

# EVALUATION AND APPRAISAL REPORT



City of New Smyrna Beach  
2009

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## EXECUTIVE SUMMARY

The State of Florida regulates local government comprehensive planning through Chapter 163, Part II, Florida Statutes (F.S.). These laws mandate that local governments must maintain a long-range, comprehensive planning program that should be a continuous and ongoing process. As part of this ongoing process, each local government is required to periodically evaluate its comprehensive plan (Plan) by researching and writing an Evaluation and Appraisal Report (EAR).

The EAR functions as an audit of the successes and shortcomings of the Plan and provides the opportunity to identify amendments needed to address these shortcomings. EAR-based amendments occur as part of a separate and subsequent process from the EAR and includes updates to the Plan in order to reflect changes in local City circumstances and goals that are based on the defined "Major Issues". The amendments may also address changes in State law.

In 2007 the City held several public meetings intended to identify major issues residents had within the City. The identified Major Issues for the City of New Smyrna Beach in this EAR are:

- Parking
- Annexation
- Economic development
- Neighborhood plans
- Design guidelines
- Workforce/affordable housing
- Alternative transportation
- Promotion of the built and natural environment
- Conservation
- Disaster planning

Florida Statutes also require each local government to address several special topics, when relevant, per Sections 163.3191(2) (k)-(p). The required topics addressed in this EAR include:

- Changes in population
- Changes in land area
- Vacant land for future development
- Demands of growth on infrastructure
- Location of development
- Coordination of school locations
- Consideration of utilities
- Evaluation of redevelopment feasibility and property rights in coastal high hazard areas

The last EAR-based amendments were adopted in 1999. Since that time, the City has attempted to remain current with new legislative initiatives as they have been approved, and as new or different needs were identified within the community. However, additional changes are required to reflect the current City goals and vision.

The City of New Smyrna Beach adopted the required amendments to the Plan to incorporate a Public Schools Facilities Element in 2008. The Infrastructure Element was transmitted to the Department of Community Affairs early in 2008. However, a disagreement with the water management district on an alternative water supply has delayed the Department of Community Affairs finding the element in compliance. In 2009, the City adopted a revised and updated Capital Improvements Element, which incorporated the Volusia County School District's budget and demonstrated financial feasibility, as required by State law.

# **CHAPTER ONE: INTRODUCTION**

## **1.1 CITY PROFILE**

The City of New Smyrna Beach is located on the Central East Coast of Florida, adjacent to the Indian River and the Atlantic Ocean, in southeastern Volusia County. The City of Edgewater is to the south and the City of Port Orange is to the north. Unincorporated Volusia County is adjacent to New Smyrna Beach as well. Its waterfront location, and access to major transportation corridors, such as US1, I-95, and State Road 44, which connects to I-4, makes New Smyrna Beach an ideal location.

The City today consists of approximately 38.2 square miles, with an April 1, 2009 population estimation of 23,449 according to the University of Florida, Bureau of Economic Business Research. The population swells to approximately 30,000 during the winter months due to seasonal residents.

The City has rich historical and archaeological resources. New Smyrna Beach was the location of the single largest British settlement attempt in the New World in 1768. There has been settlement in the area off and on since then. However, the permanent settlement began after the civil war. The City consists of two historical Cities: New Smyrna Beach on the mainland and Coronado Beach on the beachside or barrier island. In 1947 the two Cities merged to create New Smyrna Beach. There are two National Register of Historic Places historic districts within New Smyrna Beach. One is centered on the City's beachside downtown at Flagler Avenue and Peninsula Avenue, and the other is centered on the mainland downtown at Canal Street.

New Smyrna Beach's ocean beach was voted the "best beach" in 2007 by readers of the Orlando Sentinel. The beach attracts hundreds of thousands of visitors annually both day trippers from Central Florida and long-term vacationers from outside the region. The incorporated portion of the beach has over seven miles of naturally hard-packed sand that allows automobiles and bicycles to ride upon the "World's Most Famous Beach Trail". Further, the community ranks as one of the "100 Best Small Art Towns in America".

## **1.2 PURPOSE OF THE EAR**

Under state law, the City of New Smyrna Beach must evaluate how well it is meeting the goals, objectives, and policies of the Comprehensive Plan. Also, the City must determine what changes are needed in the plan to reflect the community's vision for the future and address major issues with their community. As a result of this evaluation process, a report is generated that is known as the Evaluation and Appraisal Report (EAR). The purpose of the EAR is to review the adopted Comprehensive Plan (Plan) to determine how well the City is meeting the Goals, Objectives, and Policies as set forth in the Plan. Also, the purpose of the EAR is to determine what major issues need to be addressed to meet the expectations of the citizenry.

The outcome of the EAR Process is to (1) evaluate the effectiveness of the City's current adopted Comprehensive Plan in achieving the City's established goals, objectives and policies; (2) create a composite set of critical issues regarding growth management that the City evaluate during an update and amendment to the Comprehensive Plan; and (3) identify alternatives that the City will evaluate with regard to each of those issues.

This EAR for the City of New Smyrna Beach provides the review and analysis of the City's current Comprehensive Plan to assure that it is meeting the needs and reflecting the future vision of the community. Through the thorough review and analysis of local issues and special topics, the EAR provides the framework for the update to the City's Comprehensive Plan.

### **1.3 PUBLIC PARTICIPATION PROCESS/ MAJOR ISSUES**

The new requirements for the preparation of the EAR provide that the EAR be focused on responding to specific issues of local concern that are developed through an interactive process with professional City staff, City consultants, the City Commission, the Planning and Zoning Board, other regional government agencies, and state agencies.

The City of New Smyrna Beach citizens have always been kept participants in the City's planning process. As part of the evaluation and appraisal process, the City discussed a variety of "Visioning Topics" at the beginning of the City's Planning and Zoning Board meetings on eight separate occasions. The City also held an EAR Workshop on November 14, 2007, that was attended by the City Commission members, the Planning and Zoning Board members, and citizens of New Smyrna Beach. The scoping meeting was held on December 5, 2007, and provided a forum for interaction between local, regional and state agencies to: (1) identify and discuss the major issues facing the City that should be addressed in the EAR; (2) share resources to assist in preparing the EAR; and (3) discuss the degree of effort that each EAR component should receive. The major issues of the EAR were approved at that December 5, 2007 meeting by the City Commission.

Following is a brief description of the major issues discussed during the public participation meetings:

- **Parking.** New Smyrna Beach is a tourist community having both daily visitors from Central Florida and long-term visitors from outside of Central Florida. Also, the City was originally developed in historic times when the automobile was not the primary means of transportation. The City needs to address the parking problems, both perceived and real, in the City. This includes the downtown areas of Canal Street and Flagler Avenue, the boat ramps on the North Causeway, and parking near the beach.

- **Annexations.** During the 1990s the City annexed a great amount of land resulting in doubling the size. However, due to the States annexation laws it is difficult to annex land with unwilling owners. The City should annex areas between Interstate 95 and the traditional City area to provide more efficient public services and facilities. Also, the City needs to determine if further annexation west and south on the barrier island is desired.
- **Economic Development.** The City's tax base is overwhelmingly reliant upon residential property and the service industry. To relieve residents from the burden of paying the property tax and relying on relatively low wage service jobs the City needs to encourage non-residential development and diversify employment opportunities. The City has annexed three of the four quadrants at the intersection of Interstate 95 and State Road 44. This area is called the Activity Center and it is mostly undeveloped. The City would like to establish an employment center within the Activity Center.
- **Neighborhood Plans.** Many of the City's neighborhoods have future land use and zoning designations that were applied in the 1970s and 1980s and are now considered inappropriate. As new developments are proposed they are incompatible with the existing development. Since each neighborhood is unique a plan is needed for each neighborhood. Residents are interested in creating a "Bills of Rights" for each neighborhood throughout New Smyrna Beach. Each Bill of Rights will require prompt, courteous responses to questions, notification of upcoming projects that affect area residents, and will allow each neighborhood input on the zoning and future land uses in each area.
- **Design Guidelines.** Design guidelines have been used in many communities to provide compatibility within neighborhoods and provide higher quality developments. There have been several attempts to implement design guidelines in various areas within the City. It needs to be determined where design guidelines are appropriate if at all.
- **Workforce/Affordable Housing.** Although the existing economic climate has greatly increased housing affordability this trend will most likely change in later decades. The City needs to provide housing for all future income ranges to avoid social and economic problems associated with unaffordable housing.
- **Transportation Alternatives.** The City has a relatively acceptable transportation system but relies mostly upon the automobile. As fuel prices increase in coming decades alternative transportation modes and land development patterns that rely less on the automobile need to emerge. Residents are interested in making the community friendlier to alternative transportation modes. A major issue has been to get pedestrians safely across South Atlantic Avenue to access the beach, providing more sidewalks and bicycle facilities and increasing public transportation to destinations such as the downtowns and the beach.

- **Promotion of the Natural and Built Environment.** Focus on infill of vacant parcels and redevelopment where services and facilities exist is needed for a sustainable society. Encouraging infill of vacant parcels east of I-95 will promote a balance between entirely new development on the west side of I-95, and a combination of new, both infill and redevelopment, on the east side of I-95. Protection of the natural environment, part of the reason the area became populated in the first place, is of utmost importance to residents.
- **Conservation.** Most residents experienced years of a wasteful society when seemingly there were endless resources. It has become apparent that society needs to concentrate on sustainability by conserving valuable resources including water, energy and land. Many residents are concerned about energy and water conservation and green building practices.
- **Disaster Planning.** New Smyrna Beach has experienced various disasters within the last decade including hurricanes, flash floods, tornadoes and wildfires. The City has begun and needs to continue planning for these disasters. Residents are interested in a post-disaster redevelopment plan and evacuation.

## CHAPTER TWO: ANALYZING CHANGES IN NEW SMYRNA BEACH

### 2.1 CHANGES IN POPULATION

There are two different population projections for the City of New Smyrna Beach within the Comprehensive Plan. **Table 2-1** is in the Future Land Use (FLU) Element, and Table XIV-2 is located in the Public School Facilities Element (PSFE). In 2007, the Volusia County School system, along with the municipalities within the County, agreed to an official population projection for the City. For clarity's sake, the Volusia County's School system's population projections will be the City's official population projections. Please see **Table 2-2** below. The information in Table 2-2 was completed after Table 2-1, and takes into consideration the land on the west side of I-95, which was anticipated to be developed.

**Table 2-1 Population Projections-Future Land Use**

Year	Resident	Seasonal	Combined Total
1995	18,393	6,254	24,647
2000	20,112	6,838	26,950
2005	21,657	7,363	29,020
2010	23,183	7,882	31,065
2015	24,690	8,395	33,085

Source: Bureau of Economic and Business Research  
City of New Smyrna Beach, Development Services Department, 1995

**Table 2-2 Volusia County Public School Facilities Element Population Allocation by School Planning Area**

<u>Planning Area</u>	<u>2005</u>	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>
<b><u>North Halifax</u></b>					
Ormond Beach	<u>39683</u>	<u>42533</u>	<u>45951</u>	<u>48800</u>	<u>51079</u>
Unincorporated	<u>27167</u>	<u>29176</u>	<u>30126</u>	<u>31564</u>	<u>33064</u>
Subtotal	<u>66850</u>	<u>71709</u>	<u>76077</u>	<u>80364</u>	<u>84143</u>
<b><u>Central Halifax</u></b>					
Daytona Beach (part)	<u>56031</u>	<u>60061</u>	<u>64084</u>	<u>68098</u>	<u>72104</u>
Holly Hill	<u>12620</u>	<u>12765</u>	<u>12910</u>	<u>13055</u>	<u>13200</u>
South Daytona	<u>13955</u>	<u>14502</u>	<u>15050</u>	<u>15597</u>	<u>16146</u>
Unincorporated	<u>3780</u>	<u>4574</u>	<u>4910</u>	<u>5454</u>	<u>6001</u>
Subtotal	<u>86386</u>	<u>91902</u>	<u>96954</u>	<u>102204</u>	<u>107451</u>
<b><u>South Halifax</u></b>					
Daytona Beach (part)	<u>9098</u>	<u>9371</u>	<u>9652</u>	<u>9942</u>	<u>10240</u>
Daytona Beach Shores	<u>4661</u>	<u>4818</u>	<u>4976</u>	<u>5133</u>	<u>5292</u>

<u>Ponce Inlet</u>	<u>3247</u>	<u>3511</u>	<u>3776</u>	<u>4040</u>	<u>4305</u>
<u>Port Orange</u>	<u>54630</u>	<u>62048</u>	<u>70949</u>	<u>78366</u>	<u>84300</u>
<u>Unincorporated</u>	<u>14387</u>	<u>15603</u>	<u>16215</u>	<u>17110</u>	<u>18063</u>
<u>Subtotal</u>	<u>86023</u>	<u>95351</u>	<u>105568</u>	<u>114591</u>	<u>122200</u>
<b><u>Southeast</u></b>					
<u>Edgewater</u>	<u>21156</u>	<u>23154</u>	<u>25819</u>	<u>30483</u>	<u>34481</u>
<u>New Smyrna Beach</u>	<u>22025</u>	<u>25043</u>	<u>28664</u>	<u>32284</u>	<u>34095</u>
<u>Oak Hill</u>	<u>1922</u>	<u>2130</u>	<u>2343</u>	<u>2553</u>	<u>2765</u>
<u>Unincorporated</u>	<u>18061</u>	<u>19775</u>	<u>20585</u>	<u>21813</u>	<u>23197</u>
<u>Subtotal</u>	<u>63164</u>	<u>70102</u>	<u>77411</u>	<u>87133</u>	<u>94538</u>
<b><u>Deltona</u></b>					
<u>Deltona</u>	<u>82973</u>	<u>95672</u>	<u>105196</u>	<u>109958</u>	<u>114720</u>
<u>Unincorporated</u>	<u>5229</u>	<u>6485</u>	<u>7079</u>	<u>8978</u>	<u>9011</u>
<u>Subtotal</u>	<u>88202</u>	<u>102157</u>	<u>112275</u>	<u>118936</u>	<u>123731</u>
<b><u>DeBary-Orange City</u></b>					
<u>DeBary</u>	<u>18222</u>	<u>20000</u>	<u>22000</u>	<u>23500</u>	<u>25000</u>
<u>Orange City</u>	<u>8854</u>	<u>9126</u>	<u>9398</u>	<u>9670</u>	<u>9942</u>
<u>Unincorporated</u>	<u>8344</u>	<u>9189</u>	<u>10499</u>	<u>11261</u>	<u>12012</u>
<u>Subtotal</u>	<u>35420</u>	<u>38315</u>	<u>41897</u>	<u>44431</u>	<u>46954</u>
<b><u>Deland</u></b>					
<u>DeLand</u>	<u>25055</u>	<u>28759</u>	<u>32462</u>	<u>35548</u>	<u>37400</u>
<u>Lake Helen</u>	<u>2847</u>	<u>2961</u>	<u>3076</u>	<u>3190</u>	<u>3305</u>
<u>Unincorporated</u>	<u>27193</u>	<u>29585</u>	<u>30715</u>	<u>32427</u>	<u>34255</u>
<u>Subtotal</u>	<u>55095</u>	<u>61305</u>	<u>66253</u>	<u>71165</u>	<u>74960</u>
<b><u>Northwest</u></b>					
<u>Pierson</u>	<u>2633</u>	<u>3110</u>	<u>3587</u>	<u>4064</u>	<u>4541</u>
<u>Unincorporated</u>	<u>10876</u>	<u>11149</u>	<u>11278</u>	<u>11474</u>	<u>11682</u>
<u>Subtotal</u>	<u>13509</u>	<u>14259</u>	<u>14865</u>	<u>15538</u>	<u>16223</u>
<b><u>Total</u></b>	<b><u>494649</u></b>	<b><u>545100</u></b>	<b><u>591300</u></b>	<b><u>634362</u></b>	<b><u>670200</u></b>

Sources: New Smyrna Beach Comprehensive Plan, Volusia County Schools estimates- Source: U.S. Census, Bureau of Economic and Business Research (BEBR), TMH Consulting

On April 1, 2009, the Bureau of Economic and Business Research (BEBR) estimated the population of New Smyrna Beach at 23,449. **Table 2.2**, which takes into consideration the annexed land west of I-95, estimates the 2010 population at 25,043. This equates to the projected population being approximately 6.8% higher than what was estimated by BEBR for 2009. This difference is most likely due to the fact that the projections in Table 2-2 were created prior to the decline in residential construction. Over the last two years or so, the rate of growth has slowed considerably in New Smyrna Beach, and throughout the United States. In reality, this will equate to additional capacity that will be available to serve future growth in the City.

One of the requirements of the EAR is to determine the rate of growth over the past ten years. The most recent population data indicates the population of the City is 23,449, and the population in 1998 was 19,424, thus:

Current population (2008) 23,449  
 "Old" population (1998) -19,424  
**Change in Population 4,024**

In the past approximately ten years since the last EAR was completed the City's population increased approximately 21 percent.

## 2.2 HOUSING DEMAND AND DEVELOPMENT

**Table 2-3**, below, highlights the projected housing needs for New Smyrna Beach through 2025. The demand for housing units was projected by dividing the population estimate (permanent residents) by the average number of persons per household for the City. According to the U.S. Census (2000) the average household size was 2.02 persons per household. The projected housing demand shown below should only be used for planning level analysis. Housing demand is very fluid, however, as the recent downturn in the housing market proves. These projections can be influenced by any number of factors.

**Table 2-3 Projected Housing Demand, 2010-2025**

Year	Population Estimate	Projected Demand for Housing Units
2010	25,043	12,396
2015	28,664	14,190
2020	32,284	15,982
2025	34,095	16,879

Based on U.S. Census (2000) average household size and Volusia County School Board population estimates.

## 2.3 CHANGES IN LAND AREA

Since the last Comprehensive Plan update, the City of New Smyrna Beach incorporated 11,016 acres, or 17.2 square miles of additional land into its municipal boundaries. The City currently has 24,487 acres within its municipal boundaries, or 38.2 square miles.

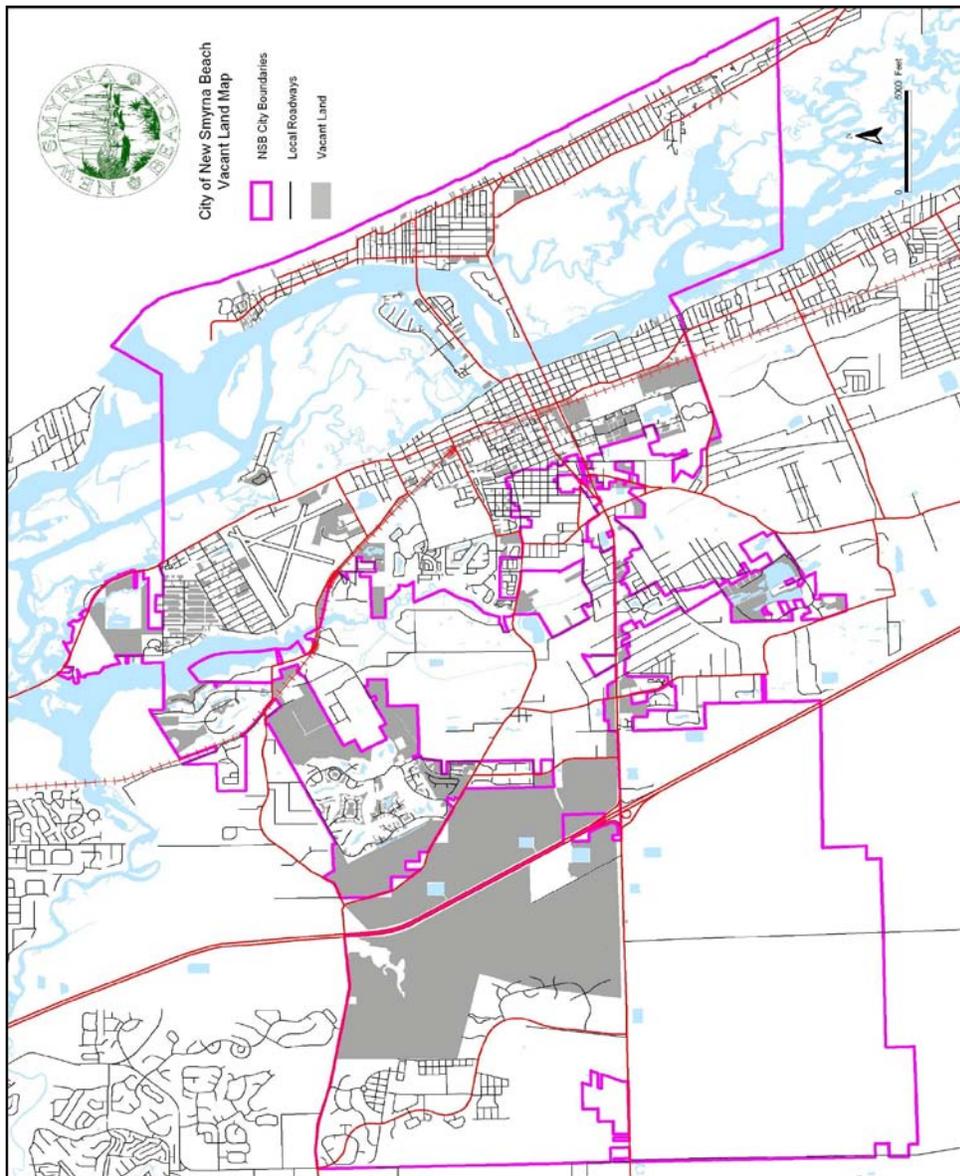
Since the last Comprehensive Plan update, most of the growth in New Smyrna Beach land area was on the west side of I-95. Several large annexations resulted in the City's total acreage more than doubling in size. There has also been considerable annexation between I-95 and the historic portion of the City east of I-95 since the last EAR.

The current comprehensive plan has existing land use data based on the City's area of 11,016 acres. At that time, approximately 59 percent of the land within the City's corporate boundaries was either vacant or designated as conservation. Of the undeveloped area, approximately 26 percent was available for development through the build-out period ending in the year 2015. The conservation area was expected to remain largely undeveloped, which it did.

## 2.4 VACANT LAND FOR FUTURE DEVELOPMENT

The City of New Smyrna Beach contains a little over 24,487 acres. Of this, large areas consist of mangroves and submerged lands that are not developable. These areas are zoned “Conservation”, and are not considered vacant. The Conservation zoning category constitutes roughly 27.4% of the land within New Smyrna Beach. The Comprehensive Plan defines vacant lands as “parcels which are currently undeveloped”. Please see the Vacant Land **Map 2-1** on the following page for a depiction of the vacant land in New Smyrna Beach. Development Services staff determined that there are 4,911.2 vacant acres of land and 1,553 vacant parcels of land within the corporate limits.

**Map 2-1 Vacant Land**



Approximately 22% of developable land within the City is vacant. These vacant parcels are located throughout the City. The vacant land west of I-95 is expected to be primarily residential, with commercial “downtowns” to provide retail and office space for the surrounding community. Tourist commercial, office and light industrial uses are envisioned in the Activity Center at the intersection of State Road 44 and Interstate 95. North of the City’s airport is the Islesboro neighborhood, which has platted but unimproved streets. One of the primary reasons the Islesboro neighborhood has not been fully developed is portions of it are in low-lying areas, including wetlands, and the cost of development would be too high for the value of the land. The City has also been in discussion to develop several large tracts of land the Florida East Coast Railroad owns in the heart of the mainland downtown area. It is anticipated that several of these large tracts of vacant land will be planned and developed within the next five to ten years, depending on the economy.

## **2.5 DEMANDS OF GROWTH ON INFRASTRUCTURE**

### **Financial Feasibility**

Section 163.3191(2)(c), F.S. requires that the EAR evaluate the City of New Smyrna Beach’s ability to achieve and maintain their adopted level-of-service (LOS) standards for certain public facilities. The EAR is also required to present the financial feasibility of implementing the plan to meet the demands of growth on public services and facilities.

The Capital Improvements Element (CIE) is intended to contain objectives and policies designed to achieve and maintain adopted LOS standards for specified public facilities. The CIE ranks projects according to community need as well as the ability to pay for the projects based on the annual budget. The CIE must be updated annually and must incorporate not only the City’s capital projects but must also include the Volusia County School District’s annual adopted budget and 5-year work program.

### **Maintenance of Adopted Level of Service Standards**

The City of New Smyrna Beach has adopted LOS standards for each of the following types of public facilities and services:

- Roads
- Potable water
- Wastewater/ sanitary sewer
- Stormwater
- Solid waste
- Recreation and open space
- Public school facilities

City of New Smyrna Beach services are provided by various agencies. Some services are provided by the City of New Smyrna Beach itself, other services are provided by the Utilities Commission of New Smyrna Beach, and other services are provided by other governmental agencies and private contractors.

## 2.5.1 Roads

The City's roads are generally at an acceptable level of service with no deficiencies expected until 2015 (See **Table 2-4**). The Comprehensive Plan indicates a level of service D on freeways and principal arterial roads and E on minor arterials, collectors and local roads. Traffic count data indicates the number of trips on area roads has decreased within the last few years. This may be attributed to the high prices of fuel and the poor economy keeping people off the roads. Additionally, between 2008 and 2009, New Smyrna Beach lost approximately 267 residents according to BEBR, which would equate to fewer vehicular trips on the City's roadway network.

There are various mechanisms in place to improve roadways when they approach their capacity. The City participates in the Metropolitan Planning Organization (MPO), which is a County-wide organization to coordinate needed transportation improvements. The MPO Transportation Improvement Plan (TIP) is a cost feasible plan that directs funds to needed improvements on the State and County road system. The TIP is funded through various sources including federal and state gas taxes, local option sales taxes, County impact fees and proportionate share payments from developers. The City also collects transportation impact fees that can be used to increase capacity on local roads and collects proportionate fair-share payments for scheduled roadway improvements. Finally, some necessary road segments are constructed by developers. If a proposed development will impact a certain roadway so that it will be over the acceptable level of service, the development cannot be approved without mitigation. The City participated with all jurisdictions within Volusia County to ensure consistency with traffic impact analyses and the City operates a traffic concurrency program that ensures area roadways operate at an acceptable level of service. To date no roadway segments or intersections have been allowed to exceed their level of service. The City also participated with the Cities of Edgewater and Port Orange and Volusia County to complete a small area traffic study to determine what roadways will need improvements before 2030 and how those improvements will be funded.

### **Maintenance Responsibility**

The roadways within the City of New Smyrna Beach are constructed and maintained by several different entities. Most arterials were originally constructed and are maintained by the Florida Department of Transportation. Volusia County maintains a limited number of arterials, many collector roadways and some local roads. The City of New Smyrna Beach maintains the remaining collector and local roads. **Map 2-2** depicts the major roads by functional classification (arterial, collector and local road) and **Table 2-4** lists the roads by maintenance responsibility.

### **Capacity of Facilities**

New Smyrna Beach is generally known for its free-flowing traffic most of the time. However, New Smyrna Beach is also known for its tremendous beach traffic on hot sunny beach weekends as residents from the Orlando Metropolitan area drive to their favorite beach. The high-rise South Causeway Bridge was constructed in the early 1990s and the North Causeway bascule bridge was replaced in the mid-1990s. Before the North and South Causeway bridges were replaced, obsolete bascule bridges

existed on both causeways and frequently malfunctioned, causing gridlock, particularly during hot summer beach days. Once the South Causeway high-rise bridge was completed in 1991, most of the traffic problems ceased. However, some summer holiday beach days still experience traffic congestion on State Road 44 and occasionally traffic is backed up to I-95, approximately 6 miles west of the ocean. These highly congested roadways within the City during peak beach days are a source of many residents' complaints. However, the City cannot, and should not, be expected to construct a roadway system with sufficient capacity to address these relatively infrequent traffic problems.

Until recently almost all roadways within the City had plenty of daily available capacity for proposed development. In the mid-2000s sections of roadways began experiencing capacity problems regularly. The last few years have experienced a reduction in number of daily trips most likely due to an increase in gas prices, a downturn in the economy and a loss of residents. The reduction in driving is a nation-wide phenomenon. However, if all, or many, of the development projects are implemented as planned, several roadway links will be at capacity. The City of New Smyrna Beach, along with other Southeast Volusia jurisdictions including the Cities of Edgewater and Port Orange, and Volusia County engaged in an area-wide transportation study to determine where the capacity problems will arise, transportation improvements required and a methodology to pay for the required improvements. This study was recently completed and the results of the study are being incorporated into the Transportation Element update.

## **Roadway Improvements**

Roadways have been improved or constructed within the City of New Smyrna Beach since the last EAR. The following is a discussion of these roadway improvements.

**State Road 44** was widened from two to four lanes for approximately 15 miles from I-95 to I-4 during the years 2000 to 2008.

**Colony Park Road** was partially constructed for approximately 1000-feet north of SR 44 and will eventually connect approximately ½ mile north to Williams Road, and eventually to Pioneer Trail, in order to provide a much needed north-south collector road.

**Airport Road** was constructed between Pioneer Trail and SR 44. This approximately 3.5-mile minor arterial is the primary thoroughfare for the new community of Venetian Bay. The road will eventually continue south of SR 44 and connect to the proposed Williamson Boulevard Extension and the Restoration development in the City of Edgewater. The alignment and length for this segment of road are uncertain.

**Tenth Street/Josephine Street** was partially improved to a four-lane facility in 2007 to accommodate the traffic impacts from recently constructed developments, including the replacement high school, Daytona State College, a large multi-family residential

development, and a middle school. The road widening is to occur in three phases. The completed phase consists of approximately 2/3 of a mile section from the high school property to S. Myrtle Avenue. Phase 2 is an approximately ½ mile section from S. Myrtle Avenue to US 1 and the third phase is an approximately ½ mile section from the high school to Mission Drive.

In addition to completed roadway improvements discussed above there are also roadway improvements that are proposed in the near future. These are discussed in further detail below.

**Williamson Boulevard** is proposed to continue south from its terminus in Port Orange to Pioneer Trail approximately 1.5 miles. Development is already proposed in this area of Port Orange and the location of the roadway extension is relatively finalized. An approximately 2.5-mile section from Pioneer Trail to SR 44 is to be constructed within the City limits of New Smyrna Beach. However, the location of this roadway has not yet been determined. The majority of the land between State Road 44 and Pioneer Trail is owned by the Utilities Commission of New Smyrna Beach. The Utilities Commission has indicated that they will not construct the road, nor are they eager to sell or provide land for the future construction of the roadway extension. South of State Road 44, Williamson Boulevard will be extended approximately 4.75 miles south, to its terminus at SR 442 (Indian River Boulevard) in Edgewater. Again, the final location of this roadway extension has not yet been determined.

**Paige Avenue** is a platted right-of-way that is only open in limited areas. . In areas where the right-of-way is open, the roadway is not paved. Currently, the City and the County share maintenance responsibilities for the upkeep of this road. Paige Avenue runs roughly parallel to the south side of SR 44 from Glencoe Road to Mission Drive. This alignment is ideal for relieving traffic on SR 44 by providing an alternate east-west route. Those that would benefit most from the roadway are residents that live on the south side of SR 44, as they would not have to rely upon the ever-increasingly congested SR 44 to obtain general services such as shopping. Paige Avenue would be an ideal alternate route to all the establishments along the south side of SR 44. However, many residents within the neighborhoods on the south side of SR 44 are against the complete opening of Paige Avenue for fear of negative impacts to their neighborhoods.

**Mooneyham Drive** is an east-west right-of-way between Turnbull Bay Road and the Sugar Mill Community. As with Paige Avenue on the south side of SR 44, an east-west roadway is needed on the north side of SR 44 as well. Pioneer Trail provides an east-west collector north of SR 44 but an additional road to connect the northern portion of the City to the Sugar Mill area would greatly increase circulation to the benefit of the entire community. As with Paige Avenue, this connection has met resistance from residents of the area.

There are also some roadway improvements planned by neighboring communities that are not supported or funded by the City of New Smyrna Beach.

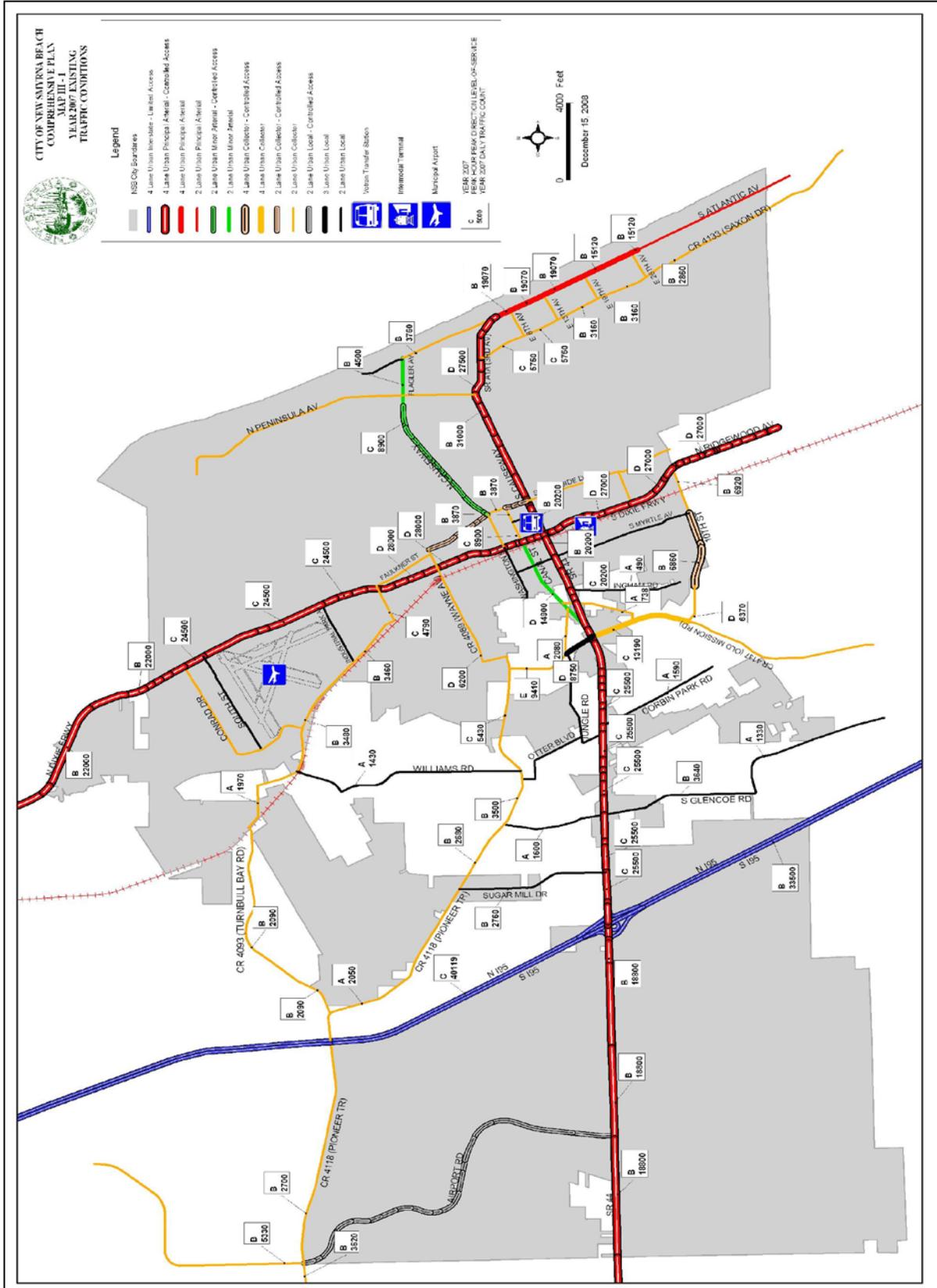
**Pioneer Trail/I-95 Interchange** is an improvement the City of Port Orange is anticipating will alleviate congestion at the Dunlawton Avenue/I-95 interchange. This improvement is a source of controversy between New Smyrna Beach and Port Orange because it was never analyzed in the past. Residents in the area of Pioneer Trail and I-95 have become vocal about not wanting the interchange and the negative impacts that would inevitably arise from such an improvement. The Southeast Volusia Transportation Study demonstrated that there is no improvement to the area-wide transportation system with the addition of this interchange. There are improvements that can be made to nearby interchanges to alleviate congestion and that would not require the construction of an interchange at I-95 and Pioneer trail.

**Central North-South Connector** is an arterial road concept proposed by the City of Edgewater intended to be located between US 1 and I-95. Representatives from the City of Edgewater have requested, but have not received, support from the City of New Smyrna Beach and the Metropolitan Planning Organization on this proposal. This roadway would be difficult to construct as much of the area is already developed or contains environmental land. Also, much of the development, and thus population, is shifting west of I-95 and therefore another north-south arterial east of I-95 may not be needed.

In 1990 the City of New Smyrna Beach adopted a Traffic Circulation Element in its comprehensive plan, along with all the other required elements. However, according to State Statutes a municipal corporation the size of New Smyrna Beach should have adopted a Transportation Element. The City is in the process of amending the Traffic Circulation Element to meet the requirements of a Transportation Element.

According to Rule 9J-5.019 of the Florida Administrative Code, the purpose of the Transportation Element is to plan for a multi-modal transportation system that places emphasis on public transportation systems. The goal of the City of New Smyrna Beach's Transportation Element is to develop and maintain an integrated multi-modal transportation system that ensures that multiple travel options are afforded to all residents and tourists in the City. The transportation system is required to be consistent with the City-wide land use goals, environmental goals, and economic goals that are envisioned within the Comprehensive Plan. Another purpose of the Transportation Element is to coordinate local transportation planning with the Volusia County Metropolitan Planning Organization's (MPO) Long Range Transportation Plan (LRTP). The New Smyrna Beach Transportation Element contains goals, objectives, and policies related to the provision of infrastructure for all travel modes, preservation of right-of-way, and maintenance of transportation concurrency.

# Map 2-2 Major Roads and Functional Classification



**Table 2-4 Existing Traffic Conditions**

Roadway	Segment	# of Lanes	Functional Classification	2008	2007
State Highways				Peak Dir LOS Capacity	Acceptable Level-of-Service
Business 44 (Canal St.)	SR 44 to CR 4118 (Pioneer Trail)	3	Urban Minor Arterial	936	D
Business 44 (Canal St.)	CR 4118 (Pioneer Trail) to US Highway 1 / SR 5 (Dixie Freeway)	2	Urban Minor Arterial	936	D
Interstate 95 / SR 9	SR 421 (Dunlawton Ave.) to CR 4118 (Pioneer Trail)	4	Urban Interstate	2,660	C
Interstate 95 / SR 9	CR 4118 (Pioneer Trail) to SR 44	4	Urban Interstate	2,660	C
Interstate 95 / SR 9	SR 44 to South City Limits	4	Urban Interstate	2,660	C
SR 44	West City Limits to Airport Rd.	4	Urban Principal Arterial	3,230	D
SR 44	Airport Rd. to Interstate 95 / SR 9	4	Urban Principal Arterial	3,230	D
SR 44	Interstate 95 / SR 9 to Glencoe Rd.	4	Urban Principal Arterial	3,230	D
SR 44	Glencoe Rd. to CR 4137 (Old Mission Rd.) / Wallace Rd.	4	Urban Principal Arterial	1,860	D
SR 44	CR 4137 (Old Mission Rd.) / Wallace Rd. to Business 44 (Canal St.)	4	Urban Principal Arterial	1,860	D
SR 44	Business 44 (Canal St.) to S. Myrtle Ave.	4	Urban Principal Arterial	1,860	D
SR 44 Lytle Ave.	S. Myrtle Ave. to US Highway 1 / SR 5 (S. Dixie Freeway)	4	Urban Principal Arterial	5,870	D
SR 44 (Lytle Ave.)	US Highway 1 / SR 5 (S. Dixie Freeway) to SR 44 (Live Oak St.)	4	Urban Principal Arterial	5,870	D
SR 44 (N. Causeway)	SR 44 (N. Riverside Dr. to Barracuda Blvd.	2	Urban Minor Arterial	936	D
SR 44 (N. Causeway)	Barracuda Blvd. to East End of Bridge	3	Urban Minor Arterial	936	D
SR A1A S. Causeway	SR 44 (Live Oak St.) to Richmond Dr.	4	Urban Principal Arterial	3,230	D
SR A1A (S. Causeway)	Richmond Dr. to Peninsula Ave.	4	Urban Principal Arterial	3,230	D
SR 44A1A (E. 3rd Ave.)	Peninsula Ave. to CR 4133 (Saxon Dr.)	4	Urban Principal Arterial	1,860	D
SR 44A1A (E. 3rd Ave.)	CR 4133 (Saxon Dr. to 6th Ave.	4	Urban Principal Arterial	1,767	D
US 1 / SR 5 (N. Dixie Freeway)	North City Limits to Industrial Park Dr.	4	Urban Principal Arterial	3,230	D
US 1 / SR 5 (N. Dixie Freeway)	Industrial Park Dr. to CR 4093 (Turnbull Bay Rd.)	4	Urban Principal Arterial	1,860	D

US 1 / SR 5 (N. Dixie Freeway)	CR 4093 (Turnbull Bay Rd.) to CR 4089 (Wayne Ave.)	4	Urban Principal Arterial	1,860	D
US 1 / SR 5 (N. Dixie Freeway)	CR 4089 (Wayne Ave.) to Business 44 (Canal St.)	4	Urban Principal Arterial	1,860	D
US 1 / SR 5 (N. Dixie Freeway)	Business 44 (Canal St.) to SR 44 (Lytle Ave.)	4	Urban Principal Arterial	1,860	D
US 1 / SR 5 (N. Dixie Freeway)	SR 44 (Lytle Ave.) to 10th St. / South City Limits	4	Urban Principal Arterial	1,860	D
<b>County Roads</b>					
North Airport Rd.	CR 4118 (Pioneer Trail) to Luna Bella Lane	2	Urban Local	890	E
North Airport Rd.	Luna Bella Lane to SR 44	2	Urban Local	890	E
South Airport Rd.	SR 44 to East-West Connector "B"	0	Future Roadway	890	E
South Airport Rd.	East-West Connector "B" to East-West Connector "C"	0	Future Roadway	890	E
Corbin Park Rd.	SR 44 to South City Limits	2	Urban Local	627	E
CR 4089 (Enterprise Ave.)	CR 4118 (Pioneer Trail) to CR 4089 (Halleck St.)	2	Urban Collector	784	E
CR 4089 (Enterprise Ave.)	CR 4089 (Halleck St.) to Hickory St.	2	Urban Collector	784	E
CR 4089 (Halleck St.)	CR 4089 (Enterprise Ave.) to CR 4089 (Wayne Ave.)	2	Urban Collector	627	E
CR 4089 (Wayne Ave.)	CR 4089 (Halleck St.) to US Highway 1 / SR 5 (N. Dixie Freeway)	2	Urban Collector	627	E
CR 4093 (Turnbull Bay Rd.)	CR 4118 (Pioneer Trail) to Conway Rd.	2	Urban Collector	627	E
CR 4093 (Turnbull Bay Rd.)	Conway Rd. to Creek Shore Trail	2	Urban Collector	627	E
CR 4093 (Turnbull Bay Rd.)	Creek Shore Trail to Bayview Dr.	2	Urban Collector	627	E
CR 4093 (Turnbull Bay Rd.)	Bayview Dr. to Williams Rd.	2	Urban Collector	627	E
CR 4093 (Turnbull Bay Rd.)	Williams Rd. to United Dr.	2	Urban Collector	627	E
CR 4093 (Turnbull Bay Rd.)	United Drive to Industrial Park Ave.	2	Urban Collector	627	E
CR 4093 (Turnbull Bay Rd.)	Industrial Park Ave. to Fairgreen Ave.	2	Urban Collector	627	E
CR 4093 (Turnbull Bay Rd.)	Fairgreen Ave. to US Highway 1 / SR 5 (N. Dixie Freeway)	2	Urban Collector	627	E
CR 4118 (Pioneer Trail)	Airport Rd. to Interstate 95 / SR 9	2	Urban Collector	627	E
CR 4118 (Pioneer Trail)	Interstate 95 / SR 9 to CR 4093 (Turnbull Bay Rd.)	2	Urban Collector	627	E
CR 4118 (Pioneer Trail)	CR 4093 (Turnbull Bay Rd.) to Club House Blvd.	2	Urban Collector	627	E
CR 4118 (Pioneer Trail)	Club House Blvd. to Sugar Mill Dr.	2	Urban Collector	627	E
CR 4118 (Pioneer Trail)	Sugar Mill Dr. to Congden Lane	2	Urban Collector	627	E
CR 4118 (Pioneer Trail)	Congden Land to Glencoe Rd.	2	Urban Collector	627	E
CR 4118 (Pioneer Trail)	Glencoe Road to Otter Blvd.	2	Urban Collector	627	E

CR 4118 (Pioneer Trail)	Otter Blvd. to Williams Rd.	2	Urban Collector	627	E
CR 4118 (Pioneer Trail)	Williams Rd. to Bay Dr.	2	Urban Collector	627	E
CR 4118 (Pioneer Trail)	Bay Dr. to Enterprise Ave.	2	Urban Collector	627	E
CR 4118 (Pioneer Trail)	Enterprise Ave. to Newcomb St.	2	Urban Collector	627	E
CR 4118 (Pioneer Trail)	Newcomb St. to Business 44 (Canal St.)	2	Urban Collector	755	E
CR 4133 (Saxon Drive)	SR A1A (E. 3rd Ave.) to E. 16th Ave.	2	Urban Collector	627	E
CR 4133 (Saxon Drive)	E. 16th Ave. to East 27th Ave.	2	Urban Collector	627	E
CR 4133 (Saxon Drive)	E. 27th Ave. to Mathews Ave.	2	Urban Collector	627	E
CR 4133 (Saxon Drive)	Mathews Ave. to South City Limits	2	Urban Collector	627	E
CR 4137 (Old Mission Rd.)	SR 44 to CR 4137 (Mission Dr.)	2	Urban Collector	784	E
CR 4137 (Mission Dr.)	CR 4137 (Old Mission Rd.) to CR 4137 (Old Mission Rd.) / Mission Dr.	2	Urban Collector	784	E
CR 4137 (Old Mission Rd.)	CR 4137 (Mission Dr.) to Josephine St.	4	Urban Collector	1,313	E
CR 4137 (Old Mission Rd.)	Josephine St. to Eslinger Rd.	2	Urban Collector	784	E
CR 4137 (Old Mission Rd.)	Eslinger Rd. to CR 4136 (Park Ave.)	2	Urban Collector	784	E
CR A1A (South Atlantic Ave.)	East 6th Ave. to E. 13th St.	4	Urban Principal Arterial	1,714	E
CR A1A (South Atlantic Ave.)	E.13th Street to E. 27th Ave.	4	Urban Principal Arterial	1,714	E
CR A1A (South Atlantic Ave.)	E. 27th Ave. to Mathews Ave.	4	Urban Principal Arterial	890	E
CR A1A (South Atlantic Ave.)	E. 27th Ave. to South City Limits	4	Urban Principal Arterial	890	E
N. Glencoe Rd.	CR 4118 (Pioneer Trail) to Cemetery Rd.	2	Urban Local	627	E
N. Glencoe Rd.	Cemetery Rd. to SR 45	2	Urban Local	627	E
S. Glencoe Rd.	SR 44 to Paige Ave.	2	Urban Local	627	E
S. Glencoe Rd. / Taylor Rd.	Paige Ave. to CR 4137 (Old Mission Rd.)	2	Urban Local	627	E
Ingham Rd.	SR 44 to Field St.	2	Urban Local	627	E
Ingham Rd.	Field St. to Mission Dr.	2	Urban Local	627	E
Ingham Rd.	Mission Dr. to End	2	Urban Local	627	E
Josephine St.	CR 4137 (Old Mission Rd) to Tatum Blvd.	2	Urban Collector	627	E
Jungle Rd.	SR 44 to CR 4118 (Pioneer Trail) / Wallace Rd.	2	Urban Local	627	E
Mission Dr.	SR 44 to Sugar Tree Circle	4	Urban Collector	1,313	E
Mission Dr.	Sugartree Circle to CR 4137 (Old Mission Rd. / Mission Dr.)	4	Urban Collector	1,313	E
Old Mission Rd.	Business 44 (Canal St.) to SR 44	2	Urban Collector	627	E

Otter Blvd.	CR 4118 (Pioneer Trail) to Jungle Rd.	2	Urban Local	627	E
Sugar Mill Dr.	CR 4118 (Pioneer Trail) to Cemetery Rd.	2	Urban Local	627	E
Sugar Mill Dr.	Cemetery Rd. to SR 45	2	Urban Local	627	E
Wallace Rd.	CR 4118 (Pioneer Trail) / Jungle Rd. to SR 44	3	Urban Local	755	E
Williams Rd.	CR 4093 (Turnbull Bay Rd.) to CR 4118 (Pioneer Trail)	2	Urban Local	627	E
Williams Rd.	Mooneyham Dr. to Pioneer Trail	2	Urban Local	627	E
N. Williamson Blvd. Ext.	CR 4118 (Pioneer Trail) to East-West Connector "A"	0	Future Roadway	890	E
N. Williamson Blvd. Ext.	East-West Connector "A" to SR 44	0	Future Roadway	890	E
S. Williamson Blvd. Ext.	SR 44 to East-West Connector "B"	0	Future Roadway	890	E
S. Williamson Blvd. Ext.	East-West Connector "B" to East-West Connector "C"	0	Future Roadway	890	E
S. Williamson Blvd. Ext.	East-West Connector "C" to SR 442 (Indian River Blvd.) Ext.	0	Future Roadway	0	E
<b>City Streets</b>					
Business 44 (Canal St.)	US Highway 1 / SR 5 (Dixie Freeway) to SR 44 (Live Oak St.)	2	Urban Collector	936	E
SR 44 (Live Oak St.)	SR 44 (Lytle Ave.) to Business 44 (Canal St.)	2	Urban Local	627	E
SR 44 (Canal St.)	SR 44 (Live Oak St.) to SR 44 (N. Riverside Dr.)	2	Urban Collector		E
SR 44 (N. Riverside Dr.)	SR 44 (N. Causeway) to SR 44 (Canal St.)	2	Urban Collector	784	E
Conrad Dr.	US Highway 1 / SR 5A (S. Dixie Freeway) to Sunset Dr.	2	Urban Collector	627	E
E. 8th Ave.	CR A1A (S. Atlantic Avenue) to CR 4133 (Saxon Dr.)	2	Urban Collector	627	E
Faulkner St.	Tanglewood Ave. to Wayne Ave.	2	Urban Collector	627	E
Faulkner St.	Wayne Ave. to SR 44 (Canal St.)	2	Urban Collector	627	E
Flagler Ave.	East End of Bridge to Peninsula Ave.	3	Urban Minor Arterial	776	E
Flagler Ave.	Peninsula Ave. to Atlantic Ave.	2	Urban Minor Arterial	776	E
Industrial Park Dr.	CR 4093 (Turnbull Bay Rd.) to US Highway 1/SR 5 (N. Dixie Freeway)	2	Urban Local	627	E
N. Atlantic Ave.	Cortez St. to Sapphire Rd.	2	Urban Local		E
N. Atlantic Ave.	Sapphire Rd. to Crawford Rd.	2	Urban Local		E
N. Atlantic Ave.	Crawford Rd. to Due East St.	2	Urban Local		E
N. Atlantic Ave.	Due East St. to Flagler Ave.	2	Urban Local		E
S. Atlantic Ave.	Flagler Ave. to Oakwood Ave.	3	Urban Collector	935	E
S. Atlantic Ave.	Oakwood Ave. to Maralyn Ave.	3	Urban Collector	935	E
S. Atlantic Ave.	Maralyn Ave. to 1st Ave.	3	Urban Collector	935	E
S. Atlantic Ave.	1st Ave. to SR A1A	3	Urban Collector	935	E
N. Myrtle Ave.	Washington St. to Business 44 (Canal St.)	2	Urban Local	627	E

S. Myrtle Ave.	Business 44 (Canal St.) to SR 44 (Lytle Ave.)	2	Urban Local	627	E
S. Myrtle Ave.	SR 44 (Lytle Ave.) to Field St.	2	Urban Local	627	E
S. Myrtle Ave.	Field St. to Joel St.	2	Urban Local	627	E
S. Myrtle Ave.	Joel St. to W. 7th St.	2	Urban Local	627	E
S. Myrtle Ave.	W. 7th St. to 10th St.	2	Urban Local	627	E
E. 19th Ave.	CR A1A (S. Atlantic Ave.) to CR 4133 (Saxon Dr.)	2	Urban Collector	627	E
N. Peninsula Ave.	US Coast Guard Station to Sapphire Rd.	2	Urban Collector	627	E
N. Peninsula Ave.	Sapphire Road to Due East Street	2	Urban Collector	627	E
N. Peninsula Ave.	Due East St. to Flagler Ave.	2	Urban Collector	627	E
S. Peninsula Ave.	Flagler Ave. to Oakwood Ave.	2	Urban Collector	627	E
S. Peninsula Ave.	Oakwood Ave. to SR A1A (S. Causeway / East 3rd Ave.)	2	Urban Collector	627	E
S. Riverside Dr.	SR 44 (Canal St.) to Lytle Ave.	3	Urban Minor Arterial	784	E
S. Riverside Dr.	Lytle Ave. to 6th St.	2	Urban Collector	784	E
S. Riverside Dr.	6th St. to South City Limits	2	Urban Collector	784	E
South St.	CR 4093 (Turnbull Bay Rd.) to US Highway 1 / SR 5 (N. Dixie Freeway)	2	Urban Local	627	E
6th St.	US Highway 1 / SR 5A (S. Dixie Freeway) to S. Riverside Dr.	2	Urban Collector	627	E
Sunset Dr.	CR 4093 (Turnbull Bay Rd.) to Conrad Dr.	2	Urban Collector	627	E
10th St.	West City Limits to S. Myrtle Ave.	4	Urban Collector	985	E
10th St.	S. Myrtle Ave. to US Highway 1 / SR 5 (S. Dixie Freeway)	2	Urban Collector	985	E
E. 13th Ave.	CR A1A (S. Atlantic Ave.) to CR 4133 (Saxon Dr.)	2	Urban Collector	627	E
E. 26th Ave.	CR A1A (S. Atlantic Ave.) to CR 4133 (Saxon Dr.)	2	Urban Collector	627	E
Washington St.	West City Limits to Milford Place	2	Urban Local	627	E
Washington St.	Milford Place to N. Myrtle Ave.	2	Urban Local	890	E
Washington St.	N. Myrtle Ave. to US Highway 1 / SR 5 (N. Dixie Freeway)	2	Urban Local	890	E
Washington St.	US Highway 1 / SR 5 (N. Dixie Freeway) to Sams Ave.	2	Urban Collector	890	E
Washington St.	Sams Ave. to SR 44 (N. Riverside Dr.)	2	Urban Collector	NA	E
Wayne Ave.	US Highway 1 / SR 5 (N. Dixie Freeway) to N. Riverside Dr.	2	Urban Collector	627	E
Williams Rd. (Colony Park Rd.)	SR 44 to CR 4118 (Pioneer Trail)	0	Urban Local	627	E
East-West Connector "A"	N. Airport Road to N. Williamson Road Ext.	0	Future Roadway	890	E
East-West Connector "B"	S. Airport Road Ext. to S. Williamson Road Ext.	0	Future Roadway	890	E
East-West Connector "C"	S. Airport Road Ext. to S. Williamson Road Ext.	0	Future Roadway	890	E



### **2.5.2 Sanitary Sewer**

Sanitary sewer service is provided by the Utilities Commission (UC) of New Smyrna Beach. When new developments are proposed, the developers are required to finance the construction of sanitary sewer utilities. The UC can either install the sewerage lines, or the developer can install the utilities to City standards if they can have it done cheaper or quicker. Thus the costs of these improvements have little short-term financial implications for the City of New Smyrna Beach.

In recent years the UC has established an infrastructure fee to help ensure the long-term viability of the City's utilities. This infrastructure fee is in addition to the "impact" or "connection" fee the UC has been charging for decades. Some have claimed this infrastructure fee is a considerable cost that discourages businesses from locating within the New Smyrna Beach utility service area thus hampers economic development. Also, the infrastructure fee is a disincentive to connect existing homes to the City's central sewerage system that are currently on septic systems. New homes that have available sewerage systems must connect to the central sewerage system.

The City does not have a clear policy on when various developments must be connected to the central sewerage system. The UC policy is if a property is within 100-feet of a sewer line they need to connect. However this distance is too short and could result in numerous developments using septic systems to provide sewage disposal. The comprehensive plan should be modified to provide a clear policy of when various sized developments need to extend and connect to the City's central sewerage system and when it may be acceptable to use septic systems. The long range goal should be to eventually eliminate all septic systems within the City since it is documented that septic systems can be detrimental to locations having an abundance of environmentally sensitive land such as New Smyrna Beach. Once the policy is established within the comprehensive plan the City's land development regulations need to implement this policy. As with most regulations there may need to be exceptions to the rules for connecting to the central sewerage system such as when it is economically infeasible or to reduce cost to provide low income or workforce housing.

### **2.5.3 Parks and Recreation Facilities**

The City's Parks & Recreation facilities level of service standards are shown in **Table 2-6**. In most cases, the City of New Smyrna Beach exceeds its adopted level of service regarding parks and recreation. However, by the end of the planning period, it is anticipated that the City will require a community swimming pool. The City needs to determine if there is still a desire to have a community swimming pool. Also, the City needs to revisit all park & recreation facilities and levels of service to determine if the facilities and levels of service still reflect community desires.

The Parks and Recreation Department is responsible for the enhancement and maintenance of twenty-four developed parks and athletic fields, recreation centers, skate parks, as well as a number of other passive and active parks. During the EAR based comprehensive plan amendments the inventory of Parks & Recreation facilities should be updated as some facilities have been added since the last EAR. The City's facilities offer a wide variety of ongoing recreational programs throughout the year. Football, soccer, baseball and softball are held at the athletic fields and the recreation centers offer activities for all age groups.

**Table 2-5 Park Standards**

<b>PARKS</b>	<b># units</b>	<b>POPULATION</b>
Neighborhood Park Acres	1.00	1,000
Community Park Acres	1.15	1,000
Tennis Courts	1.00	1,000
Softball/ Baseball Fields	1.00	3,000
Swimming Pools	1.00	25,000
Handball/ Racquetball Courts	1.00	10,000
Boat Ramps	1.00	3,500
Golf Courses	1.00	50,000

Based on an average rate of growth of 2.2%, the City will need a community swimming pool in the year 2011 if this facility is still desired. All other park services are operating at with acceptable LOS standards. Since the last EAR the City has acquired additional park space. This includes the purchase and development of the Indian River Lagoon Preserve Park, an approximately 200 acre facility located on the west side of Saxon in the south beachside area. The park consists of nature walks, a picnic pavilion with restrooms, a classroom, canoe/kayak trails and observation/fishing piers. Also, the City purchased and developed an approximately 15 acre oceanfront North Beach park located just north of Sapphire street and consisting of beach access and off-beach parking, showers, picnic pavilions and walking trails. Finally, the City purchased another approximately 2 acre oceanfront park at Esther Street but has yet to develop the park. Development of this park is anticipated within the next few years.

**2.5.4 Solid Waste**

Since 2001, the City has contracted with private interests to collect garbage, rubbish, refuse, and other discarded material from residential, commercial, industrial and governmental sources within the City limits. Collection from all sources other residential are classified as commercial pickups.

Refuse/solid waste collection is mandatory for all residents and businesses within the City limits. Once collected, the refuse/ solid waste is hauled to the Volusia County Landfill for final disposal. The Volusia County Landfill, (Tomoka Farms Road Landfill) is a 3,400 acre site, with 400 acres currently active, accepting approximately 1,300 tons of solid waste per day. The City of New Smyrna Beach is responsible for disposing of approximately 40-50 tons per day into the Landfill. The City of New Smyrna Beach generates approximately 3.2 percent of the solid waste disposed in the Landfill. The landfill is anticipated to have adequate space for Volusia County solid waste for a minimum of 40 years.

**2.5.5 Stormwater/ Drainage**

The Development Services Department is responsible for the scheduling of construction and maintenance projects and programs for the public drainage systems and facilities throughout the City. Past practice has generally been to coordinate the construction of any drainage facilities with the City's road construction program.

The City has a Storm Water Management Master Plan. This plan identifies the boundaries for watersheds, the condition and capacity of the existing drainage/water management facilities and the needed improvements to the various facilities to achieve the desired level of service standards. The Master Plan includes a program for the phased improvement of the City's water management system to produce an environmentally sound network of facilities that can be achieved through an established capital improvements program. The Master Plan is based on the various land use types identified on the Future Land Use map and provides for the necessary water management facilities assuming maximum allowed development for each land use type.

Subsequent to the completion of the Storm Water Management Master Plan, a series of individual basin/sub-basin plans were completed to specifically analyze and design the facilities or improvements needed for each basin/sub-basin where necessary major improvements have been identified by the Master Plan. These basin/sub-basin plans will incorporate any proposed improvements by other state or local agencies and the St. John's River Water Management District.

Current regulatory and fiscal implication practices for constructing or modifying drainage/water management facilities require a lead-time of approximately one year for design and permitting and six months to two years for construction.

### **2.5.6 Wastewater**

The Utilities Commission of New Smyrna Beach is responsible for the City's wastewater collection and treatment. The City is relying less on effluent disposal through an existing outfall and more in wastewater disposal through irrigation. The treatment plant is operated and maintained at a high level of performance, and meets existing and future Environmental Protection Agency requirements. Plant operators and maintenance technicians will continue to receive regularly scheduled training; and the operations, maintenance, and preventive measures will continue to be used and improved.

## **2.6 LOCATION OF DEVELOPMENT**

During the last planning period, most of the growth in New Smyrna Beach was west of I-95. This is expected to continue in the future, as the quadrants of I-95 and SR 44 continue to develop, and the large tracts of land west of I-95 continue to develop. Also, there will continue to be considerable development between I-95 and the traditional City of New Smyrna Beach as there is available land for development and the trend for infill development continues. Finally, redevelopment of areas within the traditional portions of the City will continue. However, a balance needs to be made to protect the historical structures and neighborhoods from incompatible new development. It is very important to maintain the character of the traditional City, which is why people are attracted to New Smyrna Beach in the first place and why property values in New Smyrna Beach are the highest per acre in the County.

### **Land Use Analysis**

The City maintains a zoning map and a Future Land Use (FLU) Map of all parcels within the City. Currently, the largest developable zoning designation in the City is Residential PUD, which applies primarily to the land west of I-95. This zoning category accounts for slightly more than eighteen percent of the total land in New Smyrna Beach, and west of I-95 1.5 units per gross acre is the maximum density allowed.

**Table 2-7** below indicates the acreage in each zoning classification throughout the City. There area approximately 1,750 acres of land with County zoning that are within the City limits. One of the goals of the next planning period will be to rezone these parcels to City zoning.

**Table 2-6 Zoning Classification**

ZONING	ZONING CLASSIFICATION	ACRES
A1	PRIME AGRICULTURE	965.045
A1 (C)	PRIME AGRICULTURE (C)	81.8
A2	AGRICULTURE	75.516
B2	NEIGHBORHOOD BUSINESS	109.333
B2 (C)	NEIGHBORHOOD BUSINESS (C)	6.16
B3	HIGHWAY SERVICE BUSINESS	219.281
B3 (C)	HIGHWAY SERVICE BUSINESS (C)	69.618
B4	OCEAN COMMERCIAL	51.256
B5	PLANED SHOPPING CENTER	132.283
B5 (C)	PLANED SHOPPING CENTER (C)	38.924
B6	MEDICAL PROFESSIONAL	20.485
B6A	LIMITED MEDICAL PROFESSIONAL	16.47
BBH	BED & BREAKFAST HOMES	0
BPUD	BUSINESS PUD	275.37
BPUD (C)	BUSINESS PUD (C)	54.288
C	CONSERVATION	6161.578
C (C)	CONSERVATION (C)	148.933
CM	COMMERCIAL MARINA	92.401
COUNTY A-1	COUNTY A-1	640.656
COUNTY A-2	COUNTY A-2	152.178
COUNTY A-3	COUNTY A-3	58.198
COUNTY A-3C(2)	COUNTY A-3C(2)	26.291
COUNTY B-3	COUNTY B-3	14.663
COUNTY B-3(C)	COUNTY B-3(C)	4.457
COUNTY B-4	COUNTY B-4	0.018
COUNTY B-4(C)	COUNTY B-4(C)	3.979
COUNTY BPUD	COUNTY BPUD	3.391
COUNTY R-1	COUNTY R-1	33.536
COUNTY R-3	COUNTY R-3	3.282
COUNTY R-3(C)	COUNTY R-3(C)	1.579
COUNTY R-4	COUNTY R-4	1.553
COUNTY RC	COUNTY RESOURCE CORRIDOR	49.031
COZ	CORRIDOR OVERLAY ZONE	0
FR	FORESTRY RESOURCE	2018.109
HBOD	HISTORIC BUILDING OVERLAY ZONE	0

I1	LIGHT INDUSTRY	285.286
I2	HEAVY INDUSTRY	157.423
I3	INDUSTRIAL PARK	561.719
I4	WATERFRONT INDUSTRIAL	0.001
IPUD	INDUSTRIAL PUD	46.436
MH1	MOBILE HOME PARK	9.252
MH1 (C)	MOBILE HOME PARK (C)	11.219
MH2	MANUFACTURED HOUSING SUBDIVISION	11.081
MPUD	MIXED USE PUD	69.999
MU	MIXED USE (CENTRAL BUSINESS DISTRICT)	167.588
PUD	PUD	87.646
PUD (C)	PUD (C)	9.031
R	RECREATION	603.927
R (C)	RECREATION (C)	10.146
R1	SINGLE FAMILY	1051.936
R1 (C)	SINGLE FAMILY (C)	10.468
R2	SINGLE FAMILY	1743.769
R2 (C)	SINGLE FAMILY (C)	0.449
R2A	SINGLE FAMILY DETACHED & ATTACHED	145.88
R3	SINGLE FAMILY	134.758
R3 (C)	SINGLE FAMILY (C)	5.804
R3A	SINGLE FAMILY & TWO FAMILY (ZERO LOT LINE)	399.843
R3A (C)	SINGLE FAMILY & TWO FAMILY (ZERO LOT LINE) (C)	14.368
R3B	SINGLE FAMILY	32.094
R3B (C)	SINGLE FAMILY (C)	2.905
R4	MULTI-FAMILY	523.254
R4 (C)	MULTI-FAMILY (C)	27.952
R5	MULTI-FAMILY	233.294
R5 (C)	MULTI-FAMILY (C)	32.104
R6	MULTI-FAMILY	109.066
RE	RESIDENTIAL ESTATE	74.905
RPUD	RESIDENTIAL PUD	4090.272
RPUD (C)	RESIDENTIAL PUD (C)	233.965
RR-PUD	RESORT RESIDENTIAL PUD	54.761
	<b>TOTAL</b>	<b>22482.263</b>

## **Annexations**

The City established a geographic area from which it would annex land. This boundary is roughly Pioneer Trail to the north, the Gabordy Canal and imaginary western extension of the Gabordy Canal to the south and Hunting Camp Road/Hughes Road to the west. All annexations that have occurred were within this established geographic area. However, there are numerous large and small tracts of land within this area that are not within the City's corporate boundaries. This creates inefficient service delivery as the respective government entities are responsible to provide service for their constituency. There are a few issues that need to be vetted regarding annexation. They are as follows:

1. The City, County and adjacent Cities need to determine if these boundaries for future annexation are still appropriate.
2. The City often struggles in determining if infill annexation is in the best interest of the City. New Smyrna Beach policy makers often are apprehensive about annexing property unless it is demonstrated that it is fiscally advantageous to the City. However, the ultimate goal to consider should be to have a cohesive corporate boundary without unincorporated County within the perimeter. This may mean annexing land that is not fiscally advantageous to the City in the short term but may be in the long term once the City is fully developed and has a cohesive character. Having “patches” of unincorporated land within the future annexation boundaries described above results in inefficient government operation.
3. State Statutes prohibits the creation of enclaves or unincorporated land completely circumvented by municipal corporate boundaries. Due to numerous annexations over the past 20 years or so it is difficult to annex in many cases without creating enclaves. New Smyrna Beach needs to determine how to create a cohesive City while abiding by State Statutes that prohibit the creation of enclaves.

There was adequate land available to provide for the amount of growth the City experienced and most of that growth was a result of annexed land or the development of new residential subdivisions on previously vacant land. The City experienced a large number of Future Land Use amendments, primarily because of the recent land boom, and the fact that annexations are mostly on a voluntary basis, thus the City processes annexations anywhere in size from less than a quarter of an acre to over a thousand acres at a time. **Table 2-8** provides the annexations that have been attempted since 2001. As is evident from the Table many annexations were not successful.

**Table 2-7 Annexations**

CASE #	NAME	ACREAGE
A-1-01	<u>UTILITIES COMMISSION</u>	1168
A-2-01	<u>MILLER ANNEXATION</u>	0.32
A-3-01	<u>STEVENS ANNEXATION</u>	1.38
A-4-01	<u>WAL-MART ANNEXATION TABLED</u>	
A-1-02	<u>MASSEL ANNEXATION</u>	8.56
A-2-02	<u>CREEK MEADOWS ANNEXATION FAILED</u>	
A-3-02	<u>NSB HIGH SCHOOL REPLACEMENT</u>	60
A-4-02	<u>NEW SMYRNA BEACH SHOPPING VILLAGE</u>	19.45
A-5-02	<u>SUGAR MILL GARDENS</u>	2.64
A-1-03	<u>DONATTI / ORLANDO TILE AND MARBLE ANNEXATION</u>	2.3
A-2-03	<u>MILNE ANNEXATION</u>	10
A-3-03	<u>DEVER / 902 INGHAM ROAD</u>	28
A-4-03	<u>PAYTAS / PIONEER TRAIL</u>	172
A-5-03	<u>WALKER / NORTHWEST CORNER OF OLD MISSION ROAD</u>	0.39
A-6-03	<u>BENCHMARK ACQUISTIONS LLC / C.R. 4118 AND SUGAR MILL DRIVE</u>	80

A-7-03	<u>WEST / PINE ISLAND DRIVE</u>	35.85
A-1-04	<u>HICKSON / NORTH OF TURNBULL BAY ROAD AND WEST OF RAILROAD TRACKS</u> <b>FAILED</b>	
A-2-04	<u>THOMAS / 1401 &amp; 1403 CANAL STREET</u>	1.07
A-3-04	<u>MERRILL / BETWEEN TURNBULL BAY AND CLUBHOUSE BOULEVARD</u> <b>TABLED</b>	
A-4-04	<u>REESER / ROLLING HILLS</u> <b>FAILED</b>	
A-5-04	<u>RUBIN / 2991 I-95 COMMERCIAL ACTIVITY CENTER</u>	28.44
A-6-04	<u>GLENCOE GEIGER CEMETERY</u>	20.6
A-7-04	<u>LAKE WATERFORD ESTATES</u>	278.89
A-8-04	<u>CAPUTO / OLD MISSION ROAD</u>	7.37
A-9-04	<u>FDOT STORMWATER POND</u>	3.4
A-10-04	<u>ROBINSON FARM</u> <b>WITHDRAWN</b>	
A-11-04	<u>SOUTH GOLF LAKE DRIVE / HIDDEN LAKES</u> <b>TABLED</b>	
A-12-04	<u>4840 LAND TRUST</u>	671
A-13-04	<u>PIONEER TRAIL LAND TRUST</u>	697
A-1-05	<u>MASSEY ENTERPRISES / FIFTH STREET</u>	1.37
A-2-05	<u>WILLIAMS / 448 CORBIN PARK ROAD</u>	4.518
A-3-05	<u>WELSH / 3298 PIONEER TRAIL</u>	3.4
A-4-05	<u>WILLIAMS / 2276 DEERWOOD DRIVE</u>	2.41
A-5-05	<u>BEATTY / 3410 PIONEER TRAIL</u>	25.32
A-6-05	<u>CONCANNON / OLD MISSION ROAD</u>	1.73
A-7-05	<u>GARDENS 207 LLC. / PIONEER TRAILS</u>	786
A-8-05	<u>PROGRESSIVE LAND DEVELOPMENT, INC. / SOUTH GLENCOE ROAD</u>	4.18
A-9-05	<u>PROGRESSIVE LAND DEVELOPMENT, INC. / THE PRESERVE AT SUGAR MILL</u>	169
A-10-05	<u>HOME DEPOT / STATE ROAD 44</u>	19.86
A-11-05	<u>CRISTOFALO / 2239 ROBIN ROAD</u>	1.18
A-12-05	<u>REMILLARD / 1070 10TH STREET</u> <b>FAILED</b>	
A-13-05	<u>SCOTT &amp; GRANT / 2209 TURNBULL BAY ROAD</u>	4.37
A-14-05	<u>GGHL, LLC. / GOLF LAKE DRIVE</u> <b>WITHDRAWN</b>	10.38
A-15-05	<u>SHEDRICK / 713 OLEANDER STREET</u>	0.23
A-16-05	<u>WEST / PAIGE AVENUE</u>	0.56
A-17-05	<u>LARISEY / MAGNOLIA DRIVE IN CORBIN PARK</u>	4
A-18-05	<u>COLTUNE AND CHAPMAN</u>	1.57
A-19-05	<u>CONE LAKE</u> <b>FAILED</b>	
A-20-05	<u>FERRIS / INGHAM ROAD</u>	9.5
A-21-05	<u>QUINTON / 651 STEWART DRIVE</u>	1.57
A-1-06	<u>KIRVIS COVE / SWOOPE DRIVE</u>	0.86
A-2-06	<u>HOPKINS / 3104 SUNDANCE TRAIL</u>	2.34
A-3-06	<u>HOME DEPOT / COLONY PARK ROAD</u>	1.91
A-4-06	<u>GARMON / 2165 TURNBULL BAY ROAD</u>	2.06
A-5-06	<u>CASH ON THE HOOF INC. / WEST OF SUGAR MILL DRIVE</u>	45
A-6-06	<u>DALE WILLIAMS / THE PRESERVE AT SUGAR MILL</u>	5
A-7-06	<u>FOX FIRESTONE / WEST CANAL STREET</u>	0.75
A-8-06	<u>NANCY LUKE / 613 BAY DRIVE</u>	4.6

A-9-06	<u>AVERY / 1370 OLD MISSION ROAD</u> <b>WITHDRAWN</b>	<b>0</b>
A-10-06	<u>CLANCY / SOUTH ATLANTIC AVENUE</u>	0.18
A-11-06	<u>GIBLIN / 390 SUGAR MILL DRIVE</u>	7.56
A-12-06	<u>SONLIGHT DEVELOPMENT, LLC / WOODLAND DRIVE</u>	0.43
A-13-06	<u>GGHL, LLC. / THE VILLAGE AT HIDDEN LAKES</u>	60.09
A-14-06	<u>BOND / 601 STEWART DRIVE</u>	2.74
A-15-06	<u>FIRE STATION 50 CENTRAL/STATE ROAD 44</u>	2.43
A-16-06	<u>RUSTIC ACRES / 1325 SOUTH GLENCOE RD &amp; 2622 GLEN DRIVE</u>	4.97
A-17-06	<u>HUBBARD / 2011 ROSSMORE COURT</u>	1.786
A-18-06	<u>OCEANSIDE DE GRANDE DEVELOPERS, LLC / BURMA ROAD</u> <b>FAILED</b>	<b>0</b>
A-19-06	<u>BLANCHETTE AND WOODARD / 3000 NORTH DIXIE FREEWAY</u>	9.98
A-20-06	<u>DODGE / 379 WILD ORANGE DRIVE</u>	2.65
A-21-06	<u>STEWART / NORTH SIDE OF JUNGLE ROAD</u>	2.06
A-1-07	<u>THE PRESERVE AT SUGAR MILL</u>	7.43
A-2-07	<u>MACARTHUR / 190 SOUTH WILD ORANGE DRIVE</u>	1.84
A-3-07	<u>CLANCY / 4450 SOUTH ATLANTIC AVENUE</u> <b>WITHDRAWN</b>	<b>0</b>
A-4-07	<u>CARCACHE / 1860 STATE ROAD 44</u>	1.519
A-1-08	<u>GOOD/ 513 OLD MISSION ROAD</u>	1.2
A-2-08	<u>CLANCY/ 4450 SOUTH ATLANTIC AVENUE</u>	0.18
A-3-08	<u>VOTTA/ SUNDANCE TRAIL</u>	1.03
	<b>TOTAL</b>	<b>4518.403</b>

## 2.7 PUBLIC SCHOOL COORDINATION

New Smyrna Beach planning staff and Volusia County School Board planning staff have a history of coordination dating back to the early 1990s. Mandated school coordination requirements in Florida date back to 2002, when the Legislature amended Sections 163.31777 and 235.197, F.S., to require each county and school district enter into an inter-local agreement to coordinate land and education facilities planning activities. The first schools inter-local agreement applicable to New Smyrna Beach was signed in 2003 by the School Board, the County, and fourteen municipalities. The agreement was drafted to maintain a cooperative and productive relationship among the participants with regard to schools. The agreement made the Volusia County School Board an ex-officio member on all local planning agency boards.

In 2005, the Florida Legislature adopted Chapter 2005-98, Laws of Florida (Senate Bill 360), which requires that all school inter-local agreements be updated to reflect a new statutory mandate to implement school concurrency. Because of the inter-local agreement, Volusia County, its municipalities, and the Volusia County School Board meet twice a year to coordinate population projections, school enrollment, capacity improvements and development trends. In addition, the school facilities planner meets with various municipal and county planning departments to look for prospective school sites among vacant land in the municipalities and unincorporated County. The City uses these population projections for not only school concurrency requirements but also to remain consistent throughout the

Comprehensive Plan as the School Board's population projections are used as the official population projections throughout the County.

Section 206 of the Volusia County Charter requires that any county or municipal comprehensive plan or zoning map amendments that increase residential density can only be effective if adequate public schools can be timely planned and constructed to serve the projected needs in student population. The County, cities and the School Board have met and coordinated with respect to the statutory requirements for a countywide, uniform school concurrency program. The School Board and jurisdictions are currently revising the 2003 agreement to implement a school concurrency system.

The inter-local agreement signed in 2003 ensures that the development of school facilities and supporting land use, services, and infrastructure are coordinated through the joint review and sharing of plans, programs, and data between the City and the School Board. The updated agreement set up the review process for coordinating school planning with comprehensive plan amendments, future land use amendments, rezoning applications, and applications for residential site plans/subdivisions. The steps are as follows:

- The City will require applicants seeking approval of Future Land Use map or text amendment, zoning map amendments, or residential site plans or subdivisions which affect existing or proposed residential development to provide a copy of the proposed amendment to the School Board.
- Prior to the Local Planning Agency/ Planning and Zoning Board meeting, the City will provide the School Board with a copy of the application, all supporting materials including data and analysis, staff reports and staff recommendations, as well as the notice of date, time, and location of hearing;
- The School Board staff reviews the information submitted and evaluates the impact of the proposed application on the school capacity provided in the School Board's Five-Year Facilities Work Program, the impact on the adopted LOS standard for public schools, and the projected timing and delivery of public school facilities to serve the potential or proposed residential development; and
- The School Board will submit to the City a report with findings and recommendation, noting the availability of capacity of existing or planned facilities to serve additional students without overcrowding such facilities beyond the adopted Level of Service. If the School Board reports that there is not adequate capacity to serve the proposed development, then the City agrees to deny the application until such time as the School Board can certify that adequate capacity will exist. Depending on the findings, the City, School Board and applicant may enter into negotiations to evaluate options such that capacity can be timely planned and constructed and recommend terms and conditions for a mitigation agreement.

Through the adopted agreement, the County, cities, and school board have agreed to coordinate the site acquisition and development of future educational and ancillary facilities. The City and School Board have agreed to the following procedures:

- The School Board requests assistance from the City in its review of residential growth and overall development trends prior to initiating a site search for a new educational or ancillary facility;
- During the School Board's site selection process, the School Board presents one or more sites to the Cities for their review and comment with respect to issues pertaining to the comprehensive plan, zoning, utility service, roadways and vehicular and pedestrian access, drainage and stormwater management, environment, police and fire services, and LOS standards;
- The City provides its written comments to the School Board indicating its ability to provide services to the site concurrent with the impact of the educational facility construction.
- The School Board may petition the City for annexation of the subject property provided that the property is contiguous to the City's corporate limit and complies with requirements pursuant to State Law. The City, in its sole discretion, may annex the property upon receipt of the petition; and
- The School Board and the City jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed significant renovation of an existing school. If deemed necessary, the parties may enter into a written agreement as to the timing, location, and the party or parties responsible for constructing, operating and maintaining the required improvements. Recognizing that it is cost effective and beneficial to land bank sites for future educational needs, the written agreement identifying on-site and off-site improvements is subject to ongoing review and change. During the site plan review process the parties may identify additional on-site and off-site improvements and may amend the agreement, as may be necessary.

Recent changes in Florida Statutes have required the adoption of school concurrency and a public school facilities element (PSFE) by all local governments unless they meet exemption or waiver requirements. School concurrency will ensure a more structured coordination between local governments and school boards in planning and permitting developments that have an impact on school capacity. Senate Bill 360 requires the Florida Department of Community Affairs to schedule the adoption of PSFE as well as updates to existing inter-local agreements by all local governments. The City of New Smyrna Beach adopted the PSFE on May 13, 2008.

The new legislation required New Smyrna Beach to address the following:

- School concurrency must be applied so that adequate school facilities to serve the development will be in place or under actual construction within three years after the issuance of final subdivision or site plan approval.

- School concurrency is satisfied if the developer issues a legally binding commitment to provide proportionate share mitigation following a menu of options including the contribution of land, among other options.
- The proportionate share mitigation must be directed by the School Board to a capacity improvement identified in a financially feasible five-year district work plan and must satisfy the demands created by the development.
- Local governments are required to initially apply school concurrency on a district-wide basis and, within five years, apply school concurrency on a school attendance zone of concurrency service area basis.
- The bill requires local governments to establish concurrency management systems for schools and allows local governments to create long-term concurrency management areas in order to meet the requirements for school concurrency.

Public schools are allowed within the following Future Land Use categories:

- Mixed-Use
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Schools

Between 1995 and April 1, 2008 the City grew at an annual average rate of 2.2% per year. If the City continues to grow at 2.2% annually (which is unlikely in the current economic trend) the population of the City will be 24,771 in the year 2010, which is above the Comprehensive Plan estimate. **Table 2-9** below indicates what the City's population will be if the City continues to grow at 2.2% annually. However, due to recent budget shortfalls, Volusia County School Board will be closing seven schools over the next two years. One of these schools, Samsula Elementary, will be converted to a charter school. Samsula Elementary primarily served students from the outlying, unincorporated areas adjacent to New Smyrna Beach. These students, if they choose not to attend the new charter school, will be bused to either Port Orange or Deltona. Depending upon state and national economic trends, it is possible that additional elementary schools serving New Smyrna Beach may be closed.

There are three elementary schools, one middle school, and one high school in New Smyrna Beach. According to the Volusia County School Board 2007-2008 Capacity Report, the City's Middle School is operating at a LOS that exceeds the LOS in the City's Comp Plan. This school is listed in the Comprehensive Plan as a "backlogged" facility with an interim LOS of 122% of capacity. Construction of a new Middle School is scheduled to be completed by July 1, 2014. The enrollment and capacity of all schools within the City's boundaries are listed in Table 2-12 below.

**Table 2-8 School Capacity and Enrollment**

	Capacity	2007-2008		2008-2009		2009-2010		2010-2011		2011-2012	
		Enrollment	Utilization								
<b>Coronado Elementary</b>	<b>282</b>	309	<b>110%</b>	291	<b>103%</b>	291	<b>103%</b>	291	<b>103%</b>	291	<b>103%</b>
<b>Read-Patillo Elementary</b>	<b>493</b>	492	<b>100%</b>	507	<b>103%</b>	518	<b>105%</b>	518	<b>105%</b>	518	<b>105%</b>
<b>Chisholm Elementary</b>	<b>479</b>	380	79%	406	85%	418	87%	418	87%	418	87%
<b>New Smyrna Middle School</b>	<b>1118</b>	1391	<b>124%</b>	1366	<b>122%</b>	1361	<b>122%</b>	1361	<b>122%</b>	1361	<b>122%</b>
<b>New Smyrna High School</b>	<b>2334</b>	2027	87%	1930	84%	1894	81%	1894	81%	1894	81%

Most libraries within Volusia County are under the purview of Volusia County. The New Smyrna Beach library was built in the late 1990's and is located within two miles of all the schools on mainland New Smyrna Beach. The need for quality public schools is an important quality of life issue for the residents of New Smyrna Beach. Limits on classroom sizes were established by a Constitutional Amendment approved by Florida voters in 2002, and implemented in Senate Bill 30A. This Bill establishes the maximum number of students allowed in core classrooms by Fall 2010, and provides a schedule for school districts to measure progress in achieving this goal.

## 2.8 COORDINATION OF WATER

Pursuant to Section 163.3191(2)(L), F.S., the City identified alternative water supply sources and traditional water supply savings efforts, including conservation and reuse, necessary to meet the water needs within the City's jurisdiction. This assessment included the degree to which the City has implemented the water supply work plan for building public, private, and regional water supply facilities, including development of alternative water supplies, identified in the Infrastructure Element as necessary to serve existing and new development.

The statutory changes included in recent growth management legislation were aimed at strengthening the linkage between land and water planning. According to these legislative changes, municipalities must adopt a water supply facilities work plan to be implemented over at least a ten year period.

Potable water from the Floridan aquifer is provided to residents by the Utilities Commission of New Smyrna Beach. Table 2-11 shows the water demand for the community and capacity. There is adequate water available to supply the City of New Smyrna Beach, and certain areas of unincorporated Volusia County the Utilities Commission also serves, through the planning period.

The Consumptive Use Permit for the year 2020 allows an average daily groundwater withdrawal of 8.33 million gallons daily (mgd) and a maximum daily groundwater withdrawal of 12.85 mgd. If all the plans were implemented to construct all the developments planned the City would not have an adequate consumptive use permit.

The Comprehensive Plan has a LOS of 240 gallons per residential unit as a general standard for service demand. This is down from 300 gallons per residential unit established when the comprehensive plan was adopted in 1990. An update to the Infrastructure Element recently reduced the 300 gallon per residential unit standard to 240 gallons per day, which is the average daily flow per account that has been used for the past few years and the Utilities Commission of New Smyrna Beach projects will be the average daily demand through the year 2025.

**Table 2-9 Water Demand & Capacity**

Year	Accounts	Average Daily Demand (mgd)	Peak Day Demand (mgd)	Average Daily Flow Per Account (gd)	Existing Wellfields Capacity (mgd)	Wellfields Capacity Requirements (mgd)	Surplus/ (Deficit) (mgd)
2010	27,042	6.49	9.28	240	10.5	12.98	-2.48
2015	27,958	6.71	9.6	240	10.5	13.42	-2.92
2020	29,167	7	10.01	240	10.5	14	-3.50
2025	29,667	7.12	10.18	240	10.5	14.24	-3.74

## **Service Area**

The City of New Smyrna Beach has a municipal boundary encompassing approximately thirty-eight square miles. The Utilities Commission of New Smyrna Beach has a utility service area of approximately seventy square miles, thus nearly half of the Utilities Commission of New Smyrna Beach's service area is outside the City limits, including the relatively heavily populated areas south of the City limits on beachside. Please see Map 2-3 on the following page to see the water service area.

## **Unincorporated Service Area and Emergency Situations**

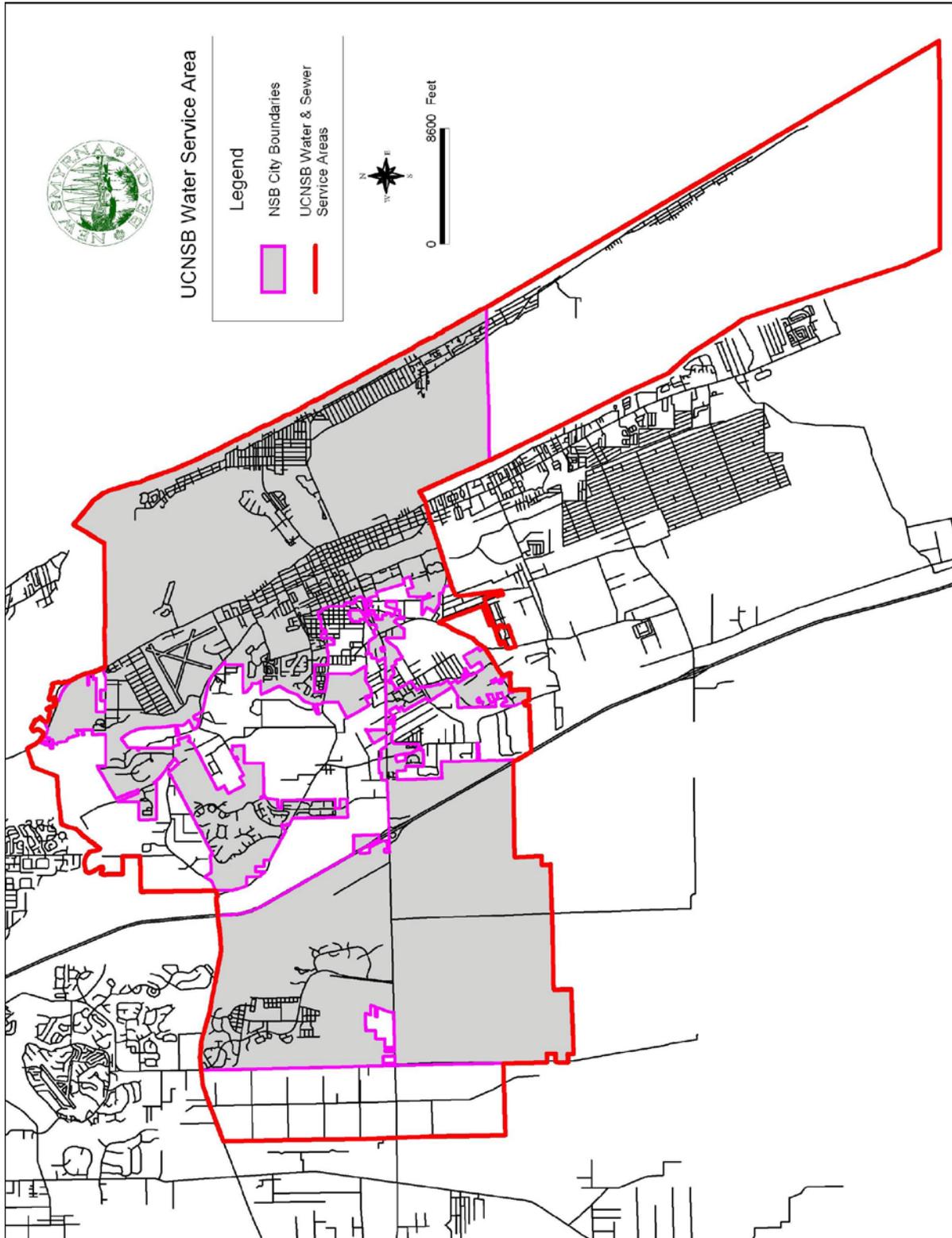
Utility service area boundaries have been established via an interlocal agreement with large portions of unincorporated Volusia County, which includes Silver Sands, Bethune Beach, portions of Samsula, and areas within the historic center of New Smyrna Beach. In cases of emergency, the City has agreements with the cities of Edgewater and Port Orange to provide potable water.

## **Existing and Alternative Water Sources**

Currently the St. John's River Water Management District (SJRWMD) has not identified groundwater deficits associated with future aquifer withdrawals from the wellfields through the year 2020. SJRWMD has the legislative authority to limit Consumptive Use Permit holders based on cumulative groundwater withdrawals and the potential effect upon spring flows. Therefore, future regional groundwater deficits may be assigned countywide, not on a utility by utility basis. In the event that this occurs, the UC needs to be prepared to meet future demands not only for the residents of New Smyrna Beach, but also for their customers in unincorporated Volusia County. Some of the alternative sources, which may be considered by the City, are as follows:

1. **Artificial Recharge-** The Floridan Aquifer is constrained by the amount of rain water that infiltrates through the soil after losses to stormwater runoff and evaporation. Surficial aquifers are recharged locally as the water-table fluctuates in response to drought or rainfall. Therefore, the temperature and flow from water-table springs varies. Secondary impacts to the surficial aquifer (i.e., lowering of the water table) has the potential to alter adjacent wetlands and create unacceptable impacts. To date, this does not appear to have occurred.

Map 2-3 Utilities Commission of New Smyrna Beach Service Area



Another option to providing water to an aquifer is artificial recharge. Artificial recharge involves land application of reclaimed water in to offset withdrawals. This option requires permitting through the FDEP to ensure compliance with effluent disposal regulations.

2. **Brackish Groundwater-** Water may be withdrawn from the Lower Floridan Aquifer without affecting the Upper Floridan Aquifer. The Lower Floridan Aquifer is hydraulically separated from the Upper Floridan Aquifer by a hard and dense dolomite layer and layers of chalky, low permeable limestone, which acts as a confining layer.

Water from wells into the Lower Floridan Aquifer could be treated using membrane processes or blended with water from the Upper Floridan Aquifer. If used as blend wells, the amount of water from this source would be limited by an acceptable blend ratio, which would maintain a safe concentration level below the Drinking Water Standard for Chlorides and Sulfates of 250 mg/L. This blend ratio would depend on the final use of the finished water. For finished potable water, the blend would need to be between 150 and 200 mg/ L.

The brackish water of the Lower Floridan Aquifer could also be treated using membrane treatment technology to produce high quality drinking water or lower quality irrigation water. The primary problem in developing brackish water membrane treated water supply is concentrate effluent disposal. The preferred effluent concentrate disposal method is deep well injection. This method has been used in both southeast and southwest Florida. However, the occurrence of an injection zone has not been proven in Volusia County.

3. **Surfical Aquifer-** The surfical aquifer is a semi-confined zone overlying the Floridan Aquifer. This water-bearing zone is the source bed for recharge to the Upper Floridan Aquifer, however, confining layers separating the surfical aquifer from the Upper Floridan Aquifer limit recharge potential throughout most of Volusia County. Therefore, the majority of water in the surfical aquifer is lost to evapotranspiration or runoff within drainage ditches.

It is possible to withdraw significant quantities of water from the surfical aquifer without reducing the volume of water recharged to the Upper Floridan Aquifer. Additionally, artificial recharge and recharge enhancement to the surfical aquifer may be accomplished easier than increasing recharge to the Upper Floridan Aquifer.

The preferred method for water withdrawal from the surfical aquifer is via horizontal wells. Horizontal wells consist of shallow, less than 25 feet deep, linear drainage pipes connected to a submersible pump. A horizontal wellfield could be developed near the existing wells without impacting

recharge to the Upper Floridan Aquifer. Water from the horizontal wells could be blended with raw water from the western wells or treated independently via a low-pressure membrane process.

A relatively wide range of water quality from the surficial aquifer, as well as variable quantity (rainfall dependent) has made surficial supply less popular than Upper Floridan water. Additionally, the water treatment plant may require modifications to treat shallow aquifer water, if this option is used.

4. **Desalinization-** Demineralization of seawater, or water from coastal estuaries, is widely practiced around the world. Treatment costs are significantly higher than for any of the previously described sources.

Another drawback of desalinization relates to concentrate disposal. Due to the relatively high total dissolved solids concentration of the source water greater than 1,500 mg/L, the volume and concentration of brine is extremely high. Currently, there are no seawater demineralization facilities with permitted surface water discharges in east central Florida. The only proven methodology for the referenced brine is deep well injection. Unfortunately, the presence of an adequate confining zone is unproven in Volusia County.

An alternative disposal method is ocean outfall. However, current FDEP regulations dictate that ocean outfalls must extend offshore to a point where the prevailing water depth is a minimum of 90 feet. In Volusia County, this translates to a distance approximately 30 miles offshore. A sub-aqueous pipeline of this length is currently cost prohibitive. As a result of these factors, seawater demineralization is the most costly treatment option at this time.

5. **Conservation, Reclaimed, and Demand Reduction Strategies-** Existing utility conservation programs, such as low-flow showerheads and toilets, rain sensors for lawn irrigation, and education programs, would stay in effect. The use of reclaimed water to supplement and/or replace fresh water used for irrigation purposes has been pursued by the Utilities Commission of New Smyrna Beach (UC). These programs are anticipated to help reduce demand increases by about 2 MGD for the planning period. A major method of demand reduction is to provide higher density residential development. Numerous single-family developments with each home having a lawn require considerably more irrigation water than higher density multi-family residential developments with smaller areas to irrigate. In the present economic climate developers are less likely to pursue developments having numerous dwelling units in one building. This is because it is difficult to get financing for multi-family dwelling buildings with numerous units. In past years banks would provide loans to a developer if 50% of the units are reserved with the idea that once construction commences and is completed the remaining 50% of the units would be purchased. However, with the

credit crisis banks are now requiring a much higher percentage of units (75% or more) to be purchased before a bank will release funds. It is much easier for a developer to sell one single-family home, get financing for the home, build it and move on to the next single-family home. Somewhat of a compromise is to build townhouse products having three to six units per building because it is much easier to get reservations for two, four or five units and then the construction can commence than for twenty units in a 25-unit building for construction to commence. The ease in constructing single-family homes leads to more urban sprawl and greater need for water for the single-family homes. Also, this credit crisis leads to higher infrastructure maintenance costs because lower densities means a greater length of pipes required to be maintained by the public.

The UC, pursuant to the New Smyrna Beach Charter, manages, operates and controls all of the city's utilities, including:

- Sanitary sewer
- Wastewater treatment
- Effluent disposal
- Sludge disposal
- Potable water

The UC is meeting, and is projected to meet, all requirements regarding the aforementioned utilities for the duration of their respective planning period.

The City's raw water supply comes from the Floridan Aquifer. The UC operates nineteen wells with five new wells to be added in the near future. The water treatment plant wellfield currently has seven wells, providing 3,230 gallons per minute (gpm). The Samsula wellfield has six wells, providing 1,850 gpm. The State Road 44/Pioneer Trail wellfield has six wells, providing 2,770 gpm. Each of the wells at the sites range from 183 to 364 feet deep. Ten of the wells have auxiliary engines for emergency pumping in the case of power failure. Total permitted peak capacity for all three wellfields is 10.5 million gallons daily (mgd); the average capacity is 5.00 mgd. Table 2-12 below indicates the projected well demands and additional capacity requirements.

The UC increased the water treatment plant peak-flow capacity from 6.2 to 10.38 mgd in the early 1990's. Improvements associated with the increase included: aeration facilities, yard piping, site work, lime softening unit, sludge piping, filtration expansion, fluoridation modification, high-service pumping station, 2.0 mg ground storage reservoir, sludge handling facilities, and electrical/instrumentation systems. However, current plant capacity can only be met by the well output and raw water transmission limits maximum capacity to 9.0 mgd.

The water treatment plant will continue to be operated and maintained at its current high level of performance to meet existing and any future EPA/FDP treatment requirements. Plant operators and maintenance technicians will continue to receive regularly scheduled training; and the computerized operation and maintenance and preventative maintenance programs will continue to be used and improved.

## Water Supply

**Table 2-10 Potable Water Capacity Projections and Requirements**

Year	Accounts	Average Daily Demand (mgd)	Peak Day Demand (mgd)	Average Daily Flow Per Account (gd)	Existing Wellfields Capacity (mgd)	Wellfields Capacity Requirements (mgd)	Surplus/ (Deficit) (mgd)
2010	27,042	6.49	9.28	240	10.5	12.98	-2.48
2015	27,958	6.71	9.6	240	10.5	13.42	-2.92
2020	29,167	7	10.01	240	10.5	14	-3.50
2025	29,667	7.12	10.18	240	10.5	14.24	-3.74

Source: Utilities Commission, City of New Smyrna Beach

Water quality and well levels within the wellfields has remained relatively consistent with some increase in chlorides over the past ten years. The Utilities Commission withdraws approximately 40 and 60 percent of its water from the water treatment plant and State Road 44/ Pioneer Trail wellfields, respectively. The primary constraint limiting the groundwater withdrawals are defined in the Consumptive Use Permit (CUP) #8747, issued by the St. Johns River Water Management District (SJRWMD) on January 10, 2006, and will expire on February 9, 2020. Allocation requests were increased and five new wells were approved for construction. In order to maintain average well operating times at 12 hours a day or less, a capacity factor of two is necessary. A list of permitted withdrawals levels are detailed in the table below.

**Table 2-11 Permitted Groundwater Withdrawal Limits**

<b>Permitted Groundwater Withdrawal Limits (Annual and Maximum Daily) 2008-2020</b>		
<b>Year</b>	<b>Permitted Annual Average Withdrawal (mgd)</b>	<b>Permitted Maximum Daily Withdrawal</b>
2007	6.04	10.84
2008	6.62	11.00
2009	7.13	11.17
2010	7.63	11.33
2011	8.06	11.51
2012	8.33	11.68
2013	8.33	11.84
2014	8.33	12.02
2015	8.33	12.19
2016	8.33	12.36
2017	8.33	12.54
2018	8.33	12.75
2019	8.33	12.75
2020	8.33	12.75

Source: *Consumptive Use Permit #8747, SJRWMD, 2006*

The CUP permits increasing annual average withdrawals up to the year 2012, when it plateaus at 8.33 mgd until the year 2020 and increasing maximum daily average withdrawals up to the year 2018, when it plateaus at 12.75 mgd. Therefore, the wellfields are permitted to withdrawal enough water to meet the permitted CUP allowance of 8.33 mgd through the year 2020. Well output and raw water transmission constraints limit maximum capacity at the treatment plant to 9.0 mgd. Therefore, there is an insufficient supply to accommodate the treatment plant of 10.38 mgd. Thus, the treatment plant capacity exceeds the wellfields. Additionally, the first of five wells is being installed northwest of the intersection of Interstate 95 and State Road 44 with a capacity of 350 gpm each, resulting in a total of 2.52 mgd of additional capacity.

## 2.9 EVALUATION OF REDEVELOPMENT FEASIBILITY AND PROPERTY RIGHTS IN COASTAL HIGH-HAZARD AREAS (CHHA)

Pursuant to Section 163.3191(2)(m), F.S., “an evaluation of whether any past reduction in land use densities within the CHHA impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster” shall be conducted. The City will identify strategies to address redevelopment feasibility and the property rights of affected residents, which must be balanced with public safety considerations.

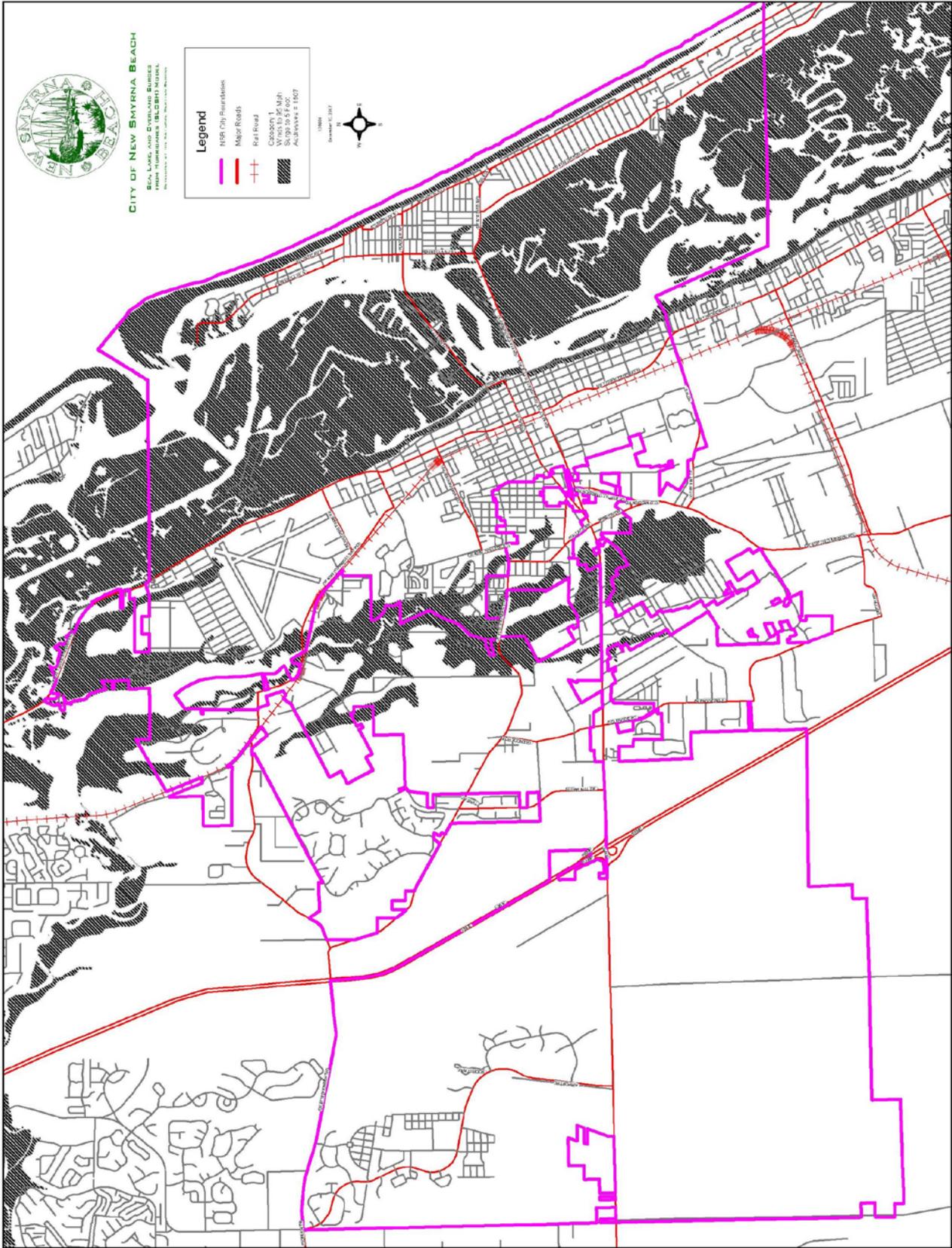
The definition of the Coastal High Hazard Area (CHHA) was changed by State Statute since the last Comprehensive Plan update. The new definition states: “the area below the elevation of the Category 1 hurricane storm surge line as established by a Sea, Lake and Overland Surges (SLOSH) computerized storm surge model.” The previous definition stated: as “an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM (Flood Insurance Rate Map) as zone VI-30, VE or V”. This new definition significantly changed the area now considered within the CHHA. Please see the Table below for a breakdown of the different Future Land Use categories in the CHHA in the City. **Map 3** on the following page illustrates the location of the CHHA.

**Table 2-12 CHHA Acreage**

FUTURE LAND USE	PARCEL COUNT	ACRES	PERCENTAGE
COMMERCIAL	132	183.799	2.749%
CONSERVATION	94	4536.809	67.860%
EDUCATIONAL	1	22.397	0.335%
HIGH DENSITY RESIDENTIAL	491	310.729	4.648%
INDUSTRIAL	3	19.473	0.291%
LOW DENSITY RESIDENTIAL	1124	686.748	10.272%
MARINA	27	112.24	1.679%
MEDIUM DENSITY RESIDENTIAL	535	450.287	6.735%
MIXED USES AREA	7	13.251	0.198%
PUBLIC LAND USE	5	282.479	4.225%
RECREATION	11	56.997	0.853%
RESIDENTIAL ESTATE	7	10.075	0.151%
S.R.44 PUD	1	0.211	0.003%
<b>TOTAL</b>	<b>2438</b>	<b>6685.495</b>	<b>100.000%</b>

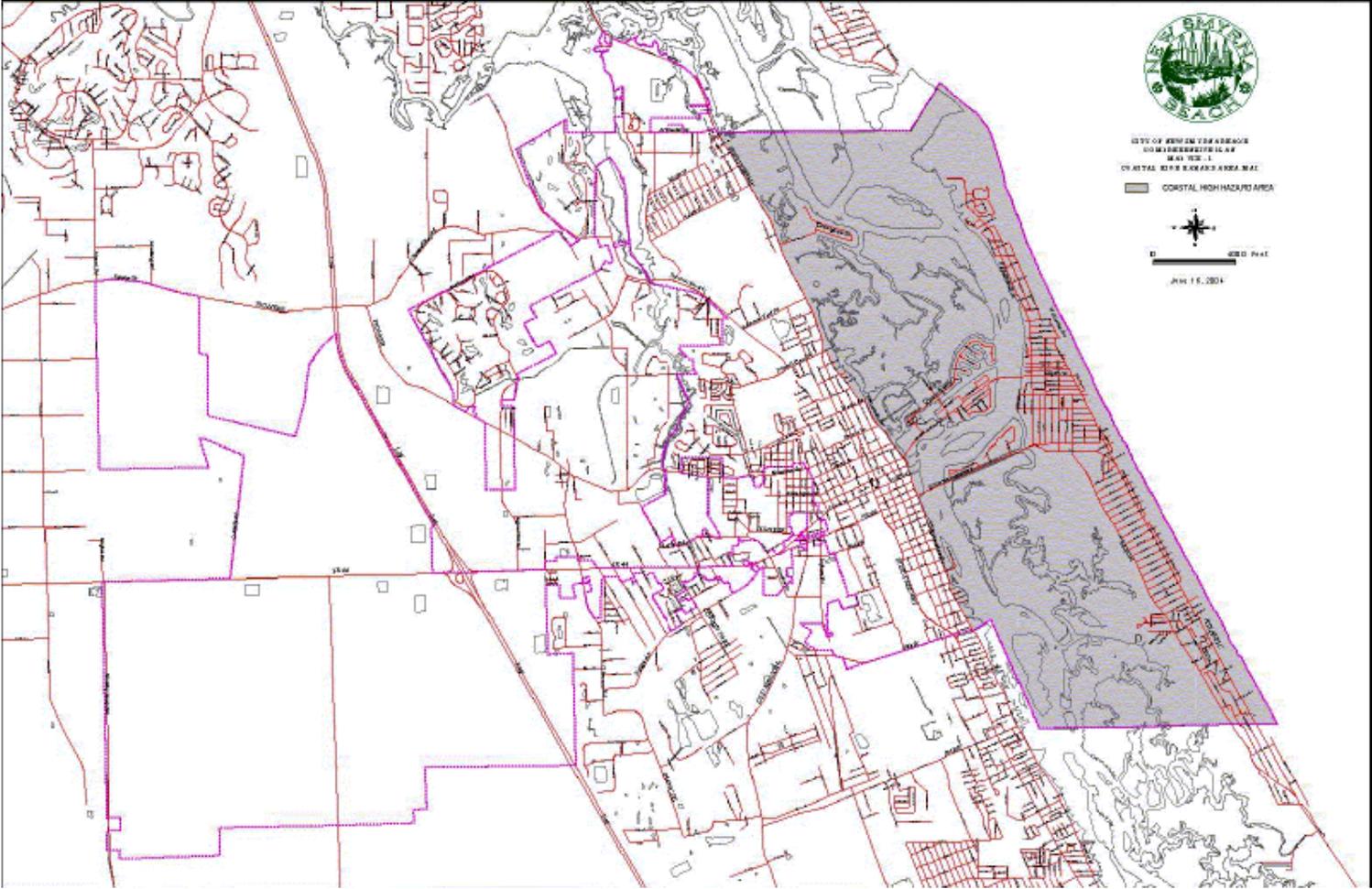
The number of parcels and acreage in the CHHA in New Smyrna Beach is subject to change with any annexation that occurs within the CHHA, because a large portion of the CHHA area is within the City’s possible annexation area.

# Map 2-4 Coastal High Hazard Area



The previous CHHA included all of the beachside, the land along both causeways, and the land east of Riverside Drive on the Mainland. Please see the map on the below for a depiction of the previous version of the CHHA.

**Map 2-5 Old Coastal High Hazard Area**



## CHAPTER 3: CHANGES IN GROWTH MANAGEMENT ISSUES

### 3.1 CHANGES TO CHAPTER 163, F.S., 1998-2007

One of the requirements for a local government's Evaluation and Appraisal Report, based on Chapter 163.3191 (2)(f), Florida Statutes (F.S.), is to evaluate and assess the relevant changes to the State's Comprehensive Plan, Chapter 163, F.S., Rule 9J-5, Florida Administrative Code (F.A.C.) and the Strategic Regional Policy Plan (SRPP) since the most recently adopted EAR-based amendments.

The following analysis in **Table 3-1** was completed using the changes to the State's Comprehensive Plan, Chapter 163, F.S., Rule 9-J5 F.A.C., and the SRPP that have occurred since the adoption of the City's last EAR based Comprehensive Plan amendments.

**Table 3-1 Changes to Chapter 163, F.S., 1998-2007**

Changes to Chapter 163, F.S. 1998-2007		Chapter 163. F.S.	N/A	Addressed	Amendment Needed
<b>1998: [Ch. 98-75, s.14; ss.2-6 and 12-15; Ch. 98-258, ss. 4-5, Laws of Florida</b>					
<b>78</b>	<b>Exempted brownfield area amendments from the twice-a-year limitation.</b>	163.3187(1)(g)		Procedural	No
<b>79</b>	Required that the <b>capital improvements element</b> set forth standards for the <b>management of debt.</b>	163.3177(3)(a)4.		Will be addressed in the Capital Improvements Element	Yes- In progress
<b>80</b>	Required inclusion of at least <b>two planning periods-</b> at least 5years and at least 10 years	163.3177(5)(a)		Procedural	No
<b>81</b>	Allowed multiple individual plan amendments to be considered together as one amendment cycle.	163.3184(3)(d)		Procedural	No
<b>82</b>	Defined "optional sector plan" and created Section 163.3245 allowing local government to address DRI issues within certain identified geographic areas.	163.3164(31) and 163.3245		Procedural	No
<b>83</b>	Established the requirements for a public school facilities element.	163.3177(12)		Done	No
<b>84</b>	Established the minimum requirements for imposing school concurrency.	163.3180(12) [Now: Section (13)]		Done	No
<b>85</b>	Required DCA adopt minimum criteria for the compliance determination of a public school facilities element imposing school concurrency.	163.3180(13) [Now: Section 14)]		Done	No

86	Required that evaluation and appraisal reports address coordination of the comp plan with existing public schools and the school district's 5-year work program.	163.3191(2)(i) [Now: 163.3191(2)(k)]		Done	No
87	Amended the definition of "in compliance" to include consistency with Sections 163.3180 and 163.3245.	163.3184(1)(b)		Procedural	N/A
88	Required DCA to maintain a file with all documents received or generated by DCA relating to plan amendments and identify: limited DCA's review of proposed plan amendments to written comments, and required DCA to identify and list all written communications received within 30 days after transmittal of a proposed plan amendment.	163.3184(2), (4), and (6)	N/A	N/A	No
89	Allowed a <b>local government to amend its plan</b> for a period of up to one year after the initial determination of sufficiency of an adopted EAR even if the EAR is insufficient.	163.3187(6)(b)		Procedural	No
90	Substantially reworded Section 163.3191, F.S., related to <b>evaluation and appraisal reports</b> .	163.3191		City's EAR was due November 1, 2008	Addressed in EAR
91	Changed the <b>population requirements</b> for municipalities and counties which are required to submit otherwise optional elements.	163.3177(6)(i)		City's Comprehensive Plan population requirements will be based on Volusia County School District projections.	No
<b>1999: [Ch. 99-251, ss. 65-6, and 90; Ch. 99-378, ss.1, 3-5, and 8-9, Laws of Florida</b>					
92	Required that <b>ports</b> and local governments in the coastal area, which has <b>spoil disposal responsibilities</b> , identify dredge disposal sites in the comp plan.	163.3178(7)		Spoil disposal is under the purview of Volusia County.	No
93	Exempted from the <b>twice-per-year limitation</b> certain port related amendments for <b>port transportation facilities</b> and projects eligible for funding by the Florida Seaport Transportation and Economic Development Council.	163.3187 (1) (h)	N/A	N/A	N/A

94	Required rural counties to base their future land use plans and the amount of land designated <b>industrial</b> on data regarding the need for job creation, capital investment, and economic development and the need to strengthen and diversify local economies.	163.3177 (6) (a)		City is not a rural County pursuant to Statute	N/A
95	<b>Added the Growth Policy Act to CH. 163, Part II</b> to promote <b>urban infill and redevelopment.</b>	163.2511, 163.25,14, 163.2517, 163.2520, 163.2523, and 163.2526 [New]		Procedural	No
96	Required that all comp plans comply with the <b>school siting requirements</b> by October 1, 1999.			Future Land Use Element and Zoning Code amended to comply with siting provisions	No
97	Made transportation facilities subject to concurrency.	163.3177 (6) (a)		Yes	Done
98	Required use of <b>professionally accepted techniques</b> for measuring level of service for cars, trucks, transit, bikes and pedestrians.	163.3180 (1) (a)		FDOT methodology generalized tables for vehicles and VOTRAN methodology for transit	Yes
99	Excludes <b>public transit facilities</b> from <b>concurrency</b> requirements.	163.3180 (4) (b)		Procedural	No
100	Allowed multiuse DRI's to satisfy the <b>transportation concurrency</b> requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180 (12)		Not utilized to date in the City	None- optional plan provision
101	Allowed <b>multimodal transportation districts</b> in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180 (15)		Procedural	No
102	Exempted amendments for <b>urban infill and redevelopment areas, public school concurrency</b> from the <b>twice-per-year limitation.</b>	163.31879 (1)(h) and (i) [ <b>Now: (i) and (j)</b> ]		Procedural	No

103	<b>Defined brownfield designation</b> and added the assurance that a developer may proceed with development upon receipt of a brownfield designation. [Also, see Section 163.3221 (1) for "brownfield" definition.	163.3220(2)		Not utilized to date in the City.	None-optional plan provision
<b>2000: [Ch. 2000-158, ss. 15-17, Ch. 2000-284, s. 1, Ch. 2000-317, s.18, Laws of Florida]</b>					
104	<b>Repealed Section 163.3184 (11)(c), F.S.</b> , that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	163.3184 (11) (c) <b>[Now : Repealed]</b>		Procedural	No
105	<b>Repealed Section 163.3187 (7), F.S.</b> that required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.	163.3187 (7) <b>[Now: Repealed]</b>		Procedural	No
106	<b>Repealed Sections 163.3191 (13) and (15), F.S.</b>	163.3191(13) and (15) <b>[[Now: Repealed]</b>	N/A	N/A	No
107	Allowed <b>small scale amendments in areas of critical state concern</b> to be exempt from the twice-per-year limitation only if they are for affordable housing.	163.3187(1)(c)1.e	N/A	N/A	No
108	Added exemption of sales from local option surtax imposed under Section 212.054, F.S., as examples of <b>incentives</b> for new development within <b>urban infill and redevelopment areas</b> .	163.2517(3)(j)2.		Not utilized to date in the City.	None- optional plan provision
<b>2001: [Ch. 2001-279, s. 64, Laws of Florida]</b>					
109	Created the <b>rural land stewardship area</b> program.			Not utilized to date in the City.	No
<b>2002: [Ch. 2002-296, ss. 1-11, Laws of Florida]</b>					
110	Required that all agencies that review comprehensive plan amendments and rezoning include a <b>nonvoting representative of the district school board</b> .	163.3174		Yes	No
111	Required <b>coordination of local comprehensive plan</b> with the regional water supply plan.	163.3177 (4)(a)		Yes	No
112	<b>Plan amendments for school-siting</b> maps are exempt from s.163.3187 (1)'s limitation on frequency.	163.3177 (6) (a)		Procedural	No

113	Required that by <b>adoption of the EAR</b> , the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and <b>include a 10-year work plan</b> to build the identified water supply facilities.	163.3177 (6) (c)		This has been accomplished.	Done
114	Required <b>consideration of the regional water supply plan</b> in the preparation of the conservation element.	163.3177 (6) (d)		No	Yes
115	Required that the <b>intergovernmental coordination element (ICE)</b> include relationships, principles and guidelines to be used in coordination comp plan with regional water supply plans.	163.3177 (6) (h)		No	Yes
116	Required the local government adopting a public educational facilities element execute an <b>inter-local agreement</b> with the district school board, the county, and non-exempting municipalities.	163.3177 (6) (h) 4.		N/A	No-Optional plan provision
117	Required that counties larger than 100,000 population and their municipalities submit an inter-local service delivery agreements (existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with affected parties to discuss and include strategies to remedy any deficiencies or duplications.	163.3177(6) (h)6., 7., & 8.		City coordinated with the County and other local governments to prepare the report, which was submitted prior to the deadline	None- City coordinated with County and other municipalities prior to deadline
118	Required local governments and special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003. NOTE: this requirements repealed by Ch. 2005-290, s.2, LOF.	163.3177(6)(h)9. <b>[Now Repealed]</b>	N/A	No	No
119	Added a <b>new Section 163.31776</b> that allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.			Not utilized by the County.	None- optional plan provision.

120	Added a new Section 163.31777 that requires local governments and school boards to enter into an <b>inter-local agreement</b> that addresses school siting, enrollment forecasting, school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.	163.3180(4)(c )		Done	No
121	<b>Added a provision</b> that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.	163.3180 (4) ©		No	Yes
122	<b>Expanded the definition of "affected persons"</b> to include property owners who own land abutting a change to a future use map.	163.3184 (1) (a)		Procedural	No
123	<b>Expanded the definition of "in compliance"</b> to include consistency with Section 163.31776 (public educational facilities element).	163.3184 (1) (b)		Procedural	No
124	<b>Streamlined the timing</b> of comprehensive plan amendment.	163.3184 (3), (4), (6), (7), and (8)		Procedural	No
125	Required that local government provide a <b>sign-in form</b> at the transmittal hearing and at the adoption hearing for persons to provide their names and addresses.	163.3184 (15) (c)		Procedural	No
126	Exempted amendments related to providing transportation improvements to enhance life safety on "controlled access major arterial highways" from the limitation on the frequency of plan amendments contained in s. 163.3187 (1).	163.3187 (1) (k)		Procedural	Yes
127	Required Evaluation and Appraisal Reports to include (1) consideration of the appropriate regional water supply plan, and (2) an evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.	163-3191 (2) (1)		City EAR was due November 1, 2009	No

128	Allowed local governments to <b>establish a special master process</b> to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	163.3215		Not currently utilized by the City	None-optional plan
129	Created the Local Government Comprehensive Planning Certification Program to allow less state and regional oversight of comprehensive plan process of the local government meets certain criteria.	163.3246		Not utilized by the City	None-optional plan provision.
130	Added a provision to Section 38.06 (24), <b>Statutory Exemptions</b> , that exempts from the requirements for developments of regional impact, any water port or marina development if the relevant local government has adopted a "boating facility siting plan or policy" (which includes certain specific criteria) as part of the coastal management element or future land use element of its comprehensive plan. The adoption of the boating facility siting plan or policy is exempt from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187 (1)		Procedural	No
131	Prohibited a local government, under certain conditions, from denying an <b>application for development approval</b> for a requested land use for certain proposed solid waste management facilities.	163.3194 (6)		Procedural	No
<b>2003: [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s.61, Laws of Florida.]</b>					
132	Creates the <b>Agricultural Lands and Practices Act</b> .	163.3162 [New]		Procedural	No
	(2): Provides legislative findings and purpose with respect to agricultural activities and duplicative regulation.			Procedural	No
	(3): <b>Defines the terms "farm," "farm operation," and "farm product"</b> for purposes of the act.			Procedural	No

	(4): Prohibits a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a <b>bona fide farm operation</b> on land that is classified as agricultural land.			Procedural	No
	(4) (a): Provides that the act does not <b>limit the powers of a county</b> under certain circumstances.			Procedural	No
	(4) (b): Clarifies that a <b>farm operation</b> may not expand its operations under certain circumstances.			Procedural	No
	(4) (c): Provides that the act does not limit the <b>powers of certain counties.</b>			Procedural	No
	(4) (d) Provides that certain county ordinances are not deemed to be a <b>duplication of regulation.</b>			Procedural	No
<b>133</b>	Changes "State Comptroller" references to "Chief Financial Officer."	163.3167 (6)	N/A	N/A	No
<b>134</b>	Provides for certain <b>airports</b> to abandon DRI orders.	163.3177 (6) (k)		N/A	None- optional plan provision
<b>135</b>	Throughout s.163.3177, F.S., citations for CH. 235, F.S., are changed to cite the appropriate section of CH. 1013, F.S.	163.31776		Procedural	No
<b>136</b>	Throughout s.163.3177, F.S., citations for CH. 235, F.S., are changed to cite the appropriate section of CH. 1013, F.S.	163.31777		Procedural	No
<b>2004: [Ch. 04-5, s. 11, ch.04-37, s.1; ch. 04-230, ss.1-4; ch. 04-372, ss.2-5; ch. 04-381, ss.1-2; ch. 04-384, s. 2, <u>Laws of Florida.</u>]</b>					
<b>137</b>	(10): Amended to conform to the repeal of the Florida <b>High-Speed Rail</b> Transportation Act, and the creation of the Florida High-Speed Rail Authority Act.	163.3167		Procedural	No
	(13): Created to require local governments to identify adequate water supply sources to meet future demand for the established planning period.			Yes	Infrastructure Element transmitted to DCA and ORC comments have been addressed, waiting for certification in order to adopt.

	(14): Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted development regulations.			No	No
138	(1): Provides legislative findings with respect to the shortage of affordable rentals in the state.		N/A	N/A	No
	(2): Provides for the exchange of information relating to proposed land use decisions between counties and local governments and military installations.		N/A	N/A	No
	(3): Provides for responsive comments by the commanding officer or his/her designee.		N/A	N/A	No
	(4): Provides for the county of affected local government to take such comments into consideration.		N/A	N/A	No
	(5): Requires the representative of the military installation to be an ex-officio, nonvoting member of the county's or local government's land planning or zoning board.		N/A	N/A	No
	(6): Encourages the commanding officer to provide <b>information on community planning assistance grants.</b>		N/A	N/A	No
139	(6) (a): Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with <b>military installations.</b> -Changes to encourage <b>rural land stewardship area</b> designation as an overlay on the future land use map.			N/A	No
	(6) (c): Extended the deadline adoption of the <b>water supply facilities work plan</b> amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments.		N/A	Yes	Infrastructure Element transmitted to DCA and ORC comments have been addressed, waiting for certification in order to adopt

	(10) (l): Provides for the coordination by the state land planning agency and the Department of Defense on compatibility issues for <b>military installations</b> .		N/A	N/A	No
	(11) (d) 1.: Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to <b>rural land stewardship areas</b> .		N/A	N/A	No
	(11)(d) 2.: Provides for <b>multi-county rural land stewardship areas</b> .		N/A	N/A	No
	(11) (d) 3.-4: Revises requirements, including the acreage threshold for designating a <b>rural land stewardship area</b> .		N/A	Procedural	No
	(11) (d) 6.j.: Provides that transferable rural land use credits may be assigned at different ratios according to the natural resources or other beneficial use characteristics of the land.		N/A	Procedural	No
	(11)(e): Provides legislative findings regarding mixed-use, high-density <b>urban infill and redevelopment</b> projects; requires DCA to provide technical assistance to local governments.		N/A	Not utilized at this time	No
	(11)(f): Provides legislative findings regarding a program for the transfer of development rights and <b>urban infill and redevelopment</b> ; requires DCA to provide technical assistance to local governments.		N/A	Not utilized at this time	No
140	(1): Provides legislative findings with respect to the shortage of <b>affordable rentals</b> in the state.			Not utilized at this time	No
	<b>(2) Provides definitions.</b>				
	(3) Authorizes local governments to permit accessory dwelling units in areas zoned for single family residential use based upon certain findings.			Not utilized at this time	No

	(4) An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant, which attests that the unit will be rented at an affordable rate to a very low-income, low-income, or moderate-income person or persons.			Not utilized at this time	No
	(5): Provides for certain accessory dwelling units to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan.			Not utilized at this time	No
	(6): Requires the DCA to report to the Legislature.			Not utilized at this time	No
141	Amends the definition of " <b>in compliance</b> " to add language referring to the <b>Wekiva Parkway and Protection Act</b> .	163.3184 (1) (b)	N/A	N/A	No
142	(1)(m): Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close proximity to military installations do not count toward the limitation on frequency of amending comprehensive plans.	163.3187		Procedural	No
	(1) (n): Created to provide that amendments to establish or implement a rural land stewardship area do not count toward the limitation on frequency of amending comprehensive plans.			Procedural	No
143	Created to provide that <b>evaluation and appraisal reports</b> evaluate whether criteria in the land use element were successful in achieving land use compatibility with <b>military installations</b> .	163.3191(2)(n)	N/A	N/A	No
<b>2005 [Ch. 2005-157, ss 1,2 and 15; Ch. 2005-290; and Ch. 2005-291, ss.10-12, Laws of Florida]</b>					
144	Added the <b>definition of "financial feasibility."</b>	163.3164(32) [New]		Procedural	No
145	(2): Required comprehensive plans to be " <b>financially</b> " rather than " <b>economically</b> " <b>feasible</b> .	163.3177		Procedural	No

<p>(3) (a)5.: Required the comprehensive plan to include a <b>5-year schedule of capital improvements</b>. Outside funding (i.e., from developer, other government or funding pursuant to referendum) of these capital improvements must be <b>guaranteed</b> in the form of a <b>development agreement or interlocal agreement</b>.</p>		<p>5-year schedule of Capital Improvements addressed in Capital Improvement Element</p>	<p>Yes</p>
<p>(3) (a)6.b.1.: Required plan amendment for the <b>annual update</b> of the schedule of capital improvements. <b>Deleted</b> provision allowing updates and change in the date of construction to be accomplished by ordinance.</p>		<p>Procedural</p>	<p>Yes</p>
<p>(3) (a)6.c.: Added oversight and penalty provision for failure to adhere to this section's capital improvements requirements.</p>		<p>Procedural</p>	<p>No</p>
<p>(3)(a)6.d.: Required a <b>long-term capital improvement schedule</b> of the local government has adopted a long-term concurrency management system.</p>		<p>Not utilized at this time</p>	<p>Long-Term Capital Improvement Schedule</p>
<p>(6)(a) <b>Deleted</b> date (October 1, 1999) by which school siting requirements must be adopted.</p>		<p>Procedural</p>	<p>No</p>
<p>(6) (a): Requires the future land use element to be based upon the availability of water supplies (in addition to public water facilities).</p>		<p>Not addressed</p>	<p>Yes</p>
<p>(6)(a): Add requirement that future land use element of <b>coastal counties</b> must encourage the preservation of <b>working waterfronts</b>, as defined in s.342.07, F.S.</p>		<p>Not addressed</p>	<p>Yes</p>

(6)l: Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the alternative water supply projects and traditional water supply projects and conservation and reuse selected by the local government to meet its projected water supply needs. The ten-year water supply work plan must include public, private and regional water supply facilities, including development of alternative water supplies. Such amendments do not count toward the limitation on the frequency of adoption of amendments.			Yes	Under review by DCA
(6)(e): Added <b>waterways</b> to the system of sites addressed by the <b>recreation and open space element</b> .			No	Needs to be added to the Recreation and Open Space Element or Conservation Element.
(6) (h)1.: The intergovernmental coordination element must address coordination with <b>regional water supply authorities</b> .		N/A	Yes	The Infrastructure Element was recently updated. The Intergovernmental Coordination Element
(11)(d)4.c.: Required <b>rural land stewardship areas to address affordable housing</b> .		N/A	Not utilized by the City	None- optional plan provision
(11)(d)5. Required a <b>listed species survey</b> be performed on <b>rural land stewardship receiving area</b> . If any listed species present, must ensure adequate provisions to protect them.		N/A	No	No
(11) (d) 6.: Must enact an ordinance establishing a <b>methodology</b> for creation, conveyance, and use of <b>stewardship credits</b> within a <b>rural land stewardship area</b> .			No	No
(11)(d)6. j.: Revised to allow open space and agricultural land to be just as important as environmentally sensitive land when assigning stewardship credits.		[New]	No	No

	(12): Must adopt <b>public school facilities element.</b>		[New]	Yes	Done
	(12)(a) and (b): A <b>waiver</b> from providing this element will be allowed under certain circumstances.			Procedural	No
	(12)(g): Expanded list of items to be to include <b>collocation, location of schools proximate to residential areas</b> , and use of schools as <b>emergency shelters.</b>			Yes	Done
	(12)(h) Required local governments to provide maps depicting the general <b>location</b> of new schools and school improvements within future conditions maps.			No	Yes
	(12)(i): Required DCA to establish a <b>schedule for adoption</b> of the public school facilities element.			Procedural	No
	(12)(j): Established <b>penalty</b> for failure to adopt a public school facility element.			Procedural	Done
	(13) ( <b>New Section</b> ) Encourages local governments to develop " <b>community vision</b> ," which provides for sustainable growth, recognized its fiscal constraints, and protects its natural resources.			Optional plan provision	No, but will be considered
	(14): ( <b>New Section</b> ) Encourages local governments to develop an " <b>urban service boundary</b> ," which ensures the area is served (or will be served) with adequate public facilities and services over the next ten years. See s. 163.3184 (17).			The City established an "urban service boundary"	Done
146	163.31776 is <b>repealed</b>	<b>163.31776 [Now: Repealed]</b>	N/A	No	No
147	(2): Required the <b>public schools interlocal agreement</b> (if applicable) to address requirements for <b>school concurrency</b> . The opt-out provision at the end of Subsection (2) is deleted.	163.31777		This has been accomplished.	Done

	(5): Required <b>Palm Beach County</b> to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school facilities element requirements.		N/A	N/A	No
	(7): Provided that counties exempted from <b>public school facilities element</b> shall undergo re-evaluation as part of its EAR to determine if they continue to meet exemption criteria.		N/A	N/A	No
148	(2)(g): Expands requirement of coastal element to include strategies that will be used to preserve recreational and commercial working waterfronts, as defined in s.342.07, F.S.	163.3178		No	Yes
	(1)(a): Added " <b>schools</b> " as a required concurrency item.	163.318		This has been accomplished	Done
	(2)(a): Required consultation with water supplier prior to issuing building permit to ensure "adequate water supplies" to serve new development will be available by the date of issuance of a certificate of occupancy.			Water supply amendments under review by DCA	Under review by DCA
149	(2)(c): Required all transportation facilities to be in place or under construction within three years (rather than five years) after approval of a building permit.			No.	Yes
	(4) (c) Allowed concurrency requirement for public schools to be waived within urban infill and redevelopment areas (163.2517).			Procedural	No
	(5)(d): Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.			Procedural	No

<p>(5)(e)-(g): If local government has established <b>transportation exceptions</b>, the guidelines for implementing the exceptions must be "<b>consistent with and support a comprehensive strategy, and promote the purpose of the exceptions.</b>" Exception areas must include mobility strategies, such as alternate modes of transportation, supported by data and analysis. FDOT must be consulted prior to designating a transportation concurrency exception area. Transportation concurrency exception areas existing prior to July 1, 2005 must meet these requirements by July 1, 2006, or when EAR-based amendment is adopted, whichever occurs last.</p>			<p>The City does not have any transportation exception areas</p>	<p>No</p>
<p>(6): Required local government to maintain records to determine whether 110% de minimis transportation impact threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110% threshold dissolves the de minimis exceptions.</p>			<p>Procedural</p>	<p>No</p>
<p>(7): Required consultation with FDOT prior to designating a <b>transportation concurrency management area</b> (to promote infill development) to ensure adequate level-of-service standards are in place. The local government and the DOT should work together to mitigate any impacts to the Strategic Intermodal System.</p>			<p>Procedural</p>	<p>No</p>
<p>(9) (a): Allowed adoption of a <b>long-term concurrency management system for schools.</b></p>			<p>Procedural</p>	<p>No</p>
<p>(9)(c) : (New section) Allowed local governments to issue approvals to commence construction notwithstanding s. 163.3180 in areas subject to a <b>long-term concurrency management system.</b></p>			<p>Procedural</p>	<p>No</p>

(9)(d): (New section) Required evaluation in <b>Evaluation and Appraisal Report</b> of progress in improving levels of service.			Procedural	No
(10): Added requirement that level of service standard for roadway facilities on the <b>Strategic Intermodal System</b> must be consistent with FDOT standards. Standards must consider <b>compatibility with adjacent jurisdictions</b> .			No	Yes
(13): Required <b>school concurrency</b> (not optional).			Procedural	No
(13)(c) 1.: Requires school concurrency after five years to be applied on a " <b>less than districtwide basis</b> " (i.e., by using school attendance zones, etc).			Procedural	No
(13) (c) 2.: Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries.			Procedural	No
(13)(c) 3.: No application for development approval may be denied if a <b>less-than-districtwide measurement of school concurrency</b> is used; however the development impacts must be shifted to contiguous service areas with school capacity.			Procedural	No
(13)(e): Allowed school concurrency to be satisfied if a developer executes a <b>legally binding commitment</b> to provide mitigation proportionate to the demand.			Procedural	No
(13) (e)1.: Enumerated mitigation options for achieving <b>proportionate-share mitigation</b> .			Procedural	No
(13) (e)2.: If educational facilities funded in one of the two following ways, the local government must credit this amount toward any impact fee or exaction imposed on the community: -contribution of land -construction, expansion, or payment for land acquisition			Procedural	No

<p>(13)(g)2.: <b>(Section deleted)</b>- It is no longer required that a local government and school board base their plans on consistent population projection and share information regarding planned public school facilities, development and redevelopment and infrastructure needs of public school facilities. However, see (13)(g)6.a. for similar requirement.</p>			Procedural	No
<p>(13)(g)6.a.: <b>[Formerly (13)(g)7.a]</b> Local government must establish a <b>uniform procedure for determining if development applications are in compliance with school concurrency.</b></p>			Yes	No
<p>(13)(g)7. <b>[Formerly (13)(g)8.] Deleted</b> language that allowed local government to terminate or suspend an interlocal agreement with the school board.</p>			Procedural	No
<p>(13)(h): (New 2005 provision) The fact that <b>school concurrency</b> has not yet been implemented by a local government should not be the basis for either an approval or denial of a development permit.</p>		[New]	Procedural	No
<p>(15): Prior to adopting Multimodal Transportation Districts, FDOT must be consulted to assess the impact on level of service standards. If impacts are found, the local government and the FDOT must work together to mitigate those impacts. Multimodal districts established prior to July 1, 2005 must meet this requirement by July 1, 2006 or at the time of th EAR-base amendment, whichever occurs last.</p>			Procedural	No
<p>(16): <b>(New 2005 section)</b> Required local governments to adopt by <b>December 1, 2006</b> a method for assessing <b>proportionate fair-share mitigation options.</b> FDOT will develop a model ordinance by December 1, 2005.</p>		[New]	Yes	Done

150	(17): <b>(New 2005 section)</b> If local government has adopted a <b>community vision</b> and <b>urban service boundary</b> , state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.	163.3184 [New]		The City has not adopted a "community vision."	Yes
	(18): <b>(New 2005 section)</b> If a municipality has adopted an urban infill and redevelopment area, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.			The City has not adopted an "urban infill and redevelopment area"	Yes
151	(1)(c)1.f.: Allowed approval of residential land use as a small-scale development amendment when the proposed density is equal to or less than the existing future land use category. Under certain circumstances, affordable housing units are exempt from this limitation.	163.3187		Procedural	No
	(1)(c)4.: <b>(New 2005 provision)</b> If the small-scale development amendment involves a <b>rural area of critical economic concern</b> , a 20-acre limit applies.	[New]		Procedural	No
	(1) (o): <b>(New 2005 provision)</b> An amendment to a <b>rural area of critical economic concern</b> may be approved without regard to the statutory limit on comprehensive plan amendments.	[New]		Procedural	No
152	(2)(k): Required local governments that do not have either a school interlocal agreement or a public school facilities element, to determine in the Evaluation and Appraisal Report whether the local government continues to meet the exemption criteria in s.163.3177(12).			The City has a public school facility element	Done

	(2)(l): The Evaluation and Appraisal Report must determine whether the local government has been successful in identifying <b>alternative water supply projects</b> , including <b>conservation and reuse</b> , needed to meet projected demand, Also, the Report must identify the degree to which the local government has implemented its 10-year water supply work plan.	163.3191		The City submitted the Infrastructure Element to DCA. It is currently under review	No
	(2) (o): <b>(New 2005 provision)</b> The <b>Evaluation and Appraisal Report</b> must evaluate whether any <b>Multimodal Transportation District</b> has achieved the purpose for which it was created.	[New]		The City has not established any Multimodal Transportation Districts	The City and Volusia County, along with other municipalities within Volusia County, are currently working on evaluating the feasibility of adopting a common methodology
	(2)(p): (New 2005 provision) <b>The Evaluation and Appraisal Report</b> must assess <b>methodology for impacts on transportation facilities.</b>	[New]		Procedural	Done
	(10): The Evaluation and Report-based amendment must be adopted within a single amendment cycle. Failure to adopt within this cycle results in penalties. Once updated, the comprehensive plan must be submitted to DCA.			Procedural	No
153	(10) New section designating Freeport as a certified community. (11) New section exempting proposed DRIs within Freeport from review under s.380.06, F.S., unless review is requested by the local government.	163.3246 [New]	N/A	N/A	No
<b>2006 [Ch. 2006-68, Ch. 2006-220, Ch. 2006-252, Ch. 2006-255, Ch. 2006-268m Laws of Florida]</b>					
154	Establishes plan amendment procedures for agricultural enclaves as defined in s. 163.3164(33), F.S. Ch. 2006-255, LOF	163.3162(5) [New]	N/A	N/A	No
155	Defines <b>agricultural enclave.</b> Ch. 2006-255, LOF.	163.3164(33) [New]		Procedural	None- Procedural change

156	(6)(g)2.: Adds new paragraph encouraging local governments with a coastal management element to adopt recreational surface water use policies; such adoption amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions. Ch. 2006-220, LOF.	163.3177(6)(g)2.[New]		No.	Yes
157	Allows the effect of a proposed receiving area to be considered when projecting the 25-year or greater population with a <b>rural land stewardship area</b> . Ch. 2006-22-, LOF.	163.3177(11)(d)6	N/A	No	No
158	Recognized "extremely low-income persons" as another income group whose housing needs might be addressed by accessory dwelling units and defines such persons consistent with s.420.0004(8), F.S. Ch. 2006-68, LOF	163.31771(1)(2) and (4)		Procedural	None- Procedural change
159	Assigns to the Division of Emergency Management the responsibility of ensuring the preparation of <b>updated regional hurricane evacuation plans</b> . Ch. 2006-68, LOF.	163.3178(2) (d)		Procedural	None- Procedural change
160	Changes the <b>definition of the CHHA</b> to be the area below the elevation of the Category 1 storm surge line as established by the SLOSH model. Ch. 2006-68, LOF	163.3178(2)(h)		Done	Done
161	Adds a new section allowing a local government to comply with the requirement that its comprehensive plan direct population concentrations away from the CHHA and maintains or reduces hurricane evacuation times by maintaining an adopted LOS Standard for out-of-county hurricane evacuation for a category 5 storm, by maintaining a 12-hour hurricane evacuation time or by providing mitigation that satisfies these two requirements. Ch. 2006-68, LOF.	163.3178(9)(a) [New]		No.	Yes.

162	Adds a new section establishing a LOS for out-of-county hurricane evacuation of no greater than 16 hours for a category 5 storm for any local government that wishes to follow the process in s.163.3178(9)(a) but has not established such a LOS by July 1, 2008. Ch. 2006-68, LOF.	163.3178(9)(b)		No	Yes.
163	Requires local governments to amend their <b>Future Land Use Map</b> and <b>coastal management element</b> to include the new definition of the CHHA, and to depict the CHHA on the FLUM by July 1, 2008. Ch. 2006-68, LOF.	163.3178(2)(c )		Done	Done
164	Allows the sanitary sewer concurrency requirement to be met by onsite sewage treatment and disposal systems approved by the Department of Health. Ch. 2006-252, LOF.	163.3180(2)(a)		Procedural	No
165	Changes s.390.0651(3)(i) to s.380.0651(3)(h) as the citation for the standards a multiuse DRI must meet or exceed. Ch. 2006-220, LOF	163.3180(12)(a)		Procedural	No
166	Deletes use of extended use agreement as part of the definition of small scale amendment. Ch. 2006-69, LOF.	163.3187(1)(c)1.f.		Procedural	No
167	Creates a new section related to <b>electric distribution substations</b> ; establishes criteria addressing land use compatibility of substations; requires local governments to permit substations in all FLUM categories (except preservation, conservation or historic preservation); establishes compatibility standards to be used if a local government has not established such standards; establishes procedures for the review of applications for the location of a new substation; allows local governments to enact reasonable setback and landscape buffer standards for substations. Ch.2006-268, LOF	163.3208 [New]		No	Should be addressed in the Future Land Use Element

168	Creating a new section preventing a local government from requiring for a permit or other approval vegetation maintenance and tree pruning or trimming within an established <b>electric transmission and distribution line right-of-way</b> . Ch. 2006-268, LOF.	163.3209 [New]		No	Yes
169	<b>Community Workforce Housing Innovation Pilot Program</b> ; created by Ch. 2006-69, LOF, section 27. Establishes a special, expedited adoption process for any plan amendment that implements a pilot program project.	New		Optional	No
<b>2007 Ch. 2007-196, Ch. 2007-198, Ch. 2007-204, Laws of Florida</b>					
171	(26) Expands the definition of "urban redevelopment" to include a community redevelopment area. Ch. 2007-204, LOF.	163.3164		Procedural	No
	(32) Revises the definition of "financial feasibility" by clarifying that the plan is financially feasible for transportation and schools if LOS standards are achieved and maintained by the end of the planning period even if in a particular year such standards are not achieved. In addition, the provision that LOS standards need not be maintained if the proportionate fair share process in s.163.3180(12) and (16), F.S., is used is deleted. Ch. 2007-204, LOF.			Procedural	No
172	(2) Clarifies that financial feasibility is determined using a five-year period (except in the case of long-term transportation or school concurrency management, in which case a 10 or 15-year period applies.) Ch. 2007-204, LOF.	163.3177		Procedural	No
	(3) (a)6. Revises the citation to the <b>MPO's TIP and long-range transportation plan</b> . Ch. 2007-196, LOF.			Procedural	No

<p>(3)(b)1. Requires an annual update to the Five-Year Schedule of Capital Improvements to be submitted by December 1, 2008 and yearly thereafter. If this date is missed, no amendments are allowed until the update is adopted. Ch. 2007-204, LOF</p>			Procedural	No
<p>(3)(c) Deletes the requirement that the Department must notify the Administration Commission if an annual update to the capital improvements element is found not in compliance (retained is the requirement that notification must take place is the annual update is not adopted). Ch. 2007-205, LOF.</p>	[New]		Procedural	No
<p>(3)(e) Provides that a comprehensive plan as revised by an amendmetn to the future land use map is financially feasible if it is supported by (1) a condition in a development order for a development of regional impact or binding agreement that addresses proportionate share mitigation consistent with s.163.3180(12), F.S., or (2) a binding agreement addressing proportionate fair-share mitigation consistent with s.163.3180(16)(f), F.S., and the property is located in an urban infill, urban redevelopment, downtown revitalization, urban infill and redevelopment of urban service area. Ch. 2007-204, LOF.</p>	[New]		No	The Capital Improvements Element will be revised as necessary to incorporate the new conditions
<p>(6)(f)1.d. Revises the housing element requirements to ensure adequate sites for affordable workforce housing within certain counties. Ch. 2007-198, LOF.</p>	[New]		No	The Housing Element will be reviewed and revised as necessary to incorporate workforce housing provisions
<p>(6)h. and i. Requires certain counties to adopt a plan for ensuring affordable workforce housing by July 1, 2008 and provides a penalty if this date is missed. Ch. 2007-198, LOF.</p>	[New]		No	The Housing Element will be reviewed and revised as necessary to incorporate workforce housing provisions

173	(4)(b) Expands transportation concurrency exceptions to include airport facilities. Ch. 2007-204, LOF.	163.3180		Procedural	No
	(5)(b)5 Adds specifically designated urban service areas to the list of transportation concurrency exception areas. Ch. 2007-204, LOF.			Procedural	No
	(5)(f) Requires consultation with the state land planning agency regarding mitigation of impacts on Strategic Intermodal System facilities prior to establishing a concurrency exception area. Ch. 2007-204, LOF.	[New]	N/A	The City does not have any concurrency exception areas	No
	(12) and (12)(a) Deletes the requirement that the comprehensive plan must authorize a development of regional impact to satisfy concurrency under certain conditions. Also, deletes the requirement that the development of regional impact must include a residential component to satisfy concurrency under the conditions listed. Ch. 2007-204, LOF.			Procedural	No
	(12)(d) Clarifies that any proportionate-share mitigation by development of regional impact, Florida Quality Development and specific area plan implementing an optional sector plan is not responsible for reducing or eliminating backlogs. Ch. 2007-204, LOF.			Optional plan provision.	No
	(13)(e)4. A development precluded from commencing because of <b>school concurrency</b> may nevertheless commence if certain conditions are met. Ch. 2007-204, LOF.	[New]		Yes	No
	(16)(c) and (f) Allows <b>proportionate fair-share mitigation</b> to be directed to one or more specific transportation improvemetn. Clarifies that such mitigation is not to be used to address backlogs. Ch. 2007-204, LOF.	[New]		No	Transportation Element will be reviewed and revised as necessary to incorporate the new regulations

	(17) Allows an exempt from concurrency for certain workforce housing developed consistent with s.380.063(9) and s.380.0651(3). Ch. 2007-198, LOF.			Optional plan provision	Transportation Element will be reviewed and revised as necessary to incorporate the new regulations
174	Allows a local government to establish a transportation concurrency backlog authority to address deficiencies where existing traffic volume exceeds the adopted level of service standard. Defices the powers of the authority to include tax increment financing and requires the preperation of transportation concurrency backlog plans. Ch. 2007-196, LOF and Ch. 2007-204, LOF.	163.3182 [New]		Optional plan provision.	No
175	Allows plan amendments that address certain housing requirements to be expedited under certain circumstances. Ch. 2007-198, LOF.	163.3184(19) [New]		Procedural	No
176	Exempts from the twice per year limitation on the frequency of adoption of plan amendments any amendment that is consistent with the local housing incentive strategy consistent with s.420.9076. Ch. 2007-198, LOF.	163.3187 (1) (p) [New]		Procedural	No
177	Add an amendment to integrate a port master plan into the coastal management element as an exemption to the prohibition in ss.163.3191(10). Ch. 2007-196, LOF and Ch. 2007-204, LOF.	163.3191(14) [New]	N/A	No	No
178	Extends the duration of a development agreement from 10 to 20 years. Ch. 2007-204, LOF.	163.3229		Procedural	None- Procedural change.
179	Establishes an alternative state review process pilot program in Jacksonville/ Duval, Miami, Tampa, Hialeah, Pinelleas and Broward to encourage urban infill and redevelopment. Ch. 2007-204, LOF.	163.32465 [New]	N/A		
180	If a property owner contributes right-of-way and expands a state transportation facility, such contribution may be applied as a <b>credit against any future transportation concurrency requirement.</b> Ch. 2007-196,	339.282 [New]		No	The Traffic Circulation Element will be reviewed and revised as necessary to incorporate the

	LOF.				new regulation
181	Establishes an expedited plan amendment adoption process for amendments that implement the Community Workforce Housing Innovation Pilot Program and exempts such amendments from the twice per year limitation on the frequency of adoption of plan amendments. Ch. 2007-198, LOF.	420.5095(9)		Optional provision not being utilized by the City	No

### 3.2 CHANGES TO RULE 9J-5, F.A.C.1998-2003

The table for Rule 9J-5, Florida Administrative Code, reflects changes through 2001 (there have been no rule changes since that time).

**Table 3-2 Changes to Rule 9J-5, F.A.C. 1989-2003**

Changes to Rule 9J-5, F.A.C. 1989-2003					
October 20, 1998		9J-5, F.A.C. Citations			
54	Established requirements for the Public School Facilities Element for Public School Concurrency for local governments that adopt school concurrency.	9J-5.025		The Public School Facilities Element is forthcoming.	Done
March 21, 1999					
55	Defined <b>public transit</b> and <b>stormwater management facilities</b>	9J-5.003		Procedural	No
56ci	Revised the definitions of <b>affordable housing, coastal planning area, port facility, and wetlands.</b>	9J-5.003		Procedural	No
57	Repeal the definitions of adjusted for family size, adjusted gross income, development, high recharge or prime recharge area, mass transit, paratransit, public facilities, very low-income family.	9J-5.003		Repealed	No
58	Revised provisions relating to adoption by reference into the local comprehensive plan.	9J-5.005(2)(g) and (8) (j)		Procedural	No

59	<p>Repealed transmittal requirements for proposed evaluation and appraisal reports, submittal requirements for adopted evaluation and appraisal reports, criteria for determining the sufficiency of adopted evaluation and appraisal reports, procedures for adoption of evaluation and appraisal reports. <i>Note: transmittal requirements for proposed evaluation and appraisal reports and submittal requirements for adopted evaluation and appraisal reports were incorporated Rule Chapter 9J-11, F.A.C.</i></p>	9J-5.0053(2) through (5)		Repealed.	No
60	<p>Repealed conditions for de minimis impact and referenced conditions in subsection 163.3180(6), F.S.</p>	9J-5.0055(3)6		Repealed.	No
61	<p>Required the future land use map to show the <b>transportation concurrency exception area</b> boundaries of such areas have been designated and areas for possible future municipal incorporation.</p>	9J-5.006(4)	N/A	No	No
62	<p>Required objectives of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element address protection of <b>high recharge</b> and <b>prime recharge</b> areas.</p>	9J-5.011(2)		Addressed in recent Infrastructure Element updates.	No
63	<p>Repealed the <b>Intergovernmental Coordination</b> Element process to determine if development proposals would have significant impacts on other local governments or state or regional resources or facilities, and provisions relating to resolution of disputes, modification of development orders, and the rendering of development orders to the Department of Community Affairs (DCA).</p>	9J-5.015(4)		Repealed	No

64	Clarified that local governments not located within the urban area of a Metropolitan Planning Organization are required to adopt a <b>Traffic Circulation Element</b> and that local governments with a population of 50,000 or less are not required to prepare <b>Mass Transit and Ports, Aviation and Related Facilities Elements</b> .	9J-5.019(1)	N/A	Yes	Transportation Element is being reviewed by DCA
65	Required objectives of the Transportation Element to:	9J-5.019(4)(b)			
	Coordinate the siting of new, or expansion of existing ports, airports, or related facilities with the Future Land Use, Coastal Management, and Conservation Element;		N/A		Transportation Element will be revised as needed to incorporate this regulation.
	Coordinate surface transportation access to ports, airports, and related facilities with the traffic circulation system;				Transportation Element is being reviewed by DCA
	Coordinate ports, airports, and related facilities plans with plans of other transportation providers; and		N/A		
	Ensure that access routes to ports, airports and related facilities are properly integrated with other modes of transportation.				Transportation Element is being reviewed by DCA
66	<b>Required policies of the Transportation Element to:</b>	9J-5.019(4)(b)			
	Provide for safe and convenient <b>on-site traffic flow</b> ;			CHAD	Transportation Element is being reviewed by DCA
	Establish measures for the acquisition and preservation of public <b>transit</b> rights-of-way and corridors;			CHAD	Transportation Element is being reviewed by DCA
	Promote <b>ports, airports and related facilities</b> development and expansion;			CHAD	Transportation Element is being reviewed by DCA
	Mitigate adverse structural impacts from ports, airports and related facilities;			CHAD	Transportation Element is being reviewed by DCA
	Protect and conserve natural resources within ports, airports and related facilities;			CHAD	Transportation Element is being reviewed by DCA

	Coordinate intermodal management of surface and water transportation within ports, airports and related facilities;			CHAD	Transportation Element is being reviewed by DCA
	Protect ports, airports and related facilities from encroachment of incompatible land uses.			CHAD	Transportation Element is being reviewed by DCA
67	Added standards for the review of <b>land development regulations</b> by the Department.	9J-5.022		Procedural	No
68	Added criteria for determining consistency of land development regulations with the comprehensive plan.	9J-5.023		Procedural	No
<b>February 25, 2001</b>					
69	Defined <b>general lanes</b>	9J-5.003		Procedural	No
70	Revised the definitions of " <b>marine wetlands.</b> "	9J-5.003		Procedural	No
71	Repeal the definition of " <b>public facilities and services</b> "	9J-5.003		Repealed	No
72	Revised procedures for <b>monitoring</b> , evaluating and appraising implementation of local comprehensive plans.	9J-5.003		Procedural	No
73	Repealed requirements for evaluation and appraisal reports and appraisal amendments.	9J-5.0053		Repealed	No
74	Revised concurrency management system requirements to include provisions for establishment of <b>public school concurrency.</b>	9J-5.005(1) and (2)		Done	Done
75	Authorized local governments to establish multimodal transportation <b>LOS standards</b> and established requirements for <b>multimodal transportation districts.</b>	9J-50055(2)(b) and (3)(c)		Optional	No
76	Authorized local governments to establish <b>LOS standards</b> for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the DOT.	9J-5.0055(2)(c)		Yes	Transportation Element is being reviewed by DCA
77	Provide that <b>public transit</b> facilities are not subject to concurrency requirements.	9J-5.0055(8)		Procedural	No
78	Authorized local comprehensive plans to permit multi-use developments of regional impact to satisfy the transportation concurrency requirements by payment of a <b>proportionate share contribution.</b>	9J-5.055(9)		Procedural	No

79	Required the future land use map to show multimodal transportation district boundaries, if established.	9J-5.006(4)		Optional provision not utilized at this time.	None- optional provision.
80	Authorized local governments to establish multimodal transportation districts and, if established, required local governments to establish design standards for such districts.	9J-5.006(6)		Optional provision not utilized at this time.	None- optional provision.
81	Required data for the Housing Element include a description of <b>substandard dwelling units</b> and repealed the requirement that the housing inventory include a locally determined definition of standard and substandard housing conditions.	9J-5.010(1)(c)		No.	Yes.
82	Authorized local governments to supplement the affordable housing needs assessment with locally generated data and repealed the authorization for local governments to conduct their own assessment.	9J-5.10(2)(b)		Procedural	No
83	Required the Intergovernmental Coordination Element to include objectives that ensure adoption of <b>interlocal agreements</b> within one year of adoption of the amended Intergovernmental coordination between all affected local governments and the school board for the purpose of establishing requirements for <b>public school concurrency</b> .	9J-5.015(3)(b)		No.	Yes
84	Required the Intergovernmental Coordination Element to include:	9J-5.015(3)(c)			
	Policies that provide procedures to identify and implement joint planning areas for purposes of annexation, municipal incorporation and joint infrastructure service areas;			Yes	Done
	Recognize <b>campus master plan</b> and provide procedures for coordination of the campus master development agreement;			No.	Yes
	Establish joint procedures for collaborative planning and decision-making with other units of local government;			No	No

	Establish joint processes for collaborative planning and decision making with the school board on <b>population projections and siting of public school facilities;</b>			No.	Should be included in the Intergovernmental Coordination Element.
	Establish joint processes for the siting of facilities with <b>county-wide significance;</b> and			No	Yes
	Adoption of an interlocal agreement for <b>school concurrency.</b>			Done	Done
85	Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible <b>public school facilities</b> program that demonstrates the adopted LOS standards will be achieved and maintained and a schedule of capital improvements for <b>multimodal transportation districts,</b> of locally established.	9J-5.016(4)(a)		The Capital Improvements Element has not been updated annually.	Yes.
86	Required the Transportation Element analysis for multimodal transportation districts to demonstrate that community design elements will reduce vehicle miles of travel and support an integrated, multi-modal transportation system.			Optional provision not currently utilized by the City	None- optional provision
87	Required Transportation Element objectives for <b>multimodal transportation districts</b> to address provision of a safe, comfortable and attractive pedestrian environment with convenient access to public transportation.			Optional provision not currently utilized by the City	None- optional provision
88	Authorized local governments to establish LOS standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the DOT.	9J-5.019(4)(c)		No	Yes

## CHAPTER 4- EVALUATION OF MAJOR ISSUES

In 2007 the City held several workshops with a goal of outlining the numerous major issues facing the City of New Smyrna Beach in the next several years. At the end of the workshop series the major issues were categorized as follows:

- **Parking**
- **Annexation**
- **Economic Development**
- **Neighborhood Plans**
- **Design Guidelines**
- **Affordable Housing**
- **Transportation Alternatives**
- **Promotion of the Built & Natural Environment**
- **Conservation**
- **Disaster Planning**

The following section expounds upon the major issues in detail.

### 4.1 MAJOR ISSUE 1- PARKING

There are several areas of the City that experience an actual or perceived shortage of parking spaces at certain times. These areas are:

1. The boat ramps on the North Causeway
2. Beach parking
3. The Flagler Avenue (downtown beachside) area
4. The Canal Street (downtown mainland) area

Each of these areas has its own unique challenges.

**Boat Ramps.** There are eight boat ramps on the North Causeway in New Smyrna Beach. These ramps are the closest place to launch a boat to access the Atlantic or Intra-coastal Waterway for much of Central Florida, thus they are heavily used at times. However, there could be a better system of launching and retrieval of vehicles. Also, there is a severe shortage of parking space for tow vehicles and their trailers. Thus, these vehicles are parked all along the North Causeway, resulting in an atmosphere that is aesthetically not pleasing, and often blocked pedestrian and bicycle facilities. With an improved system, more designated parking spaces could be created and decreased time to launch and retrieve a boat could be realized. Also, the City needs to concentrate on alternative boat launch facilities to decentralize this activity from the North Causeway.

**Beach Parking.** Since the late 1980s the beach has experienced a period of erosion and there has been opposition to beach driving/parking, mostly from private property owners

adjacent to the beach. Due to these reasons there has been a reduction in the number and frequency of parking availability on the beach. In the last three years alone, there have been two minor beach re-nourishment projects thus alleviating the issue of not being able to park on the beach during higher tides. However, due to legal action there are now many areas where beach driving/parking is no longer permitted and thus the parking capacity of the beach has been greatly reduced. During high tides, particularly near full moons people visiting the beach have to park elsewhere off the beach where there are limited parking places to accommodate a large number of vehicles. The result has been nuisance parking such as along roadways, in private yards and driveways, in parking spaces provided for business patrons and on pedestrian facilities. This lack of beach parking has led to fewer visitors to the beach from Central Florida and a large economic burden to the local economy. The City and County, who is responsible for maintaining the beach and roadways close to the beach, need to concentrate on providing off-beach parking areas. The constant effort by certain groups to eliminate parking from the beach entirely, citing environmental reason for doing so could damage the local economy significantly. The possible eventual removal of driving and parking on the beach needs to be considered.

There are a few City-owned parking lots along the oceanfront. The most popular is the lot at the end of Flagler Avenue. Unfortunately, the parking lot lacks organization thus efficiency, as it is an unimproved lot in which cars park wherever they can, without the aid of designated parking spaces. With designated parking spaces, the Flagler Avenue parking lot could provide a larger number of parking spaces than what it is currently able to provide. The City recently purchased an oceanfront parcel that will be used as a beachfront park and off-beach parking for about 50 spaces.

**Flagler Avenue.** Flagler Avenue is the downtown in the beachside historic commercial district. There is a perceived parking problem by some business owners because there may not be ample parking in front of their establishment. Rarely there are real shortages of parking spaces but mostly there are many available parking spaces but not in the most convenient locations. In 2009 the Community Redevelopment Agency (CRA) conducted studies in association with the CRA update. Although the CRA update is not complete the study indicated that the Flagler Avenue area has ample parking. Also, due to the small commercial lots and City's parking requirement, it is often difficult to start up a business, particularly one that requires numerous parking spaces. Many of the people who visit Flagler Avenue park in the lot that is the closest to the ocean. This reduces the amount of parking spaces available for people who come to Flagler Avenue to access the beach. Conversely, when the tide is high beachgoers tend to park in the on-street parking spaces in front of the shops thereby leaving less parking for shop patrons. There are City-owned parking lots available on both sides of Flagler Avenue which are not well-known or used. These underused lots could be better marked so people who come to Flagler Avenue for shopping or dining do not use the beachfront parking lot. Also, additional public off-street parking lots should be pursued in strategic locations not directly fronting Flagler Avenue to support the Flagler Avenue shopping district.

The key to a vibrant downtown is having attractive destinations. For small downtowns like Flagler Avenue this often means a variety of dining establishments and taverns or nightclubs.

However, restaurants and bars/nightclubs require numerous parking spaces for patrons to park in locations that don't harm the other businesses and nearby residents. It is difficult for business locations to provide adequate parking because Flagler Avenue was developed during a time when the only parking space available was on the street or in small rear yards. Thus the City's parking regulations discourage a vibrant Flagler Avenue. A solution to this problem would be to provide numerous off- and on-street parking spaces along the Flagler Avenue area so that businesses could open without having to deal with the parking regulations.

Providing adequate parking for the Flagler Avenue area can be achieved through a variety of efforts. Redesigning the parking lot at the eastern end of Flagler Avenue, developing additional off-street parking, better signage for the existing parking lots and providing remote public parking instead of requiring onsite private parking could alleviate the parking problems in the Flagler Avenue area.

**Canal Street.** Canal Street is the center of downtown in the mainland historic commercial district. As with Flagler Avenue, Canal Street has many of the same real and perceived parking problems except those associated with the beach. In 2009 the Community Redevelopment Agency (CRA) conducted studies in association with the CRA update. Although the CRA update is not complete the study indicated that the Canal Street area has ample parking. Canal Street is more of a daytime activity center with less tourist retail space and more weekday business uses. As with many downtowns Canal Street tends to close down after 5:00. A goal of the City is to create more retail and night-life activity on Canal Street. This does not mean the existing business activity should be displaced but the first floor of a building should be used for retail activity and the upper floors used for office and residential purposes. There are several City-owned parking lots in the Canal Street vicinity that are rarely fully occupied and with better signage could provide needed parking space during events. Also, additional public off-street parking lots not directly on Canal Street should be pursued to provide space that will be needed in the future and so the parking requirements for individual businesses in the land development code can be met with remote public lots as opposed to on-site private parking.

**Table 4-1 Evaluation of Comprehensive Plan Objectives Related to Parking**

GOAL, OBJECTIVE , OR POLICY	COMMENT	RECOMMENDATION
<b>FUTURE LAND USE ELEMENT</b>		
<p><b>Objective 1, Policy a:</b> Continue to enforce and update the New Smyrna Beach Land Development Regulations to promote quality development and ensure compatible land uses consistent with the Future Land Use Map.</p>	<p>The City strictly monitors the compatibility of land based on the Future Land Use Map and the zoning map.</p>	<p>This policy is sufficient.</p>

<b>Objective 2, Policy a:</b> New Smyrna Beach shall continue to enforce Land Development Regulations that ensure adopted level-of-service standards are met, consistent with the intent of Section 163.4202(2)(g), Florida Statutes.	The City is doing this.	This policy is sufficient.
<b>Objective 2, Policy b:</b> Annually update the Capital Improvements Program to schedule the provision of future public services and facilities, including acquisition of needed lands that will be provided by the city, county and other agencies.	The Capital Improvement Program has not been updated annually.	This policy is sufficient.
<b>Objective 4, Policy a:</b> Enforce development regulations and codes equally in all neighborhoods.	The City does this.	This policy is sufficient.
<b>Objective 4, Policy b:</b> Provide public services and facilities to all neighborhoods in an efficient and cost-effective manner.	The City does this.	This policy is sufficient.
<b>Objective 7, Policy b:</b> Infill development in the service area will be encouraged through development regulations, voluntary development agreements, and interlocal agreements.	The City does this.	This policy is sufficient.
<b>Objective 8, Policy f:</b> Encourage the development of mixed-use facilities, which are compact, pedestrian-scale and make efficient use of utilities.	Where practicable, the City does this.	This policy is sufficient.
<b>Objective 10, Policy d:</b> Implement buffer standards to protect new and established residential areas adjacent to new and established non-residential uses.	The City established buffer standards between residential and non-residential zoning districts and uses.	This policy is sufficient.
<b>Objective 10, Policy e:</b> The City will conduct thorough neighborhood studies on each neighborhood in order to identify historical development patterns and to implement LDR's to encourage redevelopment and infill development that is compatible with the goals and objectives of the individual neighborhood plans.	This is still a policy the City wants to pursue, but has not happened yet.	This policy is sufficient.
<b>TRAFFIC CIRCULATION ELEMENT</b>		
<b>(new)</b>	<b>Objective 6, Policy e</b> should state: <u>Initiate and support projects, programs, and services that conserve energy and reduce greenhouse gases;</u>	This policy is sufficient.

(new)	i. Examine the Land Development Regulations to identify inconsistencies with the Smart Growth Principles and determine is separated land uses, low-density, large setbacks, parking regulations, and street design standards should be changed to reduce greenhouse gases;	This policy is sufficient.
(new)	ii. Require a bicycle parking ratio based on the number of automobile parking spaces for new and redevelopment projects; and	This policy is sufficient.
(new)	iii. Provide parking reductions for compact vehicles and motorcycle/scooter parking.	This policy is sufficient.

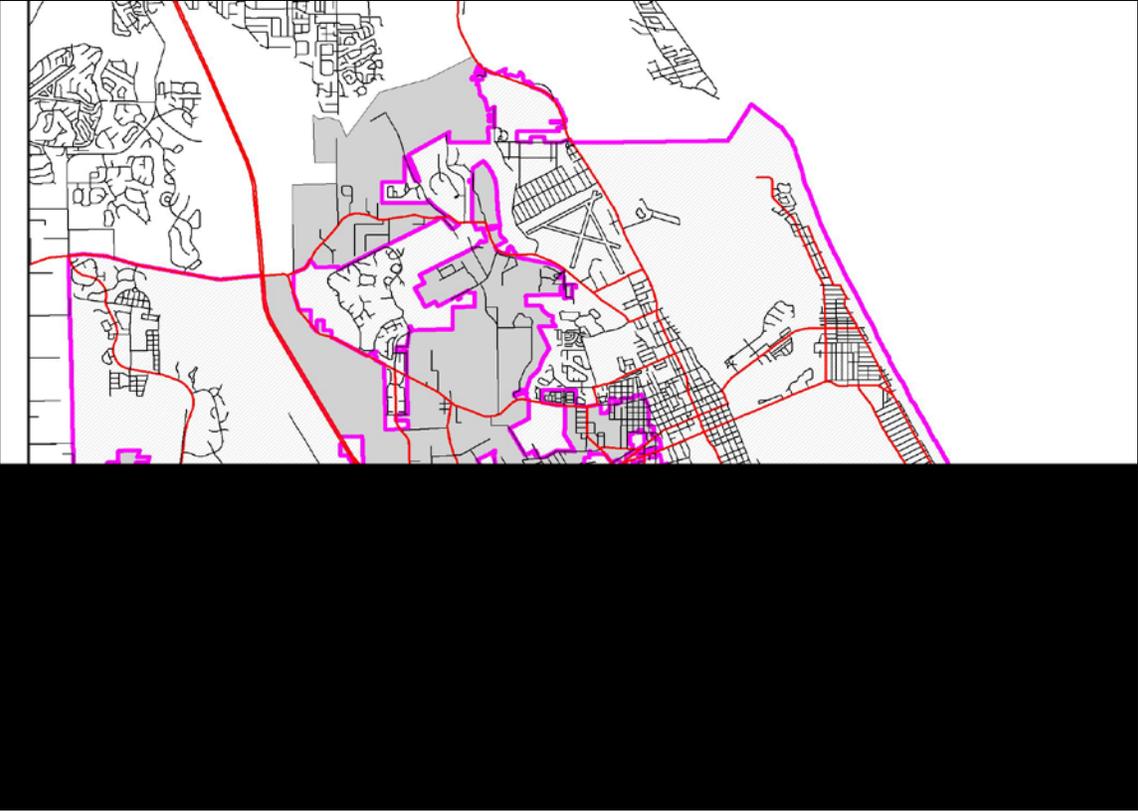
#### 4.2 MAJOR ISSUE 2- ANNEXATION

The City has annexed approximately 17 square miles of land since the late 1980s thereby doubling the amount of incorporated land. The western boundary of New Smyrna Beach is now adjacent to the rural unincorporated community of Samsula. There does not appear to be any reason to continue annexing property further west but this should be re-evaluated. The City has an unofficial future annexation boundary area (**See Map 4-1**). The result of annexing mostly large tracts of land west of Interstate 95 has resulted in large pockets of land within the future annexation area that remain unincorporated Volusia County. As annexation proceeded through the 1990s and 2000s it became difficult to continue annexation without creating enclaves as is prohibited by Florida Statutes. To provide more efficient provision of municipal services the City should concentrate in annexing these pockets of unincorporated land. However, many property owners are resistant to annexation for various real or perceived reasons. Also, some residents believe that annexation should not commence unless a cost benefit analysis demonstrates annexation of a particular tract of land results in more benefits than cost. However, some feel all land within a future annexation area should be pursued for annexation so eventually the City can be developed in a compact and efficient manner.

Annexations occurred on a piecemeal basis, thus the City’s municipal boundaries are discordant. Canal Street, which is in the heart of the City, has sections which are still in unincorporated Volusia County west of US Highway 1. Both sides of SR44 to the west of I-95 are within the City limits, with a few minor exceptions but large parcels of land along SR44 east of I-95 are still in unincorporated Volusia County as well. The City needs to decide if it wants to pursue annexing unincorporated Volusia County into the City in large pieces, or continue to annex property in the piecemeal fashion it has been doing. Without cooperation from property owners and/or changes to Florida Annexation statutes, however, the City may have no choice in eliminating pockets of unincorporated land and enclaves. The City and County should enter into an inter-local agreement to annex pockets of unincorporated areas in the future annexation area.

Another aspect of the annexation is whether or not the City thinks it is in their best interest to annex land into the City at the suggested density the County allows. There are some areas of the County that have densities and zoning that the City may not want in the City. For example, the City might be interested in creating a transit-ready corridor along SR44, with greater residential densities that the County currently allows. To make this a reality, the City may find it necessary to have increased density above what the County allows.

**Map 4-1 Annexation Boundary Area**



**Table 4-2 Evaluation of Comprehensive Plan Objectives Related to Annexation**

GOAL, OBJECTIVE , OR POLICY	COMMENT	RECOMMENDATION
<b>FUTURE LAND USE ELEMENT</b>		
<p><b>Objective 7: To implement land use patterns, utility service extensions, impact fees and an annexation methodology, which provide for orderly development and discourage urban sprawl.</b></p>		
<p>3. To continue coordination with Volusia County, other municipalities, and other affected agencies through formal and informal mechanisms, to ensure consistency in the impact of proposed development and comprehensive planning matters.</p>	<p>This policy is sufficient.</p>	<p>This policy is sufficient.</p>

<p><b>Objective 7, Policy m:</b> Annexations will be used to provide for the orderly, cost-effective and concurrency-based extension of services; to direct infill development; to protect those arterial, collector and local access roads leading to the city through the adoption and/or implementation of existing adopted regulations in accordance with policies identified in this plan; and to secure existing urban development areas in the service area which use and impact the level-of-service of municipal facilities without providing for economic support to maintain the level-of-service identified in this plan.</p>	<p>Annexations are strictly voluntary, thus they typically do not result in an orderly, cost-effective and concurrency-based extension of services.</p>	<p>This policy is sufficient.</p>
<b>INTERGOVERNMENTAL COORDINATION ELEMENT</b>		
<p><b>GOAL: To promote the preparation and implementation of a Comprehensive Plan that meets the needs of New Smyrna Beach and that is coordinated with the plans of other jurisdictions in the area. This goal will be met by initiating the objectives and policies stated herein, which will be more specifically defined in future Comprehensive Plan updates as local needs (and the city's ability to meet those needs) become better established.</b></p>		
<p><b>Objective 3: To continue coordination with Volusia County, other municipalities, and other affected agencies through formal and informal mechanisms, to ensure consistency in the impact of proposed development and comprehensive planning matters.</b></p>		
<p><b>Objective 3, Policy a:</b> The city will establish procedures for coordinating the following activities with other local governments through the City/County Joint Planning Committee:</p>		
<ul style="list-style-type: none"> <li>• Resolving conflicts with other local governments through the regional planning council's informal mediation process.</li> </ul>	<p>The City observes this.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Reviewing development proposals having potential significant impacts on neighboring local governments.</li> </ul>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Providing services and information.</li> </ul>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Resolving annexation issues.</li> </ul>	<p>The City does this.</p>	<p>This policy is sufficient.</p>

### 4.3 MAJOR ISSUE 3- ECONOMIC DEVELOPMENT

Creating jobs that provide incomes above the median Volusia County household income are a priority for the City of New Smyrna Beach. To date, the bulk of the jobs in New Smyrna Beach are working for public agencies such as the Utilities Commission of New Smyrna Beach, Volusia County School Board, County of Volusia or the City of New Smyrna Beach. Other large employers include Bert Fish Medical Center, automobile dealerships, large retailers, real estate agencies and the construction industry. There are a number of professional careers, such as doctors and dentists, architects, attorneys and accountants, but there are considerably fewer of these jobs. Most of the other jobs are in the service and retail sector. Many of these service and retail jobs often are not high-paying thus make supporting a family difficult.

According to the United States Census Bureau, the City’s primary employment industries include the following (See Table 4-3):

**Table 4-3 Industries in New Smyrna Beach**

Employed civilian population 16 years and over	Total	Percent
	7,610	100
<b>OCCUPATION</b>		
Management, professional, and related occupations	2,374	32.20%
Service occupations	1,539	20.20%
Sales and office occupations	2,007	26.40%
Farming, fishing, and forestry occupations	21	0.30%
Construction, extraction, and maintenance occupations	839	11%
Production, transportation, and material moving occupations	832	10.90%

City residents indicated during the EAR Major Issues sessions that providing areas for employment opportunity is important. There are some areas available in the community that could support employment opportunities. Below is a discussion on some areas available for economic activity.

#### Activity Center

The City designated the four quadrants of I-95 and SR44 as an “Activity Center”. As stated in the Comprehensive Plan, the Activity Center is:

- About 780 acres in size,

- Currently within the City and portions of unincorporated Volusia County;
- Reserved for high-intensity commercial, industrial and residential use to be developed using a planned unit development format.

To date, a twenty acre parcel on the southeast quadrant is being developed with six commercial lots. The City Commission decided to amend the comprehensive plan to allow “big box” stores, such as Target, or Best Buy, for example, to be located on the west side of I-95. There was also a PUD agreement approved for the northwest quadrant, but no construction has started there, likely because of the slowdown in the real estate industry and the tightening of the financial market.

### **Railroad Property**

Adjacent to the City’s Canal Street downtown is an approximately 180 acre tract of land containing the City’s historic railroad yard. Since the 1960s railroad strike the railroad has played less of a role in the New Smyrna Beach economy. However, much of the 180 acre railroad tract is available for economic development. The City has begun a planning effort to redevelop this site for employment opportunities and needs to continue to do so.

### **Hospitality**

New Smyrna Beach is known for its tourism industry. However, the number of hotel units allowed per the comprehensive plan is too restrictive for the hospitality industry. The City recognized this and recently approved a new “Hospitality” Future Land Use category to be included in the City. This Future Land Use category creates the possibility of a Hotel/Convention Center of up to seventy-five hotel units an acre to be built somewhere within the City. In general the comprehensive plan limits hotel densities to 24 units per acre with the exception of the Activity Center future land use designation, which allows 40 units per acre, the Commercial Marina future land use designation, which allows up to 48 units per acre and now the Hospitality future land use designation.

### **Downtowns**

The Canal Street downtown area largely contains businesses that operate during the day so the street essentially shuts down after five o’clock. There are only a few restaurants that stay open in the evening, and most of the shops close early as well. Many of the Canal Street storefronts have been converted from retail shops to offices. This creates a problem for other retailers as the critical mass of retailers dwindles because shoppers want to look into the windows at merchandise and not office workers. Ideally the first floors of buildings in the downtown contain retail space and the upper floors contain office and residential space. The City needs to do more to encourage retail uses in the downtowns for tourism and year-round residents of the City. Also, the City should encourage residential development near the downtown areas to help provide a market for downtown.

Often development within the historic downtown area is much more difficult than in the outlying area. Suburban locations have less expensive and more available land,

construction is easier in less dense areas and there is often more vehicular trips thus the perception of more customers. The City needs to provide incentive programs to encourage redevelopment commercial and residential activity in the downtown to keep a vibrant downtown.

### City Property

The City owns numerous properties throughout the community. Many of the properties are in ideal locations such as near the downtown, within established neighborhoods or adjacent to water. Typically as surplus properties become available non-profit groups attempt to get possession of it for their causes. Although non-profit causes are a good use of surplus City property, the City property could be used more effectively for activities that creates jobs for the community and gets the property more productive by being taxable. There are several examples of underutilized properties owned by the City that could be more productive including the Swoope Site, the old sewer plant site on the North Causeway and many others.

The City’s Comprehensive Plan does not contain an Economic Development Element, but creating one should be a priority when making changes to the existing Comprehensive Plan. There is little mentioned in the Comprehensive Plan about promoting business. Instead, it focuses on keeping business out of residential areas, and commercial vehicles off residential roads.

**Table 4-4 Evaluation of Comprehensive Plan Objectives Related to Economic Development**

OBJECTIVE OR POLICY	COMMENT	RECOMMENDATION
<b>TRAFFIC CIRCULATION ELEMENT</b>		
(new)	<p><b><u>ECONOMIC DEVELOPMENT GOAL: Promote the balanced and sustained economic growth through the efficient movement of goods and people in a safe, energy efficient, and environmentally sound manner.</u></b></p>	(new)
(new)	<p><b><u>Objective 1. To give priority consideration to transportation projects and systems that facilitate local job creation and retention.</u></b></p>	(new)
(new)	<p><b><u>Objective 1, Policy a.: Promote efficient land-use patterns, appropriate commercial and industrial development locations, and redevelopment opportunities.</u></b></p>	(new)
(new)	<p><b><u>Objective 1, Policy b.: Address truck accessibility and maneuverability to and within commercial and industrial areas.</u></b></p>	(new)
(new)	<p><b><u>Objective 1, Policy c.: Collaborate on the Volusia County Truck and Freight Study and participate on the Goods Movement Advisory Committee (GMAC)</u></b></p>	(new)

(new)	<u>Objective 1, Policy d.: Give consideration of the true costs and benefits of providing the transportation facilities necessary to move goods.</u>	(new)
<b>FUTURE LAND USE ELEMENT</b>		
<b>Objective 7, Policy e:</b> 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:		
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.	The City has <b>not</b> done this.	This policy is sufficient.
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 BPUD provisions of the land development regulations. Such development will be further regulated by the adoption of corridor regulations, as has been adopted for Highway 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.	The City observes this.	This policy is sufficient.

<p>Encourage infill development through the implementation of land development regulations and impact fees.</p>	<p>Infill development has considerably lower impact fees.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 7, Policy I:</b> Future growth areas of the city within the boundaries identified by the Water and Sewer Service Area Agreement will be used to redirect major public developments, health facilities, commercial activity centers and manufacturing away from coastal high-hazard areas, through land development regulations, interlocal agreements and statutorily regulated annexations.</p>	<p>The Water and Sewer Service Area agreement has its western boundary at Venetian Bay, which coincides with the western boundary limits of the City. The southern boundary is the City of Edgewater and the northern boundary is Port Orange. The eastern boundary is the Atlantic Ocean and there are also pockets of unincorporated Volusia County. All major public developments, health facilities, commercial activity centers and manufacturing will be directed away from the CHHA through land development regulations, interlocal agreements and statutorily regulated annexations.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 8, Policy d:</b> Allow limited nonresidential uses (that are not inconsistent with the residential character of the residential planned unit development) on property designated as low-, medium-, or high-density residential provided the property is zoned planned unit development (PUD) and the nonresidential use is approved by a PUD agreement.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 8, Policy e:</b> Allow residential development in mixed use, commercial and marina land use designations provided that total development on the site does not exceed the maximum allowable floor area ratio equivalent and total dwelling unit density does not exceed the limits allowed for high density development.</p>	<p>The City allows residential development in areas mixed-use and commercial areas, but does not allow it in marina land use designations and floor area ratios are not considered.</p>	<p>This policy needs to be reviewed to see if it is still a policy the City wants to pursue.</p>
<p><b>Objective 8, Policy f:</b> Encourage the development of mixed-use facilities, which are compact, pedestrian-scale and make efficient use of utilities.</p>	<p>Where practicable, the City does this.</p>	<p>This policy is sufficient.</p>

#### 4.4 MAJOR ISSUE 4- NEIGHBORHOOD PLANS

The City’s Comprehensive Plan identifies fourteen neighborhoods within New Smyrna Beach. The neighborhoods are:

- a. North Beach
- b. Central Beach
- c. South Beach
- d. North Mainland
- e. Faulkner
- f. Central Mainland
- g. South Mainland
- h. Westside
- i. Southwest
- j. Fairway
- k. Pioneer Trail
- l. State Road 44 Corridor
- m. Southeast Volusia Activity Center
- n. West New Smyrna

While this list includes the entire geographic region of New Smyrna Beach, it does not adequately describe some of the distinct areas within these neighborhoods. For example, the Central Mainland neighborhood is very broad and actually contains several distinct neighborhoods including the Dora Street area, which is between US1 and the Florida East Coast Railroad and has its own unique characteristics. Some of the comprehensive plan neighborhoods, however, do adequately describe a cohesive area of the City. For example, in the “West New Smyrna” neighborhood, the new urbanism community of Venetian Bay is a distinct neighborhood, replete with its own commercial center. Identifying all individual neighborhoods within the City should be established.

Since the adoption of the comprehensive plan in 1990 the City’s comprehensive plan has contained an objective and policies that require protection of neighborhoods from incompatible uses and neighborhood level plans. However, very little neighborhood level planning has been accomplished. This was mostly due to the lack of planning resources available within the City. The City should strive to meet these objectives and policies in the next planning period.

Another wish expressed in the community meetings was the desire to establish neighborhood “Bills of Rights”. Every organized, officially-recognized neighborhood in the City of New Smyrna Beach has the right to expect and receive the following from the officials, employees and agencies of the City of New Smyrna Beach:

- Prompt, courteous, informed responses to all questions regarding City business. Replies, if only to report that inquiries or research are underway and a full response will be forthcoming at a later time, should be made within one working day of the original neighborhood contact.
- Advance notification of any City-related public works or utility project taking place within or adjacent to a neighborhood (e.g. road paving; water, sewer or drainage work; traffic signal installation or removal; park renovation or substantial maintenance; land purchases, etc.), including the day(s) and probable length of any street closures, utility

interruptions, or other adverse impacts on the neighborhood, and the name and phone number of the City representative most knowledgeable and able to immediately answer questions during the course of the work.

- Notification of the submission of any application for rezoning, zoning or land use variance or exception, Development of Regional Impact (DRI) or Planned Unit Development (PUD) application, or other significant land use action; a clear explanation of the date, time and place of all applicable public hearings and other opportunities for public input on the application; and a clear explanation of the type of testimony that is allowable and relevant from neighborhood organizations and residents.
- Opportunity for formal input into the annual budget process, including the opportunity to express preferred city government priorities, suggested capital improvement projects and other statements that fairly represent the opinion of a majority of the neighborhood's residents.
- A timely personal response of its district commissioner or their aide to questions directed to the City Commission office.
- The opportunity to participate in the design of publicly-funded projects within or adjacent to the neighborhood, including the opportunity early in the planning process to express neighborhood preferences about choice of location, materials, orientation, size, land use intensity, and other features.

Creating neighborhood plans may have a number of consequences. For example, some areas may be rezoned, or streets may be retrofitted to include sidewalks or bicycle paths. Other areas may be more inclined to preserve their housing stock, instead of encouraging redevelopment. The extent of the possible scenarios will not be realized until the plans are developed with each neighborhood.

**Table 4-5 Evaluation of Comprehensive Plan Objectives Related to Neighborhood Plans**

OBJECTIVE OR POLICY	COMMENT	RECOMMENDATION
<b>FUTURE LAND USE ELEMENT</b>		
<p><b>Objective 10, Policy b:</b> Minimize commercial delivery truck traffic through the development of truck routes and weight restrictions.</p>	<p><b>To protect existing desirable neighborhoods from encroaching new development that is incompatible and inconsistent with established character of a neighborhood.</b></p>	
<p><b>Objective 10, Policy c:</b> Prohibit commercial intrusion into low-density residential areas. Do not zone residential property for non-residential use if it is bordered on two or more</p>	<p>By November 1999, the City will identify and prioritize individual neighborhoods, which require neighborhood level plans. This should be done through a</p>	<p>This has <b>not</b> been accomplished.</p>

sides by residential zoning.	thorough analysis of each neighborhood analysis of each neighborhood and include information on compatibility of land uses and building types.	
<b>Objective 10, Policy d:</b> Implement buffer standards to protect new and established residential areas adjacent to new and established non-residential uses.	The City established buffer standards between residential and non-residential zoning districts and uses.	This policy is sufficient.
<b>Objective 10, Policy e:</b> The City will conduct thorough neighborhood studies on each neighborhood in order to identify historical development patterns and to implement LDR's to encourage redevelopment and infill development that is compatible with the goals and objectives of the individual neighborhood plans.	This is still a policy the City wants to pursue, but has not happened yet.	This policy is sufficient.
<b>Objective 10, Policy f:</b> Ensure that building heights in North Beach do not exceed: (did not include heights)	North Beach building height is limited to thirty-five feet in height by the City's Land Development Regulations	This can be revised as it has been accomplished.
<b>Objective 10, Policy g:</b> Enforce land development regulations to ensure that height limits provided in the comprehensive plan are enforced in all zoning districts in North Beach.	North Beach building height is limited to thirty-five feet in height by the City's Land Development Regulations	This policy is sufficient.
<b>Objective 10, Policy h:</b> Development proposed in North Beach should include a compatibility analysis with the application for rezoning or development approval. The analysis should address the compatibility of proposed uses as determined by scale, intensity, height, building orientation, building materials and color, building and site design, order and balance.	The City did not pursue the adoption of an ordinance to address compatibility in the North Beach area.	The Objective should not specifically target the North Beach neighborhood, but should be encompassing enough to include any neighborhood which has a well established aesthetic and architectural continuity to it that a different style of architecture would be out of character with the surrounding community.

<p><b>Objective 10, Policy i:</b> Enforce land development regulations to ensure that a compatibility analysis is required for applications for rezoning or development approval in North Beach.</p>	<p>The City did <b>not</b> pursue the adoption of an ordinance to address compatibility in the North Beach area.</p>	<p>The City enforces the land development regulations in place in North Beach.</p>
<p><b>Objective 11: To guide the future development and redevelopment of US 1 and SR 44 as scenic parkways that efficiently move traffic and present an attractive, aesthetically pleasing appearance.</b></p>		
<p><b>Objective 11, Policy a:</b> The City shall enforce and refine the Arterial Corridor Regulations adopted for SR 44 in order to: <b>1.</b> Ensure safe ingress to and egress from proposed development, <b>2.</b> Reduce the number of indiscriminate driveways, <b>3.</b> Control signage, <b>4.</b> Provide landscape requirements, <b>5.</b> Encourage development in the form of large PUD's and discourage the development of small individual lots.</p>	<p>Due to property owner opposition along SR44, the City may examine this policy to determine if it is equitable to property owners.</p>	<p>This policy may be amended.</p>
<p><b>Objective 11, Policy b:</b> The city shall enforce Arterial Corridor Regulations for US 1 that achieve land use regulations consistent with the intent of the SR 44 corridor regulations.</p>	<p>Due to the smaller parcels on US1, applying Arterial Corridor Regulations consistent with the SR44 corridor regulations may not be practicable. Regulations more appropriate for smaller lots may be something the City wants to pursue.</p>	<p>This policy should be revised to reflect the smaller parcel sizes along US1.</p>
<p><b>Objective 11, Policy c:</b> Require new developments to provide buffering and reasonable transitions to lower density residential areas.</p>	<p>The City has these requirements in the land development regulations.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 11, Policy d:</b> Require new developments and redevelopments to provide landscaping and other improvements, in order to present a pleasant aesthetic appearance along these parkways that is consistent with the charm of</p>	<p>The City needs to do a better job in requiring redevelopment projects to provide landscaping and other improvements to present a pleasant aesthetic appearance along these parkways.</p>	<p>This policy is sufficient.</p>

the city.		
<b>Objective 11, Policy e:</b> Implement SR 44 corridor regulations along undeveloped portions of the highway.	As parcels are developed they must follow the SR 44 corridor regulations.	This policy is sufficient.

#### 4.5 MAJOR ISSUE 5- DESIGN GUIDELINES

Closely related to neighborhood planning is the use of design guidelines. There are a number of distinct areas of New Smyrna Beach that could benefit from design guidelines. Design guidelines should foster development which will do the following:

- Reflect the history of New Smyrna Beach
- Contribute to the City’s unique character
- Promote safety
- Promote a residential density suitable to support local businesses and transit
- Foster economic vitality
- Maintain or increase property values

Keeping these principals in mind, the City should develop design guidelines for each individual neighborhood on a priority basis. The highest priorities are the following areas:

- US 1
- State Road 44
- The North Causeway
- East 3<sup>rd</sup> Avenue
- Canal Street
- Flagler Avenue

Each of these areas has its own appearance and purpose. US 1, for example, still has a large number of motels from the pre-I-95 era when US 1 was the major north/south thoroughfare along the east coast of Florida. Canal Street has a large number of buildings that were built in the early twentieth century close to the front property line and generally with two stories. A few, however, were built later, and have parking in the front of the building. Unfortunately, this is not compatible with the historic development pattern of Canal Street, and takes away from the charm and quaint character of the street.

**Table 4-6 Evaluation of Comprehensive Plan Objectives Related to Design Guidelines**

GOAL, OBJECTIVE , OR POLICY	COMMENT	RECOMMENDATION
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<b>FUTURE LAND USE ELEMENT</b>		
<b>Objective 10: To protect existing desirable neighborhoods from encroaching new development which is incompatible and inconsistent with established character of the neighborhood.</b>		
<b>Objective 10, Policy a:</b> By November 1999, the City will identify and prioritize individual neighborhoods, which require neighborhood level plans. This should be done through a thorough analysis of each neighborhood analysis of each neighborhood and include information on compatibility of land uses and building types.	This has <b>not</b> been accomplished.	This policy needs to be reviewed to see if it is still a policy the City wants to pursue.
<b>Objective 10, Policy b:</b> Minimize commercial delivery truck traffic through the development of truck routes and weight restrictions.	The City has <b>not</b> developed truck routes and weight restrictions for commercial delivery trucks.	This policy is sufficient.
<b>Objective 10, Policy c:</b> Prohibit commercial intrusion into low-density residential areas. Do not zone residential property for non-residential use if it is bordered on two or more sides by residential zoning.	The City does this.	This policy is sufficient.
<b>Objective 10, Policy d:</b> Implement buffer standards to protect new and established residential areas adjacent to new and established non-residential uses.	The City established buffer standards between residential and non-residential zoning districts and uses.	This policy is sufficient.
<b>Objective 10, Policy e:</b> The City will conduct thorough neighborhood studies on each neighborhood in order to identify historical development patterns and to implement LDR's to encourage redevelopment and infill development that is compatible with the goals and objectives of the individual neighborhood plans.	This is still a policy the City wants to pursue, but has not happened yet.	This policy is sufficient.
<b>Objective 10, Policy f:</b> Ensure that building heights in North Beach do not exceed: (did not include heights)	North Beach building height is limited to thirty-five feet in height by the City's Land Development Regulations	This can be revised as it has been accomplished.
<b>Objective 10, Policy g:</b> Enforce land development regulations to ensure that height limits provided in the comprehensive plan are enforced in all zoning districts in North Beach.	North Beach building height is limited to thirty-five feet in height by the City's Land Development Regulations	This can be revised as it has been accomplished.

<p><b>Objective 10, Policy h:</b> Development proposed in North Beach should include a compatibility analysis with the application for rezoning or development approval. The analysis should address the compatibility of proposed uses as determined by scale, intensity, height, building orientation, building materials and color, building and site design, order and balance.</p>	<p>The City did not pursue the adoption of an ordinance to address compatibility in the North Beach area.</p>	<p>The Objective should not specifically target the North Beach neighborhood, but should be encompassing enough to include any neighborhood which has a well established aesthetic and architectural continuity to it that a different style of architecture would be out of character with the surrounding community.</p>
<p><b>Objective 10, Policy i:</b> Enforce land development regulations to ensure that a compatibility analysis is required for applications for rezoning or development approval in North Beach.</p>	<p>The City did <b>not</b> pursue the adoption of an ordinance to address compatibility in the North Beach area.</p>	<p>The City enforces the land development regulations in place in North Beach.</p>
<p><b>Objective 11: To guide the future development and redevelopment of US 1 and SR 44 as scenic parkways that efficiently move traffic and present an attractive, aesthetically pleasing appearance.</b></p>		
<p><b>Objective 11, Policy a:</b> The City shall enforce and refine the Arterial Corridor Regulations adopted for SR 44 in order to: <b>1.</b> Ensure safe ingress to and egress from proposed development, <b>2.</b> Reduce the number of indiscriminate driveways, <b>3.</b> Control signage, <b>4.</b> Provide landscape requirements, <b>5.</b> Encourage development in the form of large PUD's and discourage the development of small individual lots.</p>	<p>Due to property owner opposition along SR44, the City may examine this policy to determine if it is equitable to property owners.</p>	<p>This policy may be amended.</p>
<p><b>Objective 11, Policy b:</b> The city shall enforce Arterial Corridor Regulations for US 1 that achieve land use regulations consistent with the intent of the SR 44 corridor regulations.</p>	<p>Due to the smaller parcels on US1, applying Arterial Corridor Regulations consistent with the SR44 corridor regulations may not be practicable. Regulations more appropriate for smaller lots may be something the City wants to pursue.</p>	<p>This policy should be revised to reflect the smaller parcel sizes along US1.</p>
<p><b>Objective 11, Policy c:</b> Require new developments to provide buffering and reasonable transitions to lower density residential areas.</p>	<p>The City has these requirements in the land development regulations.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 11, Policy d:</b> Require new developments and redevelopments to provide landscaping and other improvements, in order to present a pleasant aesthetic appearance along these parkways that is consistent with the charm of the city.</p>	<p>The City needs to do a better job in requiring redevelopment projects to provide landscaping and other improvements to present a pleasant aesthetic appearance along these parkways.</p>	<p>This policy is sufficient.</p>

<b>Objective 11, Policy e:</b> Implement SR 44 corridor regulations along undeveloped portions of the highway.	As parcels are developed they must follow the SR 44 corridor regulations.	This policy is sufficient.
<b>Objective 11, Policy f:</b> Encourage the combining of smaller parcels through single ownership of contiguous properties.	Due to property owner opposition along SR44, the City may examine this policy to determine if it is equitable to property owners.	The City recently passed an ordinance.
<b>TRAFFIC CIRCULATION ELEMENT</b>		
<b>Objective 8: To create a physical environment that supports access to mass transit.</b>	<b><u>Objective 1. To create a physical environment that supports access to mass public transit.</u></b>	<b>(new)</b>
<b>Objective 8, Policy a:</b> Improve accessibility to bus stops through the extension of sidewalks and the removal of architectural barriers in both new development and reconstruction projects.	<b>Objective 8, Policy a.</b> should become <b>Objective 1, Policy a.</b>	This policy should not be amended.
<b>Objective 8, Policy b:</b> Improve the amenities available at bus stops through provision of benches, landscaping, shade trees and shelters. Locations for improvements shall be coordinated with VOTRAN.	<b>Objective 8, Policy b.</b> should become <b>Objective 1, Policy b.</b>	This policy should not be amended.
<b>Objective 8, Policy c:</b> Assist VOTRAN in developing a transfer site in the Canal Street area.	Objective 8, Policy c. should become Objective 1, Policy c., and should be re-worded to state: Assist VOTRAN in transfer site in the Canal Street central business district.	This can be revised as it has been accomplished.
<b>Objective 8, Policy d:</b> Within existing and potential transit corridors, geometric design of intersections and driveways to major activity centers will be adequate to service standard transit vehicles.	<b>Objective 8, Policy d.</b> should become <b>Objective 1, Policy d.</b>	This policy is sufficient.
<b>Objective 8, Policy e:</b> Assist VOTRAN in identifying options for park-and-ride lots supporting express bus service.	<b>Objective 8, Policy e.</b> should become <b>Objective 1, Policy e.</b>	This policy is sufficient.
<b>Objective 8, Policy f:</b> Work with VOTRAN to establish bus service in higher-density areas and encourage higher-density development and redevelopment in support of mass transit.	<b>Objective 8, Policy f.</b> should become <b>Objective 1, Policy f.</b> And should be re-worded to state: Work with VOTRAN to establish bus service in higher-density areas and encourage higher-density development and redevelopment in support of public transit.	This policy is sufficient.
<b>(new)</b>	<b><u>Objective 1, Policy g.</u></b> Work with the Volusia County MPO to establish numerical indicators against the achievement of the accessibility	<b>(new)</b>

(new)	<u>Objective 1, Policy h. Consider the needs and requirements of system users, specifically transportation disadvantaged persons.</u>	(new)
(new)	<u>Objective 1, Policy i. Follow the Votran Transit Development Design Guidelines for bus stops, bus shelters, new developments, and redevelopment sites.</u>	(new)

#### 4.6 MAJOR ISSUE 6- WORKFORCE/ AFFORDABLE HOUSING

Having decent, affordable housing available throughout New Smyrna Beach was an issue brought up at public meetings. A number of ways to accomplish this objective were brought up at the public meetings discussing the EAR. Some of the choices mentioned were:

- Rehabilitate or restore existing housing, instead of requiring developers to build affordable units as part of their housing development.
- Establish a Land Trust, to hold the deeds to affordable housing land, so the housing units remain “affordable” into the future by the buyer only purchasing the building and not the land.
- Requiring new developments of a large size, for example, 100 units or more, to build affordable units at specific times in the development process, and not at the end of the project.
- Provide a reasonable price threshold for what is workforce housing.

The City enacted a workforce housing ordinance in 2006 in an effort to create affordable, new housing at a price that workers earning from 80 percent up to 120 percent of the median Volusia County income. There were several site plan applications to develop workforce housing, but due to neighborhood opposition and a housing market that was deteriorating, no workforce housing units were built. Due to neighborhood opposition the ordinance did not generate development of any affordable housing units. The ordinance sun-set after two years and with the current housing market will probably not be a major concern for several years.

**Table 4-7 Evaluation of Comprehensive Plan Objectives Related to Workforce/ Affordable Housing**

GOAL, OBJECTIVE , OR POLICY	COMMENT	RECOMMENDATION
HOUSING ELEMENT		

<p><b>GOAL: To provide adequate, safe and affordable housing for existing and future residents, and to maintain sound, viable residential neighborhoods. This goal will be met by initiating the objectives and policies stated herein, which will be more specifically defined in future Comprehensive Plan updates as local needs (and the city's ability to meet those needs) become better established.</b></p>		
<p><b>Objective 1: To ensure that adequate, affordable housing is made available to, or provided for, low- and moderate-income families and individuals, financially disadvantaged citizens, senior citizens, handicapped citizens, or others with special housing needs, for both the existing population and the anticipated population growth by year 2015.</b></p>		
<p><b>Objective 1, Policy e:</b> Encourage private developers to construct housing priced for low- and moderate-income families by providing innovative development regulations such as reduced floor area requirements (e.g., 850 square feet instead of 950 square feet).</p>	<p>The City enacted a "workforce housing" ordinance that allows additional housing units to be built. This is a voluntary ordinance in which a developer can choose to participate.</p>	<p>This policy is sufficient.</p>
<p><b>FLU ELEMENT</b></p>		
<p><b>Objective 1, Policy k:</b> Continue to streamline requirements for housing construction, in an attempt to lower housing costs.</p>	<p>The City continuously looks for ways to streamline costs to lower housing costs.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 10: To protect existing desirable neighborhoods from encroaching new development which is incompatible and inconsistent with established character of the neighborhood.</b></p>		
<p><b>Objective 10, Policy a:</b> By November 1999, the City will identify and prioritize individual neighborhoods, which require neighborhood level plans. This should be done through a thorough analysis of each neighborhood and include information on compatibility of land uses and building types.</p>	<p>This has <b>not</b> been accomplished.</p>	<p>This policy needs to be reviewed to see if it is still a policy the City wants to pursue.</p>

**4.7 MAJOR ISSUE 7- TRANSPORTATION ALTERNATIVES**

The City has a relatively acceptable transportation system but relies mostly upon the automobile. As fuel prices and the desire for a higher quality of life increase in coming decades alternative transportation modes and land development patterns that rely less on the automobile need to emerge. It is important to continue maintaining roadways in an acceptable level of service while improving their aesthetics. However, residents are interested in making the community friendlier to alternative transportation modes. A major issue has been to get pedestrians safely across South Atlantic Avenue to access the beach, providing more sidewalks and bicycle facilities and increasing public transportation to destinations such as the downtowns and the beach.

Many residents have complained about seemingly over-crowded roads. Generally State maintained roads have a set level of service of "D" and County and City maintained roads have an established level of service "E". The City has the ability to set higher levels of service on these roads if desired. However, raising the level of service has a cost associated with it that the City may not be able to afford. It is very expensive to improve roadways to get them at a higher level of service. The State and County will not finance roads to reach a higher level of service desired by the City. If the City wants a higher level of service the City must pay for the improvements. Clearly this is something the City cannot afford with the current tax base. Also, a higher level of service may mean that land development, a major industry in the City, would have to cease until the roads are improved. Finally, improving roads such as adding lanes will change the character of the City, which is an important factor in a City that prides itself on being quaint and charming. The City needs to carefully look to see if roadway level of service needs to change.

At the EAR meetings residents discussed creating corridor plans for the major arterials, including US Highway 1 and State Road 44 and Third Avenue, to make them function better and improve their appearance. Corridor Overlay Zone (COZ) regulations were developed in the late 1980s for certain areas of US 1 and SR 44. The intent of the COZ is to provide a more attractive and safe roadway by implementing certain rules such as limiting access to individual parcels, regulating signs, increase landscaping, etc. These regulations may need to be reviewed to determine if they are still appropriate for today's desires. Also, the City should determine if there are other locations, such as Third Avenue on the beachside, where aesthetic regulations should be sought.

In the late 1990s the Volusia County Metropolitan Planning Organization conducted a study of US 1 called the Arterial Investment Study. The purpose of the study was to determine what improvements are necessary to US 1, a major north-south thoroughfare through Volusia County. The roadway improvement options included, but were not limited to, elimination of the median to provide additional lanes, widening the road by acquiring property adjacent to the right-of-way or improving major intersections. The result of the study was to make improvements to the 15 major intersections along the route. To date only a few intersections have been improved. Improvements to the intersections, particularly in New Smyrna Beach, mean the purchase of property adjacent to the intersection and removal of businesses. This can have a negative impact to a community because it changes the aesthetics of an area and it makes it much more difficult for pedestrians, cyclists and wheelchair bound persons to

cross the intersection. New Smyrna Beach residents should determine if their desire is to implement a plan to widen the US 1 and Canal Street intersection that was completed in the late 1990s.

Residents have stressed the importance of providing sidewalks and bike facilities for a safer and healthier lifestyle and to provide alternative transportation modes. This importance was evident when City residents approve a bond in 2005 to, among other things, pay for pedestrian and bicycle facilities. The City has recently constructed various sidewalk facilities since approval of the bond issue and is now working on providing a major multi-purpose trail through the City that will eventually cross Volusia County. The City needs to establish a pedestrian and bicycle master plan and incorporate it into the comprehensive plan. The master plan should provide a complete pedestrian/bicycle system, prioritize projects and list funding sources.

South Atlantic Avenue was improved from a two-lane facility to a five-lane facility in the mid-1980s. This generally east-west roadway creates a substantial impediment to the over 1,500 households living on the west side of South Atlantic Avenue when trying to walk or cycle to the beach. Although State law requires motorists to yield to pedestrians within a crosswalk, motorists generally do not obey this rule. Many residents have expressed a desire to improve the ability to safely cross South Atlantic Avenue to access the beach. Improved access would undoubtedly make this area of town more attractive to home buyers thus possible improve home values in the area.

Volusia County operates a County-wide public transportation system called Votran. Because Southeast Volusia County, including the Cities of New Smyrna Beach, Edgewater and Oak Hill and surrounding unincorporated Volusia County, is not very dense in population, public transit is fairly limited. A concern of residents is to increase ridership of public transportation to rely less on automobiles. Certain areas of importance are increase public transportation to the beach, between the City’s two downtowns and to other destinations.

**Table 4-8 Evaluation of Comprehensive Plan Objectives Related to Transportation**

GOAL, OBJECTIVE , OR POLICY	COMMENT	RECOMMENDATION
<b>TRANSPORTATION ELEMENT</b>		
<b>Objective 2: Ensure through land development regulations and capital improvements the adopted level-of-service standards.</b>		
<b>Goal 7, Objective 2, Policy a:</b> Establish a level-of-service consistent with the Traffic Circulation Element for roadway facilities within the municipal coastal area.	This has been accomplished.	This policy is sufficient.
<b>Goal 7, Objective 2, Policy b:</b> Establish a level-of-service "D" for the purpose of calculating the capacity of road facilities to clear evacuees within the hurricane evacuation time.	This has been accomplished.	This policy is sufficient.

<p><b>Goal 7, Objective 2, Policy c:</b> The following roadway improvement shall be implemented:</p>		
<ul style="list-style-type: none"> <li>• Replace the existing South Causeway bridge with a four-lane, high-rise bridge.</li> </ul>	<p>This has been accomplished.</p>	<p>This policy can be removed from the Comprehensive Plan as it the South Causeway bridge has been replaced with a four-lane, high-rise bridge.</p>
<p><b>Objective 4, Policy h:</b> Prior to 1994, New Smyrna Beach shall coordinate with the MPO to develop a bicycle facilities plan.</p>	<p><b>Objective 4, Policy h should become Objective 4, Policy g, and should be re-worded to state:</b> <del>Prior to 1994, New Smyrna Beach shall</del> <u>Continue to</u> coordinate with the <u>Volusia County</u> MPO to develop a bicycle facilities plan.</p>	<p>This policy <b>should</b> be amended.</p>
<p><b>Objective 6. To protect and preserve the character of the existing New Smyrna Beach central business districts and beachside areas, areas of historic and archaeological significance, and environmentally sensitive areas, while providing for safe traffic.</b></p>	<p><b>Objective 6 should become Objective 1, under the new ENVIRONMENT GOAL category.</b> The wording of the objective will remain the same.</p>	<p><b>Objective 6. should become Objective 1, under the ENVIRONMENT GOAL heading.</b></p>
<p><b>Objective 6, Policy a:</b> Several City and State roadways have been designated constrained and/or scenic facilities and will not be widened as provided in Policy 4.c.</p>	<p><b>Objective 6, Policy a.</b> should become <b>Objective 1, Policy a.</b>, and should state: Several City and State roadways have been designated constrained, <del>and/or scenic,</del> <u>or historic</u> facilities and will not be widened as provided in Policy 4.c.</p>	<p>This policy <b>should</b> be amended.</p>
<p><b>Objective 6, Policy b:</b> Pedestrian and bike travel and safety considerations will be considered in conjunction with vehicle operating efficiency.</p>	<p><b>Objective 6, Policy b</b> should become <b>Objective 1, Policy b</b>, and should state: <del>Consider P</del><u>Consider</u> <del>pedestrian and bike</del> <u>pedestrian and bicycle</u> travel and safety considerations will be considered in conjunction with vehicle operating efficiency.</p>	<p>This policy <b>should</b> be amended.</p>
<p><b>Objective 6, Policy c:</b> Roadway construction which impacts areas of historic significance will be vigorously discouraged.</p>	<p><b>Objective 6, Policy c</b> should become <b>Objective 1, Policy c</b>, and should state: Vigorously discourage <del>R</del><u>Roadway</u> construction that impacts areas of historic, <u>archaeological,</u> and/or natural significance. <del>will be vigorously discouraged.</del></p>	<p>This policy <b>should</b> be amended.</p>
<p><b>Objective 6, Policy d:</b> Mitigation measures for roadway construction which has a negative impact on environmentally sensitive areas will be required.</p>	<p><b>Objective 6, Policy d</b> should become <b>Objective 1, Policy c</b>, and should state: <u>Require</u> <del>M</del><u>Mitigation</u> measures for roadway construction which has a negative impact on <u>historically, archaeologically, and/or</u> environmentally sensitive areas <del>will be required</del></p>	<p>This policy <b>should</b> be amended.</p>
<p>(new)</p>	<p>ii. <u>Provide pedestrian and bicycle facilities, including sidewalks, multi-use trails, bicycle racks and lockers;</u></p>	<p>(new)</p>
<p>(new)</p>	<p><b><u>ECONOMIC DEVELOPMENT GOAL: Promote the balanced and sustained economic growth through the efficient movement of goods and people in a safe, energy efficient, and environmentally sound manner.</u></b></p>	<p>(new)</p>

(new)	<u>Objective 1. To give priority consideration to transportation projects and systems that facilitate local job creation and retention.</u>	(new)
(new)	<u>Objective 1, Policy a.: Promote efficient land-use patterns, appropriate commercial and industrial development locations, and redevelopment opportunities.</u>	(new)
(new)	<u>Objective 1, Policy b.: Address truck accessibility and maneuverability to and within commercial and industrial areas.</u>	(new)
(new)	<u>Objective 1, Policy c.: Collaborate on the <i>Volusia County Truck and Freight Study</i> and participate on the Goods Movement Advisory Committee (GMAC)</u>	(new)
(new)	<u>Objective 1, Policy d.: Give consideration of the true costs and benefits of providing the transportation facilities necessary to move goods.</u>	(new)

#### 4.8 MAJOR ISSUE 8- PROMOTION OF THE BUILT AND NATURAL ENVIRONMENT

New Smyrna Beach has been blessed with beautiful scenery and outdoor activity opportunities. Not only does New Smyrna Beach border the Atlantic Ocean, but it also borders, the Indian River Lagoon, which is North America’s most diverse estuary with more than 2,200 different species of animals and 2,100 species of plants. Turnbull Bay/Turnbull Creek is an Outstanding Florida Waterway due to its relatively high water quality and bisects the City. The City also contains large expanses of pristine forest areas which provide evidence of how historic Florida once looked. Ponce Inlet, at the City’s northern border, provides the only access to the Atlantic Ocean for over a hundred miles and is along the Intracoastal Waterway, which extends from New Jersey all the way to Texas, providing safe passage for boaters traveling the east coast and the Gulf of Mexico. New Smyrna Beach is in close proximity to the Canaveral National Seashore, which spans more than twenty-four miles, draws more than a million visitors a year and provides pristine stretches of beach resembling what Florida’s beaches looked like when European explorers first arrived in the 15<sup>th</sup> Century.

New Smyrna Beach is also known as one of the top 100 arts communities. The Atlantic Center for the Arts is a nonprofit, interdisciplinary artists’ community and arts education facility dedicated to promoting artistic excellence. The facility provides talented artists an opportunity to work and collaborate with some of the world’s most distinguished contemporary artists in the fields of composing, visual, literary, and performing arts. The City also has a number of private art galleries and numerous large art shows. All these factors make New Smyrna Beach an enviable location. Greater promotion can be done of all that New Smyrna Beach has to offer done to spur eco-tourism and to strengthen the City’s reputation as an arts community

The City's residents are concerned about preserving native flora. The City has enacted an ordinance which expanded on the existing number of invasive species that were banned in new developments. The City is working on enacting xeriscape requirements in an effort to lessen the need for irrigation and promote the use of native plants which naturally can survive in Florida's unique climate of hot, humid summers and dry, cooler winters. The City should strive to inform visitors of how the various ecosystems work, the dangers to wildlife of everything from littering to over-fertilizing and the detriment of dumping hazardous wastes, which threatens the Floridan Aquifer, Central Florida's water supply.

**Table 4-9 Evaluation of Comprehensive Plan Objectives Related to the Promotion of the Built and Natural Environment**

GOAL, OBJECTIVE , OR POLICY	COMMENT	RECOMMENDATION
<b>HISTORICAL AND ARCHAEOLOGICAL PRESERVATION ELEMENT</b>		
<b>Objective 1, Policy 1.6:</b> Amend the City's Historic Preservation Ordinance to include a section on the preservation of the City's rich archaeological resources.	The City amended the Code of Ordinances several years ago to include a section on the preservation of the City's rich archaeological resources.	This policy can be revised to <i>maintain</i> the element as this has been accomplished.
<b>Objective 1, Policy 1.7:</b> A site shall be designated to house and display historical and archaeological artifacts.	The Southeast Volusia Historical Society houses and displays historical and archaeological artifacts pertaining to New Smyrna Beach.	This policy is sufficient.
<b>Objective 1, Policy 1.8:</b> Pursue grants to fund historical and archaeological preservation including restoration and conservation, research and educational programs.	The City actively seeks grants to fund historical and archaeological preservation, including restoration and conservation, research and educational programs.	This policy is sufficient.
<b>Objective 3, Policy 3.1:</b> Coordinate public seminars and provide speakers on historic and archaeological preservation topics to community groups.	This is done by the Southeast Volusia Historical Society.	This policy is sufficient.
<b>Objective 3: Educate the public for the need to preserve and appreciate historic and archaeological resources.</b>		
<b>Objective 3, Policy 3.2:</b> Publicize historic and archaeological preservation through educational publications.	The City has created several educational publications that are available at key locations throughout the City.	This policy is sufficient.
<b>Objective 3, Policy 3.3:</b> Utilize the various mass media to promote the value of preservation.	The City assisted the Southeast Volusia Historical Society in procuring grants to create a video and create a display at the NSB Museum describing the Turnbull settlement of New Smyrna.	This policy is sufficient.
<b>Objective 3, Policy 3.4:</b> Interest the public by using plaques, markers, and interpretive signs at historical and archaeological sites.	The City has an annual historic preservation/restoration award for commercial and residential buildings, a local landmark designation, and interpretive signs regularly being placed around town at important archaeological and historical sites.	This policy is sufficient.

<p><b>Objective 3, Policy 3.5:</b> Coordinate education efforts with community groups such as the Southeast Volusia Historical Society, Board of Realtors, schools, and others.</p>	<p>The City assists the organizations such as the Southeast Volusia Historical Society, and others, in their education efforts by generally waiving the fees to use public facilities and will provide research assistance if applicable.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 3, Policy 3.6:</b> Inform owners of historical and archaeological properties proper preservation and maintenance of the resources.</p>	<p>There are historic building design guidelines available at City Hall, although these are not advertised. Therefore, this objective has <b>not</b> been done adequately.</p>	<p>This has <b>not</b> been accomplished.</p>
<p><b>Objective 4: Properly manage publicly owned historical and archaeological resources.</b></p>		
<p><b>Objective 4, Policy 4.1:</b> Designate historical and archaeological buildings, sites and districts as local landmarks. Require a local landmark building, site or district to meet established standards to ensure historically and architecturally appropriate changes. Strive to designate a minimum of one local landmark per year.</p>	<p>The City requires local landmarks to meet the Department of the Interior's Standards for Historic Preservation when changes are being made to the exterior of said building.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 4, Policy 4.2:</b> Encourage the acquisition of additional historic buildings and archaeological sites for City purposes such as open space, recreation, preservation and conservation.</p>	<p>When the opportunity arises, the City attempts to acquire historic buildings and archaeological sites to meet the City's open space, recreation, and conservation needs.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 4, Policy 4.3:</b> Encourage the preservation, maintenance, protection against vandalism, and continued use of publicly owned historical buildings for public uses.</p>	<p>The City maintains, preserves, and protects all publicly owned historical buildings.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 4, Policy 4.4:</b> Properly maintain and interpret publicly owned archaeological sites.</p>	<p>The City's publicly owned archaeological sites are well-maintained and have interpretive markers.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 4, Policy 4.5:</b> Include archaeological and historical resources in land acquisition programs for open space, recreation, preservation, and conservation.</p>	<p>The City incorporates archaeological and historical resources on publicly owned sites within the City.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 4, Policy 4.6:</b> Properly safeguard historical and archaeological resources to protect against theft, vandalism, over use, and weather damage.</p>	<p>The City has sufficiently addressed this policy.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 5: Preserve privately owned historical and archaeological resources through use and reuse as an alternative to demolition and redevelopment.</b></p>		

<p><b>Objective 5, Policy 5.1:</b> Suggest voluntary designation of historical and archaeological buildings, sites and districts as local landmarks. Require a local landmark building, site or district to meet established standards to ensure historically and architecturally appropriate changes. Strive to designate a minimum of one local landmark per year.</p>	<p>The City does this through the HPC.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 5, Policy 5.2:</b> Remove obstacles to the rehabilitation, use or reuse of historic properties. Included, but not limited to this, are granting variances, liberal interpretation of codes, and providing code exemptions for historical buildings.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 5, Policy 5.3:</b> Provide incentives to assist in preserving and using and reusing historical properties. Included, but not limited to this, are tax relief and exemptions, technical assistance, transfer of development rights, and grant acquisition.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 5, Policy 5.4:</b> Provide flexibility in zoning regulations and applications to preserve and use and reuse historical properties.</p>	<p>The City cooperates with owners of historic properties who are trying preserve or practice "adaptive reuse" of an existing building for another purpose so the building does not have to be razed.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 5, Policy 5.5:</b> Require Historic New Smyrna Beach Preservation Commission review of proposed historic building demolition.</p>	<p>The HPC reviews all proposed historic building demolitions.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 5, Policy 5.6:</b> Encourage relocation or reuse of historic buildings.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 5, Policy 5.7:</b> Adopt an ordinance to prevent demolition by neglect.</p>	<p>The City did this several years ago.</p>	<p>This policy can be revised to maintain the ordinance as this has been accomplished.</p>
<p><b>Objective 6: Maintain and improve historic neighborhoods and properties.</b></p>		
<p><b>Objective 6, Policy 6.1:</b> Install street and other infrastructure improvements such as lighting, signage, sidewalks and fencing so that they are consistent and compatible with the historic character of the neighborhoods.</p>	<p>The City installs lighting, signage and other infrastructure improvements appropriate for the appearance and historic character of each neighborhood.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 6, Policy 6.2:</b> Encourage local landmark designation of individual properties and districts so that new construction and exterior alterations will be compatible with the existing historic structure and surrounding historic neighborhood.</p>	<p>The City encourages individuals to landmark their properties, but have had limited success in this endeavor. The City should evaluate whether there is a better incentive that would encourage the designation of more local landmarks.</p>	<p>This policy is sufficient.</p>

<b>Objective 6, Policy 6.3:</b> Develop and maintain vehicular and pedestrian traffic patterns that preserve the character of historic neighborhoods while providing safe traffic circulation.	The City is trying to re-develop safe pedestrian traffic options in historic neighborhoods that had segments of sidewalk removed, and maintaining vehicular and pedestrian traffic patterns that already exist.	This policy is sufficient.
<b>Objective 6, Policy 6.4:</b> Preserve housing density and commercial and residential mix in historic neighborhoods to keep the existing character.	The City has preserved housing density and commercial and residential mix in historic neighborhoods, and has reduced the maximum allowed building height to preserve the compatibility of building heights in the City's historic districts.	This policy is sufficient.
<b>Objective 7: To employ historical and archaeological preservation as a means to strengthen the local economy through increased tourism and local visitation at historical and archaeological sites.</b>		
<b>Objective 7, Policy 7.1:</b> Place plaques, markers, and interpretive signs at historical and archaeological sites to inform residents and visitors of their significance.	The City annually awards preservation awards commercial and residential properties with a plaque to be placed upon the structure. Numerous structures and sites also have plaques informing visitors of their significance.	This policy is sufficient.
<b>Objective 7, Policy 7.2:</b> Establish a program with local tourism groups to disseminate information about historical and archaeological resources.	The City works tourism groups to promote the City's rich history.	This policy is sufficient.
<b>Objective 7, Policy 7.3:</b> Promote the development of historical and archaeological resources for public visitation and involvement.	The Southeast Volusia Historical Society fulfills this role for the City.	This policy is sufficient.
<b>Objective 7, Policy 7.3:</b> Designate the local historical museum as the headquarters for archaeological and historical tourism.	The Southeast Volusia Historical Society has been designated the headquarters for archaeological and historical tourism.	This policy can be removed from the Comprehensive Plan as this has been accomplished.
<b>Objective 7, Policy 7.4:</b> Promote the City as a destination for cultural tourism.	This is accomplished primarily through the efforts of the New Smyrna Beach Visitors Center, the Southeast Volusia Historic Society, and the Chamber of Commerce.	This policy is sufficient.
<b>COASTAL MANAGEMENT ELEMENT</b>		
<b>Objective 3: Consistent with the Historic Preservation section of the Municipal Code, protect and preserve historic and archaeological resources.</b>		
<b>Goal 2, Objective 3, Policy a:</b> Include historic and archaeological resources in land acquisition programs for open space, recreation, preservation, or conservation.	The city observes this.	This policy is sufficient.
<b>Goal 2, Objective 3, Policy b:</b> Prior to 1992, review and analyze the comprehensive historic and archaeological survey of the coastal area undertaken by Volusia County.	This has been accomplished.	This policy can be removed from the Comprehensive Plan as it has been accomplished.

<b>Goal 2, Objective 3, Policy c:</b> Prior to 1992, review for adoption appropriate standards, regulations and guidelines for the protection of historic and archaeological resources.	This has been accomplished.	This policy can be removed from the Comprehensive Plan as it has been accomplished.
<b>Goal 2, Objective 3, Policy d:</b> Nominate eligible historic and archaeological resources to the National Register of Historic Places.	The City does this.	This policy is sufficient.
<b>Goal 2, Objective 3, Policy e:</b> Utilize as feasible incentive-based techniques for historic and archaeological preservation, such as building code relief, TDRs, tax relief, or waiving of certain zoning requirements (setbacks, lot coverage, parking, etc.).	The City could do more in this regard.	This policy is sufficient.
<b>Goal 2, Objective 3, Policy f:</b> New Smyrna Beach shall cooperate in establishing historic preservation commissions, conducting surveys and studies, developing standards, regulations and guidelines, adopting historic preservation ordinances, and developing historic and archaeological preservation programs.	The City does this.	This policy is sufficient.
<b>TRANSPORTATION ELEMENT</b>		
<b>(new)</b>	<u>ii. Provide pedestrian and bicycle facilities, including sidewalks, multi-use trails, bicycle racks and lockers;</u>	<b>(new)</b>

## MAJOR ISSUE 9- CONSERVATION

Because of the large number of natural resources in and around New Smyrna Beach, conservation is a top priority for many residents. Spring often results in drought conditions, making wildfires a potential hazard. These fires made it painfully obvious that the City experiences periods of severe drought, primarily during the spring and winter months. During these times of drought people turn to irrigation to prevent their landscaping from dying and their lawns from turning brown. By using native plants that are drought tolerant instead of non-native plants, which typically require extensive watering conservation is being practiced.

Another way the City can promote conservation is through green buildings and development. Builders are encouraged to use more energy efficient materials, designs and practices. The Florida Green Building Coalition provides a number of suggestions on how cities can become more energy efficient, by taking part in such programs as Energy Star, and the Florida Department of Environmental Protection’s Solar Energy Incentives program.

The City Commission has directed staff to introduce land development regulations to help residents conserve natural resources. The City is implementing regulations to reduce water consumption by prohibiting exotic plant species, which use extensive amounts of water, reduce impervious areas, which reduces stormwater runoff and increases energy efficiencies.

**Table 4-10 Evaluation of Comprehensive Plan Objectives Related to Conservation**

GOAL, OBJECTIVE , OR POLICY	COMMENT	RECOMMENDATION
<b>FUTURE LAND USE ELEMENT</b>		
<p><b>Objective 6: To maintain a citywide natural-resources protection program through the planning period.</b></p>		
<p><b>Objective 6, Policy a:</b> The city will provide for the protection of environmentally sensitive lands and protection of their natural functions through the maintenance and enforcement of the City of New Smyrna Beach Land Development Regulations.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 6, Policy b:</b> On a parcel-by-parcel basis, prepare an environmental assessment of the conservation resources and determine specific designations for areas of environmental concern. Once the environmental-protection areas, including any associated uplands are determined by a qualified archaeologist or natural scientist, the conservation limits shall be mapped by a registered land surveyor.</p>	<p>The City has <b>not</b> done this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 6, Policy c:</b> Land carrying a Volusia County designation of Environmental Systems Corridor that is annexed to the City shall be designated as conservation land use on the City's Future Land Use Map.</p>	<p>The City is in the process of amending this so the Environmental Systems Corridor designation will be designated conservation of the City's Future Land Use Map.</p>	<p>This is in the process of being addressed thus can be removed from the Comprehensive Plan.</p>
<p><b>Objective 6, Policy e:</b> Maintain and enforce appropriate development regulations, which protect conservation areas.</p>	<p>This City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 6, Policy g:</b> Participate with the state and county in the acquisition/preservation of lands lying within the Indian River estuarine system.</p>	<p>The City recently worked with the Volusia County to determine the ownership of the islands within the Indian River, and will continue cooperate in the acquisition and preservation of lands within the Indian River estuarine system.</p>	<p>This policy is sufficient.</p>

<p><b>Objective 6, Policy h:</b> Implement policies detailed in the Conservation Element that provide incentives for the protection and enhancement of natural resources, such as beaches, wetlands and trees through the adoption of land development regulations, a tree protection ordinance, a stormwater management ordinance and a minimum wetlands standards ordinance.</p>	<p>The City has enacted this policy.</p>	<p>This policy is sufficient..</p>
<p><b>Objective 6, Policy i:</b> Implement policies detailed in the Coastal Management Element, which maintain, restore and enhance the overall quality of the coastal zone environment. These policies should be implemented in coordination with the city's land development regulations and an effective concurrency management program, as well as with the redevelopment of areas within the Community Redevelopment Area.</p>	<p>While the City has implemented policies which maintain, restore, and enhance the overall quality of the coastal zone environment, they are not part of a concurrency management program.</p>	<p>As projects which impact the coastal zone environment are processed by the City, these policies are enforced.</p>
<p><b>Objective 6, Policy j:</b> Maintain and enforce wetlands protection adopted in the land development regulations.</p>	<p>The City maintains and enforces this policy.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 6, Policy k:</b> The city will enforce Ordinance 97-89, Stormwater Management and Conservation Ordinance, and any future amendments thereto.</p>	<p>The City enforces this policy.</p>	<p>This policy is sufficient.</p>
<b>COASTAL MANAGEMENT ELEMENT</b>		
<p><b>GOAL: Conserve, protect, and manage the coastal resources of New Smyrna Beach, including the wetland and upland ecosystem, so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.</b></p>		
<p><b>Goal 1, Objective 1, Policy I:</b> Development adjacent to estuarine and riverine shoreline areas shall maintain a buffer zone to protect or conserve the canopy, understory and ground cover of natural upland vegetation and wetlands.</p>	<p>The City maintains a twenty-five foot natural buffer from wetlands.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 1. Establish land use regulation that provide for the location, extent and distribution of land uses consistent with the protection of coastal resources.</b></p>		

<p><b>Goal 2, Objective 1, Policy a:</b> Land uses which have significant adverse impact on coastal resources to the point where they would cease to be viable as a result of the proposed land use shall be appropriately regulated.</p>	<p>This is an important policy that has <b>not</b> been addressed yet.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• An environmental impact assessment shall be prepared and reviewed for land uses proposed in critical habitat areas.</li> </ul>	<p>This is an important policy that has <b>not</b> been addressed yet.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 2, Objective 1, Policy b:</b> Designated natural resource areas, significant environmental or ecological features, critical wildlife habitat, environmental system corridors or conservation areas shall be protected through a variety of mechanisms, including buffer zones, restoration, limiting density and intensity, conservation easements, acquisition, density transfers, transfer of development rights (TDRs), purchase of development rights or land exchanges.</p>	<p>The City does this when the opportunity arises.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 2, Objective 1, Policy c:</b> The priority for new development shall be in areas of urban infill in order to contain sprawl, use existing developable lands, maximize the provision of urban services and facilities, and protect remaining coastal habitat.</p>	<p>The City has <b>not</b> been very effective in channeling new development into urban infill areas.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 2, Objective 1, Policy d:</b> Prior to November 1, 1990, develop standards for appropriate densities, intensities, buffer zones, resource protection and location for development adjacent to aquatic and natural preserves, wildlife refuges, and environmental systems corridors to protect the natural character, scenic value and public benefit of these areas.</p>	<p>This policy was accomplished, but should be reviewed to examine the impacts.</p>	<p>This policy should be re-reviewed.</p>
<p><b>Goal 2, Objective 1, Policy e:</b> Prior to 1993, New Smyrna Beach shall undertake a zoning evaluation program to identify, review, and prepare recommendations for lands zoned for development which are inconsistent or incompatible with the protection or conservation of coastal resources.</p>	<p>This policy was accomplished, but should be reviewed to examine the impacts.</p>	<p>This policy should be reviewed.</p>

<p><b>Goal 2, Objective 1, Policy f:</b> Special consideration shall be given to development in the "zone-of-influence" of Ponce de Leon Inlet. This zone, with the Halifax River as the western boundary, shall include the barrier islands and spoil islands which extend 10,000 feet to the south of the Inlet.</p>	<p>Without a definition of "special consideration" this policy is too vague to be enforceable.</p>	<p>This policy should be revised.</p>
<p><b>Goal 2, Objective 1, Policy g:</b> Utilize innovative or alternative zoning districts or techniques to protect coastal resources. Such techniques could include overlay districts, floating zones, bonus ordinances, performance standards, fast-tracking of development applications, quality development programs, transferable development rights, planned unit developments or other incentive-based methods.</p>	<p>This is an important policy that has not been addressed yet.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 2, Objective 1, Policy h:</b> Cooperate and coordinate with local governments, state agencies, and special districts in developing consistent standards, criteria and land development regulations for protection of coastal resources.</p>	<p>The City has not coordinated with any other local governments, state agencies, or special districts to develop consistent standards, criteria, and land development regulations to protect coastal resources to date.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 2, Objective 2, Policy b:</b> The first priority for providing new slips is for the expansion of existing marinas, and to new areas for marinas using the criteria in policy c. below.</p>	<p>The City has <b>not</b> done this, but it is an important policy that should be implemented.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 2, Objective 2, Policy c:</b> Adopt standards for marina siting or expansion as part of land development regulations, to include the following criteria, and with priority given to expansion of existing marinas:</p>	<p>The City has <b>not</b> done this, but it is an important policy that should be implemented.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Marinas shall be located in areas where the least dredging and maintenance are required.</li> </ul>	<p>This has <b>not</b> been done. The Indian River is naturally shallow, and locating marinas requires some dredging. Further, a limiting factor for the location of marinas is where manatees are thought to be at the least risk, which is between the causeways.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Sufficient upland areas shall be made available to accommodate needed support facilities such as adequate parking, dry storage, work areas, stormwater management facilities, and other non-water-dependent uses.</li> </ul>	<p>This has <b>not</b> been accomplished.</p>	<p>This policy is sufficient.</p>

<ul style="list-style-type: none"> <li>• Marinas and docking facilities shall be located in areas which require minimal or no dredging or filling to provide access by either canal, channel or road.</li> </ul>	This policy needs to be reviewed.	This policy needs to be reviewed.
<ul style="list-style-type: none"> <li>• The marina areas and navigation access channels shall not be dredged to depths greater than necessary to prevent prop dredging.</li> </ul>	The City enforces this.	This policy is sufficient.
<ul style="list-style-type: none"> <li>• When possible, marina basins shall be located where there is an existing basin and access channel and adequate depths to accommodate the proposed use. A minimum of four feet below mean low water shall be required.</li> </ul>	The City observes this.	This policy is sufficient.
<ul style="list-style-type: none"> <li>• Facilities shall be designed to maximize or improve water circulation patterns.</li> </ul>	This policy is sufficient.	This policy is sufficient.
<p><b>Objective 3: Ensure (through land development regulations, capital improvements and development review) that sufficient water resources are available to meet the potable water needs of the New Smyrna Beach population.</b></p>		
<p><b>Goal 7, Objective 3, Policy a:</b> Development in prime aquifer water recharge areas shall be consistent with the goal of protecting water resources.</p>	There are no primary aquifer recharge areas within the municipal limits of New Smyrna Beach, although it could be possible some day if the annexation boundaries are expanded.	This policy is sufficient.
<p><b>Goal 7, Objective 3, Policy b:</b> Future development will be required to hook up to centralized potable water systems.</p>	Every new development hooks up to the potable water system.	This policy is sufficient.
<p><b>Goal 7, Objective 3, Policy c:</b> Adequate capacity will be required for potable water storage, treatment and distribution facilities to meet the demand of projected growth and development.</p>	The City and Utilities Commission are addressing this policy	This policy is sufficient.
<p><b>Goal 7, Objective 3, Policy d:</b> Prior to the adoption of the Comprehensive Plan, adopt interlocal agreements among and between local governments to identify future service areas and potable water providers.</p>	This has been accomplished.	This policy is sufficient.
<p><b>Goal 7, Objective 3, Policy f:</b> Locate future wellfields west of the ultimate urban boundary line further inland near the center of the county, to protect against saltwater intrusion.</p>	The City located two new wellfields west of the urban boundary line, and there is a new wellfield under construction within the City limits.	This policy is sufficient.

<p><b>Goal 7, Objective 3, Policy g:</b> Potable water withdrawal from areas east of the ultimate urban boundary should be pumped at an appropriate volume and rate to avoid saltwater intrusion and decreased aquifer levels.</p>	<p>Potable water withdrawals have not resulted in saltwater intrusion and decreased aquifer levels.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 7, Objective 3, Policy h:</b> The level-of-service for potable water within the coastal area shall be consistent with the water and sewer sub-element of the Comprehensive Plan.</p>	<p>The level-of-service for potable water within the coastal area is consistent with the water and sewer sub-element of the Comprehensive Plan.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 7, Objective 3, Policy i:</b> Continue efforts to assess and upgrade water transmission facilities in areas experiencing low pressure conditions, to ensure that an adequate water supply will exist during maximum daily demand periods to meet future growth.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 7: To implement land use patterns, utility service extensions, impact fees and an annexation methodology, which provide for orderly development and discourage urban sprawl.</b></p>	<p style="background-color: #cccccc;"></p>	<p style="background-color: #cccccc;"></p>
<p><b>Objective 7, Policy a:</b> The city will fulfill the obligations contained in the Water and Sewer Service Area Agreement by and between the City and Volusia County. Utility extensions will be constructed in a manner that will protect the environment and provide service to existing developments within the service area.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 7, Policy b:</b> Infill development in the service area will be encouraged through development regulations, voluntary development agreements, and interlocal agreements.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 7, Policy c:</b> Investigate the idea of increasing density in the traditional city core by allowing accessory living units or by allowing more units per acre.</p>	<p>This has been done.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 7, Policy d:</b> In accordance with the Water and Sewer Service Area Agreement, and with policies expressed in this plan, utility extensions will be used to direct infill within the service area, and to provide for economic extension costs to those</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>

<p><b>Objective 7, Policy e:</b> 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:</p>		
<ul style="list-style-type: none"> <li>•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.</li> </ul>	<p>The City has <b>not</b> done this.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>•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 BPUD provisions of the land development regulations. Such development will be further regulated by the adoption of corridor regulations, as has been adopted for Highway 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.</li> </ul>	<p>The City observes this.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>•Encourage infill development through the implementation of land development regulations and impact fees.</li> </ul>	<p>Infill development has considerably lower impact fees.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>•Corridor regulations will be enforced and continually refined to provide for significant buffering, signage and land use controls on properties abutting the Highway 44 corridor within the city limits.</li> </ul>	<p>The corridor regulations have been enforced and revisions have been made as needed.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>•Corridor regulations will be coordinated with Volusia County.</li> </ul>	<p>The City does this.</p>	<p>This policy is sufficient.</p>

<ul style="list-style-type: none"> <li>Land use designations for future annexations will be coordinated with Volusia County, consistent with the policies identified above.</li> </ul>		
<p><b>Objective 7, Policy f:</b> Establish the Southeast Volusia Activity Center at the I-95 and SR-44 interchange that will serve a concentration of high intensity mixed use development stressing value-added employment with housing and other types of development.</p>	<p>This has been accomplished.</p>	<p>This policy is sufficient.</p>
<p>Retail development in the activity center shall exclude regional shopping and "big box" retailers.</p>	<p>This has been overturned by the City Commission.</p>	<p>This policy should be removed from the Comprehensive Plan as the City Commission has decided to include "big box" retailers in the activity center.</p>
<p>Distribution of uses within the activity center shall conform to the following allocation: (did not include table)</p>	<p>This policy should be removed from the Comprehensive Plan, as it is in the process of being amended in the land development regulations.</p>	<p>This policy should be removed from the Comprehensive Plan, as it is in the process of being amended in the land development regulations.</p>
<p><b>Objective 7, Policy g:</b> On the Future Land Use Map designate an urban overlay zone within which urban land uses will be permitted provided the following conditions are met. If all conditions are met, the urban project shall be allowed a gross density of 1.5 dwelling units per acre. Additional density may be permitted to encourage additional residential development within the village core area. Residential uses such as living units over commercial and other non-residential uses, accessory living units intended to promote life cycle housing and adult residential accommodations (ALF, nursing home, etc.) may be considered for density bonuses.</p>	<p>This has been accomplished.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 7, Policy j:</b> Establish and maintain land development regulations that use a combination of maximum building coverage and maximum building height to establish a maximum floor area ratio (FAR) envelope for non-residential land use classifications. The equivalent floor area ratio requirements are as follows: (table not included).</p>	<p>Floor area ratios have not been incorporated into the LDR.</p>	<p>This policy is sufficient.</p>

<p><b>Objective 7, Policy l:</b> Future growth areas of the city within the boundaries identified by the Water and Sewer Service Area Agreement will be used to redirect major public developments, health facilities, commercial activity centers and manufacturing away from coastal high-hazard areas, through land development regulations, interlocal agreements and statutorily regulated annexations.</p>	<p>The Water and Sewer Service Area agreement has its western boundary at Venetian Bay, which coincides with the western boundary limits of the City. The southern boundary is the City of Edgewater and the northern boundary is Port Orange. The eastern boundary is the Atlantic Ocean.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 7, Policy m:</b> Annexations will be used to provide for the orderly, cost-effective and concurrency-based extension of services; to direct infill development; to protect those arterial, collector and local access roads leading to the city through the adoption and/or implementation of existing adopted regulations in accordance with policies identified in this plan; and to secure existing urban development areas in the service area which use and impact the level-of-service of municipal facilities without providing for economic support to maintain the level-of-service identified in this plan.</p>	<p>Annexations are strictly voluntary, thus they typically do not result in an orderly, cost-effective and concurrency-based extension of services.</p>	<p>This policy is sufficient.</p>
<b>CONSERVATION ELEMENT</b>		
<p><b>GOAL: To protect, conserve, restore, maintain and properly manage the natural resources of New Smyrna Beach. This goal will be met by initiating the objectives and policies stated herein, which will be more specifically defined in future Comprehensive Plan updates as local needs (and the city's ability to meet those needs) become better established.</b></p>		
<p><b>Objective 1: To maintain and enhance the quality of the environment through proper land development practices on an ongoing basis.</b></p>		
<p><b>Objective 1, Policy a:</b> The city will utilize its development regulations in conjunction with this element to encourage preservation of those areas which have limitations or are environmentally sensitive, such as wetlands, flood hazard areas or areas with severe soil limitations.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>

<p><b>Objective 1, Policy b:</b> The city will continue to support and enforce existing subdivision regulations, zoning ordinances and the building permit process to protect natural resources.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 1, Policy c:</b> The city will continue to encourage soil conservation/ preservation and prevention of erosion by enforcement of the Stormwater Management and Conservation Ordinance.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 1, Policy d:</b> The city will mandate proper disposal of hazardous wastes within the planning area to protect the area's natural resources.</p>	<p>The City enforces this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 1, Policy e:</b> The city will continue to protect designated environmentally sensitive lands identified in the Future Land Use Element.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 1, Policy f:</b> The city will pursue and encourage county, state and federal acquisition of key environmentally sensitive areas.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 1, Policy g:</b> The city will utilize its development regulations to require all new developments to provide open space.</p>	<p>The City enforces this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 1, Policy h:</b> The city will provide for the protection of natural resources identified in the Recreation and Open Space Element through the implementation of policies contained in that element.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 1, Policy i:</b> On a parcel-by-parcel basis, prepare an environmental assessment of the wetland resources and determine specific designations for areas of environmental concern. Once the environmental-protection areas and their associated uplands are determined, the approximate boundaries of the conservation designation on the Future Land Use Map shall be administratively adjusted to accurately depict the environmental areas and the upland buffers. The adjustment shall be completed without requiring a Future Land Use Map amendment. In the event that the area to be changed is greater than five (5) acres in size,</p>	<p>There have been no requests to do this to date.</p>	<p>This policy is sufficient.</p>

<p>Planning and Zoning Board approval shall be required.</p>		
<p><b>Objective 2. To maintain the current high levels of air quality so as not to drop below minimum air quality standards established by EPA and FDER.</b></p>		
<p><b>Objective 2, Policy a:</b> The city will continue to respond to the goals and objectives as set forth in state and federal regulations pertaining to clean air and water resources.</p>	<p>This is a statement.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 2, Policy b:</b> The city will encourage, through the Future Land Use Element and development regulations, the type and density of development that is consistent with proper maintenance of clean air and water.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 2, Policy c:</b> The Traffic Circulation and Capital Improvements Elements will be used to ensure that adequate highways are provided to minimize traffic congestion and resultant pollution.</p>	<p>The Capital Improvements Element has not been updated six years. The Traffic Circulation Element was recently revised.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 2, Policy d:</b> The city will continue to promote emergency conservation of water sources in accordance with the plans and regulations of the SJRWMD.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 3: To continue to enforce land development regulations which prevent the further degeneration of the ambient air quality of surface water resources.</b></p>		

<p><b>Objective 3, Policy a:</b> The city will utilize its development regulations to encourage the use of natural drainage and storage areas, as well as maintenance and preservation of existing vegetation, in order to filter stormwater runoff and help preserve water quality in the planning area.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 3, Policy b:</b> The city will continue to enforce the Stormwater Management and Conservation Ordinance, which controls the design of stormwater systems in order to protect the quality and quantity of water that flows into estuarine or oceanic waters. Such flows include coastal creeks and rivers, as well as stormwater runoff and drainage.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 3, Policy c:</b> The City will monitor the effectiveness of its land development regulations that were adopted to preserve water quality and update as necessary.</p>	<p>The City has <b>not</b> enforced this policy.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 4: To continue to protect and conserve fisheries, natural areas, wildlife and marine life, and to direct growth away from these areas.</b></p>		
<p><b>Objective 4, Policy a:</b> The city will support the conservation, appropriate use and protection of the natural functions of existing soils, fisheries, wildlife, wildlife habitats, marine habitats, rivers, bays, floodplains, harbors and wetlands (including estuarial marshes) through the enforcement of land use regulations. The measure of this policy shall be the number of encroachments into conservation areas. At a minimum, the land development regulations will require:</p>		
<p>1) an environmental impact analysis for environmentally sensitive sites,</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p>2) pre-construction and post-construction erosion controls,</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p>3) the minimum open space requirements for the City are as follows:</p>		
<p>1. Conservation - 70 percent</p>	<p>The City enforces this.</p>	<p>This policy is sufficient.</p>
<p>2. Single-family, Multifamily, and Mobile Home Residential - 40 percent</p>	<p>The City enforces this.</p>	<p>This policy is sufficient.</p>
<p>3. Commercial - 25 percent</p>	<p>The City enforces this.</p>	<p>This policy is sufficient.</p>
<p>4. Industrial - 25 percent</p>	<p>The City enforces this.</p>	<p>This policy is sufficient.</p>

All development adjacent to and surrounding wetlands shall require a 25-foot wetlands buffer; and	The City enforces this.	This policy is sufficient.
4) The provisions outlined above are intended to ensure that development will be clustered away from environmentally sensitive portions of the development site, to provide for on-site protection of specimen trees and the habitat of endangered/threatened species.	The City enforces this.	This policy is sufficient.
<b>Objective 4, Policy b:</b> The city will promote and encourage public awareness of, and private efforts toward, protection and conservation of natural areas within the planning area by maintaining and making available to the public, a mapping inventory of ecological communities by type.	The City does this.	This policy is sufficient.
<b>Objective 4, Policy c:</b> The city will coordinate with other government agencies to encourage protection and preservation of sand dunes by promoting construction of boardwalks for pedestrian access to the beach, and by replanting disturbed areas.	The City enforces this.	This policy is sufficient.
<b>Objective 4, Policy d:</b> The city will restrict activities known to adversely affect the survival of threatened and endangered wildlife through enforcement of land development regulations.	The City does this.	This policy is sufficient.
<b>Objective 5: To provide for a continuing, coordinated intergovernmental management approach to protecting and properly utilizing natural resources, including wildlife and marine habitats, water, and natural vegetation.</b>		
<b>Objective 5, Policy a:</b> The city will coordinate with appropriate governmental entities to protect environmentally sensitive lands, including those which extend into adjacent jurisdictions.	The City does this.	This policy is sufficient.
<b>Objective 5, Policy b:</b> The city will continue active participation in the Federal Flood Insurance program.	The City does this.	This policy is sufficient.
<b>Objective 5, Policy c:</b> The city will identify and fill gaps in existing resource management processes.	The City does this.	This policy is sufficient.

<p><b>Objective 5, Policy d:</b> The city will periodically review and update policies and procedures involving management, protection and utilization of natural resources, including amendments to the Conservation Element of the Comprehensive Plan.</p>	<p>The City monitors this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 6: To protect, preserve and maintain as much natural vegetation as possible to protect and maintain air quality, water quality, marine life, wildlife, aesthetics and other valuable functions served by vegetative ground cover, leading to preservation and enhancement of the quality of life in the planning area.</b></p>		
<p><b>Objective 6, Policy a:</b> The city will utilize the site plan review process contained in the Land Development Regulations as a tool for preservation of natural vegetation.</p>	<p>The City observes this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 6, Policy b:</b> The City will preserve, wherever possible, a minimum of fifty percent (50%) of the existing undisturbed native vegetation through the application of cluster development, open space areas, buffer zones and landscape zones. The City promotes the xeriscape approach to natural vegetation retention. Development will be clustered in order to promote the preservation of specimen trees such as Oaks with trunk diameters 12 inches or greater, or Maple, Sweetgum and Hickory with trunk diameters 18 inches or greater; and to allow for the continuance of wildlife habitat.</p>	<p>The City preserves 50% of the existing undisturbed native vegetation through cluster development, open space areas, buffer zones, and landscape zones in new Planned-Unit-Developments. Other zoning districts have different landscape area requirements.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 6, Policy c:</b> In order to protect the natural hydrologic functions of the areas designated as conservation on the Future Land Use Map, non-public agency development will not be allowed in these areas. If future information demonstrates portions of areas designated conservation are not actually environmentally sensitive, the City Commission will consider re-designating these portions through the plan amendment process.</p>	<p>The City observes this.</p>	<p>This policy is sufficient.</p>

<p><b>Objective 6, Policy d:</b> The city shall cooperate with county, regional, state and federal efforts to identify, acquire and protect habitat corridors which serve as biological connections to existing management areas.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 7: To provide for the protection, maintenance, enhancement, and utilization of wetlands within the City.</b></p>		
<p><b>Objective 7, Policy a:</b> The City shall maintain land development regulations consistent with the minimum standards for wetland protection as approved by Volusia County in 1989 by Volusia County, Fla., Ord. 89-8 (July 6, 1989). These standards address the identification of wetlands, mitigation requirements to ensure that there is no net loss of wetlands within the city limits, and a minimum 25-foot wide buffer upland and adjacent to wetlands requirements.</p>	<p>The City observes this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 7, Policy b:</b> The City will restrict development in wetlands unless eliminated wetlands are mitigated at a minimum of one-to-one ratio through the enforcement of adopted land development regulations that conform to county minimum wetland protection standards adopted in 1989 by Volusia County, Fla., Ord. 89-8 (July 6, 1989), and through land use designations.</p>	<p>The City observes this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 8: To continue to protect and maintain natural groundwater aquifer recharge areas through enforcement of adopted land development regulations.</b></p>		
<p><b>Objective 8, Policy a:</b> The city will monitor Volusia County's Comprehensive Plan and land development regulations with respect to the Glencoe and Samsula wellfields, and will advise the county of any existing or potentially adverse conditions with respect to the wellfields and their local recharge areas.</p>	<p>The City monitors this.</p>	<p>This policy is sufficient.</p>

<p><b>Objective 8, Policy b:</b> The city will encourage preservation and maintenance of secondary natural groundwater recharge areas to enhance their recharge potential through its adopted land development regulations.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 9: To maintain management and control of stormwater runoff for alleviating existing environmental problems and preventing future problems through enforcement of current land development regulations.</b></p>		
<p><b>Objective 9, Policy a:</b> The city shall maintain land development regulations which:</p>		
<ul style="list-style-type: none"> <li>• Regulate management of stormwater runoff to prevent diminished water quality, flooding, loss of groundwater recharge, soil erosion, sedimentation in receiving surface waters and lowering of the water table.</li> </ul>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Require the use of best management practices to maintain swamps, marshes, flood plains and other wetlands for stormwater management.</li> </ul>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Require that retention areas are designed and located to maximize their effectiveness for flow attenuation and aquifer recharge; to minimize the need for channelization; and to provide for greater safety and reliability.</li> </ul>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 9, Policy b:</b> The city will continue to enforce the Stormwater Management and Conservation Ordinance, and will provide for maintenance of stormwater management facilities as part of its stormwater management program.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 10: To incorporate the inherent limitation of existing soils in land planning and development, and to minimize impacts which result in soil erosion.</b></p>		

<p><b>Objective 10, Policy a:</b> Prior to any land disturbance, developers shall indicate on their site plans any areas of highly erodible soils, (as defined by the US Department of Agriculture Soil Conservation Service (SCS) or the Florida Department of Agriculture), and shall take adequate measures to ensure that soil erosion is avoided, including utilization of appropriate best management practices.</p>	<p>This City has <b>not</b> enforced this policy.</p>	<p>This policy is sufficient, but needs to be enforced.</p>
<p><b>Objective 10, Policy b:</b> Construction in soils which are determined to be hydric in character, (as defined by the SCS and the Florida Department of Agriculture), shall be regulated to the extent that the proposed construction activities will not adversely impact protected resources.</p>	<p>The City monitors this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 11: To continue to coordinate efforts to conserve potable water on an annual basis.</b></p>		
<p><b>Objective 11, Policy a:</b> The city will continue to comply with water conservation policies adopted by the SJRWMD.</p>	<p>The City observes this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 11, Policy b:</b> The city will continue to lower system pressure when conditions require emergency conservation.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 11, Policy c:</b> The city will develop plans and designs to reuse effluent disposal for irrigation.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 11, Policy d:</b> The city will, upon request, continue to freely distribute flow restriction devices to water customers to enable them to conserve water.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 12: To protect and preserve floodplains.</b></p>		
<p><b>Objective 12 Policy a:</b> Investigate the possibility of public acquisition of lands within floodplains, using local and state funded programs such as "Save Our Rivers" and "CARL."</p>	<p>CARL stands for "Conservation and Recreation Lands" and needs to be spelled out in the policy.</p>	<p>This policy needs to be updated for clarification.</p>
<p><b>Objective 12 Policy b:</b> Prohibit the development of all wetlands located within floodplains.</p>	<p>The City has <b>not</b> enforced this policy.</p>	<p>This policy is sufficient, but needs to be enforced.</p>
<p><b>Objective 12, Policy c:</b> Continue to rezone floodplains as Conservation, in order to limit development.</p>	<p>The City has <b>not</b> enforced this policy.</p>	<p>This policy is sufficient, but needs to be enforced.</p>

<b>Objective 12, Policy d:</b> Where filling of land within the 10-year floodplain is unavoidable, the lost volume shall be made up by excavation of uplands.	The City does this.	This policy is sufficient.
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#### 4.10 MAJOR ISSUE 10- DISASTER PLANNING

New Smyrna Beach is prone to natural disasters such as hurricanes, northeastern storms (“nor’easters”), wildfires and tornadoes, and occasional flooding. Between 2004 and 2007 alone, New Smyrna Beach felt the effects of four hurricanes, tornadoes, wildfire and flooding. The City has policies in place which allow people to rebuild their properties in case their house is damaged or destroyed, but not if the devastation was on a large scale. For example, if a hurricane inflicted damage to such an extent that whole areas of the City were devastated, the City needs to address how it will handle the displaced property owners. Will they be allowed to live on their properties in mobile homes or tents? Following the tornadoes of 2007 the City passed an emergency ordinance whose primary goal was to place people in rental properties in the area, and if that was not possible, people whose houses were damaged beyond habitability were allowed to temporarily place mobile homes, storage containers and recreational vehicles on properties in the affected area. In the event of a massive storm, however, there is a good chance that rental properties would be severely damaged as well, and the City will need to decide whether it wants people living indefinitely in FEMA trailers on their properties.

**Table 4-11 Evaluation of Comprehensive Plan Elements Related to Disaster Planning**

GOAL, OBJECTIVE , OR POLICY	COMMENT	RECOMMENDATION
<b>COASTAL MANAGEMENT ELEMENT</b>		
<b>GOAL: Conserve, protect and manage the coastal resources of New Smyrna Beach, including the wetland and upland ecosystem, so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.</b>		
<b>Objective 1. Establish land use regulation that provide for the location, extent and distribution of land uses consistent with the protection of coastal resources.</b>		
<b>Goal 2, Objective 1, Policy a:</b> Land uses which have significant adverse impact on coastal resources to the point where they would cease to be viable as a result of the proposed land use shall be appropriately regulated.	This is an important policy that has <b>not</b> been addressed yet.	This policy is sufficient.
<ul style="list-style-type: none"> <li>• An environmental impact assessment shall be prepared and reviewed for land uses proposed in critical habitat</li> </ul>	This is an important policy that has <b>not</b> been addressed yet.	This policy is sufficient.

areas.		
<b>Goal 2, Objective 1, Policy f:</b> Special consideration shall be given to development in the "zone-of-influence" of Ponce de Leon Inlet. This zone, with the Halifax River as the western boundary, shall include the barrier islands and spoil islands which extend 10,000 feet to the south of the Inlet.	Without a definition of "special consideration" this policy is too vague to be enforceable.	The City has not done this, but it is an important policy that should be implemented.
<b>Goal 2, Objective 1, Policy g:</b> Utilize innovative or alternative zoning districts or techniques to protect coastal resources. Such techniques could include overlay districts, floating zones, bonus ordinances, performance standards, fast-tracking of development applications, quality development programs, transferable development rights, planned unit developments or other incentive-based methods.	This is an important policy that has not been addressed yet.	This policy is sufficient.
<b>Goal 2, Objective 1, Policy h:</b> Cooperate and coordinate with local governments, state agencies, and special districts in developing consistent standards, criteria and land development regulations for protection of coastal resources.	The City has not coordinated with any other local governments, state agencies, or special districts to develop consistent standards, criteria, and land development regulations to protect coastal resources to date.	This policy is sufficient.
<b>Goal 2, Objective 2, Policy d:</b> Maintain citywide densities, which, will ensure that beachside residents can be evacuated consistent with the Hurricane Evacuation Plan.	This policy should be revised to include cooperation with the unincorporated areas of Volusia so the density of the entire beachside is taken into consideration, and not just the portion of beachside with the City limits of New Smyrna Beach.	This policy should reflect the needed cooperation of Volusia County in ensuring the beachside residents can be evacuated in the event of a hurricane.
<b>Objective 3: Consistent with the Historic Preservation section of the Municipal Code, protect and preserve historic and archaeological resources.</b>		
<b>Goal 2, Objective 3, Policy h:</b> Redevelopment activity shall not result in increasing hurricane evacuation times above the clearance time identified in the Volusia County Coastal Management Element.	Redevelopment activity should be monitored for the entire area that includes the evacuation area, not just the portion of the evacuation of area of New Smyrna Beach.	This policy is sufficient.

<p><b>Goal 2, Objective 3, Policy i:</b> Redevelopment should be viewed as an opportunity to restore beach and dune systems, improve visual appearance, incorporate landscaping and buffer areas, improve traffic circulation, and upgrade stormwater management systems.</p>	<p>This policy is sufficient.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 4, Objective 1, Policy b:</b> Protection of property threatened by beach erosion should be encouraged by employing "soft engineering techniques" such as sand nourishment, the development of new sand dunes, or the enhancement of existing or historical dunes.</p>	<p>The City encourages property owners along the oceanfront to employ soft-engineering techniques instead of using hard armoring, such as seawalls, revetments and the use of rip-rap.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 4, Objective 1, Policy e:</b> Discourage the man-made destruction or removal of existing dunes and dune vegetation.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 4, Objective 1, Policy f:</b> Structural development along beaches fronting the Atlantic Ocean shall enhance and not further degrade the coastal beach and dune system.</p>	<p>The City enforces this.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 4, Objective 1, Policy g:</b> Reconstruction or replacement of existing hard erosion control structures along the oceanfront which are more than 75 percent destroyed shall be prohibited, except for maintenance and care of public navigational structures (such as Ponce de Leon Inlet) and structures which are needed to protect evacuation routes and public facilities and utilities.</p>	<p>The City has <b>not</b> enforced this policy.</p>	<p>The City may reconsider this policy. Following the 2004 hurricanes, numerous re-build permits were granted for seawalls along the oceanfront.</p>
<p><b>Goal 4, Objective 1, Policy h:</b> As part of the coastal resource function, participate with Volusia County in the exchange of information, and monitor data collected by FDNR, the US Army Corps of Engineers, the Florida Sea Grant College, universities and other appropriate agencies.</p>	<p>The City cooperates with Volusia County on coastal matters, but has little to no contact with the FDNR, the US Army Corps of Engineers, the Florida Sea Grant College, or any universities.</p>	<p>This is an important policy that the City should monitor.</p>
<p><b>Goal 4, Objective 1, Policy i:</b> In cooperation with the FDNR, assist Volusia County in the development of information and education programs to inform citizens on how the coastline works. Provide technical assistance to land owners, citizens and community interest groups.</p>	<p>The FDNR is now known as the Florida Department of Environmental Protection. Volusia County offers a number of educational opportunities for people to learn about coastal matters, and the Marine Discovery is active in this field as well.</p>	<p>This policy is sufficient.</p>

<p><b>Goal 4, Objective 1, Policy j:</b> In cooperation with the FDNR, assist Volusia County in the development of information and education programs to inform citizens on how the coastline works. Provide technical assistance to land owners, citizens and community interest groups.</p>	<p>The City assists the Marine Discovery Center in its education efforts educate citizens about the coastal environment, and cooperates with Volusia County when ever possible</p>	<p>This policy is sufficient.</p>
<p><b>Goal 4, Objective 1, Policy k:</b> Participate with Volusia County in a dune restoration demonstration project, either on public property or in conjunction with a proposed development project.</p>	<p>The City has <b>not</b> done this, but it is an important policy that should be implemented.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 4, Objective 1, Policy o:</b> Work with Volusia County to develop strategies for responding to sea level rise, including:</p>		
<ul style="list-style-type: none"> <li>• Analysis of the estimated sea level rise and its effects on estuaries, wetlands, barrier islands and uplands.</li> </ul>	<p>This has <b>not</b> been done, but is an important policy the City, with the cooperation of Volusia County, should pursue.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Identification of structures and areas of possible risk.</li> </ul>	<p>This has <b>not</b> been done, but is an important policy the City, with the cooperation of Volusia County, should pursue.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Determination of additional data and research needed.</li> </ul>	<p>This has <b>not</b> been done, but is an important policy the City, with the cooperation of Volusia County, should pursue.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Assistance from state and federal agencies.</li> </ul>	<p>This policy is sufficient.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Consideration of additional buffer areas from wetlands, water bodies and dunes in order to protect life and property.</li> </ul>	<p>The City maintains a twenty-five foot natural buffer from wetlands. Volusia County requires a fifty-foot buffer. The City should consider this as a possible standard.</p>	<p>This policy needs to be reviewed.</p>
<ul style="list-style-type: none"> <li>• Evaluation of locating public facilities in areas projected to be affected by rising sea level.</li> </ul>	<p>This has <b>not</b> been done, but is an important policy the City, with the cooperation of Volusia County, should pursue.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Consideration of the effects on potable water sources, saltwater intrusion, septic systems, wastewater treatment facilities and the water table.</li> </ul>	<p>The Utilities Commission of New Smyrna Beach works cooperates with SJRWMD to enforce this policy.</p>	<p>This policy is sufficient.</p>
<p><b>GOAL 5: Lessen the impact of a destructive storm on human life, property, public facilities and natural resources.</b></p>		

<p><b>OBJECTIVE 1:</b> Maintain the clearance time for the evacuation of the population in the Hurricane Vulnerability Zone at 6 hours, based on a level-of-service standard "D" during the time of hurricane or any category storm.</p>		
<p><b>Goal 5, Objective 1, Policy a:</b> Land use plan amendments in the Hurricane Vulnerability Zone shall strive to reduce, and shall not increase, the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above 6 hours.</p>	<p>The City has reduced the maximum density allowed along the oceanfront, which will reduce the clearance time for evacuation of the population in the Hurricane Vulnerability Zone.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 1, Policy b:</b> Assess the impact of new development on the hurricane evacuation network to ensure it will not increase clearance time for evacuation of the population in the Hurricane Vulnerability Zone above 6 hours.</p>	<p>The City recently reduced the number of residential units along the ocean front, thus decreasing the potential impact of new development align the oceanfront.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 1, Policy c:</b> Ensure adequate roadway capacity to facilitate the evacuation of residents in the Hurricane Vulnerability Zone. The following roadway improvements shall be made to maintain the hurricane evacuation time period below 6 hours:</p>		
<ul style="list-style-type: none"> <li>Continually maintain the New Smyrna Beach Emergency Preparedness Plan and Evacuation Routes Plan, after FEMA training and in conjunction with the Volusia County Plan.</li> </ul>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 1, Policy d:</b> Future roadway improvements shall minimize the impact of flooding and storm damage on evacuation route facilities.</p>	<p>The City enforces this.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 1, Policy e:</b> Evacuation routes shall be designated in such a way as to distribute traffic demand to provide optimum utilization of available roadway facilities. This will include the redistribution of a portion of the traffic from the North Causeway to the Harris Saxon Bridge.</p>	<p>The City has this policy in place.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 1, Policy f:</b> Volusia County shall coordinate the Peacetime Emergency Plan and evacuation plan with the New Smyrna Beach plan to ensure the orderly evacuation of the population in the Hurricane Vulnerability Zone.</p>	<p>Volusia County coordinates the Peacetime Emergency Plan and evacuation plan with the New Smyrna Beach Fire and Police Departments.</p>	<p>This policy is sufficient.</p>

<p><b>Objective 2: Shelter for Population. In cooperation with the American Red Cross, New Smyrna Beach shall designate hurricane evacuation shelters to protect the population in the Hurricane Vulnerability.</b></p>		
<p><b>Goal 5, Objective 2, Policy a:</b> New Smyrna Beach, in cooperation with the American Red Cross, shall designate hurricane emergency shelter facilities to accommodate at least 23 percent of the population in the Hurricane Vulnerability Zone, based on the appropriate standards.</p>	<p>The New Smyrna Beach High School, located at 1015 10th Street, functions is the City's only emergency shelter.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 2, Policy b:</b> New hurricane emergency shelter space shall not be located in the Hurricane Vulnerability Zone.</p>	<p>The City observes this.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 2, Policy c:</b> In cooperation with the American Red Cross, existing hurricane emergency shelters, which are located in life-threatening areas susceptible to flooding during a hurricane, shall be replaced as replacement facilities can be identified and agreements secured.</p>	<p>The City does not have any hurricane emergency shelters located in life-threatening areas, susceptible to flooding during a hurricane</p>	<p>This policy is sufficient.</p>
<p><b>Objective 3: Mitigation of Property Damage. Adopt land development regulations governing development in the Hurricane Vulnerability Zone and the Coastal High Hazard Area that minimize danger to life and property.</b></p>		
<p><b>Goal 5, Objective 3, Policy a:</b> If constructed, all public facilities in the Hurricane Vulnerability Zone shall be flood-proofed to ensure minimum damage from storms and hurricanes.</p>	<p>All new construction in the Hurricane Vulnerability Zone has been sufficiently elevated to not be at risk of flooding.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 3, Policy b:</b> Prior to 1992, examine the need for, and implement where necessary, regulations that provide for: setbacks in areas of critical erosion; conservation and enhancement of dunes and vegetation; flood-proofing of utilities; and appropriate requirements for structural wind resistance and floodplain management.</p>	<p>This has been accomplished.</p>	<p>This can be revised as it has been accomplished.</p>

<p><b>Goal 5, Objective 3, Policy c:</b> Prior to 1992, all new residential development in multi-occupancy structures in the Hurricane Vulnerability Zone shall be required to provide continuing information to residents concerning hurricane evacuation and shelters.</p>	<p>This has been accomplished.</p>	<p>This can be revised as it has been accomplished.</p>
<p><b>Goal 5, Objective 3, Policy d:</b> All development in the Hurricane Vulnerability Zone shall be consistent with the federal flood hazard requirements.</p>	<p>The City enforces this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 4: <u>Post-Disaster Redevelopment.</u> Upon Completion of the Volusia County Post Disaster Relief Plan, and prior to 1992, the City shall review with Volusia County an evaluation of the long-term problems related to post-disaster relief and redevelopment.</b></p>		
<p><b>Goal 5, Objective 4, Policy a:</b> The Post-Disaster Relief Plan shall include: identification of land areas that should not be reconstructed; abandonment and/or relocation of buildings; rebuilding of public facilities; and reconstruction with structural modification.</p>	<p>The Post-Disaster relief plan covers the short- and long-term recovery efforts of the City, including: temporary housing; individual assistance; hazard mitigation; a preparedness plan. It does not address land areas that should not be reconstructed or abandoned.</p>	<p>The City never adopted a Post-Disaster Relief Plan. Creating a comprehensive Post-Disaster Relief Plan should be a priority, and should address questions such as: <b><i>How will the City handle the immediate housing needs of residents whose abode was destroyed?</i></b></p>
<p><b>Goal 5, Objective 4, Policy b:</b> The Post-Disaster Relief Plan shall also identify structures in the Coastal High Hazard area that might be of some use for public access to coastal beaches and waterways, and shall make recommendations for acquisition when post-disaster opportunities arise. It shall establish guidelines for determining priorities for the acquisition of storm-damaged property in the Hurricane Vulnerability Zone.</p>	<p>The City never adopted a formal Post-Disaster Relief Plan, although there have been numerous revisions to the Land Development Regulations.</p>	<p>The City has not done this, but it has made changes to the existing regulations which make a Post-Disaster-Relief Plan unnecessary.</p>
<p><b>Goal 5, Objective 4 Policy c:</b> The Post-Disaster Relief Plan shall establish principles for repairing, replacing, modifying or relocating public facilities in the Hurricane Vulnerability Zone.</p>	<p>The City never adopted a formal Post-Disaster Relief Plan, although there have been numerous revisions to the Land Development Regulations.</p>	<p>The City has not done this, but it has made changes to the existing regulations which make a Post-Disaster-Relief Plan unnecessary.</p>
<p><b>Goal 5, Objective 4, Policy d:</b> Prior to November 1, 1990, incorporate in the land development regulations the following build-back policy, to be applied after a hurricane:</p>		

<ul style="list-style-type: none"> <li>• Structures damaged less than 50 percent of their replacement cost at the time of damage may be rebuilt to their original condition, subject only to current building and life-safety codes.</li> <li>• Federal requirements for elevation above the 100-year flood level;</li> <li>• Building code requirements for flood proofing;</li> <li>• Current building and life-safety codes;</li> <li>• State coastal construction control lines;</li> <li>• Any required zoning or other development regulations (other than density or intensity), unless compliance with such regulations would preclude reconstruction otherwise intended by the build-back policy;</li> <li>• Any other relevant federal regulations; and</li> <li>• Any other relevant local regulations.</li> <li>• The land development regulations may establish procedures to document actual uses, densities, intensities and compliance with regulations in effect at the time of construction, through such means as photographs, diagrams, plans, affidavits, permits, appraisals and tax rewards.</li> </ul>	This has been accomplished.	This has been accomplished.
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<p><b>Goal 5, Objective 4, Policy e:</b> The New Smyrna Beach Emergency Preparedness Plan for post-disaster relief provides for disaster assessment by utilizing immediate repair and clean-up actions, as well as the provision of temporary housing and the provision</p>	<p>The City has <b>not</b> adopted a formal Post-Disaster Relief Plan, although there have been numerous revisions to the Land Development Regulations.</p>	<p>The City has not done this, but it has made changes to the existing regulations which make a Post-Disaster-Relief Plan unnecessary.</p>
<p><b>Objective 5: Public Expenditures.</b>  <b>New public expenditures shall be prohibited that will subsidize development inside the coastal high hazard area, unless it is consistent with policies specifically identified in the Coastal Management Element or cross-ref</b></p>		
<p><b>Goal 5, Objective 5, Policy a:</b> The Coastal High Hazard Area is defined as shown on Map VIII-1.</p>	<p>The Coastal High Hazard Area map has recently been re-defined, but is still shown as Map VIII-1</p>	<p>This policy is sufficient.</p>

<b>Goal 5, Objective 5, Policy b:</b> Public facilities may be constructed within the Coastal High Hazard Area when the public facility construction falls into one of the following categories:		
<ul style="list-style-type: none"> <li>▪ The public facilities are required to meet minimum level of service standards.</li> </ul>	The City monitors this.	This policy is sufficient.
<ul style="list-style-type: none"> <li>▪ The public facility improvements are required to meet regulatory mandates resulting from changes in laws or rules.</li> </ul>	The City monitors this.	This policy is sufficient.
<ul style="list-style-type: none"> <li>▪ The public facilities are part of the Community Redevelopment Agency's adopted redevelopment plan.</li> </ul>	The City monitors this.	This policy is sufficient.
<ul style="list-style-type: none"> <li>▪ The public facility improvements are essential to support other comprehensive plan policies.</li> </ul>	The City monitors this.	This policy is sufficient.
<ul style="list-style-type: none"> <li>▪ The public facility will provide service on a par with other neighborhoods in the City.</li> </ul>	The City does this.	This policy is sufficient.
<b>Goal 5, Objective 5, Policy c:</b> Prior to the development of public facilities in the Hurricane Vulnerability Zone, it shall be determined that there are no other feasible sites outside that area.	The City observes this.	This policy is sufficient.
<b>Goal 5, Objective 5, Policy d:</b> If constructed, all public facilities in the Hurricane Vulnerability Zone shall be flood proofed to ensure minimum damages from storms and hurricanes.	The City observes this.	This policy is sufficient.
<b>Goal 5, Objective 5, Policy e:</b> When public facilities within the Coastal High Hazard Area are proposed for renovation or expansion, relocation shall be considered as an option.	The City observes this.	This policy is sufficient.
<b>Objective 6: Population concentrations: The City shall direct population concentrations away from the Coastal High Hazard Area by limiting infill development to the currently established comprehensive plan limits and by acquiring significant undeveloped</b>		
<b>Goal 5, Objective 6, Policy a:</b> Development within the Coastal High Hazard Area shall be limited to a maximum of 13,583 residential units.	Because of the changes to the Coastal High Hazard Area map, this policy no longer applies.	This policy no longer applies and should be removed from the Comprehensive Plan.
<b>Goal 5, Objective 6, Policy b:</b> When feasible, the City shall work with County and State agencies to acquire undeveloped parcels that have	The City works with other entities to acquire environmentally sensitive lands.	This policy is sufficient.

significant environmental assets.		
<b>GOAL 7: Public services and facilities shall be adequate and available to serve both current and future residents.</b>		
<b>Objective 1: The land development regulations shall ensure that the provision of roads, recreation facilities, potable water, sanitary sewer, drainage and solid waste facilities and services required to maintain the adopted level-of-service standards shall be consistent and phased with the level of development proposed in the Future Land Use Element.</b>		
<b>Goal 7, Objective 1, Policy a:</b> Development or redevelopment within the coastal areas shall have public services and facilities available concurrent with the impacts of development.	The City requires this.	This policy is sufficient.
<b>Goal 7, Objective 1, Policy b:</b> The city will maintain the level-of-service standards adopted in this and other elements of this plan.	The City diligently tries to monitor and maintain all level-of-service standards adopted in this and other elements of this plan.	This policy is sufficient.
<b>Goal 7, Objective 1, Policy c:</b> The coastal area of New Smyrna Beach encompasses the entire municipal jurisdiction, as defined by this plan.	All cities east of the St. Johns River Basin are considered to be within the coastal area, thus New Smyrna beach is entirely within the coastal area, as defined by this plan.	This policy is sufficient.
<b>Objective 2, Policy d:</b> Maintain citywide densities, which, will ensure that beachside residents can be evacuated consistent with the Hurricane Evacuation Plan.	This policy should be revised to include cooperation with the unincorporated areas of Volusia so the density of the entire beachside is taken into consideration, and not just the portion of beachside with the City limits of New Smyrna Beach.	This policy should reflect the needed cooperation of Volusia County in ensuring the beachside residents can be evacuated in the event of a hurricane.
<b>Goal 2, Objective 3, Policy g:</b> Areas identified as having a high redevelopment probability shall be evaluated for appropriate land uses, eliminating unsafe conditions, and restoring coastal resources.	The City does this.	This policy is sufficient.
<b>Goal 2, Objective 3, Policy h:</b> Redevelopment activity shall not result in increasing hurricane evacuation times above the clearance time identified in the Volusia County Coastal Management Element.	Redevelopment activity should be monitored for the entire area that includes the evacuation area, not just the portion of the evacuation of area of New Smyrna Beach.	This policy is sufficient.

<p><b>Goal 2, Objective 3, Policy i:</b> Redevelopment should be viewed as an opportunity to restore beach and dune systems, improve visual appearance, incorporate landscaping and buffer areas, improve traffic circulation, and upgrade stormwater management systems.</p>	<p>This policy is sufficient.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 4, Objective 1, Policy b:</b> Protection of property threatened by beach erosion should be encouraged by employing "soft engineering techniques" such as sand nourishment, the development of new sand dunes, or the enhancement of existing or historical dunes.</p>	<p>The City encourages property owners along the oceanfront to employ soft-engineering techniques instead of using hard armoring, such as seawalls, revetments and the use of rip-rap.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 4, Objective 1, Policy e:</b> Discourage the man-made destruction or removal of existing dunes and dune vegetation.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 4, Objective 1, Policy f:</b> Structural development along beaches fronting the Atlantic Ocean shall enhance and not further degrade the coastal beach and dune system.</p>	<p>The City enforces this.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 4, Objective 1, Policy g:</b> Reconstruction or replacement of existing hard erosion control structures along the oceanfront which are more than 75 percent destroyed shall be prohibited, except for maintenance and care of public navigational structures (such as Ponce de Leon Inlet) and structures which are needed to protect evacuation routes and public facilities and utilities.</p>	<p>The City has <b>not</b> enforced this policy.</p>	<p>The City may reconsider this policy. Following the 2004 hurricanes, numerous re-build permits were granted for seawalls along the oceanfront.</p>
<p><b>Goal 4, Objective 1, Policy h:</b> As part of the coastal resource function, participate with Volusia County in the exchange of information, and monitor data collected by FDNR, the US Army Corps of Engineers, the Florida Sea Grant College, universities and other appropriate agencies.</p>	<p>The City cooperates with Volusia County on coastal matters, but has little to no contact with the FDNR, the US Army Corps of Engineers, the Florida Sea Grant College, or any universities.</p>	<p>This is an important policy that the City should monitor.</p>
<p><b>Goal 4, Objective 1, Policy i:</b> In cooperation with the FDNR, assist Volusia County in the development of information and education programs to inform citizens on how the coastline works. Provide technical assistance to land owners, citizens and community interest groups.</p>	<p>The FDNR is now known as the Florida Department of Environmental Protection. Volusia County offers a number of educational opportunities for people to learn about coastal matters, and the Marine Discovery is active in this field as well.</p>	<p>This policy is sufficient.</p>

<p><b>Goal 4, Objective 1, Policy j:</b> In cooperation with the FDNR, assist Volusia County in the development of information and education programs to inform citizens on how the coastline works. Provide technical assistance to land owners, citizens and community.</p>	<p>The City assists the Marine Discovery Center in its education efforts educate citizens about the coastal environment, and cooperates with Volusia County when ever possible</p>	<p>This policy is sufficient.</p>
<p><b>Goal 4, Objective 1, Policy k:</b> Participate with Volusia County in a dune restoration demonstration project, either on public property or in conjunction with a proposed development project.</p>	<p>The City has <b>not</b> done this, but it is an important policy that should be implemented.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 4, Objective 1, Policy o:</b> Work with Volusia County to develop strategies for responding to sea level rise, including:</p>		
<ul style="list-style-type: none"> <li>• Analysis of the estimated sea level rise and its effects on estuaries, wetlands, barrier islands and uplands.</li> </ul>	<p>This has <b>not</b> been done, but is an important policy the City, with the cooperation of Volusia County, should pursue.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Identification of structures and areas of possible risk.</li> </ul>	<p>This has <b>not</b> been done, but is an important policy the City, with the cooperation of Volusia County, should pursue.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Determination of additional data and research needed.</li> </ul>	<p>This has <b>not</b> been done, but is an important policy the City, with the cooperation of Volusia County, should pursue.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Assistance from state and federal agencies.</li> </ul>	<p>This policy is sufficient.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Consideration of additional buffer areas from wetlands, water bodies and dunes in order to protect life and property.</li> </ul>	<p>The City maintains a twenty-five foot natural buffer from wetlands. Volusia County requires a fifty-foot buffer. The City should consider this as a possible standard.</p>	<p>This policy needs to be reviewed.</p>
<ul style="list-style-type: none"> <li>• Evaluation of locating public facilities in areas projected to be affected by rising sea level.</li> </ul>	<p>This has <b>not</b> been done, but is an important policy the City, with the cooperation of Volusia County, should pursue.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>• Consideration of the effects on potable water sources, saltwater intrusion, septic systems, wastewater treatment facilities and the water table.</li> </ul>	<p>The Utilities Commission of New Smyrna Beach works cooperates with SJRWMD to enforce this policy.</p>	<p>This policy is sufficient.</p>
<p><b>GOAL 5: Lessen the impact of a destructive storm on human life, property, public facilities and natural resources.</b></p>		

<p><b>OBJECTIVE 1:</b> Maintain the clearance time for the evacuation of the population in the Hurricane Vulnerability Zone at 6 hours, based on a level-of-service standard "D" during the time of hurricane or any category storm.</p>		
<p><b>Goal 5, Objective 1, Policy a:</b> Land use plan amendments in the Hurricane Vulnerability Zone shall strive to reduce, and shall not increase, the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above 6 hours.</p>	<p>The City has reduced the maximum density allowed along the oceanfront, which will reduce the clearance time for evacuation of the population in the Hurricane Vulnerability Zone.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 1, Policy b:</b> Assess the impact of new development on the hurricane evacuation network to ensure it will not increase clearance time for evacuation of the population in the Hurricane Vulnerability Zone above 6 hours.</p>	<p>The City recently reduced the number of residential units along the ocean front, thus decreasing the potential impact of new development align the oceanfront.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 1, Policy c:</b> Ensure adequate roadway capacity to facilitate the evacuation of residents in the Hurricane Vulnerability Zone. The following roadway improvements shall be made to maintain the hurricane evacuation time period below 6 hours:</p>		
<p>•Widening of the North Bridge by 1996</p>	<p>This has been accomplished.</p>	<p>This has been accomplished.</p>
<p>• Continually maintain the New Smyrna Beach Emergency Preparedness Plan and Evacuation Routes Plan, after FEMA training and in conjunction with the Volusia County Plan.</p>	<p>The City does this.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 1, Policy d:</b> Future roadway improvements shall minimize the impact of flooding and storm damage on evacuation route facilities.</p>	<p>The City enforces this.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 1, Policy e:</b> Evacuation routes shall be designated in such a way as to distribute traffic demand to provide optimum utilization of available roadway facilities. This will include the redistribution of a portion of the traffic from the North Causeway to the Harris Saxon Bridge.</p>	<p>The City has this policy in place.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 1, Policy f:</b> Volusia County shall coordinate the Peacetime Emergency Plan and evacuation plan with the New Smyrna Beach plan to ensure the orderly evacuation of the population in the Hurricane Vulnerability Zone.</p>	<p>Volusia County coordinates the Peacetime Emergency Plan and evacuation plan with the New Smyrna Beach Fire and Police Departments.</p>	<p>This policy is sufficient.</p>

<p><b>Goal 5, Objective 2: Shelter for Population. In cooperation with the American Red Cross, New Smyrna Beach shall designate hurricane evacuation shelters to protect the population in the Hurricane Vulnerability.</b></p>		
<p><b>Goal 5, Objective 2, Policy a:</b> New Smyrna Beach, in cooperation with the American Red Cross, shall designate hurricane emergency shelter facilities to accommodate at least 23 percent of the population in the Hurricane Vulnerability Zone, based on the appropriate standards.</p>	<p>The New Smyrna Beach High School, located at 1015 10th Street, functions is the City's only emergency shelter.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 2, Policy b:</b> New hurricane emergency shelter space shall not be located in the Hurricane Vulnerability Zone.</p>	<p>The City observes this.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 2, Policy c:</b> In cooperation with the American Red Cross, existing hurricane emergency shelters, which are located in life-threatening areas susceptible to flooding during a hurricane, shall be replaced as replacement facilities can be identified and agreements secured.</p>	<p>The City does not have any hurricane emergency shelters located in life-threatening areas, susceptible to flooding during a hurricane</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 3: Mitigation of Property Damage. Adopt land development regulations governing development in the Hurricane Vulnerability Zone and the Coastal High Hazard Area that minimize danger to life and property.</b></p>		
<p><b>Goal 5, Objective 3, Policy a:</b> If constructed, all public facilities in the Hurricane Vulnerability Zone shall be flood-proofed to ensure minimum damage from storms and hurricanes.</p>	<p>All new construction in the Hurricane Vulnerability Zone has been sufficiently elevated to not be at risk of flooding.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 3, Policy b:</b> Prior to 1992, examine the need for, and implement where necessary, regulations that provide for: setbacks in areas of critical erosion; conservation and enhancement of dunes and vegetation; flood-proofing of utilities; and</p>	<p>This has been accomplished.</p>	<p>This can be revised as it has been accomplished.</p>
<p><b>Goal 5, Objective 3, Policy c:</b> Prior to 1992, all new residential development in multi-occupancy structures in the Hurricane Vulnerability Zone shall be required to provide continuing information to residents concerning hurricane evacuation and shelters.</p>	<p>This has been accomplished.</p>	<p>This can be revised as it has been accomplished.</p>

<p><b>Goal 5, Objective 3, Policy d:</b> All development in the Hurricane Vulnerability Zone shall be consistent with the federal flood hazard requirements.</p>	<p>The City enforces this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 4: <u>Post-Disaster Redevelopment</u>.</b> Upon Completion of the Volusia County Post Disaster Relief Plan, and prior to 1992, the City shall review with Volusia County an evaluation of the long-term problems related to post-disaster relief and redevelopment.</p>		
<p><b>Goal 5, Objective 4, Policy a:</b> The Post-Disaster Relief Plan shall include: identification of land areas that should not be reconstructed; abandonment and/or relocation of buildings; rebuilding of public facilities; and reconstruction with structural modification.</p>	<p>The Post-Disaster relief plan covers the short- and long-term recovery efforts of the City, including: temporary housing; individual assistance; hazard mitigation; a preparedness plan. It does not address land areas that should not be reconstructed post-disaster.</p>	<p>The City never adopted a Post-Disaster Relief Plan. Creating a comprehensive Post-Disaster Relief Plan should be a priority.</p>
<p><b>Goal 5, Objective 4, Policy b:</b> The Post-Disaster Relief Plan shall also identify structures in the Coastal High Hazard area that might be of some use for public access to coastal beaches and waterways, and shall make recommendations for acquisition when post-disaster opportunities arise. It shall establish guidelines for determining priorities for the acquisition of storm-damaged property in the Hurricane Vulnerability Zone.</p>	<p>The City never adopted a formal Post-Disaster Relief Plan, although there have been numerous revisions to the Land Development Regulations.</p>	<p>The City has not done this, but it has made changes to the existing regulations which make a Post-Disaster-Relief Plan unnecessary.</p>
<p><b>Goal 5, Objective 4 Policy c:</b> The Post-Disaster Relief Plan shall establish principles for repairing, replacing, modifying or relocating public facilities in the Hurricane Vulnerability Zone.</p>	<p>The City never adopted a formal Post-Disaster Relief Plan, although there have been numerous revisions to the Land Development Regulations.</p>	<p>The City has not done this, but it has made changes to the existing regulations which make a Post-Disaster-Relief Plan unnecessary.</p>

<p><b>Goal 5, Objective 4, Policy e:</b> The New Smyrna Beach Emergency Preparedness Plan for post-disaster relief provides for disaster assessment by utilizing immediate repair and clean-up actions, as well as the provision of temporary housing and the provision of individual assistance. These efforts shall be coordinated with Volusia County and other coastal cities. Any development activities shall be consistent with the Hazard Mitigation section of the Emergency Preparedness Plan, until such time as the Post-Disaster Redevelopment element of the Emergency Preparedness Plan is adopted.</p>	<p>The City has <b>not</b> adopted a formal Post-Disaster Relief Plan, although there have been numerous revisions to the Land Development Regulations.</p>	<p>The City has not done this, but it has made changes to the existing regulations which make a Post-Disaster-Relief Plan unnecessary.</p>
<p><b>Objective 5: <u>Public Expenditures.</u></b>  <b>New public expenditures shall be prohibited that will subsidize development inside the coastal high hazard area, unless it is consistent with policies specifically identified in the Coastal Management Element or cross-reference to another appropriate element and included in the Capital Improvements Element.</b></p>		
<p><b>Goal 5, Objective 5, Policy a:</b> The Coastal High Hazard Area is defined as shown on Map VIII-1.</p>	<p>The Coastal High Hazard Area map has recently been re-defined, but is still shown as Map VIII-1</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 5, Policy b:</b> Public facilities may be constructed within the Coastal High Hazard Area when the public facility construction falls into one of the following categories:</p>		
<ul style="list-style-type: none"> <li>▪ The public facilities are required to meet minimum level of service standards.</li> </ul>	<p>The City monitors this.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>▪ The public facility improvements are required to meet regulatory mandates resulting from changes in laws or rules.</li> </ul>	<p>The City monitors this.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>▪ The public facilities are part of the Community Redevelopment Agency’s adopted redevelopment plan.</li> </ul>	<p>The City monitors this.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>▪ The public facility improvements are essential to support other comprehensive plan policies.</li> </ul>	<p>The City monitors this.</p>	<p>This policy is sufficient.</p>
<ul style="list-style-type: none"> <li>▪ The public facility will provide service on a par with other neighborhoods in the City.</li> </ul>	<p>The City does this.</p>	<p>This policy is sufficient.</p>

<p><b>Goal 5, Objective 5, Policy c:</b> Prior to the development of public facilities in the Hurricane Vulnerability Zone, it shall be determined that there are no other feasible sites outside that area.</p>	<p>The City observes this.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 5, Policy d:</b> If constructed, all public facilities in the Hurricane Vulnerability Zone shall be flood proofed to ensure minimum damages from storms and hurricanes.</p>	<p>The City observes this.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 5, Objective 5, Policy e:</b> When public facilities within the Coastal High Hazard Area are proposed for renovation or expansion, relocation shall be considered as an option.</p>	<p>The City observes this.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 6: Population concentrations: The City shall direct population concentrations away from the Coastal High Hazard Area by limiting infill development to the currently established comprehensive plan limits and by acquiring significant undeveloped</b></p>		
<p><b>Goal 5, Objective 6, Policy a:</b> Development within the Coastal High Hazard Area shall be limited to a maximum of 13,583 residential units.</p>	<p>Because of the changes to the Coastal High Hazard Area map, this policy no longer applies.</p>	<p>This policy no longer applies and should be removed from the Comprehensive Plan.</p>
<p><b>Goal 5, Objective 6, Policy b:</b> When feasible, the City shall work with County and State agencies to acquire undeveloped parcels that have significant environmental assets.</p>	<p>The City works with other entities to acquire environmentally sensitive lands.</p>	<p>This policy is sufficient.</p>
<p><b>GOAL 7: Public services and facilities shall be adequate and available to serve both current and future residents.</b></p>		
<p><b>Objective 1: The land development regulations shall ensure that the provision of roads, recreation facilities, potable water, sanitary sewer, drainage and solid waste facilities and services required to maintain the adopted level-of-service standards shall be consistent and phased with the level of development proposed in the Future Land Use Element.</b></p>		
<p><b>Goal 7, Objective 1, Policy a:</b> Development or redevelopment within the coastal areas shall have public services and facilities available concurrent with the impacts of development.</p>	<p>The City requires this.</p>	<p>This policy is sufficient.</p>

<p><b>Goal 7, Objective 1, Policy b:</b> The city will maintain the level-of-service standards adopted in this and other elements of this plan.</p>	<p>The City diligently tries to monitor and maintain all level-of-service standards adopted in this and other elements of this plan.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 7, Objective 1, Policy c:</b> The coastal area of New Smyrna Beach encompasses the entire municipal jurisdiction, as defined by this plan.</p>	<p>All cities east of the St. Johns River Basin are considered to be within the coastal area, thus New Smyrna beach is entirely within the coastal area, as defined by this plan.</p>	<p>This policy is sufficient.</p>
<p><b>Objective 2: Ensure through land development regulations and capital improvements the adopted level-of-service standards.</b></p>		
<p><b>Goal 7, Objective 2, Policy a:</b> Establish a level-of-service consistent with the Traffic Circulation Element for roadway facilities within the municipal coastal area.</p>	<p>This has been accomplished.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 7, Objective 2, Policy b:</b> Establish a level-of-service "D" for the purpose of calculating the capacity of road facilities to clear evacuees within the hurricane evacuation time.</p>	<p>This has been accomplished.</p>	<p>This policy is sufficient.</p>
<p><b>Goal 7, Objective 2, Policy c:</b> The following roadway improvement shall be implemented:</p>		
<ul style="list-style-type: none"> <li>• Replace the existing South Causeway bridge with a four-lane, high-rise bridge.</li> </ul>	<p>This has been accomplished.</p>	<p>This policy can be removed from the Comprehensive Plan as it the South Causeway bridge has been replaced with a four-lane, high-rise bridge.</p>

## CHAPTER 5: SUMMARY

The City of New Smyrna Beach contains approximately 23, 449 full time residents within an approximately 38.2 square mile area located in southeastern Volusia County in east central Florida. The City has rich historical and environmental assets, has a thriving tourist economy and is known for its art culture. Because New Smyrna Beach is a desirable destination weekend and seasonal residents greatly impact the City.

The purpose of the EAR is to evaluate how the City has complied with the Comprehensive Plan and to determine how Major Issues are to be addressed in the future. Overall, the City of New Smyrna Beach has done a good job of following the Goals, Objectives, and Policies in the Comprehensive Plan. Several elements have been completely re-written since the last EAR and many of the Goals, Objectives and Policies have been met. Some portions of the Comprehensive Plan have not been completed, and the City should make every effort to address these issues. Other portions, however, in retrospect do not seem now to have been reasonable or attainable Goals, Objectives and Policies.

The City held various EAR workshops to determine what the Major Issues among the residents are. The Major Issues are:

- Parking
- Annexation
- Economic development
- Neighborhood plans
- Design guidelines
- Workforce/affordable housing
- Alternative transportation
- Promotion of the built and natural environment
- Conservation
- Disaster planning

During the next year the Comprehensive Plan must be updated to address these citizen concerns that are articulated in this EAR.

Since 1998, approximately the time the last EAR was completed; the City increased in permanent population by over 4,000 people or an increase of approximately 21 percent. The City experienced a doubling of size in terms of land area since the last EAR and has a considerable amount of vacant land mostly due to annexations of large tracts of land west of Interstate 95 in the late-1990s and early 2000s. Approximately 22% of the City's developable land is vacant.

The City has available service and facility capacity to allow steady growth in the planning horizon although some roadway facilities may be reaching close to capacity starting in 2015. There have been some roads constructed within the City since the last EAR, some roadway improvements that should be looked at to determine if they are appropriate in the future and some roadway improvements proposed that the City does not support. The City has ample

utility capacity for the future and there is adequate landfill space for the next 40 years. The level of service for recreation facilities is adequate although the City needs to determine if there is still a desire to provide a community swimming pool by the time the population reaches 25,000. There are some areas within the City that have localized flooding issues and the City is addressing this with a master stormwater plan. The City has adopted a Public Schools Facility Element and has a school concurrency system in place. The City developed a water plan but has yet to adopt it due to an issue with the St. John's River Water Management District relating to alternative water supply.

Much of the City is within the Coastal High Hazard Area (CHHA) being a coastal community. The City recently amended the Comprehensive Plan to recognize the new definition of the CHHA.

Chapter 3 of the EAR is dedicated to comparing the changes in legislation pertaining to the Comprehensive Plan. The EAR based amendments will address these changes.

Chapter 4 provides details of the Major Issues discussed by the community during the EAR process. This section details how the Comprehensive Plan addresses these issues and whether additional changes are needed to the Comprehensive Plan to further address the Major Issues.