



City of New Smyrna Beach

May 14, 2011

MEMBERS OF THE LOCAL PLANNING AGENCY
PLANNING AND ZONING BOARD
New Smyrna Beach, Florida

THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION of the workshop of the LOCAL PLANNING AGENCY AND THE PLANNING AND ZONING BOARD on Monday, May 16, 2011 at 6:30 P.M.. The workshop will be beheld in the City Commission Chambers, 210 Sams Avenue, New Smyrna Beach, Florida, for consideration of the following:

ROLL CALL

DISCUSSION

- Development along State Road 44

COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

COMMENTS OR STATEMENTS BY STAFF

- Update on project list from December 2010 P/Z Workshop

ADJOURNMENT

Respectfully,

Jason McGuirk
Chairperson

cc: Mayor and City Commissioners
City Manager
City Clerk
City Attorney
Planning Manager
Planners
Members of the Press

Pursuant to Florida Statutes 286.01015, if an individual decides to appeal any decision made by the Planning & Zoning Board with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the Board Secretary listed below prior to the meeting:

Debbie Jenkins, Planning and Zoning Board Secretary
City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL 32168
(386) 424-2132

Interoffice Memorandum City of New Smyrna Beach

To: Planning and Zoning Board Members
From: Gail Henrikson, AICP, Planning Manager *GAM*
Subject: State Road 44 Development Regulations
Date: May 9, 2011

BACKGROUND AND INFRASTRUCTURE ISSUES

In November 2007, the Planning and Zoning Board held a workshop regarding future development along State Road 44 (minutes attached as **Exhibit A**). The purpose of the 2007 workshop was to identify potential commercial nodes along State Road 44, where retail and other non-residential uses should be located. The use of commercial nodes to direct development along State Road 44 is required in the Future Land Use Element of the City's *Comprehensive Plan*. However, the majority of the discussion centered on concerns raised by residents, consultants and other property owners. Those concerns related to access management, conflicts between required landscape buffers and utility easements, minimum lot size requirements and impacts from encroaching commercial development on the residential areas on the south side of State Road 44.

Following the November 2007 workshop, no further significant action was taken by staff on these issues until 2010. City staff met with representatives from FDOT in November 2010, and again in April 2011, to begin drafting a scope of work for a corridor plan for State Road 44. The draft scope of work (attached as **Exhibit B**), would address operational needs (i.e., additional signals and/or changes to signal timing); safety considerations, multi-modal options and access management.

In addition to the corridor study, other issues are also being addressed by staff and the private sector. One issue relates to the lack of available sanitary sewer service on the south side of State Road 44, between Glencoe Road and Walker Road. The City Commission held a workshop on December 14, 2010 relating to this issue. A second public information workshop was held on April 19, 2011. However, only two owners, representing the same parcel, attended that meeting. Staff will be preparing formal petitions and mailing this to affected property owners in May 2011, to formally gauge interest in creating a sewer assessment district for this area. A copy of the memo provided to the City Commission at its December 14, 2010 workshop is attached as **Exhibit C**.

The second issue relates to north/south connector roads to State Road 44. Currently, the only north/south collectors are Sugar Mill Drive, Glencoe Road and Jungle Road. However, neither Sugar Mill Drive nor Jungle Road continue south of State Road 44. This forces a majority of traffic trying to access the interstate or commercial uses onto State Road 44. City staff has been working with the representative of the property owners to extend Colony Park Road north to Otter Boulevard, which would then connect to Pioneer Trail. This item was also discussed with the City Commission at its December 14, 2010 workshop. One potential funding mechanism for the roadway extension would be for the City to use the transportation impact fees it has collected since 2007 to design and construct the road. The property owners of the Colony Park PUD, who also own the adjoining property to the north, have agreed to contribute \$50,000 towards the design of the Colony Park Road extension. A copy of the memo presented to the City Commission at the December 14th workshop is attached as **Exhibit D**.

REGULATORY ISSUES

While the issues discussed above represent infrastructure issues that must be addressed in order to allow development within the State Road 44 corridor, there are other regulatory issues contained in the City's *Land Development Regulations* (LDR), which may either discourage development or prevent it from occurring at all.

The majority of the State Road 44 Corridor, west of Mission Road, has a future land use designation of State Road 44 Corridor PUD. This land use designation requires properties to develop using the PUD format. The purpose of the PUD zoning category is to allow developers additional flexibility in planning their sites. The associated Master Development Agreement is negotiated between the developer and the City and establishes the setbacks, permitted uses, and architectural design of the buildings. Staff has been advised by the City Attorney that the PUD agreement is not a tool to be used to circumvent code requirements or prohibitions. A copy of the description of the State Road 44 neighborhood from the City's *Comprehensive Plan*, along with the description of the State Road 44 Corridor PUD land use designation, are attached as **Exhibit E**.

Almost the entire State Road 44 corridor, from Myrtle Avenue to the west city limits lies within the Corridor Overlay Zone (COZ). This overlay zone was established in the late 1980s as a compromise between the City and residents who opposed an annexation along State Road 44. The Corridor Overlay Zone provides a limited set of permitted uses along State Road 44, and is more restrictive than the list of uses permitted within the PUD zoning classification. The COZ also regulates sign size and height and specifies additional landscaping requirements. A copy of the PUD and COZ zoning regulations are attached as **Exhibit F**.

As a result of the combination of existing land use and zoning designations, development potential is extremely limited along State Road 44. Items of concern identified by staff are discussed in further detail below.

CORRIDOR OVERLAY ZONE

The intent of the Corridor Overlay Zone is to “provide regulations to ensure safe ingress to and egress from proposed development along arterial transportation corridors by reducing the number of indiscriminate driveways, maintaining the integrity of the corridor by assuring that traffic generation is consistent with the corridor’s designed capacity; lessening the possibility of hazardous traffic conditions and traffic congestion; establishing development requirements, including additional sign regulations that will create an attractive corridor entrance into the City”. The regulations were initially based on Volusia County’s Thoroughfare Overlay Zone regulations.

The regulations, which were drafted in conjunction with the city and residents in the surrounding neighborhoods, sought to limit the number of driveway cuts along State Road 44, require access to parcels from side streets, and to require enhanced landscaping and monument style signs to create a visually attractive gateway into the City.

Over the years, the City has sought to make changes to the regulations governing development along State Road 44. These changes have often been met with opposition from residents in the surrounding neighborhoods, some of whom were involved with the drafting of the original COZ regulations in the 1980s. Conversely, residents have also opposed the City’s attempts to enforce the requirement that access to sites be provided from side streets in order to limit the number of driveway cuts along State Road 44.

SETBACKS

In December 2009, the City Commission approved an amendment to the LDR that changed the front yard setback requirements in the Corridor Overlay Zone from 65 feet to a build-to line of 45-65 feet. The intent was to move buildings closer to the road, which would increase visibility for businesses and reduce the number of potential sign variance requests or the use of illegal banner signs and snipe signs to attract customers. The build-to line would still allow a development to have a drive lane in front of the business but would effectively force parking to be located to the sides or rear of the building.

Planning staff’s professional opinion is that requiring buildings to be closer to the road, rather than at the rear of a large parking lot, results in a more aesthetically attractive corridor and does have the potential to increase visibility for businesses within those buildings. However, staff also concedes that some parking may be desirable in front of the building. A typical two-way driveway adjacent to parking spaces is 24 feet in width. A typical parking space is 20 feet in depth, meaning that a total of 44 feet would be required for the driveway and one row of parking.

Additionally, a 45-foot front yard landscape buffer is required. The result is that in order to accommodate landscaping, driveway and one row of parking in front of the building, a total of 89 feet is required.

Requiring a build-to line of the north side of State Road 44 may make sense for parcels with direct frontage on this arterial roadway. The parcels on the north side of State Road 44 tend to be larger in size and do not usually abut residential developments. However, if the build-to line is increased, properties on the south side of State Road 44 may be impacted as they may not have sufficient depth to accommodate the build-to line, while still constructing a reasonably sized building. If the Board determines that changes should be made to the front yard setbacks, staff would recommend that a minimum setback of 45 feet and a maximum setback of 100 feet be established for parcels fronting on State Road 44. For parcels with no direct frontage on State Road 44, staff would recommend a minimum setback of 25 feet. These setbacks would coincide with the minimum required landscape buffers.

LANDSCAPING AND UTILITY EASEMENTS CONFLICTS

As discussed above, the Corridor Overlay Zone buffer requirements were established in the late 1980s. They are intended to preserve existing native vegetation and provide an aesthetic enhancement along one of the City's major gateway corridors. In 2008, after discussions with developers and City and Utilities Commission staff, the City Commission adopted amendments to allow the required landscape buffers along arterial and collector roads to overlap with required 25-foot utility easement. Recently, staff encountered a case where a developer initially requested that the landscape buffer be reduced because of the utility easement required by the Utilities Commission. Staff has significant concerns about lowering the City's standards along this major gateway corridor and does not recommend that any changes be made to this existing regulations regarding landscape buffers and overlapping utility easements.

PERMITTED USES

The issue of permitted uses along State Road 44 is one that will require input by the City Commission, Planning and Zoning Board and other stakeholders. The list of permitted uses in the COZ regulations was drafted in the late 1980s and does not necessarily reflect the realities of non-residential development in the 21st Century. For example, certain types of uses that would typically locate on arterial roadways, such as gas stations, fast food restaurants with drive-thrus and car dealerships, are not permitted on State Road 44 within the COZ. This means that some of these businesses are restricted to U. S. 1 or they must relocate to a different municipality.

Conversely, if currently prohibited uses are now allowed, the result may be that State Road 44 becomes indistinguishable from every other major corridor within the country. The decisions regarding permitted uses should reflect the needs and desires of the community as a whole.

Additionally, consideration should be given to what types of residential, if any, should be permitted along State Road 44. Permitting single-family and duplex development along State Road 44 may result in incompatible development when non-residential uses are proposed.

MINIMUM PUD SIZE REQUIREMENTS

In November 2008, the City Commission adopted Ordinance 62-08, which reduced minimum required lot sizes for Planned Unit Developments (PUDs). The original ordinance (85-07) would have reduced the minimum required lot size for PUDs along State Road 44 as follows:

- Non-residential: Reduce from 2-acre minimum to 0.75-acre minimum
- Residential: Reduce from 5-acre minimum to 2-acre minimum

However, surrounding residents raised concerns about the proposed PUD size reduction. The revised ordinance adopted by the Commission reduced minimum PUD sizes east of Wallace Road/Mission Road but maintained the 2- and 5-acre PUD sizes for parcels located within the State Road 44 Corridor Overlay Zone. The intent behind requiring larger lot sizes was to force smaller properties to be consolidated into one planned development; reduce individual driveway cuts onto State Road 44 and to prevent the roadway from being developed as U.S. 1 was, with a narrow strip of commercially-zoned property immediately abutting residential development, with little or no landscaping or buffers.

If the Board determines that the minimum PUD lot size be reduced, staff would recommend that regulations be established to require shared driveway access between properties and requiring corner lots to only have access from the side street. Additionally, per discussions with the Volusia County Transportation Planning Organization (TPO) and FDOT, staff would also recommend that properties on the north side of State Road 44 be required to provide an access road. The intent of these regulations is to limit the number of driveway cuts onto State Road 44 and reduce the number of vehicular trips on State Road 44 by cars going from one commercial establishment to another.

ENCROACHMENT OF NON-RESIDENTIAL USES INTO RESIDENTIAL AREAS

While staff encourages developers to work with the residents, and has arranged several meetings between developers and residents, these meetings are not mandatory. Because the area south of State Road 44 is residential in character, and because the commercial lots fronting the south side of State Road 44 are shallower than those lots on the north side of State Road 44, residents are more likely to experience impacts from non-residential development.

This situation is partially exacerbated by the minimum PUD size requirements. In order to meet the minimum size requirements, developers have been forced in the past to purchase residentially-zoned property in order to meet this

requirement. Because the block widths are smaller on the south side of SR 44, a single property owner who cannot or will not sell to a developer trying to consolidate property, can prohibit development of an entire block. Alternatively, the developer can choose to circumvent the property owner, purchase adjacent property within the residential neighborhood and move forward with development. The result is that the remnant lot, which is already zoned for commercial uses, may become undevelopable because it cannot meet the minimum required lot size for PUD development.

SUMMARY

As evidenced by the lack of new development or even redevelopment over the years, it is clear that there are many issues that may be deterring development along State Road 44. Some of these issues are related to infrastructure needs, while other issues may be regulatory in nature.

As the Board moves forward in determining what, if any, changes should be made to the regulations governing development along State Road 44, the Board must keep in mind that its recommendations will impact the City for 20 years or longer. Any proposed changes should consider the overall needs and desire of the entire community and its residents. Additionally, the changes should reflect an overall vision for how this gateway corridor should look and should incorporate the long-term economic goals of the City.

LOCAL PLANNING AGENCY
PLANNING AND ZONING BOARD
MINUTES
NOVEMBER 26, 2007

The Local Planning Agency/Planning and Zoning Board held a workshop on Monday, November 26, 2007 at the DeBerry Room, 200 Canal Street, New Smyrna Beach, Florida. Chairperson Sally Mackay called the meeting to order at 6:00 p.m.

ROLL CALL

The following members answered to roll call:

Jim Taylor
Hans Wolfer
Rick Tresher
Jason McGuirk
Thomas Wheeler

The City Commission had not yet appointed new members since the resignations of Sally Mackay and David Westerheide. Present were Development Services Director Mark Rakowski; Chief Planner Chad Lingenfelter; Recording Secretary Tammy Dickerson; Assistant City Attorney Greg McDole; and members of the public and press.

DISCUSSION

Development / Redevelopment along State Road 44

Mr. Rakowski gave an overview of the history of annexation along State Road 44 (SR 44) and the Corridor Overlay Zone (COZ) regulations.

Mr. Lingenfelter gave overview of what Comprehensive Plan says about development of SR 44.

Pam Winchester, 433 Wildwood Drive, read a letter in to the record. (See attached)

Jim Morris, 420 South Nova Road, stated that he had no objection to a 50-foot buffer. He stated that he has had discussions with the Utilities Commission (UC) on how buffers and easements can work together. He stated that Port Orange has Target and Lowe's at the back of the site with smaller uses in the front. He stated that there needs to be a corridor access plan like Port Orange. He stated that the easements and landscape buffers need to be a mutual use and not exclusive uses of the property.

Cynthia Hines, 528 Oliver Drive, stated that she likes circle nodes for retail. She stated that she doesn't want commercial driveways on local side streets. She stated that she liked

LPA/PLANNING AND ZONING BOARD WORKSHOP
NOVEMBER 26, 2007
MINUTES

landscaping in the front, office buildings facing away from SR 44 like on Dunlawton Avenue. She stated that she was concerned about easement and buffer conflicts.

Glenn Storch, 420 South Nova Road, stated that SR 44 is the gateway to the city. He stated that Planned Unit Developments (PUD) were supposed to be used and be large enough to do something with. Vision for corridor can be implemented thru landscaping and architecture. The developer needs to work with the residents during the PUD approval process. Anything that develops between Timberlane and Oliver Drive needs to fit into the neighborhood. There doesn't necessarily have to have the same intensity on the south side of State Road 44 as there is on the north side of SR 44. The intent of the COZ was to create larger, heavily landscaped buffers. If the landowner assumes maintenance and replacement costs for landscaping, that might solve the UC's conflict. He stated that any discussion needs to include landowners, neighborhoods and Volusia County.

Mr. Rakowski asked where do the nodes stop going east or west.

Mr. Storch stated that the City needs to look at how things work with the neighborhoods.

Rebecca Mangold, 2433 Lydia Way, stated her name then addressed the Board. She stated that her concerns were about traffic from commercial development coming into her neighborhood.

Bill Mangold, 2433 Lydia Way, stated his name then addressed the Board. He stated that his concerns were how traffic studies are conducted. He stated that he doesn't want business driveways on local streets. He is concerned about the loss of left turn capability from Oliver Drive at State Road 44. He stated that the commercial development would use back roads through Oliver Estates to get to Glencoe Road and State Road 44. It will be a "freeway".

Vincent Snowden, 411 Hannah Jeanne, stated his name then addressed the Board. He stated that he owns property in the Activity Center. He stated that the City needs to follow the existing plans. He stated that he was against a total ban on big box retail stores on SR 44. He stated that he understood that they might not fit in neighborhoods.

Joe Andreano, 724 Green Road, stated his name then addressed the Board. He stated that traffic studies could be more restrictive by requiring a different time/day when traffic counts are done.

Mr. Taylor read two emails into the record. (See attached.)

Nancy Gutierrez, 385 Wild Orange, stated her name then addressed the Board. She stated that she was concerned about the Giuliano development and it's 96 parking spaces. She stated that she doesn't want the driveway on Wild Orange.

LPA/PLANNING AND ZONING BOARD WORKSHOP
NOVEMBER 26, 2007
MINUTES

Mr. Lingenfelter stated that the driveway is now only on SR44.

Mr. Wolfer asked Mr. Lingenfelter whether the City had any control over FDOT changes at Colony Park and Timberlane Drive.

Keith Gerhartz, 2808 Hill Street, stated his name then addressed the Board. He stated that he supported the SR44 residents. The biggest concern seems to be access. He asked if the PUD's have a standard roadway plan. He asked what happens when parcels sizes increase or decrease.

Harry VanInderstine, 812 Wildwood Drive, stated his name then addressed the Board. He stated that before the Colony Park light was installed and Timberlane was closed, the neighbors met with FDOT about RV's and other big vehicles having to cross two lanes of traffic. He stated that FDOT said that the City was the one who located the light, not them.

Kay Whitehouse, 3338 Johio Shores Road, Ocoee, stated her name then addressed the Board. She stated that the rule is 2-acre parcels and it sounds like the neighbors don't want larger developments. She stated that she feels like she is caught in the middle. She stated that the parcel that she owns on SR44 is less than 2 acres and envisions a donut or ice cream shop on the property. She stated that it would be an improvement to what is there now.

Cynthia Hines, resident, stated her name then addressed the Board. She stated that she is not opposed to less intense development on south side of SR44 with no access on local streets. She stated that the more intense development should be on the north side of SR44.

Mr. Taylor stated that most of the properties on the north side of SR44 are in the county. He stated that a bigger buffer pushes the development back into the neighborhoods.

Chad Hutchinson, 300 Patricia Drive, stated his name then addressed the Board. He stated that there are major flooding issues in Oliver Estates. He stated that he wants to keep the small town character of his neighborhood.

Richard Spangler, 108 Lincoln Avenue, stated his name then addressed the Board. He stated that the UC's policy is for the UC staff to work with the Development Services staff to iron out these issues. When some arrangements are made between the both of them it will be brought before the UC Board. He stated that common sense would say buffers and easements should overlap.

Dale Williams, 1048 Clubhouse Boulevard, stated his name then addressed the Board. He stated that he was planning a development west of Home Depot and also at the Buddy World site at the corner of Glencoe Road and SR44. He stated that when he built

LPA/PLANNING AND ZONING BOARD WORKSHOP
NOVEMBER 26, 2007
MINUTES

William's Furniture store they worked with the neighborhood and created larger retention ponds and added a deceleration lane on SR44, even though it was not required. He stated that he wants to develop the property west of Home Depot as commercial. He has been working on landscaping, pedestrian connections and has also been working with the neighbors. Property owners need to be flexible and work with communities. He stated that he doesn't think nodes are flexible enough.

Jeff Gove, 809 SR44, stated his name then addressed the Board. He stated that he has clients on the east and west sides of Wild Orange. The properties are zoned PUD but there aren't any agreements. He stated that there are problems with access and parcel sizes. The parcel size requirement is forcing developers to buy residential land and convert it to commercial which forces it into the neighborhoods. The Comprehensive Plan says access on corner lots should be provided on local streets. This makes better planning sense than putting a driveway on SR44 between two existing intersections, which doesn't meet minimum FDOT requirements. The ideal is that properties should be combined but this isn't always economically practical especially for owners who have been paying commercial taxes for 20 years. Which rules are we supposed to satisfy?

Marvin Owens, 2452 Lydia Way, stated his name then addressed the Board. He stated that he was concerned about commercial encroachment into his neighborhood. He stated that he wasn't against development. He stated that he likes the Dunlawton plan. He stated that the traffic problem is not businesses but residents / visitors from Orlando.

Richard Abbott, 1065 Clubhouse Boulevard, stated his name then addressed the Board. He asked if the City has a written agreement with the County for development along SR44.

Mr. Rakowski stated that the City has tried unsuccessfully for years to get an agreement with the County. The county provides the city the opportunity to provide comments on projects near the city.

Mr. Wheeler stated that it would be difficult to recreate Dunlawton. The city needs deceleration lanes and concessions form UC on easements.

Mr. Tresher stated that he didn't agree with Mr. Wheeler regarding Dunlawton and would like to see a copy of Port Orange's plan He thanked the residents for coming to the workshop.

Mr. Taylor stated that he thought that the Board might need to conduct a second workshop.

Mr. Wolfer stated that he also liked the Dunlawton plan. He stated that he didn't like the strip center being built across from McDonald's on SR44. He stated that he likes nodes and thinks that Timberlane and Colony Park is a "disaster".

LPA/PLANNING AND ZONING BOARD WORKSHOP
NOVEMBER 26, 2007
MINUTES

Mr. McGuirk stated that access and encroachment into neighborhoods seems to be what neighbors are most concerned about. FDOT likes to limit curb cuts on SR44. Can we work with FDOT and residents to find a balance on this issue? If nodes are created, what goes in between nodes is critical. What is the difference, aesthetically, between stripping out SR44 in retail or having nodes with office or high density residential in between?

Mr. Rakowski stated that mainly traffic. Offices typically close at 5:00 p.m. but retail can be open at all hours of the night.

Mr. Taylor discussed the clearing being done on the Southeast Interchange property.

Mr. Rakowski summarized conflicts between what neighbors, developers want and what the Comprehensive Plan and other regulations say.

Steve Jones, 310 Wild Orange Drive, stated his name then addressed the Board. He stated that his children walk to the bus stop and he has safety concerns.

Mr. Rakowski stated that is why there should be sidewalks but the neighbors aren't in favor of that either.

Mr. Taylor stated that everyone is affected by what happens, not just the residents.

ADJOURNMENT

With there being no further business, the meeting was adjourned at 8:05 p.m.

LPA/PLANNING AND ZONING BOARD WORKSHOP
NOVEMBER 26, 2007
MINUTES

CORRIDOR 44 CIVIC ASSOCIATION
433 WILDWOOD DR.
NEW SMYRNA BEACH, FL 32168
(386) 427-7927

November 26, 2007

Planning & Zoning Commission
City of New Smyrna Beach

Good evening Planning Board members:

I'm here tonight as the President of the Corridor 44 Civic Association to give our organization's input for your consideration.

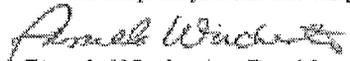
In the late 80's our organization was instrumental in the Corridor Overlay Zone's design and adoption, for the dual purpose of ensuring a green, well-designed and esthetically pleasing entrance to our city, and to protect the existing, historic neighborhoods lying on the south side of SR 44 from the negative encroachments of the developing commercial projects.

We have several specific recommendations:

1. Size of buildings – we would like to see a maximum square footage of 25,000 allowed in the COZ, which will ensure that there will be no more Big Boxes built. A Walgreens or CVS on these residential corners would destroy our neighborhood's integrity.
2. Increase the front landscape buffer requirement from the existing 35 feet to 50 feet.
3. We would like to see the largest, most intensive uses restricted to the middle of the project site nearest the traffic signal.
4. We would like to see "parking" as a use prohibited in Residentially zoned properties adjacent to commercially zoned properties within the COZ.
5. Break out the COZ & add "C" designation to the land use designations in the LDR and Comp Plan
6. Drainage is a huge problem– flooding of this area and points north and south – a watershed study and improvements should be conducted prior to the permitting of any more intensive development. When stormwater ponds are required, they shall be designed in the style of "rain gardens".
7. Eliminate certain currently allowable uses (attached)
8. When a Transportation Impact Analysis is required – it is to be paid for by the developer, but contracted out by the City.
9. Adopt design standards for development patterned after Volusia County's.
10. Limit ingress/egress onto side residential streets.

If not properly done, the wrong changes to the COZ will result in the permanent gutting of the protections as currently designed, and the destruction of the existing neighborhoods which heavily populate the south side, and the loss of any remaining naturally functioning systems, which characterize New Smyrna's unique entryway.

Please help us protect our neighborhoods and strengthen the COZ.


Pamela Winchester, President

LPA/PLANNING AND ZONING BOARD WORKSHOP
NOVEMBER 26, 2007
MINUTES

Page 1 of 1

Dickerson, Tammy

From: David [David@hollywoodbeachgolf.com]
Sent: Monday, November 26, 2007 4:12 PM
To: Lingenfelter, Chad

Mr. Lingenfelter:

I left a message for you this morning but did not hear back from you. Please submit following comments for P & Z review.

New Smyrna Beach has a unique and one time opportunity to develop the State Road 44 corridor to a standard that accentuates the charm of our city, and exceeds the aesthetics of entry ways into most municipalities. New Smyrna Beach should grasp this opportunity and not allow typical mediocrity of development standards to taint the charm of our city.

New Smyrna should be diligent in the following:

- (1) Insist set backs be at least fifty feet and bermed
- (2) Never let commercial traffic to ingress/egress from residential streets
- (3) Developers should be financially motivated to leave forested buffers intact
- (4) Pole signs should be prohibited and signage heights not to cause visual blight

Thank you for placing the comments into the record.

David Lottes
550 Timberlane Drive
New Smyrna Beach
(954) 444-9401

12/6/2007

LPA/PLANNING AND ZONING BOARD WORKSHOP
NOVEMBER 26, 2007
MINUTES

LPA/PLANNING AND ZONING BOARD WORKSHOP
NOVEMBER 26, 2007
MINUTES

Dickerson, Tammy

From: Steve Dodge [sdodge@wspress.com]
Sent: Wednesday, November 21, 2007 6:44 PM
To: Lingenfeller, Chad
Subject: DOT and meeting

Chad,

Thanks for sending the emails. I am a little confused regarding the October meeting re: the access from 44... I thought it was with DOT, but it seems it was with an engineering firm working on the FUD schema. Is that correct? Or has DOT already signed off on it?

I leave for about 6 weeks in Abaco on Friday, and will therefore be unable to attend the 26 November meeting. My principal concerns are:

1. Land area requirements should stay the same as at present in the Corridor 44 zone to avoid multiple small commercial units.
2. Access to commercial developments along 44 should be from 44. Residential streets and neighborhoods should not be damaged or destroyed by directing traffic entering or leaving commercial developments on residential streets. If it is necessary to reduce the speed limit on 44 in order to provide access to these developments, then that should be done. I understand that commercial development is going to happen, but please insulate our residential neighborhoods from it as much as is possible. I know that the DOT's primary interest is moving vehicles from one place to another, which may cause the DOT to, at times, disregard the protection of residential neighborhoods. I hope the City of New Smyrna Beach will protect our neighborhoods.

Thank you for relaying my concerns.

Best wishes to you for a pleasant holiday season.

Steve

--
Steve Dodge
White Sound Press
379 Wild Orange Drive
New Smyrna Beach, FL 32168
Direct Line 386 426-1794

SR 44 Facility Plan

DRAFT - 3/29/11

Background

SR 44 is an important east-west arterial that provides a link between Deland and New Smyrna Beach and between I-4 and I-95 in the Florida Department of Transportation District 5 (herein referred to as "the DEPARTMENT"). Developments that have been recently constructed (such as Home Depot), approved (Restoration DRI), and planned (Southeast Volusia Activity Center) are changing the operating characteristics and needs of the facility. These changes are further complicated by planned roadway connections such as the Williamson Boulevard Extension and future traffic signals (such as at Airport Road).

The City of New Smyrna Beach views SR 44 as a gateway to the City from I-95 and has a strong interest in participating in the future planning of the facility. Particular items of importance to the City include access management, future facility operations, multimodal considerations, and corridor safety. In anticipation of future facility needs, the City of New Smyrna Beach has been collecting fees from developers which have subsequently been transferred to the FDOT to be applied to corridor improvements.

The future development and roadway network changes will impact the I-95/SR 44 interchange area. While the FDOT has previously studied the interchange as part of the I-95 System Operational Analysis Report (SOAR), a review of the report shows that the land use and roadway network assumptions are no longer current. Based on analysis completed in support of the Restoration DRI and follow-up analysis completed by the FDOT it is evident that the interchange will experience operational deficiencies as the area in the immediate vicinity of the interchange builds out.

Purpose

Currently the City, County, and FDOT are only able to address needs along SR 44 one development at a time. This fragmented approach is not cost effective and can lead to a variety of implementation challenges. Having a clear understanding as to the long-range needs of the corridor will position the City, County, and FDOT such that an effective implementation strategy can be developed.

In order to assist the City in planning the future of the SR 44 corridor and to study future impacts to the I-95/SR 44 interchange area the DEPARTMENT has developed this scope of services to complete a facility plan. The scope of services uses the master *Scope of Services for Planning Feasibility Studies* developed by the Department as a basis and adds specific work tasks that are needed to meet the study purpose. The facility plan ("Plan") for State Road 44 will identify both short and long-term needs and recommend strategies pertaining to operational needs, safety considerations, multimodal options, and access management for addressing those needs. Recommendations on the necessary steps to develop needs into projects (such as concept development, cost estimating, minor design, etc) will also be provided.

Study Area

The study area, shown in Figure 1, generally consists of Pioneer Trail to the north, SR 442 to the south, SR 415 to the west, and US 1 to the east. The study corridor will be divided into three general study sections: (1) Airport Road to I-95, (2) I-95 interchange influence area ("Southeast Volusia Activity Center"), and (3) I-95 to South Myrtle Avenue.

EXHIBIT B (CON'TD)



Within Study Section 1, the land surrounding SR 44 is largely undeveloped; however, much of the land has been annexed into the City of New Smyrna Beach and designated for a variety of commercial and residential uses. Future signalization has already been identified for SR 44 at Airport Road as well as SR 44 with the Williamson Boulevard Extension (a temporary signal will also be constructed on SR 44 at the access to the Shoppes at Coronado). The addition of these signals will begin to change the character of SR 44 from an uninterrupted four-lane highway to more of an urban arterial facility.

Within the immediate vicinity of the I-95 interchange with SR 44 (Section 2), the City of New Smyrna Beach has identified a commercial activity center as part of their future land use plans. The development of the Shoppes at Coronado in the northwest quadrant of the interchange is a first component of this future activity center. Gardens 207 is another sizeable residential and commercial development being planned in the northeast quadrant of the interchange. Also, prior to entering into its second phase, the Restoration DRI (southwest of interchange) is required to extend Williamson Boulevard to connect to SR 44 west of the I-95 interchange, which will add significant traffic within the interchange area. These and other potential future development will impact the operations of the I-95 interchange at SR 44.

Within study Section 3, east of I-95, there are a variety of existing uses that are generally low-density in character and opportunities for additional infill and re-development. Some of the land on either side of SR 44 is under Volusia County jurisdiction and therefore requires intergovernmental coordination. According to City staff, consideration is also being given to the redevelopment of parcels adjacent to the Florida East Coast Railway into a transit oriented development. Within this section, key issues will be intersection improvement needs, modifications to the SR 44 roadway cross-section to facilitate multi-modal travel, and access management needs.

Work Tasks

The following specific tasks are within the scope of the Plan:

| <u>Task</u> | <u>Description</u> |
|-------------|----------------------------------|
| 1.0 | Administration |
| 2.0 | Data Collection and Plans Review |
| 3.0 | Existing Conditions Analysis |
| 4.0 | Future Volume Forecasts |
| 5.0 | Future Conditions Analysis |
| 6.0 | Corridor Recommendations |

Task 1.0: Administration

Project Status Meetings

The appropriate members of the Consultant team will attend up to three project status meetings with the FDOT Project Manager and staff to discuss project progress and status, upcoming events and activities. The purpose of these meetings is to maintain clear communication between the FDOT and the Consultant team. The Consultant will prepare and distribute meeting minutes following each of these meetings.

Project Schedule

The Consultant will prepare and submit a detailed project schedule identifying major tasks, their durations and tasks relationships. The Consultant is responsible for keeping the schedule up to date.

Invoices

Invoices shall be prepared in the format prescribed by the FDOT. When an invoice includes charges from a subconsultant, the subconsultant's invoice/backup shall accompany the Consultant's invoice. A narrative description of the work performed by the Consultant and subconsultants during the period covered by the invoice for each item in the scope shall also accompany the invoice. The narrative shall also describe the work to be performed during the next billing period.

Quality Assurance/Quality Control

The Consultant team shall designate appropriate staff to conduct Quality Assurance/Quality Control (QA/QC) reviews of all work products. Work effort for QA/QC reviews shall be addressed as part of the work effort as identified elsewhere herein, and shall be limited to five (5) percent of the work effort for each item.

Coordination with Other Consultants and Entities

The Consultant shall coordinate their work with relevant ongoing/planned projects that may be affected by the subject project.

The Department will designate a Project Manager who shall be the representative of the Department for the Project. While it is expected that the Consultant shall seek and receive advice from various state, regional, and local agencies, the final direction for the project remains with the Project Manager.

Deliverables

Work to be completed under this section by the Consultant shall require the following items to be delivered and accepted by the FDOT:

- Project Schedule (Initial and monthly updates)
- Project Administration

Task 2.0: Data Collection and Plans Review

Data collected in this task will be used for the analysis portions of the study. Of particular importance will be an understanding of the various studies that have been conducted in the area over the past five years. Understanding each of these previous studies and how they were developed is critical for capitalizing on these previous efforts in an effort to minimize conducting analyses that are redundant.

Data Collection

The following data collection activities will be completed:

- A field review to verify intersection and cross sectional geometrics. The review will also note existing pedestrian and transit facilities.
- AM (7:00 a.m. to 9:00 a.m.) and PM (4:00 p.m. to 6:00 p.m.) peak period intersection turning movement counts, including trucks, right turn on red, and pedestrian activity, at the following study intersections will be collected:
 - SR 44/Airport Road
 - SR 44/I-95 NB Ramps
 - SR 44/I-95 SB Ramps
 - SR 44/Sugar Mill Road
 - SR 44/Glencoe Road

- SR 44/Colony Park Road (Home Depot)
- SR 44/Mission Drive/Wallace Road
- SR 44/South Myrtle Avenue
- 48-hour vehicle classification 'tube' counts will be conducted at three locations in the study corridor. It is anticipated that the locations will be between Airport Road to I-95, in the immediate vicinity of the I-95 interchange area, and between I-95 and South Myrtle Avenue. This will provide one count in each of the general study sections identified for the study.
- Crash data for up to three years from the DEPARTMENT, County, and City (if available).
- Signal timing/phasing information for the study intersections.
- Existing transit data in the corridor including route information, schedules, ridership, transit facilities, and future transit plans.
- Planned and programmed roadway projects in the area. This will also include a request for any approved but unbuilt access permits on the corridor.
- Existing and future land use plans. Development commitments and planned developments.
- An electronic aerial of the study corridor to be used for a base map.
- GIS data illustrating available information within the study area.
- Basic Environmental analysis to identify any fatal flaws.
- Utility information to be obtained from a Sunshine One call and a field inspection.
- Existing right of way (ROW) maps for the corridor (to be obtained from FDOT straight line diagrams or discussions with FDOT ROW staff).
- Design plans for the future widening of I-95.

Existing Plans and Study Review

The following plans and studies will be reviewed and summarized:

- Applicable elements of the County and City Comprehensive Plans.
- Southeast Volusia Regional Transportation Study (SEVRTS). ZDATA and model files used in the study will be provided to the CONSULTANT.
- 2035 Long Range Transportation Plan (LRTP). ZDATA and model files used in the study will be provided to the CONSULTANT.
- Planned or in-process development projects significantly impacting the corridor, including:
 - Woodhaven Comprehensive Plan Amendment Analysis.
 - Shoppes at Coronado Traffic Impact Analysis (TIA).
 - Gardens 207 TIA.
 - Restoration Development of Regional Impact Traffic Analysis.
- FDOT District 5 System Operational Analysis Report (SOAR) for I-95.

Approved capacity, multimodal, and enhancement plans by the FDOT, County, and City will also be reviewed and summarized.

Base Map Development

Using the data collected as part of this task, the Consultant will prepare a base map over an aerial background. The map will show key features such as: right of way information, the identification of existing and approved developments, the location of multimodal facilities, and basic environmental information.

Meetings:

- Kick-off meeting with the CONSULTANT, the DEPARTMENT, County, City, and the Volusia TPO.
- One status meeting with the DEPARTMENT and City to review data collection activities and progress.

Deliverables:

- Memorandum summarizing data collection activities.
- Base map.
- Meeting minutes.

Task 3.0: Existing Conditions Analysis

The purpose of this phase is to use the data collected in Task 2 to assess the existing conditions of the corridor. For this analysis 2011 will be assumed as the 'existing' year. Any data collected in earlier years will be factored to 2011. This analysis will serve as a baseline for future year comparisons. Information will be presented in the three general study sections of the corridor: (1) Airport Road to I-95, (2) I-95 interchange influence area ("Southeast Volusia Activity Center"), and (3) I-95 to South Myrtle Avenue.

The following existing conditions analyses will be completed for the study corridor:

- A facility/roadway level of service analysis using 2000 Highway Capacity Manual (HCM) methodologies will be completed for the study corridor. The analysis software (HCS, Synchro) will be confirmed with the DEPARTMENT prior to beginning the analysis.
- A LOS and volume to capacity analysis of the signalized intersections using 2000 Highway Capacity Manual (HCM) methodologies will be completed. The analysis software (HCS, Synchro) will be confirmed with the DEPARTMENT prior to beginning the analysis.
- A review and summary of the existing transit data in the corridor including route information, schedules, ridership, transit facilities, and future transit plans collected in Task 2.
- A LOS for pedestrians, bicyclists, and transit using the NCHRP 3-70 multimodal level-of-service (MMLOS) methodology. This methodology builds upon previous research conducted for the FDOT and generally represents the state of the practice.
- An existing conditions crash assessment using crash rate and frequency. All pedestrian and bicycle crash locations will be mapped and summarized.
- Summary of design traffic characteristics (K, D, and T factors).
- An access management summary of the facility showing existing access spacings and how the spacings compare to FDOT access management standards.

Meetings:

- One status meeting with the DEPARTMENT, County, City, and the Volusia TPO to review the existing conditions analysis and progress.

Deliverables:

- Memorandum summarizing existing conditions analysis.
- Map showing access management summary.
- Meeting minutes.

Task 4.0: Future Volume Forecasts

The Southeast Volusia Regional Transportation Study (SEVRTS) was a collaborative study funded by the City of New Smyrna Beach, the City of Port Orange, the City of Edgewater, and Volusia County to identify the long range transportation needs in the area. A significant amount of effort was expended to identify the potential land uses in and around SR 44 to develop a more appropriate model for the

EXHIBIT B (CON'TD)

2025 horizon year. Since that time, the Volusia TPO has completed its 2035 Long Range Transportation Plan (LRTP) which required input from the City of New Smyrna Beach with regard to future development. The data from both studies will be compared, discrepancies will be identified, and refinements will be proposed. Table 1 summarizes the scenarios that will be developed, the types of analyses to be conducted, the network and land use data that will be used in developing future volume forecasts.

Table 1: Summary of Analysis Scenarios and Study Elements

| Scenarios | Land Use | Roadway Network | Study Elements |
|---|--|---|-------------------------|
| Existing (2011) | Base CFRPM grown to 2011 conditions (subarea model) | Base model network including any changes to reflect 2011 conditions | OPS, AM, INT, S, MM |
| 2016 (short term) | Subarea model with addition of approved and in-process development as agreed by agencies | Subarea network with programmed improvements | OPS, AM, INT, FT |
| 2035 (long term) | Future CFRPM | 2035 LRTP Cost Feasible | OPS, AM, INT, S, MM, FT |
| | Alternative land use (based on SEVRTS) as agreed by agencies | Alternative network (based on SEVRTS) as agreed by agencies | OPS, AM, INT, S, MM, FT |
| OPS = Operational Analysis; AM = Access Management; INT = Interchange Analysis; S = Safety Analysis; MM = Multimodal Analysis; FT = Facility Transition | | | |

Specific steps in developing the future volume forecasts will consist of:

- Compare the ZDATA from the SEVRTS model against the ZDATA used in the 2035 LRTP and compare the SEVRTS roadway network in the vicinity of SR 44 against the roadway network used in the 2035 LRTP. Discrepancies will be identified and refinements proposed. In the I-95 and SR 44 interchange area, the recommendations from the SEVRTS and the 2035 LRTP will also be compared to the FDOT I-95 SOAR.
- Compare the volume projections from the SEVRTS, the 2035 LRTP, and the Restoration DRI traffic analysis to understand the variation in volume forecasts and the reasons behind such differences. In the I-95 and SR 44 interchange area, the volume forecasts recommendations and any network recommendations from the SEVRTS and the 2035 LRTP will also be compared to the FDOT I-95 SOAR.
- Use the adopted CFRPM 5.0 model to obtain future forecasts for the SR 44 corridor within the study area (see Figure 1). A subarea model will be prepared and calibrated to the base year of 2005 using traffic count information available from the FDOT and the County. A meeting will be held with the DEPARTMENT, County, City, and the Volusia TPO to verify the model assumptions and receive acceptance of the base year model before moving forward with volume forecasts. Using the approved subarea model, prepare traffic volumes for 2016 and 2035. Daily volumes will be shown graphically. AM and PM peak-hour turning movement projections for the study intersections will also be created.
- For the year 2035, prepare an alternative land use and network scenario. The ZDATA and network data reviewed above, with a focus on the data used in the SEVRTS, will be used in preparing the alternative scenario. A decision will need to be made regarding the desired alignment of the

Williamson Boulevard extension (either the County's desired alignment or the Utilities Commission of New Smyrna Beach's (UCNSB) general proposed alignment). A meeting will be held with the DEPARTMENT, County, City, and the Volusia TPO to verify the assumptions and receive acceptance of the alternative scenario before moving forward with volume forecasts.

Meetings:

- A meeting will be held with the DEPARTMENT, County, City, and the Volusia TPO to verify the model assumptions and receive acceptance of the base year model before moving forward with volume forecasts.
- One status meeting with the DEPARTMENT, County, City, and the Volusia TPO to review the future volume forecasts and progress.

Deliverables:

- Prepare a memorandum summarizing the assessment of the SEVRTS model, the 2035 LRTP, and the FDOT I-95 SOAR that focuses on the assumed roadway network, the ZDATA used in each model, and the future volumes predicted by each model. The memorandum will also summarize the steps taken to create the subarea model using the CFRPM 5.0.
- Prepare a draft memorandum summarizing the final volume scenarios.
- Meeting minutes.

Task 5.0: Future Conditions Analysis

The future conditions analysis will be conducted for both a short term (2016) and long term (2035) horizon. Study elements to be included in the analysis include: operational analysis, access management, safety, multimodal, and facility transition. Table 1 shows the study elements that will be completed for the analysis. A description of the study elements follows.

Operational Analysis

- A facility/roadway level of service analysis using 2000 Highway Capacity Manual (HCM) methodologies will be completed. Particular focus will be paid to the following areas where the characteristics of the roadway change or may change in the future:
 - Section 1: Airport Road to I-95 interchange – Transition from uninterrupted flow facility to suburban arterial due to potential signals at SR 44/Airport Road, SR 44/Williamson Boulevard Extension, and SR 44/Shoppes at Coronado shopping center access.
 - Section 2: I-95 interchange area – The analysis of this area will be covered under a different section of the scope.
 - Section 3: East of I-95 interchange – Greater emphasis on multimodal considerations and potential for traffic signal optimization.
- A LOS and volume to capacity analysis of the signalized intersections in the study area using 2000 Highway Capacity Manual (HCM) methodologies will be completed. A detailed review of interchange operations is presented in more detail below.

Access Management Strategies

Driveway and median opening spacing are always critical for the purposes of enhancing both the operational and safety aspects of a corridor. West of I-95, the vast majority of the property is undeveloped and the ability to meet the desired access management spacing criteria is more likely. East of I-95 a greater amount of property is developed and the typical challenges associated with trying to meet the access management criteria exist. Data collected in Task 2 consisting of approved and

proposed driveway connections and approved and proposed traffic signals and median modifications will be used to prepare future condition alternatives (a maximum of two alternatives). Pertinent comprehensive plan policies, land development code sections, and ordinances will also be reviewed and considered in the formation of alternatives. Meetings with the DEPARTMENT, County, City, and the Volusia TPO to review the access management strategies will be conducted. Specific tasks to be completed include:

- Develop two draft alternatives for an access management plan for the corridor. It is anticipated that one of the plans will be based on the existing access classification and one of the plans will be developed with input from the County, City, and the Volusia TPO to account for potential changes in the character of the corridor.
- Prepare one final access management plan and supporting technical memorandum based on feedback from the meeting with the DEPARTMENT, County, City, and the Volusia TPO.

Meetings:

- A meeting will be held with the DEPARTMENT, County, City, and the Volusia TPO to discuss considerations for evaluating access management strategies. Items to be discussed include future development proposals, approved driveway connections, current and potential safety concerns, FDOT plans relating to access management, City and County codes and ordinances that affect options that can be considered, and any other known issues.
- One status meeting with the DEPARTMENT, County, City, and the Volusia TPO to review the draft access management plans and select a final plan.

Deliverables:

- Two alternatives for an access management plan for the corridor.
- A final access management plan for the corridor.
- A draft and final memorandum containing supporting documentation for the access management plans.
- Meeting minutes.

SR 44/I-95 Interchange Analysis

Within the immediate vicinity of the I-95 interchange with SR 44 (Identified as Section 2), the City of New Smyrna Beach has identified a commercial activity center as part of their future land use plans. The development of the Shoppes at Coronado in the northwest quadrant of the interchange is a first component of this future activity center. Gardens 207 is another sizeable residential and commercial development being planned in the northeast quadrant of the interchange. The future Phase 2 of the Restoration DRI (southwest of interchange) is required to extend Williamson Boulevard to connect to SR 44 west of the I-95 interchange, which will add significant traffic within the interchange area. These and other potential future development will impact the operations of the I-95 interchange at SR 44. To assess these impacts, the following tasks will be completed:

- A LOS and volume to capacity analysis of the intersection area from Williamson Boulevard to Sugar Mill Drive will be completed. Synchro will be used to provide a more 'system' based analysis.
- Review the design plans for the I-95 widening project and determine the width available under the bridge to accommodate SR 44.
- Identify turn-lane needs and the transition of lanes between the interchange and SR 44 west and east of the interchange.
- Compare the results of the analysis with the results in the FDOT I-95 SOAR study.

Meetings:

- One status meeting with the DEPARTMENT, County, City, and VOTRAN to review the draft analysis results and summary memorandum.

Deliverables:

- A draft and final memorandum containing supporting documentation for the interchange analysis.
- Meeting minutes.

Multimodal Analysis

In addition to the consideration of vehicular travel, planning in the SR 44 corridor should address pedestrians, bicyclists, and transit. Specific tasks to be completed include:

- A review and summary of planned transit operations and facilities in the corridor. VOTRAN will be contacted to provide any planned changes in the corridor.
- A review and summary of planned bicycle and pedestrian facilities in the corridor. The DEPARTMENT, County, City, and the Volusia TPO will be contacted to provide any planned changes in the corridor.
- A LOS for pedestrians, bicyclists, and transit using the NCHRP 3-70 multimodal level-of-service (MMLOS) methodology.
- Provide guidance relative to how multimodal facilities can be enhanced or provided along the corridor (such as the potential addition of bike lanes, shared-use paths, or shoulders). Specific attention will be given to connecting to existing facilities and the transition of such facilities through the interchange.
- The planned and in-process developments identified in Task 2 will be assessed to evaluate the potential to increase transit demand on the corridor. Based on the assessment, potential transit facilities to serve those developments will be presented.

Meetings:

- One status meeting with the DEPARTMENT, County, City, and VOTRAN to review the draft analysis results and summary memorandum.

Deliverables:

- A draft and final memorandum containing supporting documentation for the multimodal analysis. It is anticipated that this memorandum will also contain the summary of the safety analysis.
- Meeting minutes.

Safety Analysis

The recently released AASHTO Highway Safety Manual (HSM) and other sources such as the FHWA CMF Clearinghouse contain methodologies and procedures that can be used to assess changes in crash frequency for various operational and geometric treatments along a corridor. One of the primary benefits of the resources currently available is that future alternatives (such as the impact of widening a facility from four to six lanes) can be compared from a safety perspective. Specific tasks to be completed include:

- Determine availability of historical crash data (maximum of 3 years).
- Assess recent (within last 3 years) geometric changes or modifications to the corridor that may have influenced historical crash data.
- Conduct a literature review to assess the availability of safety performance functions (SPFs) and crash modification factors (CMFs) for conditions in each analysis scenario.

- Conduct a safety assessment using the Highway Safety Manual and the FHWA CMF Clearinghouse. This assessment will be used to evaluate the impact six-laning SR 44 may have on crash frequency. This analysis will be done for the 2035 no-build and one 2035 build condition.

Meetings:

- It is anticipated that the results of the safety study will be presented as part of a different meeting (i.e. a separate meeting will not be required for this task).

Deliverables:

- A draft and final memorandum containing supporting documentation for the safety analysis. It is anticipated that this memorandum will also contain the summary of the multimodal analysis.
- Meeting minutes.

Facility Transition

West of the I-95 interchange, SR 44 currently operates as an uninterrupted rural highway. The planned and potential developments in the area will likely result in the request for additional traffic signals between Airport Road and the interchange area. This will result in the operation of the facility changing to an interrupted rural arterial. Specific tasks to be completed include:

- Evaluate the future facility characteristics to determine if the facility may need to be reclassified in the future.
- Coordinate with the Department staff and other impacted agencies (such as the County, City, and/or TPO) to determine the needed actions to reclassify the facility.

Meetings:

- It is anticipated that the results of the facility transition analysis will be presented as part of a different meeting (i.e. a separate meeting will not be required for this task).

Deliverables:

- A draft and final memorandum containing supporting documentation for the facility transition analysis. It is anticipated that this memorandum will also contain the summary of the multimodal and safety analysis.

Task 6.0: Corridor Recommendations

Based on the outcomes of Tasks 1 through 5, a corridor plan showing recommended improvements will be prepared. The Plan developed by will provide for short and long-term strategies pertaining to operational needs, safety considerations, multimodal options, facility transition, and access management. Recommendations on the necessary steps to develop needs into projects (such as concept development, cost estimating, minor design, etc) will also be provided. The Plan will also document the assumptions made about future development. A draft final report which incorporates all technical memorandums will be prepared and submitted for review. Review comments will be incorporated and a final report will be prepared. Specific tasks to be completed include:

- Prepare a corridor plan showing recommended improvements
- Prepare a draft final report which incorporates all technical memorandums and any other pertinent information addressed during Tasks 1 through 5 but not included in the technical memorandums.
- Prepare a final report based on comments and feedback obtained from the meeting.

Meetings:

- One status meeting with the DEPARTMENT, County, City, and the Volusia TPO to review the draft report and comments.

Deliverables:

- The CONSULTANT will prepare a draft report with necessary graphics for the DEPARTMENT's review. Following receipt of comments, the final report will be prepared. Five (5) hard copies plus an electronic copy of the final report will be provided.
- Meeting minutes.

DRAFT

Interoffice Memorandum City of New Smyrna Beach

To: Pam Brangaccio, City Manager
From: Gail Henrikson, AICP, Planning Manager
For: New Smyrna Beach City Commissioners
Subject: **STATE ROAD 44 SEWER ASSESSMENT DISTRICT**
Date: November 30, 2010

BACKGROUND

Since 2006, staff has been approached by several developers and property owners along the south side of State Road 44, who wish to develop their properties. To date, four site plan applications and three rezoning applications have been submitted for projects on the south side of State Road 44, between South Glencoe Road and Walker Road. Two of the rezoning requests and two of the site plan applications have been approved.

One of the largest development challenges facing property owners in this particular area of the City is a lack of sewer infrastructure. While sanitary sewer lines are in place on the north side of State Road 44, there are no sanitary sewer lines along the south side of State Road 44, east of Glencoe Road. Until this issue is resolved, new projects in this area must either be built using septic systems or must be placed on hold until the required sewer infrastructure is installed. Several projects are ready to move forward but are waiting, pending resolution of this issue.

The owner of property between Timberlane Drive and Wildwood Drive has paid for preliminary design for the sewer system on the south side of State Road 44. Per information from the Utilities Commission staff, the plans are approximately 90% complete. The estimated cost of installing the entire sewer line, between Glencoe Road to just east of Wild Orange Drive, is approximately \$500,000, including the remaining design work. However, the project could be completed in phases. The first phase, which would serve the proposed ABC Fine Wine and Spirits retail facility, would include a lift station, and would tie into the existing sewer line on the north side of State Road 44 at the Home Depot site. The estimated cost of this first phase is approximately \$370,000.

CURRENT STATUS

Typically, extensions of water and sewer lines to service commercial developments are constructed as part of a five-year or longer capital improvements program established by a local government. If no infrastructure improvements are planned during the five-year period, a developer would then pay to install the required lines. Typically, a municipality would enter into a "pioneer agreement" with the developer installing the line, which would allow the municipality to collect a proportionate share payment from other developments that benefitted from the improvement. This reimbursement would then be returned to the developer who originally installed the lines.

In this particular instance, because the City does not provide utility services, the Utilities Commission would enter into the "pioneer agreement" with the developer installing the line. The Utilities Commission would collect the proportionate share payments from future developers who utilized the line and would reimburse the developer who initially installed the line. One concern cited by Utilities Commission representatives is that Section 217 that the City Charter currently limits the length of these agreements to four years. However, the City Charter allows the Utilities Commission to enter into longer contracts if approved by ordinance by the City Commission.

As an alternative to a "pioneer agreement", the City Commission could create a sewer assessment district. An assessment, usually based upon lineal frontage of the properties being served, is charged to each property owner. The City could either front the cost of the work up front and be reimbursed through the assessments or, the City could wait until the assessment fees were collected to complete the work.

Per Article VII, Section 74-241 of the City's Code of Ordinances, authorizes the City Commission to establish special assessment service district to provide public services which are essential to the City. If the City Commission determines that a general public benefit is, or will be, derived from the proposed services, the Commission may authorize payment for the service from the general fund of the City, or any other applicable fund. Assessment districts are adopted by ordinance and assessments are collected via a non-ad valorem assessment.

FUTURE ACTIONS

Staff is requesting direction from the City Commission on the following:

1. Should staff move forward with an ordinance to create a sewer assessment district;
2. If an assessment district is created, should the City should fund the cost of sanitary sewer upfront or wait until the assessments have been collected;
or
3. Should the first developer be required to enter into a "pioneer agreement" with the Utilities Commission to pay for the cost of installing the sewer line,

with the UC collecting payments from future developments and reimbursing the first developer. If a "pioneer agreement" is the preferred financing mechanism, what length of time should the agreement be for, to ensure that the first developer is able to recapture most of the initial investment.

Interoffice Memorandum

City of New Smyrna Beach

To: Pam Brangaccio, City Manager

From: Gail Henrikson, AICP, Planning Manager

For: New Smyrna Beach City Commissioners

Subject: ROADWAY IMPROVEMENTS / EXTENSIONS

Date: December 6, 2010

As the City plans for development along the State Road 44 corridor, attention must also be given to the roadway improvements that will be required to support new projects.

Per the 2010 Concurrency Management Report, there are currently no roadway segments within the City that are failing. However, the draft of the Southeast Volusia Regional Transportation Study (SVRTS), completed in January 2008, indicates that a segment of State Road 44, between Venetian Bay and Interstate 95, will begin experiencing capacity issues by the year 2030. The severity of these capacity issues will depend upon other roadway improvements constructed within New Smyrna Beach and surrounding incorporated and unincorporated areas and the rate of development in these areas.

In cities to the north of New Smyrna Beach, there is a grid-system of interconnected east/west and north/south roads. Examples of east/west roads would include Dunlawton Avenue, Beville Road, and State Road 40. North/south roads would include Nova Road, Clyde Morris Boulevard, Williamson Boulevard and Airport Road. In New Smyrna Beach, the primary east/west roads are Pioneer Trail and State Road 44. The primary north/south roads are U.S. 1 and Airport Road. Because State Road 44 is the primary east/west route into and out of the City, the majority of residents are forced to use State Road 44 in order to access most points west of U. S. 1.

Development of a gridded network of roads can help reduce congestion on State Road 44, freeing up capacity for future development, reducing the need for roadway improvements to provide additional capacity, and providing residents with alternative routes. This is particularly important during weekends, holidays and special events when State Road 44 experiences unusually high levels of congestion. City staff met with FDOT representatives in November 2010 to begin

discussions regarding a corridor study for State Road 44. The study, which would cover the area between the western City limits and Mission Drive, would create a plan for future signalization, median cuts, and access management in this area.

One possible additional east/west route would be Paige Avenue. The City will be putting out a bid request for proposals to pave the portion of Paige Avenue between Mission Drive and the New Smyrna Beach Regional Shopping Center. However, the remainder of Paige Avenue is unpaved and is even impassable in parts as bridges have deteriorated and not been replaced. Additionally, there is likely to be strong resident opposition to any attempt to pave Paige Avenue to create a viable east/west route between Mission Drive and Glencoe Road.

Possible north/south connectors include Glencoe Road, Williamson Boulevard and Colony Park Road. Currently, Glencoe Road is a two-lane rural road, which runs between Pioneer Trail on the north, across State Road 44, and south to Taylor Road. A traffic signal will be constructed at Glencoe Road and State Road 44 in FY 10/11. However, the current design of this road makes it unlikely that it can be successfully incorporated into a gridded network without significant modifications to its layout and design.

The extension of Williamson Boulevard from Airport Road to Pioneer Trail is likely to begin within the next year or two. This segment will be constructed by the developer of the Woodhaven parcel on the north side of Pioneer Trail. The extension will be four lanes and will terminate on the north side of Pioneer Trail, just west of Interstate 95. The portion of Williamson Boulevard between State Road 44 and State 442 in Edgewater is programmed for construction between FY 25/26 and FY 29/30, with an estimated cost of \$27.6 million. This segment would also be a four-lane road. The missing segment between Pioneer Trail and State Road 44 is not scheduled to be constructed until sometime between FY 30/31 and FY 34/35. This segment, which would be a two-lane road, is estimated to cost \$15.6 million. The road would run primarily through lands currently owned by the Utilities Commission and to date, there is not yet final agreement between the City, Utilities Commission and Volusia County as to the final alignment of that roadway.

Colony Park Road, immediately east of the Home Depot site, is scheduled to be extended from its current terminus to Pioneer Trail between FY 25/26 and FY 29/30. This roadway segment is approximately 0.7 miles in length and is estimated to cost, by Volusia County projections, \$4.2 million. City staff has recently been contacted by a representative of the property owner about the possibility of constructing this extension of Colony Park Road within the next one to five years. Estimates from the project engineer estimate that a two-lane road, utilizing a swale drainage system, could be designed and constructed for approximately \$600,000 – far below the County estimate of \$4.2 million. A map showing the approximately location of the proposed extension is shown below.

The need for the roadway extension stems from this property owner's desire to develop the site with approximately 200,000 – 300,000 square feet of office and retail space. As part of the discussions with City staff, the property owner's representative has indicated that the land immediately to the east and north of Home Depot could be annexed into the City, which would allow the entire Colony Park Road Extension right-of-way to be developed in the City.

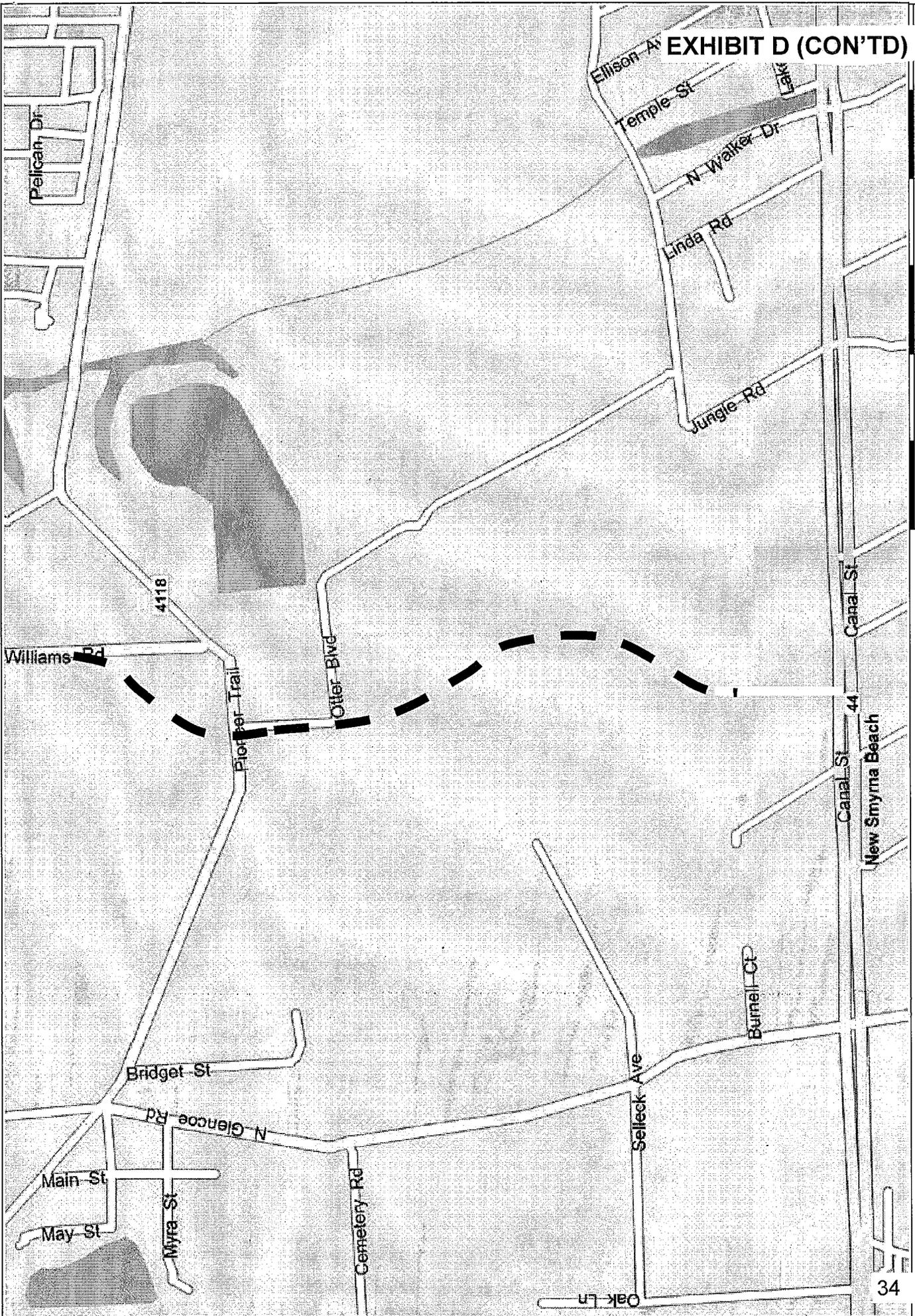
The question of how to fund future roadway improvements will be a key component of assisting development along this corridor. In the case of the Colony Park Road extension, if the future right-of-way were entirely within the City limits, the City could create an assessment district, similar to a sewer assessment district, for construction of the road. The City would then be responsible for construction of the road. Financing could come either through up-front collection of assessments of the adjacent property owners or, the City could front the costs of construction with general fund revenues and be reimbursed by collection of the assessments.

A second alternative would be to use City transportation impact fees to construct the road. According to information from the finance department, there is approximately \$684,389 in this account. Transportation impact fee funds must be used solely for the purpose of city owned-capital improvements to and expansion of the transportation network. These improvements have to be required to support new development. Funds must be spent within six years of being paid to the City. The City ordinance went into effect on February 19, 2007, meaning that the City has until February 19, 2013 to begin spending these monies.

A third alternative is for the property owner to create a Community Development District (CDD) to construct the roadway, utility and other improvements and amenities in this area. A CDD is essentially a special assessment district that is created by the property owners, and approved by the City and the State of Florida. CDDs can issue bonds to finance infrastructure and other improvements. Each property owner is then taxed for repayment of these bonds. Currently, no CDDs are located within New Smyrna Beach. However, the Indigo Community Development District in Daytona Beach is a CDD which was created in 1995 to provide improvements for the Indigo Lakes subdivision.

RECOMMENDATION

At this time, staff is requesting direction from the City Commission regarding the extension of Colony Park Road. Specifically, whether the City Commission wishes to participate in the roadway extension and, if so, which funding mechanism would be preferred by the Commission.



0 mi 0.2 0.4 0.6

environmental feature, along with the semi-rural location, requires large lots, surface water retention areas, limited impervious surfaces, and a central sewer system rather than septic tanks.



STATE ROAD 44 CORRIDOR

The State Road 44 corridor is a collection of annexed land parcels containing vacant land, single-family dwelling units and a variety of commercial business establishments. Development is most heavily concentrated at the Mission Drive and Wallace Road intersections. Existing commercial uses include two (2) major shopping centers. Of these two shopping centers, one is displaying signs of decline, although exterior renovations were recently completed on a portion of the building. The second shopping center, which is located further west along State Road 44 is currently thriving. However, the proposed construction of a Super Wal-Mart store west of Interstate 95 will have significant impacts on the vitality of this center, which includes a smaller Wal-Mart store that will close once construction of the new building is complete. Wal-Mart, as well as a Publix supermarket, are the two anchors of this shopping center. No plan has been developed to address the issue of what will occur with the space within the shopping center that will be vacated by the existing Wal-Mart store.

A narrow piece of land, which was formerly a Florida East Coast Railway right-of-way, but which is currently owned by the Utilities Commission, City of New Smyrna Beach, is occupied by electric transmission lines and encroaches on the neighborhood.

Mission Drive was widened from two (2) lanes to four (4) lanes in 1998. This improvement extended from State Road 44 southward to intersect with Old Mission Road and continued to Josephine Street. Eventually, Josephine Street and 10th Street will be completely widened to four (4) lanes providing a four (4) lane improvement from Josephine Street easterly to intersect with US Highway 1. Thus, traffic will be able to move more freely to uses concentrated at the State Road 44 corridor. This is particularly important as the State Road 44 corridor experiences significant traffic congestion from out-of-town beach-goers, particularly during weekends and holidays.

Clustering commercial uses at this intersection of arterial and collector roads is preferable to strip commercial development because it shortens travel distances, reduces the number of driveways and turning movements, and increases shopping opportunities.

There is a considerable amount of property adjacent to the State Road 44 corridor with dense vegetation and trees that lends itself to natural landscaping. A primary consideration is to foster development that will be compatible with the existing four (4) lane facility and create an aesthetically desirable entrance into New Smyrna Beach. The City has adopted arterial corridor regulations for State Road 44.

LAKE WATERFORD ESTATES

The Lake Waterford Estates Neighborhood is bounded by Paige Avenue on the north, and the incorporated city limits on the east, south and west. This neighborhood is developed primarily with large-lot single-family dwellings. A significant portion of the neighborhood is undeveloped and is likely to experience increased pressure for development once economic conditions improve. The neighborhood has access to State Road 44 via Eslinger Road/Old Mission Road and Glencoe Road.

The Lake Waterford Estates Planned Unit Development is the primary residential development within the neighborhood. Originally, developed in unincorporated Volusia County, the project still contains enclaves that were never annexed into the City. This creates issues with regard to the provision of solid waste and emergency services. The City should address this issue as it reviews annexation strategies throughout the City.

FLORIDA DAYS

The Florida Days Neighborhood consists of a single-family planned unit development. The subdivision was approved in 2007 and remains largely undeveloped. The project was designed to include neo-traditional design principles such as alleyways with rear garages. The neighborhood is bounded by Creekshore Trail on the east and the incorporated city limits on the south, west and north.

SUGAR MILL

The Sugar Mill Neighborhood is generally bounded by Turnbull Bay Road on the north and the incorporated city limits on the east, south and west. The neighborhood is comprised of residential and

Intent: This use is intended for areas close to major intersections and commercial areas, where a slightly higher amount of residential trips can be allowed because they are relatively short (due to their proximity to shopping areas and major roads).

MIXED USES

Maximum allowed density:

8.01 to 12 dwelling units per acre on the barrier island

8.01 to 18 dwelling units per acre on the mainland

Intent: The Future Land Use map shows two (2) areas that are suitable for Mixed Uses.

Maximum allowed Floor Area Ratio (FAR) Beachside: 3.0

Maximum allowed Floor Area Ratio (FAR) Mainland: 6.50

Intent: The purpose of this land use designation is to promote the development of sustainable projects by providing maximum opportunity for innovative site planning for living, shopping, and working environments while insuring that development will occur according to appropriate population density, building coverage, improvement standards, and construction phasing, within the City's traditional downtown areas.

COMMERCIAL

Maximum allowed density:

8.01 to 12 dwelling units per acre on the barrier island

8.01 to 18 dwelling units per acre on the mainland

Up to 24 transient lodging units per acre

Maximum allowed Floor Area Ratio (FAR): 2.0

Maximum Allowable Percentage of Uses for Developments Using the Planned Unit Development Format:

Retail: 100%

Office: 100%

Residential: 25%

Industrial: 0%

Intent: This category is intended for the development of high quality business activities, including retail, hotel, office, financial institutions, and high-density residential. They should be confined to certain arterial and collector roads, and to the Flagler Avenue districts.

The State Road 44 corridor, particularly the undeveloped areas west of Old Mission Road, should be developed in a manner to protect adjacent residential neighborhoods from adverse impacts of unbridled commercial development. All properties along the north side of State Road 44, west of Eddie Road, and all properties along the south side of State Road 44, west of Hidden Pines Boulevard, shall be developed or redeveloped using the planned unit development format.



STATE ROAD 44 CORRIDOR PLANNED UNIT DEVELOPMENT

This category includes the area shown on the Future Land Use Map that shall be developed only as planned unit developments.

The State Road 44 corridor, particularly the undeveloped areas west of Old Mission Road, should be developed in a manner to protect adjacent residential neighborhoods from adverse impacts of unbridled commercial development.

The intent within this area is to foster high quality business activities, office, financial institutions, and housing of a density up to 18 units per acre, as well as other uses, which are compatible with the surrounding area. *Land Development Regulations* (including planned unit development zoning), as well

as the site plan review process, will determine whether a proposed use is suitable for a particular parcel.

HOSPITALITY

Maximum allowed density: Up to 75 transient lodging units per acre

Maximum allowed Floor Area Ratio (FAR): 3.0

Intent: Areas composed primarily of accommodations for short-term visitors. In addition, amusements and restaurants may be permitted on oceanfront parcels between Esther Street and East 8th Avenue. The floor area ratio shall not exceed 3 and the transient lodging density shall not exceed 75 units per acre. A limit on the maximum size of individual transient lodging rooms, for the majority of the rooms in a project, is established by the *Land Development Regulations*. In order to be eligible for the Hospitality future land use, the following conditions must be met:

- The present Future Land Use designation is not residential;
- The parcel is not located on the oceanfront;
- The parcel must be within or adjacent to an existing business district;
- The parcel must be located along an arterial or collector roadway;
- The business district in which the parcel is located must include such amenities as retail shopping, restaurants, entertainment venues, sporting venues, and other similar uses; and
- Shared parking must be available
- Hotel / hotel conference center shall be designed to meet the typical size standard of a "Transient Rental Accommodation" and limited to thirty percent (30%) of the total number of allowed hotel rooms for specialty rooms that may be oversized or deluxe units for marketing purposes.
- The proposed project must commit to development using a planned unit development zoning format.

INDUSTRIAL

Maximum allowed Floor Area Ratio (FAR): 2.0

Intent: This category is designed for activities predominantly connected with manufacturing, assembly, processing, packaging, research, or storage of products. Additional permitted uses in such areas include warehousing, wholesale activity, machine repair and construction that are not suitable for either residential or commercial districts. Adequate buffering should be provided from adjacent land uses; and transitional uses (such as office or commercial uses) should be provided between industrial and residential areas.

INDUSTRIAL MIXED USE

Maximum allowed density:

Up to 40 dwelling units per acre

Up to 75 transient lodging units per acre

Maximum allowed Floor Area Ratio (FAR): 6.50

Maximum Allowable Percentage of Uses for Developments Using the Planned Unit Development format:

Retail: 65%

Office: 75%

Residential: 65%

Industrial: 65%

Intent: The purpose of this land use designation is to promote the sustainable development or redevelopment land near railways and/or major highways and in close proximity to the Canal Downtown Neighborhood, by providing maximum opportunity for innovative site planning for living, shopping, and working environments. Areas designated as Industrial Mixed Use are intended to accommodate a mix of light industrial/research, office, retail and medium- to high-density residential uses. Areas designated as Industrial Mixed Use are required to develop using the planned unit development format.

SOUTHEAST VOLUSIA ACTIVITY CENTER

Maximum allowed density:

Up to 18 dwelling units per acre

Up to 60 transient lodging units per acre

Intent: An area planned to accommodate a range of activities from employment-based office and

to the Pioneer Trail neighborhood. Recreational pursuits such as pedestrian walkways, bikeways, and jogging trails are permitted in this power line corridor, subject to approval by the Utilities Commission, City of New Smyrna Beach.

Pioneer Trail and Jungle Road provide excellent access to this area. Commercial needs are readily available to residents from two (2) nearby shopping centers on State Road 44 and a convenience store on Pioneer Trail.

Future neighborhood growth will further accelerate the existing need for a new elementary school site.

STATE ROAD 44 CORRIDOR

The State Road 44 corridor is primarily a collection of commercial and other high intensity land uses that have been annexed into the City during the past several years. This trend will continue as more pressure is exerted for additional commercial development along major arterials within the area. Given the buildout characteristics of US Highway 1, and the high volumes of traffic on State Road 44, major commercial development will likely continue to expand along the State Road 44 corridor.

Since the majority of State Road 44 lies within Volusia County, and is under the jurisdiction of the County Council, close coordination with the County is necessary to ensure that future growth on State Road 44 is consistent and compatible with the desires of the New Smyrna Beach community.

There is a considerable amount of property adjacent to the State Road 44 corridor with dense vegetation and trees that lends it to natural landscaping. A primary consideration is to foster development that will be compatible with the existing four (4) lane facility and create an aesthetically desirable entrance into New Smyrna Beach. The City has adopted Arterial Corridor Regulations, which govern development along State Road 44. These regulations were enacted to:

- ensure safe ingress to and egress from proposed development;
- reduce the number of indiscriminate driveways;
- control signage;
- provide landscape requirements; and
- control site development.

In addition, in order to manage the impacts of development on the pristine western gateway to the City of New Smyrna Beach, all land uses within the State Road 44 corridor, or within parcels that are partially within the corridor, shall be implemented by the use of planned unit development.

Although proper planning and growth patterns would ensure that much of the State Road 44 corridor would develop in a commercial manner via planned unit developments, retail uses should be clustered at intersections of arterial and collector roads to shorten travel distances, reduce the number of driveways and turning movements, and increase shopping opportunities. It is the intention to locate residential or office developments between retail clusters, in the event such are appropriate for the particular parcel.

The Commercial Future Land Use designation is somewhat a misnomer, because the intent within these areas should foster high quality business activities, including offices, banks, and housing. Housing should be allowed a specific place that is deep enough to make certain that the dwellings are set back far enough from State Road 44. Although, from a planning standpoint, any use submitted in the Commercial Land Use designation theoretically is allowable, the site plan review process will determine whether a proposed use is approved for a particular parcel.

LAKE WATERFORD ESTATES

A significant portion of the Lake Waterford Estates Neighborhood is undeveloped and is likely to experience increased pressure for development once economic conditions improve. The Lake Waterford Estates Planned Unit Development is the primary residential development within the neighborhood still contains unincorporated enclaves. This creates issues with regard to the provision of solid waste and public safety services. The City should address this issue as it reviews annexation strategies throughout the City.

- f. All public schools located in a residential land use category shall be designed to minimize the impacts to adjacent neighborhoods through control of site aspects including traffic access, landscaping, buffers, site design, and similar issues. The State Requirements for Educational Facilities shall constitute the minimum standards for site design. The Interlocal Agreement shall specify a method for verifying compliance with the standards and a method for resolving other site concerns.
- g. Continue to coordinate the process on the siting of public schools with the Volusia County School Board through the interlocal agreement, which contains provisions for allowing community recreational uses on a school site.
- h. The City will provide the Volusia County School Board with the monthly agenda of the Local Planning Agency and allow the School Board an opportunity to respond in writing or in person to any of the agenda items at the scheduled meeting. In the event that a community college facility is established in the City, the governing community college board shall also be provided with the monthly agenda of the Local Planning Agency and shall be allowed an opportunity to respond in writing or in person to any of the agenda items at the scheduled meeting.
- i. All new public schools should collocate, when possible, adjacent to existing or proposed public facilities such as parks, libraries, and community centers.
- j. All City agencies, including the Planning and Zoning Department and the Parks and Recreation Department shall coordinate the planning of proposed parks, libraries, and community centers with the Volusia County School Board to ensure that the above objective is met.



GOAL 4: COMMERCIAL/INDUSTRIAL DEVELOPMENT

Provide for high-quality commercial and industrial development so as to maintain the economic health of the City, and to increase the job opportunities, per capita income and convenience for its residents.

OBJECTIVE:

- 1. Maintaining Land for Non-residential Uses: Ensure that the amount of land already designation for non-residential uses does not decrease.

POLICIES:

- a. Retain designated commercial and industrial development areas for their appropriate uses, unless such uses have been planned to be accommodated elsewhere.
- b. The City will plan for ways to connect and integrate commercial and industrial development when establishing or expanding nearby residential uses.
- c. High intensity development areas will be designated and protected from the encroachment of incompatible low intensity uses.

OBJECTIVE:

- 2. Location of Commercial Uses: Commercial development will be provided in sufficient and convenient locations to serve both resident and tourist populations.

POLICIES:

- a. Commercial uses will be located at roadway intersections, commercial nodes, and mixed-use centers, as defined in the Future Land Use Element.
- b. Require the size, location, and character of additional designated commercial development to be related to the population and market it is intended to serve, as follows:
 - i. Neighborhood Node: Generally designed to serve the convenience needs of neighborhood residents within a ±1-mile radius.

- ii. Community Node: Generally designed to serve the general shopping needs of residents within a ±2-mile radius.
- iii. Sub-Regional Node: Generally designed to serve the general and specialized shopping needs of residents and visitors within a ±4-mile radius.
- iv. Regional Node: Generally designed to serve the east central Florida market, with a mix of general, specialized, and highly specialized products, services and attractions.

OBJECTIVE:

- 3. Location of Industrial Uses: Industrial areas will be located and designed to effectively complete in attracting new industry.

POLICIES:

- a. The City will ensure appropriate transportation and infrastructure availability when designating industrial locations.
- b. Assure the extension of adequate utility services to areas designated for industrial development.
- c. Promote and provide public incentives and assistance to encourage the relocation and expansion of industrial businesses that provide high-value employment opportunities to local residents.
- d. The City shall develop policies and regulations to encourage the preservation of working waterfronts.

OBJECTIVE:

- 4. Design of Commercial and Industrial Developments: Commercial and industrial development will be designed to enhance access and circulation, and result in a positive and attractive built environment.

POLICIES:

- a. Traffic flows within commercial areas shall be designed with internal access, limited curb cuts, and interconnections between various sites to minimize impacts on the thoroughfare network; and adequate parking and safe and convenient traffic flow shall be required on all sites based on Code requirements and best design practices.
- b. The City will implement sign regulations requiring stringent, low-key signage programs to protect and enhance the City's visual image.
- c. The City will continue to require tree preservation and shall review and, if necessary, revise its landscaping requirements, to protect and enhance the City's visual image.
- d. The City will promote attractive, high-quality architectural design through the Land Development Regulations and by requiring architectural compatibility for multiple buildings within non-residential-planned unit developments.
- e. The City shall promote pedestrian amenities in association with new construction and renovation/redevelopment, including, but not limited to, the provision of sidewalk and bike path connections, walk lights, benches, bus shelters and bicycle parking pursuant to the Land Development Regulations and applicable neighborhood plans.
- f. The City shall encourage non-residential land uses and site developments which have a greater potential to support mass transit within designated public transportation corridors, with priority given to those projects that will bring the greatest increase in transit ridership.

OBJECTIVE:

- 5. Commercial Reinvestment Strategy: By 2013, the City shall develop a reinvestment strategy for older commercial properties in the City to ensure that over time these

properties remain viable and important contributors to the City's non-residential tax base.

POLICIES:

- a. Work with economic development organizations to develop a database of available redevelopment properties and market information to promote investment in redevelopment.
- b. The City shall develop an implement specialized zoning and development regulations for designated reinvestment areas.
- c. The City shall monitor the impacts of development regulations on small businesses to ensure that the special needs of small business operators are taken into account in the formulation of any new or revised City Codes or policies.
- d. The City shall work closely with the Southeast Volusia Chamber of Commerce to ensure communication with local business owners about City Code requirements and changes.
- e. The City shall develop a plan to acquire properties with waterfront access for private and public redevelopment.
- f. The City shall develop economic incentives in its economically distressed areas, redevelopment areas, and job creation zones, with a key focus to create value-added jobs, dependant upon available funding.
- g. As an alternative to new construction, the City shall continue to offer incentives for the rehabilitation and reuse of existing facilities, structures, and buildings in its redevelopment districts, dependent upon available funding.
- h. The City shall, in cooperation with state, regional, and local agencies, promote economic opportunities for its unemployed and economically disadvantaged residents.

OBJECTIVE:

6. **Agriculture and Related Industries:** The City shall promote and strive to maintain agriculture, food, forestry, horticulture, and related industries in agricultural areas outside the City, as well as appropriate urban agricultural activities and community gardens within the City.

POLICIES:

- a. As the City expands into rural areas, bonafide agricultural activities shall be protected through the use of the Agricultural future land use designation and an agricultural zoning designation.
- b. Allow a reasonable interim use of existing agricultural land by maintaining the Agricultural zoning classification on parcels designated for high intensity land uses on the Future Land Use Map until such time that development is proposed.
- c. The City shall work with Volusia County and adjacent jurisdictions to develop a system of incentives which encourage a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats. These may include but are not limited to, a transfer of development rights program, implementation of the Environmental Core Overlay (ECO) map an policies an other appropriate tools.
- d. The City shall, in conjunction with relevant local, regional, and state agencies, promote the use of agricultural practices which are compatible with the protection of wildlife and natural systems.
- e. The City shall continue its water conservation efforts, including wastewater recycling and other appropriate measures, to ensure adequate water resources to meet agricultural and other beneficial needs.

- f. In accordance with the provisions of the Conservation Element, the City shall conserve soil resources to maintain the economic value of land for agricultural pursuits and to prevent sedimentation in state waters.
- g. The City shall continue to support the State's preferential property tax treatment for agricultural and conservation lands through the "greenbelt law".
- h. The City's transportation system shall provide adequate facilities for the economical transport of agricultural products and supplies between producing areas and markets.

OBJECTIVE:

- 7. The City will control strip commercial development through a series of techniques involving an analytical approach to development and the use of *Land Development Regulations*.

POLICIES:

- a. The City will, through the *Land Development Regulations*, implement a program of compact commercial growth (activity centers) along arterial roads. These commercial nodes will provide for the concentration of high intensity generating commercial development in clearly defined geographic areas at major transportation corridors, which will reduce the occurrence and frequency of access points and curb cuts, and which will provide for limited and controlled ingress and egress points to and from arterials.
- b. In areas along arterial corridors, between compact commercial growth areas (activity centers), where urban development has occurred in a leap frog and sporadic manner which has left isolated vacant small parcels of land which front on an arterial, the City will provide for less intense, highly restricted commercial professional office and/or residential development through the implementation of business planned unit development provisions of the *Land Development Regulations*. Such development will be further regulated by the adoption of corridor regulations, as has been adopted for State Road 44. These regulations will limit curb cuts and access points by requiring shared access drives and access to intersection roadways from corner lots. Large tracts of land will be required to provide for lateral access points and limited curb cuts. In addition, planned unit development regulations will be utilized on tracts of land with acreage, as determined by the *Land Development Regulations*.
- c. Encourage infill development through the implementation of *Land Development Regulations* and impact fees.
- d. Corridor regulations will be enforced and continually refined to provide for significant buffering, signage and land use controls on properties abutting the State Road 44 corridor within the City limits.
- e. Corridor regulations will be coordinated with Volusia County.
- f. Land use designations for future annexations will be coordinated with Volusia County, consistent with the policies identified above.

GOAL 5: RESIDENTIAL DEVELOPMENT AND NEIGHBORHOODS

Provide for residential development that creates neighborhoods of enduring quality, livability and character, that support an attractive and functional mix of living, working, shopping, and recreational activities, and maintain a living environment for citizens of all ages.

OBJECTIVE:

- 1. Create a residential land use pattern that accommodates a diverse housing mix that meets the life-cycle and socio-economic needs of City residents.

POLICIES:

- a. Residential land uses shall be established at a variety of densities in order to create a wide range of housing choices and costs. This variety shall be reflected on the Future Land Use

EXHIBIT E (CONT'D)

Map.

- b. New neighborhoods should be created to have defined centers and edges; with the center within ¼ mile from the edge. Neighborhood centers shall include a central gathering place in the form of a park, civic lawn, neighborhood commercial node, or other amenity.
- c. To help meet its goals for sustainable development, the City will encourage developers to pursue creative alternatives to conventional suburban development patterns, including innovative housing designs; clustering and conservation subdivision design; well-connected, gridded street networks; context-sensitive street configurations; alternative pavement types and widths; and compact mixed-use development.
- d. The City shall encourage residential land uses and developments which have a greater potential to support mass transit within designated public transportation corridors, with priority given to developments that will bring the greatest increase in transit ridership.
- e. The visual and physical impacts of multi-family development shall be mitigated with architectural and landscaping treatment standards.

OBJECTIVE:

- 2. Maintain and enhance the quality of existing neighborhoods through reinvestment strategies, conservation, planning efforts and redevelopment and renewal of blighted areas.

POLICIES:

- a. Continue to allow mixed types of residential dwelling units in older neighborhoods as a finally feasible alternative to commercial encroachment.
- b. Establish a building inspection program, along with continued code enforcement, to ensure the lasting viability of existing neighborhoods.
- c. Explore the possibility of developing licensing and inspection requirements for single-family homes used as rental properties.
- d. The City will use CDBG and SHIP funds, when available, and explore opportunities to establish other financial incentives, for investment in older, declining neighborhoods as part of an overall reinvestment strategy.
- e. The City will utilize public works and public utility projects as opportunities to improve the condition and appearance of older, declining neighborhoods through sensitive and appropriate design and retrofit.
- f. The City shall enforce development regulations and codes equally in all neighborhoods.
- g. The City shall investigate the idea of increasing density in the traditional city core by allowing accessory living units or by allowing more units per acre.
- h. The City shall continue to provide services and facilities to all neighborhoods in an efficient and cost effective manner.
- i. By 2012, the City shall establish a neighborhood coalition to provide residents with information and resources to establish neighborhood organizations; create gateways; and network with other residents regarding issues of concern.

OBJECTIVE:

- 3. Protect existing desirable neighborhoods from encroaching new development which is incompatible and inconsistent with the established character of the neighborhood.

POLICIES:

- a. By 2011, the City will identify and prioritize individual neighborhoods that require neighborhood level plans and shall establish a schedule for completion of these neighborhood level plans.
- b. Neighborhood level plans shall identify historical development patterns in order to draft and

CORRIDOR OVERLAY ZONEPurpose and Intent:

The purpose of this section is to provide regulations to ensure safe ingress to and egress from proposed development along arterial transportation corridors by reducing the number of indiscriminate driveways, maintaining the integrity of the corridor by assuring that traffic generation is consistent with the corridor's designed capacity; lessening the possibility of hazardous traffic conditions and traffic congestion; establishing development requirements, including additional sign regulations that will create an attractive corridor entrance into the City. Commercial development typically expands along arterial transportation corridors as population and traffic volumes increase in the vicinity of and along the corridor. Eventually, conflicts result between the corridor's function and its ability to move high volumes of traffic through an area. This congestion is intensified where commercial growth is permitted to increase adjacent to the corridor disproportionate to the corridor's designed limitations.

The increased commercial growth also changes the public's image of the transportation corridor. What was once considered an attractive tree-lined corridor gradually and often rapidly begins to exhibit characteristics of uncontrolled strip commercial development. Once this pattern has been established, it is difficult to establish alternative types of development (e.g. residential) along these corridors. Therefore, these regulations apply to arterial corridors which (1) move large volumes of through traffic in addition to significant volumes of everyday local traffic, and (2) do not contain significant amounts of strip commercial development. These arterial corridor regulations are intended to supplement all of the zoning classifications located within the arterial corridor overlay zone. The type of permitted uses or special exceptions allowed would be determined according to the existing zoning classification and the site design, signage, building location, and the dimensional requirements would be regulated by these arterial corridor regulations.

Dimensional RequirementsMinimum Lot Width:

No premise shall be divided for the purposes of development or sale such that the width of each, or any premise, is less than three-hundred (300) feet measured along the right-of-way line, except as follows:

If vehicle access to any premise is provided by means other than directly onto an arterial, then the minimum lot width requirement may be reduced to one hundred fifty (150) feet, and direct vehicle access to a major arterial shall be prohibited.

Minimum Yard Size:

| | |
|------------|-----------------------------|
| Front Yard | Build-to line of 45-65 feet |
| Rear Yard | 25 feet |
| Side Yard | 25 feet |

Corner Lots

- 1) Parcels which front on two streets shall provide a sixty-five (65) foot front yard on corridor frontage and a twenty-five (25) foot front yard on the other street or as required per Section 504.01M. of this LDR.
- 2) Parcels fronting on three streets shall provide a sixty-five (65) front yard on corridor frontage and a twenty-five (25) foot front yard on the remaining streets or as required per Section 504.01M. of this LDR.

Maximum Principal Building Height:

Three (3) stories, not to exceed thirty-five feet.

Maximum Lot Coverage:

The total area covered with buildings on any lot shall not exceed thirty-five (35) percent of the total lot area.

Arterial Corridor Depth:

The arterial corridor requirements shall be applied to all premises that front onto or have access to the arterial road to a distance equal to the depth of the rear property line but not to exceed a depth of six-hundred and sixty (660) feet as measured perpendicular from the centerline of the arterial road right-of-way.

Off-Street Parking and Loading Requirements

Off-street parking and loading space shall meet the requirements of this LDR and in addition, shall meet the following:

Off-street parking and loading areas shall not be permitted in any required landscaped buffer area. Buffer areas shall be landscaped in front and corner yards that are adjacent to the arterial. Dense vegetation with existing trees is preferred to be retained as a natural landscaped buffer. Other acceptable forms of landscaping are fences or walls as required in this LDR or earthen berms when landscaped as required herein for sparse vegetative growth in buffer areas.

Landscaping must be of sufficient height and opacity to generally obscure parked vehicles from view of the travelling public. Fences, walls, or certain berms (minimum top width for (4) feet, maximum slope 2:1), shall not exceed six (6) feet in height above finished grade. All parking areas shall contain a minimum of twenty (20) percent interior landscaping excluding any required landscaped buffer areas.

Landscaped Buffer Requirements

Requirements presented in Section 604.05 shall apply except that more stringent requirements described for landscape buffering herein shall supersede.

A minimum of thirty (30) percent of the area of the site shall be covered by existing dense vegetation with trees, or by additional shrubs and trees, as referenced herein (for buffers) to create dense vegetative growth.

Except for access driveways, it is intended that development along the Arterial Corridor shall be designed to prevent the need for fill material or such other treatment which would remove or harm existing trees within required front and corner yards.

Existing trees shall remain in low areas and may be included in stormwater retention areas because they are accustomed to an environment where their root system is periodically inundated.

Existing trees with a minimum height of nine (9) feet and diameter of two (2) inches, when measured four (4) feet above ground level, shall remain in landscaped buffer area. If a tree is dead, dying, or is diseased to the extent it cannot be saved, it may be removed if any one of these conditions is verified by a horticulturist with credentials approved by the City Manager.

A landscaped buffer shall be provided in all yards at the perimeter of any premise except that no buffer is required where contiguous side yards abut one another on commercially zoned premises. The minimum widths of required buffers are as follows: on the south side of State Road 44 west of Berma Road, and the north side of State Road 44 west of Eddie Road, the front buffer shall be thirty-five (35) feet, measured from the arterial corridor right-of-way; and, along all other portions of State Road 44, the front buffer shall be twenty five (25) feet measured from the arterial corridor right-of way line. If the arterial right of-way is less than one hundred and forty (140) feet, then the buffer will start at a point seventy (70) feet from the centerline of the arterial road. Rear, interior side, and corner buffers - twenty-five (25) feet.

Properties required to provide a 25-foot utility easement, per Section 604.03 of this LDR, shall have the following landscape buffer requirements:

- a. Properties requiring 35-foot landscape buffers shall overlap the landscape buffer with the utility easement by 15-feet, with the utility easement being adjacent to the right-of-way and the landscape buffer being interior to the utility easement. All required buffer plantings shall be placed outside the easement, with the exception that shrubs and those species of trees that will not exceed 20-feet in

- height at maturity may be placed within the 15-foot overlap area. Permitted trees in the overlap area are listed in Section 604.04.
- b. Properties requiring 25-foot landscape buffers shall overlap the landscape buffer with the utility easement by 10-feet, with the utility easement being adjacent to the right-of-way and the landscape buffer being interior to the utility easement. All required buffer plantings shall be placed outside the easement, with the exception that shrubs and those species of trees that will not exceed 20-feet in height at maturity may be placed within the 10-foot overlap area. Permitted trees in the overlap area are listed in Section 604.04.
 - c. Properties requiring 20-foot landscape buffers shall overlap the landscape buffer with the utility easement by 5-feet, with the utility easement being adjacent to the right-of-way and the landscape buffer being interior to the utility easement. All required buffer plantings shall be placed outside the easement, with the exception that shrubs and those species of trees that will not exceed 20-feet in height at maturity may be placed within the 5-foot overlap area. Permitted trees in the overlap area are listed in Section 604.04.
 - d. Properties zoned PUD-Planned Unit Development- must comply with the minimum 20-foot landscape buffer requirements provided in item c. above, but may negotiate less of the buffer overlapping, providing a greater amount of buffer outside of the utility easement area. **Ord. # 37-08**

Required buffers that contain dense vegetation with existing trees shall be left natural and shall not be required to be irrigated if undisturbed.

If the buffer area has sparse vegetative growth, or is devoid of significant vegetation and trees, additional shrubs and trees shall be planted as noted hereafter.

Shrubs. Plants shall be placed no more than three (3) feet apart, measured from center to center, and a minimum of two (2) feet in height, immediately after planting.

Trees. One (1) tree shall be provided for each one-hundred (100) square feet thereof. Tree species shall be a minimum of nine (9) feet height and have a minimum diameter of two (2) inches when measured four (4) feet above ground level. Also, trees planted within twelve (12) feet of publicly maintained streets or other improvements shall be selected from a "List of Trees" that can be obtained from the City Horticulturist.

When natural vegetation is disturbed, the buffer shall be irrigated as required in Section 718.00. The landscape buffer area shall not be disturbed for the purposes of using the area for stormwater management.

Site Development Plan Requirements

In addition to meeting the site plan requirements in this LDR the following requirements shall be met:

All site plans, reports, and general information, shall be submitted to the Plan Review Committee to assure compliance and consistency for all develop(c)ment along the corridor.

Transportation Impact Analysis

The contents of the Transportation Impact Analysis shall meet the requirements of [sub] section 402.02. **Ord.#21-09**

Temporary Access

No developer shall be denied a rezoning or building permit for the sole reason that the parcel for which it is sought cannot physically accommodate the requirements of this LDR because adjoining segments of public roadways are not yet constructed. In such an event, a temporary access permit will be issued which shall expire when the proposed access becomes available to the premises.

Arterial Corridor Overlay Zone

An arterial corridor overlay zone is hereby established, and the regulations of this Section, et seq, shall apply in said zone. Said zone shall apply to all zoning classifications established in Article VI of this LDR and the Official Zoning Map shall identify said overly zone by adding the letter "C" as a suffix to the existing zoning classification that currently exists on said map. These arterial corridor regulations apply to the following: State Road 44 from Myrtle Avenue west to the New Smyrna Beach corporate boundary, excluding properties in the Activity Center, as shown on the City's comprehensive plan future land use map, and on U.S. #1 from Art Center Avenue to the northern City boundary line. (Ord. # 122-06)

Visibility at Intersections

Visibility at intersections shall be provided as required in Section 804.01.

PLANNED UNIT DEVELOPMENT (PUD)

Purpose and Intent

The purpose of the PUD zoning classification is to provide for the flexible development of integrated retail, office, and / or residential developments that provide high-quality development for the City and that would otherwise not be permitted by this code. Notwithstanding the specific criteria identified herein, proposals should accomplish the following purposes to the greatest extent possible:

- (1) Provide a variety of housing types with a broad range of housing costs allowing for the integration of differing age groups and socioeconomic classes;
- (2) Promote innovative site and building design, including traditional neighborhood developments;
- (3) Provide efficient location and utilization of infrastructure through orderly and economical development, including a fully integrated network of streets and pedestrian/bicycle facilities;
- (4) Establish open areas set aside for the preservation of natural resources, significant natural features and vistas, and listed species habitats;
- (5) Create usable and suitably located civic spaces, recreational facilities, open spaces and scenic areas;
- (6) Provide for a coherent and visually attractive physical environment through the creation of focal points and vistas, as well as coordination and consistency of architectural styles, landscaping designs and other elements of the built environment;
- (7) Provide for other limitations, restrictions and requirements as deemed necessary by the city to ensure compatibility with adjacent neighborhoods and effectively reduce potential adverse impacts;
- (8) Provide for mixed use residential, commercial, office and/or industrial development such as commercial nodes, town centers, office parks, and industrial parks; and
- (9) Promote innovative site and building design. **Ord.#62-08**

Permitted Principal Uses and Structures

The following land uses and their customary accessory uses and structures shall be allowed in the PUD zoning districts except in the Corridor Overlay Zone.

Art, Dance, Modeling, Music, Etiquette, or any other personal enrichment schools or studios having scheduling or costs associated which are not typically found in a public or private elementary or high school curriculum

Auction Parlors, indoor

Automobile Service Station, Type A, B, or C

[Revised 7-5-00]

Bars and Liquor Stores

Beauty Shops, Barber Shops

Bowling Alleys

EXHIBIT F (CONT'D)

Cafeterias
Child Care Centers
Employment Agencies
Entertainment and Recreational Uses and Structures
Essential Utility Services
Excavations only for lakes or stormwater retention ponds
Exercise and Health Spas
Financial Institutions
Game Rooms or Arcades for pool, billiards, pin-ball machines, juke boxes or other coin-operated amusements
General Offices
Home Occupations
Hospitals
Houses of Worship and Cemeteries
Laundry and Dry Cleaning Establishments
Medical and Dental Clinics
Multiple-Family and Single-Family Standard or Manufactured Dwellings
Nightclubs
Nursing Homes, Assisted Living Facilities, and Adult Congregate Living Facilities approved and licensed by the appropriate state agency **Ord.#62-08**
Pharmacies
Printing and Publishing Establishments
Professional or Trade Schools related to Permitted Uses
Public Uses
Public Utility Uses and Structures
Recovery Homes
Restaurants, Type A, B, C, and D
Retail Sales and Services
Retail Specialty Shops
Schools, Parochial and Private
Tailor Shops
Taxi-Cab Stands
Theaters
Transient lodging:
 Maximum size 1200 s/f of interior living space.
Travel Agencies
Other Uses approved by the City Commission [REVISED 7/95 - ORDINANCE 28-95]

Permitted Principal Uses and Structures in the Corridor Overlay Zone [Ord. No. 51-91]

The following land uses and their customary accessory uses and structures shall be allowed in the PUD Corridor Overlay Zone Zoning District. **Ord. # 24-00, Ord. # 62-08**

Art, Dance, Modeling, and Music Schools
Beauty Shops, Barber Shops
Child Care Facilities
Essential Utility Services
Exercise and Health Spas

EXHIBIT F (CONT'D)

Financial Institutions
Funeral Homes
General Offices
Hospitals, Nursing Homes, Adult Congregate Living Facilities, Assisted Living Facilities
Ord. #62-08

Houses of Worship
Laundry and Dry Cleaning Establishments (no coin operation)
Medical and Dental Clinics
Multiple-Family Standard Dwellings, provided the following requirements are met:
(1) sixty (60) percent of the commercial development must be completed prior to the start of residential construction, unless an alternate phasing plan is approved; and
(2) the maximum permitted density will be eighteen (18) units per acre. (Ord. No. 74-92)

Pharmacies
Public Uses
Restaurants (Class "A")
Retail Printing Shops
Retail Specialty Shops
Schools, Parochial and Private
Single-Family Residences [Ord. No. 67-92] [Revised 7-5-00]
Tailor Shops
Taxicab Stands
Theaters (No Drive-Ins)
Transient lodging:
Maximum size 1200 s/f of interior living space.
Travel Agencies
Two-Family Residences [Ord. No. 67-92]
Other Uses and Structures of a nature similar to those listed, after determination by the City Commission at the time of overall development plan approval that such uses and structures are compatible with the PUD development and the surrounding area.

Permitted Principal Uses and Structures within the Activity Center and West of Interstate 95

Permitted uses of land and their customary accessory uses and structures shall be as allowed in the written development agreement approved by the City Commission. **Ord. # 62-08**

Permitted Accessory Uses

[Ord. No. 58-91]

On-Site Temporary Sales and Brokerage Offices and Display Models for residential dwelling units that are newly constructed, that have never been occupied for residential purposes, and have never been sold.

On-Site Temporary Sales and Brokerage Structures to be used as a sales office for dwelling units planned to be constructed or under construction.

The following limitations and regulations shall be placed on the aforescribed On-Site Sales and Brokerage Offices and Temporary Sales and Brokerage Structures:

- (1) Said Sales and Brokerage Offices shall only be used to promote the sales of newly constructed dwelling units (to wit: units that have never

EXHIBIT F (CONT'D)

- previously been occupied for residential purposes or never sold by the developer) and part of an approved site plan located on the same site as the office; and
- (2) said Sales and Brokerage Offices shall only be used to sell residential dwelling units located on the same site as the sales office; and
 - (3) said Sales and Brokerage Offices may only have ONE sign not to exceed TEN (10) square feet in area in addition to the allowable signs indicated in Section 604.14 of this LDR; and
 - (4) said Sales and Brokerage Offices shall be allowed within a development upon issuance of a Certificate of Occupancy for the offices by the Development Division Director or his/her designee and said sales office must be removed from the site upon the issuance of a Certificate of Occupancy for the last building to be constructed within a development; and
 - (5) the following additional limitations and regulations shall be placed on the aforescribed On-site Temporary Sales and Brokerage Structures:
 - (a) said Sales and Brokerage Structures shall have a minimum floor area of THREE HUNDRED (300) square feet and shall not have been formerly a travel trailer, camper, recreational vehicle or tractor trailer trailer; and
 - (b) the perimeter of the area between the ground and floor level of the Sales and Brokerage Structures shall be enclosed with ornamental skirting; and
 - (c) said Sales and Brokerage Structures must be located on the site such that it meets the minimum setback requirements; and [Revised 11/10/92]
 - (d) a minimum of THREE (3) parking spaces must be provided for the Sales and Brokerage Structures or the minimum number of parking spaces required for an office, whichever is greater. Said parking spaces and access aisle must meet the requirements of Section 604.10 within this LDR except an alternate surfacing agent, such as shell or mulch, may be used; and
 - (e) a minimum TEN foot (10') wide and SIX foot (6') high natural vegetative buffer shall be maintained along the front, side and rear of the Sales and Brokerage Structure, parking area and any accessory structures. Should no buffer exist, a TEN foot (10') wide buffer, meeting the requirements of Section 604.05 E. (1) must be planted along the front, sides and rear of the Sales and Brokerage Structure, parking area and accessory structures. Buffer areas are not required to be irrigated with an underground automatic system but must be regularly irrigated to maintain the vegetation; and
 - (f) no Sales and Brokerage Structure shall be allowed on a site until all permits as required by all Federal, State, and County agencies have been secured; and the site plan for the proposed permanent use has been approved; and a Class I Site Plan has been approved for the use of a temporary sales and brokerage structure; (Ord. 74-91) and

- (g) said Sales and Brokerage Structures shall not remain on a site longer than ONE (1) year from the date a Certificate of Occupancy is issued for said sales office or until a Certificate of Occupancy is issued for the first building within the development, whichever comes first. Upon removal of the Sales and Brokerage Structure, the developer may maintain an On-Site Temporary Sales and Brokerage Office within the dwelling unit(s).

Conditional Uses

Farmers Markets, subject to the following conditions:

- (1) The Development Services Director determines that adequate parking is available.
- (2) The Farmers Market is located in the business portion of the PUD.
- (3) There is adequate space on-site to accommodate all vendors without utilizing public rights-of-way unless City Commission approval has been received to utilize the public rights-of-way.
- (4) Vendors shall not block pedestrian ways.
- (5) Products offered for sale shall be limited to the following:
 - a. Fresh fruits and vegetables.
 - b. Herbs and spices
 - c. Farmstead products including but not limited to cheese, meats, fish/seafood, poultry, eggs, baked goods, canned goods, honey, maple syrup and preserves.
 - d. Bedding plants, hanging and potted plants, and cut flowers.
 - e. Dried flowers or plants.
 - f. A maximum of 50% of the total area used for the market shall be allowed for handicrafts.
 - g. Prepared food and beverages.
 - h. Flea market and yard sale items are prohibited.
- (6) The farmers market organization must obtain a business tax receipt from Volusia County and from the City of New Smyrna Beach.
- (7) Each vendor operating within the farmers market must obtain a business tax receipt from Volusia County and from the City of New Smyrna Beach.
- (8) Informational booths for 501(c)3 non-profit organizations shall be permitted.

Approval of a conditional use.

At the time the applicant applies for a business tax receipt with the City, the applicant shall also submit a conceptual plan to the Development Services Department. The conceptual plan shall show the general location of the vendor stalls on the site. Based upon the criteria listed above, the Development Services Director, or his/her designee, shall approve or deny the application for a conditional use.

Transfer or abandonment of a conditional use.

Conditional uses are approved for a specific location and are assigned to the property. If the location of the use is changed, new conditional use approval must be obtained.

Violation of conditional use terms or conditions.

It is a violation of this code for any person to violate or to refuse or fail to comply with any term or condition of a conditional use. Violations may be prosecuted or enforced as provided by law for prosecution or enforcement of municipal ordinances.

Ord.#69-08

Dimensional Requirements

Minimum PUD Parcel Size:

Traditional City Area (excluding properties within the Corridor Overlay Zone): 0.75 acres. At the discretion of the City Commission, the size of the parcel may be reduced if the project involves work force housing or preservation of a historic building(s).

Minimum PUD Parcel Size:

All Other Areas: (including properties within the Corridor Overlay Zone):

| | |
|-----------------|-----------|
| Residential | 5.0 acres |
| Non-Residential | 2.0 acres |

A PUD shall be considered residential if 50% or more of developed land or 50% or more of the proposed building square footage is designated for residential uses. Residential uses include, but are not limited to single-family, duplex, multi-family (including townhomes, apartments, condominiums), and live-work units.

The Traditional City Area shall be as defined in Article II of this LDR.

Ord. #62-08

Minimum Lot Size

If all or a portion of the PUD is subdivided, the minimum lot size shall be described in the proposed development agreement. [Revised 7/5/00]

Minimum Yard Size

Minimum yard size shall be described in the proposed development agreement. In determining yard size, the City Commission shall consider whether or not the proposed PUD will have adverse effects upon adjoining properties.

Off-Street Parking and Loading Requirements

Off-street parking and loading spaces shall be required as indicated in Section 604.10 of this LDR, except that parking may be reduced by up to 25% of the minimum required parking spaces to preserve trees, to encourage uses that share parking or that are designed to encourage pedestrian activity, or in cases where the applicant provides documentation that a reduced parking ratio is appropriate. In addition, all parking shall meet the following:

Off-street parking and loading areas shall not be permitted in any required landscaped buffer area. All parking areas shall contain interior landscaping excluding any required landscaped buffer areas at a percentage of the parking area to be determined in the written development agreement.

Landscape Buffer Requirements - Traditional City Area

Requirements presented in Section 604.05 shall apply except that more stringent requirements described for landscape buffering shall supercede.

A minimum 5-foot wide landscaping buffer is required around the perimeter of all parking areas. Only driveways may be located within this buffer.

Except for access driveways, it is intended that development shall be designed to prevent the need for fill material or such other treatment which would remove or harm existing trees within required yards or buffers.

Existing trees shall remain in low areas and may be included in stormwater retention areas because they are accustomed to an environment where their root system is periodically inundated.

Existing trees with a minimum height of 9 feet and diameter of 2 inches when measured 4 feet above ground level shall remain in landscaped buffer areas. If a tree is dead, dying, or is diseased to the extent it cannot be saved, it may be removed if any one of these conditions is verified by a horticulturist with credentials approved by the Development Services Director or his/her designee.

Required buffers that contain dense vegetation with existing trees shall be left natural and shall not be required to be irrigated if undisturbed.

Required landscape buffers shall contain the following number of plantings for every 100 linear feet of the buffer:

| <u>Canopy Trees</u> | <u>Understory Trees</u> | <u>Shrubs</u> |
|---------------------|-------------------------|---------------|
| 2 | 2 | 20 |

When natural vegetation is disturbed, the buffer shall be irrigated as required in Section 604.05 of this LDR. **Ord.# 62-08**

Transportation Impact Analysis

The contents of the Transportation Impact Analysis shall meet the requirements of [sub]section 402.02. **Ord. # 21-09**

Density

The maximum residential density allowed in a PUD is 18 units per acre on the Mainland and 12 units per acre on Beachside. The maximum transient lodging density allowed is:

Hospitality future land use designation: 75 units per acre.

Activity Center future land use designation: 40 units per acre.

Marina future land use designation: 24 units per acre. Density may be increased up to 48 units per acre if the following conditions are met:

- (1) A minimum of 20% of the total usable land area is preserved by deed or easement for public access and/or public recreation; and
- (2) The public use area shall comprise at least 40% of the total linear footage of shoreline available to the property

All other future land use designations permitting transient lodging units: Twenty-four (24) units per acre. **Ord.# 10-11**

Landscape Buffer Requirements – All Other Areas

Requirements presented in section 604.05 shall apply except that more stringent requirements described for landscape buffering herein shall supercede.

A minimum of 20-foot wide landscaping buffer is required around the perimeter of the project site except where a larger landscaped buffer is required within this LDR. Only driveways, sidewalks and bike paths may be located within this buffer. **Ord. # 62-08**

Properties required to provide a 25-foot utility easement per Section 604.03 of this LDR shall overlap the landscape buffer with the utility easement by 10-feet, with the utility easement being adjacent to the right-of-way and the landscape buffer being interior to the utility easement. All required buffer plantings shall be placed outside the easement, with the exception that those species of trees that will not exceed 20-feet in height at maturity may be placed within the 10-foot overlap area. Permitted trees in the overlap area are listed in Section 604.04. Properties must comply with the minimum 20-foot landscape buffer requirements as provided in this paragraph, but may negotiate less of the buffer overlapping the utilities easement, thus providing a greater amount of buffer outside of the utilities easement area. **Ord. # 37-08**

A minimum of 30 percent of the area of the site shall be covered by existing dense vegetation with trees or by additional shrubs and trees as referenced herein (for buffers) to create dense vegetative growth.

Except for access driveways, it is intended that development shall be designed to prevent the need for fill material or such other treatment which would remove or harm existing trees within required front and corner yards.

Existing trees shall remain in low areas and may be included in stormwater retention areas because they are accustomed to an environment where their root system is periodically inundated.

Existing trees with a minimum height of 9 feet and diameter of 2 inches when measured 4 feet above ground level, shall remain in landscaped buffer areas. If a tree is dead, dying, or is diseased to the extent it cannot be saved, it may be removed if any one of these conditions is verified by a horticulturist with credentials approved by the Development Services Director or his / her designee.

Required buffers that contain dense vegetation with existing trees shall be left natural and shall not be required to be irrigated if undisturbed.

If the buffer area has sparse vegetative growth, or is devoid of significant vegetation and trees, additional shrubs and trees shall be planted as noted thereafter.

Shrubs Plants shall be placed no more than 3 feet apart measured from center to center and a minimum of 2 feet in height, immediately after planting.

Trees One (1) tree shall be provided for each one hundred (100) square feet thereof. Tree species shall be a minimum of 9 feet in height and have a minimum diameter of 2 inches when measured 4 feet above ground level. Also, trees planted within 12 feet of publicly maintained streets or other improvements shall be selected from the New Smyrna Beach Tree List that can be obtained from the City Horticulturist.

Ord.#62-08

When natural vegetation is disturbed, the buffer shall be irrigated as required in Section 604.05.

Supplementary Regulations

The following regulations apply to all PUD zoning classifications unless a specific classification is referenced:

(1) Unified Ownership

All land within the PUD shall be under the ownership of one person, either by deed, agreement for deed, or contract for purchase. PUD applicants shall present either an opinion of title by an attorney licensed in Florida, or a certification by an abstractor or a title company, authorized to do business in Florida, that, at the time of application, unified ownership of the entire area within the proposed PUD is in the applicant, or contract seller. Unified ownership shall thereafter be maintained until after the recording of the Overall Development Plan or Final Plat.

(2) Retail Uses within a PUD with more than one use

When retail uses or structures are approved as part of a PUD containing more than one type of use, the retail operation shall not begin until certificates of occupancy have been issued for all residential, industrial and / or office units in the total project, unless otherwise provided in the development agreement. **Ord. # 24-00, Ord. # 62-08**

(3) Utility System

All utilities within a PUD shall be located underground. However, appurtenances requiring above ground installations may be exempted by a majority vote of the City Commission if the location and approximate size of the appurtenances requiring an above ground location is specified on sketch plans.

(4) Open Space Requirements

- a. Property designated on the City's comprehensive plan future land use map as Activity Center shall have a minimum open space requirement of forty percent for a residential PUD project and thirty percent for a non-residential or mixed-use PUD project;
- b. Property in the Traditional City Area (east of the Turnbull Bay/ Turnbull Creek waterway, north of State Road 44 and east of Mission Road, south of State Road 44 and excluding properties in the Corridor Overlay Zone) shall have a minimum open space requirement of thirty percent for a residential PUD project and twenty percent for a non-residential or mixed-use PUD project;
- c. Property located west of Interstate 95, within the West New Smyrna Beach Urban Overlay Zone, shall have a minimum open space requirement of fifty percent for all PUD's; and
- d. Property east of Interstate 95 and west of the Traditional City Area (east of the Turnbull Bay / Turnbull Creek waterway north of State Road 44 and east of Mission Road south of State Road 44) and within the City's Corridor Overlay Zone (COZ), but excluding property located in the Activity Center, shall have a minimum open space requirement of sixty percent for a residential PUD project and fifty percent of a non-residential or mixed-use PUD project. **Ord. #62-08**

A minimum of thirty-five percent of the open space shall be designated as common open space for a residential PUD. Common open space shall meet the following standards [Ord. No. 24-00]:

- a. it shall be accessible to and usable by all residents of the PUD;
- b. its location, shape, size, character and use shall be illustrated on the Overall Development Plan; and
- c. maintenance guarantees shall be approved by the City Commission.

Ord# 121-06

Procedure for Rezoning to PUD

- (1) Pre-Application Stage: A pre-application meeting with the Development Services Director or his/her designee is required before a PUD rezoning application can be accepted. This meeting is intended to provide an opportunity for an informational

exchange between the applicant and the planning staff. During this meeting the applicant shall provide a conceptual plan indicating the layout and land uses within the proposed PUD. No fee shall be charged for this meeting.

(2) Application Stage: The applicant may submit an application package to the Development Services Department at any time. Applications for PUD rezonings will be reviewed in the order in which received. The application package shall consist of the following items:

- a. completed application form;
- b. application administration fee as approved by the City Commission;
- [Revised 7-5-00]
- c. two copies of a plat of survey indicating property boundaries, legal description, acreage, and limits of the jurisdictional wetlands;
- d. names and addresses of property owners within 150 feet of the affected property. This distance shall be measured in an airline at the closest points between two properties;
- e. certification from landowner of record that applicant has authorization to make application for the requested zoning action;
- f. two copies of the traffic impact analysis;
- g. boundary survey and legal description;
- h. opinion of title;
- i. eleven (11) paper copies and one (1) electronic version of the written development agreement; and
- j. eleven (11) paper sets and one (1) electronic version of the Conceptual Development Plans of the area to be rezoned at a scale no smaller than 1" = 200' indicating the following:
 - 1. adjoining land uses and zoning classifications;
 - 2. locations and dimensions of proposed land uses;
 - 3. location of proposed buildings and off-street parking lots;
 - 4. density of residential dwellings;
 - 5. total acreage and location of open space by type;
 - 6. total acreage and location of common open space by type;

EXHIBIT F (CONT'D)

7. proposed right-of-way width and layout;
 8. proposed front, side, and rear setbacks;
 9. locations, dimensions, and contents of buffer areas;
 10. locations, dimensions, and types of existing easements;
 11. proposed phasing of the development;
 12. location of surrounding streets, driveway, rights-of-ways, walkways, water courses, and buildings on adjacent property within 75 feet perpendicular to subject property lines;
 13. proposed lot sizes and arrangement;
 14. sites for schools;
 15. location, width, and approximate depth of waterways within the project site;
 16. proposed number of lots by size;
 17. existing character of the land (eg. wooded, marsh);
 18. title, date, north arrow, scale and legend;
 19. any other additional information requested by Development Services Department or other reviewing agencies deemed necessary to adequately review the proposal;
 20. general feasibility plans for potable water, sewage disposal, stormwater drainage, and solid waste management;
 21. general plans for stormwater drainage and solid waste management;
 22. general topography at two foot contours;
 23. general soil and vegetation types;
 24. natural drainage patterns; and
 25. list of threatened or endangered species.
- k. Such additional materials, maps, studies, or reports subsequently deemed necessary by any reviewing department or agency. **Ord.# 62-08**
- (3) Written Development Agreement : A written development agreement shall be prepared by the developer or his / her authorized representative. The contents of the development

EXHIBIT F (CONT'D)

agreement shall conform to the conditions of approval of the City Commission. The development agreement, along with the Conceptual Development Plan, shall govern the development of the PUD and shall regulate the future use of the land. However, site plan and / or platting of subdivided land shall also be required prior to developing any land. The development agreement shall include the following:

- a. evidence of unified ownership and control;
- b. statement agreeing to:
 1. proceed with the proposed development according to all regulations;
 2. provide appropriate performance and maintenance guarantees; and
 3. follow all other provisions of this ordinance to the extent not expressly inconsistent with the written development agreement, and bind the applicant's successors in title to his commitments.
- c. the acreage and percentage of total land area devoted to each of the proposed land uses;
- d. maximum density for each type of dwelling;
- e. maximum building heights;
- f. minimum building spacing and floor areas;
- g. lot sizes, yard areas, percentage of interior landscaping in the parking lot and buffer areas, including perimeter buffers;
- h. statement regarding the disposition of sewage and stormwater, and arrangements for potable water;
- i. when the PUD is planned for phase development, a schedule of the phases;
- j. the proposed language of any covenants, easements, or other restrictions;
- k. any additional information or statements subsequently deemed necessary by any reviewing department or agency;
- l. a copy of the Conceptual Development Plan as an appendix. **Ord.#62-08**

(4) Review Procedure

- a. Staff Review: The Plan Review Committee (PRC) members shall review the proposed rezoning to PUD upon receipt of a completed application package. The PRC members shall review the application at a regularly scheduled meeting. At the PRC meeting, the PRC members shall provide the applicant with written and

EXHIBIT F (CONT'D)

verbal comments about the written development agreement and conceptual development plan, including any actions required to conform the plan to City code and any actions that might be taken to improve the quality of the proposed development.

- b. After receiving comments from the Plan Review Committee, the applicant shall then revise the proposed agreement and support documents and submit revised documents to the Development Services Department. The PRC members shall review the revised documents to ensure that all comments have been addressed. If all of the comments have not been addressed, staff shall submit a list of remaining outstanding comments to the applicant. The applicant shall then revise agreement to address all staff comments.

If all comments have been addressed, the item shall be scheduled for the next available Planning and Zoning Board meeting. Development Services staff shall then prepare a written report and recommendation to the Planning and Zoning Board. Said recommendation shall be either denial, approval, or approval with conditions.

- c. Planning and Zoning Board Review: Upon receipt of the Development Services Department staff recommendation, the Planning and Zoning Board, at a regularly scheduled meeting, shall review and make a recommendation to the City Commission pertaining to the proposed zone change. Said recommendation shall be either denial, approval, or approval with conditions.
- d. City Commission Review: Upon receipt of the Planning and Zoning Board recommendation, the City Commission, at a regularly scheduled meeting, shall review and either deny, approve, or approve with conditions, the proposed zone change.

Should the City Commission deny the request, the developer shall not pursue developing the subject property in the proposed manner for a minimum of one calendar year. Should the City Commission approve the zone change, the official zoning map shall be changed to reflect the rezoning and the developer may proceed with subdivision or site plan review. Should the City Commission approve the zone change with conditions, the official zoning map change and subdivision or site plan review can commence once the conditions have been met.

All Planned Unit Developments shall be approved by the City Commission by Ordinance approving the PUD in the same manner as required for a rezoning and in accordance with the procedures set forth in this Section.

- e. Subdivision and/or Site Plan Review: No property zoned PUD shall be developed without site plan and/or subdivision review and approval with the exception of developing single family and two family dwellings on individual lots previously and properly subdivided. An applicant may request a PUD rezoning concurrently with subdivision and/or site plan review and approval. Should an applicant request concurrent PUD rezoning and subdivision and/or site plan review and

approval, the site plan and/or subdivision, which obtains final approval by the Planning and Zoning Board, is automatically made contingent upon any conditions the City Commission makes. The applicant hereby assumes the risk of receiving concurrent PUD rezoning approval and subdivision and/or site plan approval. All site plans and subdivisions must be consistent with the approved PUD rezonings.

- f. Amendments to PUD Site Plans and Subdivision Proposals After PUD Rezoning Approval: No site plan or subdivision may deviate from the approved PUD rezoning without another Development Services Department staff and Planning and Zoning Board review and recommendation and City Commission review and approval. An exception to the above is minor changes such as the location of buildings, drainage systems, and parking lots, and the lowering of densities, intensities and impacts of the development may be approved by the Planning and Zoning Board during subdivision or site plan review and approval. **Ord. #62-08**

- f. Issuing Building Permits: Building permits shall be issued on any PUD zoned land with an approved site plan or subdivision and a certificate of zoning prior to the beginning of construction.

Interoffice Memorandum

City of New Smyrna Beach

To: Planning and Zoning Board Members

From: Gail Henrikson, AICP, Planning Manager *GAH*

Subject: Streamlining the Development Process

Date: May 9, 2011

On December 10, 2010, staff presented a list of items they had identified that could be used to streamline the processes in the Planning and Engineering Department. These items are presented below, along with their current status. The Board should note that the timeframe associated with each item (i.e., short term, long term, etc...) was provided as an indicator of how long it would take to complete each task once it was started.

| TASK | STATUS | COMMENTS |
|---|-------------|---|
| SHORT TERM (3-6 MONTHS) | | |
| LDR amendment to update and codify existing site plan and subdivision review processes | In progress | <ul style="list-style-type: none"> • Subdivision regulations reviewed by P/Z May 2, 2011 • Site plan regulations scheduled for P/Z June 6, 2011 |
| LDR amendment to allow bicycle and motorcycle parking to replace a certain percentage of required automobile parking spaces | Not started | <ul style="list-style-type: none"> • Scheduled as visioning item at August P/Z meeting |
| Establish a sidewalk fund that developers could choose to pay into under certain circumstances. Currently, the developer would be required to obtain a variance in order to waive the sidewalk requirement. | Not started | <ul style="list-style-type: none"> • Scheduled for July P/Z meeting |
| Create zoning district brochures for the website/lobby detailing setbacks, permitted uses, lot coverage, etc... | Not started | To be done as work load permits |
| Create brochures addressing items such as the variance process, code enforcement, building permits, etc.... | Not started | To be done as work load permits |
| Formalization and greater utilization of the Class I site plan process for residences being | In progress | <ul style="list-style-type: none"> • Included in LDR amendment re: US 1 regulations. Reviewed by |

STREAMLING THE DEVELOPMENT PROCESS – UPDATE MEMO
MAY 16, 2011

| TASK | STATUS | COMMENTS |
|---|-------------|--|
| converted to a commercial use and for changing business uses that may require additional parking. Currently, these businesses are required to go through a Class II site plan review, which is onerous given the scope of these types of projects. | | P/Z May 2, 2011 <ul style="list-style-type: none"> Tentatively scheduled for 5/24/11 City Commission (1st reading) |
| Review site plan checklists to identify items that may not be required | Not started | <ul style="list-style-type: none"> Revisions to site plan regulations scheduled for June P/Z meeting Review of site plan checklist to be done in conjunction with proposed amendment |
| Create a neighborhood liaison program and neighborhood improvement program. The neighborhood liaison program would assign a particular planner to a neighborhood, to contact residents about upcoming projects in their neighborhood; discuss creating local historic districts; assist with grants and to be available to speak to HOAs, etc.... The neighborhood improvement program, which is more long-term, would provide matching grants to neighborhood associations that wanted to install neighborhood signage or entry features. | Not started | <ul style="list-style-type: none"> Tentatively scheduled for fourth quarter of 2011 |
| MEDIUM-TERM (6-12 MONTHS) | | |
| Re-write sign regulations | In progress | <ul style="list-style-type: none"> Scheduled for July P/Z meeting |
| Complete re-write of the LDR, putting it in a more user friendly and visually appealing format and fixing the numerous little glitches and outdated items. Staff has been addressing issues on a case-by-case basis. Additionally, the City will be working with a consultant to prepare a form-based code for a portion of the City around Canal Street. However, the remaining portions of the LDR need to be reviewed and rewritten to update terminology, simplify the language and address new uses and technology that have arisen since its adoption in 1991. Additionally, the LDR could be prepared as an interactive document, with hyperlinks and illustrations. | In progress | <ul style="list-style-type: none"> Form based code workshops held January, February, April; awaiting first draft of revisions from consultant Other re-writes to LDR on-going as work loads permit |
| Revise, if needed, and adopt, existing area plans. Throughout the years, the City has paid numerous consultants to prepare plans and guidelines for the North Causeway, 3 rd Avenue, and the Activity Center. However, none of | Not started | |

STREAMLING THE DEVELOPMENT PROCESS – UPDATE MEMO
MAY 16, 2011

| TASK | STATUS | COMMENTS |
|--|--------------------|--|
| <p>these plans were ever officially adopted. These areas are ready for development or redevelopment. However, the vision established in these studies needs to be revisited and revised if needed. Once a vision is established and the plans adopted, staff can provide clear recommendations to developers as they look to build in these areas. Without formal adoption, there is no mechanism to implement that vision and developers are often left confused by what is mandatory and what is merely policy or suggestion. Clear rules, even if stringent, make the development process clearer, and thus easier to navigate.</p> | | |
| <p>Develop an incentive program to promote sustainable design.</p> | <p>In progress</p> | <p>Ordinances drafted by the Building Official; tentatively scheduled for City Commission review in May 2011.</p> |
| <p>Create a long-term downtown parking plan to manage parking needs as Canal Street and Flagler Street redevelop</p> | <p>In progress</p> | <ul style="list-style-type: none"> • Meeting held with CRA staff 5/9/11 to discuss parking in Flagler Avenue area • Beachside town hall meetings held April 5 and 11 |
| <p>Rezone Dora Street or prepare LDR amendment to allow single-family residential. Currently, many of the single-family homes along Dora Street are zoned B-3 and have a commercial future land use designation. Because these homes are all considered legal non-conforming structures, they cannot be expanded as single-family residences. Additionally, if the home is vacated for more than a year, the property can only be used as a commercial use.</p> | <p>Not started</p> | <ul style="list-style-type: none"> • Tentatively scheduled for January 2012 P/Z meeting |
| <p>Formalize off-street parking at beach ends of streets.....</p> | <p>Not started</p> | <ul style="list-style-type: none"> • Tentatively scheduled for November P/Z as visioning item. |
| <p>LONG-TERM (LONGER THAN 12 MONTHS)</p> | | |
| <p>Review and revise regulations along U.S. 1. The current regulations do not adequately address the reality of the majority of the properties along U.S. 1. Many of these lots are remnants created by the construction of U.S. 1 and are very small. Current setback, parking and landscaping requirements hinder redevelopment of these smaller parcels,</p> | <p>In progress</p> | <ul style="list-style-type: none"> • Reviewed by P/Z May 2, 2011 • Tentatively scheduled for 5/24/11 City Commission (1st reading) |

STREAMLING THE DEVELOPMENT PROCESS – UPDATE MEMO
MAY 16, 2011

| TASK | STATUS | COMMENTS |
|---|-------------|--|
| particularly in the core area of the City. However, in the areas north of the airport, many of the parcels begin to increase in size, which may require a separate set of regulations. | | |
| Prepare a corridor plan for State Road 44. Staff has met with representatives from the Florida Department of Transportation to begin this process. The corridor plan would identify future roadway improvements, signal locations and address access management issues. Again, having a plan in place, that establishes clear rules and requirements, can assist developers in making decisions and designing their projects. | In progress | <ul style="list-style-type: none"> • Meetings held with FDOT, Volusia TPO and Volusia County • Draft scope of work prepared • Tentative start date in 4th quarter 2011 |
| Incorporate VOTRAN review of new developments to ensure that shopping centers and businesses will be transit ready in the long-term future. | Not started | |
| Consolidate some of the existing zoning districts and create districts that are strictly multi-family, which would help reduce some of the compatibility issues. | Not started | |
| Review and revise zoning map and regulations to ensure that the zoning designations reflect conditions on the ground. This would most likely reduce the need for variances. | Not started | |
| Create community garden areas | Not started | |
| Create an interactive zoning/FLU map for the website that would include all info we have on the property, including building permits, variances, historic information, etc... | Not started | |
| Put all the master site file forms (for historic properties) on the website and create an interactive map. | Not started | |