



City of New Smyrna Beach

October 10, 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, October 17, 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

- Arts Overlay District

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:

Ursula Moccia, Administrative Specialist II
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*

CC: Tony Otte, CRA Director

Subject: **Arts District Overlay**

Date: October 17, 2011

BACKGROUND

The Economic Development Plan drafted by the Mayor and community stakeholders, recommends creating an Art Overlay District that encompasses Canal Street, Flagler Avenue and Art Center Boulevard. However, this recommendation was not included in the Economic Development Element that was added to the *Comprehensive Plan* as part of the EAR-based amendments adopted in 2011. Since 2010, staff has been working with residents and various boards to obtain a consensus of where an arts district should be located and what, if any, regulations should apply to businesses and home occupations within the district.

At the February 1, 2010 Planning and Zoning Board meeting, staff presented information regarding a proposed Arts District to the Board. Examples were provided of similar districts that have been established in Bradenton and Melbourne. The Bradenton district was used to revitalize a mainly residential area that was considered blighted. The Melbourne district was located in an existing commercial area, with very few residences. At the time the initial draft of the ordinance was presented to the Board, the district was envisioned to encompass significant tracts of residentially-zoned land.

Staff also presented the same information to the Community Redevelopment Agency (CRA) Board on February 3, 2010 and to the Historic Preservation Commission (HPC) on February 10, 2010.

BOARD RECOMMENDATIONS

Overall, the members of all three boards were receptive to the general idea of creating an Arts District. While no one board delineated a clear boundary, the general consensus was that whatever district is created should be walkable and compact. The boards generally agreed that applying an overlay to the entire Mainland National Register Historic District or the entire CRA district would not

create a walkable arts district. All the boards expressed concerns about unintended impacts on surrounding residences.

With regard to parking, there was no clear consensus from any of the board members. Responses ranged from allowing Art District businesses to demolish existing adjacent homes to create parking lots, to not requiring any additional parking at all. Other parking suggestions included allowing patrons to park in the home's driveway during the hours of 9:00 a.m. to 5:00 p.m.; allowing patrons to park on the street; and requiring a reduced ratio of on-site parking.

WHAT IS AN OVERLAY DISTRICT?

There are currently two types of overlay districts that are listed in the City's Land Development Regulations. The first type of overlay district is an enabling district, for example, the Historic Building Overlay District or Workforce Housing Overlay District. This type of overlay district exists on paper in the LDR, but isn't applied to any specific piece of property until the Planning and Zoning Board and City Commission review and approve a request to apply it to a specific site. This review and approval is done through the rezoning process.

The second type of overlay district found in the City is geographical. An example of this is the Corridor Overlay Zone. This type of overlay district not only exists on paper, but is also applied to properties within a certain area along State Road 44 and U.S. 1 and shown on the City's official zoning map. Property owners in this area do not have to go through a separate rezoning process to have the Corridor Overlay Zone applied to their properties – it is already there.

The proposed Arts Overlay District would be a geographical district, similar to the Corridor Overlay Zone. Every property within the overlay district would be able to take advantage of the additional economic opportunities available within the district.

SUMMARY OF DRAFT REGULATIONS

In reviewing the possible boundaries for an Arts District, staff initially identified three potential areas that would be suitable for this type of overlay district. All three of the potential districts were centered on an area that already has a Mixed-Use zoning designation. However, each of these areas also included additional residentially-zoned property that was within easy walking distance from the center of the MU district. These areas are shown on the maps attached as **Exhibit A**. Subsequent to formulating these maps, the City began working on the preparation of a form-based code, which covers a much smaller area of the Mainland CRA and which encompasses primarily commercially-zoned property. Staff has subsequently revised the proposed Arts District Map to reflect these changes (**Exhibit B**).

Using the input obtained from the Planning and Zoning Board, CRA and HPC, staff has prepared a revised set of draft regulations for the overlay district. The regulations address the following items:

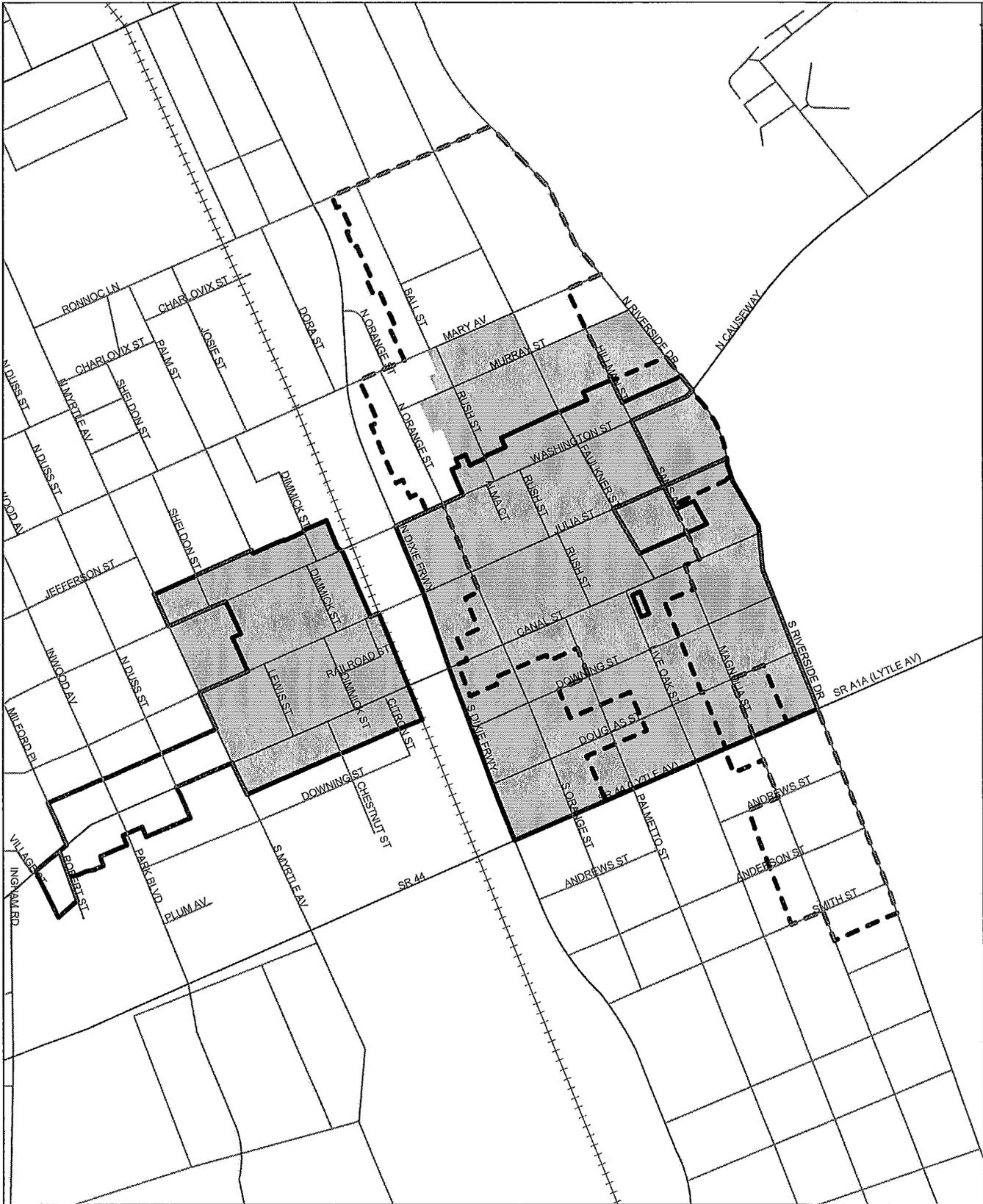
- Signage for home-based businesses
- Waives all on-site parking requirements for eligible businesses
- Waives the distance requirement for the sale of alcoholic beverages for on-site consumption for eligible businesses
- Establishes hours of operation for home-based businesses

A copy of the draft regulations is attached as **Exhibit C**.

DISCUSSION ITEMS

Staff is requesting input from the Board on the draft regulations and proposed districts. After receiving comments from the Planning and Zoning Board, staff will schedule a public workshop and notice all property owners within the proposed district. In addition to any issues or concerns raised by board members, staff is seeking input from the Board on the following items:

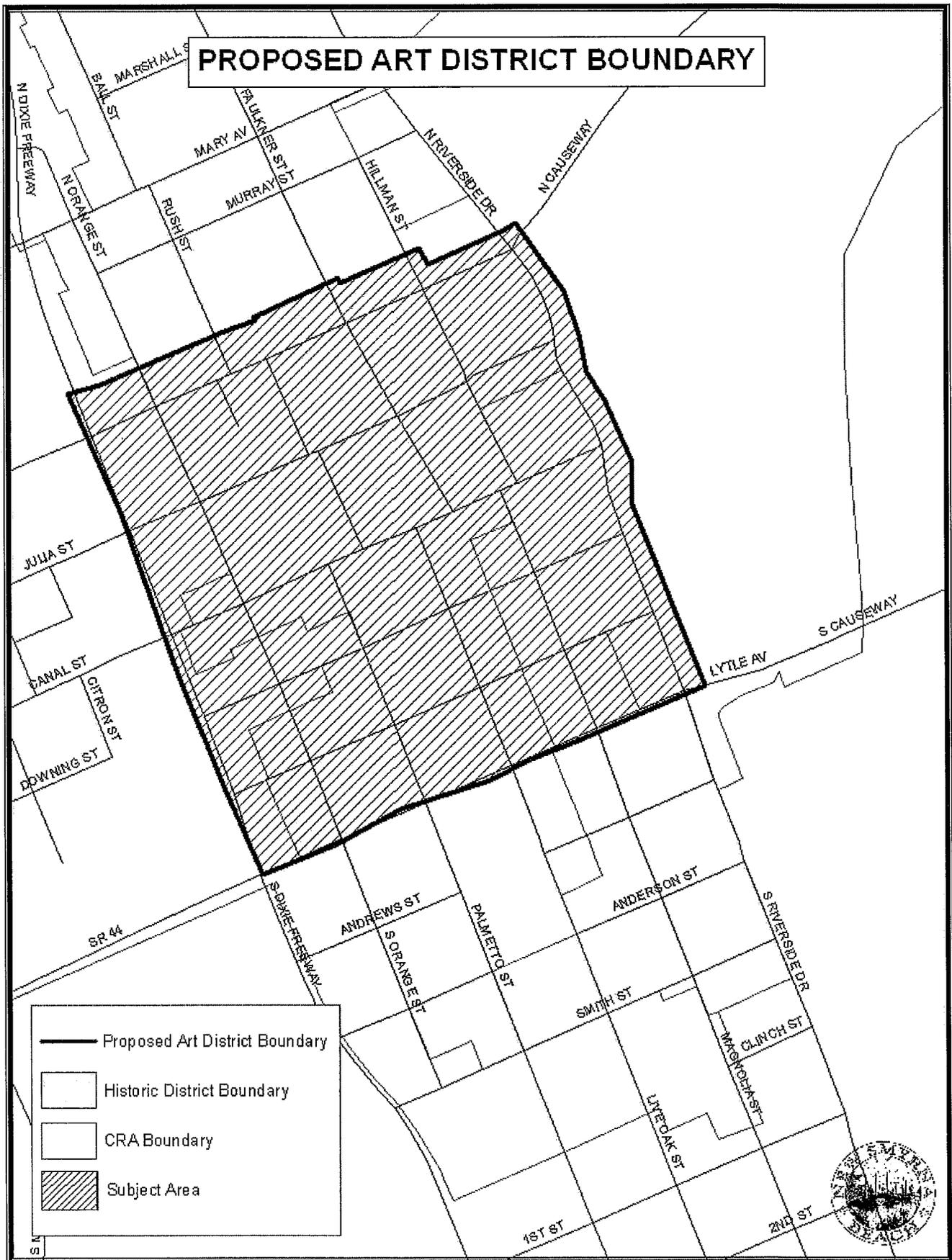
1. Are the boundaries shown for the proposed district walkable? Too small? Too large? Should the boundaries of the district be expanded to include more residentially-zoned properties?
2. Are the eligible uses adequate? Should additional uses be added? Should some of the proposed uses be deleted?
3. Should parking requirements be waived for art-related businesses?
4. Should the distance requirements for the sale of alcoholic beverages be waived?
5. What do we want to name the district?



PROPOSED
MAINLAND ART DISTRICT

-  Multi-Use Zoning Districts
-  NSB Historic District
-  Proposed Art District

N
Scale 1" = 700'



ARTS AND DESIGN DISTRICT OVERLAY

Intent:

The purpose of the Arts District Overlay is to encourage a desired mix of appropriate business uses oriented toward, or supporting the visual, performing, cultural, literary, decorative, and culinary arts theme. Any proposed business use related and contributing directly to the arts theme shall be eligible for the incentives detailed below. Determination of whether a proposed business is eligible shall be determined by the Administrative Official, or designee.

Eligible Businesses:

- Bakeries
- Cafes
- Coffee Shops
- Galleries
- Retail Sales and Services associated with the visual, performing, cultural, literary, decorative or culinary arts
- Restaurants
- Theatres

Parking Waiver:

On-site parking requirements shall be waived for all eligible businesses.

Storage:

Outdoor storage is generally prohibited. However, temporary display and limited activities pertinent to the business that contribute to the character of the Arts District Overlay shall be permitted. Such displays shall be directly in front of the business and shall be removed daily at the close of business. All displays shall be placed to maintain a minimum 36-inch clearance, as required by the Americans with Disabilities Act.

Special Events:

Special events may include, but are not limited to, Images Art Show, Art Fiesta, and monthly gallery walks. Additional special events may be permitted by the City Commission, within a specifically defined area of the Arts Overlay District. All proposed special events shall be reviewed by the Special Events Committee and approved by the City Commission if public property will be utilized for the event.

Sales of Alcoholic Beverages for Consumption on Premises

EXHIBIT C

Eligible businesses shall be exempt from the distance requirements of the City's *Code of Ordinances* and *Land Development Regulations*.

Home Based-Businesses:

Home-based businesses associated with the visual, performing, cultural, literary, decorative or culinary arts, shall be exempt from the requirements of Section 801.06 of this code. However, in order to protect the residential character of the surrounding neighborhood, signs shall not exceed 10 square feet of copy area and only one (1) sign shall be permitted. Signs shall not be illuminated. Home based businesses shall only be allowed to operate between the hours of 9:00 a.m. to 7:00 p.m., Monday-Saturday and from 10:00 a.m. – 5:00 p.m. on Sunday. The hours of operation may be extended if the home-based business is participating in a special event approved by the Special Events Committee or City Commission.

Interoffice Memorandum

City of New Smyrna Beach

To: Planning and Zoning Board Members

From: Gail Henrikson, AICP, Planning Manager

Subject: Streamlining the Development Process

Date: October 17, 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. Updates since August 15, 2011 are highlighted.

TASK	STATUS	COMMENTS
SHORT TERM (3-6 MONTHS)		
LDR amendment to update and codify existing site plan and subdivision review processes		<ul style="list-style-type: none"> Completed
LDR amendment to allow bicycle and motorcycle parking to replace a certain percentage of required automobile parking spaces	In progress	<ul style="list-style-type: none"> Scheduled as visioning item at August P/Z meeting (part of Flagler Avenue Parking Study) Recommendation removed from Flagler Avenue Parking Inventory Report. Revised draft presented to City Commission 10/11/11
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.	In progress	<ul style="list-style-type: none"> Completed
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

STREAMLING THE DEVELOPMENT PROCESS – UPDATE MEMO
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TASK	STATUS	COMMENTS
Formalization and greater utilization of the Class I site plan process for residences being 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.		<ul style="list-style-type: none"> Completed
Review site plan checklists to identify items that may not be required	In progress	<ul style="list-style-type: none"> Revisions to site plan regulations scheduled for 2nd reading before City Commission on 8/9/11 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 first reading before City Commission 10/25/11
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; third draft of revisions received from consultant Draft presented to P/Z at 8/15/11 Workshop Other re-writes to LDR on-going as work loads permit Scheduled for discussion at City Commission workshop 10/25/11
Revise, if needed, and adopt, existing area	In progress	<ul style="list-style-type: none"> Copies of all studies and design

STREAMLING THE DEVELOPMENT PROCESS – UPDATE MEMO
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TASK	STATUS	COMMENTS
<p>plans. Throughout the years, the City has paid numerous consultants to prepare plans and guidelines for the North Causeway, 3rd Avenue, and the Activity Center. However, none of 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>guidelines forwarded to City Commission in June 2011; workshop with Commission to be scheduled in late fall</p> <ul style="list-style-type: none"> • This item is scheduled for discussion at a City Commission workshop on 10/25/11 • Revisions to Activity Center Design Guidelines tentatively scheduled for 11/7/11 P/Z meeting
<p>Develop an incentive program to promote sustainable design.</p>		<ul style="list-style-type: none"> • Completed
<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 • Flagler Avenue Parking Study to be presented to City Commission at a workshop on 10/11/11
<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</p>		<ul style="list-style-type: none"> • Completed

STREAMLING THE DEVELOPMENT PROCESS – UPDATE MEMO
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TASK	STATUS	COMMENTS
<p>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, 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.</p>		
<p>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.</p>	<p>In progress</p>	<ul style="list-style-type: none"> • Meetings held with FDOT, Volusia TPO and Volusia County • Draft scope of work prepared • Project kick-off meeting held July 5, 2011 • Anticipated completion date of April 2012 • Public kick-off meeting scheduled for October 18, 2011
<p>Incorporate VOTRAN review of new developments to ensure that shopping centers and businesses will be transit ready in the long-term future.</p>	<p>Not started</p>	
<p>Consolidate some of the existing zoning districts and create districts that are strictly multi-family, which would help reduce some of the compatibility issues.</p>	<p>Not started</p>	
<p>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.</p>	<p>Not started</p>	
<p>Create community garden areas</p>	<p>Not started</p>	
<p>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...</p>	<p>In progress</p>	<ul style="list-style-type: none"> • Meeting held with IT, staff and GIS consultants on June 23, 2011
<p>Put all the master site file forms (for historic properties) on the website and create an interactive map.</p>	<p>Not started</p>	