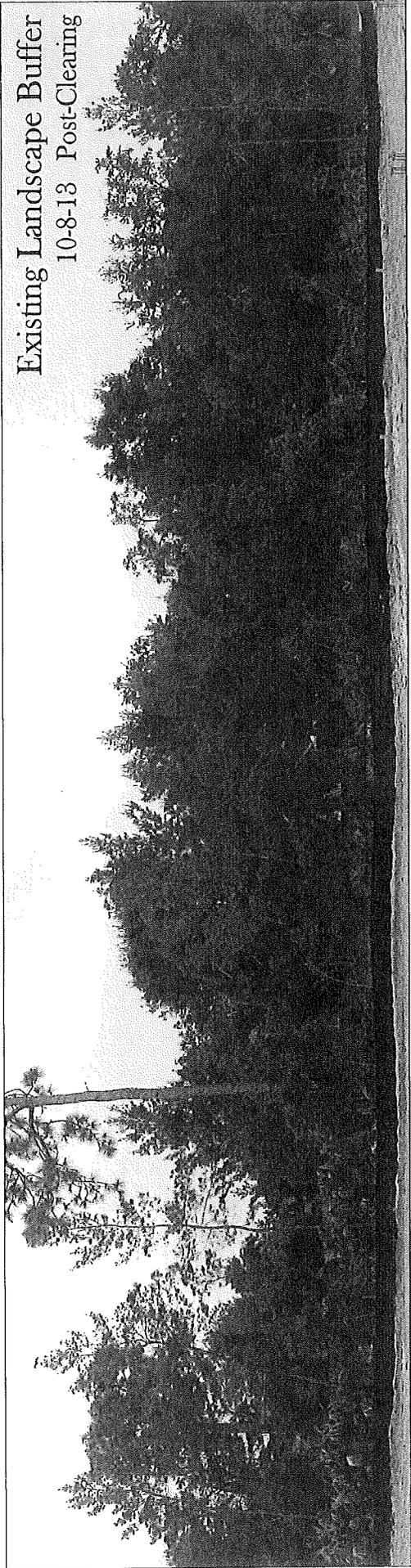
EXHIBIT  
A

# Hospice of Volusia/Flagler

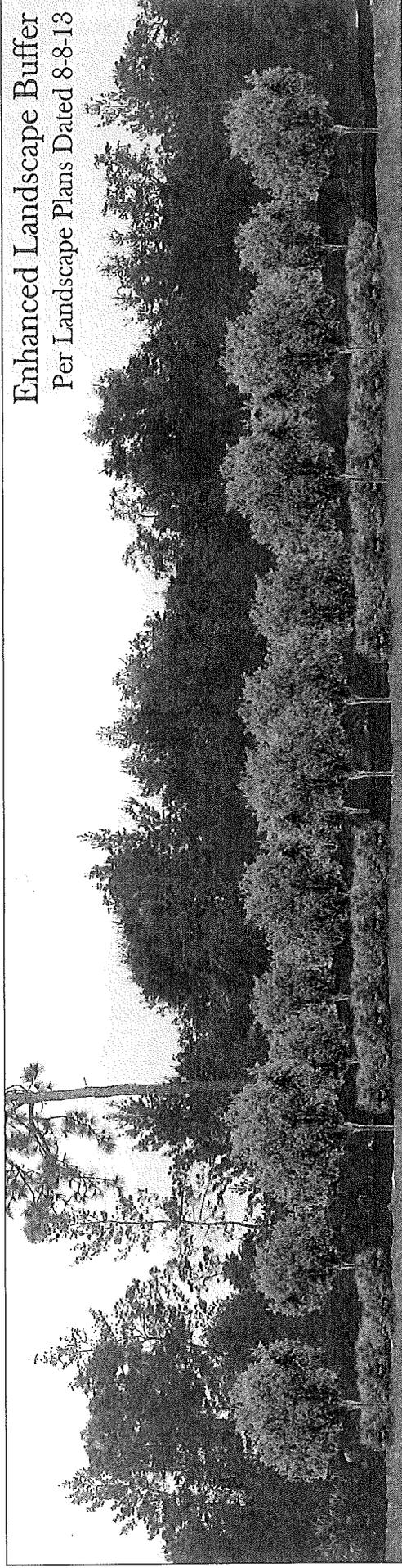


ZEV COHEN  
ARCHITECTS  
401 W. 1ST ST. SUITE 200  
ORLANDO, FL 32801

Existing Landscape Buffer  
10-8-13 Post-Clearing



Enhanced Landscape Buffer  
Per Landscape Plans Dated 8-8-13



BUFFER PLANTINGS SHALL BE COORDINATED /  
FIELD LOCATED BY THE LANDSCAPE ARCHITECT  
TO ENSURE A FULLY OPAQUE SCREEN.

# *Hospice of Volusia/Flagler*

South Landscape Buffer Exhibit

EXHIBIT  
B



 <p><b>ZEY COHEN &amp; ASSOCIATES, INC.</b> 1000 N. W. 10th St., Suite 1000 Fort Lauderdale, FL 33304 Tel: (954) 573-1111 Fax: (954) 573-1112</p>	<p><b>AMELIA ISLAND</b> 1000 N. W. 10th St., Suite 1000 Fort Lauderdale, FL 33304 Tel: (954) 573-1111 Fax: (954) 573-1112</p>	<p><b>ST. AUGUSTINE</b> 1000 N. W. 10th St., Suite 1000 Fort Lauderdale, FL 33304 Tel: (954) 573-1111 Fax: (954) 573-1112</p>	<p><b>DRAGON BEACH</b> 1000 N. W. 10th St., Suite 1000 Fort Lauderdale, FL 33304 Tel: (954) 573-1111 Fax: (954) 573-1112</p>
	<p><b>ACCESS &amp; DRAINAGE EASEMENT EXHIBIT</b></p>	<p><b>HOSPICE OF VOLUSIA/LA GLIERA</b></p>	<p><b>ZEY COHEN</b> LAND SURVEYING &amp; ENGINEERING 1000 N. W. 10th St., Suite 1000 Fort Lauderdale, FL 33304 Tel: (954) 573-1111 Fax: (954) 573-1112</p>



EXHIBIT  
**C**

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** November 7, 2013

**SUBJECT:** 55 & 75 North Nova Road– Small-Scale Land Use Map Amendment

**APPLICANT:** Paul F. Holub Jr. and Doug Hautz, Pastor of Alliance Church

**NUMBER:** LUPA 14-006

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

**INTRODUCTION:** This is a joint request from Paul F. Holub Jr., owner of 75 North Nova Road, and Doug Hautz, Pastor of Alliance Church, owner of 55 North Nova Road for a Small Scale Comprehensive Plan Land Use Map amendment. The application seeks to amend:

1. The 0.73± acre property at 75 North Nova Road from the existing land use designation of “Office/Professional” to “Low Intensity Commercial”; and
2. A 0.98± acre portion of 55 North Nova Road from the existing land use designation of “Office/Professional” to “Low Intensity Commercial”; and
3. A 1.42± acre portion of 55 North Nova Road from the existing land use designation of “Public/Institutional” to “Low Intensity Commercial”.

**BACKGROUND:** The application includes two properties that have separate ownership. The properties attributes are as follows:

75 North Nova Road:



Property owner:	Paul F. Holub Jr.
Parcel size:	0.73± acre
Land use:	Existing land use is "Office/Professional". The property owner seeks a "Low Intensity Commercial" land use designation.
Zoning:	B-1 (Professional Office/Hospital)
Year structure built:	1979
Current use:	Vacant bank. Property owner has indicated that existing structure shall be demolished.
Goal of application:	Allow commercial uses on the property given the parcel location in close proximity to Granada Boulevard and Nova Road.
Other:	Located within a Transportation Concurrency Exception Area.

55 North Nova Road, Alliance Church:



Property owner:	Doug Hautz, Pastor of Alliance Church
Parcel size:	2.40± acres
Land use:	The property has split land use. Approximately one acre has a "Office/Professional" land use designation and the remainder 1.42 acres has a "Public/Institutional" land use designation. The application seeks a "Low Intensity Commercial" land use designation.
Zoning:	B-1 (Professional Office/Hospital)
Year structure built:	1976

Current use:	Alliance Community Church
Goal of application:	There are no plans for any modification to the current church use or site. The Church agreed for a land use amendment to allow the property at 75 North Nova Road to pursue a commercial use. The house of worship use is allowed as a conditional use in all commercial land uses and zoning districts. The land use application will not impact the current use and will allow an expanded range of uses in the future if the church ever decides to re-locate to another site.
Other:	Located within a Transportation Concurrency Exception Area.

The purpose of this application is to allow expanded commercial uses on the property at 75 North Nova Road. During pre-application meetings with the applicant, City staff expressed concern regarding the expansion of commercial from the west using the public rights of way for contiguity resulting in the church having an isolated land use designation. While in this case it may not have been significant, elsewhere this type of approach to land use could have significant unintended consequences. In order to connect the properties with a commercial land use, it was necessary to include the Alliance Church property at 75 North Nova Road in the application.

The existing land use categories are described below:

75 North Nova Road (0.73 acres) and 55 North Nova Road (0.98 acre)

**Office/Professional (OP)**

Purpose: A multi-use land use category to provide areas served by transit for use by general office, medical and professional uses and accessory retail sales and personal services. It is expected that at least 30% of the undeveloped office/professional lands in the City will be developed with multi-family residential uses and adult care/retirement facilities. This category may permit as accessory retail sales and personal services as uses in association with office development. For projects that propose a mixture of residential and non-residential uses, the minimum FAR should be 0.2.

Density: Maximum: 15 units per acre.

Maximum FAR: 0.5

55 North Nova Road (1.42 acre)

**Public Institutional (PI)**

Purpose: This category includes governmental and public uses, such as City Hall, post offices, fire and police stations, and libraries; educational facilities, such as elementary, middle, and high schools, whether public, parochial or private; cemeteries; religious facilities; airport, hospitals, and other facilities, such as civic associations and service clubs, child care centers, and facilities for the care of the aged and infirm. Public uses are provided for in all zoning districts either as permitted or special exception uses.

The City does not have a special zoning district for this land use category. Therefore the underlying zoning district may be any district, provided that it is compatible with the surrounding zoning districts and the use of the parcel is consistent with the uses allowed in the district. In districts where such uses may be questionable, a public hearing may be required.

Due to the scale and impracticability of showing all public/institutional uses, such uses are not always shown on the Land Use Map, even when permitted.

Density: Maximum: Not permitted.

Maximum FAR: 0.8

The application seeks the “Low Intensity Commercial” category for all the land within the application. The Future Land Use Element of the City’s Comprehensive Plan states the following for the “Low Intensity Commercial” category:

“A multi-use land use category to depict those areas of the city that are now developed, or appropriate to be developed, for retail, office and professional services, and restaurants consistent with the surrounding uses, transportation facilities and natural resource characteristics of such areas. For projects that propose a mixture of residential and non-residential uses, the minimum FAR should be 0.2.

Density: Maximum 10 units per acre.

Maximum FAR: 0.6.”

The tentative schedule is as follows:

Action/Board	Date
Planning Board	November 19, 2013
Transmit to Volusia County Growth Management Commission and adjoining jurisdictions	November 20, 2013
City Commission 1 <sup>st</sup> Reading	January 7, 2013
City Commission 2 <sup>nd</sup> Reading	January 21, 2013
Transmit to Florida Department of Economic Opportunity	January 27, 2013

**ANALYSIS:**

The proposed land use amendment seeks to change the land use designation of two properties. Policy 2.5.2. of the Future Land Use Element of the City’s Comprehensive Plan provides the review criteria for land use map amendments. The policy states:

“The following criteria shall be used in reviewing Comprehensive Plan amendments:

1. Consistency with the Goals, Objectives, and Policies of this Plan.
2. Consistency with state requirements, including 9J-5 and Florida Statutes requirements.
3. If the amendment is a map amendment, is the proposed change an appropriate use of land.
4. If the amendment is a map amendment, the impacts on the Level of Service of public infrastructure including schools, roadways, utilities, stormwater, and park and recreation facilities.
5. If the amendment is a map amendment, impacts to surrounding jurisdictions.”

Staff’s review of the criteria listed above is provided below:

**1. Consistency with the Goals, Objectives, and Policies of this Plan.**

The City’s Comprehensive Plan recognizes the need for commercial uses, located primarily along major arterial roadways. The subject property is near the intersection of Granada Boulevard and Nova Road and within a Transportation Concurrency Exception area. The subject properties are within an area where commercial uses would be expected. The large amount of “Office/Professional” land use designations northeast of the intersection of Granada Boulevard and Nova Road was based on the former hospital located at 875 Sterthaus Drive that has relocated. This area of the City has seen several multi-family development and commercial uses can serve the new residential development and use the existing infrastructure. The proposed amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive plan.

Below are specific Goals, Objectives, and Policies that are applicable to this application:

<p>GOAL 1 Future Land Use Element</p>	<p>FUTURE DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SHOULD BE DIRECTED IN APPROPRIATE AREAS AS DEPICTED ON THE FUTURE LAND USE MAP TO MEET THE LAND USE NEEDS OF THE ANTICIPATED POPULATION, IN A MANNER CONSISTENT WITH SOUND PLANNING PRINCIPLES, THE GOALS, OBJECTIVES AND POLICIES CONTAINED HEREIN, AND THE DESIRED COMMUNITY CHARACTER.</p> <p>THE FUTURE LAND USE PLAN ELEMENT SHOULD ALLOW LIMITED COMMERCIAL EXPANSION, PROMOTE INDUSTRIAL USE, AND MAINTAIN CURRENT RESIDENTIAL DENSITIES IN THE CORE AREA WHILE ESTABLISHING LOWER DENSITIES IN THE PERIMETER AREAS, FOCUSING REDEVELOPMENT IN THE DOWNTOWN COMMUNITY REDEVELOPMENT AREA, US1, AND SRA1A, AND PROVIDING FOR A CONTINUED HIGH LEVEL OF OPEN SPACE. SPECIFIC GOALS AND POLICIES ARE LISTED BELOW FOR EACH TYPE OF LAND USE. FUTURE GROWTH SHALL BE TIMED AND LOCATED TO MAXIMIZE EXISTING PUBLIC INFRASTRUCTURE.</p>
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<p><b>OBJECTIVE</b>                  1.2.  <b>COMMERCIAL LAND USE</b>                  Future Land Use Element</p>	<p>Ensure that adequate amounts of land are available to meet the commercial land use needs of the community.</p>
<p><b>POLICY 1.2.5.</b>                  Future Land Use Element</p>	<p>The redevelopment and renewal of blighted commercial areas shall be encouraged.</p>
<p><b>GOAL 1.</b>  <b>LAND USE</b>                  Transportation Element</p>	<p><b>PROMOTE A BALANCED, AFFORDABLE, RELIABLE, CONVENIENT AND EFFICIENT MULTI-MODAL TRANSPORTATION SYSTEM THAT SUPPORTS THE LAND USE VISION OF THE ORMOND BEACH COMPREHENSIVE PLAN.</b></p>
<p><b>POLICY 1.5.2.</b>                  Transportation Element</p>	<p>Development and redevelopment within designated TCEAs is exempt from traditional state-mandated transportation concurrency requirements but shall comply with Objective 1.6 of the Transportation Element and associated policies as well as transit design principles.</p>
<p><b>POLICY 1.6.4.</b>                  Transportation Element</p>	<p>Where development proposals that are consistent with the City’s Future Land Use Map (FLUM) in terms of both land use type and density or intensity and located along the Multi-Modal Corridors where current and projected 2017 level-of-service standards are currently met, the following strategies will be implemented:</p> <ul style="list-style-type: none"> <li>a) Access management;</li> <li>b) Bike facilities; and</li> <li>c) Sidewalk connectivity.</li> </ul>
<p><b>POLICY 1.6.5.</b>                  Transportation Element</p>	<p>Where development proposals are consistent with the City’s FLUM in terms of land use type and density and intensity, but are located along Multi-Modal Corridors where current and projected 2017 level-of-service standards will not be met, the following strategies will be implemented:</p> <ul style="list-style-type: none"> <li>a) All of the strategies identified in policy 1.6.4.; and</li> <li>b) On or off site transit facility improvements as recommended by Votran.</li> </ul>

**2. Does it meet the criteria established in the City’s Comprehensive Plan and the Florida Statute?**

**COMPREHENSIVE PLAN**

**Amendment of adopted comprehensive plan:**

In accordance with Chapter 163.31879(c), 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 properties are ±3.13 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 eleventh 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 13-041	305 N. Tymber Creek Road	0.44
LUPA 13-056	250 Williamson Boulevard	1.25
LUPA 13-092	1535 North US Highway 1	1.01
		16.56 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:

Land Use and Zoning Designations of Adjacent Property			
	Current Land Uses	Future Land Use Designation	Zoning
North	Office	"Office/Professional"	B-1 (Office Professional/Hospital)
South	Restaurants, cemetery, offices	"General Commercial" "Public Institutional" "Office Professional"	B-8 (Commercial) B-1 (Office Professional/Hospital)
East	Office	"Office/Professional"	B-1 (Office Professional/Hospital)
West	Burger King & Shopping Center	"General Commercial"	B-8 (Commercial)

The "General Commercial" land use is located on the west side of Nova Road and the intersection of Nova Road and Granada Boulevard. The Pilgrims Rest cemetery is located to the south of the Church property.

**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. Below is an analysis of the existing and proposed land use categories and the maximum Floor Area Ratio (FAR) and residential density.

Existing Land Use maximum FAR and residential density						
Office Professional	Acres	Square Footage	Allowed FAR	Maximum Building SF	Allowed density	Maximum residential density
75 North Nova Road	0.73	31,799	0.5	15,899	15	10.95
55 North Nova Road	0.98	42,689	0.8	34,151	15	14.7
	1.71	74,488	NA	50,050	NA	25.65
Pubic Institutional	Acres	Square Footage	Allowed FAR	Maximum Building SF	Allowed density	Maximum residential density
55 North Nova Road	1.42	61,855	0.8	49,484	0	0
<b>Total</b>	<b>3.13</b>	<b>136,343</b>	<b>NA</b>	<b>99,535</b>	<b>NA</b>	<b>26</b>

Proposed Land Use maximum FAR and residential density						
Low Intensity Commercial	Acres	Square Footage	Allowed FAR	Maximum Building SF	Allowed density	Maximum residential density
75 North Nova Road	0.73	31,799	0.6	19,079	10	7.3
55 North Nova Road	2.4	104,544	0.6	62,726	10	24
<b>Total</b>	<b>3.13</b>	<b>136,343</b>	<b>NA</b>	<b>81,806</b>	<b>NA</b>	<b>32</b>

<b>Increase/Decrease</b>	<b>-17,729</b>		<b>6</b>
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Transportation: The subject property is located within a Transportation Concurrency Exception Area (TCEA) as defined in Policy 1.5.1. of the Transportation Element of the Comprehensive Plan. The transportation and multi-modal strategies contained in Objections 1.5 through 1.8 of the Transportation Element of the Comprehensive Plan would be applied to the project.

The property at 75 North Nova Road has been identified to be changed from the current bank use to a commercial or restaurant type use. The property has a lot width of approximately 100' in width that will limit the development size of the building and a multi-story use is unlikely. The property at 55 North Nova Road is an existing Alliance Church and there are no plans for any change of use or modifications. The Alliance Church is allowed in the existing and proposed land use designations.

For the purposes of demonstrating the theoretical maximum traffic impacts, staff has prepared the chart below noting that this is not the likely development scenario. The existing "Office/Professional" land use assumed a medical office use and the existing "Public/Institutional" land use assumed a daycare use. The proposed "Low Intensity Commercial" land use assumed a shopping center use. Staff believes that these are the most intensive uses for each land use category.

<b>Maximum traffic impacts – existing land uses</b>						
<b>Office Professional</b>	<b>Acres</b>	<b>Square Footage</b>	<b>Allowed FAR</b>	<b>Maximum Building SF</b>	<b>ITE USE #720 trips (Medical Office)</b>	<b>ADT</b>
75 North Nova Road	0.73	31,799	0.5	15,899	36.13	574
55 North Nova Road	0.98	42,689	0.8	34,151	36.13	1,234
	1.71	74,488	NA	50,050	NA	1,808
<b>Pubic Institutional</b>	<b>Acres</b>	<b>Square Footage</b>	<b>Allowed FAR</b>	<b>Maximum Building SF</b>	<b>ITE USE trips #565 (Daycare)</b>	<b>ADT</b>
55 North Nova Road	1.42	61,855	0.8	49,484	79.26	3,922
<b>Total</b>	<b>3.13</b>	<b>136,343</b>	<b>NA</b>	<b>99,535</b>		<b>5,730</b>

<b>Maximum traffic impacts – proposed land use</b>						
<b>Low Intensity Commercial</b>	<b>Acres</b>	<b>Square Footage</b>	<b>Allowed FAR</b>	<b>Maximum Building SF</b>	<b>ITE USE trips #820 (Shopping Center)</b>	<b>ADT</b>
75 North Nova Road	0.73	31,799	0.6	19,079	42.94	819
55 North Nova Road	2.4	104,544	0.6	62,726	42.94	2,693
<b>Total</b>	<b>3.13</b>	<b>136,343</b>	<b>NA</b>	<b>81,806</b>		<b>3,513</b>

<b>Increase/Decrease</b>		<b>-17,729</b>		<b>-2,218</b>
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The result of the theoretical impact analysis is that the trip generation rates would be reduced as a result of the land use amendment.

Water & Sewer: The City of Ormond Beach operates a single water treatment plant with a rated capacity of 12 million gallons per day (MGD). The current committed capacity is 6 MGD. The permitted capacity of the wastewater treatment plant is 8 MGD with a committed capacity of 4 MGD. Both water and sewer lines are located within the area proposed for development. There is adequate water and sewer capacity to serve the site.

Utilizing the theoretical development scenario, the total building size is reduced by 17,729 based upon the Floor Area Ratio reduction of the “Low Intensity Commercial” land use category and thus the water and sewer impacts are reduced.

Stormwater Management: The sites are currently developed with no provision of stormwater management based on the construction date of the properties. Site redevelopment shall require the provision of stormwater management.

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

Schools: The land use amendment does increase the number of residential units by 6, from 26 to 32 units. City staff coordinated with Volusia County School Board staff and it was determined that the density increase was less than 10 units and no additional review is required for the land use application. It is staff's position that residential development is unlikely based on the parcels size and location to the intersection of Granada Boulevard and Nova Road. If residential uses were ever to be developed, school concurrency would be applicable at the time of site plan application.

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 property is not located next to another City and there are no impacts expected to any surrounding jurisdiction.

**RECOMMENDATION:** It is expected that the application will be reviewed by the City Commission at the January 7, 2014 and January 21, 2014 public meetings. It is staff's determination that the land use amendment:

1. Is consistent with the Goals, Objectives, and Policies established in the City's Comprehensive Plan;
2. Is consistent with state requirements;
3. Is an appropriate use of the land;
4. Has adequate infrastructure to serve the proposed land use; and
5. Does not impact surrounding jurisdictions.

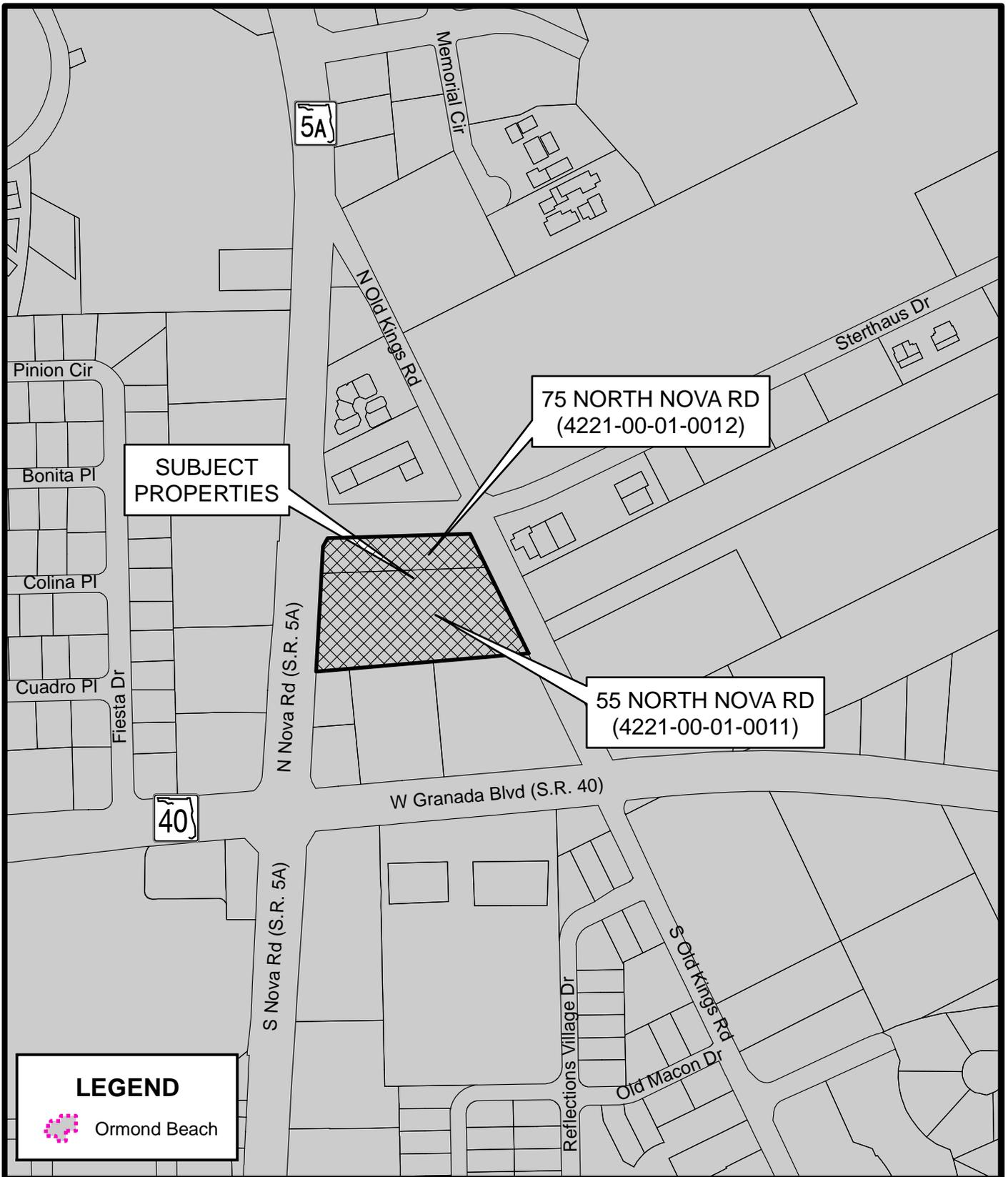
Based on this review, staff recommends that the Planning Board recommend **APPROVAL** of the Future Land Use map amendment for the following:

1. The 0.73± acre property at 75 North Nova Road from the existing land use designation of "Office/Professional" to "Low Intensity Commercial"; and
2. A 0.98± acre portion of 55 North Nova Road from the existing land use designation of "Office/Professional" to "Low Intensity Commercial"; and
3. A 1.42± acre portion of 55 North Nova Road from the existing land use designation of "Public/Institutional" to "Low Intensity Commercial".

Attachments:           Exhibit 1: Location Maps and site pictures  
                              Exhibit 2: Future Land Use Map

# Exhibit 1

Location Maps and  
site pictures



**SUBJECT  
PROPERTIES**

**75 NORTH NOVA RD  
(4221-00-01-0012)**

**55 NORTH NOVA RD  
(4221-00-01-0011)**

**LEGEND**

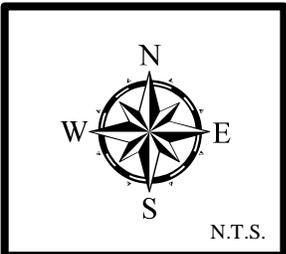
 Ormond Beach



**55 and 75 North Nova Road**  
**LOCATION MAP**

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Prepared By: The City of Ormond Beach  
 G.I.S. Department 9/23/2013



# Aerial picture of properties under consideration





75 North Nova Road



**Alliance Church  
55 North Nova Road**



**Abutting uses**

**South - commercial**



**West - commercial**



**East - offices**

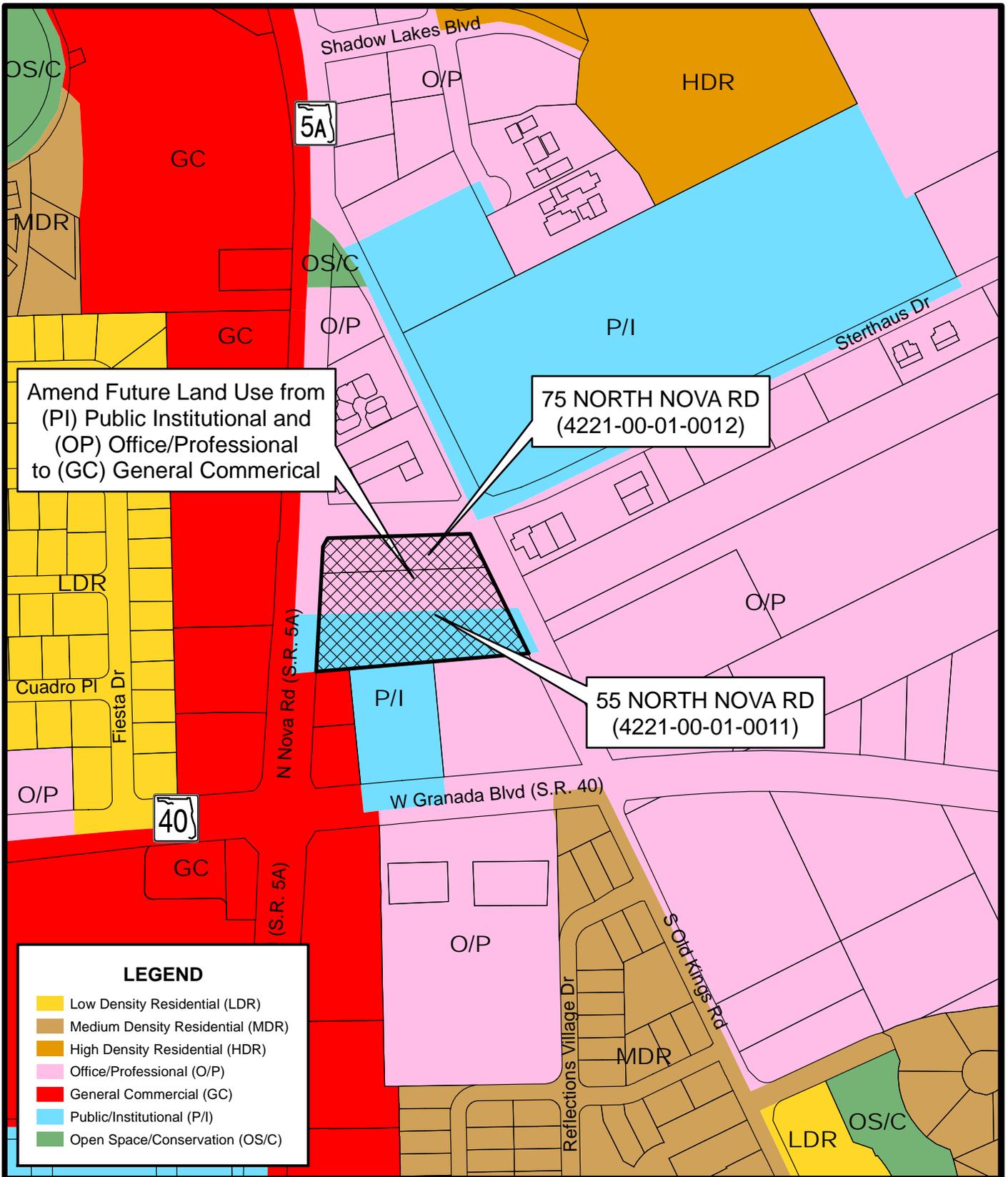


**North - offices**



# Exhibit 2

## Future Land Use Map



Amend Future Land Use from (PI) Public Institutional and (OP) Office/Professional to (GC) General Commerical

75 NORTH NOVA RD (4221-00-01-0012)

55 NORTH NOVA RD (4221-00-01-0011)

**LEGEND**

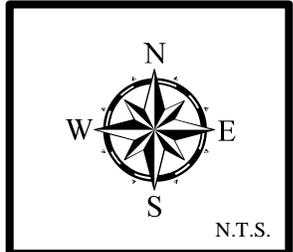
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Office/Professional (O/P)
- General Commercial (GC)
- Public/Institutional (P/I)
- Open Space/Conservation (OS/C)



**PROPOSED FUTURE LAND USE MAP**  
**55 and 75 NORTH NOVA ROAD**

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Prepared By: The City of Ormond Beach  
 G.I.S. Deptment 9/23/2013



# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** November 7, 2013

**SUBJECT:** 55 & 75 North Nova Road Amendment to Official Zoning Map

**APPLICANT:** Paul F. Holub Jr. and Doug Hautz, Pastor of Alliance Church

**NUMBER:** RZ 14-007

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

### **INTRODUCTION:**

This is a joint request from Paul F. Holub Jr., owner of 75 North Nova Road, and Doug Hautz, Pastor of Alliance Church, owner of 55 North Nova Road for a zoning map amendment to change:

1. The 0.73± acre property at 75 North Nova Road from B-1 (Professional Office/Hospital) to B-8 (Commercial); and
2. The 2.40± acre property at 55 North Nova Road from B-1 (Professional Office/Hospital) to B-8 (Commercial).

### **BACKGROUND:**

The application includes two properties that have separate ownership. The properties attributes are as follows:

75 North Nova Road:



Property owner:	Paul F. Holub Jr.
Parcel size:	0.73± acre
Proposed land use application:	The property has split land use. Approximately one acre has a “Office/Professional” land use designation and the remainder 1.42 acres has a “Public/Institutional” land use designation. The property owner has a pending application for the “Low Intensity Commercial” land use designation.
Zoning:	B-1 (Professional Office/Hospital)
Year structure built:	1979
Current use:	Vacant bank. Property owner has indicated that existing structure shall be demolished.
Goal of zoning application:	Allow commercial uses on the property given the parcel location in close proximity to Granada Boulevard and Nova Road. The B-8 zoning designation allows retail and restaurant uses which are not permitted in the B-1 zoning district.
Other:	Located within a Transportation Concurrency Exception Area.

55 North Nova Road, Alliance Church:



Property owner:	Doug Hautz, Pastor of Alliance Church
Parcel size:	2.40± acres
Proposed land use application:	The property has split land use. Approximately one acre has a “Office/Professional” land use designation and the remainder 1.42 acres has a “Public/Institutional” land use designation. The application seeks a “Low Intensity Commercial” land use designation.

Zoning:	B-1 (Professional Office/Hospital)
Year structure built:	1976
Current use:	Alliance Community Church
Goal of application:	There are no plans for any modification to the current church use or site. The Church agreed for a zoning amendment to allow the property at 75 North Nova Road to pursue a commercial use. The house of worship use is allowed as a conditional use in all commercial land uses and zoning districts. The zoning application will not impact the current use and will allow an expanded range of uses in the future if the church ever decides to re-locate to another site.
Other:	Located within a Transportation Concurrency Exception Area.

The purpose of this application is to allow expanded commercial uses on the property at 75 North Nova Road. During pre-application meetings with the applicant, City staff expressed concern regarding the expansion of commercial from the west using the public rights of way for contiguity resulting in the church having an isolated land use designation. While in this case it may not have been significant, elsewhere this type of approach to zoning could have significant unintended consequences. In order to connect the properties with a commercial land use, it was necessary to include the Alliance Church property at 75 North Nova Road in the application.

**ANALYSIS:** The existing zoning classification for the subject property is B-1 (Professional Office/Hospital). The Ormond Beach Land Development Code states the purpose and intent for the B-1 zoning is as follows:

“The purpose of the Professional Office/Hospital (B-1) Zoning District is to provide areas for professional, medical and business offices and institutional uses, with special emphasis given to sound architectural design practices, site planning, landscaping and sign location.”

Below is a list of the permitted, conditional (staff approval) and Special Exception (City Commission approval) uses for the existing zoning district.

**B-1 (Professional Office/Hospital) permitted uses**

Adult Day Care	Assisted Living Facility	Business/Professional Office	Business Services
Financial Institution	Hospital	Medical Research Laboratory	Medical Supply/Rental
Nursing Home	Pharmacy	School of Art	School. Public
Veterinarian			

**B-1 (Professional Office/Hospital) conditional uses**

Child Care Facility	Community Residential Home	Dwelling, Multifamily	Family Day Care Home
Historic Preservation, Mixed Use	House of worship	Parks and Recreation Facilities, Private	Parks and Recreation Facilities, Public
Public Facilities	Public Utilities	Recreation Facilities, Indoor	Retail Sales and Service, Specialty
School, Private	Telecommunication Tower/antennas, Camouflaged	Wind Energy Systems	

**B-1 (Professional Office/Hospital) Special Exception Uses**

Cemetery	Funeral Home	Outdoor Activity	Outdoor Storage
Recreation Facilities, Outdoor			

The applicants have sought the B-8 zoning district. The Ormond Beach Land Development Code states the purpose and intent for the B-8 zoning is as follows:

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-8 (Commercial) permitted uses**

Adult Day Care	Assisted Living Facility	Business/Professional Office	Business Services
Clubs and Fraternal Organization	Convenience Store, type A	Financial Institution	Nursing Home
Personal Services	Retail Sales and Services	School of Art	School. Public
Sexually Oriented Business	Veterinarian		

**B-8 (Commercial) conditional uses**

Bowling Center	Child Care Facility	Community Residential Home	Convenience Store, type B
Convenience Store, type C	Dwelling, Multifamily	Family Day Care	House of worship
Parks and Recreation Facilities, Private	Parks and Recreation Facilities, Public	Public Facilities	Public Utilities
Recreation Facilities, Indoor	Restaurant, Type A	Restaurant, Type B	Restaurant, Type C
School, Private	Shopping Center	Telecommunication Tower/antennas, Camouflaged	Theater
Wind Energy Systems			

**B-8 (Commercial) Special Exception Uses**

Automatic Amusement Center	Outdoor Activity	Outdoor Storage	Recreation Facilities, Outdoor
Warehouse, Mini-Rental			

As stated in the background section, the property owner at 75 North Nova Road is seeking to amend the land use and zoning to allow either restaurant or retail uses. It is likely that the existing building will be demolished for a new use. The existing B-1 zoning does not permit the restaurant or retail uses. The property at 55 North Nova Road is an existing church and no changes are planned for this use or site. The church is allowed as a conditional use in all commercial and office zoning designations and this application shall have no impact on the operations of the church.

The “Low Intensity Commercial” land use category is consistent with multiple zoning categories as analyzed as follows:

<p><u>Office zoning districts</u>                  B-1 (Professional Office/Hospital)                  B-9 (Boulevard)                  B-10 (Suburban Boulevard)</p>	<p>The office zoning districts do not permit retail uses a primary use and do not allow type b (sit down under 100 seats) or type C (drive through) restaurants. The current land use and zoning is office and the applicant is seeking amendments for commercial uses.</p>
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<p><u>Tourist Commercial districts</u> B-6 (Oceanfront Tourist Commercial) B-7 (Highway Tourist Commercial)</p>	<p>The B-6 zoning district is intended for properties along the Atlantic Ocean with specialized design standards. The B-7 zoning district is intended around the I-95 interchanges at SR40 and US1. While both of these districts allow commercial uses, they would not be the most appropriate for the subject properties.</p>
<p><u>Planned Development</u> PBD (Planned Business Development)</p>	<p>Intended for individual sites that desire to negotiate certain site development standards, such as permitted uses, dimensional standards, or phasing. The application does not have any site specific development plans and the PBD would not be appropriate.</p>
<p><u>Commercial districts</u> B-4, Central Business B-8 Commercial</p>	<p>The B-4 zoning district is intended for the existing core area of the City, such as the Community Redevelopment Area. The B-8 is a general commercial zoning district and is located on properties west of Nova Road and at the intersection of Nova Road and Granada Boulevard.</p>

If there is a desire to allow commercial uses, the B-8 zoning district would be the most appropriate designation associated with the “Low Intensity Commercial” land use.

**Zoning Adjacent Land Use:**

Adjacent land uses and zoning are as follows:

<p style="text-align: center;"><b>Land Use and Zoning Designations of Adjacent Property</b></p>			
	<p style="text-align: center;"><b>Current Land Uses</b></p>	<p style="text-align: center;"><b>Future Land Use Designation</b></p>	<p style="text-align: center;"><b>Zoning</b></p>
<p style="text-align: center;"><b>North</b></p>	<p style="text-align: center;">Office</p>	<p style="text-align: center;">"Office/Professional"</p>	<p style="text-align: center;">B-1 (Office Professional/Hospital)</p>
<p style="text-align: center;"><b>South</b></p>	<p style="text-align: center;">Restaurants, cemetery, offices</p>	<p style="text-align: center;">"General Commercial" "Public Institutional" "Office Professional"</p>	<p style="text-align: center;">B-8 (Commercial) B-1 (Office Professional/Hospital)</p>
<p style="text-align: center;"><b>East</b></p>	<p style="text-align: center;">Office</p>	<p style="text-align: center;">"Office/Professional"</p>	<p style="text-align: center;">B-1 (Office Professional/Hospital)</p>
<p style="text-align: center;"><b>West</b></p>	<p style="text-align: center;">Burger King &amp; Shopping Center</p>	<p style="text-align: center;">"General Commercial"</p>	<p style="text-align: center;">B-8 (Commercial)</p>

## **CONCLUSION/CRITERIA FOR APPROVAL**

Section 1-18 D.3. of the Land Development Code states that the Planning Board shall review non-planned development rezonings based on the Development Order criteria in Section 1-18.E. of the Land Development Code which are analyzed below:

- 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 and request based on a joint application from two property owners. Commercial uses, including the existing house of worship, would be appropriate at this location. The zoning map amendment will not adversely affect public health, safety, welfare or the quality of life.

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

There is a separate land use map amendment that proposes to assign a City "Low Intensity Commercial" designation to the properties. The proposed B-8 zoning designation would be consistent with the Comprehensive Plan and would promote redevelopment of the property at 75 North Nova Road.

- 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 property has existing building and site improvements. There are no environmentally sensitive lands on-site or shall site development impact any environmentally protected animal species.

- 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. The property at 55 North Nova Road (Alliance Church) has no proposed use or site modification. The property at 75 North Nova Road would require review and approval from the Site Plan Review Committee.

- 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 has existing building and site improvements. Public facilities shall be reviewed with any site redevelopment.

- 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 has existing building and site improvements. The traffic patterns shall be reviewed at time of site development.

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

The property has existing building and site improvements and no specific development is proposed.

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

The property has existing building and site improvements and no specific development is proposed.

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

The property has existing building and site improvements. At time of site redevelopment, on-site buildings would be required to comply to the City's architectural design standards.

**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.

Section 1-18.E.3 of the Land Development Code states that the City Commission shall consider rezonings based on the consistency with the Comprehensive Plan. The rezoning is consistent based upon the following points:

- The impacts on facilities and services will not change as a result of the requested zoning amendment from from B-1 (Professional Office/Hospital) to B-8 (Commercial).
- The proposed zoning classification of B-8 is most consistent with the surrounding commercial zoning classifications.
- The administrative request is consistent with the compatibility matrix outlined in the Land Development Code for the Future Land Use Plan Map designation of "Commercial".

**RECOMMENDATION:**

Staff recommends that the Planning Board recommend **APPROVAL** to the City Commission of a zoning map amendment to change:

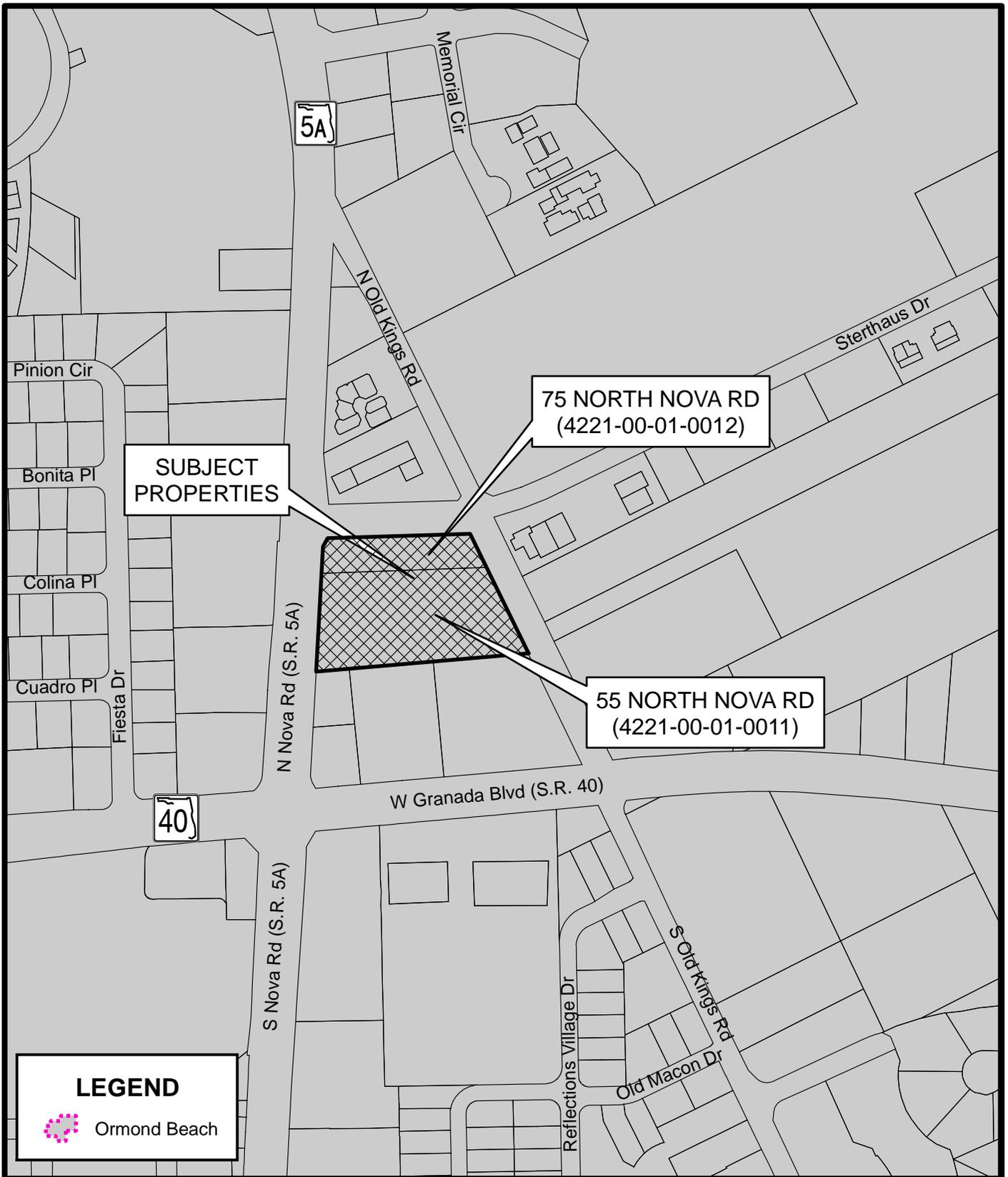
1. The 0.73± acre property at 75 North Nova Road from B-1 (Professional Office/Hospital) to B-8 (Commercial); and
2. The 2.40± acre property at 55 North Nova Road from B-1 (Professional Office/Hospital) to B-8 (Commercial).

Attachments:

- Exhibit 1: Location maps and site pictures
- Exhibit 2: Zoning Map
- Exhibit 3: Section 2-29 of the LDC, B-8 zoning district

# Exhibit 1

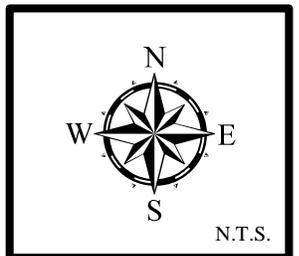
Location Maps and  
site pictures



**55 and 75 North Nova Road**  
**LOCATION MAP**

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Prepared By: The City of Ormond Beach  
 G.I.S. Department 9/23/2013



## Aerial picture of properties under consideration





75 North Nova Road



**Alliance Church**  
**55 North Nova Road**



**Abutting uses**

**South - commercial**



**West - commercial**



**East - offices**

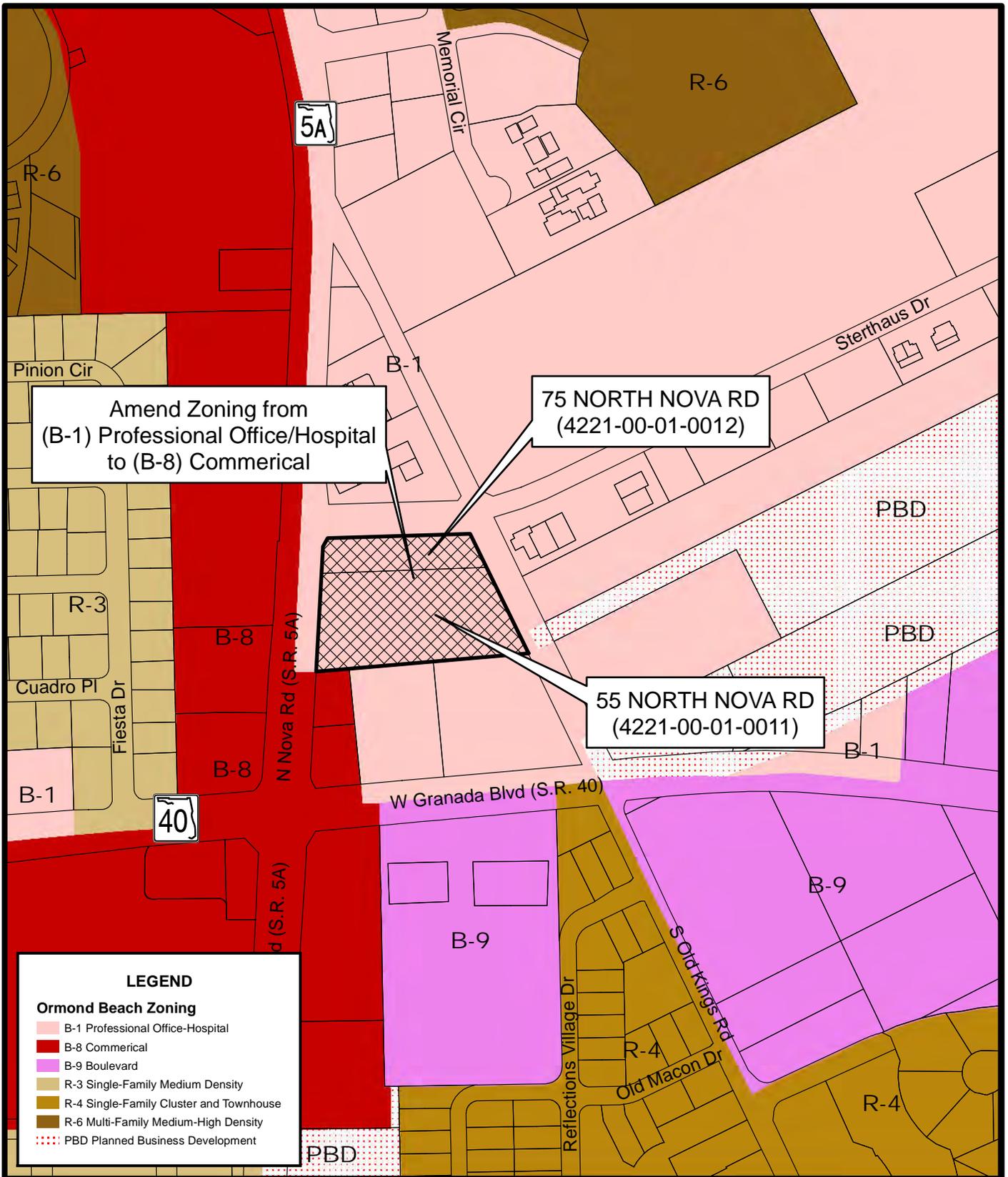


**North - offices**



# Exhibit 2

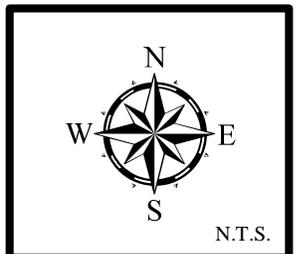
## Zoning Map



**PROPOSED ZONING MAP**  
**55 and 75 NORTH NOVA ROAD**

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Prepared By: The City of Ormond Beach  
 G.I.S. Deptment 9/23/2013



# Exhibit 3

Section 2-29 of the LDC,  
B-8 zoning district

**Sec. 2-29. B-8, Commercial Zoning District.**

<p><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.</p>																
<p><b>B. DIMENSIONAL STANDARDS</b></p>																
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' for properties located on U.S. 1 adjacent to Dodson Creek	20' 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'				
<b>C. PERMITTED USES</b>				<b>D. CONDITIONAL USES</b>				<b>E. SPECIAL EXCEPTION USES</b>			<b>F. OTHER STANDARDS</b>					
<ol style="list-style-type: none"> <li>1. Adult Day Care Center</li> <li>2. Assisted Living Facility</li> <li>3. Business and Professional Office</li> <li>4. Business Service</li> <li>5. Clubs and Fraternal Organization</li> <li>6. Convenience Store, Type A</li> <li>7. Financial Institution</li> <li>8. Nursing Home</li> <li>9. Personal Services</li> <li>10. Retail Sales and Services</li> <li>11. School of Art</li> <li>12. School, Public</li> <li>13. Veterinarian</li> </ol>				<ol style="list-style-type: none"> <li>1. Bowling Center</li> <li>2. Child Care Facility</li> <li>3. Community Residential Home</li> <li>4. Convenience Store, Type B</li> <li>5. Convenience Store, Type C</li> <li>6. Dwelling, Multifamily</li> <li>7. Family Day Care Home</li> <li>8. House of Worship</li> <li>9. Parks and Recreation Facilities, Private</li> <li>10. Parks and Recreation Facilities, Public</li> <li>11. Public Facilities</li> <li>12. Public Utilities</li> <li>13. Recreational Facilities, Indoor</li> <li>14. Restaurant, Type A</li> <li>15. Restaurant, Type B</li> <li>16. Restaurant, Type C</li> <li>17. School, Private</li> <li>18. Sexually Oriented Business</li> <li>19. Shopping Center</li> <li>20. Telecommunications Towers, Camouflaged</li> <li>21. Theater</li> <li>22. Wind Energy System</li> </ol>				<ol style="list-style-type: none"> <li>1. Automatic Amusement Center</li> <li>2. Outdoor Activity</li> <li>3. Outdoor Storage</li> <li>4. Recreational Facilities, Outdoor</li> <li>5. Warehouse, Mini-Rental</li> </ol>			<p>All development must comply with the following requirements:</p> <ol style="list-style-type: none"> <li>1. Wetlands (chapter 3, article II).</li> <li>2. Special corridors and buffer requirements (chapter 3, article I).</li> <li>3. See conditional and special exception regulations (chapter 2, article IV).</li> <li>4. Multifamily residential dwelling units shall have the following minimum square footage per bedroom:</li> </ol> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>One Bedroom = 600 SF</td> <td>Three Bedrooms = 900 SF</td> </tr> <tr> <td>Two Bedrooms = 750 SF</td> <td>Each Additional Bedroom = 150 SF</td> </tr> </table>		One Bedroom = 600 SF	Three Bedrooms = 900 SF	Two Bedrooms = 750 SF	Each Additional Bedroom = 150 SF
One Bedroom = 600 SF	Three Bedrooms = 900 SF															
Two Bedrooms = 750 SF	Each Additional Bedroom = 150 SF															
<p><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.</p>																

(Ord. No. 2012-03, § 7, 2-7-2012)

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** November 4, 2013

**SUBJECT:** San Marco Apartments (1500 San Marco Drive also known as 390 Williamson Boulevard)  
Future Land Use Map Amendment through the State Expedited Review Process

**APPLICANT:** City Initiated

**NUMBER:** LUPA 13-131

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

**INTRODUCTION:** This is a city initiated request for a Future Land Use Map amendment pursuant to the Florida Expedited State Review Process for the San Marco Apartments property. The property is owned by San Marco Associates, Ltd. The request is to change the land use designation of ±18.68 acres from Volusia County “Urban High Intensity” to City of Ormond Beach “Office/Professional” as the result of annexation on November 5, 2013, based on connection to city utilities and contiguity with the City of Ormond Beach.

**BACKGROUND:** The subject property is currently developed with 12, three story apartment complexes and a clubhouse in accordance with the adopted Volusia County site plan. According to the Property Appraiser, the site was constructed in 2002. San Marco Apartments has 260 units on ±18.68 acres of property, equating to a density of 13.9 dwelling units per acre. The property is currently designated Volusia County “Urban High Intensity” which allows between 8 and 20 units per acre.



This Future Land Use Map Amendment is being processed pursuant to the Expedited State Review process, Section 163.3184(3) and (5), Florida Statutes. Thus, the proposed land use amendment tentative schedule of the subject property is as follows:

Action/Board	Date
Planning Board	November 14 2013
City Commission Transmittal Hearing, 1 <sup>st</sup> reading of Ordinance	January 7, 2014
Transmit to Florida Department of Economic Opportunity (DEO), State agencies, Volusia County Growth Management Commission, and adjoining jurisdictions.	Within 10 days of public hearing date
City Commission Adoption Hearing, 2 <sup>nd</sup> reading of Ordinance	March 18, 2014
Send adopted package to DEO	Within 10 days of City Commission Adoption Date.
Amendment Effective Date (If <b>no</b> challenge is received by DEO)	31 days after State Land Planning Agency determines package is complete.
Amendment Effective Date (If a challenge <b>is</b> received by DEO)	The date the State or Administration Commission, respectively, issues a final order determining that the adopted amendment is in compliance (No challenge is expected).

**ANALYSIS:** The proposed administrative amendment seeks to change the land use designation of the subject property from unincorporated Volusia County to the City of Ormond Beach on the future land use map. The amendment was reviewed in accordance with the criteria outlined in Policy 2.5.2 of the Future Land Use Element of the city’s Comprehensive Plan. Below is the analysis of the review criteria highlighted in bold font with responses in standard font:

**1. Whether the future land use amendment is consistent with the Comprehensive Plan Goals, Objectives and Policies.**

The Large Scale Comprehensive Plan Land Use Map amendment for the subject property proposes to change the land use of ±18.68 acres from Volusia County “Urban High Intensity” to Ormond Beach “Office/Professional”.

Volusia County Current Land Use

The Volusia County Comprehensive Plan states the following directive for the “Urban High Intensity” land use category:

“Urban High Intensity” – Areas that contain residential development at a range of greater than eight (8) to twenty (20) dwelling units per acre. The types of housing allowed under this designation include recreational vehicle, townhouse, low-rise apartments, and high-rise residential. The area should contain excellent transportation access, primarily via the arterial road network and be served by public transportation (where available).

This designation may allow neighborhood business areas or neighborhood shopping centers (see Shopping Center definition in Chapter 20) and office development or similar related commercial uses that meet the Comprehensive Plan's location criteria. The commercial intensity shall be limited to no more than a fifty-five percent Floor Area Ratio (0.55 FAR) and be limited in a manner to be compatible with the allowable residential density. In order to be considered compatible, the commercial development should reflect similar traffic patterns, traffic generation, building scale, landscaping and open space, and buffers. More intensive commercial uses, other than referenced above, shall be reserved to areas designated for Commercial.

All requests for nonresidential uses within one-quarter (¼) mile of another jurisdiction shall require notification to that jurisdiction.

Below is the current land use maximum development scenario and as-built development based on a total of ±18.68 acres (813,701 square feet):

Max Residential Density (20 units per acre)	Maximum Non-Residential Square footage allowed (.55 FAR)	As Built on Ground
373 units	447,535	260 units 0 Non-residential Square footage

Proposed Ormond Beach Land Use

The application proposes to designate ±18.68 acres as Ormond Beach “Office/Professional”. The Ormond Beach Comprehensive Plan states the following directive for the “Office/Professional” land use category:

Purpose: A multi-use land use category to provide areas served by transit for use by general office, medical and professional uses and accessory retail sales and personal services. It is expected that at least 30% of the undeveloped office/professional lands in the City will be developed with multi-family residential uses and adult care/retirement facilities. This category may permit as accessory retail sales and personal services as uses in association with office development. For projects that propose a mixture of residential and non-residential uses, the minimum FAR should be 0.2.

Density: Maximum: 15 units per acre.

Maximum FAR: 0.5

Below is the maximum development scenario that could be allowed for the developed subject property under the Ormond Beach "Office/Professional" land use designation with ±18.68 total acres (813,701 square feet).

Max Residential Density (15 units per acre)	Maximum Non-Residential Square footage allowed (.5 FAR)	As Built on Ground
280 units	406,851	260 units 0 Non-residential Square footage

The maximum residential units allowed under the Ormond Beach "Office/Professional" land use designation is 93 units less than the 373 units allowed under the Volusia County "Urban High Intensity" land use designation.

Initially, assigning the Ormond Beach "High Density Residential" land use category was considered. The "High Density Residential" land use allows the following maximum development potential:

Max Residential Density (32 units per acre)	Maximum Non-Residential Square footage allowed (.3 FAR)	As Built on Ground
598 units	244,110	260 units 0 Non-residential Square footage

Staff's concerns after analysis were:

1. The Floor Area Ratio of the "High Density Residential" land use category is 0.3. Since the actual Floor Area Ratio of the subject property equates to 0.426 based on the adopted total building square footage of 257,886 square feet from the Final Site Plan, assigning the "High Density Residential" land use category would create a non-conforming development. The actual total square footage of the developed property is 13,776 square feet more than would be allowed under the Ormond Beach "High Density Residential" category. This non-conformity could lead to issues if the apartment complex were ever destroyed or in obtaining insurance for the complex.
2. The maximum residential density would be in excess of 225 units allowed under the current Volusia County "Urban High Density" land use designation.
3. Assigning the "High Density Residential" land use designation would be inconsistent with Policy 5.1.1. of the city's Future Land Use Element of the Comprehensive Plan that requires those properties annexed into the City of Ormond beach be assigned a similar land use to that of what was had in the County.

The Volusia County "High Density Residential" land use category has a mix use component that is not purely residential. In comparison, the city "Office/Professional" category allows office, residential and 49% commercial making it an appropriate new designation to assign to the San Marco Apartments. The "Office/Professional" land use category offers the most consistent density and intensity standards with the County designation. In addition, with the close proximity of the Florida Hospital Memorial Medical Center and medical offices to the subject property, the city "Office/Professional" land use category is an appropriate land use category to assign to the subject property.

The proposed FLU amendment is consistent with the Goals Objectives, and Policies of the Comprehensive Plan, including but not limited to:

GOAL 1 Future Land Use Element	FUTURE DEVELOPMENT AND REDEVELOPMENT ACTIVITIES SHOULD BE DIRECTED IN APPROPRIATE AREAS AS DEPICTED ON THE FUTURE LAND USE MAP TO MEET THE LAND USE NEEDS OF THE ANTICIPATED POPULATION, IN A MANNER CONSISTENT WITH SOUND PLANNING PRINCIPLES, THE GOALS, OBJECTIVES AND POLICIES CONTAINED HEREIN, AND THE DESIRED COMMUNITY CHARACTER.  THE FUTURE LAND USE PLAN ELEMENT SHOULD ALLOW LIMITED COMMERCIAL EXPANSION, PROMOTE INDUSTRIAL USE, AND MAINTAIN CURRENT RESIDENTIAL DENSITIES IN THE CORE AREA WHILE ESTABLISHING LOWER DENSITIES IN THE PERIMETER AREAS, FOCUSING REDEVELOPMENT IN THE
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	DOWNTOWN COMMUNITY REDEVELOPMENT AREA, US1, AND SRA1A, AND PROVIDING FOR A CONTINUED HIGH LEVEL OF OPEN SPACE. SPECIFIC GOALS AND POLICIES ARE LISTED BELOW FOR EACH TYPE OF LAND USE. FUTURE GROWTH SHALL BE TIMED AND LOCATED TO MAXIMIZE EXISTING PUBLIC INFRASTRUCTURE.
OBJECTIVE 1.2. COMMERCIAL LAND USE Future Land Use Element	Ensure that adequate amounts of land are available to meet the commercial land use needs of the community.
GOAL 5 Annexation Future Land Use Element	THE CITY PROVIDES UTILITY SERVICE BEYOND IT'S MUNICIPAL LIMITS AND SHALL REQUIRE THAT ANY CONNECTION TO THE CITY UTILITY SYSTEM EITHER ANNEX INTO THE CITY OR ENTER INTO AN ANNEXATION AGREEMENT IF NOT CONTIGUOUS FOR UTILITY SERVICE.
Policy 5.1.1. Future Land Use Element	Properties that are annexed into the City of Ormond Beach shall be assigned a similar land use that existed in Volusia County. Property owners may apply for more intensive land uses, but shall be required to provide the data and analysis to justify the increase in density and/or intensity.

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

The City's Comprehensive Plan and Florida Statutes establish the process, including required advertising for a large scale map amendment. The amendment includes the data and analysis in this report. Additionally, the application will conduct three public hearings for any public comments and shall be reviewed by the Volusia Growth Management Commission and state agencies. The amendment meets or exceeds the criteria established in the Comprehensive Plan and Florida Statute.

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

**Land Use:** The 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>	United States Post Office	Proposed Ormond Beach "Low Intensity Commercial"	Proposed Ormond Beach PBD (Planned Business Development)
<b>South</b>	Crowne at Ormond Beach	Volusia County "Urban High Intensity"	Volusia County R-7 (Urban Multifamily Residential)
<b>East</b>	Love Whole Foods Café and Market	Volusia County "Commercial"	Volusia County BPUD (Business Planned Unit Development)
<b>West</b>	Interstate 95	N/A	N/A

The proposed Ormond Beach "Office/Professional" land use designation will ensure consistency as required by the city's adopted Comprehensive Plan. The subject property is an appropriate use of land given that there are other neighboring commercial uses along the Williamson Boulevard corridor. The "Office/Professional" land use category encompasses a multi-family residential use component and is the most consistent land use with the Volusia County "Urban High Intensity" designation. Finally, the city "Office/Professional" designation is compatible with uses adjacent to the subject property.

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

This application is unique in that the project was originally approved by Volusia County as San Marco Apartments, an Urban High Intensity development and the land use amendment is the result of annexation. However, an infrastructure analysis was performed to determine the maximum development scenario.

**Transportation:** For the purpose of the land use amendment, an analysis of the theoretical maximum traffic impact of the land use amendment as follows:

<b>Current</b>	<b>Maximum Number of Units</b>	<b>Maximum Traffic Impacts using #221 (Low Rise Apartment)</b>
"Urban High Intensity"	373	2,458
<b>Proposed</b>		
"Office Professional"	280	1,845
<b>Net Reduction</b>		
Proposed land use amendment	-93	-613

The analysis demonstrates that the land use amendment would create a reduction in the number of average daily trips by 613 based on the proposed "Office/Professional" land use category. It is important to note that the site is already developed with 260 units and there is no additional development proposed with this land use amendment. The land use amendment is the result of an annexation.

**Water & Sewer:** The City of Ormond Beach operates a single water treatment plant with a rated capacity of 12 million gallons per day (MGD). The current committed capacity is 6 MGD. The permitted capacity of the wastewater treatment plant is 8 MGD with a committed capacity of 4 MGD.

The subject property is located in the utility service area of the City of Ormond Beach and has been receiving utilities since 2002. Since the property is already developed, it will not generate an increase in demand. However, based on a calculated average water and sewer usage per unit, the following analysis was completed.

<b>Current</b>	<b>Maximum Number of Units</b>	<b>Maximum Water and Sewer Usage (*110 gpd/unit)</b>
"Urban High Intensity"	373	41,030
<b>Proposed</b>		
"Office Professional"	280	30,800
<b>Net Reduction</b>		
Proposed land use amendment	-93	-10,230

\*110 gallons per day, per unit based on analysis of existing apartment complex consumption over a year period.

The maximum water and sewer impacts would decrease by 10,230 gallons per day under the maximum number of units by the proposed "Office/Professional" land use category.

**Stormwater Management:** The property has an approved site plan that contains a stormwater management system.

**Solid Waste:** The subject 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 currently approved for the development of apartment complexes and a clubhouse with a pool. There are no additional school impacts as a result of this future 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 proposed Future Land Use Map Amendment is to assign a similar City land use designation due to the annexation of the subject property. The proposed amendment will not impact surrounding jurisdictions.

**CONCLUSION:** Staff supports the land use amendment from Volusia County "Urban High Intensity" to City of Ormond Beach "Office/Professional" ( $\pm$ 18.68 acres). Since the existing parcel is developed as apartment complexes and a clubhouse with a pool, this land use map amendment is an administrative amendment required to assign a City Future Land Use Map designation to the subject parcel. The Ormond Beach "Office/Professional" land use category is the most appropriate land use category for the following reasons:

1. The amendment meets the Goals, Objectives, and Policies of the City's comprehensive plan;
2. The amendment meets the requirements established in the Florida Statutes;
3. The proposed land use is an appropriate use of land; and
4. There is adequate infrastructure to serve the proposed land use. The land use amendment would reduce the theoretical maximum density and floor area ratio maximums. 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 "Volusia County "Urban High Intensity" to City of Ormond Beach "Office/Professional".
5. The proposed land use will not impact surrounding jurisdictions.

**RECOMMENDATION:** Staff recommends **APPROVAL** of Case # LUPA 13-131 – a Future Land Use map amendment to change the land use for ±18.68 acres Volusia County “Urban High Intensity” to City of Ormond Beach “Office Professional” at the San Marco Apartments located at 1500 San Marco Drive.

Attachments: Exhibit 1: Location Maps and site pictures  
Exhibit 2: Future Land Use Map  
Exhibit 3: Legal Description and Sketch

# EXHIBIT 1

Location Aerial and Photo



SUBJECT  
PROPERTY

WILLIAMSON BLVD  
RIGHT-OF-WAY

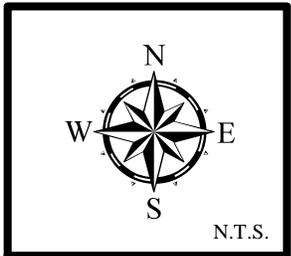
1500 SAN MARCO DRIVE  
(4231-00-00-0110)



**AERIAL MAP**  
**1500 SAN MARCO DR and**  
**WILLIAMSON BLVD RIGHT-OF-WAY**

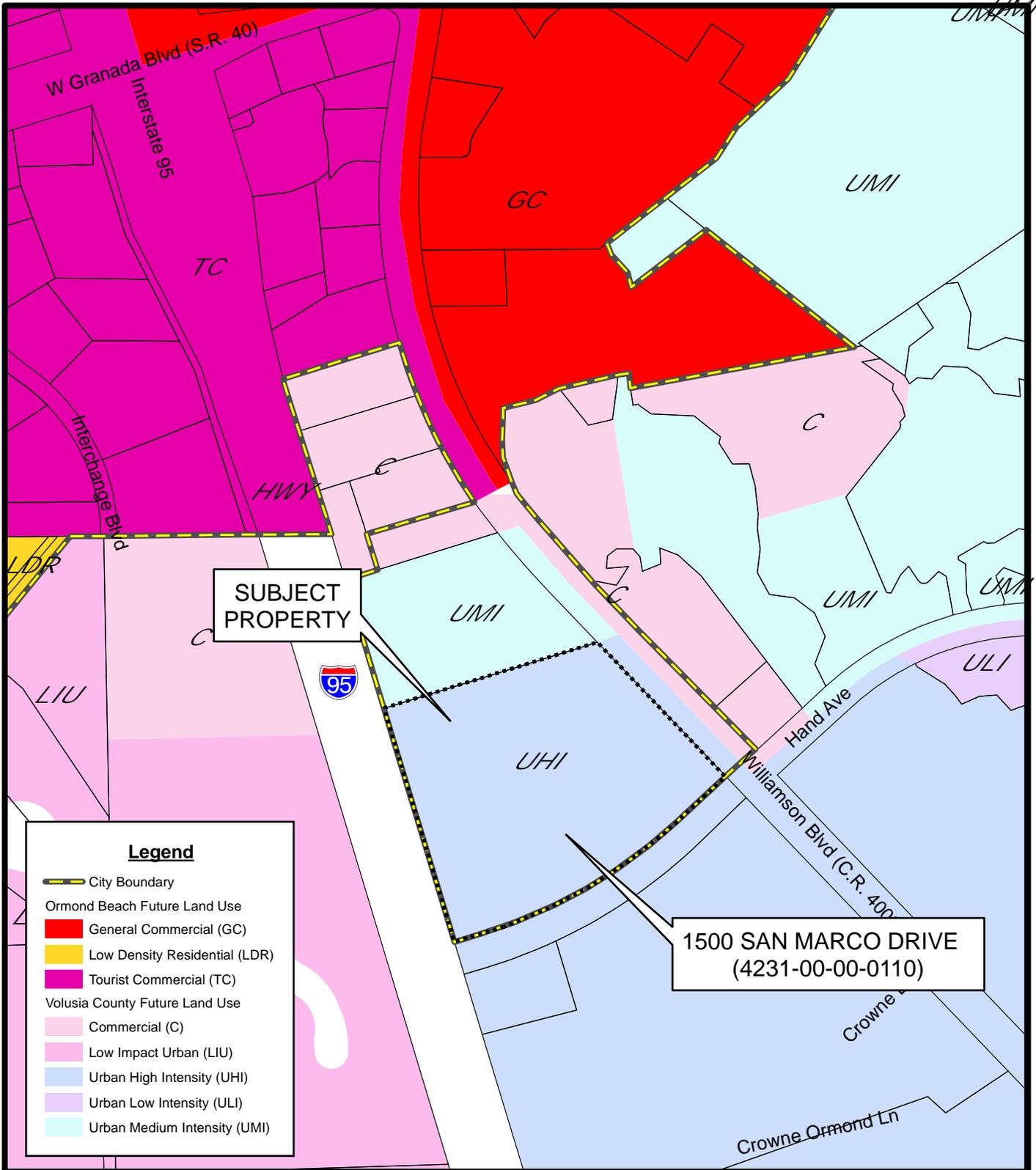
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Prepared By: The City of Ormond Beach  
G.I.S. Department - October 24, 2013



# EXHIBIT 2

Future Land Use Maps



**Legend**

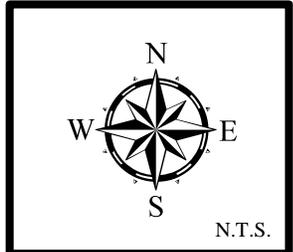
- City Boundary
- Ormond Beach Future Land Use**
- General Commercial (GC)
- Low Density Residential (LDR)
- Tourist Commercial (TC)
- Volusia County Future Land Use**
- Commercial (C)
- Low Impact Urban (LIU)
- Urban High Intensity (UHI)
- Urban Low Intensity (ULI)
- Urban Medium Intensity (UMI)

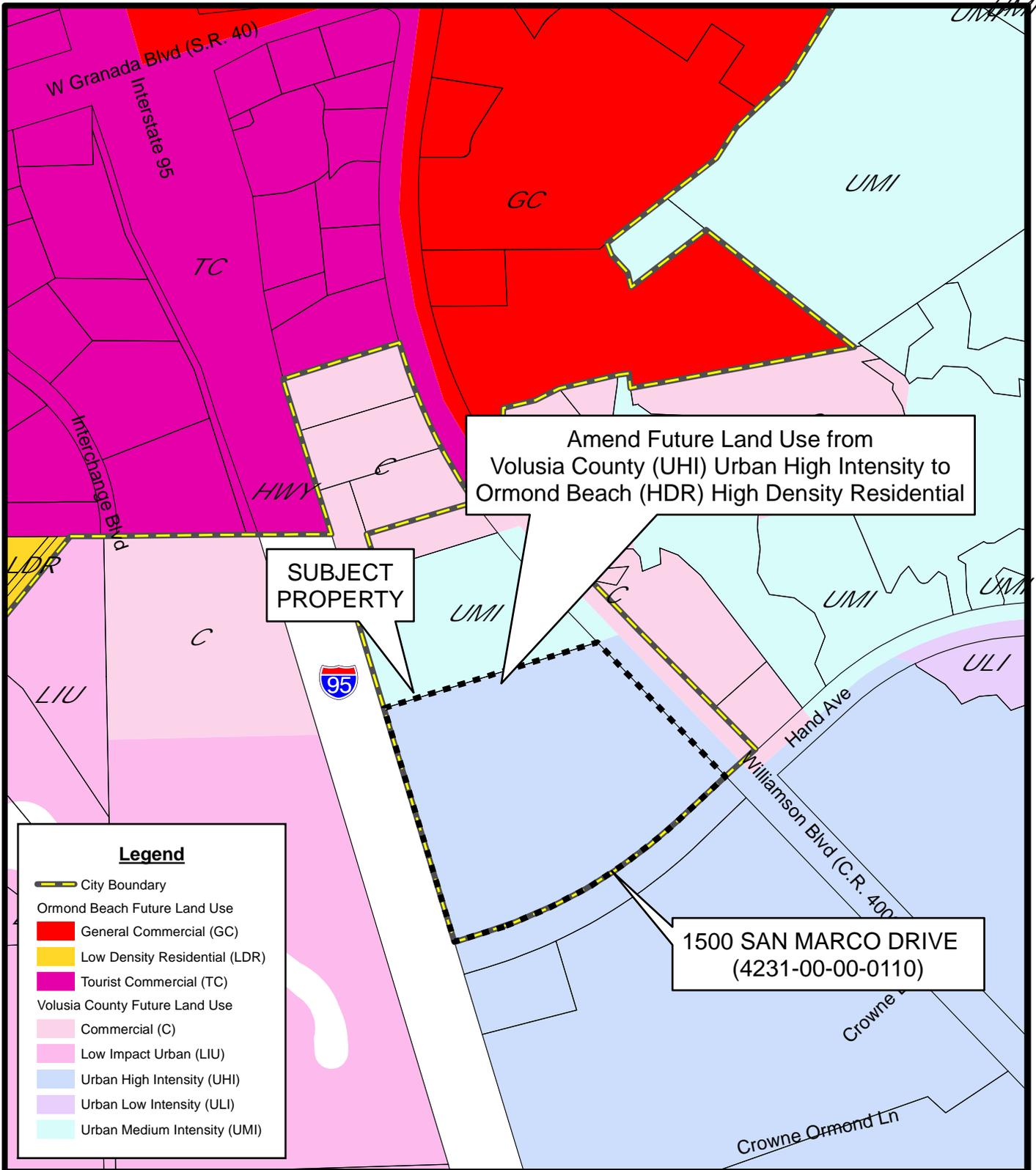


**CURRENT FUTURE LAND USE MAP  
1500 SAN MARCO DR**

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Prepared By: The City of Ormond Beach  
G.I.S. Department - October 24, 2013

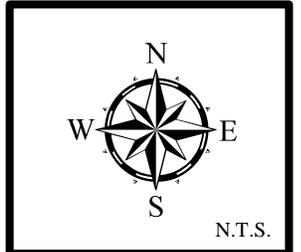




**PROPOSED FUTURE LAND USE MAP**  
**1500 SAN MARCO DR**

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Prepared By: The City of Ormond Beach  
 G.I.S. Department - October 24, 2013



# EXHIBIT 3

Legal Description and Sketch

SKETCH OF DESCRIPTION



SEE SHEET 1 FOR LEGAL DESCRIPTION

LEGAL DESCRIPTION

AS A POINT OF REFERENCE, COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTH ONE-QUARTER CORNER OF SAID SECTION 31; THENCE RUN NORTH 89°30'25" WEST, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 1189.16 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF OF WILLIAMSON BOULEVARD (A 130 FOOT RIGHT-OF-WAY, AS DESCRIBED IN OFFICIAL RECORDS BOOK 894, PAGE 667, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA), SAID POINT LYING ON A CURVE, CONCAVE EASTERLY; HAVING A RADIUS OF 1960.08 FEET, AN ARC DISTANCE OF 193.44 FEET, A CENTRAL ANGLE OF 05°39'17", A CHORD DISTANCE OF 193.36 FEET, AND A CHORD BEARING OF SOUTH 40°12'06" EAST; THENCE DEPARTING THE NORTH LINE OF SAID SECTION 31 AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD, RUN SOUTHERLY AND EASTERLY, ALONG SAID CURVED RIGHT-OF-WAY LINE, TO THE POINT OF TANGENCY THEREOF; THENCE RUN SOUTH 43°01'45" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 401.04 FEET TO THE SOUTHEASTERLY CORNER OF THAT PARCEL OF LAND DEED FROM PATRICIA LAGONI, TRUSTEE, TO THE UNITED STATES POSTAL SERVICE, AS DESCRIBED IN OFFICIAL RECORDS BOOK 3374, PAGE 0799, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE SOUTH 43°01'45" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WILLIAMSON BOULEVARD, A DISTANCE OF 671.26 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF THE HAND AVENUE EXTENSION, A 115-FOOT WIDE RIGHT-OF-WAY AS DESCRIBED IN DEED FROM PATRICIA LAGONI, AS TRUSTEE UNDER TRUST 1 DI-2, TO THE COUNTY OF VOLUSIA, AS RECORDED IN OFFICIAL RECORDS BOOK 4279, PAGE 4417, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HAND AVENUE EXTENSION, RUN SOUTH 47°00'07" WEST (SOUTH 47°00'31" WEST PER SAID DEED), A DISTANCE OF 262.01 FEET (262.11 FEET PER SAID DEED) TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY; HAVING A RADIUS OF 1760.63 FEET, AN ARC DISTANCE OF 804.72 (804.92 FEET PER SAID DEED) FEET, A CENTRAL ANGLE OF 26°11'16" (26°11'40" PER SAID DEED), HAVING A CHORD DISTANCE OF 797.73 FEET (797.93 FEET PER SAID DEED), AND A CHORD BEARING OF SOUTH 60°05'46" WEST (SOUTH 60°06'21" WEST PER SAID DEED), THENCE RUN SOUTHERLY AND WESTERLY, ALONG SAID CURVED RIGHT-OF-WAY LINE TO THE POINT OF TANGENCY THEREOF; THENCE RUN SOUTH 73°11'24" WEST (SOUTH 73°12'11" WEST PER SAID DEED), ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 105.89 FEET (107.81 FEET PER SAID DEED) TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY I-95 (STATE ROAD 9), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION SHEET 3 OF 7, REVISION DATED APRIL 18, 1996; THENCE RUN NORTH 16°53'14" WEST (NORTH 16°53'44" WEST PER SAID MAP), ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 1-95 A DISTANCE OF 897.60 FEET TO THE SOUTHWESTERLY CORNER OF THE AFOREMENTIONED UNITED STATE POSTAL SERVICE PARCEL; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, RUN NORTH 73°07'26" EAST (NORTH 73°02'40" WEST PER DEED), ALONG THE SOUTHERLY LINE OF SAID UNITED STATES POSTAL SERVICE PARCEL, A DISTANCE OF 822.65 FEET (821.22 FEET PER SAID DEED) TO THE SOUTHEASTERLY CORNER THEREOF AND THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 813,924 SQ.FT. OR 18.67 ACRES MROE OR LESS

SEE SHEET 2 FOR SKETCH OF DESCRIPTION

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** November 14, 2013

**SUBJECT:** Land Development Code Amendment:  
Floodplain Management and Protection Regulations

**APPLICANT:** Administrative

**NUMBER:** LDC 14-008

**PROJECT PLANNER:** Becky Weedo, AICP, CFM, Senior Planner

### **INTRODUCTION:**

This is an administrative amendment to the Land Development Code (LDC), Chapter 1, General Administration, Article III, Definitions and Acronyms, Section 1-22, Definitions of Terms and Words, and Chapter 3, Performance Standards, Article II, Environmental Protection Standards, Section 3-20 Floodplain Management and Protection; to update definitions and regulations consistent with requirements of the National Flood Insurance Program (NFIP) and the Community Rating System (CRS).

### **BACKGROUND:**

The Federal Emergency Management Agency (FEMA) issued a Letter of Final Determination on August 19, 2013 initiating the 180-day government compliance period. Since the Flood Insurance Study establishing the Base Flood Elevations for the City of Ormond Beach has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended.

The proposed minor amendments are in response to FEMA's requirement to amend existing regulations to incorporate additional National Flood Insurance Program (NFIP) requirements of Paragraph 60.3(d and e), (44 CFR 59, etc). The proposed amendments have been reviewed and approved by the officials in the state Floodplain Management Division of Emergency Management (FDEM) (Exhibit 1)

The adopted Floodplain Ordinance (Exhibit 2) must be remitted to the FDEM to be forwarded to FEMA by January 17, 2014. For this reason, the proposed LDC amendment is proposed to go before the City Commission on November 19, 2013 so that the City can meet the submission deadlines and continue eligibility in the NFIP and Community Rating System (CRS). The City has been a voluntary participant in the CRS program since 1992 providing policy holders in flood prone areas up to 20% discounts on their flood insurance.

**LDC AMENDMENT:** This request for amendment to the LDC consists of the following changes:

1. *Chapter 1, Article III, Section 1-22, Definitions*

Section 1-22 is proposed to be amended to include definitions required as a minimum for continued participation in the National Flood Insurance Program (44 CFR Section 59.1: Definitions of NFIP Terms) and for higher standards required for participation in the Community Rating System. A summary of the proposed changes are below:

Definition	Proposed Change
<i>Alteration of a watercourse</i>	Definition Added
<i>Appeal</i>	Definition Added pertaining to floodplain management
<i>Area of special flood hazard</i>	Text updated
<i>ASCE 24</i>	Definition Added
<i>Base flood</i>	Text updated
<i>Base flood elevation (BFE)</i>	Text updated
<i>Basement</i>	Text updated
<i>Coastal high hazard area</i>	Text updated
<i>Construction, new</i>	Text updated
<i>Design Flood</i>	Definition Added
<i>Design Flood Elevation</i>	Definition Added
<i>Encroachment</i>	Text updated pertaining to floodplain management
<i>Federal Emergency Management Agency</i>	Definition Added
<i>Flood Damage-Resistant Materials</i>	Definition Added
<i>Flood insurance study (FIS)</i>	Text updated
<i>Floodplain manager</i>	Text updated
<i>Florida Building Code</i>	Definition Added
<i>Historic structure</i>	Definition Added
<i>Letter of map change (LOMC)</i>	Text updated
<i>Lowest floor</i>	Text updated
<i>Manufactured home park or subdivision</i>	Definition Added
<i>Manufactured Housing</i>	Text updated
<i>Mobile home</i>	Text updated
<i>Market value</i>	Text updated
<i>Substantial improvement</i>	Text updated

2. *Chapter 3, Article II, Section 3-20 Floodplain Management and Protection*

Section 3-20, Floodplain Management and Protection, is proposed to be amended to include regulations as a minimum for participation in the National Flood Insurance Program and for higher standards required for participation in the Community Rating System. Following is a summary of the proposed changes:

City of Ormond Beach LDC Section	Proposed Change
3-20, (b) (2)	Updated the effective date of the Flood Insurance Study and accompanying flood insurance rate maps for determining special flood hazard areas.
3-20,(c) (k)	New subsection requiring the submittal of new technical data. This is to assure premium rates and floodplain management is based on best available data.
3-20, (e) (11)	Deleted biennial report language since it is no longer required.

**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 meet the standards of 60.3(d and e) of the NFIP regulations (CFR 59,etc) to continue participation in the National Flood Insurance Program. Standards will continue to support the public health, safety, welfare or quality of life and 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.**

The proposed Land Development Code amendment will not have an adverse impact on environmentally sensitive lands. Instead, these amendments are designed to enhance and protect the natural and beneficial functioning of the floodplains and those environmentally sensitive lands, surface water and other natural resources and habitats contained within.

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

The proposed Land Development Code amendment is based on the premise of No Adverse Impact Floodplain Management, or that the actions of one property owner shall not adversely affect the rights of other property owners, specifically those related to increased flood peaks, increased flood stages, higher flood velocities, increased erosion and sedimentation. This amendment has been designed to have no adverse effect on surrounding property; create a nuisance; deprive adjoining properties of adequate light and air; or create excessive noise, odor, glare or visual impacts on adjoining properties.

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

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 recommended that the Planning Board **APPROVE LDC 14-008**, to amend the Land Development Code (LDC) pursuant to the standards of the NFIP regulations (44 CFR 59,etc); and to further the City's continued participation in the Community Rating System (CRS).

# Exhibit 1

## Florida Ordinance Review Checklist

# Florida Ordinance Review Checklist

Level of Regulations: b (with approx A Zone) ; c (with BFE) ; d (with floodway) ; e (with V Zone)

Community ID: 125136                      Community Name: City of Ormond Beach

Ordinance Citation: LDC, Ch. 3, Art. II, Sec. 3-20, Ch. 1, Article III, Sec. 1-22, and LDC, Ch. 1, Art. II, Sec. 1-12

Date of Review: 10/09/2013                      Reviewer: DEM- MM                      FEMA     STATE

**NOTE:** The "Item Description" is a synopsis of the regulatory requirement and should not be construed as a complete description. Refer to the actual language contained in the National Flood Insurance Program Rules and Regulations for complete descriptions of the required standards.

Item Description (Section reference of NFIP Regulations follows)	Ordinance Section	Comments		
<b>Required provisions for all ordinances</b>				
1. Citation of Statutory Authorization. [59.22(a)(2)]	Ch. 166, F.S.	Included in the Whereas section of the Ordinance		
2. Purpose section citing health, safety, and welfare reasons for adoption. [59.22(1)]	Ch. 3, Art. II, §3-20(A)(2)			
3. Adopt definitions of: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> Base Flood  <input checked="" type="checkbox"/> Basement  <input checked="" type="checkbox"/> Development  <input type="checkbox"/> Existing Manufactured Home Park or Subdivision (N/A)  <input type="checkbox"/> Expansion to an Existing Manufactured Home Park or Subdivision (N/A)  <input checked="" type="checkbox"/> Flood Insurance Rate Map  <input checked="" type="checkbox"/> Flood Insurance Study  <input checked="" type="checkbox"/> Floodproofing  <input checked="" type="checkbox"/> Floodway  <input checked="" type="checkbox"/> Highest Adjacent Grade  <input checked="" type="checkbox"/> Historic Structure              and other definitions as appropriate. [59.1]         </td> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> Lowest Floor  <input checked="" type="checkbox"/> Manufactured Home  <input checked="" type="checkbox"/> Manufactured Home Park or Subdivision  <input checked="" type="checkbox"/> New Construction  <input type="checkbox"/> New Manufactured Home Park or Subdivision (N/A)  <input checked="" type="checkbox"/> Recreational Vehicle  <input checked="" type="checkbox"/> Special Hazard Area  <input checked="" type="checkbox"/> Start of Construction  <input checked="" type="checkbox"/> Structure  <input checked="" type="checkbox"/> Substantial Damage  <input checked="" type="checkbox"/> Substantial Improvement  <input checked="" type="checkbox"/> Violation         </td> </tr> </table>	<input checked="" type="checkbox"/> Base Flood <input checked="" type="checkbox"/> Basement <input checked="" type="checkbox"/> Development <input type="checkbox"/> Existing Manufactured Home Park or Subdivision (N/A) <input type="checkbox"/> Expansion to an Existing Manufactured Home Park or Subdivision (N/A) <input checked="" type="checkbox"/> Flood Insurance Rate Map <input checked="" type="checkbox"/> Flood Insurance Study <input checked="" type="checkbox"/> Floodproofing <input checked="" type="checkbox"/> Floodway <input checked="" type="checkbox"/> Highest Adjacent Grade <input checked="" type="checkbox"/> Historic Structure  and other definitions as appropriate. [59.1]	<input checked="" type="checkbox"/> Lowest Floor <input checked="" type="checkbox"/> Manufactured Home <input checked="" type="checkbox"/> Manufactured Home Park or Subdivision <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> New Manufactured Home Park or Subdivision (N/A) <input checked="" type="checkbox"/> Recreational Vehicle <input checked="" type="checkbox"/> Special Hazard Area <input checked="" type="checkbox"/> Start of Construction <input checked="" type="checkbox"/> Structure <input checked="" type="checkbox"/> Substantial Damage <input checked="" type="checkbox"/> Substantial Improvement <input checked="" type="checkbox"/> Violation	NOTE: Definitions for <u>Existing</u> , <u>Expansion to An Existing</u> or <u>New Manufactured Home Park</u> are not required if community requires elevation of all manufactured homes to the BFE (1986 regulations).  LDC, Ch. 1, Art. III, §.1-22 (general definitions)  LDC, Ch. 1, Art II, §.1-12 (violation)	community requires elevation of all manufactured homes to the BFE (1986 regulations). In City of OB Ordinance
<input checked="" type="checkbox"/> Base Flood <input checked="" type="checkbox"/> Basement <input checked="" type="checkbox"/> Development <input type="checkbox"/> Existing Manufactured Home Park or Subdivision (N/A) <input type="checkbox"/> Expansion to an Existing Manufactured Home Park or Subdivision (N/A) <input checked="" type="checkbox"/> Flood Insurance Rate Map <input checked="" type="checkbox"/> Flood Insurance Study <input checked="" type="checkbox"/> Floodproofing <input checked="" type="checkbox"/> Floodway <input checked="" type="checkbox"/> Highest Adjacent Grade <input checked="" type="checkbox"/> Historic Structure  and other definitions as appropriate. [59.1]	<input checked="" type="checkbox"/> Lowest Floor <input checked="" type="checkbox"/> Manufactured Home <input checked="" type="checkbox"/> Manufactured Home Park or Subdivision <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> New Manufactured Home Park or Subdivision (N/A) <input checked="" type="checkbox"/> Recreational Vehicle <input checked="" type="checkbox"/> Special Hazard Area <input checked="" type="checkbox"/> Start of Construction <input checked="" type="checkbox"/> Structure <input checked="" type="checkbox"/> Substantial Damage <input checked="" type="checkbox"/> Substantial Improvement <input checked="" type="checkbox"/> Violation			
4. Adopt or reference correct Flood Insurance Study, Flood Insurance Rate Map (where applicable, Flood Boundary Floodway Map) and date [see Note]. Include a reference to all subsequent revisions and amendments to above-referenced FIS and flood maps. [60.2(h)] [Note: If a community has annexed territory (e.g. county land) not covered on its flood maps or FIS, the FIS and appropriate FIRM panels (usually County) must be adopted.]	Ch. 3, Art. II, §3-20(B)(2)			
5. Adequate enforcement provisions including a violations/penalty section specifying community actions to assure compliance. [60.2(e)]	Ch. 3, Art. II, §3-20(B)(8)			
6. Abrogation and Greater Restriction section. [60.1(b)]	Ch. 3, Art. II, §3-20(B)(5)			
7. Disclaimer of Liability (Degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.)	Ch. 3, Art. II, §3-20(B)(7)			

Item Description (Section reference of NFIP Regulations follows)	Ordinance Section	Comments
8. Severability section. (If any section, provision or portion of the ordinance is deemed unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.)	LDC §1-05	
9. Framework for administering the ordinance (permit system, establish office for administering the ordinance, etc.) [59.22(b)(1)]	Ch. 3, Art. II, §3-20(C)(3)	
10. Designate title of community Floodplain Administrator [59.22 (b)]	Ch. 3, Art. II, §3-20(C)(1)	
11. Requirement to submit new technical data: within 6 months, notify FEMA of changes in the base flood elevation by submitting technical or scientific data so insurance & floodplain management can be based on current data. [65.3]	Ch. 3, Art II §3-20(c)(k)	Added
12. Variance section with evaluation criteria & insurance notice. [60.6(a)]	Ch. 3, Art. II, §3-20(E)	
13. For adopted ordinance. Signature of appropriate official and certification. Date ordinance adopted: <u>March 16, 2010</u>	Codified-municode	
14. Require permits for all proposed construction or other development including placement of manufactured homes. [60.3(a)(1)]	Ch. 3, Art. II, §3-20(D)(2)(e); Ch. 3, Art. II, §3-20(C)(3)	
<b>60.3 (a)</b> When no SFHA's have been identified, no water surface elevation data has been provided, and floodways and coastal high hazards areas have not been identified and the community applies for participation in the NFIP, the following are required:		
15. Assure that all other State and Federal permits are obtained. [60.3(a)(2)]	Ch. 3, Art. II, §3-20(C)(2)(b)	
16. Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas: [60.3(a)(3)]	Ch. 3, Art. II, §3-20(C)(2)(a)	
(a) Anchoring (including manufactured homes) to prevent flotation, collapse, or lateral movement. [60.3(a)(3)(i)]	Ch. 3, Art. II, §3-20(D)(1)(a); (D)(2)(d); (D)(2)(e)	
(b) Use of flood-resistant materials. [60.3(a)(3)(ii)]	Ch. 3, Art. II, §3-20(D)(1)(b); (D)(2)(d)(2)(iii)	
(c) Construction methods/practices that minimize flood damage. [60.3(a)(3)(iii)]	Ch. 3, Art. II, §3-20(D)(1)(c)	
(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located to prevent water entry or accumulation. [60.3(a)(3)(iv)]	Ch. 3, Art. II, §3-20(D)(1)(d)	
(e) Require new and replacement water supply and sanitary sewer systems to be designed to minimize or eliminate infiltration. [60.3(a)(5) & (6)]	Ch. 3, Art. II, §3-20(D)(1)(e)&(f)	
(f) Require on-site waste disposal systems be located to avoid impairment or contamination. [60.3(a)(6)(ii)]	Ch. 3, Art. II, §3-20(D)(1)(f)&(g)	
17. Review subdivision proposals to assure that: (a) Such proposals minimize flood damage. [60.3(a)(4)(i)]	Ch. 3, Art. II, §3-20(D)(2)(k)(1)	
(b) Public utilities and facilities are located & constructed so as to minimize flood damage. [60.3(a)(4)(ii)]	Ch. 3, Art. II, §3-20(D)(2)(k)(2)	

Item Description (Section reference of NFIP Regulations follows)	Ordinance Section	Comments
(c) Adequate drainage is provided. [60.3(a)(4)(iii)]	Ch. 3, Art. II, §3- 20(D)(2)(k)(3)	
<b>60.3(b)</b> When SFHA's are identified by the publication of a community's FHBM or FIRM, but water surface elevation data have not been provided or a floodway or coastal high hazard area has not been identified, then all the above ordinance provisions for 60.3(a) and the following are required:		
18. Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. [60.3(b)(3)]	Ch. 3, Art. II, §3- 20(D)(2)(k)(4)	
19. Require permits for all proposed construction and other development within SFHAs on the FIRM. [60.3(b)(1)]	Ch. 3, Art. II, §3-20(C)(2)(a)	
20. In A Zones, in the absence of FEMA BFE data and floodway data, consider other available data as basis for elevating residential structures to or above base flood level, and for floodproofing or elevating nonresidential structures to or above base flood level. [60.3(b)(4)]	Ch. 3, Art. II, §3-20(C)(2)(j)	
21. Where BFE data are utilized, obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements. [60.3(b)(5)]	Ch. 3, Art. II, §3-20(C)(5)(o)	
22. Notify neighboring communities of watercourse alterations or relocations. [60.3(b)(6)]	Ch. 3, Art. II, §3-20(C)(2)(c)	
23. Maintain carrying capacity of altered or relocated watercourse. [60.3(b)(7)]	Ch. 3, Art. II, §3-20(C)(2)(d)	
24. Require all manufactured homes to be elevated and anchored to resist flotation, collapse, or lateral movement. [60.3(b)(8)]	Ch. 3, Art. II, §3-20 (D)(2)(d)	
<b>60.3(c)</b> When final flood elevations, but no floodways or coastal high hazard areas have been provided on a community's FIRM, then all the above ordinance provisions for 60.3(a) & 60.3(b) and the following are required:		
25. Require all new and substantially improved <u>residential</u> structures within A1-30, AE, and AH Zones have their lowest floor (including basement) elevated to or above the BFE. [60.3(c)(2)]	Ch. 3, Art. II, §3-20 (D)(2)(a)(1)	
26. In AO Zones, require that new and substantially improved <u>residential</u> structures have their lowest floor (including basement) at or above the highest adjacent grade at least as high as the FIRM's depth number. [60.3(c)(7)]	NOTE: Item 26 is not required if community has no AO zones.	
	--	No AO zones identified in the community
27. Require that new and substantially improved <u>nonresidential</u> structures within A1-30, AE, and AH Zones have their lowest floor elevated or floodproofed to or above the base flood elevation. [60.3(c)(3)]	Ch. 3, Art. II, §3-20 (D)(2)(b)(1)	
28. In AO Zones, require new and substantially improved <u>nonresidential</u> structures have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number on the FIRM. [60.3(c)(8)]	NOTE: Item 28 is not required if community has no AO zones.	
		No AO zones identified in the community
29. Require that, for floodproofed non-residential structures, a registered professional/architect certify that the design and methods of construction meet requirements at (c) (3) (ii). [60.3(c)(4)]	Ch. 3, Art. II, §3-20 (D)(2)(b)(3)	

Item Description (Section reference of NFIP Regulations follows)	Ordinance Section	Comments
30. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage have permanent openings designed to allow the entry and exit of flood waters in accordance with specifications of <b>60.3(c)(5)</b> .	Ch. 3, Art. II, §3-20 (D)(1)(c)(1)(e)(i) &(ii)	
31. Within Zones A1-30 and AE without a designated floodway, new development shall not be permitted unless it is demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than 1 foot. <b>[60.3(c)(10)]</b>	NOTE: Item 31 is not required if <u>all</u> streams have floodways designated.  Ch. 3- 20(D)(2)(j) & (n)	
32. In Zones AO and AH, require drainage paths around structures on slopes to guide water away from structures. <b>[60.3(c)(11)]</b>	NOTE: Item 32 is not required if community has neither AO nor AH zones.	No AH zones identified in the community
33. Require that manufactured homes placed or substantially improved within A1-30, AH, and AE Zones, which meet one of the following location criteria, to be elevated such that the lowest floor is at or above the BFE and be securely anchored: i. outside a manufactured home park or subdivision; ii. in a new manufactured home park or subdivision; iii. in an expansion to an existing manufactured home park or subdivision; iv. on a site in an existing park which a manufactured home has incurred substantial damage as a result of flood. <b>[60.3(c)(6)]</b>	NOTE: Item 33 is not required if community requires elevation of all manufactured homes to the BFE (1986 regulations).  Ch. 3, Art. II, §3-20 (D)(2)(e)(2)	
34. In A1-30, AH, and AE Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that: i. the lowest floor is at or above the BFE <u>or</u> ii. the chassis is supported by reinforced piers no less than 36 inches above grade and securely anchored. <b>[60.3(c)(12)]</b>	NOTE: Item 34 is not required if community requires elevation of all manufactured homes to the BFE (1986 regulations).  Ch. 3, Art. II, §3-20 (D)(2)(e)(3)	
35. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored <u>or</u> be on the site for less than 180 consecutive days <u>or</u> be fully licensed and highway ready. <b>[60.3(c)(14)]</b>	Ch. 3, Art. II, §3-20 (D)(2)(e)(5)(i)	
<b>60.3(d)</b> When final flood elevations and floodway delineations have been provided on a community's FIRM, then all the above ordinance provisions for 60.3(a), 60.3(b) & 60.3(c) and the following are required:		
36. In a regulatory floodway, prohibit any encroachment which would cause any increase in the base flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the base flood discharge. <b>[60.3(d)(3)]</b>	Ch. 3, Art. II, §3-20 (D)(2)(i)(1)	
<b>60.3(e)</b> When final flood elevations and coastal high hazard areas have been provided on a community's FIRM, then all the above ordinance provisions for 60.3(a), 60.3(b) & 60.3(c) and the following are required:  <u>NOTE:</u> If a community has both floodways and coastal high hazard areas, it must meet the requirements of both 60.3(d) and 60.3(e).		
37. In V1-30, VE, and V Zones, obtain and maintain the elevation of the bottom of the lowest structural member of the lowest floor of all new and substantially improved structures. <b>[60.3(e)(2)]</b>	Ch. 3, Art. II, §3-20 (D)(2)(e)(3)	

Item Description (Section reference of NFIP Regulations follows)	Ordinance Section	Comments
38. In V1-30, VE, and V Zones, require that all new construction and substantial improvements: (a) Are elevated and secured to anchored pilings or columns so that the lowest portion of the lowest horizontal structural member is at or above the BFE. [60.3(e)(4)]	Ch. 3, Art. II, §3-20 (D)(3)(b)(1)	
(b) A registered professional engineer/architect certify that the design and methods of construction meet elevation and anchoring requirements at (e)(4)(i) and (ii). [60.3(e)(4)]	Ch. 3, Art. II, §3-20 (D)(3)(c)	
(c) Have the space below the lowest floor constructed with breakaway walls or left open. [60.3(e)(5)]	Ch. 3, Art. II, §3-20 (D)(3)(d)	
(d) All new construction is landward of the reach of mean high tide. [60.3(e)(3)]	Ch. 3, Art. II, §3-20 (D)(3)(a)	
(e) Prohibit use of fill for structural support. [60.3(e)(6)]	Ch. 3, Art. II, §3-20 (D)(3)(f)	
(f) Prohibit alteration of sand dunes and mangrove stands which would increase potential flood damage. [60.3(e)(7)]	Ch. 3, Art. II, §3-20 (D)(3)(g)	
39. Require that manufactured homes placed or substantially improved within V1-30, VE, and V Zones, which meet one of the following location criteria, meet the V Zone standards in 60.3(e)(2) through (e)(7): i. outside a manufactured home park or subdivision; ii. in a new manufactured home park or subdivision; iii. in an expansion to an existing manufactured home park or subdivision; iv. on a site in an existing park which a manufactured home has incurred substantial damage as a result of flood. [60.3(e)(8)]	NOTE: Item 39 is not required if community requires all manufactured homes meet the V Zone standards (1986 regulations).	
	Ch. 3, Art. II, §3-20 (D)(2)(e)(2) ; (3)(h)	
40. In V1-30, VE and V Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that: i. the lowest floor is at or above the BFE, <u>or</u> ii. the chassis is supported by reinforced piers no less than 36 inches above grade and securely anchored. [60.3(e)(8)(iv); 60.3(c)(12)]	NOTE: Item 40 is not required if community requires all manufactured homes meet the V Zone standards (1986 regulations).	
	Ch. 3, Art. II, §3-20 (D)(2)(e)(1),(2)& (3)	
41. In V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored <u>or</u> be on the site for less than 180 consecutive days <u>or</u> be fully licensed and highway ready. [60.3(e)(9)]	Ch. 3, Art. II, §3-20 (D)(2)(e)(5)	

DETAILED COMMENTS (IF APPLICABLE):

**\*\* Higher Standards:** (to be noted in final approval document sent to FEMA)

- Critical Facilities--New or substantially improved critical facilities shall be, to the extent possible, located outside of areas of special flood hazard.
- Elevators—Will comply with FEMA technical bulletin 4-93; Higher Standard
- Substantial Improvements--10 yr cumulative SI—Higher Standard

- A Zone Substantial Improvements—The City requires that structures be elevated no lower than one foot (1') above the base flood elevation or 18" above the crown of the road, whichever is higher.
- A Zone Enclosures—The City has adopted rules which limit the size of enclosures below a structure to no more than 299 ft.<sup>2</sup>, which helps with the communities ICC status.
- Manufactured Homes in A Zones—The community has required that manufactured homes shall be elevated so that the chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above the highest adjacent grade; This is a higher standard than FEMA minimums of 36 inches.
- V Zone Substantial Improvements—The community has a 1 ft. freeboard for all SI structures, which is a higher standard than FEMA minimum requirements.
- V Zone Enclosures—The City limits enclosures below structures in V zones to 299 ft.<sup>2</sup> and does not allow for partitions or to be climate conditioned which is a higher standard than FEMA minimum requirements.
- Flood Openings--Property owners shall be required to execute a floodplain venting affidavit acknowledging that all openings will be maintained as flood vents; Higher Standard
- Repetitive Loss--The city's definition for Repetitive Loss is higher a standard: Repetitive loss means flood-related damage sustained by a structure on two (2) separate occasions during a ten-year (10) period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded twenty-five percent (25%) of the market value of the structure before the damage occurred.
- Compensatory Storage—The City's ordinances requiring CS for any new residential and commercial development at a level of at least 1:1 and 1:1.15, respectively, is a higher standard compared to the FEMA minimum requirements.

# Exhibit 2

## Draft Floodplain Management Ordinance

**DRAFT ORDINANCE NO. 2013-XX**

AN ORDINANCE UPDATING THE FLOODPLAIN MANAGEMENT AND PROTECTION REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS, SECTION 1-22, DEFINITIONS OF TERMS AND WORDS; AND CHAPTER 3, PERFORMANCE STANDARDS, ARTICLE II, ENVIRONMENTAL PROTECTION STANDARDS, SECTION 3-20, FLOODPLAIN MANAGEMENT AND PROTECTION; TO ADOPT FLOOD HAZARD MAPS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Ormond Beach and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, the City of Ormond Beach was accepted for participation in the National Flood Insurance Program on September 7, 1973 and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

**WHEREAS**, the local planning agency, being the Planning Board of the City of Ormond Beach, conducted a public hearing on November 14, 2013 and after hearing no objection on the requested amendment has made a recommendation thereon to the City Commission, and

**WHEREAS**, for purposes of this Ordinance text with underlined (underlined) type shall constitute additions to the original text and text with strike-through (~~strike-through~~) type shall constitute deletions to the original text.

**WHEREAS**, the City Commission finds the requested amendment to be consistent with the provisions of the Charter and the Comprehensive Plan of the City of Ormond Beach, and in the overall best interest of the public health, safety and welfare, now therefore,

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

**SECTION ONE.** Section 1-22, Definition of Terms and Words, of Article III, Definitions, of Chapter 1, General Administration, of the *LDC* is hereby amended to read as follows:

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

*Alteration of a watercourse* means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood. .

*Alternative support structure:* (no change in existing text...)

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

*Appeal*, for the purpose of floodplain management, means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

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

*Architectural features:* (no change in existing text...)

*Area of special flood hazard* means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. ~~the greater of~~ the following two areas:

- (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

The term "area of special flood hazard" is synonymous with the term "special flood hazard area."

*Areas of influence (sea turtle protection):* (no change in existing text...)

*Artificial light:* (no change in existing text...)

ASCE 24 means a standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

*Assisted living facility:* (no change in existing text...)

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

*Base flood* means the flood having a one (1) percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the “100-year flood” or the “1-percent-annual chance flood”. ~~The term is synonymous with the terms “one hundred year (100-year)” and “regulatory flood”.~~

*Base flood elevation (BFE)* ~~means the computed elevation shown on a flood insurance rate map that indicates the water surface elevation resulting from a flood that has a one (1) percent or greater chance of being equaled or exceeded in any given year.~~ elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

*Basement* ~~means that part of a building located partly or wholly underground; the portion of a building having its floor subgrade (below ground level) on all sides.~~

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

*Coastal construction control line:* (no change in existing text...)

*Coastal high hazard area* means an area of special flood hazard extending offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. This area is designated on flood insurance rate maps as V-zone. Coastal high hazard areas are also referred to as “high hazard areas subject to high velocity wave action” or “V Zones” and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

*Coastal scrub:* (no change in existing text...)

*Construction and home improvement:* (no change in existing text...)

*Construction, new,* for the purposes of administration of floodplain management, means structures for which the start of construction commenced on or after April 3, 1990 ~~September 7, 1973~~ and includes any subsequent improvements to such structures.

*Construction, start of:* (no change in existing text...)

*Deposited or discharged* (no change in existing text...)

*Design Flood* means the flood associated with the greater of the following two areas:

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

*Design Flood Elevation* means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet.

*Designated species (endangered or threatened species):* (no change in existing text...)

*Enclosure below the lowest floor):* (no change in existing text...)

*Encroachment*, for the purpose of floodplain management, means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.~~advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.~~

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

*Farmers' market:* (no change in existing text...)

*Federal Emergency Management Agency (FEMA)* means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

*Fence or wall:* (no change in existing text...)

*Flood boundary and floodway map (FBFM):* (no change in existing text...)

*Flood Damage-Resistant Materials:* Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

*Flood insurance rate map (FIRM):* (no change in existing text...)

~~*Flood insurance study (FIS)* means the official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. a hydraulic and hydrologic report provided by FEMA that contains information regarding flooding in a community and is developed in conjunction with the flood insurance rate map (FIRM). The FIS frequently contains a narrative of the flood history of a community and discusses the engineering methods used to develop the FIRMs. The study also contains flood profiles for studied flooding sources and can be used to determine base flood elevations for some areas.~~

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

*Floodplain management regulations:* (no change in existing text...)

~~*Floodplain manager* means the individual appointed office or position designated and charged with the to administration and enforcement of the floodplain management and protection regulations of this Code, may be referred to as the Floodplain Administrator.~~

*Floodplain, tidal:* (no change in existing text...)

*Floor area ratio:* (no change in existing text...)

*Florida Building Code* means the family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.*

*Food mart:* (no change in existing text...)

*Historic preservation, mixed-use:* (no change in existing text...)

Historic structure, for the purposes of flood management, means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

*Historic tree:* (no change in existing text...)

*Lesser development:* (no change in existing text...)

Letter of map change (LOMC) means an official FEMA determination issued by FEMA, by letter, to that amends or revises an effective flood insurance rate maps, flood boundary and floodway maps and/or flood insurance studies. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

*Level of Service:* (no change in existing text...)

*Lowest adjacent grade:* (no change in existing text...)

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood resistant

enclosure, used solely for parking of vehicles, building access or limited storage, provided that such enclosure is not built so as in an area other than a basement, is not considered a structure's lowest floor, provided that such enclosure is not built as to render the structure in violation of the Florida Building Code or ASCE 24 non-elevation design standards specified within this Code.

*Manufactured building:* (no change in existing text...)

*Manufactured home community:* (no change in existing text...)

*Manufactured home park or subdivision:* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

~~*Manufactured housing* includes the following:~~

~~(1) *Manufactured home* means a home fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standard Act.~~

~~(2) *Manufactured home community* means an area of land under single ownership where designated areas for manufactured homes are rented or sold on a condominium basis.~~

~~(3) *Manufactured home/mobile home* means a structure, transportable in one (1) or more sections, which is eight body feet (8') or more in width and which is built on an integral a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term "manufactured home/mobile home" does not include "recreational vehicle"~~

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

~~*Market value* means the value of a structure, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed values, the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified~~

independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser

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

*Mixed uses:* (no change in existing text...)

*Mobile home.* See *Manufactured housing home.*

*Model home:* (no change in existing text...)

*Substantial damage:* (no change in existing text...)

*Substantial improvement.* means any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

~~(1) The term "substantial improvement" means any combination of reconstruction, rehabilitation, alteration or other improvement to a structure taking place over a ten-year (10) period, in which the cumulative percentage of improvements equals or exceeds fifty percent (50%) of the current market value of the structure. For the purpose of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor or other structural part commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.~~

~~(2) The term "substantial improvement" does not, however, include:~~

~~a. (1) Any project for improvement of a structure required to correct existing violations of state or local health, sanitary or safety code specifications which have been identified and which are solely necessary to ensure safe living conditions; or~~

~~b. (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.~~

*Sufficient management capabilities:* (no change in existing text...)

**SECTION TWO.** Section 3-20, Floodplain Management and Protection, of Article II, Environmental Protection Standards, of Chapter 3, Performance Standards, of the LDC is hereby amended to read as follows:

(b) *General provisions.*

- (1) Lands to which this section applies. This section shall apply to all areas of special flood hazard within the jurisdiction of the city.
  
- (2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in "The Flood Insurance Study (FIS) for Volusia County and its Municipalities," dated ~~June 4, 1990~~ February 19, 2014, with the accompanying flood insurance rate maps (FIRMs) and other supporting data, and any subsequent revisions thereto, are hereby adopted and incorporated herein by reference and declared to be a part of this section.

(c) *Administration.*

- (1) *Designation of floodplain manager.* (no change in existing text...)
  
- (2) *Duties and responsibilities of the floodplain manager.* (no change in existing text...)
  - a.-j. (no change in existing text...)
  
  - k. Verify that the developer or applicant notify FEMA of changes in the base flood elevation, no later than six months after the date such information becomes available, by submitting technical or scientific data so risk premium rates and floodplain management can be based on current data.
  
  - kl. (no change in existing text...)
  
  - lm. (no change in existing text...)

(e) *Variance procedures.*

- (1)-(10) (no change in existing text...)
  
- (11) The floodplain manager shall maintain the records of all variance and appeal actions, including justification for their issuance or denial, supporting technical information, and ~~report such in the community's NFIP biennial report or upon request to FEMA and the state department of~~

~~community affairs and state NFIP coordinator.~~ be available for public inspection.

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

**SECTION FOUR.** In the event any word, phrase, clause, sentence, paragraph, term, or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such judicial determination shall not affect any other word, clause, phrase, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

**SECTION FIVE.** This Ordinance shall take effect on February 19, 2014.

**PASSED UPON** at the first reading of the City Commission, this 19th day of November, 2013.

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

\_\_\_\_\_  
**ED KELLEY**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**J. SCOTT McKEE**  
City Clerk