



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COUNCIL MEETING NOVEMBER 9, 2022

**7:00 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:**
 - A. Oaths of Office for Mayor and Council
 - B. Nomination for Vice Mayor
- 6. APPROVAL OF MINUTES**
 - A. City Council Minutes October 25, 2022

7. CONSENT AGENDA:

8. REPORTS OF THE CITY ATTORNEY:

- A. City Attorney Report November 9, 2022

9. REPORTS OF THE CITY MANAGER:

- A. CM Report November 9, 2022

10. OLD BUSINESS:

- A. Ordinance 2022-20: Amendment to establish the minimum required off-street parking spaces for Interior Storage Facility.

11. QUASI-JUDICIAL HEARING

- A. Ordinance 2022-24: Rezoning application for recently annexed property located at 2822 S. Atlantic Avenue
- B. Ordinance 2022-26: Rezoning application for recently annexed property located at 3615 Cardinal Boulevard
- C. Ordinance 2022-28: Rezoning application for recently annexed property located at 105 Broad Avenue

12. NEW BUSINESS:

- A. Ordinance 2022-23: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 2822 S. Atlantic Avenue
- B. Ordinance 2022-25: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 3615 Cardinal Boulevard
- C. Ordinance 2022-27: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 105 Broad Avenue
- D. Non-conforming Sign Removal Incentive Grant Application: 2010 S. Atlantic Avenue, Angels X LLC, (Generation X Tattoo).
- E. Non-conforming Sign Removal Incentive Grant Application: 2016 S. Atlantic Avenue, Kitty X LLC.

- F. Non-conforming Sign Removal Incentive Grant Application: 2042 S. Atlantic Avenue, The Psychic Shop
- G. Non-conforming Sign Removal Incentive Grant Application: 3217 S. Atlantic Avenue, Dream Inn
- H. Resolution 2022-12 Certifying General Election Results

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
October 25, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Councilmember Chris Conomos, Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Michael Politis, Councilmember Richard Bryan
Staff: City Manager Kurt Swartzlander, City Clerk Cheri Schwab, City Attorney Becky Vose, Community Services Director Stewart Cruz, Finance Director Lory Irwin, Economic Development and Public Affairs Director Nancy Maddox, and Public Safety Director Michael Fowler.

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 October 11, 2022

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER CHRIS CONOMOS to Approve the City Council Minutes of October 11, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

7. CONSENT AGENDA:

A. Public Safety September report

B. Community Services Department Monthly Report - September 2022

C. Mead & Hunt Continuing Services Contract

D. Tyler Technologies Saas (Software as a Service) Contract

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD BRYAN to Approve the consent agenda as presented.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report

Attorney Becky Vose reviewed her report to the council. Mayor Miller inquired about the Emergency Pay Policy from 2017. The City Manager worked through the hurricane including the past two Saturdays and did not request to be paid for his time. She felt he should be compensated in the same manner as all other employees. There was a full consensus by the council to pay the City Manager for his time during the declared emergency.

9. REPORTS OF THE CITY MANAGER:

A. CM Report October 25, 2022

City Manager Swartzlander reviewed his report to the council. An update on hurricane debris pickup and permits was provided. He reminded everyone that the next City Council meeting is on Wednesday, November 9th at 7:00 pm. The City Manager recently attended a meeting with the Lt. Governor and other county representatives to discuss coastal erosion. He requested that the Council authorize the Mayor to sign a letter to Governor Desantis to implement the coastal erosion suggestions by the county. The council provided their consensus. The City Manager requested council to extend the deadline for businesses to apply for the sign grant program. The original deadline was in mid November. Staff would like the date changed to January 1, due to the recent hurricane. It was noted that this would not

extend the April deadline for the sign removal.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to approve moving the deadline to apply for a sign grant to January 1, 2023.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

10. OLD BUSINESS:

A. Ordinance 2022-16: Voluntary Annexation - 2822 S. Atlantic Avenue

Attorney Vose read the ordinance by title. There was no further discussion on the item.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-16 on second reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

B. Ordinance 2022-18: Voluntary Annexation - 3615 Cardinal Boulevard

Attorney Vose read the ordinance by title. There was no further discussion on the item.

COUNCILMEMBER CHRIS CONOMOS moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-18 on second reading.

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

C. Ordinance 2022-19: Voluntary Annexation - 105 Broad Avenue

Attorney Vose read the ordinance by title. There was no further discussion on the item.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-19 on second reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

11. QUASI-JUDICIAL HEARING

- A. Ordinance 2022-22: Application to Amend Zoning Map RZ12022032-Parcel 5322-00-04-0170 (2616 S. Atlantic Avenue)

Attorney Vose read the ordinance by title. All witnesses were sworn in for the hearing by the City Clerk. There was no ex-parte communication by the council. City Planner Noel Eaton explained that the proposed ordinance would change the zoning classification for the vacant property located at 2616 S. Atlantic Avenue. The current designation is RMF-3 (Residential Multi-family) to GCRD (General Commercial Redevelopment District. The applicant, Andy Clark, would like to create an interior storage facility. All due public notice had been met and both staff and the Planning & Zoning Board recommended approval. There was no one who wished to speak for or against the proposed ordinance.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve Ordinance 2022-22 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

12. NEW BUSINESS:

- A. Ordinance 2022-20: Amendment to establish the minimum required off-street parking spaces for Interior Storage Facility.

Attorney Vose read the ordinance by title. City Planner Noel Eaton explained that the proposed ordinance was an administrative amendment by staff for off-street parking for interior storage facilities. The current requirement is one parking space per employee plus one space for each 1,500 square feet of the facility. If adopted, the new standard would be one parking space per 6,000 square feet of gross floor area. All due public notice has been met and both staff and the Planning & Zoning Board recommended approval.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER CHRIS CONOMOS to Approve Ordinance 2022-20 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

- B. Ordinance 2022-21: Comprehensive Plan Future Land Use Map Amendment CPA12022031-Parcel 5322-00-04-0170 (2616 S. Atlantic Ave.)

Attorney Vose read the ordinance by title. City Planner Noel Eaton explained that the proposed ordinance would amend the future land use designation for the vacant lot at 2616 S. Atlantic Avenue. It is currently designated as Medium Density Residential. The proposed designation would be Tourist Oriented Commercial which is appropriate for an interior storage facility. The impact summary analysis was reviewed with no further questions. All due public

notice was met and both staff and the Planning & Zoning Board recommended approval. Danial Nathan, owner of Cowlicks Ice Cream, spoke to the council. He stated that he has a parking easement and felt the new development would encroach onto his property. Community Services Director Stewart Cruz explained that this is only an entitlement process for the use of the property. The easement is a private document between the two owners.

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER MICHAEL POLITIS to approve Ordinance 2022-21 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

C. Non-conforming Sign Removal Incentive Grant Application: 2616 S. Atlantic Avenue, 91 Oneida, LLC (All Aboard Storage and Sherwin Williams)

City Planner Noel Eaton provided the background for the sign grant application. Two quotes were obtained and they met all the sign requirements. The owner chose the quote from Permacraft and is applying for a grant in the amount of \$2,000. Staff recommended approval provided that no code enforcement violations exist on the property prior to the disbursement of city funds.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Approve the Non-conforming Sign Removal Incentive Grant for 91 Oneida, LLC in the amount of \$2,000.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

D. Ordinance 2022-17: Voluntary Annexation - 2820 S. Atlantic Avenue

Attorney Vose read the ordinance by title. Property owner Belinda Jenkins spoke on her own behalf. She stated that she was aware of several complaints regarding her dogs. She provided copies of vaccination records for the three dogs she currently has. Ms. Jenkins informed the council that her dogs were kept inside 80% of the time and it was her right to have unaltered dogs. The dogs are AKC registered, with micro-chips and apple tracker tags. She has discontinued breeding as the county regulations prohibit that. One dog is considered a service dog for her autistic son. There were many complaints this past spring as one dog continued to escape the yard. They have now made changes to the fence and gate to stop this behavior. Ms. Jenkins explained that all past citations were paid to the County. She further explained that the property does have a back apartment that is rented out with a one-year lease. It is not used as an Air BNB. She would like to annex into the city for tax benefits.

City Planner Noel Eaton informed the council that in the past year, staff found 18 different cases by Volusia County Code Enforcement and Animal Services. Most of them were for unrestrained dogs. There are currently two cases from October 17, 2022 being investigated for having too many dogs and working on the property without a permit. The ads on social media for available puppies are still current. Ms. Eaton explained that the City Council could approve, deny or continue the ordinance again for a time certain. CMBR Politis felt

uncomfortable with the ongoing complaints by Volusia County. He would like to take the time to allow the county to finish their investigation and have the applicant re-apply for annexation at a later date.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Deny Ordinance 2022-17.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

E. Resolution 2022-11: A Resolution To Allow Certain Temporary Signs For Businesses As A Result Of Hurricane Ian

Attorney Vose read the resolution by title. The proposed resolution would allow temporary signs for businesses due to Hurricane Ian damage with no permit fee required. There are two options for businesses and one must be chosen. Option A would allow two temporary signs per business, provided there were two signs damaged. The temporary signs will need to be removed by April 7, 2023. The temporary signs could be banner style no larger than 32 square feet or an A-frame style of no more than 16 square feet per side. Option B is only one temporary sign no larger than 100 square feet that will need to be removed by January 9, 2023.

COUNCILMEMBER CHRIS CONOMOS moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Resolution 2022-11 on first reading as presented.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

13. COUNCIL COMMENTS:

Mayor Miller thanked the neighboring coastal cities for joining them last week to answer questions regarding the storm damage to sea walls etc. The upcoming concert and food trucks were mentioned. Vice Mayor Lindauer was appreciative that the truck event was pretty much non-existent last weekend. CMBR Politis responded to a letter from Mayor Jennigs regarding the current charter amendments. The letter stated that there had not been much notice to the citizens about the ballot questions. CMBR Politis felt there had been ample notice provided in many different formats to the citizens. It was his opinion that most are house-keeping issues, not major changes to the Charter.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

Joanne Dalton thanked the city and the Public Safety Department for the seminar earlier that day on scams/fraud. It was very informative and the residents appreciated it.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no new items added at this time.

16. ADJOURNMENT:

The meeting ended at 7:26 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB



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
NOVEMBER 9, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council
COPIES TO: Kurt Swartzlander, City Manager
Cheri Schwab, City Clerk
FROM: John Cary, City Attorney
DATE: November 2, 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 October 25, 2022. Please advise if you have any questions, comments or concerns relative to these matters.

(1) *Post-Hurricane Recovery*

Conducted legal research and advised staff as to jurisdiction of the city and the county vis a vis the sea wall.

(2) *Policies*

Provided a legal review of certain policies being reviewed and amended by staff.

(3) *DBS Permitting Jurisdiction*

Conducted legal research to determine jurisdiction for permitting over the state's sovereign waters and east of the county's beaches.

(4) *Common Non-Contravene Letter*

Reviewed a common non-contravene letter provided by Volusia County for post-hurricane permitting.

(5) *Contracts and Procurement*

Advised staff as to multiple contractual and procurement issues.

(6) *Survey*

Reviewed a survey for planning staff.

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: November 2, 2022

TO: City Council: Mayor Nancy Miller, Vice Mayor Mel Lindauer,
Council Member Richard Bryan, Council Member Chris Conomos,
and Council Member Michael Politis

FROM: Kurt D. Swartzlander, City Manager

SUBJECT: City Manager's Report – November 9, 2022

HURRICANE CLEANUP UPDATE

An update will be provided the night of the City Council Meeting.

NOVEMBER COUNCIL MEETING

Reminder that the City Council Meeting of November 22nd was cancelled

MUTUAL AID NEW SMYRNA BEACH

City was able to send three employees for a day to help the City of New Smyrna Beach inspect flood damaged properties

PERMIT FEES

To date the city has waived fees on _____ Permits equating to approximately \$_____.

UPCOMING CITY EVENTS

The City's annual Community Cookout will be held November 17th, 4pm-6pm at the Community Center.

The City's Christmas Parade and Tree Lighting Ceremony will be Saturday December 3rd beginning at 3:30pm followed by Tree lighting at approximately 5:00pm



CITY COUNCIL AGENDA MEMORANDUM NOVEMBER 9, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM:

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-20: Amendment to establish the minimum required off-street parking spaces for Interior Storage Facility.

SYNOPSIS:

Ordinance 2022-20, if approved, would amend Section 14-48 of the Daytona Beach Shores Land Development Code to establish the minimum required off-street parking spaces for an Interior Storage Facility commonly known as mini-warehouse. The current standard for required minimum off-street parking spaces for commercial storage does not reflect the Institute of Transportation Engineers (ITE) Vehicle Parking Generation Rates for Interior storage facility (mini-warehouse) land use. This amendment is an administrative amendment proposed by staff consistent with Objective A.2 of the City of Daytona Beach Shores Strategic Plan, which calls for the removal of land development regulations that are obstacles to desired redevelopment and to enable or promote desired redevelopment. The proposed minimum required off-street parking calculation for an Interior Storage Facility would permit property owners/developers to utilize sites that would previously restrict developable area due to required parking for commercial storage. Currently, staff have received applications for a Future Land Use Map Amendment, Zoning Map Amendment and Special Exception for the property known as Parcel id 5322-00-04-0170 generally located at 2616 S Atlantic Avenue. The property owner is seeking to expand the existing Interior Storage Facility that currently exists on the property through the review process. This LDC amendment supports the additional applications for this property.

This is 2nd reading of Ordinance 2022-20

FISCAL IMPACT STATEMENT:

BACKGROUND:

In 2012, the City Council passed Ordinance 2012-08, which established the Interior Storage Facility use in addition to the Special Exception requirements associated with site development. The amendment did not consider the required off-street parking typically seen with development of this nature. The City's Land Development Code states that the required off-street parking spaces for wholesale, retail and commercial storage is one (1) parking space for each employee plus one (1)

space for each one thousand five hundred (1,500) square feet devoted to wholesale, retail and commercial storage. This standard does not reflect the current Institute of Transportation Engineers (ITE) Vehicle Parking Generation Rates for Interior Storage Facilities commonly known as mini-warehouse. The ITE Code states that at peak weekday hours, 0.17 parking spaces are required for every 1,000 square feet of gross floor area. The attached Parking Demand Justification letter from Newkirk Engineering Inc. supports that the required off-street parking requirements be based on 1 space per 6,000 sf of Interior Storage Facility (mini- warehouse) use. The parking generation report also shows that the highest number of occupied parking stalls for a proposed 39,686 square foot mini-warehouse storage facility is 6.75. Staff recommends approval of Ordinance 2022-20 as presented.

The Planning and Zoning Board held a public hearing on October 10th, 2022 and recommended unanimous approval of Ordinance 2022-20.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-20 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-20 as presented."

OR

2. "I move to approve Ordinance 2022-20, with the following amendments..."

OR

3. "I move to deny Ordinance 2022-20, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-20-LDC Text Amendment-Minimum Required Off Street Parking-Interior Storage Facility
 2. Shores Depot - Parking Demand Justification Letter

ORDINANCE 2022-20

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO OFF STREET PARKING; AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G” CHAPTER 14 ENTITLED “ZONING REGULATIONS,” BY AMENDING SECTION 14-48 ENTITLED “OFF-STREET PARKING AND LOADING,” TO ESTABLISH THE MINIMUM REQUIRED OFF-STREET PARKING SPACES FOR INTERIOR STORAGE FACILITY; 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, an interior storage facility, also known as a mini-warehouse, is a desired form of redevelopment in Daytona Beach Shores; and

WHEREAS, the Daytona Beach Shores Land Development Code’s required minimum off-street parking spaces for commercial storage does not reflect the Institute of Transportation Engineers (ITE) Vehicle Parking Generation Rates for Interior storage facility (mini-warehouse) land use; and

WHEREAS, the Objective A.2 of the City of Daytona Beach Shores Comprehensive Plan calls for the removal of land development regulations that are obstacles to desired redevelopment and to enable or promote desired redevelopment; 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 ~~strikethrough~~ 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 14-48, *Land Development Code*, Chapter 14, Appendix “G”, *Code of Ordinances of the City of Daytona Beach Shores*, entitled “Off-street parking and loading”, is amended to read as follows:

Sec. 14-48. Off-street parking and loading.

14-48.6. Minimum Required Off-Street Parking Spaces.

The minimum number of required off-street parking spaces shall be determined from the following table. Requirements for any use not specifically mentioned shall be the same as the use most similar to the one sought. When units of measurement determining the required off-street parking spaces result in a fractional space, then such fraction equal to or greater than one-half (½) shall be interpreted as one (1) off-street parking space. In stadiums, houses of worship, sports arenas, or other places of assembly where occupants sit on benches, pews, or other similar seating arrangements, each twenty-four (24) linear inches of such seat shall be counted as one (1) seat. All existing establishments adding an accessory use to a permitted principal use shall demonstrate that the parking demand associated with the accessory use in question meets the current terms of this Code.

1. Single-Family Dwelling. One (1) parking space per dwelling unit.
2. Duplex and Multifamily Dwelling. One and one-half (1½) parking spaces on the same lot for each dwelling unit.
3. Motels or Hotels and Tourist Accommodations. Motels or hotels and tourist accommodations [shall have] one (1) parking space for each rental unit plus one (1) space for a manager. Any hotel, motel or tourist accommodation having a restaurant, lounge or coffee shop shall have one (1) additional parking space for each six (6) persons based on the occupancy load of said restaurant, lounge or coffee shop as determined by the building official in accordance with current codes adopted by the city. Tier parking shall be constructed within the confines of the building structure and the view of vehicles shall be screened with a decorative screen material. Open parking shall be allowed within the area comprising the fifty (50) feet deep construction setback area (between the seawall or

coastal setback line and the construction building line) only when a minimum of sixty (60) percent up to a maximum of seven thousand five hundred (7,500) square feet of that area is devoted to recreational or tourist oriented amenities.

The area comprising the sixty (60) percent up to a maximum of seven thousand five hundred (7,500) square feet devoted to recreational or tourist oriented amenities shall be one (1) contiguous area, uninterrupted by parking, of which area the smallest dimensions shall be at least fifty (50) feet.

4. Houses of Worship, Theaters, Auditoriums, Funeral Homes and Other Places of Assembly not listed. One (1) parking space for each four (4) seats in the principal place of assembly.

5. Child Care Center. Two (2) spaces for each employee plus adequate provisions for loading and unloading children off the street.

6. Private Clubs or Lodges. One (1) parking space for each three (3) seats or one (1) space for each three hundred (300) square feet of gross floor area, whichever is greater.

7. Nursing Homes and Rest Homes. One (1) parking space for each four (4) beds.

8. Golf or Country Club, Swim Club, Tennis or Racquet Club. One (1) parking space for each three (3) seats or one (1) space for each two hundred (200) square feet of gross floor area, whichever is greater plus two (2) spaces per tennis, racquet ball or handball court.

9. Time Share Unit. For each dwelling unit sold, occupied or held for sale as a "time-share unit," as defined under section 721.05, Florida Statutes, there shall be required a minimum of one and one-half (1.5) car spaces on the same lot for each dwelling unit.

10. Library, Community Center, Recreation Center. One (1) parking space for each two hundred (200) square feet of gross floor area.

11. Office Buildings, Banks, and Similar Institutions. One (1) parking space for each four hundred (400) square feet of gross floor area.

12. Medical Offices, Clinics, and Laboratories. Three (3) parking spaces for each dentist plus one (1) parking space for each employee and five (5) parking spaces for each medical doctor, or other practicing professional, plus one (1) parking space for each employee.

13. Retail Business and Personal Service Establishment. One (1) parking space for each two hundred fifty (250) square feet of gross public floor area.

14. Service Stations. One (1) parking space for each gas pump plus three (3) parking spaces for each grease rack or other working bay.

15. Restaurants, Nightclubs or Bars. Restaurants in the general commercial zone: One (1) parking space for each four (4) seats with a minimum of one (1) parking space for every fifteen (15) square feet of seating area and one (1) parking space for every two (2) employees and in any event no more than forty-nine seats for the first approved exit door and further requirements of the NFPA Life Safety Code 101.

16. Bowling Alleys. Three (3) spaces for each alley plus one (1) parking space for each two (2) employees.

17. Wholesale, Retail and Commercial Storage. One (1) parking space for each employee plus one (1) space for each one thousand five hundred (1,500) square feet devoted to wholesale, retail and commercial storage.

18. Interior Storage Facility. One (1) parking space for each six thousand (6,000) square feet of gross floor area.

~~18.~~ 19. Internet Cafes and Establishments Offering Devices with Internet Access and/or Services for Purchase or Use on the Premises. One (1) parking space for every two hundred (200) square feet of gross floor area OR one (1) parking space for every two (2) seats, whichever is greater PLUS one (1) parking space for every two (2) employees.

~~19.~~ 20. Pain Management Clinic. One (1) parking space per ten (10) gross square feet of customer waiting area including, but not limited to, the lobby and seating area. Each pain management clinic shall provide a minimum of one (1) parking space per two hundred (200) gross square feet of the remainder of the building.

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

KURT SWARTZLANDER, 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.



NEWKIRK ENGINEERING, INC.

CIVIL ENGINEERING - TRANSPORTATION - CEI - LANDSCAPE ARCHITECTURE

1230 N US HWY 1, SUITE 3, ORMOND BEACH, FLORIDA 32174 386-872-7794

September 21, 2022

Stewart Cruz, City Planner

City of Daytona Beach Shores

Planning Division

2990 S Atlantic Ave

Daytona Beach Shores, FL 32118

Re: Shores Depot – All Aboard Storage

2616 S Atlantic Ave

Parking Demand Justification Letter

Dear Mr. Cruz,

This letter is meant to be a Parking Demand Justification Letter for the proposed site conditions.

Existing Conditions

The site currently functions with shared parking for the Seahorse Storage, Sherwin Williams, and Cow-Licks Ice Cream parlor. Based on property owner and tenant claims, the existing parking in the rear of the site commonly goes unused due to the number of spaces closer to the retail stores. The site currently provides 71 standard stalls and 4 ADA stalls for a total of 75 stalls. As it sits, the ITE parking demand calculation for these three (3) businesses are below:

Description/ITE Code	Units	ITE Vehicle Parking Generation Rates					
		Average			85th Percentile		
		Weekday	Saturday	Sunday	Weekday	Saturday	Sunday
Mini-Warehouse 151 (All Aboard Storage)	KSF	0.14	0.11	0.11	0.17	0.13	0.13
Hardware/Paint Store 816 (Sherwin Williams)	KSF	1.9	2.19	2.19	1.9	2.19	2.19
High-Turnover (Sit-Down) Restaurant w/o Bar or Lounge, Urban 932 (Cow-Licks)	KSF	5.55	5.55	5.55	6.37	6.37	6.37

Description/ITE Code	Expected Units	Total Stalls Occupied in Peak Period						Anticipated Peak Period
		Average			85th Percentile			
		Weekday	Saturday	Sunday	Weekday	Saturday	Sunday	
Mini-Warehouse 151 (Seahorse Storage)	3.086	0.43	0.34	0.34	0.52	0.40	0.40	5:30 pm to 6:30 pm
Hardware/Paint Store 816 (Sherwin Williams)	8.000	15.20	17.52	17.52	15.20	17.52	17.52	10:30 am to 11:30am
High-Turnover (Sit-Down) Restaurant w/o Bar or Lounge, Urban 932 (Cow-Licks)	4.555	25.28	25.28	25.28	29.02	29.02	29.02	6:30 pm to 7:30 pm
	TOTAL	41	44	44	45	47	47	

These totals display that if all peak periods occur simultaneously, 47 stalls will be occupied during that peak hour on a weekend. However, these three businesses have varying anticipated peak period times (see tables above) and are not expected to experience simultaneous peak periods often. The Land Development Code requires 37 parking spaces for this development per use. See table below:

LDC PARKING REQUIREMENTS - EXISTING PLAZA				
BUILDING USE	A. SF/SEATS	B. SPACES	C. PER UNIT	D. REQ. SPACES
MINI-WAREHOUSE (SF)	3086 (SF)	1	1,500	2
COW LICKS (SEATS)	48 (SEATS)	1	4	12
COW LICKS (EMPLOYEES)	2 EMPLOYEES	1	3	2
SHERWIN WILLIAMS (SF)	5090 (SF)	1	250	21
TOTAL REQUIRED SPACES				37
TOTAL REQUIRED ADA SPACES				2

Proposed Conditions

The project proposes to add an All Aboard Storage 3-story self-storage facility and maintain the shared parking within the commercial center.

With the proposed development, the land development code determines that 62 parking spaces are required for the site. The table below provides the number of required spaces based on the requirements of the Daytona Beach Shores Land Development Code.

LDC PARKING REQUIREMENTS - PROPOSED PLAZA				
BUILDING USE	A. SF/SEATS	B. SPACES	C. PER UNIT	D. REQ. SPACES
MINI-WAREHOUSE (SF)	39685 (SF)	1	1,500	27
COW LICKS (SEATS)	48 (SEATS)	1	4	12
COW LICKS (EMPLOYEES)	2 EMPLOYEES	1	3	2
SHERWIN WILLIAMS (SF)	5090 (SF)	1	250	21
TOTAL REQUIRED SPACES				62
TOTAL REQUIRED ADA SPACES				3

The current layout of the proposed site includes 53 parking spaces, 4 of which are ADA compliant. The parking generation report shows that a maximum of 52 stalls will be occupied during the peak hour of any weekend or weekday. See ITE generation rates below:

Description/ITE Code	Units	ITE Vehicle Parking Generation Rates					
		Average			85th Percentile		
		Weekday	Saturday	Sunday	Weekday	Saturday	Sunday
Mini-Warehouse 151 (All Aboard Storage)	KSF	0.14	0.11	0.11	0.17	0.13	0.13
Hardware/Paint Store 816 (Sherwin Williams)	KSF	1.9	2.19	2.19	1.9	2.19	2.19
High-Turnover (Sit-Down) Restaurant w/o Bar or Lounge, Urban 932 (Cow-Licks)	KSF	5.55	5.55	5.55	6.37	6.37	6.37

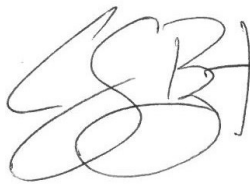
Description/ITE Code	Expected Units	Total Stalls Occupied in Peak Period						Anticipated Peak Period
		Average			85th Percentile			
		Weekday	Saturday	Sunday	Weekday	Saturday	Sunday	
Mini-Warehouse 151 (Seahorse & All Aboard)	39.686	5.56	4.37	4.37	6.75	5.16	5.16	5:30 pm to 6:30 pm
Hardware/Paint Store 816 (Sherwin Williams)	8.000	15.20	17.52	17.52	15.20	17.52	17.52	10:30 am to 11:30am
High-Turnover (Sit-Down) Restaurant w/o Bar or Lounge, Urban 932 (Cow-Licks)	4.555	25.28	25.28	25.28	29.02	29.02	29.02	6:30 pm to 7:30 pm
	TOTAL	47	48	48	51	52	52	

Based on the given rates, the entire proposed site is expected to have an average of 47 stalls filled on a weekday, which is 90% of the proposed capacity of 53 spaces. If all peak period times occur simultaneously, then 52 stalls will be occupied for that peak period. The trip generation shows that the highest number of occupied parking stalls for mini- warehouse is 6.75. The provided parking generation report suggests that the site parking requirements be based on 1 space per 6,000 sf of mini- warehouse use.

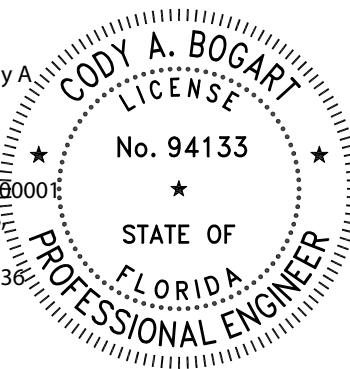
Based on this data and the behavior observed at other All Aboard Storage facilities, the proposed conceptual plan provides adequate parking for the dynamic needs of the current and proposed tenants. The reduction in required parking is being requested based on the parking generation report which shows that the stalls will be occupied with a ratio of approximately 1 space per 6,000 sf of building area. The proposed amount of 53 spaces would provide adequate parking for the plaza with the site improvements.

If you have any questions or need additional information, please feel free to call or email me.

Sincerely,



Digitally signed by Cody A Bogart
DN: c=US, o=NEWKIRK ENGINEERING INC.,
dnQualifier=A01410C0800018143D489A10003D618,
cn=Cody A Bogart
Date: 2022.09.21 15:08:36 -04'00'



Cody Bogart, PE #94133
Newkirk Engineering, Inc.
(386) 872-7794 - cody@newkirk-engineering.com



CITY COUNCIL AGENDA MEMORANDUM NOVEMBER 9, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Ordinance 2022-24: Rezoning application for recently annexed property located at 2822 S. Atlantic Avenue

SYNOPSIS:

Ordinance 2022-24, 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 2822 S. Atlantic Ave. (Exhibit A). The application (Exhibit B) was submitted by Krista Goodrich (The Dogg Pound LLC.), owner of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.34 acres and is occupied by a 2,638 square foot residential structure. The proposed amendment is compatible with the current Volusia County zoning district (R-4, Urban Single-Family Residential District).

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 2822 S. Atlantic Ave., 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 annexed 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 owner has also submitted an application to amend the future land use classification of the property in question to Residential Low Intensity, consistent with the existing and surrounding land uses and current Volusia County Urban Low Intensity future land use classification. The zoning change will be adopted subsequent to the formal future land use amendment of the subject property.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-24 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-24 as presented."

OR

2. "I move to deny Ordinance 2022-24, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-24-Zoning Map Amendment-2822 S Atlantic Avenue-Troung
 2. Exhibit A-Location Map- 2822 S Atlantic Avenue
 3. Exhibit B-Application
 4. Exhibit C-Rezoning Staff Report-2822 S. Atlantic Avenue

ORDINANCE NO. 2022-24

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 2822 SOUTH ATLANTIC AVENUE, SHORT TAX PARCEL ID 5327-05-00-0980; 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 October 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 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 *Daytona Beach Shores Land Development Code* and the *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 is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

Short Tax Parcel ID #5327-05-00-0980, 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 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

KURT SWARTZLANDER, 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

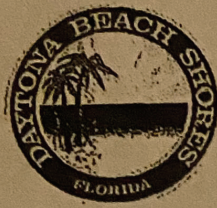
LOT 98 LYING EASTERLY OF RIDGE AVENUE, AND THE NORTH 1/2 OF LOT 99 LYING EASTERLY OF RIDGE AVENUE, TOGETHER WITH THE EASTERLY 1/2 RIDGE AVENUE (PER DB 264, PG 543), LYING NORTH OF THE SOUTH LINE OF THE NORTH 1/2 OF LOT 99 AND SOUTH OF THE NORTH LINE OF LOT 98, ALL IN MAP OF PLAT THREE RIVER RIDGE ESTATES, MAP BOOK 9, PAGE 205, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 98; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT 98 AND THE EAST LINE OF THE NORTH 1/2 OF LOT 99 TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID LOT 99; THENCE WESTERLY ALONG SAID SOUTH LINE TO THE CENTERLINE OF RIDGE AVENUE; THENCE NORTHERLY ALONG SAID CENTERLINE TO THE NORTH LINE OF SAID LOT 98; THENCE EASTERLY ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF LOT 98 AND THE POINT OF BEGINNING.
CONTAINING 0.344 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (2822 S. Atlantic Avenue)



Source: Volusia County Property Appraiser Website, 2022



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

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: 9/14/22

Current Zoning: Volusia County Unincorp

Requested Zoning: Daytona Beach Shores

Applicant's Name: Krista Goodrich

Address: 2800 S. Peninsula Dr DB 32118 Phone #: 3863418557

Representative: Self

Address: _____ Phone #: _____

Property Address & Parcel ID: 2822 S. Atlantic Ave DBS 3426487.0

Property Owner: The Dogg Pound LLC

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

Legal Description of Property:

Lot 98 S 1/2 of lot 99 all E of Co Rd River Ridge
estates per or 7501 pg 3655 per or 7501 pg.
3656 per or 7561 pgs 1980-1981 per or 8032
pg 1552

Krista Goodrich, Manager
Applicant's Signature

9/14/22
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

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.

We will actually improve efficiency

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

Yes - efficiently use

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

Favorably

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

Yes

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

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?

No

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

Encourages positive experiences with responsible management in Daytona Beach Shores.

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

No

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

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

No

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

No

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

Opposite - increases value

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-24

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the annexed single-family residential property located at 2822 S. Atlantic Avenue from Volusia County *R-4 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 0.34 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-4*	Single Family Residence
North	R-4*	Single Family Residence
South	R-4	Single Family Residence
East	DBS RSF-1	Single Family Residence
West	R-4*	Single Family Residence

Notes: *R-4 = Volusia County *Urban Single-Family Residential District*; RSF-1 = DBS *Urban Single Family Residential Detached District*.

Figure 1: Aerial View-2822 S. Atlantic Avenue and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2022

Figure 2: 2822 S. Atlantic Avenue – Zoning Map

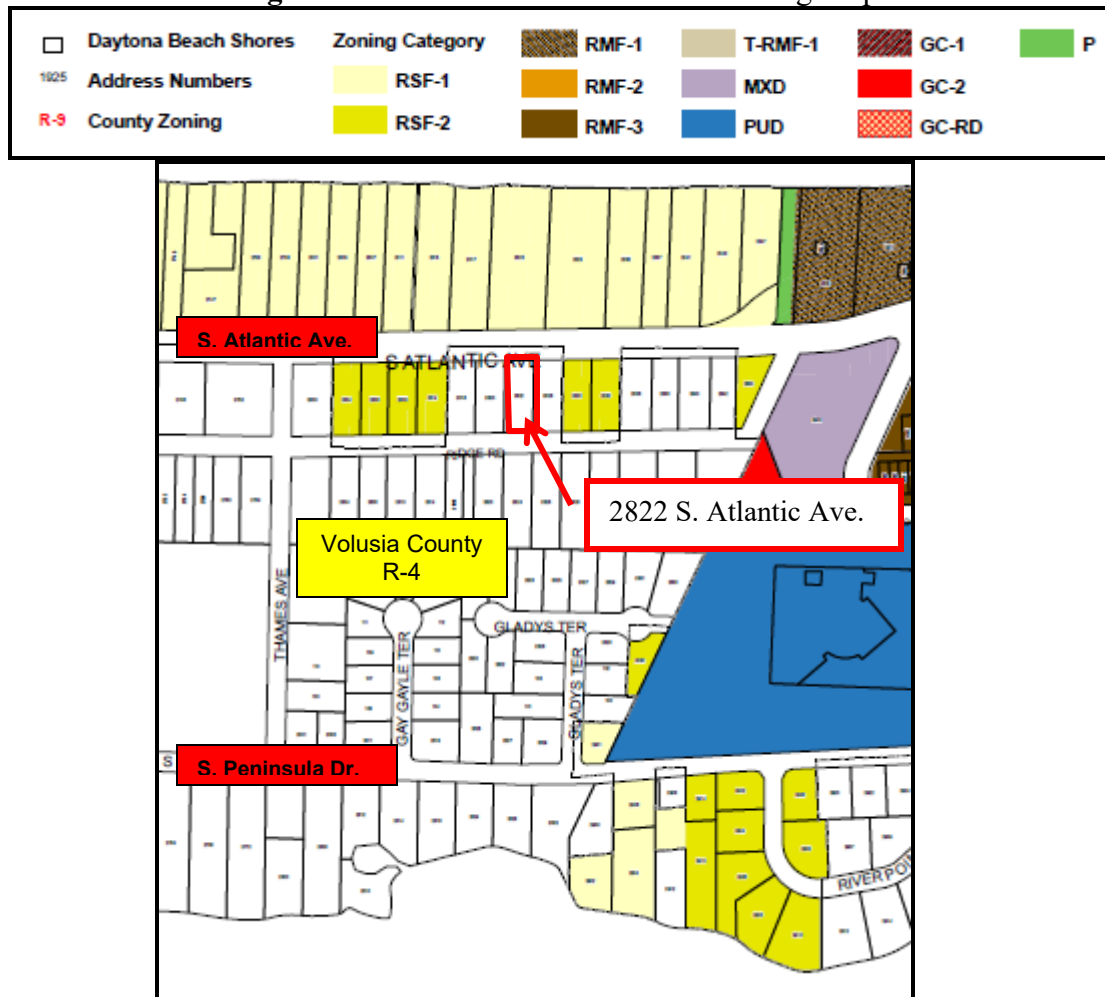


Figure 3: 2822 S Atlantic Avenue



As noted in **Table 1** above, the subject property is currently zoned Volusia County R-4 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-4 Urban Single-Family Residential District”:

Purpose and intent: The purpose and intent of the R-4 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-4 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-based business (refer to section 72-283).

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 (1) 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, Krista Goodrich (The Dogg Pound LLC). The subject property is located at 2822 S. Atlantic Avenue and has an acreage of 0.34+/- . The subject property has vehicular transportation access to the abutting Ridge Road, which is a local road connecting to both Thames Avenue and S. Atlantic Avenue (SR A1A). Thames Avenue then connects to both S. Peninsula Drive which is a two laned minor arterial road and S. Atlantic Avenue (SRA1A) which is a five laned principal arterial road.

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. 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.

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	1.6	1.6	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	176	176	None
Solid Waste (lbs./person) ⁵	16	16	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: 1.6 persons per dwelling unit in DBS
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:

2020 US Census
ITE Trip Generation Manual, 8th 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 Ridge 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 NOVEMBER 9, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Ordinance 2022-26: Rezoning application for recently annexed property located at 3615 Cardinal Boulevard

SYNOPSIS:

Ordinance 2022-26, 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 3615 Cardinal Blvd. (Exhibit A). The application (Exhibit B) was submitted by Theresa Durkin, owner of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.15 acres and is occupied by a 1,278 square foot residential structure. The proposed amendment is compatible with the current Volusia County zoning district (R-6, Urban Two-Family Residential District).

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 3615 Cardinal Blvd, 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 annexed 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 owner has also submitted an application to amend the future land use classification of the property in question to Residential Low Intensity, consistent with the existing and surrounding land uses and current Volusia County Urban Low Intensity future land use classification. The zoning change will be adopted subsequent to the formal future land use amendment of the subject property.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-26 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-26 as presented."

OR

2. "I move to deny Ordinance 2022-26, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-26-Zoning Map Amendment-3615 Cardinal Blvd-Durkin
 2. Exhibit A-Location Map-3615 Cardinal Blvd
 3. Exhibit B-Application
 4. Exhibit C-Rezoning Staff Report-3615 Cardinal Blvd

ORDINANCE NO. 2022-26

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 3615 CARDINAL BOULEVARD, SHORT TAX PARCEL ID 6302-05-10-0111; 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 October 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 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 *Daytona Beach Shores Land Development Code* and the *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 is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

Short Tax Parcel ID #6302-05-10-0111, 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 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

KURT SWARTZLANDER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

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

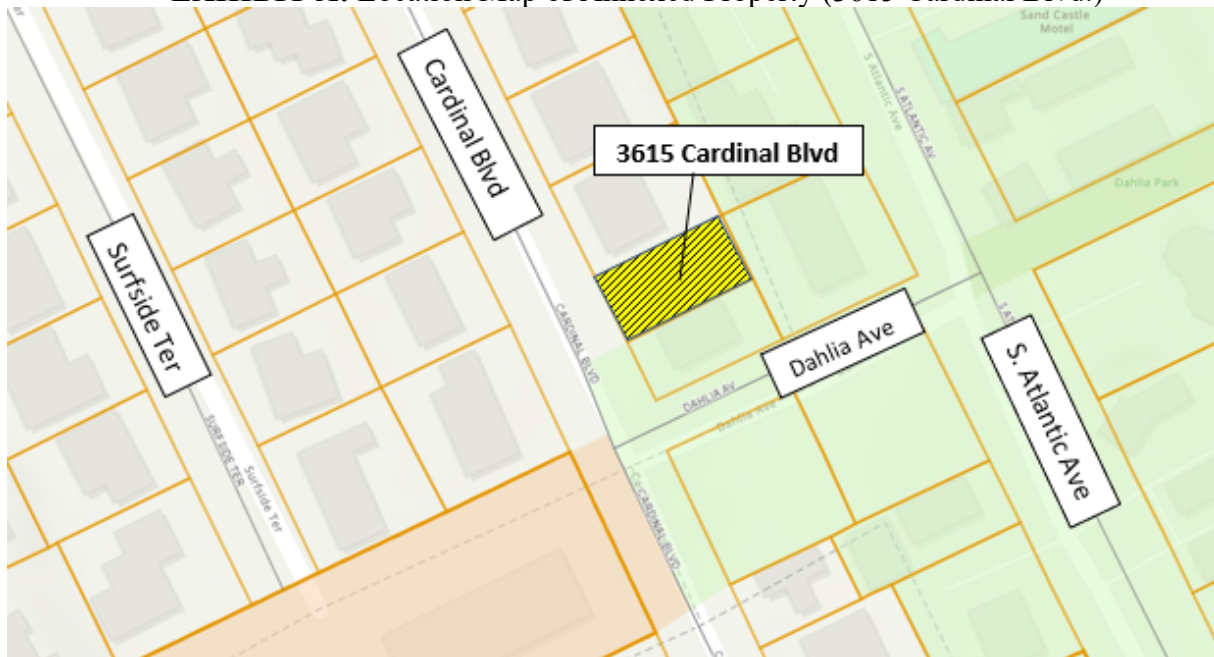
Adopted on second reading this _____ day of _____, 2022.

EXHIBIT A

THE WEST 100 FEET OF LOT 11, BLOCK 10, TOGETHER WITH THE EASTERLY 1/2 OF CARDINAL BOULEVARD (PLATTED PENINSULA BLVD) LYING BETWEEN THE WESTERLY EXTENSION OF THE NORTH AND SOUTH LINES OF SAID LOT 11, ALL IN MAP OF OCEAN VIEW SECTION OF HALIFAX ESTATES, AS RECORDED IN MAP BOOK 11, PAGE 100, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 11; THENCE N60°52'43"E ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 100.00 FEET TO THE EAST LINE OF THE WEST 100 FEET OF SAID LOT 11; THENCE S28°28'17"E ALONG SAID EAST LINE, 50.00 FEET TO THE SOUTH LINE OF SAID LOT 11; THENCE S60°52'43"W ALONG SAID SOUTH LINE AND THE WESTERLY EXTENSION THEREOF, 135.00 FEET TO THE CENTERLINE OF SAID CARDINAL BOULEVARD; THENCE N28°28'17"W ALONG SAID CENTERLINE, 50.00 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 11; THENCE ALONG SAID WESTERLY EXTENSION N60°52'43"E, 35.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.155 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (3615 Cardinal Blvd.)



Source: Volusia County Property Appraiser Website, 2022



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

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: 5/16/2022 Current Zoning: Daytona Beach, FL 32118
Requested Zoning: Annex to Daytona Beach Shores

Applicant's Name: Theresa A. Durkin

Address: 3615 Cardinal Blvd Daytona Beach, FL 32118 Phone #: 386-281-7690

Representative: Theresa A. Durkin

Address: 3615 Cardinal Blvd Phone #: 386-281-7690

Property Address & Parcel ID: 3615 Cardinal Blvd ID: 630205100111

Property Owner: Theresa A. Durkin

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

Legal Description of Property:

W 100 FT OF LOT 11 BLK 10 OCEAN VIEW SECTION OF HALIFAX ESTATES MB 11 PG 100 PER OR 2106 PG

1467 PER OR 6024 PGS 1257-1258 PER OR 6024 PG 1259 PER OR 6532 OF 0238 PER OR 6719 PG 2776 PER OR 7360

PGS 3859-3861 INC PER OR 7584 PG 4862 PER OR 7585 PG

X Theresa A Durkin
Applicant's Signature

5/13/22
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.

The impact on the environment and natural resources of the area will not be affected.

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

The proposed zoning will have a favorable impact on the economy of the area affected because the property will
product rental income.

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

Yes

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

Yes

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 will not change the exiting affect of the ability of people to find adequate housing reasonably
accessible to their places of employment but may assist in them finding housing since property will become a
rental income property

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

This proposed zoning will not change any comprehensive 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

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 that I am aware

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

This proposal will not change any promulgate or encourage any physical benefit.

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

This proposal will not change in surrounding area and will 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?

No

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

No, it will benefit the owner and the surrounding area of the community

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

No

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

No

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-26

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the annexed single-family residential property located at 3611 Cardinal Blvd. from Volusia County *R-6 Urban Two-Family Residential District* to Daytona Beach Shores *RSF-2 Urban Single-Family Residential Detached District*. The subject property contains an acreage of approximately 0.15 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-6*	Single Family Residence
North	R-6*	Single Family Residence
South	RSF-2	Single Family Residence
East	GC-2	Single Family Residence
West	R-4*	Single Family Residence

Notes: *R-6= Volusia County Urban Two-Family Residential District, R-4 = Volusia County Urban Single-Family Residential District; RSF-2 = DBS Urban Single Family Residential Detached District, GC-2=Retail Service Commercial

Figure 1: Aerial View-3615 Cardinal Blvd and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2022

Figure 2: 3615 Cardinal Blvd. – Zoning Map

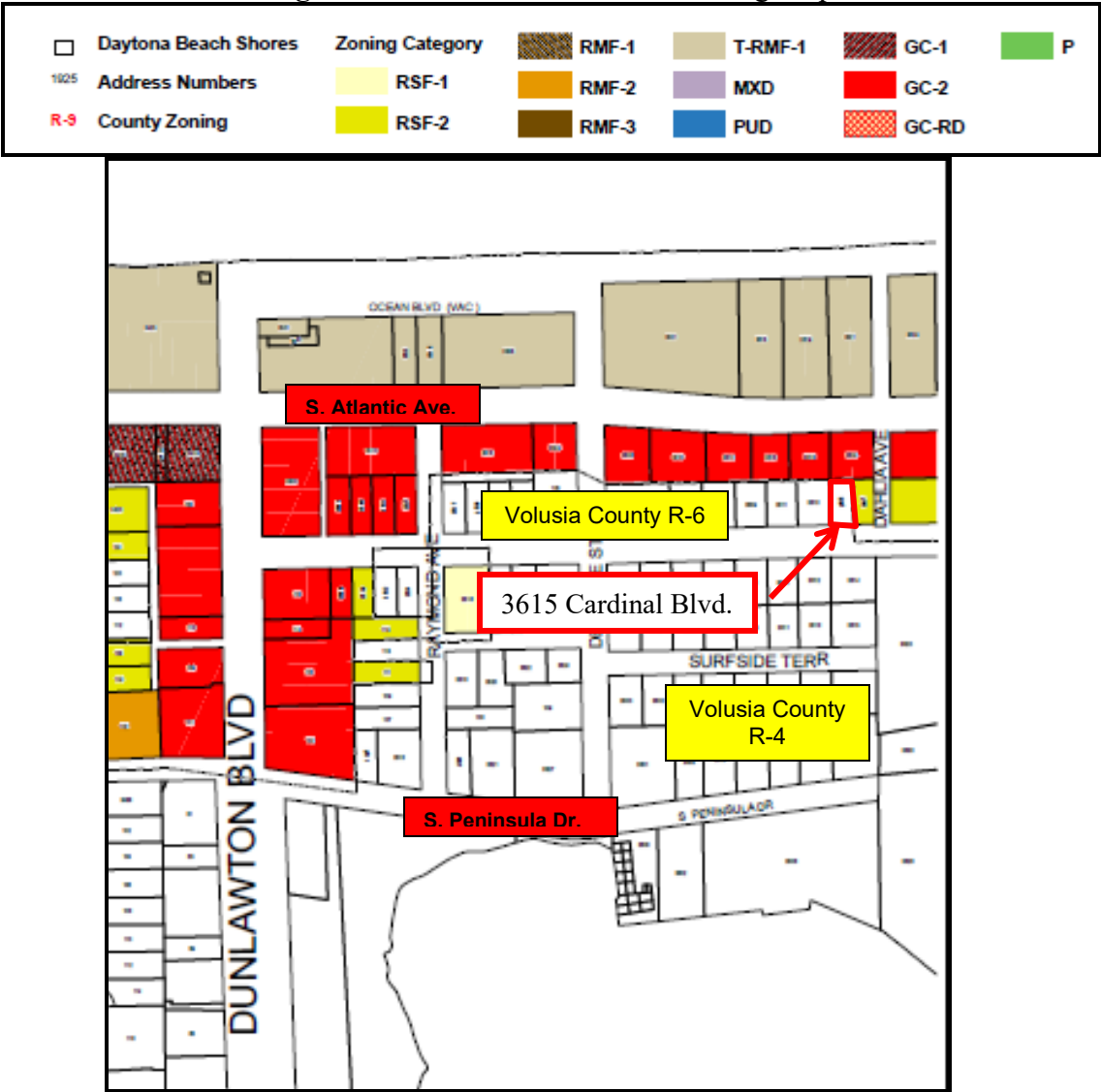


Figure 3: 3615 Cardinal Blvd



As noted in **Table 1** above, the subject property is currently zoned Volusia County *R-6 Urban Two-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-6 Urban Two-Family Residential District”:

Purpose and intent: The purpose and intent of the R-6 Urban Two-Family Residential Classification is to provide for a mixture of one- and two-unit dwellings where that mixture of land use exists or is proposed.

Permitted principal uses and structure: In the R-6 Urban Two-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-based business (refer to section 72-283).
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 dwellings.
Two-family dwellings.
Zero lot line residential subdivisions (refer to subsection 72-293(8)).

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 (1) 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, Theresa Durkin. The subject property is located at 3615 Cardinal Blvd. and has an acreage of 0.15+/- . The site has vehicular and pedestrian access to the abutting Cardinal Blvd which directly connects to Dunlawton Blvd.

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. 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.

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	1.6	1.6	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	176	176	None
Solid Waste (lbs./person) ⁵	16	16	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: 1.6 persons per dwelling unit in DBS
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:

- 2020 US Census
- ITE Trip Generation Manual, 8th 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 Cardinal Blvd 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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 NOVEMBER 9, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Ordinance 2022-28: Rezoning application for recently annexed property located at 105 Broad Avenue

SYNOPSIS:

Ordinance 2022-28, 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 105 Broad Avenue (Exhibit A). The application (Exhibit B) was submitted by James Tully, owner of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.28 acres and is occupied by a 2,748 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 105 Broad Avenue, 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 annexed property if the area annexed was subject to a county land use plan and county zoning such that said regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment and zoning change that includes the annexed area. The purpose of this application is to realize the latter. The property owners have also submitted an application to amend the future land use classification of the property in question to Residential Low Intensity, consistent with the existing and surrounding land uses and current Volusia County Urban Low Intensity future land use classification. The zoning change will be adopted subsequent to the formal future land use amendment of the subject property.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-28 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-28 as presented."

OR

2. "I move to deny Ordinance 2022-28, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-28-Zoning Map Amendment-105 Broad Avenue- Tully
 2. Exhibit A-Location Map-105 Broad Avenue
 3. Exhibit B-Application
 4. Exhibit C-Rezoning Planning Analysis-105 Broad Avenue-ORD 2022-28

ORDINANCE NO. 2022-28

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 LOCATED AT 105 BROAD AVENUE, SHORT TAX PARCEL ID 5335-05-00-0260; 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 October 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 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 *Daytona Beach Shores Land Development Code* and the *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 is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

Short Tax Parcel ID #5335-05-00-0260, 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 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

KURT SWARTZLANDER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

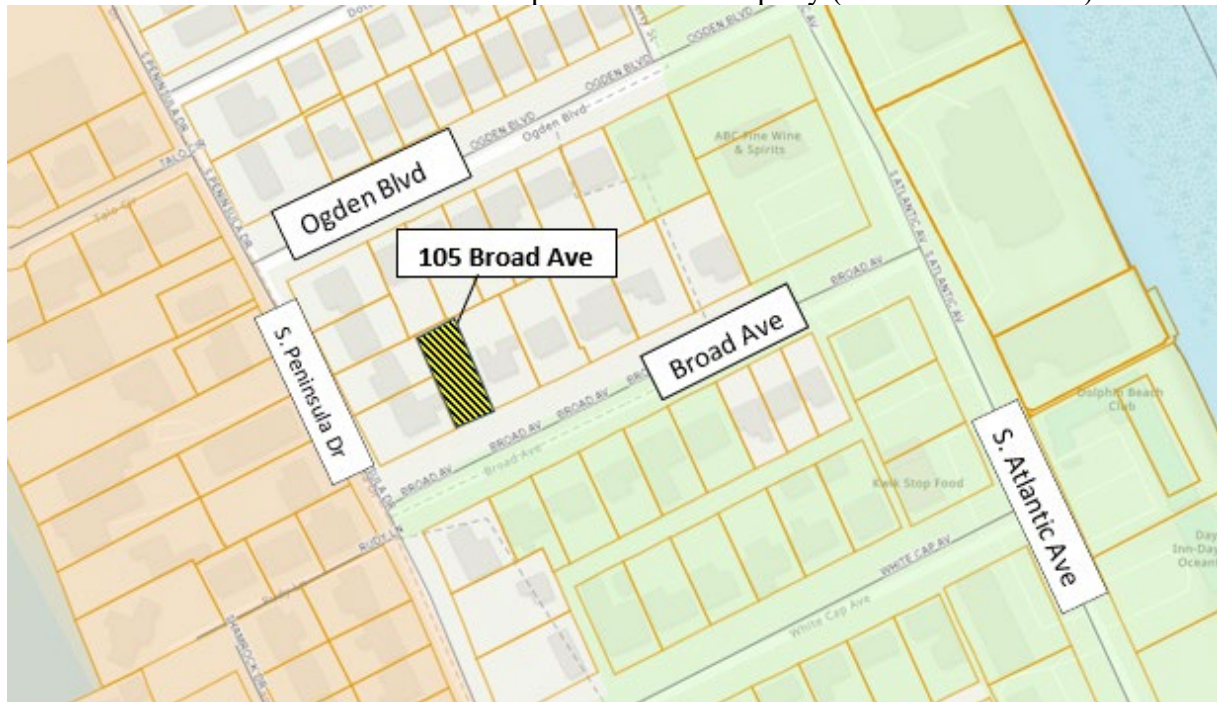
Passed on first reading this _____ day of _____, 2022.

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

EXHIBIT A

THE EASTERLY 60 FEET OF LOTS 26, 27, AND 28, TOGETHER WITH THE NORTHERLY 1/2 OF BROAD AVENUE (PLATTED THIRD AVENUE) LYING BETWEEN THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 28 AND THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28, ALL IN CARTER-NORWOOD REPLAT, AS RECORDED IN MAP BOOK 19, PAGE 16, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF SAID LOT 26; THENCE S25°39'00"E ALONG THE EAST LINE OF SAID LOTS 26, 27, AND 28 AND THE SOUTHERLY EXTENSION THEREOF, 200.04 FEET TO THE CENTERLINE OF BROAD AVENUE; THENCE S64°09'00"W ALONG SAID CENTERLINE, 60.00 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28; THENCE N25°39'00"W ALONG SAID SOUTHERLY EXTENSION AND ALONG THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28, A DISTANCE OF 200.04 FEET TO THE NORTH LINE OF SAID LOT 26; THENCE N64°09'00"E ALONG SAID NORTH LINE, 60.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.276 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (105 Broad Avenue)



Source: Volusia County Property Appraiser Website, 2022



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

432365
RECEIVED

OCT 06 2022

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

12022048

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: 10/6/22

Current Zoning: County Residential

Requested Zoning: RSF-2

Applicant's Name: James Tully

Address: 105 Broad Ave Phone #: _____

Representative: _____

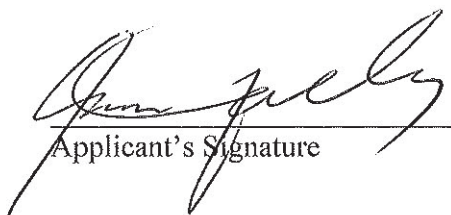
Address: _____ Phone #: _____

Property Address & Parcel ID: 105 Broad Ave

Property Owner: James Tully

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

Legal Description of Property:


Applicant's Signature

10/6/2022
Date

**EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-28**

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the annexed single-family residential property located at 105 Broad Avenue 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 0.28 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	R-9*	Single Family Residence
South	RSF-2	Single Family Residence
East	R-9*	Single Family Residence
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*.

Figure 1: Aerial View-105 Broad Avenue and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2022

Figure 2: 105 Broad Avenue – Zoning Map

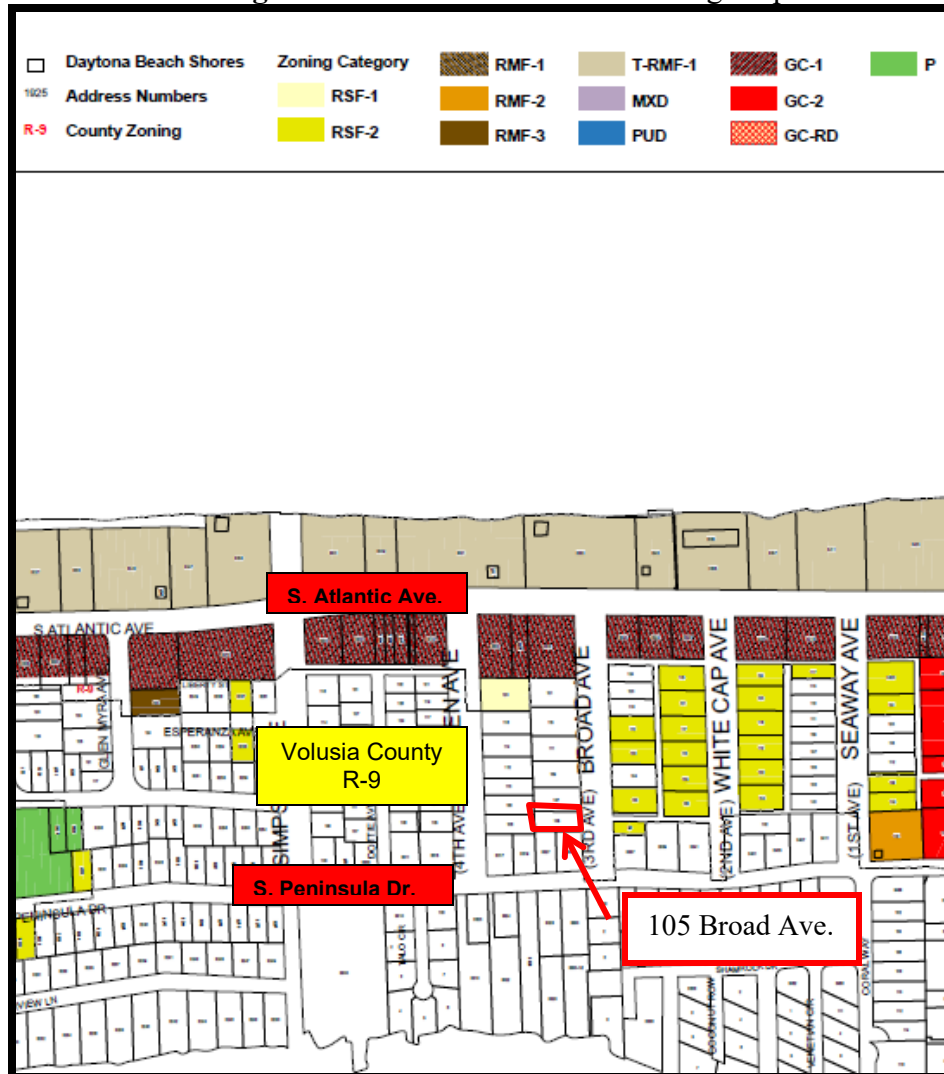


Figure 3: 105 Broad Avenue



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 (1) 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, James Tully. The subject property is located at 105 Broad Avenue and has an acreage of 0.28+/- . The site has vehicular and pedestrian access to the abutting Broad Avenue 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.

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	1.6	1.6	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	176	176	None
Solid Waste (lbs./person) ⁵	16	16	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: 1.6 persons per dwelling unit in DBS
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:

- 2020 US Census
- ITE Trip Generation Manual, 8th 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 Broad 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 NOVEMBER 9, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Ordinance 2022-23: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 2822 S. Atlantic Avenue

SYNOPSIS:

Ordinance 2022-23, if adopted, would amend the City's Adopted Comprehensive Plan Update (2030) Future Land Use Map by assigning the Residential Low Intensity future land use classification to the recently annexed single-family residential property located at 2822 S. Atlantic Avenue (Exhibit A). The application (Exhibit B) was submitted by Krista Goodrich (The Dogg Pound LLC), owner 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 0.34 acres and is occupied by a 2,638 square foot 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 282 S Atlantic Avenue, 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 will 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-4 District zoning classification. The rezoning will occur subsequent to the future land use amendment associated with the subject property.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-23 as presented.

SUGGESTED MOTION:

A City Council Member may motion as follows:

1. "I move to approve Ordinance 2022-23 as presented."

OR

2. "I move to approve Ordinance 2022-23, with the following amendments..."

OR

3. "I move to deny Ordinance 2022-23, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-23-FLUMA-2822 S Atlantic Avenue
 2. Exhibit A-Location Map- 2822 S Atlantic Avenue
 3. Exhibit B-Application
 4. Exhibit C-ORD 2022-23-Planning Analysis-FLUMA-2822 S. Atlantic Avenue

ORDINANCE NO: 2022-23

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 2822 SOUTH ATLANTIC AVENUE, SHORT TAX PARCEL ID 5327-05-00-0980; 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, Peter Truong, Vanessa Truong & Dogg Pound LLC., owners of the real property with short tax parcel ID 5327-05-00-0980 and located at 2822 South Atlantic Avenue, submitted an owner initiated future land use map amendment application to the City of Daytona Beach Shores; and

WHEREAS, Peter Truong, Vanessa Truong & Dogg Pound LLC., 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 +/-0.34-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
2822 South Atlantic Avenue	5327-05-00-0980	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

KURT SWARTZLANDER, 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

LOT 98 LYING EASTERLY OF RIDGE AVENUE, AND THE NORTH 1/2 OF LOT 99 LYING EASTERLY OF RIDGE AVENUE, TOGETHER WITH THE EASTERLY 1/2 RIDGE AVENUE (PER DB 264, PG 543), LYING NORTH OF THE SOUTH LINE OF THE NORTH 1/2 OF LOT 99 AND SOUTH OF THE NORTH LINE OF LOT 98, ALL IN MAP OF PLAT THREE RIVER RIDGE ESTATES, MAP BOOK 9, PAGE 205, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 98; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT 98 AND THE EAST LINE OF THE NORTH 1/2 OF LOT 99 TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID LOT 99; THENCE WESTERLY ALONG SAID SOUTH LINE TO THE CENTERLINE OF RIDGE AVENUE; THENCE NORTHERLY ALONG SAID CENTERLINE TO THE NORTH LINE OF SAID LOT 98; THENCE EASTERLY ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF LOT 98 AND THE POINT OF BEGINNING.
CONTAINING 0.344 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (2822 S. Atlantic Avenue)



Source: Volusia County Property Appraiser Website, 2022



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

**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: ____/____/____

Applicable Section of the Comprehensive Plan: _____

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

Applicant's Name: Krista Goodrich/The Dogg Pound LLC

Address: 2800 S. Peninsula Dr Phone #: 386 341 8557

Property Address: 2822 S. Atlantic Ave

Existing Property Use: Single Family

Representing Attorney (if any): N/A

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:

Lot 98 & N. 1/2 of lot 99 All E of Co Rd
River Ridge Estates Per Or 7501 Pg 3655 Per Or 750 Pg
3656 Per Or 8032 Pg 1552 Per Or 8111 Pg 2692 Per Or
8128 Pg

Description of your request:

Asking to annex into the Shores

[Signature]
Applicant's Signature

8 / 2 / 22
Date

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-23

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 +/- 0.34-acre property is located at 2822 S. Atlantic Avenue. The subject application, if approved, would result in the fourth 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 2822 S. Atlantic Avenue from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Residential Low Intensity*:

Overview:

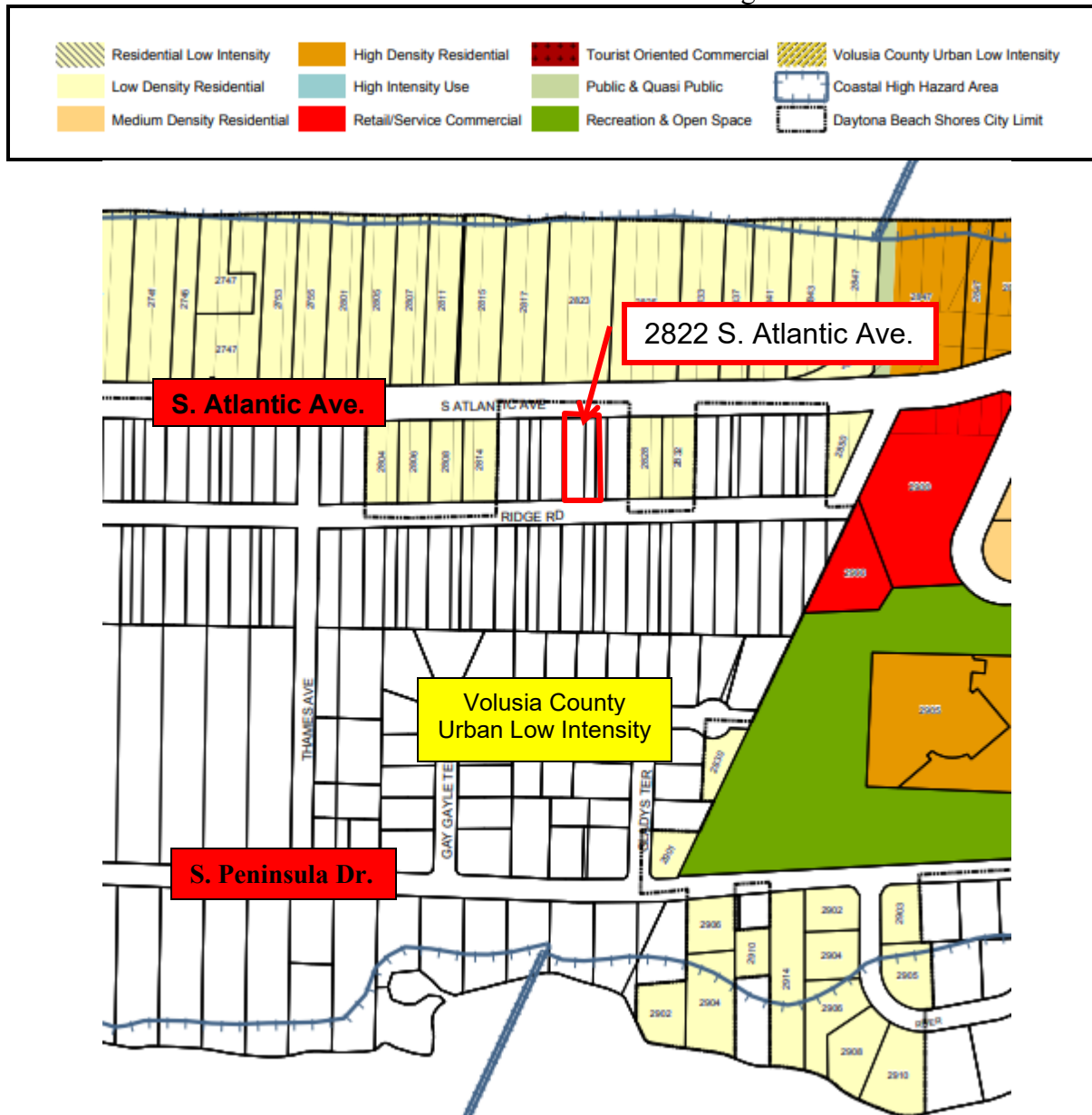
The property is currently vacant. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-4” (Urban Single-Family Residential District), respectively. The surrounding future land use designations and zoning classifications 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-4*	RSF-2	Volusia County Urban Low Intensity	Residential Low Intensity
North	R-4*		Volusia County Urban Low Intensity	
South	R-4*		Volusia County Urban Low Intensity	
East	RSF-1		DBS Low Density Residential	
West	R-4*		Volusia County Urban Low Intensity	

Notes: *R-4 = Volusia County *Urban Single-Family Residential District*; RSF-1 = DBS *Urban Single Family Residential Detached District*

FIGURE 1: 2822 S. Atlantic Avenue - 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. Given the +/-0.34-acre size of the property, the proposed amendment would allow only 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	1.6	1.6	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	176	176	None
Solid Waste (lbs./person) ⁵	16	16	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: 1.6 persons per dwelling unit in DBS
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:

2020 US Census
ITE Trip Generation Manual, 8th 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 Ridge Road, which is a local road connecting to both Thames Avenue and S. Atlantic Avenue (SR A1A). Thames Avenue then connects to both S. Peninsula Drive which is a two laned minor arterial road and S. Atlantic Avenue (SRA1A) which 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. There will be no net change in vehicular trips as demonstrated in **Table 2** above and 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 consistent with the current future land use. 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 that the City of Port Orange sewer treatment 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 176 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 1.6 persons, which together would theoretically generate 16 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 1.6 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 **Figure 2**.

Figure 2: Aerial View of 2822 S. Atlantic Avenue and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2022

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 for Ridge Road, Thames 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 NOVEMBER 9, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Ordinance 2022-25: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 3615 Cardinal Boulevard

SYNOPSIS:

Ordinance 2022-27, 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 3615 Cardinal Boulevard (Exhibit A). The application (Exhibit B) was submitted by Theresa Durkin, owner 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 0.15 acres and is occupied by a 1,278 square foot 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 3615 Cardinal Boulevard, 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 will 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-6 District zoning classification. The rezoning will occur subsequent to the future land use amendment associated with the subject property.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-25 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-25 as presented."

OR

2. "I move to approve Ordinance 2022-25, with the following amendments..."

OR

3. "I move to deny Ordinance 2022-25, on the basis of the following..."

ATTACHMENT:

1. ORD 2022-25-FLUMA-3615 Cardinal Blvd-Durkin
2. Exhibit A-Location Map-3615 Cardinal Blvd
3. Exhibit B-Application
4. Exhibit C-ORD 2022-25-Planning Analysis-FLUMA-3615 Cardinal Blvd

ORDINANCE NO: 2022-25

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 3615 CARDINAL BOULEVARD, SHORT TAX PARCEL ID 6302-05-10-0111; 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, Theresa Durkin, owner of the real property with short tax parcel ID 6302-05-10-0111 and located at 3615 Cardinal Boulevard, submitted an owner initiated future land use map amendment application to the City of Daytona Beach Shores; and

WHEREAS, Theresa Durkin, owner of the subject property, is 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 +/-0.15-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
3615 Cardinal Boulevard	6302-05-10-0111	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

KURT SWARTZLANDER, 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.

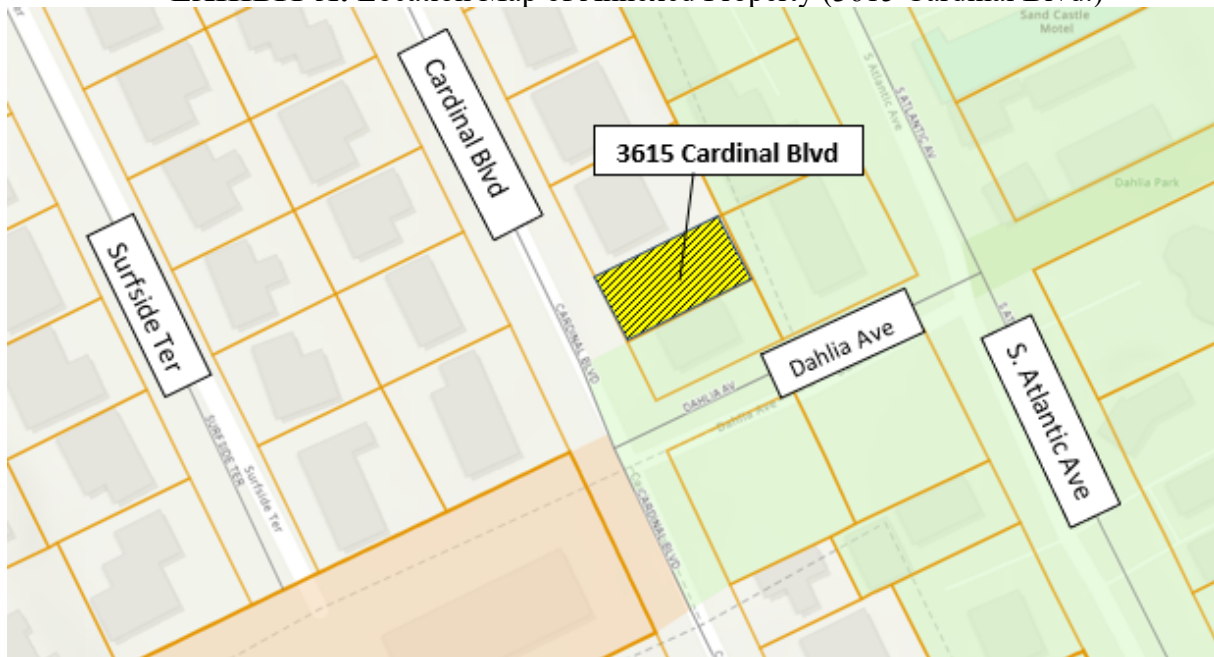
EXHIBIT A

THE WEST 100 FEET OF LOT 11, BLOCK 10, TOGETHER WITH THE EASTERLY 1/2 OF CARDINAL BOULEVARD (PLATTED PENINSULA BLVD) LYING BETWEEN THE WESTERLY EXTENSION OF THE NORTH AND SOUTH LINES OF SAID LOT 11, ALL IN MAP OF OCEAN VIEW SECTION OF HALIFAX ESTATES, AS RECORDED IN MAP BOOK 11, PAGE 100, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 11; THENCE N60°52'43"E ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 100.00 FEET TO THE EAST LINE OF THE WEST 100 FEET OF SAID LOT 11; THENCE S28°28'17"E ALONG SAID EAST LINE, 50.00 FEET TO THE SOUTH LINE OF SAID LOT 11; THENCE S60°52'43"W ALONG SAID SOUTH LINE AND THE WESTERLY EXTENSION THEREOF, 135.00 FEET TO THE CENTERLINE OF SAID CARDINAL BOULEVARD; THENCE N28°28'17"W ALONG SAID CENTERLINE, 50.00 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 11; THENCE ALONG SAID WESTERLY EXTENSION N60°52'43"E, 35.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.155 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (3615 Cardinal Blvd.)



Source: Volusia County Property Appraiser Website, 2022



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

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: 5.24.22

Applicable Section of the Comprehensive Plan: _____

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

Applicant's Name: Terry Durbin

Address: 3615 Cardinal Blvd Phone #: 386-881-7690

Property Address: Daytona Beach

Existing Property Use: _____

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:

Description of your request:

Terry Durbin
Applicant's Signature

5.24.22
Date

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-25

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 +/- 0.15-acre property is located at 3615 Cardinal Boulevard. The subject application, if approved, would result in the fifth 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 3615 Cardinal Blvd. from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Residential Low Intensity*:

Overview:

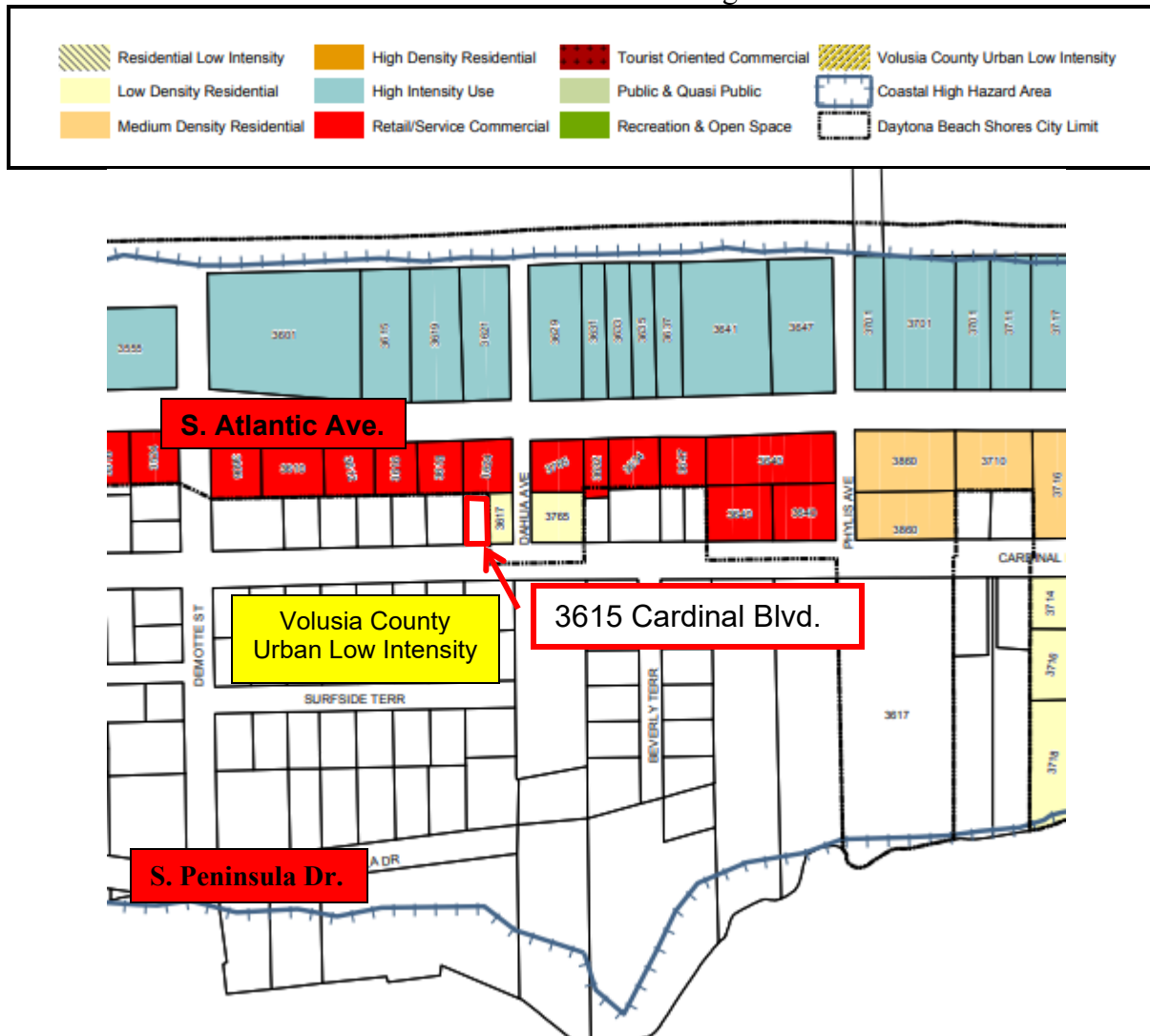
The property is currently vacant. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-6” (Urban Single-Family Residential District), respectively. The surrounding future land use designations and zoning classifications 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-6*	RSF-2	Volusia County Urban Low Intensity	Residential Low Intensity
North	R-6*		Volusia County Urban Low Intensity	
South	RSF-2		DBS Low Density Residential	
East	GC-2		Retail Service Commercial	
West	R-4*		Volusia County Urban Low Intensity	

Notes: *R-4 & R-6 = Volusia County *Urban Single-Family Residential District*.

FIGURE 1 3615 Cardinal Blvd.- 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. Given the +/-0.15-acre size of the property, the proposed amendment would allow only 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	1.6	1.6	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	176	176	None
Solid Waste (lbs./person) ⁵	16	16	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: 1.6 persons per dwelling unit in DBS
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:

2020 US Census
ITE Trip Generation Manual, 8th 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 Cardinal Blvd., which is a local road connecting to Dunlawton Boulevard (SR421). The subject property is one property north of Dahlia Avenue which connects to S. Atlantic Avenue (county). 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. Atlantic Avenue and Dunlawton Blvd is “D” and both are operating at acceptable levels of service. There will be no net change in vehicular trips as demonstrated in **Table 2** above and 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 consistent with the current future land use. 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 that the City of Port Orange sewer treatment 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 176 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 1.6 persons, which together would theoretically generate 16 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 1.6 residents to the City of Daytona Beach Shores. 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
		1	None

Community Center	one per 20,000 people		
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 **Figure 2**.

Figure 2: Aerial View of 3615 Cardinal Blvd. and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2022

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 for Cardinal Blvd, Dunlawton Blvd or S

Atlantic Avenue; 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 NOVEMBER 9, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Ordinance 2022-27: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 105 Broad Avenue

SYNOPSIS:

Ordinance 2022-27, 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 105 Broad Avenue (Exhibit A). The application (Exhibit B) was submitted by James Tully, owner 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 0.28 acres and is occupied by a 2,748 square foot 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 105 Broad Avenue, 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 will remain in full force and effect until the City changes the future land use classification and zoning designation of the subject property. The purpose of this application is to realize the former. Additionally, the property owner has also submitted an application to rezone the property to the City's RSF-2 Urban Single-Family Residential Detached District, consistent with the existing and surrounding land uses and current Volusia County R-9 District zoning classification. The rezoning will occur subsequent to the future land use amendment associated with the subject property.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-27 as presented.

SUGGESTED MOTION:

A City Council Member may motion as follows:

1. "I move to approve Ordinance 2022-27 as presented."

OR

2. "I move to approve Ordinance 2022-27, with the following amendments..."

OR

3. "I move to deny Ordinance 2022-27, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-27-FLUMA-105 Broad Avenue
 2. Exhibit A-Location Map-105 Broad Avenue
 3. Exhibit B- Application
 4. Exhibit C-Planning Analysis-FLUMA-105 Broad Avenue-ORD 2022-27

ORDINANCE NO: 2022-27

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 PROPERTY LOCATED AT 105 BROAD AVENUE, SHORT TAX PARCEL ID 5335-05-00-0260; 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, James Tully, owner of the real property with short tax parcel ID 5335-05-00-0260 and located at 105 Broad Avenue, submitted an owner initiated future land use map amendment application to the City of Daytona Beach Shores; and

WHEREAS, James Tully, owner of the subject property, is 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 +/-0.28-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
105 Broad Avenue	5335-05-00-0260	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

KURT SWARTZLANDER, 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.

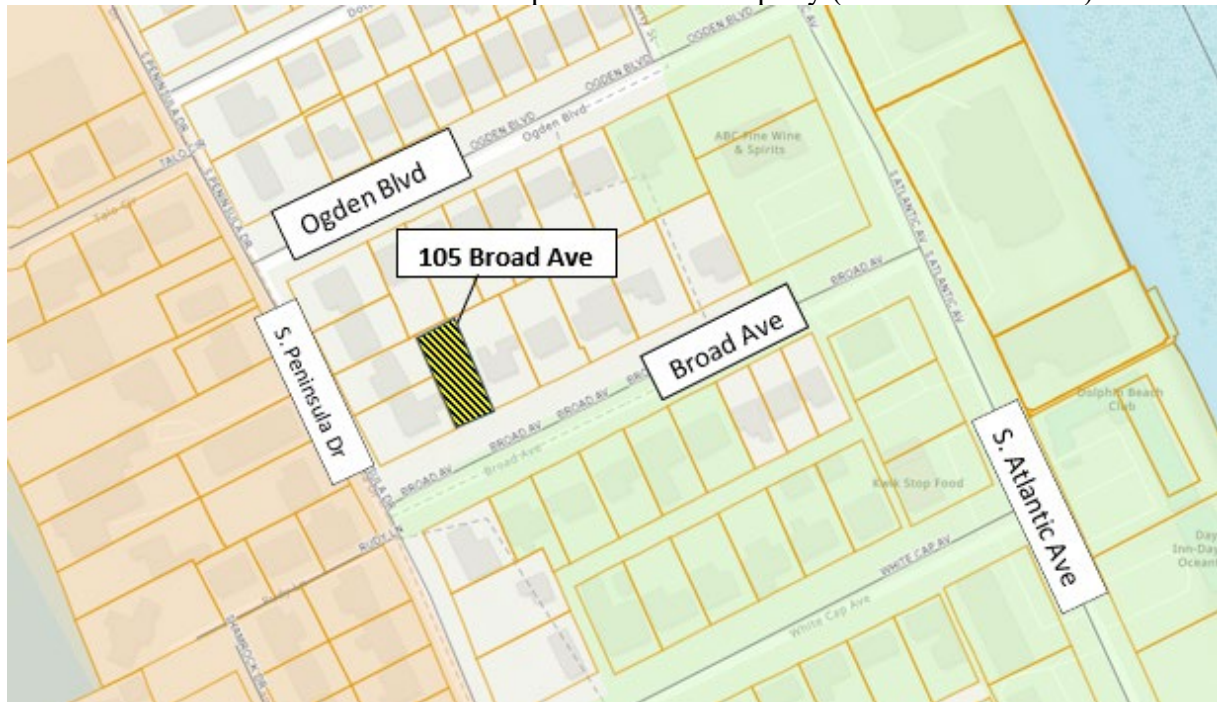
EXHIBIT A

THE EASTERLY 60 FEET OF LOTS 26, 27, AND 28, TOGETHER WITH THE NORTHERLY 1/2 OF BROAD AVENUE (PLATTED THIRD AVENUE) LYING BETWEEN THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 28 AND THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28, ALL IN CARTER-NORWOOD REPLAT, AS RECORDED IN MAP BOOK 19, PAGE 16, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 26; THENCE S25°39'00"E ALONG THE EAST LINE OF SAID LOTS 26, 27, AND 28 AND THE SOUTHERLY EXTENSION THEREOF, 200.04 FEET TO THE CENTERLINE OF BROAD AVENUE; THENCE S64°09'00"W ALONG SAID CENTERLINE, 60.00 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28; THENCE N25°39'00"W ALONG SAID SOUTHERLY EXTENSION AND ALONG THE WEST LINE OF THE EASTERLY 60 FEET OF SAID LOTS 26, 27, AND 28, A DISTANCE OF 200.04 FEET TO THE NORTH LINE OF SAID LOT 26; THENCE N64°09'00"E ALONG SAID NORTH LINE, 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.276 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (105 Broad Avenue)



Source: Volusia County Property Appraiser Website, 2022



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

432365

RECEIVED

OCT 06 2022

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BUILDING AND CODES DIVISION
DAYTONA BEACH SHORES

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: 10.6.22

Applicable Section of the Comprehensive Plan: Future Land Use Map

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

Applicant's Name: James Tully

Address: 105 Broad Ave Phone #: _____

Property Address: 105 Broad Ave

Existing Property Use: Single-Family Residential

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:

Description of your request:

Change FLM class from county residential to city
residential for annexation.

James Tully
Applicant's Signature

10.6.22
Date

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2022-27

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 +/- 0.28-acre property is located at 105 Broad Avenue. The subject application, if approved, would result in the sixth 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 105 Broad Avenue from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Residential Low Intensity*:

Overview:

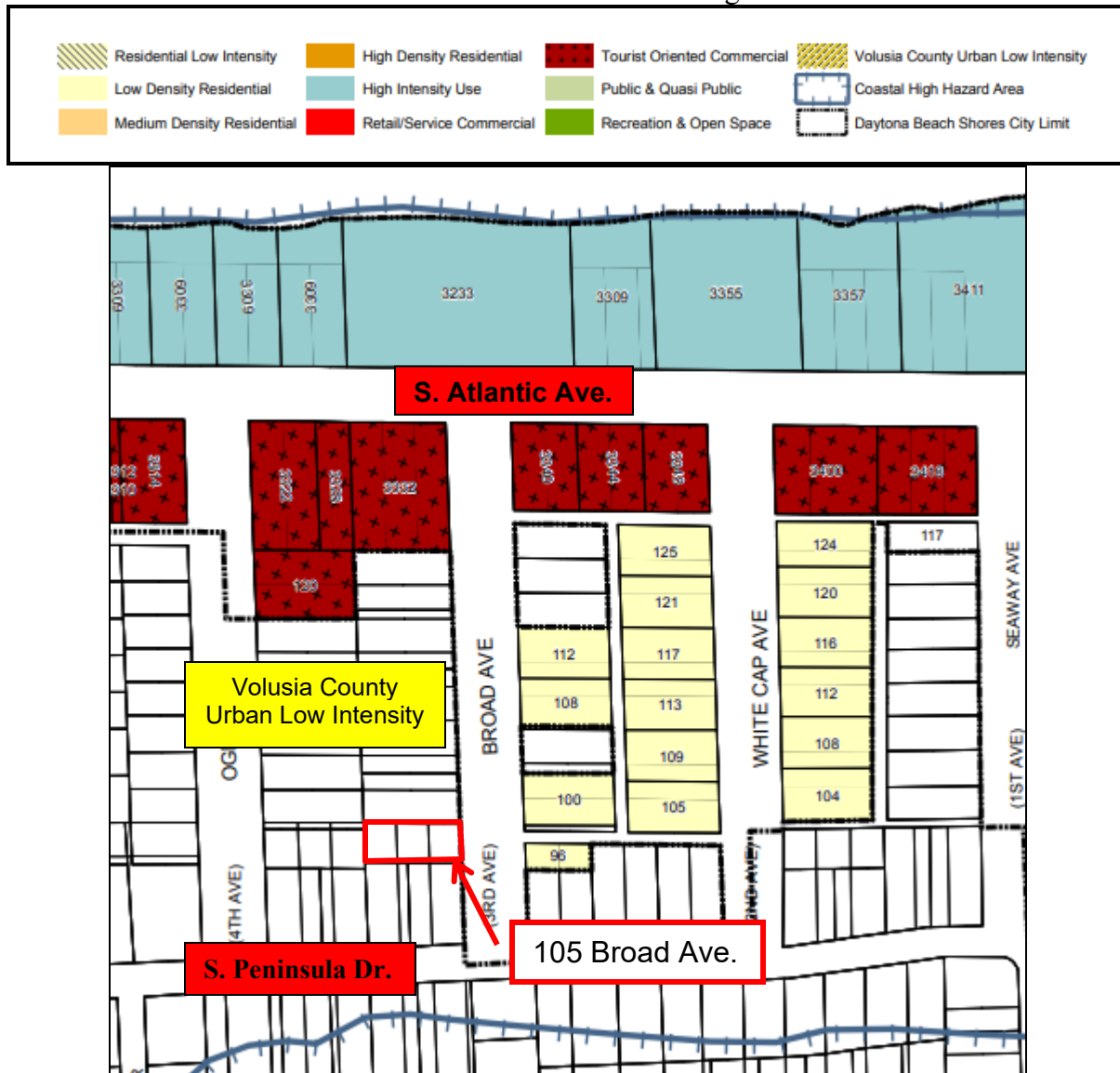
The property is currently vacant. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-9” (Urban Single-Family Residential District), respectively. The surrounding future land use designations and zoning classifications 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	R-9*		Volusia County Urban Low Intensity	
South	RSF-2		DBS Residential Low Intensity	
East	R-9*		Volusia County Urban Low Intensity	
West	R-9*		Volusia County Urban Low Intensity	

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

FIGURE 1: 105 Broad Avenue - 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 +/-0.28-acre size of the property, the proposed amendment would allow only 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	1.6	1.6	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	176	176	None
Solid Waste (lbs./person) ⁵	16	16	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: 1.6 persons per dwelling unit in DBS
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:

2020 US Census
ITE Trip Generation Manual, 8th 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 Broad 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. There will be no net change in vehicular trips as demonstrated in **Table 2** above and 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 consistent with the current future land use. However, since no increase in the number of entitled dwellings units would occur there is no net change in theoretical demand. Regardless, it

should be noted that the City of Port Orange sewer treatment 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 176 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 1.6 persons, which together would theoretically generate 16 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 1.6 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 **Figure 2**.

Figure 2: Aerial View of 105 Broad Avenue and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2022

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 for Broad 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 NOVEMBER 9, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Non-conforming Sign Removal Incentive Grant Application: 2010 S. Atlantic Avenue, Angels X LLC, (Generation X Tattoo).

SYNOPSIS:

The City received the subject Nonconforming Sign Removal Incentive Grant Application on October 17, 2022 from Angels X LLC (Jodi Tomlinson), owner of the property located at 2010 S. Atlantic Avenue. The sign grant, if approved, would be used to assist the property owner with the costs associated with replacing the existing nonconforming sign with a new conforming monument sign. The total cost of the sign is \$8,225. Therefore, the applicant would qualify for \$2,000 in grant reimbursement subsequent to the construction of the new conforming monument sign.

FISCAL IMPACT STATEMENT:

BACKGROUND:

In conducting an analysis of the application relative to the grant program eligibility requirements and other program parameters, staff has determined that the application qualifies and meets all grant requirements. Two sign quotes were provided and the applicant's preferred sign vendor, SLS-Southeastern Lighting Solutions, provided a quote of \$8,225. PJ Signs provided two sign quotes depending on the ability to use the existing sign base. The first quote from PJ Signs is for \$15,644.85 and the second quote is for \$18,807.90. The applicant would qualify for a grant of \$2,000 as the minimum amount that can be allocated is \$2,000.

A copy of the grant application and proposed sign rendering can be seen in **Exhibit A**. **Exhibit B** provides a location map and street view of the existing nonconforming sign, while **Exhibit C** provides an evaluation of the application compared to the grant eligibility requirements and program parameters.

LEGAL REVIEW:

Council discretion.

RECOMMENDATION:

Staff recommends approval of the sign grant on the condition that the new sign meets all the requirements of the applicable City sign standards and that no code enforcement violation on the property exists prior to the disbursement of the City sign grant funds.

SUGGESTED MOTION:

A City Council member may move as follows:

“I move to approve the Non-Conforming Sign Removal Incentive Grant application for 2010 S. Atlantic Avenue, Angels X LLC (Generation X Tattoo) in the amount of \$2,000 on the condition that the new sign meets all the required City sign standards and that no code enforcement violation on the property exists prior to the disbursement of the City sign grant funds.”

- ATTACHMENT:**
1. Exhibit A- Application and Rendering
 2. Exhibit B-Location Map & Street View
 3. Exhibit C-Evaluation



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

432433

Date Received: _____

Time Received: _____
RECEIVED
 Application Complete: Y/N

OCT 17 2022

BUILDING AND CODES DIVISION
 CITY OF DAYTONA BEACH SHORES

12022057
 City of Daytona Beach Shores

Non-Conforming Sign Removal Incentive Grant Application

NOTE: Grant application submission deadline is November 12, 2022

A. Property Information

Property Address: 2010 S. Atlantic Ave Parcel No: _____
Daytona Beach Shores, FL 32118

Existing Property Use/Business: Body Art Service

Property Owner's Name: Angels X LLC (Jodi Tomlinson)

Property Owner's Address: P.O. Box 7198, Daytona Beach, FL 32116

Owner's Telephone No: (386) 5166-9201 Owner's Fax No: N/A

B. Applicant Information (if not owner)

N/A

Applicant's Name: _____

Address: _____

Telephone No: _____ Fax No: _____

*Applicant is: ☐ Contract Purchaser ☒ Property Owner/Developer ☐ Tenant/ Agent for Owner

*If applicant is other than Property Owner, authorization affidavit (Sec. E) must be provided with application.

C. Proposed Signage

At least two (2) quotes shall be provided from two (2) different sign vendors. Quotes shall at a minimum provide textual description and/or graphic representation of the following:

1. Sign Height: ☐; Sign Width: ☐; Sign Face Area: ☐; Illumination: ☐; Materials: ☐; Colors: ☐; Address: ☐; Style: ☐; Reader Board (indicate whether manual or electronic): ☐
2. Site Plan indicating location of proposed landscaping, existing and proposed signs, including setbacks and line of sight: ☐
3. Description of proposed landscaping: ☐
4. Written letter indicating consistency with Chapter Six (6) of the City's LDC: ☐
5. Name, address and contact information of each sign vendor: ☐

6. Picture and dimensional specifications of existing sign: ☐
7. Pictures and location addresses of signs similar in material and design (if available): ☐
8. Material samples of decorative base and cabinet (if available): ☐

D. Budget

Cost of design/engineering

Cost of alteration, manufacture, and installation of sign

TOTAL SIGNAGE COST

AMOUNT REQUESTED FROM SIGN GRANT PROGRAM

\$ 1,575.⁰⁰
 \$ 8,078.⁰⁰
 \$ 9,653.⁰⁰
 \$ 3,000.⁰⁰

BY SIGNING BELOW, I HEREBY CERTIFY THAT THIS IS AN APPLICATION FOR NEW OR ALTERED SIGNAGE. THE PROPOSED SIGN HAS NOT BEEN ALTERED, ERECTED OR FABRICATED IN WHOLE OR IN PART. WORK ON THE SIGN WILL NOT COMMENCE PRIOR TO RECEIPT OF WRITTEN APPROVAL FROM THE CITY OF DAYTONA BEACH SHORES. I UNDERSTAND THAT ALTERATION, FABRICATION OR INSTALLATION OF THE SIGN PRIOR TO SUCH APPROVAL IS GROUNDS FOR DENIAL OF MY SIGN GRANT APPLICATION BY THE CITY.

By signing below, I further certify that all information contained in this application and all documentation submitted herewith is true and correct to the best of (my) (our) knowledge and belief. I acknowledge that I fully understand the requirements relating to the specific Non Conforming Sign Removal Grant that I am applying for and that I fully understand and agree to the process for the application and disbursements of grant funds, as outlined in the Non Conforming Sign Removal Grant Program. Moreover, I acknowledge and agree that the conditions imposed by the City Council shall apply to my permit, if approved, and that the city may impose further conditions pursuant to the City's Code of Ordinances.

OWNER's SIGNATURE

[Signature]

STATE OF

FL

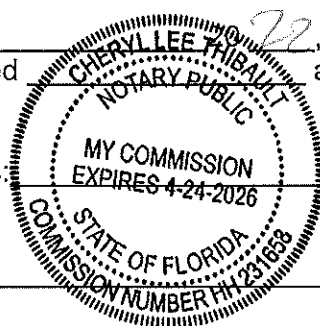
COUNTY OF

Volusia

Sworn to and subscribed before me this 12 day of October, by Jodi Tomlinson who is personally known to me or has produced _____ and who did (did not) take an oath.

Cheryl Lee Trubault

My Commission Expires:



APPLICANT's SIGNATURE (if applicant not owner)

STATE OF

COUNTY OF

Sworn to and subscribed before me this _____ day of _____, 20____, by _____ who is personally known to me or has produced _____ and who did (did not) take an oath.

Notary Public

My Commission Expires: _____

E. Notice and Affirmation of Permit Requirements

By signing below, I hereby acknowledge that the grant application process and approval is only for the disbursement of grant funds and does not constitute a sign permit. By signing below, I further acknowledge that a sign permit is required from the Daytona Beach Shores Building Department and that the approval of a sign grant does not relieve applicant, owner or project from the City's Land Development Code sign regulations or the Florida Building Code.

Signature: Jodi Thompson ☒ Owner ☐ Applicant

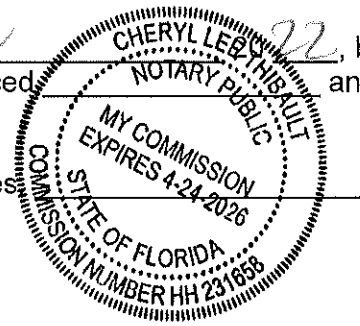
Date: 10-17-22

STATE OF FL COUNTY OF Volusia

Sworn to and subscribed before me this 17 day of October, 2022, by Jodi Thompson who is personally known to me or has produced _____ and who did (did not) take an oath.

Cheryl Leebault
Notary Public

My Commission Expires: _____



F. Affidavit of Authorization (if applicant not owner)

I, _____, owner of the property described herein, hereby authorize _____, and its agents, to make application for _____ to the City of Daytona Beach Shores for the property described in this application.

PROPERTY OWNER's Signature: _____

Date: _____

STATE OF _____ COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, 20____, by _____ who is personally known to me or has produced _____ and who did (did not) take an oath.

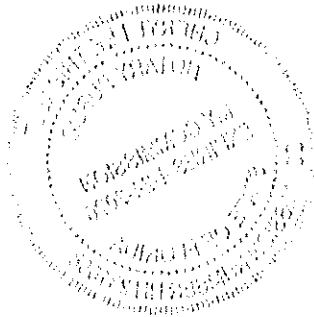
Notary Public

My Commission Expires: _____

G. Checklist

1. Signed Application: ☒
2. Sec. C, proposed sign specs, site plan and illustration, etc: ☒
3. Sec. D, two (2) written cost estimates (budget) for work (on vendor letterhead): ☒

4. Sec. E, signed authorization affidavit (if applicable): ☐
5. Sec. F, signed authorization affidavit (if applicable): ☐
6. Is the property subject to any code enforcement action and/or delinquent on any accounts payable to the City? Yes ☐ No ☐



**Daytona Beach Shores
Non-conforming Sign Removal Incentive Grant Program 2022**

Goal

To enhance the Daytona Beach Shores South Atlantic Avenue/Dunlawton Boulevard Streetscape.

Purpose

To provide financial assistance to property owners and businesses of non-conforming, freestanding pole/ground signs with costs associated in replacing, eliminating or altering non-conforming, freestanding signs into conformity.

Overview

Considering the economic impact and supply chain issues experienced by local businesses, on April 12, 2022, the Daytona Beach Shores City Council adopted Ordinance 2022-11, which extended the deadline for sign owners to bring their non-conforming freestanding pole/ground signs into conformity with the City's monument sign ordinance. The grant program shall terminate upon the expiration date of the aforementioned extended deadline.

Eligibility Requirements

1. The sign shall not be an abandoned sign.
2. The sign shall be a freestanding pole/ground sign made non-conforming as a result of Ordinance 2012-02.
3. Temporary and exempt signs per Ord. 2012-02 do not qualify for this program.
4. Qualifying non-conforming pole/ground signs shall either be altered into conformity or removed and replaced with a new conforming sign.
5. The subject property shall be located in the GC-1, GC-2, GC-RD or T zoning district.
6. The sign shall be located on a property directly abutting S. Atlantic Avenue/SR A1A or Dunlawton Boulevard.
7. The signs shall serve to advertise an onsite business. For the purposes of this grant, a business shall be defined as a retail/service/office commercial, hotel/motel or any other business approved by the Daytona Beach Shores City Council.
8. There shall be an active/operating bona fide business on the subject qualifying property. The business shall possess a valid Business Tax Receipt and Certificate of Use permit.
9. Any work initiated, or costs incurred, prior to receiving City Council grant approval shall not be grant eligible.
10. Sign design and plan shall conform to all applicable City standards.
11. Property/business owner shall be current on all accounts payable to the City.
12. Properties subject to Code Enforcement action shall not qualify for this grant.

Program Description

Applications shall be reviewed on a first-come-first-served basis from the time a complete submittal is received until all budgeted grant funding is allocated. Incomplete applications will not be considered.

The Non-Conforming Sign Removal Incentive Grant Program is a reimbursable dollar-for-dollar matching grant, capped as follows:

Land Use & Sign Type	Year	Percentage	Minimum Award	Maximum Award
All Types	2022	15% of cost	\$2,000	\$3,000

Program Requirements

The following grant applications will be given priority in the evaluation process: applications with signs that are more egregious in nonconformity; applications with signs that will be altered into conformity; and applications with signs that do not require any variances.

1. **Grant application submission deadline is November 12, 2022.** New grant applications and/or incomplete grant applications submitted after this date shall not be considered.
2. Grant applications shall be reviewed by staff for completeness and presented to the City Council for consideration.
3. The City Council may make binding conditions regarding the application under consideration, including, but not limited to, design and location of sign.
4. Grants shall only pay for sign costs associated with design/engineering, sign making, installation, and/or alteration.
5. Applications shall have at least two (2) quotes from licensed sign contractors.
6. Property owner shall obtain relevant City permits prior to the start of construction.
7. Grant reimbursement will be made upon completion of a project as determined solely by the City and a successful inspection by the City's Building Department, including a demonstration that the constructed sign meets the terms of applicable codes and grant conditions, if any.
8. To qualify for grant reimbursement, on site sign construction shall not commence until after City Council approval.
9. Completion of work and a successful inspection is required no later than 120 days subsequent to City Council approval.
10. Written extensions may be awarded by the City Manager for a period not exceeding 120 days.



11/1/2022

GENERATION X TATTOO

2010 S ATLANTIC, DAYTONA BEACH SHORES

Southeastern Lighting Solutions is pleased to provide you with the following price proposal to:

Option 1: To cut existing pole and lower to 8' (City Specs) \$1575 and add new base cover and top with addresses with brick veneer to match building (City Specs) \$6400. Engineering \$250

Total: \$8225

Notes:

1. Permit fees are additional.
2. Prices are effective for 30 days from date of proposal.
3. Subject to additional terms and conditions to be agreed upon by the parties.
4. A 25% restocking charge will apply to cancellations and changes to original order.

Signature: _____ Date: _____

Evelyn Espinal
Project Manager



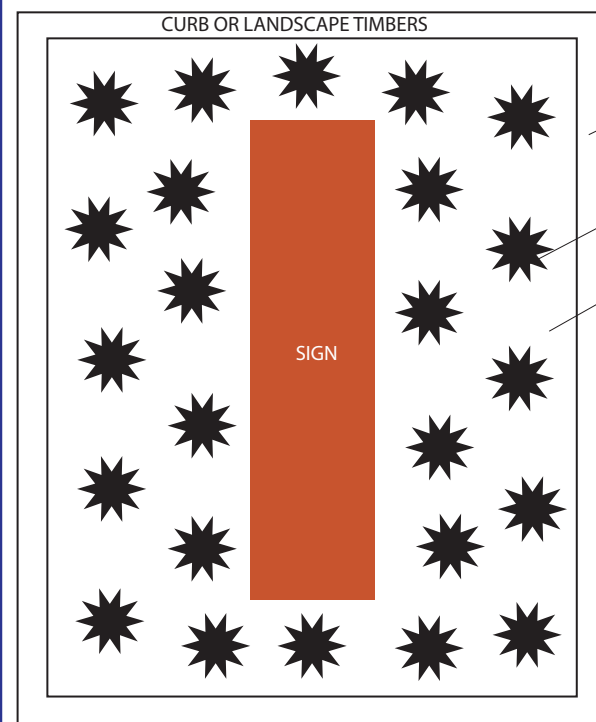
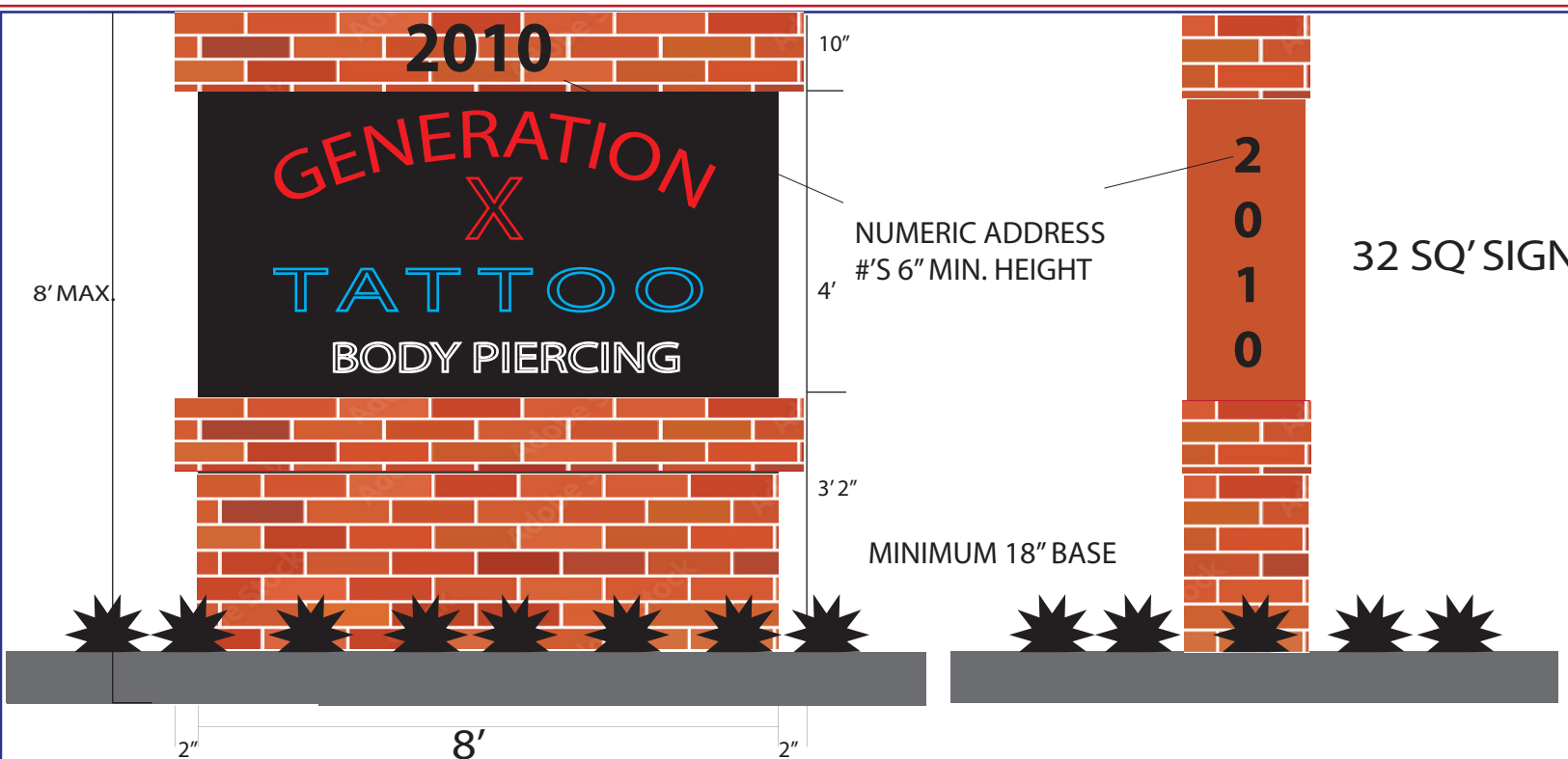
evelyn@southeasternlightingsolutions.com

Phone: 386-238-1711

Fax: 386-238-1300

Toll Free: 1-866-322-6366

821 FENTRESS COURT DAYTONA BEACH, FLORIDA 32117 PHONE – (386)238-1711 ES# 12001826



CLEARLY DEFINED LANDSCAPE BED

SHRUBS AND GROUND COVER PLANTS
SIGN AREA SQ. X .45 ROUNDED UP = NUMBER
OF 1 GALLON PLANTS 18" ON CENTER.

2" MINIMUM MULCH BED

The sign structure shall complement the principal structure, with regards to materials, color, finish, and architectural features. This includes the application of materials consistent with the principal building to the base and along the sides and top of the sign face or cabinet.



Daytona Office:
821 Fentress Ct.
Daytona Beach, FL 32117
386-238-1711
Web. www.selightingsolutions.com

THIS IS AN ORIGINAL DOCUMENT CREATED FOR YOU BY AND REMAINS THE PROPERTY OF: SOUTHEASTERN LIGHTING SOLUTIONS. IT IS FOR THE SOLE USE OF THE CUSTOMER AND SOUTHEASTERN LIGHTING SOLUTIONS TO COMMUNICATE PROPOSED IMPROVEMENTS TO THE PROJECT PROPERTY LISTED IN THE DESCRIPTION. IT IS NOT TO BE SHARED, COPIED, USED OR REPRODUCED FOR ANY OTHER PURPOSE OTHER THAN THE COMMUNICATIONS BETWEEN THE CUSTOMER AND SOUTHEASTERN LIGHTING SOLUTIONS.

DRAWING NUMBER:	REVISIONS:	DATE:
1	00	12/22/2021

CUSTOMER:
GEN X TATTOO

LOCATION ADDRESS:
**2010 SOUTH ATLANTIC
DAYTONA BEACH SHORES
FLORIDA 32118**

PROJECT INFORMATION:

50% DEPOSIT REQUIRED ON MANUFACTURING JOBS
WITH BALANCE UPON COMPLETION

DRAWING : N.T.S.

Customer approval _____
Date / /

PAGE: 1 OF 1

PJ SIGNS

Proposal

October 14, 2022

For: Jodi
Client Gen X Tattoo
Address 2016 A1A
City/State/Zip DB
Phone Number 253-5857, 566-9201
Contact Jodi

Job: 2016 - Drawing #GX10.13.22

PJ's Agrees to supply Labor, Materials and necessary equipment to perform the work described below:

Number of attached pages: 0

To design, fabricate and install an aluminum over angle aluminum sign cabinet with aluminum routed face, backed with white acrylic. Cabinet and non-illuminated address panels painted black. Base to be faux brick to compliment building. Accents to be red. Non-illuminated address numbers on both sides and faces of cabinet. Illumination provided by LEDs. Sign installed on schedule 40 pole in concrete footer per engineering specifications.

All Structural & Landscape Engineering Permitting Fees included!

A. To demo existing sign, remove & discard	\$ 450.00
If we are able to RE-USE the existing Footers & Poles	\$14,240.00
	\$14,690.00
	FL tax 954.85
50% Deposit \$7,345.00 + tax 954.85 =	\$8,299.85
	\$15,644.85

B. To demo existing sign, remove pole, and footers and discard	\$ 1,800.00
If we must provide NEW Schedule 40 Pole and pour new Footers	\$15,860.00
	\$17,660.00
	FL tax 1,147.90
50% Deposit \$8,830.00 + tax 1,147.90 =	\$9,977.90
	\$18,807.90

NO Landscaping provided (Landscaping Code attached in email)

Warranties:

2 years on craftsmanship/PJ Signs
5 years vinyl/Manufacturer
5 years LEDs/Manufacturer

pjsigns386@gmail.com

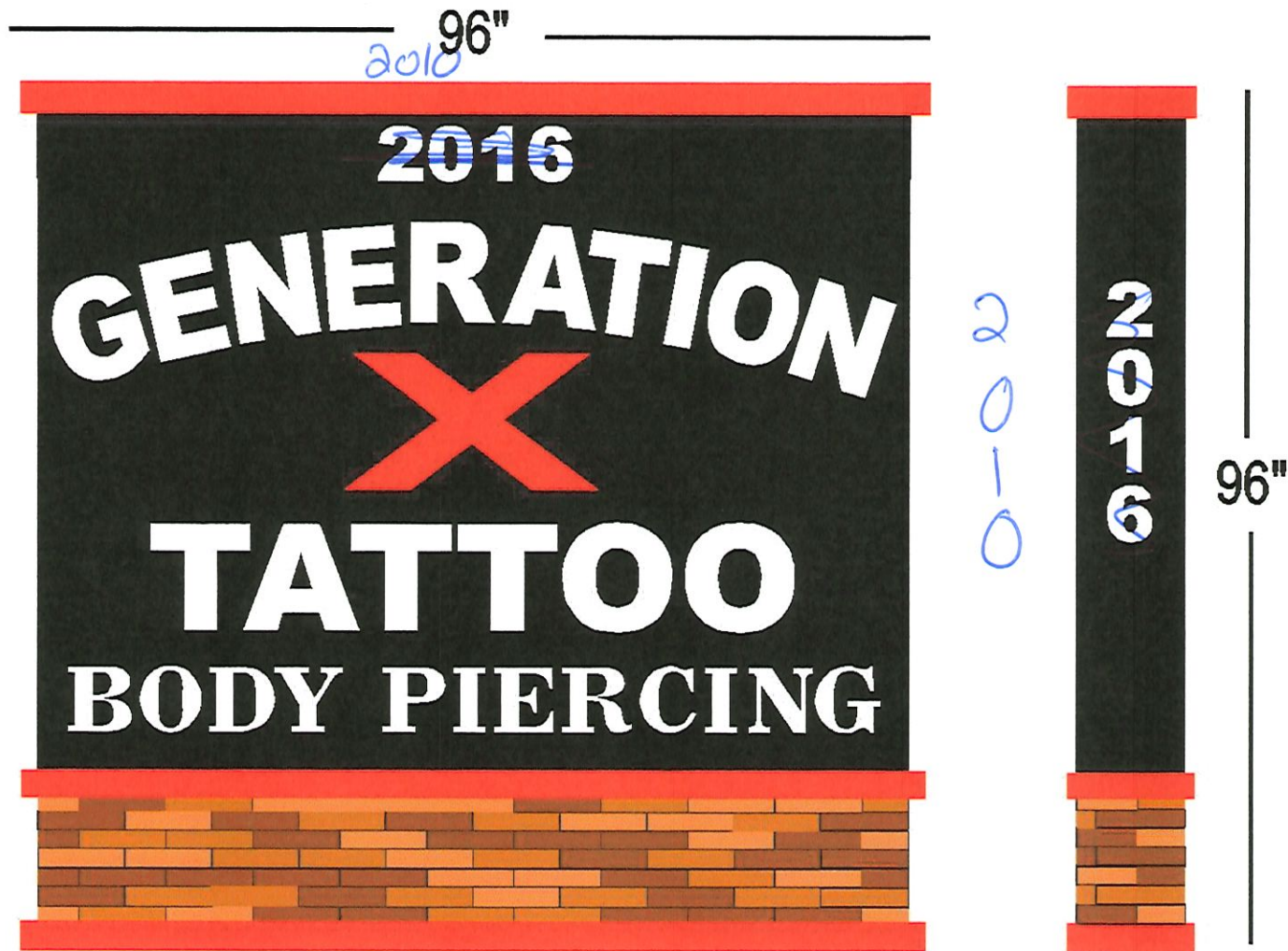
Accepted by _____ Title _____ Date _____

PJ SIGNS

614 Fern Avenue
Holly Hill, FL 32117

Phone 386-257-4522

Fax 386-257-5122



Customer
Generation X

Date
10.13.22

Scale
.5"=1'0"

Drawing #
GX10.13.22

Approved as is ☐
Approved w/changes ☐
Redraw w/changes ☐

PJ Sign Systems © 2020 Original Design

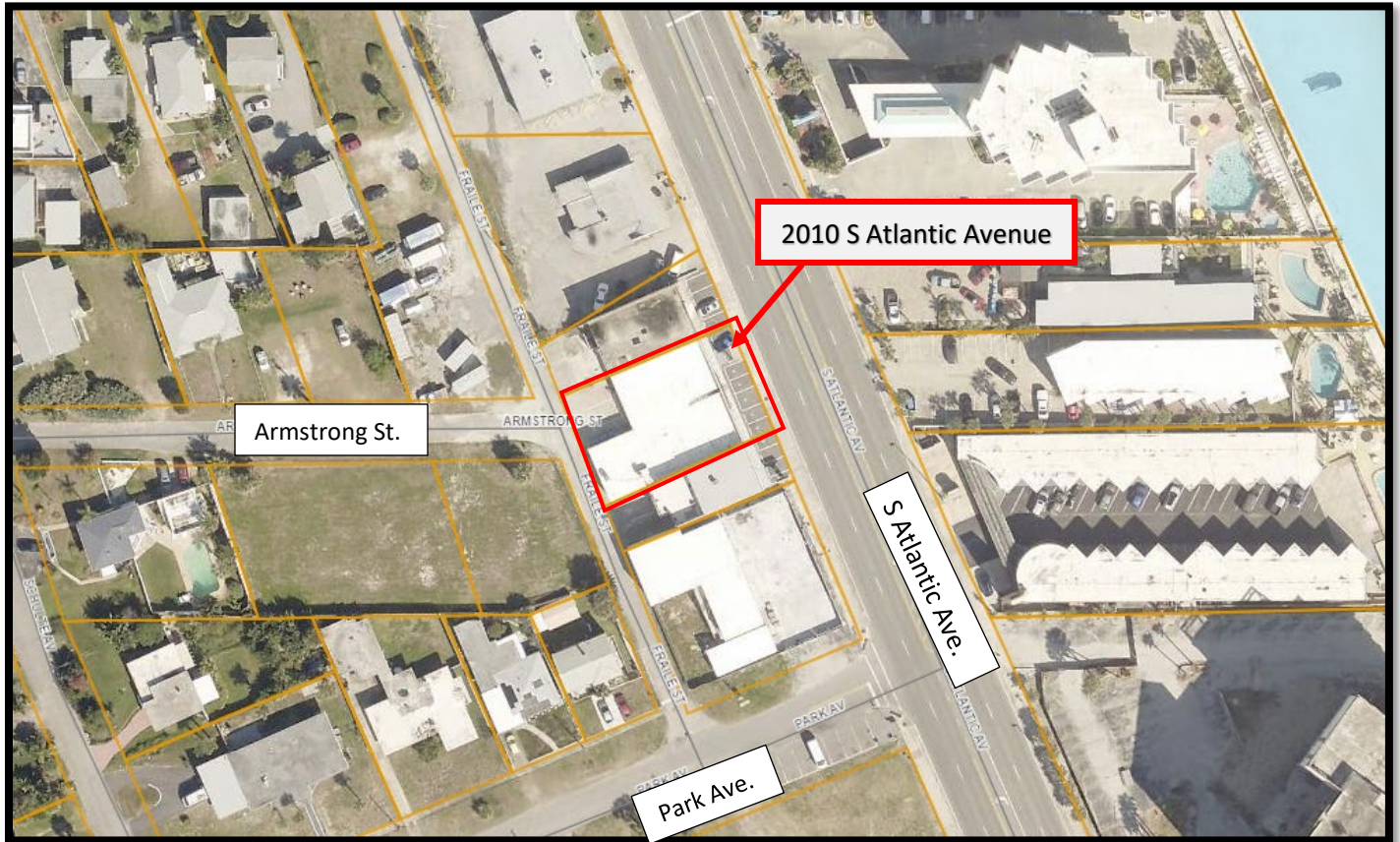
Authorized Signature & Date

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes grounding and bonding.

PJ
SIGNS
pjsigns@clm.com

614 Fern Ave.
Holly Hill, FL 32117
386.257.4522
Fax 386.257.5122

Exhibit B
Location Map- 2010 S. Atlantic Avenue- Generation X Tattoo



Source: Volusia County Property Appraiser Website (2022)

Street View- 2010 S. Atlantic Avenue- Generation X Tattoo



Source: Google Street View (July 2022)

EXHIBIT C

Eligibility Requirements Analysis Table: 2010 S. Atlantic Avenue-Generation X Tattoo, Angels X LLC

ID	Eligibility Criteria	Status	Criteria Met
1	Sign shall not be abandoned	Sign is not abandoned.	Yes
2	Nonconforming freestanding pole/sign pre-existed Ord. 2012-02	Sign pre-existed Ord. 2012-02	Yes
3	Temporary sign and exempt signs do not qualify	Sign is not temporary or exempt	Yes
4	Property shall be located in a commercial/hotel district	Property is located in the GC-RD District	Yes
5	Property shall abut S. Atlantic Avenue or Dunlawton Boulevard	Property abuts S. Atlantic Avenue	Yes
6	Sign shall serve to advertise an onsite business	Sign advertises an onsite business	Yes
7	There shall be an active business on site	The advertised business is active	Yes
8	No prior sign work/cost shall be eligible for grant funding	Applicant is aware of this condition	Yes
9	Sign design and plan shall conform to all applicable City standards	Applicant is aware of this condition	Yes*
10	No delinquent accounts payable to City	Applicant is aware of this condition	Yes*
11	Properties subject to Code Enforcement action shall not qualify for this grant.	Property is not subject to CE action	Yes

Note: * Staff is recommending this item as a condition if approved.

Application Summary Description Table:

ID	Parameter	Application	Parameter Met	Added Priority
1	Sign Grant Limit	Requested Amount		
	15% of costs w/ min of \$2,000 and max of \$3,000	\$2,000	Yes	
2	Sign Work Type Permitted			
	Alteration or Removal	Removal w. New Sign	Yes	Yes
3	Work Detail Permitted			
	Design/engineering, sign making, installation, and/or alteration.	Design/engineering, sign making, installation	Yes	
4	Variance Required	No		Yes



CITY COUNCIL AGENDA MEMORANDUM NOVEMBER 9, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Non-conforming Sign Removal Incentive Grant Application: 2016 S. Atlantic Avenue, Kitty X LLC.

SYNOPSIS:

The City received the subject Nonconforming Sign Removal Incentive Grant Application on October 17, 2022 from Kitty X LLC (Jodi Tomlinson), owner of the property located at 2016 S. Atlantic Avenue. The sign grant, if approved, would be used to assist the property owner with the costs associated with replacing the existing nonconforming sign with a new conforming monument sign. The total cost of the sign is \$8,225. Therefore, the applicant would qualify for \$2,000 in grant reimbursement subsequent to the construction of the new conforming monument sign.

FISCAL IMPACT STATEMENT:

BACKGROUND:

In conducting an analysis of the application relative to the grant program eligibility requirements and other program parameters, staff has determined that the application qualifies and meets most of the grant requirements except criterion 7 and 8 which state the sign shall advertise an onsite business and there is an active/operating business on the subject property. The building is currently vacant, however staff understands the desire for the property owner to come into compliance during the amortization timeframe. The monument sign is being proposed with a white copy area which can be replaced when an active business is established.

Two sign quotes were provided and the applicant's preferred sign vendor, SLS- Southeastern Lighting Solutions, provided a quote of \$8,225. PJ Signs provided two sign quotes depending on the ability to use the existing sign base. The first quote from PJ Signs is for \$13,120.80 and the second quote is for \$16,496.85. The applicant would qualify for a grant of \$2,000 as the minimum amount that can be allocated is \$2,000.

A copy of the grant application and proposed sign rendering can be seen in **Exhibit A. Exhibit B** provides a location map and street view of the existing nonconforming sign, while **Exhibit C** provides

an evaluation of the application compared to the grant eligibility requirements and program parameters.

LEGAL REVIEW:

Council discretion.

RECOMMENDATION:

Staff recommends approval of the sign grant on the condition that the new sign meets all the requirements of the applicable City sign standards and that no code enforcement violation on the property exists prior to the disbursement of the City sign grant funds.

SUGGESTED MOTION:

A City Council member may move as follows:

“I move to approve the Non-Conforming Sign Removal Incentive Grant application for 2016 S. Atlantic Avenue, Kitty X LLC in the amount of \$2,000 on the condition that the new sign meets all the required City sign standards and that no code enforcement violation on the property exists prior to the disbursement of the City sign grant funds.”

- ATTACHMENT:**
1. Exhibit A- Application and Rendering
 2. Exhibit B- Location Map-Street View
 3. Exhibit C-Evaluation



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

432433

Date Received: _____

Time Received: _____

RECEIVED
Application Complete: Y/N

OCT 17 2022

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

12022058
City of Daytona Beach Shores

Non-Conforming Sign Removal Incentive Grant Application

NOTE: Grant application submission deadline is November 12, 2022

A. Property Information

Property Address: 2016 S. Atlantic Ave Parcel No: _____

Daytona Beach Shores, FL 32118
Existing Property Use/Business: Vacant - For Rent

Property Owner's Name: Kitty X LLC (Jodi Tomlinson)

Property Owner's Address: P.O. Box 7198, Daytona Beach, FL 32116

Owner's Telephone No: 385566-9201 Owner's Fax No: N/A

B. Applicant Information (if not owner)

Applicant's Name: N/A

Address: _____

Telephone No: _____ Fax No: _____

*Applicant is: ☐ Contract Purchaser ☒ Property Owner/Developer ☐ Tenant/ Agent for Owner

*If applicant is other than Property Owner, authorization affidavit (Sec. E) must be provided with application.

C. Proposed Signage

At least two (2) quotes shall be provided from two (2) different sign vendors. Quotes shall at a minimum provide textual description and/or graphic representation of the following:

1. Sign Height: ☐; Sign Width: ☐; Sign Face Area: ☐; Illumination: ☐; Materials: ☐; Colors: ☐; Address: ☐; Style: ☐; Reader Board (indicate whether manual or electronic): ☐
2. Site Plan indicating location of proposed landscaping, existing and proposed signs, including setbacks and line of sight: ☐
3. Description of proposed landscaping: ☐
4. Written letter indicating consistency with Chapter Six (6) of the City's LDC: ☐
5. Name, address and contact information of each sign vendor: ☐

6. Picture and dimensional specifications of existing sign: ☐
7. Pictures and location addresses of signs similar in material and design (if available): ☐
8. Material samples of decorative base and cabinet (if available): ☐

D. Budget

Cost of design/engineering	\$ 1,575. ⁰⁰
Cost of alteration, manufacture, and installation of sign	\$ 1,678. ⁰⁰
TOTAL SIGNAGE COST	\$ 3,253. ⁰⁰
AMOUNT REQUESTED FROM SIGN GRANT PROGRAM	\$ 3,000. ⁰⁰

BY SIGNING BELOW, I HEREBY CERTIFY THAT THIS IS AN APPLICATION FOR NEW OR ALTERED SIGNAGE. THE PROPOSED SIGN HAS NOT BEEN ALTERED, ERECTED OR FABRICATED IN WHOLE OR IN PART. WORK ON THE SIGN WILL NOT COMMENCE PRIOR TO RECEIPT OF WRITTEN APPROVAL FROM THE CITY OF DAYTONA BEACH SHORES. I UNDERSTAND THAT ALTERATION, FABRICATION OR INSTALLATION OF THE SIGN PRIOR TO SUCH APPROVAL IS GROUNDS FOR DENIAL OF MY SIGN GRANT APPLICATION BY THE CITY.

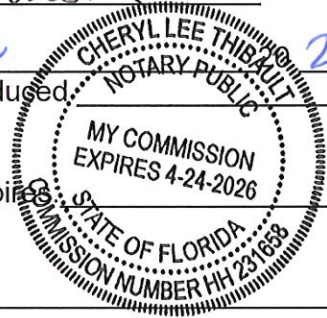
By signing below, I further certify that all information contained in this application and all documentation submitted herewith is true and correct to the best of (my) (our) knowledge and belief. I acknowledge that I fully understand the requirements relating to the specific Non Conforming Sign Removal Grant that I am applying for and that I fully understand and agree to the process for the application and disbursements of grant funds, as outlined in the Non Conforming Sign Removal Grant Program. Moreover, I acknowledge and agree that the conditions imposed by the City Council shall apply to my permit, if approved, and that the city may impose further conditions pursuant to the City's Code of Ordinances.

OWNER's SIGNATURE Jodi Tomlinson
 STATE OF FL COUNTY OF Volusia

Sworn to and subscribed before me this 17 day of October, 2022, by Jodi Tomlinson who is personally known to me or has produced _____ and who did (did not) take an oath.

Cheryl Lee Thibault

My Commission Expires _____



APPLICANT's SIGNATURE (if applicant not owner) _____

STATE OF _____ COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, 20____, by _____ who is personally known to me or has produced _____ and who did (did not) take an oath.

 Notary Public

My Commission Expires: _____

E. Notice and Affirmation of Permit Requirements

By signing below, I hereby acknowledge that the grant application process and approval is only for the disbursement of grant funds and does not constitute a sign permit. By signing below, I further acknowledge that a sign permit is required from the Daytona Beach Shores Building Department and that the approval of a sign grant does not relieve applicant, owner or project from the City's Land Development Code sign regulations or the Florida Building Code.

Signature: [Signature] ☒ Owner ☐ Applicant

Date: 10-17-22

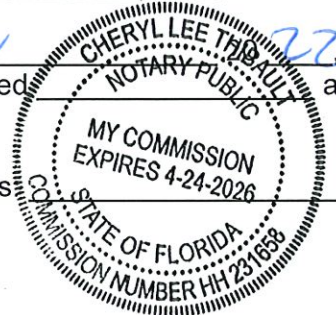
STATE OF FL

COUNTY OF Volusia

Sworn to and subscribed before me this 17 day of October, 2022, by Jody Tomlinson who is personally known to me or has produced _____ and who did (did not) take an oath.

[Signature]
Notary Public

My Commission Expires: 8/24/26



F. Affidavit of Authorization (if applicant not owner)

I, _____, owner of the property described herein, hereby authorize _____, and its agents, to make application for _____ to the City of Daytona Beach Shores for the property described in this application.

PROPERTY OWNER's Signature: _____

Date: _____

STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, 20____, by _____ who is personally known to me or has produced _____ and who did (did not) take an oath.

Notary Public

My Commission Expires: _____

G. Checklist

1. Signed Application: ☒
2. Sec. C, proposed sign specs, site plan and illustration, etc: ☒
3. Sec. D, two (2) written cost estimates (budget) for work (on vendor letterhead): ☒

4. Sec. E, signed authorization affidavit (if applicable): ☐
5. Sec. F, signed authorization affidavit (if applicable): ☐
6. Is the property subject to any code enforcement action and/or delinquent on any accounts payable to the City? Yes ☐ No ☐



**Daytona Beach Shores
Non-conforming Sign Removal Incentive Grant Program 2022**

Goal

To enhance the Daytona Beach Shores South Atlantic Avenue/Dunlawton Boulevard Streetscape.

Purpose

To provide financial assistance to property owners and businesses of non-conforming, freestanding pole/ground signs with costs associated in replacing, eliminating or altering non-conforming, freestanding signs into conformity.

Overview

Considering the economic impact and supply chain issues experienced by local businesses, on April 12, 2022, the Daytona Beach Shores City Council adopted Ordinance 2022-11, which extended the deadline for sign owners to bring their non-conforming freestanding pole/ground signs into conformity with the City's monument sign ordinance. The grant program shall terminate upon the expiration date of the aforementioned extended deadline.

Eligibility Requirements

1. The sign shall not be an abandoned sign.
2. The sign shall be a freestanding pole/ground sign made non-conforming as a result of Ordinance 2012-02.
3. Temporary and exempt signs per Ord. 2012-02 do not qualify for this program.
4. Qualifying non-conforming pole/ground signs shall either be altered into conformity or removed and replaced with a new conforming sign.
5. The subject property shall be located in the GC-1, GC-2, GC-RD or T zoning district.
6. The sign shall be located on a property directly abutting S. Atlantic Avenue/SR A1A or Dunlawton Boulevard.
7. The signs shall serve to advertise an onsite business. For the purposes of this grant, a business shall be defined as a retail/service/office commercial, hotel/motel or any other business approved by the Daytona Beach Shores City Council.
8. There shall be an active/operating bona fide business on the subject qualifying property. The business shall possess a valid Business Tax Receipt and Certificate of Use permit.
9. Any work initiated, or costs incurred, prior to receiving City Council grant approval shall not be grant eligible.
10. Sign design and plan shall conform to all applicable City standards.
11. Property/business owner shall be current on all accounts payable to the City.
12. Properties subject to Code Enforcement action shall not qualify for this grant.

Program Description

Applications shall be reviewed on a first-come-first-served basis from the time a complete submittal is received until all budgeted grant funding is allocated. Incomplete applications will not be considered.

The Non-Conforming Sign Removal Incentive Grant Program is a reimbursable dollar-for-dollar matching grant, capped as follows:

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8. To qualify for grant reimbursement, on site sign construction shall not commence until after City Council approval.
9. Completion of work and a successful inspection is required no later than 120 days subsequent to City Council approval.
10. Written extensions may be awarded by the City Manager for a period not exceeding 120 days.



11/1/2022

POTENTIAL TENANT

2016 S ATLANTIC, DAYTONA BEACH SHORES

Southeastern Lighting Solutions is pleased to provide you with the following price proposal to:

Option 1: To cut existing pole and lower to 8' (City Specs) \$1575 and add new base cover and top with addresses to match building (City Specs) \$6400. Engineering \$250

Total: \$8225

Notes:

1. Permit fees are additional.
2. Prices are effective for 30 days from date of proposal.
3. Subject to additional terms and conditions to be agreed upon by the parties.
4. A 25% restocking charge will apply to cancellations and changes to original order.

Signature: _____ Date: _____

Evelyn Espinal
Project Manager



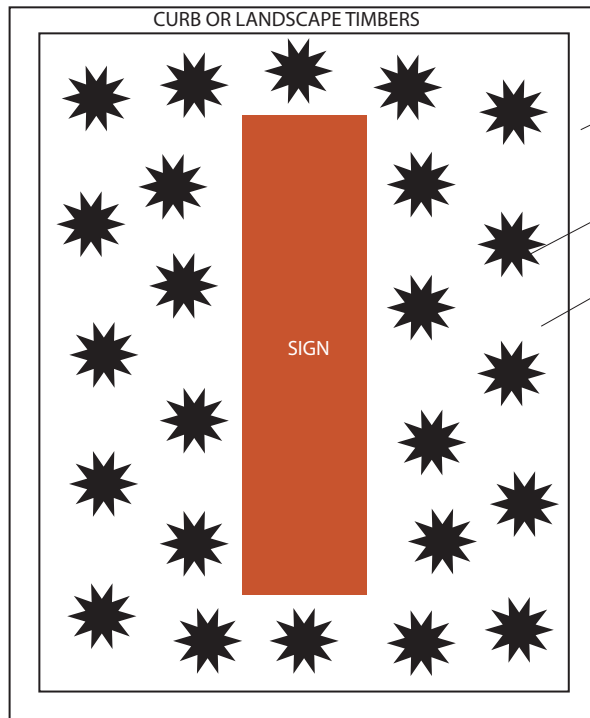
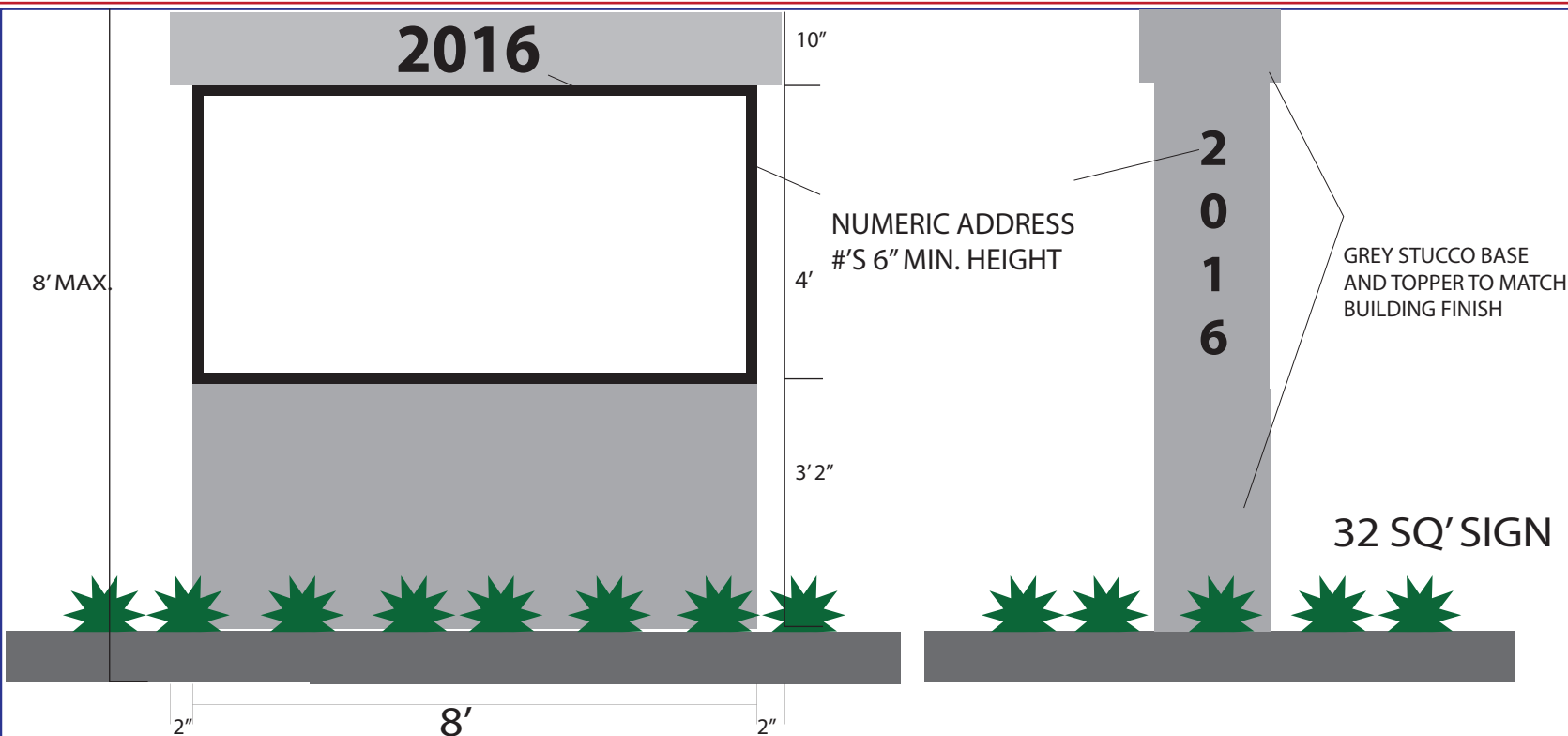
evelyn@southeasternlightingsolutions.com

Phone: 386-238-1711

Fax: 386-238-1300

Toll Free: 1-866-322-6366

821 FENTRESS COURT DAYTONA BEACH, FLORIDA 32117 PHONE – (386)238-1711 ES# 12001826



CLEARLY DEFINED LANDSCAPE BED

SHRUBS AND GROUND COVER PLANTS
SIGN AREA SQ' X .45 ROUNDED UP = NUMBER
OF 1 GALLON PLANTS 18" ON CENTER.

2" MINIMUM MULCH BED

The sign structure shall complement the principal structure, with regards to materials, color, finish, and architectural features. This includes the application of materials consistent with the principal building to the base and along the sides and top of the sign face or cabinet.



Daytona Office:
821 Fentress Ct.
Daytona Beach, FL 32117
386-238-1711
Web. www.selightingsolutions.com

THIS IS AN ORIGINAL DOCUMENT CREATED FOR YOU BY AND REMAINS THE PROPERTY OF: SOUTHEASTERN LIGHTING SOLUTIONS. IT IS FOR THE SOLE USE OF THE CUSTOMER AND SOUTHEASTERN LIGHTING SOLUTIONS TO COMMUNICATE PROPOSED IMPROVEMENTS TO THE PROJECT PROPERTY LISTED IN THE DESCRIPTION. IT IS NOT TO BE SHARED, COPIED, USED OR REPRODUCED FOR ANY OTHER PURPOSE OTHER THAN THE COMMUNICATIONS BETWEEN THE CUSTOMER AND SOUTHEASTERN LIGHTING SOLUTIONS.

DRAWING NUMBER:	REVISIONS:	DATE:
290356	00	12/23/2021

CUSTOMER:

LOCATION ADDRESS:

2016 SOUTH ATLANTIC
DAYTONA BEACH SHORES
FLORIDA 32118

PROJECT INFORMATION:

50% DEPOSIT REQUIRED ON MANUFACTURING JOBS
WITH BALANCE UPON COMPLETION

DRAWING : N.T.S.

Customer approval _____
Date / /

PAGE: 1 OF 1

PJ SIGNS

Proposal

October 14, 2022

For: Jodi
Client Red White & Blue
Address 2016 2010 A1A
City/State/Zip DB
Phone Number 253-5857, 566-9201
Contact Jodi

Job: 2010 - Drawing #RWB7.27.22

PJ's Agrees to supply Labor, Materials and necessary equipment to perform the work described below:

Number of attached pages: 0

To design, fabricate and install an aluminum over angle aluminum sign cabinet with white acrylic face and digitally printed graphics. Cabinet, base and non-illuminated address panels painted ivory. Accents to be light brown. Non-illuminated address numbers on both sides and faces of cabinet. Illumination provided by LEDs. Sign installed on schedule 40 pole in concrete footer per engineering specifications.

All Structural & Landscape Engineering Permitting Fees included!

A. To demo existing sign, remove & discard	\$ 450.00
If we are able to RE-USE the existing Footers & Poles	\$11,870.00
	\$12,320.00
	FL tax 800.80
50% Deposit \$6,160.00 + tax 800.80 =	\$6,960.80
	\$13,120.80

B. To demo existing sign, remove pole, and footers and discard	\$ 1,800.00
If we must provide NEW Schedule 40 Pole and pour new Footers	\$13,690.00
	\$15,490.00
	FL tax 1,006.85
50% Deposit \$7,745.00 + tax 1,006.85 =	\$8,751.85
	\$16,496.85

NO Landscaping provided (Landscaping Code attached in e-mail)

Warranties:

2 years on craftsmanship/PJ Signs
5 years vinyl/Manufacturer
5 years LEDs/Manufacturer

pjsigns386@gmail.com

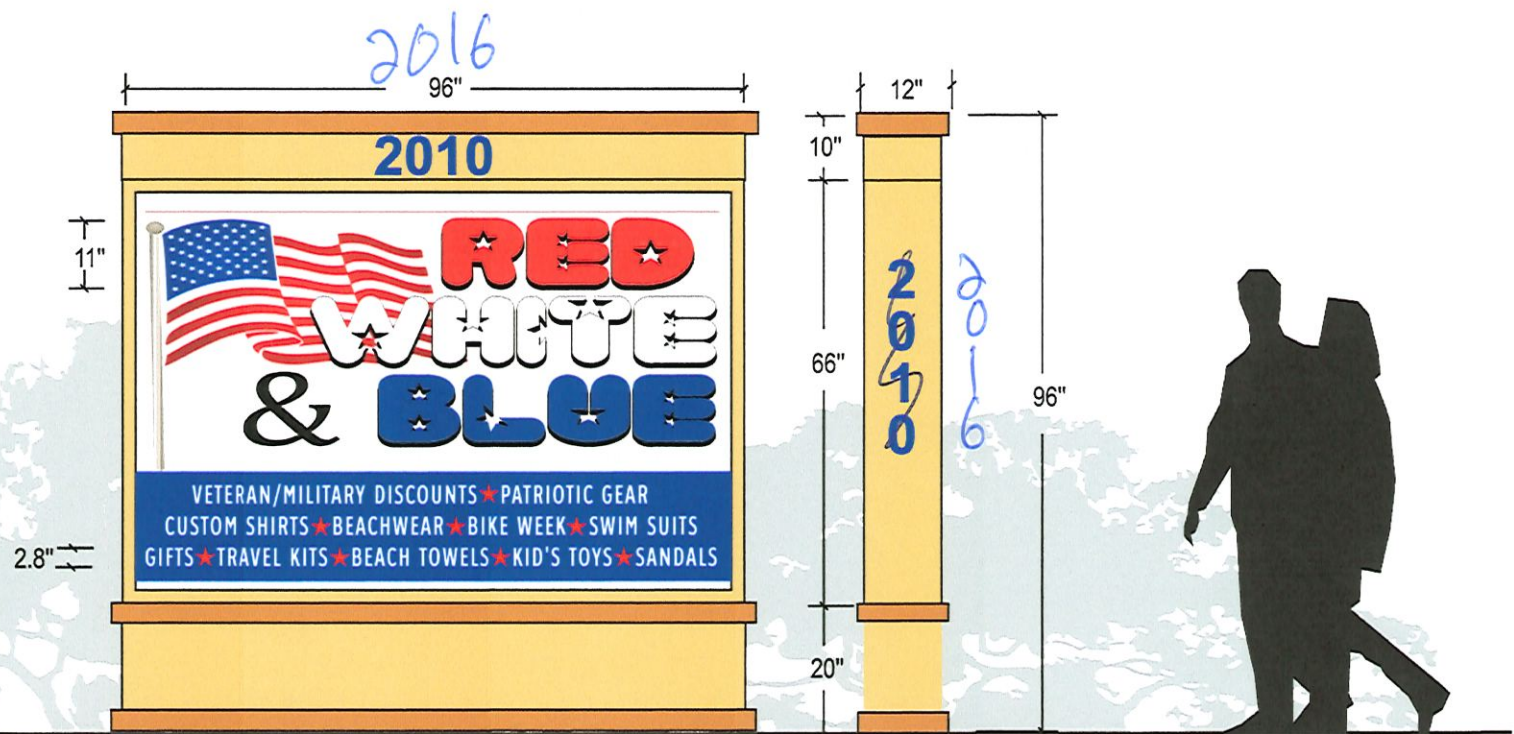
Accepted by _____ Title _____ Date _____

PJ SIGNS

614 Fern Avenue
Holly Hill, FL 32117

Phone 386-257-4522

Fax 386-257-5122



GENERAL SPECIFICATIONS

Aluminum over aluminum angle sign structure. Cabinet to have white acrylic face with digitally printed graphics

Cabinet, base and non illuminated address panel to be painted ivory. Accents to be light brown

Non illuminated address numbers both sides and faces and side of cabinet. Illumination provided by LED. Sign installed on schedule 40 pole and concrete footer per engineering specifications.

Customer
Red White Blue

Date
7.27.22

Scale
.5"=1'0"

Drawing #
RWB7.27.22

Approved as is ☐
Approved w/changes ☐
Redraw w/changes ☐

PJ Sign Systems © 2020 Original Design

Authorized Signature & Date

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes grounding and bonding

PJ SIGNS
pjsigns@cfi.rr.com

614 Fern Ave.
Holly Hill, FL 32117
386.257.4522
Fax 368.257.5122

Exhibit B
Location Map- 2016 S. Atlantic Avenue



Source: Volusia County Property Appraiser Website (2022)

Street View- 2016 S. Atlantic Avenue



Source: Google Street View (July 2022)

EXHIBIT C

Eligibility Requirements Analysis Table: 2016 S. Atlantic Avenue-Kitty X LLC

ID	Eligibility Criteria	Status	Criteria Met
1	Sign shall not be abandoned	Sign is not abandoned.	Yes
2	Nonconforming freestanding pole/sign pre-existed Ord. 2012-02	Sign pre-existed Ord. 2012-02	Yes
3	Temporary sign and exempt signs do not qualify	Sign is not temporary or exempt	Yes
4	Property shall be located in a commercial/hotel district	Property is located in the GC-RD District	Yes
5	Property shall abut S. Atlantic Avenue or Dunlawton Boulevard	Property abuts S. Atlantic Avenue	Yes
6	Sign shall serve to advertise an onsite business	Sign is proposed with white copy area	No
7	There shall be an active business on site	The sign will advertise a business once a BTR is applied for	No
8	No prior sign work/cost shall be eligible for grant funding	Applicant is aware of this condition	Yes
9	Sign design and plan shall conform to all applicable City standards	Applicant is aware of this condition	Yes*
10	No delinquent accounts payable to City	Applicant is aware of this condition	Yes*
11	Properties subject to Code Enforcement action shall not qualify for this grant.	Property is not subject to CE action	Yes

Note: * Staff is recommending this item as a condition if approved.

Application Summary Description Table:

ID	Parameter	Application	Parameter Met	Added Priority
1	Sign Grant Limit	Requested Amount		
	15% of costs w/ min of \$2,000 and max of \$3,000	\$2,000	Yes	
2	Sign Work Type Permitted			
	Alteration or Removal	Removal w. New Sign	Yes	Yes
3	Work Detail Permitted			
	Design/engineering, sign making, installation, and/or alteration.	Design/engineering, sign making, installation	Yes	
4	Variance Required	No		Yes
5	Existing/Previous Sign Level of Nonconformity	Medium		NA



CITY COUNCIL AGENDA MEMORANDUM NOVEMBER 9, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Non-conforming Sign Removal Incentive Grant Application: 2042 S. Atlantic Avenue, The Psychic Shop

SYNOPSIS:

The City received the subject Nonconforming Sign Removal Incentive Grant Application on October 26, 2022 from Tommy Johnson, owner of The Psychic Shop located at 2042 S. Atlantic Avenue. The sign grant, if approved, would be used to assist the business owner with the costs associated with replacing the existing nonconforming sign with a new conforming monument sign. The total cost of the sign is \$9,361. Therefore, the applicant would qualify for \$2,000 in grant reimbursement subsequent to the construction of the new conforming monument sign.

FISCAL IMPACT STATEMENT:

BACKGROUND:

In conducting an analysis of the application relative to the grant program eligibility requirements and other program parameters, staff has determined that the application qualifies and meets the majority of the grant requirements except for criterion 11, which states that properties subject to code enforcement action shall not qualify for this grant. The property is currently under Code Enforcement action however this criterion is subject to distribution of funds. The business owner, separate from the property owner, is seeking to comply with the monument sign regulations and staff will not distribute funds if code enforcement actions are still present when grant funds are applied for. The applicant is aware of this criteria.

Two sign quotes were provided and the applicant's preferred sign vendor, Don Bell Signs, provided a quote of \$9,361. PermaCraft Signs provided a quote for \$7,996.72. The applicant would qualify for a grant of \$2,000 as the minimum amount that can be allocated is \$2,000.

A copy of the grant application and proposed sign rendering can be seen in **Exhibit A. Exhibit B** provides a location map and street view of the existing nonconforming sign, while **Exhibit C** provides an evaluation of the application compared to the grant eligibility requirements and program parameters.

LEGAL REVIEW:

Council discretion.

RECOMMENDATION:

Staff recommends approval of the sign grant on the condition that the new sign meets all the requirements of the applicable City sign standards and that no code enforcement violation on the property exists prior to the disbursement of the City sign grant funds.

SUGGESTED MOTION:

A City Council member may move as follows:

“I move to approve the Non-Conforming Sign Removal Incentive Grant application for 2042 S. Atlantic Avenue, The Psychic Shop in the amount of \$2,000 on the condition that the new sign meets all the required City sign standards and that no code enforcement violation on the property exists prior to the disbursement of the City sign grant funds.”

- ATTACHMENT:**
1. Exhibit A-Application and Rendering
 2. Exhibit B- Location Map-Street View
 3. Exhibit C-Evaluation



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

Date Received: _____
 Time Received: _____
 Application Complete: Y/N

12022060
City of Daytona Beach Shores

RECEIVED
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Non-Conforming Sign Removal Incentive Grant Application

NOTE: Grant application submission deadline is November 12, 2022

A. Property Information

Property Address: 2042 S Atlantic Ave Daytona Beach Parcel No: 531618000310

Existing Property Use/Business: The PSYCHIC SHOP Readings Sales

Property Owner's Name: Levi Shapton

Property Owner's Address: 2735 E 23rd St Brooklyn N.Y 11235

Owner's Telephone No: 212 302 7393 Owner's Fax No: Tommy Johnson 407 457 7188

B. Applicant Information (if not owner)

Applicant's Name: Tommy Johnson

Address: 1001 S Hwy 17-92 Longwood FL 32750

Telephone No: 407 457 7188 Fax No: _____

*Applicant is: ☐ Contract Purchaser ☐ Property Owner/Developer ☒ Tenant/ Agent for Owner
 *If applicant is other than Property Owner, authorization affidavit (Sec. E) must be provided with application.

C. Proposed Signage

At least two (2) quotes shall be provided from two (2) different sign vendors. Quotes shall at a minimum provide textual description and/or graphic representation of the following:

1. Sign Height: ☐; Sign Width: ☐; Sign Face Area: ☐; Illumination: ☐; Materials: ☐; Colors: ☐; Address: ☐; Style: ☐; Reader Board (indicate whether manual or electronic): ☐
2. Site Plan indicating location of proposed landscaping, existing and proposed signs, including setbacks and line of sight: ☐
3. Description of proposed landscaping: ☐
4. Written letter indicating consistency with Chapter Six (6) of the City's LDC: ☐
5. Name, address and contact information of each sign vendor: ☐

6. Picture and dimensional specifications of existing sign: ☐
7. Pictures and location addresses of signs similar in material and design (if available): ☐
8. Material samples of decorative base and cabinet (if available): ☐

D. Budget

Cost of design/engineering	\$ _____
Cost of alteration, manufacture, and installation of sign	\$ _____
TOTAL SIGNAGE COST	\$ <u>9,361.00</u>
AMOUNT REQUESTED FROM SIGN GRANT PROGRAM	\$ <u>2,500</u>

BY SIGNING BELOW, I HEREBY CERTIFY THAT THIS IS AN APPLICATION FOR NEW OR ALTERED SIGNAGE. THE PROPOSED SIGN HAS NOT BEEN ALTERED, ERECTED OR FABRICATED IN WHOLE OR IN PART. WORK ON THE SIGN WILL NOT COMMENCE PRIOR TO RECEIPT OF WRITTEN APPROVAL FROM THE CITY OF DAYTONA BEACH SHORES. I UNDERSTAND THAT ALTERATION, FABRICATION OR INSTALLATION OF THE SIGN PRIOR TO SUCH APPROVAL IS GROUNDS FOR DENIAL OF MY SIGN GRANT APPLICATION BY THE CITY.

By signing below, I further certify that all information contained in this application and all documentation submitted herewith is true and correct to the best of (my) (our) knowledge and belief. I acknowledge that I fully understand the requirements relating to the specific Non Conforming Sign Removal Grant that I am applying for and that I fully understand and agree to the process for the application and disbursements of grant funds, as outlined in the Non Conforming Sign Removal Grant Program. Moreover, I acknowledge and agree that the conditions imposed by the City Council shall apply to my permit, if approved, and that the city may impose further conditions pursuant to the City's Code of Ordinances.

OWNER's SIGNATURE Levi Shartai

STATE OF NEW YORK COUNTY OF KINGS

Sworn to and subscribed before me this 21 day of SEPTEMBER 2022, by Levi Shartai who is personally known to me or has produced NYS DL and

who did (did not) take an oath.
Notary Public - State of New York

RENEE ABRAMOV
Notary Public - State of New York
My Commission Expires Dec. 23, 2023

My Commission Expires: 12/23/2023

APPLICANT's SIGNATURE (if applicant not owner) Tommy Johnson

STATE OF Florida COUNTY OF Volusia

Sworn to and subscribed before me this 26 day of October 2022, by Tommy Johnson who is personally known to me or has produced Driver License and who did (did not) take an oath.

Timothy Carter
Notary Public

My Commission Expires: 2-22-2026



TIMOTHY CARTER
Notary Public
State of Florida
Comm# HH232686
Expires 2/22/2026

E. Notice and Affirmation of Permit Requirements

By signing below, I hereby acknowledge that the grant application process and approval is only for the disbursement of grant funds and does not constitute a sign permit. By signing below, I further acknowledge that a sign permit is required from the Daytona Beach Shores Building Department and that the approval of a sign grant does not relieve applicant, owner or project from the City's Land Development Code sign regulations or the Florida Building Code.

Signature: *Tommy Johnson* ☐ Owner ☒ Applicant

Date: 10/25/2022

STATE OF Florida COUNTY OF Volusia

Sworn to and subscribed before me this 26 day of October 20 22, by Tommy Johnson who is personally known to me or has produced Driver License and who did (did not) take an oath.

Timothy Carter
Notary Public

My Commission Expires: 2-22-2026



TIMOTHY CARTER
Notary Public
State of Florida
Comm# HH232686
Expires 2/22/2026

F. Affidavit of Authorization (if applicant not owner)

I, _____, owner of the property described herein, hereby authorize _____, and its agents, to make application for _____ to the City of Daytona Beach Shores for the property described in this application.

PROPERTY OWNER's Signature: _____

Date: _____

STATE OF _____ COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____ 20 _____, by _____ who is personally known to me or has produced _____ and who did (did not) take an oath.

Notary Public

My Commission Expires: _____

G. Checklist

1. Signed Application: ☐
2. Sec. C, proposed sign specs, site plan and illustration, etc: ☐
3. Sec. D, two (2) written cost estimates (budget) for work (on vendor letterhead): ☐

4. Sec. E, signed authorization affidavit (if applicable): ☒
5. Sec. F, signed authorization affidavit (if applicable): ☐
6. Is the property subject to any code enforcement action and/or delinquent on any accounts payable to the City? Yes ☐ No ☒

**Daytona Beach Shores
Non-conforming Sign Removal Incentive Grant Program 2022**

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9. Completion of work and a successful inspection is required no later than 120 days subsequent to City Council approval.
10. Written extensions may be awarded by the City Manager for a period not exceeding 120 days.

JOB # 2200396

THE PSYCHIC SHOP
2402 S. ATLANTIC AVENUE
DAYTONA BEACH SHORES, FL 32118

50% DEPOSIT TO PLACE NEW SIGN ORDER
PERMITS & ENGINEERING ARE ADDITIONAL
ON THE FINAL INVOICE.

ESTIMATED TIME OF COMPLETION IS
CURRENTLY 14-16 WEEKS FROM DATE
OF PERMIT RELEASE.

OPTION A \$9,361.00



FAB & INSTALL 1 DOUBLE SIDED
6'X 6' SIGN CABINET.

FLAT FACES WITH VINYL COPY
FOR ALL LETTERING, STARS & HAND.

INTERNALLY ILLUMINATED
WITH WHITE LED.

6" TALL ADDRESS #'S REQUIRED
ON STREET SIDE & BOTH SIDES
OF THE BASE.

3" STANDARD REVEAL

21" X 72" ALUM SKIN & FRAME BASE
WITH MEDIUM SAND STONE FINISH.

ONE NEW CENTER MOUNT STEEL
POLE TO MEET ENGINEER
SPECIFICATIONS

FINISHED GRADE



365 OAK PLACE
PORT ORANGE, FL 32127

www.donbellsigns.com

CRAIG G. SKRELAND
PROJECT MANAGER

386-405-5243
cskreland@donbellsigns.com

OPTION B \$10,992.00



3" X 78" DECORATIVE CAP.

6" TALL ADDRESS #'S REQUIRED
ON STREET SIDE & BOTH SIDES
OF THE BASE.

FAB & INSTALL 1 DOUBLE SIDED
6'X 6' SIGN CABINET.

ALUMINUM FACES WITH RAISED
PUSH THOUGH COPY FOR
ALL LETTERING, STARS & HAND.

INTERNALLY ILLUMINATED
WITH WHITE LED.

3" X 78" DECORATIVE CAP

18" X 72" BASE WITH 7.25" LAP
CLADDING OVER ALUMINUM FRAME.

ONE NEW CENTER MOUNT STEEL
POLE TO MEET ENGINEER
SPECIFICATIONS

FINISHED GRADE

REMOVE & DISCARD OF ONE EXISTING GROUND
SIGN AND THE CONCRETE FOOTER.



685702
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OCT 26 2022
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

NOTICE TO ALL : THIS DRAWING IS THE INTELLECTUAL PROPERTY OF DON BELL SIGNS & IS NOT TO BE USED BY ANYBODY OTHER THAN DON BELL SIGNS FOR ANYTHING.



PermaCraft SIGNS

1644 South Ridgewood Ave
South Daytona Beach Fla. 32119
permacraftsign@yahoo.com
386.767.8011 office
386.767.8246 fax

Proudly Serving The Central Florida Since 1972

EC13009410

SUBMITTED TO	CONTACT	PHONE NUMBER	DATE OF ORIGIN
Tommy Johnson	Tommy	407-457-7188	06/08/2022

STREET ADDRESS	CITY	STATE	ZIP CODE
2042 S Atlantic Ave	Daytona Beach Shores	FL	32118

WE HEREBY SUBMIT SPECIFICATIONS FOR EXCUTING THE FOLLOWING

(1) Fabricate and Install (1) 8' x 6' Double Sided Monument Sign, Using Existing Steel, Electrical and Footing, Sign is to be constructed of all Aluminum Material. Sign will have a 24" x 72" Aluminum Base per City Code. (Overall Height is 96") Sign will be Illuminated with Eco Friendly, Energy Efficient LED Lighting Modules and Power Supplies.

(2) Sign Faces will be fabricated from 3/16" Flat Acrylic faces Decorated with Vinyl Graphics applied First Surface. Network to be supplied and approved by Customer.

(3) Permacraft Signs to Remove and Dispose of Existing Monument Sign.

(4)

685702

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OCT 26 2022
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

NOTE: Permits and Engineering are NOT included in Price

WE HERBY VOW TO FURNISH MATERIAL AND LABORTO COMPLETE THE ABOVE LISTED PROJECT IN ACCORDANCE WITH THE ABOVE LISTED SPECIFICATIONS FOR THE CONTRACTED AMOUNT OF:\$7996.72 + SALES TAX IF APPLICABLE
PAYMENT MADE AS FOLLOWS: BALANCE DUE UPON COMPLETION

ELECTRIC WIRING TO THE SIGN OF ADEQUATE CAPABILITY AND THE PHYSICAL HOOKUP OF ELECTRIC POWER TO THE SIGN ARE TO BE RESPONSIBILITIES OF THE CUSTOMER. THIS PROPOSAL DOES NOT include sales tax. It does not include any cost not shown as part of this proposal (when applicable). All payments due hereunder shall be sent to PermaCraft Sign Co., 1644 S. Ridgewood Ave., South Daytona, FL 32119. This proposal is for prompt acceptance. PermaCraft Sign Co. will not & cannot be held responsible for delays caused by strikes, fires, floods, wars, allocations of materials or other circumstances beyond our control. Upon mutual acceptance of this proposal by purchaser and seller, said order is not subject to cancellation. Sign shall remain the property of PermaCraft Sign Co. / DBA Parrillo Inc. and shall at all times be severable from the premises upon which it is installed until account is paid in full. In the event it becomes necessary to institute any action for the enforcement of obligations, purchaser agrees to pay, in addition to amount due to seller, all attorney fees and other cost incurred in connection therewith acceptance of agreement. This agreement shall not be considered as executed until signed by or on behalf of purchaser and approved by an executive officer and seller and is signed by him/her on seller's behalf and is hereby further declared agreed and understood that there are prior writings, verbal negotiations, understandings, representations of agreements between the parties not herein expressed in the event of default hereunder. Purchaser agrees to pay in addition to all sums due hereunder a reasonable attorney's fee and all costs of collections in the event any action or suit shall be brought to enforce this agreement. The venue of said suits of action WILL BE at the option of PermaCraft Sign Co. / DBA Parrillo Inc. to be laid in Volusia County, Florida and the right to object to venue is expressly waived by purchaser. Any amount not paid within 30 days shall be subject to a 1.5% per month service charge. Any below-ground utilities,

Seller Carmen Parrillo

Purchaser _____

Authorized Signature _____

Date of Acceptance _____

Thank You For Allowing Us The Opportunity To Serve You.....

Exhibit B
Location Map- 2042 S. Atlantic Avenue- The Psychic Shop



Source: Volusia County Property Appraiser Website (2022)

Street View- 2042 S. Atlantic Avenue- The Psychic Shop



Source: Google Street View (July 2022)

EXHIBIT C

Eligibility Requirements Analysis Table: 2042 S. Atlantic Avenue-The Psychic Shop

ID	Eligibility Criteria	Status	Criteria Met
1	Sign shall not be abandoned	Sign is not abandoned.	Yes
2	Nonconforming freestanding pole/sign pre-existed Ord. 2012-02	Sign pre-existed Ord. 2012-02	Yes
3	Temporary sign and exempt signs do not qualify	Sign is not temporary or exempt	Yes
4	Property shall be located in a commercial/hotel district	Property is located in the GC-RD District	Yes
5	Property shall abut S. Atlantic Avenue or Dunlawton Boulevard	Property abuts S. Atlantic Avenue	Yes
6	Sign shall serve to advertise an onsite business	Sign advertises an onsite business	Yes
7	There shall be an active business on site	The advertised business is active	Yes
8	No prior sign work/cost shall be eligible for grant funding	Applicant is aware of this condition	Yes
9	Sign design and plan shall conform to all applicable City standards	Applicant is aware of this condition	Yes*
10	No delinquent accounts payable to City	Applicant is aware of this condition	Yes*
11	Properties subject to Code Enforcement action shall not qualify for this grant.	Property is subject to CE action but working on compliance	No*

Note: * Staff is recommending this item as a condition if approved.

Application Summary Description Table:

ID	Parameter	Application	Parameter Met	Added Priority
1	Sign Grant Limit	Requested Amount		
	15% of costs w/ min of \$2,000 and max of \$3,000	\$2,000	Yes	
2	Sign Work Type Permitted			
	Alteration or Removal	Removal w. New Sign	Yes	Yes
3	Work Detail Permitted			
	Design/engineering, sign making, installation, and/or alteration.	Design/engineering, sign making, installation	Yes	
4	Variance Required	No		Yes
5	Existing/Previous Sign Level of Nonconformity	Medium		NA



CITY COUNCIL AGENDA MEMORANDUM NOVEMBER 9, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Non-conforming Sign Removal Incentive Grant Application: 3217 S. Atlantic Avenue, Dream Inn

SYNOPSIS:

The City received the subject Nonconforming Sign Removal Incentive Grant Application on October 25, 2022 from Dynasty Hotels Inc., property owner of Dream Inn located at 3217 S. Atlantic Avenue. The sign grant, if approved, would be used to assist the business owner with the costs associated with replacing the existing nonconforming sign with a new conforming monument sign. The total cost of the sign is \$13,554. Therefore, the applicant would qualify for \$2,034 in grant reimbursement subsequent to the construction of the new conforming monument sign.

FISCAL IMPACT STATEMENT:

BACKGROUND:

In conducting an analysis of the application relative to the grant program eligibility requirements and other program parameters, staff has determined that the application qualifies and meets all grant requirements. Three sign quotes were provided and the applicant's preferred sign vendor, Coastline Wholesale Signs and LED Displays, provided a quote for proposed signage of \$13,554.00, while SOS Signs and Lighting Services provided a sign quote of \$34,497 and Don Bells Signs provided a sign quote for 14,232 which does not include engineering costs. The applicant would qualify for a grant of \$2,034.

A copy of the grant application and proposed sign rendering can be seen in **Exhibit A**. **Exhibit B** provides a location map and street view of the existing nonconforming sign, while **Exhibit C** provides an evaluation of the application compared to the grant eligibility requirements and program parameters.

LEGAL REVIEW:

Council discretion.

RECOMMENDATION:

Staff recommends approval of the sign grant on the condition that the new sign meets all the requirements of the applicable City sign standards and that no code enforcement violation on the property exists prior to the disbursement of the City sign grant funds.

SUGGESTED MOTION:

A City Council member may move as follows:

“I move to approve the Non-Conforming Sign Removal Incentive Grant application for 3217 S. Atlantic Avenue, Dream Inn in the amount of \$2,034 on the condition that the new sign meets all the required City sign standards and that no code enforcement violation on the property exists prior to the disbursement of the City sign grant funds.”

- ATTACHMENT:**
1. Exhibit A-Application and Rendering
 2. Exhibit B- Location Map-Street View
 3. Exhibit C-Evaluation



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

Date Received: _____

Time Received: _____

Application Complete: Y/N

OCT 25 2022

City of Daytona Beach Shores

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Non-Conforming Sign Removal Incentive Grant Application

NOTE: Grant application submission deadline is November 12, 2022

A. Property Information

Property Address: 3217 S Atlantic Ave Parcel No: _____

Existing Property Use/Business: Hotel/Motel

Property Owner's Name: Dynasty Hotels Inc.

Property Owner's Address: 29579 Sportsman Dr Chicago City Mn 55013

Owner's Telephone No: 6128067795 Owner's Fax No: Hotelin daytonashores@gmail.com

B. Applicant Information (if not owner)

Applicant's Name: _____

Address: _____

Telephone No: _____ Fax No: _____

*Applicant is: ☐ Contract Purchaser ☐ Property Owner/Developer ☐ Tenant/ Agent for Owner

*If applicant is other than Property Owner, authorization affidavit (Sec. E) must be provided with application.

C. Proposed Signage

At least two (2) quotes shall be provided from two (2) different sign vendors. Quotes shall at a minimum provide textual description and/or graphic representation of the following:

1. Sign Height: ☐; Sign Width: ☐; Sign Face Area: ☐; Illumination: ☐; Materials: ☐; Colors: ☐; Address: ☐; Style: ☐; Reader Board (indicate whether manual or electronic): ☐
2. Site Plan indicating location of proposed landscaping, existing and proposed signs, including setbacks and line of sight: ☐
3. Description of proposed landscaping: ☐
4. Written letter indicating consistency with Chapter Six (6) of the City's LDC: ☐
5. Name, address and contact information of each sign vendor: ☐

6. Picture and dimensional specifications of existing sign: ☐
7. Pictures and location addresses of signs similar in material and design (if available): ☐
8. Material samples of decorative base and cabinet (if available): ☐

D. Budget

Cost of design/engineering \$ _____

Cost of alteration, manufacture and installation of sign \$ _____

TOTAL SIGNAGE COST \$ _____

AMOUNT REQUESTED FROM SIGN GRANT PROGRAM \$ _____

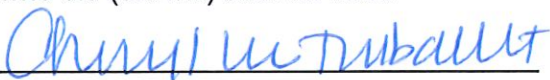
BY SIGNING BELOW, I HEREBY CERTIFY THAT THIS IS AN APPLICATION FOR NEW OR ALTERED SIGNAGE. THE PROPOSED SIGN HAS NOT BEEN ALTERED, ERECTED OR FABRICATED IN WHOLE OR IN PART. WORK ON THE SIGN WILL NOT COMMENCE PRIOR TO RECEIPT OF WRITTEN APPROVAL FROM THE CITY OF DAYTONA BEACH SHORES. I UNDERSTAND THAT ALTERATION, FABRICATION OR INSTALLATION OF THE SIGN PRIOR TO SUCH APPROVAL IS GROUNDS FOR DENIAL OF MY SIGN GRANT APPLICATION BY THE CITY.

By signing below, I further certify that all information contained in this application and all documentation submitted herewith is true and correct to the best of (my) (our) knowledge and belief. I acknowledge that I fully understand the requirements relating to the specific Non Conforming Sign Removal Grant that I am applying for and that I fully understand and agree to the process for the application and disbursements of grant funds, as outlined in the Non Conforming Sign Removal Grant Program. Moreover, I acknowledge and agree that the conditions imposed by the City Council shall apply to my permit, if approved, and that the city may impose further conditions pursuant to the City's Code of Ordinances.

OWNER's SIGNATURE 

STATE OF Florida COUNTY OF Volusia

Sworn to and subscribed before me this 25 day of October, 2023, by Karen McCreary who is personally known to me or has produced 2023 Driver's License and who did (did not) take an oath.



My Commission Expires: _____

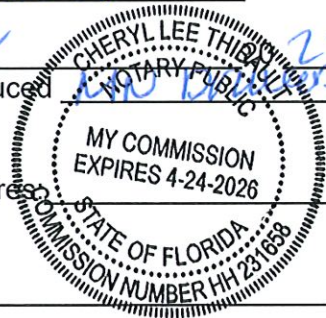
APPLICANT's SIGNATURE (if applicant not owner) _____

STATE OF _____ COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, 20____, by _____ who is personally known to me or has produced _____ and who did (did not) take an oath.

Notary Public

My Commission Expires: _____



E. Notice and Affirmation of Permit Requirements

By signing below, I hereby acknowledge that the grant application process and approval is only for the disbursement of grant funds and does not constitute a sign permit. By signing below, I further acknowledge that a sign permit is required from the Daytona Beach Shores Building Department and that the approval of a sign grant does not relieve applicant, owner or project from the City's Land Development Code sign regulations or the Florida Building Code.

Signature: _____ ☐ Owner ☐ Applicant

Date: 10-25-22

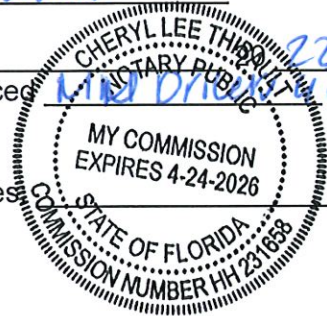
STATE OF Florida

COUNTY OF Volusia

Sworn to and subscribed before me this 25 day of October, 2022, by Ron Neway who is personally known to me or has produced MD Driver's License and who did (did not) take an oath.

Cheryl Lee Thibault
Notary Public

My Commission Expires 4-24-2026



F. Affidavit of Authorization (if applicant not owner)

I, _____, owner of the property described herein, hereby authorize _____, and its agents, to make application for _____ to the City of Daytona Beach Shores for the property described in this application.

PROPERTY OWNER's Signature: _____

Date: 10-25-22

STATE OF Florida

COUNTY OF Volusia

Sworn to and subscribed before me this 25 day of October, 2022, by Ron Neway who is personally known to me or has produced MD Driver's License and who did (did not) take an oath.

Cheryl Lee Thibault
Notary Public

My Commission Expires 4-24-2026



G. Checklist

1. Signed Application: ☐
2. Sec. C, proposed sign specs, site plan and illustration, etc: ☐
3. Sec. D, two (2) written cost estimates (budget) for work (on vendor letterhead): ☐

4. Sec. E, signed authorization affidavit (if applicable): ☐
5. Sec. F, signed authorization affidavit (if applicable): ☐
6. Is the property subject to any code enforcement action and/or delinquent on any accounts payable to the City? Yes ☐ No ☐

Daytona Beach Shores Non-conforming Sign Removal Incentive Grant Program 2022

Goal

To enhance the Daytona Beach Shores South Atlantic Avenue/Dunlawton Boulevard Streetscape.

Purpose

To provide financial assistance to property owners and businesses of non-conforming, freestanding pole/ground signs with costs associated in replacing, eliminating or altering non-conforming, freestanding signs into conformity.

Overview

Considering the economic impact and supply chain issues experienced by local businesses, on April 12, 2022, the Daytona Beach Shores City Council adopted Ordinance 2022-11, which extended the deadline for sign owners to bring their non-conforming freestanding pole/ground signs into conformity with the City's monument sign ordinance. The grant program shall terminate upon the expiration date of the aforementioned extended deadline.

Eligibility Requirements

1. The sign shall not be an abandoned sign.
2. The sign shall be a freestanding pole/ground sign made non-conforming as a result of Ordinance 2012-02.
3. Temporary and exempt signs per Ord. 2012-02 do not qualify for this program.
4. Qualifying non-conforming pole/ground signs shall either be altered into conformity or removed and replaced with a new conforming sign.
5. The subject property shall be located in the GC-1, GC-2, GC-RD or T zoning district.
6. The sign shall be located on a property directly abutting S. Atlantic Avenue/SR A1A or Dunlawton Boulevard.
7. The signs shall serve to advertise an onsite business. For the purposes of this grant, a business shall be defined as a retail/service/office commercial, hotel/motel or any other business approved by the Daytona Beach Shores City Council.
8. There shall be an active/operating bona fide business on the subject qualifying property. The business shall possess a valid Business Tax Receipt and Certificate of Use permit.
9. Any work initiated, or costs incurred, prior to receiving City Council grant approval shall not be grant eligible.
10. Sign design and plan shall conform to all applicable City standards.
11. Property/business owner shall be current on all accounts payable to the City.
12. Properties subject to Code Enforcement action shall not qualify for this grant.

Program Description

Applications shall be reviewed on a first-come-first-served basis from the time a complete submittal is received until all budgeted grant funding is allocated. Incomplete applications will not be considered.

The Non-Conforming Sign Removal Incentive Grant Program is a reimbursable dollar-for-dollar matching grant, capped as follows:

Land Use & Sign Type	Year	Percentage	Minimum Award	Maximum Award
All Types	2022	15% of cost	\$2,000	\$3,000

Program Requirements

The following grant applications will be given priority in the evaluation process: applications with signs that are more egregious in nonconformity; applications with signs that will be altered into conformity; and applications with signs that do not require any variances.

1. **Grant application submission deadline is November 12, 2022.** New grant applications and/or incomplete grant applications submitted after this date shall not be considered.
2. Grant applications shall be reviewed by staff for completeness and presented to the City Council for consideration.
3. The City Council may make binding conditions regarding the application under consideration, including, but not limited to, design and location of sign.
4. Grants shall only pay for sign costs associated with design/engineering, sign making, installation, and/or alteration.
5. Applications shall have at least two (2) quotes from licensed sign contractors.
6. Property owner shall obtain relevant City permits prior to the start of construction.
7. Grant reimbursement will be made upon completion of a project as determined solely by the City and a successful inspection by the City's Building Department, including a demonstration that the constructed sign meets the terms of applicable codes and grant conditions, if any.
8. To qualify for grant reimbursement, on site sign construction shall not commence until after City Council approval.
9. Completion of work and a successful inspection is required no later than 120 days subsequent to City Council approval.
10. Written extensions may be awarded by the City Manager for a period not exceeding 120 days.

Coastline Wholesale Signs & LED Displays
532 N Segrave St, Daytona Beach, 32114
(386) 238-6200

Estimate

Job Name	Date	Estimate #
Monument Sign	10/17/2022	583964

432493

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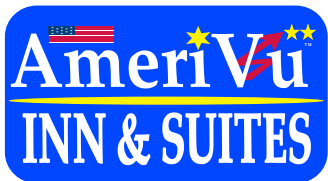
OCT 25 2022

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Name / Address
Dream Inn 3217 S. Atlantic Ave Daytona Beach Shores, FL, 32117

			Project
Description	Qty	Cost	Total
Survey & Graphics		250.00	250.00
Municipality Sign Permit		250.00	250.00
Municipality Electrical Permit		150.00	150.00
Engineering Sealed Renderings		250.00	250.00
Permitting Acquisition & Administration		500.00	500.00
Manufacture & Install LED Monument Sign into Existing Structures w/ New Steel		11,727.00	11,727.00
Misc. Electrical & Mounting Hardware		427.00	427.00
		Total	\$13,554.00

Customer Signature _____



Drawing#:	276211
Name:	AmeriVu
Date:	10.27.22
Address:	401 Atlantic Ave Daytona Beach Shores, FL, 32119
Sales Rep:	NF
Designer:	OB
Scale:	NTS

Revision	Date	Description

SALES APPROVAL
CUSTOMER APPROVAL
LANDLORD APPROVAL

COASTLINE
WHOLESALE SIGNS & LED DISPLAYS

Design - Sales - Service - Maintenance
Installation - Message Centers - Pylon Signs
Neon - Fluorescent - Parking Lot Lighting

386-238-6200 office
866-673-SIGN toll-free
coastlinesign.com

This original design (except registered or existing trademarks) is the property of Coastline Signs. and may not be reproduced or copied in part or in whole without the written permission of Coastline Signs.

Adequate primary electrical, disconnects, conduits and physical hook-up to signs and message centers to be the responsibility of the customer.



Drawing#: 276211
 Name: AmeriVu
 Date: 10.27.22
 Address: 401 Atlantic Ave.
 Daytona Beach Shores, FL, 32119
 Sales Rep: NF
 Designer: OB
 Scale: NTS

Revision	Date	Description

SALES APPROVAL
 CUSTOMER APPROVAL
 LANDLORD APPROVAL

COASTLINE
 WHOLESALE SIGNS & LED DISPLAYS
 Design - Sales - Service - Maintenance
 Installation - Message Centers - Pylon Signs
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 386-238-6200 office
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 coastlinesign.com

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 Adequate primary electrical, disconnects, conduits and physical hook-up to signs and message centers to be the responsibility of the customer.



SOS Sign & Lighting Services

2127 S. Ridgewood Ave.
South Daytona, FL 32119
Ph: (386) 322-5222
FAX: (386) 322-0254
Email: info@soscustomsigns.com
Web: http://www.soscustomsigns.com

Estimate #: 13590

Page 1 of 1

Created Date: 9/22/2022 4:38:09PM
Salesperson: House Account
Email: info@soscustomsigns.com
Not Specified: N/A
Entered by: Greg Martin

Prepared For: Dream Inn
Contact: Nick ?, Owner
Office Phone: (612) 806-7795
Email: hotelindaytonashores@gmail.com
Address: 3217 S. Atlantic Ave.
Daytona Beach, FL 32118

Description: New sign with EMC

This estimate is an approximation and is not guaranteed. The estimate is based on information provided from the client regarding project requirements. Actual cost may change once all project elements are finalized or negotiated. Prior to any changes of cost, the client will be notified. Estimate valid for 7 days.

	Quantity	Price	Unit Price	Subtotal
1	Product: Custom Fabricated Sign	1	\$32,497.00	\$32,497.00
	Description: Custom Electronic Message Center Signage - REMOVE & DISPOSE OFF SITE EXISTING D/S ILLUMINATED SIGN MONUMENT TO HAVE WELD ALUMINUM ANGLE CONSTRUCTION FACES TO BE 3/16" WHITE ACRYLIC WITH FIRST SURFACE VINYL DECORATION DREAM INN _ INTERNALLY ILLUMINATED WITH WHITE LED'S LED EMC TO HAVE WI FI COMMUNICATION. _ ADDRESS NUMBERS TO BE 9" X 1/4" WHITE ACRYLIC STUS MOUNTED TO SIDE OF MONUMENT _ MONUMENT TO HAVE A 3' X 5' X 10MM LED ELECTRONIC MESSAGE CENTER * 10MM LED DISPLAY COMES WITH OUR STANDARD 5 YEAR PARTS & LABOR WARRANTY REMOVAL & EXCAVATION LABOR			

RECEIVED

OCT 25 2022

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

43249.3

Estimate Total:	\$32,497.00
Subtotal:	\$32,497.00
Taxes:	\$2,112.31
Total:	\$34,609.31
Deposit Required:	\$17,304.66

Payment Terms: 50% Deposit required & 50% on completion.

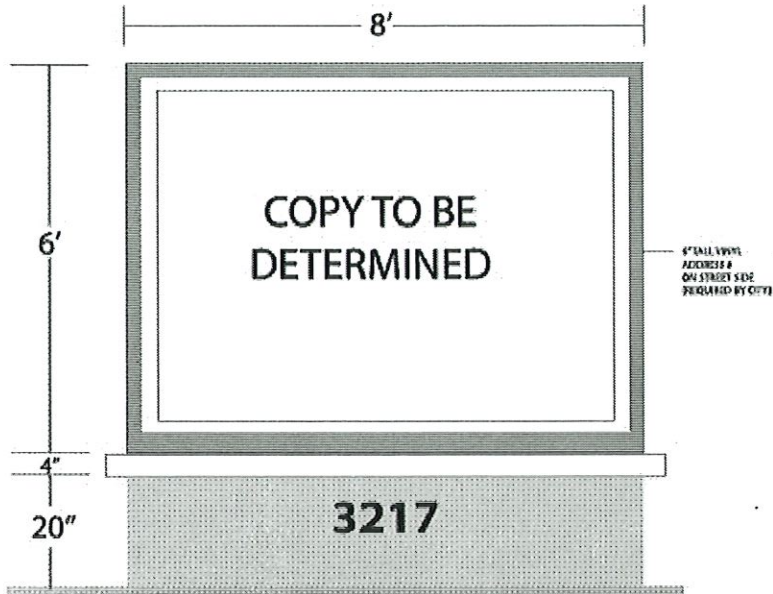
Client Reply Request

☐ Estimate Accepted "As Is". Please proceed with Order.
☐ Changes required, please contact me.

☐ Other: _____
SIGN: _____ Date: ____/____/____

Print Date: 9/22/2022 4:48:40PM

3217 S Atlantic Ave, Daytona Beach, FL 32118



Don Bell Signs To Achieve The Following Scope of Work.

Extract 1 old monument sign from site.
Torch off existing center mount steel pole @ grade.
Abandon old footer & leave below grade.

Fabricate & install (1) new double sided monument sign.

Faces are pan formed white acrysteel with full color digital print logo (first surface).

Internal illumination by white LED.

Base is aluminum skin & frame with light sand stone finish painted white.

Address # to be vinyl or FCO (also required on street side).



EXISTING SIGN TO BE REMOVED FROM SITE.

EXISTING CENTER MOUNT STEEL POLE TO BE TORCHED OFF AT GRADE.

ABANDON OLD CONCRETE & LEAVE BELOW GRADE.

\$14,232.00

Permits & Engineering
will be additional

432493
RECEIVED

OCT 25 2022

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES



365 OAK PLACE
FORT ORANGE, FL 32117
www.donbellsigns.com
CRAIG G. NERLAND
PROJECT MANAGER
304-403-3243
cnerland@donbellsigns.com

Exhibit B
Location Map- 3217 S. Atlantic Avenue- Dream Inn



Source: Volusia County Property Appraiser Website (2022)

Street View- 3217 S. Atlantic Avenue- Dream Inn



Source: Google Street View (July 2022)

EXHIBIT C

Eligibility Requirements Analysis Table: 3217 S. Atlantic Avenue-Dream Inn

ID	Eligibility Criteria	Status	Criteria Met
1	Sign shall not be abandoned	Sign is not abandoned.	Yes
2	Nonconforming freestanding pole/sign pre-existed Ord. 2012-02	Sign pre-existed Ord. 2012-02	Yes
3	Temporary sign and exempt signs do not qualify	Sign is not temporary or exempt	Yes
4	Property shall be located in a commercial/hotel district	Property is located in the Hotel District	Yes
5	Property shall abut S. Atlantic Avenue or Dunlawton Boulevard	Property abuts S. Atlantic Avenue	Yes
6	Sign shall serve to advertise an onsite business	Sign advertises an onsite business	Yes
7	There shall be an active business on site	The advertised business is active	Yes
8	No prior sign work/cost shall be eligible for grant funding	Applicant is aware of this condition	Yes
9	Sign design and plan shall conform to all applicable City standards	Applicant is aware of this condition	Yes*
10	No delinquent accounts payable to City	Applicant is aware of this condition	Yes*
11	Properties subject to Code Enforcement action shall not qualify for this grant.	Property is not subject to CE action	Yes

Note: * Staff is recommending this item as a condition if approved.

Application Summary Description Table:

ID	Parameter	Application	Parameter Met	Added Priority
1	Sign Grant Limit	Requested Amount		
	15% of costs w/ min of \$2,000 and max of \$3,000	\$2,034	Yes	
2	Sign Work Type Permitted			
	Alteration or Removal	Removal w. New Sign	Yes	Yes
3	Work Detail Permitted			
	Design/engineering, sign making, installation, and/or alteration.	Design/engineering, sign making, installation	Yes	
4	Variance Required	No		Yes
5	Existing/Previous Sign Level of Nonconformity	Medium		NA



**CITY COUNCIL AGENDA MEMORANDUM
NOVEMBER 9, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM:

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Resolution 2022-12 Certifying General Election Results

SYNOPSIS:

Resolution 2022-12 will certify the results of the five Charter referendum questions on the General Election held November 8, 2022.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: 1. 2022-12 certify nov election results

RESOLUTION 2022-12

A RESOLUTION OF THE CITY COUNCIL OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, DECLARING THE RESULTS OF THE GENERAL ELECTION FOR THE CHARTER REFERENDUM HELD ON NOVEMBER 8, 2022; DECLARING THE CITY SHALL BE THE JUDGE OF THE ELECTION SUBJECT TO REVIEW BY THE COURTS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance 2022-05 calling for a referendum ballot election for the General Election in compliance with Section 7.01 of the City Charter and other applicable provisions of the Municipal Charter and State Statutes; and

WHEREAS, a General Election with the charter referendum questions was called for November 8, 2022;

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

SECTION ONE: That a General Election was held November 8, 2022 in the City of Daytona Beach Shores for the charter referendum questions.

SECTION TWO: The City Council hereby accepts that the Volusia County Canvassing Board has canvassed the votes cast for the General Election in accordance with Charter Section 6.06 as follows:

QUESTION #1

Ballot Proposal: The ballot title and ballot summary for Question #1 are as follows:

CITY CHARTER AMENDMENT
INCREASING NUMBER OF
COUNCILMEMBER VOTES
NECESSARY TO REMOVE A
COUNCILMEMBER FOR MISCONDUCT

Shall the City Charter be amended to increase, from three

councilmembers to four councilmembers, the number of affirmative councilmember votes necessary to investigate and remove a councilmember for misconduct?

_____ Yes
_____ No

QUESTION #2

Ballot Proposal: The ballot title and ballot summary for Question #2 are as follows:

CITY CHARTER AMENDMENT
ELIMINATING A SPECIFIC MEETING
TIME FOR CITY COUNCIL
ORGANIZATIONAL MEETINGS

Shall the City Charter be amended to remove the requirement that the organizational meeting of the city council must start at 7 pm?

_____ Yes
_____ No

Question 3

QUESTION #3

Ballot Proposal: The ballot title and ballot summary for Question #3 are as follows:

CITY CHARTER AMENDMENT
REVISING TIMELINES FOR
REFERENDA ON CITIZEN-INITIATED
CHARTER AMENDMENTS

Shall the City Charter be amended to revise timelines for holding referenda on citizen-initiated charter amendments, to provide that such referenda be held at the next general election if it is within 120 days (rather than 90 days) after certification of petitions, or otherwise within 90 days (rather than 60 days) after certification of petitions?

_____ Yes

_____ No
QUESTION #4

Ballot Proposal: The ballot title and ballot summary for Question #4 are as follows:

CITY CHARTER AMENDMENT
PROVIDING FOR CITY PURCHASING
TO BE GOVERNED BY COUNCIL-
APPROVED PURCHASING POLICIES

Shall the City Charter be amended to remove specific bidding and purchasing procedures from the Charter, and provide that City purchasing, contracting, bidding, and expenditures will be governed by City ordinances and policies, as approved and updated by the City Council?

_____ Yes
_____ No

QUESTION #5

Ballot Proposal: The ballot title and ballot summary for Question #5 are as follows:

CITY CHARTER AMENDMENT
RENAMING “CITY COUNCIL” TO
“CITY COMMISSION”

Shall the City Charter be amended to rename the “city council” to the “city commission”, “city councilmembers” to “city commissioners”, and “mayor-councilmember” to “mayor”, with such changes having no effect on the powers, duties, or compensation of such officials?

_____ Yes
_____ No

SECTION THREE: CITY COUNCIL JUDGE OF ELECTIONS.

The City Council is, under controlling law, the judge of the election and qualifications of its member, and for such purpose shall have the power to subpoena witnesses and require

the production of records, but the decision of the City Council in such case shall be subject to review by the Courts.

SECTION FOUR: This Resolution shall take effect immediately upon its adoption.

CITY OF DAYTONA BEACH SHORES, FL.

MAYOR, NANCY J. MILLER

Attest:

CITY MANAGER, KURT SWARTZLANDER

CITY CLERK, CHERI SCHWAB

Approved as to form and legality:

CITY ATTORNEY, GRETCHAN "BECKY" VOSE

Adopted this ____ day of November, 2022.

Posted this _____ day of November, 2022.