



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COUNCIL MEETING MARCH 22, 2022

**6:00 PM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Upon being recognized, a member of the public shall proceed to the podium and give his or her name and address and may, thereafter, speak for a maximum of three minutes on any matter relevant to a specific agenda item. During "Audience Comments," a member of the public may speak on any matter relevant to City business which is not on the agenda, for a maximum of three minutes in accordance with Section 2-1.1(d) and 2-2 of the City Code. In accordance with Section 2-2, during periods set aside for public discussion any person desiring to speak shall secure a form located at the agenda table, complete the form and present it to the City Clerk so the speaker can be recognized by the presiding officer. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section. It shall be the duty of the Director of Public Safety, upon the order of the presiding officer at any such meeting, to forcibly, if necessary, evict any person violating the provisions of this section from the Council Meeting Hall. Any such violation shall subject the offender, upon conviction thereof, to a fine and/or imprisonment as prescribed by Section 1-8.

- 1. CALL TO ORDER BY MAYOR**
- 2. ROLL CALL BY CITY CLERK**
- 3. PRAYER**
- 4. PLEDGE OF ALLEGIANCE**
- 5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:**
- 6. APPROVAL OF MINUTES**
 - A. City Council Minutes March 8, 2022
- 7. CONSENT AGENDA:**
 - A. Public Safety February Monthly report

- B. February 2022 Finance Report
- C. Community Service February Monthly report
- D. Building & Codes February Monthly report
- E. Application for Non-Exclusive Franchise - C. Wright Landscaping, Inc.

8. REPORTS OF THE CITY ATTORNEY:

- A. City Attorney Report

9. REPORTS OF THE CITY MANAGER:

- A. City Manager Report March 22, 2022

10. OLD BUSINESS:

- A. Bank of America Property Purchase

11. Quasi-Judicial Hearings

- A. Ordinance 2022-08: Rezoning Application RZ12021040, Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property
- B. Ordinance 2022-09: Rezoning Application RZ12021043; Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

12. NEW BUSINESS:

- 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: Minimum Lot Size Requirement For Townhomes In The RMF-2 District
- D. Ordinance 2022-11: Extension of Nonconforming Freestanding Sign Compliance Amortization Period

13. COUNCIL COMMENTS:

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

16. ADJOURNMENT:

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF DAYTONA BEACH SHORES, 2990 S. ATLANTIC AVENUE, DAYTONA BEACH SHORES, FLORIDA 32118, TELEPHONE NUMBER 386-7635364, CSCHWAB@CITYOFDBS.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 711 or 1 8009558771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

MINUTES
CITY COUNCIL MEETING
March 8, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Vice Mayor Mel Lindauer, Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone **Excused:** Councilmember Michael Politis
Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney John Cary, Community Services Director Fred Hiatt, Finance Director Kurt Swartzlander, Economic Development and Public Affairs Director Nancy Maddox, and Public Safety Captain Michael Fowler.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

A. Employee Service Award - Ed Kastner 20 years

Community Services Director Fred Hiatt presented Ed Kastner with his 20-year service award.

B. Audit Presentation from James Moore & Co.

James Halloran from James Moore & Co. gave the council a brief presentation regarding the current audit. He explained that there were no material weaknesses in internal controls and no instances of non-compliance. The city is now debt free from any long-term debt and the investments are in compliance with Florida Statutes.

6. APPROVAL OF MINUTES

A. City Council Minutes February 22, 2022

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL

LINDAUER to Approve the City Council Minutes of February 22, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer

7. CONSENT AGENDA:

A. Finance Reports - Nov, Dec, Jan.

B. SCBA Purchase

C. Public Safety Outside Detail Rate Increase

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to Approve the consent agenda.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report March 8, 2022

Attorney Cary reviewed the report submitted to council.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report March 8, 2022

City Manager Booker reviewed his submitted report. The owners of the Treasure Island property have selected a demolition company and plan to begin work next week. One addition to his written report was the request by St. Maartens Condo to use Andronopoulos Park while their parking area is resurfaced. It would be between 4-7 weeks. The council gave their consensus on this.

10. OLD BUSINESS:

A. Ordinance 2022-05 Daytona Beach Shores proposed charter amendments

Attorney Cary read the ordinance by title. It was explained that there was a minor revision on question number 4 between first and second reading. The word procedures was deleted from the ballot summary. The remaining questions had no change.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-05 on second reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer

11. NEW BUSINESS:

A. Nonconforming Freestanding Sign Removal Deadline

Finance Director Kurt Swartzlander explained that the ten-year period for businesses to comply with the adopted sign regulations would end on April 9th. Of the initial 130 nonconforming signs, 61 have been upgraded. Forty-one of those took advantage of the city's sign grant program which reimbursed a small portion. Staff recognizes that the last two years, businesses have struggled with the pandemic and are requesting a one-year extension. This would also include a minor grant program for that year. Letters will be mailed to those still not conforming with the newer sign regulations. After a brief discussion by the council, it was decided by a voice vote to allow the one year extension with the grant program capping at \$1,300 per business.

B. Bank of America Property Bid

Mayor Miller began the discussion by explaining why she would like the city to purchase the property. The close location to existing city properties, the need to allow classes and activities to be held in other locations and the ability to have the city control over what is built on the land were a few examples. Finance Director Kurt Swartzlander explained that the process to bid on the property was a modified sealed bid. The council would need to agree on a price for him to include in the Purchase Sale Agreement. CMBR Frizalone stated that he felt \$850,000 was fair. CMBR Bryan didn't want to offer more than the land was valued at. The remaining council felt the need to secure the property to ensure the city could control what was built there in the future.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to offer \$850,000.00 to purchase the Bank of America Property and to allow the Mayor to execute the agreement.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3 No = 1).

Yes: Mayor Nancy Miller, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer **No:** Richard Bryan

12. COUNCIL COMMENTS:

All the council members felt the recent food truck event and concert was a huge success. Mayor Miller reminded the residents of her upcoming Coffee With the Mayor. CMBR Bryan provided a brief legislative update on bills he has been following.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Allen Howard spoke to the council regarding the noise from the motorcycles. He inquired if the Public Safety officers were enforcing the noise ordinance. It was his opinion that many of the motorcycles had illegal exhaust on them that created the loud noise.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items added to the next agenda.

15. ADJOURNMENT:

The meeting ended at 7:00 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB



CITY OF DAYTONA BEACH SHORES
DEPARTMENT OF PUBLIC SAFETY
 3050 South Atlantic Avenue
 Daytona Beach Shores, Florida 32118
Office of Director of Public Safety
 Office 386-763-5333 Fax 386-763-5341

MONTHLY REPORT FOR FEBRUARY 2022 *2037.22*

	Feb-22	22/YTD	Feb-21	21/YTD
<i>Police Related Calls</i>	1,828	3,991	1,846	3,907
<i>Fire Related Calls</i>	27	63	52	89
<i>Rescue Related Calls</i>	100	218	94	184
<i>Fire Related Alarms Sounding</i>	10	124	16	25
<i>Traffic Citations</i>	153	307	116	263
<i>Written Warnings</i>	46	105	34	82
<i>Building Inspections</i>	52	96	69	137
<i>Arrests: Adults</i>	25	57	23	47
<i>Juveniles</i>	0	0	0	2
<i>City Ordinance Charges</i>	0	0	0	0
<i>Florida State Statute Charges</i>	37	98	34	82
<i>Accidents: Total</i>	13	29	18	29
<i>Street/Highway</i>	8	12	9	14
<i>Parking Lot</i>	5	17	9	15

Stephan Dembinsky, Public Safety Director

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2022-02-01 through 2022-02-28

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
EXTRA PATROL	EP	361	19.75 %	12.89
MISCELLANEOUS LE CALL	MISC	334	18.27 %	11.93
TRAFFIC STOP	TS	321	17.56 %	11.46
PROPERTY CHECK	PRC	208	11.38 %	7.43
DIRECTED PATROL REQUEST	DPR	54	2.95 %	1.93
TELEPHONE HANDLE	THC	38	2.08 %	1.36
MEDICAL EMERGENCY	MED1	32	1.75 %	1.14
SUSP PERSON	SPER	27	1.48 %	0.96
SUSP VEHICLE	SVEH	26	1.42 %	0.93
SUSP INCIDENT	SINC	24	1.31 %	0.86
DISTURBANCE	DIST	21	1.15 %	0.75
RADAR	RADAR	20	1.09 %	0.71
BUSINESS ALARM	ALARMB	15	0.82 %	0.54
ZONE ACCOUNTABILITY PATR	ZAP	15	0.82 %	0.54
SUSPECT STOP	SS	14	0.77 %	0.50
FALL- NON EMERGENCY	TRAU3	13	0.71 %	0.46
FIRE ALARM	ALARMF	13	0.71 %	0.46
SPECIAL DETAIL	SDL	13	0.71 %	0.46
INVESTIGATION	INV	11	0.60 %	0.39
MEDICAL NON-EMERG	MED2	11	0.60 %	0.39
WALKUP	WALKUP	11	0.60 %	0.39
CIVIL COMPLAINT	CIVIL	10	0.55 %	0.36
FOUND PROPERTY	PROPF	10	0.55 %	0.36
ILLEGAL PARKING	PARK	10	0.55 %	0.36
WARRANT	WAR	10	0.55 %	0.36
ASSAULT/BATTERY	ABAT	9	0.49 %	0.32
TRESPASSERS	TRES	9	0.49 %	0.32
911 CK/OPEN LINE	911CK	8	0.44 %	0.29
FLAG DOWN	FLAG	8	0.44 %	0.29
MENTALLY ILL PER	MIP	8	0.44 %	0.29
MVA	MV	8	0.44 %	0.29
RECKLESS DRIVER	RD	8	0.44 %	0.29
DOMESTIC DISTURBANCE	DV	7	0.38 %	0.25
NOISE	NOISE	7	0.38 %	0.25
TOWED VEHICLE	TOW	7	0.38 %	0.25
STROKE / CVA	CVA	6	0.33 %	0.21
THEFT	THEFT	6	0.33 %	0.21
ESCORT	ESCORT	5	0.27 %	0.18
TRAUMA CRITICAL	TRAUE	5	0.27 %	0.18
UNCONSCIOUS	UNC	5	0.27 %	0.18
DRUNK DRIVER	DUI	4	0.22 %	0.14
DRUNK PERSON	IP	4	0.22 %	0.14
FLEEING DRIVER	FLEE	4	0.22 %	0.14
HIT&RUN MVA	MVHR	4	0.22 %	0.14
INFORMATION GIVEN	INFO	4	0.22 %	0.14
NARCOTICS	NARC	4	0.22 %	0.14

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2022-02-01 through 2022-02-28

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
SHOPLIFTING	SHOP	4	0.22 %	0.14
WELL BEING CHECK	WBC	4	0.22 %	0.14
ANIMAL COMPLAINT	AC	3	0.16 %	0.11
CITY ORDINANCE VIOLATION	COV	3	0.16 %	0.11
DANGEROUS COND FD	DCFD	3	0.16 %	0.11
DISABLED VEHICLE	DAV	3	0.16 %	0.11
FIGHT	FIGHT	3	0.16 %	0.11
MEDICAL UNKNOWN	ALARMM	3	0.16 %	0.11
WELL BEING CHECK MEDICAL	WBCF	3	0.16 %	0.11
911 CK/OPN LINE/MED HAZ	911MED	2	0.11 %	0.07
ATT TO CONTACT	ATC	2	0.11 %	0.07
ATTEMPTED SUICIDE	ASUI	2	0.11 %	0.07
BURGLARY ALARM	ALARM	2	0.11 %	0.07
DEAD PERSON	DEAD	2	0.11 %	0.07
JUVENILE	JUV	2	0.11 %	0.07
MVA W/ INJURIES	MVI	2	0.11 %	0.07
NE ASST- FIRE REQ	LEO2	2	0.11 %	0.07
SUICIDAL PERSON	SP	2	0.11 %	0.07
ARSON	ARSON	1	0.05 %	0.04
CAR BREAK	CB1	1	0.05 %	0.04
CHOKING	CHK	1	0.05 %	0.04
DANGEROUS COND PD	DCPD	1	0.05 %	0.04
ELEVATOR CALL	ELEV	1	0.05 %	0.04
FIRST AID CALL	FAID	1	0.05 %	0.04
FRAUD	FRAUD	1	0.05 %	0.04
HOLD UP ALARM	ALARMH	1	0.05 %	0.04
LOST CHILD	CHIDL	1	0.05 %	0.04
LOST PROPERTY	PROPL	1	0.05 %	0.04
OVERDOSE/POISONING	OD	1	0.05 %	0.04
PERSON SHOT	PSHOT	1	0.05 %	0.04
POWER LINES HAZARD	PL	1	0.05 %	0.04
PROWLER	PROW	1	0.05 %	0.04
RECOVERED SIG 10	SVR	1	0.05 %	0.04
REPOSSESSED VEH	REPO	1	0.05 %	0.04
ROAD OBSTRUCTION	RDOB	1	0.05 %	0.04
SCHOOL ZONE	SZ	1	0.05 %	0.04
SEX OFFENSE	SO	1	0.05 %	0.04
SEXUAL OFFENDER	SXF	1	0.05 %	0.04
SMOKE IN STR COMM/HIRISE	SMISCH	1	0.05 %	0.04
SOLICITORS	SOL	1	0.05 %	0.04
STEP ZONE	STP	1	0.05 %	0.04
STOLEN VEHICLE	SV	1	0.05 %	0.04
STRUCTURE FIRE	SF	1	0.05 %	0.04
TRAFFIC LITE OUT	TLO	1	0.05 %	0.04
TRAUMA EMERGENCY	TRAU1	1	0.05 %	0.04
VANDALISM	VAND	1	0.05 %	0.04

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2022-02-01 through 2022-02-28

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
WALK & TALK	WT	1	0.05 %	0.04
		TOTAL CALLS:	1,828	100.00%
				65.29

NOTE: CAD-generated statistical reports are compiled from a live database of calls for service; this live database requires frequent call updating to ensure real time data is correct and maintained. When compiling and comparing statistics over time, minor discrepancies are inherent and should be expected. For final report information on crime, Uniformed Crime Reporting (UCR) statistics should be utilized.

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

FEBRUARY 2022 STATISTICS

FIRE CALLS	CURRENT MONTH			YEAR TO DATE			PRIOR YEAR		
ENGINE RESPONSE	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
STRUCTURE FIRES	1	0	1	1	0	1	0	0	1
HAZARDOUS CONDITIONS	3	0	1	7	2	1	6	1	0
VEHICLE FIRES	0	0	0	0	0	0	1	0	0
BOAT FIRES	0	0	0	0	0	0	0	0	0
OTHER FIRES NOT LISTED	0	0	0	2	0	2	4	1	0
VEHICLE CRASHES W/ENGINE RESPONSE	0	0	0	2	0	0	4	2	0
SERVICE CALLS	13	0	1	25	4	1	44	3	2
FIRE ALARMS	9	0	1	22	1	1	25	0	0
CANCELLED EN ROUTE	4	0	3	9	3	3	9	6	5
TOTALS	30	0	7	68	10	9	93	13	8

CURRENT MONTH ESTIMATED FIRE DAMAGES

CITY: \$100
COUNTY: \$0
MUTUAL AID: \$0

INSPECTIONS	CURRENT MONTH		YEAR TO DATE		PRIOR YEAR	
	INITIAL	FOLLOW-UP	INITIAL	FOLLOW-UP	INITIAL	FOLLOW-UP
HIGH RISE	3	2	4	6	9	18
HOTEL/MOTEL	1	4	8	6	18	5
ASSEMBLY	0	1	0	1	1	0
MERCANTILE	5	1	12	1	18	0
RESTAURANT	1	0	3	0	0	0
BUSINESS	4	1	12	1	40	1
OTHER	14	0	0	0	2	0
CONSTRUCTION	5	2	8	2	7	2
OCCUPATIONAL LICENSES	0	0	0	0	0	0
APARTMENTS/CONDO	6	2	14	3	9	5
TOTALS	39	13	61	20	104	31

PLANS EXAMINATION HOURS: 0 HRS

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

FEBRUARY 2022 STATISTICS

EMS CALLS

CURRENT MONTH

YEAR TO DATE

PRIOR YEAR

	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
ALS CALLS	47	6	0	103	12	0	79	11	2
BLS CALLS	41	6	0	90	12	1	82	7	3
TOTALS	88	12	0	193	24	1	161	18	5



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DEPARTMENT OF PUBLIC SAFETY
3050 South Atlantic Avenue
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Office of Director of Public Safety
Office 386-763-5333 Fax 386-763-5341

TRAINING SEMINARS ATTENDED

Month of February 2022

<i>Vincent Castellano Gary Malphurs Daniel Carrazana</i>	<i>2/7</i>	<i>Vehicle Ambush Training Edgewater</i>
<i>Enrique Rosario</i>	<i>2/7-8</i>	<i>Breath Test Operator DSC</i>
<i>Brianna Doonan</i>	<i>2/24-25</i>	<i>Social Media & Open Source-DSC</i>



CITY OF DAYTONA BEACH SHORES
DEPARTMENT OF PUBLIC SAFETY
3050 South Atlantic Avenue
Daytona Beach Shores, Florida 32118
Office of Director of Public Safety
Office 386-763-5333 Fax 386-763-5341

MONTHLY REPORT FOR FEBRUARY 2022

Vehicle Maintenance Division: 2 Positions Assigned: Conducted routine, scheduled maintenance checks and repairs on all city vehicles (includes oil changes and tire exchanges). Additional items were:

Replace coolant hoses	veh #94
Replace battery	veh #128
Replace brakes	veh #148
Replace signal kit	veh #Q-77

EXECUTIVE SUMMARY

Fiscal Year-To-Date Financial Report

Month Ending February, 2022

CURRENT YEAR OPERATIONAL PERFORMANCE				
Fund or Fund Segment	YTD Revenue	YTD Expense	Revenue Less Expense	Margin %
General Fund Operations	\$10,115,954	\$4,987,410	\$5,128,544	51%
General Obligation Debt Service	\$0	\$0	\$0	
General Obligation Construction	\$0	\$0	\$0	
General Fund Sub-Total	\$10,115,954	\$4,987,410	\$5,128,544	51%
Sewer Fund Operations	\$1,022,167	\$991,855	\$30,312	3%
Sewer Fund Restricted Impact Fee	\$53,199	\$0	\$53,199	100%
Sewer Fund Sub-Total	\$1,075,366	\$991,855	\$83,511	8%
TOTAL ALL FUNDS FISCAL YTD	\$11,191,321	\$5,979,265	\$5,212,056	47%

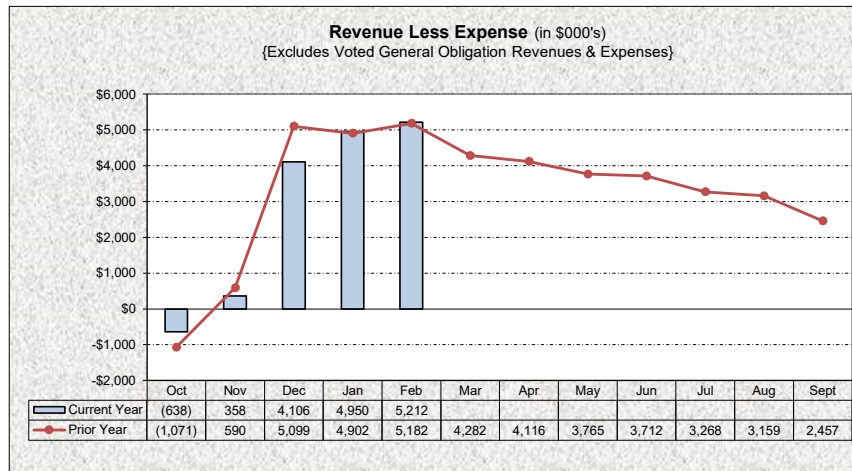
CASH / INVESTMENT POSITIONS PERFORMANCE				
	Current Month Current Year	Current Month Prior Year	12-Month Change	Percent Change
General Fund (excl. G.O. Funds)	\$22,070,314	\$18,149,141	\$3,921,173	22%
Sewer Fund	\$9,620,705	\$8,689,287	\$931,418	11%
Sub-Total Operating Funds	\$31,691,019	\$26,838,428	\$4,852,591	18%
Gen. Obligation [GO] Construction & Debt	\$0	\$0	\$0	#DIV/0!
TOTAL ALL FUNDS	\$31,691,019	\$26,838,428	\$4,852,591	18%

PROJECTED FISCAL YEAR END (FYE) CASH FLOW FROM NORMAL OPERATIONS**			
	General Fund	Sewer Fund	Total
Current Cash vs. Prior Year Ending Cash	\$4,785,297	\$405,337	
Add Back for Current Year CS Construction Expense	N/A	N/A	
Historical Mean Projected Remaining Cash Flow	(\$3,542,986)	\$583,234	
PROJECTED FYE NORMALIZED CASH FLOW	\$1,242,312	\$988,571	\$2,230,883

All Funds Budget Performance Summary Report (in 000's)

NON-G.O. FUNDS	February, 2022		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Revenues ('000s)					
General Fund	\$14,322	\$10,116	\$10,131	(\$15)	0%
Utility Fund	\$3,479	\$1,075	\$1,250	(\$174)	-14%
Total Revenues & Appropriations	\$17,801	\$11,191	\$11,381	(\$190)	-2%
Expenses ('000s)					
General Fund Less Capital	\$13,576	\$4,798	\$5,121	\$323	6%
General Fund Capital	\$746	\$190	\$688	\$499	72%
Utility Fund	\$3,479	\$992	\$885	(\$106)	-12%
Total Expenses & Appropriations	\$17,801	\$5,979	\$6,695	\$716	11%
Revenue Less Expense ('000s)					
General Fund	\$0	\$5,129	\$4,322	\$807	
Utility Fund	\$0	\$84	\$364	(\$281)	
Revenue Less Expense	\$0	\$5,212	\$4,686	\$526	

VOTED GENERAL OBLIGATION	February, 2022		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favor / (Unfavor)	% vs. Prior Year
General Obligation Revenue	\$0	\$0	\$2,570	(\$2,570)	-100%
General Obligation Expense	\$0	\$0	\$6,734	\$6,734	100%
Voted Gen. Oblig. Rev. Less Exp.	\$0	\$0	(\$4,164)	\$4,164	



Prior Year (No G.O.)	Current Year	Prior Yr
Oct	(638)	(1,071)
Nov	358	590
Dec	4,106	5,099
Jan	4,950	4,902
Feb	5,212	5,182
Mar		4,282
Apr		4,116
May		3,765
Jun		3,712
Jul		3,268
Aug		3,159
Sept		2,457

General Fund Detail Budget Report

	February, 2022		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Revenues/Sources					
Ad-Valorem Taxes	8,412,300	7,584,091	7,469,552	114,539	2%
Business Taxes	101,900	99,907	96,397	3,510	4%
Utility Taxes	1,014,500	324,673	339,095	(14,423)	-4%
Permits & Franchise Fees	893,200	258,039	301,788	(43,749)	-14%
Intergovernmental	721,500	189,935	195,368	(5,434)	-3%
Donations	0	0	0	0	
Charges for Services	1,631,700	894,652	781,266	113,387	15%
Fines & Forfeitures	94,800	44,563	46,372	(1,809)	-4%
Non-G.O. Interest	23,000	6,057	11,406	(5,349)	-47%
Unrealized Investment G/(L)	0	0	(289,000)	289,000	100%
Miscellaneous & Fixed Asset Sales	35,500	357,580	843,654	(486,074)	-58%
Internal Services	855,500	356,458	335,417	21,042	6%
Non G.O. Transfer In-Fund Balance	538,200	0	0	0	
Non-G.O. Gen. Fund Revenue	\$14,322,100	\$10,115,954	\$10,131,314	(\$15,360)	0%

Operating Expenditures

Excluding CAPITAL Expense					
Legislative	212,200	82,168	77,939	(4,228)	-5%
Executive	636,900	238,722	223,790	(14,932)	-7%
Finance	597,200	241,288	238,879	(2,409)	-1%
Legal Counsel	153,400	57,993	47,011	(10,983)	-23%
Comp. Planning	138,300	50,011	45,310	(4,701)	-10%
Other Gov't Services	245,800	161,108	129,664	(31,444)	-24%
Public Safety-Admin/CID	1,809,300	786,169	776,526	9,643	1%
Public Safety-Patrol/Rescue	4,011,300	1,531,316	1,401,947	129,369	9%
Public Safety-Auto Maint.	162,000	60,111	64,802	(4,691)	-8%
Public Safety-Operations	5,982,600	2,377,595	2,243,276	(134,320)	-6%
Building Dept.	643,800	254,808	218,954	(35,854)	-16%
Phy. Envir. -- Solid Waste/Recycle	1,472,300	445,635	398,340	(47,294)	-12%
Public Works-Admin	266,500	121,835	116,155	5,680	5%
Public Works-Bldg. Maint.	269,200	70,444	90,247	(19,803)	-28%
Public Works-Streets	680,800	290,771	323,054	(32,283)	-11%
Public Works-Operations	1,216,500	483,050	431,456	(51,594)	-12%
Inventory	0	0	0	0	
Benefit Termination Payout	142,000	32,639	(6,122)	(38,761)	-633%
Parks & Rec	440,200	173,101	149,718	(23,383)	-16%
Community Center	536,000	199,695	133,939	(65,756)	-49%
Senior Center	0	0	1	1	100%
Contingency/Transfers	1,159,000	0	788,799	788,799	100%
Long-Term Debt	0	0	0	0	
Non-G.O. Operations Expense	13,576,200	4,797,814	5,120,954	\$323,139	6%
Non-G.O. CAPITAL Expense	745,900	189,596	688,463	\$498,867	
Total Non-G.O. Expense	14,322,100	4,987,410	5,809,417	\$822,007	
Non-G.O. Revenue Less Expense	\$0	\$5,128,544	\$4,321,897	\$806,647	19%

General Obligation (G.O.) Debt Service

Debt Service Ad-Valorem Revenue	0	0	2,567,774	
Debt Service Interest Revenue	0	0	2,478	
UG Utils- Debt Service Expense	0	0	6,734,243	
G.O. Revenue Less Expense	\$0	\$0	(\$4,163,991)	

G.O. Construction

Streetscape Prjct.- Fund Bal Rev. Transfer	0	0	0	
Streetscape. - Construction Expense	0	0	0	
G.O. Construction Rev. Less Exp.	\$0	\$0	\$0	

Utility Fund Detail Budget Report

	February, 2022		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Fund 401					
Operations Revenues					
Charges for Services	\$3,447,500	\$1,018,896	\$1,240,907	(\$222,011)	-18%
Interest	15,000	3,271	7,666	(4,396)	-57%
Sale of Fixed Assets / Misc.	0	0	0	0	
Total Operating Revenues	\$3,462,500	\$1,022,167	\$1,248,573	(\$226,406)	-18%
Operations Expenditures					
Sewer Operating Incl. Depreciation	\$3,462,500	\$991,855	\$885,433	(\$106,422)	-12%
- Less Debt Service Principal [a]		0	0		
- Less Not Offset Capital Expense [b]		0	0		
Total Operating Expense	\$3,462,500	\$991,855	\$885,433	(\$106,422)	-12%
Operations Margin	\$0	\$30,312	\$363,140		
% Gain/(Loss)		3%			

Fund 402

Impact Fee Revenues					
Sewer Impact Fees	16,000	53,195	\$1,182	\$52,013	4400%
Impact Fee Interest	100	4	2	2	96%
Total IF Revenue	\$16,100	\$53,199	\$1,184	\$52,015	4392%
Impact Fee Expense					
Sewer Impact Fee Exp	16,100	0	\$0	\$0	
Total IF Expense	\$16,100	\$0	\$0	\$0	
Impact Fee Margin	\$0	\$53,199	\$1,184	52,015	4392%
% Gain/(Loss)		100%			

TOTAL FUND PERFORMANCE

TOTAL FUND Revenue	\$3,478,600	\$1,075,366	\$1,249,757	(\$174,391)	
TOTAL FUND Expense	\$3,478,600	\$991,855	\$885,433	(\$106,422)	
FUND Revenue Less Expense	\$0	\$83,511	\$364,324	(\$280,813)	

[a] In Enterprise Funds, debt service principal payment expenses are credited against the debt liability on the balance sheet, reducing the debt on the Balance Sheet and eliminating the expense from the Income Statement.

[b] In Enterprise Funds, the expense of Capital is allocated to depreciation, which in this report is included in the listed operating expense.

FISCAL YEAR-TO-DATE CAPITAL BUDGET ACCOUNT REPORT
February, 2022

Department	Description	Budgeted*	Paid
51/10-20 Executive/Legislative		0	0
5130 Finance		0	0
5210 Pub. Safety Admin		0	0
5211 Patrol/Fire/Rescue	Vehicles	287,700	180,752
5240 Building & Codes			
5410 Pub. Works Admin			
5412 Pub. Works Bldg. Maint		0	0
5413 Pub. Works Streets	Vehicles	190,000	0
	Road Improvements Misc.	35,300	0
	<i>Gas Tax Financed</i>		
	<i>Appropriated Road Improvements</i>		0
	<i>Crosswalks</i>	172,900	0
5720 Parks		50,000	0
5751 Community Center		10,000	8,844
5752 Senior Center		0	0
GENERAL FUND TOTAL		745,900	189,596
401-5350 Sewer Operating	IMPROVEMENTS		
	Sewer Engineering and Project Cost	2,575,000	10,889
	EQUIPMENT	462,000	20,376
		0	0
		0	0
		0	0
		0	0
	Capital Offset to Depreciation Exp	(3,037,000)	(31,265)
401-5351 Sewer Impact Fee			
UTILITY FUND TOTAL		0	0
Contraband (non-budgeted)			
TOTAL FROM CONTRABAND		0	0
GRAND TOTAL		745,900	189,596

INVESTMENT REPORT

February, 2022

H:\Monthly Budget Rpts\IMBR 21-22 Pd5 Agenda.xlsx\Invests

3/15/2022

Policy Restrictions

Investment	Invest Class	Must	Int.Cap	Policy Class Cap	Current	In Limits
SBA	SBA			None	0.0%	
US Gov't Securities	USGS			50%	0.0%	Yes
Cash & CDs	CASH			None	100.0%	
Money Market Funds	MMF			20%	0.0%	Yes
Fed Instrum. & Agncy	FIA			30%	0.0%	Yes
Collat. Mortg. Obligtns.	CMO			20%	0.0%	Yes
Commercial Paper	CP			10%	0.0%	Yes
FMIT	FMIT			None	0.0%	

Performance @Period Ending: February, 2022

Institution	Account	Asset	Invest Class	Restriction	Account Value	Period Int. Rate	% of Portfolio
SBA: Prime	131031	Investment	SBA	General Fund	\$539	0.09%	0%
SBA: Prime	131032	Investment	SBA	Sewer Fund Operating	\$539	0.09%	0%
TOTAL SBA					\$1,079		0.0%
Bank of America	004537065882	Cash	CASH	Working Cash	\$12,736,985	0.01%	40%
Bank of America	898013183744	Cash	CASH	UG Util Building	\$0	0.00%	0%
Bank of America	005562564319	Cash	CASH	Sewer Operating	\$4,192,557	0.01%	13%
Bank of America	005562564351	Cash	CASH	Sewer Impact Fee	\$207,981	0.01%	1%
Seacoast Bank	4810004966	Cash	CASH	Sewer Operating	\$5,219,627	0.20%	16%
Seacoast Bank	4810000706	Cash	CASH	Working Cash	\$9,332,789	0.20%	29%
Seacoast Bank	4810003566	Cash	CASH	Loan Reserve	\$0	0.20%	0%
TOTAL BANKS					\$31,689,940		100.0%

TOTAL CURRENT VALUE @ PERIOD END	\$31,691,019
WEIGHTED AVERAGE TOTAL RETURN FOR CURRENT MONTH	0.00%

CHANGE IN CASH & INVESTMENTS (Incl. interfund transfers)	Current Value	Vs. Last Month	Vs. Prior Year To Date	Vs. Prior Fiscal Yr. End
G.O. Construction & Debt Service Funds	\$0	\$0	\$0	\$0
General Fund (excl. G.O. Funds)	\$22,070,314	\$258,119	\$3,921,173	\$5,447,643
Sewer Fund	\$9,620,705	\$90,841	\$931,418	\$405,337
TOTAL	\$31,691,019	\$348,960	\$4,852,591	\$5,852,980
Percent Change for Current	N/A	1.1%	18.1%	22.7%

Portfolio Report
February, 2022

GENERAL FUND						
Agent	Security Type (Last Digits Account ID)	Cost Basis	Yield to Cost	Market Value	Gain / Loss	Annual Income @ Cur. Int%
SBA	Investment-General (031)	\$539	0.15%	\$539	\$0	\$0
BoA	Cash-Pool Cash Account (5882)	\$14,129,546	0.01%	\$14,129,546.32	\$0	\$1,413
	Contraband Pool Cash in 5882	\$58,008		\$58,008.09	\$0	\$0
	Pool Cash Due to Sewer Fund			(2,606,037.95)		\$0
	Economic Development			641,069.53		\$0
	ARPA			1,155,469.00		\$0
BoA	Cash- UG Utility [Bldg] (3744)	\$0	0.00%	\$0	\$0	\$0
Seacoast	Cash-Pool Cash Account (0706)	\$9,332,789	0.15%	\$9,332,789	\$0	\$18,666
Seacoast	Cash-Loan Reserve (3566)	\$0	0.15%	\$0	\$0	\$0
Chase	Cash-Pool Cash (2110)	\$53,882	0.00%	\$53,882	\$0	\$0
Chase	CD (5936)	\$100,131	0.10%	\$100,131	\$0	\$100
ALL GENERAL FUND			0.09%	\$22,865,397	\$0	\$20,079
PRIOR MONTH				\$22,606,426		

SEWER OPERATING						
SBA	Investment (032)	\$539	0.15%	\$539	\$0	\$0
BoA	Cash (4319)	\$1,586,519	0.01%	\$1,586,519	\$0	\$159
Seacoast	Cash (4966)	\$5,219,627	0.15%	\$5,219,627	\$0	\$10,439
	Cash-Pool Cash Due From Gen. Fund			\$2,606,038		\$0
ALL SEWER OPERATING FUND			0.11%	\$9,412,724	\$0	\$10,598
PRIOR MONTH				\$9,321,883		

SEWER IMPACT FEES (Restricted)						
BoA	Cash (4351)	\$207,981	0.01%	\$207,981	\$0	\$21
	Cash-Pool Cash Due From Gen. Fund			\$0		\$0
ALL SEWER IMPACT			0.01%	\$207,981	\$0	\$21
PRIOR MONTH				\$207,980		

ALL FUNDS			0.09%	\$32,486,102	\$0	\$30,698.21
PRIOR MONTH				\$32,136,290		
MONTHLY CHANGE				\$349,812		
MONTHLY CHANGE %				1.1%		

COMMUNITY SERVICES DEPARTMENT

MONTHLY REPORT - FEBRUARY 2022

The Community Services department lost one of its longest employees this month, Deputy Director of Public Works Brian Edwards retired, also longtime employee Tom Brown who was the Sewer Division Supervisor was promoted to take Brian's place as Deputy Director. Sewer employee Alex Schwab was also promoted to take Tom's place as Sewer Division Supervisor.

FACILITIES MAINTENANCE DIVISION:

Currently one full time and one split time position.

Normal monthly duties:

This division assesses any problems reported with the buildings and handles the repair if it is within his ability. He has an a/c certification so he can do a lot of the repairs inhouse. He replaces light bulbs, cleans the outside windows, paints and any other general maintenance needed with the city buildings and city owned properties. We have added a position that assists the facility maintenance position and the electrician, so he divides his time however he is needed.

Additionally, this month:

This division worked on re-painting parts of the public works building, worked on lubricating and repairing locks around the city buildings and had numerous small repairs around the city buildings as well. He worked on AC units, water heaters, ice machines and the gate brackets at public safety.

PARKS/STREETS DIVISION:

This division is normally eleven maintenance positions and one electrician position.

Normal monthly duties:

This division takes care of the maintenance, upkeep and general appearance of all the parks, streets, sidewalks and medians daily. They mow, change out lights, restock supplies, replace plants as needed, replace or repair street signs, check and clear the storm drains, as well as any other issues that may arise in the city. Although there are two divisions, they now all share in the normal monthly duties.

Additionally, this month:

The park/streets division cleaned beach walkover drains, replace some sidewalk concrete in the 3300 block of Atlantic Avenue, pressure washed the pavilion and sun shades getting ready for the food truck event at the end of the month, put up banners and did set up for both the food truck event and the Duels event. They also rebuilt the dog park water station area and added clay to the tennis courts as needed. The electrician had a lot of repairs happening this month, station 1 alarm, cameras at the tennis courts as well as replacing a decorative pole by Winn Dixie. He fixed a timer at the pickleball courts, replaced 22 decorative lights with LED bulbs, replaced a couple breakers at city buildings to accommodate new equipment being installed, made sure all was correct for the food truck event and handled 20 electrical line locates.

SEWER DIVISION:

Currently four positions.

Normal monthly duties:

This division maintains and checks all the sewer stations daily, they do all the general maintenance of the sewer stations, generators and the property the stations are located on. This includes mowing and general outside maintenance as well as cleaning the pump areas, wet wells and floats. The division also maintains and inspects the manholes in the city, delivers past due sewer bill notices for finance every month, does cooling tower readings and grease trap inspections quarterly and has two employees in the division that are animal control officers.

Additionally, this month:

The division started line cleaning in the station 5 area, killed roots at Botefuhr and Atlantic and 2300 block of Atlantic then cleaned the lines with the Harben, fixed a water line at station 6, sand treated then painted an I beam at the master station and handled 1 animal control calls, 1 pool readings and 30 sewer line locates.

City of Daytona Beach Shores

Planning & Building Division Statistics

Monthly Report – February, 2022

Planning Division

Site Plans - Submittals and Approvals:

Submitted this Month: 0
 Submitted this Fiscal Year: 6
 Approved by Staff this Month: 0
 Approved by Staff this Fiscal Year: 1
 Approved by City Council this Month: 0
 Approved by City Council this Fiscal Year: 0
 Amendments Approved by Staff this Fiscal Year: 0

Building Division

Specific Large Projects (Over \$10,000) - Submitted This Month:

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Muzic Residence	2555 South Atlantic Avenue, Unit 101	2/1	Install 8 roll down hurricane shutters	\$24,600.00	\$209.87
Tropical Manor	2237 South Atlantic Avenue	2/1	Install (2) 3 ton package units	\$12,300.00	\$123.70
Captiva Condo	3801 South Atlantic Avenue	2/3	Remove roof to concrete deck, install TPO system	\$63,975.00	\$431.73
Perry's Ocean Edge Resort	2209 South Atlantic Avenue	2/4	Repair structural concrete beam and concrete of walkway	\$32,500.00	\$255.23
Cannon Residence	2847 South Atlantic Avenue	2/7	Roof for new single family house	\$50,000.00	\$352.09
Ghoberia Property	2008 South Atlantic Avenue	2/7	General electrical repairs to make building safe	\$11,595.00	\$47.50
Sea Club IV	3229 South Atlantic Avenue	2/8	Install brick pavers on existing pool deck	\$15,400.00	\$161.50
Club Sea Oats	2539 South Atlantic Avenue	2/8	Resurface and retile pool, new deck pavers	\$24,000.00	\$204.49
Perry's Ocean Edge Resort	2209 South Atlantic Avenue	2/9	Replace East facing windows with impact windows	\$100,196.00	\$640.28
Shore Winds Motel	2240 South Atlantic Avenue	2/9	TPO re-roof	\$63,500.00	\$431.58
Community Center	3000 Bellemead Drive	2/10	Install 3 electronic vehicle chargers	\$95,000.00	\$0.00

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Leachman Residence	2301 South Atlantic Avenue, Unit 103	2/10	Replace impact door, size for size	\$10,740.00	\$120.55
Zammit Residence	3333 South Atlantic Avenue, Unit 1705	2/10	Replace window and door	\$10,950.00	\$120.55
Gracey Residence	2403 South Atlantic Avenue, Unit 211	2/10	Remodel kitchen and master bathroom, remove wet bar	\$58,000.00	\$397.60
Peck Plaza	2625 South Atlantic Avenue	2/10	Install stairwell fans	\$125,000.00	\$911.12
Andryszewski Residence	3003 South Atlantic Avenue, Unit 14B4	2/11	Replace 2 existing sliding glass doors	\$16,719.00	\$166.82
Seascape Inn	2601 South Atlantic Avenue	2/14	Resurface pool. replace tiles	\$18,000.00	\$172.20
Emerald Shores Hotel	2613 South Atlantic Avenue	2/14	Replaster pool, install new tile	\$18,000.00	\$172.20
Enemchukwu Residence	3 Oceans West Boulevard, Unit 6A2	2/15	Replace kitchen cabinets and bathroom vanities	\$25,564.00	\$215.42
Morrell Residence	3333 South Atlantic Avenue, Unit 1403	2/16	Remodel kitchen and bathroom	\$20,900.00	\$472.09
Hayes Residence	100 Broad Ave	2/17	Solar Photovoltaic electric	\$40,000.00	\$295.20
Hardwick Residence	3 Oceans West Boulevard, Unit 6B2	2/17	Replace vanities in 3 bathrooms	\$10,000.00	\$112.00
Mercer Residence	2904 River Point Drive	2/18	Remove existing shingle roof, install metal roof	\$40,500.00	\$300.74
CVS Pharmacy	3422 South Atlantic Avenue	2/22	Replace 20 ton package roof top unit	\$22,500.00	\$476.04
Daytona Seabreeze	3125 South Atlantic Avenue	2/22	Install 2 water heaters	\$68,933.00	\$82.44
Wang Residence	3003 South Atlantic Avenue, Unit 16C5	2/23	Kitchen remodel, cabinets, and tops, remove wall	\$30,000.00	\$238.31
Pomroy Residence	2 Oceans West Boulevard, Unit 607	2/23	Remodel kitchen, new cabinets, and tops	\$22,000.00	\$193.73
Sand & Surf Condo	2535 South Atlantic Avenue	2/24	Replace 65 gallon water heater	\$18,000.00	\$47.50
Daytona Seabreeze	3125 South Atlantic Avenue	2/24	Repair and seal coat parking lot	\$19,985.00	\$182.96
Sutphin Residence	1925 South Atlantic Avenue, Unit 807	2/24	Remodel kitchen and 4 bathrooms	\$31,000.00	\$244.00
Hilt Residence	111 Florida Shores Boulevard	2/28	Remove old tile, install new roof tile	\$35,100.00	\$272.17
TOTALS	WORK ADDRESS	DATE	WORK DESCRIPTION	\$1,134,957.00	\$8,051.61

Building Division Revenue by Permit Category:

PERMIT TYPE	FEBRUARY 2022	FISCAL YEAR-TO-DATE 2021 TO 2022	FEBRUARY 2021	LAST FISCAL YEAR-TO-DATE 2020 TO 2021
BUILDING	\$8,385.55	\$53,577.21	\$16,759.00	\$98,569.11
ROOF	\$1,500.01	\$4,058.93	\$1,596.84	\$12,333.86

DEMOLITION	\$0.00	\$69.25	\$0.00	\$443.90
ELECTRICAL	\$1,666.20	\$9,421.08	\$2,396.73	\$13,491.14
MECHANICAL	\$3,305.23	\$13,326.31	\$5,671.04	\$20,919.62
PLUMBING	\$3,063.94	\$13,691.86	\$3,948.00	\$21,422.58
SIGN	\$123.75	\$1,287.06	\$247.50	\$1,484.25
POLITICAL SIGN BONDS	\$0.00	\$0.00	\$0.00	\$220.00
STORMWATER MANAGEMENT	\$0.00	\$0.00	\$0.00	\$0.00
MISCELLANEOUS	\$49.00	\$375.50	\$263.50	\$704.00
DEVELOPMENT FEES	\$25.00	\$11,084.00	\$245.00	\$995.00
PROMOTIONAL ACTIVITIES	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS	\$18,118.68	\$106,891.20	\$31,127.61	\$170,583.46

Building Division Activities:

ACTIVITY	FEBRUARY 2022	FISCAL YEAR-TO-DATE 2021 TO 2022	FEBRUARY 2021	LAST FISCAL YEAR-TO-DATE 2020 TO 2021
INSPECTIONS	241	1,352	291	1,524
FINAL CERTIFICATES OF OCCUPANCY ISSUED	0	0	0	0
TEMPORARY CERTIFICATES OF OCCUPANCY ISSUED	0	0	1	1
FINAL INSPECTIONS	153	833	169	956
FAILED INSPECTIONS	17	77	17	125

Annual Totals, Large Projects (Over \$10,000):

Projects Begun Current Fiscal Year-to-Date – 2021 to Present: 18,193,958.00

Projects Begun Last Fiscal Year – 2020 to 2021: \$64,300,811.00

Projects Begun Two Fiscal Years Ago – 2019 to 2020: \$39,968,375.00



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



NON-EXCLUSIVE FRANCHISE APPLICATION
CONSTRUCTION AND DEMOLITION DEBRIS
AND/OR RECYCLABLES COLLECTION

Applicant (Firm): C. Wright Landscaping, Inc.
Business Address: 135 Marion Street Daytona Beach FL 32114
Business Phone: 386-527-5506
Authorized Rep. Name & Title: Collin Wright - Owner/Operator
Authorized Rep. Contact Phone: 386-527-5506

Items Required for Application Submission:

- ☒ **Application:** completed, signed by applicant, & notarized
- ☒ **Non-Exclusive Franchise Agreement:** completed, signed by franchisee, & attested-to
- ☒ **Proof of Liability Insurance** – All policies must have the City listed as additionally insured. Each franchisee shall secure and maintain a public liability insurance policy with the following minimum coverages:
 - \$1,000,000.00 for one (1) person injured
 - \$3,000,000.00 for more than one (1) person injured
 - \$3,000,000.00 for property damage
- ☒ **Performance Bond** in the amount of \$10,500.00.
- ☒ **Business Tax Receipt:** current, in the company's name
- ☒ **Disposal Plan:** Documentation of plan for disposal of all construction and demolition materials and/or recyclables collected within the City at an approved and licensed disposal site or recycling recovery facility.
- ☒ **Employee Policy:** Written policy addressing the hiring and retention of employees with regard to driving violations and random testing for use of illegal substances.
- CW **I agree**, as authorized representative, that I have received a copy of, read, and will comply with all provisions contained in DBS Ordinance Number 2009-07 and any applicable administrative rules.

CW I agree, as authorized representative, that the franchisee will be, and shall be, subject to the schedule of liquidated damages set forth in Exhibit "A."

CW I agree, as authorized representative, that the City Manager, or designee, may conduct an investigation into information contained herein and related to criminal or personal records for myself as an individual or, if a corporation, for itself and its officers and directors.

CW I agree, as authorized representative, that, for the right and privilege of utilizing the streets and roadways of the City of Daytona Beach Shores, Florida, and to compensate the City for the burden of monitoring and regulating the above business, the undersigned applicant agrees to abide by all applicable Federal, State, County and City laws, codes, ordinances, rules and regulations.

CW I agree, as authorized representative, the franchisee and its surety indemnify and save harmless the City, all its officers, officials, representatives, agents and employees from and against any and all claims, liability and damages arising, in any way, from or based on the violation of any such laws, codes, ordinances, rules and regulations and any orders or other decrees, whether by the franchisee, the franchisee's employees, agents or subcontractors as to any claims, liability, or damages which are based, in any way whatsoever, on the franchisee's conduct, misconduct or omissions.

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY AS PROVIDED FOR IN FLORIDA STATUTES 837.01, THAT THE FOREGOING AND PROVIDED INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE.

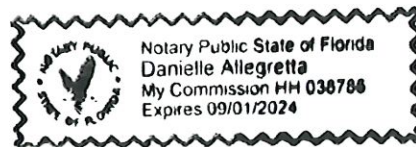


Signature of Applicant

SWORN TO AND SUBSCRIBED BEFORE
ME BY Collin Wright
THIS 10th DAY OF March 2022.

Danielle Allegretta

Notary Public



☒ Documentation reviewed and complete: Fred Hiatt on 3.15.22
Comm. Services Director Fred Hiatt Date

☒ Approved by City Manager: M. Booker on 3/15/22
M. Booker Date

☐ Franchise Issued by: _____ on _____
F. Hiatt Date

RECEIVED
MAR 14 2022
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES



Article II, Section 8, *Constitution of the State of Florida: “Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse.”*

“LIFE IS BETTER HERE.”

**CITY COUNCIL AGENDA MEMORANDUM
MARCH 22, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council
COPIES TO: Mike Booker, City Manager
Cheri Schwab, City Clerk
FROM: John Cary, City Attorney
DATE: March 2, 2022, 2022
SUBJECT: *City Attorney Report*

The following is intended as my written report to the City Council for matters arising subsequent to its last meeting of March 8, 2022. Please advise if you have any questions, comments or concerns relative to these matters.

(1) Release of Liability

Drafted a release of liability for a claim at the request of staff.

(2) Chase Bank Property Purchase

Continued to work with Finance Director on purchase of the property behind the Chase Bank, including issues relating to allowed use.

(3) Employment Legal Issues

Assisted city staff with legal opinions regarding employment law issues, including issues relating to age discrimination, protected class, and light duty.

(4) Charter Amendment Ordinance

Finalized charter language for ballot, including language translation.

(5) Oceans 25 Plat

Continued to work through issues with the city's surveyor regarding the proposed plat.

Respectfully, submitted,

/s/ John Cary, City Attorney



CITY OF DAYTONA BEACH SHORES

"Life Is Better Here"

Office of the City Manager

Phone (386) 763-5373 Fax (386) 763-5360

MEMORANDUM

DATE: March 16, 2022

TO: City Council: Mayor Nancy Miller; Vice Mayor Mel Lindauer,
Council Member Rick Frizalone; Council Member Richard Bryan,
and Council Member Michael Politis

FROM: Michael T. Booker, City Manager

SUBJECT: City Manager's Report – March 22, 2022

Treasure Island:

- It appears that the tentative date for demolition of the former Treasure Island hotel will be March 23. This has been a long and arduous task for the City. Many thanks to the current and past Council Members for their patience and hard work to move things forward.

Peck Park:

- The "soft opening" of the park will be held on Friday, March 18. Playground equipment is being installed and a grand opening will be held at a later date. Dahlia Avenue Park will also open on the 18th.

Public Safety:

- Congratulations to Kathryn Gotz on her promotion to the rank of Sergeant.



**CITY COUNCIL AGENDA MEMORANDUM
MARCH 22, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council
FROM:
PREPARED BY: Kurt Swartzlander, Finance Director
SUBJECT: Bank of America Property Purchase

SYNOPSIS:

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

Council discretion

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: None



CITY COUNCIL AGENDA MEMORANDUM

MARCH 22, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

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.

C. PLANNING & ZONING BOARD

On March 14, 2022, the Daytona Beach Shores Planning and Zoning Board unanimously recommended approval of the subject ordinance.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-08 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-08 as presented."
- OR
2. "I move to deny 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

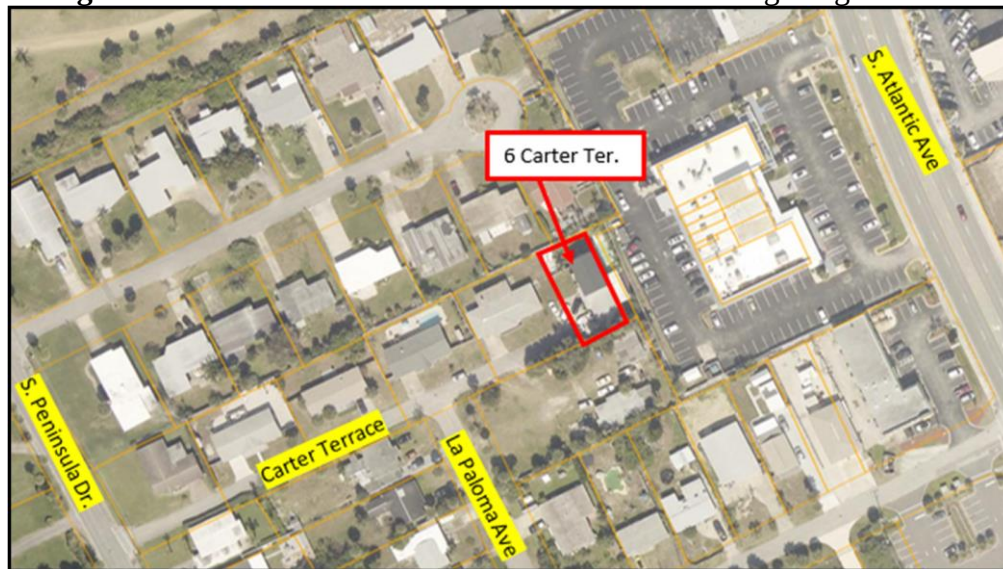
Table 1 below provides a narrative description of the zoning district classifications and current land uses (i.e., existing development) for the subject property and surrounding area while **Figure 1** provides an aerial view of the subject property and surrounding land uses and **Figure 2** is a zoning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

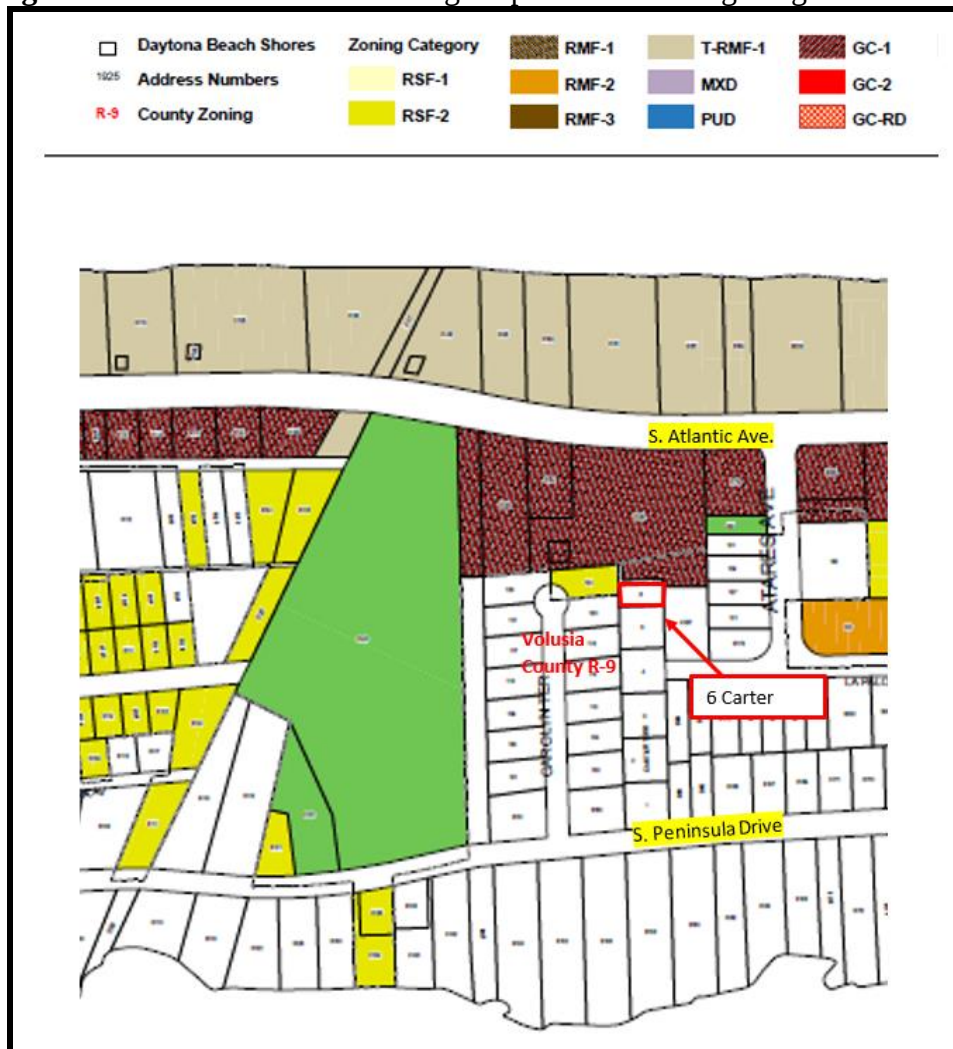


Figure 3: 6 Carter Terrace – Street View



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.



CITY COUNCIL AGENDA MEMORANDUM

MARCH 22, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

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.

C. Planning and Zoning Board

On March 14, 2022, the Daytona Beach Shores Planning and Zoning Board unanimously recommended approval of the subject ordinance.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-09 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-09 as presented."

OR

2. "I move to deny 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.

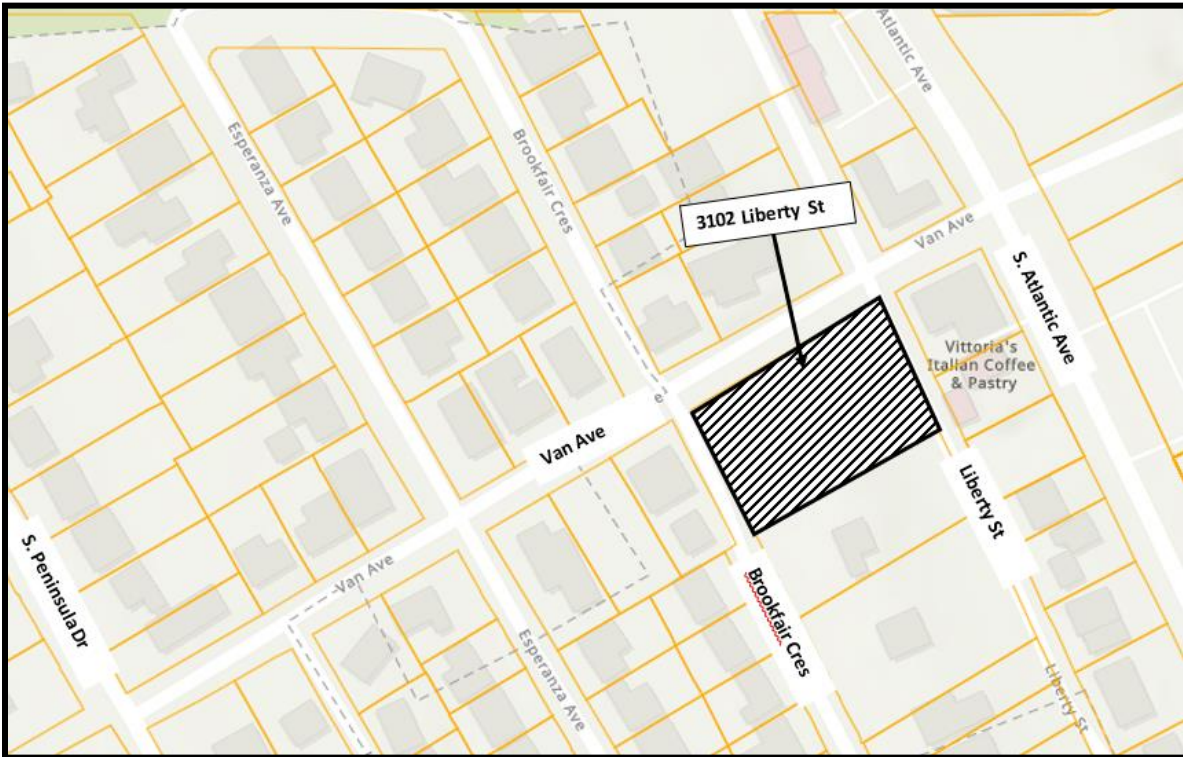
Adopted on second reading this _____ day of _____, 202.

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 Forrest 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 Oritia, 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

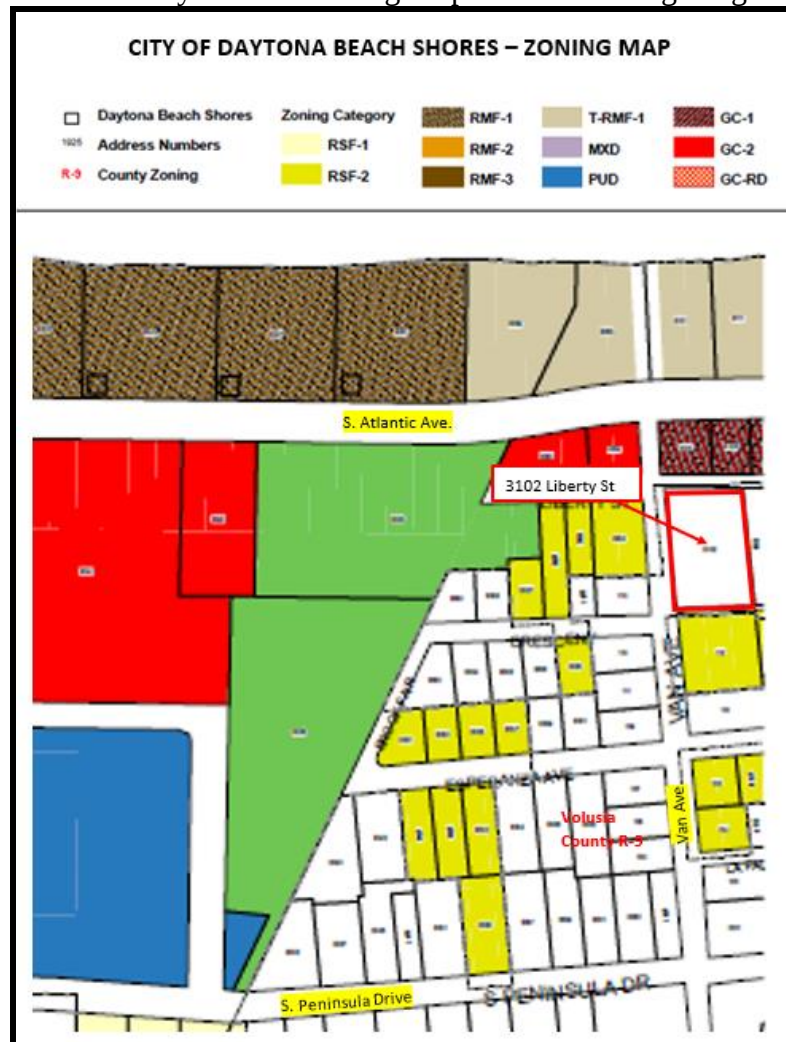


Figure 3: 3102 Liberty Street – Street View



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.



CITY COUNCIL AGENDA MEMORANDUM MARCH 22, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

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.

C. Planning and Zoning Board

On March 14, 2022, the Daytona Beach Shores Planning and Zoning Board unanimously recommended approval of the subject ordinance.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-06 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-06 as presented."

OR

2. "I move to approve Ordinance 2022-06, with the following amendments..."

OR

3. "I move to deny 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:

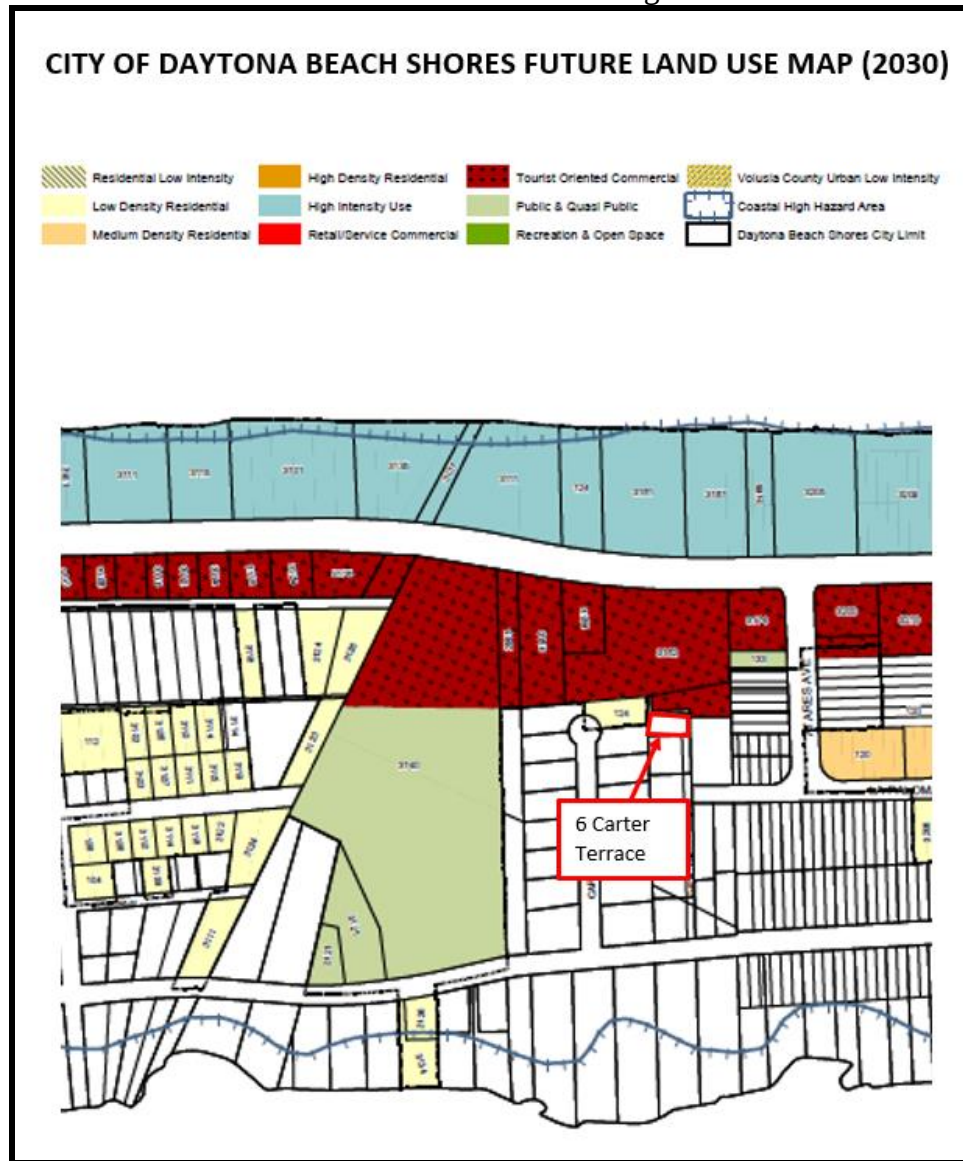
The property houses a single-family residential structure. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-9” (Urban Single-Family Residential District), respectively. The surrounding future land use designations 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).



CITY COUNCIL AGENDA MEMORANDUM

MARCH 22, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

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.

C. Planning and Zoning Board

On March 14, 2022, the Daytona Beach Shores Planning and Zoning Board unanimously recommended approval of the subject ordinance.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-07 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-07 as presented."

OR

2. "I move to approve Ordinance 2022-07, with the following amendments..."

OR

3. "I move to deny 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.

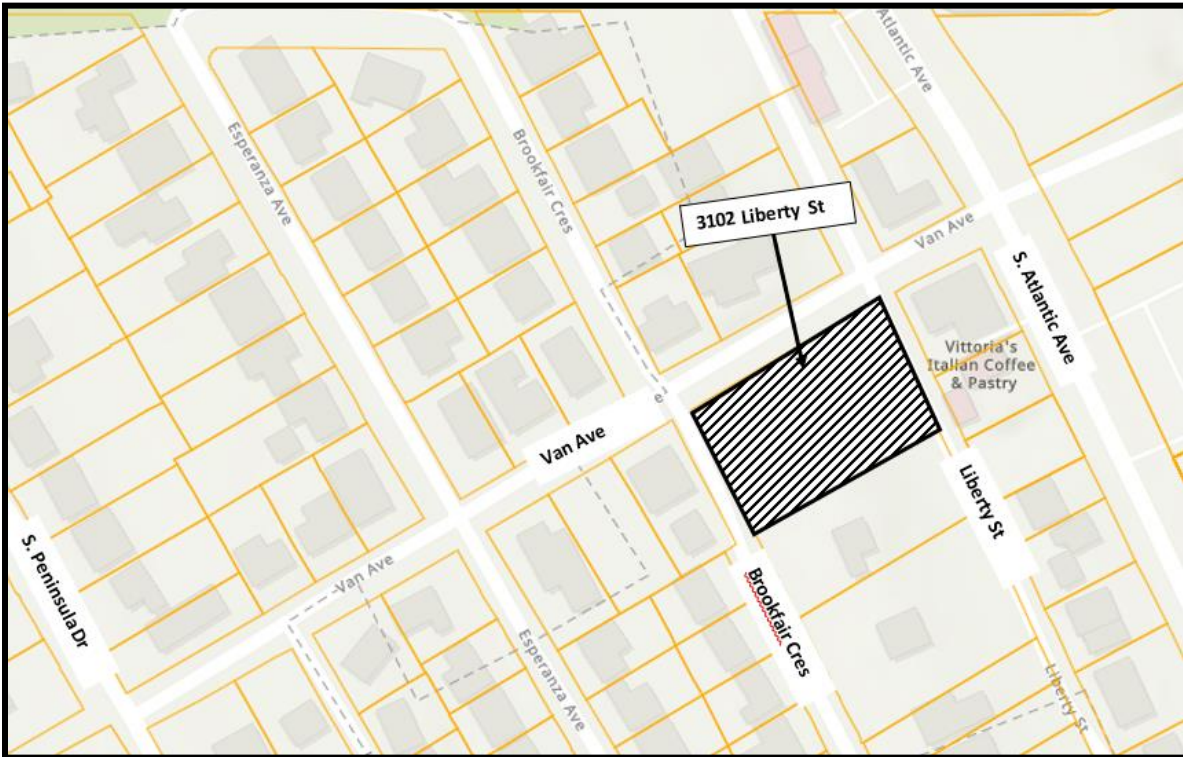
Adopted on second reading this _____ day of _____, 2022.

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.

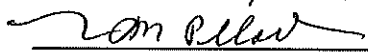
Legal description of the property:

Lots 1, 2 + 3 Blk 8 Rogers North Oritia (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,


 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:

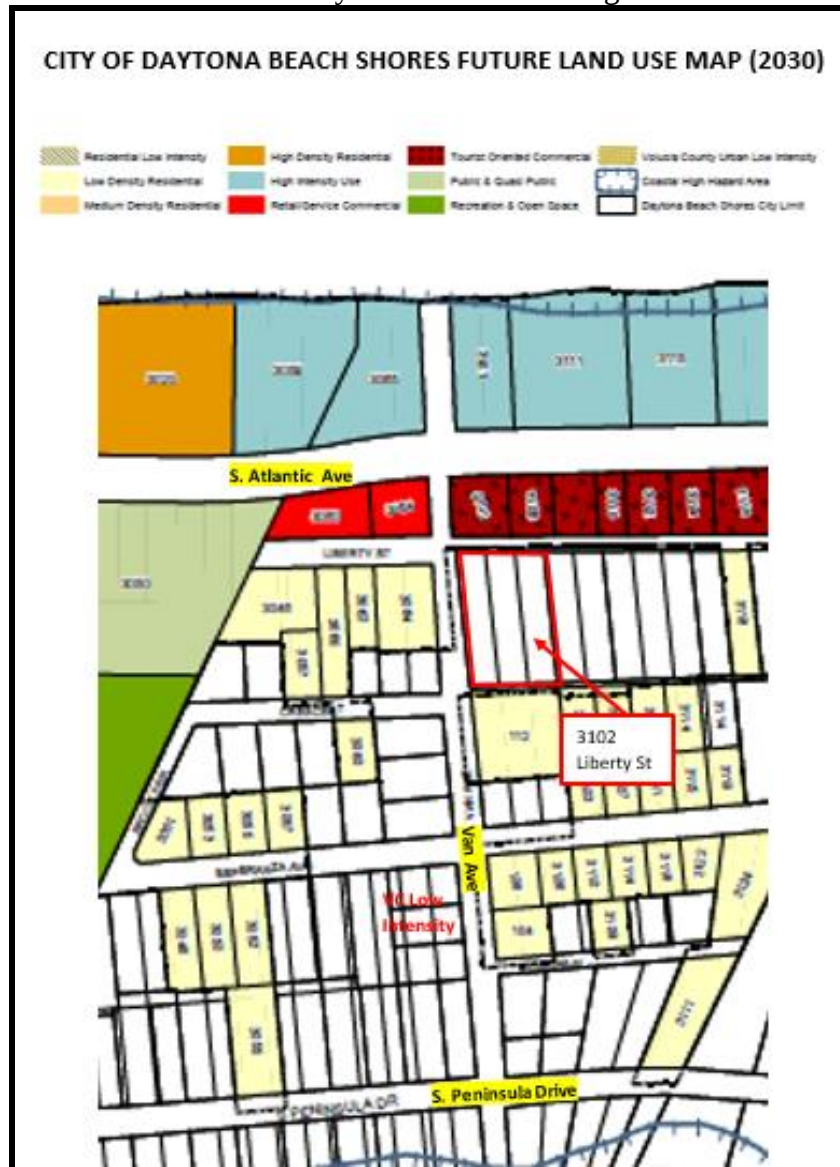
The property is currently vacant. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-9” (Urban Single-Family Residential District), respectively. The surrounding future land use designations and zoning classifications 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).



CITY COUNCIL AGENDA MEMORANDUM

MARCH 22, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-10: Minimum Lot Size Requirement For Townhomes In The RMF-2 District

SYNOPSIS:

Ordinance 2022-10 would amend Section 14-19.4 of the Daytona Beach Shores Land Development Code to reduce the minimum lot size per unit requirement for townhome development in the RMF-2 Multi-Family Residential (Medium Density) District. The current standard is restrictive and does not allow property owners in the RMF-2 District to optimize townhome development when compared to the RMF-3 Multi-Family Residential (Low Density) District standard. Townhome development in the latter district results in 12 units per acre, while in the RMF-2 District, which is the higher density district, only 12 units per acre are allowed. 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. If approved, the proposed minimum area for townhome development would permit property owners/developers to realize the midpoint within the permitted density range as opposed to the lower end of the density range.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. 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, which results in 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. Regardless, having the same unit per acre results in additional equity and entitlement imbalance. Hence, the proposed administrative amendment proposed by staff to reduce the minimum area required for townhome development to 2,420 square feet. If approved, the new minimum area requirement per townhome unit would permit 18 townhome units per acre in the RMF-2 District, which is the midpoint in the density range permitted for RMF-2 District. The 2,420 square feet requirement was selected to account for amenities and site improvements needed in a typical townhome development.

B. Planning and Zoning Board

On March 14, 2022, the Daytona Beach Shores Planning and Zoning Board unanimously recommended approval of the subject ordinance.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-10 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-10 as presented."
OR
2. "I move to approve Ordinance 2022-10, with the following amendments..."
OR
3. "I move to deny 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.



CITY COUNCIL AGENDA MEMORANDUM MARCH 22, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Ordinance 2022-11: Extension of Nonconforming Freestanding Sign Compliance Amortization Period

SYNOPSIS:

The deadline for removing nonconforming freestanding signs is April 9, 2022. On March 8, 2022, the City Council voted by voice to approve a one (1) year extension of the compliance deadline for nonconforming freestanding signs (**Exhibit A**). In making this decision, the City Council considered the duration and economic impact of the COVID-19 pandemic on local businesses and related supply chain issues. Ordinance 2022-11, if approved, would effectuate the City Council's intent and direction. In addition, the ordinance would allow ordinary maintenance and copy changes of said signs. However, repair and improvements would not be allowed unless these actions bring the sign into conformity.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

In 2006, the citizens of Daytona Beach Shores voted to implement a \$30 million citywide underground utility and streetscape project. The goals of this project were to improve hurricane resiliency within the city and to beautify the city's streetscape. Shortly after the project was completed in 2011 the City Council approved Ordinance 2012-02, which established monument sign standards. The ordinance was adopted in 2012 to complement and enhance the underground utility and streetscape project goals and benefits. The ordinance also created a 10 year period for property owners to alter, remove or replace existing nonconforming pole signs with shorter freestanding monument signs. To assist with the costs associated with meeting the new monument sign mandate, the City Council established the Nonconforming Sign Removal Incentive Grant Program (November 13, 2012), which was a 50-50 (dollar-for-dollar) matching grant capped at \$6,500 for hotels and shopping centers and \$3,500 for stand-alone commercial properties. In 2017 the program was updated to provide a declining grant award amount to hasten and incentivize the removal of nonconforming signs. The sign grant program expired in 2021 and the deadline for meeting the

nonconforming sign removal deadline is April 9, 2022. In 2012 there were 130 nonconforming signs. Sixty-one (61) nonconforming signs (47%) have been removed and 69 remain. Forty-one (41) of the removed signs received grants from the City totaling an amount of \$195,713.68.

The deadline for removing nonconforming freestanding signs is April 9, 2022. Considering the duration and economic impact of the COVID-19 pandemic on local businesses and supply chain issues, staff brought the subject to the City Council on March 8, 2022. The City Council by means of a voice vote approved extending the nonconforming freestanding sign compliance deadline and reinstituting the nonconforming sign removal grant program, which will be brought to the City Council concurrently with the second reading of this ordinance.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-11 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-11 as presented."
OR
2. "I move to approve Ordinance 2022-11, with the following amendments..."
OR
3. "I move to deny Ordinance 2022-11, on the basis of the following..."

- ATTACHMENT:**
1. Ord 2022-11-Monument Sign Compliance Deadline Extension
 2. Exhibit A-3-8-22 cc minutes

ORDINANCE 2022-11

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO FREESTANDING SIGNS; AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G”, AMENDING CHAPTER 6 ENTITLED “SIGNS AND ADVERTISING,” BY AMENDING SECTION 6-7 ENTITLED “REMOVAL OF ABANDONED, DETERIORATED, AND OTHER NONCONFORMING SIGNS,” TO EXTEND THE AMORTIZATION PERIOD FOR NONCONFORMING GROUND AND POLE SIGNS; 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, on April 10, 2012 the City Council of the City of Daytona Beach Shores adopted Ordinance 2012-02 prohibiting ground, pole and low profile freestanding signs; and

WHEREAS, Ordinance 2012-02 established a 10-year amortization period for the removal, alteration or modification to conformity of nonconforming freestanding signs; and

WHEREAS, local businesses have suffered as a result of the direct and indirect effects of the COVID-19 Pandemic; and

WHEREAS, on March 8, 2022 the City Council of the City of Daytona Beach Shores, by means of a voice vote, approved a one (1) year extension of the amortization period for nonconforming freestanding signs compliance; 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 6-7, *Land Development Code*, Chapter 6, Appendix “G”, *Code of Ordinances of the City of Daytona Beach Shores*, entitled “Removal of abandoned, deteriorated, and other nonconforming signs,” is amended to read as follows:

Sec. 6-7. - Removal of abandoned, deteriorated, and other nonconforming signs.

5. Amortization Period for Nonconforming Ground and Pole Signs: All nonconforming ground, pole, or low profile signs shall be removed, modified, or altered to comply with this ordinance no later than ~~ten (10) years~~ one (1) year from the effective date of this ordinance. Notwithstanding the foregoing, the following signs lawfully located on the effective date of the ordinance from which this chapter derives at the following parcels shall not be subject to amortization; provided, however, that the signs shall not be enlarged or altered in any way to increase their nonconformity: the Aku Tiki, the Sun Viking Lodge and the Oceans PUD signs.

Sec. 6-7.1. - Repairs, maintenance, and improvements of nonconforming signs.

Nonconforming Signs. Repairs, ~~maintenance~~, and improvements of nonconforming signs are prohibited. Provided however, ordinary maintenance and sign copy changes are allowed ~~may be made to nonconforming signs throughout the amortization period established by this ordinance~~ so long as said the sign's nonconformity is not increased.

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.

**MINUTES
CITY COUNCIL MEETING
March 8, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118**

1. CALL TO ORDER BY MAYOR

Present: Vice Mayor Mel Lindauer, Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone **Excused:** Councilmember Michael Politis
Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney John Cary, Community Services Director Fred Hiatt, Finance Director Kurt Swartzlander, Economic Development and Public Affairs Director Nancy Maddox, and Public Safety Captain Michael Fowler.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

A. Employee Service Award - Ed Kastner 20 years

Community Services Director Fred Hiatt presented Ed Kastner with his 20-year service award.

B. Audit Presentation from James Moore & Co.

James Halloran from James Moore & Co. gave the council a brief presentation regarding the current audit. He explained that there were no material weaknesses in internal controls and no instances of non-compliance. The city is now debt free from any long-term debt and the investments are in compliance with Florida Statutes.

6. APPROVAL OF MINUTES

A. City Council Minutes February 22, 2022

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL

LINDAUER to Approve the City Council Minutes of February 22, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer

7. CONSENT AGENDA:

A. Finance Reports - Nov, Dec, Jan.

B. SCBA Purchase

C. Public Safety Outside Detail Rate Increase

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to Approve the consent agenda.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report March 8, 2022

Attorney Cary reviewed the report submitted to council.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report March 8, 2022

City Manager Booker reviewed his submitted report. The owners of the Treasure Island property have selected a demolition company and plan to begin work next week. One addition to his written report was the request by St. Maartens Condo to use Andronopoulos Park while their parking area is resurfaced. It would be between 4-7 weeks. The council gave their consensus on this.

10. OLD BUSINESS:

A. Ordinance 2022-05 Daytona Beach Shores proposed charter amendments

Attorney Cary read the ordinance by title. It was explained that there was a minor revision on question number 4 between first and second reading. The word procedures was deleted from the ballot summary. The remaining questions had no change.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-05 on second reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer

11. NEW BUSINESS:

A. Nonconforming Freestanding Sign Removal Deadline

Finance Director Kurt Swartzlander explained that the ten-year period for businesses to comply with the adopted sign regulations would end on April 9th. Of the initial 130 nonconforming signs, 61 have been upgraded. Forty-one of those took advantage of the city's sign grant program which reimbursed a small portion. Staff recognizes that the last two years, businesses have struggled with the pandemic and are requesting a one-year extension. This would also include a minor grant program for that year. Letters will be mailed to those still not conforming with the newer sign regulations. After a brief discussion by the council, it was decided by a voice vote to allow the one year extension with the grant program capping at \$1,300 per business.

B. Bank of America Property Bid

Mayor Miller began the discussion by explaining why she would like the city to purchase the property. The close location to existing city properties, the need to allow classes and activities to be held in other locations and the ability to have the city control over what is built on the land were a few examples. Finance Director Kurt Swartzlander explained that the process to bid on the property was a modified sealed bid. The council would need to agree on a price for him to include in the Purchase Sale Agreement. CMBR Frizalone stated that he felt \$850,000 was fair. CMBR Bryan didn't want to offer more than the land was valued at. The remaining council felt the need to secure the property to ensure the city could control what was built there in the future.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to offer \$850,000.00 to purchase the Bank of America Property and to allow the Mayor to execute the agreement.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3 No = 1).

Yes: Mayor Nancy Miller, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer **No:** Richard Bryan

12. COUNCIL COMMENTS:

All the council members felt the recent food truck event and concert was a huge success. Mayor Miller reminded the residents of her upcoming Coffee With the Mayor. CMBR Bryan provided a brief legislative update on bills he has been following.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Allen Howard spoke to the council regarding the noise from the motorcycles. He inquired if the Public Safety officers were enforcing the noise ordinance. It was his opinion that many of the motorcycles had illegal exhaust on them that created the loud noise.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items added to the next agenda.

15. ADJOURNMENT:

The meeting ended at 7:00 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB