



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

**May 14, 2015**

**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: April 9, 2015**
- VI. PLANNING DIRECTOR'S REPORT**
- VII. PUBLIC HEARINGS**

**A. PBD 15-088: 1185 W. Granada Boulevard, Tuscany Shoppes PBD Amendment**

Mr. Paul Holub, Jr., representing the Tuscany Shoppes, LLC, is requesting an amendment to the Tuscany Shoppes Planned Business Development (PBD) to allow a new use and modify or eliminate various restrictions previously approved.

**B. LUPA 15-046: 500 S. Nova Road (Life Mobile Home Park) – State Expedited Land Use Map Amendment**

This is an administrative request to amend the city's Future Land Use Map, pursuant to the Florida Expedited State Review Process, for a ±23.44 acre

property located at 500 S. Nova Road from the existing land use of Volusia County "Urban Medium Intensity" to City of Ormond Beach "Medium Density Residential" as the result of annexation. The request in accordance with the intent as expressed in the preamble of the Annexation Ordinance No. 2015-02 Approved on January 20, 2015.

**C. RZ 15-047: 500 S. Nova Road (Life Mobile Home Park) – Zoning Map Amendment**

This is an administrative request to amend the City's Official Zoning Map for a ±23.44 acre property located at 500 S. Nova Road from the existing zoning designation of Volusia County MH-1 (Mobile Home Park) to City of Ormond Beach T-1 (Manufactured/Mobile Home) as the result of annexation.

**D. LDC Amendment: 15-76: Land Development Code Amendments: Adding definitions to Section 1-22 and establishing Section 2-74 entitled, "Municipal Service Area/Joint Planning Overlay District."**

This is a city initiated request to amend the Land Development Code as follows:

1. Amendments to Section 1-22, Definition of terms and words, of Article III, Definition and Acronyms, of Chapter 1, General Administration. The following new definitions shall apply to the Municipal Service Area/Joint Planning Area Overlay for the US 1 North Corridor: building; business use; Primary business use, High Impact Use; Improved Land Category; Vacant or Unimproved Land Category; Improved Land; Itinerant commercial activity; Itinerant Vendor Permit; Local business tax receipt (BRT); Master Vendor Permit; Outdoor Entertainment Activity; Outdoor Entertainment Activity Permit; Recognized Special Events; and Vacant or unimproved land.
2. Adding Section 2-74, entitled, "Municipal Service Area/Joint Planning Area Overlay, of Article IV, Overlay Districts, of Chapter 2, District and General Regulations. Amendments set forth a rationale for improved and vacant land categorization; establishes a 5 year amortization schedule for unimproved vacant lands as it pertains to Master Vending Permits and Itinerant Vending; provides grandfathering protections to those improved lands with permanent businesses and buildings that have Volusia County 2014-15 Host License; establishes a process for inclusion or exclusion as a primary business use in the Improved and Unimproved Land Category; provides for submittal requirements for Master Vendor and Itinerant Vendor Permits as well as for Outdoor Entertainment Activity Permits; establishes screen and setback standards for music, dance, and bike/vehicle washes; and provides for a temporary campground to continue to operate as a temporary use under the Unimproved Land Category subject to conditions and amortization.

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

**MINUTES**  
**BOARD OF ADJUSTMENT**

**May 6, 2015**

**7:00 p.m.**

**Commission Chambers**  
22 South Beach Street  
Ormond Beach, Florida

**I. ROLL CALL**

Members Present

Tony Perricelli  
Ryck Hundredmark  
Jean Jenner  
Dennis McNamara  
Norman Lane

Staff Present

S. Lauren Kornel, Senior Planner  
Becky Weedo, Senior Planner  
Ann-Margret Emery, Deputy City Attorney  
Cindy Berglund, Minutes Technician

**II. APPROVAL OF THE MINUTES**

**A. March 4, 2015 Minutes**

Mr. Perricelli moved to approve the May 6, 2015 Minutes as submitted. Mr. Hundredmark seconded the motion. Vote was called, and the motion was approved (4-0), with Mr. Nove abstaining.

**III. NEW BUSINESS**

**A. Case No. 15-078: 27 Highland Avenue, fence carport variance**

Ms. Kornel, Senior Planner, stated that this application is for a rear yard variance submitted by Ms. Susan Ruck, property owner of 27 Highland Avenue. The Code requires a 20' setback from the rear property line. The applicant is seeking a variance to install a 12' x 31' carport adjacent to an existing nonconforming detached garage at a setback of 2' requiring a rear yard variance of 18.0' from the required 20' setback to the rear property line. Ms. Kornel reviewed the location, orientation and characteristics of the variance, and presented the staff report.

Ms. Ruck of 27 Highland Avenue advised she had nothing further to add to the presentation.

Mr. ??? questioned if options for the proposed variance were discussed prior to the meeting. Ms. Ruck responded that there was a discussion that took place in a pre-application meeting between herself and Ms. Becky Weedo about placing the carport in front of the garage rather than in the side yard area as requested. Ms. Ruck advised it was her opinion that it would be less practical and also the least attractive option to build the carport in front of the garage because the RV would be more easily viewed from the street front view. Building the carport at the side

of the garage would provide for the maximum concealment of the RV from the front street.

Mr. Nove further asked if there was any thought to putting the carport in front of the blue entry door of the garage. Ms. Ruck explained that the point of the variance is to keep the carport as far back as possible on the lot so that the view of the carport and RV will be obscured from the front street view. She indicated that in addition to obscuring the view from the front street the view from inside the house will also be maintained.

Mr. McNamara asked Ms. Ruck to verify that the proposal is simply for a carport with columns and a roof. Ms. Ruck confirmed and went on to state that the roof color would be the same as the garage roof and it would be made of galvanized steel.

Mr. McNamara questioned staff if the carport should be screened. Ms. Kornel indicated that if screening were required it would likely have been indicated in the staff report but that she did not have the Land Development Code in front of her to verify. Ms. Emery advised that screening for RVs is required.

Mr. Lane questioned what other nearby beach approaches had, since they are also surrounded by residential property. Ms. Kornel stated that the south side of the Neptune beach approach had an eight foot solid masonry wall, as illustrated in an earlier slide, but indicated that she was not sure what other beach approaches have. Mr. Clay Ervin, 200 Oak Grove Drive, stated that he believes both the Amsden and Standish beach approaches have double walls.

Mr. McNamara stated that the condition on Neptune is that the road was cut through the sand dunes, so there is a dune on each side. Mr. Lane stated that the 6' wall that is presently there is not acting as a retention wall, but as a privacy fence.

Mr. McNamara asked which side of the fence the 6' is measured from, since backfill will be placed against the side toward the house, and the grade will be higher than the existing road.

Mr. Don Gordon, 67 East Lake Drive, Palm Coast, contractor for the property, stated that where the fence is now to hold the dirt back, that level of grade is pretty close to where it is going to be. There will be a driveway access, about 20' feet wide, which will have a gate opening to the property. The driveway will be accessed both from A1A and from Neptune.

Mr. McNamara questioned if the height of the wall would be from the Neptune side of the wall or from the property owners side of the wall. Mr. Gordon stated that where the grade is now is where the 6' will be from. That grade is about 1.5' – 2' above Neptune. So, the maximum height would be 8' if the grade is already 2' above Neptune.

Mr. Lane asked if someone has studied the effect of the line of sight from the neighbor at 403 Ocean Shore Blvd. Ms. Kornel stated that yes, the line of sight of the neighboring property would be impacted, but the neighbor has provided written support of the variance and has no objection to it. In fact, the neighbor already has a 6' lattice fence. Mr. Lane stated that we need to not only consider the person who lives there now, but also any future property owners.

Ms. Kornel stated that Variance #4 does have the potential to change the line of sight, and when the analysis was done, staff considered if the neighboring property owners objected, looked at what would be needed from DEP, and looked at the conditions of the requested variance in terms of the applicants privacy and security, and maintaining symmetry of the property. The recommendation to support the variances was based on those factors.

Mr. Jenner asked if the height was known of the pink wall on the south side of the Neptune Avenue beach approach. Ms. Kornel stated that it was roughly 8' high, as illustrated in a previous slide. Mr. Lane asked how that wall was approved. Ms. Kornel stated that she couldn't say for sure how it was approved.

Ms. Linda Sicotakis, representative for the applicant, stated that the main reason for submitting for this variance was for security and conformity. The neighbor on the other side of Neptune stated this was a great idea and also recommended security cameras, because this is a very active beach approach, especially on the weekends.

Mr. Lane questioned if someone couldn't come in through the front or the rear of the property. Ms. Sicotakis stated that it could be easier from the front, but most people won't stop on A1A, due to the visual of people seeing them.

Mr. Pericelli stated that he used to live on Neptune Ave. and that beach approach is very busy on the weekends, and if he were living there he would want this wall. Mr. Pericelli then made a motion to approve all four variances as submitted.

Mr. Lane stated that he would like more discussion on the issue. He has also gone to the Neptune approach many times in his lifetime, and when the pink wall was constructed, it really destroyed the ambiance of that beach approach. The public is becoming walled off, breaking the line of sight not only for the neighbor, but for the people at the beach. Variance #1 is practically on the beach and is in the dune, and that is why the DEP wants to review it. It is an active dune and this could interfere with the motion of the sand. Our City should have an interest in preserving that dune. Mr. Lane believes this is not a matter of security, but of privacy.

Mr. Jenner stated that he uses the approach all of the time, and there is a lot of crime there. So, he has no doubt that the wall is for security. His issue is that he does not want to see the wall any higher than the wall on the other side of the approach.

Mr. Jenner knows that Mr. Perricelli made a motion to approve all of the variances, but Mr. Jenner would like to see each part done separately. Mr.

McNamara agreed that they should be voted on, one at a time. Ms. Emery, Deputy City Attorney, stated that if there were going to be changes made to any of them, then yes, they should be voted on individually.

Mr. Lane wanted to vote on Variance #4 first. Ms Emery stated that the Board should probably vote on them in numerical order, starting with #1. Mr. Lane stated that he felt #4 was totally different than the other 3, and he would like to start with it first.

**Mr. Lane moved to disapprove the #4 variance for the rear waterfront yard on the north side. Mr. Jenner seconded the motion. Vote was called. Mr. Perricelli against; Mr. Hundredmark against; Mr. Jenner for; Mr. Lane for; Mr. McNamara against. The motion to disapprove variance #4 was denied (2-3).**

**Mr. Perricelli then moved to approve the #4 variance for the rear waterfront yard on the north side, with the contingency of DEP approval and the replacement of the existing PVC lattice fence. Mr. Hundredmark seconded the motion. Vote was called. Mr. Perricelli for; Mr. Hundredmark for; Mr. Jenner against; Mr. Lane against; Mr. McNamara for. The motion to approve variance #4 was approved (3-2).**

**Mr. Hundredmark moved to approve the #1 variance for the rear waterfront yard on the south side, with the contingency of DEP approval. Mr. Perricelli seconded the motion. Vote was called. Mr. Lane against; Mr. Perricelli for; Mr. Hundredmark for; Mr. Jenner for; Mr. McNamara for. The motion to approve variance #1 was approved (4-1).**

**Mr. Perricelli moved to approve the #2 variance for the front side corner on the south side. Mr. Hundredmark seconded the motion. Vote was called. Mr. Hundredmark for; Mr. Jenner for; Mr. Lane against; Mr. Perricelli for; Mr. McNamara for. The motion to approve variance #2 was approved (4-1).**

**Mr. Hundredmark moved to approve the #3 variance for the front side yard on the north side. Mr. Perricelli seconded the motion. Vote was called. Mr. Perricelli for; Mr. Hundredmark for; Mr. Jenner for; Mr. Lane against; Mr. McNamara for. The motion to approve variance #3 was approved (4-1).**

**B. Case No. 15-064: 241 South Halifax Drive, rear and side yard variances related to a new pool**

Ms. Kornel stated that this is a request for a rear and side yard variance to construct a new pool and associated decking at 241 South Halifax Drive. Ms. Kornel explained that the applicant had discussed the plans with neighbors, and the neighbor to the east at 88 Seminole Drive, expressed concern regarding the closeness of the pool and the existing grade between the properties, and also storm water. The applicant is proposing to install a yard drainage system, and all storm water would be routed to the Seminole Avenue ROW. The property owner at 88 Seminole has since then signed the application in support of the variance. Ms. Kornel explained the location, orientation, and characteristics of the subject

property and presented the staff report. Ms. Kornel stated staff is recommending approval.

Mr. Rick Taylor, 241 South Halifax Drive, applicant, stated that they spent a lot of time with the neighbor, and the biggest concern was the drainage, because of storm water runoff. Mr. Taylor worked with the contractor to figure out the best drainage system to be able to eliminate storm water, and made this contingent as part of the variance. In addition, the Taylors are not asking for a setback any closer than what the current concrete deck is.

Mr. McNamara stated that he had driven by the residence, and wondered if the neighbor's garage was below ground level. Ms. Dorothy Davis, 88 Seminole Ave, neighbor of the applicants, stated that their driveway goes down to a lower back yard, and they never use the garage because it is hard to get into and it floods. The house sits up higher, but is lower than the neighbor's home. Her only concern was with a hurricane, and the drainage of the pool into her side yard, which would flood.

Mr. Lane asked Ms. Davis if she felt that the drainage plan that was presented to her will address her issues. Ms. Davis replied yes. Mr. Lane asked if any engineering has been done to ensure that it will not cause a problem. Mr. Clay Ervin stated that civil engineers have looked at the drainage situation, and believe that the plan is more than enough to cover the issues.

**Following discussion, Mr. Hundredmark moved to approve the variance as submitted. Mr. Jenner seconded the motion. Vote was called, and the motion was unanimously approved.**

**C. Case No. 15-061: 830 West River Oak Drive, pool screen enclosure rear and interior side yard variances**

Ms. Kornel stated the home owner would like to put a pool screen enclosure over an existing pool. The current property owner purchased the property in January of this year and is seeking to enclose the existing pool. Ms. Kornel explained the location, orientation, and characteristics of the subject property and presented the staff report. Ms. Kornel stated staff is recommending approval of the variance.

Mr. Lane asked the applicant if he was going to pour concrete to square everything off. The applicant, Mr. Christopher Durost, stated that the enclosure would be rectangular, but would include a footer in a dirt garden area, rather than the concrete being squared off.

**Following discussion, Mr. Hundredmark moved to approve the variance as submitted. Mr. Perricelli seconded the motion. Vote was called, and the motion was unanimously approved.**

**D. Case No. 15-066: 920 Buena Vista Avenue, detached garage front and interior side setback variances**

Ms. Weedo, Senior Planner, stated the home owner would like to construct a new, detached garage in an existing location. Ms. Weedo explained the location, orientation, and characteristics of the subject property and presented the staff report. Ms. Weedo stated staff is recommending approval of the variance.

Mr. McNamara asked if the applicant was just replacing what is already there. Ms. Weedo stated yes, that is correct. It was built in 1932. The applicant purchased the property in January of this year, and just wants to replace what is there already.

Mr. Lane asked if this was exactly the same footprint of what is there now? Ms. Weedo stated yes. Mr. Lane asked if the proposed plan was to make it a similar style. Ms. Weedo stated correct.

Mr. Perricelli asked if the existing garage was going to be completely demolished. Ms. Weedo stated that it has been through a review by the Chief Building Official, and Staff has reviewed due to its historical age.

**Following discussion, Mr. Lane moved to approve the variance as submitted. Mr. Hundredmark seconded the motion. Vote was called, and the motion was unanimously approved.**

Mr. Lane stated that he liked the last case being printed on both sides of the paper. They should all be done that way.

## **V. OTHER BUSINESS**

None.

## **VI. ADJOURNMENT**

As there was no other business, the meeting was adjourned at 7:59 p.m.

Respectfully submitted,

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Lauren Kornel, AICP, Senior Planner

ATTEST:

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Dennis McNamara, Chair

*Minutes prepared by Melanie Nagel.*

Pursuant to section 286-0105, Florida Statutes, if any person decides to appeal any decision made by the board of adjustment with respect to any matter considered at this public meeting, such person will need a record of the proceedings and for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

All persons appealing to the board of adjustment must be present, or represented at the public hearing scheduled for the consideration of his request. Failure to be present or to be represented, results in the automatic refusal by this board to grant permission for any variance. In order to allow the meeting to proceed in an orderly fashion, the board, by motion, may limit the time allowed for remarks concerning a specific agenda item to a maximum of thirty (30) minutes for city staff, the designated representative of the applicant and the designated representative of any organized group and to five (5) minutes for members of organizations and other individual speakers. Additional time shall be allowed to respond to questions from the board.

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 of committee meeting may contact the city clerk in writing, or may call 677-0311 for information regarding available aids and services.

# STAFF REPORT

City of Ormond Beach  
Department of Planning

**DATE:** May 1, 2015

**SUBJECT:** Tuscany Shoppes - Planned Business Development  
Amendment

**APPLICANT:** Mr. Paul F. Holub, Jr., Tuscany Shoppes, LLC

**NUMBER:** PBD 15-088 (2nd Amendment)

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

**INTRODUCTION:** Mr. Paul Holub, Jr., representing the Tuscany Shoppes, LLC, is requesting an amendment to the Tuscany Shoppes Planned Business Development (PBD) to allow a new use and modify or eliminate various restrictions previously approved.

**BACKGROUND:** On December 2, 2003, the City Commission unanimously approved Resolution 2003-216 that permitted a mixed use Planned Business Development overlay district for the Tuscany Shoppes at 1185 West Granada Boulevard. Tuscany Shoppes was originally approved under the 1992 Land Development Code that assigned a Planned Business Development overlay district while maintaining the underlying B-10 (Suburban Boulevard) zoning district.

With the adoption of the revised Land Development Code, effective January 14, 2004, planned developments became site specific zoning districts. For this reason, Tuscany Shoppes was administratively rezoned as a Planned Business Development on January 4, 2005 by Ordinance 2004-53 which incorporated the provisions of Resolution 2003-216 by reference.

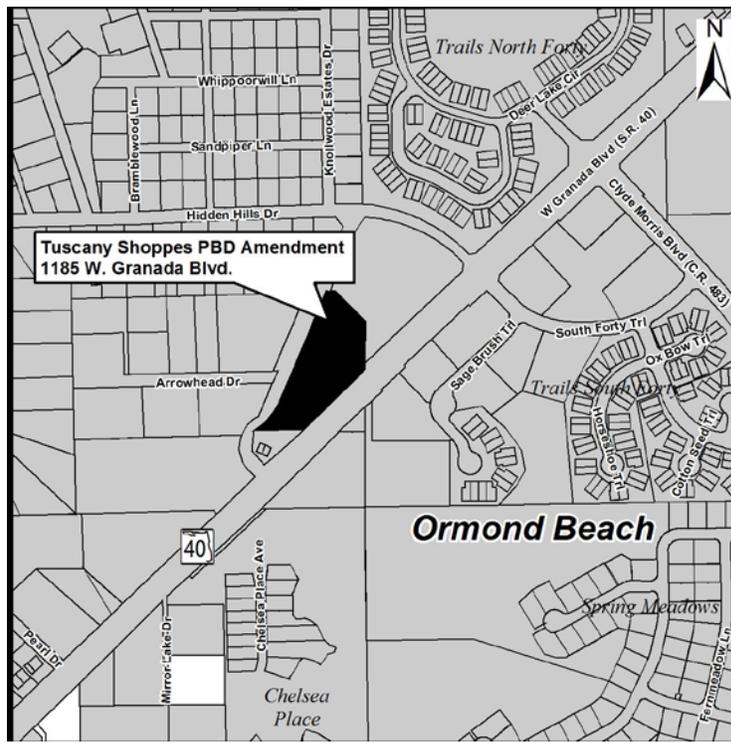
## Tuscany Shoppes Planned Business Development



The project site is currently designated on the Future Land Use Map as “Residential, Office, Retail” (ROR) and zoned Planned Business Development (PBD). On March 17, 2015, the City Commission approved a major amendment to the Ormond Beach Comprehensive Plan and Land Development Code by changing the Future Land Use nomenclature from “Office Professional (O/P)” category to “Residential, Office, Retail (ROR). The ROR allows restaurants, retail sales, and personal services as principal uses and not in association with an office use as required under the O/P designation. Also, the ROR maintains the 0.5 FAR for existing office complexes and allows a 0.2 FAR for restaurants, retail, and personal services. Thus, the applicant would like to amend his PBD to reflect this substantial change. Adjacent land uses and zoning are as follows:

	<b>Current Land Uses</b>	<b>Future Land Use Designation</b>	<b>Zoning</b>
<b>West</b>	Miracle Ear Office	“Residential, Office, Retail”	B-10 (Suburban Boulevard)
<b>East</b>	Providence Church	“Residential, Office, Retail”	B-10 (Suburban Boulevard)
<b>North</b>	Single-Family Residential	“Suburban Low Density Residential” and “Low Density Residential”	SR (Suburban Residential) R-2 (Single-Family Low Density)
<b>South</b>	Offices (General & Medical)	“Residential, Office, Retail”	B-10 (Suburban Boulevard)

**1185 W. Granada Boulevard Location Map**



**PROJECT DESCRIPTION:** The applicant has requested seven changes as part of the proposed Planned Business Development (PBD) amendment:

1. Include "Funeral Homes" use since the current PDC does not allow the use;
2. Delete the Specialty Retail Sales and Services limitation which is currently 40% of the total leasable square footage to be consistent with the Future Land Use designation of "Residential, Office, Retail" (ROR).
3. Allow Retail Sales and Services as a permitted use under the PBD to be consistent with the Future Land Use designation of "Residential, Office, Retail" (ROR).
4. Remove the restriction on tenant wall signage so that tenants are permitted to install wall signage to the maximum size permitted under the current City of Ormond Beach Land Development Code, Section 3-48 E.
5. Remove the current restriction "allowance of one (1) wall signage over twenty (20) feet in height, to a maximum height of thirty-four (34) feet as it is more strict than the current regulations. Wall signage in the PBD will comply with the Ormond Beach LDC, Section 3-48 E.
6. Allow all wall signage including number of signs, size and height to be permitted under the current Land Development Code.
7. Increase the permitted signage area of two (2) monument signs from 64 square feet to a maximum of 80 square feet each, an increase of 16 square feet per sign or 32 square feet total. Each sign will increase in height by 1.25' only to accommodate future tenants.

**ANALYSIS:** The project site is located at 1185 West Granada Boulevard, just west of the Providence Church and east of the Miracle Ear office. Section 2-36 of the Land Development Code establishes the purpose of the Planned Development Zoning District: "to establish regulatory standards for controlling the location of comprehensively planned business centers accessible to arterial roadways. The PBD is intended to incorporate a flexible management policy which incorporates urban design amenities, including streetscape improvements, and fosters innovative master planning in the design and development of commercial centers. The PBD district provides a diversified mix of permitted, conditional, and special land uses and higher standards of land planning and site design than are available under conventional zoning categories."

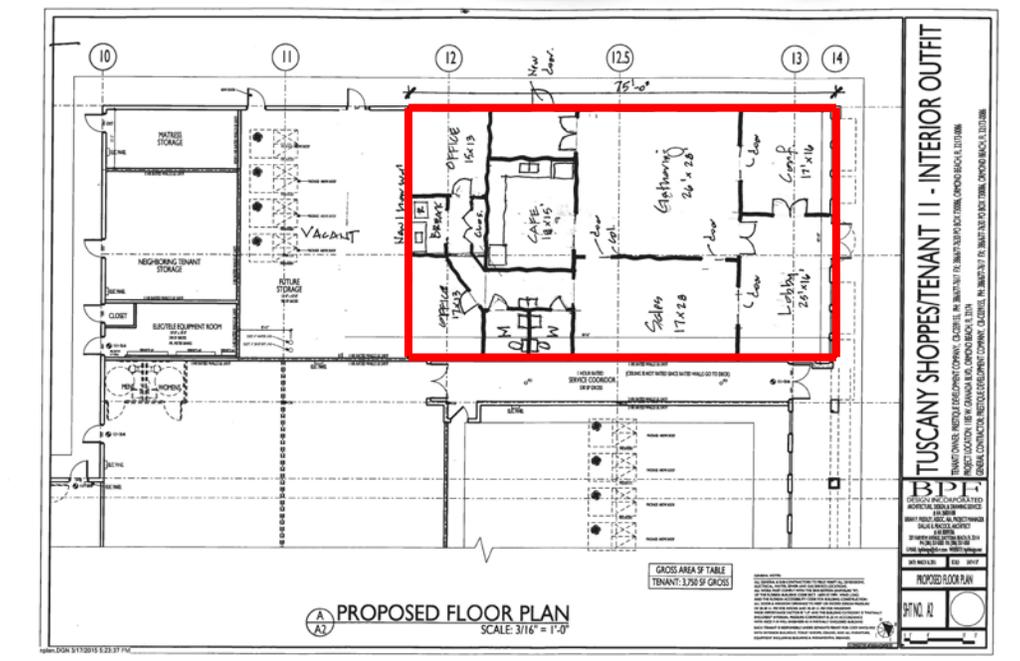
The applicant is requesting seven proposed changes as part of the PBD amendment related to permitted uses and signage. Three of the requests are related to allowable uses in the PBD zoning district for Tuscan Shoppes; (1) adding a new funeral home use, (2) deleting the restriction of 40% on retail allowed, and (3) adding retail sales and services as a principle use. There are two sections in the LDC related to uses in the PBD for analysis: Section 2-36 (b) and Section 2-36 (c).

Section 2-36 (b) of the Land Development Code states: "The specific land use mix within a PBD district development shall be determined by the underlying comprehensive plan future land use map designations". The project site is currently designated on the

Future Land Use Map as “Residential, Office, Retail” previously “Office Professional (O/P)”. On March 17, 2015, the City Commission adopted a Future Land Use Map Amendment by Ordinance 2015-1 renaming the existing “Office Professional (O/P)” category to “Residential, Office, Retail (ROR)” land use category. The change was primarily so that restaurants, retail sales, and personal services could be allowed as principal uses and not in association with an office use as required under the O/P designation. Also, the ROR maintains the 0.5 FAR for existing office complexes and allows a 0.2 FAR for restaurants, retail, and personal services. Therefore, the requests to add the funeral home use, and retail sales and services, and delete the restriction of 40% on retail are allowable under the ROR future land use map designation in accordance with Section 2-36 (b).

Section 2-36 (c) states that “a PBD may incorporate any commercial or residential development allowed as permitted uses in the underlying zoning district designation, as well as any commercial or residential uses allowed under the Code for any district,” provided:

- (1) A general description of the location, floor area to be occupied by such use, typical hours of operation and other relevant operation characteristics are submitted for the proposed uses not permitted in the underlying zoning district. ***The proposed funeral home use will be located on the northeast side of Tuscany Shoppes in Unit #11, approximately 3,000 total square feet. The primary hours of operation are planned to be from 8 am – 5 pm Monday – Friday. Occasionally there will be services arranged at the site mid morning and early evening Sunday – Saturday. (See proposed floor plan below).***



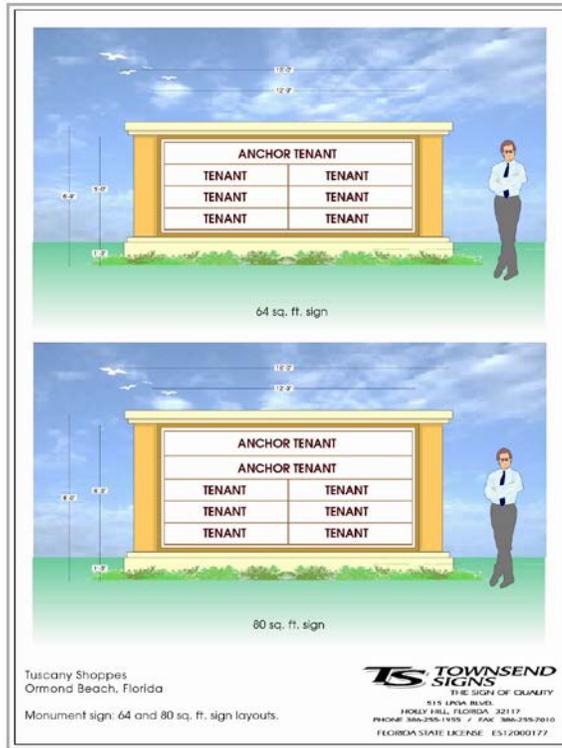
- (2) The use, by virtue of its location, vehicular circulation pattern, noise and visual buffering, traffic generation rates and peak traffic hours, odor emission controls, lighting and use of materials will not have an adverse impact on surrounding land

uses, particularly where the site abuts areas developed with or zoned primarily for single-family homes. ***The additional use will not create any additional impacts than what was previously approved for the development.***

- (3) Conversion of occupancy from a use approved under a PBD to a permitted use in the underlying district will not require an amendment to the PBD. ***The request for the funeral home use was not previously approved as part of the PBD permitted uses and so this amendment is required.***
- (4) The use does not exceed any size limitations, use restrictions or other requirements provided under Article II, Chapter 2 of the Land Development Code. ***The additional funeral home use will be located in an existing unit within the approved development and is less intense than retail sales, personal services, and restaurants. Thus, the new use will not impact on size limitations, use restrictions, or other requirements.***

The remaining four requests as part of this PBD amendment relate to signage regulations. The applicant is requesting to eliminate three signage restrictions that were previously adopted in the PBD prior to the Land Development Code major update in 2004: (1) allowance of one wall signage over 20 feet, to a maximum height of 34 feet. (2) The movement of a sign from the rear of the property to the frontage and (3) The reduction of wall signage for tenants with less than 30 linear feet in frontage permits request for sign flexibility in two sections of the code. These restrictions have all been superseded with the Land Development Code updated in 2004 and by the first major PBD amendment.

The final request regarding signage is to increase the permitted signage area of two (2) monument signs from 64 square feet to a maximum of 80 square feet each, an increase of 16 square feet per sign or 32 square feet total. The signs will only change in height from 6.75' to 8', a difference of 1.25' for each sign (see sign rendition below).



There are two sections in the Land Development Code that provide flexible signage standards for Planned Developments: (1) Section 2-36.G.1 states, “The City Commission may allow for deviations to maximum height, size or location of signs, if the sign plan and overall development plan indicate that the architectural standards of the buildings and site plan provide for sufficient upgrade above the minimum standards of this Land Development Code such that the requested sign waivers are justified.” (2) Section 3-48.B.states, “Planned Developments. For developments processed as Planned Developments under Chapter 2, Article II, site signage design flexibility may be requested as part of the development application. As part of the development proposal, applicants may request variations from the strict interpretation of this Article in terms of the size, location, and number of business and premise identification signage. The application shall be reviewed under the following criteria:” (Staff comments are in **bold**)

1. The coordination and integration of the sign plan to ensure harmonious signage. **The applicant previously provided sign details that demonstrated an overall sign plan. The signage was integrated with the building architecture. Two monument signs totaling 64 square feet each were permitted. Each sign will increase in height by 1.25 feet. All other features will remain the same.**
2. The use of monument signage instead of pole signage. **The two site signs are designed as monument signs.**
3. Impacts to abutting residential use(s). **The applicant applied and was granted flexibility in the original Planned Business Development to relocate the site**

***sign of Old Tomoka Road to Granada Boulevard. There shall be no impacts to residential areas as a result of the sign request.***

4. The use of architectural elements in the site signage. ***The site signage and the entrance feature have architectural elements above and beyond typical site signage. The entrance feature provides a centerpiece above and beyond what is required in the City's Land Development Code or planned development process.***
5. The integration of business premises signage into the overall architectural style of the building. ***There will be no change to the overall architectural style of the signs previously approved.***
6. Site design constraints relating to property location, topography, shape and size, site distance, and limited view of the property. ***The property is an irregular shape parcel with the site expanding in width from Granada Boulevard to Old Tomoka Road. The two monument signs were previously approved fronting Granada Boulevard. This request is to increase the height of the sign by 1.25 feet. No other changes are proposed.***
7. The ability to reduce the number of size of nonconforming signage of a site. Sign amortization schedules may be requested through this process. ***There are no nonconforming sign issues with the Tuscan Shoppes development.***

**CONCLUSION:** In considering an application for a PBD development order amendment, the Planning Board may recommend to approve, approve with conditions, or disapprove on the extent to which the development offers site amenities above that normally found for permitted uses in the district with regard to the following:

1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. ***The Land Development Code permits flexibility with signage and uses through the Planned Business Development. The request to change the signage and add another use will not create undue crowding beyond what was previously approved.***
2. The proposed development is consistent with the Comprehensive Plan. ***The project site is currently designated on the Future Land Use Map as "Residential, Office, Retail" previously "Office Professional" (O/P). On March 17, 2015, the City Commission adopted a Future Land Use Map Amendment by Ordinance 2015-1 renaming the existing "Office Professional" (O/P) category to "Residential, Office, Retail" (ROR) land use category. The change was primarily so that restaurants, retail sales, and personal services could be allowed as principal uses and not in association with an office use as required under the O/P designation. Also, the ROR maintains the 0.5 FAR for existing office complexes and allows a 0.2 FAR for restaurants, retail, and personal***

**services. Therefore, the requests to add the funeral home use, and retail sales and services, and delete the restriction of 40% on retail are consistent with the Comprehensive Plan.**

**There are no specific goals, policies, or objectives regarding signage. The Comprehensive Plan permits Planned Business Developments in association with any commercial future land use designation. The application requests are consistent with the adopted 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 site does not have wetlands on-site and is not in the floodplain. There shall be no impacts on environmentally sensitive lands or natural resources associated with the amendment request.**
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 use and sign modification requests will not have any negative noise or visual impacts to the adjoining properties. The two adjoining properties are the Miracle Ear and Providence Church.**
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 use and sign modification amendment requests will not negatively impact any public facilities. The amendment does not propose any intensification of the approved site plan.**
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 use and sign modification amendment requests will not impact on-site or off-site traffic flows. The amendment does not propose any intensification of the approved site plan.**
7. The proposed development is functional in the use of space and aesthetically acceptable. **The design for the building and site layout were approved with the original Planned Business Development. The proposed use has no impact from a functional or aesthetic perspective. The proposed signage amendments are designed to provide additional hardscape amenities and are aesthetic consistent with the adopted architectural plan.**
8. The proposed development provides for the safety of occupants and visitors. **The overall design indicates safe movement on the site. The use and sign**

***modification amendment requests will not impact the safety of the occupants and visitors.***

9. ***The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area. The use and sign modification amendment requests will not adversely impact the aesthetics of the area.***
10. ***The testimony provided at public hearings. The requests are not for site modifications so review by the Site Plan Review Committee was not required. Thus, this application has not been reviewed at a public hearing and no public testimony has yet been provided.***

**RECOMMENDATION:** It is recommended that the Planning Board approve the following requests as part of the PBD amendment:

1. Adding "Funeral Homes" as a permitted use under the PBD.
2. Removing the Specialty Retail Sales and Services limitation which is currently 40% of the total leasable square footage.
3. Adding Retail Sales and Services as a permitted use under the PBD.
4. Removing the restriction on tenant wall signage so that tenants are permitted to install wall signage to the maximum size permitted under the current City of Ormond Beach Land Development Code, Section 3-48 E.
5. Removing the current restriction "allowance of one (1) wall signage over twenty (20) feet in height, to a maximum height of thirty-four (34) feet.
6. Allow all wall signage including number of signs, size and height to be permitted under the current Land Development Code.
7. Increase the permitted signage area of two (2) monument signs from 64 square feet to a maximum of 80 square feet each, an increase of 16 square feet per sign or 32 square feet total.

**Exhibits:**

Exhibit A: Location map and photo

Exhibit B: Applicant provided documents

EXHIBIT A



**LOCATION MAP**  
**1185 W. Granada Blvd.**

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**The City of Ormond Beach**  
**Planning**  
**5/1/2015**

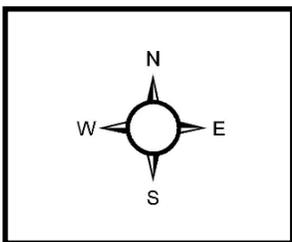


EXHIBIT A - TUSCANY SHOPPES  
PLANNED BUSINESS DEVELOPMENT





HOLUB  
DEVELOPMENT

VIA HAND DELIVERY:

April 14, 2015

Ms. Becky R. Weedo, AICP  
Senior Planner  
City of Ormond Beach  
Planning Department  
22 South Beach Street  
Ormond Beach, FL 32174

**RE: Tuscany Shoppes Planned Business Development Amendment**

Dear Becky:

Please find enclosed the following information in support of our request to amend the Planned Business Development for Tuscany Shoppes - 1185 West Granada Boulevard:

1. Completed application form.
2. Check made payable to the City of Ormond Beach in the amount of \$3,300.

We are requesting that the Planned Business Development be amended to provide for and allow the following:

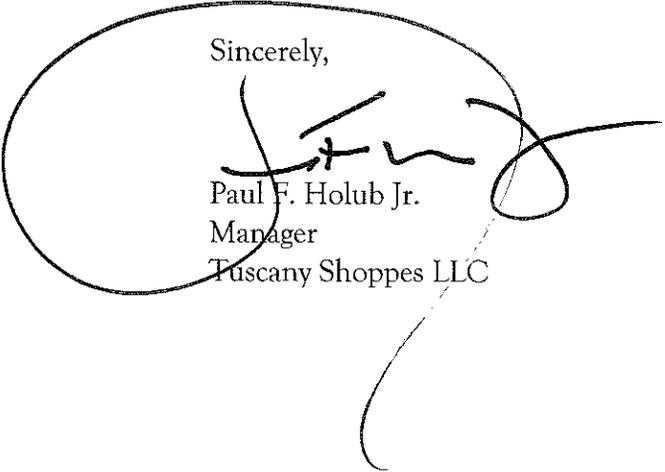
1. Include "Funeral Homes" as a permitted use under the PBD.
2. Remove the Specialty Retail Sales and Services limitation which is currently 40% of the total leasable square footage.
3. Allow Retail Sales and Services as a permitted use under the PBD.
4. Remove the restriction on tenant wall signage so that tenants are permitted to install wall signage to the maximum size permitted under the current Land Development Code (Section A.4.c).
5. Remove the current restriction "allowance of one (1) wall signage over twenty (20') feet in height, to a maximum height of thirty four (34') feet (Section A.4.a).
6. Allow all wall signage including number of signs, size and height to be permitted under the current Land Development Code.
7. Modify the Amended and Restated Development Order (PBD 03-31A) to increase the permitted signage area of the two (2) monument signs from 64 s.f. each to a maximum of 80 s.f. each, an increase of 16 s.f. per sign or 32 s.f. total.



If permitted, the new monument signs shall still comply with all other requirements of the Land Development Code, including maximum height and number of tenant panels.

Becky, please advise if you require any additional information in order to process our application and schedule us for the May 2015 Planning Board Meeting.

Sincerely,



Paul F. Holub Jr.  
Manager  
Tuscany Shoppes LLC



**CITY OF ORMOND BEACH**

Planning Department

22 South Beach Street, Ormond Beach, FL 32174

Tel: (386) 676-3238

www.ormondbeach.org

comdev@ormondbeach.org

v3.2013

**PUBLIC HEARING- APPLICATION**

*For Planning Department Use*

Application Number

Date Submitted

**APPLICATION TYPE AND FEES**

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

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

**APPLICANT INFORMATION**

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

Name

Full Address

Telephone  Email

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

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

Name

Full Address

Telephone  Email

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

**PROPERTY DETAILS**

Full Address

1185 WEST GRANADA BLVD

Legal Description

TAX PARCEL # 4219-00-00-0150  
SEE SURVEY ATTACHED

**PROJECT COORDINATOR**

Name

TUSCANY SHOPPES LLC

Full Address

SUITE 12, 1185 WEST GRANADA BLVD ORMOND BEACH, FL 32174

Telephone

386-677-7617

Email

HOLUBDEV@AOL.COM

**PROJECT INFORMATION**

Name

TUSCANY SHOPPES

Description

AMEND THE PLANNED BUSINESS DEVELOPMENT #03-31 PREVIOUSLY APPROVED DECEMBER 2, 2013, TO ALLOW CERTAIN USE AND MODIFYING OR ELIMINATING VARIOUS RESTRICTIONS.

**CERTIFICATION**

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

Signature: \_\_\_\_\_

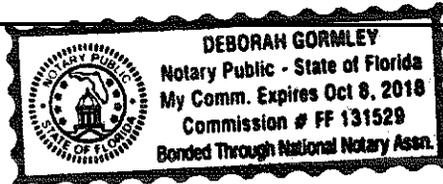
STATE OF FLORIDA

COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 14 day of April 2015 by P.F. Holub Jr as Manager (title\*) for Tuscany Shoppes LLC (name of corporation\*), who  provided \_\_\_\_\_ as identification, or  who is personally known to me.

\_\_\_\_\_  
Notary Public, State of Florida  
My Commission Expires:

\* If you are executing this document on behalf of a corporation please complete the spaces with your title and the name of your company as indicated.





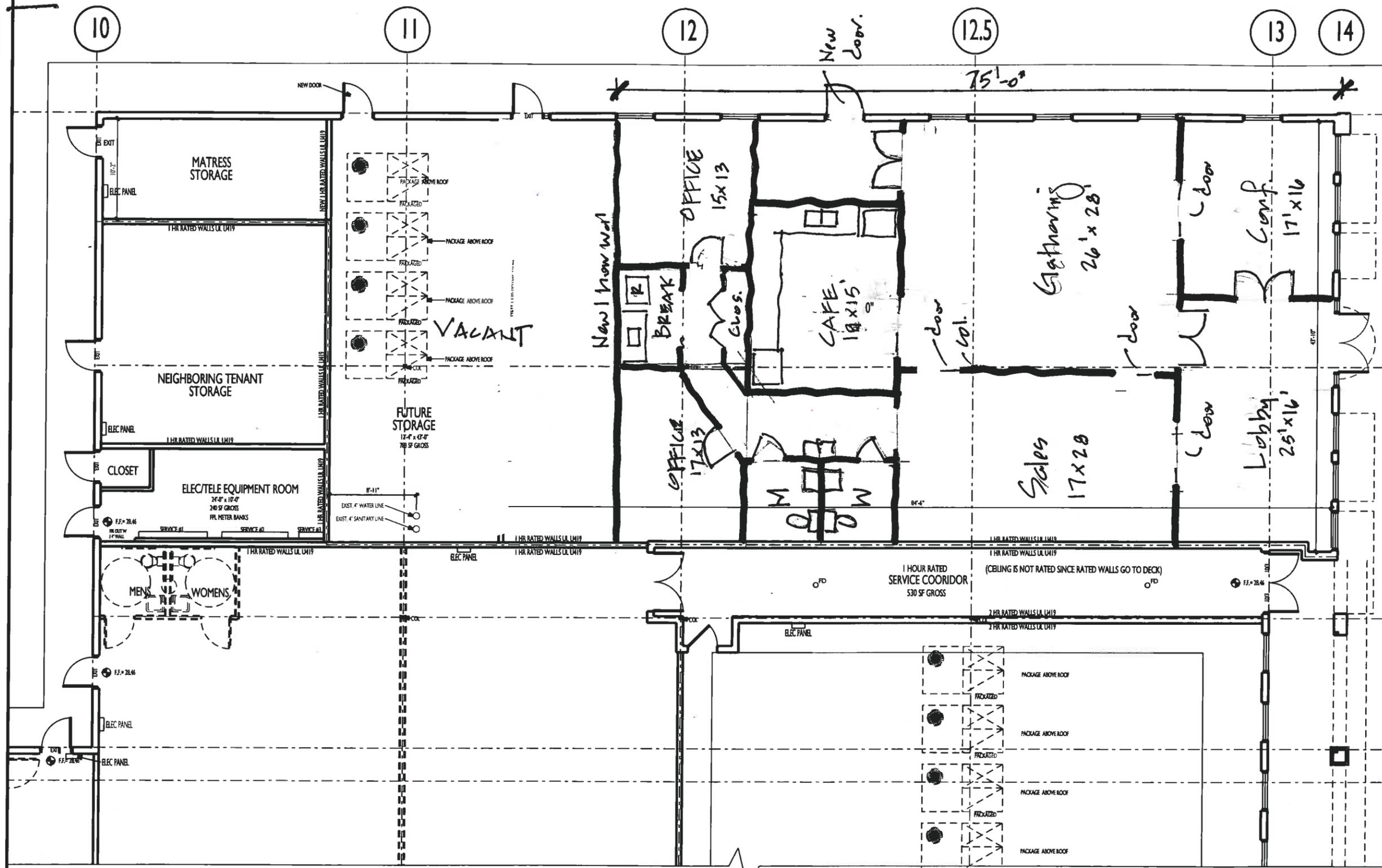


Tuscany Shoppes  
Ormond Beach, Florida

Monument sign: 64 and 80 sq. ft. sign layouts.

**TS TOWNSEND SIGNS**  
THE SIGN OF QUALITY  
515 LPGA BLVD.  
HOLLY HILL, FLORIDA 32117  
PHONE 386-255-1955 / FAX 386-255-7010  
FLORIDA STATE LICENSE ES12000177

EXHIBIT B - PROPOSED FUNERAL HOME USE FLOORPLAN



GROSS AREA SF TABLE
TENANT: 3,750 SF GROSS

GENERAL NOTES:  
 ALL GENERAL & SUB-CONTRACTORS TO FIELD VERIFY ALL DIMENSIONS, ELECTRICAL, WATER, SEWER AND GAS SERVICE LOCATIONS. ALL WORK MUST COMPLY WITH THE 2010 EDITION (EXPOSURE 'B') OF THE FLORIDA BUILDING CODE SECT. 1609.137 FPM WIND LOAD AND THE FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION ALL DOOR & WINDOW OPENINGS TO MEET OR EXCEED DESIGN PRESSURE OF 20-40 +/- PSF FOR DOORS AND 20-40 +/- PSF FOR WINDOWS WIND IMPORTANCE FACTOR IS '1.0' AND THE BUILDING CATEGORY IS 'PARTIALLY ENCLOSED' INTERNAL PRESSURE COEFFICIENT IS .33 IN ACCORDANCE WITH ASCE 7-10 WILL BE ENGINEER AS A PARTIALLY ENCLOSED BUILDING EACH TENANT IS RESPONSIBLE UNDER SEPARATE PERMIT FOR COST INVOLVED WITH INTERIOR BUILDOUT, TOILET ROOMS, CEILING, AND ALL FURNITURE, EQUIPMENT INCLUDING BUILDING & MONUMENTAL SIGNAGE.

**TUSCANY SHOPPES/TENANT II - INTERIOR OUTFIT**

TENANT/OWNER: PRESTIQUE DEVELOPMENT COMPANY, CB-C039155, PH: 386/677-7617 FX: 386/677-7630 PO BOX 730086, ORMOND BEACH, FL 32173-0086  
 PROJECT LOCATION: 1185 W. GRANADA BLVD, ORMOND BEACH, FL 32174  
 GENERAL CONTRACTOR: PRESTIQUE DEVELOPMENT COMPANY, CB-C039155, PH: 386/677-7617 FX: 386/677-7630 PO BOX 730086, ORMOND BEACH, FL 32173-0086

**BPF**  
 DESIGN INCORPORATED  
 ARCHITECTURE, DESIGN, & DRAWING SERVICES  
 # AA 26001108  
 BRIAN P. FREDLEY, ASSOC. AIA, PROJECT MANAGER  
 DALLAS B. PEACOCK, ARCHITECT  
 # AR 00097706  
 207 FAIRVIEW AVENUE, DAYTONA BEACH, FL 32114  
 PH: (386) 257-0502 FX: (386) 257-1050  
 E-MAIL: bpfdesign@bpf.com WEBSITE: bpfdesign.net

DATE: MARCH 14, 2015 SCALE: 3/16" = 1'-0"

PROPOSED FLOOR PLAN

SHT NO. A2

**A**  
**A2**  
**PROPOSED FLOOR PLAN**  
 SCALE: 3/16" = 1'-0"

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** May 4, 2015

**SUBJECT:** Life Mobile Home Park (500 S. Nova Road)  
Future Land Use Map Amendment through the State  
Expedited Review Process

**APPLICANT:** Administrative

**NUMBER:** LUPA 15-046

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

**INTRODUCTION:** This is an administrative request to amend the city's Future Land Use Map, pursuant to the Florida Expedited State Review Process, for a ±23.44 acre property located at 500 S. Nova Road from the existing land use of Volusia County "Urban Medium Intensity" to City of Ormond Beach "Medium Density Residential" as the result of annexation. The request in accordance with the intent as expressed in the preamble of the Annexation Ordinance No. 2015-02 Approved on January 20, 2015.

**BACKGROUND:** At the request of the property owner, the subject property was annexed into the City of Ormond Beach on January 20, 2015. Since the subject property is annexing, the city is required by policy to assign a similar land use and zoning in terms of density and intensity as the property had in Volusia County. Until a city future land use designation and zoning classification are adopted, the property maintains its county land use designation and zoning classification.



The property receives water service from the City of Ormond Beach and sewer services from the City of Daytona Beach and is contiguous to the City of Ormond Beach. The subject property is currently developed with a 175 unit mobile home park with a club house as illustrated and approved by Volusia County (Ordinance No. 2015-02). No permanent record could be found as to the date of construction of the mobile home park. However, the owner of the park indicated he believes the park was built before the early 1970's. Life Mobile Home Park has 175 units on  $\pm 23.44$  acres of property. In accordance with Chapter 1, Article III, Definitions, Section 1-22, *Density*, the density was calculated to be 7.47 dwelling units per acre. The property is currently designated Volusia County "Urban Medium Intensity" which allows between 4.1 and 8 units per acre.

Site aerial:



The purpose of this land use amendment is to assign a similar City land use to the property as the Volusia County "Urban Medium Intensity" designation based on the required annexation. Subsequent to Planning Board review, the amendment will be submitted to the Volusia County Growth Management Commission for review, followed by review by the City Commission for final action. Along with the land use application, a zoning amendment is being processed to assign a city T-1 (Manufactured/Mobile Home) zoning designation to the property.

**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	Camelot Mobile Home Park (100 units)	Ormond Beach "Office/Professional"	Ormond Beach T-1 (Manufactured/Mobile Home)
South	Prince of Peace Catholic Church (Ormond Beach), Retention Pond (Volusia County), Daytona Beach Lift Station (Volusia County)	Ormond Beach "Public/Institutional ", Volusia County "Urban Medium Intensity"	Ormond Beach R-3 (Single-Family Medium Density), Volusia County MH-1 (Mobile Home Park)
East	Bright Beginnings Academy of Ormond (Ormond Beach)	Ormond Beach "General Commercial"	Volusia County B-8 (Commercial)
West	The Falls Manufactured Homes (Ormond Beach)	Ormond Beach "Medium Density Residential"	Ormond Beach T-1 (Manufactured/Mobile Home)

Below are pictures of the surrounding uses abutting the area where the land use amendment is proposed:

North – Camelot Mobile Home Park



South - Prince of Peace Catholic Church



East – Bright Beginnings Academy



West – The Falls Manufactured Homes



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	May 14, 2015
City Commission Transmittal Hearing, 1 <sup>st</sup> reading of Ordinance	June 23, 2015
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 (on or about July 2, 2015)
City Commission Adoption Hearing, 2 <sup>nd</sup> reading of Ordinance	September 1, 2015
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.

**ANALYSIS:** The proposed administrative land use 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. The existing use is consistent with both the existing County land use and the proposed City land use designation. 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 proposed amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive plan. The City’s Comprehensive Plan has five potential commercial land use categories as follows:

Category	Maximum Density	Maximum FAR (Floor Area Ratio)
Rural Estate/Agriculture	1 unit per five acres	0.2
Rural Residential	1 unit per 2.5 acres to 1 unit per acre	0.2
Suburban Low Density Residential	6 units per acre.	0.2
Low Density Residential	4.3 units per acre	0.2
Medium Density Residential	12 units per acre except in the Downtown Community Redevelopment Area where 5-15 units shall be allowed	0.3
High Density Residential	32 units per acre	0.3

The Large Scale Comprehensive Plan Land Use Map amendment for the subject property proposes to change the land use of ±23.44 acres from Volusia County “Urban Medium Intensity” to Ormond Beach “Medium Density Residential”.

## Volusia County Current Land Use

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

“Urban Medium Intensity (UMI)” – Areas that contain residential development at a range of greater than four (4) to eight (8) dwelling units per acre. The types of housing typically found in areas designated urban medium intensity include single family homes, townhouses and low-rise apartments.

The UMI designation is primarily a residential designation but may allow neighborhood business areas (see Shopping Center definition in Chapter 20) and office development that meet the Comprehensive Plan’s location criteria. The commercial intensity shall be no more than a fifty percent Floor Area Ratio (0.50 FAR) and shall 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 neighborhood business areas, 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 ±23.44 acres (1,021,046 square feet). However, this is the maximum theoretical density and intensity and is likely not achievable based on the City’s land development regulations.

<b>Max Residential Density (8 units per acre)</b>	<b>Maximum Non-Residential Square Footage Allowed (.50 FAR)</b>	<b>As Built on Ground</b>
187 units	510,523	175 units 0 Non-residential Square footage

Proposed Ormond Beach Land Use

City staff is requesting an amendment to the City’s “Medium Density Residential” land use category. The Future Land Use Element of the City’s Comprehensive Plan states the following for the “Medium Density Residential” category:

Purpose: To allow a variety of highly aesthetic dwelling units, encouraging the establishment of recreation areas and open space and discouraging look-alike rows of dwellings. MDR also allows the development of relatively low density duplex, townhouse and multi-family projects which emphasize open space and maintain a low profile, thus maximizing the compatibility with single-family areas. Institutional uses may be permitted in accordance with the maximum floor area ratio.

Density: Minimum 5-12 units per acre except in the Downtown Community Redevelopment Area where 5-15 units shall be allowed.

Maximum FAR: 0.3

Below is the maximum development scenario that could be allowed for the developed subject property under the Ormond Beach “Medium Density Residential” land use designation with ±23.44 total acres (1,021,046 square feet). However, this is the maximum theoretical density and intensity and is likely not achievable based on the City’s land development regulations.

Max Residential Density (5-12 units per acre)	Maximum Non-Residential Square Footage Allowed (0.3 FAR)	As Built on Ground
281 units	306,313	175 units 0 Non-residential Square footage

The maximum residential units allowed under the Ormond Beach “Medium Density Residential” land use designation is 94 units more than the 187 units allowed under the Volusia County “Urban Medium Intensity” land use designation while the maximum Floor Area Ratio under the Ormond “Medium Density Residential” designation is less than the maximum Ratio under the County Designation. The proposed amendment is per the adopted Annexation Ordinance No. 2015-02. There is no proposed site or building plans that would add additional units and the application is solely based on the annexation. Since the property’s density is 7.47 dwelling units per acre, which is more than the maximum 4.3 units per acre allowed under the Low Density Residential” land use designation and less than the minimum 12 units per acre allowed under the “High Density Residential”, the only compatible density range standard is the “Medium Density Residential” land use designation. In addition, the “Medium Density Residential” designation ensures conformance with the existing mobile home park development. Any adverse land use impacts associated with future site plan applications would be addressed as part of the Site Plan Review process.

<p>The “Medium Density Residential” land use designation is consistent 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 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</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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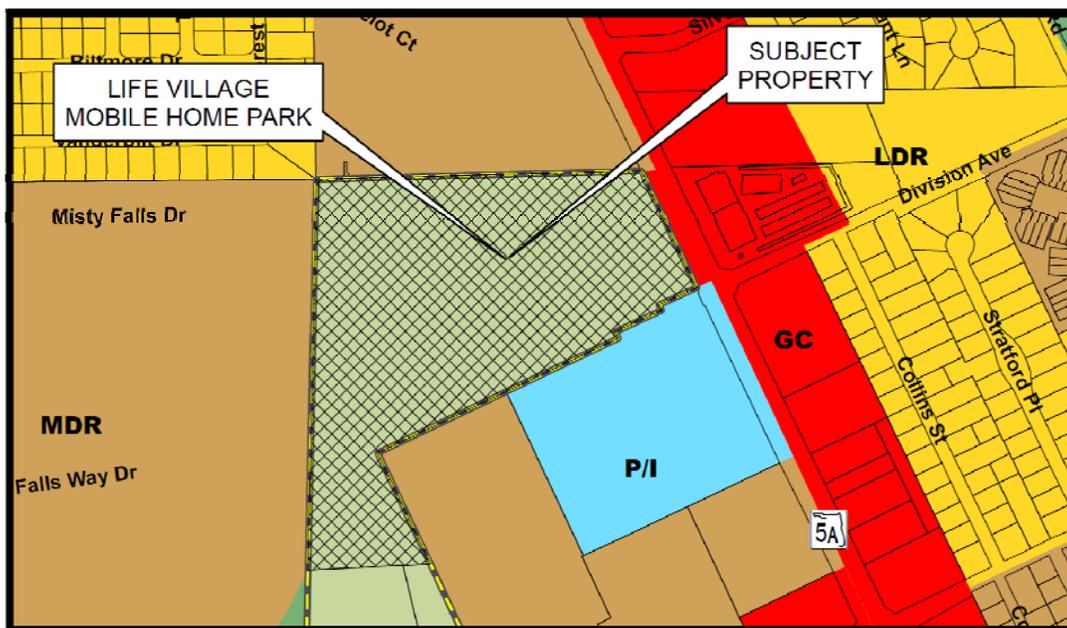
<p><b>OBJECTIVE 1.1.</b> <b>RESIDENTIAL LAND USE</b> Future Land Use Element</p>	<p>Ensure that availability of adequate lands to meet the residential land use needs of the community.</p>
<p>Policy 1.1.6. Future Land Use Element</p>	<p>Provide the opportunity, through zoning and other land use controls, for the development of a variety of housing types (i.e., single-family, duplex, townhouse, multi-family) in both conventional, planned unit and cluster type developments, that will meet the varied needs of the citizens of Ormond Beach.</p>
<p>Policy 1.1.9. Future Land Use Element</p>	<p>Medium and high density multi-family residential development shall be encouraged near employment centers with convenient access to public recreational facilities, the thoroughfare system and mass transit routes.</p>
<p><b>GOAL 5</b> Annexation Future Land Use Element</p>	<p><b>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.</b></p>
<p>Policy 5.1.1. Future Land Use Element</p>	<p>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.</p>
<p><b>GOAL 1</b> Housing Element</p>	<p><b>ENSURE THE AVAILABILITY OF SAFE AND ADEQUATE HOUSING UNITS OF DIFFERENT TYPES, SIZES, AND PRICE RANGES TO MEET THE NEEDS OF ALL CURRENT AND FUTURE RESIDENTS.</b></p>
<p><b>OBJECTIVE 1.1.</b> <b>HOUSING SUPPLY</b> Housing Element</p>	<p>The City shall continue to facilitate the private production of a housing supply, including adequate sites for mobile homes or manufactured housing and low and moderate income housing, which will meet future community needs and offset housing deficiencies as noted in this Element.</p>

## 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.

The proposed Ormond Beach "Medium Density Residential" land use designation will ensure consistency as required by the city's adopted Comprehensive Plan. As shown on the map below, the dominant land use abutting the subject property is "Medium Density Residential".



The subject property is an appropriate use of land given there are other neighboring mobile home parks, such as Camelot and The Falls at Ormond. Finally, the "Medium Density Residential" land use category is intended for multi-family development with an emphasizing low profile development compatible with single-family areas making the proposed land use designation consistent with the Volusia County "Urban Medium Intensity" designation.

## 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 Life Mobile Home Park, an Urban Medium Intensity development and the

land use amendment is the result of annexation. However, an infrastructure analysis was performed to determine the maximum development scenario.

**Infrastructure:** Impact analysis examines the maximum expected impacts of the current designation versus the requested designation based on a preliminary development scenario. This analysis is not meant to replace or contradict the findings of a Concurrency Management Review. However, the relative differences between designations can provide useful information in the long-range planning process. This analysis is based on ±23.44 developed acres to be assigned the City “Medium Density Residential” land use.

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

Current	Maximum Non-Residential Square Footage Allowed	Maximum Traffic Impacts
“Urban Medium Intensity” (.50 FAR)	510, 523	21,799,332 (using ITE Code #820, Shopping Center)
<b>Proposed</b>		
“Medium Density Residential” (.3 FAR)	306,313	8,552,259 (using ITE Code #733, Government Office Complex)
<b>Net Decrease</b>		
Proposed land use amendment	-204,210	-13,247,073

The analysis demonstrates that the land use amendment could create a decrease in the maximum number of average daily trips by 13,247,073 based on the proposed “Medium Density Residential” land use category. It is important to note that the site is already developed with 175 mobile home units and no additional development is proposed with this application. Since the site is already developed, the proposed amendment will not generate an increase in demand. The land use amendment is the result of an annexation. Any adverse impacts associated with future site plan applications would be addressed as part of the Site Plan Review process.

**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 receives water from the City of Ormond Beach. 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.

Current	Maximum Number of Units	Maximum Water and Sewer Usage (*110 gpd/unit)
"Urban Medium Intensity"	187	20,570
<b>Proposed</b>		
"Medium Density Residential"	281	30,910
<b>Net Increase</b>		
Proposed land use amendment	±420	±10,340

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

The maximum water and sewer impacts could increase by 10,340 gallons per day under the maximum number of units by the proposed "Medium Density Residential" land use category. The land use amendment is the result of an annexation. Any adverse impacts associated with future site plan applications would be addressed as part of the Site Plan Review process.

**Stormwater Management:** The property has an approved site plan that contains a stormwater management system. Any new development would require stormwater review.

**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 proposed land use amendment increases the potential number of residential dwelling units by 94. School capacity for the increase in residential density has been reviewed by the Volusia County School Board and has been determined acceptable. It should be noted that the site is already an approved development with 175 units and there are no additional school impacts as a result of the future land use amendment. Any future development would require school concurrency review.

**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 Medium Intensity” to City of Ormond Beach “Medium Density Residential” ( $\pm 23.44$  acres). Since the existing parcel is developed as 175 unit mobile home park, this land use map amendment is an administrative amendment, solely based on annexation. The city is required to assign a City Future Land Use Map designation to the subject parcel. The Ormond Beach “Medium Density Residential” land use category is an appropriate land use category for the following reasons:

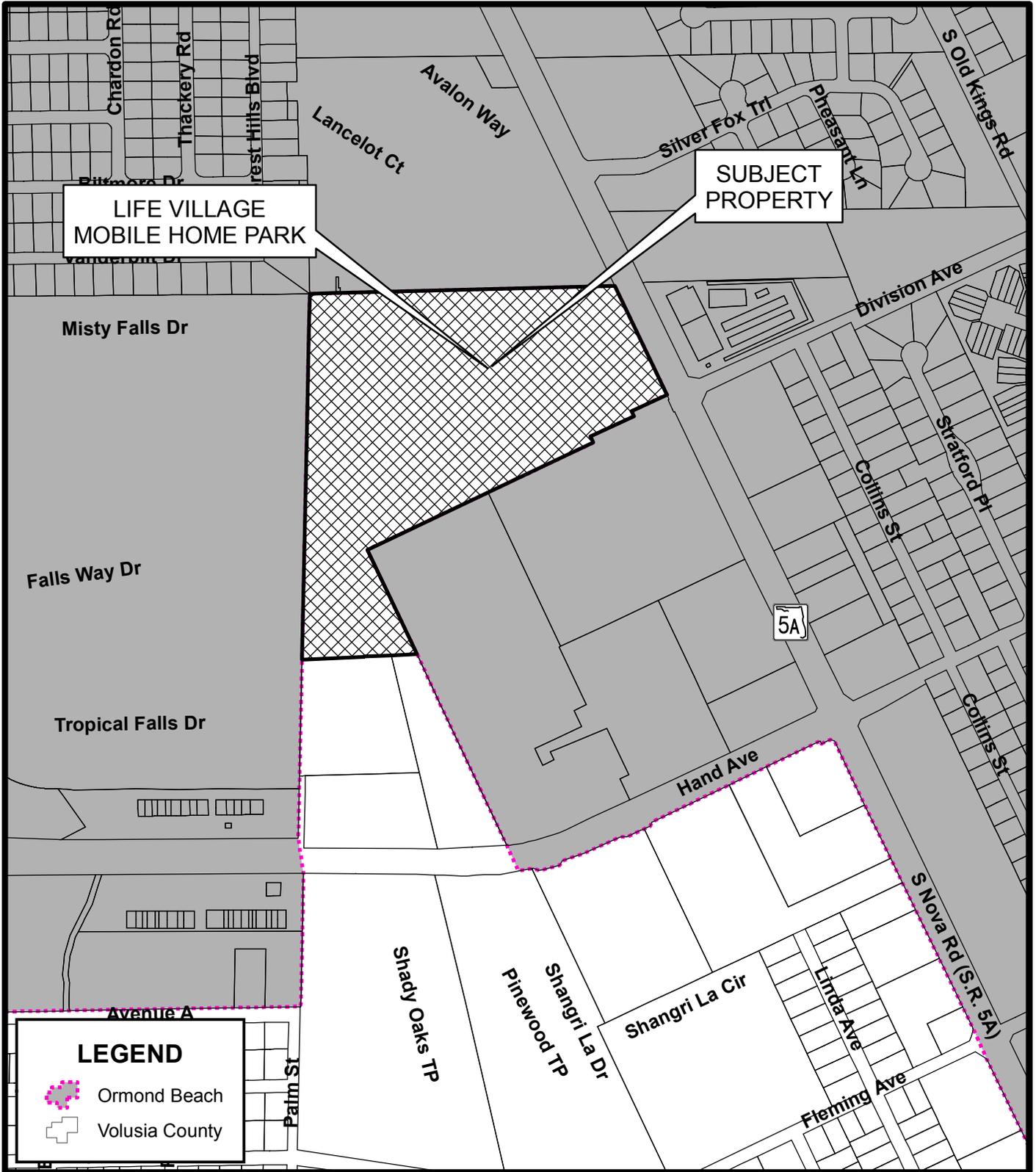
1. The amendment is in accordance with Annexation Ordinance No. 2015-02;
2. The amendment meets the Goals, Objectives, and Policies of the City’s comprehensive plan;
3. The amendment meets the requirements established in the Florida Statutes;
4. The proposed land use is an appropriate use of land;
5. There is adequate infrastructure to serve the proposed land use. While the land use amendment would increase the theoretical maximum density of the subject property the site is already developed with 175 units and 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 Medium Intensity” to City of Ormond Beach “Medium Density Residential”; and
6. The proposed land use will not impact surrounding jurisdictions.

**RECOMMENDATION:** Staff recommends **APPROVAL** of Case # LUPA 15-046 – a Future Land Use map amendment to change the land use for  $\pm 23.44$  acres Volusia County “Urban Medium Intensity” to City of Ormond Beach “Medium Density Residential” at the Life Mobile Home Park located at 500 S. Nova Road.

- Attachments:
- Exhibit 1: Location Maps and survey
  - Exhibit 2: Future Land Use Map
  - Exhibit 2: Sketch and legal description of property
  - Exhibit 3: Annexation Ordinance No. 2015-02

# Attachment 1

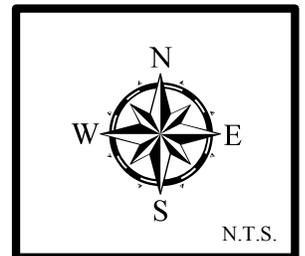
## Location Maps and survey



**LIFE VILLAGE MOBILE HOME PARK**  
**500 SOUTH NOVA ROAD**  
 LOCATION MAP

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Prepared By: The City of Ormond Beach  
 G.I.S. Department - November 3, 2014

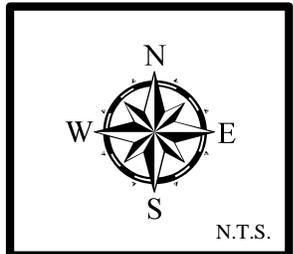




**AERIAL MAP**  
**LIFE VILLAGE MOBILE HOME PARK**  
**500 SOUTH NOVA ROAD**

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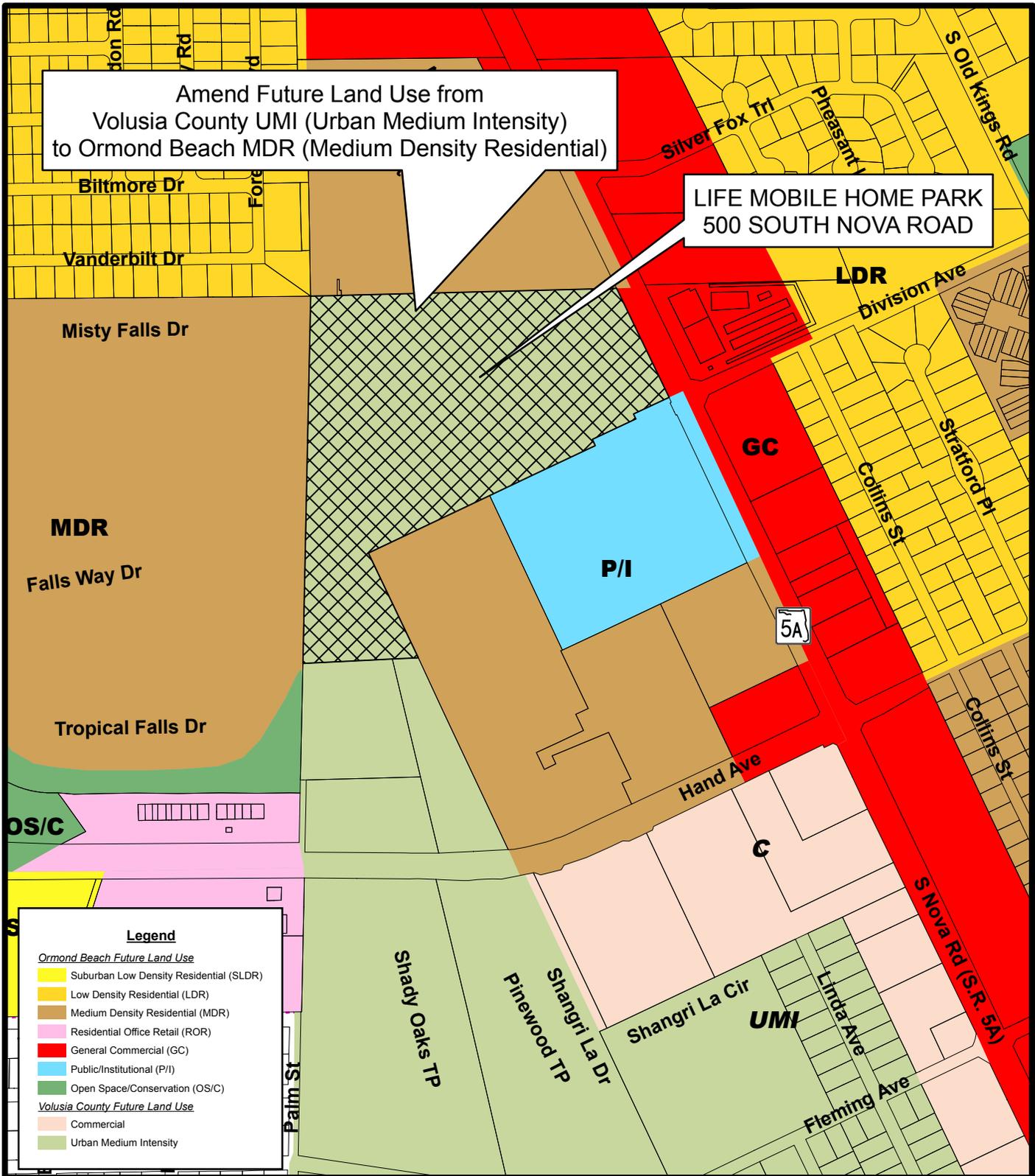
Prepared By: The City of Ormond Beach  
 G.I.S. Department - November 3, 2014





# Attachment 2

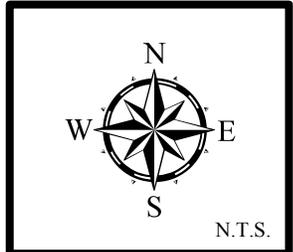
## Proposed Future Land Use Map



**PROPOSED FUTURE LAND USE MAP**  
**LIFE MOBILE HOME PARK**  
**500 SOUTH NOVA ROAD**

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Prepared By: The City of Ormond Beach  
 G.I.S. Department - May 1, 2015



# Exhibit 3

## Legal Description and Sketch

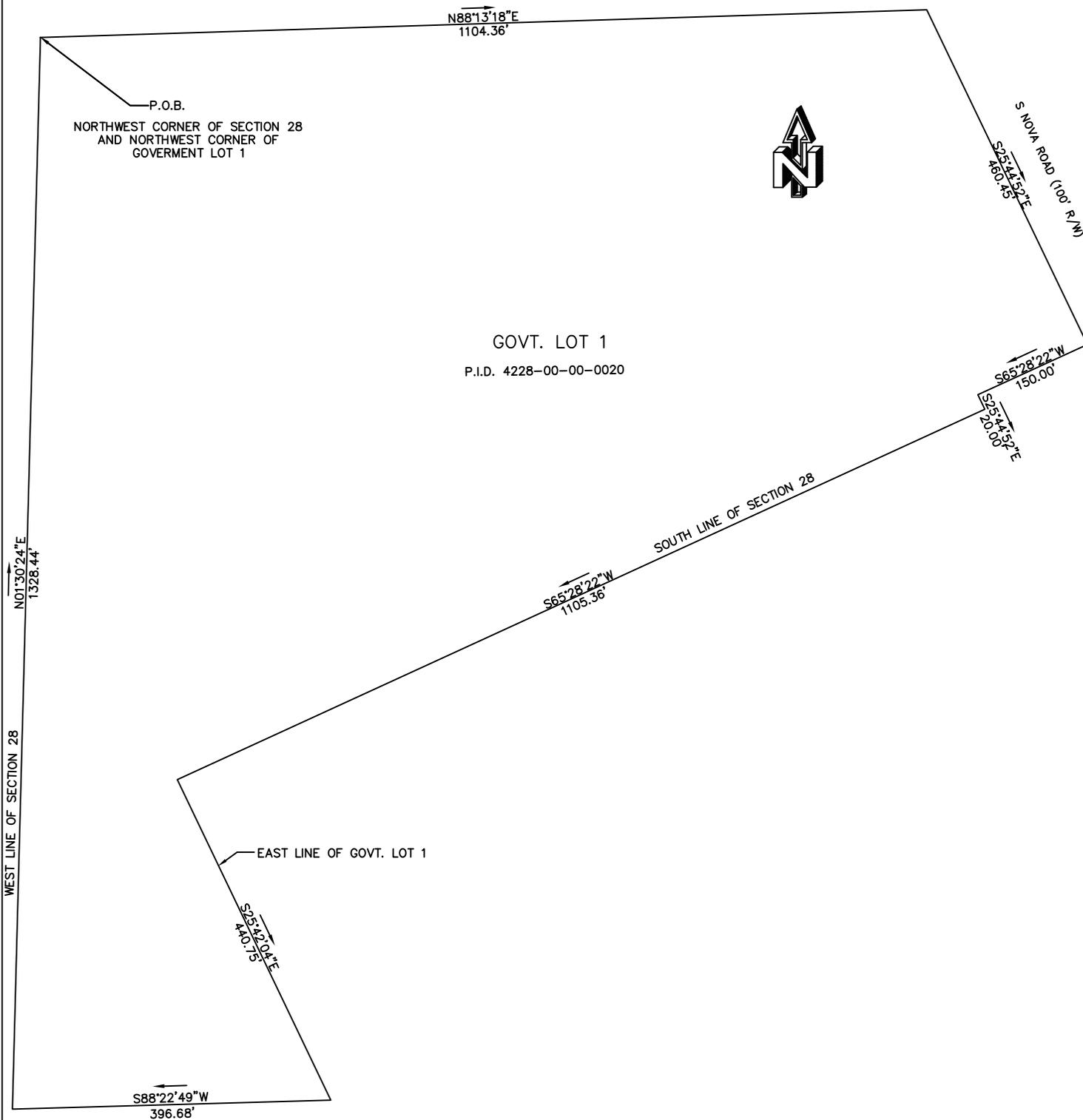
LEGAL DESCRIPTION

PARCEL NO: 4228-00-00-0020

PART OF GOVERNMENT LOT 1, SECTION 28, TOWNSHIP 14 SOUTH, RANGE 32 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF BEGINNING, SAID POINT BEING THE NORTHWEST CORNER OF SAID SECTION 28, RUN N88°13'18"E A DISTANCE OF 1104.36 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 5A (ALSO KNOWN AS NOVA ROAD A 100 FOOT RIGHT-OF-WAY AS NOW LAID OUT AND OCCUPIED); THENCE S25°44'52"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 460.45 FEET; THENCE DEPARTING SAID WESTERLY LINE RUN S65°28'22"W A DISTANCE OF 150.00 FEET TO A POINT; THENCE S25°44'52"E AND PARALLEL TO THE AFORESAID WESTERLY LINE OF STATE ROAD 5A A DISTANCE OF 20.00 FEET TO A POINT IN THE SOUTH LINE OF SAID SECTION 28; THENCE S65°28'22"W ALONG SAID SOUTH LINE A DISTANCE OF 1105.36 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF GOVERNMENT LOT 1; THENCE S25°42'04"E ALONG SAID EAST LINE A DISTANCE OF 440.75 FEET TO A POINT; THENCE S88°22'49"W A DISTANCE OF 396.68 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID SECTION 28; THENCE N01°30'24"E ALONG SAID WEST LINE A DISTANCE OF 1328.44 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINS 1,020,922.39 SQ.FT OR 23.44 ACRES MORE OR LESS



SKETCH OF DESCRIPTION

<p><i>City of Ormond Beach</i> Engineering Division</p>	<p>500 S NOVA ROAD</p>	DATE: 11/12/14	EXHIBIT "A"
		SCALE: N.T.S.	FILE NAME:
		SHEET: 1 OF 1	DRAWN BY: ENGINEERING

# Exhibit 4

## Annexation Ordinance

**ORDINANCE NO. 2015-02**

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF ORMOND BEACH, SAID PROPERTY BEING GENERALLY LOCATED ALONG THE WEST SIDE OF SOUTH NOVA ROAD AT THE NORTHWEST CORNER OF THE INTERSECTION OF DIVISION AVENUE AND SOUTH NOVA ROAD, LOCATED AT 500 S. NOVA ROAD; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 4 OF THE CITY OF ORMOND BEACH TO INCLUDE THE PROPERTY; SETTING FORTH ZONING, PRIVILEGES, AND OBLIGATIONS OF SAID PROPERTY; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**WHEREAS**, 500 S. Nova, LLC, a Florida limited liability company, is the fee simple owner of certain real property in unincorporated Volusia County, Florida, described and depicted on Exhibit "A", attached hereto and incorporated herein by reference ("the Property"), and

**WHEREAS**, 500 S. Nova, LLC, has voluntarily petitioned or requested the City of Ormond Beach to annex the Property into the City of Ormond Beach, a copy of said petition or request being attached hereto as Exhibit "B" and incorporated herein by reference, and

**WHEREAS**, the Property is generally located along the west side of South Nova Road 1 at the northwest corner of the intersection of Division Avenue and South Nova Road, and being commonly located at 500 S. Nova Road (Parcel ID # 4228-00-00-0020), consists of approximately 23.44± acres, and

WHEREAS, upon annexation the Volusia County land use plan and county zoning or subdivision regulations applicable to the Property shall remain in full force and effect and shall continue to apply to the Property as the same presently exist until the City of Ormond Beach adopts an appropriate amendment to its *Comprehensive Land Use Plan* and zoning map pertaining to the Property hereby annexed, and

WHEREAS, upon consideration of all of the foregoing, the City Commission of the City of Ormond Beach desires to annex the subject real property, and

WHEREAS, the requirements of sections 171.044, *Florida Statutes*, have been satisfactorily met, now therefore,

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

**SECTION ONE.** The Property described and depicted in Exhibit "A", attached hereto, and incorporated herein by reference, is hereby annexed into the City of Ormond Beach, Florida.

**SECTION TWO.** The Volusia County land use plan and zoning and subdivision regulations applicable to the aforescribed real property are hereby continued as the same presently exist, until the City of Ormond Beach adopts a *Comprehensive Plan* amendment that includes the real property hereby annexed.

**SECTION THREE.** Upon the effective date hereof and except as otherwise provided herein, the aforescribed real property shall be subject to all laws, ordinances and regulations in force in the City of Ormond Beach and to all taxes and debts of the City of

Ormond Beach, shall be entitled to the same privileges and benefits as other parts of the City of Ormond Beach, shall be located within City Commission Zone 4, and shall be subject to municipal ad valorem taxes as provided by Section 171.061(1), *Florida Statutes*.

**SECTION FOUR.** The City Clerk is hereby directed to provide a copy of this Ordinance to the Volusia County Manager as required by Section 171.044, *Florida Statutes*.

**SECTION FIVE.** This Ordinance shall take effect immediately upon adoption.

**SECTION SIX.** In the event any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not be deemed to affect the validity of this Ordinance as a whole or any other section or provision thereof.

**PASSED UPON** at the first reading of the City Commission, this 6<sup>th</sup> day of January, 2015.

**PASSED UPON** at the second and final reading of the City Commission, this 20th day of January, 2015.

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

**ATTEST:**

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

# EXHIBIT "A"

## LEGAL DESCRIPTION

PARCEL NO: 4228-00-00-0020  
 PART OF GOVERNMENT LOT 1, SECTION 28, TOWNSHIP 14 SOUTH, RANGE 32 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF BEGINNING, SAID POINT BEING THE NORTHWEST CORNER OF SAID SECTION 28, RUN N88°13'18"E A DISTANCE OF 1104.36 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 5A (ALSO KNOWN AS NOVA ROAD A 100 FOOT RIGHT-OF-WAY AS NOW LAID OUT AND OCCUPIED); THENCE S25°44'52"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 460.45 FEET; THENCE DEPARTING SAID WESTERLY LINE RUN S65°28'22"W A DISTANCE OF 150.00 FEET TO A POINT; THENCE S25°44'52"E AND PARALLEL TO THE AFORESAID WESTERLY LINE OF STATE ROAD 5A A DISTANCE OF 20.00 FEET TO A POINT IN THE SOUTH LINE OF SAID SECTION 28; THENCE S65°28'22"W ALONG SAID SOUTH LINE A DISTANCE OF 1105.36 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF GOVERNMENT LOT 1; THENCE S25°42'04"E ALONG SAID EAST LINE A DISTANCE OF 440.75 FEET TO A POINT; THENCE S88°22'49"W A DISTANCE OF 396.68 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID SECTION 28; THENCE N01°30'24"E ALONG SAID WEST LINE A DISTANCE OF 1328.44 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINS 1,020,922.39 SQ.FT OR 23.44 ACRES MORE OR LESS



## SKETCH OF DESCRIPTION

<p><i>City of Ormond Beach</i> Engineering Division</p>	<p>500 S NOVA ROAD</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: small;">DATE: 11/12/14</td> <td style="font-size: small;">EXHIBIT "A"</td> </tr> <tr> <td style="font-size: small;">SCALE: N.T.S.</td> <td style="font-size: small;">FILE NAME:</td> </tr> <tr> <td style="font-size: small;">SHEET: 1 OF 1</td> <td style="font-size: small;">DRAWN BY: ENGINEERING</td> </tr> </table>	DATE: 11/12/14	EXHIBIT "A"	SCALE: N.T.S.	FILE NAME:	SHEET: 1 OF 1	DRAWN BY: ENGINEERING
DATE: 11/12/14	EXHIBIT "A"							
SCALE: N.T.S.	FILE NAME:							
SHEET: 1 OF 1	DRAWN BY: ENGINEERING							

Instrument# 2015-016246 # 4  
 Book: 7078  
 Page: 429



**CITY OF ORMOND BEACH**

Planning Department

22 South Beach Street, Ormond Beach, FL 32174

Tel: (386) 676-3238

www.ormondbeach.org

comdev@ormondbeach.org

Instrument# 2015-016246 # 5

v3.2013

Book: 7078

Page: 430

**PETITION/CONSENT FOR ANNEXATION**

*For Planning Department Use*

Application Number

Date Submitted

**APPLICANT INFORMATION**

This application is being submitted by:  Property Owner

Agent on behalf of Property Owner\*

Name 500 S. NOVA, LLC d/b/a LIFE VILLAGE MOBILE HOME PARK

Full Address 500 S. NOVA

Telephone 386.672.1276

Email thendrix@cphcorp.com

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

**PROPERTY OWNER INFORMATION\*\***

Name

Full Address

Telephone

Email

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

**PROPERTY DETAILS\*\*\***

Full Address 500 S. NOVA ROAD

Parcel ID Number 422B 0000 0020

Subdivision

Legal Description SEE ATTACHED LEGAL

Total Acreage 23.4

Present Use of Property MOBILE HOME COMMUNITY (AGE RESTRICTED)

Number of Residents On Site (if applicable) 175 SPACES

**PROPERTY DETAILS (continued)**

Existing Structures Located On Site

CLUBHOUSE, POOL, MOBILE HOMES

Instrument# 2015-016246 # 6  
Book: 7078  
Page: 431

County Future Land Use Designation

URBAN MEDIUM DENSITY

Assessed Property Value

\$ 2,300,400

Taxable Value

\$ 2,300,400

\*\*\*Proof of property ownership must be included with this Petition/Consent for Annexation.

**REQUEST**

Reason for Request

WE OWN THE ADJACENT COMMUNITY, CAMELOT ESTATES AND WOULD LIKE LIFE VILLAGES TO BE ANNEXED TO OFFER OUR RESIDENTS THE SAME QUALITY OF SERVICES THAT ORMOND BEACH PROVIDES

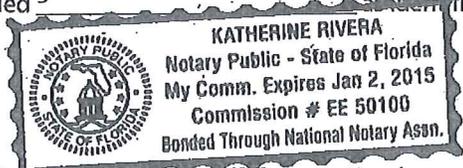
**CERTIFICATION**

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

Signature: Randall Hendrix

STATE OF FLORIDA  
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of Nov, 2014, by Randall Hendrix as managing member (title\*) for 500 S. Nona, LLC (name of corporation\*), who  provided identification, or  who is personally known to me.



Katherine Rivera  
Notary Public, State of Florida  
My Commission Expires:

\* If you are executing this document on behalf of a corporation please complete the spaces with your title and the name of your company as indicated.

Instrument# 2015-016246 # 7  
Book: 7078  
Page: 432

LIFE VILLAGE-LEGAL DESCRIPTION

Parcel A

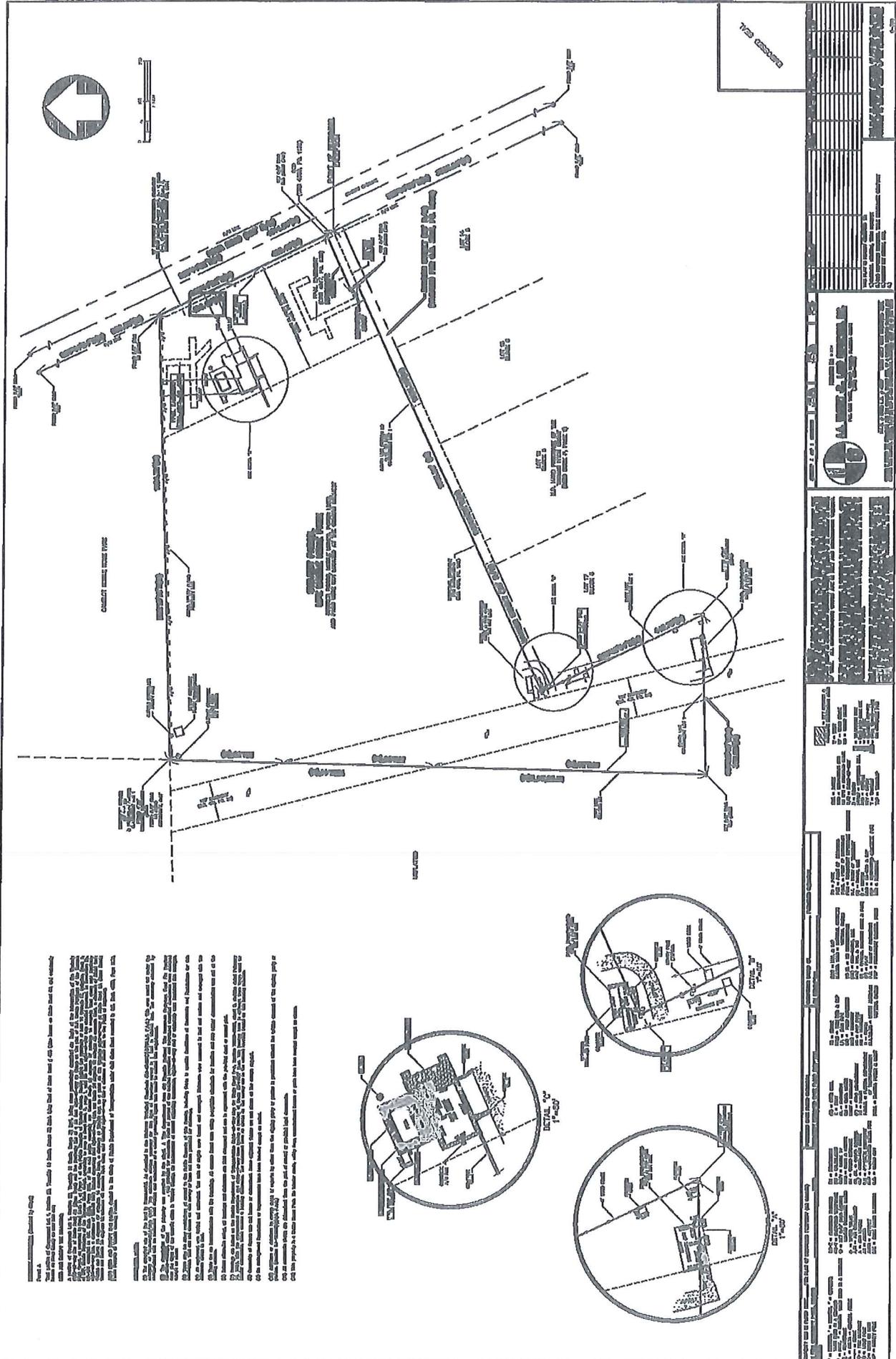
That portion of Government Lot 1, Section 28, Township 14 South, Range 32 East, lying West of State Road # 415 (also known as State Road 5A and commonly known as Nova Road) as now laid out;

LESS AND EXCEPT THE FOLLOWING:

A portion of Government Lot 1, Section 28, Township 14 South, Range 32 East, being more particularly described as: Begin at the intersection of the Westerly right-of-way line of State Road 5A (Nova Road) and the Northerly line of a 25 foot right-of-way as shown on the plat of H.P. Hands Purchase of the Thomas Fitch Grant, as recorded in Deed Book P, at Page 1 of the Public Records of Volusia County, Florida (which lies Northerly of Lots 14 through 17, inclusive, Block 5, of H.P. Hands Purchase of the Thomas Fitch Grant, according to map in Deed Book P, page 1, said 25 foot right-of-way was vacated pursuant to Resolution No. 90-176 recorded in O.R. Book 3515, Page 503, of the said public records); run thence South 66 degrees 57 minutes 14 seconds West along said Northerly right-of-way line, a distance of 150.00 feet; thence departing said right-of-way line, run North 24 degrees 12 minutes 45 seconds West, a distance of 20.00 feet; thence run North 66 degrees 57 minutes 14 seconds East, a distance of 150.00 feet to a point on the Westerly right-of-way of State Road 5A (Nova Road); thence run South 24 degrees 12 minutes 45 seconds East along said Westerly right-of-way line a distance of 20.00 feet to the Point of Beginning.

ALSO LESS AND EXCEPT that portion deeded to the State of Florida Department of Transportation under Quit Claim Deed recorded in O.R. Book 4530, Page 1138, Public Records of Volusia County, Florida.

Instrument# 2015-016246 # 8  
Book: 7078  
Page: 433



1. The property shown on this plan is the same as that shown on the plan of the same name on file in the office of the County Clerk of the County of Cook, Illinois, and is subject to the same conditions and restrictions as are shown on said plan.

2. The property shown on this plan is the same as that shown on the plan of the same name on file in the office of the County Clerk of the County of Cook, Illinois, and is subject to the same conditions and restrictions as are shown on said plan.

3. The property shown on this plan is the same as that shown on the plan of the same name on file in the office of the County Clerk of the County of Cook, Illinois, and is subject to the same conditions and restrictions as are shown on said plan.

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5. The property shown on this plan is the same as that shown on the plan of the same name on file in the office of the County Clerk of the County of Cook, Illinois, and is subject to the same conditions and restrictions as are shown on said plan.

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10. The property shown on this plan is the same as that shown on the plan of the same name on file in the office of the County Clerk of the County of Cook, Illinois, and is subject to the same conditions and restrictions as are shown on said plan.

NO.	DESCRIPTION	REMARKS
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## CERTIFICATE

STATE OF FLORIDA  
COUNTY OF VOLUSIA  
CITY OF ORMOND BEACH

I, J. Scott McKee, City Clerk of the City of Ormond Beach, Florida, do hereby certify that the foregoing is a true, correct and complete copy of Ordinance No. 2015-02 as the same appears of record at City Hall, City of Ormond Beach, Florida.

Dated this 22<sup>nd</sup> day of January 2015.



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

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** May 4, 2015

**SUBJECT:** 500 S. Nova Road, Life Mobile Home Park  
Amendment to Official Zoning Map

**APPLICANT:** Administrative

**NUMBER:** RZ 15-047

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

**INTRODUCTION:** This is an administrative request to amend the City's Official Zoning Map for a ±23.44 acre property located at 500 S. Nova Road from the existing zoning designation of Volusia County MH-1 (Mobile Home Park) to City of Ormond Beach T-1 (Manufactured/Mobile Home) as the result of annexation.

**BACKGROUND:** The property located at 500 S. Nova Road is currently developed with the Life Mobile Home Park, a 175 unit mobile home park with a clubhouse, office and pool and annexed into the City of Ormond Beach on January 20, 2015. The property was developed under Volusia County review but staff could find no record of the date of development. The owner of the mobile home park indicated he believes the park was built before the early 1970's.

Adjacent land uses designations and zoning classifications are as follows:

	Current Land Uses	Land Use Designation	Zoning
North	Camelot Mobile Home Park (100 units)	Ormond Beach "Office/Professional"	Ormond Beach T-1 (Manufactured/Mobile Home)
South	Prince of Peace Catholic Church (Ormond Beach), Retention Pond (Volusia County), Daytona Beach Lift Station (Volusia County)	Ormond Beach "Public/Institutional", Volusia County "Urban Medium Intensity"	Ormond Beach R-3 (Single-Family Medium Density), Volusia County MH-1 (Mobile Home Park)
East	Bright Beginnings Academy of Ormond (Ormond Beach)	Ormond Beach "General Commercial"	Volusia County B-8 (Commercial)
West	The Falls Manufactured Homes (Ormond Beach)	Ormond Beach "Medium Density Residential"	Ormond Beach T-1 (Manufactured/Mobile Home)

Site location aerial:



The subject property is located on the west side of South Nova Road south of Camelot Mobile Home Park and west of Bright Beginnings Academy of Ormond at the northwest intersection of S. Nova Road and Division Avenue. The purpose of the zoning amendment is to assign an appropriate zoning to the subject property as the result of the property being annexed (Ordinance No. 2015-02) into the City of Ormond Beach. Any further site development for the project would require site plan review.

The Planning Board is requested to review the subject zoning contingent on the proposed land use amendment from County “Urban Medium Intensity” to City “Medium Density Residential” and the proposed Land Development Code Amendment to the T-1 Zoning District to add special standards to previously existing mobile/manufactured home parks such that a mobile/manufacture home may be replaced without creating dimensional non-conformities. The land use and zoning amendments are scheduled to be reviewed by the City Commission May 14<sup>th</sup>, 2015 and September 1<sup>st</sup>, 2015. The Land Development Code Amendment is scheduled for Commission review on May 19<sup>th</sup>, 2015 and June 2<sup>nd</sup>, 2015. Until a City land use designation and zoning classification are adopted, the property maintains its County assigned land use and zoning.

**ANALYSIS:** The existing Volusia County zoning classification for the subject property is MH-1 (Mobile Home Park). The Volusia County Land Development Code states the purpose and intent for the MH-1 zoning is as follows:

“The purpose and intent of the MH-1 Mobile Home Park Classification is to provide areas for the use and development of mobile home parks.”

Below is the Volusia County MH-1 zoning classification and the classification’s established regulations:

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection [72-293\(15\)](#)) and those which comply with division 8 of the Land Development Code of Volusia County [article III] and final site plan review procedures of this article.

Exempt landfills (refer to subsection [72-293\(16\)](#)).

Fire stations.

Home occupations, class A (refer to [section 72-283](#)).

Houses of worship.

Mobile home parks meeting the requirements of [section 72-285](#) and accessory laundry buildings commissary, swimming pools and recreational facilities.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

*Permitted special exceptions:* Additional regulations/requirements governing permitted special exceptions are located in sections [72-293](#) and [72-415](#) of this article.

Dogs and cats boarded as personal pets exceeding the number permitted in subsection [72-306\(a\)](#).

Excavations only for stormwater retention ponds for which a permit is required by this article.

Mobile home sales accessory to a mobile home park.

Off-street parking areas (refer to subsection [72-293\(14\)](#)).

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to subsection [72-293\(1\)](#)).

*Dimensional requirements for mobile home parks:*

*Minimum project size:* Ten acres.

*Maximum spaces per net acre of land:* Seven.

*Minimum mobile home space size:*

Space area: 5,000 square feet.

Space width: 50 feet.

Space depth: 50 feet.

*Minimum yard size:*

Front yard: Ten feet.

Rear yard: Seven and one-half feet.

Side yard:

Abutting any space: Seven and one-half feet.

Waterfront yard: 25 feet.

*Minimum floor area:* 480 square feet.

*Final site plan requirements:* Final site plan approval meeting the requirements of division 3 of the Land Development Code [article III] is required.

*Off-street parking and loading requirements:* Off-street parking and loading areas meeting the requirements of sections [72-286](#) and [72-287](#) shall be constructed.

*Landscape buffer requirements:* A landscaped buffer area meeting the requirements of [section 72-284](#) shall be constructed.

*Skirting requirement:* The area between the ground and floor level of the mobile home dwelling shall be enclosed with block or decorative skirting.

The subject property is undergoing a land use amendment to assign a City Future Land Use designation of “Medium Density Residential”. During staff’s analysis, the following points were considered.

1. The subject property is adjacent to other properties north and west that are assigned the T-1 zoning district and already developed with manufactured/mobile home communities (Camelot Mobile Home Estates and The Falls at Ormond respectively).
2. The goal of the zoning classification is to provide the most similar classification assigned by Volusia County. In accordance with the City’s Comprehensive Plan the City “Medium Density Residential” land use designation was applied to the subject property. The Future Land Use Element of the Comprehensive Plan states the following for the “Medium Density Residential” land use designation:

*Purpose:* To allow a variety of highly aesthetic dwelling units, encouraging the establishment of recreation areas and open space and discouraging look-alike rows of dwellings. MDR also allows the development of relatively low density duplex, townhouse and multi-family projects which emphasize open space and maintain a low profile, thus maximizing the compatibility with single-family areas. Institutional uses may be permitted in accordance with the maximum floor area ratio.

*Density:* Minimum 5-12 units per acre except in the Downtown Community Redevelopment Area where 5 - 15 units shall be allowed.

*Maximum FAR:* 0.3

In choosing an appropriate zoning district, Table 2.2 under Chapter 2, Article I – Establishment of Zoning Districts and Official Zoning Map, Section 2.02 of the City’s Land Development Code was referenced.

Comprehensive Plan Future Land Use Map Designation	Corresponding Compatible Zoning District
Medium Density Residential	R-3, Single-Family Medium Density NP, Neighborhood Preservation R-4, Single-Family Cluster and Townhouse R-5, Multi Family Medium Density T-1, Manufactured/Mobile Home T-2, Manufactured Home PRD, Planned Residential Development

Chapter 2, Article I Zoning Districts, Section 2.02 Future Land Use Map Designations and Zoning Districts, Table 2.2

As illustrated in the above table, under the “Medium Density Residential” land use designation, there are seven corresponding and compatible zoning districts. Staff concluded that the city’s T-1 zoning district is the only appropriate zoning district with the “Medium Density Residential” land use category based on the intended purpose and regulations of the zoning district and the current conditions of the developed site as a mobile home park. However, a review of the developed site does show that on average, most of the existing units on the developed site do not meet the City’s T-1 Zoning District setback requirements. As a remedy to creating setback nonconformities, staff has proposed to amend the T-1 Zoning District to add special standards for previously existing mobile/manufactured home parks that they may replace existing units as necessary without creating dimensional non-conformities. The subject rezoning is contingent on approval for the T-1 Zoning District amendment to add special standards.

**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.**

The site is already developed with a mobile home park and the request is based on a need to change the MH-1 county zoning to the T-1 city zoning as the result of annexation. The zoning map amendment will not adversely affect public health, safety, welfare or the quality of life. The Site Plan Review Committee shall review any proposed future site development.

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

Section 2-02 of the Land Development Code establishes consistent zoning designations with the future land use map designations. The T-1 (Manufactured/Mobile Home) zoning district is consistent with the City’s 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 zoning amendment application does not propose any site development. Any site development in the future would be required to comply with all applicable regulations regarding environmentally sensitive lands and 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.**

The site is already developed with a mobile home park and lies directly south of the Camelot Mobile Home Park and is therefore not anticipated to have an impact on adjacent properties.

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

The site is already developed with a mobile home park. The zoning map amendment does not propose any site development. Public facilities shall be reviewed with any additional site development.

- 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 site is already developed with a mobile home park. The zoning map amendment is required as the result of annexation. Any site development shall be reviewed by the City's Site Plan Review Committee.

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

The site is already developed with a mobile home park. The zoning map amendment is required as the result of annexation. Any site development shall be reviewed by the City's Site Plan Review Committee.

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

The site is already developed with a mobile home park. The zoning map amendment is required as the result of annexation. Any site development shall be reviewed by the City's Site Plan Review Committee.

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

The site is already developed with a mobile home park. The zoning map amendment is required as the result of annexation. Any site development shall be reviewed by the City's Site Plan Review Committee.

**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.

Staff supports the rezoning from Volusia County MH-1 to Ormond Beach T-1. Since the subject parcel is developed as a mobile home park, this rezoning is administrative and required to assign a zoning classification to the parcel. 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 public facilities and services will not be negatively impacted as a result of the requested zoning amendment from Volusia County MH-1 (Mobile Home Park) to City of Ormond Beach T-1 (Manufactured/Mobile Home) for a 23.44-acre site.
- The proposed City zoning classification of T-1 is most consistent with the Volusia County zoning classification MH-1 and provides similar types of uses.
- The administrative request is consistent with the compatibility matrix outlined in the Land Development Code for the Future Land Use Plan Map designation of "Medium Density Residential".

**RECOMMENDATION:**

Contingent on the adoption of LUPA 15-046, a land use amendment for 500 S. Nova Road, Life Mobile Home Park from Volusia County "Urban Medium Intensity" to City of Ormond Beach "Medium Density Residential" and LDC 2015-069, a Land Development Code amendment to add special standards to the T-1 Zoning District, staff recommends that the Planning Board recommend **APPROVAL** to the City Commission of a zoning map amendment of 23.44 acres located at 500 S. Nova Road, Life Mobile Home Park from Volusia County MH-1 (Mobile Home Park) to City of Ormond Beach T-1 Manufactured/Mobile Home Zoning District as the result of annexation.

- Attachments: Attachment 1: Location Aerial  
Attachment 2: Zoning Map  
Attachment 3: Legal Description and Sketch  
Attachment 4: Proposed LDC amendment 2015-069 showing Section 2-20 of the LDC, T-1 Manufactured/Mobile Home Zoning District in strikethrough and underline (Tentative Adoption Date – June 2, 2015)

# ATTACHEMENT 1

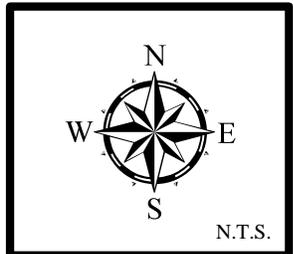
Location Aerial



**AERIAL MAP**  
**LIFE VILLAGE MOBILE HOME PARK**  
**500 SOUTH NOVA ROAD**

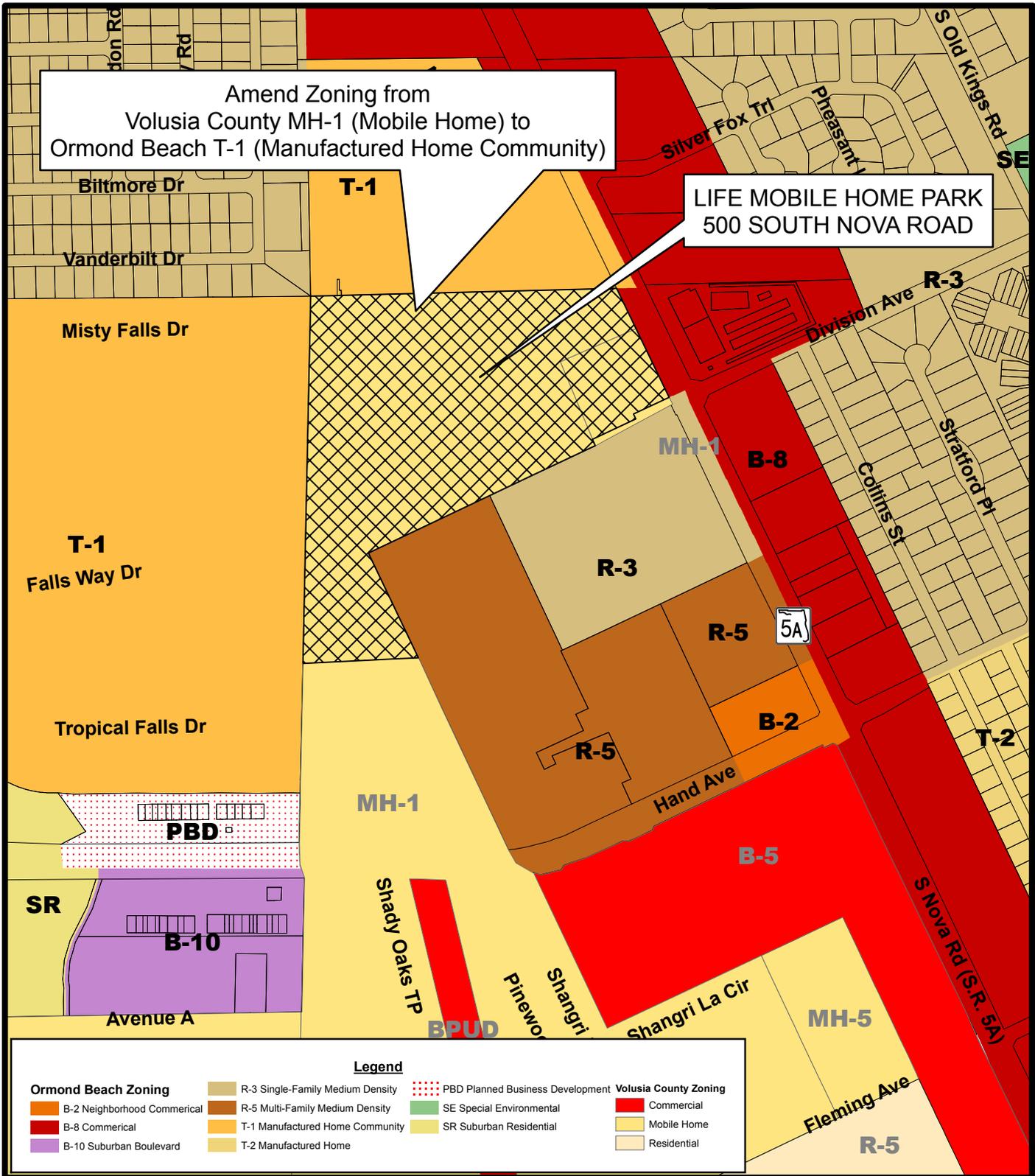
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Prepared By: The City of Ormond Beach  
 G.I.S. Department - November 3, 2014



# ATTACHEMENT 2

## Proposed Zoning Map



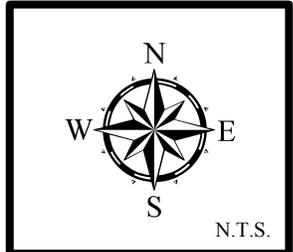
Ormond Beach Zoning		Legend		Volusia County Zoning	
	B-2 Neighborhood Commerical		R-3 Single-Family Medium Density		PBD Planned Business Development
	B-8 Commerical		R-5 Multi-Family Medium Density		SE Special Environmental
	B-10 Suburban Boulevard		T-1 Manufactured Home Community		SR Suburban Residential
			T-2 Manufactured Home		Commercial
					Mobile Home
					Residential



**PROPOSED ZONING MAP**  
**LIFE MOBILE HOME PARK**  
**500 SOUTH NOVA ROAD**

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Prepared By: The City of Ormond Beach  
 G.I.S. Department - May 1, 2015



# ATTACHEMENT 3

Legal Description  
and Sketch

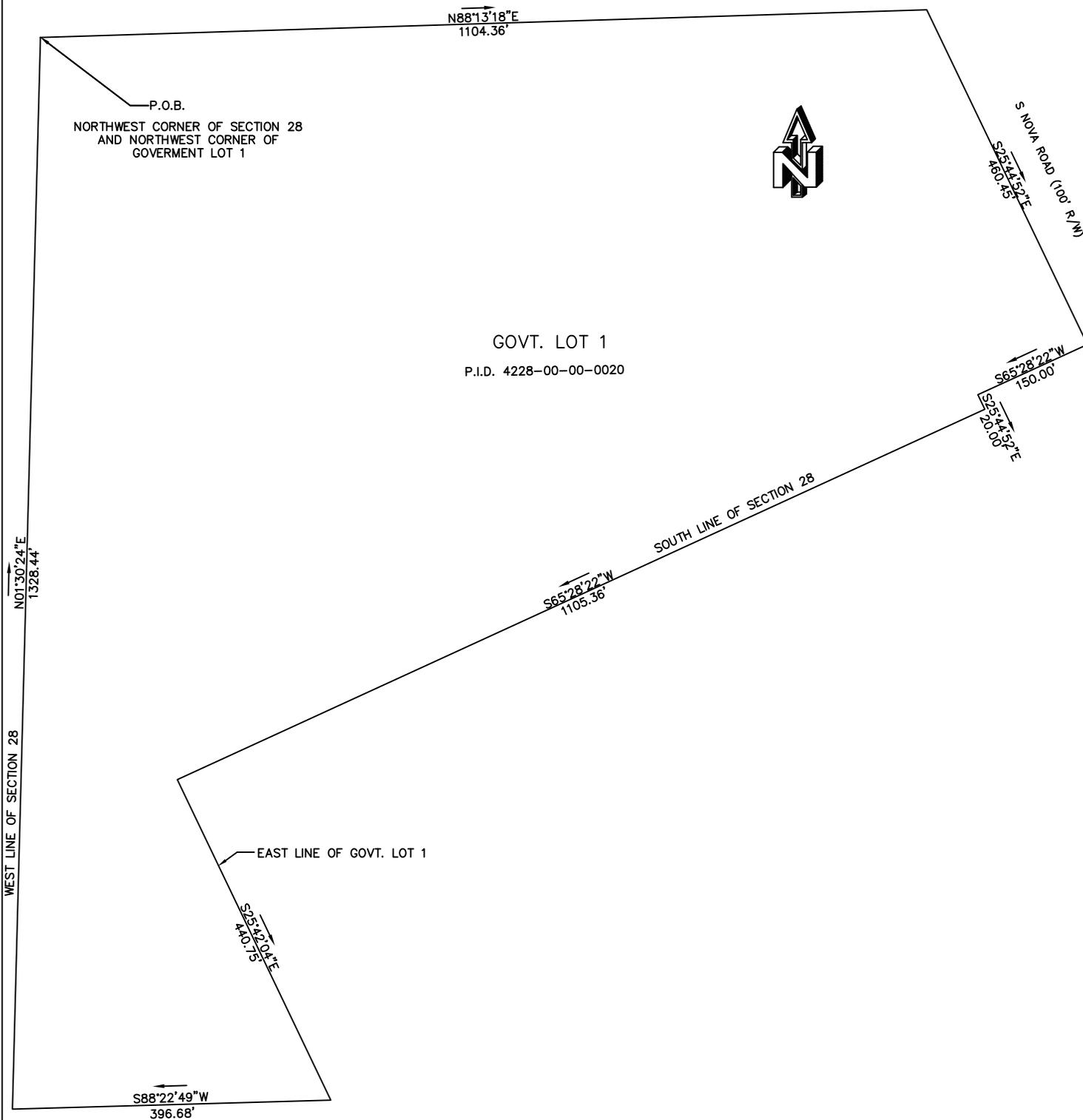
## LEGAL DESCRIPTION

PARCEL NO: 4228-00-00-0020

PART OF GOVERNMENT LOT 1, SECTION 28, TOWNSHIP 14 SOUTH, RANGE 32 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF BEGINNING, SAID POINT BEING THE NORTHWEST CORNER OF SAID SECTION 28, RUN N88°13'18"E A DISTANCE OF 1104.36 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 5A (ALSO KNOWN AS NOVA ROAD A 100 FOOT RIGHT-OF-WAY AS NOW LAID OUT AND OCCUPIED); THENCE S25°44'52"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 460.45 FEET; THENCE DEPARTING SAID WESTERLY LINE RUN S65°28'22"W A DISTANCE OF 150.00 FEET TO A POINT; THENCE S25°44'52"E AND PARALLEL TO THE AFORESAID WESTERLY LINE OF STATE ROAD 5A A DISTANCE OF 20.00 FEET TO A POINT IN THE SOUTH LINE OF SAID SECTION 28; THENCE S65°28'22"W ALONG SAID SOUTH LINE A DISTANCE OF 1105.36 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF GOVERNMENT LOT 1; THENCE S25°42'04"E ALONG SAID EAST LINE A DISTANCE OF 440.75 FEET TO A POINT; THENCE S88°22'49"W A DISTANCE OF 396.68 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID SECTION 28; THENCE N01°30'24"E ALONG SAID WEST LINE A DISTANCE OF 1328.44 FEET TO THE POINT OF BEGINNING

SAID PARCEL CONTAINS 1,020,922.39 SQ.FT OR 23.44 ACRES MORE OR LESS



## SKETCH OF DESCRIPTION

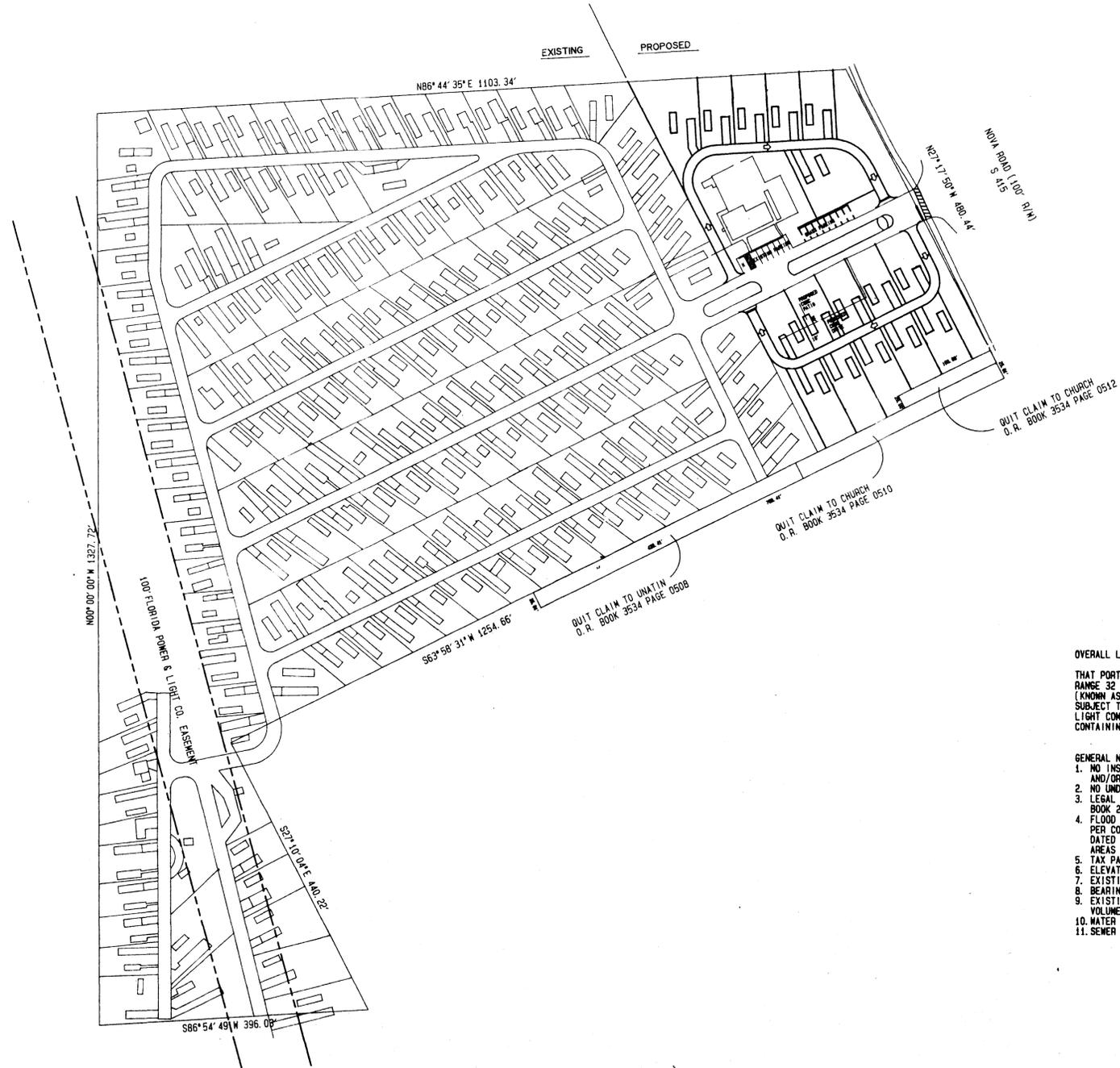
<p><i>City of Ormond Beach</i> Engineering Division</p>	<p>500 S NOVA ROAD</p>	DATE: 11/12/14	EXHIBIT "A"
		SCALE: N.T.S.	FILE NAME:
		SHEET: 1 OF 1	DRAWN BY: ENGINEERING

# ATTACHEMENT 4

## Volusia County Adopted Site Plan



VICINITY MAP



OVERALL LEGAL DESCRIPTION

THAT PORTION OF GOVERNMENT LOT 1, SECTION 28, TOWNSHIP 14 SOUTH, RANGE 32 EAST, LYING WEST OF STATE ROAD S-415, /AS NOW LAID OUT, (KNOWN AS NOVA ROAD) VOLUSIA COUNTY, FLORIDA, SUBJECT TO EASEMENT FOR POWER LINE GRANTED TO FLORIDA POWER AND LIGHT COMPANY AND A DRAINAGE EASEMENT GRANTED TO THE STATE OF FLORIDA, CONTAINING 23.4 ACRES MORE OR LESS

GENERAL NOTES

1. NO INSTRUMENTS OF RECORD REFLECTING EASEMENT, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
2. NO UNDERGROUND AND/ OR AERIAL UTILITIES LOCATED EXCEPT AS SHOWN.
3. LEGAL DESCRIPTION PER QUIT CLAIM DEED RECORDED IN OFFICIAL RECORD BOOK 2513, PAGE 1372 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
4. FLOOD ZONE C PER COMMUNITY PANEL # 125155 0165 E DATED JUNE 4, 1990 AREAS OF MINIMAL FLOODING
5. TAX PARCEL #4228-00-00-0020
6. ELEVATIONS REFER TO NATIONAL GEODETIC VERTICAL 1929 DATUM.
7. EXISTING SPRINKLER SYSTEM NOT SHOWN.
8. BEARING STRUCTURE PER SURVEY BY PHILLIPS SURVEYING.
9. EXISTING CONCRETE PADS AND ROADS WERE SHOWN FOR DRAINAGE BASIN AREAS VOLUMES AND WERE TAKEN FROM SURVEY PREPARED BY PHILLIPS SURVEYING.
10. WATER SERVICE TO BE SUPPLIED BY THE CITY OF ORMOND BEACH.
11. SEWER SERVICE TO BE SUPPLIED BY THE CITY OF ORMOND BEACH.

I HEREBY CERTIFY THAT THIS SURVEY OF THE SUBJECT PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AS SURVEYED IN THE FIELD UNDER MY SUPERVISION ON THE DATES SHOWN HEREON. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN FLORIDA ADMINISTRATIVE CODE CHAPTER 61G17, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS, PURSUANT TO FLORIDA STATUTES SECTION 472.027, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FRED M. HARPSTER - P. E. / P. L. S. #4724/41127  
 M. LISA LABREE - P. L. S. #5446  
 NOT VALID UNLESS EMBOSSED

REVISIONS	BY

JEROME H. UNATIN  
 % NOVA PROPERTY MGMT  
 767 GOUTH NOVA ROAD  
 ORMOND BEACH, FL 32174  
 PHONE 904 677-9246

HARPSTER ENGINEERING & SURVEYING, INC.  
 SURVEYORS, PLANNERS  
 CONSULTANTS, CIVIL ENGINEERS  
 436 NORTH GRANDVIER AVENUE, DAYTONA BEACH, FL 32118 PHONE 904/253-3241

LIFE MOBILE VILLAGE MASTER PLAN

DRAWN	TL
CHECKED	FTH
DATE	6-19-97
SCALE	1" = 100'
JOB NO.	97-053
SHEET	41
OF	5 SHEETS



# **ATTACHEMENT 5**

**Current T-1 Zoning District**

**Sec. 2-20. T-1, Manufactured/Mobile Home Zoning District.**

<b>A. PURPOSE:</b> The purpose of the Manufactured/Mobile Home (T-1) Zoning District is to provide the opportunity to maintain, quality housing units in areas of the city to accommodate the housing needs of those residents who prefer manufactured/mobile home living and those who desire and economic alternative to conventional dwellings. This district is further intended to aid in community-initiated redevelopment, but is not intended to be applied to undeveloped areas of the city.													
<b>B. DIMENSIONAL STANDARDS</b>													
1. Type	2. Density	3. Maximum Building Height	4. Maximum Building Coverage	5. Maximum Impervious Lot Coverage	6. Minimum Lot Size (see H below)	7. Minimum Lot Width (see H below)	8. Minimum Lot Depth	9. Minimum Perimeter	10. Setbacks				
									a. Front	b. Rear	c. Side	d. Street Side/Corner	e. Waterbody
Single-Family, Manufactured or Mobile Home	5.80	30'	35%	75%	7,500 SF	75'	100'	None	20'	20'	7½' total 15'	30'	30'
Manufactured Home Community	8.71 units per acre	30'	35%	75%	25 acres	24'	None	None	20' from edge of curb	30' between structure	20' between structure	20' from all streets	30'
Mobile Home Community	8.71 units per acre	30'	35%	75%	10 acres	50'	100'	None	20' from edge of curb	30' between structure	20' between structure	20' from all streets	30'
<b>C. PERMITTED USES</b>				<b>D. CONDITIONAL USES</b>				<b>E. SPECIAL EXCEPTION USES</b>		<b>F. OTHER STANDARDS</b>			
1. Community Residential Home 2. Dwelling, Single-Family, Detached 3. Manufacture Housing, Mobile Home 4. Public School				1. Adult Day Care Center 2. Family Day Care Home 3. Foster Home 4. Group Home 5. Parks and Recreation Facilities, Private 6. Parks and Recreation Facilities, Public 7. Public Facilities/Utilities 8. Wind Energy System 9. Manufactured Home Community 10. Mobile Home Community 11. Water Survival Instruction				1. Child Care Facility 2. House of Worship 3. School, Private		All development must comply with setback requirements: 1. Wetlands (chapter 3, article II). 2. Special corridors and buffer requirements (chapter 3, article I). 3. Any other special requirements pursuant to this Code. 4. Use of dwelling units for transient lodging is prohibited in order to protect and maintain the residential character of the zoning district. 5. All single-family residential buildings shall have a minimum floor area of 850 square feet.  After April 1, 1993, whenever an individual site is designated MDR and zoned T-1, the density of development of such site shall be limited to a maximum of 5 DU/acre. In the event that such site is subsequently rezoned or is otherwise developed under zoning provisions other than those for T-1, the maximum density shall nevertheless remain 5 DU/acre unless changed pursuant to a duly adopted amendment to the comprehensive plan.			
<b>G. PERMITTED ACCESSORY USES:</b> Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in chapter 2, article III.													

(Ord. No. 2013-13, § 13, 2-5-2013)

# ATTACHEMENT 6

Proposed LDC Amendment  
2015-069 (Attachment 3) –  
Proposed Special Standards  
under Section 2-20, T-1

**Chapter 2, District General Administration**

**Article II, District Regulations**

**Section 2-21, T-2, Manufactured Home Zoning District.**

**A. PURPOSE:** through **G. PERMITTED ACCESSORY USES** (no change in existing text)

**H. SPECIAL STANDARDS:**

~~**Previously Existing Manufactured Home Parks.**—The provisions of this Subsection notwithstanding, individual units within manufactured home parks which were in operation on July 1, 1984, and which have continued in operation without abandonment or closure for 6 months or more, and which manufactured home parks do not comply with one or more of the Dimensional Requirements set forth in Paragraph 2 of this Subsection, may be replaced with new units provided there is no greater nonconformity than existed with the prior unit and provided that the Uniform Fire Safety Standards for Mobile Home Parks, as set forth in Chapter 4A-42, Florida Administrative Code, as the same may be amended from time to time, are fully complied with.~~

~~The following dimensions shall apply to lots of record in existence on November 6, 1996, that are located within the T-2 zoning district, when such lots are used for mobile home, a single-family modular dwelling unit, or a single family dwelling unit:~~

- ~~a. Lot Width 50'~~
- ~~b. Lot Area: 5,500 Square Feet~~

Sec. 2-22. B-1, Professional Office/Hospital Zoning District. ...(No Change in existing text)

Retail, showroom ...(No change in existing text)...

**Chapter 2, District and General Regulations**

**Article II, District Regulations**

**Section 2-20, T-1, Manufactured/Mobile Home Zoning District.**

**A. PURPOSE:** through **G. PERMITTED ACCESSORY USES** (no change in existing text)

**H. SPECIAL STANDARDS:**

**Previously Existing Manufactured/Mobile Home Parks.** The provisions of this Subsection notwithstanding, individual units within manufactured home parks which were in operation on July 1, 1984, and which have continued in operation without abandonment or closure for 6 months or more, and which manufactured home parks do not comply with one or more of the Dimensional Requirements set forth in Paragraph 2 of this Subsection, may be replaced with new units provided there is no greater nonconformity than existed with the prior unit and provided that the Uniform Fire Safety Standards for Mobile Home Parks, as set forth in Chapter 4A-42,

Florida Administrative Code, as the same may be amended from time to time, are fully complied with.

The following dimensions shall apply to lots of record in existence on November 6, 1996, that are located within the T-1 zoning district, when such lots are used for mobile home, a single-family modular dwelling unit, or a single-family dwelling unit:

- a. Lot Width 50'
- b. Lot Area: 5,500 Square Feet

## Addendum to Staff Report for LDC 15-76

This page represents an update to the staff report for LDC 15-76 dated April 1, 2015. The following additional changes have been reviewed as part of staff's analysis regarding Master Vending Permits and individual Itinerant Vending Permits:

Changes	Comments
Draft Ordinance Title revised	Reflects additions to the Ordinance
Preamble amended	Additional "Whereas" clauses added as prefatory statements explaining findings of fact. The "Whereas" determine the intent of the City and aids in the interpretation of the provisions.
Division 1: Purpose	Amended to reflect ISBA execution and are of applicability.
Division 2: Legislative Findings added	Establishes the reasons for the City's purpose of assuming jurisdiction control of unincorporated land pursuant to the ISBA.
Section 2-76 Definitions amended	Added definitions of Building, Temporary Campsites and Organized or criminal gang, organized or criminal gang member and organized or criminal gang associate.
Section 2-78 (b) – (d)	Establishes a process by which a primary business use may be included or excluded from the Improved Land and Unimproved Land Category.
Section 2-79 (c)(14) added	Establishes setbacks and screening requirements for dance, music, or wash activities for Recognized Special Events.

Section 1-79 (c) (d) and Section 2-80	Added two sections each regarding anti-discrimination and land shall not be used for unlawful purposes.
Section 2-79 (c) (15) added	Prohibits dance poles and dance platforms.
Section 2-79 (d) (12) added	Establishes setbacks and screening requirements for dance, music or wash activities related to Outdoor Entertainment Activity.
Section 2-80 added	Establishes provisions by which the Moonshine RV Park and Campground may continue as a temporary campground during Recognized Special Events for five years as an Unimproved Land Category.
Section 2-81 added	Reserves to the City Commission complete and absolute right and power to add or include to the Improved Land Category should redevelopment occur.
Section 2-92 Enforcement	Violations of IML provisions shall be subject to the special magistrate code enforcement process as outline in the City Code of Ordinances.

**By STAFF REPORT  
City of Ormond Beach  
Department of Planning**

**DATE:** April 1, 2015

**SUBJECT:** LDC Amendment

**APPLICANT:** City of Ormond Beach

**NUMBER:** LDC 15-76

**PROJECT** Richard P. Goss, AICP  
**PLANNER:**

<b>Affected LDC Sections</b>	<b>Amendments</b>
Article III, Chapter 1, Section 1-22 Definitions	14 added definitions
Article IV, Chapter 2, Overlay Districts	Section 2-74 New

**A. INTRODUCTION:**

As the City completes the final action related to the Interlocal Services Boundary Agreement (ISBA), it would be beneficial to review the important milestones leading to this Land Development Code (LDC) amendment for itinerant Vendor Criteria.

There were three major actions required prior to moving forward with the Itinerant Vendor Criteria amendment to the Land Development Code. They were:

1. Ordinance 2014-27 approved the ISBA which provided Ormond Beach authority over all unincorporated Volusia County along US 1 North provided land use amendments were completed.

2. Ordinance 2014-42 approved text amendments to the Comprehensive Plan's Land Use and Intergovernmental Element by incorporating provisions of the ISBA. In addition, Ordinance 2015-5 approved the ISBA land use plan amendments to the City's Comprehensive Plan Land Use Map.
3. Ordinance 2015-XX amended the City's Zoning Map for each individual unincorporated parcel by providing a zoning similar to character and use as in Volusia County.

**B. LDC AMENDMENTS:**

1. It is proposed to amend the Definition section of Section 1-22, Land Development Code, by adding the following definitions (underlined) in alphabetical order:

*Business services ..... (No change in existing text).....*

Business use shall be broadly construed to mean any lawful activity that is commonly and customarily recognized as a business or commercial activity, regardless whether or not such activity is for-profit or not-for-profit.

*Caliper ..... (No change in existing text).....*

*Preschool... (No change in existing text).....*

Primary business use shall mean a chief, dominate or main business use of permanent and continuous existence, on a year-round basis, on improved land that

is authorized by a valid local business tax receipt, regardless whether such activity is for-profit or not-for-profit.

*Primary containment* ..... (No change in existing text)  
.....

*Highest adjacent grade* ..... (No Change in existing text).....

*High Impact Use shall mean itinerant commercial uses or activities.*

*High Impact Use on Improved Land Category shall mean itinerant commercial use or activities on improved land.*

*High Impact Use on Vacant or Unimproved Land Category shall mean itinerant commercial uses or activities on vacant or unimproved land.*

*Hip roof* ..... (No Change in text).....

*Improved and open road*..... (No Change in text).....

*Improved land shall mean land on which permanent improvements consisting of one or more buildings are being utilized for the express purpose of engaging in a primary and lawful business use.*

*Improved property* ..... (No Change in text).....

*Irrigation system* ..... (No Change in text).....

*Itinerant commercial activity* shall mean a business use or activity of intermittent or temporary existence, or not being of a permanent and continuous existence on a year-round basis, regardless whether such use or activity is for-profit or not-for-profit. These activities commonly include but shall not be limited to tattoo services, food vending, retail, and portable stationary simulation rides. Itinerant commercial activity shall not be a primary business use.

*Itinerant Vendor Permit* shall mean a permit issued to an individual person or business authorizing the person or business to engage in itinerant commercial activities at a specific location and for a temporary duration specified in the permit.

*Joint-use driveway*..... (No Change in Text).....

*Livestock feed lot* ..... (No Change in Text) .....

*Local business tax receipt (BTR)* shall have the meaning prescribed in Chapter 205, *Florida Statutes*. Specifically, it is a receipt issued by the County or City granting a privilege to engage in a lawful business activity.

exclusive of any fees for applicable licenses, permits, registrations, examinations or inspections.

*Lodges* ..... (No Change in Text) .....

*Massing* ..... (No Change in Text) .....

*Master Vendor Permit* shall mean a permit that is issued to a property owner authorizing one or more individual itinerant vendors to conduct itinerant commercial activities on the property owner's land for a temporary duration specified in the permit. The permit duration may be annual or 6 months in duration.

*Maximum utilization of capacity* ..... (No Change in Text).....

*Outdoor activity* ..... (No Change in Text) .....

*Outdoor Entertainment Activity* shall mean an activity specific to a primary business use, that is typically smaller in scope than Recognized Event Activities, and that must occur on site as an accessory activity to the principal business use of the property. For purposes of this definition, music, participant contests, auto exhibits, games and similar activities hosted on-site of a primary business use shall not be Outdoor Entertainment Activity. Administrative approvals shall be required for outdoor entertainment activities. Except during and for

the limited exception provided in paragraph 5 below for land in the High Impact Use on Vacant or Unimproved Land Category, Outdoor Entertainment Activity shall not be allowed or permitted on vacant or unimproved land. No Outdoor Entertainment Activity Permit shall be required for accessory use events conducted totally on site with the principal business use and which do not exceed an anticipated attendance of 500 or more participants. An inspection fee each may be required if tents are proposed, outside vendor food preparation is involved or other activities requiring inspection is proposed.

Outdoor Entertainment Activity Permit shall mean a permit issued for outdoor entertainment activity that is to occur on the property where a primary business use occurs, and for a temporary duration specified in the permit; except only that outdoor entertainment activities may be allowed during and for the limited exception provided in paragraph 5 below, for land in the High Impact Use on Vacant or Unimproved Land Category.

*Outdoor dining or café* ..... (No Change in Text).....

*Reclaimed water* ..... (No Change in Text) .....

Recognized Special Events shall mean Daytona Beach Bike Week Festival, as established by the Bike Week Executive Committee; Daytona Beach Biketoberfest Special Event, as established by the Biketoberfest

Development Committee of the Daytona Beach Area Convention & Visitors Bureau; Daytona Speed Weeks, encompassing that time period commencing with the Rolex 24 Hour Race and ending with the Daytona 500 Race, as established by the Daytona International Speedway; and Pepsi 400 Race, as established by the Daytona International Speedway and any other specially licensed outdoor entertainment activity involving more than one properly owner.

*Recreational facilities, commercial* ..... (No Change in Text).....

*Utility structure* ..... (No Change in Text) .....

*Vacant or unimproved land* shall mean land on which permanent improvements consisting of one or more buildings do not exist or are NOT being utilized for the express purpose of engaging in a primary and lawful business use.

*Variance* ..... (No Change in Text) .....

2. The second amendment to the Land Development Code is a new Section 2-75 (underlined) entitled Municipal Service Area/Joint Planning Area Overlay which is to read as follows:

**Sec. 2-74. - Municipal Service Area/Joint Planning Area Overlay for the US 1 North Corridor**

- (a) These Itinerant Vendor Criteria are to be established in furtherance of the Interlocal Service Boundary Agreement, and Planning and Services Delivery Sub-Agreement between the City of Ormond Beach and County of Volusia regarding the North U.S. I Joint Planning Area/Municipal Service Area (JPA/MSA). The criteria are intended to be established as part of the city's adopted land development regulations.
- (b) Incorporation of Map 1. The unincorporated area depicted in Map I attached to the ISBA shall constitute the Joint Planning Area (JPA) and Municipal Service Area (MSA) for purposes of the following criteria.
- (c) Area of application. These provisions shall apply to all land in the unincorporated territory of Volusia County as more fully described and depicted in the JPA/MSA to the Interlocal Service Boundary Agreement and Planning and Services Delivery Sub-Agreement.
- (d) Category of Use.
- 1) **High Impact Use on Improved Land Category.** Itinerant commercial uses or activities are deemed to have significant impacts on the use of improved land, including but not necessarily limited to intensive parking, traffic, and pedestrian safety. The following businesses are known to engage in itinerant commercial uses or activities in the unincorporated territory of the County, as of the effective date of the Agreements and shall be allowed to continue engaging in such uses or activities after

the effective date of said Agreements:

a. Recognized Special Event Host:

- i. 1635 N. US Hwy 1, (Destination Daytona, activities as specified in County Development Order)
- ii. 1065 N. US Hwy 1, (Standard Cycle/Biker Haven)
- iii. 1068 N. US Hwy 1, (Iron Horse Saloon)
- iv. 1106 N. US Hwy 1, (Hired Gun)
- v. 253 Destination Daytona Lane, (J&P Cycles)  
1658 US Hwy 1, (Love's Travel Stop)
- vi. 1622 N. US Hwy 1, (Sunshine#230 Store)
- vii. 1080 N. US 1, (Harris Village RV/Eagles Nest)
- viii. 1105 N. US Hwy 1, (Low Country Oysters of Ormond Beach)
- ix. 1481 N. US Hwy 1, (Annie Oakley's Saloon)  
1074 N. US Hwy 1, (Ocean Club)
- x. 470 Destination Daytona Blvd, (Wyotec) 1041 N. US Hwy 1, (JDiscount#2)

b. Outdoor Entertainment Activity: 1635 N. US Hwy 1, (Destination Daytona, activities as specified in County Development Order)

- i. 1068 N. US Hwy 1, (Iron Horse Saloon)
- ii. 1065 N. US Hwy 1, (Standard Cycle/Biker Haven)
- iii. 1105 N. US Hwy 1, (Low Country Oysters of Ormond Beach)

2) **High Impact Use on Vacant or Unimproved**

**Land.** Itinerant commercial uses or activities are deemed to have the same significant impacts on vacant or unimproved land as those impacts that occur on improved land. Business establishments and lands that are not described in paragraph 4a(1) and (2) above shall be in the High Impact Use on Vacant or Unimproved Land Category for purposes of this Agreement. Itinerant Commercial Activities and Outdoor Entertainment Activities for lands within the High Impact Use on Vacant or

3) **Unimproved Land Category** shall be subject to an amortization schedule described in paragraph 5 below.

(e) *Rationale for Use of Land Classification and Amortization.* Property values in Florida are based on the aggregate total of building improvement and land value. Much of the total taxable value in property involves a building improvement to land value ratio of approximately 70:30. Consequently, vacant land reserved solely for the purpose of itinerate commercial activities or uses for an event that has limited duration is problematic for several reasons, including:

- i. Pays little in taxes to offset the costs of public service impacts related to the event;
- ii. Vacant or unimproved land is not assessed by the property appraiser for the income to property owners generated by itinerate commercial activities or uses;
- iii. Vacant or unimproved land that is used solely for

itinerate commercial activities or uses have debilitating effects on adjacent property values and the North U.S. 1 corridor in general.

In order to promote the use of land for primary business use purposes, an amortization schedule shall be imposed for itinerant activities and uses, and outdoor entertainment activities, as follows:

- 1) **High Impact Use on Improved Land.** The businesses and land described in paragraph 4a (1) and (2) above shall be exempt from the amortization schedule that applies to those businesses and land in the High Impact Use on Vacant or Unimproved Land Category described below and from the Outdoor Activity provisions of the City's Land Development Code that would require authorization and approval by a Special Exception development order.
  
- 2) **High Impact Use on Vacant or Unimproved Land; Amortization Schedule.** Lands that are subject to the High Impact Use on Vacant Land Category described in paragraph 4b above may host Itinerant Commercial Activities and Outdoor Entertainment Activities during Recognized Special Events for a period that shall automatically terminate five years from the effective date of the Interlocal Service Boundary Agreement. Permits for Itinerant Commercial Activities and Outdoor Entertainment Activities must be obtained from the City's Site Plan Review Committee in accordance with the

requirements of Section 6 or 7 of this Agreement as a condition of engaging in such activities. Itinerant Commercial Activities and Outdoor Entertainment Activities shall be prohibited after the five year termination date prescribed in this section.

(f) Specialized Itinerant Provisions in the North US 1 Corridor.

- 1) Specialized Itinerant Provisions ("SIP") applications shall be approved administratively by the City's Site Plan Review Committee.
- 2) All retail and service activities shall occur outside public rights-of-way.
- 3) The Master vendor shall be responsible to ensure all individual itinerant vendors operating under the Master Vendor Permit comply with these provisions.
- 4) A fully completed application for a Master Vendor Permit shall include attachments containing the following information:
  - a. A single site plan 8.5 x 11 inches, drawn to scale must show all necessary elements and shall include the following if applicable:
    - i. Location of existing facilities/structures
    - ii. Location of proposed temporary facilities/structures

- iii. Proposed traffic flow and provisions for ingress/egress
  - iv. Measures for security/crowd control (VC Sheriff's Office OR OBPD)
  - v. Measures for provision of medical care
  - vi. Lighting
  - vii. Solid waste disposal
  - viii. Parking
  - ix. Location of bands and or music venues
  - x. Sanitation facilities
  - xi. Vendor permits (i.e., vendor list with Vendor Names, goods and/or services to be provided.)
- b. If a number of events are anticipated to occur throughout the year, a list of events with approximate event dates and anticipated participant level shall be provided for each event. A permit and/or inspection shall be determined based upon the submitted information.
- c. A list or schedule of events that are to occur at the location for the duration of the permit, including any host drinking contests or games, motorcycle/car washes (excluding those held by a church, school, or civic organizations). Contests involving disrobing or wet t-shirt contests, slaw/pudding/jello wrestling, bobbing or similar contests are prohibited.
- d. Individual itinerate vendors will be required during special events to have an Itinerant

Vendor Permit to do business.

- e. No person or business receiving a Master Vendor Permit or Individual Vendor Permit may engage in any of the following activities:
  - i. Activities involving the operation of aircraft;
  - ii. Events involving the discharge of explosive devices in violation of state or federal law;
  - iii. Activities in which farm animals or wild animals interact with the public;
  - iv. Outdoor event involving the exhibition of moving, driver-occupied motorized vehicles such as stunt shows, dyno-drag or dyno unit; except that the Wall of Death and burn-out pit activities, only, are allowed.
  - v. Activities involving the discharge of any toxic or harmful substance.
- f. Portable side-by-side stationary racing dynamometers for bike drag race simulation and motorcycle safety demonstrations are permitted.
- g. The Master Vendor shall have the following set up times:
  - i. Recognized Special Events: up to 5 days prior to the official start up of the event.
  - ii. All other events: 24 hours.
- h. All vendors setting up outside a permanent building, using a tent or other temporary structure

shall have an inspection by the City's Building Division 24 hours prior to operating.

- i. A vendor may be allowed the use of one portable out-door sign in the form of a sandwich board or other similar design to be used for advertisement of daily specials, events or services of the vendor during the event. The sign may only be set out each day at the opening of business hours and shall be removed each day at the end of business hours. All signs shall require a sign permit. The sign shall not exceed 16 square feet in size and must be constructed of sufficient material to withstand adverse weather events.
- j. Vendor activities and advertising must at all times be confined to the vendor space identified either in the Master Vendor Permit or Individual Vendor License.
- k. Individual Vendors shall physically vacate said vending space after the event officially closes as follows:
  - i. Recognized Special Event – 72 hours
  - ii. All other events – 24 hours
  - iii. Inclement weather – An additional 12 hours after inclement weather ends may be permitted to vacate vendor space.
- l. Food vendors must operate in compliance with the requirements of the Division of Hotels and Restaurants of the Florida Department of Business

and Professional regulation. Food vendors must show proof that they meet all applicable health department regulations and hold all valid food service licenses required for their operations.

m. Zoning restrictions on tattoo services shall not apply during recognized events but must operate in compliance with the provisions set forth in F.S. §877.04, as amended, and any other applicable state laws and city regulations.

(g) Outdoor Entertainment Activity (OEA) Provisions.  
The following items shall be required for approval of an OEA permit:

- 1) The permit shall be administratively reviewed and approved in accordance with the city's regulations;
- 2) The permit shall be for an individual outdoor activity only;
- 3) A drawing to scale depicting the placement of structures, tents, lighting and sound plans, and provisions for vehicular parking and access;
- 4) Department of Health approval for food vendors if applicable;
- 5) Provisions for adequate security and traffic control approval from the Ormond Beach Police Department;

- 6) Provisions for emergency services and fire;
- 7) Written notarized authorization for unlimited and unconditional 24 hour access to the site for city inspectors;
- 8) Compliance with local and state laws and regulations regarding food and beverage concession operations; and
- 9) Vendors must possess a valid Business Tax Receipt or Registration.
- 10) OEA involving less than 500 participants and located on site with the sponsoring business use shall be considered accessory to that business use and may be included in the list of activities for an annual Master Vendor Permit.

### **C. ANALYSIS OF AMENDMENTS:**

The Itinerant Vending provisions carve out a unique advantage that properties outside of the ISBA boundaries do not possess. The provisions apply only to those improved lands within the ISBA boundary Map during Recognized Special Events. These events are specified in the definition of Recognized Events. In addition, all Improved Lands are permitted Outdoor Entertainment Activity year around. This is considered accessory provided there are less than 500 participants anticipated to attend and it involves only the business on which the activity is to occur. Otherwise all properties will be subject to the Land Development Code outside of Recognized Special Events and Outdoor Entertainment Activity.

The criteria divides lands into two categories: improved lands on which there has historically been a permanent business vs. unimproved lands on which historically there has not been a permanent business.

Those improved lands on which there has been, from an historical perspective, a permanent business will be “grandfathered” for purposes of being allowed to continue to provide itinerant vendor activities. The “grandfathered” properties have been specifically identified.

Those unimproved lands (i.e., those that are not included in the list of properties described) will not be “grandfathered” for purposes of being allowed to continue engaging in master/itinerant vendor activities. If a property is not listed, then a Master Permit may be allowed to host vents involving itinerant vendors and outdoor entertainment activities but *only* for a period of 5-years, after which such activities will not be allowed. The purpose of this is to encourage the re-development of unimproved properties and revitalization of the U.S. 1 corridor. Should properties be improved with permanent businesses, reestablishment of master/itinerant vending activities would be permitted.

Master Vendors and Itinerant Vendors may apply for 1 year or 6 month permits. The Master Vendor is responsible for all Itinerant Vendors listed under the Master Vendor Permit. It is up to the Master Vendor to ensure all itinerant vendors listed under the Master Vendor Permit has the required inspections, permits, Business Tax Receipts and/or Registrations to operate. The Master Vendor will be responsible for filing with the City the required information needed to issue a permit. A Master Vendor may submit for one permit application which covers all Recognized Special Events and Outdoor Entertainment Activities. Information such as

dates of events and number of participants anticipated will be needed to determine applicable fees and if inspections are required. Improved and vacant lands may have individual music events of less than 500 participants which are considered accessory. When the participant level is expected to exceed 500, an Outdoor Activity Entertainment Permit shall be required.

For both Master Vendor Permits and Outdoor Entertainment Activities, specific submittal requirements are needed prior to permits being issued.

#### **D. SUBSEQUENT ACTION BY CITY:**

City Commission approval on First Reading and Public Hearing: May 5, 2015

City Commission approval on Second Reading and Public Hearing: May 19, 2015

**E. CONCLUSION:** There are certain criteria that must be evaluated before M-10-110 can be approved. According to Article I of the Land Development Code, the Planning Board shall consider the following when making its recommendation:

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

The City's involvement with the US 1 North Corridor area was neither by chance nor happenstance. The US 1 North Corridor Utility Service Area and Planning Report presented to the City Commission in October, 2010 identified a number of actions by the city that clearly demonstrates that the US 1 N corridor area

has been a long term focus of the City and that it was planned to be part of Ormond Beach at some time in the future. The City's utility service area on US 1 and policies governing service provision along with the Interlocal agreement of 1991 with Volusia County cemented the US 1 North Corridor/Ormond Beach relationship far into the future. Exclusive utility service and a requirement for annexation at time of service request made managing growth by the City for the US 1 North Corridor effective. The missing link was how to ensure development would have the look and feel envisioned by the elected officials of Ormond Beach. The city's Greenbelt and Gateway Preservation District and Volusia County's passage of Section 72-303 (b) 1 combined accomplished this matter somewhat however with the approval of an adult use entertainment facility and motorcycle club – both of which were not permitted under Volusia County regulations presented the City no other option than to take over regulation of the corridor. A vision for the corridor as the gateway to not only Ormond Beach but as the showcase for the Ormond Crossing mix use development seemed a much closer reality as a result of the ISBA.

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

The amendment is consistent with the Interlocal Services Boundary Agreement adopted pursuant to FS 171, Part II and the Comprehensive Plan text and map amendments made pursuant to the ISBA.

**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.**

This is not a project-specific development application and the proposed Land Development Code amendment will not have an adverse impact on environmentally sensitive lands.

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

The Itinerant Vendor criterion represents a careful balance between recognizing Special Events and improving the City's gateway off of I-95. Property values in Florida are based on the aggregate total of building improvement and land value. Much of the total taxable value in property involves a building improvement to land value ratio of approximately 70:30. Consequently, vacant land reserved solely for the purpose of itinerate uses for an event that has limited duration is problematic for several reasons:

1. Pays little in taxes to offset public service impacts related to the event;
2. Vacant property is not assessed by the PAO for the income to property owners generated by itinerate uses;
3. Land or buildings left vacant solely for itinerate uses involving a few limited weeks have debilitating effects on adjacent property and the corridor in general.

In order to maximize the use of land all year long, an amortization schedule is included

**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.**

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

- 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 criteria requires that each Master Vendor must provide an acceptable circulation plan outlining the anticipated ingress/egress points for the Special Events as well as provide a Security Plan for how traffic and pedestrians will safely move about.

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

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

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

The criteria are designed to ensure a safe experience by visitors to the event whether it involves food preparation, security, traffic control or the use of rides. The following Activities are not permitted:

\* The operation of aircraft is not permitted.

\* The discharge of explosive devices in violation of state or federal law

- \* Farm animals or wild animals interact with the public
- \* The discharge of any toxic or harmful substance
- \* Outdoor event involving the exhibition of moving, driver-occupied motorized \*vehicles such as stunt shows, dyno-drag or dyno unit; except that the Wall of Death and burn-out pit activities, only, are allowed.

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

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

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

The criteria have been the focus for many Volusia County 2014-15 Host License holders. Staff has met with representatives of both Iron Horse and Destination Daytona as well as with all the license holders at the Iron Horse. In addition, the criteria were sent to all license holders for a final review and another meeting was held on March 24, 2015 at Destination Daytona to discuss the criteria.

**F. SUMMARY:**

The amendment to the LDC outlining the special exception for Special Events on the US 1 North corridor is the last action required before the City will have final authority for land use, zoning, and code related matters on the corridor. The entire process was estimated to take up to 6-9 months from the time the ISBA was approved in August, 2014. Based upon the required subsequent actions to remain, the process will be completed in 9 months.

**G. RECOMMENDATION:**

Staff recommends that the Planning Board approved the Land Development Code amendment as it pertains to definitions and the MSA/JPA Overlay involving Itinerant Vendor Criteria.

C: Draft Ordinance

## ORDINANCE 2015-XX

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY ADDING A NEW ARTICLE TO BE NUMBERED AND CAPTIONED AS ARTICLE VII, NORTH U.S. HIGHWAY 1 INTERLOCAL PLANNING AND MUNICIPAL SERVICE AREA; BY ADDING DIVISION 1, ITINERANT MERCHANT REGULATIONS FOR RECOGNIZED SPECIAL EVENTS AND OUTDOOR ENTERTAINMENT ACTIVITY; TEMPORARY CAMPSITES; SECTION 2-74, MUNICIPAL SERVICE AREA AND JOINT PLANNING AREA; PURPOSE; SECTION 2-75, LEGISLATIVE FINDINGS; SECTION 2-76, DEFINITIONS; SECTION 2-77, HIGH IMPACT USES ON LAND; CLASSIFICATION AND CATEGORY OF USE; RATIONALE; SECTION 2-78, AMORTIZATION SCHEDULE FOR VACANT OR UNIMPROVED LAND CATEGORY; SECTION 2-79, APPLICATION, LICENSE AND PERMIT REQUIREMENTS FOR ITINERANT COMMERCIAL ACTIVITY; SECTION 2-80, TEMPORARY CAMPSITES; SECTION 2-81, RESERVATION OF POWER; SECTION 2-82, ENFORCEMENT; BY REGULATING ITINERANT MERCHANT USES AND ACTIVITIES DURING RECOGNIZED SPECIAL EVENTS AND OUTDOOR ENTERTAINMENT ACTIVITIES; PROVIDING CLASSIFICATIONS OF LAND FOR IMPROVED LAND AND VACANT OR UNIMPROVED LAND; PROVIDING REGULATIONS FOR TEMPORARY CAMPSITES DURING RECOGNIZED SPECIAL EVENTS; PROVIDING LICENSE AND PERMIT REQUIREMENTS; PROVIDING A FIVE YEAR AMORTIZATION PERIOD FOR VACANT OR UNIMPROVED LAND; PROVIDING FOR THE INCLUSION OR REMOVAL OF LAND FROM THE IMPROVED LAND CATEGORY; RESERVING POWER TO THE CITY COMMISSION; PROVIDING FOR ENFORCEMENT OF THESE REGULATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

**WHEREAS**, the North U.S. Highway 1 corridor serves as the most northern gateway (Gateway) into the County of Volusia, and the cities of Ormond Beach (City), Daytona Beach, Holly Hill, South Daytona, and Port Orange ( collectively the cities), and

**WHEREAS**, the North U.S. Highway 1 corridor has for many years been a focus of the City's efforts to revitalize the Gateway, to eliminate blight, to encourage redevelopment and economic development on lands adjacent to and near the Gateway, and

**WHEREAS**, in furtherance thereof, the city commission long ago established Gateway standards and policies, and

**WHEREAS**, tourists, visitors, residents, business owners, and other property owners travel on the Gateway to and from various points of destination in the cities, and

**WHEREAS**, certain lands in the North U.S. Highway 1 corridor are located in the unincorporated territory of the County and certain other lands are located within the municipal boundaries of the City, said lands having been subject to different and often confusing zoning, land use, development and other regulations by the County and the City, and

**WHEREAS**, differences between County and City standards have resulted in the inefficient planning and development of lands adjacent to and near the Gateway, and have resulted in the inefficient delivery of public services and resources, and

**WHEREAS**, despite the efforts and expenditure by the City of significant resources to encourage the redevelopment and economic development of lands within the municipal boundaries of the City adjacent to and near the Gateway (including by way of example but not limited to the Ormond Beach Sports Complex, Ormond Crossings commercial/residential

mixed use development, S.R. Perott distribution center, Hull Point Business Park, Ormond Business Park, and Ormond Commerce Park), certain other lands in the unincorporated territory of the County (primarily vacant or unimproved lands) in the MSA and adjacent to the Gateway remain in blighted conditions, and

**WHEREAS**, the City of Ormond Beach and County of Volusia entered into an Interlocal Service Boundary Agreement (ISBA), which became effective on August 28, 2014 (recorded at Book 7026, Pages 878 through 895 of the Public Records of Volusia County, Florida) establishing a Municipal Service Area (MSA) for the North U.S. Highway 1 corridor, and

**WHEREAS**, in accordance with the requirements of section 171.203(9), Florida Statutes and the ISBA, the city commission approved Ordinance 2014-42 (on January 20, 2015) amending the future land use element and the intergovernmental coordination element of the City's Comprehensive Land Use Plan; and approved Ordinance 2015-5 (on January 20, 2015) amending the future land use map designation of the City's Comprehensive Land Use Plan appertaining to the MSA, and

**WHEREAS**, the city commission approved on April 7, 2015, Ordinance 2015-13 and Ordinance 2015-14, establishing zoning districts for the lands within and subject to the MSA, and

**WHEREAS**, the Gateway is in the MSA, and

**WHEREAS**, certain lands in the MSA and adjacent to the Gateway have hosted under the County's jurisdiction tourist related special events during Biketoberfest, Bike Week,

Daytona Speedway race events, and certain other outdoor entertainment activities in accordance with the County's itinerant merchant regulations as provided by Article III of the Volusia County Code of Ordinances, and

**WHEREAS**, the County's itinerant merchant regulations allowed itinerant merchant activities related to special events to occur on a temporary basis and for a limited duration under certain conditions, and

**WHEREAS**, the County adopted its itinerant merchant regulations to provide reasonable regulations for these temporary events and activities and to protect the health, safety and welfare of the general public, and

**WHEREAS**, under the County's itinerant merchant regulations, host licenses were issued upon certain conditions for a limited period of one year and individual vendor permits were issued upon certain conditions for a limited period of six months, allowing itinerant merchant activities to occur on a temporary basis during recognized special events, and

**WHEREAS**, the limited duration of host licenses and individual vendor permits issued by the county did not establish a right or expectation that itinerant merchant activities could occur beyond the limited time periods for the special events as authorized by a host licenses or individual vendor permit, and

**WHEREAS**, the County authorized by special exception temporary campsites and related itinerant merchant activities, subject to certain conditions, for temporary periods and limited durations during recognized special events, and

**WHEREAS**, the limited duration of the special exception authorizing temporary campsites and related itinerant merchant activities during recognized special events did not establish a right or expectation that temporary campsites and related itinerant merchant activities could occur beyond the limited time period and limited duration provided by the special exception, and

**WHEREAS**, the city commission desires to establish regulations for itinerant merchant activities and temporary campsite activities for lands in and subject to the MSA consistent with the City's long-standing policy to eliminate blight, encourage the revitalization and economic development of lands in the MSA and adjacent to and near the Gateway; and for the protection of the health, safety and welfare of visitors, tourists, residents, property owners and the general public who are otherwise affected by itinerant merchant activities associated with recognized special events, and

**WHEREAS**, the city commission recognizes special event activities occur on improved lands and unimproved lands in the MSA, as those terms are defined in the regulations to be adopted herein, and

**WHEREAS**, the city commission recognizes that itinerant commercial activities and temporary campsite activities generate significant adverse impacts related to intensive traffic, intensive parking needs, pedestrian safety, noise, and visual and aesthetic blight, which requires the utilization of additional public resources beyond the needs that would otherwise be required, and

**WHEREAS**, the city commission determines that itinerant merchant activities and temporary campsite activities that occur on unimproved land generate the same significant impacts that are generated by itinerant merchant activities that occur on improved land; however, the owners of improved land pay a disproportionately higher rate for the provision of public resources that are required to manage itinerant merchant activities, because: (a) owners of vacant or unimproved land pay far less in ad valorem taxes to offset the public service impacts, than do owners of improved land, (b) vacant or unimproved land is not assessed for the income received by property owners that are generated by itinerant merchant activities or temporary campsite activities, and (c) vacant or unimproved land used primarily for itinerant merchant activities or temporary campsite activities remain in blighted conditions and have debilitating effects on adjacent property values, and

**WHEREAS**, the city commission further determines that the nature and proximity of itinerant merchant activities and temporary campsite activities on lands in the MSA adjacent to the Gateway have debilitating visual effects on passing motorists, including visitors, tourists, residents, and families with children who must utilize the Gateway route to travel through special event and itinerant merchant activities to reach their intended destinations in the cities, and

**WHEREAS**, the city commission finds these regulations are necessary to protect the health, safety and welfare of the general public; that they serve both a rational basis and compelling government interest to promote the purposes stated herein; and that deference should be afforded to its legislative findings by any court of competent jurisdiction in the resolution of

any issue, should any arise, related to the adoption, implementation, enforcement or administration of these regulations, and

**WHEREAS**, the Planning Board of the City of Ormond Beach, as the local planning agency, has conducted a public hearing on May 14, 2015 on the requested amendment and has made recommendations thereon to the city commission, and

**WHEREAS**, all applicable notice requirements of Section 166.041(3)(a), *Florida Statutes*, have been complied with, and

**WHEREAS**, the city commission finds the amendment to be consistent with the provisions of 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.** Chapter 2, District and General Regulations of the City of Ormond Beach *Land Development Code* is hereby amended by adding a new article to be numbered and titled Article VII, North U.S. Highway 1 Interlocal Planning and Municipal Service Area, which shall read as follows:

**ARTICLE VII. NORTH U.S. HIGHWAY 1 INTERLOCAL  
PLANNING AND MUNICIPAL SERVICE AREA**

**Division 1: Itinerant Merchant Regulations for Recognized  
Special Events and Outdoor Entertainment  
Activity; Temporary Campsites.**

**Sec. 2-74. Municipal Service Area and Joint Planning Area;  
purpose.**

- (a) These regulations apply to lands in and subject to the North U.S. Highway 1 Municipal Service Area and Joint Planning Area (MSA/JPA) as established by the Interlocal Service Boundary Agreement (ISBA) between the city and County of Volusia recorded at Book 7026, Pages 878 through 895 of the Public Records of Volusia County, Florida, which became effective on August 28, 2014.
- (b) As a predicate to establishing the regulations in this article, the city commission approved, in accordance with the requirements of section 171.203(9), Florida Statutes and the ISBA, on January 20, 2015, Ordinance 2014-42 and Ordinance 2015-5 amending the future land use element, the intergovernmental element, and the future land use map of the city's comprehensive land use plan; and approved on April 7, 2015 Ordinance 2015-13 and Ordinance 2015-14 establishing zoning districts for lands in and subject to the MSA.

**Sec. 2-75. Legislative findings.**

- (a) The North U.S. Highway 1 corridor serves as the northern most gateway (Gateway) into the County of Volusia and the cities of Ormond Beach (City), Daytona Beach, Holly Hill, South Daytona and Port Orange (collectively the cities). Visitors, tourists, residents, and business owners utilize the Gateway to travel to and from various destination points in the cities. The city commission has for many years encouraged the revitalization of the Gateway to eliminate blight and promote economic development, including the adoption of Gateway standards and policies.
- (b) Certain lands in the MSA and adjacent to the Gateway are located in the unincorporated territory of the county and certain other lands are located within the municipal boundaries of the city, which resulted in the lands being subject to different and confusing zoning, land use, development, and other regulations. Those different standards have resulted in the inefficient planning and development of lands, as well as the inefficient delivery of

public services and resources. Despite the efforts and expenditure of significant resources by the City to encourage the revitalization and economic development of lands within the city adjacent to and near the Gateway (including by way of example but not limited to Ormond Beach Sports Complex, Ormond Crossings commercial/residential mixed use development, S.R. Perott distribution center, Hull Point Business Park, Ormond Business Park, and Ormond Commerce Park), other lands in the unincorporated territory of the county within the MSA remain in blighted conditions (primarily vacant or unimproved lands).

- (c) The city commission recognizes that certain lands in the MSA adjacent to the Gateway have hosted under the county's jurisdiction tourist related special events for limited durations or on a temporary basis in accordance with itinerant merchant regulations adopted by the county, which allowed for the issuance of a host license for a one year period and the issuance of individual vendor permits for a six month period upon the satisfaction of certain conditions. The issuance of host licenses and individual vendor permits for limited periods did not establish a right or expectation that itinerant merchant activities could occur beyond the duration of the recognized special event as authorized by a host license or individual vendor permit.
- (d) The city commission recognizes the County authorized by special exception temporary campsite activities on vacant or unimproved land during special events, subject to certain conditions, and being limited in time and duration; and that the conditions of the special exception did not create a right or expectation that temporary campsite activities could occur beyond the limited time and duration prescribed by the special exception.
- (e) The city commission recognizes that special event activities occur on improved and unimproved lands in the MSA, as those terms are defined in these regulations, and the city commission desires to establish reasonable regulations for itinerant merchant activities and temporary campsite activities consistent with the city's policies to eliminate

blight and encourage economic revitalization in the MSA and along the Gateway.

- (f) The city commission recognizes that itinerant merchant activities and temporary campsite activities generate significant impacts related to intensive traffic, intensive parking needs, pedestrian safety, noise, and visual and aesthetic blight, which require additional public resources beyond the needs that would otherwise be required; that these significant impacts are generated on and from improved and unimproved lands in the MSA adjacent to the Gateway, however the owners of improved land pay a disproportionately higher rate for the provision of public resources that are required to manage itinerant merchant activities and temporary campsite activities, because: (a) owners of vacant or unimproved land pay far less in ad valorem taxes to offset the public service impacts, than do owners of improved land, (b) vacant or unimproved land is not assessed for the income received by property owners that are generated by itinerant merchant activities or temporary campsite activities, and (c) vacant or unimproved land that is used primarily for itinerant merchant activities or temporary campsite activities during recognized special events remain in blighted conditions and have debilitating effects on adjacent property values.
- (g) The city commission has determined the nature of itinerant merchant activities and temporary campsite activities that occur on lands in the MSA adjacent to the Gateway have debilitating visual effects on passing motorists, including visitors, tourists, residents, and families with children who must utilize the Gateway route, passing through the itinerant merchant activities, to reach their points of destinations, whether it be the city's Ormond Beach Sports Complex for youth recreational activities, residential neighborhoods, businesses, or other destination points in other cities.
- (h) The city commission has therefore determined that these itinerant merchant and temporary campsite regulations are necessary to protect the health, safety and welfare of the general public; to promote the elimination of blight and

encourage economic development to revitalize the MSA and Gateway, and to protect property values; that these regulations serve both a rational basis and compelling government interest; and that the findings of the city commission should be afforded broad deference by any court of competent jurisdiction in the resolution of any issue, should any arise, regarding these regulations.

#### **Sec. 2-76. Definitions.**

The following definitions apply to this article. For words that are not defined in this section, the definitions in section 1-22 of this Code shall apply if not in conflict with this article. For words that are not defined by this section or section 1-22 of this Code, the definition in the most recent edition of Webster's New Collegiate Dictionary shall apply if not in conflict with this article.

*Building* means a permanent structure having a roof that is impervious to weather and enclosing a space with four walls that is utilized for a primary business use.

*Business use* shall mean a lawful activity that is commonly and customarily recognized as a business or commercial activity, regardless whether or not such activity is for-profit or not-for-profit.

*Primary business use* shall mean a chief, dominate or main business use of permanent and continuous existence, on a year-round basis, on improved land. It must be authorized by a valid local business tax receipt, regardless whether such activity is for-profit or not-for-profit. It does not include itinerant commercial activity or a temporary campsite activity; nor does it include land for which a business tax receipt has issued where discernible business activity that is customarily associated with such business is not being conducted. The purpose of this definition and these regulations is to ensure that vacant, unimproved or blighted land is not utilized primarily or solely for itinerant commercial activities or temporary campsite activity for limited periods during temporary special events.

High Impact Use shall mean itinerant commercial uses or activities on improved land, or on vacant or unimproved land; and shall include activities related to temporary campsites.

Improved Land Category shall mean itinerant commercial use or activities on improved land.

Vacant or Unimproved Land Category shall mean itinerant commercial uses or activities on vacant or unimproved land; it shall also include temporary campsite activity.

Improved land shall mean land on which permanent improvements consisting of one or more buildings are being utilized for the express purpose of engaging in a primary business use in accordance with all legal requirements.

Itinerant commercial activity shall mean a commercial use or activity of intermittent or temporary existence, or not being of a permanent and continuous existence on a year-round basis, regardless whether such use or activity is for-profit or not-for-profit. These activities commonly include but shall not be limited to tattoo services, food vending, retail, and portable stationary simulation rides. Itinerant commercial activity shall not be a primary business use.

Itinerant Vendor Permit shall mean a permit issued to an individual person or business authorizing the person or business to engage in itinerant commercial activities at a specific location and for a temporary duration specified in the permit.

Local business tax receipt (BTR) shall have the meaning prescribed in Chapter 205, Florida Statutes. It is a receipt issued by the city or county granting a privilege to engage in a lawful business activity, exclusive of any fees for applicable licenses, permits, registrations, examinations or inspections.

Master Vendor Permit shall mean a permit that is issued to a property owner authorizing one or more individual itinerant vendors to conduct itinerant commercial activities on the property owner's land for a temporary duration specified in the permit. The permit duration may be annual or 6 months in duration.

Outdoor Entertainment Activity shall mean an activity specific to a primary business use, that is typically smaller in scope than Recognized Special Event activities, and that must occur on site as an accessory activity to the primary business use of the property. For purposes of this definition, music, participant contests, auto exhibits, games and similar activities hosted on-site of a primary business use shall not be Outdoor Entertainment Activity. Administrative approvals shall be required for outdoor entertainment activities. Except during and for the limited exception provided in section 2-78 of this Article, for land in the Vacant or Unimproved Land Category, Outdoor Entertainment Activity shall not be allowed or permitted on vacant or unimproved land. No Outdoor Entertainment Activity Permit shall be required for accessory use events conducted totally on site with the primary business use and which do not exceed an anticipated attendance of 500 or more participants. An inspection fee each may be required if tents are proposed, outside vendor food preparation is involved or other activities requiring inspection is proposed.

Outdoor Entertainment Activity Permit shall mean a permit issued for outdoor entertainment activity that is to occur on the property where a primary business use occurs, and for a temporary duration specified in the permit; except only that outdoor entertainment activities may be allowed during and for the limited exception provided in section 2-78 of this article, for land in the Vacant or Unimproved Land Category.

Recognized Special Events shall mean Daytona Beach Bike Week Festival, as established by the Bike Week Executive Committee; Daytona Beach Biketoberfest Special Event, as established by the Biketoberfest Development Committee of the Daytona Beach Area Convention & Visitors Bureau; Daytona Speed Weeks, encompassing that time period commencing with the Rolex 24 Hour Race and ending with the Daytona 500 Race, as established by the Daytona International Speedway; and Pepsi 400 Race, as established by the Daytona International Speedway and any other specially licensed outdoor entertainment

activity involving more than one properly owner or includes 500 or more participants.

*Vacant or unimproved land* shall mean land on which permanent improvements consisting of one or more buildings do not exist or are NOT being utilized for the express purpose of engaging in a primary business use; and shall include land for which a business tax receipt has issued authorizing a business use where discernible business activities that are customarily associated with such business are not being conducted.

*Temporary Campsites* shall mean that land described in section 2-80 of this article upon which campsites and related activities of a temporary nature and limited duration may be authorized during Recognized Special Events. Temporary campsites shall not constitute a primary business use.

*Organized or criminal gang, organized or criminal gang member, and organized or criminal gang associate* shall have the meanings described in Chapter 874, Florida Statutes, as the same presently exists or may be hereafter amended. Organized or criminal gangs shall also include, but shall not be limited to, those organizations or gangs described in the most recent editions of the national gang report or other national gang threat assessment published by the National Gang Intelligence Center, the Federal Bureau of Investigation, or any other nationally recognized agency or authority on criminal gangs; and shall include any organization or gang that meets the elements of Chapter 874, Florida Statutes, regardless of any conviction or official adjudication. Organized or criminal gang associate shall also include any land owner or business owner who allows or permits his or her land or business to be utilized by an organized or criminal gang, or to facilitate or permit unlawful activity. The open and public activity, or display of gang colors, symbols, logos, images, or signage of an organized or criminal gang on or upon any land, property, building business, object, or structure, or on any clothing worn by persons who assemble on or at said land or business, including any criminal gang tattoo on such persons, shall create a legal presumption that said land, property, building or business is being utilized by an organized or criminal gang, or members or associates of an organized or criminal gang, and that such open and public display

or use is being conducted with the knowledge and consent of the land owner and/or business owner. Organized or criminal gang, organized or criminal gang member, and organized or criminal gang associate, including the assembly thereof, are prohibited throughout the MSA.

**Sec. 2-77. High impact uses on land; classification and category of use; rationale.**

(a) High Impact Uses. Itinerant commercial uses or activities generate significant impacts on the use of improved land, and (including temporary campsite activity) on vacant or unimproved land, including but not necessarily limited to intensive parking needs, intensive traffic, pedestrian safety, noise, and visual and aesthetic blight. Property values in Florida are based on the aggregate total of building improvement and land value. Much of the total taxable value in property involves a building improvement to land value ratio of approximately 70:30. Consequently, vacant or unimproved land that is used primarily or solely for the purpose of hosting itinerate commercial activities or uses, and temporary campsite activities, for a Recognized Special Event that has limited duration is problematic because:

- (1) Owners of vacant or unimproved land pay little in taxes to offset the costs of public service impacts related to the event;
- (2) Vacant or unimproved land is not assessed by the property appraiser for the income to property owners generated by itinerate commercial activities or uses, or temporary campsite activities;
- (3) Vacant or unimproved land that is used primarily or solely for itinerate commercial activities or uses, or temporary campsite activities, have debilitating effects on adjacent property values in the MSA and adjacent Gateway.

To promote the use of land for primary business use purposes, an amortization schedule shall be imposed for

itinerant merchant activities and uses, for outdoor entertainment activities, and for temporary campsites, for the Vacant or Unimproved Land Category as provided in section 2-78 this Article.

(b) *Improved Land Category.* According to the host itinerant merchant records of the County, the improved lands with primary business uses described below engaged in itinerant commercial uses or activities during recognized special events in the unincorporated territory of the county during the 2013-2014 year immediately preceding the effective date of the ISBA, and during the 2014-2015 year following the effective date of the ISBA. Lands with primary business uses in this category shall be allowed to continue engaging in such uses or activities after the effective date of the ISBA and shall be exempt from the amortization schedule that applies to the Vacant or Unimproved Land Use Category for so long as said lands are used for primary business use purposes:

(1) *Recognized Special Event Host:*

- i. 1635 N. US Hwy 1 (Destination Daytona, activities as specified in the county development order)
- ii. 1065 N. US Hwy 1 (Standard Cycle/Biker Haven)
- iii. 1068 N. US Hwy 1 (Iron Horse Saloon)
- iv. 1106 N. US Hwy 1 (Hired Gun)
- v. 253 Destination Daytona Lane (J&P Cycles)
- vi. 1658 US Hwy 1 (Love's Travel Stop)
- vii. 1622 N. US Hwy 1 (Sunshine #230 Store)
- viii. 1080 N. US 1 (Harris Village RV/Eagles Nest)
- ix. 1105 N. US Hwy 1 (Low Country Oysters of Ormond Beach)

- x. 1481 N. US Hwy 1 (Annie Oakley's Saloon)
- xi. 1074 N. US Hwy 1 (Ocean Club)
- xii. 470 Destination Daytona Blvd (Wyotec)
- xiii. 1041 N. US Hwy 1 (J Discount #2)

(2) Outdoor Entertainment Activity:

- i. 1635 N. US Hwy 1 (Destination Daytona, activities as specified in the county development order)
- ii. 1068 N. US Hwy 1 (Iron Horse Saloon)
- iii. 1065 N. US Hwy 1 (Standard Cycle/Biker Haven)
- iv. 1105 N. US Hwy 1 (Low Country Oysters of Ormond Beach)

(c) Amortization Scheduled for Vacant or Unimproved Land Category. Itinerant commercial uses or activities, including temporary campsite activities, have the same significant impacts on vacant or unimproved land as those impacts that occur on improved land. Business establishments and lands that are not included in the Improved Land Category described in paragraph (b) of this section shall be in the Vacant or Unimproved Land Category for purposes of these regulations. Itinerant Commercial Activities and Outdoor Entertainment Activities, and Temporary Campsites, for lands in the Vacant or Unimproved Land Category shall be subject to amortization as provided in section 2-78 of this article:

**Sec. 2-78. Amortization schedule for Vacant or Unimproved Land Category.**

(a) Vacant or Unimproved Land Category; amortization schedule. Lands that are subject to the Vacant or Unimproved Land Category described section 2-77(c) of this article above may host Itinerant Commercial Activities

and Outdoor Entertainment Activities, or Temporary Campsite activities as provided by section 2-80 of this article, during Recognized Special Events for a period that shall automatically terminate five years from the effective date of the Interlocal Service Boundary Agreement (said effective date being August 28, 2014). Licenses and permits for Itinerant Commercial Activities and Outdoor Entertainment Activities must be obtained in accordance with the requirements of Section 2-79, and must be obtained for Temporary Campsite activities in accordance with section 2-80, of this article as a condition of engaging in such activities. Itinerant Commercial Activities and Outdoor Entertainment Activities, and Temporary Campsites, shall be prohibited after the five year termination date prescribed in this section.

- (b) Primary business use; inclusion or exclusion from list based on reasonable cause and accounting. In the event a city official who is responsible for administering, implementing or enforcing these regulations has reasonable cause to believe any land in the Improved Land Category is not being utilized for a primary business use as required by these regulations, then in such event the owner of such lands or business shall, upon request by the city official, produce proof or evidence sufficient to demonstrate that the land is being used for a primary business use. A request for proof or evidence may include:
- i. Inspection of the land and/or business use.
  - ii. Marketing or advertisement material.
  - iii. Evidence of the utilization of goods, services, and wares by customers (e.g., sales receipts; receipts evidencing the delivery of goods, services, or wares, etc.).
  - iv. Monthly sales tax remittance, quarterly Internal revenue Code 941 filing, annual federal tax return, and/or other financial documentation that is deemed reasonable and appropriate under the circumstances.

v. Any other documentation reasonably related to a request for information to substantiate a primary business use.

A failure by the land or business owner to provide the information requested or failure to provide information satisfactory to demonstrate the land is being utilized for a primary business use shall result in the land being removed by the city commission from the Improved Land Category. The absence of primary business use activity for a period of sixty consecutive days shall create a rebuttable presumption that a primary business use does not exist or has been abandoned. In such event, the lands and business shall be subject to the amortization requirements in this section.

(c) Request for inclusion of land in the Improved Land Category. In the event an owner of land who's land and business is not included in the Improved Land Category believes his or her land and business should be included in that category, said owner may produce to the appropriate city officials the same type of evidence described in paragraph (b) of this section in support of such claim, and upon an affirmative finding by the city official a recommendation shall be made to the city commission for inclusion of the land and business in the Improved Land Category.

(d) Removal of land/business from Improved Land Category. The city commission reserves the right and authority to remove lands and businesses from the Improved Land Category in the absence of a primary business use. The amortization requirements of section 2-78 of this article shall apply to any such land/business so removed.

**Sec. 2-79. Application, license and permit requirements for itinerant commercial activity.**

Applications for a host license and individual vendor permit for itinerant commercial activity shall be reviewed by members of the city's Site Plan Review Committee, and upon a determination an application satisfies all conditions provided herein and any other conditions that may be deemed to be

reasonably necessary, a license or permit shall be issued administratively by the Site Plan Review Committee:

*Recognized Special Events.*

- (a) All retail and service activities shall occur outside public rights-of-way.
- (b) A Master vendor shall be responsible to ensure all individual itinerant vendors operating under the Master Vendor Permit comply with these provisions.
- (c) A fully completed application for a Master Vendor Permit shall include attachments containing the following information:
  - (1) A single site plan 8.5 x 11 inches, drawn to scale must show all necessary elements and shall include the following, if applicable:
    - i. Location of existing facilities/structures
    - ii. Location of proposed temporary facilities/structures
    - iii. Proposed traffic flow and provisions for ingress/egress
    - iv. Measures for security/crowd control (i.e., arranged through Volusia County Sheriff's Office, Ormond Beach Police Department, or State Highway Patrol)
    - v. Measures for the provision of medical care
    - vi. Lighting
    - vii. Solid waste disposal
    - viii. Parking
    - ix. Location of bands, music venues, dance venues, and motorcycle/car wash venues
    - x. Sanitation facilities
    - xi. Vendor permits (i.e., vendor list with vendor names, goods and/or services to be provided.)

- (2) If more than one event is anticipated to occur throughout the year, a list of events with approximate event dates and anticipated participant level shall be provided for each event. A permit and/or inspection shall be determined based upon the information provided.
- (3) A list or schedule of events that are to occur at the location for the duration of the permit, including any host drinking contests or games, motorcycle/car washes (excluding those held by a church, school, or civic organizations). Contests involving disrobing or wet t-shirt contests, slaw/pudding/jello wrestling, bobbing or similar contests are prohibited.
- (4) Individual itinerant vendors will be required during special events to have an Itinerant Vendor Permit to do business.
- (5) No person or business receiving a Master Vendor Permit or Individual Vendor Permit may engage in any of the following activities:
- i. Activities involving the operation of aircraft;
  - ii. Events involving the discharge of explosive devices in violation of state or federal law;
  - iii. Activities in which farm animals or wild animals are displayed or interact with the public;
  - iv. Outdoor event involving the exhibition of moving, driver-occupied motorized vehicles such as stunt shows, dyno-drag or dyno unit; except that the Wall of Death and burn-out pit activities, only, are allowed; or
  - v. Activities involving the discharge of any toxic or harmful substance.

- (6) Portable side-by-side stationary racing dynamometers for bike drag race simulation are permitted.
- (7) The Master Vendor shall have the following set up times:
- i. Recognized Special Events: up to 5 days prior to the official start up of the event.
  - ii. All other events: 24 hours.
- (8) All vendors setting up outside a permanent building, using a tent or other temporary structure shall have an inspection by the city's building division 24 hours prior to operating.
- (9) A vendor may be allowed the use of one portable out-door sign in the form of a sandwich board or other similar design to be used for advertisement of daily specials, events or services of the vendor during the event. The sign may only be set out each day at the opening of business hours and shall be removed each day at the end of business hours. All signs shall require a sign permit. The sign shall not exceed 16 square feet in size and must be constructed of sufficient material to withstand adverse weather events. Any other form of sign including but not necessarily limited to human sign, human signage, or any sign held by, attached to, affixed to, or covering any person is prohibited.
- (10) Vendor activities and advertising must at all times be confined to the vendor space identified either in the Master Vendor Permit or Individual Vendor License.
- (11) Individual Vendors shall physically vacate the vending space after the event officially closes, as follows:
- i. Recognized Special Event – 72 hours
  - ii. All other events – 24 hours

- (12) Food vendors must operate in compliance with the requirements of the Division of Hotels and Restaurants of the Florida Department of Business and Professional regulation. Food vendors must show proof that they meet all applicable health department regulations and hold all valid food service licenses required for their operations.
- (13) Zoning restrictions on tattoo services shall not apply during recognized events but must operate in compliance with the provisions set forth in F.S.§877.04, as amended, and any other applicable state laws and city regulations.
- (14) All forms of live expressive conduct related to dance, music, or motorcycle/car wash activities must be a minimum of fifty feet from the nearest paved edge of the North U.S. Highway 1 (Gateway) right-of-way, and must be completely screened from view from the Gateway by an opaque cover or material approved by members of the Site Plan Review Committee. These distance and screening requirements are determined to be reasonable time, place, manner restrictions for the protection of the health, safety and welfare of the general public, particularly considering the mix of motorists traveling on the Gateway and pedestrians and spectators traversing on or along the Gateway.
- (15) Dance poles and dance platforms are prohibited.
- (16) Must be open to and accessible by members of the general public; and must not discriminate against race, color, gender, religion, creed, nation origin, sex, age, or sexual orientation, or handicap.
- (17) No land, property, business, or structure shall be used for any unlawful purpose, or purpose inconsistent with the Land Development Code or Code of Ordinances of the City of Ormond Beach; and shall not be used by an organized or criminal gang, or for the assembly of organized or criminal

gang members, or for the assembly of associates of organized or criminal gang members.

(d) Outdoor Entertainment Activity (OEA). In addition to applicable provisions for Special Event Activities, the following items shall be required for the approval of an OEA permit:

- (1) The permit shall be administratively reviewed and approved in accordance with the city's regulations.
- (2) The permit shall be for an individual outdoor activity only.
- (3) A drawing to scale depicting the placement of structures, tents, lighting and sound plans, and provisions for vehicular parking and access.
- (4) Department of Health approval for food vendors if applicable.
- (5) Provisions for adequate security and traffic control approval from the Ormond Beach Police Department.
- (6) Provisions for emergency services and fire;
- (7) Written notarized authorization for unlimited and unconditional 24 hour access to the site for city inspectors.
- (8) Compliance with local and state laws and regulations regarding food and beverage concession operations.
- (9) Vendors must possess a valid Business Tax Receipt or Registration.
- (10) OEA involving less than 500 participants and located on site with the sponsoring business use shall be considered accessory to that business use and may be included in the list of activities for an annual Master Vendor Permit.
- (11) Zoning restrictions on tattoo services shall not apply during recognized events but must operate in compliance with the provisions set forth in

F.S. §877.04, as amended, and any other applicable state laws and city regulations.

(12) All forms of live expressive conduct related to dance, music, or motorcycle/car wash activities must be a minimum of fifty feet from the nearest paved edge of the North U.S. Highway 1 (Gateway) right-of-way, and must be completely screened from view from the Gateway by an opaque cover or material approved by members of the Site Plan Review Committee. These distance and screening requirements are determined to be reasonable time, place, manner restrictions for the protection of the health, safety and welfare of the general public, particularly considering the mix of motorists traveling on the Gateway and pedestrians and spectators traversing on or along the Gateway.

(13) Dance poles and dance platforms are prohibited.

(14) Must be open to and accessible by members of the general public; and must not discriminate against race, gender, religion, creed, nationality, or sexual orientation.

(15) Land and/or business shall not be used for any unlawful purpose, or purpose inconsistent with the Land Development Code or Code of Ordinances of the City of Ormond Beach; and shall not be used by an organized or criminal gang, or for the assembly of organized or criminal gang members, or for the assembly of associates of organized or criminal gang members.

**Sec. 2-80. Temporary campsites.**

(a) The land at 1725 North U.S. Highway 1 (Parcel No. 3126-00-00-0080) is vacant or unimproved land and is in the Vacant or Unimproved Land Category. On December 20, 2012, Volusia County issued a special exception (Case # S-12-041) for a three-year period that will expire on December 20, 2015 authorizing the operation of temporary

campsites three days before, during, and three days after Recognized Special Events, subject to certain conditions.

(b) Temporary campsites may be authorized at 1725 North U.S. Highway 1 (Parcel # 3126-00-00-0080) during Recognized Special Events, subject to filing an application that must be reviewed and approved by members of the Site Plan Review Committee. Upon satisfying the conditions described herein, and any other condition that is reasonably required by the SPRC members, a license or permit shall be issued subject to the following conditions:

- (1) The license or permit shall be valid only for a one year period, beginning on October 1 of a given year and expiring on September 30 the following year.
- (2) Temporary campsites shall only be allowed three days before, during, and three days after a Recognized Special Event.
- (3) Temporary campsites shall not exceed 100 in number and shall be limited to the areas depicted on a site plan to be approved by the SPRC members.
- (4) The size of individual campsites, number of portable toilets, hand wash sinks, and portable water and shower facilities shall comply with Volusia County Health Department requirements.
- (5) Public safety, building inspection, and public health personnel shall have complete and unlimited access to the premises at all times.
- (6) The land owner shall be responsible for ensuring the provision of fire protection services.
- (7) Recreational vehicles with self contained holding tanks for wastewater shall secure all sewer waste line caps to prevent leakage; and signs must be posted prohibiting the discharge of wastewater.
- (8) Adequate traffic control must be provided, including the provision of one or more uniformed law enforcement officers.

- (9) An adequate number of solid waste containers must be provided, and emptied and cleaned on a regular as-needed basis. The premises shall be kept completely clear of litter and waste material.
- (10) Special event contests are prohibited.
- (11) Compliance with all applicable city, county, state and federal laws and regulations is required at all times.
- (12) Must be open to and accessible by members of the general public; and must not discriminate against race, gender, religion, creed, nationality, or sexual orientation.
- (13) Land and/or business shall not be used for any unlawful purpose, or purpose inconsistent with the Land Development Code or Code of Ordinances of the City of Ormond Beach; and shall not be used by an organized or criminal gang, or for the assembly of organized or criminal gang members, or for the assembly of associates of organized or criminal gang members.
- (14) Any other condition that is reasonably required by the SPRC members.
- (15) Any use or activity that is not specifically authorized by the license or permit shall be prohibited.
- (16) A violation of any of the prescribed conditions or a violation of any other applicable city, state or federal law may result in the immediate revocation the license or permit.
- (c) The amortization requirements provided in section 2-78 of this article shall apply to the land at 1725 North U.S. Highway 1 (Parcel # 3126-00-00-0080).

**Sec. 2-81. Reservation of power.**

- (a) The policy of the city commission is to encourage owners of land and businesses in the MSA adjacent to and near the Gateway to eliminate blight, and to revitalize and develop

land for primary business use purposes, especially including vacant or unimproved land; and to discourage the use of blighted, vacant or unimproved land primarily or solely for itinerant merchant activities or uses, or temporary campsites, during Recognized Special Events.

(b) In furtherance of the policies expressed in these regulations, the city commission reserves the complete and absolute right and power to add land to the Improved Land Category, land that is in the Vacant or Unimproved Land Category in the event such land is redeveloped or developed in accordance with the city's Gateway standards and other applicable development requirements.

(c) The city commission further reserves the complete and absolute right and power to remove land from the Improved Land Category upon a determination by the city commission that the land is not being used for a primary business use purpose.

**Sec. 2-82. Enforcement.**

Any violation of the requirements or provisions in this article may be enforced through the special magistrate code enforcement system as provided in Chapter 2, Article VII of the Code of Ordinances, or any other legal or equitable action or proceeding as provided by law. No enforcement remedy shall be the exclusive remedy, and any remedy may be exercised separately from or concurrent with any other remedy, including the revocation of any license or permit. Organized or criminal gang, organized or criminal gang member, and organized or criminal gang associate are prohibited throughout the MSA.

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

**SECTION THREE.** In the event any work, 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 work, clause, phrase, sentence,

paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

**SECTION FOUR.** This Ordinance shall take effect immediately upon its adoption.

**PASSED UPON** at the first reading of the City Commission, this \_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED UPON** at the second and final reading of the City Commission, this \_\_\_\_ day of \_\_\_\_\_, 2015.

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**ED KELLEY**  
Mayor

**ATTEST:**

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**J. SCOTT McKEE**  
City Clerk