



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COMMISSION MEETING JANUARY 10, 2023

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

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

- 1. CALL TO ORDER BY MAYOR**
- 2. ROLL CALL BY CITY CLERK**
- 3. PRAYER**
- 4. PLEDGE OF ALLEGIANCE**
- 5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:**
- 6. APPROVAL OF MINUTES**
 - A. City Commission Minutes December 6, 2022
 - B. City Commission Minutes December 13, 2022
- 7. CONSENT AGENDA:**

- A. Renewal of Non-Exclusive Franchise - Creech Enterprises, Inc., dba Southeast Containers
- B. Renewal of Non-Exclusive Franchise - Samsula Waste, Inc.

8. REPORTS OF THE CITY ATTORNEY:

- A. City Attorney Report January 10, 2023

9. REPORTS OF THE CITY MANAGER:

- A. City Manager Report January 10, 2023

10. OLD BUSINESS:

- A. Ordinance 2022-29: Temporary relocation of businesses with non-conforming uses that have incurred substantial damage as a result of Hurricane Ian in the "GC-RD" General Commercial Redevelopment District
- B. Ordinance 2022-30: Adopting a modified version of the *International Property Maintenance Code, 2018 Edition*, as a supplemental code enforcement tool
- C. Non-conforming Sign Removal Incentive Grant Application 12022063: 3634 S. Atlantic Avenue - Mad Dog Surf Shop

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 12022075: 2613 S. Atlantic Avenue - Emerald Shores Hotel
- E. Consideration of Salary Treatment

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 COMMISSION 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 COMMISSION MEETING
December 6, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Chris Conomos, Commissioner Richard Bryan, Vice Mayor Michael Politis

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. NEW BUSINESS:

A. Hurricane Advocacy to County, State and Federal Agencies

Mayor Miller began the workshop by having Attorney Vose summarize Ord. 2020-08 that clarifies how a council member can communicate with others on a subject. Most importantly, whether they are representing the city as a whole, or if it is just for their information. The mayor reviewed the following items that both she and the City Manager have been speaking about with the legislators following the two recent hurricanes: 1) insurance costs - residents are seeing an increase in premiums, sea walls are not insurable, and the SB 4-D funding requirement. 2) proposed property tax relief or rebate - there are many questions relating to this. How do you define who is eligible? Did you have to be impacted by a storm? Who is funding this, the city or state? Both Commissioners Bryan and Lindauer were in support if this is state-funded. 3) grants for repairs - there is talk of possible state-funded grants for owners. FEMA considers a condominium building a business and not a home. They are only eligible for a small business loan. The entire commission was in support of this. 4) FDEP requirement for beach compatible sand- This has been very hard to obtain. There was a brief discussion regarding the standards required and perhaps they could be lessened. 5) beach renourishment or replenishment - The beach is beginning to replenish itself but it is going to take some time for the dunes to rebuild. The county is beginning to hold discussions on this topic. Commissioner Lindauer explained that citizens are asking when beach walkovers would be repaired. City Manager Kurt Swartzlander stated that many repairs are pending seawall repairs first. Staff is looking at where temporary repairs could make walkovers usable. Most are totally gone and they will require a DEP permit. The city is also waiting on FEMA funds as they will reimburse for some repairs. 6) contiguous seawall concept - this could be either citywide or countywide. This has been accomplished in other areas but there are many issues before this could be done here. 7) SB 4-d - The deadline for funding this is Dec. 2024 and the commission would support a 2-5 year extension for this. Going forward, there was a consensus that the Mayor will be the spokesperson for all hurricane-related issues. Commissioner Bryan will obtain facts regarding a contiguous seawall only.

4. ADJOURNMENT:

The meeting ended at 6:18 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB

MINUTES
CITY COMMISSION MEETING
December 13, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Commissioner Mel Lindauer, Mayor Nancy Miller, Commissioner Chris Conomos, Commissioner Richard Bryan, Vice Mayor Michael Politis

Staff: City Manager Kurt Swartzlander, City Clerk Cheri Schwab, City Attorney Paul Waters, 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:

A. Proclamation for Volunteer of the Year

The mayor read the proclamation for Richard Beeman as Volunteer of the Year.

B. Proclamation for County Councilmember Billie Wheeler

The Mayor read the proclamation for County Councilmember Billie Wheeler.

6. APPROVAL OF MINUTES

A. City Council Minutes November 7, 2022

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER RICHARD BRYAN to Approve the City Council Minutes of November 7, 2022.

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

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

B. City Commission Minutes November 15, 2022

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the City Commission Minutes of November 15, 2022.

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

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

7. CONSENT AGENDA:

A. October Public Safety report

B. Walmart Opioid Settlement Document for approval

C. Community Services Department Monthly Report - October 2022

D. Approval of City of Eustis Piggyback Contract For Sewer Line Repair Services

E. Approval of McKim & Creed Contract for Design to Bid Engineering Services For Master Pump Station Odor Control

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL LINDAUER to Approve the consent agenda.

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

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

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report December 13, 2022

City Attorney Paul Waters provided a brief bio on himself as this was his first commission meeting. The report was reviewed with no additional questions.

9. REPORTS OF THE CITY MANAGER:

A. CM REPORT December 13, 2022

The mayor stated that Governor Desantis was giving an extra holiday on December 23rd to all state employees. She inquired if the commission would like to do the same thing for city employees due to the extraordinary year everyone has worked through.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve giving employees an extra holiday on December 23, 2022.

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

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

City Manager Kurt Swartzlander reviewed his report and provided a brief summary of the recent advocacy workshop.

10. OLD BUSINESS:

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

Attorney Waters read the ordinance by title. This is the second reading, that if adopted, would amend the parking requirement for off-street parking for an interior storage facility. Our current standard in the LDC is antiquated and this would be consistent with up-to-date standards.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Ordinance 2022-20 on second reading.

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

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

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

Attorney Waters read the ordinance by title. This is a second reading of the ordinance that, if adopted, would amend the Future Land Use Map for the parcel located at 2616 S. Atlantic Avenue. All due public notices have been met.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Ordinance 2022-21 on second reading.

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

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Vice Mayor Michael Politis, Commissioner 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 Waters read the ordinance by title. All witnesses were sworn in by the City Clerk. The Mayor opened the hearing at approximately 6:40 pm. There was no ex-parte communication by any commissioner regarding this item. City Planner Noel Eaton gave a brief staff presentation. She stated that all due public notice had been met. The business will be All Aboard Interior Storage. The proposed ordinance would amend the zoning designation to be consistent with the surrounding area. There was no public input either for or against. The hearing closed at 6:43 pm.

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Adopt Ordinance 2022-22 on second reading.

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

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

12. NEW BUSINESS:

- A. Ordinance 2022-29: Temporary relocation of businesses with non-conforming uses that have incurred substantial damage as a result of Hurricane Ian in the "GC-RD" General Commercial Redevelopment District

Attorney Waters read the ordinance by title. The proposed ordinance would allow a business with a non-conforming building that had hurricane damage to temporarily relocate. Currently, there is only one business that would qualify; Jet Set Tattoo. There are seven conditions that must be met and they were briefly reviewed by City Planner Noel Eaton. Both the Planning & Zoning Board and staff recommend approval. Both Mayor Miller and Vice Mayor Politis stated that the business owner had spoken to them. This ordinance would sunset in two years.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve Ordinance 2022-29 on first reading.

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

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

- B. Ordinance 2022-30: Adopting a modified version of the *International Property Maintenance Code, 2018 Edition*, as a supplemental code enforcement tool

Attorney Waters read the ordinance by title. Code Enforcement Coordinator Gwyn Herstein explained that in 2019 the city adopted the IPMC for vacant buildings only. The proposed ordinance would adopt the entire 2018 International Property Maintenance Code. She stated that there would be an education period for any properties affected by the new code standards.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER RICHARD BRYAN to Approve Ordinance 2022-30 on first reading.

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

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

C. Beautification Improvement Grant Application 12022062: Angels X, LLC - 2010 S. Atlantic Avenue

City Planner Noel Eaton provided the details for the beautification improvement grant. A complete application was submitted by Jodi Tomlinson for 2010 S. Atlantic Avenue. The applicant would like to pressure wash the building. Two estimates were provided and, if approved, the grant would be in the amount of \$950. Staff recommended approval as long as there are no code enforcement fines at the time of disbursement. Mayor Miller inquired if the applicant had been approved for a grant in the past. Ms. Eaton replied affirmatively in 2020. At that time, a \$500 grant was received for pressure washing and painting. There have been no other applicants in recent times for a beautification grant. Commissioner Lindauer felt the program was intended for more than just pressure washing and cleaning. Those are considered routine maintenance for him. After a brief discussion, the commission requested staff to revise the criteria for any future grants.

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to Deny Beautification Improvement Grant Application 12022062: Angels X, LLC - 2010 S. Atlantic Avenue.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 2 No = 3).

Yes: Commissioner Mel Lindauer, Vice Mayor Michael Politis **No:** Nancy Miller, Richard Bryan, Chris Conomos

The applicant, Jodi Tomlinson, spoke. During the pandemic, she spent over \$30K cleaning up debris on her building and property. She has been in the city since 1997 and applied for an available grant. Commissioner Conomos inquired how often she pressure washed the building. The answer was every 2-4 years. It was his opinion, that if the applicant met the requirements, the city should proceed. The total budget for the grant program is only \$3000. If they move forward with the proposed amounts from staff, Ms. Tomlinson would be given \$2900. After a brief discussion, reduced amounts were proposed for all three grants the applicant applied for.

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to approve Beautification Improvement Grant Application 12022062: Angels X, LLC - 2010 S. Atlantic Avenue in the amount of \$400.

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

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

D. Beautification Improvement Grant Application 12022061: Angels X, LLC - 2006 S. Atlantic Avenue

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS

CONOMOS to Approve Beautification Improvement Grant Application 12022061: Angels X, LLC - 2006 S. Atlantic Avenue in the amount of \$800.

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

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

- E. Beautification Improvement Grant Application 12022073: Kitty X, LLC - 2016 S. Atlantic Avenue

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve Beautification Improvement Grant Application 12022073: Kitty X, LLC - 2016 S. Atlantic Avenue in the amount of \$400.

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

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

- F. Non-conforming Sign Removal Incentive Grant Application 12022063: 3634 S. Atlantic Avenue - Mad Dog Surf Shop

City Planner Noel Eaton stated that the Mad Dog Surf Shop applied for a sign grant. The application meets all requirements and would be eligible for the minimum \$2000 grant. Two quotes were received and the applicant chose Don Bell at a cost of \$2400. Staff recommended approval as long as there are no code enforcement liens at the time of disbursement. Mayor Miller felt that the city shouldn't pay more for the sign than the owner did. It seemed this was not considered when the grant guidelines were created. Commissioner Conomos was concerned that the business address stated Daytona Beach, not Daytona Beach Shores. He proposed continuing this item to allow the owner to correct this.

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Continue the Non-conforming Sign Removal Incentive Grant Application 12022063: 3634 S. Atlantic Avenue - Mad Dog Surf Shop until the meeting on January 10, 2023.

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

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

- G. Non-conforming Sign Removal Incentive Grant Application 12022064: 2430 S. Atlantic Avenue - Peck Office Center

City Planner Noel Eaton explained the details of the grant application. The applicant is the Peck Office Center. Three quotes were obtained and the applicant would qualify for \$2025 reimbursement. The complete application meets all the grant criteria except for criterion #8, which states that no prior work shall be eligible for grant funding. The new sign is installed and pending final inspection. Staff recommended approval in the amount of \$2025 on the condition that no code enforcement violation exists on the property prior to the disbursement of city funds.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL LINDAUER to Approve the Grant Application for Peck Office Center in the amount of

\$2025.

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

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

H. Non-conforming Sign Removal Incentive Grant Application 12022065: 3612 S. Atlantic Avenue - Cherise's Salon

City Planner Noel Eaton provided the details for the sign grant. Cherise's Salon has submitted a complete grant application and qualifies for a minimum of \$2000. Two quotes were obtained. The sign is being repurposed from another location and the total cost is \$3668.50. The sign will now be a wall sign, no longer a pole sign. It was noted by Mayor Miller that this application would be another one that the city is paying more than the owner.

Staff recommended approval in the amount of \$2000 on the condition that no code enforcement violation exists on the property prior to the disbursement of city funds. Vice Mayor Politis moved to award \$500 to Cherise's Salon for the sign grant. The motion died with no second.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the Grant Application for Cherise's Salon in the amount of \$2000.

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

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

I. Non-conforming Sign Removal Incentive Grant Application 12022069: 2328 S. Atlantic Avenue - Fratelli's Pizzeria

City Planner Noel Eaton explained the details of the grant application. The applicant is Fratelli's Pizza. Two quotes were obtained and the applicant would qualify for \$2109 reimbursement. The complete application meets all the grant criteria. Staff recommended approval in the amount of \$2109 on the condition that no code enforcement violation exists on the property prior to the disbursement of city funds.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER RICHARD BRYAN to Approve the Grant Application for Fratelli's Pizzeria in the amount of \$2109.

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

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

J. Non-conforming Sign Removal Incentive Grant Application 12022070: 138 Beachcomber - Cherry Hill Ice Cream Cafe

City Planner Noel Eaton explained the details of the grant application. The applicant is the Cherry Hill Ice Cream Cafe. Two quotes were obtained and the applicant would qualify for \$2000 reimbursement. The complete application meets all the grant criteria. Staff recommended approval in the amount of \$2025 on the condition that no code enforcement

violation exists on the property prior to the disbursement of city funds.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Approve the Grant Application for Cherry Hill Ice Cream Cafe in the amount of \$2000.

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

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

13. COUNCIL COMMENTS:

Mayor Miller asked Commissioner Bryan for an update on the TPO meetings he had attended. He explained that he had been attending virtually, but now that Covid is over, he will attend in person. He will provide an update at the next meeting. Mayor Miller reminded the audience that she would hold Coffee With the Mayor the following day. The guest is County Councilmember Billie Wheeler. Commissioner Conomos inquired about beginning the Beautification Committee after the first of the year. The entire City Commission wished everyone a Happy Holiday.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items added to the agenda by the Commission.

16. ADJOURNMENT:

The meeting ended at 7:51 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB



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



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

Applicant (Business): Creech Enterprises, Inc. dba Southeast Containers
Business Address: 2960 S. Novak Rd. South Daytona 32119
Business Phone: 386-547-4182
Authorized Rep. Name & Title: Lowry Creech, V.P.
Authorized Rep. Contact Phone: 386-547-4185

Items Required for Application Submission:

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

The below statements require the applicant to read and initial the corresponding line:

☒ **I agree**, as authorized representative, that I have received a copy of, read, and will comply with all provisions contained in DBS Ordinance Number 2009-07 and all applicable administrative rules.

may be, subject to

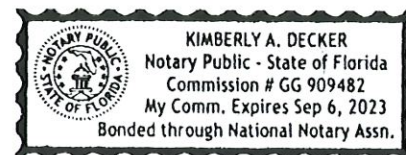
may conduct an
personal records
directors.

RECEIVED
DEC 16, 2022
CODE ENFORCEMENT
DIVISION

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

Signature of Applicant

Signature of Notary Public



☒ Documentation reviewed as complete by the Community Services Director:

Stewart Cruz on 12-30-22
Stewart Cruz Date

☒ Approved for City Commission Agenda Inclusion by the City Manager:

on Agenda Inclusion by the City Manager:
 on 1/3/23
 Kurt Swartzlander Date

Action Taken by City Commission on _____
Date _____

Approved Denied Continued



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



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

Applicant (Business): Samsula Waste, Inc.
Business Address: 363 S State Road 415, New Smyrna Beach, FL 32168
Business Phone: (386) 423-6769
Authorized Rep. Name & Title: Charles Y McDonald, President
Authorized Rep. Contact Phone: (386) 547-4575

Items Required for Application Submission:

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

The below statements require the applicant to read and initial the corresponding line:

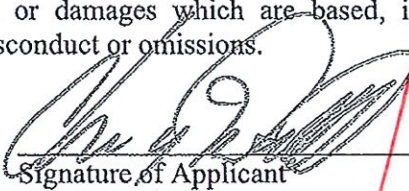
Cym **I agree**, as authorized representative, that I have received a copy of, read, and will comply with all provisions contained in DBS Ordinance Number 2009-07 and all applicable administrative rules.

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

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

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

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


Signature of Applicant

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22 day of December 2022 by Charles y Medana
(Name of Person) as President (Type of Authority, E.g. Officer, Trustee)
for Samsula Demolition (Name of Party on Behalf of Whom the Instrument was executed, E.g. Business)


Signature of Notary Public

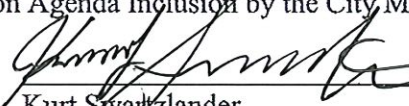


Personally Known: ☒ or Identification Produced: _____

☒ Documentation reviewed as complete by the Community Services Director:

Stewart Cruz on 12-30-22
Stewart Cruz Date

☒ Approved for City Commission Agenda Inclusion by the City Manager:

 on 11/3/23
Kurt Swartzlander Date

Action Taken by City Commission on _____
Date

Approved Denied Continued



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 COMMISSION AGENDA MEMORANDUM
JANUARY 10, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission
COPIES TO: Kurt Swartzlander, City Manager
Cheri Schwab, City Clerk
FROM: Becky Vose, City Attorney
DATE: January 4, 2023
SUBJECT: *City Attorney Report*

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

(1) Continuing Services Contracts

Conducted legal research and advised staff as to various issues for engineering services and construction work under continuing service contracts

(2) Chase Bank Property Acquisition

Assist City staff with closing of property acquisition from JP Morgan Chase Bank

(3) Odor Control System – Master Sewer Station

Worked with city staff and rendered legal advice as to agreement for the odor control system at the City’s master sewer station.

(4) Emergency Orders Issues

Advised city staff regarding waiver of certain statutory requirements pursuant to Governor's emergency orders

(5) *Easements for Expansion into Common Areas*

Assisted city staff with regard to issuance of building permits at Townhomes at the Oceans for expansion of condominium unit appurtenances into common areas

(6) *Code Enforcement Issues*

Assisted city staff regarding second compliance hearings and appropriate notification to interested parties

(7) *Reciprocal Agreements with Condominiums for Public Beach Access*

Draft extensive documentation regarding transfer of beach access properties to condominiums with reciprocal agreement for perpetually public beach access over same area

(8) *Software Agreement*

Work with city staff on revisions to software agreement with iWorq

(9) *Record Retention Issues*

Legal research and render legal opinion concerning records retention policy and disposal of paper copies when electronic copies are kept

(10) *Bid for Roofing – Public Safety Annex*

Work with city staff and make revisions to bid documents for roofing of Public Safety Annex

(11) *Towing Company Issue*

Assist city staff regarding towing company issue and pick up of towed vehicles

Respectfully, submitted,

/s/ Becky Vose, 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: January 10, 2023

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

FROM: Kurt D. Swartzlander, City Manager

SUBJECT: City Manager's Report – January 10, 2023

Community Appreciation Event: The Barbeque Community Appreciation Event has been rescheduled to Thursday, February 9, from 4 to 6 p.m.

Waiver of Permit Fees: The waiver of permit fees due to the hurricanes expires on January 11.

As of this date, we have _____ amount in fees.



CITY COMMISSION AGENDA MEMORANDUM JANUARY 10, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-29: Temporary relocation of businesses with non-conforming uses that have incurred substantial damage as a result of Hurricane Ian in the "GC-RD" General Commercial Redevelopment District

SYNOPSIS:

Ordinance 2022-29 would authorize businesses with existing non-conforming uses located in the "GC-RD" General Commercial Redevelopment District that were substantially damaged as a direct result of impacts from Hurricane Ian, such that occupancy of the business space is infeasible and prohibitive, to temporarily relocate to another property located in the GC-RD District under certain conditions. This Ordinance shall sunset two (2) years after its effective date, meaning within two years, the business shall return to its original location or cease to operate at the temporary location. There is only one business that would qualify to temporarily relocate under the conditions listed below. The Planning and Zoning Board held a public hearing on December 12th, 2022 and their recommendation will be shared at the City Commission meeting.

FISCAL IMPACT STATEMENT:

BACKGROUND:

Hurricane Ian struck the City of Daytona Beach Shores on September 28th and 29th causing damage throughout. The commercial plaza at 2518 S. Atlantic Avenue known as Pappas Plaza sustained substantial damage that prohibited its occupancy. The owner of Jet Set Tattoos and Body Piercing Co., which is located in Pappas Plaza, has requested the City temporarily allow the relocation of his business in the GC-RD District until adequate repairs can be made at the commercial plaza to allow occupancy once again (Exhibit A). This ordinance would authorize businesses with existing non-conforming uses located in the GC-RD that were substantially damaged from impacts of Hurricane Ian, such that occupancy of the business space is infeasible and prohibitive, to temporarily relocate to another property in the GC-RD District under the conditions listed below and shall sunset/expire two years after its effective date.

1. The subject business was a bonafide business established in the GC-RD zoning district at the time of impact from Hurricane Ian.
2. The business space or building is substantially damaged enough to prohibit occupancy.

3. The business is not an Adult Entertainment Establishment as defined in Sec. 2½-3 of the Daytona Beach Shores Code of Ordinances.
4. The new temporary business location is located in the GC-RD zoning district.
5. The business owner applies for and receives a Business Tax Receipt with the City of Daytona Beach Shores for the proposed location.
6. The business owner applies for and receives a Certificate of Use with the City of Daytona Beach Shores for the proposed location.
7. Within the two-year sunset period, the business may be reestablished at its original location in the GC-RD District and maintain its nonconformity.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-29 as presented.

SUGGESTED MOTION:

A City Commissioner may make a motion as follows:

1. "I move to approve Ordinance 2022-29 as presented."
OR
2. "I move to approve Ordinance 2022-29, with the following amendments..."
OR
3. "I move to deny Ordinance 2022-29, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2022-29
 2. Exhibit A-Jet Set Tattoos and Body Piercing Co-Gad Benchetrit Letter for CC

ORDINANCE NO. 2022-29

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA RELATED TO THE TEMPORARY RELOCATION OF BUSINESSES WITH NONCONFORMING USES THAT HAVE INCURRED SUBSTANTIAL DAMAGE AS A RESULT OF HURRICANE IAN IN THE “GC-RD” GENERAL COMMERCIAL REDEVELOPMENT DISTRICT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SUNSET PROVISION; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, on September 23, 2022, the Governor of the State of Florida issued **Executive Order 22-218** to declare a state of emergency for all counties in the state of Florida, including Volusia County, due to the impending effects of Hurricane Ian; and

WHEREAS, on September 24, 2022, the Governor of the State of Florida issued **Executive Order 22-219**, amending **Executive Order 22-218**; and

WHEREAS, on September 27, 2022, the City Manager of the City of Daytona Beach Shores issued a **Declaration of Local Emergency** for Hurricane Ian, consistent with Section 2-9(b) of the Charter of the City of Daytona Beach Shores; and

WHEREAS, Hurricane Ian struck the City of Daytona Beach Shores on September 28 and September 29; and

WHEREAS, on September 29, 2022 the President of the United States declared a major disaster for the State of Florida as a result of Hurricane Ian, which was noticed in the Federal Register as FEMA-4673-DR; and

WHEREAS, Hurricane Ian has passed and recovery efforts have begun in the City of Daytona Beach Shores; and

WHEREAS, the commercial plaza at 2518 S. Atlantic Avenue sustained substantial damages that prohibited its occupancy due to the impacts of Hurricane Ian; and

WHEREAS, the commercial plaza at 2518 S. Atlantic Avenue is located in the “GC-RD” General Commercial Redevelopment District; and

WHEREAS, the commercial plaza at 2518 S. Atlantic Avenue has a bonafide business with a nonconforming use; and

WHEREAS, the owner of the business with a nonconforming use located in the commercial plaza at 2518 S. Atlantic Avenue has requested the City temporarily allow the relocation of his business in the GC-RD District until adequate repairs can be made at the plaza; 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, on December 12, 2022 the Planning and Zoning Board of the City of Daytona Beach Shores heard and recommended approval of 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 City Commission of the City of Daytona Beach Shores finds that it is in the best interest of the businesses, citizens and visitors of the city adopt this Ordinance; and

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

SECTION ONE. RECITALS. The “WHEREAS” clauses are hereby incorporated by reference herein.

SECTION TWO. The City Commission of the City of Daytona Beach Shores hereby authorizes businesses with existing non-conforming uses located in the “GC-RD” General Commercial Redevelopment District to temporarily relocate to another property located in the GC-RD District, provided however the business was substantially damaged as a direct result of impacts of Hurricane Ian such that occupancy of the business space is infeasible and prohibitive and providing as follows:

1. The subject business was a bonafide business established in the GC-RD zoning district at the time of impact from Hurricane Ian.

2. The business space or building is substantially damaged enough to prohibit occupancy.
3. The business is not an Adult Entertainment Establishment as defined in Sec. 2½-3 of the Daytona Beach Shores Code of Ordinances.
4. The new temporary business location is located in the GC-RD zoning district.
5. The business owner applies for and receives a Business Tax Receipt with the City of Daytona Beach Shores for the proposed location.
6. The business owner applies for and receives a Certificate of Use with the City of Daytona Beach Shores for the proposed location.
7. Within the two-year sunset period, the business may be reestablished at its original location in the GC-RD District and maintain its nonconformity.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions.

SECTION FOUR. SUNSET. This authorization granted herein shall expire two (2) years subsequent to the effective date of this ordinance.

SECTION FIVE. SAVINGS. The prior actions of the City of Daytona Beach Shores relating to nonconforming uses, as well as any and all related actions and activities, are hereby ratified and affirmed.

SECTION SIX. CONFLICTS. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION SEVEN. SEVERABILITY. If any Section or portions of a Section 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 EIGHT. 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*.

SECTION NINE. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption and may be extended as provided herein.

CITY OF DAYTONA BEACH SHORES, FLORIDA

By: _____
Nancy Miller, Mayor

ATTEST:

By: _____
Kurt Swartzlander, City Manager Cheri Schwab, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Gretchen R. H. "Becky" Vose, City Attorney

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

Posted this _____ day of _____, 2022.



Jet Set Tattoos & Body Piercings

2522 S. Atlantic Ave

Daytona Beach Shores, FL 32118

Phone: (386)760-3073

Gad Benchetrit

Cell #: (386)589-3778

To whom it may concern at the City Council of Daytona Beach Shores,

My journey started in Daytona Beach Shores in 1994 where I opened my first business called Surf Outlet Inc. located at 2012 S. Atlantic Ave. I operated this business for 7 years, then moved to 2130 S. Atlantic Ave under the same name. From there in 1999 I opened Body Art Gallery dba Jet Set Tattoos where I've been operating for 22 years at the same location. Fortunately, for the last 22 years I've been able to do body piercings and tattoos as well as maintain a beautiful and sterile environment. Our last inspection from the Health Department, we even got a cudos from then Health Department leader Greg Thomas for keeping better records than most hospitals. And I thank the city for giving me the opportunity to keep and protect my license throughout the years. Through the years we have been hit and have taken on damage from other disasters like Hurricane Charlie in 2004 and Hurricane Mathew in 2016, but were lucky enough to get back up and running within a few months, unfortunately due to Hurricane Ian this time was not the case. The whole plaza, including myself took on catastrophe damage to where the whole plaza is not operational and will take a long time to rebuild. Fortunately for the other tenants they are able to pack up and move to other locations within Daytona Beach Shores, but for myself that is not the case because my license is grandfathered into that location especially with all the rules and regulations that have come along the way since I've been in business there. What I am asking from the Council is to please review this matter and to please allow me the opportunity to move my license temporarily to a different location until the plaza is rebuilt. I am a family man who is married with 3 children, I have expenses including mortgages, rents, private school payments and many more expenses. Since the hurricane passed I am struggling and losing income everyday. I do not know how long I can hold on. I have a total of nine employees that are out of work, some that have been with me for a few years that I would love to reemploy. This whole incident is taking its toll on my well-being and my financial stability. In the years that we've been in business, we've been able to provide these types of services to people from all corners of our country as well as internationally. You must understand that out of 22 years of business we've been able to build a clientele that have grown to become family that always make it a point to come back on their trips for more work or even just to say a happy hello. Being in this city for as long as I have, I've seen it flourish to being a beautiful paradise and I've only ever wanted my business to continue to represent that status, especially when I make sure my shop is ran properly and perfectly to the highest standards where we always kept it creative and fun but maintained a sterile environment. For the last 30 years I've been involved with Daytona Beach Shores whether it's through businesses I've operated in this beautiful city or residing at the Bella Vista Condominiums where I was president of the HOA for a period of time.

Daytona Beach Shores has been a part of at least half of my life and I'm hoping it will continue to be this way for a long period of time.

To finalize this letter, I am asking the City Council to please open your hearts and grant me the opportunity to continue operating my business in Daytona Beach Shores and to please give me the chance to relocate temporarily to another location so I can continue to serve our tattoo and piercing community. Please keep in mind there is a strong demand for my type of industry and I will always continue to keep doing an amazing job taking good care of my previous and future clients. On a different note I finally see a huge difference in our city since of Nancy Miller was elected Mayor. I personally think she's doing an amazing job bringing businesses back on track and attracting new businesses to want to operate in our city. I love the shores and hopefully you can please understand my situation. It is extremely hard to lose my main income and that shop was my baby.

Thank you very much for taking the time to read this letter and I am hopeful that I will hear some good news.

Sincerely,
Gad Benchetrit



CITY COMMISSION AGENDA MEMORANDUM JANUARY 10, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Stewart Cruz, Community Services Director

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-30: Adopting a modified version of the *International Property Maintenance Code, 2018 Edition*, as a supplemental code enforcement tool

SYNOPSIS:

The International Property Maintenance Code, commonly referred to as the *IPMC*, is a set of regulations created and updated by the *International Code Council*. The *IPMC* establishes standards for property and building maintenance and provides detail beyond the City's previously adopted maintenance codes, including requiring the functionality of specific appurtenances and systems. In 2019, the City adopted the *IPMC*, along with all future amendments, for the narrow purpose of making compliance determinations for vacant structures.

At this time, City staff has determined that broad application of *IPMC* standards in Daytona Beach Shores would be beneficial. By specifically adopting the 2018 Edition of the *IPMC*, rather than simply accepting changes as the *International Code Council* makes them, the City will insure that updates do not create conflicts with other sections of Daytona Beach Shores Ordinances nor with the Florida Codes and Statutes. Additionally, this Ordinance specifically addresses such conflicts in the 2018 Edition and specifies how those conflicts will be handled.

FISCAL IMPACT STATEMENT:

BACKGROUND:

The *International Code Council*, commonly referred to as the *ICC*, is a non-profit organization which develops model Codes and standards. Many states and jurisdictions adopt these model Codes, wholly or in part, and they form the basis for many specialized Code sets. Florida Building Codes are one example of a specialized Code set, as they are specifically written and updated to reflect design and construction requirements for structures built in hurricane-prone areas.

One branch of the *ICC*'s model Codes is the *IPMC*, which establishes standards for property and building maintenance. These standards overlap the City's current property maintenance codes in places. For example, similar to the existing Daytona Beach Shores Code of Ordinances, the *IPMC* requires that grass and weeds be kept trimmed. The *IPMC* also establishes standards not currently being applied to properties City-wide - namely the minimum standards for building interiors. While

these *IPMC* standards have been in use in Daytona Beach Shores since their limited adoption in 2019, the scope of their use has been to evaluate *vacant* buildings.

Many jurisdictions broadly use the *IPMC*'s building interior standards while inspecting units and homes as part of rental registration programs. Because Daytona Beach Shores does not administer such a program, adopting interior standards for spread use here had previously seemed unnecessary. Complaint calls to code enforcement from tenants were few (an average of three to four per year) and could typically be handled with simple code enforcement office phone calls to landlords. At times, tenants were directed back to their landlords. However, possibly due to an increasingly tight, long-term rental market and more out-of-area property owners, tenant complaint calls have increased over the last few years and, in some cases, code enforcement calls to landlords have been less effective. Broad application of the *IPMC* should provide targeted tools for specific issues like a lack of plumbing functionality and inconsistent or unavailable electrical service. This should streamline the code enforcement process for these types of cases and have a positive effect on the health, safety, and welfare of residents and tenants in Daytona Beach Shores.

To access the referenced Codes, please highlight and open the below link:

2018 International Property Maintenance Code (IPMC)

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-30 as presented.

SUGGESTED MOTION:

A City Commissioner may make a motion as follows:

1. "I move to approve Ordinance 2022-30 as presented."
OR
2. "I move to approve Ordinance 2022-30, with the following amendments..."
OR
3. "I move to deny Ordinance 2022-30, on the basis of the following..."

ATTACHMENT: 1. BV-Ord - Adoption of International Property Maintenance Code 12-5-22
V6-BV-SC

ORDINANCE 2022-30

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, ADOPTING THE *INTERNATIONAL PROPERTY MAINTENANCE CODE®*, 2018 EDITION, AS MODIFIED BY ORDINANCE, AS A SUPPLEMENTAL CODE ENFORCEMENT TOOL BY AMENDING APPENDIX “G”, SECTION 5-6.2. ENTITLED “CODE ENFORCEMENT ENHANCEMENT PROGRAM; SUPPORT CODES” AND BY AMENDING SECTION 14-52.9. ENTITLED “MAINTENANCE OF PROPERTIES”; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; 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, the *International Property Maintenance Code®* governs the maintenance of existing buildings and is designed to meet this need through model code regulations that contain property maintenance requirements with required property improvement provisions; and

WHEREAS, the *International Property Maintenance Code®* is published by the International Code Council (ICC) which is a non-profit organization dedicated to developing model codes and standards used in the design, build, and compliance process. The International Codes (I-Codes®) are a widely accepted, comprehensive set of model codes used in the US and abroad to help ensure the engineering of safe, sustainable, affordable and resilient structures. All 50 states and the District of Columbia have adopted the I-Codes® at the state or jurisdictional level in some form. Internationally, code officials recognize the need for comprehensive property maintenance codes; and

WHEREAS, the City of Daytona Beach Shores previously adopted the *International Property Maintenance Code®* for the limited use of making compliance determinations for vacant buildings, but the City has determined that it would be appropriate and beneficial to adopt many parts of the *International Property Maintenance Code®, 2018 Edition* for broad application in the City; and

WHEREAS, the City of Daytona Beach Shores has determined that provisions of this ordinance are necessary to support and maintain the health, safety, and general welfare of the citizens of and visitors to the City of Daytona Beach Shores; and

WHEREAS, the City of Daytona Beach Shores recognizes that some modification is necessary to limit conflicts between the *International Property Maintenance Code®*, designed for possible use world-wide, and Codes specifically adopted for use in Florida and also in 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 ~~strike through~~ shall constitute deletions to the original text.

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

SECTION ONE: The City Commission of the City of Daytona Beach Shores hereby finds that the above “Whereas” clauses are true and correct and constitute legislative determinations which form the basis for this ordinance.

SECTION TWO: The *Land Development Code*, Appendix “G”, *Code of Ordinances of the City of Daytona Beach Shores*, is hereby amended to read as follows:

Sec. 5-6.2. - Code enforcement enhancement program; support codes.

- (a) The City of Daytona Beach Shores hereby adopts the *International Property Maintenance Code®*, *2018 eEdition*, as published by the International Code Council, ~~as it may be amended from time to time~~, subject to the conditions set forth in ~~this section~~, Sec. 14-52.9 of this code and all references to the local jurisdiction shall be to the City of Daytona Beach Shores.
- (b) The general purposes of the adoption of the *International Property Maintenance Code®*, *2018 Edition*, is to facilitate its application in making determinations of compliance for vacant properties as set forth in section aApp. “G”, § 14-61.1 of this ordinance and to supplement available code enforcement tools.

Sec. 14-52.9. Maintenance of Properties.

A. Intent.

B. Nuisances Defined.

C. Unsafe Structures.

D. Minimum Maintenance Standards.

E. International Property Maintenance Code, 2018 Edition adopted.

1. With the exceptions referenced below, the City of Daytona Beach Shores hereby adopts the *International Property Maintenance Code, 2018 Edition* published by the International Code Council, Inc., and incorporates the same by reference as if fully set forth herein. Copies of the *International Property Maintenance Code, 2018 Edition*, together with this section, are on file in the office of the City Clerk.
2. The following sections of the *International Property Maintenance Code, 2018 Edition* are hereby amended as follows:
 - a. Section 102.3 entitled “Application of other codes” is hereby amended to read as follows: Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current edition of the Florida Building Code and adopted volumes thereof. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the City of Daytona Beach Shores Code of Ordinances or it's Appendixes. All references to the International Model Codes shall be changed to the equivalent currently adopted edition of the Florida Codes, as follows:
 - i. International Building Code is the Florida Building Code, Building;
 - ii. International Plumbing Code is the Florida Building Code, Plumbing;
 - iii. International Mechanical Code is the Florida Building Code, Mechanical;
 - iv. International Fuel Gas Code is the Florida Building Code, Fuel Gas;
 - v. International Residential Code is the Florida Building Code, Residential;
 - vi. International Existing Building Code is the Florida Building Code, Existing Building;
 - vii. International Electrical Code is the National Electrical Code NFPA 70;
 - viii. International Fire Code is Florida Fire Prevention Code and NFPA;
 - ix. International Zoning Code is the City of Daytona Beach Shores Land Development Code;
 - b. Section 103.1, entitled “General,” shall read as follows: The City Manager or designee is hereby charged with the primary responsibility of enforcing this code.

- c. Section 103.2, entitled “Appointment,” shall read as follows: The Code Official shall be the City Manager or designee.
- d. Section 103.5, entitled “Fees,” is hereby deleted in its entirety.
- e. Section 106.2, entitled “Notice of Violation,” is hereby deleted in its entirety.
- f. Section 106.3, entitled “Prosecution of Violation,” is hereby deleted in its entirety.
- g. Section 107, entitled “Notices and Orders,” shall read, in its entirety, as follows: Whenever the code official or an employee charged with enforcement of the *International Property Maintenance Code, 2018 Edition* determines a violation of such Code exists, all Notices given must follow the procedures outlined in the Florida Statutes, Section 162.12., adopted by the *Daytona Beach Shores Code of Ordinances*, Chapter 2. *Administration*, Article III. *Code Enforcement Board*.
- h. Section 108.3 entitled “Notice,” shall read as follows: Condemnation Notices based on conditions identified in the *International Property Maintenance Code, 2018 Edition* shall comply with the procedures outlined in the *Daytona Beach Shores Code of Ordinances*, Chapter 19. *Public Nuisances*., Article II. – DILAPIDATED, UNSANITARY, UNSAFE OR UNINHABITABLE BUILDINGS.
- i. Section 109.4 entitled “Emergency repairs,” is hereby deleted in its entirety.
- j. Section 109.5 entitled “Costs of emergency repairs,” is hereby deleted in its entirety.
- k. Section 110, entitled “Demolition,” is hereby amended to read as follows:

Subsection 110.1 *Condition of lot or structure after demolition.* A lot from which a manmade dwelling, structure, or manmade body of water is repaired or demolished shall be completely cleaned of all repair or demolition material and shall be properly filled, graded, and seeded with grass or sodded and watered, within ten (10) days of the date of completion of the repairs or demolition.

Subsection 110.2 *Cost of repair or demolition; lien on property; collection.*

- i. Upon repair or demolition of any building or structure, either with City of Daytona Beach Shores employees or by independent contractor, all costs of demolition and/or repair shall be assessed against and constitute a lien on the property upon which the building or structure is/was situated. Cost shall include, but not be

- limited to, all administrative costs, attorney's fees, postage, publication fees, and actual costs of physical removal and/or repair.
 - ii. The City Clerk may file a lien in the public records of Volusia County Florida, showing the nature of the lien, the amount thereof, a legal description of the property, and the owner thereof.
 - iii. The lien may be enforced in the same manner as a court judgment by the State of Florida, including levy against personal property, and may also be foreclosed. All costs and attorney's fees incurred in collection of amounts due under any such lien shall also be secured by the property and included within the total sum due under the lien.
 - iv. The City shall not commence any lien foreclosure action against any property for which a lien has been filed until such lien has been filed of record for a period of at least ninety (90) days.
- l. Section 111, entitled "Means of Appeal," is hereby deleted in its entirety.
 - m. Section 201.4, entitled "Terms not Defined," is hereby amended to read as follows: Words not defined herein or in the referenced Florida Codes shall have meanings defined in the Florida Statutes, other documents, manuals, or standards adopted elsewhere in this Code of Ordinances. Words not defined in those documents shall have the meaning stated in the latest edition of Merriam-Webster's Collegiate Dictionary.
 - n. Section 301.2, entitled "Responsibility," shall read, in its entirety, as follows: The owner of the premises shall maintain the structures and exterior property in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the property maintenance requirements of the City.
 - o. Section 302.4, entitled "Sanitation," shall read, in its entirety, as follows: Exterior property and premises shall be maintained in a clean, safe, and sanitary condition.
 - p. Section 302.4, entitled "Weeds," shall read as follows: All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches.
 - q. Section 304.14, entitled "Insect Screens," is hereby deleted in its entirety.
 - r. Section 309.5, entitled "Occupant," is hereby deleted in its entirety.
 - s. Section 404.4.5, entitled "other requirements," is hereby deleted in its entirety.

- t. Section 602.3, entitled “Heat supply,” shall read as follows: Each owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th to March 15th sufficient to maintain a temperature of not less than sixty-eight (68) degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.
- u. Section 602.4, entitled “Occupiable workspaces,” shall read as follows: Indoor occupiable work spaces shall be supplied with heat during the period from November 15th to March 15th sufficient to maintain a temperature of not less than sixty-eight (68) degrees Fahrenheit during the period the spaces are occupied.
- v. Section entitled “Appendix A: Boarding Standard” is hereby deleted in its entirety.
- w. Supplemental Code. The provisions of this Code shall be supplemental to other codes and other ordinances of the City.

E. F. *Relief due to Proven Hardship.*

F. G. *Enforcement.*

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions.

SECTION FOUR: 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 FIVE: LIMITED CODIFICATION. 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 One, Three, Five, Six, Seven, and Eight shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance; provided, however the full text of the *International Property Maintenance Code*® shall not be a part of such codification.

SECTION SIX: CONFLICTS. In such case that any direct conflict exists between this Ordinance and the Florida Statutes or Florida Code provisions, the Florida Statutes and Florida Code provisions shall prevail and apply. In such case that any direct conflict exists between two local property maintenance codes, the stricter requirement shall prevail and apply. All ordinances or parts thereof in conflict with the provisions of this ordinance, when said conflicts cannot be satisfied by the previous two statements, are hereby repealed to the extent of such conflict.

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

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

KURT SWARTZLANDER, CITY MANAGER CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

GRETCHEN R. H. VOSE, CITY ATTORNEY

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

Adopted on second reading this _____ day of _____, 2023.



CITY COMMISSION AGENDA MEMORANDUM JANUARY 10, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Non-conforming Sign Removal Incentive Grant Application 12022063: 3634 S. Atlantic Avenue - Mad Dog Surf Shop

SYNOPSIS:

The City received the subject Nonconforming Sign Removal Incentive Grant Application on November 1, 2022 from Dustin Dipersia, owner of the property located at 3634 S. Atlantic Avenue known as the Mad Dog Surf Shop. 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 \$2,400. Therefore, the applicant would qualify for \$2,000 in grant reimbursement subsequent to the construction of the new conforming monument sign.

NOTE: The applicant has updated the business webpage to display the Daytona Beach Shores address as requested by the City Commission.

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, Don Bell signs, provided a quote of \$2,400. Hawkeye Brothers provided a quote of \$3,248. 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:

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 Commissioner may move as follows:

“I move to approve the Non-Conforming Sign Removal Incentive Grant application for 3634 S. Atlantic Avenue, Dustin Dipersia, Mad Dog Surf 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 & Rendering-3634 S. Atlantic Avenue
 2. Exhibit B- Location Map & Street View - 3634 S. Atlantic Avenue
 3. Exhibit C-Evaluation-3634 S. Atlantic Avenue



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

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BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

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: 3634 S. ATLANTIC AVE Parcel No: 630205090040
Existing Property Use/Business: SURF SHOP
Property Owner's Name: DUSTIN DIPERSIA
Property Owner's Address: 2829 S. PENINSULA DR. DAYTONA BEACH
FL. 32118
Owner's Telephone No: 808.264.7214 Owner's Fax No: _____

B. Applicant Information (if not owner)

Applicant's Name: DUSTIN DIPERSIA
Address: 2829 S. PENINSULA DR. DAYTONA BEACH, FL
Telephone No: 808.264.7214 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 EXISTING \$ _____
 TOTAL SIGNAGE COST \$ 2,400.00
 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.

X OWNER's SIGNATURE [Signature]

STATE OF FL COUNTY OF Volusia

Sworn to and subscribed before me this 31 day of Oct 2022, by DUSTIN DIPERSIA who is personally known to me or has produced _____ and who did (did not) take an oath.

[Signature: Frank J. Boanno]



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.

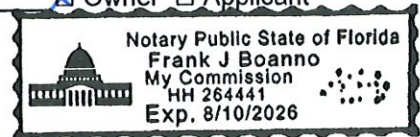
 Notary Public

My Commission Expires: _____

E. Notice and Affirmation of Permit Requirements

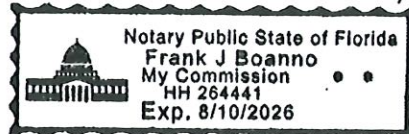
By signing below, I hereby acknowledge that the grant application process and approval is only for the disbursement of grant funds and does not constitute a sign permit. By signing below, I further acknowledge that a sign permit is required from the Daytona Beach Shores Building Department and that the 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.

X Signature: [Signature] ☒ Owner ☐ Applicant
Date: 10/31/22
STATE OF FL COUNTY OF _____
Sworn to and subscribed before me this 31 day of Oct, 2022, by DUSTIN DIPERSIA who is personally known to me or has produced _____ and who did (did not) take an oath.
Frank J. Boanno My Commission Expires: 8/10/2026
Notary Public



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.



X PROPERTY OWNER's Signature: [Signature]
Date: 10/31/22
STATE OF FL COUNTY OF Volusia
Sworn to and subscribed before me this 31 day of Oct, 2022, by CECIL J. WARD who is personally known to me or has produced _____ and who did (did not) take an oath.
Frank J. Boanno My Commission Expires: 10/31/22
Notary Public

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): ☐

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CITY OF DAYTONA BEACH SHORES

4. Sec. E, signed authorization affidavit (if applicable): ☐ *N/A*
5. Sec. F, signed authorization affidavit (if applicable): ☐ *N/A*
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.



365 Oak Place
Port Orange, FL 32127
386-788-8084
www.DonBellSigns.com

10/31/2022

MADDOG SURFSHOP
3634 SOUTH ATLANTIC AVE.
DAYTONA BEACH SHORES, FL
w.o. # 2200679

Attn: Dustin Dipersia

Don Bell signs to perform the following scope of work: Existing sign must conform to current code and meet the city's requirements.

Remove and discard top portion of existing concrete structure, bringing sign down to max height allowed of 8' feet. Fabricate and install new roof trim cap, new ACM panels decorated with vinyl copy and logo. Fabricate and install (2) new sets of 6" address numbers.

Note: Existing sign exceeds the required 2' setback, structure is a non-illuminated sign, required landscaping is by others.

Price: \$2,400.00

Frank Boanno
Accounts manager

Gary Bell
President.

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CITY OF DAYTONA BEACH SHORES

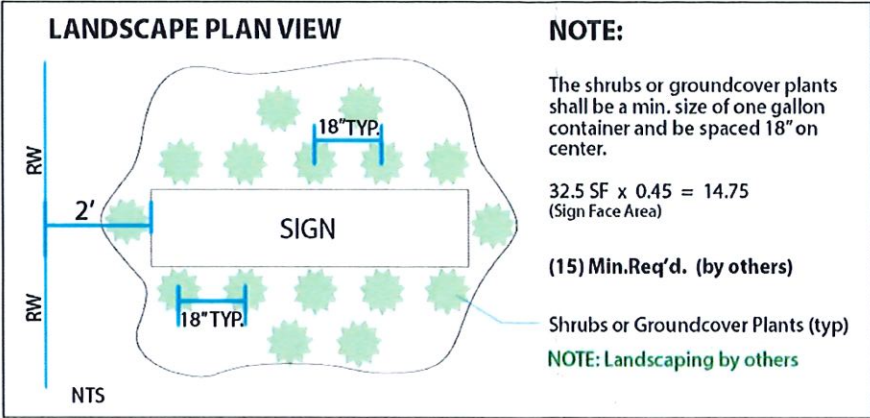
Scope of Work

Don Bell Signs to remove & discard top section of existing concrete Main ID
Don Bell Signs to fabricate & install:
New roof cap, ACM sign panels, & (1) set of address numbers as specified.

Notes:

All hardware to be non-corrosive.

Landscaping by others.



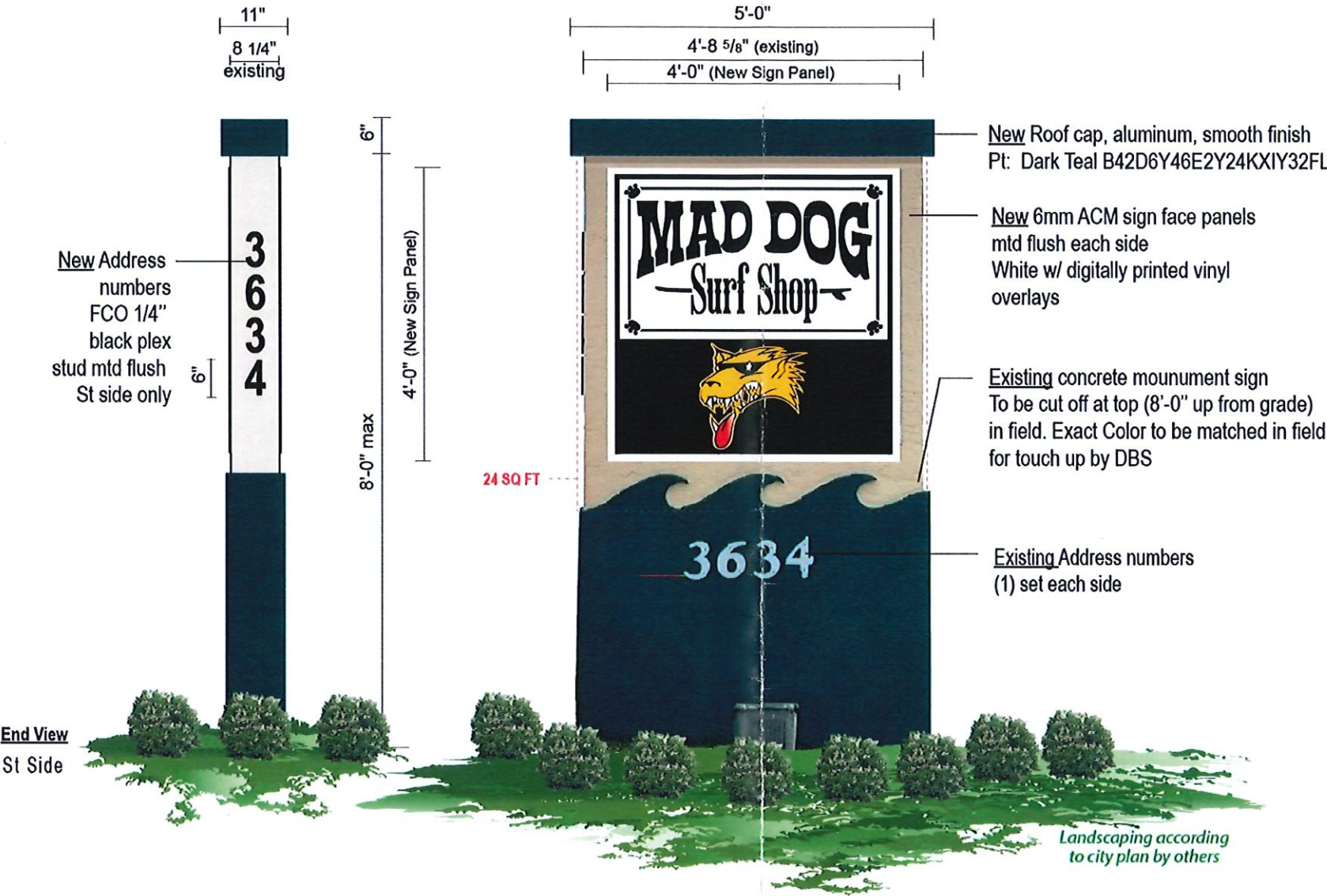
Brand is Florida Paint

1. Teal = B42D6Y46E2Y24KXIY32FL



Existing Sign

To be reduced in height to 8'-0" (max) in field, existing sign panels to be removed & discarded



Main ID
Prop. Sq Feet = 24
Max Sq. Ft. = 48
Prop. O/H = 8'-0"
Max O/H = 8'-0"
Min. Grade Clear. = n/a
Base Height min. 18"

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CITY OF DAYTONA BEACH SHORES

ETL Acct. #115459
UL 48 Listed Signage
All Sign Components shall be UL listed and Recognized in the SAM Manual
All Wiring shall be at least 90° C rated

Note: This design pending engineering.

MAD DOG SURF SHOP

DESIGN #: **2200679 R1**

DATE: 10.20.22

DRAWN BY: SS

Revisions / Date / Initials

R1 10.27.22 SS

Chged all specs

ETL Acct. #115459
UL 48 Listed Signage
All Sign Components shall be UL listed and Recognized in the SAM Manual
All Wiring shall be at least 90° C rated

ACCOUNT #115459
120 Volt
277 Volt

SHEET 1

ACCOUNT MAD DOG SURF SHOP

STREET 3634 South Atlantic Ave
CITY Daytona Bch Shores FL
SALES REP Frank Boanno / Gary Bell
SCALE As Noted
FILE NAME
PROGRAM Adobe Illustrator CC
FONTS USED
CUSTOMER APPROVAL DATE

Note: Primary power & signage lighting control by others. The primary power must be located within 5' of applicable signs installation location.

All penetrations to have bushings

PRIMARY ELECTRIC BY OTHERS

This design (except registered or existing trademarks) is the property of DON BELL SIGNS LLC and shall not be reproduced or copied in whole or in part without the written permission of the above named owner.



Hawkeye Brothers

2381 Mason Ave Suite 120
Daytona Beach, FL 32117 US
386-492-3883
tim@hawkeyebrothers.com
www.hawkeyebrothers.com

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BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

**BILL TO: MAD DOG -**

Dustin Dipersia
3634 South Atlantic Ave
Daytona Beach Shores, FL
WO# 2200679

DATE
10/31/2022

PLEASE
PAY
\$3,248.00

DUE DATE
12/31/2022

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	PRINT	In field, remove portion of existing concrete sign to max. height of 8'. New roof cap, new i.d. panels. Two sets of address 6"numbers.	1		\$3,248.00
	ART SETUP		1		

SUBTOTAL	\$ 3,248.00
TAX	0.00
TOTAL	3,248.00

TOTAL DUE	\$3,248.00
-----------	------------

THANK YOU.

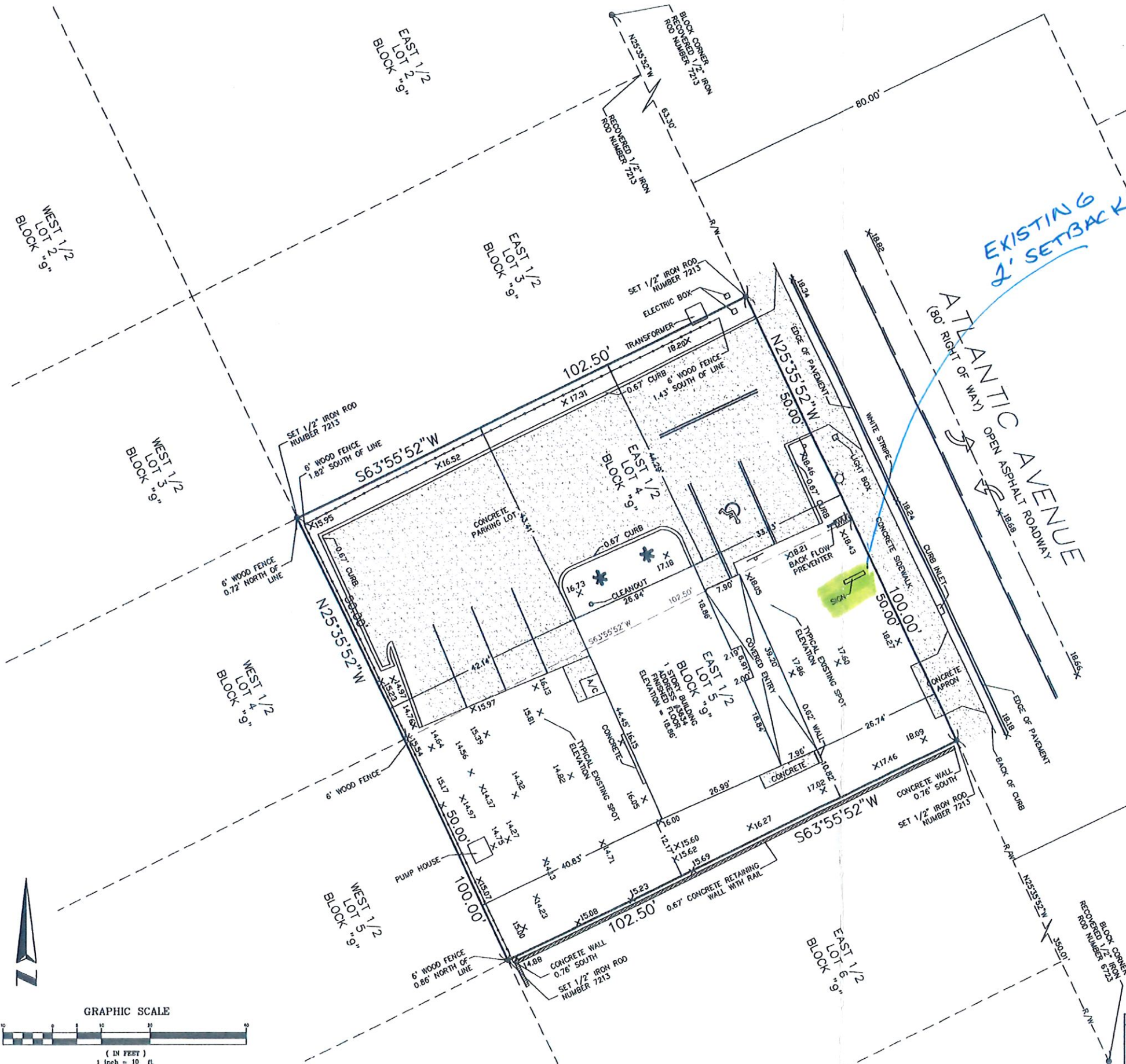


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CITY OF DAYTONA BEACH SHORES

Sent from my iPhone



SURVEYOR'S NOTES:

Bearings shown hereon are based on the Florida State Plane Coordinate System, (East Zone) as determined by the Florida Department of Transportation "FPRN" cellular GPS network.

There may be easements and restrictions of record and/or private agreements not furnished to this surveyor or shown on this boundary survey that may affect property rights and/or land use rights of the subject property.

Subject property falls within Flood Zone "X", according to the F.E.M.A. Firm Map number 12127C0389 H, dated 2/19/2014.

This Survey was performed without the benefit of an Insurance Title Commitment.

There may be environmental issues and/or other matters regulated by various Departments of Federal, State or Local Governments affecting the subject property not shown on this survey.

This Survey was performed for the sole and exclusive benefit of the entities listed hereon and shall not be relied upon by any other entity or individual whomsoever.

This Survey is not valid without the signature and original raised seal of the Florida licensed Professional surveyor and mapper named in the signature block.

Underground utilities and improvements were not located, unless shown hereon.

Elevations shown hereon are based on the NAVD 1988 vertical datum, as determined by the Florida Department of Transportation "FPRN" cellular GPS network.

EXISTING 2' SETBACK

ATLANTIC AVENUE
(80' RIGHT OF WAY)
OPEN ASPHALT ROADWAY

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- LEGEND:**
- Denotes wire fence
 - Denotes fire hydrant
 - Denotes reclaimed water valve
 - Denotes concrete
 - Denotes dirt road
 - Denotes edge of pavement with concrete curb
 - Denotes edge of pavement
 - Denotes underground drainage pipes
 - Denotes wood power pole
 - Denotes overhead power
 - Denotes guy wire
 - Denotes reclaimed water marker

TREE TABLE

* DENOTES A TYPICAL PALM TREE
12 DENOTES 12" DIAMETER

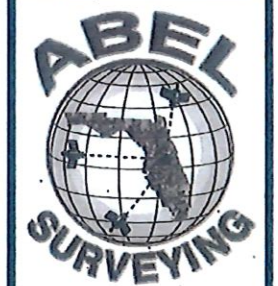
BOUNDARY SURVEY

LEGAL DESCRIPTION AS RECORDED IN O.R. BOOK 4037, PAGE 4878
EAST 1/2 OF LOTS 4 AND 5, BLOCK 9, OCEAN VIEW SECTION,
HALIFAX ESTATES, ACCORDING TO THE PLAT THEREOF
RECORDED IN MAP BOOK 11, AT PAGE 00, OF THE PUBLIC
RECORDS OF VOLUSIA COUNTY, FLORIDA.

10.25035 SQUARE FEET OR 0.2353 ACRES MORE OR LESS

CERTIFY TO:

ROBERT BAILEY
3634 S ATLANTIC AVENUE
DAYTONA BEACH SHORES,
FLORIDA 32118



1780 DOYLE ROAD, SUITE 6
DELTONA, FLORIDA 32725
(386) 860-1866

JOB NUMBER: 2017-073
FIELD DATE: 4-25-2017
DRAWING SCALE: 1" = 10 FEET
CALCULATED BY: JMA
FIELDWORK BY: SEAN/TERRY/DALTON
DRAWN BY: JMA

DATE	REVISION

SHEET 1 OF 1

FOR THE LICENSED BUSINESS # 7213 BY:

WILLIAM H. ABEL JR. P.S.M. # 6165
SIGNATURE DATE: 4-25-2017



Select Language

If you received property damage during Hurricane Ian, please submit a report online by clicking here.



Home / Parcel Summary for 3569041

Summary **TRIM Notice** Permits Map Ectometry Print

Alternate Key: 3569041
Parcel ID: 630205090040
Township-Range-Section: 16 - 33 - 02
Subdivision-Block-Lot: 05 - 09 - 0040
Physical Address: 3634 S ATLANTIC AVE, DAYTONA BEACH SHORES 32118
Business Name:
Owner(s): DIFERSIA DUSTIN - FS - Fee Simple - 100%
Mailing Address On File: 2829 S PENINSULA DR
 DAYTONA BEACH FL 32118
[Update Mailing Address](#)
Building Count: 1
Neighborhood: 7362 - W/S ATL AVE DAYTONA BCH SHORE
[Neighborhood Sales](#)
Subdivision Name:
Property Use: 1100 - STORES 1 STORY
Tax District: 403-DAYTONA BEACH SHORES
2022 Final Millage Rate: 17.1784
Homestead Property: No - [Apply for Homestead Online](#)
Agriculture Classification: No - [Additional Information](#)
Short Description: E 1/2 OF LOTS 4 & 5 BLK 9 OCEAN VIEW SEC HALIFAX ESTS FER OR
 4037 FG 4878 FER OR 8201 FG 0905

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

Property Values

Tax Year:	2023 Working	2022 Final	2021 Final
Valuation	1-Market	1-Market	1-Market
Method:	Oriented Cost	Oriented Cost	Oriented Cost
Improvement	\$120,058	\$120,058	\$107,818
Value:	\$108,150	\$108,150	\$92,700
Land Value:	\$228,208	\$228,208	\$200,518
Just/Market Value:			

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Working Tax Roll Values by Taxing Authority

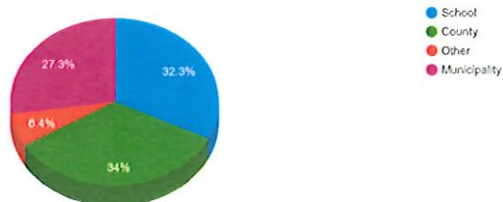
Values shown below are the 2023 WORKING TAX ROLL VALUES that are subject to change until certified. Millage Rates below that are used in the calculation of the Estimated Taxes are the 2022 FINAL MILLAGE RATES. The Just/Market listed below is not intended to represent the anticipated selling price of the property and should not be relied upon by any individual or entity as a determination of current market value.

Tax Authority	Just/Market Value	Assessed Value	Ex/10CAP	Taxable Value	Millage Rate	Estimated Taxes
0017 CAPITAL IMPROVEMENT	\$228,208	\$228,208	\$0	\$228,208	1.5000	\$342.31
0012 DISCRETIONARY	\$228,208	\$228,208	\$0	\$228,208	0.7400	\$170.70
0011 REQ LOCAL EFFORT	\$228,208	\$228,208	\$0	\$228,208	3.2340	\$738.02
0050 GENERAL FUND	\$228,208	\$228,208	\$0	\$228,208	4.8499	\$1,106.79
0055 LIBRARY	\$228,208	\$228,208	\$0	\$228,208	0.4635	\$105.77
0520 MOSQUITO CONTROL	\$228,208	\$228,208	\$0	\$228,208	0.1781	\$40.64
0530 PONCE INLET FORT AUTHORITY	\$228,208	\$228,208	\$0	\$228,208	0.0760	\$17.34
0058 VOLUSIA ECHO	\$228,208	\$228,208	\$0	\$228,208	0.2000	\$45.64
0057 VOLUSIA FOREVER	\$228,208	\$228,208	\$0	\$228,208	0.2000	\$45.64
0065 FLORIDA INLAND NAVIGATION DISTRICT	\$228,208	\$228,208	\$0	\$228,208	0.0320	\$7.30
0100 HALIFAX HOSPITAL AUTHORITY	\$228,208	\$228,208	\$0	\$228,208	0.8606	\$196.40
0060 ST JOHN'S WATER MANAGEMENT DISTRICT	\$228,208	\$228,208	\$0	\$228,208	0.1974	\$45.05
0240 DAYTONA BEACH SHORES	\$228,208	\$228,208	\$0	\$228,208	4.6359	\$1,058.63
					17.1784	\$3,920.25

Non-Ad Valorem Assessments

Project	#Units	Rate	Amount	Estimated Ad Valorem Tax:	Estimated Non-Ad Valorem Tax:
				\$3,920.25	\$0.00
				Estimated Taxes:	\$3,920.25
				Estimated Tax Amount without SCH/10CAP (1)	\$3,920.25

Where your tax dollars are going:


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Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	County Exemptions	County Taxable	HX Savings
2022	\$108,150	\$120,058	\$228,208	\$220,570	\$0	\$220,570	\$0
2021	\$92,700	\$107,818	\$200,518	\$200,518	\$0	\$200,518	\$0
2020	\$92,700	\$107,974	\$200,674	\$200,674	\$0	\$200,674	\$0
2019	\$92,700	\$99,787	\$192,487	\$192,487	\$0	\$192,487	\$0
2018	\$92,700	\$95,160	\$187,860	\$187,860	\$0	\$187,860	\$0
2017	\$82,400	\$94,931	\$177,331	\$177,331	\$0	\$177,331	\$0
2016	\$82,400	\$88,232	\$170,632	\$170,632	\$0	\$170,632	\$0
2015	\$82,400	\$80,944	\$163,344	\$163,344	\$0	\$163,344	\$0
2014	\$82,400	\$77,242	\$159,642	\$159,642	\$0	\$159,642	\$0

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[Home](#) / Parcel Summary for 3569041



LARRY BARTLETT, JD, CFA
Volusia County Property Appraiser
 123 W. Indiana Ave. Room 102
 Deland, FL 32720
 (386) 736-5901
 from 7:30 am. to 5:00 pm
 Monday through Friday

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Exhibit B
Location Map- 3634 S. Atlantic Avenue- Mad Dog Surf Shop



Source: Volusia County Property Appraiser Website (2022)

Street View- 3634 S. Atlantic Avenue- Mad Dog Surf Shop



Source: Google Street View (July 2022)

EXHIBIT C

Eligibility Requirements Analysis Table: 3634 S. Atlantic Avenue-Mad Dog Surf Shop – Dustin Dipersia

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-2 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
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
3	Work Detail Permitted		
	Design/engineering, sign making, installation, and/or alteration.	Design/engineering, sign making, installation	Yes
4	Variance Required	No	



CITY COMMISSION AGENDA MEMORANDUM JANUARY 10, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Cheri Schwab, City Clerk

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 Commissioner 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:

GRETCHEN R. H. "BECKY" VOSE, CITY ATTORNEY

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

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

EXHIBIT A

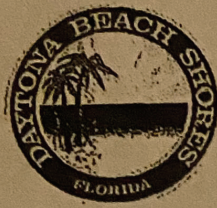
LOT 98 LYING EASTERLY OF RIDGE AVENUE, AND THE NORTH 1/2 OF LOT 99 LYING EASTERLY OF RIDGE AVENUE, TOGETHER WITH THE EASTERLY 1/2 RIDGE AVENUE (PER DB 264, PG 543), LYING NORTH OF THE SOUTH LINE OF THE NORTH 1/2 OF LOT 99 AND SOUTH OF THE NORTH LINE OF LOT 98, ALL IN MAP OF PLAT THREE RIVER RIDGE ESTATES, 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

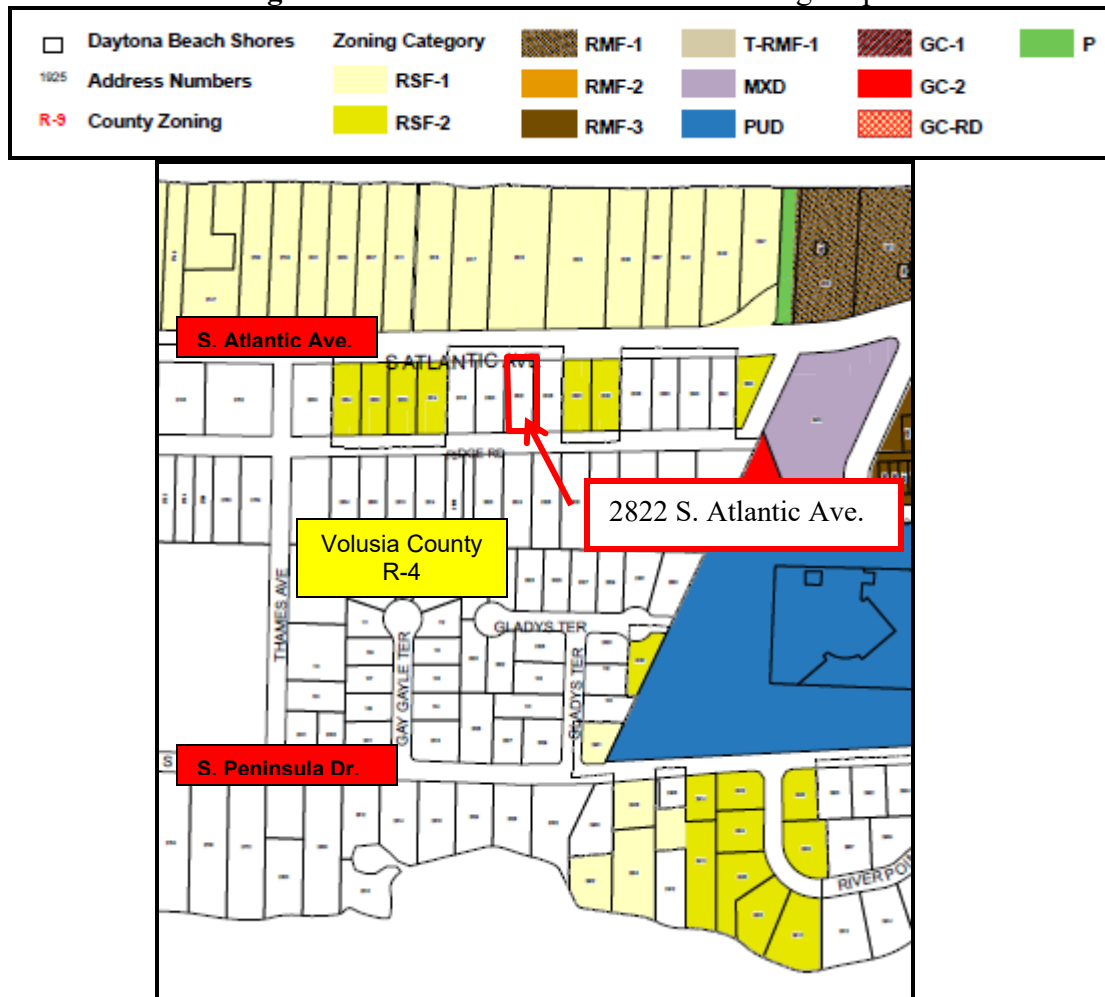


Figure 3: 2822 S Atlantic Avenue



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 COMMISSION AGENDA MEMORANDUM JANUARY 10, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Cheri Schwab, City Clerk

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 Commissioner 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:

GRETCHEN R. H. "BECKY" VOSE, CITY ATTORNEY

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

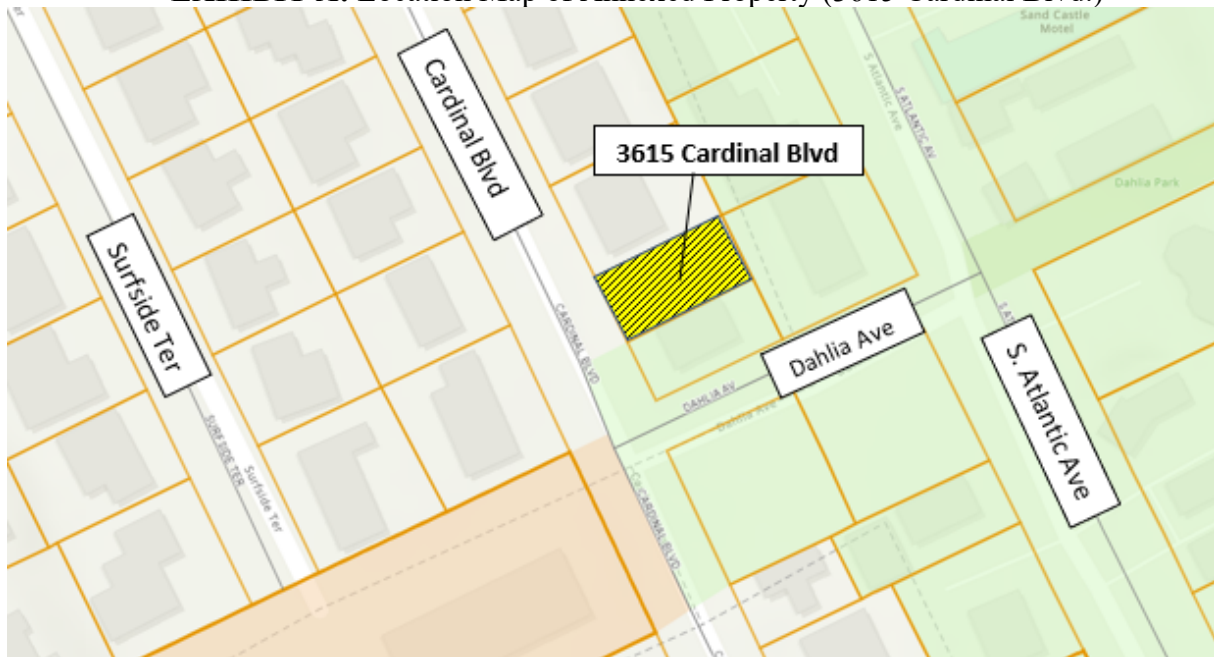
Adopted on second reading this _____ day of _____, 2022.

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

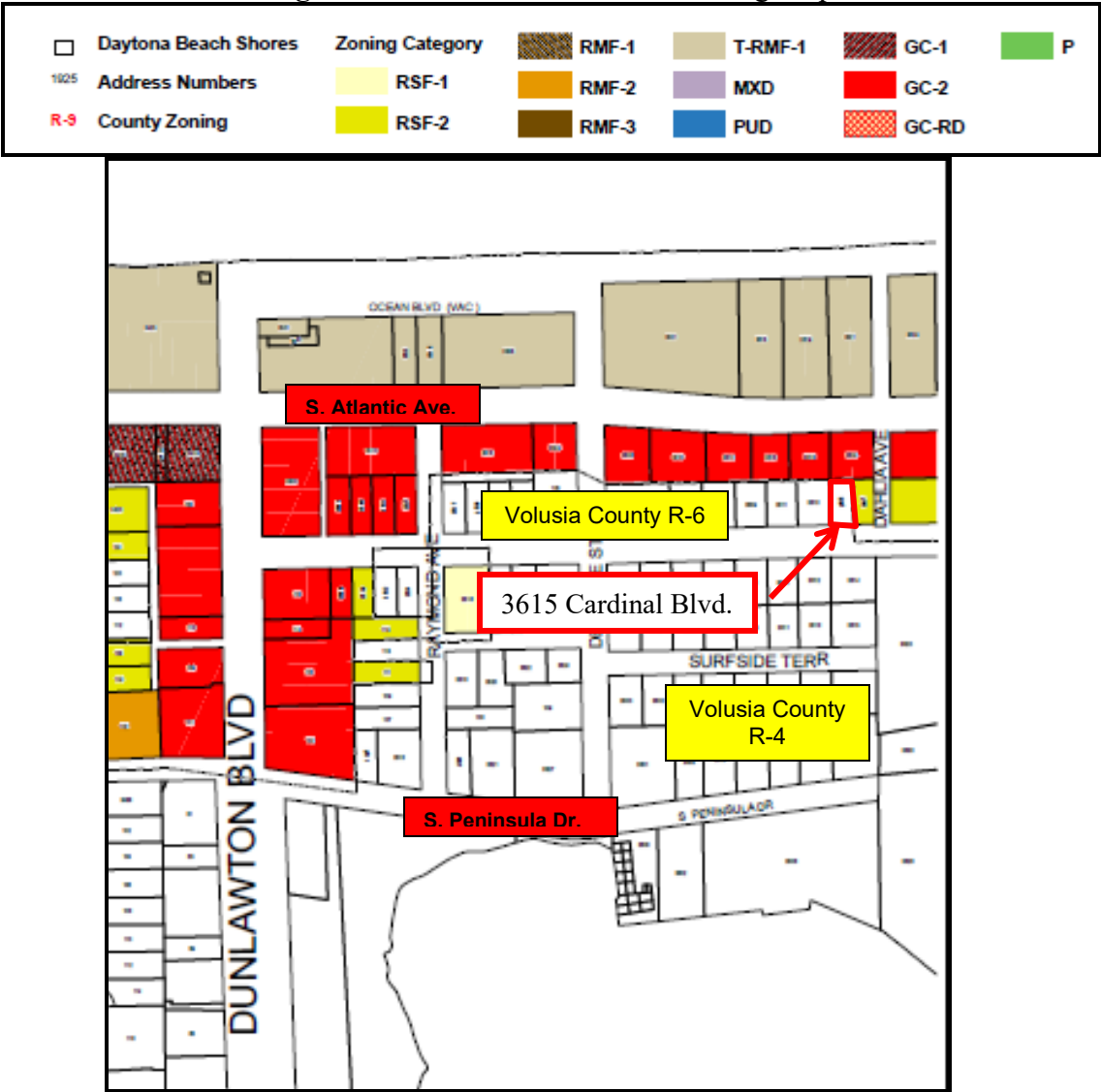


Figure 3: 3615 Cardinal Blvd



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 COMMISSION AGENDA MEMORANDUM JANUARY 10, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Cheri Schwab, City Clerk

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 Commissioner 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:

GRETCHEN R. H. "BECKY" VOSE, CITY ATTORNEY

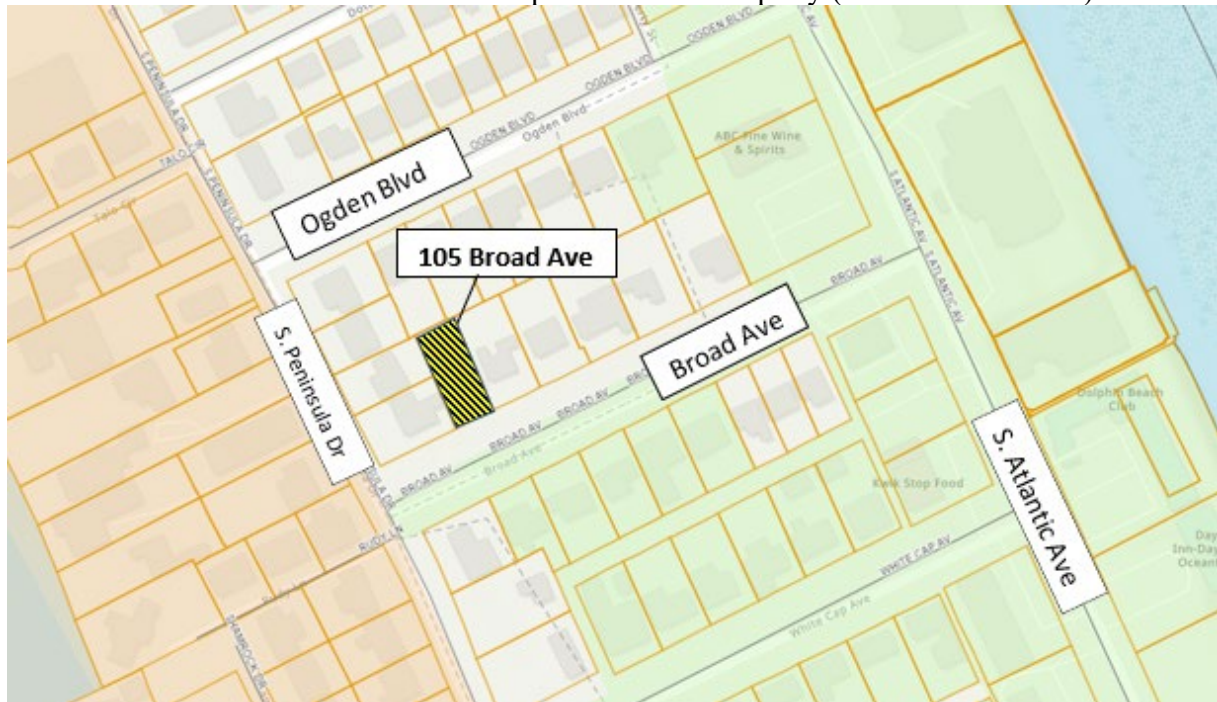
Passed on first reading this _____ day of _____, 2022.

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: _____

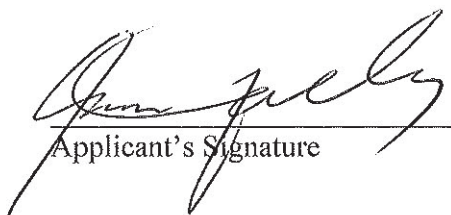
Address: _____ Phone #: _____

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

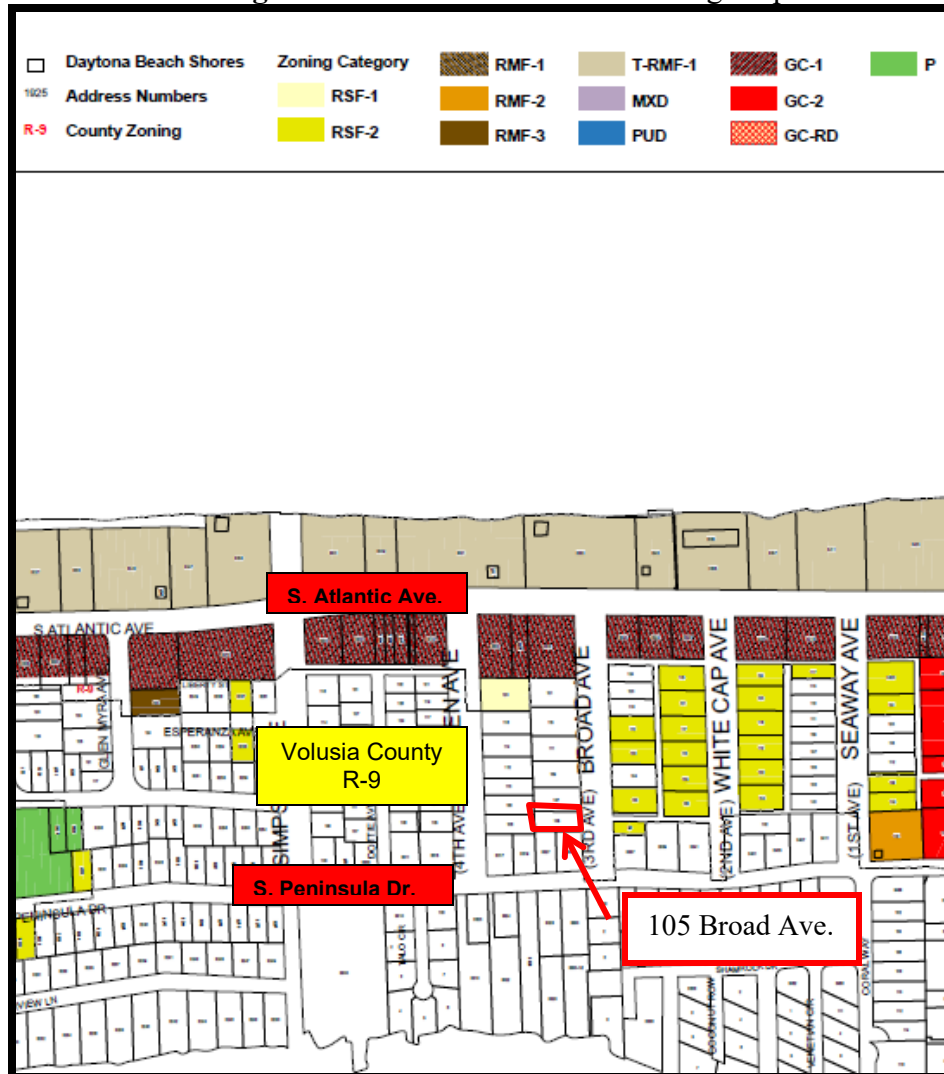


Figure 3: 105 Broad Avenue



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 COMMISSION AGENDA MEMORANDUM JANUARY 10, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Cheri Schwab, City Clerk

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 Commissioner 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:

GRETCHEN R. H. "BECKY" VOSE, 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:

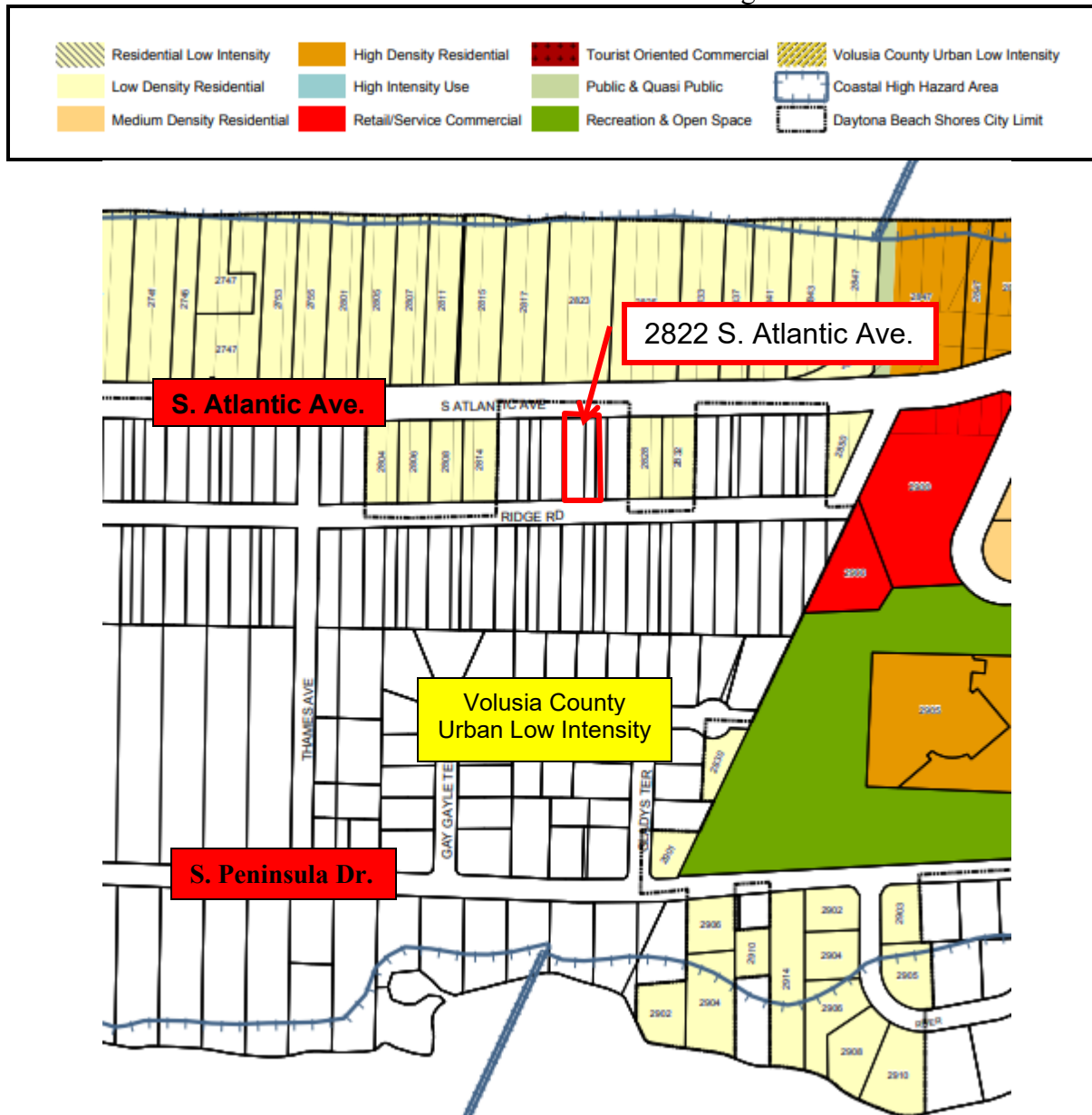
The property is currently vacant. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-4” (Urban Single-Family Residential District), respectively. The surrounding future land use designations and zoning classifications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

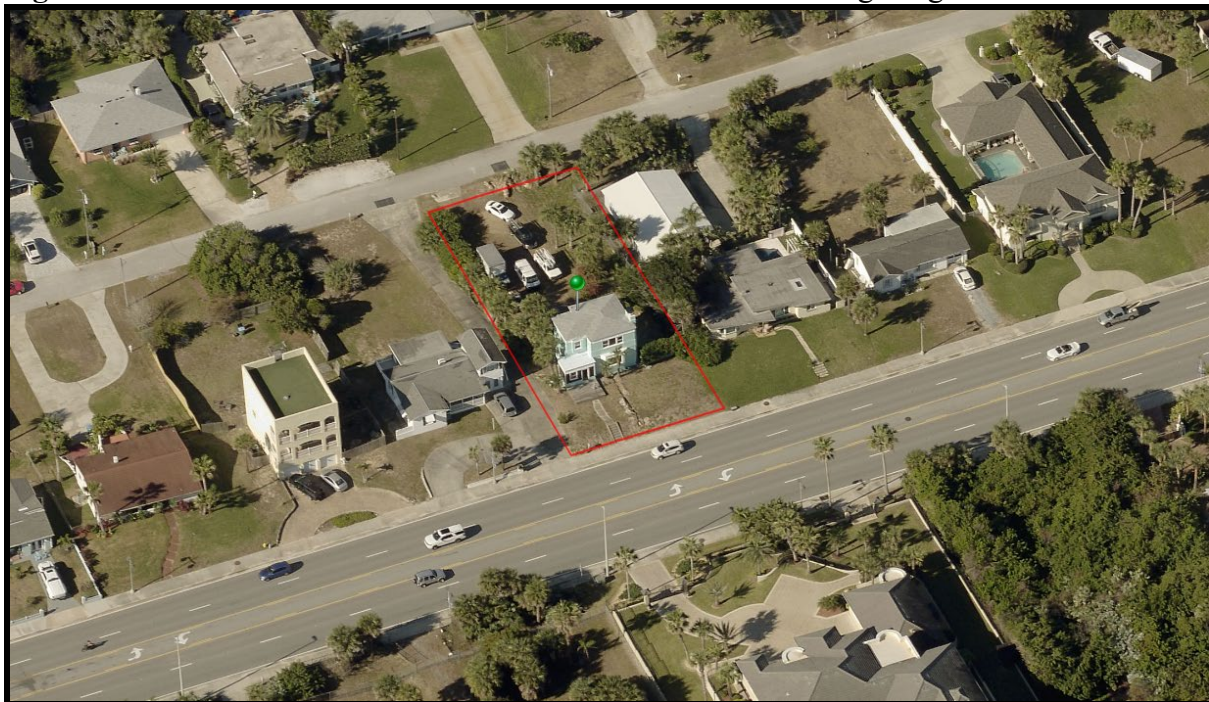
Public Schools:

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 COMMISSION AGENDA MEMORANDUM JANUARY 10, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Cheri Schwab, City Clerk

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 2022-25, 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 Commissioner 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:

GRETCHEN R. H. "BECKY" VOSE, CITY ATTORNEY

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

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

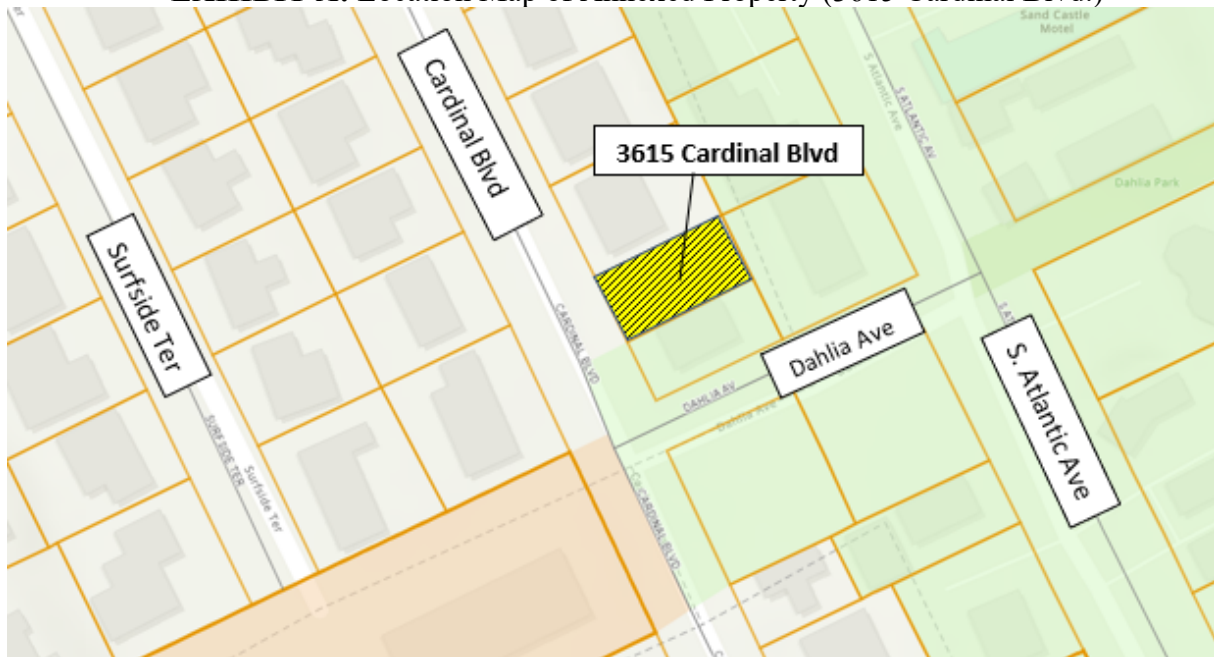
EXHIBIT A

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:

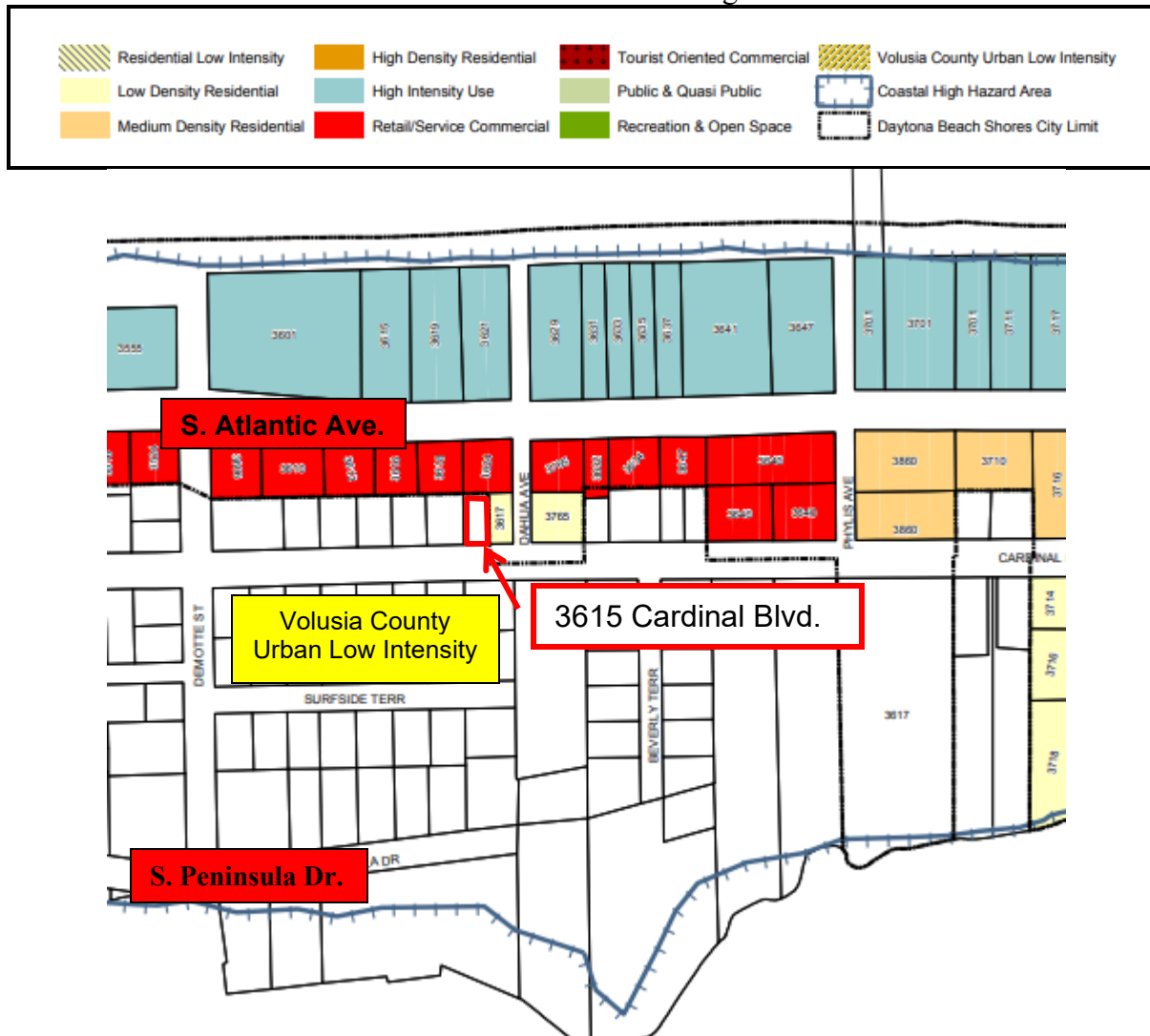
The property is currently vacant. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-6” (Urban Single-Family Residential District), respectively. The surrounding future land use designations and zoning classifications 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 COMMISSION AGENDA MEMORANDUM JANUARY 10, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Cheri Schwab, City Clerk

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 Commissioner 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..."

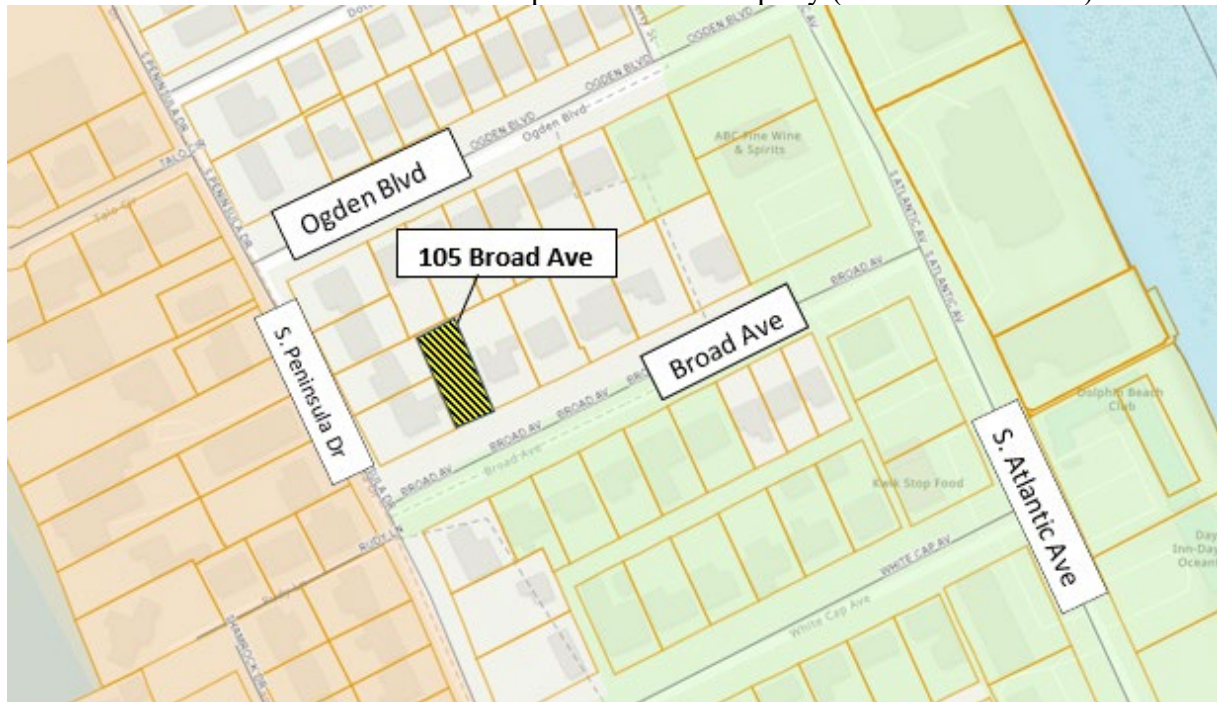
OR

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

ATTACHMENT:

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

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

12022049

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*

The map displays the area around 105 Broad Ave. in Daytona Beach. A red rectangle highlights the property at 105 Broad Ave., with a red arrow pointing to it from a label. The map includes a legend with the following categories:

- Residential Low Intensity (Yellow hatched)
- Low Density Residential (Light Yellow)
- Medium Density Residential (Orange)
- High Density Residential (Brown)
- High Intensity Use (Light Blue)
- Retail/Service Commercial (Red)
- Tourist Oriented Commercial (Dark Red with stars)
- Public & Quasi Public (Light Green)
- Recreation & Open Space (Green)
- Volusia County Urban Low Intensity (Yellow hatched with stars)
- Coastal High Hazard Area (Blue wavy line)
- Daytona Beach Shores City Limit (Dashed line)

Streets shown include S. Atlantic Ave. at the top, S. Peninsula Dr. at the bottom, Broad Ave. running vertically, White Cap Ave. running vertically, and Seaway Ave. (1st Ave) on the right. Property lots are numbered, including 3233, 3309, 3355, 3357, 3411 along S. Atlantic Ave.; 125, 121, 112, 108, 109, 105, 100, 96 along Broad Ave.; 124, 120, 116, 112, 108, 104 along White Cap Ave.; and 117 along Seaway Ave. A yellow box labeled "Volusia County Urban Low Intensity" is located near the intersection of Broad Ave. and S. Peninsula Dr.

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).

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:

GRETCHEN R. H. "BECKY" VOSE, 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.



CITY COMMISSION AGENDA MEMORANDUM JANUARY 10, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Non-conforming Sign Removal Incentive Grant Application 12022075: 2613 S. Atlantic Avenue - Emerald Shores Hotel

SYNOPSIS:

The City received the subject Nonconforming Sign Removal Incentive Grant Application on December 14, 2022 from Mike Hanson, sign contractor on behalf of property owner Jai Motwani, of 2613 S. Atlantic Avenue, known as Emerald Shores Hotel. 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 \$28,791. Therefore, the applicant would qualify for the maximum \$3,000 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, Don Bell Signs, provided a quote of \$28,791. Hawket Brothers provided a quote of \$30,230.50. The applicant would qualify for a maximum grant of \$3,000.

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:

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 Commissioner may move as follows:

“I move to approve the Non-Conforming Sign Removal Incentive Grant application for 2613 S. Atlantic Avenue, Jai Motwani, Emerald Shores Hotel in the amount of \$3,000 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 & Rendering
 2. Exhibit B- Location Map & Street View - 2613 S. Atlantic Avenue
 3. Exhibit C-Evaluation-2613 S. Atlantic Avenue



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

685985

RECEIVED

Date Received: _____

Time Received: _____

DEC 14 2022

Application Complete: Y/N

BUILDING AND CODES DIVISION
 CITY OF DAYTONA BEACH SHORES

12022075
 City of Daytona Beach Shores

Non-Conforming Sign Removal Incentive Grant Application

NOTE: Grant application submission deadline is January 1, 2023

A. Property Information

Property Address: 2613 South Atlantic Parcel No: 532200040040

Existing Property Use/Business: Emerald Shores Hotel

Property Owner's Name: Hotel Motel LLC

Property Owner's Address: 2613 S. Atlantic Ave

Owner's Telephone No: (854) 818-6719 Owner's Fax No: _____

B. Applicant Information (if not owner)

Applicant's Name: Mike Hanson

Address: 365 Oak Place Port Orange, FL 32127

Telephone No: 386-788-8084 Fax No: mhanson@donbellsigns.com

*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	\$ 750.00
Cost of alteration, manufacture and installation of sign	\$ 28,000
TOTAL SIGNAGE COST	\$ 28,750
AMOUNT REQUESTED FROM SIGN GRANT PROGRAM	\$ 3,000

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 Florida COUNTY OF Volusia

Sworn to and subscribed before me this 17th day of November 2022, by [Signature] who is personally known to me or has produced A Dr. [Signature] and who did (did not) take an oath.

[Signature]



PHYLLIS ARGYROS
Commission # GG 283061
Expires January 11, 2023
Bonded Thru Budget Notary Services

My Commission Expires: 1/11/2023

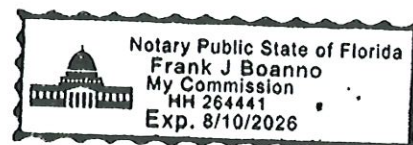
APPLICANT's SIGNATURE (if applicant not owner) [Signature]

STATE OF FL COUNTY OF Volusia

Sworn to and subscribed before me this 14 day of Dec 2022, by MIKE HANSON who is personally known to me or has produced [Signature] and who did (did not) take an oath.

[Signature]
Notary Public

My Commission Expires: 8/10/2026



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: Jai Moti ☒ Owner ☐ Applicant

Date: Nov. 17th, 2022

STATE OF Florida COUNTY OF Volusia

Sworn to and subscribed before me this 17th day of November 2022, by Jai Moti who is personally known to me or has produced A DLK and who did (did not) take an oath.

[Signature]
Notary Public



PHYLLIS ARGYROS
Commission # GG 283061
Expires January 11, 2023
Bonded Thru Budget Notary Services

My Commission Expires: 1/11/2023

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.



365 Oak Place
Port Orange, FL 32127
800-824-0080
Fx: 386-763-4762

ADVERTISING DISPLAY SYSTEM PURCHASE AGREEMENT

"Customer":

EMERALD SHORES HOTEL, LLC
2613 S. ATLANTIC AVENUE
DAYTONA BEACH SHORES, FL 32118
MOTWANI, JAI 954-818-6719

Project:

EMERALD SHORES HOTEL
2613 S. ATLANTIC AVENUE
DAYTONA BEACH SHORES, FL 32118
motwanij@bellsouth.net

License: Florida ES#0000146

Prepared by: Craig Skreland

Date: 10/4/2022

Contract: 2200052

Don Bell Signs, LLC, (the "Company") Will Supply Labor, Materials & Necessary Equipment to Perform the Following for the "Customer":

Remove & discard of off site 1 existing pole signs. Torch off old steel poles at grade, abandon old concrete footers.
Fabricate & Install (1) new internally illuminated ground sign to meet code with 10mm electronic message center display.
The electronic message center will include operating software, wireless modem & receive.
Customer to provide P.C. for the software & with-in range for proper signal & communication to the message center.
New sign cabinet is aluminum skin & frame with raised precision routed copy & logo.
All internally illuminated with LED.
Don Bell Signs will provide full color production drawings for customers approval.

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BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Sign permit & sign permit acquisition fees will be invoiced for additionally at the end of the project on the final invoice.

Specifications and customer approved print # _____ as of _____ hereby becomes a part of this contract
(if applicable and is attached hereto).

SALES PRICE: \$ 28,791.00

(One of the following boxes must be checked)

- A. ☒ The project attaches to and becomes a part of Real Property and is not subject to Florida Sales Tax
B. ☐ The project is considered Tangible Personal Property and Florida Sales Tax is not included in the Sales Price
C. ☐ The project has BOTH Real Property and Tangible Personal Property. Florida Sales Tax breakdown is needed above

Customers outside of Florida are responsible for the payment of applicable sales tax in their appropriate state.

The cost of permits, permit acquisition and engineering fees will be added to the sales price, unless specified above. All changes and/or modifications made to the referenced customer approved prints or scope of work will incur applicable material and labor charges specific to the change. All overdue invoices shall bear interest at 1.5% per month.

Terms: Down Payment Percentage: 50% Down Payment Due: \$ 14,395.50 Balance due upon completion.
Down Payment is non-refundable

This proposal does not include changeable copy letters (unless specified above) or de-energizing of overhead power lines where applicable. Additional foundation costs incurred as a result of abnormal soil conditions; rock, caliche, water intrusion and/or underground obstructions including utilities will be billed additional to the amount of this contract. Should the permit issuing entity revoke or rescind the permit for any reason beyond our control, after the aforementioned display has been built and their action or the action of the CUSTOMER prevents completion of the installation, the CUSTOMER is still obligated to the terms of this contract. IT IS EXPRESSLY AGREED AND UNDERSTOOD THAT PRIMARY ELECTRIC SERVICE, PHONE LINES, COMMUNICATION LINES AND HOOK UPS ARE THE CUSTOMER'S RESPONSIBILITY. THE CONTRACT BALANCE OF PAYMENT BECOMES DUE AND PAYABLE UPON INSTALLATION OF THE SIGN DISPLAY. (In the event, however, that electrical and/or phone service is not in place at the time of display installation a ten (10%) percent retainage may be held by Customer until such service is installed. In no event may such retainage holdback exceed forty five (45) days from date of display installation). IF THIS CONTRACT INCLUDES AN ELECTRONIC MESSAGE CENTER OR TIME AND TEMPERATURE DISPLAY, CUSTOMER AGREES TO INSTALL, AT CUSTOMER'S EXPENSE, PRIMARY ELECTRICAL SURGE SUPPRESSION AND DISPLAY GROUNDING DEVICES SPECIFIED BY THE COMPANY.

The Company warrants this display to be free of defects in material and/or workmanship for a period of one year from the installation date. THERE ARE NO WARRANTIES MADE BY THE COMPANY EXCEPT AS EXPRESSLY SET FORTH HEREIN. WARRANTIES OF MERCHANTABILITY & FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY EXCLUDED. All work will be completed in a workmanlike manner. All agreements are contingent upon strikes, accidents or delays beyond the control of the Company. Our workers are fully covered by workman's compensation insurance.

This Agreement shall be construed and interpreted under and according to the laws of the State of Florida. The parties to this Agreement consent to the exclusive jurisdiction and venue of the courts of the State of Florida in the County of Volusia in connection with any and all actions arising out of this Agreement. In the event that there is any litigation concerning this Agreement, the prevailing party, in such litigation, shall be entitled to recover its attorney's fees, costs, and expenses incurred in connection with the litigation at trial court, appellate court or bankruptcy court.

This Agreement, along with any exhibits, appendices, addendums, schedules, and amendments hereto, encompasses the entire agreement of the Parties and supersedes all previous understandings and agreements between the Parties, whether oral or written. The Parties hereby acknowledge and represent by affixing their hands and seals hereto, that said Parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set out in the Agreement made by or on behalf of any other party or any other person or entity whatsoever, prior to the execution of this Agreement. The Parties hereby waive all rights and remedies, at law or in equity, arising or which may arise as the result of a party's reliance on such representation, assertion, guarantee, warranty, collateral contract or other assurance, provided that nothing herein contained shall be construed as a restriction or limitation of said party's right to remedies associated with the gross negligence, willful misconduct of fraud or any person or party taking place prior to, or contemporaneously with, the execution of this Agreement.

In the event the sign display cannot be installed due to any delay for causes beyond the control of COMPANY or is not installed due to CUSTOMER'S request, the Contract Balance shall become immediately due and payable, less the cost for installation. CUSTOMER will be responsible for storage charges in the amount of 1/2 of 1 percent of the purchase price per month until installed. In the event of any default or failure of performance hereunder by COMPANY, including but not limited to a breach of this agreement or the direct, active negligence or other wrongful act or omission of COMPANY generating a cause of action in favor of CUSTOMER, COMPANY's liability shall be limited to the total amount of the payments actually made by CUSTOMER to COMPANY hereunder as of the time of the accrual of such cause of action. In no event shall COMPANY have any liability or legal responsibility to CUSTOMER or to any third person, whether for damage to person or property, business or economic damages, damages to products, goods or any other thing or legal or property right or interest, in excess of such amounts actually paid by CUSTOMER to COMPANY hereunder as of the time such cause of action accrues. CUSTOMER hereby indemnifies COMPANY, holds COMPANY harmless, and shall defend at its own expense and thereafter satisfy and discharge from its own funds and resources, any and all such claims against the COMPANY arising of, from or through its actions or inactions or the products, services or materials taken, delivered or installed by the COMPANY, its agents or its independent contractors pursuant to this contract, whether made by or on behalf of itself, its employees, agents, privies, successors or assigns, or any third person, for all time and anywhere in the world.

Customer Signature _____ Date _____
Customer Name/Title _____
Please Print

Accepted by _____ Date _____
DBS Officer _____
Please Print

A Notice to Proceed from the CUSTOMER will bind the terms and conditions of this contract

Scope of Work: **A**

Don Bell Signs to remove & discard:
(1) Existing pylon sign @ grade. Existing footer to remain.

Don Bell Signs to fabricate & install:
(1) D/F monument sign w/ EMC & new footing as noted

NOTES:
All hardware to be non-corrosive.
Landscaping according to city plan by others

Cut down existing double pole pylon @ grade. Remove & discard damaged sign. Footer to remain



EXISTING LOOK:

D/F MAIN ID CABINET:
CONST: All alum. fabrication
FACE: 125 Alum. routed
COPY: 3/4" Clear acrylic routed to extend 1/2" passed the face w/ white trans. vinyl overlay
LOGO: 3/4" Clear acrylic routed to extend 1/2" passed the face w/ 1st surface trans. digitally printed overlay applied
PAINT: Black, Smooth satin fin.
ILLUM: Internal white LED's
ADDRESS (Street End): White vinyl

FAUX STONE OVERLAY:
TEXTURE PLUS: Stonewall
COLOR: Painted black

ELECTRONIC MESSAGE DISPLAY:
(2) S/F units constructed as (1) D/F cabinet w/ required perforated filler painted black
10mm Full color LED
MATRIX: 64 x 160
ACTIVE AREA: 25" x 62 1/2"
COMMUNICATION Wireless ethernet
-Perforated filler
-Images on EMC are for presentation purposes only

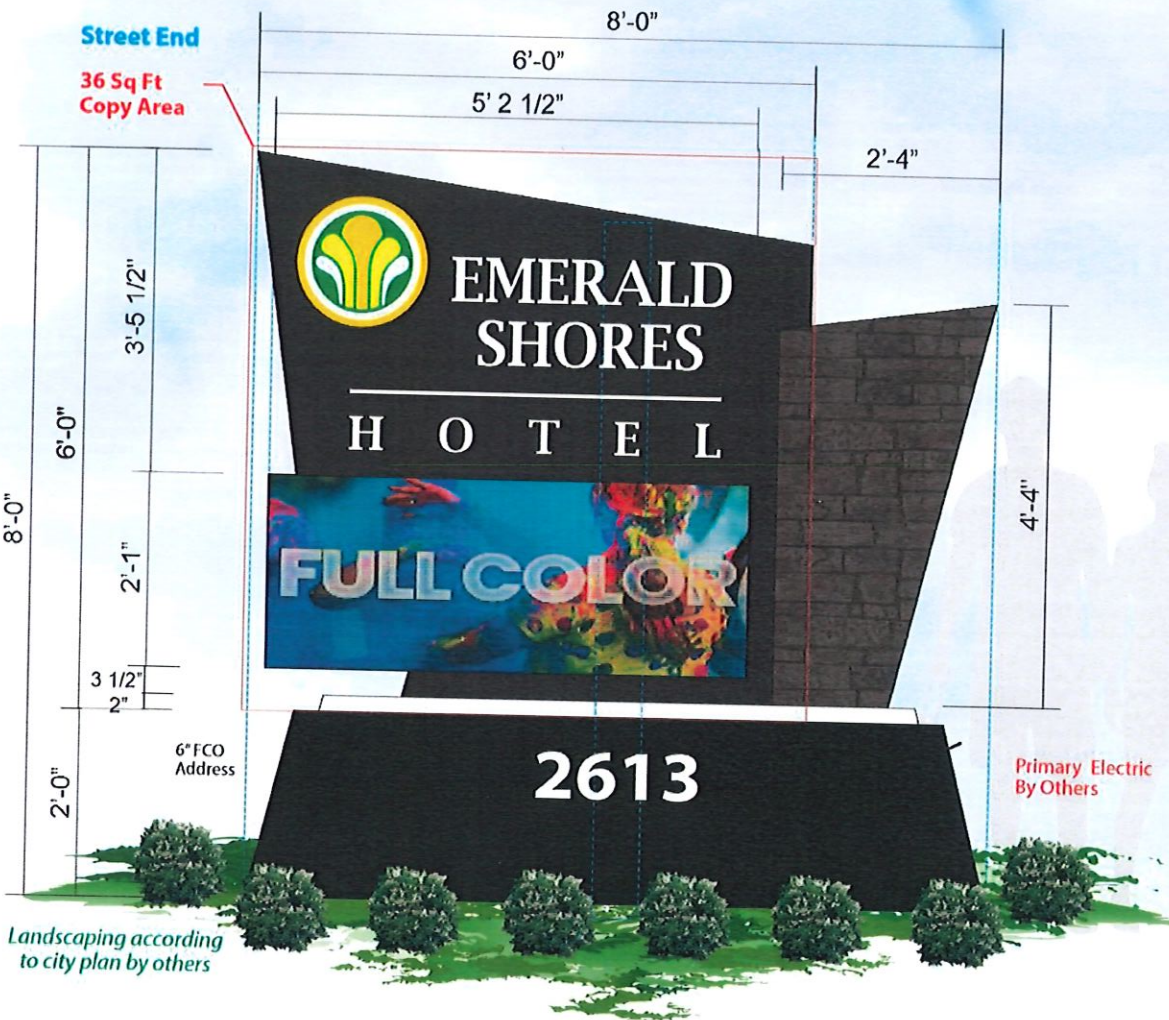
ADDRESS:
ADDRESS (Cabinet end): 6" White vinyl
ADDRESS (Base): 6" White Acrylic FCO
MOUNT: Stud mount w/ 1/2" standoff

BASE:
CONST: All alum. fabrication
PAINT (Reveal): White
PAINT (Base): Black Med. sand texture

DISCONNECT SWITCH (Bldg side):
Lockout mechanism if accessible (Location may vary)

COLOR SPEC'S

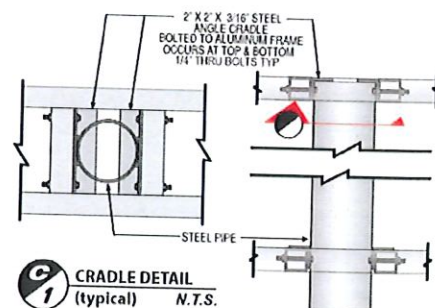
	PMS TBD
	PMS TBD
	PMS TBD
	BLACK
	WHITE



Landscaping according to city plan by others

(1) NEW D/F MONUMENT SIGN W/ EMC (as noted)

Scale: 1/2" = 1'



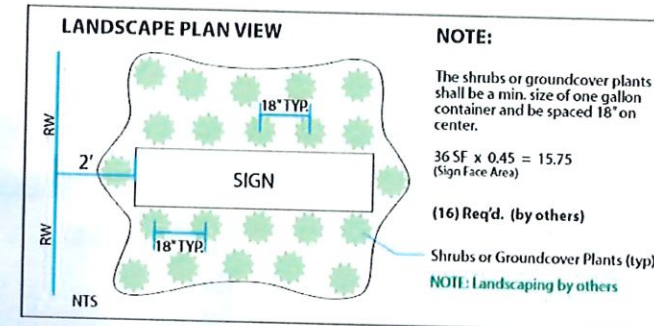
CRADLE DETAIL (typical) N.T.S.

MAIN SUPPORT

Column 1: 0.00" (O.D.) x .000" STD SCH40 Steel Pipe

AUGER FOOTING OPTIONS

- 2' dia. footer @ 0' 0" deep (0.00 CY concrete)
- 3' dia. footer @ 0' 0" deep (0.00 CY concrete)



NOTE:

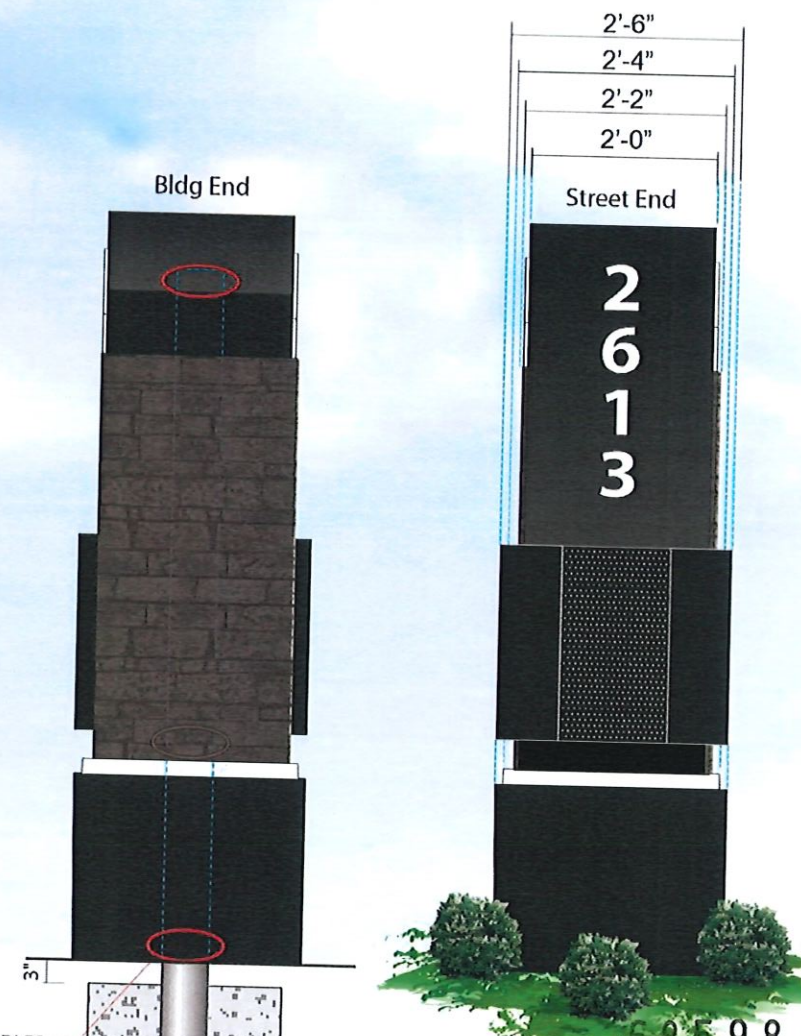
The shrubs or groundcover plants shall be a min. size of one gallon container and be spaced 18" on center.

36 SF x 0.45 = 15.75 (Sign Face Area)

(16) Req'd. (by others)

Shrubs or Groundcover Plants (typ)

NOTE: Landscaping by others



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CITY OF DAYTONA BEACH SHORES

NEC All signage to be installed in compliance with National Electrical Code - NEC 2017
ETL All signage to be constructed and installed according to ETL standards.
Electrical Requirements () 20 AMP Circuit(s) @ 120v
PRIMARY ELECTRIC BY OTHERS

Note: This design pending engineering.



**EMERALD SHORES
OCEANFRONT HOTEL**

DESIGN #: **2200052 R2**

DATE: 10-10-22

DRAWN BY: *Julie*

Revisions / Date / Initials

R1 10.17.22 Chg base to black

R2 10.19.22 Chg to paint faux stone black

ETL Acct. #115459
UL 48 Listed Signage
All Sign Components shall be UL listed and Recognized in the SAM Manual
All Wiring shall be at least 90° C rated

ACCOUNT #115459 ☐ 120 Volt ☐ 277 Volt

SHEET 1

EMERALD SHORES

STREET 2613 S. ATLANTIC AVE

CITY DBS STATE FL

SALES REP: CRAIG SKRELAND

SCALE: As Noted

FILE NAME

PROGRAM: CorelDRAW

FOOTER USED

CUSTOMER APPROVAL

DATE

Note: Primary power & signage lighting control by others. The primary power must be located within 5' of applicable signs installation location.

All penetrations to have bushings

PRIMARY ELECTRIC BY OTHERS

This design (except registered or existing trademarks) is the property of DON BELL SIGNS LLC and shall not be reproduced or copied in whole or in part without the written permission of the above named owner.



365 OAK PLACE
PORT ORANGE, FL 32127
386-788-8084
800-824-0080

Note: The color on your computer screen or printer output may vary. Please consult the specifications in this drawing and proper color guide for accurate color depiction.

2613 S. ATLANTIC AVENUE
DAYTONA BEACH, FL 32118

2613 S. ATLANTIC AVENUE
DAYTONA BEACH, FL 32118

A/C = AIR CONDITIONER
C.M.D. = CONCRETE MONUMENT WITH DISK
C.M. = CONCRETE MONUMENT
C.M.P. = CORRUGATED METAL PIPE
C.L.F. = CHAIN LINK FENCE
CONC. = CONCRETE
C&G = CURB & GUTTER
ELEV. = ELEVATION
ELEC. = ELECTRIC
FND. = FOUND
INV. = INVERT
(C) = CALCULATED
(R) = RECORDED
(F) = MEASURED
(P) = PLAT
(D) = DEED
MH = MANHOLE
M.E.S. = MITERED END SECTION
C.C.R. = CERTIFIED CORNER RECORD
C.P.P. = CONCRETE POWER POLE
O.R. = OFFICIAL RECORD
P.O.R. = POINT OF REFERENCE
P.O.B. = POINT OF BEGINNING
P.C.P. = PERMANENT CONTROL POINT
P.R.M. = PERMANENT REFERENCE MONUMENT
P.V.C. = POLY VINYL CHLORIDE PIPE
R.L.S. = REGISTERED LAND SURVEYOR
SAL. = REGISTERED SEWER
R/W = RIGHT-OF-WAY
I.R.C. = IRON ROD WITH CAP
+ = X-CUT IN CONCRETE
□ = SQUARE CONCRETE POWER POLE
○ = LIGHT POLE
⊞ = WOODEN POWER POLE
⊞ = TELEPHONE PEDESTAL
⊞WPB = WIRING PULL BOX
WM = WATER METER
WV = WATER VALVE
⤵ = FIRE HYDRANT
⊞ = SANITARY MANHOLE
⊞ = STORM MANHOLE
⊞ = UTILITY MANHOLE
⊞ = FLORIDA POWER & LIGHT MANHOLE
C&G = CURB & GUTTER
CB = CATCH BASIN
R/R TIES = RAIL ROAD TIES
⊞ = OLEANDER
⊞ = SITE BENCHMARK
—⤵ = GUY ANCHOR
⊞ = BOLLARD
OSP. = WATER SPRINKLER
⊞ = GAS METER
—E— = BURIED ELECTRIC
—G— = BURIED GAS LINE
—TV— = CABLE TV
—W— = WATER LINE
S/W = SIDEWALK
RES. = RESIDENTIAL
COMM. = COMMERCIAL
⊞ = SITE BENCHMARK

PARCEL A:
PARCEL

A PORTION OF GOVERNMENT LOT 4, SECTION 22, TOWNSHIP 15 SOUTH, RANGE 33 EAST,
GOVERNMENT LAND SURVEYS OF FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE MEANDER LINE OF THE ATLANTIC OCEAN OF SAID LOT 4 OF SAID SECTION 22, A DISTANCE OF 225 FEET MEASURED ALONG SAID MEANDER LINE SOUTH FROM THE NORTHEAST CORNER OF SAID LOT 4, SECTION 22; THENCE RUNNING WEST AND PARALLEL WITH THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 400 FEET MORE OR LESS; A POINT IN THE EAST LINE OF OCEAN SHORE BOULEVARD, AN 80 FOOT STREET AS NOW Laid OUT; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID OCEAN SHORE BOULEVARD, A DISTANCE OF 99.03 FEET; THENCE EAST AND PARALLEL WITH THE NORTH LINE OF SAID GOVERNMENT LOT 4, 100 FEET MORE OR LESS; THENCE INTERSECTING WITH THE SAID MEANDER LINE OF SAID ATLANTIC OCEAN, THENCE NORTHWESTERLY ALONG SAID MEANDER LINE OF SAID ATLANTIC OCEAN A DISTANCE OF 100 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL 2:

A PORTION OF LOT 4, SECTION 22, TOWNSHIP 15 SOUTH, RANGE 33 EAST, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE MEANDER LINE OF SAID LOT 4, SECTION 22,
TOWNSHIP 15 SOUTH, RANGE 33 EAST, SAID POINT BEING 150 FEET SOUTHERLY
MEASURED ALONG THE MEANDER LINE OF THE ATLANTIC OCEAN FROM THE
NORTHEAST CORNER OF SAID LOT 4, THEN RUN WEST AND PARALLEL WITH THE NORTH
LINE OF SAID LOT 4 TO THE EAST RIGHT-OF-WAY LINE OF ATLANTIC AVENUE (FORMERLY
THE OLD BAY ROAD) THEN RUN EAST AND PARALLEL WITH SAID LOT 4 AND
PARALLEL WITH THE ATLANTIC OCEAN BEACH A DISTANCE OF 75 FEET TO A POINT,
THENCE RUN EAST AND PARALLEL WITH THE NORTH LINE OF SAID LOT 4 TO THE EAST
LINE OF SAID LOT 4 WHICH IS THE MEANDER LINE ALONG THE ATLANTIC OCEAN BEACH,
TO A POINT WHICH IS 75 FEET SOUTH AS MEASURED ALONG SAID MEANDER LINE FROM
THE POINT OF BEGINNING, THEN NORTHERLY MEASURED ALONG THE MEANDER LINE OF
THE ATLANTIC OCEAN BEACH, A DISTANCE OF 75 FEET TO THE PLACE OF BEGINNING;
INCLUDING ANY AND ALL RIPARIAN RIGHTS AND ACCRETIONS THEREON TO THE
ATLANTIC OCEAN.

PARCEL B:

STARTING AT A POINT, SAID POINT BEING THE INTERSECTION OF THE NORTH LINE OF LOT 4, SECTION 22, TOWNSHIP 15 SOUTH, RANGE 33 EAST, WITH THE WEST LINE OF OCEAN SHORE BOULEVARD; THENCE RUNNING SOUTHERLY ALONG THE WEST SIDE OF SAID OCEAN SHORE BOULEVARD, AN 80 FOOT STREET AS NOW Laid out, A DISTANCE OF 247.57 FEET TO THE POINT OF BEGINNING; THENCE WEST AND PARALLEL WITH THE WEST LINE OF SAID 80 FOOT STREET, A DISTANCE OF 100 FEET; THENCE EAST AND PARALLEL WITH OCEAN SHORE BOULEVARD A DISTANCE OF 75 FEET; THENCE EAST AND PARALLEL WITH THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 200.18 FEET; THENCE NORTHWESTERLY ALONG THE WEST SIDE OF OCEAN SHORE BOULEVARD A DISTANCE OF 74.27 FEET TO THE POINT OF BEGINNING, AND LYING IN A PORTION OF THE PRESENT LOT 4, SECTION 22, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLusia COUNTY, FLORIDA.

PARCEL C:

THE SOUTH 1/2 OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2447, PAGE 838, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING A PORTION OF GOVERNMENT LOT 4, SECTION 22, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BY THE MEANDER LINE OF SAID GOVERNMENT LOT 4, SECTION 22, TOWNSHIP 15 SOUTH, RANGE 33 EAST, A DISTANCE OF 125 FEET SOUTHERLY FROM THE NORTHEAST CORNER OF SAID LOT 4, AS MEASURED ALONG THE MEANDER LINE OF THE ATLANTIC OCEAN; THENCE RUN WEST AND PARALLEL WITH THE NORTH LINE OF SAID GOVERNMENT LOT 4 TO THE EAST RIGHT OF WAY LINE OF ATLANTIC AVENUE (FORMERLY OCEAN SHORE BOULEVARD) AN 80 FOOT RIGHT OF WAY AS NOW LAID OUT; THENCE RUN SOUTHERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 24.75 FEET TO A POINT; THENCE EAST AND PARALLEL WITH THE NORTH LINE OF SAID GOVERNMENT LOT 4 TO THE POINT OF BEGINNING. THE DISTANCE ALONG THE MEANDER LINE OF THE ATLANTIC OCEAN BEACH, THENCE NORTHERLY ALONG SAID MEANDER LINE, A DISTANCE OF 25 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

THAT PORTION DECEDED TO THE CITY OF DAYTONA BEACH SHORES IN O.R. BOOK 5397, PAGE 4718, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF GOVERNMENT LOT 4, SECTION 22, TOWNSHIP 15 SOUTH, RANGE 33 EAST
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT IN THE MEANDER LINE OF THE ATLANTIC OCEAN IN SAID GOVERNMENT LOT 4, A DISTANCE OF 150 FEET MEASURED ALONG SAID MEANDER LINE SOUTH FROM THE NORTHEAST CORNER OF SAID LOT 4, AS MEASURED ALONG THE MEANDER LINE OF THE ATLANTIC OCEAN, THENCE SOUTH 89°04'00" WEST, A DISTANCE OF 600 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4, THENCE NORTH 89°30'18" EAST, A DISTANCE OF 168.41 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY LINE OF STATE ROAD A-1-A (FORMERLY OCEAN SHORE BOULEVARD) AN 80 FOOT STREET AS HOW LAND OUT, THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID STATE ROAD A-1-A SOUTH 23°01'51" EAST, A DISTANCE OF 168.41 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY LINE OF STATE ROAD A-1-A SOUTH 76°23'00" WEST, A DISTANCE OF 368.43 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EASTERLY LINE OF STATE ROAD A-1-A RUN NORTH 89°30'18" EAST, A DISTANCE OF 368.43 FEET TO THE PROJECTION OF THE EASTERLY LINE OF AN EXISTING WOOD RAMP; THENCE ALWAYS SAID EASTERLY OF WOOD RAMP NORTH 23°01'51" EAST, A DISTANCE OF 168.41 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE OF WOOD RAMP SOUTH 65°31'32" WEST, A DISTANCE OF 5.10 FEET; THENCE DEPARTING SAID NORTH LINE OF WOOD RAMP AND ALWAYS WESTERLY LINE OF SAID WOOD RAMP SOUTH 21°46'35" EAST, A DISTANCE OF 46.38 FEET; THENCE DEPARTING SAID WESTERLY LINE OF WOOD RAMP SOUTH 49°30'18" WEST, A DISTANCE OF 363.04 FEET TO THE POINT OF BEGINNING.

SURVEYORS NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, HAVING A FILE NUMBER 08-2013-003151 AND AN EFFECTIVE DATE OF NOVEMBER 26, 2013 AT 11:00 PM.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED THE SOUTH RIGHT OF WAY OF BEACHCOMBER STREET BEING S 89°25'22"W
3. THE MEAN HIGH WATERLINE LINE (MHWL) HAS BEEN ESTABLISHED USING FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TIDE INTERPOLATION POINTS HAVING IDENTIFICATION NUMBERS 100906 AND 100907. THE MHWL ELEVATION OF 1.23, NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88), AND THE SUBSEQUENT BENCH MARK HAS BEEN SET, BASED UPON THE CITY OF DAYTONA BEACH CONTROL STATION, STAMPED "BMR 98"; BEING A 4" X 4" CONCRETE MONUMENT, HAVING AN ELEVATION OF 11.28, NAVD 88.
4. UNDERGROUND FOUNDATIONS AND UTILITIES HAVE NOT BEEN LOCATED AS A PART OF THIS SURVEY.
5. THE ACCURACY OF THE SURVEY MEASUREMENTS FOR THIS SURVEY MEETS OR EXCEEDS THE EXPECTED USE OF THE PROPERTY (COMMERCIAL, 1 FOOT IN 10,000 FEET)
6. PARCEL B, HAS BEEN SURVEYED HEREIN IN ORDER TO SHOW THE LIMITS OF A "LOT BINDING AND PARKING AGREEMENT" BETWEEN THE "OWNER" AND THE CITY OF DAYTONA BEACH SHORES. RECORDED ON OFFICIAL RECORDS BOOK 5123 PG 4806 TO 4815, OFFICIAL RECORDS OF VOLUSIA COUNTY FLORIDA.
7. THE NORTHERLY LINE OF PARCEL C, AND THE SOUTHERLY LINE OF PARCEL A-1, HAS BEEN REESTABLISHED BASED FOUND MONUMENTATION SHOWN ON A SURVEY PREPARED BY THIS FIRM DATED 8-30-05, PROJECT NUMBER 02597-0002. THE RIGHT OF WAY OF STATE ROAD A1A, HAS BEEN ESTABLISHED ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION NUMBER 7953-150.
8. THE AREA OF PARCELS A AND C, LYING WEST OF THE SEAWALL EQUALS 1.46 MORE OR LESS ACRES AND THE AREA OF PARCEL B EQUALS 0.32 MORE OR LESS ACRES.
9. THE COASTAL CONSTRUCTION CONTROL LINE AND THE COASTAL CONSTRUCTION SETBACK LINE HAVE BEEN TAKEN FROM MWM & CREED PROJECT NUMBER 02597-0001, PREPARED BY DAVID MC MILLLEN, SIGNED 12-22-03

CERTIFICATION

I HERBY CERTIFY THIS SURVEY MEETS THE APPLICABLE "MINIMUM TECHNICAL STANDARDS" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J17.050-.052, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

DATE _____
JEFF W. BARNES, P.S.M. # 5576
THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER. (CERTIFICATE OF AUTHORIZATION NO. LB 7817)

CERTIFIED TO:

OLD REPUBLIC NATIONAL TITLE INSURANCE
COMPANY
HOTEL MOTEL, LLC
REGENT BANK
ROBERT ABRAHAM, P.A.
MOODY, JONES, INGINO & MOREHEAD, P.A.

REVISION

REVISED VARIOUS TEXT NOTATIONS, PARCEL C DESCRIPTION, AND SURVEY NOTES 3 & 8
ADDED COASTAL CONSTRUCTION SETBACK LINE, COASTAL CONSTRUCTION CONTROL
LINE AND SURVEYORS NOTE No. 9.

DATE _____

12-29-13

02-26-14

BOUNDARY SURVEY
FOR
HOTEL MOTEL, LLC

PREPARED BY:

MCKIM & CREED
ENGINEERS AND SURVEYORS
1901 Mason Avenue, Suite 102
Daytona Beach, Florida, 32117-5105
Phone: (386) 274-2828, Fax: (386) 274-1393
CERTIFICATE OF AUTHORIZATION No. LB 7917
Internet Site: <http://www.mckimcreed.com>

SHEET NUMBER
1 OF 1

Hawkeye Brothers

2381 Mason Ave Suite 120
Daytona Beach, FL 32117 US
386-492-3883
tim@hawkeyebrothers.com
www.hawkeyebrothers.com

RECEIVED**DEC 14 2022****BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES****685985**

To: EMERALD SHORES HOTEL
2613 S. ATLANTIC AVENUE
DAYTONA BEACH SHORES,
FL 32118

DATE
11/28/2022

PLEASE
PAY
\$30230.50

DUE DATE
50% deposit
required.
Balance 30 day
from
completion

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	PRINT	Remove existing sign at grade, manufacture and install one new ground sign with new electronic displays . EMC's are a 10 mm . Over all design will meet the city's current requirements. If this is approved, color rendering provided before permitting commences.	1		\$30230.50
	ART SETUP		1		

SUBTOTAL
TAX
TOTAL

\$

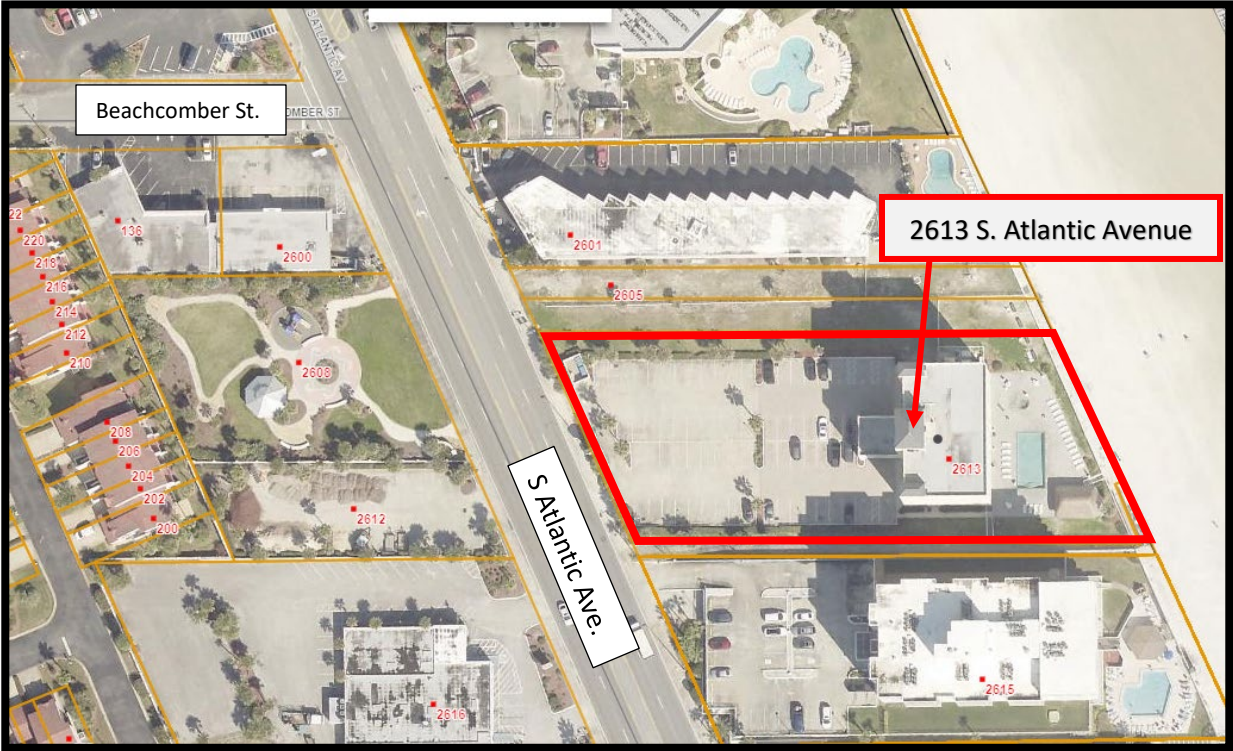
30,230.50

TOTAL DUE

\$30,230.50

THANK YOU.

Exhibit B
Location Map-2613 S. Atlantic Avenue- Emerald Shores Hotel



Source: Volusia County Property Appraiser Website (2022)

Street View-2613 S. Atlantic Avenue- Emerald Shores Hotel



Source: Google Street View (July 2022)

EXHIBIT C

Eligibility Requirements Analysis Table: 2613 S. Atlantic Avenue-Emerald Shores Hotel

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



**CITY COMMISSION AGENDA MEMORANDUM
JANUARY 10, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Consideration of Salary Treatment

SYNOPSIS:

This was a request by Mayor Miller.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: None