



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING MARCH 14, 2022

**8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the P&Z Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.

1. OPENING REMARKS

2. MINUTES

A. Planning & Zoning Minutes February 14, 2022

3. QUASI-JUDICIAL HEARING

A. Sign Variance Application ZV 12021031: Holiday Inn Express - 3301 S. Atlantic Avenue

B. Ordinance 2022-08: Rezoning Application RZ12021040, Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

C. Ordinance 2022-09: Rezoning Application RZ12021043; Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

4. ACTION ITEMS

A. Ordinance 2022-06: Future Land Use Map Amendment CPA12021041; Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

B. Ordinance 2022-07: Future Land Use Map Amendment CPA12021044; Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

C. Ordinance 2022-10: Townhome Minimum Development Area Amendment

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

MINUTES
PLANNING & ZONING BOARD MEETING
February 14, 2022
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

Staff: City Clerk Cheri Schwab, Board Attorney John Cary, and City Planner Stewart Cruz.

2. MINUTES

A. Planning & Zoning Minutes Jan. 10, 2022

MEMBER CHUCK HORION moved, seconded by MEMBER ROSE ANN TORNATORE to Approve the Planning & Zoning Minutes of January 10, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

3. QUASI-JUDICIAL HEARING

A. Sign Variance Application ZV 12021031: Holiday Inn Express - 3301 S. Atlantic Avenue

The hearing opened at 8:31 am. Board members reported no verbal ex -parte communication but did admit to driving past the motel frequently.

The board attorney swore in everyone who planned to testify. City Planner Stewart Cruz gave a brief summation of his staff report. He noted that all due public notice had been met. The applicant is requesting a sign variance that would be 25% larger and 25% wider than is permitted on the site. The criteria for the variance was reviewed with staff determining that 1 criterion was partially met and the remaining two were not. Staff recommended that the variance be denied. Mr. Cruz informed the board that the ten year period to have all non-conforming pole signs changed to monument sign was ending on April 9th. At that time, all those non-compliant would be turned over to Code Enforcement.

Mr. Ray Webb from Kenco sign spoke to the board on behalf of the applicant. He explained that Holiday Inn Express had strict sign rules that had to be adhered to. They only have four versions of the sign design to choose from. If the sign does not comply with their franchise standards, the owner could lose the franchise. Chairman Schmitz inquired if the proposed top of the sign, that was just solid blue and white, could be removed, thus reducing the height of the sign. Mr. Webb did not believe that Holiday Inn Express would approve, but he could take it back and ask.

There was no one in the audience who wished to speak for or against the applicant. The hearing closed at 8:55 am.

Boardmember Horion didn't want to see the franchise lost over sign requirements. City Planner Cruz stated that he had not been advised that the franchise could be lost if the proposed sign was not accepted. Board Attorney Cary stated that the item could be continued to next month's agenda. This would allow Mr. Webb to speak with the applicant and obtain a letter from Holiday Inn Express stating their requirements. Mr. Webb mentioned that it would take three months to manufacture the sign, it would not be ready by April 9th. Staff indicated they would work with the Code Enforcement office on this.

MEMBER CHUCK HORION moved, seconded by MEMBER RICK DELANGE to Continue Sign Variance Application ZV 12021031 until March 14, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

B. Zoning Variance ZV12021047: South Atlantic Real Estate Group/Chris Pollard - 2422 S. Atlantic Avenue

The hearing opened at 9:10 am. The board members stated that there was no ex-parte communication. City Planner Stewart Cruz gave a brief presentation to the board. The applicant would like to construct an overhang that would extend an additional two feet into the front yard setback on S. Atlantic Avenue and an additional 2.75 feet into the front yard setback along Cheshire Road. The owner is in the process of renovating the existing structure and beautifying the property. The seven criteria were reviewed with the board and it was staff's legal determination that 3 were met and the remaining 4 were not. Staff recommended denial of the variance application.

Applicant Chris Pollard spoke to the board. He explained all the renovations that were planned, including the new facade and overhang that will aid his customers during any inclement weather. Currently, there is nothing to provide any shelter from the rain. The board questioned him regarding using a smaller overhang or a retractable one. Those were not feasible for ADA requirements.

MEMBER JAMES LILLY moved, seconded by MEMBER CHUCK HORION to Approve Zoning Variance ZV12021047: South Atlantic Real Estate Group/Chris Pollard - 2422 S. Atlantic Avenue.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

C. Rezoning Application RZ12021040: Coby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to Continue the Rezoning Application RZ12021040 until March 14, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

- D. Rezoning Application RZ12021043: Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

MEMBER RICK DELANGE moved, seconded by MEMBER CHUCK HORION to Continue Rezoning Application RZ12021043 until March 14, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

4. ACTION ITEMS

- A. Future Land Use Map Amendment CPA12021041: Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to Continue Future Land Use Map Amendment CPA12021041 until March 14, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

- B. Future Land Use Map Amendment CPA12021044: Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

MEMBER RICK DELANGE moved, seconded by MEMBER CHUCK HORION to Continue Future Land Use Map Amendment CPA12021044 until March 14, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 9:50 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman



PLANNING & ZONING BOARD AGENDA MEMORANDUM

MARCH 14, 2022 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Sign Variance Application ZV 12021031: Holiday Inn Express - 3301 S. Atlantic Avenue

SYNOPSIS:

UPDATE: This item was continued by the Planning and Zoning Board on February 14, 2022 (Exhibit C). The Board continued the hearing to give the applicant's representative time to provide additional evidence to the City which would prove his assertion that the disapproval of the variance in question would result in a potential loss of the owner's franchise. Exhibit D and E attached have been provided by the sign contractor for the Board's consideration.

On October 25, 2021, Ray Webb with Kenko Signs, Inc, submitted sign variance ZV12021031 for and on behalf of Holiday Inn Express DBS Hospitality, LLC, owner of the property located at 3301 S. Altantic Avenue. The application submitted was initially incomplete, then had two advertising errors, hence the delay in hearing the subject application. If approved, the variance would permit a monument style sign 25% larger and 25% wider than permitted on site.

FISCAL IMPACT STATEMENT:

BACKGROUND:

UPDATE: A letter has been provided by the franchise holder (Exhibit D) asserting that "distorting the proportion of the sign outside of Holiday Inn Express Standards" will risk the possibility of losing the franchise. Additionally, the Holiday Inn Express Exterior Signage Brand Standards Manual (Exhibit E) was provided. Section 2 of the manual notes that the minimum freestanding sign height is 6 feet. Further, the manual illustrates in Sec. 5 (pgs 34-36) alternative freestanding identification signs that are permitted by the corporation and meet the City's sign regulations.

The property owner is requesting a sign variance that would permit a sign 12'6" in height and 10' wide in lieu of the maximum permitted 10' and 8', respectively. This equates to a monument style sign that is 25% larger and 25% wider than permitted on site.

The subject application (**Exhibit A**) and staff's analysis of the application (**Exhibit B**) are attached .

LEGAL REVIEW:

Approve if the Board finds that the application meets the ordinance criteria for a variance.

RECOMMENDATION:

UPDATE: Based on the new information provided by the applicant's representative and the staff analysis (Exhibit B) provided, staff maintains its recommendation of denial of Variance ZV12021031 as presented.

SUGGESTED MOTION:

A Board member may motion one of the following:

- 1) "I move to approve Variance ZV12021031 as presented."
OR
- 2) "I move to approve Variance ZV12021031, on the condition of the following..."
OR
- 3) "I move to deny Variance ZV12021031, on the basis of..."

- ATTACHMENT:**
1. Exhibit A-Holiday Inn Sign Variance Application
 2. Holiday Inn Express-EXHIBIT B-Staff Analysis
 3. Exhibit C-2-14-22 P&Z Minutes
 4. Exhibit D-Letter from Franchise Holder
 5. Exhibit E-Holiday Inn Express Signage Standards Manual

City of Daytona Beach Shores
Community Services Department
2990 S. Atlantic Avenue, Daytona Beach Shores, FL 32118
Telephone (386) 763-5377
Fax (386) 763-5370



220, PP CK # 8145
Y 220.60

12021031

236709

RECEIVED

OCT 05 2021

SIGN VARIANCE APPLICATION

The Undersigned Applicant requests the Building Official or Planning and Zoning Board to hear and decide upon this application in accordance with Sec. 6-10 and Sec. 14-63 of the Daytona Beach Shores Land Development Code as applicable.

Date Submitted: 9/20/21 Applicable Section of Code: _____

Fees must be paid at the time the application is submitted

Applicant's Name: HOLIDAY INN Email: _____

Address: 3301 S. ATLANTIC AVE. Phone #: _____

Property Address: D.B. SHORES, FLA.

Representing Attorney (if any): RAYMOND WEBB Email: ledpartnersH@gmail.com

Address: 1539 GARDEN AVE. Phone #: 386 527 6506
HOLLY HILL, FLA.

NOTE: Notarized letter of authorization from owner MUST be submitted if application is filed by anyone other than the owner. In addition, all new exhibits introduced at a scheduled hearing must be submitted to the City Clerk to be included as part of the record.

Legal description of the property:

(SEE ATTACHED)

Description of your request:

HEIGHT REQUEST TO ALLOW 12'6" IN HEIGHT
IN LIEU OF 10' OVERALL BECAUSE OF
VEHICLES BLOCKING SIGN OVERALL
NOTE! ALSO WIDTH BECOMES ISSUE BASED ON
HOLIDAY INN STANDARDS

**AFFIDAVIT OF COMPLIANCE WITH THE PUBLIC NOTICE
REQUIREMENTS OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA**

I, the undersigned, hereby certify that I have mailed or caused to be mailed by First Class, Certified Mail, to the named property owners listed below whose property is abutting the property which is the subject of an application and public hearing pursuant to the City of Daytona Beach Shores Code of Ordinances, a notice containing the time, date and purpose of the public hearing and address of the subject property. The notices were sent at least thirty (30) days prior to the meeting date. A copy of the notice and signed certified mail return cards are attached. The subject property was also posted with a placard on _____. A legal advertisement of the type and size required by the Daytona Beach Shores Code of Ordinances was placed in the Daytona News-Journal on _____. A proof of publication affidavit is attached.

The names and addresses of the following property owners were obtained from the Volusia County Property Appraiser's Office and mailed to said property owners on 10.31.21

Name

Address

FORNARI DARK

3259 S. ATLANTIC AVE.
DAYTONA SHORES, FLA. 32118

LE MER
CONDOMINIUMS

3255 S. ATLANTIC AVE.
DAYTONA BEACH, FLA. 32118
SHORES

Hearing Date:

Printed Name:

Address:

RAYMOND WEBB
1539 CARRERA AVE.
WOW HILL, FLA. 32117
Raymond Webb
10-4-21

Signature:

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this October 4 2021, by Raymond Webb, who is personally known to me or who has produced as identification.

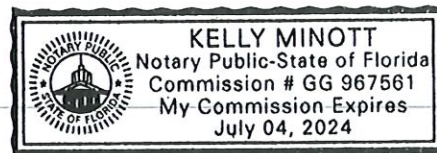
Signature

Kelly Minott
96967561
7/4/2024

Printed or Typed Name

Commission #

My Commission Expires



1. Please explain how your application meets the following variance criteria (Sec. 6-10):

- (a) Exceptional narrowness, shallowness, or shape of the premises on which the sign is located:

LOCATION OF SIGN IS UNIQUE BASED ON LOCATION
BEING IN MIDDLE OF PARKING AREA
EASILY BLOCKED BY TRUCKS AT 10' OVERALL
MAKING SIGN NECESSARY FOR VISUAL
IMPACT OF BEING SEEN NORTH & SOUTH

Or

- (b) Exceptional topographic conditions or physical features uniquely affecting the premises on which the sign is located:

SEE (A)

Or

- (c) Exceptional conditions or features of the existing built environment uniquely affecting the premises on which the sign is located:

SEE (A)

The applicant must agree that:

2. In granting any variance, the Building Official or Planning and Zoning Board may prescribe appropriate conditions and safeguards in conformity with this ordinance and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and regulations promulgated hereunder.

Agree (X)

Disagree ()

Explanation: _____

3. The Building Official or Planning and Zoning Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun, or completed, or both.

Agree (☒) Disagree (☐)

Explanation: IF REASONABLE AMOUNT OF TIME

4. No conforming use of neighboring lands, structures, or buildings in the same zoning classification and no permitted use of lands, structures or buildings in other zoning classifications shall be considered grounds for the authorization of a variance.

Agree (☒) Disagree (☐)

Explanation: _____

5. Concerning ex-parte communications, the applicant shall not speak to the Building Official or Planning and Zoning Board members upon their visiting the site and prior to the Public Hearing relating to said variance request in order that said board member shall not prejudice themselves prior to said variance request coming before the Building Official or Planning and Zoning Board in an open proceeding where the Building Official or Board's decision-making process and determination will be in full view of the public, thereby providing due process involving a fair opportunity for the presentation of both sides of the case in an open proceeding where a record of the proceedings may be kept.

Agree (☒) Disagree (☐)

Explanation: _____

Raymond M. M. M.
Applicant's Signature

9.28.21
Date



(386) 736-5901

[Home](#) / Parcel Summary for 3463455

[Summary](#) [TRIM Notice](#) [Permits](#) [Map](#) [Pictometry](#) [Print](#)

Alternate Key: 3463455
Parcel ID: 533503010010
Township-Range-Section: 15 - 33 - 35
Subdivision-Block-Lot: 03 - 01 - 0010
Business Name: HOLIDAY INN EXPRESS
Owner(s): DBS HOSPITALITY LLC - FS - Fee Simple - 100
Mailing Address On File: 730 S ATLANTIC AVE STE 102
 ORMOND BEACH FL 32176
[Update Mailing Address](#)
Physical Address: 3301 S ATLANTIC AVE, DAYTONA
 BEACH SHORES 32118
Building Count: 1
Living Units: 100
Neighborhood: 7021 - OCEANFRONT HOTELS-
 MIDSCALE
[Neighborhood Sales](#)
Subdivision Name:
Property Use: 3900 - HOTELS/MOTELS
Tax District: 403-DAYTONA BEACH SHORES
2021 Proposed Millage Rate: 18.5812
Homestead Property: No - [Apply for Homestead Online](#)
Agriculture Classification: No - [Additional Information](#)
Legal 1: LOTS 1 TO 3 INC BLK A PORT ORANGE
 BEACH MB 4 PG 130 PER OR 2
Legal 2: 859 PG 1875 PER OR 5646 PG 4480 PER
 OR 6380 PGS 4850-4852 IN
Legal 3: C PER OR 6502 PGS 0514-0521 INC

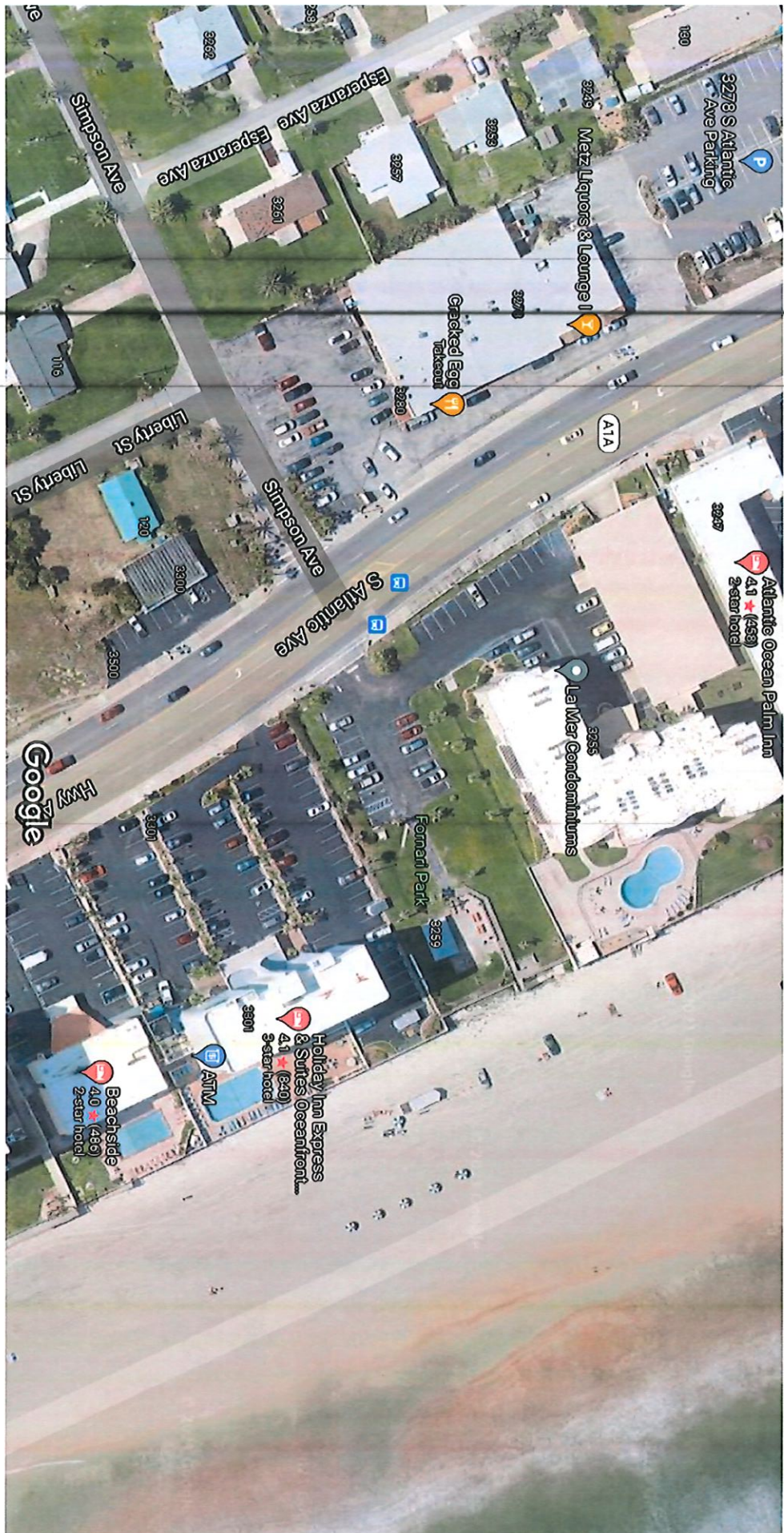

[Values & Exemptions](#)
[Land & Buildings](#)
[Sales](#)
[Legal](#)

Property Values

Tax Year:	2021 Working	2020 Final	2019 Final
Valuation Method:	1-Market Oriented	1-Market Oriented	1-Market Oriented
Improvement	Cost	Cost	Cost
Value:	\$2,782,762	\$3,134,547	\$3,001,381
Land Value:	\$1,672,800	\$1,672,800	\$1,672,800
Just/Market Value:	\$4,455,562	\$4,807,347	\$4,674,181

[Back to Top](#)

Working Tax Roll Values by Taxing Authority





NOTES:

1. DESIGN WIND PRESSURE IN CONFORMANCE W/ FBC 200, 7th EDITION, REFERENCING ASCE 7-16. SEE CHART FOR DESIGN CRITERIA
2. SEE ENGINEER SIGNATURE FOR CONTRACTOR RELEASE. ENGINEER SHALL PROVIDE DESIGN DRAWINGS TO RICHARDSON ENGINEERING FOR APPROVAL PRIOR TO FABRICATION OR ERECTION
3. CONTRACTOR SHALL BE RESPONSIBLE FOR WATERPROOFING
4. SOIL SHALL BE CLEAN SAND W/ A MINIMUM ALLOWABLE BEARING PRESSURE OF 2000 psi AND A MINIMUM ALLOWABLE LATERAL PASSIVE PRESSURE (FOR ISOLATED POLE) OF 300 psf
5. CONCRETE SHALL BE 3000 psi @ 28 DAYS
6. STEEL: PIPE: ASTM A53 GRADE B
7. ALL WELDING SHALL BE IN CONFORMANCE W/ AWS D1.1 (LATEST EDITION) USING E70XX ELECTRODES. ALL WELDS SHALL BE FULL PENETRATION WELDS AT ALL POINTS OF CONTACT UNLESS NOTED OTHERWISE

WIND DESIGN CRITERIA CHART

RISK CATEGORY	II
WIND VELOCITY (Vult) (mph)	140
WIND VELOCITY (Vdes) (mph)	108
EXPOSURE CATEGORY (MMRF)	B
GC PI	+18, -18
DESIGN WIND PRESSURES (ASD) (psf)	27.4

PROJECT IDENTIFICATION

THIS PLAN IS FOR CONSTRUCTION ON PROPERTY AT
3301 S. ATLANTIC AVE.
DAYTONA BEACH SHORES, FL 32118

NO RESPONSIBILITY IS ACCEPTED BY RICHARDSON ENGINEERING FOR ANY OTHER LOCATION, LOCATION OF PROJECT IS REQUIRED PER DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION FILE #18-16848 INCLUDING PROJECT IDENTIFICATION

**PH RICHARDSON
ENGINEERING**
131 ZELMA STREET
ORLANDO, FLORIDA 32805
(407) 456-4444 FAX: 888-888-1111
LIC# 100012300 P.E. EBERTSEIT
COPYRIGHT © 2021 RICHARDSON ENGINEERING
ALL RIGHTS RESERVED

DO NOT WRITE IN THESE SPACES

PROJECT: HOLIDAY INN EXPRESS SIGN

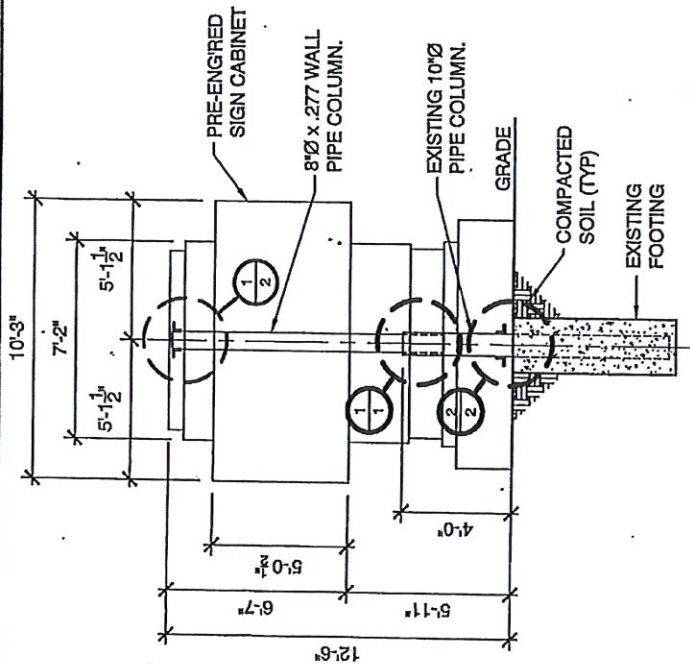
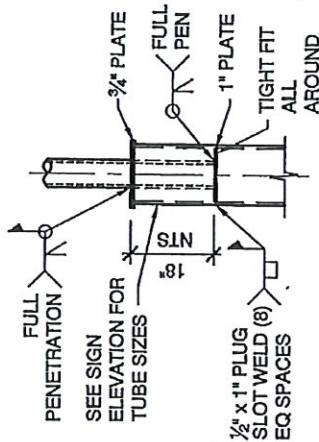
CLIENT: KENCO SIGNS

JOB#: 210681

DATE: JULY 21, 2021

SHEET: 1 OF 2

DRAWN BY: BER



236615
RECEIVED
SEP 16 2021
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

SIGN ELEVATION
SCALE: 1/4" = 1'-0"

SEAL:
Digitally signed by Richard B. Richardson
Reason: This item has been electronically sealed using a SHA256 authentication code.
Printed copies of this document are not considered signed and sealed and the SHA256 authentication code must be verified on electronic copies.
Date: 2021.07.26 16:17:09 -0400





Signs are intended to be installed in accordance with the installation instructions provided with the sign. The installer is responsible for obtaining all necessary permits and for ensuring proper grounding and bonding of the sign.

This sign is intended to be installed in accordance with the National Electrical Code (NEC) and the International Building Code (IBC). The installer is responsible for ensuring proper grounding and bonding of the sign.

www.kenco200inc.com

DATE: 07/07/21

DESIGNER: RICK Z

REVISIONS / DATE:

1) 10/28/21 REDUCE CABINET TO 5'X10'

2)

3)

SHEET 1 OF 1

HOLIDAY INN EXPRESS & SUITES

PROJECT:	8789
CLIENT:	RATIMOND WEBB
DESIGNER:	RICK Z
DATE:	07/07/21
LOCATION:	
PROJECT NO.:	
PROJECT NAME:	

This design is intended to be installed in accordance with the National Electrical Code (NEC) and the International Building Code (IBC). The installer is responsible for ensuring proper grounding and bonding of the sign.



KENCO
SIGNS - STATEWIDE

FLORIDA
DIGITAL DISPLAYS

1539 GARDEN AVENUE
HOLLY HILL, FL 32117
386-672-1590
800-526-3291
FAX 386-677-2910

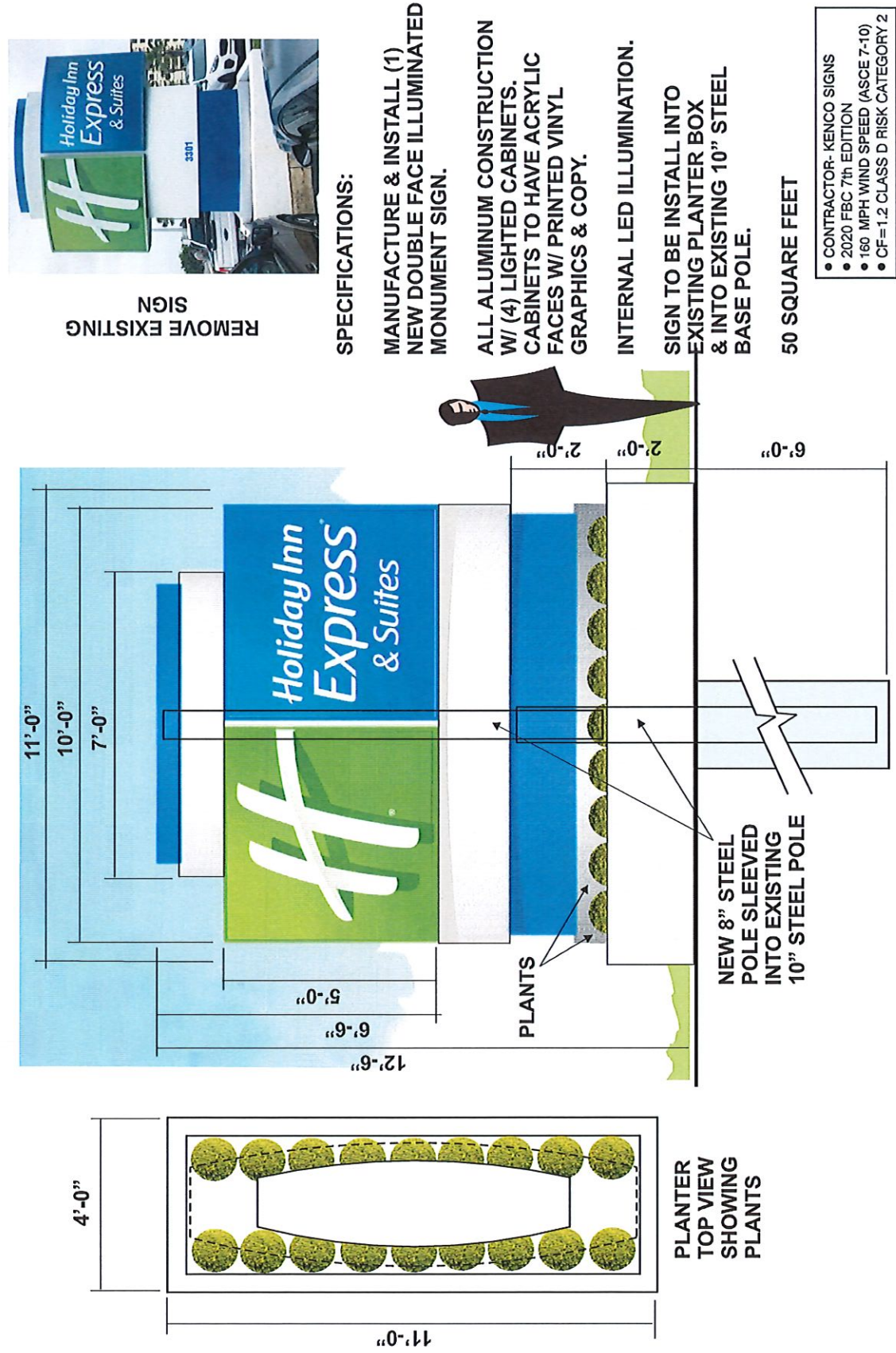


EXHIBIT B
ZV12021031 STAFF ANALYSIS

I. Background

The property is located at 3301 S. Atlantic Avenue and houses the Holiday Inn Express and Suites, which is a 100-unit hotel in the “T” Hotel/Motel Zoning District of Daytona Beach Shores. The monument sign ordinance adopted in 2012 provided a 10-year amortization period for nonconforming signs to be removed and meet the new monument sign provisions established that year. The deadline to remove nonconforming signs is April 9, 2022. Considering this, the owner applied to the city last fall to permit a new monument style sign. However, upon plan permit review by the Building Department, it was discovered that the permit application did not meet the city’s monument sign height and sign width regulations. At this point the sign contractor revised the plans to those seen in Exhibit 1. However, those dimensions also do not meet city monument sign standards, hence the application in question today.

NOTE-1: The monument sign dimension standards for the “T” District are: height = 10 feet, with an additional two feet for architectural embellishment; width = 8 feet; square footage = 64sf.

NOTE-2: The relevant monument sign dimensions proposed in this application are: height = 12.5feet; width = 10 feet.

II. Evaluation Criteria

Section 6-10.1.2 of the City’s Land Development Code (LDC) outlines the criteria for the Building Official or Planning and Zoning Board to consider when evaluating sign variance requests. To justify a sign variance request, the applicant must demonstrate a special or unique hardship due to one of the following [NOTE: required criteria in *italics*]:

(a) Exceptional narrowness, shallowness, or shape of the premises on which the sign is located;
or

Applicant Response: According to the applicant, the location of the sign is unique based on the location being in the middle of a parking area, which are blocked by vehicles with an overall height of 10’ making the 12’6” sign necessary for visual impact to be seen when travelling in a northbound or southbound manner on the adjacent S. Atlantic Avenue road.

Staff Comments: The applicant did not provide any justification for a wider sign. The subject property has a typical rectangular shape. In addition, per the Volusia Property Appraiser’s Website (2022), the subject property has an approximate lot width and depth of approximately 193’ x 230’. However, the average width and depth of hotel properties within 1100’ of the site are 123’ and 275’, respectively per the Volusia Property Appraiser’s Website (2022). Therefore, the subject property depth is 45’ less than the average within the area surveyed. Therefore, in the case of lot depth, the smaller size is a unique circumstance, but the shape and lot width are not unique.

(b) Exceptional topographic conditions or physical features uniquely affecting the premises on which the sign is located; or

Applicant Response: The applicant references his statement in criterion (a).

Staff Comments: Based on a site visit conducted, staff could not identify any physical feature uniquely affecting the premises to justify the requested variance.

(c) Exceptional conditions or features of the existing built environment uniquely affecting the premises on which the sign is located.

Applicant Response: The applicant references his statement in criterion (a).

Staff Comments : The new sign proposal utilizes the existing footer/planter box on site probably due to cost and practicality considerations. As seen in **Exhibit 2**, this area is subject to partial view blockage from four (4) adjacent parking stalls if larger vehicles are parked in these locations. This is because according to <https://vehq.com/average-size-of-half-ton-truck/>, the average height of a half-ton truck such as a Ford F-150, Chevy Silverado 1500, Nisan Titan, Toyota Tundra, etc., is 6.36 feet. As seen in **Exhibit 1**, the bottom of the sign face is approximately at the 5.5 feet height mark. If the stalls are limited to compact, or smaller vehicles, then the issue of view blockage should not arise. According to <https://www.smartmotorist.com/average-car-length> the average compact vehicle such as Honda Civic is 4.9 feet, well below the bottom of the sign face height of the proposed sign. However, enforcing a restricted vehicle type requirement can be very challenging for a hotelier.

Additionally, an alternative action by the owner/contractor could be to eliminate the extra 1.5 to 2 feet crown at the top of the sign to result in an overall sign height of 10 feet consistent with the city's sign height regulation for hotel properties.

NOTE: Staff was unable to identify any exceptional condition or feature that would justify additional sign width and the applicant did not present any reasons for the request in the application submitted.

III. Board Approval Limitations

Section 6-10.1.4 of the LDC mandates that the board may grant a variance, relating to monument signs, from the provisions of the square footage and height standards of this ordinance not exceeding twenty-five (25) percent more than the associated square footage or height standards contained in this chapter. Based on the proposed height and width dimensions (12.5' height & 10' wide), the variance if approved would permit a monument style sign 25% larger and 25% wider than permitted on site consistent with the aforementioned regulations.

Based on staff's interpretation of the facts and evidence provided, **Table 1** below was derived to assist the Board's decision-making process:

Table 1: Authorization Criteria Summary (per Section 6-10.1.2)*

Criteria	a	b	c	Total
Criteria Met				0
Criteria Not Met		X		1
Criteria Partially Met	X		X	2

NOTE: * Pursuant to Section 6-10.1.2 of the LDC, at least one of the three criteria shall be fully satisfied for granting of a sign variance.

EXHIBIT 1: Sketch of Proposed Sign – 3301 S. Atlantic Avenue

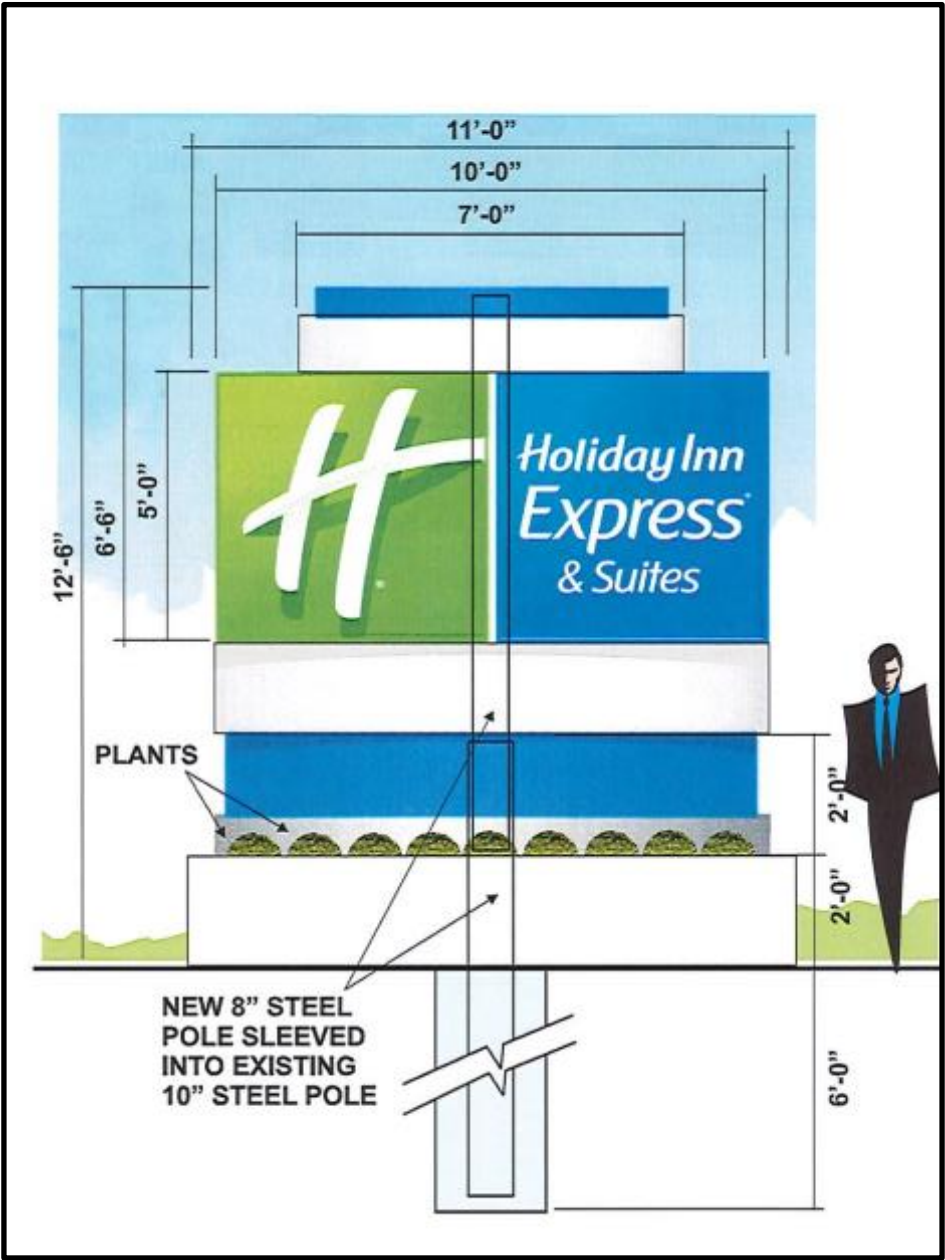


EXHIBIT 2: Aerial View of Sign Location – 3301 S. Atlantic Ave



MINUTES
PLANNING & ZONING BOARD MEETING
February 14, 2022
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

Staff: City Clerk Cheri Schwab, Board Attorney John Cary, and City Planner Stewart Cruz.

2. MINUTES

A. Planning & Zoning Minutes Jan. 10, 2022

MEMBER CHUCK HORION moved, seconded by MEMBER ROSE ANN TORNATORE to Approve the Planning & Zoning Minutes of January 10, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

3. QUASI-JUDICIAL HEARING

A. Sign Variance Application ZV 12021031: Holiday Inn Express - 3301 S. Atlantic Avenue

The hearing opened at 8:31 am. Board members reported no verbal ex -parte communication but did admit to driving past the motel frequently.

The board attorney swore in everyone who planned to testify. City Planner Stewart Cruz gave a brief summation of his staff report. He noted that all due public notice had been met. The applicant is requesting a sign variance that would be 25% larger and 25% wider than is permitted on the site. The criteria for the variance was reviewed with staff determining that 1 criterion was partially met and the remaining two were not. Staff recommended that the variance be denied. Mr. Cruz informed the board that the ten year period to have all non-conforming pole signs changed to monument sign was ending on April 9th. At that time, all those non-compliant would be turned over to Code Enforcement.

Mr. Ray Webb from Kenco sign spoke to the board on behalf of the applicant. He explained that Holiday Inn Express had strict sign rules that had to be adhered to. They only have four versions of the sign design to choose from. If the sign does not comply with their franchise standards, the owner could lose the franchise. Chairman Schmitz inquired if the proposed top of the sign, that was just solid blue and white, could be removed, thus reducing the height of the sign. Mr. Webb did not believe that Holiday Inn Express would approve, but he could take it back and ask.

There was no one in the audience who wished to speak for or against the applicant. The

hearing closed at 8:55 am.

Boardmember Horion didn't want to see the franchise lost over sign requirements. City Planner Cruz stated that he had not been advised that the franchise could be lost if the proposed sign was not accepted. Board Attorney Cary stated that the item could be continued to next month's agenda. This would allow Mr. Webb to speak with the applicant and obtain a letter from Holiday Inn Express stating their requirements. Mr. Webb mentioned that it would take three months to manufacture the sign, it would not be ready by April 9th. Staff indicated they would work with the Code Enforcement office on this.

MEMBER CHUCK HORION moved, seconded by MEMBER RICK DELANGE to Continue Sign Variance Application ZV 12021031 until March 14, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

B. Zoning Variance ZV12021047: South Atlantic Real Estate Group/Chris Pollard - 2422 S. Atlantic Avenue

The hearing opened at 9:10 am. The board members stated that there was no ex-parte communication. City Planner Stewart Cruz gave a brief presentation to the board. The applicant would like to construct an overhang that would extend an additional two feet into the front yard setback on S. Atlantic Avenue and an additional 2.75 feet into the front yard setback along Cheshire Road. The owner is in the process of renovating the existing structure and beautifying the property. The seven criteria were reviewed with the board and it was staff's legal determination that 3 were met and the remaining 4 were not. Staff recommended denial of the variance application.

Applicant Chris Pollard spoke to the board. He explained all the renovations that were planned, including the new facade and overhang that will aid his customers during any inclement weather. Currently, there is nothing to provide any shelter from the rain. The board questioned him regarding using a smaller overhang or a retractable one. Those were not feasible for ADA requirements.

MEMBER JAMES LILLY moved, seconded by MEMBER CHUCK HORION to Approve Zoning Variance ZV12021047: South Atlantic Real Estate Group/Chris Pollard - 2422 S. Atlantic Avenue.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

C. Rezoning Application RZ12021040: Coby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to Continue the Rezoning Application RZ12021040 until March 14, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

- D. Rezoning Application RZ12021043: Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

MEMBER RICK DELANGE moved, seconded by MEMBER CHUCK HORION to Continue Rezoning Application RZ12021043 until March 14, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

4. ACTION ITEMS

- A. Future Land Use Map Amendment CPA12021041: Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to Continue Future Land Use Map Amendment CPA12021041 until March 14, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

- B. Future Land Use Map Amendment CPA12021044: Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

MEMBER RICK DELANGE moved, seconded by MEMBER CHUCK HORION to Continue Future Land Use Map Amendment CPA12021044 until March 14, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Member Anthony Rembiszewski

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 9:50 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman



March 3, 2022

To Whom it May Concern:

Holiday Inn Express has certain sign standards and distorting the proportion of the sign outside of Holiday Inn Express Standards will risk the possibility of losing our Franchise by not meeting their sign standard requirements. We have already reduced the size of the sign, but it cannot be reduced further without infringing on their requirements.

We appreciate your understanding of the matter,

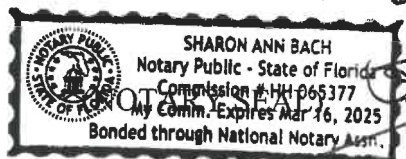
Sincerely

Samir Naran

COO

STATE OF FLORIDA
COUNTY OF VOLUSIA

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence
or ☐ online notarization, this 3rd day of March, 2022 by Samir Naran



Personally Known ☒ OR Produced Identification ☐
Type of Identification _____
Produced _____



Exterior Signage Brand Standards Manual

New Hotel Openings And Existing Hotels

Volume 7

Updated
August 15, 2020



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Section 1: Program Overview and Approved Sign Suppliers:

This Sign Manual applies to the following groups of Holiday Inn Express® and Holiday Inn Express® & Suites brand hotels:

- All hotels that are new to the IHG System, either New Developments or Conversions.
- All existing hotels that are voluntarily upgrading their exterior signage or adding additional signage at the hotel.

About this manual: This manual contains Brand Standards, exterior signage ordering procedures, specifics on all standard sign models available, installation requirements, and electrical / sign anchoring requirements.

IHG-Approved Sign Suppliers

Only IHG-Approved sign suppliers are authorized to manufacture Holiday Inn Express exterior signage. Non-approved suppliers are not permitted to manufacture any signage contained in this manual, or any signage containing the Holiday Inn Express trademark. There is not an approval process to have a non-approved supplier approved to manufacture signage. Below are the IHG-Approved Sign Suppliers:

Approved Suppliers in the United States (Approved to supply signs in US, Canada and Caribbean)

Supplier Name	Location (Sales Office)	Manufacturing Locations	Contact Phone	Contact Email
Anchor Signs	Charleston, SC	SC	(800) 213-3331	IHGSignage@anchorsign.com
Colite International	Columbia, SC	SC	(803) 935-9008	IHGSigns@colite.com
Cummings Signs	Knoxville, TN	AL	(844) 336-2987	hospitalitysales@cummingssigns.com
Image National, Inc.	Nampa, ID	ID	(208) 761-2041	hospitality@imagenational.com
Jones Signs	Green Bay, WI	CO, FL, MN, NV, VA, WI	(800) 536-7446	IHG@jonessign.com
Kieffer & Co., Inc.	Lincolnshire, IL	WI	(847) 415-5738	IHG@kieffersigns.com
Persona, Inc	Watertown, SD	SD	(800) 843-9888	IHG@personasigns.com
Velocity Inc.	Hernando, MS	MS	(662) 449-4026 x-25	hospitality@velocityid.com

Approved Suppliers in Canada (Approved to supply signs in the Canada and US)

Supplier Name	Location (Sales Office)	Manufacturing Locations	Contact Phone	Contact Email
Knight Signs	Delta, BC	BC	(888) 283-0875	Sales@KnightSigns.ca
Montreal Neon	Laval, QC	QC	(866) 672-4888	IHGsignage@montrealneon.com

Approved Suppliers in Mexico (Approved to supply signs in Mexico and Caribbean)

Supplier Name	Location (Sales Office)	Manufacturing Locations	Contact Phone	Contact Email
Genemex	Mexico City	Mexico City	01800-506 47 44	IHGsignage@genemex.com
Identidad en Imagen	Guadalajara	Guadalajara	01800-506 83 50.	ventas@identidadenimagen.com
Licon Anuncios Luminosos	Mexico City	Mexico City	52 (55) 5637-1245	IHG@liconyasociados.com

Section 2: Exterior Signage Brand Standards

All hotels must comply with the following Exterior Signage standards (certain compliance restrictions apply).

Note: The word “sign” as used throughout this section refers to the full, complete structure including the service mark and/or logo, the sign cabinet, base, and support structure, and all light sources.

Primary Brand Identity Signs

- Each hotel must have a freestanding illuminated Primary Brand Identity Ground Sign, either freestanding monument or pylon sign, which must be located so that the hotel is easily identified as a Holiday Inn Express brand hotel.
- Additionally, each hotel must have a building-mounted channel letter sign as the hotel's Primary Brand Identity Building Sign visible from the primary street view.
- When the local jurisdiction / signage code requirements will not allow a freestanding monument or pylon sign, then if permitted by the local jurisdiction, a directional sign with the brand logo must also be installed to identify the hotel as a Holiday Inn brand hotel.

Secondary Signage

- Secondary Signage is defined as a highway sign, directional signage, pedestrian level signage, and single-face wall signage. Secondary signage may be provided in addition to required Primary Brand Identity signage, but may not be provided instead of Primary Brand Identity Signage.
- The sign models shown in sections 4 and 5 of this manual are labeled as Primary and Secondary signage.

Freestanding Signage Requirements

Hotels with Primary and Secondary freestanding signage must comply with the following minimum standards:

- Primary and Secondary sign designs must comply with the sign models shown in sections 4 and 5 of this manual.
 - Where the local jurisdiction / signage code requirements require an alternate design, IHG approval is required. See section 3 of this manual for the review and approval process.
- The Primary freestanding sign must meet the following minimum heights:
 - Freestanding pylon sign - 11' 4" (3.45 m) ,
 - Monument sign - 6'0 (1.8 m),

- If a freestanding pylon sign or monument sign is not allowed by the local jurisdiction / code requirements, then a building channel letter sign must meet the following minimum height:
 - Building channel letter sign - 5'1" (1.5 m) "H" Monogram.
- The Holiday Inn Express Primary and Secondary signage must be illuminated from sunset to sunrise.
- Professionally planted landscaping must surround the base of the pedestal/monument in accordance with the hotel's original landscaping design.
- Freestanding signs with an aluminum gray colored base cover must be installed with the base cover at grade.
- The "H" Monogram is not permitted to be displayed by itself on freestanding signage.
- No other element or sign may be attached to or affixed, temporarily or permanently, to any freestanding sign. This includes banners, reader boards, LED message centers, and permanent restaurant logos or sign panels.
- ***Recommendation:*** It is highly recommended that all existing hotels and Conversion NHOP hotels plan for possible landscaping damage. There will be considerable work taking place with the replacement of all freestanding signage. It is recommended that wherever possible that the hotel temporarily transplants the plantings in another location while the signage is being replaced. The Approved Supplier will not be responsible for any damage to plantings during the signage installation process.

Location Identifier and/or Street Address –

- At hotel's request, the hotel location identifier (identifier must match the hotel's official hotel name listed on hiexpress.com) and/or street address may be provided as specified in this manual on the base of the following sign models:

Sign Model	Height #1	Height #2	Height #3
XP-102	32'-8"	27'-8"	N/A
XPS-102	32'-8"	27'-8"	N/A
XP-76	26'-5"	21'-5"	16'-5"
XPS-76	26'-5"	21'-5"	16'-5"
XP-52	20'-0"	15'-0"	N/A
XPS-52	20'-0"	15'-0"	N/A
XP-32	15'-0"	11'-4"	N/A
XPS-32	15'-0"	11'-4"	N/A

- The location Identifier and/or Street Address must be displayed as shown in the following sections of this manual at the IHG specified font style, font size and font color.
- The Location Identifier and/or Street Address combined must not exceed a total of 3 lines of copy.

- **Note:** there will be additional costs to retrofit the sign should the location identifier/street address change in the future. The entire panel on both sides of the sign will need to be replaced to reflect a change in the Location Identifier and/or street address.

Building Sign Requirements

- Each hotel must have a building-mounted channel letter sign that is visible from the primary street view.
- Building mounted channel letters are only approved in the approved layouts shown in sections 4 and 5 of this manual.
- At replacement of building-mounted signage, the exterior of the hotel must be in like new condition leaving no evidence of a signage change; this may require the hotel to patch, pressure wash and/or paint the exterior wall prior to the installation of the new signage.
- The “H” monogram is a required element of the core Holiday Inn Express logo. Signage specifications require the H monogram on all building script signs. Eliminating the “H” monogram is not permitted.
- The “H” Monogram is not permitted to be displayed by itself on any building signage.
- Exterior raceways and exterior conduit is not permitted on exterior building signage.
- Hotel Location Identifiers are not permitted on building signage except where permitted with pedestrian level signage. See sections 4 and 5 of this manual for Pedestrian Level signage options.
- A single-face wall sign is only permitted when a building letterset sign will not fit properly in the space provided.

General Exterior Signage Standards

- The use of the word “resort” is prohibited on all Holiday Inn Express and Holiday Inn Express & Suites signage. Hotels designated as a Holiday Inn Resort must provide signage that complies with Holiday Inn Resort Signage specifications.
- Hotels may not display rates or price ranges on any exterior signage at a Holiday Inn Express hotel.
- Vacancy and/or No Vacancy signs are not permitted.
- All signage must be clean, well-maintained and in good condition.
- Faded sign faces are not permitted and must be replaced.
- Non-illuminating bulbs must be replaced immediately to ensure the signs illuminate properly.

Other On-Premises Signage

- Other on-premises freestanding signs must not obstruct the view of the Primary monument or pylon sign.
- Reader boards, message centers, LED billboards and freestanding LED signs are not permitted to be installed on the Hotel building or anywhere on Hotel property.
- All other on-premises signage must be approved by IHG Architecture & Design Department.
- Flags – for additional information refer to *Online Brand Standards Manual*.
- Vehicle Markings – for additional information refer to *Online Brand Standards Manual*.

Banners

The use of Banners is limited as follows:

- Open hotels are not permitted to affix or display any type of banner on property.
- A hotel that is not accommodating guests and that is not officially open as a Holiday Inn Express® brand hotel may use banners with no logos to communicate “coming soon” messaging, e.g.: “Holiday Inn Express® & Suites Coming Soon”; such banners must be removed prior to opening.
- Rates and availability information is prohibited on banners.

Other Off-Premises Exterior Signage

- All off-premises exterior signage containing the Holiday Inn Express logo must be approved as required in Section 3 of this manual.
- Highway billboard signs – for additional information refer to *Online Brand Standards Manual*.
- Highway DOT signs – for additional information refer to *Online Brand Standards Manual*.
- Airport telephone directory signage - for additional information refer to *Online Brand Standards Manual*.

Procurement of Exterior Signage

- All Holiday Inn Express identity signage must be fabricated and installed by Licenser-Approved Sign Manufacturers in accordance with Holiday Inn Express approved technical specifications. The approved manufacturers in the U.S, Canada and Mexico have current Holiday Inn Express technical specifications, and they manufacture all sign models shown in sections 4 and 5 of this manual. Refer to section #1 of this manual for a listing of by Licenser-Approved Sign Manufacturers by Region.
- All Holiday Inn Express signs are copyrighted designs and are only permitted at Holiday Inn Express brand properties. Furthermore, the size and configuration of Holiday Inn Express signs must meet Holiday Inn Express design criteria in sections 4 and 5 of this manual.
- Signage purchased without IHG approval is subject to replacement at Licensees expense.

Installation of Exterior Signage

All Exterior Signage must be installed in accordance with Holiday Inn Express Technical Specifications. The Licensor-Approved Sign Manufacturers are fully responsible for the installation of the signage and must maintain oversight of the project from start to finish. If there are issues with the installation, the supplier will be held responsible for making the necessary corrections. If the sign is not installed to IHG installation requirements, the approved supplier will be responsible for making the corrections.

Inspection of Exterior Signage

Upon completion of the installation, a third-party post-installation inspection will be completed to verify that the signs are properly installed and properly illuminating. If deficiencies are found, both the hotel and the supplier will be notified of the necessary corrections. Exterior Signs must pass a post-installation inspection. If deficiencies are found, hotels must ensure that all deficiencies are corrected immediately. Unresolved issues will be turned over to IHG Quality for appropriate follow-up action.

Managing Signage Prior to Opening as a Holiday Inn Express Hotel:

- A hotel that does not yet have a Certificate of Occupancy, is not accommodating guests, and is not officially open as a Holiday Inn Express brand hotel may display approved Holiday Inn Express exterior and interior signage up to 90 days prior to the scheduled opening.
- A hotel that has their Certificate of Occupancy, is able to accommodate guests but is not officially open as a Holiday Inn Express brand hotel, will have the following two options:
 1. The signage installation will be scheduled to begin immediately before the scheduled opening, typically the day before the scheduled opening; OR
 2. The signs may be installed up to 14 days prior to the scheduled opening, but must be covered, as well as other elements with the Holiday Inn Express brand identity, so as to not infer that the operating hotel is a Holiday Inn Express brand hotel.
- Exterior signage may not be illuminated until the hotel officially open as a Holiday Inn Express brand hotel.

Section 3: Signage Recommendation Approval and Contracting

Step #1 - Sign Recommendation Documents– Prior to entering into a contract for exterior signage, your IHG-approved Sign Supplier will be required to prepare a Sign Recommendation Document showing the proposed signage for each hotel. IHG requires all approved suppliers to submit the Sign Recommendation Documents to the IHG Signage Department for review and approval. ***Note: All non-standard signage must receive approval from the IHG Signage Department.***

Important Procedural Note: Contact only one (1) supplier, at first, to initiate the ordering process. The Sign Suppliers upload their Sign Recommendation Documents to the IHG Signage Portal for IHG to review. Only one (1) Sign Supplier can upload a Sign Recommendation Document, which is why we recommend that you work with only one supplier to start. Once the Sign Recommendation Document is approved by IHG, bids can be provided by any IHG-approved supplier in your region. This will ensure all suppliers provide a bid for the same sign package.

Step #2- Exterior Signage Contracting -

The Hotel will contract directly with one of the IHG-approved suppliers. The hotel will be responsible for obtaining bids and executing contracts with the approved suppliers. The contracts with the IHG-approved suppliers must include the signage product, permitting, shipping and installation of the signs. IHG does require the installation to be managed by the approved sign supplier. This will ensure that the signage is installed to IHG's required specifications.

Note: Any modifications made to the proposed signage on the Sign Recommendation prior to installation must be reported to and approved by IHG. Any sign contracted and installed without IHG approval will be subject to removal and/or replacement with standard signage at additional cost to the Hotel.

Signage Installation –The approved sign supplier is fully responsible for the installation of the signage and must maintain oversight of the project from start to finish. If there are issues with the installation, the supplier will be held responsible for making the necessary corrections. If the sign is not installed to IHG installation requirements, the approved supplier will be responsible for making the corrections.

- **Permitting** – Permitting will be completed by the approved supplier's installer. The supplier will be responsible for preparing the necessary documentation to provide to the installer for permitting.
 - **Drawing for Permitting** – The Hotel will need to provide the supplier drawings for permitting purposes. These drawings usually include a civil site plan and an architectural site plan (some municipalities require additional drawings).

Section 4: Holiday Inn Express Exterior Sign Models

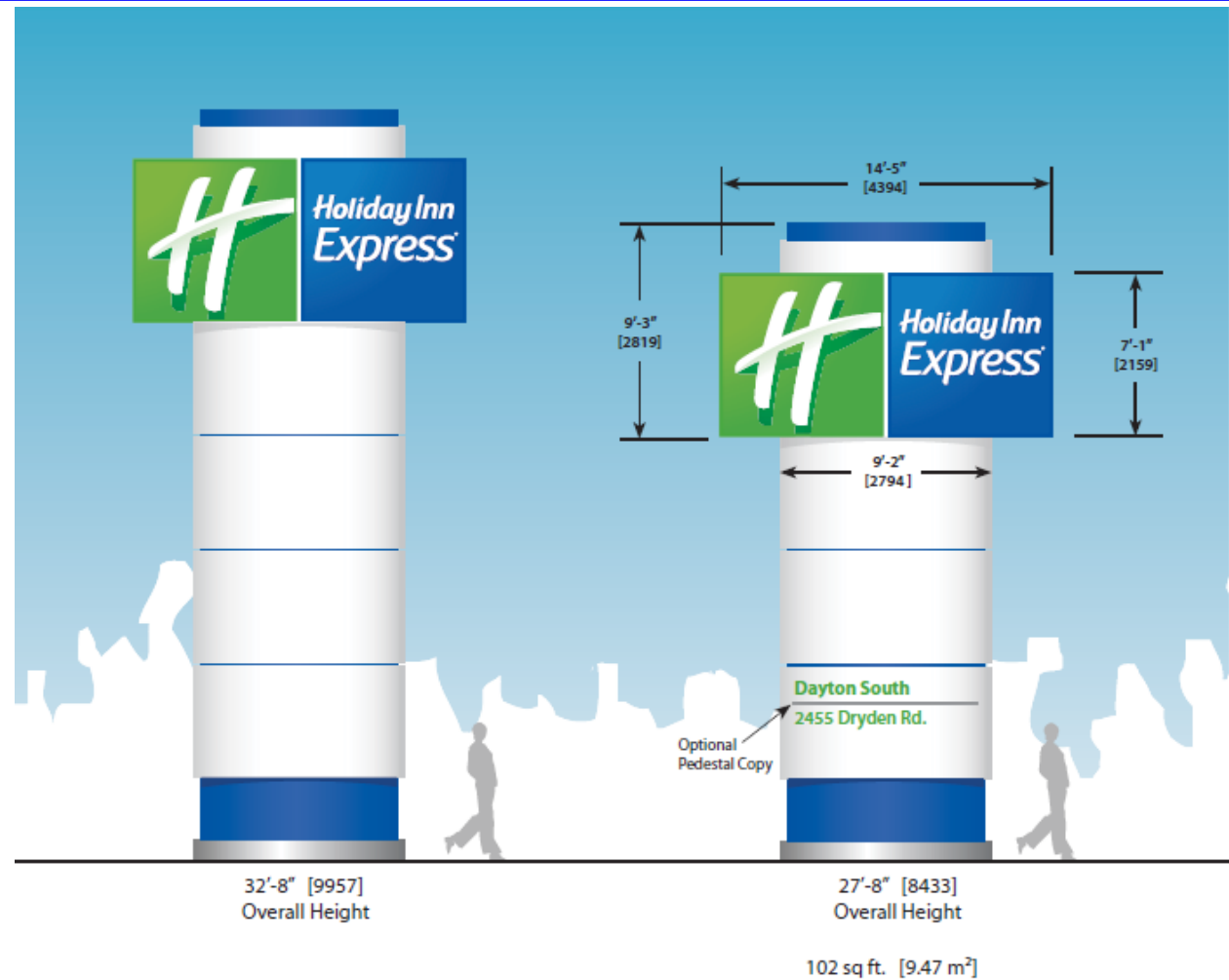


Family of Signs

Ground Signs

Primary Signs

Pylon Signs



**Sign Model XP-102
Pylon & Monument Signs**

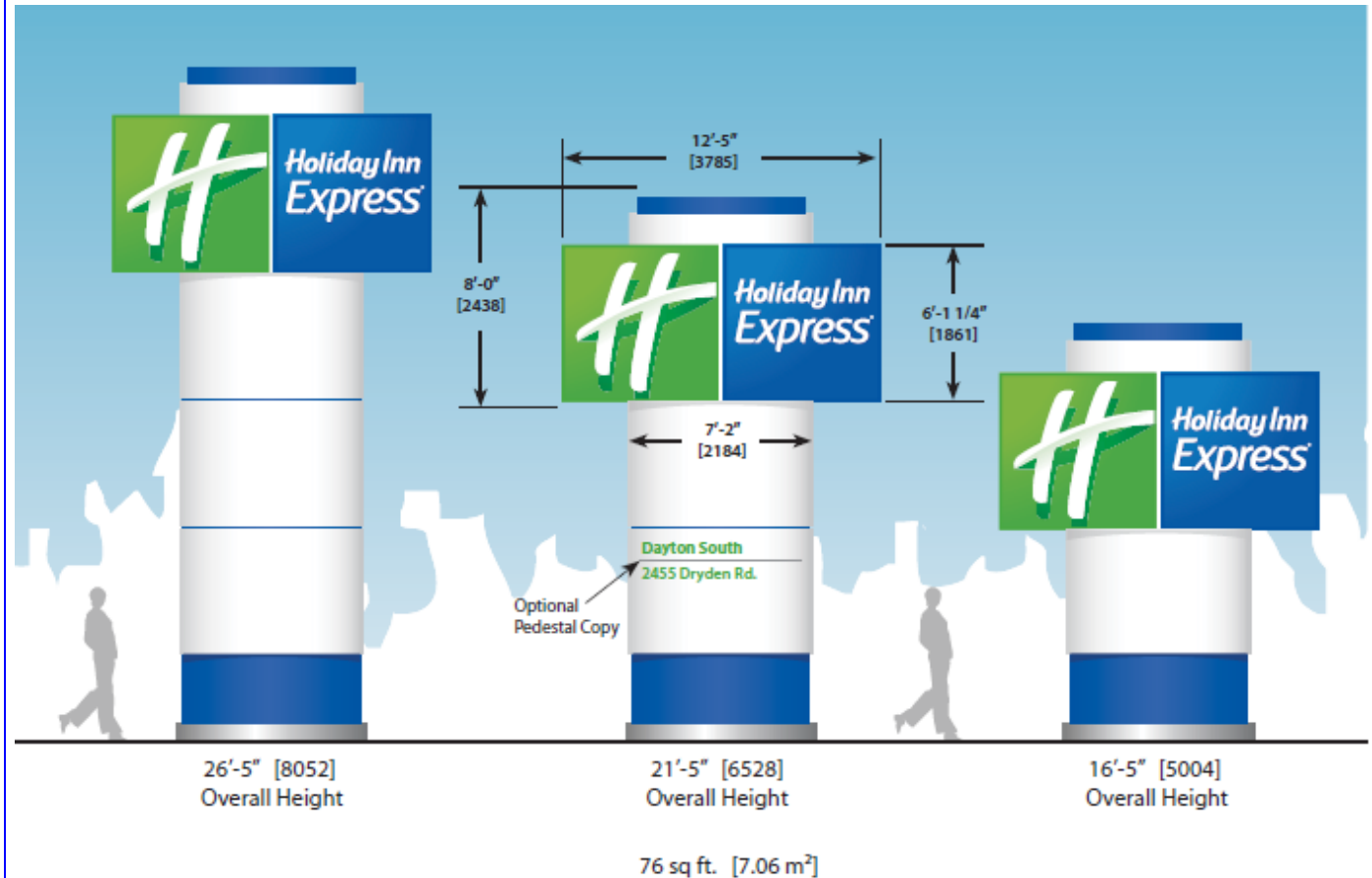


Family of Signs

Ground Signs

Primary Signs

Pylon Signs



Sign Model XP-76
Pylon & Monument Signs

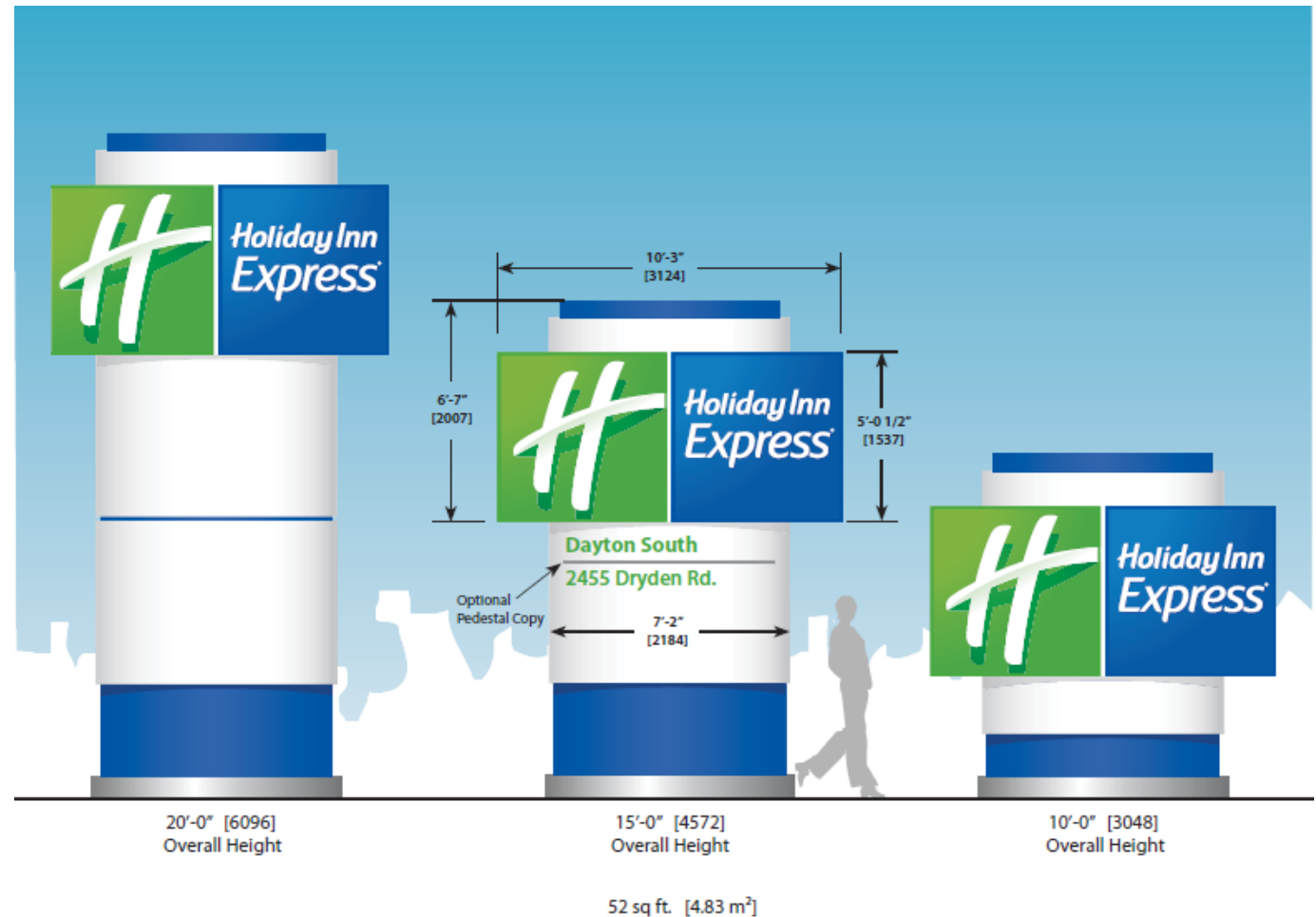


Family of Signs

Ground Signs

Primary Signs

Pylon Signs



Sign Model XP-52
Pylon & Monument Signs

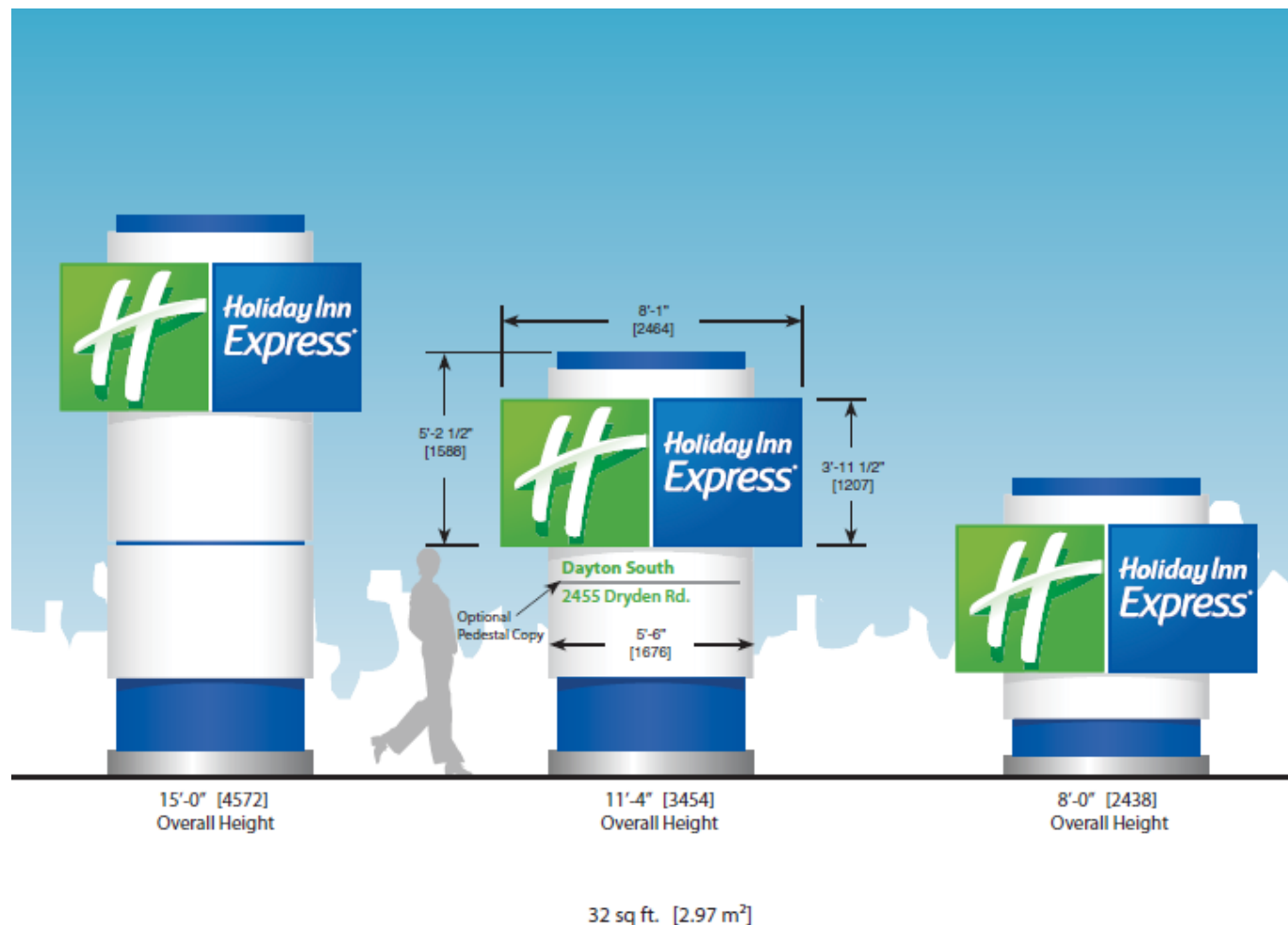


Family of Signs

Ground Signs

Primary Signs

Pylon Signs



Sign Model XP-32
Pylon & Monument Signs

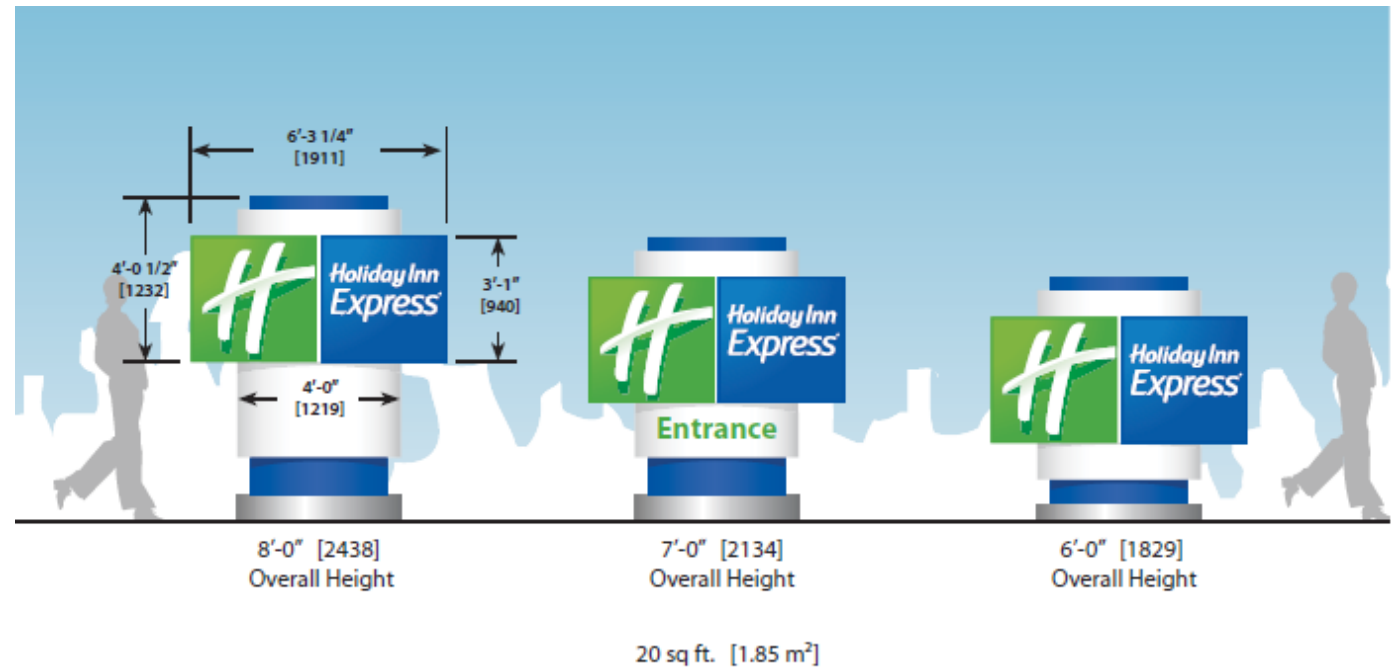


Family of Signs

Ground Signs

Primary Signs

Pylon Signs



Sign Model XP-20
Pylon & Monument Signs

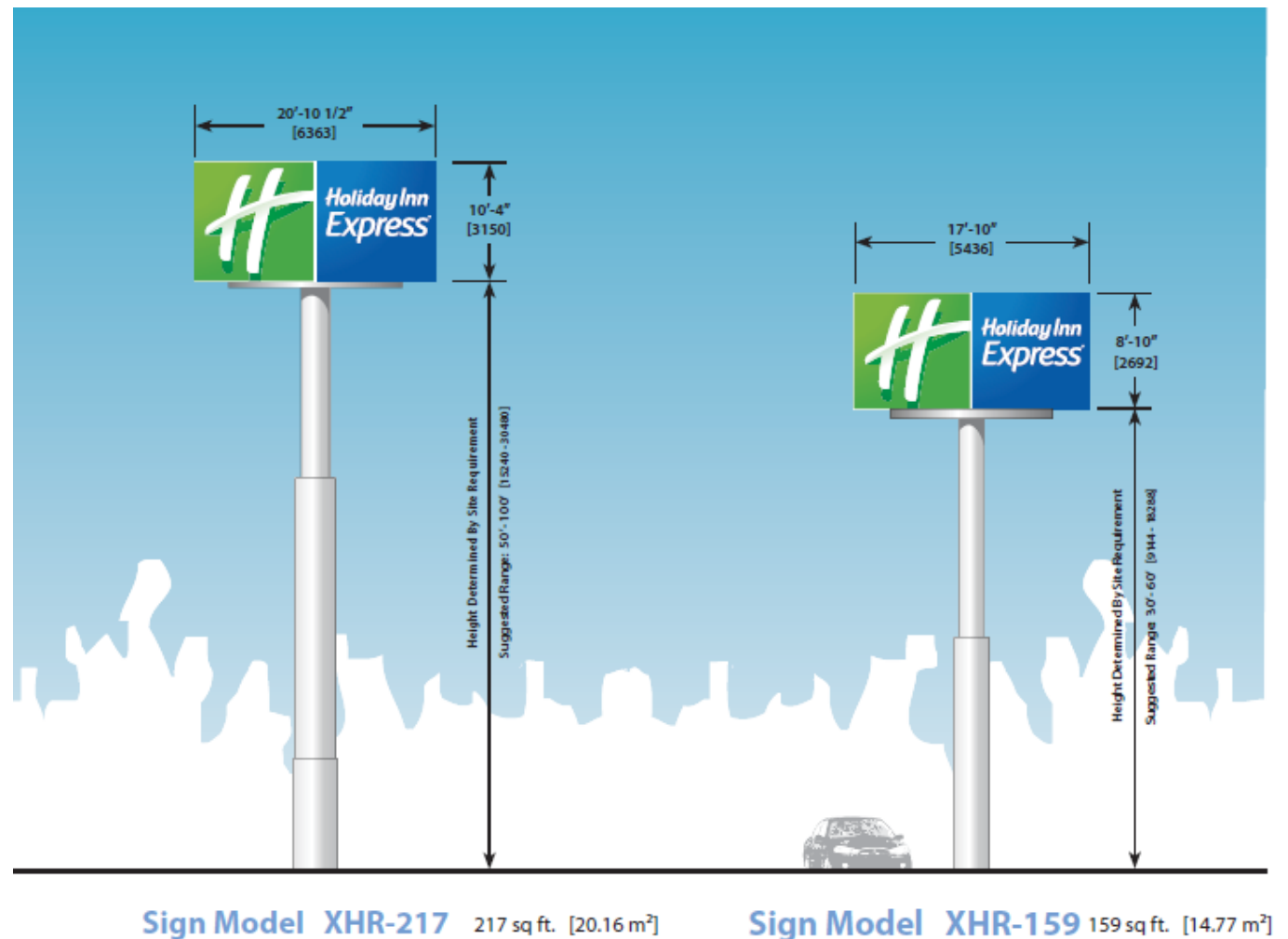


Family of Signs

Ground Signs

Secondary Signs

Highway Signs



Highway Signs – High Rise

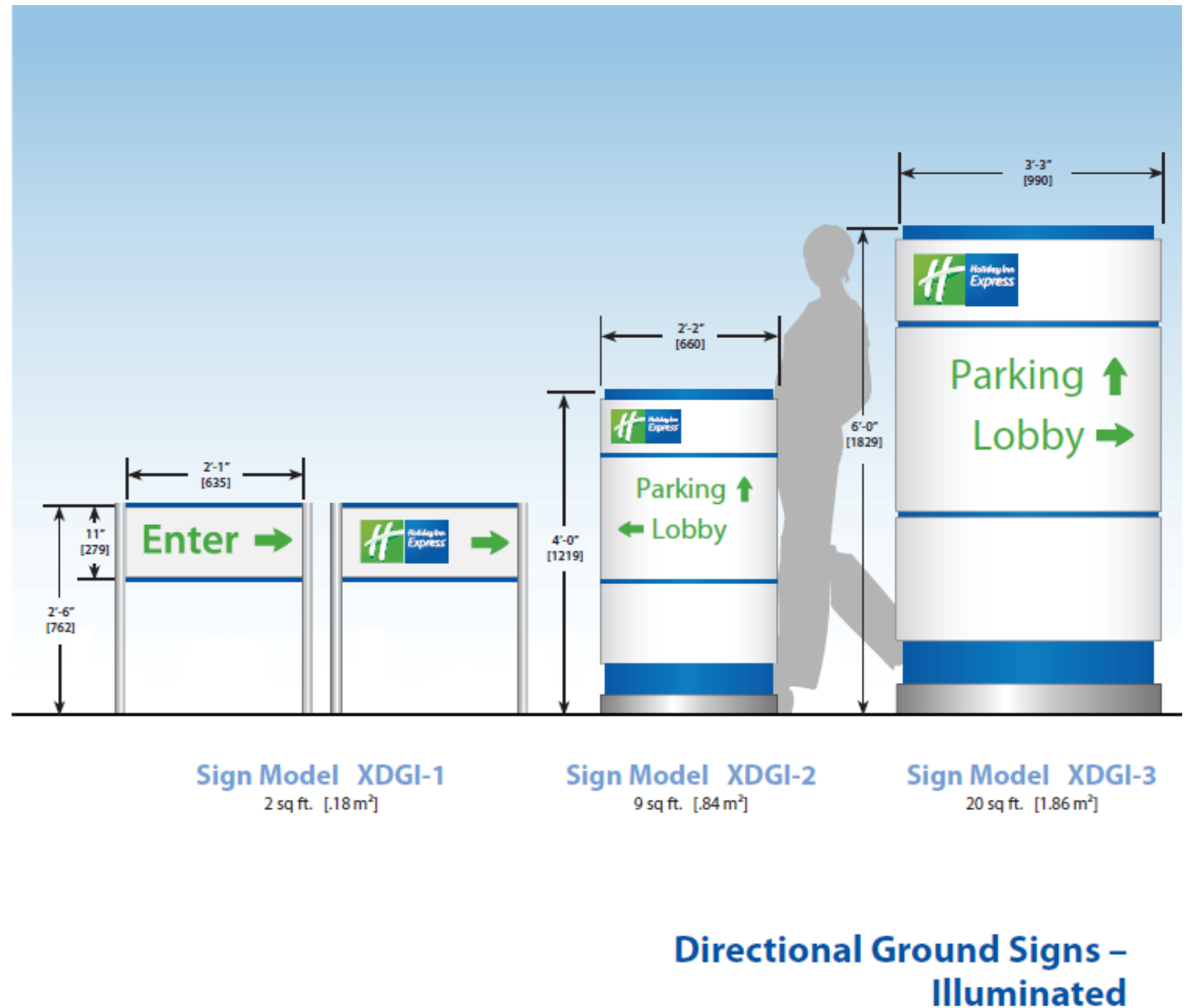


Family of Signs

Ground Signs

Secondary Signs

Directional Signs



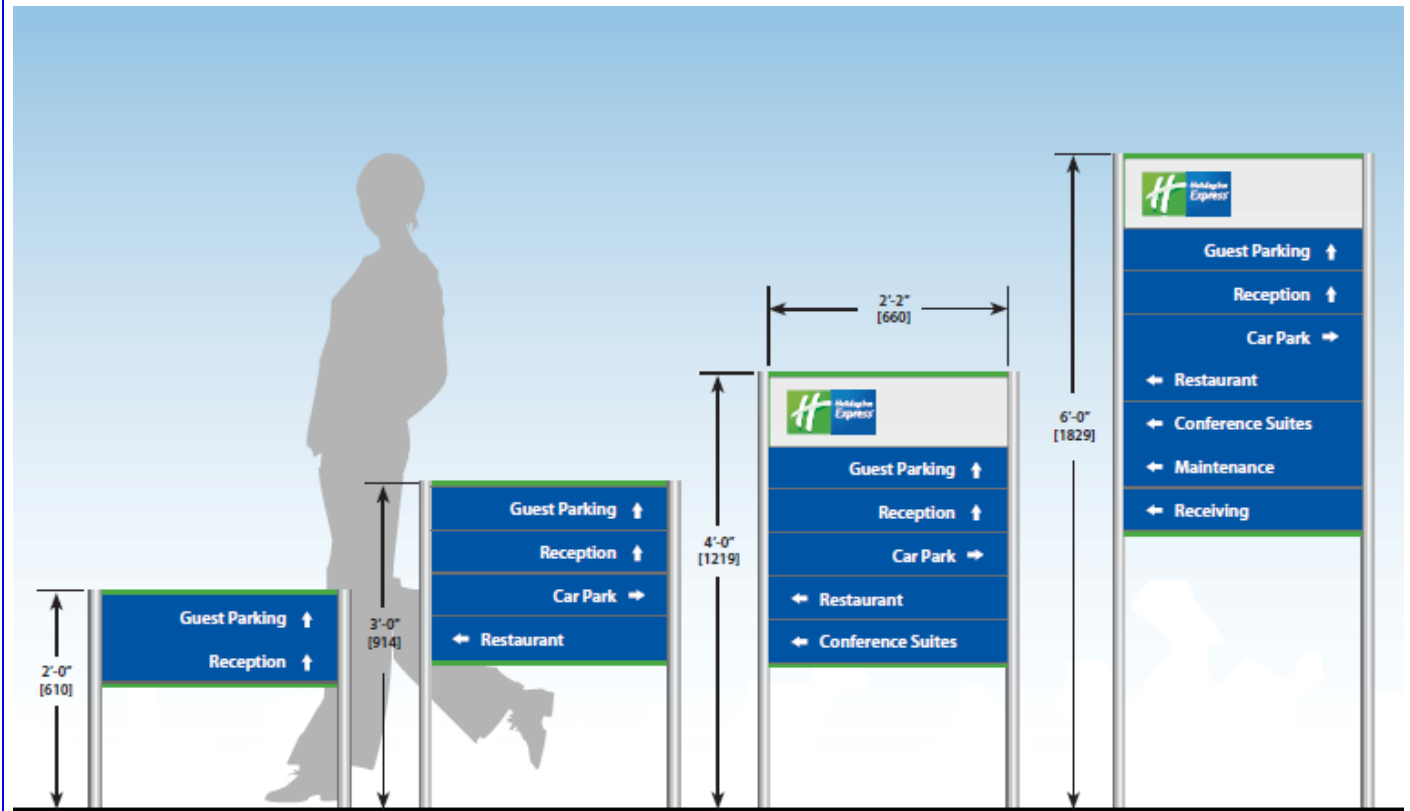


Family of Signs

Ground Signs

Secondary Signs

Directional Signs



Sign Model XDGN-2

Square Footage/Area Varies

**Directional Ground Signs –
Non-Illuminated**

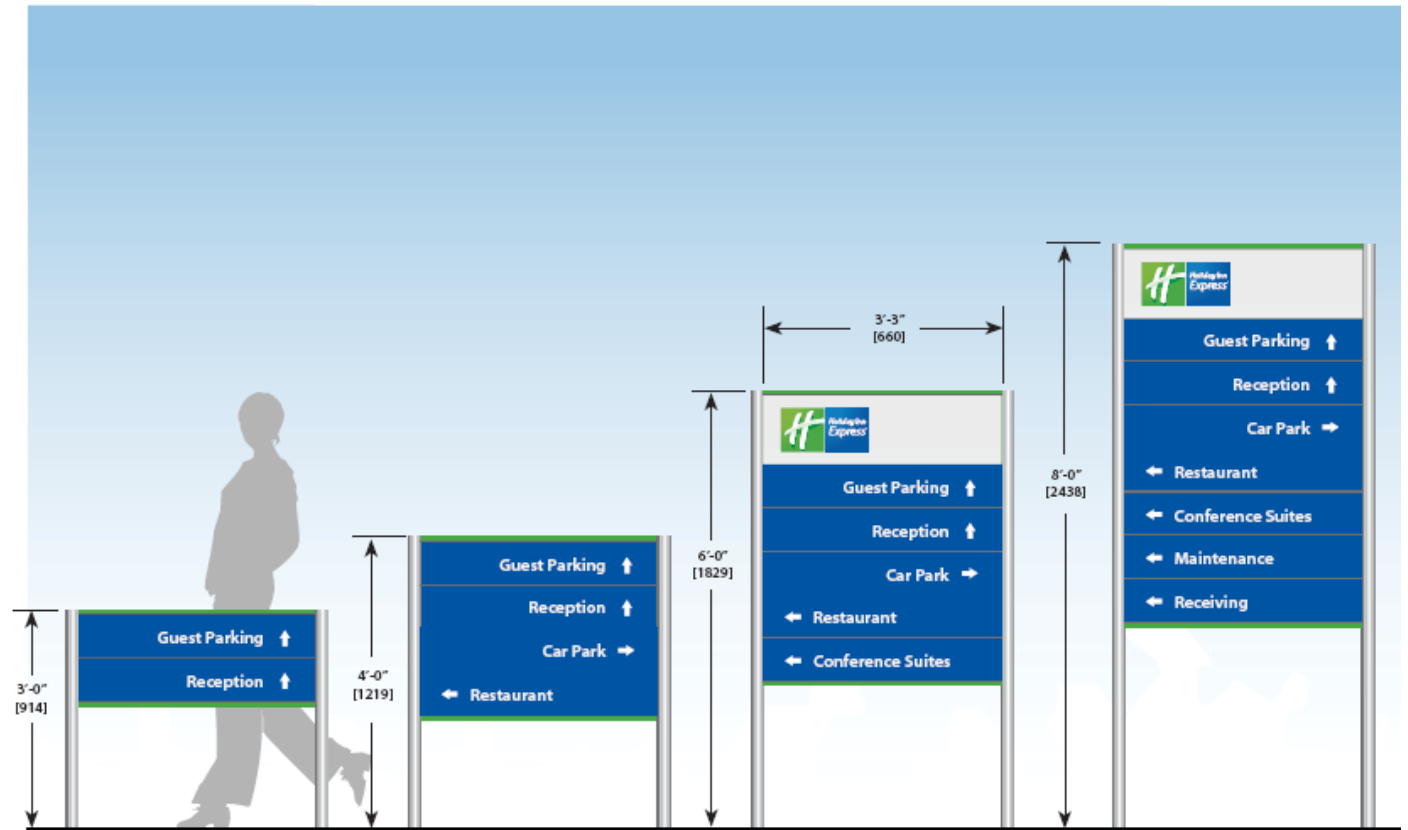


Family of Signs

Ground Signs

Secondary Signs

Directional Signs



Sign Model XDGN-3

Square Footage/Area Varies

**Directional Ground Signs –
Non-Illuminated**



Family of Signs

Building Signs

Primary Signs

Building Lettersets

*** Required layout for
Formula Blue
Prototype Hotels**

****Formula Blue** - Do not sheetrock behind signs until the install is complete. Inquire with suppliers about having the signs pre-wired during construction so the walls can be closed up.

Note: Wall colors shown below are examples intended to show options available for light and dark colored buildings. Actual wall colors must be approved by IHG Design & Plan Review. Wall colors must be provided to your Sign Supplier prior to sign manufacturing.



Daytime Dark Colored Buildings



Daytime Light Colored Buildings



Nighttime



Nighttime

Sign Model *	XL-SM-L-3	XL-SM-L-4	XL-SM-L-5
A	3'-1" [940]	4'-1" [1245]	5'-1" [1549]
B	9'-3 3/4" [2838]	11'-11" [3632]	16'-1 1/2" [4915]
C	8'-6" [2591]	11'-0" [3353]	14'-5 1/2" [4407]
D	1'-6 3/4" [476]	2'-0" [610]	2'-8 1/2" [826]
sq ft [m ²] †	56 [5.2]	93 [8.6]	165 [15.3]

* Face color is designated by appending a "W" for white faces or a "D" for dark faces

† Area is determined by bounding box around graphics

Stacked Layout with Monogram and Large Letters



Family of Signs

Building Signs

Primary Signs

Building Lettersets

* Required layout for Formula Blue Prototype Hotels

****Formula Blue** - Do not sheetrock behind signs until the install is complete. Inquire with suppliers about having the signs pre-wired during construction so the walls can be closed up.

Note: Wall colors shown below are examples intended to show options available for light and dark colored buildings. Actual wall colors must be approved by IHG Design & Plan Review. Wall colors must be provided to your Sign Supplier prior to sign manufacturing.



Daytime Dark Colored Buildings



Daytime Light Colored Buildings



Nighttime



Nighttime

A	6'-1" [1854]	7'-1" [2159]	8'-1" [2464]	9'-1" [2769]	10'-1" [3073]
B	13'-10 1/2" [4229]	16'-2" [4928]	18'-5" [5613]	20'-8 1/2" [6312]	23'-0" [7010]
C	14'-1 1/2" [4305]	16'-5" [5004]	18'-9" [5715]	21'-1" [6426]	23'-4 1/2" [7125]
D	2'-4" [711]	2'-8 1/2" [826]	3'-1" [940]	3'-5 3/4" [1060]	3'-10 1/2" [1181]
sq ft [m ²] [†]	141 [13.10]	192 [17.84]	250 [23.23]	315 [29.26]	388 [36.04]

* Face color is designated by appending a "W" for white faces or a "D" for dark faces

[†] Area is determined by bounding box around graphics

Stacked Layout with Monogram



Family of Signs

Building Signs

Primary Signs

Building Lettersets

NOTE: Do not sheetrock behind signs until the install is complete. Inquire with suppliers about having the signs pre-wired during construction so the walls can be closed up.

Note: Wall colors shown below are examples intended to show options available for light and dark colored buildings. Actual wall colors must be approved by IHG Design & Plan Review. Wall colors must be provided to your Sign Supplier prior to sign manufacturing.



Daytime Dark Colored Buildings



Nighttime



Daytime Light Colored Buildings



Nighttime

Sign Model *	XL-SLM-L-3	XL-SLM-L-4	XL-SLM-L-5
A	3'-1" [940]	4'-1" [1245]	5'-1" [1549]
B	10'-9 1/4" [3283]	14'-4 1/2" [4382]	17'-11 3/4" [5480]
C	1'-2" [356]	1'-6 3/4" [476]	1'-11 1/2" [597]
D	3'-6 3/4" [1086]	4'-9 1/4" [1454]	5'-11 3/4" [1822]
sq ft [m ²] †	39 [3.6]	69 [6.4]	108 [10.0]

* Face color is designated by appending a "W" for white faces or a "D" for dark faces

† Area is determined by bounding box around graphics

Stacked Linear Layout with Monogram and Large Letters



Family of Signs

Building Signs

Primary Signs

Building Lettersets

NOTE: Do not sheetrock behind signs until the install is complete. Inquire with suppliers about having the signs pre-wired during construction so the walls can be closed up.

Note: Wall colors shown below are examples intended to show options available for light and dark colored buildings. Actual wall colors must be approved by IHG Design & Plan Review. Wall colors must be provided to your Sign Supplier prior to sign manufacturing.



Daytime Dark Colored Buildings



Nighttime



Daytime Light Colored Buildings



Nighttime

Sign Model *	XL-SLM-6	XL-SLM-7	XL-SLM-8	XL-SLM-9	XL-SLM-10
A	6'-1" [1854]	7'-1" [2159]	8'-1" [2464]	9'-1" [2769]	10'-1" [3073]
B	17'-6" [5334]	20'-4 1/2" [6210]	23'-3" [7087]	26'-1 1/2" [7963]	29'-0" [8839]
C	1'-8 3/4" [527]	2'-0 1/4" [616]	2'-3 3/4" [705]	2'-7" [787]	2'-10 1/2" [876]
sq ft [m ²] †	98 [9.10]	133 [12.36]	173 [16.07]	218 [20.25]	269 [24.99]

* Face color is designated by appending a "W" for white faces or a "D" for dark faces

† Area is determined by bounding box around graphics

Stacked Linear Layout with Monogram



Family of Signs

Building Signs

Primary Signs

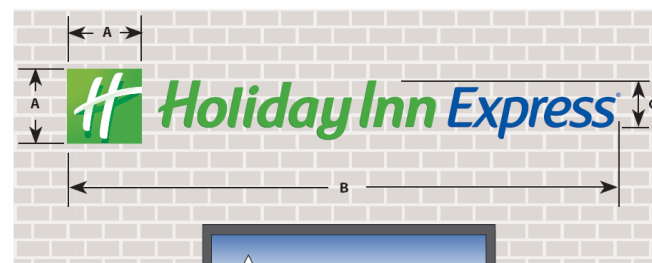
Building Lettersets

NOTE: Do not sheetrock behind signs until the install is complete. Inquire with suppliers about having the signs pre-wired during construction so the walls can be closed up.

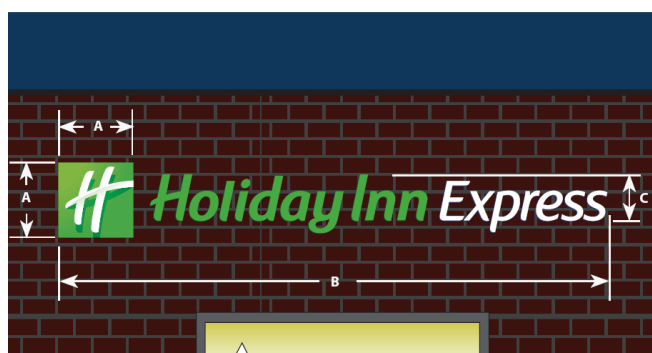
Note: Wall colors shown below are examples intended to show options available for light and dark colored buildings. Actual wall colors must be approved by IHG Design & Plan Review. Wall colors must be provided to your Sign Supplier prior to sign manufacturing.



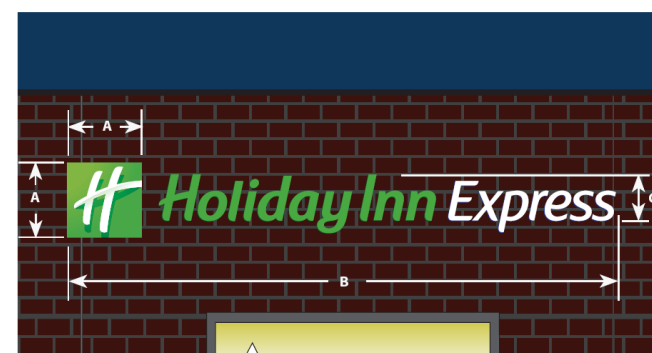
Daytime Dark Colored Buildings



Daytime Light Colored Buildings



Nighttime



Nighttime

Sign Model *	XL-LM-L-3	XL-LM-L-4	XL-LM-L-5
A	3'-1" [940]	4'-1" [1245]	5'-1" [1549]
B	23'-5 1/2" [7150]	31'-8 1/2" [9665]	40'-8 7/8" [12417]
C	2'-0" [610]	2'-8 1/2" [826]	3'-6" [1067]
sq ft [m ²] †	61 [5.6]	112 [10.4]	185 [17.2]

* Face color is designated by appending a "W" for white faces or a "D" for dark faces

† Area is determined by bounding box around graphics

Linear Layout with Monogram and Large Letters



Family of Signs

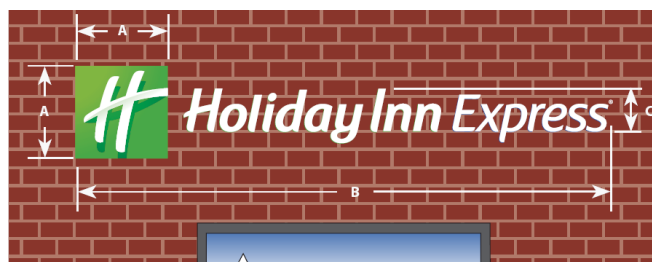
Building Signs

Primary Signs

Building Lettersets

NOTE: Do not sheetrock behind signs until the install is complete. Inquire with suppliers about having the signs pre-wired during construction so the walls can be closed up.

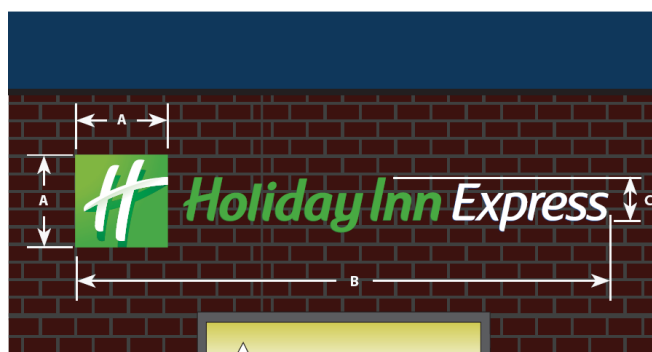
Note: Wall colors shown below are examples intended to show options available for light and dark colored buildings. Actual wall colors must be approved by IHG Design & Plan Review. Wall colors must be provided to your Sign Supplier prior to sign manufacturing.



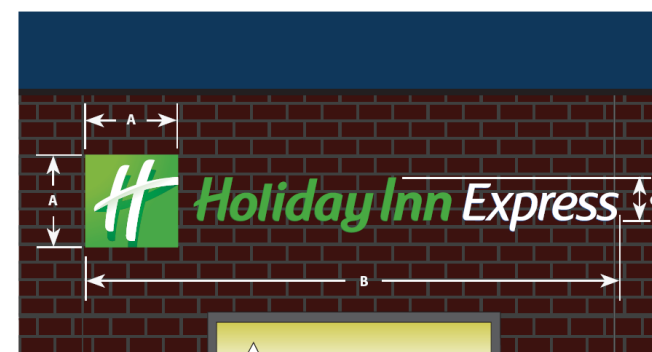
Daytime Dark Colored Buildings



Daytime Light Colored Buildings



Nighttime



Nighttime

Sign Model *	XL-LM-6	XL-LM-7	XL-LM-8	XL-LM-9	XL-LM-10
A	6'-1" [1854]	7'-1" [2159]	8'-1" [2464]	9'-1" [2769]	10'-1" [3073]
B	36'-8" [11176]	42'-8" [13005]	48'-8 1/2" [14846]	54'-8 1/2" [16675]	60'-9" [18517]
C	3'-0" [914]	3'-6" [1067]	4'-0" [1219]	4'-5 3/4" [1365]	4'-11 3/4" [1518]
sq ft [m ²] †	152 [14.12]	206 [19.14]	268 [24.90]	338 [31.40]	417 [38.74]

* Face color is designated by appending a "W" for white faces or a "D" for dark faces

† Area is determined by bounding box around graphics

Linear Layout with Monogram

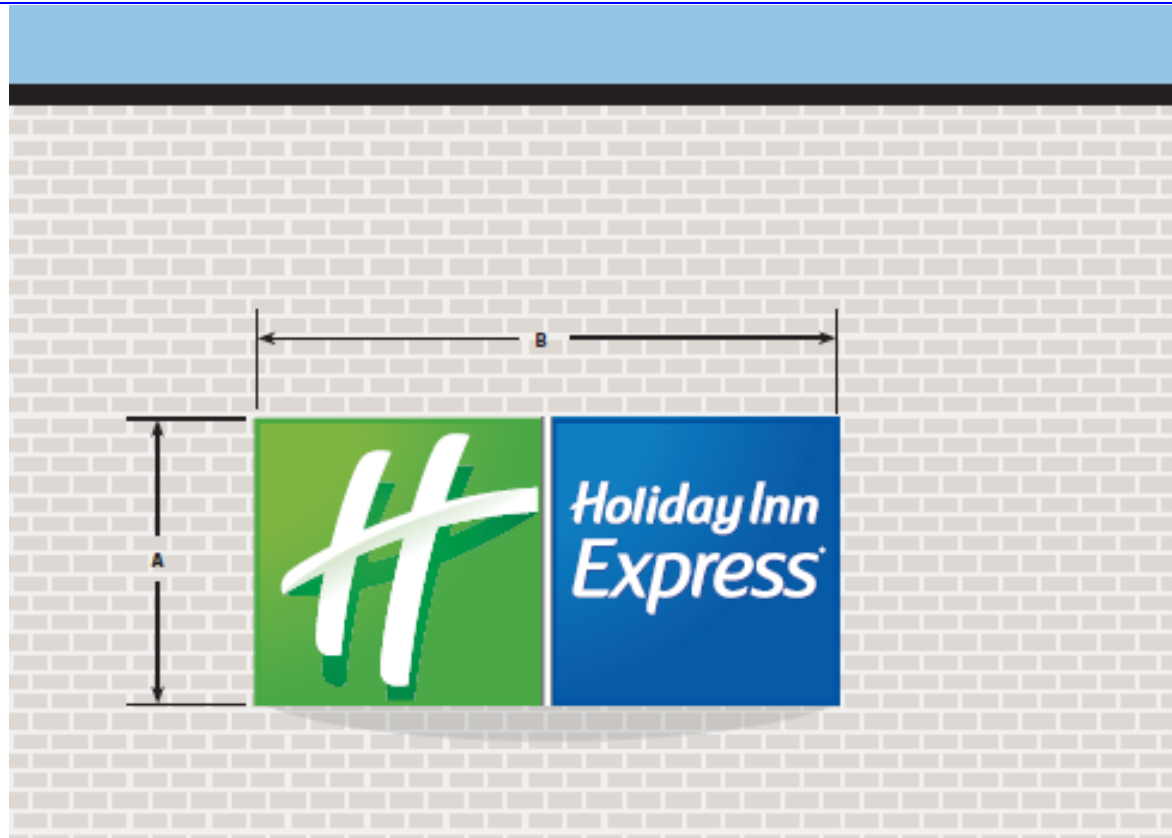


Family of Signs

Building Signs

Secondary Signs

Single-Face Wall Signs



Single Faced Wall signs are only permitted when a letterset sign will not fit within the proposed elevation of the building

Sign Model *	A	B	sq ft [m ²]
XWF-8	2'-0" [610]	4'-1" [1245]	8 [.74]
XWF-18	2'-11 3/4" [908]	6'-1" [1854]	18 [1.67]
XWF-32	3'-11 1/2" [1207]	8'-1" [2464]	32 [2.97]

Single Faced Wall Signs

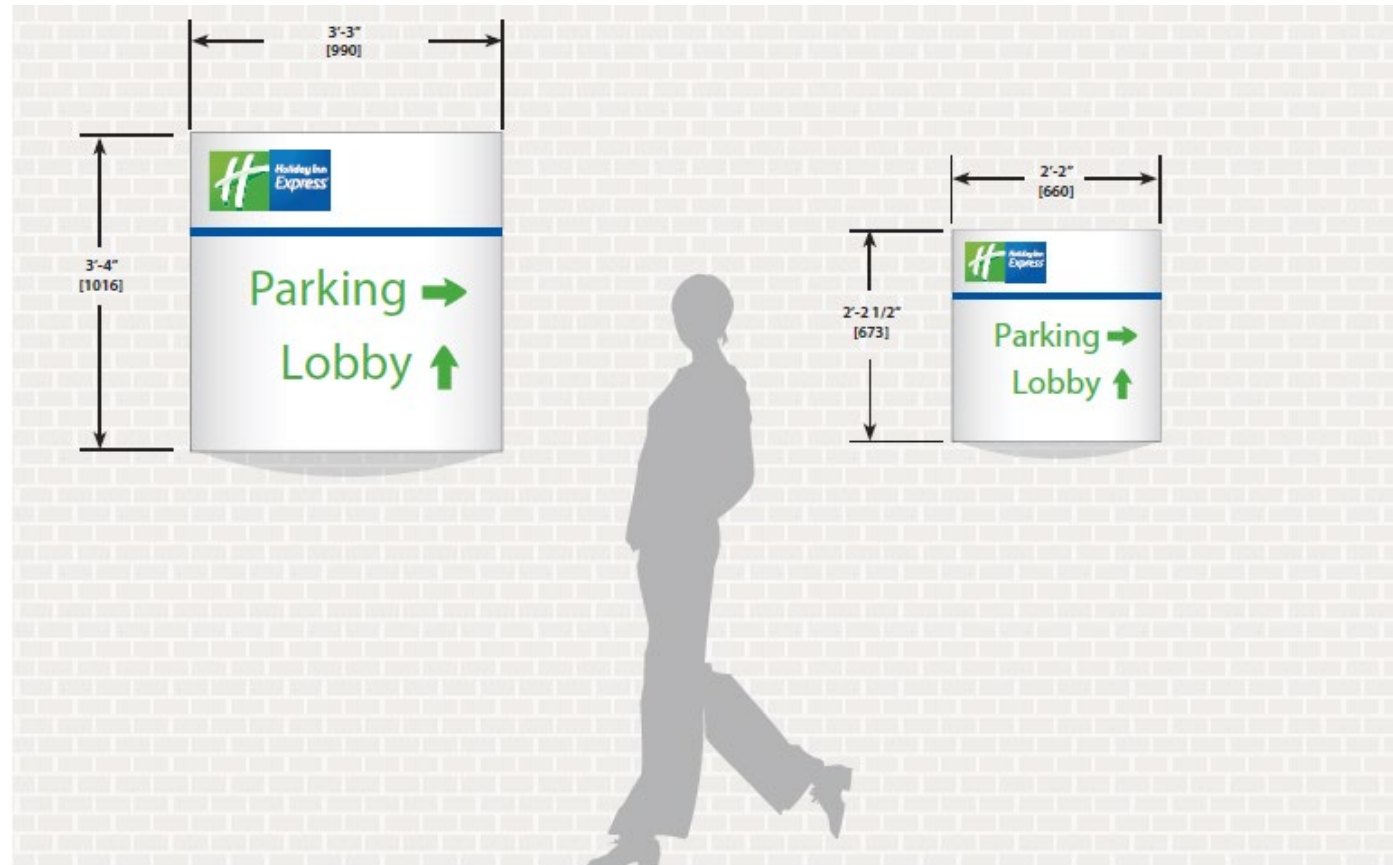


Family of Signs

Building Signs

Secondary Signs

Single-Face Wall Signs



Sign Model XDW-11 11 sq ft. [1.02 m²]

Sign Model XDW-5 5 sq ft. [.46 m²]

Directional Wall Signs

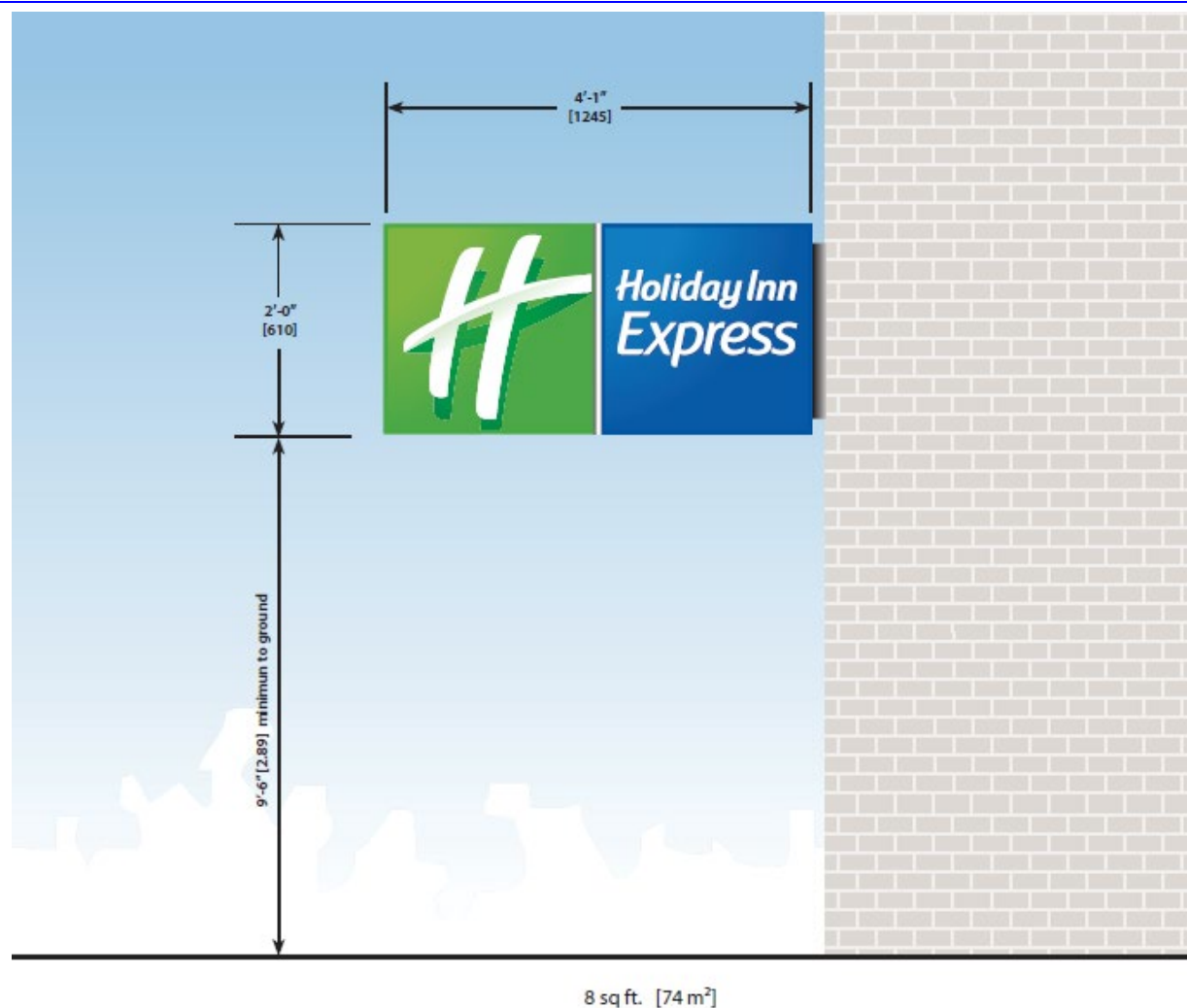


Family of Signs

Building Signs

Secondary Signs

Projecting Wall Signs



**Sign Model XWP-8
Wall Projecting Sign**



Family of Signs

Building Signs

Secondary Signs

Pedestrian Wall Signs



Linear w/ Optional Locator Name - To be mounted at low levels only.

Sign Model*	PLL-9	PLL-12	PLL-18	PLL-24	PLL-30	PLL-36
A	9" [229]	1'-0" [305]	1'-6" [457]	2'-0" [610]	2'-6" [762]	3'-0" [914]
B	4'-6 1/4" [1378]	6'-0 3/8" [1838]	9'-0 1/2" [2756]	12'-0 5/8" [3674]	15'-0 7/8" [4594]	18'-1" [5512]
C	2" [51]	6" [152]	9" [229]	1'-0" [305]	1'-3" [381]	1'-5 3/4" [451]
D	1 7/8" [48]	2 1/2" [64]	3 3/4" [95]	5" [127]	6 1/4" [159]	7 1/2" [191]
E	1'-0 1/2" [318]	1'-4 3/4" [425]	2'-1 1/8" [638]	2'-9 1/2" [851]	3'-6" [1067]	4'-2 1/4" [1276]
sq ft [m ²] [†]	2 [.19]	8 [.74]	19 [1.77]	34 [3.16]	53 [4.92]	75 [6.97]

[†] Area is determined by bounding box around graphics

Pedestrian Level Letters – Non-Illuminated



Family of Signs

Building Signs

Secondary Signs

Pedestrian Wall Signs



Stacked w/ Optional Locator Name - To be mounted at low levels only.

Sign Model *	PSL-9	PSL-12	PSL-18	PSL-24	PSL-30	PSL-36
A	9" [229]	1'-0" [305]	1'-6" [457]	2'-0" [610]	2'-6" [762]	3'-0" [914]
B	1'-8 1/2" [521]	2'-3 1/2" [699]	3'-5 1/8" [1045]	4'-6 7/8" [1394]	5'-8 1/2" [1740]	6'-10 1/4" [2089]
C	3 1/2" [89]	4 1/2" [114]	7" [178]	9 1/4" [235]	11 1/2" [292]	1'-1 3/4" [349]
D	4 3/4" [121]	6 3/8" [162]	9 1/2" [241]	1'-0 3/4" [324]	1'-4" [406]	1'-7 1/8" [486]
E	1 1/2" [38]	2" [51]	3" [76]	3 7/8" [98]	4 7/8" [124]	5 7/8" [149]
F	1'-11" [584]	2'-6 3/4" [781]	3'-10 1/8" [1172]	5'-1 1/2" [1562]	6'-4 7/8" [1953]	7'-8 1/4" [2343]
sq ft [m ²] [†]	3 [.28]	6 [.56]	13 [1.21]	23 [2.14]	37 [3.44]	53 [4.92]

[†] Area is determined by bounding box around graphics

Pedestrian Level Letters – Non-Illuminated



Family of Signs

Building Signs

Secondary Signs

Wall Plaques



Sign Model XP1 .75 sq. ft. [.07 m²]

Sign Model XP2 1.7 sq. ft. [.2 m²]

**Stainless Steel Plaques
Non-Illuminated**

Section 5: Holiday Inn Express & Suites Exterior Sign Models

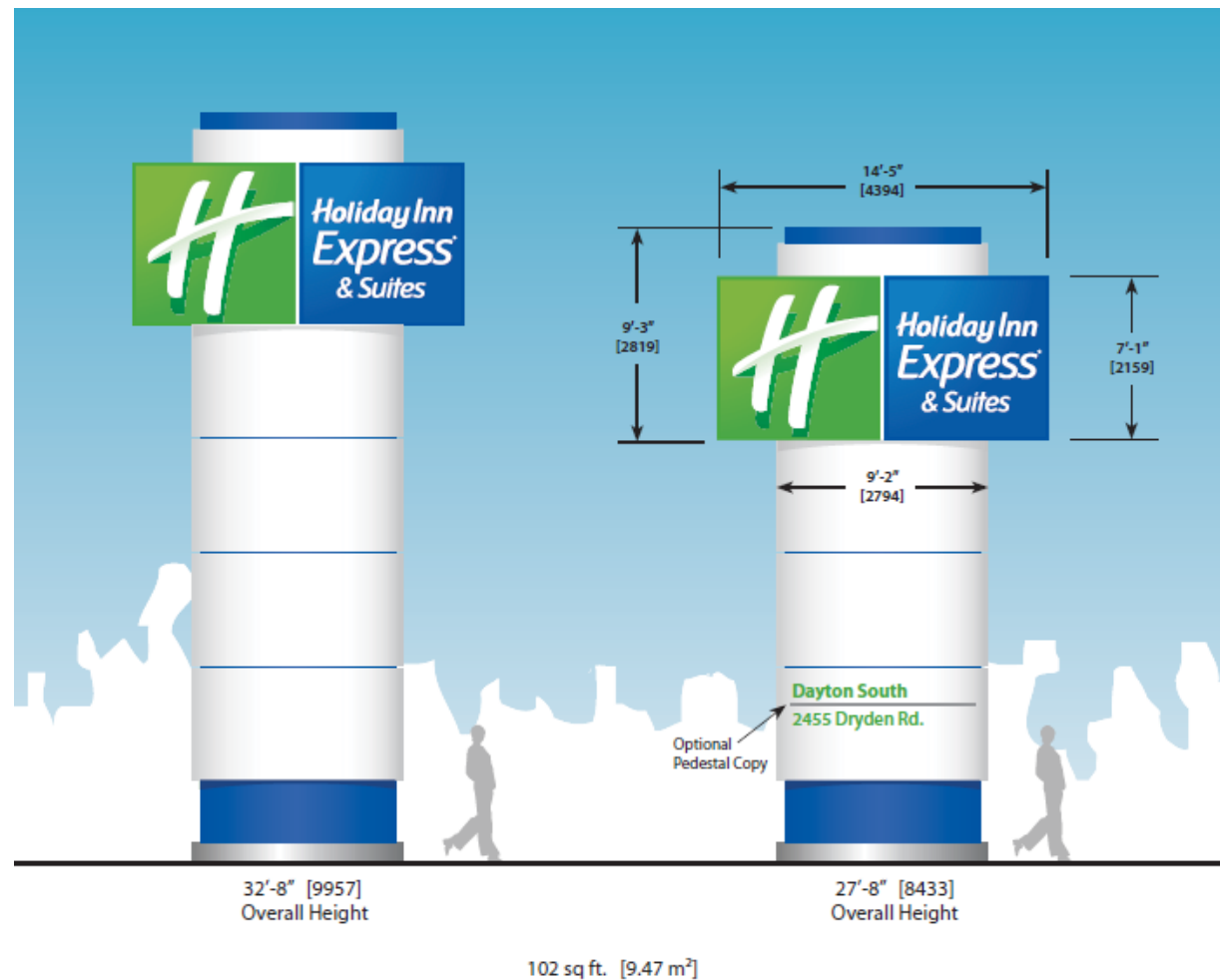


Family of Signs

Ground Signs

Primary Signs

Pylon Signs



Sign Model XPS-102 Pylon & Monument Signs

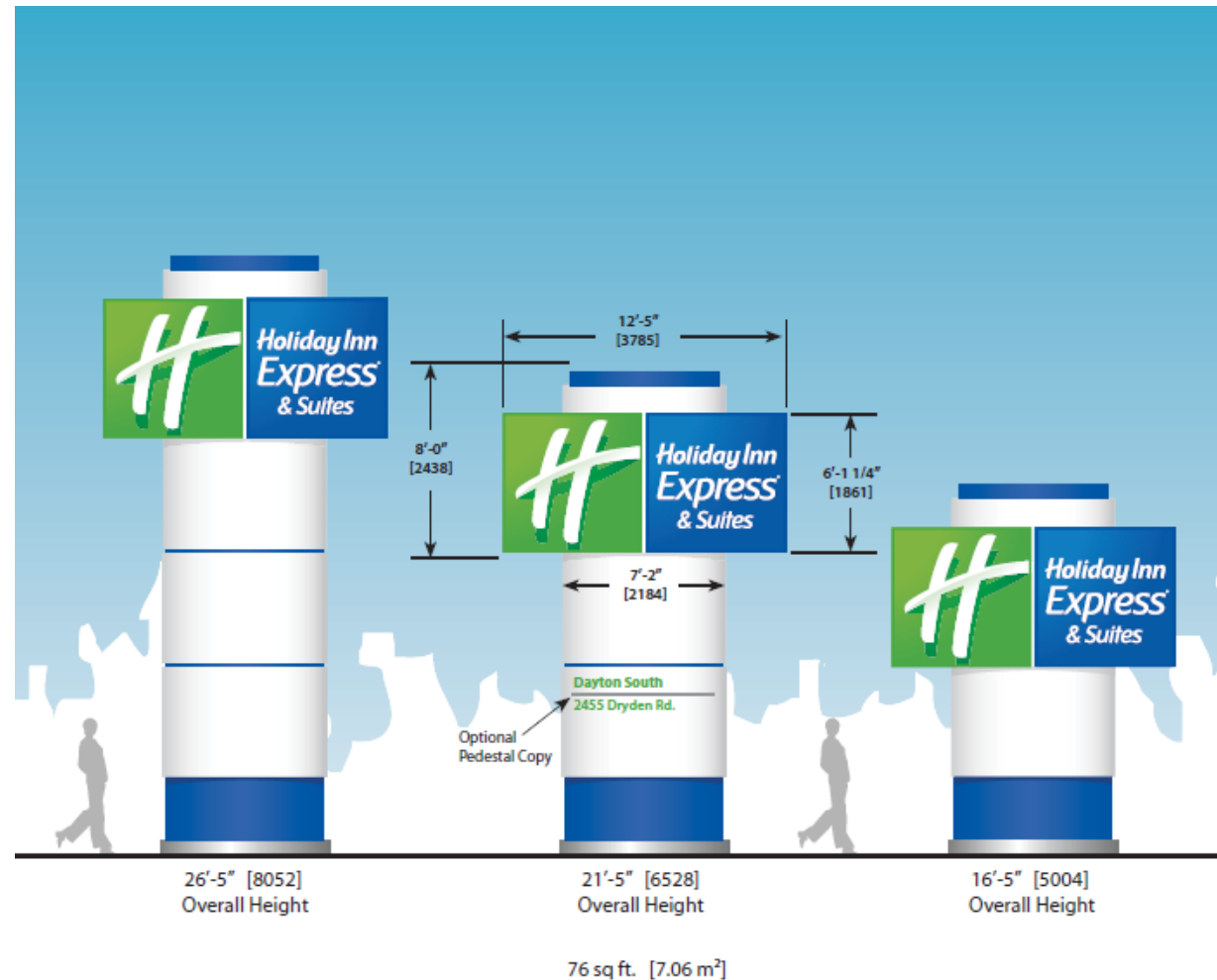


Family of Signs

Ground Signs

Primary Signs

Pylon Signs



Sign Model XPS-76
Pylon & Monument Signs

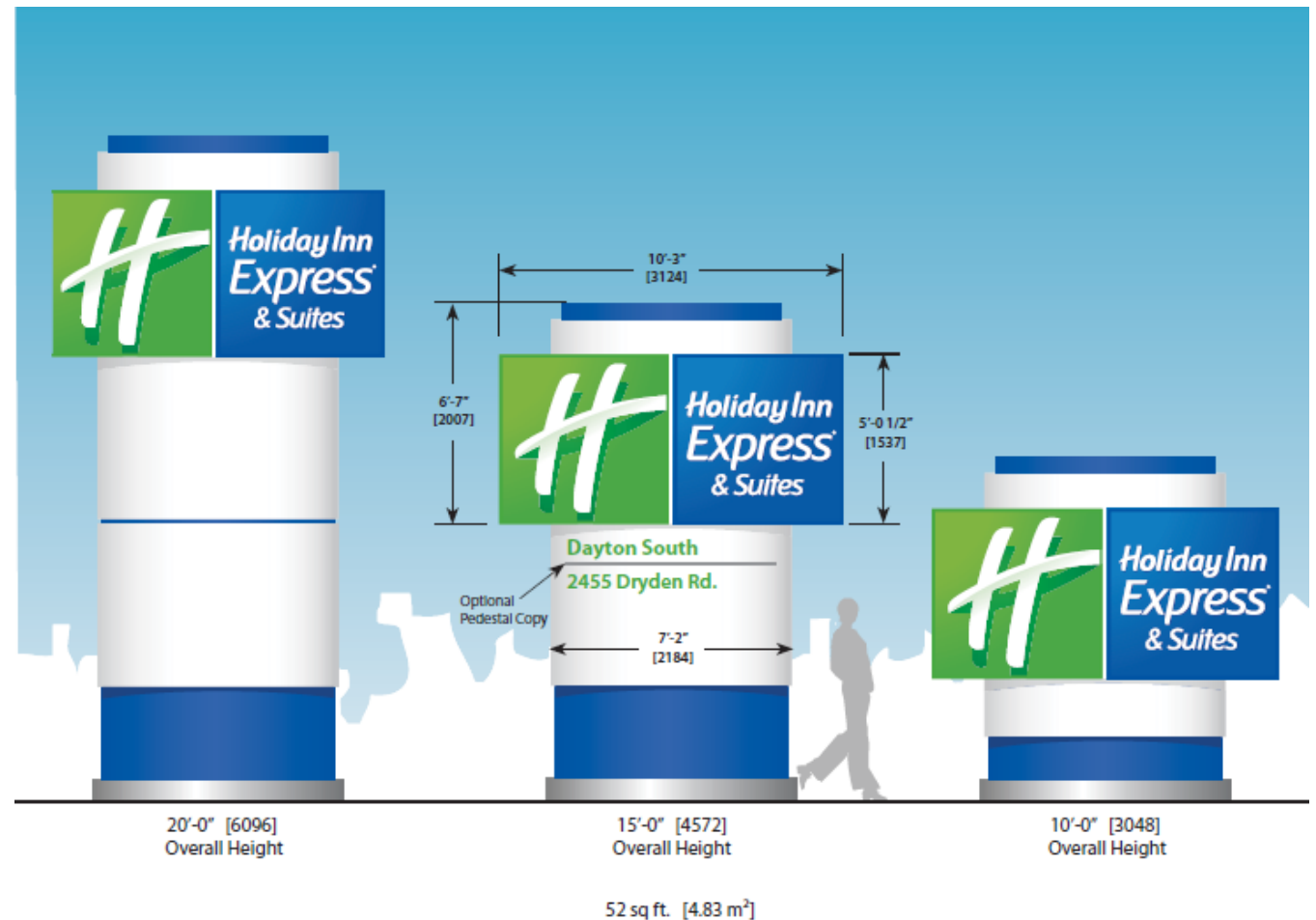


Family of Signs

Ground Signs

Primary Signs

Pylon Signs



Sign Model XPS-52
Pylon & Monument Signs

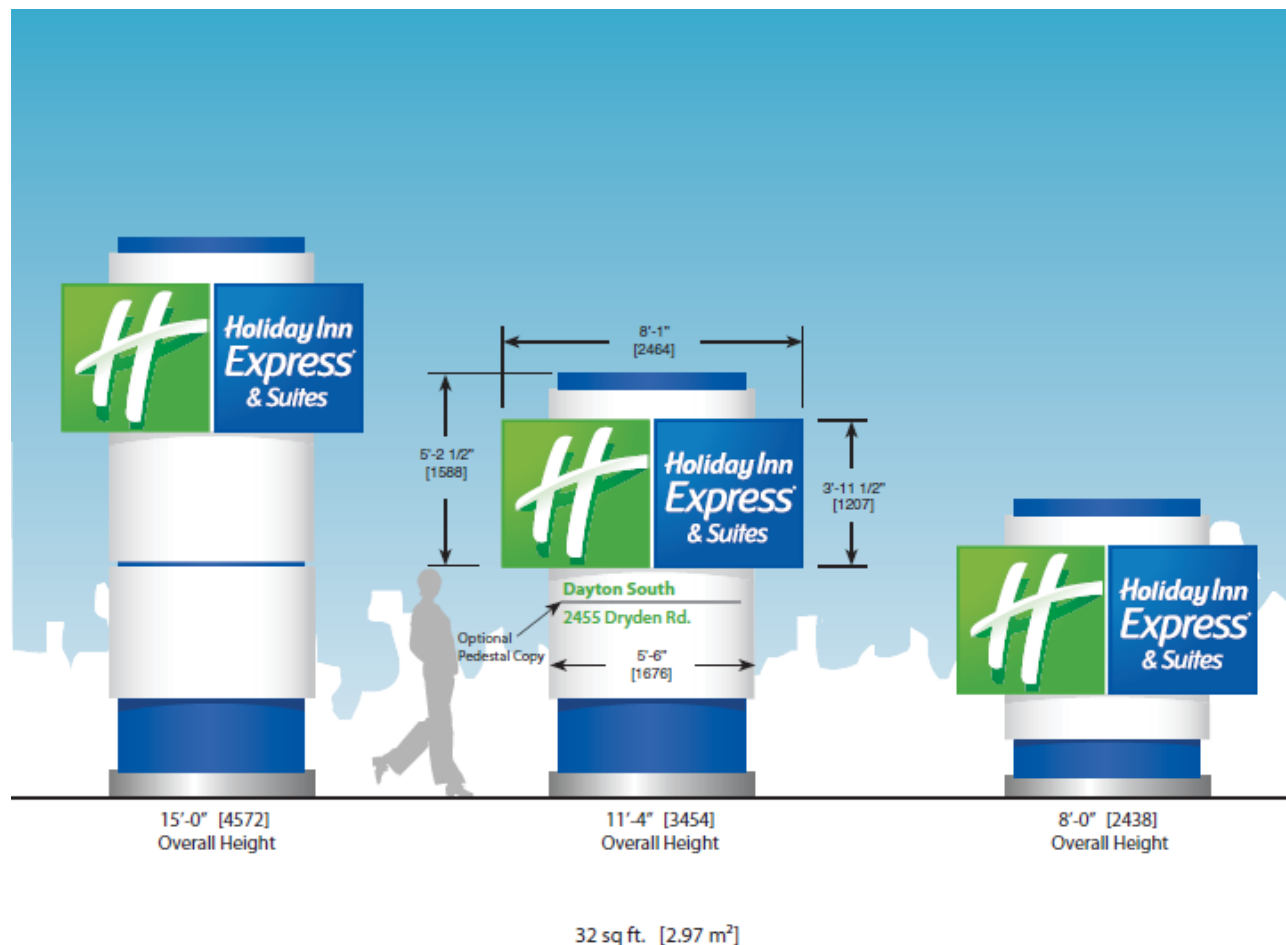


Family of Signs

Ground Signs

Primary Signs

Pylon Signs



Sign Model XPS-32
Pylon & Monument Signs

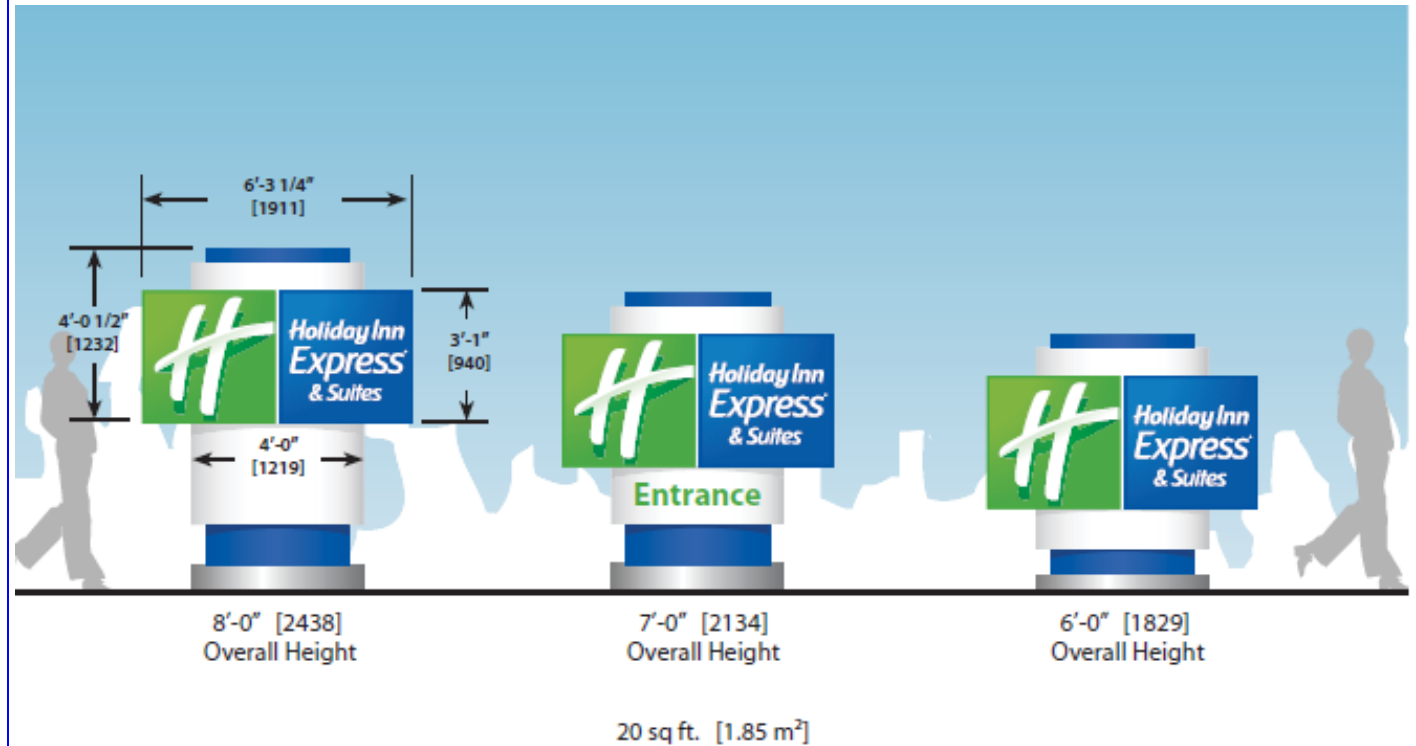


Family of Signs

Ground Signs

Primary Signs

Pylon Signs



Sign Model XPS-20
Pylon & Monument Signs

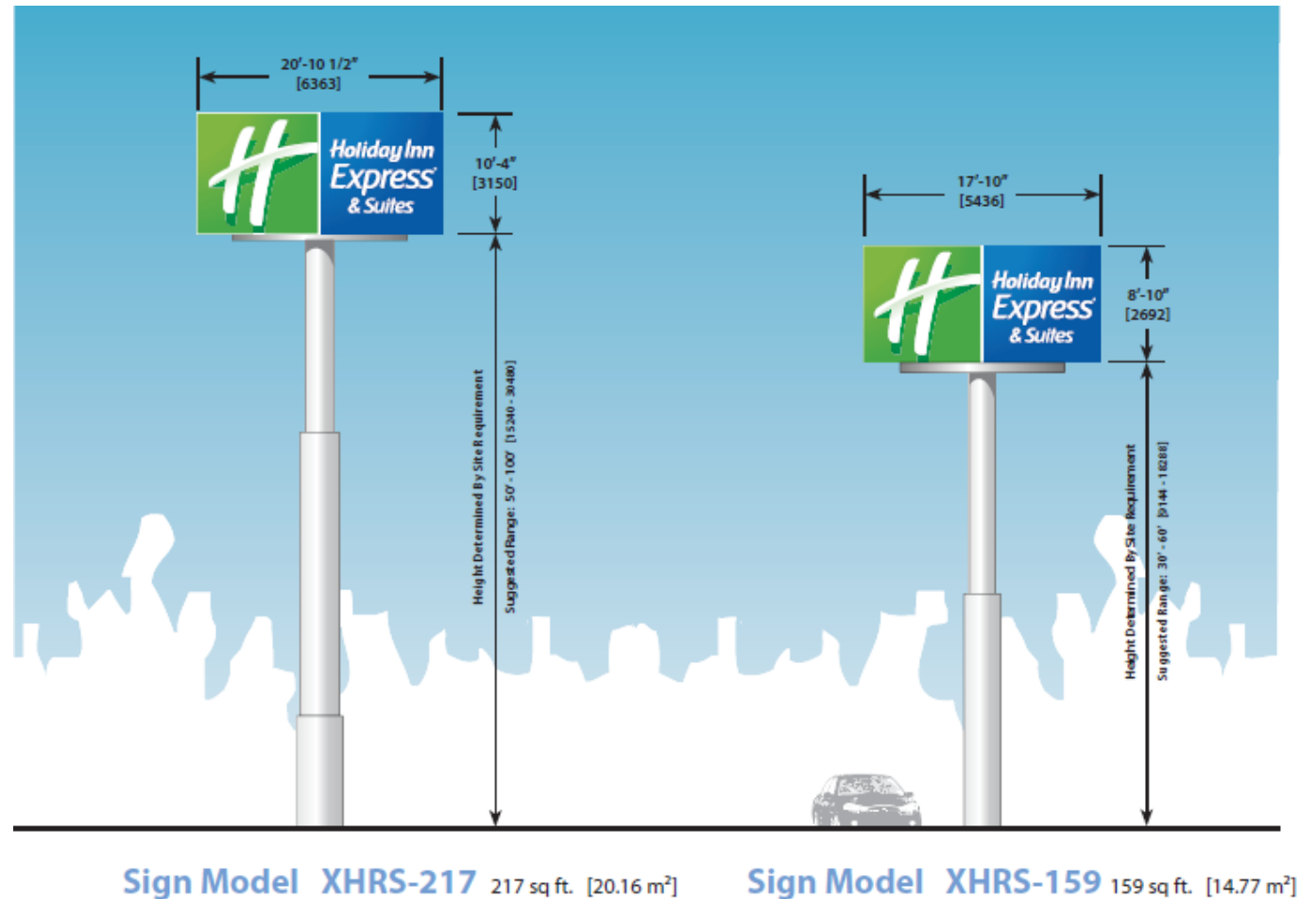


Family of Signs

Ground Signs

Secondary Signs

Highway Signs



**Highway Signs –
High Rise**

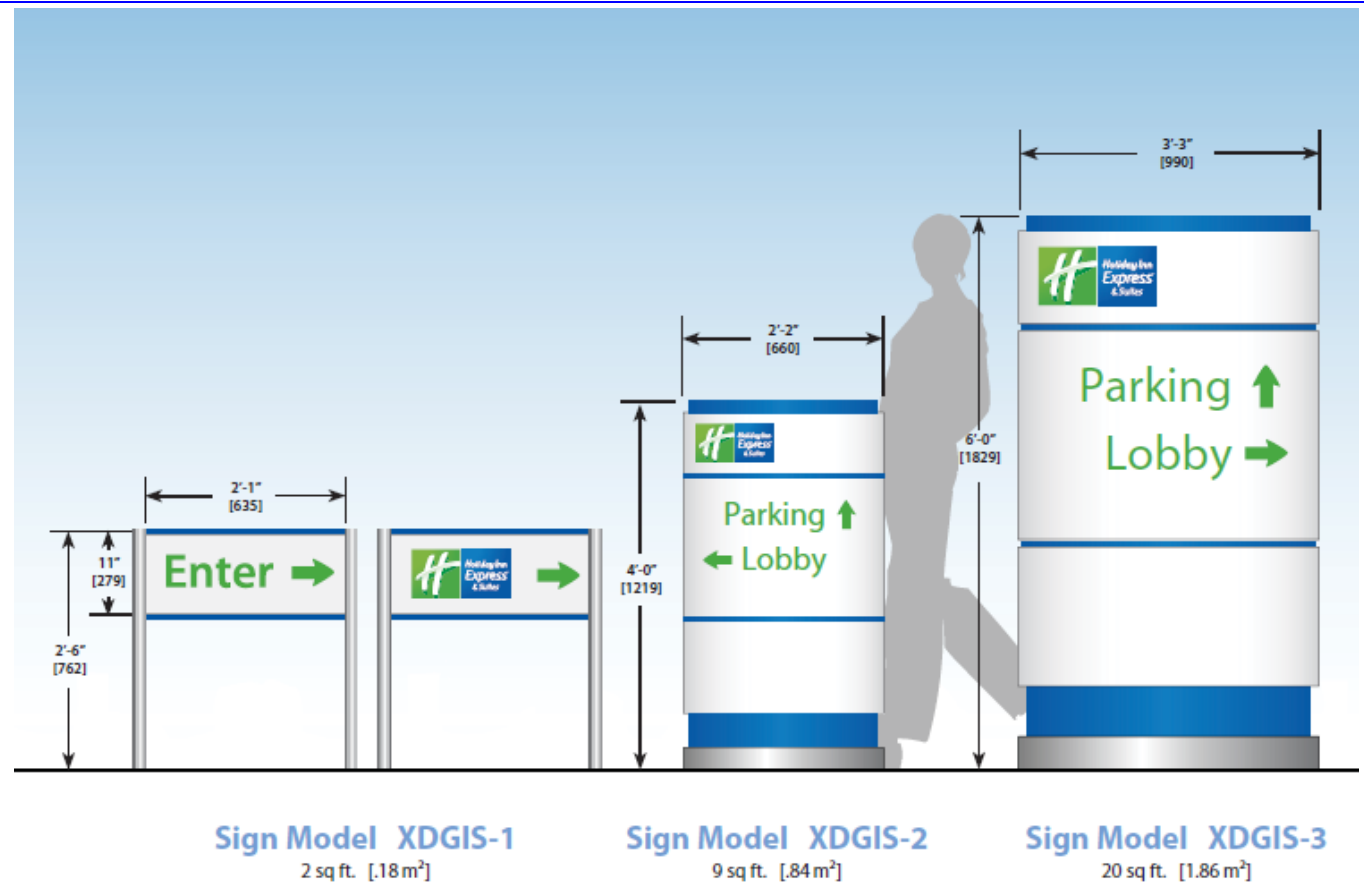


Family of Signs

Ground Signs

Secondary Signs

Directional Signs



**Directional Ground Signs –
Illuminated**

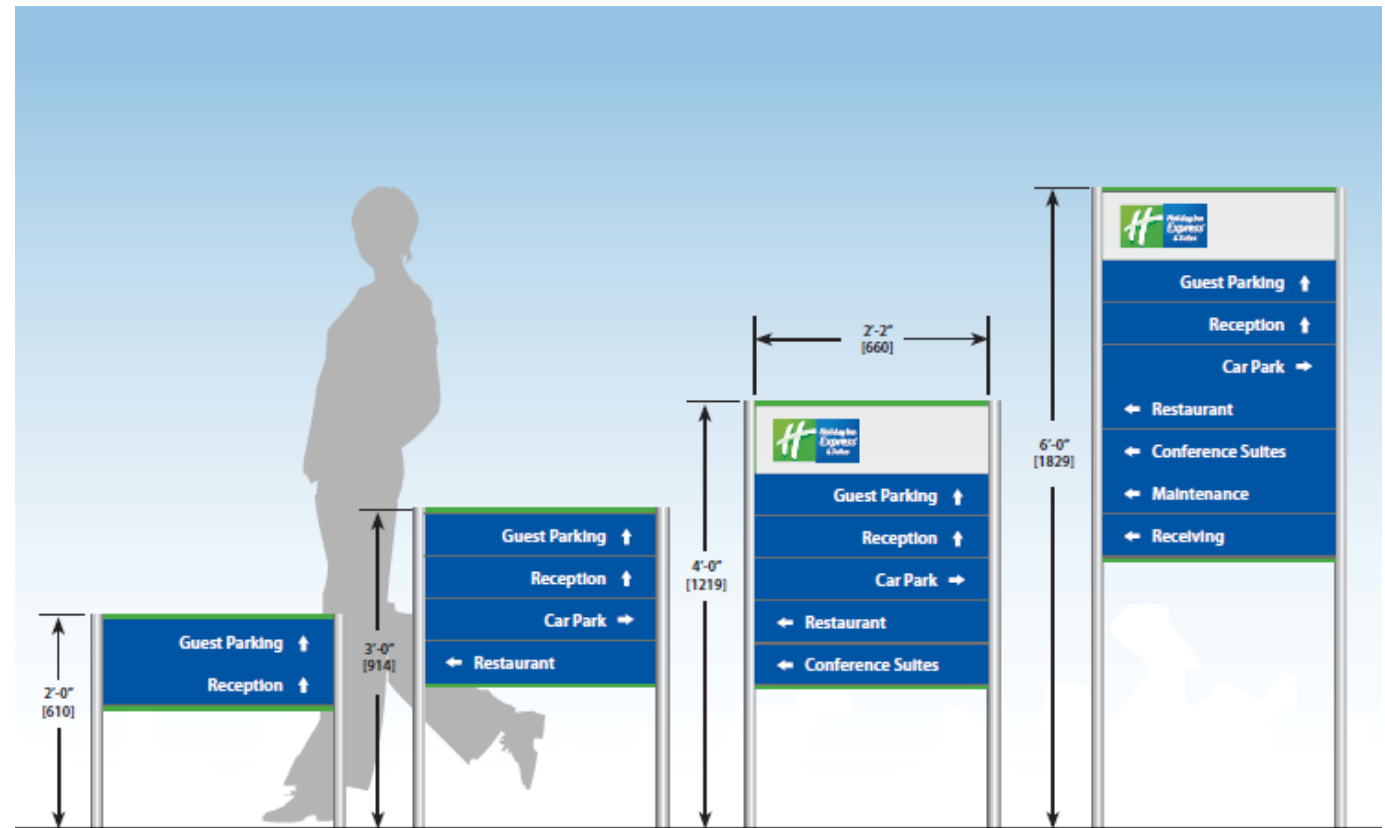


Family of Signs

Ground Signs

Secondary Signs

Directional Signs



Sign Model XDGNS-2

Square Footage/Area Varies

**Directional Ground Signs –
Non-Illuminated**

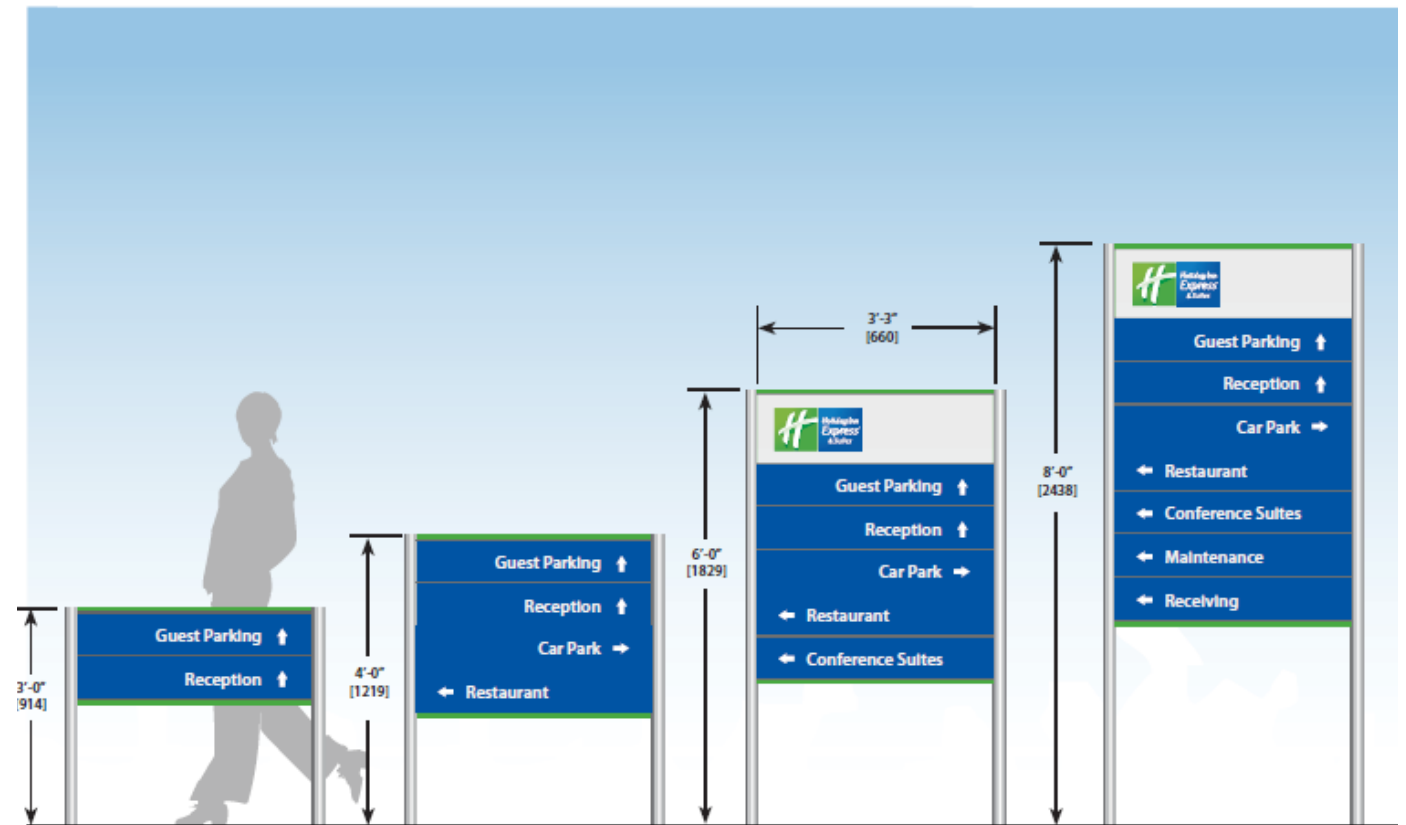


Family of Signs

Ground Signs

Secondary Signs

Directional Signs



Sign Model XDGNS-3

Square Footage/Area Varies

**Directional Ground Signs –
Non-Illuminated**



Family of Signs

Building Signs

Primary Signs

Building Lettersets

*** Required layout for
Formula Blue
Prototype Hotels**

****Formula Blue** - Do not sheetrock behind signs until the install is complete. Inquire with suppliers about having the signs pre-wired during construction so the walls can be closed up.



Daytime Dark Colored Buildings



Daytime Light Colored Buildings



Nighttime



Nighttime

Sign Model *	XLS-SM-3	XLS-SM-4	XLS-SM-5	XLS-SM-6	XLS-SM-7	XLS-SM-8	XLS-SM-9	XLS-SM-10
A	3'-1" [940]	4'-1" [1245]	5'-1" [1549]	6'-1" [1854]	7'-1" [2159]	8'-1" [2464]	9'-1" [2769]	10'-1" [3073]
B	7'-0 1/2" [2146]	9'-4" [2845]	11'-7" [3531]	13'-10 1/2" [4229]	16'-2" [4928]	18'-5 1/2" [5626]	20'-8 1/2" [6312]	23'-0" [7010]
C	8'-4 1/4" [2546]	11'-1" [3378]	13'-9 1/2" [4204]	16'-6" [5029]	19'-2 1/2" [5855]	21'-11" [6680]	24'-7 1/2" [7506]	27'-4" [8331]
D	1'-2 1/4" [362]	1'-6 3/4" [476]	1'-11 1/2" [597]	2'-4" [711]	2'-8 1/2" [826]	3'-1" [940]	3'-5 3/4" [1060]	3'-10 1/2" [1181]
sq ft [m ²] †	45 [4.18]	79 [7.24]	122 [11.33]	175 [16.26]	237 [22.02]	308 [28.61]	389 [36.14]	479 [44.50]

* Face color is designated by appending a "W" for white faces or a "D" for dark faces

† Area is determined by bounding box around graphics

IHG recommends dropping the "& Suites" portion of building lettersets on smaller sign models. This allows for larger Holiday Inn Express letters. See pages 21-26.

**Stacked Layout with Monogram
Building Letters**



Family of Signs

Building Signs

Primary Signs

Building Lettersets

NOTE: Do not sheetrock behind signs until the install is complete. Inquire with suppliers about having the signs pre-wired during construction so the walls can be closed up.



Daytime Dark Colored Buildings



Daytime Light Colored Buildings



Nighttime



Nighttime

Sign Model *	XLS-SLM-3	XLS-SLM-4	XLS-SLM-5	XLS-SLM-6	XLS-SLM-7	XLS-SLM-8	XLS-SLM-9	XLS-SLM-10
A	3'-1" [940]	4'-1" [1245]	5'-1" [1549]	6'-1" [1854]	7'-1" [2159]	8'-1" [2464]	9'-1" [2769]	10'-1" [3073]
B	7'-10 1/2" [2400]	10'-5 1/4" [3181]	13'-0" [3962]	15'-6 1/2" [4737]	18'-1 1/2" [5525]	20'-8" [6299]	23'-3" [7087]	29'-9 1/2" [7861]
C	9" [229]	1'-0" [305]	1'-3" [381]	1'-6" [457]	1'-9" [533]	1'-11 3/4" [603]	2'-2 3/4" [679]	2'-5 3/4" [756]
sq ft [m ²] [†]	24 [2.22]	43 [3.99]	66 [6.13]	95 [8.82]	128 [11.89]	167 [15.51]	211 [19.60]	260 [24.15]

* Face color is designated by appending a "W" for white faces or a "D" for dark faces

[†] Area is determined by bounding box around graphics

IHG recommends dropping the "& Suites" portion of building lettersets on smaller sign models. This allows for larger Holiday Inn Express letters. See pages 21-26.

**Stacked Linear Layout with Monogram
Building Letters**



Family of Signs

Building Signs

Primary Signs

Building Lettersets

NOTE: Do not sheetrock behind signs until the install is complete. Inquire with suppliers about having the signs pre-wired during construction so the walls can be closed up.



Sign Model *	XLS-LM-3	XLS-LM-4	XLS-LM-5	XLS-LM-6	XLS-LM-7	XLS-LM-8	XLS-LM-9	XLS-LM-10
A	3'-1" [940]	4'-1" [1245]	5'-1" [1549]	6'-1" [1854]	7'-1" [2159]	8'-1" [2464]	9'-1" [2769]	10'-1" [3073]
B	23'-2" [7061]	30'-8 1/2" [9360]	38'-2 1/2" [11646]	45'-9" [13945]	53'-3" [16231]	60'-9" [18517]	68'-3 1/2" [20815]	75'-9 1/2" [23101]
C	1'-6 1/4" [464]	2'-0" [610]	2'-6" [762]	3'-0" [914]	3'-6" [1067]	4'-0" [1219]	4'-5 3/4" [1365]	4'-11 3/4" [1518]
sq ft [m ²] †	48 [4.45]	84 [7.80]	130 [12.08]	186 [17.28]	252 [23.41]	328 [30.47]	415 [38.55]	511 [47.47]

* Face color is designated by appending a "W" for white faces or a "D" for dark faces

† Area is determined by bounding box around graphics

IHG recommends dropping the "& Suites" portion of building lettersets on smaller sign models. This allows for larger Holiday Inn Express letters. See pages 21-26.

**Linear Layout with Monogram
Building Letters**



Family of Signs

Building Signs

Secondary Signs

Single-Face Wall Signs



Single Faced Wall signs are only permitted when a letterset sign will not fit within the proposed elevation of the building

Sign Model *	A	B	sq ft [m ²]
XWFS-8	2'-0" [610]	4'-1" [1245]	8 [.74]
XWFS-18	2'-11 3/4" [908]	6'-1" [1854]	18 [1.67]
XWFS-32	3'-11 1/2" [1207]	8'-1" [2464]	32 [2.97]

Single Faced Wall Signs

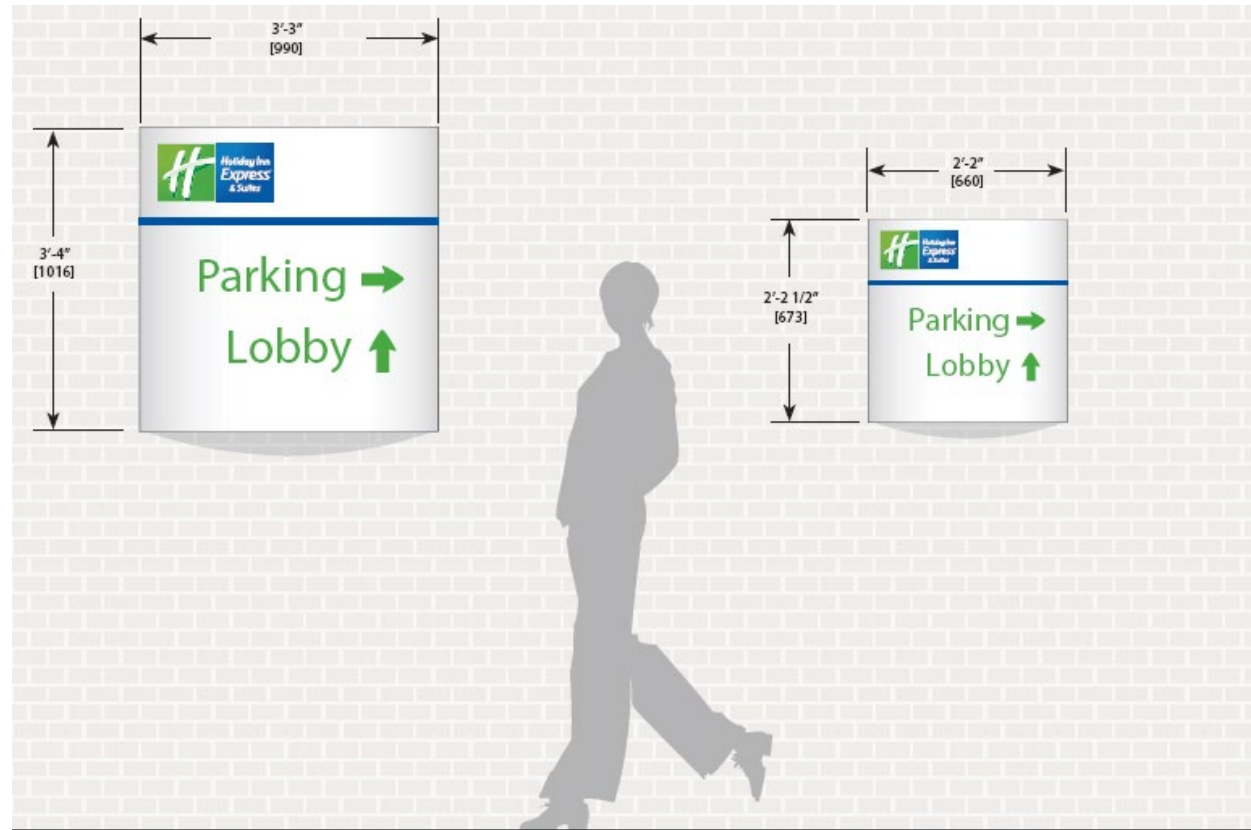


Family of Signs

Building Signs

Secondary Signs

Single-Face Wall Signs



Sign Model XDWS-11 11 sq. ft. [1.02 m²]

Sign Model XDWS-5 5 sq. ft. [.46 m²]

Directional Wall Signs

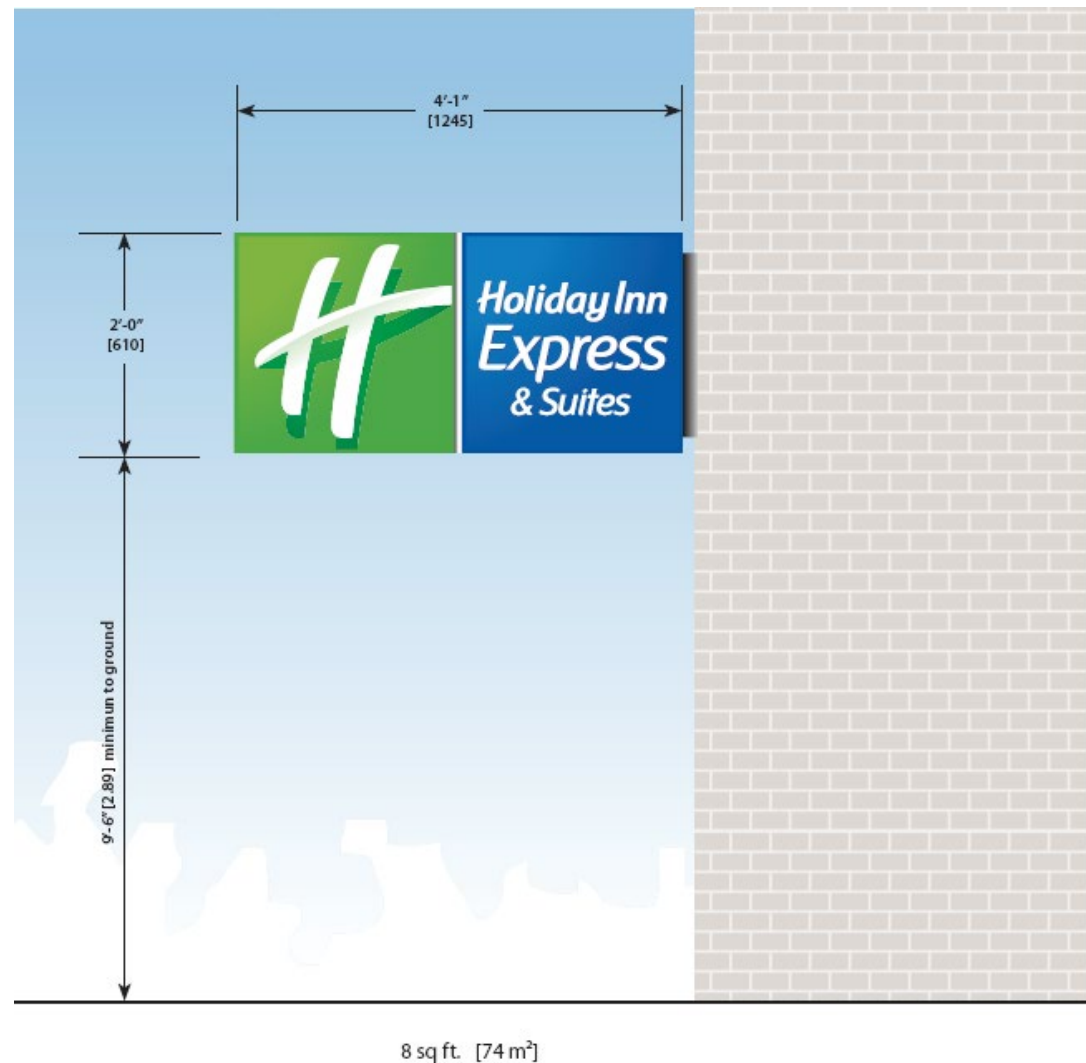


Family of Signs

Building Signs

Secondary Signs

Projecting Wall Signs



**Sign Model XWPS-8
Pylon & Monument Signs**



Family of Signs

Building Signs

Secondary Signs

Pedestrian Wall Signs



Stacked Linear w/ Optional Locator Name - To be mounted at low levels only.

Sign Model *	XPLLS-9	XPLLS-12	XPLLS-18	XPLLS-24	XPLLS-30	XPLLS-36
A	9" [229]	1'-0" [305]	1'-6" [457]	2'-0" [610]	2'-6" [762]	3'-0" [914]
B	1'-11 1/8" [587]	2'-6 3/4" [781]	3'-10 1/4" [1175]	5'-13 1/4" [1568]	6'-5" [1956]	7'-8 1/2" [2350]
C	2 1/4" [57]	3" [76]	4 7/16" [113]	5 7/8" [149]	7 3/8" [187]	8 7/8" [225]
D	15/16" [24]	1 1/4" [32]	1 7/8" [48]	2 7/16" [62]	3" [76]	3 5/8" [92]
E	11 3/8" [289]	1'-3 1/4" [387]	1'-10 3/4" [578]	2'-6 1/4" [768]	3'-1 3/4" [959]	3'-9 3/8" [1153]
sq ft [m ²] †	2 [.2]	3 [.3]	7 [.7]	13 [1.2]	20 [1.9]	29 [2.7]

† Area is determined by bounding box around graphics

Pedestrian Level Letters – Non-Illuminated



Family of Signs

Building Signs

Secondary Signs

Pedestrian Wall Signs



Stacked w/ Optional Locator Name - To be mounted at low levels only.

Sign Model *	XPSLS-9	XPSLS-12	XPSLS-18	XPSLS-24	XPSLS-30	XPSLS-36
A	9" [229]	1'-0" [305]	1'-6" [457]	2'-0" [610]	2'-6" [762]	3'-0" [914]
B	1'-8 1/2" [521]	2'-3 1/2" [699]	3'-5" [1041]	4'-6 3/4" [1391]	5'-8 1/2" [1740]	6'-10" [2083]
C	3 1/2" [89]	4 5/8" [117]	6 7/8" [175]	9 1/4" [235]	11 1/2" [292]	1'-1 3/4" [349]
D	4 3/4" [121]	6 3/8" [162]	9 9/16" [243]	1'-0 3/4" [324]	1'-4" [406]	1'-7 1/8" [486]
E	1 7/16" [37]	1 7/8" [48]	2 7/8" [73]	3 13/16" [97]	4 3/4" [121]	5 3/4" [146]
F	1'-11" [584]	2'-6 3/4" [781]	3'-10 1/8" [1172]	5'-1 1/2" [1562]	6'-4 7/8" [1953]	7'-8 1/4" [2343]
sq ft [m ²] †	3 [.3]	6 [.6]	13 [1.2]	23 [2.1]	35 [3.3]	51 [4.7]

† Area is determined by bounding box around graphics

Pedestrian Level Letters – Non-Illuminated

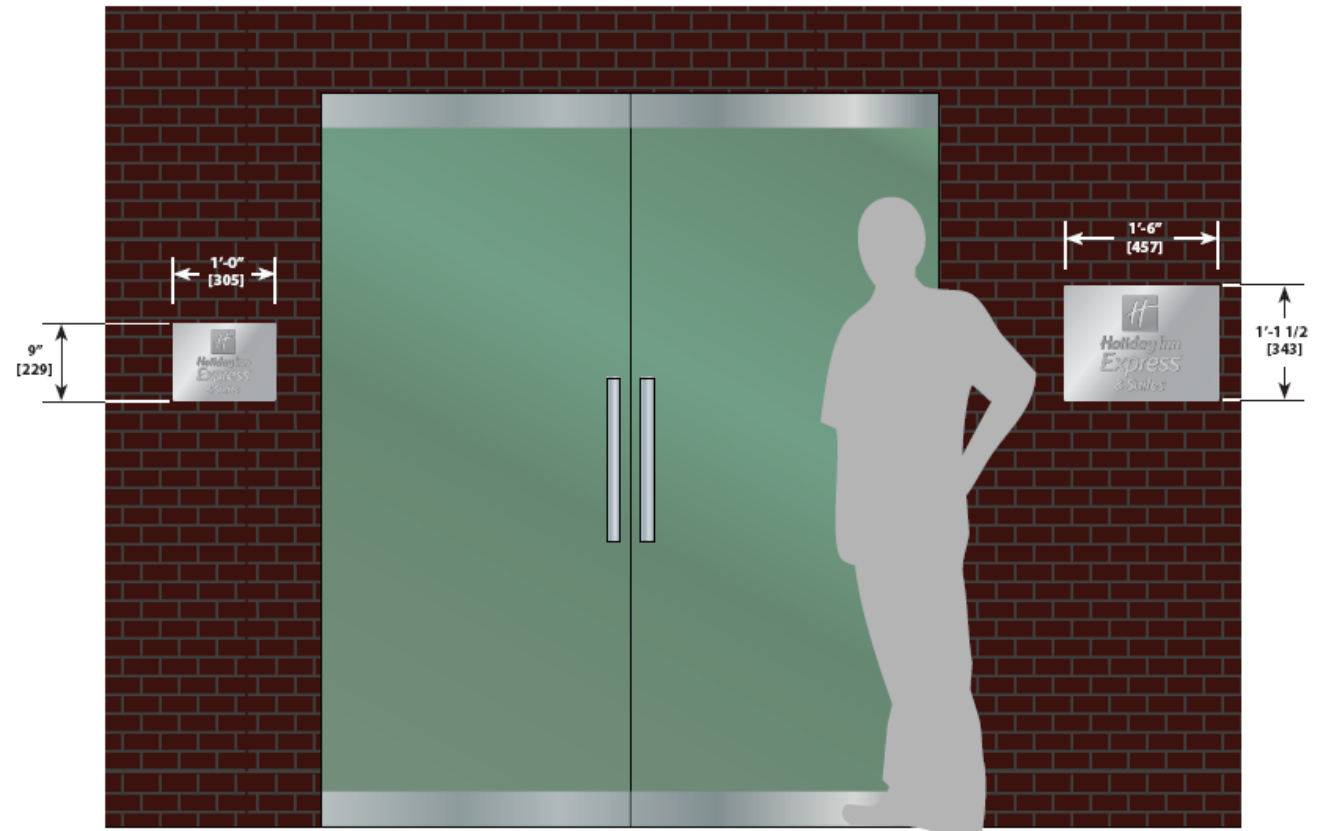


Family of Signs

Building Signs

Secondary Signs

Wall Plaques



Sign Model XPS1 .75 sq ft. [.07 m²]

Sign Model XPS2 1.7 sq ft. [.2 m²]

**Stainless Steel Plaques
Non-Illuminated**

Section 6: Electrical and Anchoring Requirements for Holiday Inn Express

Electrical Requirements for Holiday Inn Express

Building Channel Letters	3' - 1" Monogram	4' - 1" Monogram	5' - 1" Monogram	6' - 1" Monogram	7' - 1" Monogram	8' - 1" Monogram	9' - 1" Monogram	10' - 1" Monogram
<u>Monogram and Lettersets</u> (White and Dark faces)	(1) - 20 amp circuit 120v	(1) - 20 amp circuit 120v	(1) - 20 amp circuit 120v	(1) - 20 amp circuit 120v	(1) - 20 amp circuit 120v	(1) - 20 amp circuit 120v	(1) - 20 amp circuit 120v	(1) - 20 amp circuit 120v

Ground Signs

Directional Signs	(1) - 20 amp circuit 120v
Monument Signs	(1) - 20 amp circuit 120v
Pylon Signs	(1) - 20 amp circuit 120v
Highway Signs	(1) - 20 amp circuit 120v

*All Signs – Primary Power requirements should be confirmed with an IHG-Approved Sign Supplier. The estimates above are based on the suggested LED quantities.

Anchoring Requirements for Holiday Inn Express Signage

Backing for monograms and lettersets – ¾” plywood

<u>Monogram</u>	3' - 1"	4' - 1"	5' - 1"	6' - 1"	7' - 1"	8' - 1"	9' - 1"	10' - 1"
Holiday Inn Express	(4) – 1/4" bolts	(4) – 1/4" bolts	(4) – 3/8" bolts	(4) – 3/8" bolts	(4) – 1/2" bolts	(6) – 1/2" bolts	(6) – 1/2" bolts	(6) – 1/2" bolts
Holiday Inn Express & Suites	(4) – 1/4" bolts	(4) – 1/4" bolts	(4) – 3/8" bolts	(4) – 3/8" bolts	(4) – 1/2" bolts	(6) – 1/2" bolts	(6) – 1/2" bolts	(6) – 1/2" bolts

Lettersets: All Brands- All Sizes – All letters are mounted separately and require a minimum of (3) – 1/4" diameter mounting bolts per letter.

*This is subject to change for larger letters or larger signs.

Pylon Signs: Anchor Bolts vary by design.

Directional Signs: All brands – all varieties – Anchorage varies by design

Highway Signs: All brands – all varieties – Anchorage varies by design.

Section 7: Signage Installation Requirements and Preparation Guide

General Responsibilities of the hotel in the exterior signage process

- There must be adequate access available behind every wall that will support any wall sign.
- Electrical wiring for individual letters will penetrate the exterior wall and distribute in the cavity of the interior wall framing terminating at transformers
- The hotel is responsible for having the proper 120v electrical power to within 6 ft. of the new signage area (exact location should be coordinated between the hotel and the sign installer). The hotel is also responsible for having a certified electrician make the final electrical connection between the primary electrical power supply and the lead wire(s) from the newly installed signage.
- Mounting support of the letters will penetrate the exterior wall and be bolted on the back side of the supporting plywood structure (exterior drywall, behind the dryvit, is not an adequate structural substrate to support the mounted letterset). Letters mounted on block or concrete walls may not necessarily penetrate all of the way through the back side of the supporting wall.
- Membrane roofs – if a membrane roof system (including membrane material that extends up a parapet wall) must be penetrated, it is the hotel's responsibility to hire a qualified roofing contractor to make the proper penetrations, or advise on the proper method of penetration, so that the integrity, and possibly the warranty, of the membrane roof is not compromised. The roofing contractor is responsible for patching any penetrations made.
- Roof mounted signs – the hotel is responsible for hiring a qualified roofing contractor to patch any penetrations made into the roofing material in conjunction with the removal or installation of a roof mounted sign. This will help to ensure that the hotel's warranty is left intact. Hotel should verify with the contracted roofing company that the warranty will continue to be valid after the work is completed. The roofing contractor may choose to make the necessary penetrations or advise as to the method of penetration.
- EIFS/Dryvit exteriors - If sleeves are required for penetrations in EIFS/Dryvit systems, your IHG-approved Sign Manufacturer should be notified when requesting bids. If a certain brand of sleeves or caulking is to be used, then the hotel should supply the specifics to the sign installer at least two weeks prior to installation date. If a certain sleeve installation method is to be used, the hotel must provide written instructions along with an instructional diagram.

Exterior EIFS repair (Conversion Hotels when Existing sign was/is installed)

Upon removal of the existing building signs, EIFS must be patched and painted prior to installation of all new building sign. This EIFS work will help ensure weather tightness, secure applicable warranties, and provide a more aesthetically pleasing wall surface.

- Your sign installer will provide a basic patch and paint of the EIFS at the existing wall sign location(s). Because they are not EIFS professionals, you may be asked to sign off on their work prior to installation of the new sign(s). Should the EIFS need to be repaired and skimmed by an EIFS professional due to indentations, tears, rips, improper original installation, or other factors, the hotel will be responsible for hiring the EIFS professional as well as paying for a possible extra trip charge by the sign installer. This EIFS work will help ensure weather tightness, secure applicable warranties, and provide a more aesthetically pleasing wall surface.
- If approved by the sign supplier, the hotel may contract to have EIFS professionals complete the repairs if coordinated with the sign supplier.
- The EIFS repair should be satisfactorily completed before the new signage is installed.

Exterior painting of signage area (Conversion Hotels when Existing sign was/is installed)

- Upon removal of the existing signage and the appropriate restorations made, the sign supplier is responsible for painting (or cleaning if the wall area is unpainted masonry) the wall area to match the surrounding wall area. If supplier selects the paint color and it does not match, then the supplier is responsible for repainting the area to match. If the hotel approves the paint color that the supplier is to use and the color does not match, it is the hotels responsibility for repainting the area to match. If the hotel selects the paint color and it does not match, then the hotel is responsible for repainting the area to match.
- Painting should be completed and the match verified before the new signage is installed.
- The hotel should inform their selected sign supplier of any situations, not shown on the recommendation document, which may be an obstacle (pools, walls, etc.) to installation equipment (cranes, lifts, etc.)

- **Drawings for permits** – hotel is responsible for providing the sign supplier the needed drawings of the hotel property as required by the municipality.
 - These drawings usually include a civil site plan and an architectural site plan (some municipalities require additional drawings). Having these drawings available at the time of supplier selection will greatly speed up the permitting process. *Cities in Canada typically also require full elevation drawings that show the measurements of each building face.
 - If the Hotel is seeking to reuse an existing hi-rise pole and foundation, then copies of the engineering drawings (and calculations if possible) are necessary, for analysis by the supplier's engineer, to determine the structural sufficiency to support the new sign based on the current codes. If these drawings are not provided by the hotel, additional expenses and time may be necessary to complete the analysis.

Mounting preparation

- *Wall signs mounted on exterior walls/parapets*
 - Use of exterior raceway(s) to mount wall sign(s) is not permitted.
 - Wall signs will be mounted using bolts to attach the individual letters to the structure of the supporting wall/parapet
 - Walls with studs and plywood
 - 3/4 " (minimum) plywood is recommended as the substrate behind the area of the wall mounted signage (see Sign Supplier recommendation document {if available}for location and dimensions of wall signage); if the Hotel does not have 3/4" plywood, contact your Sign Supplier to inform them of the existing substrate
 - Wall signage will be typically supported by through-bolts which will be bolted on the back side of the plywood substrate
 - Access to the wall cavity on the back (interior) side of the exterior wall is essential
 - Adequate access must be given inside the drywall (drywall will need to be removed by the Hotel as required at time of signage installation; typically for a 2-3day period)
 - It is the hotel's responsibility to remove the drywall and to replace and repair the area after signage installation
 - This is a common condition at guest room areas and stairwells
 - If the signage is to be mounted outside a guest room, then those rooms will need to be placed in a DNR (Do not rent) status as the drywall on the exterior wall will need to be removed for the signage installation.
 - Note that all transformers must have an access panel to allow any required maintenance



Not the best way to provide access



The best way to provide access

- Walls with block or brick exterior
 - Wall signage will be supported by bolts which will be anchored into the block or brick. The block or brick must be adequately supported or self-supporting such that it will sustain the loads imposed by the attached signage
 - Access to the back side of the exterior wall (either the stud wall cavity or the back side of a block wall) is essential to allow the electrical wiring to penetrate the exterior wall and be distributed to central power transformers
 - If wiring cannot remain exposed on the interior , the hotel will be responsible for constructing whatever is necessary and desired to conceal the wiring and the accompanying transformers
 - The hotel may have to build a false wall or chase-way on the interior of the room to accommodate and cover up the needed wiring and transformers
 - Note that all transformers must have an access panel to allow any required maintenance
 - Elevator shafts – Signs may be installed on exterior walls that contain an elevator shaft if permitted by the city inspectors and the state fire marshal

- **Ground signs mounted on concrete foundations**

- Pylon and Highway signs

- The standard protocol for hotels with existing ground signs is for the sign supplier to install a new foundation (for the new ground sign) adjacent to any existing foundation.
 - An engineering review may be made to determine if the existing foundation is adequate (based on current applicable codes) to support the new ground sign
 - Modifications (which may involve additional costs to the hotel) to the existing foundation may be necessary to accommodate the new signage main anchoring system
 - If the new sign is going to be installed in the same location as the old sign, and the foundation is found to be inadequate to support the new sign, then additional costs will be incurred to excavate and remove the existing foundation prior to the installation of the new foundation.
 - Ground signs (pylon, monument and directional) with an aluminum gray colored base cover must be installed with the base cover at grade.
 - Ensure that the proposed location has adequate space available for the foundation
 - Foundation sizes range from small to very large
 - Small pylon foundations - 3'x3'x3'
 - Medium pylon foundations – 5'x5'x4'
 - Large pylon foundations – 14'x10'x6'
 - Highway signage foundations are very large
 - Typical sizes can vary from 10'x8'x6' to 25'x15'x10'
 - Drilled caissons (which requires less ground area, but requires deeper depths) may be an alternative to a spread foundation (typical dimensions shown above)
 - The installer is responsible to ensure that the proposed foundation location is free from **public** underground utilities such as: water lines, data lines, utility electrical lines, etc.
 - All **private** underground utilities (electric lines, sprinkler lines and heads, swimming pool water lines, etc.) should be marked with flags, stakes, or paint and pointed out to the sign installer prior to digging the foundation

- It is the hotel's responsibility to remove any landscaping material(s) from the foundation area
 - Remember to allow enough room for large equipment to access the signage area
 - The sign installer is not responsible for damaged landscaping left around the signage installation area
 - Any landscaping material remaining at the time of foundation installation will be removed by the signage installer
 - Landscaping material removed by the signage installer will be left on site for disposal by the hotel
- **Electrical requirements**
 - Signs installed on exterior walls/parapets
 - Illuminated wall signs typically consist of a square monogram cabinet sign accompanied by individual letters
 - Each letter is individually powered
 - Lead wires can be no longer than 10 ft. from the letter to the transformer
 - Each powered letter connects to a shared transformer(s)
 - Each letter's electrical lead will directly penetrate the exterior wall and be directed through the wall cavity to the appropriate transformer
 - Electrical leads will not be connected or laced together on the exterior of the building
 - Exterior raceways will not be allowed – drywall is to be removed on the interior wall to provide access for signage installation
 - Required electrical power is 120v
 - If the supplied power is something other than 120v, you must contact your Sign Supplier to advise the type of supplied power
 - All electrical circuits utilized for signage must be dedicated circuits exclusively used for the powered signage
 - Power supply to the signage area is the responsibility of the hotel
 - Power supply must be terminated in a junction box per local electrical codes
 - A switch should be located on the sign side of the junction box; the switch must be accessible (for maintenance reasons); if an access panel is used the switch can be located within the access panel
 - Electrical junction box should be located within the signage area
 - If required, an access panel is to be provided by the sign installer for all power transformers located in a wall cavity.

- The hotel should coordinate with the signage installer to determine the location for the access panel (access panels may be able to be “hidden” behind bed headboards, pictures, mirrors, or other room objects)
 - If the hotel wants to assume responsibility for providing the access panel, the sign installer can coordinate the location of the access panel with the hotel
 - If mounted on a fire-rated wall, then the access panel must meet the required fire rating
 - The transformers are rated to a maximum ambient temperature of 145 degrees F while operating (night time) and 180 degrees F while not operating (daytime); attic areas should be ventilated such that the temperature will not exceed the allowed maximum ambient temperature
- Typical required amperage
 - All building signs – (1) 20 amps circuit / 120 volts
- Ground signs
 - Primary electrical wiring is the responsibility of the hotel
 - If electrical power is not already within six feet of the sign, the hotel should hire a certified electrician to install the needed electrical power; hotel should contact their selected supplier for specific electrical requirements
 - Primary electrical wiring should be underground and terminated no farther than six feet from the ground sign
 - The junction box should be located underground and should not be mounted to the side of the sign; if the junction box must be mounted to the side of the sign (due to code restrictions or other valid reasons), the your Sign Supplier should be contacted and the top of the junction box should not be located more than six inches from grade.
 - Typical required amperage
 - All ground signs – (1) 20 amps circuit / 120 volts.
 -

SIGNAGE INSTALLATION SUMMARY

Description	Responsibility	
	<u>Hotel</u>	<u>Sign Installer</u>
Apply for and obtain signage permits from municipality		▲
Provide proper substrate for wall signage	▲	
Provide access for wall sign installation	▲	
Remove drywall	▲	
Replace drywall	▲	
Paint/vinyl new drywall	▲	
Provide access panel (as required)		▲
Locate position of access panel	▲	▲
Provide sufficient electrical power to signage area	▲	
Hire electrician to run primary power and make final connection	▲	
Junction box within signage area	▲	
Switch on junction box	▲	
Connect sign letters to transformers		▲
Connect sign transformers to junction box	▲	
Drill holes and make secure signage attachment		▲
Retain roofing contractor to seal penetrations in membrane roofing on the back side of the parapet	▲	
Dig & pour foundation for ground signs		▲
Locate underground public utilities		▲
Mark private underground utilities (sprinklers, etc.)	▲	
Move landscaping in area of ground sign (as required)	▲	
Replace landscaping in area of ground sign	▲	

Section 8: Installation Checklist

Prior to the installation of exterior signage at the hotel, there are several areas in which you can assist to ensure that the installation process is completed as smoothly and quickly as possible. Please review and complete the applicable items from the list below prior to your scheduled signage installation.

Pre-Installation Checklist

Parking lot access

- ☐ Throughout the signage installation process, the sign installation company will need access to parking lot areas around all freestanding signs for removal and installation. The installation company will also need access to the perimeter of the building to access all building signs. Please make sure that these areas are accessible during the signage installation. This may require blocking portions of the parking lot to ensure accessibility by the installers.

Landscaping

- ☐ While the sign installation company will do its best to preserve the hotel's landscaping, the landscaping around the base of the freestanding signs is subject to damage. Prior to the removal and installation of freestanding signage where landscaping is present, you should consider transplanting plants where possible. The sign installation company will not be responsible for damaged landscaping.
- ☐ In some cases, hearty plantings such as bushes and shrubs may need to be removed completely depending on the scope of work required.

Hotels with Building Signs

Wall Repair and Painting

- ☐ Brand standards require that the building façade has a like-new appearance, leaving no evidence of a signage change. Wall repair is typically required when the building façade is constructed of EIFS (synthetic stucco) or similar construction material. In some cases, a limited wall repair consists of a simple patch and paint of the holes from the existing signage. In other cases, additional resurfacing and painting may be required. In most cases, the extent of the repair that is required cannot be determined until the existing signage is removed from the building. See page 52 for additional requirements on EIFS repair.
- ☐ If patching is required, painting of the patched areas will be necessary. Having a matching paint available, or a proper paint-match that can be easily purchased, will ensure the proper touch-up is completed at the time of the installation.

Guest Room Accessibility

- ☐ If there is a building sign directly outside of a guest room(s), then please make the appropriate preparations to place these rooms into “Do Not Rent” status while the installation is taking place. If there is not an access panel behind the wall or ceiling area where the sign is to be installed, then the installer will need to provide an access panel to the electrical transformer.

Electrical Requirements

- ☐ Sign installers are generally not licensed electricians, but in some cases will make the final sign electrical connections. An electrical contractor may be required to provide this final connection or install additional electrical feeds to the signs. For example, a sign may need to be relocated, even only a few feet, so an electrical contractor may need to be engaged.
 - If the Hotel has a reliable electrical contractor that is used, please have the contact information available in case the contractor is needed to assist with the installation.

Post-Installation Checklist

After the installation is complete, please check the following items:

- ☐ Ensure that all ground signs appear to be installed properly to the Hotel’s satisfaction and are free of defects. Verify that all illuminated signs illuminate.
- ☐ Ensure that all building wall signs appear to be installed properly to the Hotel’s satisfaction and are free of defects. Verify that all building signs illuminate.

If there are any issues with the installation, please immediately contact your supplier to report any noticeable issues.

Landscaping

- ☐ If all ground signs appear to be in working order, it will be the hotel’s responsibility to ensure that the proper landscaping is provided. If there are noticeable signage deficiencies, refrain from completing the landscaping until the issue has been resolved.



PLANNING & ZONING BOARD AGENDA MEMORANDUM

MARCH 14, 2022 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-08: Rezoning Application RZ12021040, Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

SYNOPSIS:

Ordinance 2022-08, if adopted, would amend the City's Official Zoning Map by assigning the "RSF-2 Urban Single-Family Residential Detached District" to the recently annexed single-family residential property located at 6 Carter Terrace (**Exhibit A**). The application (**Exhibit B**) was submitted by Colby Caldwell, owner of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.22 acres and is occupied by a 2,075 square foot residential structure. The proposed amendment is compatible with the current Volusia County zoning district (R-9, Urban Single-Family Residential District).

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 6 Carter Terrace, was recently annexed into the corporate limits of the City of Daytona Beach Shores. However, Section 171.062, Florida Statutes limits regulatory and development control over an annexing property if the area annexed was subject to a county land use plan and county zoning such that said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment and zoning change that includes the annexed area. The purpose of this application is to realize the latter. The property owners have also submitted an application to amend the future land use classification of the property in question to Residential Low Intensity, consistent with the existing and surrounding land uses and current Volusia County Urban Low Intensity future land use classification. The zoning change will be adopted subsequent to the formal future land use amendment of the subject property.

B. PLANNING ANALYSIS

See **Exhibit C** for planning analysis.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-08 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board member may motion as follows:

1. "I move to recommend approval Ordinance 2022-08 as presented."

OR

2. "I move to recommend denial of Ordinance 2022-08, on the basis of the following..."

- ATTACHMENT:**
1. Exhibit A- 6 Carter Terrace RZ Application
 2. Ord. 2022-08-RZ-6 Carter Terrace
 3. Exhibit B-Location Map-6 Carter Terrace
 4. Exhibit C-6 Carter Terrace-Rezoning (P&Z Staff Report)



City of Daytona Beach Shores
Community Services Department
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5377

217522
RECEIVED

NOV 18 2021

APPLICATION TO AMEND ZONING MAP

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

The Undersigned Applicant requests the Planning and Zoning Board and City Council to decide upon this application in accordance with Section 14-66 and 14-67 of the Land Development Code.

FEES MUST BE PAID AT THE TIME THE APPLICATION IS SUBMITTED

Date Submitted: ____/____/____

Current Zoning: _____

Requested Zoning: _____

Applicant's Name: Colby Caldwell & Jennifer Caldwell

Address: 6 Carter ter. Daytona beach FL Phone #: 386-882-6560

Representative: _____

Address: _____ Phone #: _____

Property Address & Parcel ID: _____

Property Owner: Colby Caldwell & Jennifer Caldwell

NOTE: If applicant is not property owner, attach a notarized statement of authorization

Legal Description of Property:

Colby Caldwell
Applicant's Signature

11/17/21
Date

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE RSF-2 URBAN SINGLE-FAMILY RESIDENTIAL DETACHED DISTRICT ZONING CLASSIFICATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 6 CARTER TERRACE, SHORT TAX PARCEL ID 5334-00-02-0190; PROVIDING MODIFICATION OF THE OFFICIAL ZONING MAP; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the property described in Section One herein was annexed into the City of Daytona Beach Shores on January 25, 2022, and an appropriate City zoning classification must be assigned to the real property in accordance with the requirements of controlling law; and

WHEREAS, the City Council of the City of Daytona Beach Shores has received recommendation from staff and the Planning and Zoning Board for the assignment of zoning classification to said annexed property and has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds such rezoning consistent with the *City of Daytona Beach Shores Comprehensive Plan* and deems it in the best interest of the inhabitants of said City to amend the Official Zoning Map as hereinafter set forth,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, as follows:

SECTION ONE: REZONING OF REAL PROPERTY. The property described hereinafter which was annexed into the City of Daytona Beach Shores pursuant to Ordinance No. 2021-03 is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

Short Tax Parcel ID #5334-00-02-0190, as described in Exhibit “A” as attached, is assigned the RSF-2, Urban Single-Family Residential Detached District Zoning Classification.

SECTION TWO: AMENDMENT OF OFFICIAL ZONING MAP. The Official City Zoning Map is hereby amended to conform with the rezoning assigned herein.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designee, is authorized to take any and all required administrative actions to

implement the provisions of this Ordinance including, but not limited to, providing notice of this rezoning to the Volusia County Council in accordance with applicable law.

SECTION FOUR. NON-CODIFICATION. This Ordinance shall be not be codified in the *City Code of the City of Daytona Beach Shores* or the *Land Development Code of the City of Daytona Beach Shores*; provided, however, that the actions taken herein shall be depicted on the Official Zoning Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2022.

Adopted on second reading this _____ day of _____, 2022.

EXHIBIT A

A PORTION OF THE NORTHERLY 100 FEET OF THE SOUTHERLY 200 FEET OF THE LUFBERRY TRACT PER MAP BOOK 1, PAGE 115 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, NORTH OF RIOMAR BEACHES, MAP BOOK 6, PAGE 95, SAID PUBLIC RECORDS, IN SECTION 34 AND SECTION 35, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 16, CAROLYN TERRACE, PER MAP BOOK 19, PAGE 257 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN N64°00'00"E ALONG THE SOUTHERLY LINE OF SAID CAROLYN TERRACE, 500.97 FEET; THENCE S26°00'00"E, AT RIGHT ANGLES TO SAID SOUTHERLY LINE, 100.00 FEET; THENCE N64°00'00"E PARALLEL WITH SAID SOUTHERLY LINE, 68.10 FEET; THENCE AT AN ANGLE FROM WEST TO NORTH OF 92°43'40", RUN N23°16'20"W, 100.23 FEET TO THE SOUTHERLY LINE OF SAID CAROLYN TERRACE; THENCE S64°00'00"W ALONG SAID SOUTHERLY LINE, 72.68 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
Location Map- 6 Carter Terrace



EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-08

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the annexing single-family residential property located at 6 Carter Terrace from Volusia County *R-9 Urban Single-Family Residential District* to Daytona Beach Shores *RSF-2 Urban Single-Family Residential Detached District*. The subject application was submitted on August 9, 2021. The subject property contains an acreage of approximately 0.22 and has a single-family residential structure on site.

B. EXISTING ZONING AND CURRENT LAND USE

Table 1 below provides a narrative description of the zoning district classifications and current land uses (i.e., existing development) for the subject property and surrounding area while **Figure 1** provides an aerial view of the subject property and surrounding land uses and **Figure 2** is a zoning map of the same while **Figure 3** provides a street view of the property in question.

Table 1: Zoning and Land Use Area Description

Location	Zoning	Current Land Use
Subject Property	R-9*	Single Family Residence
North	RSF-2	Single Family Residence
South	R-9	Single Family Residence
East	GC-1	Red Lobster Plaza/Commercial
West	R-9	Single Family Residence

Notes: *R-9 = Volusia County *Urban Single-Family Residential District*; RSF-2 = DBS *Urban Single Family Residential Detached District*; GC-1 = DBS *Tourist Oriented Commercial District*.

Figure 1: Aerial View-6 Carter Terrace and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2021

Figure 2: 6 Carter Terrace – Zoning Map Of Surrounding Neighborhood

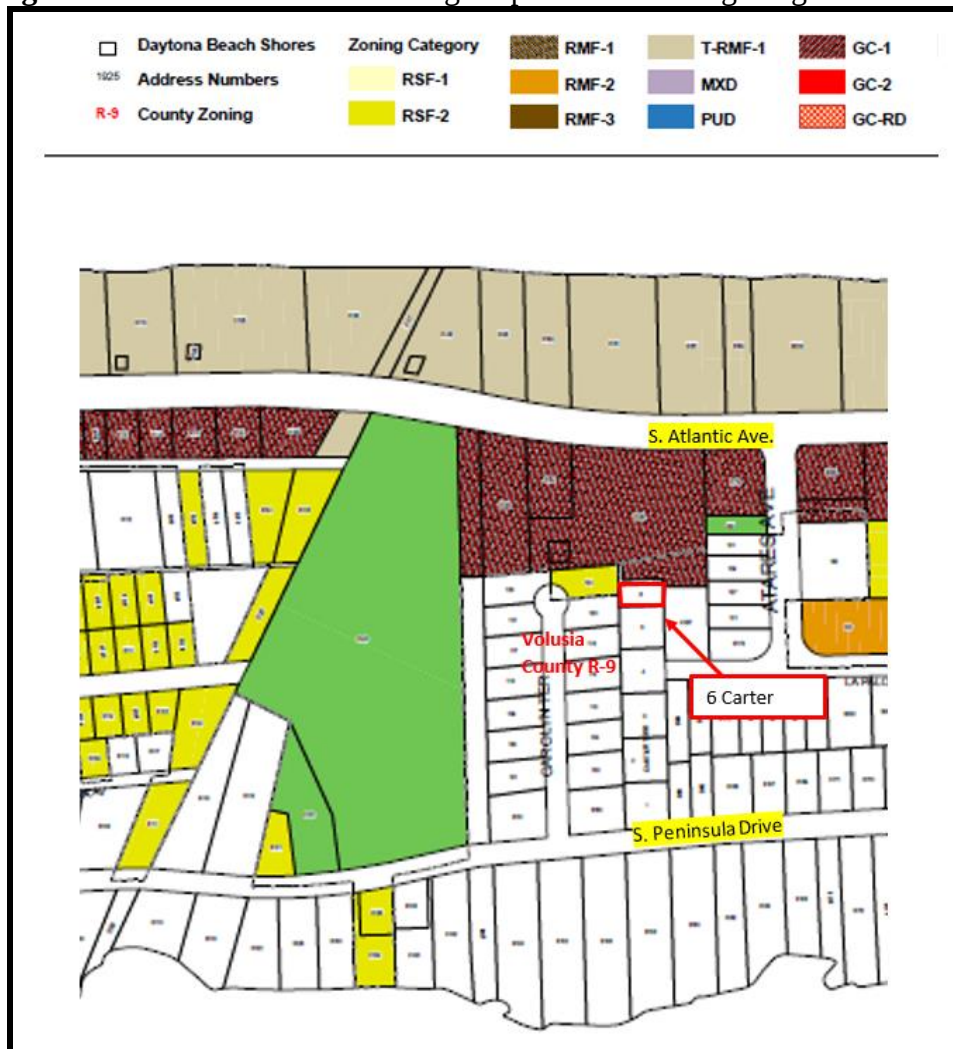


Figure 3: 6 Carter Terrace – Street View



Source: DBS

As noted in **Table 1** above, the subject property is currently zoned Volusia County R-9 Urban Single-Family Residential District. According to the Volusia County Land Development Code, the purpose, intent and permitted uses of the existing zoning district is as follows:

“R-9 Urban Single-Family Residential District”:

Purpose and intent: The purpose and intent of the R-9 Urban Single-Family Residential Classification, is to provide medium-low-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structure: In the R-3 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Cluster and zero lot line subdivisions.

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

Essential utility services.

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

Exempt landfills.

Fire stations.

Home occupations, class A.

Houses of worship.

Parks and recreational areas accessory to residential developments.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Single-family standard or manufactured modular dwelling.

C. PROPOSED ZONING

The proposed zoning for the subject property is RSF-2 Urban Single-Family Residential Detached District. According to the Daytona Beach Shores Land Development Code, the purpose, intent and permitted uses of the proposed zoning district is as follows:

“RSF-2 Urban Single-Family Residential Detached District”:

Purpose and Intent: The purpose and intent of the RSF-2 Urban Single-Family Residential Detached District is to provide medium residential density for the purpose of preserving the character of existing residential neighborhoods and generally implementing the city's land use plan within, but not necessarily limited to, those areas shown for single-family use.

14-17.2. Permitted Principal Uses and Structures:

Single-family dwelling.

Telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq.

14-17.3. Permitted Accessory Uses and Structures.

Home occupations regulated by section 14-45 and other accessory uses or structures customarily incidental to the permitted principal use or structure.

D. COMPREHENSIVE PLAN

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question. Therefore, the existing acreage and proposed zoning will restrict the use to one single-family residential unit.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The proposed future land use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

E. REVIEW AND COMMENTS

The subject application was initiated by the property owner, Colby and Jennifer Caldwell. The subject property is located at 6 Carter Terrace and has an acreage of 0.22+/- . The site has vehicular and pedestrian access to the abutting Carter Terrace which directly connects to S. Peninsula Drive and indirectly to S. Atlantic Avenue via La Paloma and Atares avenues.

The proposed zoning change will be consistent with the previous Volusia County zoning and adjacent zoning district classifications. The property is currently occupied with a single-family residential structure. According to the property owner, no redevelopment is intended and the proposed change is density neutral.

Since the application in question regards a single-family residential property, it is exempt from the City's Concurrency Review Process as it does not substantially impact any of the City's public facilities or infrastructure. Further, adequate potable water, sewer, solid waste, recreation, public school and transportation facility capacities are currently available and serve the subject property.

F. FINDING OF FACTS

When considering a request to change zoning, the Planning and Zoning Board shall consider the following criteria pursuant to Section 14-66 of the Land Development Code. Below are staff's

findings considering each criterion outlined in the aforementioned section of the Code. The applicant's responses to the criteria are attached in the **Exhibit B** (owner's application).

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

The proposed zoning change will not provide an unfavorable impact on the environment or natural resources of the area. The property in question is currently developed with a single-family residential structure. If redeveloped, consistency with the City's Land Development Code will be required. Further, the proposed zoning change would not permit hazardous uses such as industry, which could have an unfavorable impact on the environment and natural resources of the area.

2. The proposed zoning will have a favorable or unfavorable impact on the economy of the area affected.

The proposed zoning will generally have a neutral impact on the economy of the area as the property is currently developed and no redevelopment or change in entitlement is sought. The zoning is also consistent with the Volusia County Zoning District classification and the proposed zoning change is density and use neutral.

3. The proposed zoning will efficiently use or unduly burden water, sewer, solid waste disposal or other necessary public facilities, including schools.

The subject property is currently developed as a single-family residence. This existing use will not unduly burden public facilities. The subject property is currently being served with or has access to transportation, public schools, water, sewer, and solid waste disposal services. All existing public facilities have adequate capacity and the proposed rezoning will not provide any more impact on said facilities than the current Volusia County Zoning currently permits (see **Table 2** below).

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	1	1	None
Population ¹	1.75	1.75	None
AM / PM Peak Hour Trips ²	0.75/1.01	0.75/1.01	None
Sanitary Sewer (gallons/day) ³	250	250	None
Potable Water (gallons/day) ⁴	192.5	192.5	None
Solid Waste (lbs./person) ⁵	17.5	17.5	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space	See summary below	See summary below	None
Public School Student(s)	0.396	0.396	None

Notes:

1. Population: 1.75 persons per single-family dwelling
2. Transportation: Rates are for peak hour of adjacent street traffic

- | | |
|-------------------------|--|
| | Single-family residential unit = 0.75 AM trips, 1.01 PM trips |
| 3. Sanitary Sewer: | 250 gallons per dwelling unit per day |
| 4. Potable Water: | 110 gallons per capita per day |
| 5. Solid Waste: | 10 pounds per capita per day |
| 6. Stormwater Drainage: | LOS standard = 25 year, 24 hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code. |
| 7. Public School: | Generation rates = 0.396 per single-family unit. |

Sources:

2010 US Census

ITE Trip Generation Manual, 7th Edition

Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)

4. The proposed zoning will efficiently use or unduly burden transportation facilities.

The proposed zoning will not unduly burden transportation facilities. There is already adequate vehicular access from the abutting S. Peninsula Drive road and the existing system of local, collector and arterial road network. The adjacent transportation network currently operates above the adopted level of services.

5. The proposed zoning will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.

The proposed zoning change involves a single-family residential property being rezoned to a Daytona Beach Shores compatible single-family residential zoning district classification. Hence, the rezoning will not impact the ability of people to find adequate housing since the change will neither create new housing nor eliminate existing housing stock.

6. The proposed zoning is basically consistent with the comprehensive land use plan.

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The existing single-family residence, proposed future land use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

- 7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?**

The physical, economic or environmental conditions relative to the property in question and the surrounding area have not changed so as to require a zoning change. However, the subject property was annexed into the City through the voluntary annexation process pursuant to Section 171.044, *Florida Statutes*. However, Section 171.062, *Florida Statutes* limits regulatory and development control over an annexing property if the area annexed was subject to a county land use plan and county zoning and said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area, hence, the purpose of this application to amend the zoning classification of the subject property.

- 8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?**

There was no mistake made in the original zoning of the property. The property was annexed into the City from unincorporated Volusia County; therefore the appropriate City zoning classification must be assigned so that the City may provide developmental and regulatory control.

- 9. Will the proposed change promulgate or encourage a physical benefit or have a stabilizing effect on the surrounding areas?**

The proposed zoning change is consistent with the existing Volusia County zoning district classification and is density and use neutral. Therefore, the proposed change will maintain a stabilizing effect on the surrounding areas.

- 10. Would the proposed changes constitute "spot zoning"?**

Spot zoning generally occurs when an individual parcel is assigned a zoning classification that is incompatible with the surrounding area. However, the proposed zoning change is consistent with the existing Volusia County zoning district classification in the area and the amendment is density and use neutral. Further, the proposed zoning classification will provide an existing use that is identical to the City's and County's zoning classification in the neighborhood. Therefore, the proposed change does not constitute spot zoning.

- 11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?**

The proposed change involves rezoning one individual property which was annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhoods use, future land use and zoning classifications. Therefore, the proposed

change is not the singling out of a small parcel of land allowing a use that is totally different from that of the surrounding area.

12. Is the change solely for the benefit of the owner and to the detriment of the community?

The proposed change involves rezoning one individual property which was annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhood uses, future land use and zoning classifications. Therefore, the proposed change would not be solely for the benefit of the owner and to the detriment of the community but instead the change would benefit the entire community by maintaining the existing land use of the property and the integrity of the neighborhood.

13. Will the proposed change especially suit the applicant's own special purpose rather than serve the community?

The proposed change is consistent with the neighborhood existing and future land uses and therefore serves the entire community by maintaining the neighborhood's single-family residential characteristics.

14. Would the requested change materially diminish the value of surrounding properties or substantially alter the characteristics of the neighborhood?

The rezoning will not materially diminish the value of the surrounding properties or substantially alter the characteristics of the neighborhood since the proposed rezoning will ensure the single-family nature of the community is maintained.



PLANNING & ZONING BOARD AGENDA MEMORANDUM

MARCH 14, 2022 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-09: Rezoning Application RZ12021043; Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

SYNOPSIS:

Ordinance 2022-09, if adopted, would amend the City's Official Zoning Map by assigning the "RSF-2 Urban Single-Family Residential Detached District" to the recently annexed single-family residential property located at 3102 Liberty Street (**Exhibit A**). The application (**Exhibit B**) was submitted by Larry and Barbara Pollack, owners of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.79 acres and is currently vacant. The proposed amendment is compatible with the current Volusia County zoning district (R-9, Urban Single-Family Residential District).

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 3102 Liberty Street, was recently annexed into the corporate limits of the City of Daytona Beach Shores. However, Section 171.062, Florida Statutes limits regulatory and development control over an annexing property if the area annexed was subject to a county land use plan and county zoning such that said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment and zoning change that includes the annexed area. The purpose of this application is to realize the latter. The property owners have also submitted an application to amend the future land use classification of the property in question to Residential Low Intensity, consistent with the existing and surrounding land uses and current Volusia County Urban Low Intensity future land use classification. The zoning change will be adopted subsequent to the formal future land use amendment of the subject property.

B. PLANNING ANALYSIS

See **Exhibit C** for planning analysis.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-09 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board member may motion as follows:

1. "I move to recommend approval of Ordinance 2022-09 as presented."

OR

2. "I move to recommend denial of Ordinance 2022-09, on the basis of the following..."

- ATTACHMENT:**
1. Ord. 2022-09-RZ-3102 Liberty
 2. Exhibit A-Location Map-3102 Liberty St
 3. Exhibit B-RZ Application-3102 Liberty St
 4. Exhibit C-3102 Liberty St-Rezoning (P&Z Staff Report)

ORDINANCE NO. 2022-09

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE RSF-2 URBAN SINGLE-FAMILY RESIDENTIAL DETACHED DISTRICT ZONING CLASSIFICATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 3102 LIBERTY AVENUE, SHORT TAX PARCEL ID 5334-02-08-0010; PROVIDING MODIFICATION OF THE OFFICIAL ZONING MAP; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the property described in Section One herein was annexed into the City of Daytona Beach Shores on January 25, 2022, and an appropriate City zoning classification must be assigned to the real property in accordance with the requirements of controlling law; and

WHEREAS, the City Council of the City of Daytona Beach Shores has received recommendation from staff and the Planning and Zoning Board for the assignment of zoning classification to said annexed property and has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds such rezoning consistent with the *City of Daytona Beach Shores Comprehensive Plan* and deems it in the best interest of the inhabitants of said City to amend the Official Zoning Map as hereinafter set forth,

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, as follows:

SECTION ONE: REZONING OF REAL PROPERTY. The property described hereinafter which was annexed into the City of Daytona Beach Shores pursuant to Ordinance No. 2022-02 is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

Short Tax Parcel ID #5334-02-08-0010, as described in Exhibit “A” as attached, is assigned the RSF-2, Urban Single-Family Residential Detached District Zoning Classification.

SECTION TWO: AMENDMENT OF OFFICIAL ZONING MAP. The Official City Zoning Map is hereby amended to conform with the rezoning assigned herein.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designee, is authorized to take any and all required administrative actions to

implement the provisions of this Ordinance including, but not limited to, providing notice of this rezoning to the Volusia County Council in accordance with applicable law.

SECTION FOUR. NON-CODIFICATION. This Ordinance shall be not be codified in the *City Code of the City of Daytona Beach Shores* or the *Land Development Code of the City of Daytona Beach Shores*; provided, however, that the actions taken herein shall be depicted on the Official Zoning Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

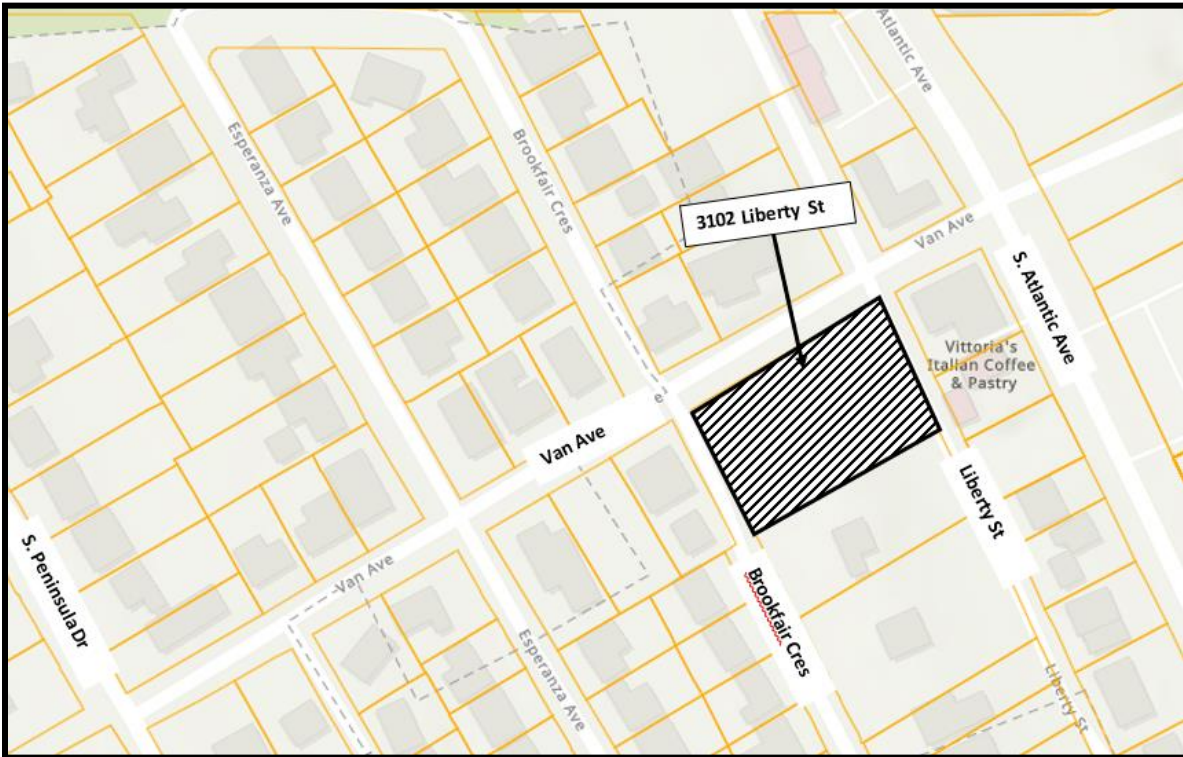
Passed on first reading this _____ day of _____, 2022.

Adopted on second reading this _____ day of _____, 202.

EXHIBIT A

LOTS 1, 2 AND 3, BLOCK 8, ROGERS NORTH ORITA, AS RECORDED IN MAP BOOK 1, PAGE 115, RE-RECORDED IN MAP BOOK 14, PAGES 121 AND 122, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THE SOUTHERLY 1/2 OF VAN AVENUE LYING BETWEEN THE NORTHERLY EXTENSION OF THE CENTERLINE OF LIBERTY STREET AND THE NORTHERLY EXTENSION OF THE CENTERLINE OF BROOKFAIR CRESCENT, AND THE WEST 1/2 OF LIBERTY STREET LYING BETWEEN THE CENTERLINE OF VAN AVENUE AND THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3, AND THE EASTERLY 1/2 OF BROOKFAIR CRESCENT LYING BETWEEN THE CENTERLINE OF VAN AVENUE AND THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3, DESCRIBED AS FOLLOWS:
BEGIN AT THE INTERSECTION OF THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3 WITH THE CENTERLINE OF BROOKFAIR CRESCENT; THENCE RUN N28°33'12"W ALONG THE CENTERLINE OF SAID BROOKFAIR CRESCENT, 175.01 FEET TO THE CENTERLINE OF VAN AVENUE (PLATTED PENINSULA AVENUE) THENCE RUN N60°52'43"E ALONG THE CENTERLINE OF SAID VAN AVENUE, 263.38 FEET TO THE CENTERLINE OF LIBERTY STREET; THENCE S26°36'00"E ALONG THE CENTERLINE OF LIBERTY STREET, 175.01 FEET TO THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3; THENCE S60°50'35"W ALONG SAID EASTERLY EXTENSION AND THE SOUTHERLY LINE OF SAID LOT 3 AND THE WESTERLY EXTENSION THEREOF, 257.41 FEET TO THE POINT OF BEGINNING.

EXHIBIT A
Location Map: 3102 Liberty Street





City of Daytona Beach Shores
Community Services Department
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5377

12021043

APPLICATION TO AMEND ZONING MAP

The Undersigned Applicant requests the Planning and Zoning Board and City Council to decide upon this application in accordance with Section 14-66 and 14-67 of the Land Development Code.

FEES MUST BE PAID AT THE TIME THE APPLICATION IS SUBMITTED

Date Submitted: 11/15/2021

Current Zoning: R-9 (single family residential)

Requested Zoning: R-9 (no change)

Applicant's Name: Larry M. Pollack (and Barbara Pollack, H+W)

Address: 21 Forest Ct. Passaic, N.J. 07055 Phone #: 973-906-5183

Representative: Self

Address: _____ Phone #: _____

Property Address & Parcel ID: 3102 Liberty St. Daytona Beach FL 32118, #53340208001

Property Owner: Larry Pollack + Barbara Pollack, H+W

NOTE: If applicant is not property owner, attach a notarized statement of authorization

Legal Description of Property:

Lots 1, 2+3 Block 8 Rogers North Ditch, as according to various Volusia County Maps: Map Book 1, page 115; 1761 page 1555; 8106 page 2648. The property was "originally" (19th century) part of the property of C.H. Spencer per Map 14, pages 122-122.

Larry Pollack

Applicant's Signature

11/15/2021

Date

THE PLANNING & ZONING BOARD WILL APPLY THE CRITERIA IN SECTION 14-66(4) OF THE LAND DEVELOPMENT CODE WHEN CONSIDERING ZONING MAP AMENDMENTS. PLEASE EXPLAIN HOW YOUR REQUEST MEETS THE FOLLOWING CRITERIA: (YOU MAY ATTACH ADDITIONAL SHEETS)

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

Favorable — This is a low impact, single family residence
complying with the DBS zoning ordinance and 100% commensurate
with the surrounding/adjoining properties and neighborhood, which
are mostly single family residential.

2. The proposed zoning will have a favorable or unfavorable impact on the economy of the area affected.

Favorable

3. The proposed zoning will efficiently use or unduly burden water, sewer, solid waste disposal or other necessary public facilities, including schools.

Yes, the property will make efficient use of water and
sewer resources as it is a low impact, small single family two-story
dwellling with only four bedrooms. My wife and I are approximately 60
years of age each, and our son is approximately age 28 and permanently unmarried,
so there will be no school age children on the property.

4. The proposed zoning will efficiently use or unduly burden transportation facilities.

Not applicable — we have a private passenger vehicle

5. The proposed zoning will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.

Not applicable — we are retired and my son is disabled.

6. The proposed zoning is basically consistent with the comprehensive land use plan.

A low impact, well-built single family residence in a
row of single family dwellings, so yes - this proposed use
is consistent with the municipal zoning ordinance and land use plan.

7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?

No - we wish to be annexed to DBS

8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?

Not applicable

9. Will the proposed change promulgate or encourage a physical benefit or have a stabilizing effect on the surrounding areas?

A beautiful, modern, well built single family home will
greatly enhance the neighborhood - currently a vacant lot
with ugly ruins of the previous home, and overgrown
with foliage.

10. Would the proposed changes constitute "spot zoning"?

Not applicable

11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?

No, proposed change is actually no change at all and is 100%
in compliance with the DBS municipal zoning ordinance.

12. Is the change solely for the benefit of the owner and to the detriment of the community?

It's truly in everyone's best interest, and we will be
excellent additions to the town. We are a law abiding,
educated, friendly, community-minded family.

13. Will the proposed change especially suit the applicant's own special purpose rather than serve the community?

See preceding answer.

14. Would the requested change materially diminish the value of surrounding properties or substantially alter the characteristics of the neighborhood?

Not in the slightest.

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-09

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the annexing single-family residential property located at 3102 Liberty Street from Volusia County *R-9 Urban Single-Family Residential District* to Daytona Beach Shores *RSF-2 Urban Single-Family Residential Detached District*. The subject property contains an acreage of approximately 0.79 and is currently vacant.

B. EXISTING ZONING AND CURRENT LAND USE

Table 1 below provides a narrative description of the zoning district classifications and current land uses (i.e., existing development) for the subject property and surrounding area while **Figure 1** provides an aerial view of the subject property and surrounding land uses and **Figure 2** is a zoning map of the same while **Figure 3** provides a street view of the property in question.

Table 1: Zoning and Land Use Area Description

Location	Zoning	Current Land Use
Subject Property	R-9*	Single Family Residence
North	RSF-2	Single Family Residence
South	R-9	Single Family Residence
East	GC-1	Commercial
West	RSF-2	Single Family Residence

Notes: *R-9 = Volusia County *Urban Single-Family Residential District*; RSF-2 = DBS *Urban Single Family Residential Detached District*; GC-1 = DBS *Tourist Oriented Commercial District*.

Figure 1: Aerial View-3102 Liberty Street and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2021

Figure 2: 3102 Liberty Street – Zoning Map Of Surrounding Neighborhood

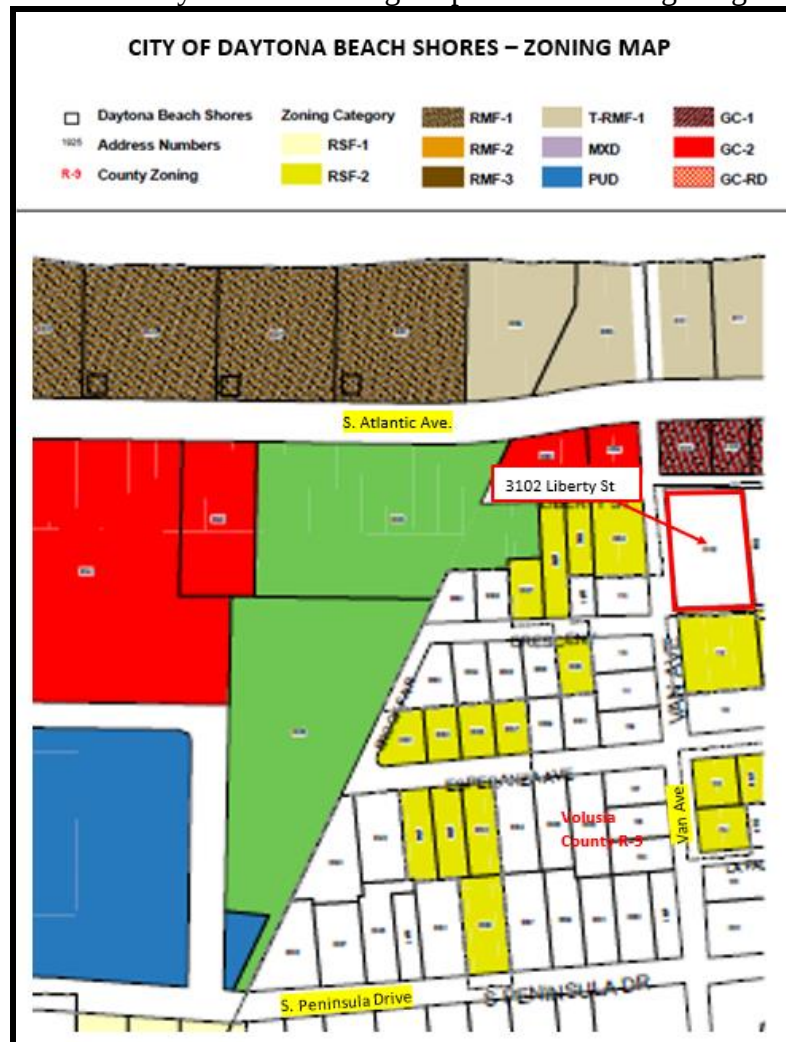


Figure 3: 3102 Liberty Street – Street View



Source: GoogleMaps, 2019

As noted in **Table 1** above, the subject property is currently zoned Volusia County R-9 Urban Single-Family Residential District. According to the Volusia County Land Development Code, the purpose, intent and permitted uses of the existing zoning district is as follows:

“R-9 Urban Single-Family Residential District”:

Purpose and intent: The purpose and intent of the R-9 Urban Single-Family Residential Classification, is to provide medium-low-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structure: In the R-3 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Cluster and zero lot line subdivisions.

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

Essential utility services.

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

Exempt landfills.

Fire stations.

Home occupations, class A.

Houses of worship.

Parks and recreational areas accessory to residential developments.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Single-family standard or manufactured modular dwelling.

C. PROPOSED ZONING

The proposed zoning for the subject property is RSF-2 Urban Single-Family Residential Detached District. According to the Daytona Beach Shores Land Development Code, the purpose, intent and permitted uses of the proposed zoning district is as follows:

“RSF-2 Urban Single-Family Residential Detached District”:

Purpose and Intent: The purpose and intent of the RSF-2 Urban Single-Family Residential Detached District is to provide medium residential density for the purpose of preserving the character of existing residential neighborhoods and generally implementing the city's land use plan within, but not necessarily limited to, those areas shown for single-family use.

14-17.2. Permitted Principal Uses and Structures:

Single-family dwelling.

Telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq.

14-17.3. Permitted Accessory Uses and Structures.

Home occupations regulated by section 14-45 and other accessory uses or structures customarily incidental to the permitted principal use or structure.

D. COMPREHENSIVE PLAN

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question. Therefore, the existing acreage and proposed zoning will restrict the use to three (3) single-family residential units. However, the owner has indicated they will only build one single-family residence consistent with the zoning.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The proposed future land use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

E. REVIEW AND COMMENTS

The subject application was initiated by the property owner, Larry and Barbara Pollack. The subject property is located at 3102 Liberty Street and has an acreage of 0.79+/- . The site has vehicular and pedestrian access to the abutting Carter Terrace which directly connects to S. Peninsula Drive and S. Atlantic Avenue.

The proposed zoning change will be consistent with the previous Volusia County zoning and adjacent zoning district classifications. Per the property owner, the property will be occupied with a single-family residential structure. Therefore, the proposed change is density neutral consistent with the zoning.

Since the application in question regards a single-family residential property, it is exempt from the City's Concurrency Review Process as it does not substantially impact any of the City's public facilities or infrastructure. Further, adequate potable water, sewer, solid waste, recreation, public school and transportation facility capacities are currently available and serve the subject property.

F. FINDING OF FACTS

When considering a request to change zoning, the Planning and Zoning Board shall consider the following criteria pursuant to Section 14-66 of the Land Development Code. Below are staff's

findings considering each criterion outlined in the aforementioned section of the Code. The applicant's responses to the criteria are attached in the **Exhibit B** (owner's application).

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

The proposed zoning change will not provide an unfavorable impact on the environment or natural resources of the area. The property in question is currently developed with a single-family residential structure. If redeveloped, consistency with the City's Land Development Code will be required. Further, the proposed zoning change would not permit hazardous uses such as industry, which could have an unfavorable impact on the environment and natural resources of the area.

2. The proposed zoning will have a favorable or unfavorable impact on the economy of the area affected.

The proposed zoning will generally have a neutral impact on the economy of the area as the property is currently developed and no redevelopment or change in entitlement is sought. The zoning is also consistent with the Volusia County Zoning District classification and the proposed zoning change is density and use neutral.

3. The proposed zoning will efficiently use or unduly burden water, sewer, solid waste disposal or other necessary public facilities, including schools.

The subject property is currently developed as a single-family residence. This existing use will not unduly burden public facilities. The subject property is currently being served with or has access to transportation, public schools, water, sewer, and solid waste disposal services. All existing public facilities have adequate capacity and the proposed rezoning will not provide any more impact on said facilities than the current Volusia County Zoning currently permits (see **Table 2** below).

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	1	1	None
Population ¹	1.75	1.75	None
AM / PM Peak Hour Trips ²	0.75/1.01	0.75/1.01	None
Sanitary Sewer (gallons/day) ³	250	250	None
Potable Water (gallons/day) ⁴	192.5	192.5	None
Solid Waste (lbs./person) ⁵	17.5	17.5	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space	See summary below	See summary below	None
Public School Student(s)	0.396	0.396	None

Notes:

1. Population: 1.75 persons per single-family dwelling
2. Transportation: Rates are for peak hour of adjacent street traffic

- | | |
|-------------------------|--|
| | Single-family residential unit = 0.75 AM trips, 1.01 PM trips |
| 3. Sanitary Sewer: | 250 gallons per dwelling unit per day |
| 4. Potable Water: | 110 gallons per capita per day |
| 5. Solid Waste: | 10 pounds per capita per day |
| 6. Stormwater Drainage: | LOS standard = 25 year, 24 hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code. |
| 7. Public School: | Generation rates = 0.396 per single-family unit. |

Sources:

2010 US Census

ITE Trip Generation Manual, 7th Edition

Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)

4. The proposed zoning will efficiently use or unduly burden transportation facilities.

The proposed zoning will not unduly burden transportation facilities. There is already adequate vehicular access from the abutting Van Avenue and the existing system of local, collector and arterial road network. The adjacent transportation network currently operates above the adopted level of services.

5. The proposed zoning will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.

The proposed zoning change involves a single-family residential property being rezoned to a Daytona Beach Shores compatible single-family residential zoning district classification. Hence, the rezoning will not impact the ability of people to find adequate housing since the change will neither create new housing nor eliminate existing housing stock.

6. The proposed zoning is basically consistent with the comprehensive land use plan.

The City is in the process of amending its Adopted Comprehensive Plan (2030) Future Land Use Map to assign the City's *Residential Low Intensity* future land use (FLU) classification to the subject property. This FLU classification allows up to four (4) residential units per acre, which is same as the current Volusia County *Urban Low Intensity* FLU for the property in question.

Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The existing single-family residence, proposed future land use and proposed zoning are not objectionable or inconsistent with the future land use map and surrounding neighborhood. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030) and proposed FLU classification.

- 7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?**

The physical, economic or environmental conditions relative to the property in question and the surrounding area have not changed so as to require a zoning change. However, the subject property was annexed into the City through the voluntary annexation process pursuant to Section 171.044, *Florida Statutes*. However, Section 171.062, *Florida Statutes* limits regulatory and development control over an annexing property if the area annexed was subject to a county land use plan and county zoning and said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area, hence, the purpose of this application to amend the zoning classification of the subject property.

- 8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?**

There was no mistake made in the original zoning of the property. The property was annexed into the City from unincorporated Volusia County; therefore the appropriate City zoning classification must be assigned so that the City may provide developmental and regulatory control.

- 9. Will the proposed change promulgate or encourage a physical benefit or have a stabilizing effect on the surrounding areas?**

The proposed zoning change is consistent with the existing Volusia County zoning district classification and is density and use neutral. Therefore, the proposed change will maintain a stabilizing effect on the surrounding areas.

- 10. Would the proposed changes constitute "spot zoning"?**

Spot zoning generally occurs when an individual parcel is assigned a zoning classification that is incompatible with the surrounding area. However, the proposed zoning change is consistent with the existing Volusia County zoning district classification in the area and the amendment is density and use neutral. Further, the proposed zoning classification will provide an existing use that is identical to the City's and County's zoning classification in the neighborhood. Therefore, the proposed change does not constitute spot zoning.

- 11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?**

The proposed change involves rezoning one individual property which was annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhoods use, future land use and zoning classifications. Therefore, the proposed

change is not the singling out of a small parcel of land allowing a use that is totally different from that of the surrounding area.

12. Is the change solely for the benefit of the owner and to the detriment of the community?

The proposed change involves rezoning one individual property which was annexed into the City's corporate limits. The proposed zoning classification is consistent with the existing neighborhood uses, future land use and zoning classifications. Therefore, the proposed change would not be solely for the benefit of the owner and to the detriment of the community but instead the change would benefit the entire community by maintaining the existing land use of the property and the integrity of the neighborhood.

13. Will the proposed change especially suit the applicant's own special purpose rather than serve the community?

The proposed change is consistent with the neighborhood existing and future land uses and therefore serves the entire community by maintaining the neighborhood's single-family residential characteristics.

14. Would the requested change materially diminish the value of surrounding properties or substantially alter the characteristics of the neighborhood?

The rezoning will not materially diminish the value of the surrounding properties or substantially alter the characteristics of the neighborhood since the proposed rezoning will ensure the single-family nature of the community is maintained.



PLANNING & ZONING BOARD AGENDA MEMORANDUM

MARCH 14, 2022 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-06: Future Land Use Map Amendment CPA12021041; Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

SYNOPSIS:

Ordinance 2022-06, if adopted, would amend the City's Adopted Comprehensive Plan Update (2030) Future Land Use Map by assigning the residential low intensity future land classification to the recently annexed single-family residential property located at 6 Carter Terrace (**Exhibit A**). The application (**Exhibit B**) was submitted by Colby and Jennifer Caldwell, owners of the subject property. Applying a City future land use designation is a requirement of Florida Law whenever a property is annexed. The property is 0.23 acres and is occupied by a single-family residential structure. The proposed amendment is compatible with the current Volusia County future land use category and as such, the use will remain as single-family residential.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 6 Carter Terrace, was recently annexed into the corporate limits of the City of Daytona Beach Shores pursuant to the voluntary annexation process outlined in Section 171.044, Florida Statutes. However, Section 171.062, Florida Statutes limits regulatory and development control over an annexed property if the area annexed was subject to a county land use plan and county zoning and the municipality does not adopt a comprehensive plan and zoning amendment that include the annexed area. Therefore, the County land use plan and zoning regulations would remain in full force and effect until the City changes the future land use classification and zoning designation of the subject property. The purpose of this application is to realize the former. Additionally, the property owner has also submitted an application to rezone the property to the City's RSF-2 Urban Single-Family Residential Detached District, consistent with the existing and surrounding land uses and current Volusia County R-9 District zoning classification. The rezoning will occur subsequent to the future land use amendment associated with the subject property.

B. PLANNING ANALYSIS

See **Exhibit C** for planning analysis.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-06 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board member may motion as follows:

1. "I move to recommend approval of Ordinance 2022-06 as presented."
OR
2. "I move to recommend approval of Ordinance 2022-06, with the following amendments..."
OR
3. "I move to recommend denial of Ordinance 2022-06, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-06-6 Carter Terr FLUMA
 2. Exhibit A-Location Map-6 Carter Terrace
 3. Exhibit B-FLUMA Application-6 Carter Ter
 4. Exhibit C-Ord 2022-06-P&Z Staff Report-FLUMA-6 Carter Terrace

ORDINANCE NO: 2022-06

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING *THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN*, AMENDING CHAPTER 1, “FUTURE LAND USE ELEMENT”, BY AMENDING MAP L-4 ENTITLED, “GENERALIZED FUTURE LAND USE MAP (2030)” ASSIGNING THE RESIDENTIAL LOW INTENSITY FUTURE LAND USE DESIGNATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 6 CARTER TERRACE, SHORT TAX PARCEL ID 5334-00-02-0190; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the City of Daytona Beach Shores has the authority to amend its Comprehensive Plan pursuant to Part II, Chapter 163, *Florida Statutes*; and

WHEREAS, the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* directly relates to small scale development activities as provided in Section 163.3187(1)(c), *Florida Statutes*; and

WHEREAS, the Volusia County Growth Management Commission has issued a determination of consistency in accordance with Section 202.3 of the *Charter of Volusia County, Florida*, for the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Board, which is the local planning agency of the City, and City Council of the City of Daytona Beach Shores have conducted public hearings and issued notices required by Florida law in the preparation and enactment of this Ordinance; and

WHEREAS, Colby and Jennifer Caldwell, owners of the real property with short tax parcel ID 5334-00-02-0190 and generally located at 6 Carter Terrace, submitted an owner initiated future land use map amendment application to the City of Daytona Beach Shores on November 18, 2021; and

WHEREAS, Colby and Jennifer Caldwell, owners of the subject property, are requesting the City of Daytona Beach Shores amends the future land use classification of the subject real property to Residential Low Intensity; and

WHEREAS, the City Council of the City of Daytona Beach Shores declares that the purpose and intent of the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* is to guide future growth and development; encourage the most appropriate use of the land, water and other resources, consistent with the public interest, promote and protect the public health, safety, comfort, good order, appearance, convenience, aesthetics, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; provide adequate facilities and services; conserve and protect natural resources within the City, while protecting private property rights; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds that this Ordinance serves the best interest of the City of Daytona Beach Shores; and

WHEREAS, underlined words shall constitute additions to the original text of the Comprehensive Plan, *** shall constitute ellipses, and ~~strike through~~ shall constitute deletions to the Comprehensive Plan.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AS FOLLOWS:

SECTION ONE: CHANGE IN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP. Chapter 1, “Future Land Use Element,” containing the Official Future Land Use Map (Map L-4) of the *City of Daytona Beach Shores Comprehensive Plan* is hereby amended to change the Future Land Use Designation of a +/-0.21 acre property from Volusia County Urban Low Intensity to Daytona Beach Shores Residential Low Intensity as to property as described in Exhibit “A” as follows:

Location Address	Short Tax Parcel ID	Daytona Beach Shores Future Land Use Designation
6 Carter Terrace	5334-00-02-0190	Residential Low Intensity

SECTION TWO: IMPLEMENTING ADMINISTRATIVE ACTIONS. The Community Services Director is hereby authorized to transmit copies of the adopted amendment to the *City of Daytona Beach Shores Comprehensive Plan* to the appropriate agencies and to any other unit of local government who has filed a written request for a copy in accordance with the provisions of Section 163.3187(1)(c)2.b, *Florida Statutes* and *Volusia Growth Management Rules*.

SECTION THREE: CONFLICTS. All ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION FOUR: SEVERABILITY. If any section or portion of a section of this Ordinance, or application of any provision of this Ordinance, proves to be invalid, unlawful, or

unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Ordinance.

SECTION FIVE. NON-CODIFICATION. This Ordinance shall be not be codified in the *City Code of the City of Daytona Beach Shore* or, the *Land Development Code of the City of Daytona Beach Shores*, or the *City of Daytona Beach Shores Comprehensive Plan* provided, however, that the actions taken herein shall be depicted in the *City of Daytona Beach Shores Comprehensive Plan* and on the Future Land Use Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION SIX: EFFECTIVE DATE. This Ordinance shall become effective, in accordance with the provisions of Section 163.3187, *Florida Statutes*, thirty-one (31) days after enactment; provided, however, if this Ordinance is challenged within thirty (30) days after enactment, this Ordinance shall not become effective until the Florida Department of Community Affairs, acting as the State Land Planning Agency, or the Administration Commission, respectively, issues a final order determining that the small scale development amendment to the *City of Daytona Beach Shores Comprehensive Plan* set forth in this Ordinance is in compliance.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2022.

Adopted on second reading this _____ day of _____, 2022.

EXHIBIT A

A PORTION OF THE NORTHERLY 100 FEET OF THE SOUTHERLY 200 FEET OF THE LUFBERRY TRACT PER MAP BOOK 1, PAGE 115 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, NORTH OF RIOMAR BEACHES, MAP BOOK 6, PAGE 95, SAID PUBLIC RECORDS, IN SECTION 34 AND SECTION 35, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 16, CAROLYN TERRACE, PER MAP BOOK 19, PAGE 257 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN N64°00'00"E ALONG THE SOUTHERLY LINE OF SAID CAROLYN TERRACE, 500.97 FEET; THENCE S26°00'00"E, AT RIGHT ANGLES TO SAID SOUTHERLY LINE, 100.00 FEET; THENCE N64°00'00"E PARALLEL WITH SAID SOUTHERLY LINE, 68.10 FEET; THENCE AT AN ANGLE FROM WEST TO NORTH OF 92°43'40", RUN N23°16'20"W, 100.23 FEET TO THE SOUTHERLY LINE OF SAID CAROLYN TERRACE; THENCE S64°00'00"W ALONG SAID SOUTHERLY LINE, 72.68 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
Location Map- 6 Carter Terrace





City of Daytona Beach Shores
COMMUNITY SERVICES DEPARTMENT

2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118
Phone (386) 763-5377 Fax (386) 763-5370

217522

RECEIVED

12021041

NOV 18 2021

APPLICATION FOR COMPREHENSIVE PLAN/FUTURE LAND USE MAP
AMENDMENT

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

The Undersigned Applicant requests the Planning and Zoning Board AND City Council to hear and decide upon this application in accordance with Sec. 2-2 of the Land Development Code and Florida Law.

Date Submitted: ____/____/____

Applicable Section of the Comprehensive Plan: _____

Fees must be paid at the time the application is submitted.

Applicant's Name: Colby Caldwell

Address: 6 Carter Ter. Daytona Beach FL Phone #: 386 882 6560

Property Address: 6 Carter Ter. Daytona Beach FL

Existing Property Use: Home

Representing Attorney (if any): _____

Address: 6 Carter Ter. Daytona Beach FL Phone #: _____

NOTES: 1) Notarized letter of authorization from owner MUST be submitted if application is filed by anyone other than the owner. 2) A completed application MUST be submitted at least 45 days prior to the anticipated Planning and Zoning hearing date.

Legal description of the property:

Homestead

Description of your request:

Annex into Daytona Beach Shores from County

Colby Caldwell
Applicant's Signature

11 / 10 / 2021
Date

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-06

A. INTRODUCTION

The proposed amendment seeks to change the future land use designation of a single-family residential property, recently annexed into the City, from Volusia County *Urban Low Intensity* (0.2-4.0 units/acre) to Daytona Beach Shores *Residential Low Intensity* (0-4.0 units/acre). The +/- 0.22 acre property is located at 6 Carter Terrace. The subject application, if approved, would result in the first 2022 small-scale comprehensive plan amendment for the City of Daytona Beach Shores in accordance with Section 163.3187, *Florida Statutes*.

B. PROPOSED AMENDMENT ITEM(S)

Item 1: Map Amendment - Chapter 1, Future Land Use Element: amending Map L-4 entitled, “Generalized Future Land Use Map (2030),” to change the future land use classification of the annexing property located at 6 Carter Terrace from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Residential Low Intensity*:

Overview:

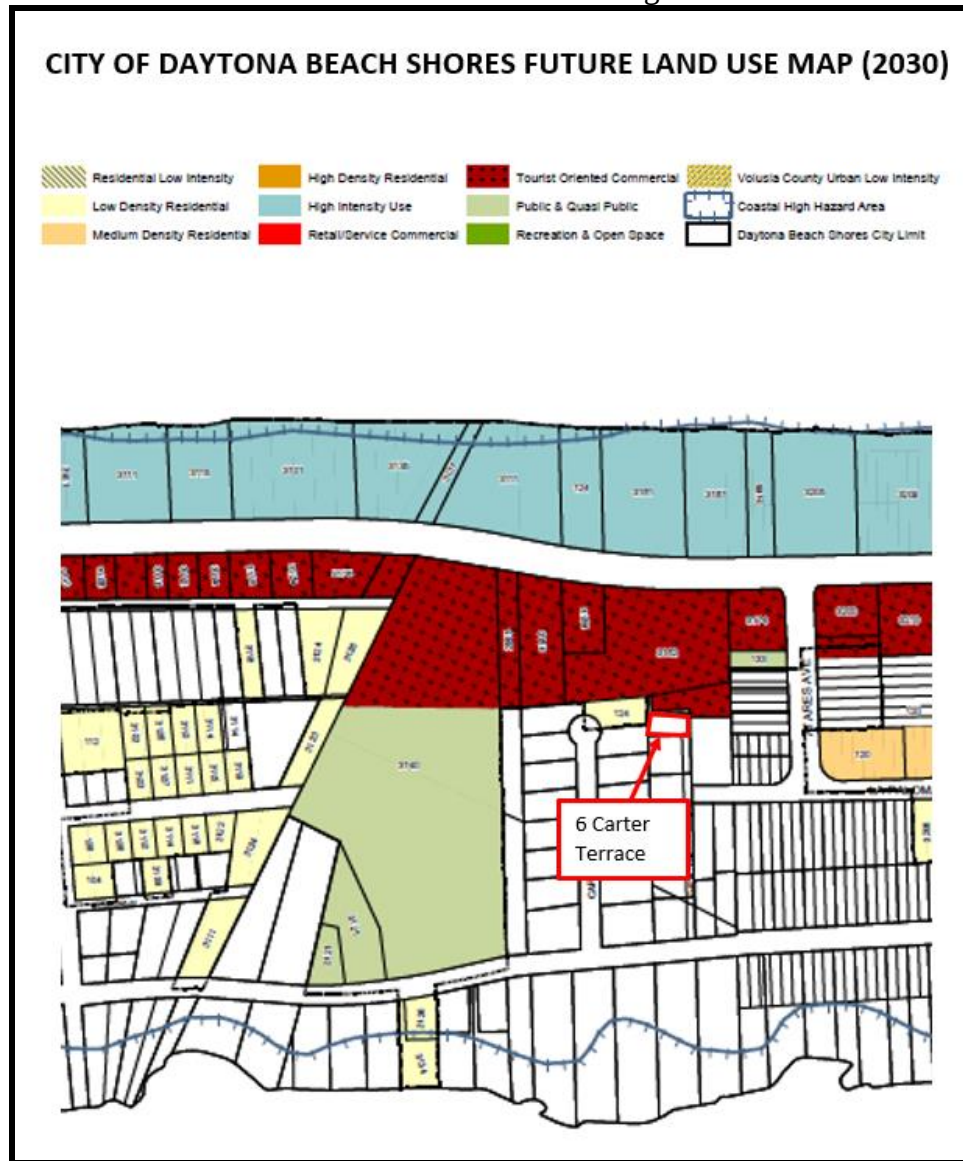
The property houses a single-family residential structure. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-9” (Urban Single-Family Residential District), respectively. The surrounding future land use designations and zoning classifications are depicted in **Table 1** below while the future land use is illustrated in **Figure 1**. The subject request is to change the FLU designation to Daytona Beach Shores *Residential Low Intensity* (0-4 units/acre).

Table 1: Abutting Zoning and Future Land Use Classification

Location	Zoning		Future Land Use	
	Existing	Proposed	Existing	Proposed
Subject Property	R-9*	RSF-2+	Volusia County Urban Low Intensity	Residential Low Intensity
North	RSF-2		Residential Low Density	
South	R-9		VC Residential Low Intensity	
East	GC-1		Tourist Oriented Commercial	
West	R-9		VC Residential Low Intensity	

Notes: *R-9 = Volusia County *Urban Single-Family Residential District*; +RSF-2 = *Urban Single-Family Residential Detached District*.

FIGURE 1: 6 Carter Terrace - Surrounding Future Land Use



Description, Data and Analysis:

The analysis conducted below demonstrates the amendment's compliance with the City's Comprehensive Plan and the Florida Administrative Code for future land use map amendments. Therefore, the analysis shows that there will not be any significant impacts on the environment, roadways, public schools and utilities as the allowable densities and use will remain the same.

I. IMPACTS OF PROPOSED AMENDMENT

The current Volusia County *Urban Low Intensity* Future Land Use (FLU) classification allows a maximum density of four (4) units per acre. Under the proposed Daytona Beach Shores FLU designation, *Residential Low Intensity*, the maximum density allowed is also four (4) units per acre. Therefore, the proposed land use amendment would not result in any change in residential density permitted. Further, given the +/-0.23 acre size of the property, the proposed amendment would only allow one (1) residential unit on site, which is the same as currently allowed under the Volusia County FLU classification.

The property is currently occupied by a single-family residential structure. Additionally, the proposed Daytona Beach Shores zoning for this property, RSF-2 Urban Single-Family Residential Detached District, would permit only one residential dwelling unit on site. So, from a practical and planning perspective the proposed future land use change will result in no net change in density and impacts.

In accordance with the Daytona Beach Shores Comprehensive Plan Update (2030) and standard practice from the Florida Department Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the current future land use designation versus the designation proposed (**Table 2** below). The following seven public facilities and services were examined and discussed briefly below: (1) Transportation, (2) Sanitary Sewer, (3) Potable Water, (4) Solid Waste, (5) Stormwater Drainage, (6) Recreation, and (7) Public Schools.

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	1	1	None
Population ¹	1.75	1.75	None
AM / PM Peak Hour Trips ²	1.5/2.02	1.5/2.02	None
Sanitary Sewer (gallons/day) ³	250	250	None
Potable Water (gallons/day) ⁴	192.5	192.5	None
Solid Waste (lbs./person) ⁵	17.5	17.5	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space	See summary below	See summary below	None
Public School Student(s)	0.396	0.396	None

Notes:

1. Population: 1.75 persons per single-family dwelling
2. Transportation: Rates are for peak hour of adjacent street traffic
Single-family residential unit = 0.75 AM trips, 1.01 PM trips
3. Sanitary Sewer: 250 gallons per dwelling unit per day
4. Potable Water: 110 gallons per capita per day
5. Solid Waste: 10 pounds per capita per day
6. Stormwater Drainage: LOS standard = 25 year, 24 hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code.
7. Public School: Generation rates = 0.396 per single-family unit.

Sources:

2010 US Census

ITE Trip Generation Manual, 7th Edition

Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)

Transportation:

The subject property is a single-family lot with vehicular transportation access to the abutting Carter Terrace, which is a local road connecting to both S. Peninsula Drive (SR441) and S. Atlantic Avenue (SR A1A). S. Peninsula Drive is a two laned minor arterial road and S. Atlantic Avenue (SRA1A) is a five laned principal arterial road, pursuant to the City's Comprehensive Plan, respectively. The two roads connect to Dunlawton Boulevard (SR421) and International Speedway Boulevard (US92) which are both principal arterial roads leading to the interstate system. The allowable Level-Of-Service (LOS) standard for S. Peninsula Drive is "D." Both Atlantic Avenue (SR A1A). S. Peninsula Drive are operating at acceptable levels of service. Since the City has no vested trips for this road there will be no net change in vehicular trips as demonstrated in **Table 2** above, hence the allowed LOS standard will continue to be maintained.

Sanitary Sewer:

The City's adopted LOS standard for sanitary sewer is 250 gallons per dwelling unit per day. Using this standard, the proposed land use would theoretically generate a demand of 250 gallons per day. However, since no increase in the number of entitled dwelling units would occur there is no net change in theoretical demand. Regardless it should be noted the City of Port Orange sewer treatment facilities are currently operating at an acceptable level of service.

Potable Water:

The City's adopted LOS standard for potable water is 110 gallons per capita per day. Using this standard, the proposed land use would theoretically create a demand of 192.5 gallons of water per day. No increase in number of theoretical dwelling units or demand will occur. In addition, the current potable water usage is already accounted for in Port Orange's current consumptive use permit (CUP).

Solid Waste Collection:

The proposed land use allows for one (1) residential unit that would be expected to support a population of 1.75 persons, which together would theoretically generate 17.5 pounds of solid waste per day. Solid waste generated within the City of Daytona Beach Shores is collected by Waste Pro, which delivers it to the Volusia County landfill. The 3,000-acre landfill is a Class I facility with a projected life span to the year 2050.

Stormwater Drainage:

The City's adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the Comprehensive Plan requires that there be no net loss of stormwater retention function as a result of development. Therefore, if the property is developed the parcel

must have the same ability to store and discharge water after development as it does before development occurs. The applicants would be required to address stormwater retention on the property in accordance with these City standards.

Recreation and Open Space:

The proposed amendment would theoretically add 1.77 residents to the City. The City's most recent population count was 4,247 (2010 US Census). Policy 7-1.2.1 and Policy 9-1.3.1 in the City's Comprehensive plan establish the LOS standards for recreation facilities within the City. Considering the City's population and the City's recreational LOS standards, it is easy to conclude that Daytona Beach Shores currently has adequate capacity for all recreational facilities as required by the City's Adopted Comprehensive Plan and seen in **Table 3** below.

Table 3: Recreation Facilities Analysis

Type of Park/ Recreational Facility	Unit of Measure/LOS Standard	Current LOS (Facilities)	Deficit
Playgrounds	one per 10,000 people	1	None
Neighborhood Park	one per 10,000 people	5	None
Community Park	one per 25,000 people	1	None
Children's Play Areas	one per 10,000 people	1	None
Baseball/Softball Field	one per 15,000 people	1	None
Tennis Courts	one per 2,000 people	11	None
Community Center	one per 20,000 people	1	None
Exercise Trail	one per 14,000 people	1	None
Nature Study Trail	one per 14,000 people	1	None

Public Schools:

Based on the Volusia County School District's student generation rate for a single-family dwelling unit, the proposed land use could generate at least one (1) full time student. This is exactly the same that could be generated by the existing Volusia County future land use due to the residential density neutrality of the proposed change. Therefore, no increase impact on existing public school facilities is expected. Further, due to the aforementioned, the FLU amendment is exempt from the School District review.

II. LAND USE COMPATIBILITY

The FLU of the surrounding area is primarily residential low intensity (single-family) in character (**Figure 1**). The subject property is located in a single-family neighborhood with Recreation/Open Space and Multifamily High Intensity to the east. **Figure 2**.

Figure 2: Aerial View of 6 Carter Terrace and Surrounding Neighborhood

Source: Volusia County Property Appraiser, 2021

Considering the above along with **Table 1** contained in the body of this staff report, it is clear that the proposed land use, which is a density neutral land use request, is consistent with the existing and future land use of the surrounding neighborhood.

III. APPLICABLE PLANS, CODES AND REGULATIONS

Future Land Use Element (Daytona Beach Shores Comprehensive Plan):

Policy 1-1.1.5: (a) The City shall maintain at least a Level of Service standard "D" at all times on its roadway network throughout the City. This shall include Dunlawton Boulevard, including the bridge. The maintenance of this Level of Service standard is important to ensure that an efficient flow of traffic can be maintained on these primary roads in the event of a hurricane threat. (b) Maintain the clearance time of the population in the Hurricane Vulnerability Zone at sixteen (16) hours based on a level of service standard "D" during the time of a category 5-storm event as measured on the Saffir-Simpson scale. This policy is consistent with the stated objectives contained in the Coastal Management Element of the Volusia County Comprehensive Plan regarding hurricane evacuation and Section 163.3178 (9) (b), F.S. and based on the most current East Central Florida Regional Planning Council hurricane study.

Policy 1-1.2.2: The City's existing policy of requiring written assurance from any entity providing sewage treatment, potable water, or solid waste disposal shall be maintained throughout the planning period.

Objective 1-1.4: Land uses that are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged. This shall take the form of not allowing any objectionable uses (industrial, warehousing, etc.) in the new Land Development Code that will be adopted subsequent to this Comprehensive Plan.

Capital Improvement Element

Policy 9-1.3: The City shall use the following Level of Service (LOS) standards in reviewing the impacts of new development and redevelopment on public facility provisions:

- (a) **Sanitary Sewers:** 250 gallons per dwelling unit per day
- (b) **Solid Waste:** 10 pounds per capita per day
- (c) **Drainage:** 25-year, 24-hour design storm
- (d) **Potable Water:** 110 gallons/capita/day (gcd) for Port Orange Service Area
150 gcd for Daytona Beach Service Area
- (e) **Roadways:** Arterials: LOS "D" at peak hour
Collectors: LOS "C" at peak hour
- (f) **Recreation:** See Table 3 above

IV. REVIEW CRITERIA AND STAFF FINDINGS

1. The amendment shall not decrease the LOS Standard for hurricane evacuation routes below LOS Standard D and (b) the amendment shall not increase the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above 16 hours.

Staff finding: The proposed land use amendment is density neutral. Consequently, no increase in traffic is anticipated as a result of the proposed change, therefore: (a) there will be no decrease in the adopted LOS Standard Van Avenue, S.R. 441 and S.R. A1A; and (b) considering the aforementioned, the hurricane evacuation clearance time shall remain the same for the subject roads in question.

2. Written assurances from service providers for sewage treatment, potable water, and solid waste shall be provided when there is a future land use map amendment result in an increase in density or intensity.

Staff finding: The proposed land use amendment is density neutral and the site is already developed. Therefore, no increase in demand is anticipated and no written assurances are needed from service providers since services are already being provided for at the accepted LOS standard.

3. The amendment shall not result in objectionable land use designations inconsistent with the character of the overall future land use plan.

Staff finding: The proposed amendment will not result in an incompatible land use designation with adjacent parcels, the neighborhood or overall character of the future land use plan. The proposed *Residential Low Intensity* (0-4 units/acre) designation will provide for a single-family residence and is therefore compatible with the surrounding residential low-density (single-family) space land uses.

4. The amendment shall not decrease the LOS Standards for public facilities adopted in Policy 9-1.3 of the City's Comprehensive Plan.

Staff finding: The proposed land use amendment is density neutral, therefore, no increase demand on public facilities is anticipated.

V. CONCLUSION:

The proposed land use amendment is consistent with overall goals, objectives, and Policies of the Daytona Beach Shores Comprehensive Plan (2030).



PLANNING & ZONING BOARD AGENDA MEMORANDUM

MARCH 14, 2022 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-07: Future Land Use Map Amendment CPA12021044; Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

SYNOPSIS:

Ordinance 2022-07, if adopted, would amend the City's Adopted Comprehensive Plan Update (2030) Future Land Use Map by assigning the residential low intensity future land classification to the recently annexed single-family residential property located at 3102 Liberty Street (**Exhibit A**). The application (**Exhibit B**) was submitted by Larry and Barbara Pollack, owners of the subject property. Applying a City future land use designation is a requirement of Florida Law whenever a property is annexed. The property is 0.78 acres and is currently vacant. The property owner is proposing to build a single-family residential structure on the site in the near future. The proposed amendment is compatible with the current Volusia County future land use category and, as such, the amendment is density neutral and the use will remain as single-family residential.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 3102 Liberty Street, was recently annexed into the corporate limits of the City of Daytona Beach Shores pursuant to the voluntary annexation process outlined in Section 171.044, Florida Statutes . However, Section 171.062, Florida Statutes limits regulatory and development control over an annexed property if the area annexed was subject to a county land use plan and county zoning and the municipality does not adopt a comprehensive plan and zoning amendment that includes the annexed area. Therefore, the County land use plan and zoning regulations would remain in full force and effect until the City changes the future land use classification and zoning designation of the subject property. The purpose of this application is to realize the former. Additionally, the property owner has also submitted an application to rezone the property to the City's RSF-2 Urban Single-Family Residential Detached District, consistent with the existing and surrounding land uses and current Volusia County R-9 District zoning classification. The rezoning will occur subsequent to the future land use amendment associated with the subject

property.

B. PLANNING ANALYSIS

See **Exhibit C** for planning analysis.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-07 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board member may motion as follows:

1. "I move to recommend approval of Ordinance 2022-07 as presented."
OR
2. "I move to recommend approval of Ordinance 2022-07, with the following amendments..."
OR
3. "I move to recommend denial of Ordinance 2022-07, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-07-3102 Liberty FLUMA
 2. Exhibit A-Location Map-3102 Liberty St
 3. Exhibit B-FLUMA Application- 3102 Liberty St
 4. Exhibit C-Ord 2022-07-P&Z Staff Report-FLUMA-3102 Liberty

ORDINANCE NO: 2022-07

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING *THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN*, AMENDING CHAPTER 1, “FUTURE LAND USE ELEMENT”, BY AMENDING MAP L-4 ENTITLED, “GENERALIZED FUTURE LAND USE MAP (2030)” ASSIGNING THE RESIDENTIAL LOW INTENSITY FUTURE LAND USE DESIGNATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 3102 LIBERTY AVENUE, SHORT TAX PARCEL ID 5334-02-08-0010; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the City of Daytona Beach Shores has the authority to amend its Comprehensive Plan pursuant to Part II, Chapter 163, *Florida Statutes*; and

WHEREAS, the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* directly relates to small scale development activities as provided in Section 163.3187(1)(c), *Florida Statutes*; and

WHEREAS, the Volusia County Growth Management Commission has issued a determination of consistency in accordance with Section 202.3 of the *Charter of Volusia County, Florida*, for the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan*; and

WHEREAS, the Planning and Zoning Board, which is the local planning agency of the City, and City Council of the City of Daytona Beach Shores have conducted public hearings and issued notices required by Florida law in the preparation and enactment of this Ordinance; and

WHEREAS, Larry and Barbara Pollack, owners of the real property with short tax parcel ID 5334-02-08-0010 and generally located at 3102 Liberty Avenue, submitted an owner initiated future land use map amendment application to the City of Daytona Beach Shores on November 15, 2021; and

WHEREAS, Larry and Barbara Pollack, owners of the subject property, are requesting the City of Daytona Beach Shores amends the future land use classification of the subject real property to Residential Low Intensity; and

WHEREAS, the City Council of the City of Daytona Beach Shores declares that the purpose and intent of the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* is to guide future growth and development; encourage the most appropriate use of the land, water and other resources, consistent with the public interest, promote and protect the public health, safety, comfort, good order, appearance, convenience, aesthetics, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; provide adequate facilities and services; conserve and protect natural resources within the City, while protecting private property rights; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds that this Ordinance serves the best interest of the City of Daytona Beach Shores; and

WHEREAS, underlined words shall constitute additions to the original text of the Comprehensive Plan, *** shall constitute ellipses, and ~~strike through~~ shall constitute deletions to the Comprehensive Plan.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AS FOLLOWS:

SECTION ONE: CHANGE IN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP. Chapter 1, “Future Land Use Element,” containing the Official Future Land Use Map (Map L-4) of the *City of Daytona Beach Shores Comprehensive Plan* is hereby amended to change the Future Land Use Designation of a +/-0.79 acre property from Volusia County Urban Low Intensity to Daytona Beach Shores Residential Low Intensity as to property as described in Exhibit “A” as follows:

Location Address	Short Tax Parcel ID	Daytona Beach Shores Future Land Use Designation
3102 Liberty Avenue	5334-02-08-0010	Residential Low Intensity

SECTION TWO: IMPLEMENTING ADMINISTRATIVE ACTIONS. The Community Services Director is hereby authorized to transmit copies of the adopted amendment to the *City of Daytona Beach Shores Comprehensive Plan* to the appropriate agencies and to any other unit of local government who has filed a written request for a copy in accordance with the provisions of Section 163.3187(1)(c)2.b, *Florida Statutes* and *Volusia Growth Management Rules*.

SECTION THREE: CONFLICTS. All ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION FOUR: SEVERABILITY. If any section or portion of a section of this Ordinance, or application of any provision of this Ordinance, proves to be invalid, unlawful, or

unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Ordinance.

SECTION FIVE. NON-CODIFICATION. This Ordinance shall be not be codified in the *City Code of the City of Daytona Beach Shore* or, the *Land Development Code of the City of Daytona Beach Shores*, or the *City of Daytona Beach Shores Comprehensive Plan* provided, however, that the actions taken herein shall be depicted in the *City of Daytona Beach Shores Comprehensive Plan* and on the Future Land Use Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION SIX: EFFECTIVE DATE. This Ordinance shall become effective, in accordance with the provisions of Section 163.3187, *Florida Statutes*, thirty-one (31) days after enactment; provided, however, if this Ordinance is challenged within thirty (30) days after enactment, this Ordinance shall not become effective until the Florida Department of Community Affairs, acting as the State Land Planning Agency, or the Administration Commission, respectively, issues a final order determining that the small scale development amendment to the *City of Daytona Beach Shores Comprehensive Plan* set forth in this Ordinance is in compliance.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2022.

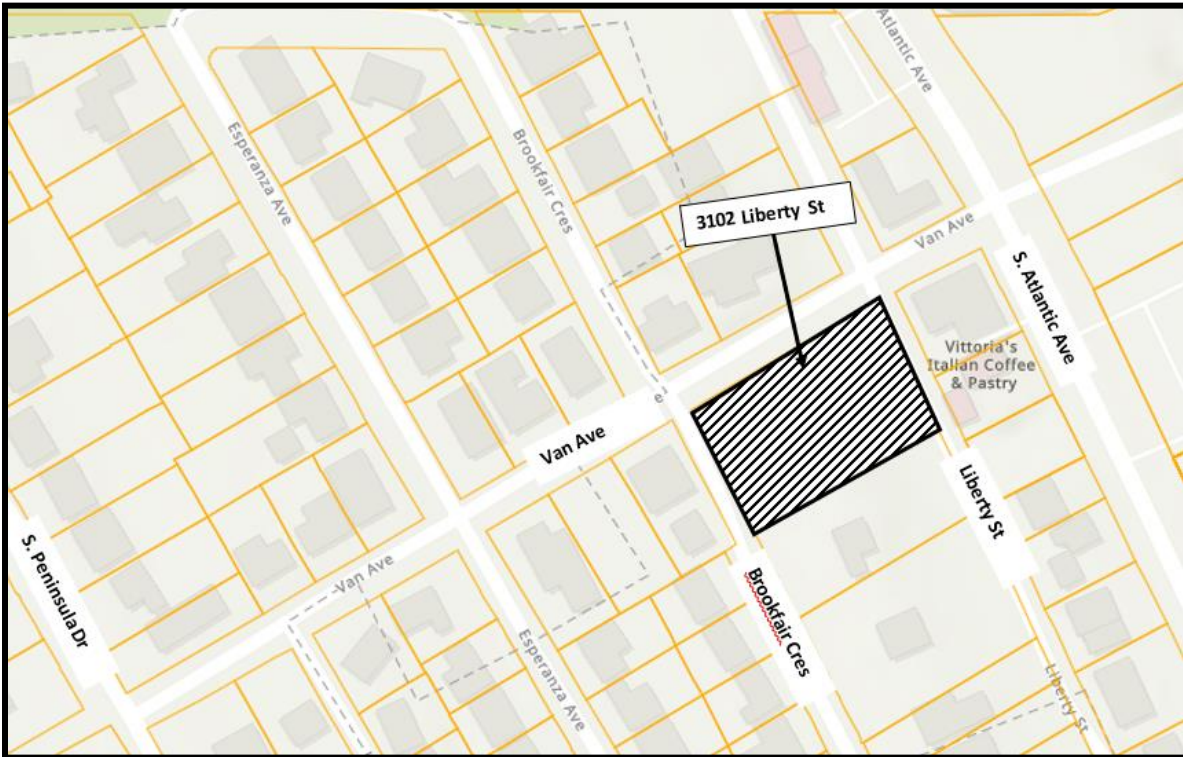
Adopted on second reading this _____ day of _____, 2022.

EXHIBIT A

LOTS 1, 2 AND 3, BLOCK 8, ROGERS NORTH ORITA, AS RECORDED IN MAP BOOK 1, PAGE 115, RE-RECORDED IN MAP BOOK 14, PAGES 121 AND 122, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THE SOUTHERLY 1/2 OF VAN AVENUE LYING BETWEEN THE NORTHERLY EXTENSION OF THE CENTERLINE OF LIBERTY STREET AND THE NORTHERLY EXTENSION OF THE CENTERLINE OF BROOKFAIR CRESCENT, AND THE WEST 1/2 OF LIBERTY STREET LYING BETWEEN THE CENTERLINE OF VAN AVENUE AND THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3, AND THE EASTERLY 1/2 OF BROOKFAIR CRESCENT LYING BETWEEN THE CENTERLINE OF VAN AVENUE AND THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3, DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3 WITH THE CENTERLINE OF BROOKFAIR CRESCENT; THENCE RUN N28°33'12"W ALONG THE CENTERLINE OF SAID BROOKFAIR CRESCENT, 175.01 FEET TO THE CENTERLINE OF VAN AVENUE (PLATTED PENINSULA AVENUE) THENCE RUN N60°52'43"E ALONG THE CENTERLINE OF SAID VAN AVENUE, 263.38 FEET TO THE CENTERLINE OF LIBERTY STREET; THENCE S26°36'00"E ALONG THE CENTERLINE OF LIBERTY STREET, 175.01 FEET TO THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 3; THENCE S60°50'35"W ALONG SAID EASTERLY EXTENSION AND THE SOUTHERLY LINE OF SAID LOT 3 AND THE WESTERLY EXTENSION THEREOF, 257.41 FEET TO THE POINT OF BEGINNING.

EXHIBIT A
Location Map: 3102 Liberty Street





City of Daytona Beach Shores
COMMUNITY SERVICES DEPARTMENT
 2990 S. Atlantic Avenue
 Daytona Beach Shores, FL 32118
 Phone (386) 763-5377 Fax (386) 763-5370

12021044

**APPLICATION FOR COMPREHENSIVE PLAN/FUTURE LAND USE MAP
 AMENDMENT**

The Undersigned Applicant requests the Planning and Zoning Board AND City Council to hear and decide upon this application in accordance with Sec. 2-2 of the Land Development Code and Florida Law.

Date Submitted: 11 / 15 / 2021

Applicable Section of the Comprehensive Plan: _____

Fees must be paid at the time the application is submitted.

Applicant's Name: Larry M. Pollack (and Barbara Pollack, H+W)

Address: 21 Forest Ct. Passaic N.J. 07055 Phone #: 973-906-5183

Property Address: 3102 Liberty St. Daytona Beach, FL 32118

Existing Property Use: None - currently vacant lot - residential home being built by applicants, to replace previous house which was destroyed.

Representing Attorney (if any): _____

Address: _____ Phone #: _____

NOTES: 1) Notarized letter of authorization from owner MUST be submitted if application is filed by anyone other than the owner. 2) A completed application MUST be submitted at least 45 days prior to the anticipated Planning and Zoning hearing date.

Legal description of the property:

Lots 1, 2 + 3 Blk 8 Rogers North Oritu (according to Map Book 1, page 115; 1761 page 1555; 8106 page 2648)

"Originally" property of C.H. Spencer according to Map Book 14, pages 121-125

Description of your request:

We are building a single family, two-story residence at 3102 Liberty Street. We plan to eventually relocate to the new home after it is completed. We would like to be annexed to Daytona Beach Shores,

Larry M. Pollack
 Applicant's Signature

11 / 15 / 2021
 Date

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-07

A. INTRODUCTION

The proposed amendment seeks to change the future land use designation of a single-family residential property, recently annexed into the City, from Volusia County *Urban Low Intensity* (0.2-4.0 units/acre) to Daytona Beach Shores *Residential Low Intensity* (0-4.0 units/acre). The +/- 0.78 acre property is located at 3102 Liberty Street. The subject application, if approved, would result in the second 2022 small-scale comprehensive plan amendment for the City of Daytona Beach Shores in accordance with Section 163.3187, *Florida Statutes*.

B. PROPOSED AMENDMENT ITEM(S)

Item 1: Map Amendment - Chapter 1, Future Land Use Element: amending Map L-4 entitled, “Generalized Future Land Use Map (2030),” to change the future land use classification of the annexing property located at 3102 Liberty Street from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Residential Low Intensity*:

Overview:

The property is currently vacant. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-9” (Urban Single-Family Residential District), respectively. The surrounding future land use designations and zoning classifications are depicted in **Table 1** below while the future land use is illustrated in **Figure 1**. The subject request is to change the FLU designation to Daytona Beach Shores *Residential Low Intensity* (0-4 units/acre).

Table 1: Abutting Zoning and Future Land Use Classification

Location	Zoning		Future Land Use	
	Existing	Proposed	Existing	Proposed
Subject Property	R-9*	RSF-2+	Volusia County Urban Low Intensity	Residential Low Intensity
North	RSF-2		Residential Low Density	
South	R-9		VC Residential Low Intensity	
East	GC-1		Tourist Oriented Commercial	
West	RSF-2		Residential Low Density	

Notes: *R-9 = Volusia County *Urban Single-Family Residential District*; RSF-2 = DBS *Urban Single Family Residential Detached District*; GC-1 = DBS *Tourist Oriented Commercial District*.

FIGURE 1: 3102 Liberty Street - Surrounding Future Land Use



Description, Data and Analysis:

The analysis conducted below demonstrates the amendment's compliance with the City's Comprehensive Plan and the Florida Administrative Code for future land use map amendments. Therefore, the analysis shows that there will not be any significant impacts on the environment, roadways, public schools and utilities as the allowable densities and use will remain the same.

I. IMPACTS OF PROPOSED AMENDMENT

The current Volusia County *Urban Low Intensity* Future Land Use (FLU) classification allows a maximum density of four (4) units per acre. Under the proposed Daytona Beach Shores FLU designation, *Residential Low Intensity*, the maximum density allowed is also four (4) units per acre. Therefore, the proposed land use amendment would not result in any change in residential density permitted. However, given the +/-0.78 acre size of the property, the proposed amendment would allow up to three (3) theoretical residential units on site. However, per the accompanying zoning application for this property, only one (1) single-family residence would be built on site.

The property is currently is currently vacant. Additionally, the proposed Daytona Beach Shores zoning for this property, RSF-2 Urban Single-Family Residential Detached District, would permit only one residential dwelling unit on site. So, from a practical and planning perspective the proposed future land use change will result in no net change in density and impacts.

In accordance with the Daytona Beach Shores Comprehensive Plan Update (2030) and standard practice from the Florida Department Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the current future land use designation versus the designation proposed (**Table 2** below). The following seven public facilities and services were examined and discussed briefly below: (1) Transportation, (2) Sanitary Sewer, (3) Potable Water, (4) Solid Waste, (5) Stormwater Drainage, (6) Recreation, and (7) Public Schools.

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use (0.2-4 units/acre)	Proposed Future Land Use (0.2-4 units/acre)	Change
Residential Units Allowed	3	3	None
Population ¹	5.25	5.25	None
AM / PM Peak Hour Trips ²	4.5/6.02	4.5/6.02	None
Sanitary Sewer (gallons/day) ³	750	750	None
Potable Water (gallons/day) ⁴	577.5	577.5	None
Solid Waste (lbs./person) ⁵	52.5	52.5	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space	See summary below	See summary below	None
Public School Student(s)	0.396	1.188	None

Notes:

1. Population: 1.75 persons per single-family dwelling
2. Transportation: Rates are for peak hour of adjacent street traffic
Single-family residential unit = 0.75 AM trips, 1.01 PM trips
3. Sanitary Sewer: 250 gallons per dwelling unit per day
4. Potable Water: 110 gallons per capita per day
5. Solid Waste: 10 pounds per capita per day
6. Stormwater Drainage: LOS standard = 25 year, 24 hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code.
7. Public School: Generation rates = 0.396 per single-family unit.

Sources:

Transportation:

The subject property is a single-family lot with vehicular transportation access to the abutting Van Avenue, which is a local road connecting to both S. Peninsula Drive (SR441) and S. Atlantic Avenue (SR A1A). S. Peninsula Drive is a two laned minor arterial road and S. Atlantic Avenue (SRA1A) is a five laned principal arterial road, pursuant to the City's Comprehensive Plan, respectively. The two roads connect to Dunlawton Boulevard (SR421) and International Speedway Boulevard (US92) which are both principal arterial roads leading to the interstate system. The allowable Level-Of-Service (LOS) standard for S. Peninsula Drive is "D." Both Atlantic Avenue (SR A1A). S. Peninsula Drive are operating at acceptable levels of service. Since the City has no vested trips for this road there will be no net change in vehicular trips as demonstrated in **Table 2** above, hence the allowed LOS standard will continue to be maintained.

Sanitary Sewer:

The City's adopted LOS standard for sanitary sewer is 250 gallons per dwelling unit per day. Using this standard, the proposed land use would theoretically generate a demand of 750 gallons per day consistent with the current future land use. In addition the City of Port Orange sewer treatment facilities can easily accommodate considering the facility is currently operating at an acceptable level of service.

Potable Water:

The City's adopted LOS standard for potable water is 110 gallons per capita per day. Using this standard, the proposed land use would theoretically create a demand of 577.5 gallons of water per day. This is a density neutral amendment and the proposed demand can easily be accommodated for in Port Orange current consumptive use permit (CUP).

Solid Waste Collection:

The proposed land use allows for three (3) residential units that would be expected to support a population of 5.25 persons, which together would theoretically generate 52.5 pounds of solid waste per day. Solid waste generated within the City of Daytona Beach Shores is collected by Waste Pro, which delivers it to the Volusia County landfill. The 3,000-acre landfill is a Class I facility with a projected life span to the year 2050.

Stormwater Drainage:

The City's adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the Comprehensive Plan requires that there be no net loss of stormwater retention function as a result of development. Therefore, if the property is developed the parcel must have the same ability to store and discharge water after development as it does before

development occurs. The applicants would be required to address stormwater retention on the property in accordance with these City standards.

Recreation and Open Space:

The proposed amendment would theoretically add 5.25 residents to the City. The City's most recent population count was 5,179 (2020 US Census). Policy 7-1.2.1 and Policy 9-1.3.1 in the City's Comprehensive plan establish the LOS standards for recreation facilities within the City. Considering the City's population and the City's recreational LOS standards, it is easy to conclude that Daytona Beach Shores currently has adequate capacity for all recreational facilities as required by the City's Adopted Comprehensive Plan and seen in **Table 3** below.

Table 3: Recreation Facilities Analysis

Type of Park/ Recreational Facility	Unit of Measure/LOS Standard	Current LOS (Facilities)	Deficit
Playgrounds	one per 10,000 people	1	None
Neighborhood Park	one per 10,000 people	5	None
Community Park	one per 25,000 people	1	None
Children's Play Areas	one per 10,000 people	1	None
Baseball/Softball Field	one per 15,000 people	1	None
Tennis Courts	one per 2,000 people	11	None
Community Center	one per 20,000 people	1	None
Exercise Trail	one per 14,000 people	1	None
Nature Study Trail	one per 14,000 people	1	None

Public Schools:

Based on the Volusia County School District's student generation rate for a single-family dwelling unit, the proposed land use could generate at least one (1) full time student. This is exactly the same that could be generated by the existing Volusia County future land use due to the residential density neutrality of the proposed change. Therefore, no increase impact on existing public school facilities is expected. Further, due to the aforementioned, the FLU amendment is exempt from the School District review.

II. LAND USE COMPATIBILITY

The FLU of the surrounding area is primarily residential low intensity (single-family) in character (**Figure 1**). The subject property is located in a single-family neighborhood with Recreation/Open Space and Multifamily High Intensity to the east. **Figure 2**.

Figure 2: Aerial View of 3102 Liberty Street and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2021

Considering the above along with **Table 1** contained in the body of this staff report, it is clear that the proposed land use, which is a density neutral land use request, is consistent with the existing and future land use of the surrounding neighborhood.

III. APPLICABLE PLANS, CODES AND REGULATIONS

Future Land Use Element (Daytona Beach Shores Comprehensive Plan):

Policy 1-1.1.5: (a) The City shall maintain at least a Level of Service standard "D" at all times on its roadway network throughout the City. This shall include Dunlawton Boulevard, including the bridge. The maintenance of this Level of Service standard is important to ensure that an efficient flow of traffic can be maintained on these primary roads in the event of a hurricane threat. (b) Maintain the clearance time of the population in the Hurricane Vulnerability Zone at sixteen (16) hours based on a level of service standard "D" during the time of a category 5-storm event as measured on the Saffir-Simpson scale. This policy is consistent with the stated objectives contained in the Coastal Management Element of the Volusia County Comprehensive Plan regarding hurricane evacuation and Section 163.3178 (9) (b), F.S. and based on the most current East Central Florida Regional Planning Council hurricane study.

Policy 1-1.2.2: The City's existing policy of requiring written assurance from any entity providing sewage treatment, potable water, or solid waste disposal shall be maintained throughout the planning period.

Objective 1-1.4: Land uses that are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged. This shall take the form of not allowing any objectionable uses (industrial, warehousing, etc.) in the new Land Development Code that will be adopted subsequent to this Comprehensive Plan.

Capital Improvement Element

Policy 9-1.3: The City shall use the following Level of Service (LOS) standards in reviewing the impacts of new development and redevelopment on public facility provisions:

- (a) **Sanitary Sewers:** 250 gallons per dwelling unit per day
- (b) **Solid Waste:** 10 pounds per capita per day
- (c) **Drainage:** 25-year, 24-hour design storm
- (d) **Potable Water:** 110 gallons/capita/day (gcd) for Port Orange Service Area
150 gcd for Daytona Beach Service Area
- (e) **Roadways:** Arterials: LOS "D" at peak hour
Collectors: LOS "C" at peak hour
- (f) **Recreation:** See Table 3 above

IV. REVIEW CRITERIA AND STAFF FINDINGS

1. The amendment shall not decrease the LOS Standard for hurricane evacuation routes below LOS Standard D and (b) the amendment shall not increase the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above 16 hours.

Staff finding: The proposed land use amendment is density neutral. Consequently, no increase in traffic is anticipated as a result of the proposed change, therefore: (a) there will be no decrease in the adopted LOS Standard Van Avenue, S.R. 441 and S.R. A1A; and (b) considering the aforementioned, the hurricane evacuation clearance time shall remain the same for the subject roads in question.

2. Written assurances from service providers for sewage treatment, potable water, and solid waste shall be provided when there is a future land use map amendment result in an increase in density or intensity.

Staff finding: The proposed land use amendment is density neutral and the site is already developed. Therefore, no increase in demand is anticipated and no written assurances are needed from service providers since services are already being provided for at the accepted LOS standard.

3. The amendment shall not result in objectionable land use designations inconsistent with the character of the overall future land use plan.

Staff finding: The proposed amendment will not result in an incompatible land use designation with adjacent parcels, the neighborhood or overall character of the future land use plan. The proposed *Residential Low Intensity* (0-4 units/acre) designation will provide for a single-family residence and is therefore compatible with the surrounding residential low-density (single-family) space land uses.

4. The amendment shall not decrease the LOS Standards for public facilities adopted in Policy 9-1.3 of the City's Comprehensive Plan.

Staff finding: The proposed land use amendment is density neutral, therefore, no increase demand on public facilities is anticipated.

V. CONCLUSION:

The proposed land use amendment is consistent with overall goals, objectives, and Policies of the Daytona Beach Shores Comprehensive Plan (2030).



PLANNING & ZONING BOARD AGENDA MEMORANDUM

MARCH 14, 2022 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Ordinance 2022-10: Townhome Minimum Development Area Amendment

SYNOPSIS:

Ordinance 2022-10 would amend Section 19-10 of the Daytona Beach Shores Land Development Code to reduce the minimum lot size per unit required for townhome development in the RMF-2 Multi-Family Residential (Medium Density) District. The current standard is outdated and does not allow property owners to optimize townhome development because the minimum area required for each unit is extremely restrictive. This amendment is an administrative amendment proposed by staff consistent with Objective A.2 of the City of Daytona Beach Shores Strategic Plan which calls for the removal of land development regulations that are obstacles to desired redevelopment and to enable or promote desired redevelopment. The proposed minimum area for townhome development would permit property owners/developers to realize the middle of the density range permitted in the RMF-2 District.

FISCAL IMPACT STATEMENT:

BACKGROUND:

The density range permitted in the RMF-2 District is 12.1 units per acre up to 35 units per acre. Currently, the minimum area required for the construction of each townhome unit in the RMF-2 District is 3,630 square feet. This means only 12 townhomes can ever be built per acre in the RMF-2 District. Whereas multifamily residential units (apartments/condos), which are also permitted in the RMF-2 District, are required to have a minimum area of 1,244.57 square feet per unit or up to 35 apartments/condos per acre. The difference in units permitted within the acceptable density range in the same district creates an equity and entitlement imbalance.

Furthermore, the RMF-3 Multi-Family Residential (Low Density) District has the exact minimum area required at 3,630 square feet per townhome unit or 12 units per acre. The maximum density permitted in the RMF-3 District is 12 units per acre. This suggests the minimum area required for townhome development in the RMF-2 District currently codified is a mistake. Hence, the proposed administrative amendment proposed by staff to reduce the minimum area required for townhome development to 2,420 square feet.

LEGAL REVIEW:**RECOMMENDATION:**

Staff recommends approval of Ordinance 2022-10 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board member may motion as follows:

1. "I move to recommend approval Ordinance 2022-10 as presented."

OR

2. "I move to recommend approval of Ordinance 2022-10, with the following amendments..."

OR

3. "I move to recommend denial of Ordinance 2022-10, on the basis of the following..."

ATTACHMENT: 1. Ord 2022-10 RMF-2 Townhome Min Required Development Area

ORDINANCE 2022-xx

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO COUNSELING SERVICES; AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G”, AMENDING CHAPTER 14 ENTITLED “ZONING REGULATIONS,” BY AMENDING SECTION 14-19 ENTITLED “RMF-2 MULTIFAMILY RESIDENTIAL DISTRICT (MEDIUM DENSITY) TO AMEND THE MINIMUM LOT SIZE REQUIRED FOR TOWNHOUSE DEVELOPMENT; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Daytona Beach Shores to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Section 163.3202, *Florida Statutes*, provides that the City of Daytona Beach Shores shall adopt and enforce land development regulations for the purpose of implementing its comprehensive plan and protecting the public health, safety, and general welfare; and

WHEREAS, the Daytona Beach Shores Land Development Code minimum lot size requirement for the development of townhomes in the RMF-2 Multi-Family Residential District (Medium Density) is outdated and excessive; and

WHEREAS, the Daytona Beach Shores Land Development Code minimum lot size requirement for the development of townhomes in the RMF-2 District restricts property owners from achieving the entitled density permitted by the district regulations; and

WHEREAS, the Objective A.2 of the City of Daytona Beach Shores Strategic Plan calls for the removal of land development regulations that are obstacles to desired redevelopment and to enable or promote desired redevelopment; and

WHEREAS, townhome development is a desired form of redevelopment in Daytona Beach Shores; and

WHEREAS, the City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, this Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City Daytona Beach Shores*; and

WHEREAS, the recitals to this Ordinance (whereas clauses) are adopted as the legislative findings and intent of the City Council of the City of Daytona Beach Shores; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~struckthrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA THAT:

SECTION ONE: Section 14-19, *Land Development Code*, Chapter 14, Appendix “G”, *Code of Ordinances of the City of Daytona Beach Shores*, entitled “RMF-2 Multi-family Residential District (Medium Density) ,” is amended to read as follows:

Sec. 14-19. – RMF-2 Multi-Family Residential District (Medium Density).

14-19.1. Purpose and Intent.

The purpose and intent of the RMF-2 Multi-Family Residential District is to provide for multifamily residential living, catering to the needs of the citizens of the city desiring a well-maintained and natural on-site environment for multifamily living.

14-19.2. Permitted Principal Uses and Structures.

Townhouses, multifamily dwellings and adult congregate living units.

Telecommunication towers and antennas, subject to compliance with [section 14-60.1](#) et seq.

14-19.3. Permitted Accessory Uses and Structures.

Accessory uses or structures customarily incidental to the permitted principal use or structure.

14-19.4. Dimensional Requirements.

1. *Townhouses:*

Minimum lot size:

Area: ~~Three thousand six hundred thirty (3,630)~~ Two thousand four hundred twenty (2420) square feet for each dwelling unit.

Width: Seventy-five (75) feet.

Maximum lot coverage: The total area covered with principal and accessory buildings shall not exceed thirty-five (35) percent of the total lot area.

Minimum floor area:

Studio or efficiency: Five hundred (500) square feet.

One bedroom: Six hundred fifty (650) square feet.

Two (2) bedrooms: Eight hundred (800) square feet.

Three (3) bedrooms: Nine hundred fifty (950) square feet.

Each additional bedroom: One hundred twenty (120) square feet.

Minimum building setback from streets, drives and parking lots: No building shall be located closer than twenty (20) feet from any interior street or drive and no closer than ten (10) feet from any parking lot.

Maximum building height: Thirty-five (35) feet.

Minimum yard size:

Front yard: Twenty (20) feet.

Rear yard: Twenty (20) feet.

Side yard:

Interior lot: Ten (10) feet.

Abutting any street: Twenty (20) feet.

2. Multifamily Dwellings:

Minimum lot size:

Area: One thousand two hundred forty-four point fifty-seven (1,244.57) square feet per dwelling unit.

Width: Seventy-five (75) feet.

Minimum yard size:

Front yard: Twenty (20) feet.

Rear yard: Ten (10) feet plus one (1) foot of rear and side yard for each additional three (3) feet of building height over twenty (20) feet.

Side yard:

Interior lot: Seven (7) feet.

Abutting any street: Twenty (20) feet.

Maximum building height: Sixty-five (65) feet.

Maximum lot coverage: The total area covered with principal and accessory buildings shall not exceed thirty-five (35) percent of the total lot area.

Minimum floor area per unit:

Studio or efficiency: Five hundred (500) square feet.

One (1) bedroom: Six hundred fifty (650) square feet.

Two (2) bedrooms: Eight hundred (800) square feet.

Three (3) bedrooms: Nine hundred fifty (950) square feet.

Each additional bedroom: One hundred twenty (120) square feet.

Minimum building spacing requirements:

Fifty (50) feet between any combination of fronts or rears of adjacent buildings.

A separation requirement of twenty-two (22) feet minimum shall be maintained between buildings exceeding thirty (30) feet in height when more than one (1) building is erected on a recorded lot.

Minimum building setback from streets, drives and parking lots: No building shall be located closer than twenty (20) feet from any interior street or drive and no closer than ten (10) feet from any parking lot.

Density: Greater than twelve (12) and a maximum of thirty-five (35) units per acre.

14-19.5. Site Plan Requirement.

A site plan shall be submitted and approved as required by [section 14-56](#).

(Ord. No. 98-07, § 2, 4-8-98)

SECTION TWO: ENFORCEMENT AND PENALTIES.

(a). It is prohibited and unlawful for any person to fail to comply with the requirements of this Ordinance.

(b). The City may enforce the provisions of this Ordinance by any lawful means available to the City under the controlling provisions of State law and Section 1.8 of the *Code of Ordinances of the City of Daytona Beach Shores, Florida*.

(c). The penalties for violation of this Ordinance shall be as set forth in the code enforcement method asserted by the City under the *Code of Ordinances of the City of Daytona Beach Shores, Florida* or as may be available under the controlling provisions of State law.

SECTION THREE: SAVINGS. The prior actions of the City of Daytona Beach Shores relating to the regulation of the matters and uses which are the subject of this Ordinance are hereby ratified and affirmed.

SECTION FOUR: CODIFICATION. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections Two, Three, Four, Five, Six, and Seven shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION FIVE: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION SIX: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION SEVEN: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2022.

Adopted on second reading this _____ day of _____, 2022.