

ORDINANCE NO. 2015-23

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-21, T-2, MANUFACTURED HOME ZONING DISTRICT BY DELETING PARAGRAPH (H) SPECIAL STANDARDS AND SECTION 2-20, T-1, MANUFACTURED/MOBILE HOME ZONING DISTRICT BY ADDING SPECIAL STANDARDS TO ALLOW REPLACEMENT OF MANUFACTURED/MOBILE HOMES LOCATED WITHIN PREVIOUSLY ESTABLISHED MANUFACTURED/MOBILE HOME PARKS WITH NEW MANUFACTURED/MOBILE HOMES, OF THE LAND DEVELOPMENT CODE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, this is an administrative amendment to the City of Ormond Beach *Land Development Code* (“*LDC*”) to delete special standards to allow replacement of manufactured homes located within previously established manufactured home parks from the T-2, Manufactured Home Zoning District, and to add special standards to allow replacement of manufactured/mobile homes located within previously established manufactured home parks currently zoned T-1, Manufactured/Mobile Home Zoning District, and

WHEREAS, the local planning agency, being the Planning Board of the City of Ormond Beach, has conducted a public hearing on April 9, 2015, and after hearing no objection on the requested amendments 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 requested amendments to be consistent with the provisions of the *Charter* and the *Comprehensive Plan* of the City of Ormond Beach, and in the overall best interest of the public health, safety and welfare, now therefore,

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

SECTION ONE. Subsection H, Special Standards, of Section 2-21, T-2 Manufactured Home Zoning District, of Article II, District Regulations, Chapter 2, District and General Regulations, of the *LDC* is hereby amended to read as follows:

H. SPECIAL STANDARDS:

~~**Previously Existing Manufactured Home Parks.** The provisions of this section 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, and which manufactured home parks do not comply with one or more of the dimensional requirements set forth in subsection (b) of this section, may be replaced with new units provided there is no greater nonconformity than existed with prior unit and provided that the Uniform Fire Safety Standards for Mobile Home Parks, as set forth in F.A.C. ch. 4A-42, 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~~

SECTION TWO. Section 2-20, T-1 Manufactured/Mobile Home Zoning District, of Article II, District Regulations, Chapter 2, District and General Regulations, of the *LDC* is hereby amended by adding a new Subsection H to read as follows:

H. SPECIAL STANDARDS:

Previously Existing Manufactured/Mobile Home Parks. The provisions of this section 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, and which manufactured home parks do not comply with one or more of the dimensional requirements set forth in subsection (b) of this section, may be replaced with new units provided there is no greater nonconformity than existed with prior unit and provided that the Uniform Fire Safety Standards for Mobile Home Parks, as set forth in F.A.C. 69A-42.0041, 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 Manufactured/Mobile Home 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

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

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

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

PASSED UPON at the first reading of the City Commission, this 19th day of May, 2015.

PASSED UPON at the second and final reading of the City Commission, this 2nd day of June, 2015.





ED KELLEY
Mayor

ATTEST:



J. SCOTT MCKEE
City Clerk



CITY OF ORMOND BEACH

City Manager • 22 S. Beach Street • Ormond Beach • Florida • 32174 • (386) 676-3200 • Fax (386) 676-3384

CITY MANAGER MEMORANDUM

To: The Honorable Mayor Kelley and City Commissioners
Through: Joyce A. Shanahan, City Manager
From: Ric Goss, Planning Director
Date: May 19, 2015
Subject: LDC Amendment - Add special standards to the T-1 Zoning District
Commission Goal: N/A

Introduction

This is an administrative request to amend the Land Development Code (LDC) as follows:

1. Amend Article II, District Regulations, Chapter 2, District and General Regulations, Section 2-21, T-2, Manufactured Home Zoning District of the Land Development Code (LDC) to eliminate the special standards to allow replacement of manufactured homes, located within previously established Manufactured Home Parks, with new manufactured homes. Since the City of Ormond Beach does not permit manufactured/mobile home parks under the T-2 Zoning District, the special standards should be eliminated from the T-2 Zoning District.
2. Amend Article II, District Regulations, Chapter 2, District and General Regulations, Section 2-20, T-1, Manufactured/Mobile Home Zoning District of the LDC to add special standards to allow replacement of manufactured/mobile homes, located within previously established Manufactured/Mobile Home Parks, with new manufactured/mobile homes. Since the City of Ormond Beach only permits manufactured/mobile home parks under the T-1 Zoning District, the special standards that are proposed for elimination under the T-2 Zoning District should be added to the T-1 Zoning District.

The purpose of the amendments are to permit replacement of manufactured/mobile homes, located within previously established manufactured/mobile home parks, with new manufactured/mobile homes as needed under the T-1 Zoning District so that there is no additional nonconformity with respect to dimensional requirements.

Background

In January 2010, the T-1, Manufactured/Mobile Home Zoning District was re-established in the LDC. However, when the T-1 Zoning District was re-established into

the LDC, the special conditions for previously existing manufactured homes parks to allow replacement of old units with new units without creating dimensional non-conformities was inadvertently not eliminated from the T-2 Zoning District. Manufactured/mobile home parks are not permitted under the T-2 District. As such the special standards should have been replaced under the T-1 Zoning District where manufactured/mobile home parks are intended.

In January 2015, the city annexed 500 South Nova Road (Life Mobile Home Park) into the City of Ormond Beach. While preparing to assign a city land use and zoning a number of replacement permits were submitted to the City. It became apparent that most mobile home parks throughout the City do not meet the dimensional standards of the T-1 Zoning District. Typically manufactured/mobile homes have a front yard setback between 10' and 15'. The T-1 Zoning District requires a 20' front yard setback. As such, the special standards to the T-2 Zoning District need to be eliminated under the T-2 District and added under the T-1 Zoning District. The proposed amendment is a remedy to ensure that units within established manufactured/mobile home communities can be replaced without creating dimensional non-conformities by adding special standards into the T-1 Zoning District.

Discussion

The amendment involves four sections of the Land Development Code as follows:

1. Amend Article II, District Regulations, Chapter 2, District and General Regulations, Section 2-21, T-2, Manufactured Home Zoning District.

It is necessary to eliminate the special standards of the T-2 Zoning District to remove standards that do not apply since manufactured/mobile home parks are not permitted under the T-2 Zoning District. Without the amendment the City's LDC is inconsistent because manufactured/mobile home parks are not permitted under the T-2 Zoning District.

2. Amend Article II, District Regulations, Chapter 2, District and General Regulations, Section 2-20, T-1, Manufactured/Mobile Home Zoning District.

It is necessary to replace the eliminated standards from the T-2 Zoning District into the T-1 Zoning District to allow replacement of manufactured/mobile homes, located within previously established manufactured/mobile home parks, with new manufactured/mobile homes. The goals of this amendment are to:

- a. Add Special Standards to the T-1 zoning district. There are ten properties currently designated with the T-1 Zoning District. The addition of special standards for previously existing manufactured/mobile home parks will ensure that manufactured/mobile homes in manufactured/mobile home parks will be able to be replaced with new manufactured/mobile homes without creating dimensional non-conformities;
- b. Maintain the provisions of the Uniform Fire Safety Standards for Mobile Home Parks. Regardless of the proposed special standards for previously existing manufactured/mobile home parks, and any existing dimensional standards for manufactured/mobile homes within the City's LDC, at a

minimum manufactured/mobile homes must maintain a certain distance between each home as specified in the Uniform Fire Safety Standards for Mobile Home Park;

- c. To allow existing manufactured/mobile home parks with the T-1 zoning classification to maintain their existing number of mobile homes and to replace individual units with new units as necessary;
- d. To establish special standards for previously existing manufactured/mobile home parks with the T-1 zoning district to allow future annexations of manufactured/mobile home parks if they occur without creating dimensional non-conformities at such time the community is rezoned; and
- e. It is not the intent of this amendment to expand the use of the T-1 zoning district to vacant land, but instead to allow previously existing manufactured/mobile home parks to replace existing units with new units as necessary without creating dimensional non-conformities.

Without the amendment, the city may not apply the T-1 Zoning District to manufactured/mobile home parks where the T-1 Zoning District is most appropriate because most manufactured/mobile home parks would not be able to meet the dimensional standards of the city's T-1 Zoning District in the event it may be necessary to replace an old unit with a new unit. By adding the special standards to the T-1 Zoning District, the city will avoid making the Life Village Mobile Home Park or any other manufactured/mobile homes that may annex into the City of Ormond Beach and any other manufactured/mobile home parks already assigned the T-1 Zoning District non-conforming with respect to dimensional standard.

PLANNING BOARD REVIEW

The Planning Board reviewed the proposed Land Development Code amendment at the April 9, 2015 meeting and unanimously (6-0) approved the amendment. There were no speakers for or against the proposed amendment.

Budget Impact

There is no budget impact as the result of the proposed Land Development Code amendment.

Recommendation

It is recommended that the City Commission **APPROVE** LDC 15-069, to amend the City's LDC to revise Chapter 2, Article II, Sections 2-21 and 2-20 as shown in the attached ordinance.

Attachments:

- 15-023A, O - LDC CH 2 SECS 2-20 & 21 T-1 REGS P15-0094G MT# 2432 (PDF)
- T-1 Zoning District - Special Conditions Combined Staff Report (PDF)
- 04.09.15 PB Minutes Final - Not signed (PDF)

REVIEWED BY:


Kelly McGuire, Finance Director 4/23/2015


Theodore MacLeod, Assistant City Manager 4/27/2015

APPROVED BY:


Joyce A. Shanahan, City Manager 4/29/2015

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: April 9, 2015

SUBJECT: Land Development Code Amendments: Deleting the Special Standards of the T-2 Zoning District for previously existing manufactured home parks and adding Special Standards to the T-1 Zoning District for previously existing manufactured/mobile home parks

APPLICANT: Administrative

NUMBER: LDC 15-069

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

INTRODUCTION:

This is an administrative request to amend the Land Development Code as follows:

1. Amend Article II, District Regulations, Chapter 2, District and General Regulations, Section 2-21, T-2, Manufactured Home Zoning District of the Land Development Code (LDC) to eliminate the special standards to allow replacement of manufactured homes, located within previously established Manufactured Home Parks, with new manufactured homes. Since the City of Ormond Beach does not permit manufactured/mobile home parks under the T-2 Zoning District, the special standards should be eliminated from the T-2 Zoning District.
2. Amend Article II, District Regulations, Chapter 2, District and General Regulations, Section 2-20, T-1, Manufactured/Mobile Home Zoning District of the LDC to add special standards to allow replacement of manufactured/mobile homes, located within previously established Manufactured/Mobile Home Parks, with new manufactured/mobile homes. Since the City of Ormond Beach only permits manufactured/mobile home parks under the T-1 Zoning District, the special standards that are proposed for elimination under the T-2 Zoning District should be added to the T-1 Zoning District.

The purpose of the amendments are to permit replacement of manufactured/mobile homes, located within previously established manufactured/mobile home parks, with new manufactured/mobile homes as needed under the T-1 Zoning District so that there is no additional nonconformity with respect to dimensional requirements.

BACKGROUND:

In January 2010, the T-1, Manufactured/Mobile Home Zoning District which was absent from the City's LDC was re-established in the Code. The purpose of that amendment was to establish uses and dimensional standards for manufactured and mobile home communities/parks currently zoned as T-1 and eliminate the requirement for a rezoning

to PMHC (Manufactured Home Community). However, when the T-1 Zoning District was re-established into the LDC, the special conditions for previously existing manufactured homes parks to allow replacement of old units with new units without creating dimensional nonconformities was inadvertently not deleted from the T-2 Zoning District where communities/parks are not permitted and then added back into the T-1 Zoning District. It was not the intent of the 2010 LDC amendment to re-establish the T-1 Zoning District to create a condition where existing manufactured/mobile home parks or parks that exist in the city or may annex into the City of Ormond Beach become non-conforming with respect to dimensional standards.

In January 2015, the city annexed 500 South Nova Road (Life Mobile Home Park) into the City of Ormond Beach. The city is required by law to assign a land use and zoning to the newly annexed mobile home park. At the time of staff's review and analysis of the rezoning, the T-1 Zoning District was determined the most appropriate zoning district to apply to the Life Village Mobile Home Park. However, the Life Village Mobile Home Park has been developed under Volusia County zoning standards that do not meet the dimensional standards of the T-1 Zoning District. The primary issue is that most of the existing mobile homes do not meet the city dimensional standards as they have an average front yard setback of between 10 and 12 feet. The City's minimum front yard setback under the current T-1 Zoning District Standards is 20 feet.

It is not the intention of the city to annex parcels, including manufactured/mobile home communities/parks, and then create or expand non-conformities. It is important to note that manufactured/mobile home parks do not have lot lines, but instead lease lines where the units are placed. The key consideration is not to place the manufactured/mobile home structures too close together in accordance with the Uniform Fire Safety Standards for Mobile Home Parks. In reviewing the current Land Development Code, the T-1 Zoning District does not have a special standard that allows replacement of units within existing communities outside of the required minimum setbacks. The T-2 (Manufactured Home) zoning district contains a special standard that allows the replacement of units within existing communities with different setbacks provided that the units comply with the Uniform Fire Safety Standards for Mobile Home Parks. However, the T-2 Zoning District does not allow for manufactured/mobile home communities/parks. At the time of the 2010 LDC amendment to re-establish the T-1 Zoning District the special standards should have been deleted from the T-2 Zoning District and added into the T-1 Zoning District. The proposed amendment is a remedy to ensure that units within established manufactured/mobile home communities can be replaced without creating dimensional non-conformities by adding special standards into the T-1 Zoning district and deleting the same special standards in the T-2 Zoning District.

ANALYSIS:

The proposed amendments are to remove the special standards from the T-2 Zoning District and replace the standards under the T-1 Zoning District.

The amendment involves two sections of the LDC as follows:

- 1. Amend Article II, District Regulations, Chapter 2, District and General Regulations, Section 2-21, T-2, Manufactured Home Zoning District.**

Action Required: Delete the Special Standards of the T-2 Zoning District to remove standards that do not apply since manufactured/mobile home communities/parks are not permitted under the T-2 Zoning District. There are only two areas within the city currently designated with the T-2 Zoning District (**see Attachment 1**). The special standard is proposed to be added under the T-1 Zoning District where manufactured/mobile home parks are permitted.

The text amendment as denoted in strikethrough is as follows:

~~H. SPECIAL STANDARDS:~~

~~**Previously Existing Manufactured Home Parks.** The provisions of this section 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, and which manufactured home parks do not comply with one or more of the dimensional requirements set forth in subsection (b) of this section, may be replaced with new units provided there is no greater nonconformity than existed with prior unit and provided that the Uniform Fire Safety Standards for Mobile Home Parks, as set forth in F.A.C. ch. 4A-42, 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~~

Without the amendment the City's LDC is inconsistent because manufactured/mobile home parks/communities are not permitted under the T-2 Zoning District.

2. Amend Article II, District Regulations, Chapter 2, District and General Regulations, Section 2-20, T-1, Manufactured/Mobile Home Zoning District.

Action Required: Replace the deleted standards from the T-2 Zoning District into the T-1 Zoning District which were not included with the 2010 LDC amendment to re-establish the T-1 Zoning District, to allow replacement of manufactured/mobile homes, located within previously established Manufactured/Mobile Home Parks, with new mobile/manufactured homes. The goals of this amendment are to:

- a. Add Special Standards to the T-1 zoning district. There are ten properties currently designated with the T-1 Zoning District (**see Attachment 2**). The addition of special standards for previously existing Manufactured/Mobile Home Parks will ensure that replacement of manufactured/mobile homes in mobile/manufactured communities will be able to replace their homes with new mobile/manufactured homes without creating dimensional non-conformities;
- b. Maintain the provisions of the Uniform Fire Safety Standards for Mobile Home Parks. Regardless of the proposed special standards for previously existing manufactured/mobile home parks, and any existing dimensional standards for manufactured/mobile homes within the City's LDC, at a minimum

manufactured/mobile homes must maintain a certain distance between each home as specified in the Uniform Fire Safety Standards for Mobile Home Park;

- c. To allow existing manufactured/mobile home parks with the T-1 designation to maintain the existing number of mobile homes and to change out individual units with new units as necessary;
- d. To establish special standards for previously existing manufactured/mobile home parks with the T-1 zoning district to allow future annexations of manufactured/mobile home parks if they occur without creating dimensional non-conformities at such time the community is rezoned; and
- e. It is not the intent of this amendment to expand the use of the T-1 zoning district to vacant land, but instead to allow previously existing manufactured/mobile home parks to replace existing units with new units without creating dimensional non-conformities.

The text amendment as denoted in underline is as follows:

H. SPECIAL STANDARDS:

Previously Existing Manufactured/Mobile Home Parks. The provisions of this section not withstanding, 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, and which manufactured home parks do not comply with one or more of the dimensional requirements set forth in subsection (b) of this section, may be replaced with new units provided there is no greater nonconformity than existed with prior unit and provided that the Uniform Fire Safety Standards for Mobile Home Parks, as set forth in F.A.C. ch. 4A-42, 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

The proposed special standards language is identical to the language deleted from the T-2 Zoning District except for two changes:

1. In the sub heading, the word "Mobile" is added after "Manufactured" to be consistent with the sub heading of the T-1 Zoning District, "Manufactured/Mobile Home Zoning District"; and
2. In the second paragraph "T-1" was changed from "T-2" again to be consistent with the T-1 Zoning District.

The action required is necessary to prevent any manufactured/mobile home parks which have or may annex into the City of Ormond Beach from being or becoming non-conforming with respect to dimensional standards. In reviewing the average front yard setback typically found in mobile/manufactured home parks, generally front yard setbacks are less than the minimum 20' required in

the City's T-1 Zoning District. As such, since the original LDC amendment to re-establish the T-1 Zoning District did not include the special standards for previously existing mobile/manufactured home parks, most of the mobile/manufactured home parks in the City of Ormond Beach would not be able to meet the dimensional requirements of the City's T-1 Zoning District in the event of replacing an old unit with a new unit.

Without the amendment the city may not apply the T-1 Zoning District to manufactured/mobile home parks where the T-1 Zoning District is most appropriate because most manufactured/mobile home parks would not be able to meet the dimensional standards of the city's T-1 Zoning District in the event the desire may be to replace an old unit with a new unit. By adding the special standards to the T-1 Zoning District, the city will avoid making the Life Village Mobile Home Park, any other manufactured/mobile homes that may annex into the City of Ormond Beach and any other manufactured/mobile home parks already assigned the T-1 Zoning District non-conforming with respect to dimensional standard.

CONCLUSION:

There are certain criteria that must be evaluated before adoption of an amendment. According to the LDC, the Planning Board must consider the following criteria when making their recommendation.

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

The proposed LDC amendments will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. The purpose of the amendments are to remove special standards from the T-2 Zoning District where manufactured/mobile home parks/communities are not permitted and replace the special standards in to the T-1 Zoning District where manufactured/mobile home parks/communities are permitted. The LDC amendments will allow replacement of old units with new units under the T-1 Zoning District without creating dimensional non-conformities. In cases where existing units do not meet the T-1 Zoning District dimensional standards, an old unit will be allowed to be replaced with a new unit provided the standards of the Uniform Fire Safety Standards for Mobile Home Park can be met.

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

The proposed Land Development Code amendments are consistent with the Comprehensive Plan. Objective 2.1 of the Future Land Use Element of the Comprehensive Plan discussed the need to update LDC regulations. The amendments are a matter of housekeeping to include special standards for previously existing manufactured/mobile home parks.

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

The proposed LDC amendments will not have an adverse impact on environmentally sensitive lands.

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

The proposed LDC amendments will have no adverse effect on surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare or visual impacts on adjoining properties.

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

The proposed LDC amendments are not applicable to public facilities.

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

The proposed LDC amendments will not result in a hazardous situation for adjoining property owners.

- 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 LDC amendment.

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

There is no development proposed for this amendment. The application pertains to a LDC amendment.

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

There is no development proposed for this amendment. The application pertains to a LDC amendment.

10. The testimony provided at public hearings.

The comments from the Planning Board meeting will be incorporated into the City Commission packet.

The LDC amendments are tentatively scheduled to be reviewed by the City Commission May 19th, 2015 and June 2, 2015.

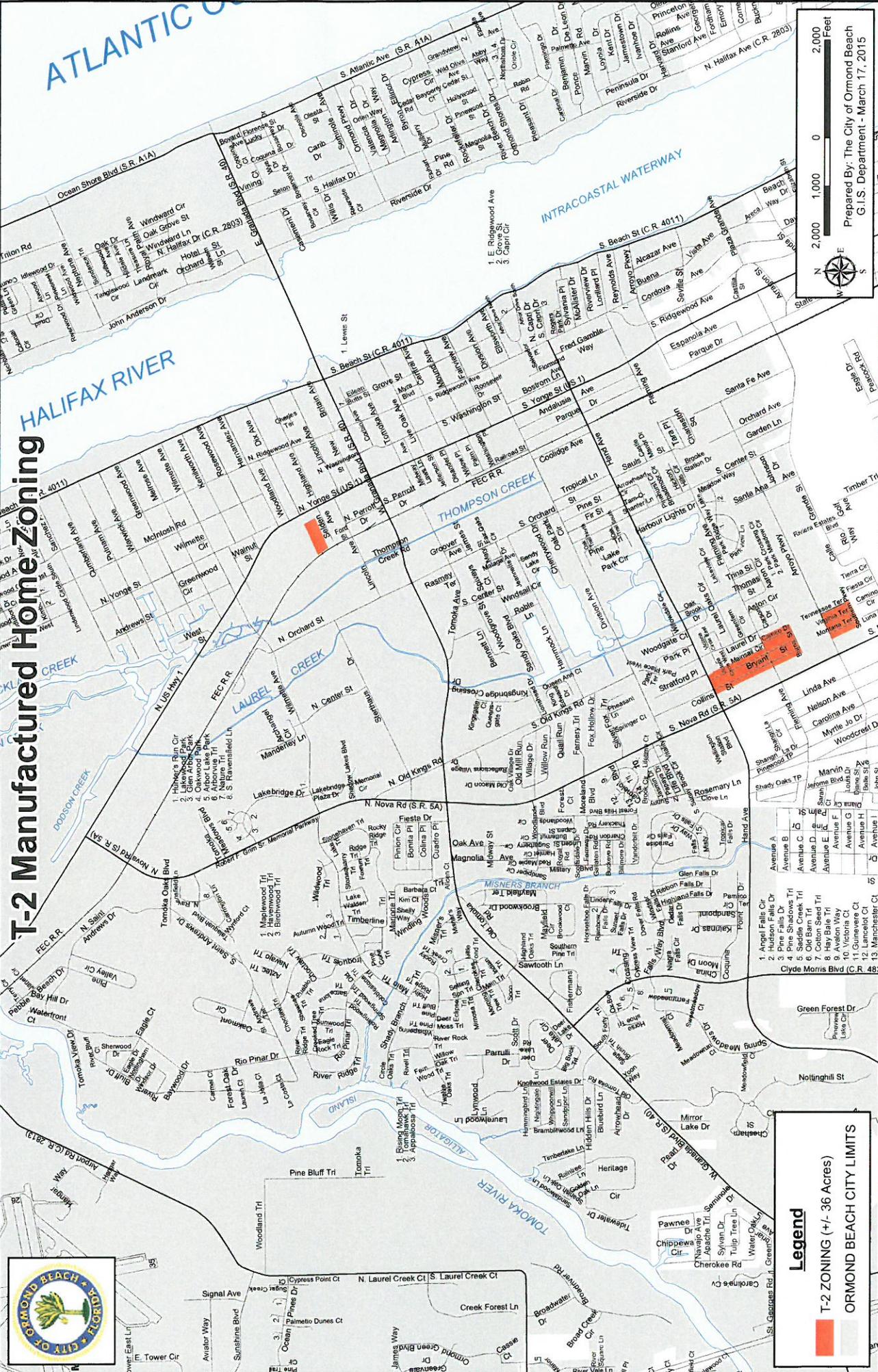
RECOMMENDATION:

It is recommended that the Planning Board **APPROVE** LDC 15-069, to amend the City's LDC as described within this report and detailed within **Attachment 3** of this report.

Attachments: Attachment 1: T-2 Zoning District Map
Attachment 2: T-1 Zoning District Map
Attachment 3: T-2 and T-1 Zoning Districts LDC amendments
(strikethrough and underline)

ATTACHMENT 1

T-2 Zoning District Map



T-2 Manufactured Home Zoning



Legend

- T-2 ZONING (+/- 36 Acres)
- ORMOND BEACH CITY LIMITS

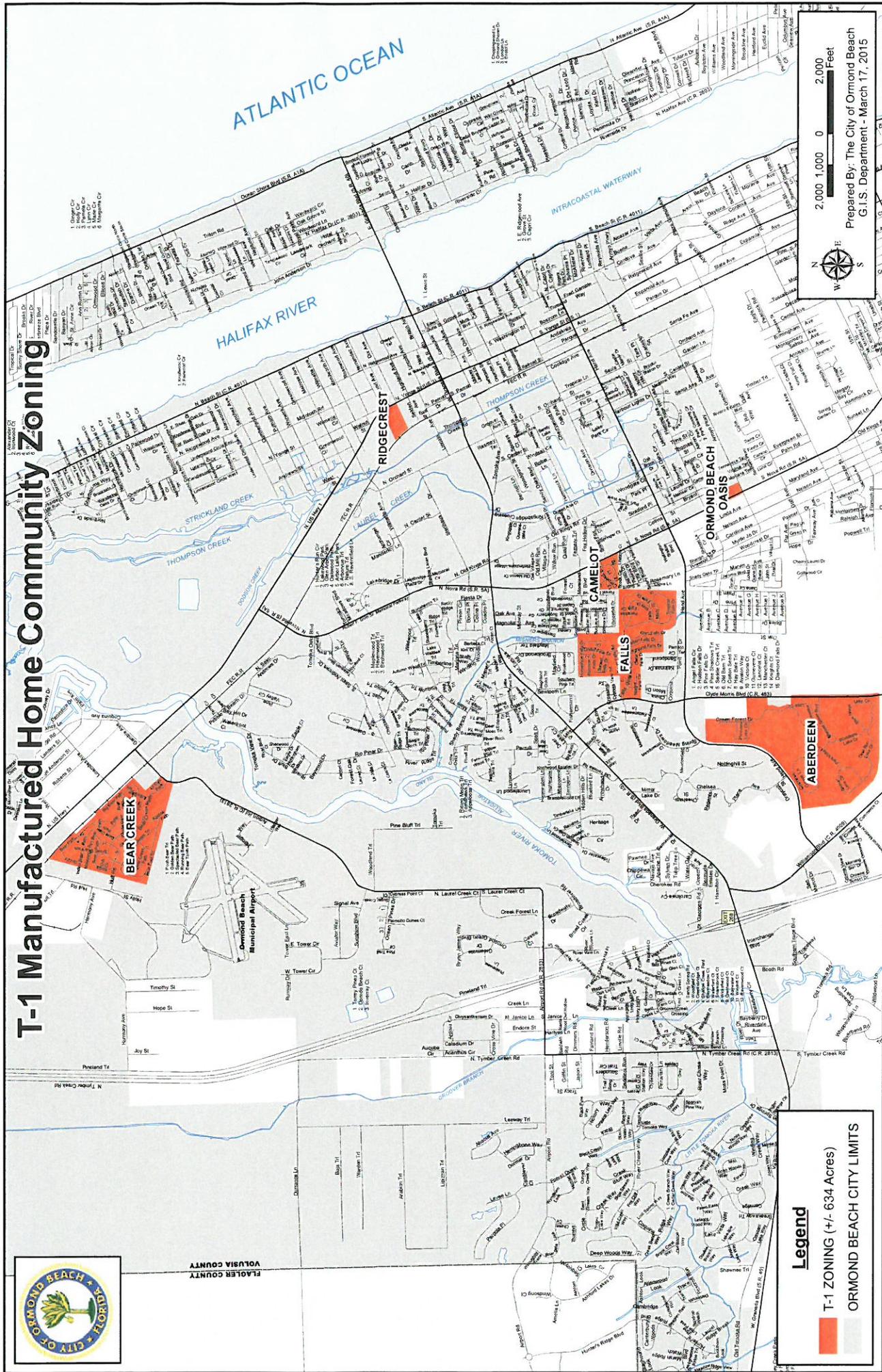
Scale: 0, 1,000, 2,000 Feet

Prepared By: The City of Ormond Beach
G.I.S. Department - March 17, 2015

ATTACHMENT 2

T-1 Zoning District Map

T-1 Manufactured Home Community Zoning



FLORIDA COUNTY
VOLUSIA COUNTY

Legend

- T-1 ZONING (+/- 634 Acres)
- ORMOND BEACH CITY LIMITS

2,000 Feet
1,000 0 2,000 Feet

Prepared By: The City of Ormond Beach
G.I.S. Department - March 17, 2015

ATTACHMENT 3

T-2 and T-1 Zoning Districts
LDC amendments
(~~strikethrough~~ and underline)

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

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

April 9, 2015

7:00 PM

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

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

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

I. ROLL CALL

Members Present

Pat Behnke
Lewis Heaster
Al Jorczak
Rita Press
Lori Tolland
Doug Thomas, Chair
Harold Briley, Vice Chair (excused)

Staff Present

Laureen Kornel, AICP, Senior Planner
Randy Hayes, City Attorney
Melanie Nagel, Recording Technician

II. INVOCATION

Mr. Jorczak led the invocation.

III. PLEDGE OF ALLEGIANCE

IV. NOTICE REGARDING ADJOURNMENT

NEW ITEMS WILL NOT BE HEARD BY THE PLANNING BOARD 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. MINUTES

March 12, 2015

Ms. Tolland moved to approve the March 12, 2015 Minutes. Mr. Jorczak seconded the motion. Vote was called, and the motion unanimously approved.

VI. PLANNING DIRECTOR'S REPORT

None.

VII. PUBLIC HEARINGS

A. LDC 15-069: Land Development Code Amendments: Deleting the Special Standards of the T-2 Zoning District for previously existing manufactured home parks and adding Special Standards to the T-1 Zoning District for previously existing manufactured/mobile home parks

Ms. Laureen Kornel, Senior Planner, City of Ormond Beach, stated this is a proposed amendment to eliminate the Special Standards of the T-2 Zoning District, and add those same Special Standards into the T-1 Zoning District. The Special Standards serve to allow replacement of manufactured/mobile homes under circumstances where the existing unit does not meet the dimensional standards of the code, as long as there is no greater non-conformity being created.

Ms. Kornel further explained that there are two sections of the code affected by the amendment. In Section 2-21, the T-2 Zoning District, the Special Standards are being proposed to be removed from this section. Since mobile home parks are not allowed under the T-2 Zoning District, the Special Standards as they are under the T-2 Zoning District do not apply. Under Section 2-20 for the T-1 District, the Special Standards are being proposed to be added in, since mobile home parks are allowed under the T-1 Zoning District. Since some of the mobile home parks were developed using County standards, Special Standards are needed to avoid unintentionally creating dimensional non-conformities when replacement units are needed.

Ms. Kornel continued that since the city annexed 500 S. Nova Road, Life Mobile Home Park, staff reviewed several permits for replacement of manufactured/mobile homes, and discovered that the proposed replacement units did not meet the T-1 dimensional standards. The Special Standards needed under the T-1 District where mobile home parks are permitted, were in fact still under the T-2 Zoning District, which is intended for individual units, rather than manufactured/mobile home parks. Typically front yard setbacks of manufacture/mobile homes are less than the 20' requirement under the T-1 Zoning District. The amendments are necessary to allow replacement of units in existing parks.

The annexation of 500 S. Nova Road is the catalyst that made staff aware of the inconsistency. Essentially some permits came into the city to be reviewed for replacement of mobile homes, and staff discovered that most mobile home communities had an existing 10'-15' setback, so the 20' setback required for the front yard under the T-1 Zoning District is inconsistent with most of the mobile home parks. Since some of the parks were developed under county standards, when replacement units are necessary, special standards are needed so that the city is not creating dimensional non-conformities. The amendment ensures that existing units

can be replaced without creating dimensional non-conformities. Staff is recommending approval.

Mr. Heaster questioned why the city didn't pick up on this issue when the annexation was being reviewed previously. Ms. Kornel explained that there were only two choices to assign to mobile home areas, and the T-2 was not intended for mobile home parks. Ms. Kornel further explained that we haven't had any permits come in for about five years to replace any homes. A new owner took over the Life Mobile Home Park, and several permits have come through the system and made staff aware of the inconsistency, and that many of the units are non-conforming. Ms. Kornel stated that since Life Mobile Home Park was just annexed in January, and the rezoning and land use are being prepared for next month's Planning Board meeting, this issue needed to be dealt with first.

Ms. Press asked if the owner of the park is replacing the homes, and then renting them out? Ms. Kornel stated that she wasn't sure who was replacing the homes. The owner could be pulling permits for other people, or the homeowners themselves could be pulling the permits.

Mr. Jorczak moved to approve LDC 15-069: Deleting the Special Standards of the T-2 Zoning District for previously existing manufactured home parks and adding Special Standards to the T-1 Zoning District for previously existing manufactured/mobile home parks. Mr. Heaster seconded the motion. Vote was taken and the motion carried unanimously (6-0).

B. LDC 15-076: Host Vendor License/Itinerant Merchant Permit Provisions

Ms. Kornel stated that Staff would like to call a vote for a continuation of this item. Mr. Jorczak asked for the reason for the continuation. City Attorney Hayes stated that he wants the opportunity to work through it, and then bring it back to the Board.

Mr. Heaster moved to continue LDC 15-076: Host Vendor License/Itinerant Merchant Permit Provisions. Mr. Jorczak seconded the motion. Vote was taken and the motion carried unanimously (6-0).

OTHER BUSINESS

None.

VIII. MEMBER COMMENTS

Chairman Thomas wanted to remind everyone about the community input meetings coming up on Saturday, April 18, and Wednesday, April 22.

Ms. Tolland gave an update on the Community Garden, which was opened two weeks ago. There are 29 raised beds, with two of them being ADA accessible. The garden was leased to the city, there has been full occupancy, and it has been a fun and pleasant event. Another big project is the environmental learning center which should be opening up next January.

Ms. Press stated that she is one of the 29 people who is benefitting from the community garden, and appreciates all of the hard work that Ms. Tolland and all of

the volunteers have done to make this happen. Ms. Press would like to see this garden concept taken further, and possibly new developments have an incentive to create an area where residents could do gardening.

Mr. Jorczak stated that he was very pleased to see the layout for the new CVS property, and it will serve the Trails, and the entire area, very well.

Mr. Jorczak also commented that he was very impressed with Commissioner Partington's letter in The Observer concerning the homeless situation. Mr. Jorczak thought his approach and presentation were excellent with respect to finding a way to solve a problem in all of our communities. Mr. Jorczak commended Commissioner Partington on taking the time to present the article, and also stated that the county is moving forward with a program to acquire land and trying to do something to get some buildings put up that can help alleviate some of the homeless issues.

Ms. Behnke stated that she is happy to see the CVS project moving forward, but was wondering what was going to happen to the old CVS building next to Publix. Chairman Thomas commented that Publix will be expanding into that part of the building.

Ms. Press commented that the Quality of Life Board has worked with the homeless in our community, and the City has donated a lot of money to the shelters. This is documented in the minutes from the last meeting of this group.

Mr. Heaster brought up that the municipalities are taking a stand on the Beach Driving issue, and he was wondering what the Board members thoughts are on the issue, and do they feel the City should make a stance on the issue to relay to the County.

Chairman Thomas believes that everyone has their opinion about driving or not driving on the beach, but that the people need to vote and have a say in the decision.

Mr. Jorczak asked if there wasn't a discussion at one time about what the city costs would be to maintain their section of the beach, versus what the county costs were. Mr. Jorczak asked City Attorney Hayes if he knew any information about the City taking back their segment of the beach. Atty. Hayes stated that the Charter Referendum that occurred back in '84 or '85 gave total control and jurisdiction to the county, and in that respect it doesn't matter what the City or anyone else says. Whether the county is willing to listen or not is a completely different issue.

Chairman Thomas asked if the City took back the beach, the county would still own the 911 number, and would that present a problem? Atty. Hayes couldn't comment on that, because he doesn't really know.

Ms. Behnke stated that she works part-time at the beach as a toll attendant, and she knows that one of the cities considered taking back their part of the beach, but found that the maintenance cost and everything involved made it cost prohibitive for one small segment. The county has done some good things for parking at the beach, as opposed to driving on the beach. But Ms. Behnke feels that it would be a

disaster to take parking on the beach away from disabled people who now have the ability to come to the beach, park their car and get out and enjoy it.

Ms. Tolland stated there are pros and cons, but when her kids were younger she wouldn't drive on the beach and she always went to an area where there was no driving, because she was terrified of her kids running out in front of a car. In that respect, she doesn't like driving on the beach, but she does understand that it is the history of this area and it is a really cool attraction.

Chairman Thomas feels that there needs to be a vote, and it needs to be decided by the people, not just seven people over in DeLand who maybe don't go to the beach.

Mr. Heaster sees an opportunity from large developments that could take this area to the next level, and if we can give some small concessions to make the numbers work and developers make the investment in our area, it would be a win-win. If we don't allow some of these big projects to happen, it could be another 10-15 years until we have these opportunities again. Mr. Heaster also sees the other side, and he goes to the beach all the time, and he values that access. But, this is a two-way street, and we need some give and take for people who are making huge investments in our area.

Mr. Jorczak stated that we have all of the waterways linked in the Central Park area, and it would be a great place for kayaking and canoeing. He stated that at Leisure Services there was a notice to rent canoes, and he had family visiting so he called Leisure Services and found out that it is a private party that rents the canoes, and you have to call and make arrangements for them to deliver a canoe. It would be great if we could offer recreation of this type from our parks.

Ms. Tolland mentioned that when she came on the Board a few months ago, there was discussion on long range plans, and she is wondering if there will be further discussion on this. Mr. Jorczak stated that the community meetings that the City Manager has planned this month are the start of the process for coming up with long range plans.

IX. ADJOURNMENT

The meeting was adjourned at 7:42 p.m.

Respectfully submitted,

Laureen Kornel, AICP, Senior Planner

ATTEST:

Doug Thomas, Chairman

Minutes transcribed by Melanie Nagel.

The Daytona Beach News-Journal

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Daytona Beach, Volusia County, Florida

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Before the undersigned authority personally appeared

Cynthia Maley

who, on oath says that she is

LEGAL COORDINATOR

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published at Daytona Beach in Volusia County, Florida; the
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L 2137501

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MAY 23, 2015

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further says that he has neither paid nor promised any person,
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Cynthia E. Maley

Sworn to and subscribed before me

This **26TH** of **MAY**

A.D. 2015

Anda A. Sweet



NOTICE OF CHANGE OF REGULATION AFFECTING THE USE OF LAND
NOTICE IS HEREBY GIVEN that the City Commission of the City of Ormond Beach, Florida, will hold a Public Hearing at 7:00 p.m. on Tuesday, June 2, 2015, in the City Hall Commission Chambers, Ormond Beach City Hall, 22 South Beach Street, Ormond Beach, Florida 32174, to consider an administrative request, to amend the Land Development Code, as follows:
ORDINANCE NO. 2015-23
AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, ARTICLE II, DISTRICT REGULATIONS, SECTION 2-21, T-2, MANUFACTURED HOME ZONING DISTRICT BY DELETING PARAGRAPH (H) SPECIAL STANDARDS AND SECTION 2-20, T-1, MANUFACTURED/MOBILE HOME ZONING DISTRICT BY ADDING SPECIAL STANDARDS TO ALLOW REPLACEMENT OF MANUFACTURED/MOBILE HOMES LOCATED WITHIN PREVIOUSLY ESTABLISHED MANUFACTURED/MOBILE HOME PARKS WITH NEW MANUFACTURED/MOBILE HOMES, OF THE LAND DEVELOPMENT CODE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE
ALL INTERESTED PARTIES are invited to appear and submit oral or written objections or comments. The failure of a person to appear during said hearing and comment on or object to the amendments, either in person or in writing, may preclude the ability of such person to contest the amendments at a later date. Copies of the amendments are available for inspection by the public in the Planning Department, Ormond Beach City Hall, 22 South Beach Street, Ormond Beach, Florida 32175.
PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, 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 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.
J. SCOTT McKEE, CITY CLERK
CITY OF ORMOND BEACH
L2137501, May 23, 2015. It