



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COMMISSION MEETING AUGUST 22, 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:**
 - A. Sgt. Ricky Rademacher Retirement
- 6. APPROVAL OF MINUTES**
 - A. City Commission Budget Workshop Minutes July 25, 2023
 - B. City Commission Minutes July 25, 2023
- 7. CONSENT AGENDA:**

- A. Public Safety July report
- B. June 2023 Monthly Executive Report
- C. July 2023 Monthly Executive Report
- D. Community Services Department Monthly Report - July 2023
- E. Zev Cohen & Associates, Inc. Engineering Services Contract: Design - Bid Documents For Beach Dune Walkovers & New St. Kitts Seawall
- F. Revised Access Agreement & Construction License For Seawall Construction: St. Kitts Condominium, 2853 S. Atlantic Avenue
- G. Approval of Flock Safety Contract

8. OLD BUSINESS:

9. NEW BUSINESS:

- A. Consideration to approve Amended Contract for Legal Services as City Attorney
- B. Ordinance 2023-07: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 3038 South Peninsula Drive
- C. Ordinance 2023-08: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 3040 South Peninsula Drive

10. QUASI-JUDICIAL HEARING

- A. Ordinance 2023-09: Rezoning application for recently annexed property located at 3038 South Peninsula Drive
- B. Ordinance 2023-10: Rezoning application for recently annexed property located at 3040 South Peninsula Drive

11. CITY ATTORNEY COMMENTS

12. CITY MANAGER COMMENTS

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
July 25, 2023
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. NEW BUSINESS:

A. Review and discussion of Fiscal Year 2023-2024 Proposed Budget and Millage

Finance Director Lory Irwin began her budget presentation by stating that the proposed general fund budget was \$19,733,400. It is a 24% increase over last year which is mostly due to capital expenditures. The proposed millage rate is 4.588 which is the rolled back rate. Comparisons of local tax rates were shown and the impact on an average property in the city is a savings of approximately \$15.00. Budget highlights were: engineering costs for an EOC facility, resiliency study, increase PS Patrol by 2 positions and a possible 4.6% mid-year increase to the base rate, increase in contract services for inspections, vehicles, software and other various capital items. It was noted that a few items would be covered by either a grant or hurricane reimbursement funds. The sewer enterprise fund had an increase in the number of active accounts from 968 to 997. The capital items include: master station odor control, force main design and phase 1 install and slip lining. It was explained that staff would like to do a legislative ask for assistance with the sewer force main project. The city has never done a legislative ask before. The commission discussed engaging a lobbyist to assist with the legislative ask and requested money be included in the budget to do so. Staff will research this and bring it back to the commission. It was noted that the budget hearings could occur on the regularly scheduled meeting dates for September.

3. ADJOURNMENT:

The meeting ended at 5:49 p.m.

MAYOR
NANCY MILLER

CITY MANAGER
KURT D. SWARTZLANDER

ATTEST:

CITY CLERK, CHERI SCHWAB

MINUTES
CITY COMMISSION MEETING
July 25, 2023
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

Staff: City Manager Kurt Swartzlander, City Clerk Cheri Schwab, City Attorney Becky Vose, Community Services Director Stewart Cruz, Finance Director Lory Irwin, Economic Development and Public Affairs Director Nancy Maddox, and Public Safety Director Michael Fowler.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

- A. Employee Service Awards
Officer Ryan Mowen - 5 years
Maint. Worker IV Ryan Lamberson - 10 years
LT. Norman Medders - 15 years

Chief Michael Fowler presented both Lt. Norman Medders and PSO Ryan Mowen with their service awards. Community Services Director Stewart Cruz presented Ryan Lamberson with his 10-year service award.

- B. First Step Shelter Presentation by Victoria Fahlberg and Rose Ann Tornatore

First Step Director, Victoria Fahlberg, spoke to the commission. She provided a few statistics from the previous year regarding the number of people who utilized the shelter. She also explained a new program with the Volusia County Sheriff's office. There is a help line set-up that when called, will dispatch a deputy to assist a homeless person.

6. APPROVAL OF MINUTES

- A. City Commission Minutes July 11, 2023

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the City Commission Minutes of July 11, 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

7. CONSENT AGENDA:

- A. Public Safety Monthly Report - June 2023

- B. Community Services Department Monthly Report - June 2023

- C. Daytona Beach Shores - Palmetto Electric, Inc. Agreement To Piggyback Electrical Services Contracted By Volusia County

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. OLD BUSINESS:

- A. Second Reading: Ordinance 2023-06 Gas Franchise Agreement

City Attorney Becky Vose read the ordinance by title only. There were no additional comments or concerns.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER CHRIS CONOMOS to Adopt Ordinance 2023-06 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

9. NEW BUSINESS:

A. Resolution 2023-08 Fiscal Year 2023-2024 Proposed Millage Rate

Attorney Vose read the resolution by title only. The proposed millage rate will be 4.5880 mills which will keep the rolled back rate.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER CHRIS CONOMOS to Adopt Resolution 2023-08 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. Resolution 2023-09 adopting Administrative Code

Attorney Vose read the resolution by title only. It was explained that this is a requirement by the City's Charter and there was no record of any previous document being adopted. The Mayor asked why the previous law firm of over twenty years had not addressed it.

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Adopt Resolution 2023-09 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. Establishing A Utility Equipment Box Artwork Program

Community Services Director Stewart Cruz explained that the city has pride in its streetscape. Part of the underground utility project included transformer boxes along the street. There are two from AT&T, five from FDOT and 70 FPL boxes. There are two existing aesthetic programs with FPL and FDOT that allow local governments to wrap the boxes. Pictures were shown of both wrapped boxes in other cities and current boxes in the city. Director Cruz requested direction from the commission on how they would like to proceed. Comm. Conomos would like to see local schoolchildren have a contest to display their artwork. It was mentioned that outside artwork can only be displayed on the FDOT boxes as FPL has set wrap designs to choose from. It was noted that the estimated cost per box is \$2,500. There is \$20,000 included in the next year's budget.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL LINDAUER to establish a utility equipment box artwork program.

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

D. Social Media Policy

This item was pulled from the agenda.

10. CITY ATTORNEY COMMENTS

There were no City Attorney comments.

11. CITY MANAGER COMMENTS

There were no City Manager comments.

12. COUNCIL COMMENTS:

Mayor Miller began her comments by stating that she loved the city and the many residents who are always willing to lend a helping hand. However, there are a small handful of residents who don't want to help out and are asking staff to perform meaningless record searches. She explained how much she appreciated the staff and their hard work in the past few months. The remaining commissioners echoed the Mayor's comments. Comm. Bryan reminded the coastal property owners to establish temporary armoring in case another storm hits this year.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

If the Social Media Policy is ready, it will be on the next agenda.

15. ADJOURNMENT:

The meeting ended at 6:53 p.m.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB



**CITY COMMISSION AGENDA MEMORANDUM
AUGUST 22, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Joanne Sweeney, Admin Asst

SUBJECT: Public Safety July report

SYNOPSIS:

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: 1. July



CITY OF DAYTONA BEACH SHORES

DEPARTMENT OF PUBLIC SAFETY

3050 South Atlantic Avenue

Daytona Beach Shores, Florida 32118

Office of Director of Public Safety

Office 386-763-5333 Fax 386-763-5341

MONTHLY REPORT FOR JULY 2023

	<i>Jul-23</i>	<i>23/YTD</i>	<i>Jul-22</i>	<i>22/YTD</i>
<i>Police Related Calls</i>	1,918	13,081	2,679	13,823
<i>Fire Related Calls</i>	93	497	42	214
<i>Rescue Related Calls</i>	74	412	147	756
<i>Fire Related Alarms Sounding</i>	23	135	19	204
<i>Traffic Citations</i>	156	1,297	241	1,859
<i>Written Warnings</i>	34	218	58	369
<i>Building Inspections</i>	36	414	27	203
<i>Arrests: Adults</i>	31	230	33	236
<i>Juveniles</i>	0	4	2	7
<i>City Ordinance Charges</i>	0	3	1	1
<i>Florida State Statute Charges</i>	34	380	61	393
<i>Accidents: Total</i>	28	109	33	161
<i>Street/Highway</i>	21	77	11	84
<i>Parking Lot</i>	7	39	22	77

Michael Fowler, Public Safety Director

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2023-07-01 through 2023-07-31

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
MISCELLANEOUS LE CALL	MISC	343	17.88 %	11.06
EXTRA PATROL	EP	267	13.92 %	8.61
TRAFFIC STOP	TS	253	13.19 %	8.16
PROPERTY CHECK	PRC	236	12.30 %	7.61
DIRECTED PATROL REQUEST	DPR	71	3.70 %	2.29
SUSP PERSON	SPER	70	3.65 %	2.26
TELEPHONE HANDLE	THC	47	2.45 %	1.52
TOWED VEHICLE	TOW	43	2.24 %	1.39
MEDICAL EMERGENCY	MED1	34	1.77 %	1.10
SUSP INCIDENT	SINC	31	1.62 %	1.00
RADAR	RADAR	28	1.46 %	0.90
SUSPECT STOP	SS	26	1.36 %	0.84
WALKUP	WALKUP	22	1.15 %	0.71
DISTURBANCE	DIST	20	1.04 %	0.65
FIRE ALARM	ALARMF	20	1.04 %	0.65
MVA	MV	19	0.99 %	0.61
SUSP VEHICLE	SVEH	19	0.99 %	0.61
INVESTIGATION	INV	13	0.68 %	0.42
RECKLESS DRIVER	RD	13	0.68 %	0.42
CIVIL COMPLAINT	CIVIL	12	0.63 %	0.39
ELEVATOR CALL	ELEV	12	0.63 %	0.39
TRESPASSERS	TRES	12	0.63 %	0.39
WELL BEING CHECK	WBC	12	0.63 %	0.39
ZONE ACCOUNTABILITY PATR	ZAP	12	0.63 %	0.39
911 CK/OPEN LINE	911CK	11	0.57 %	0.35
BLS - MED/TRAUMA	BLS3	11	0.57 %	0.35
FALL- NON EMERGENCY	TRAU3	10	0.52 %	0.32
FLAG DOWN	FLAG	10	0.52 %	0.32
HIT&RUN MVA	MVHR	10	0.52 %	0.32
DRUNK DRIVER	DUI	9	0.47 %	0.29
THEFT	THEFT	9	0.47 %	0.29
UNCONSCIOUS	UNC	9	0.47 %	0.29
ASSAULT/BATTERY	ABAT	8	0.42 %	0.26
INFORMATION GIVEN	INFO	8	0.42 %	0.26
NOISE	NOISE	8	0.42 %	0.26
TEST LE CALL	TEST	8	0.42 %	0.26
WARRANT	WAR	8	0.42 %	0.26
DOMESTIC DISTURBANCE	DV	7	0.36 %	0.23
WALK & TALK	WT	7	0.36 %	0.23
ANIMAL COMPLAINT	AC	6	0.31 %	0.19
ATT TO CONTACT	ATC	6	0.31 %	0.19
LOST PROPERTY	PROPL	6	0.31 %	0.19
MEDICAL NON-EMERG	MED2	6	0.31 %	0.19
VANDALISM	VAND	6	0.31 %	0.19
BOLO	BOLO	5	0.26 %	0.16
DEAD PERSON	DEAD	5	0.26 %	0.16

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2023-07-01 through 2023-07-31

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
DRUNK PERSON	IP	5	0.26 %	0.16
FIREWORKS	FIREWK	5	0.26 %	0.16
FOUND PROPERTY	PROPF	5	0.26 %	0.16
MENTALLY ILL PER	MIP	5	0.26 %	0.16
MVA W/ INJURIES	MVI	5	0.26 %	0.16
FIGHT	FIGHT	4	0.21 %	0.13
ROAD OBSTRUCTION	RDOB	4	0.21 %	0.13
SPECIAL DETAIL	SDL	4	0.21 %	0.13
BUSINESS ALARM	ALARMB	3	0.16 %	0.10
FRAUD	FRAUD	3	0.16 %	0.10
ILLEGAL PARKING	PARK	3	0.16 %	0.10
MEDICAL UNKNOWN	ALARMM	3	0.16 %	0.10
MISSING PERSON	MP	3	0.16 %	0.10
NE ASST- FIRE REQ	LEO2	3	0.16 %	0.10
TRAUMA EMERGENCY	TRAU1	3	0.16 %	0.10
DANGEROUS COND FD	DCFD	2	0.10 %	0.06
DISABLED VEHICLE	DAV	2	0.10 %	0.06
FLEEING DRIVER	FLEE	2	0.10 %	0.06
HARRASSING CALLS	HCALL	2	0.10 %	0.06
HAZARDOUS COND	HZM	2	0.10 %	0.06
LASER	LASER	2	0.10 %	0.06
NARCOTICS	NARC	2	0.10 %	0.06
SMOKE ODOR IN STRUCTURE	SMODIS	2	0.10 %	0.06
STROKE / CVA	CVA	2	0.10 %	0.06
SUICIDAL PERSON	SP	2	0.10 %	0.06
THREATENING CALL	TCALL	2	0.10 %	0.06
911 CK/OPN LINE/MED HAZ	911MED	1	0.05 %	0.03
ABANDONED VEH	AV	1	0.05 %	0.03
ASSIST	ASST	1	0.05 %	0.03
BURG/IN PROG	BURGIP	1	0.05 %	0.03
BURGLARY	BURG	1	0.05 %	0.03
BURGLARY ALARM	ALARM	1	0.05 %	0.03
CARBREAK	CB	1	0.05 %	0.03
CITY ORDINANCE VIOLATION	COV	1	0.05 %	0.03
ESCORT	ESCORT	1	0.05 %	0.03
FAILURE TO PAY	FTP	1	0.05 %	0.03
FIRE OUTSIDE STRUCTURE	FOS	1	0.05 %	0.03
FIRST AID CALL	FAID	1	0.05 %	0.03
FOUND CHILD	CHILDF	1	0.05 %	0.03
JUVENILE	JUV	1	0.05 %	0.03
LOST/FOUND PET INFO	PET	1	0.05 %	0.03
MENTALLY/EMOTIONAL	MIP1	1	0.05 %	0.03
MISC FIRE SERVICE CALL	MISCF	1	0.05 %	0.03
MVA MAJOR	MVMI	1	0.05 %	0.03
MVA W/ HAZARD	MVH	1	0.05 %	0.03
OPEN DOOR	OPD	1	0.05 %	0.03

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2023-07-01 through 2023-07-31

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
OVERDOSE/POISONING	OD	1	0.05 %	0.03
PANIC ALARM	ALARM	1	0.05 %	0.03
POWER LINES HAZARD	PL	1	0.05 %	0.03
REPOSSESSED VEH	REPO	1	0.05 %	0.03
SHOPLIFTING	SHOP1	1	0.05 %	0.03
STRUC FIRE COMM/HIGHRISE	SFCH	1	0.05 %	0.03
TRAFFIC CONTROL	TC	1	0.05 %	0.03
TRAUMA CRITICAL	TRAUE	1	0.05 %	0.03
TRAUMA NON EMERG	TRAU	1	0.05 %	0.03
WELL BEING CHECK MEDICAL	WBCF	1	0.05 %	0.03
TOTAL CALLS:		1,918	100.00%	61.87

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

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

JULY 2023 STATISTICS

FIRE CALLS	CURRENT MONTH	YEAR TO DATE	PRIOR YEAR
STRUCTURE FIRES	1	7	3
HAZARDOUS CONDITIONS	5	84	30
VEHICLE FIRES	0	1	0
BOAT FIRES	0	0	0
OTHER FIRES NOT LISTED	4	21	12
VEHICLE CRASHES W/ENGINE RESPONSE	2	19	5
SERVICE CALLS	62	473	107
FIRE ALARMS	23	270	91
CANCELLED EN ROUTE	19	198	48
TOTALS	116	1073	296

CURRENT MONTH ESTIMATED FIRE DAMAGES

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

INSPECTIONS	CURRENT MONTH		YEAR TO DATE		PRIOR YEAR	
	INITIAL	FOLLOW-UP	INITIAL	FOLLOW-UP	INITIAL	FOLLOW-UP
HIGH RISE	6	2	58	48	22	27
HOTEL/MOTEL	0	5	52	41	20	17
ASSEMBLY	0	0	1	2	1	2
MERCANTILE	1	0	38	13	27	7
RESTAURANT	0	3	24	14	12	7
BUSINESS	5	0	101	22	50	7
OTHER	9	0	209	44	17	1
CONSTRUCTION	1	0	36	8	23	7
OCCUPATIONAL LICENSES	0	0	0	0	0	0
APARTMENTS/CONDO	2	2	44	26	28	4
TOTALS	24	12	563	218	200	79

PLANS EXAMINATION HOURS: 0 HRS

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY
JULY 2023 STATISTICS

EMS CALLS	CURRENT MONTH	YEAR TO DATE	PRIOR YEAR
ALS CALLS	37	491	241
BLS CALLS	37	548	249
TOTALS	74	1039	490



Daytona Beach Shores Department of Public Safety
Office of Director Michael Fowler
3050 S. Atlantic Ave.
Daytona Beach Shores, FL 32118
Office 386-763-5333

TRAINING SEMINARS ATTENDED

Month of July 2023

<i>Chris Wolfla</i>	<i>7/11-13</i>	<i>FLGISA conference Orlando</i>
<i>Molly Billue</i>	<i>7/12</i>	<i>EMT Review DSC</i>
<i>Norman Medders</i>	<i>7/17-21</i>	<i>Post Blast Investigations State Fire College</i>
<i>Enrique Rosario</i>	<i>7/17-20</i>	<i>FTO Seminole State College</i>
<i>Enrique Rosario William Frank Jack Ransom Ryan Mowen</i>	<i>7/24-25</i>	<i>AR15 Armorer Course Daytona PD</i>
<i>Heather Wooleyhan</i>	<i>7/24-26</i>	<i>Detecting Deception Daytona State</i>
<i>Norman Medders</i>	<i>7/24-28</i>	<i>Fire Service Course Design POFD</i>
<i>Gary Malphurs</i>	<i>7/25</i>	<i>Low Light Shooting Melbourne</i>
<i>Ronald Eubanks</i>	<i>7/25-27</i>	<i>Fire apparatus maintenance Ocala</i>
<i>Richard Jackson</i>	<i>7/31-8/1</i>	<i>De-escalation Techniques Daytona State</i>



Daytona Beach Shores Department of Public Safety
Office of Director Michael Fowler
3050 S. Atlantic Ave.
Daytona Beach Shores, FL 32118
Office 386-763-5333

MONTHLY REPORT FOR JULY 2023

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

Replace tires	veh #172
Oil change	veh #165
Oil change & wiper blades	veh #173
Oil change	veh #187
Replace brakes	veh – Trailer 10
Oil change	veh #150
Replace brake pads	veh #118



CITY COMMISSION AGENDA MEMORANDUM AUGUST 22, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission
FROM: Lory Irwin, Finance Director
PREPARED BY: Lory Irwin, Finance Director
SUBJECT: June 2023 Monthly Executive Report

SYNOPSIS:

The city has received 90% of its budgeted revenues for fiscal year 2022-23. This is 11% more than this time last year. Expenditures are up 8% over the prior year due to hurricane repair costs and the cost of materials over the prior year.

FISCAL IMPACT STATEMENT:

The city has received 90% of its budgeted revenue as of June 30, 2023; expenditures are 66% of what was budgeted for FY 22-23.

BACKGROUND:

Per City Charter, Sec. 3.04 (5) a complete report on finances will be submitted to the city commission and the public.

LEGAL REVIEW:

N/A

RECOMMENDATION:

Staff recommends the acceptance of the consent agenda as is.

SUGGESTED MOTION:

To accept the consent agenda as is.

ATTACHMENT: 1. June 2023 Executive Summary

EXECUTIVE SUMMARY

Fiscal Year-To-Date Financial Report

Month Ending June, 2023

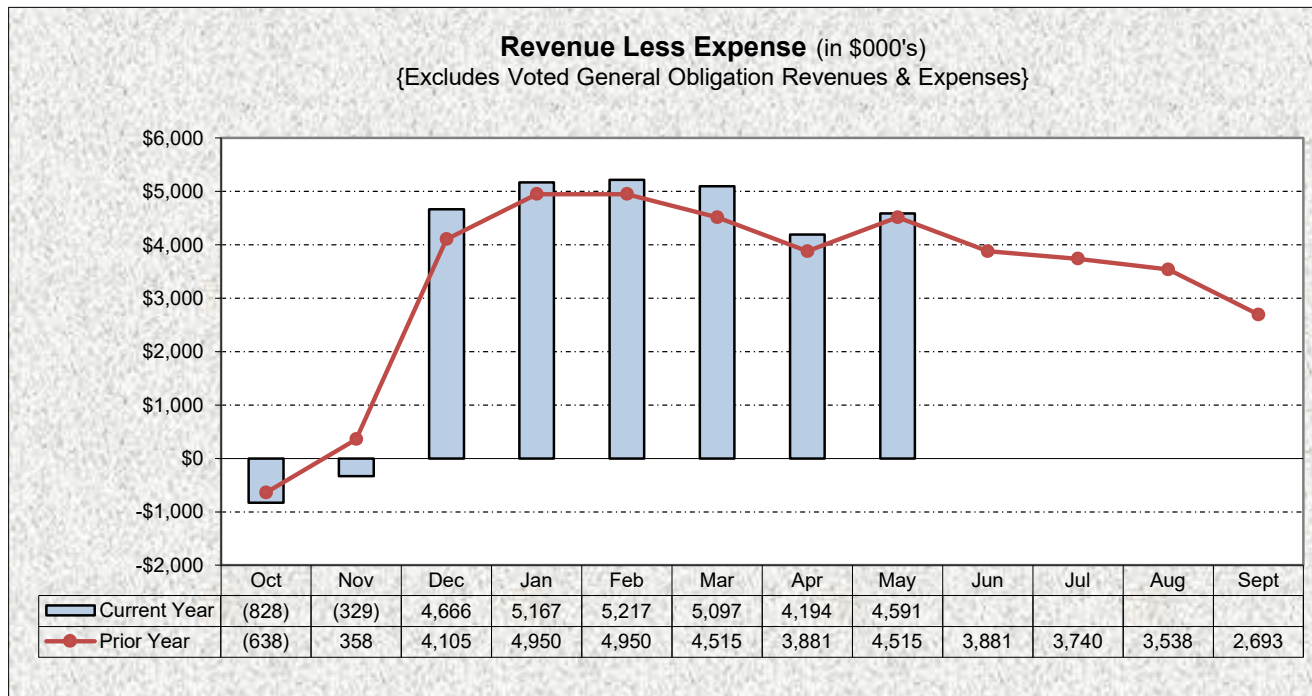
CURRENT YEAR OPERATIONAL PERFORMANCE				
Fund or Fund Segment	YTD Revenue	YTD Expense	Revenue Less Expense	Margin %
General Fund Operations	\$14,274,833	\$10,341,082	\$3,933,751	28%
General Obligation Debt Service	\$137	\$0	\$137	
General Obligation Construction	\$0	\$0	\$0	
General Fund Sub-Total	\$14,274,970	\$10,341,082	\$3,933,888	28%
Sewer Fund Operations	\$2,534,069	\$2,281,817	\$252,253	10%
Sewer Fund Restricted Impact Fee	\$11,044	\$2,868	\$8,176	74%
Sewer Fund Sub-Total	\$2,545,113	\$2,284,685	\$260,429	10%
TOTAL ALL FUNDS FISCAL YTD	\$16,820,083	\$12,625,767	\$4,194,316	25%

CASH / INVESTMENT POSITIONS PERFORMANCE				
	Current Month Current Year	Current Month Prior Year	12-Month Change	Percent Change
General Fund (excl. G.O. Funds)	\$24,572,879	\$22,070,314	\$2,502,564	11%
Sewer Fund	\$10,881,381	\$9,620,705	\$1,260,676	13%
Sub-Total Operating Funds	\$35,454,260	\$31,691,019	\$3,763,241	12%
Gen. Obligation [GO] Construction & Debt	\$0	\$0	\$0	0%
TOTAL ALL FUNDS	\$35,454,260	\$31,691,019	\$3,763,241	12%

PROJECTED FISCAL YEAR END (FYE) CASH FLOW FROM NORMAL OPERATIONS**			
	General Fund	Sewer Fund	Total
Current Cash vs. Prior Year Ending Cash	\$3,421,434	\$899,103	
Add Back for Current Year CS Construction Expense	N/A	N/A	
Historical Mean Projected Remaining Cash Flow	(\$2,436,988)	(\$58,527)	
PROJECTED FYE NORMALIZED CASH FLOW	\$984,445	\$840,576	\$1,825,021

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

NON-G.O. FUNDS	June, 2023		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Revenues ('000s)					
General Fund	\$15,845	\$14,275	\$12,934	\$1,341	10%
Utility Fund	\$3,703	\$2,545	\$2,356	\$189	8%
Total Revenues & Appropriations	\$19,548	\$16,820	\$15,290	\$1,530	10%
Expenses ('000s)					
General Fund Less Capital	\$14,387	\$9,786	\$9,044	(\$742)	-8%
General Fund Capital	\$1,458	\$555	\$328	(\$227)	-69%
Utility Fund	\$3,703	\$2,285	\$2,037	(\$248)	-12%
Total Expenses & Appropriations	\$19,548	\$12,626	\$11,409	(\$1,217)	-11%
Revenue Less Expense ('000s)					
General Fund	\$0	\$3,934	\$3,561	\$372	
Utility Fund	\$0	\$260	\$320	(\$59)	
Revenue Less Expense	\$0	\$4,194	\$3,881	\$313	



General Fund Detail Budget Report

	June, 2023		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD	Actual	Vs. Prior Yr. Favorable / (Unfavorable) % vs. Prior Year
Revenues/Sources					
Ad-Valorem Taxes	8,885,200	8,835,769	8,401,907	433,862	5.16%
Business Taxes	101,900	96,246	100,894	(4,648)	-4.61%
Utility Taxes	1,041,200	717,411	674,515	42,896	6.36%
Permits & Franchise Fees	893,200	789,628	597,698	191,930	32.11%
Intergovernmental	747,600	732,462	547,647	184,815	33.75%
Donations	0	0	0	0	
Charges for Services	1,838,000	1,463,600	1,445,773	17,827	1.23%
Fines & Forfeitures	97,800	57,062	79,999	(22,937)	-28.67%
Non-G.O. Interest	231,300	393,736	10,246	383,490	3742.66%
Unrealized Investment G/(L)	0	0	0	0	
Miscellaneous & Fixed Asset Sales	87,900	455,419	433,546	21,873	5.05%
Internal Services	978,000	733,500	641,625	91,875	14.32%
Non G.O. Transfer In-Fund Balance	943,200	0	0	0	
Non-G.O. Gen. Fund Revenue	\$15,845,300	\$14,274,833	\$12,933,850	\$1,340,983	10.37%

Operating Expenditures

Excluding CAPITAL Expense					
Legislative	204,500	136,192	155,814	19,622	12.59%
Executive	657,100	493,648	434,948	(58,700)	-13.50%
Finance	561,200	407,062	430,909	23,847	5.53%
Legal Counsel	166,400	110,351	98,348	(12,003)	-12.21%
Comp. Planning	111,200	76,681	70,331	(6,350)	-9.03%
Other Gov't Services	332,300	228,361	287,283	58,922	20.51%
Public Safety Operations	6,423,700	4,663,928	4,450,737	(213,191)	-4.79%
Building Dept.	560,100	417,175	511,022	93,847	18.36%
Emergency Mgmt - Hurricanes	0	463,972	0	(463,972)	
Phy. Envir. - Solid Waste/Recycle	1,614,200	900,828	889,964	(10,864)	-1.22%
Public Works Operations	1,520,300	1,045,898	883,232	(162,666)	-18.42%
Inventory	0	0	142,627	142,627	100%
Benefit Termination Payout	113,300	65,878	303,109	237,230	78%
Parks & Rec	476,600	322,633	386,132	63,499	16.44%
Community Center	618,000	439,078	0	(439,078)	
Senior Center	0	0	0	0	
Economic Development Programs	100,000	14,274	0	(14,274)	
Contingency/Transfers	928,000	0	0	0	
Long-Term Debt	0	0	0	0	
Non-G.O. Operations Expense	14,386,900	9,785,959	9,044,456	(919,534)	-10.17%
Non-G.O. CAPITAL Expense	1,458,400	555,123	328,304	(\$226,819)	
Total Non-G.O. Expense	15,845,300	10,341,082	9,372,759	(1,146,354)	
Non-G.O. Revenue Less Expense	\$0	\$3,933,751	\$3,561,091	\$2,487,337	70%

General Obligation (G.O.) Debt Service

Debt Service Ad-Valorem Revenue		137	0
Debt Service Interest Revenue	0	0	0
UG Utils- Debt Service Expense	0	0	0
G.O. Revenue Less Expense	\$0	\$137	\$0

Utility Fund Detail Budget Report

	June, 2023		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Fund 401					
Operations Revenues					
Charges for Services	\$3,685,500	\$2,446,836	\$2,215,258	\$231,578	10%
Interest	1,000	87,233	5,926	81,307	1372%
Sale of Fixed Assets / Misc.	0	0	0	0	
Total Operating Revenues	\$3,686,500	\$2,534,069	\$2,221,184	\$312,885	14%
Operations Expenditures					
Sewer Operating Incl. Depreciation	\$3,686,500	\$2,281,817	\$1,959,161	(\$322,656)	-16%
- Less Debt Service Principal [a]		0	0		
- Less Not Offset Capital Expense [b]		0	0		
Total Operating Expense	\$3,686,500	\$2,281,817	\$1,959,161	(\$322,656)	-16%
Operations Margin	\$0	\$252,253	\$262,023		
% Gain/(Loss)		11%	13%		

Fund 402

Impact Fee Revenues					
Sewer Impact Fees	16,000	10,975	\$135,100	(\$124,125)	-92%
Impact Fee Interest	100	69	(2)	71	3547%
Total IF Revenue	\$16,100	\$11,044	\$135,098	(\$124,054)	-92%
Impact Fee Expense					
Sewer Impact Fee Exp	16,100	2,868	\$77,436	\$74,568	96%
Total IF Expense	\$16,100	\$2,868	\$77,436	\$74,568	96%
Impact Fee Margin	\$0	\$8,176	\$57,662	(49,486)	-86%
% Gain/(Loss)		285%			

TOTAL FUND PERFORMANCE

TOTAL FUND Revenue	\$3,702,600	\$2,545,113	\$2,356,282	\$188,831	
TOTAL FUND Expense	\$3,702,600	\$2,284,685	\$2,036,597	(\$248,088)	
FUND Revenue Less Expense	\$0	\$260,429	\$319,685	(\$59,256)	

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

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

FISCAL YEAR-TO-DATE CAPITAL BUDGET ACCOUNT REPORT
June, 2023

Department	Description	Budgeted*	Paid
51/10-20 Executive/Legislative		175,000	175,000
5130 Finance		0	0
5210 Pub. Safety Admin		0	0
5211 Patrol/Fire/Rescue	Vehicles	417,200	118,723
5240 Building & Codes		65,000	0
5410 Pub. Works Admin		43,000	42,306
5412 Pub. Works Bldg. Maint		307,200	85,354
5413 Pub. Works Streets	Vehicles	150,000	104,591
	Road Improvements Misc.	208,200	0
	<i>Gas Tax Financed</i>		
	<i>Appropriated Road Improvements</i>		0
	<i>Crosswalks</i>	0	0
5720 Parks		92,800	29,149
5751 Community Center		0	0
5752 Senior Center		0	0
GENERAL FUND TOTAL		1,458,400	555,123
401-5350 Sewer Operating	IMPROVEMENTS		
	Sewer Engineering and Project Cost	2,643,000	79,825
	EQUIPMENT	203,000	202,958
	Capital Offset to Depreciation Exp	(2,846,000)	(282,783)
401-5351 Sewer Impact Fee			
UTILITY FUND TOTAL		0	0
0 GRAND TOTAL		1,458,400	555,123

INVESTMENT REPORT
June, 2023

Policy Restrictions

Investment	Invest Class	Must	Int.Cap	Policy Class Cap	Current	In Limits
SBA	SBA			None	0.0%	
US Gov't Securities	USGS			100%	71.3%	Yes
Cash & CDs	CASH			None	28.7%	Yes
Money Market Funds	MMF			20%	0.0%	
Fed Instrum. & Agency	FIA			30%	0.0%	
Collat. Mortg. Obligtns.	CMO			20%	0.0%	
Commercial Paper	CP			10%	0.0%	
FMIT	FMIT			None	0.0%	

Performance @Period Ending: June, 2023

Institution	Account		Asset	Invest Class	Restriction	Account Value	Period Int. Rate	% of Portfolio
SBA: Prime	131031		Investment	SBA	General Fund	\$563	5.33%	0%
SBA: Prime	131032		Investment	SBA	Sewer Fund	\$563	5.33%	0%
TOTAL SBA						\$1,125		0.0%
U.S. Treasury Note	912828U57060	11/30/2023	Investment	USGS	General Fund	\$2,649,759	2.63%	7%
U.S. Treasury Note	912828D1060	8/31/2023	Investment	USGS	General Fund	\$2,677,178	2.72%	8%
U.S. Treasury Note	91282CER8060	5/31/2024	Investment	USGS	General Fund	\$2,615,043	3.10%	7%
U.S. Treasury Bill	912796CR8060	9/21/2023	Investment	USGS	General Fund	\$3,630,703	5.03%	10%
U.S. Treasury Bill	912797FK8060	11/16/2023	Investment	USGS	General Fund	\$3,593,280	5.17%	10%
U.S. Treasury Bill	912797FX0060	7/11/2023	Investment	USGS	General Fund	\$1,997,790	3.62%	6%
U.S. Treasury Bill	912796CR8060	9/21/2023	Investment	USGS	Sewer Fund	\$1,482,963	5.03%	4%
U.S. Treasury Bill	912797FU6060	12/14/2023	Investment	USGS	Sewer Fund	\$1,502,379	5.25%	4%
U.S. Treasury Bill	912796XQ7060	7/13/2023	Investment	USGS	Sewer Fund	\$5,127,859	3.86%	14%
TOTAL US TREASURIES						\$25,276,954		71.3%
Bank of America	004537065882		Cash	CASH	Working Cash	\$6,635,209	0.00%	19%
Bank of America	005562564319		Cash	CASH	Sewer Operating	\$2,734,335	0.00%	8%
Bank of America	005562564351		Cash	CASH	Sewer Impact Fee	\$10,654	0.00%	0%
JP Morgan Chase	663652210		Cash	CASH	Working Cash	\$634,528	0.00%	2%
JP Morgan Chase CD	100079555936		Cash	CD	Pool Cash	\$102,000	1.85%	0%
Seacoast Bank	4810004966		Cash	CASH	Sewer Operating	\$22,628	0.15%	0%
Seacoast Bank	4810000706		Cash	CASH	Working Cash	\$36,827	0.15%	0%
TOTAL BANKS						\$10,176,180		28.7%

TOTAL CURRENT VALUE @ PERIOD END	\$35,454,260
WEIGHTED AVERAGE TOTAL RETURN FOR CURRENT MONTH	2.8718%

CHANGE IN CASH & INVESTMENTS (Incl. interfund transfers)	Current Value	Vs. Last Month	Vs. Prior Year To Date	Vs. Prior Fiscal Yr. End
G.O. Construction & Debt Service Funds	\$0	\$0	\$0	\$0
General Fund (excl. G.O. Funds)	\$24,572,879	(\$230,514)	\$3,550,744	\$3,421,434
Sewer Fund	\$10,881,381	(\$16,202)	\$905,024	\$909,688
TOTAL	\$35,454,260	(\$246,716)	\$4,455,768	\$4,331,122
Percent Change for Current	N/A	-0.7%	14.4%	13.9%

Portfolio Report
June, 2023

GENERAL FUND						
Agent	Security Type (Last Digits Account ID)	Cost Basis	Yield to Cost	Market Value	Gain / Loss	Annual Income @ Cur. Int%
SBA	Investment-General (031)	\$563	5.33%	\$563	\$0	\$30
BoA	Cash-Pool Cash Account (5882)	\$6,671,217	0.00%	\$6,671,217.01	\$0	\$312
	Contraband Pool Cash in 5882	\$72,953		\$72,952.76	\$0	\$0
	Pool Cash Due to Sewer Fund			(700,914.39)		\$0
	Economic Development			591,953.29		\$0
BoA	Cash- UG Utility [Bldg] (3744)	\$0	0.00%	\$0	\$0	\$0
Seacoast	Cash-Pool Cash Account (0706)	\$36,827	0.15%	\$36,827	\$0	\$55
Seacoast	Cash-Loan Reserve (3566)	\$0	0.00%	\$0	\$0	\$0
Chase	Cash-Pool Cash (2110)	\$634,528	0.00%	\$634,528	\$0	\$0
	Chase Pool Cash Due to Sewer Fund			(237,611.73)		\$0
Chase	CD (5936)	\$102,000	1.85%	\$102,000	\$0	\$1,887
JP Morgan	US Treasury Securities	\$17,166,583	3.87%	\$17,163,753	-\$2,830	\$663,967
ALL GENERAL FUND			2.70%	\$24,335,267	-\$2,830	\$666,251
PRIOR MONTH				\$24,566,343		

SEWER OPERATING						
SBA	Investment (032)	\$563	5.33%	\$563	\$0	\$30
BoA	Cash (4319)	\$1,795,809	0.00%	\$1,795,809	\$0	\$84
Seacoast	Cash (4966)	\$22,628	0.15%	\$22,628	\$0	\$33
	Cash-Pool Cash Due From Gen. Fund			\$938,526		\$0
JP Morgan	US Treasury Securities	\$7,980,986	4.34%	\$8,113,201	\$132,215	\$346,198
ALL SEWER OPERATING FUND			4.88%	\$10,870,727	\$132,215	\$346,345
PRIOR MONTH				\$10,886,938		

SEWER IMPACT FEES (Restricted)						
BoA	Cash (4351)	\$10,654	0.00%	\$10,654	\$0	\$0
	Cash-Pool Cash Due From Gen. Fund			\$0		\$0
ALL SEWER IMPACT			0.00%	\$10,654	\$0	\$0
PRIOR MONTH				\$10,644		

ALL FUNDS			2.88%	\$35,216,648	\$129,385	\$1,012,597
PRIOR MONTH				\$35,463,925		
MONTHLY CHANGE				(\$247,277)		
MONTHLY CHANGE %				-0.7%		

Portfolio Report
June, 2023

GENERAL FUND											
Agent	Security Type (Last Digits Account ID)	Cusip	Maturity Date	Par Value/Face Value	Coupon Rate	Cost Basis	Yield to Maturity	Market Value	Market G/L	Accrued Interest	Income to Maturity
US Treasury Note	US Treasury Note	912828U57060	11/30/2023	2,685,000	2.125%	\$2,661,087	2.63%	\$2,649,759	-\$11,327	\$9,458	\$48,162
US Treasury Note	US Treasury Note	9128282D1060	8/31/2023	2,694,000	1.375%	\$2,664,264	2.72%	\$2,677,178	\$12,913	\$12,280	\$36,115
US Treasury Note	US Treasury Note	91282CER8060	5/31/2024	2,685,000	2.500%	\$2,663,995	3.10%	\$2,615,043	-\$48,952	\$5,502	\$83,655
US Treasury Bill	US Treasury Bill	912796CR8060	9/21/2023	3,672,830		\$3,633,310	5.03%	\$3,630,703	-\$2,608		\$39,520
US Treasury Bill	US Treasury Bill	912797FK8060	11/16/2023	3,665,000		\$3,573,654	5.17%	\$3,593,280	\$19,626		\$91,346
US Treasury Bill	US Treasury Bill	912797FX0060	7/11/2023	2,000,000		\$1,970,272	3.62%	\$1,997,790	\$27,518		\$29,728
ALL GENERAL FUND				17,401,830		\$17,166,583		\$17,163,753	-\$2,830	\$27,240	\$328,525
								PRIOR MONTH	\$17,007,259		
										3.87%	

SEWER OPERATING											
US Treasury Bill	US Treasury Bill	912796CR8060	9/21/2023	1,500,170		\$1,484,028	5.03%	\$1,482,963	-\$1,065		\$16,142
US Treasury Bill	US Treasury Bill	912797FU6060	12/14/2023	1,539,000		\$1,499,553	5.25%	\$1,502,379	\$2,826		\$39,447
US Treasury Bill	US Treasury Bill	912796XQ7060	7/13/2023	5,135,000		\$4,997,405	3.86%	\$5,127,859	\$130,454		\$137,595
ALL SEWER OPERATING FUND				8,174,170		\$7,980,986		\$8,113,201	\$132,215		\$193,184
								PRIOR MONTH	\$7,952,137		
										4.34%	

ALL FUNDS				25,576,000		\$25,147,569		\$25,276,954	\$129,385	4.02%	
								PRIOR MONTH	\$25,195,620		
								MONTHLY CHANGE	\$81,335		
								MONTHLY CHANGE %	0.3%		



CITY COMMISSION AGENDA MEMORANDUM AUGUST 22, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission
FROM: Lory Irwin, Finance Director
PREPARED BY: Lory Irwin, Finance Director
SUBJECT: July 2023 Monthly Executive Report

SYNOPSIS:

The city has received 95% of its budgeted revenues for fiscal year 2022-23. This is 12% more than this time last year. Expenditures are up 9% over the prior year due to hurricane repair costs and the cost of materials over the prior year.

FISCAL IMPACT STATEMENT:

The city has received 95% of its budgeted revenue as of July 31, 2023; expenditures are 72% of what was budgeted for Fy 22-23.

BACKGROUND:

Per City Charter Sec. 3.04 (5) a complete report on finances will be submitted to the city commission and the public.

LEGAL REVIEW:

N/A

RECOMMENDATION:

Staff recommends the acceptance of the consent agenda as is.

SUGGESTED MOTION:

To accept the consent agenda as is.

ATTACHMENT: 1. July 2023 Executive Summary

EXECUTIVE SUMMARY

Fiscal Year-To-Date Financial Report

Month Ending July, 2023

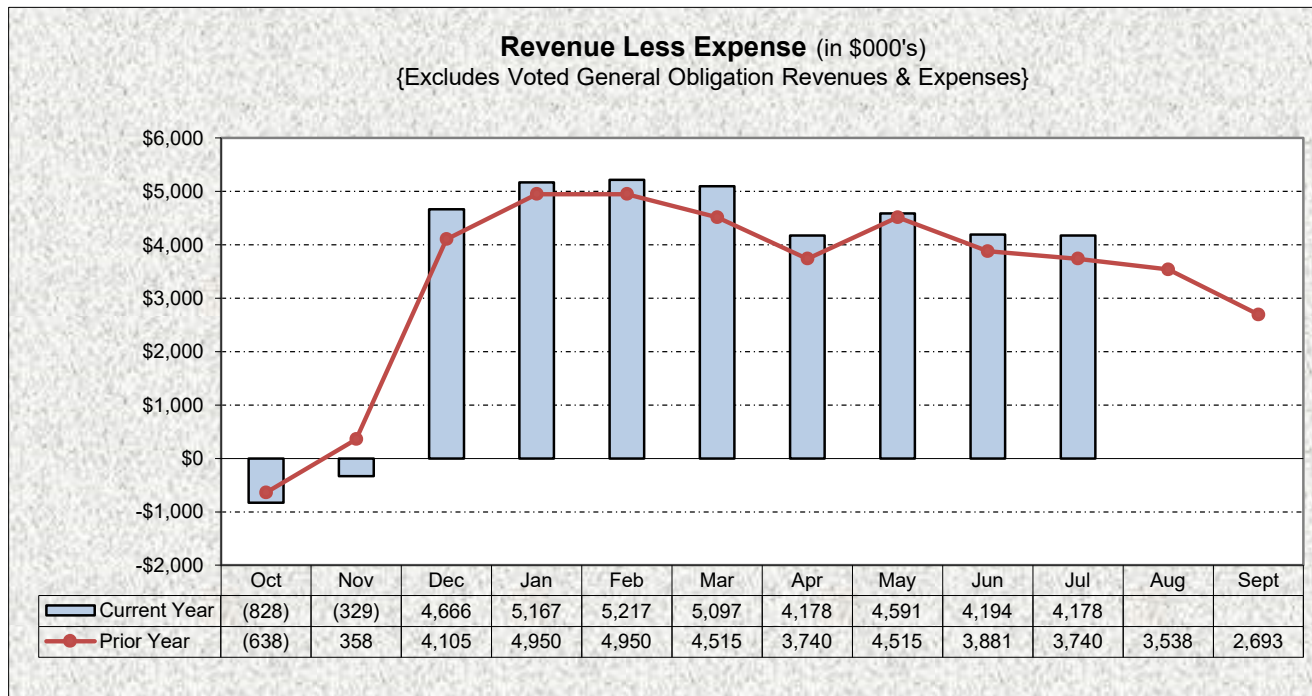
CURRENT YEAR OPERATIONAL PERFORMANCE				
Fund or Fund Segment	YTD Revenue	YTD Expense	Revenue Less Expense	Margin %
General Fund Operations	\$14,910,673	\$11,305,358	\$3,605,316	24%
General Obligation Debt Service	\$1,207	\$0	\$1,207	
General Obligation Construction	\$0	\$0	\$0	
General Fund Sub-Total	\$14,911,881	\$11,305,358	\$3,606,523	24%
Sewer Fund Operations	\$2,995,494	\$2,428,343	\$567,151	19%
Sewer Fund Restricted Impact Fee	\$11,129	\$5,736	\$5,393	48%
Sewer Fund Sub-Total	\$3,006,623	\$2,434,079	\$572,544	19%
TOTAL ALL FUNDS FISCAL YTD	\$17,918,504	\$13,739,437	\$4,179,067	23%

CASH / INVESTMENT POSITIONS PERFORMANCE				
	Current Month Current Year	Current Month Prior Year	12-Month Change	Percent Change
General Fund (excl. G.O. Funds)	\$24,243,819	\$22,070,314	\$2,173,505	10%
Sewer Fund	\$11,091,129	\$9,620,705	\$1,470,424	15%
Sub-Total Operating Funds	\$35,334,948	\$31,691,019	\$3,643,929	11%
Gen. Obligation [GO] Construction & Debt	\$0	\$0	\$0	0%
TOTAL ALL FUNDS	\$35,334,948	\$31,691,019	\$3,643,929	11%

PROJECTED FISCAL YEAR END (FYE) CASH FLOW FROM NORMAL OPERATIONS**			
	General Fund	Sewer Fund	Total
Current Cash vs. Prior Year Ending Cash	\$3,092,374	\$1,108,851	
Add Back for Current Year CS Construction Expense	N/A	N/A	
Historical Mean Projected Remaining Cash Flow	(\$1,821,148)	(\$89,265)	
PROJECTED FYE NORMALIZED CASH FLOW	\$1,271,226	\$1,019,586	\$2,290,812

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

NON-G.O. FUNDS	July, 2023		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Revenues ('000s)					
General Fund	\$15,845	\$14,911	\$13,420	\$1,491	11%
Utility Fund	\$3,703	\$3,007	\$2,753	\$254	9%
Total Revenues & Appropriations	\$19,548	\$17,917	\$16,173	\$1,744	11%
Expenses ('000s)					
General Fund Less Capital	\$14,416	\$10,732	\$9,840	(\$892)	-9%
General Fund Capital	\$1,429	\$574	\$328	(\$246)	-75%
Utility Fund	\$3,703	\$2,434	\$2,265	(\$169)	-7%
Total Expenses & Appropriations	\$19,548	\$13,739	\$12,433	(\$1,306)	-11%
Revenue Less Expense ('000s)					
General Fund	\$0	\$3,605	\$3,252	\$353	
Utility Fund	\$0	\$573	\$488	\$85	
Revenue Less Expense	\$0	\$4,178	\$3,740	\$438	



General Fund Detail Budget Report

	July, 2023		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD	Actual	Vs. Prior Yr. Favorable / (Unfavorable) % vs. Prior Year
Revenues/Sources					
Ad-Valorem Taxes	8,885,200	8,847,679	8,395,579	452,100	5.38%
Business Taxes	101,900	96,406	100,494	(4,088)	-4.07%
Utility Taxes	1,041,200	824,636	770,998	53,638	6.96%
Permits & Franchise Fees	893,200	826,210	681,781	144,430	21.18%
Intergovernmental	747,600	912,423	607,929	304,495	50.09%
Donations	0	0	0	0	
Charges for Services	1,838,000	1,610,377	1,575,917	34,460	2.19%
Fines & Forfeitures	97,800	72,983	111,019	(38,036)	-34.26%
Non-G.O. Interest	231,300	430,072	10,856	419,216	3861.57%
Unrealized Investment G/(L)	0	0	0	0	
Miscellaneous & Fixed Asset Sales	87,900	474,887	452,262	22,624	5.00%
Internal Services	978,000	815,000	712,917	102,083	14.32%
Non G.O. Transfer In-Fund Balance	943,200	0	0	0	
Non-G.O. Gen. Fund Revenue	\$15,845,300	\$14,910,673	\$13,419,752	\$1,490,921	11.11%

Operating Expenditures

Excluding CAPITAL Expense					
Legislative	204,500	148,975	171,417	22,442	13.09%
Executive	657,100	555,298	476,813	(78,485)	-16.46%
Finance	561,200	438,737	460,988	22,251	4.83%
Legal Counsel	166,400	121,252	107,098	(14,154)	-13.22%
Comp. Planning	111,200	83,622	71,553	(12,069)	-16.87%
Other Gov't Services	338,800	235,149	301,284	66,135	21.95%
Public Safety Operations	6,446,200	5,103,199	4,892,116	(211,083)	-4.31%
Building Dept.	560,100	453,909	562,796	108,887	19.35%
Emergency Mgmt - Hurricanes	0	640,082	0	(640,082)	
Phy. Envir. - Solid Waste/Recycle	1,614,200	902,194	891,314	(10,880)	-1.22%
Public Works Operations	1,520,300	1,131,873	993,584	(138,289)	-13.92%
Inventory	0	0	0	0	
Benefit Termination Payout	113,300	65,878	147,237	81,359	55%
Parks & Rec	476,600	352,192	334,709	(17,482)	-5.22%
Community Center	618,000	484,165	428,641	(55,523)	-12.95%
Senior Center	0	0	0	0	
Economic Development Programs	100,000	15,204	0	(15,204)	
Contingency/Transfers	928,000	0	0	0	
Long-Term Debt	0	0	0	0	
Non-G.O. Operations Expense	14,415,900	10,731,727	9,839,550	(1,043,214)	-10.60%
Non-G.O. CAPITAL Expense	1,429,400	573,631	328,304	(245,327)	
Total Non-G.O. Expense	15,845,300	11,305,358	10,167,854	(1,288,540)	
Non-G.O. Revenue Less Expense	\$0	\$3,605,316	\$3,251,898	\$2,779,462	85%

General Obligation (G.O.) Debt Service

Debt Service Ad-Valorem Revenue		1,207	6,328
Debt Service Interest Revenue	0	0	0
UG Utils- Debt Service Expense	0	0	0
G.O. Revenue Less Expense	\$0	\$1,207	\$6,328

Utility Fund Detail Budget Report

	July, 2023		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Fund 401					
Operations Revenues					
Charges for Services	\$3,685,500	\$2,769,014	\$2,608,352	\$160,663	6%
Interest	1,000	226,480	6,322	220,158	3482%
Sale of Fixed Assets / Misc.	0	0	0	0	
Total Operating Revenues	\$3,686,500	\$2,995,494	\$2,614,673	\$380,821	15%
Operations Expenditures					
Sewer Operating Incl. Depreciation	\$3,686,500	\$2,428,343	\$2,183,469	(\$244,874)	-11%
- Less Debt Service Principal [a]		0	0		
- Less Not Offset Capital Expense [b]		0	0		
Total Operating Expense	\$3,686,500	\$2,428,343	\$2,183,469	(\$244,874)	-11%
Operations Margin	\$0	\$567,151	\$431,204		
% Gain/(Loss)		23%	20%		

Fund 402

Impact Fee Revenues					
Sewer Impact Fees	16,000	11,050	\$138,075	(\$127,025)	-92%
Impact Fee Interest	100	79	(2)	81	4036%
Total IF Revenue	\$16,100	\$11,129	\$138,073	(\$126,944)	-92%
Impact Fee Expense					
Sewer Impact Fee Exp	16,100	5,736	\$81,260	\$75,524	93%
Total IF Expense	\$16,100	\$5,736	\$81,260	\$75,524	93%
Impact Fee Margin	\$0	\$5,393	\$56,813	(51,420)	-91%
% Gain/(Loss)		94%			

TOTAL FUND PERFORMANCE

TOTAL FUND Revenue	\$3,702,600	\$3,006,623	\$2,752,746	\$253,877	
TOTAL FUND Expense	\$3,702,600	\$2,434,079	\$2,264,729	(\$169,350)	
FUND Revenue Less Expense	\$0	\$572,544	\$488,017	\$84,527	

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

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

FISCAL YEAR-TO-DATE CAPITAL BUDGET ACCOUNT REPORT
July, 2023

Department	Description	Budgeted*	Paid
51/10-20 Executive/Legislative		175,000	175,000
5130 Finance		0	0
5210 Pub. Safety Admin		22,600	0
5211 Patrol/Fire/Rescue	Vehicles	417,200	131,232
5240 Building & Codes		65,000	0
5410 Pub. Works Admin		43,000	42,306
5412 Pub. Works Bldg. Maint		255,600	85,354
5413 Pub. Works Streets	Vehicles	150,000	104,591
	Road Improvements Misc.	208,200	0
	<i>Gas Tax Financed</i>		
	<i>Appropriated Road Improvements</i>		0
	<i>Crosswalks</i>	0	0
5720 Parks		92,800	35,148
5751 Community Center		0	0
5752 Senior Center		0	0
GENERAL FUND TOTAL		1,429,400	573,631
401-5350 Sewer Operating	IMPROVEMENTS		
	Sewer Engineering and Project Cost	2,643,000	79,825
	EQUIPMENT	203,000	202,958
	Capital Offset to Depreciation Exp	(2,846,000)	(282,783)
401-5351 Sewer Impact Fee			
UTILITY FUND TOTAL		0	0
0 GRAND TOTAL		1,429,400	573,631

INVESTMENT REPORT
July, 2023

Policy Restrictions

Investment	Invest Class	Must	Int.Cap	Policy Class Cap	Current	In Limits
SBA	SBA			None	0.0%	
US Gov't Securities	USGS			100%	71.6%	Yes
Cash & CDs	CASH			None	28.4%	Yes
Money Market Funds	MMF			20%	0.0%	
Fed Instrum. & Agency	FIA			30%	0.0%	
Collat. Mortg. Obligtns.	CMO			20%	0.0%	
Commercial Paper	CP			10%	0.0%	
FMIT	FMIT			None	0.0%	

Performance @Period Ending: July, 2023

Institution	Account		Asset	Invest Class	Restriction	Account Value	Period Int. Rate	% of Portfolio
SBA: Prime	131031		Investment	SBA	General Fund	\$565	5.33%	0%
SBA: Prime	131032		Investment	SBA	Sewer Fund	\$565	5.33%	0%
TOTAL SBA						\$1,130		0.0%
U.S. Treasury Note	912828U57060	11/30/2023	Investment	USGS	General Fund	\$2,655,947	2.59%	8%
U.S. Treasury Note	912828D1060	8/31/2023	Investment	USGS	General Fund	\$2,685,233	2.73%	8%
U.S. Treasury Note	91282CER8060	5/31/2024	Investment	USGS	General Fund	\$2,621,126	2.99%	7%
U.S. Treasury Bill	912796CR8060	9/21/2023	Investment	USGS	General Fund	\$3,645,481	5.19%	10%
U.S. Treasury Bill	912797FK8060	11/16/2023	Investment	USGS	General Fund	\$3,607,661	5.30%	10%
U.S. Treasury Bill	912797FW2060	1/4/2024	Investment	USGS	General Fund	\$1,954,359	5.35%	6%
U.S. Treasury Bill	912796CR8060	9/21/2023	Investment	USGS	Sewer Fund	\$1,488,999	5.19%	4%
U.S. Treasury Bill	912797FU6060	12/14/2023	Investment	USGS	Sewer Fund	\$1,508,606	5.33%	4%
U.S. Treasury Bill	912797GC5060	1/11/2024	Investment	USGS	Sewer Fund	\$5,147,328	5.36%	15%
TOTAL US TREASURIES						\$25,314,741		71.6%
Bank of America	004537065882		Cash	CASH	Working Cash	\$6,247,715	0.00%	18%
Bank of America	005562564319		Cash	CASH	Sewer Operating	\$2,912,336	0.00%	8%
Bank of America	005562564351		Cash	CASH	Sewer Impact Fee	\$10,663	0.00%	0%
JP Morgan Chase	663652210		Cash	CASH	Working Cash	\$686,899	0.00%	2%
JP Morgan Chase CD	100079555936		Cash	CD	Pool Cash	\$102,000	1.85%	0%
Seacoast Bank	4810004966		Cash	CASH	Sewer Operating	\$22,631	0.15%	0%
Seacoast Bank	4810000706		Cash	CASH	Working Cash	\$36,832	0.15%	0%
TOTAL BANKS						\$10,019,077		28.4%

TOTAL CURRENT VALUE @ PERIOD END	\$35,334,948
WEIGHTED AVERAGE TOTAL RETURN FOR CURRENT MONTH	3.2317%

CHANGE IN CASH & INVESTMENTS (Incl. interfund transfers)	Current Value	Vs. Last Month	Vs. Prior Year To Date	Vs. Prior Fiscal Yr. End
G.O. Construction & Debt Service Funds	\$0	\$0	\$0	\$0
General Fund (excl. G.O. Funds)	\$24,243,819	(\$329,060)	\$3,769,064	\$3,092,374
Sewer Fund	\$11,091,129	\$209,748	\$1,176,996	\$1,119,436
TOTAL	\$35,334,948	(\$119,312)	\$4,946,060	\$4,211,810
Percent Change for Current	N/A	-0.3%	16.3%	13.5%

Portfolio Report
July, 2023

GENERAL FUND						
Agent	Security Type (Last Digits Account ID)	Cost Basis	Yield to Cost	Market Value	Gain / Loss	Annual Income @ Cur. Int%
SBA	Investment-General (031)	\$565	5.39%	\$565	\$0	\$30
BoA	Cash-Pool Cash Account (5882)	\$6,461,007	0.00%	\$6,461,007.43	\$0	\$302
	Contraband Pool Cash in 5882	\$72,953		\$72,952.76	\$0	\$0
	Pool Cash Due to Sewer Fund			(877,268.03)		\$0
	Economic Development			591,023.29		\$0
BoA	Cash- UG Utility [Bldg] (3744)	\$0	0.00%	\$0	\$0	\$0
Seacoast	Cash-Pool Cash Account (0706)	\$36,832	0.15%	\$36,832	\$0	\$55
Seacoast	Cash-Loan Reserve (3566)	\$0	0.00%	\$0	\$0	\$0
Chase	Cash-Pool Cash (2110)	\$686,899	0.00%	\$686,899	\$0	\$0
	Chase Pool Cash Due to Sewer Fund			(237,611.73)		\$0
Chase	CD (5936)	\$102,000	1.85%	\$102,000	\$0	\$1,887
JP Morgan	US Treasury Securities	\$17,145,177	4.11%	\$17,169,808	\$24,631	\$703,895
ALL GENERAL FUND			3.02%	\$24,006,208	\$24,631	\$706,170
PRIOR MONTH				\$24,566,343		

SEWER OPERATING						
SBA	Investment (032)	\$565	5.39%	\$565	\$0	\$30
BoA	Cash (4319)	\$1,797,456	0.00%	\$1,797,456	\$0	\$84
Seacoast	Cash (4966)	\$22,631	0.15%	\$22,631	\$0	\$33
	Cash-Pool Cash Due From Gen. Fund			\$1,114,880		\$0
JP Morgan	US Treasury Securities	\$8,118,466	5.32%	\$8,144,933	\$26,467	\$432,249
ALL SEWER OPERATING FUND			4.62%	\$11,080,465	\$26,467	\$432,397
PRIOR MONTH				\$10,886,938		

SEWER IMPACT FEES (Restricted)						
BoA	Cash (4351)	\$10,663	0.00%	\$10,663	\$0	\$0
	Cash-Pool Cash Due From Gen. Fund			\$0		\$0
ALL SEWER IMPACT			0.00%	\$10,663	\$0	\$0
PRIOR MONTH				\$10,644		

ALL FUNDS			3.24%	\$35,097,337	\$51,098	\$1,138,568
PRIOR MONTH				\$35,463,925		
MONTHLY CHANGE				(\$366,588)		
MONTHLY CHANGE %				-1.0%		

Portfolio Report
July, 2023

GENERAL FUND											
Agent	Security Type (Last Digits Account ID)	Cusip	Maturity Date	Par Value/Face Value	Coupon Rate	Cost Basis	Yield to Maturity	Market Value	Market G/L	Accrued Interest	Income to Maturity
US Treasury Note	US Treasury Note	912828U57060	11/30/2023	2,685,000	2.125%	\$2,661,087	2.59%	\$2,655,947	-\$5,139	\$9,458	\$43,249
US Treasury Note	US Treasury Note	9128282D1060	8/31/2023	2,694,000	1.375%	\$2,664,264	2.73%	\$2,685,233	\$20,969	\$12,280	\$32,925
US Treasury Note	US Treasury Note	91282CER8060	5/31/2024	2,685,000	2.500%	\$2,663,995	2.99%	\$2,621,126	-\$42,869	\$5,502	\$77,874
US Treasury Bill	US Treasury Bill	912796CR8060	9/21/2023	3,672,830		\$3,633,310	5.19%	\$3,645,481	\$12,170		\$39,520
US Treasury Bill	US Treasury Bill	912797FK8060	11/16/2023	3,665,000		\$3,573,654	5.30%	\$3,607,661	\$34,007		\$91,346
US Treasury Bill	US Treasury Bill	912797FW2060	1/4/2024	2,000,000		\$1,948,867	5.35%	\$1,954,359	\$5,492		\$51,133
ALL GENERAL FUND				17,401,830		\$17,145,177		\$17,169,808	\$24,631	\$27,240	\$336,048
PRIOR MONTH								\$17,163,753			4.11%

SEWER OPERATING											
US Treasury Bill	US Treasury Bill	912796CR8060	9/21/2023	1,500,170		\$1,484,028	5.19%	\$1,488,999	\$4,971		\$16,142
US Treasury Bill	US Treasury Bill	912797FU6060	12/14/2023	1,539,000		\$1,499,553	5.33%	\$1,508,606	\$9,053		\$39,447
US Treasury Bill	US Treasury Bill	912797GC5060	1/11/2024	5,273,000		\$5,134,885	5.36%	\$5,147,328	\$12,443		\$138,115
ALL SEWER OPERATING FUND				8,312,170		\$8,118,466		\$8,144,933	\$26,467		\$193,704
PRIOR MONTH								\$8,113,201			5.32%

ALL FUNDS				25,714,000		\$25,263,644		\$25,314,741	\$51,098	4.50%	
PRIOR MONTH								\$25,276,954			
MONTHLY CHANGE								\$37,787			
MONTHLY CHANGE %								0.1%			



**CITY COMMISSION AGENDA MEMORANDUM
AUGUST 22, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Stewart Cruz, Community Services Director

SUBJECT: Community Services Department Monthly Report - July 2023

SYNOPSIS:

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT:

1. CSD Planning & Building Divisions Montly Report - July 2023
2. CSD Public Works & Sewer Divisions Montly Report - July 2023

City of Daytona Beach Shores

Planning & Building Division Statistics

Monthly Report – July, 2023

Planning Division

Site Plans - Submittals and Approvals:

Submitted this Month: 1
 Submitted this Fiscal Year: 5
 Approved by Staff this Month: 0
 Approved by Staff this Fiscal Year: 0
 Approved by City Council this Month: 0
 Approved by City Council this Fiscal Year: 0
 Amendments Approved by Staff this Fiscal Year: 0

Building Division

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

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
McClymonds Residence	1925 South Atlantic Avenue, Unit 709	7/3	Change out 4 ton straight cool system	\$11,118.00	\$117.10
Modarres Residence	1925 South Atlantic Avenue, Unit 404	7/3	Change out 4 ton straight cool system	\$10,942.00	\$110.50
Deese Residence	3333 South Atlantic Avenue, Unit 1703	7/5	Install storm shutters	\$20,000.00	\$182.96
Zaremskas Residence	3333 South Atlantic Avenue, Unit 1904	7/5	Install storm shutters	\$12,300.00	\$137.65
Fox Residence	3333 South Atlantic Avenue, Unit 1806	7/5	Install storm shutters	\$19,268.00	\$182.96
Sizemore Residence	3333 South Atlantic Avenue, Unit 1801	7/5	Install storm shutters	\$14,205.00	\$154.75
Snivley Residence	3333 South Atlantic Avenue, Unit 1903	7/5	Install storm shutters	\$12,333.00	\$137.65
Smith Residence	2924 South Peninsula Drive	7/6	Install 57 PV solar panels on roof	\$80,068.00	\$528.15
Schulte Residence	2937 South Atlantic Avenue, Unit 1802	7/6	Remodel kitchen, new cabinets, and tops	\$16,500.00	\$162.75
Kywi Residence	2947 South Atlantic Avenue, Unit 404	7/6	Remodel kitchen and 2 baths, cabinets, tops, shower	\$33,000.00	\$255.38
Goode Residence	2937 South Atlantic Avenue, Unit 502	7/6	Remodel 2 bathrooms, showers, vanities, tops	\$30,000.00	\$238.31

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Fantasy Island II	3175 South Atlantic Avenue	7/6	Replace transfer switch	\$23,000.00	\$47.50
Livelsberger Residence	2973 Sea Oats Circle	7/10	Replace 4 sliding glass doors	\$29,981.00	\$238.31
Eidson Residence	2922 Sea Oats Circle	7/10	Replace 4 windows	\$12,527.00	\$137.65
Wright Residence	3043 South Atlantic Avenue, Unit 205	7/10	Replace 7 windows	\$18,462.00	\$177.58
Sand Castle Motel	3619 South Atlantic Avenue	7/10	Replace 125 feet of seawall	\$150,000.00	\$20.40
Vitulano Residence	2902 South Peninsula Drive	7/11	Plumbing services for new single family residence	\$26,000.00	\$112.60
Martin Residence	3111 South Peninsula Drive	7/11	Install inground pool and deck	\$69,500.00	\$815.71
Newsome Residence	2967 South Atlantic Avenue, Unit 903	7/12	Replace impact windows and doors	\$50,780.00	\$357.71
Dimucci Twin Towers North	3311 South Atlantic Avenue	7/13	Stabilize and resurface pool and spa, new pavers	\$150,000.00	\$836.40
Dimucci Twin Towers South	3315 South Atlantic Avenue	7/13	Stabilize and resurface pool and spa, new pavers	\$150,000.00	\$836.40
Palmas de Mallorca	3811 South Atlantic Avenue	7/13	Replace tile and TPO roof systems	\$189,308.00	\$996.08
Sea Haven HOA	100 Florida Shores Boulevard	7/14	Stucco repairs	\$43,400.00	\$317.77
Kananen Residence	109 Florida Shores Boulevard	7/14	Install 10 impact windows	\$19,054.00	\$182.96
Griffin Residence	2967 South Atlantic Avenue, Unit 1103	7/14	Kitchen and bathroom remodel	\$25,394.00	\$215.37
Sturhann Residence	3807 South Atlantic Avenue, Unit 302	7/14	Replace 2 windows and 2 sliding glass doors	\$13,946.00	\$146.20
St Maarten Condo	2403 South Atlantic Avenue	7/17	Remodel North pools, install inground South pool	\$440,645.00	\$1,999.57
Shores Resort and Spa	2637 South Atlantic Avenue	7/17	Replace 21 acrylic panels from pedestrian walkover	\$60,143.00	\$414.41
Allen Residence	4 Oceans West Boulevard, Unit 101C	7/18	Replace 4 windows and 1 sliding glass door	\$19,951.00	\$182.96
White Residence	2055 South Atlantic Avenue, Unit 604	7/19	Remodel master and guest bathrooms	\$45,000.00	\$323.64
Pignataro Residence	3855 South Atlantic Avenue, Unit 102	7/19	Remodel kitchen and master bathroom	\$52,490.00	\$829.00
Blue Mist Hotel	3064 South Atlantic Avenue	7/19	Re-roof shingle roof	\$22,000.00	\$193.73
Smith Residence	2725 South Atlantic Avenue	7/19	Repair and remodel electric in house	\$28,300.00	\$48.16
Chesnut Residence	2937 South Atlantic Avenue, Unit 305	7/20	Cabinet makeover in bathrooms, laundry room	\$11,826.00	\$129.10
Villas by the Sea	3805 South Atlantic Avenue	7/20	Replace beach landing and stairs	\$11,558.00	\$129.10
Nagrani Residence	2737 South Atlantic Avenue	7/21	Seawall revetment	\$170,000.00	\$22.35
Ballinger/Devuono Residence	2987 South Atlantic Avenue, Unit 1906	7/21	Remodel kitchen and 2 bathrooms, new showers	\$35,700.00	\$272.35

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Zimba Residence	2515 South Atlantic Avenue, Unit 807	7/24	Install 4 motorized hurricane shutters	\$13,580.00	\$146.20
Truist Bank 73149	3640 South Atlantic Avenue	7/25	Replace storefront windows and doors	\$59,600.00	\$408.85
Nikitina Residence	2947 South Atlantic Avenue, Unit 1803	7/25	Replace impact windows and doors	\$12,740.00	\$137.65
Guibord Residence	3013 South Atlantic Avenue, Unit 305	7/25	Replace impact windows and doors	\$33,880.00	\$261.04
Benge Residence	3051 South Atlantic Avenue, Unit 1502	7/26	Kitchen remodel	\$21,500.00	\$193.73
Parsons Residence	2 Oceans West Boulevard, Unit 1701	7/26	Remodel 2 showers, new tile	\$18,000.00	\$172.20
Sunglow Resort	3647 South Atlantic Avenue	7/26	Replace balconies, windows and sliding glass doors	\$807,420.00	\$2,945.67
Gura Residence	3013 South Atlantic Avenue, Unit 204	7/27	Replace 2 sliding glass doors	\$12,271.00	\$137.65
Blue Mist Hotel	3064 South Atlantic Avenue	7/31	Replace 26 windows and 15 entry doors	\$49,031.00	\$351.80
Stipancic Residence	3855 South Atlantic Avenue, Unit 1206A	7/31	Replace kitchen and 2 bathrooms, showers, vanities	\$58,314.00	\$403.07
TOTALS	WORK ADDRESS	DATE	WORK DESCRIPTION	\$3,215,035.00	\$17,349.03

Building Division Revenue by Permit Category:

PERMIT TYPE	JULY 2023	FISCAL YEAR-TO-DATE 2022 TO 2023	JULY 2022	LAST FISCAL YEAR-TO-DATE 2021 TO 2022
BUILDING	\$16,860.26	\$230,501.24	\$15,230.37	\$125,404.65
ROOF	\$1,249.81	\$35,166.94	\$69.25	\$7,295.03
DEMOLITION	\$120.00	\$665.00	\$0.00	\$1,655.60
ELECTRICAL	\$2,285.91	\$22,889.39	\$1,734.90	\$21,691.46
MECHANICAL	\$2,339.10	\$27,708.46	\$2,721.58	\$33,741.81
PLUMBING	\$3,527.05	\$27,987.09	\$1,552.75	\$26,859.90
SIGN	\$400.75	\$3,605.18	\$11.00	\$1,876.56
POLITICAL SIGN BONDS	\$0.00	\$0.00	\$0.00	\$0.00
STORMWATER MANAGEMENT	\$0.00	\$0.00	\$0.00	\$0.00
MISCELLANEOUS	\$0.00	\$2,067.03	\$282.60	\$2,465.80
DEVELOPMENT FEES	\$4,656.99	\$10,938.51	\$604.02	\$15,224.82
PROMOTIONAL ACTIVITIES	\$0.00	\$0.00	\$0.00	\$0.00

TOTALS	\$31,439.87	\$361,519.84	\$22,426.47	\$236,655.63
--------	-------------	--------------	-------------	--------------

Building Division Activities:

ACTIVITY	JULY 2023	FISCAL YEAR-TO-DATE 2022 TO 2023	JULY 2022	LAST FISCAL YEAR-TO-DATE 2021 TO 2022
INSPECTIONS	247	2713	213	2816
FINAL CERTIFICATES OF OCCUPANCY ISSUED	0	2	0	290
TEMPORARY CERTIFICATES OF OCCUPANCY ISSUED	0	0	0	2
FINAL INSPECTIONS	161	1470	159	1893
FAILED INSPECTIONS	32	155	12	155

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

Projects Begun Current Fiscal Year-to-Date – 2022 to Present: \$78,530,290.00

Projects Begun Last Fiscal Year – 2021 to 2022: \$64,300,811.00

Projects Begun Two Fiscal Years Ago – 2020 to 2021: \$39,968,375.00

PUBLIC WORKS & SEWER DIVISIONS

MONTHLY REPORT - JULY 2023

FACILITIES MAINTENANCE DIVISION:

This division currently two full time positions.

Normal monthly duties:

This division is responsible for the upkeep and maintenance of city buildings. The facilities staff assesses problems reported with the buildings and repairs as needed within the staff's capabilities. The facilities staff has an HVAC certification therefore certain related repairs can be performed inhouse. Among other things, Staff pressure wash buildings, clean window exteriors, paint, lubricate the locks, deliver water jugs and perform any other general maintenance needed with the city buildings and city owned properties. Tasks outside the expertise of the staff are contracted to third party specialists.

Additionally, this month:

- City Hall: Worked on fixing the handy cap automatic door opener button, moved furniture around on the third floor, cleaned off roof in front and cleaned windows.
- Public Safety: Multiple AC repairs, worked with roofer replacing the roof above garage, washed AC coils and replaced a few security light bulbs.
- Community Center: Cleaned balconies and washed windows.

PARKS / STREETS DIVISION:

This division typically has eleven maintenance positions, one electrician position and one position that routinely assists the electrician.

Currently this division has nine maintenance positions. The electrician and division supervisor positions have been currently vacant for approximately three months and two months, respectively. Ryan

Lamberson, the Maintenance Worker IV who has been with the City for 10 years, is currently the interim supervisor and doing a great job.

Normal monthly duties:

This division performs maintenance, upkeep and general appearance of all the City parks, streets, sidewalks and medians daily, including, but not limited to, mowing, changing out lights, restocking supplies, replacing plants as needed, replacing or repairing street signs, checking and clearing storm drains, as well as any other related issue that may arise in the City. Per the City-County Park Maintenance Agreement, this division also is responsible for the cleaning and upkeep of the new county parks. Although there are two units (parks & streets) within the division, all personnel share in the normal monthly duties.

Additionally, this month:

- Fixed a well break behind Walgreens
- Cleaned graffiti at three different parks
- Fixed irrigation break at McElroy park
- Repaired water fountains at Beachcomber Park, Andrinopoulos S. Peninsula and S. Atlantic Ave.

Electrician:

- This position is still open.

SEWER DIVISION:

This division has four positions.

Normal monthly duties:

This division maintains and inspects all the sewer stations daily, performs all the general maintenance of the sewer stations, generators and the station properties, including, but not limited to, mowing and general outside maintenance, cleaning pump areas, wet wells and floats. The division also maintains and inspects city manholes, delivers past due

sewer bill notices for the Finance Department every month, performs cooling tower readings, and quarterly grease trap inspections.

[Additionally, this month:](#)

- Sewer line locates – 77
- Repaired a sewer line and fixed the asphalt at 3750 S. Atlantic Ave.
- Fixed the clean out at 3217 S. Atlantic Ave.
- Fixed the safety pole at Station 3
- Repaired the float wires at Station 8 and 11
- Changed out a block heater on the generator at the Master Station
- Repaired the hour meter at Station 9
- Fixed a sewer back up at 3724 S. Atlantic Ave.



CITY COMMISSION AGENDA MEMORANDUM AUGUST 22, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Stewart Cruz, Community Services Director

SUBJECT: Zev Cohen & Associates, Inc. Engineering Services Contract: Design - Bid Documents For Beach Dune Walkovers & New St. Kitts Seawall

SYNOPSIS:

The City incurred damage to all fourteen (14) public beach access locations due to the impacts of Hurricane Ian and Nicole in 2022. The damage included partial or complete loss of dune walkovers and seawalls. Zev Cohen and Associates, Inc., one of the City's consulting civil engineering firms under a continuing services contract, recently conducted Phase 1 of the beach access recovery process, which included a rapid needs assessment and environmental assessment of each site.

Zev Cohen and Associates, Inc. has provided a contract/agreement for Phase 2 engineering services for the beach access recovery process, which includes but is not limited to the design of 11 dune walkovers, two (2) beach stairs and a new seawall at St. Kitts Park. Additionally, the contract/agreement provides for the delivery of construction bid documents for the aforementioned improvements.

The contract/agreement total is \$194,415.00.

FISCAL IMPACT STATEMENT:

The fiscal impact will depend on the amount of the contract expended throughout the year. All costs expended are anticipated to be reimbursed by FEMA at 75% of the amount not covered by insurance.

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

Approval.

SUGGESTED MOTION:

ATTACHMENT: 1. 22338c02 F2 REV 8.14.23

VIA EMAIL
(scrutz@cityofdbfs.org)

May 11, 2023
Revised July 20, 2023
Revised August 14, 2023

Mr. Stewart Cruz
City of Daytona Beach Shores
2990 S. Atlantic Avenue
Daytona Beach Shores, Florida 32118

Hereinafter referred to as Client.

RE: Daytona Beach Shores Dune Walkover
Replacement Project
ZC 22338 F2

Dear Mr. Cruz:

Thank you for requesting a Contract/Agreement from Zev Cohen & Associates, Inc., (ZCA also referred to as Consultant) for civil engineering services for the above referenced project. This proposal includes the previously designed three (3) dune walkovers and the final design and permitting of eleven (11) walkovers and two (2) stair designs at the following locations:

1. 2071 S. Atlantic Ave. – Opus Condominium
2. 2403 S. Atlantic Ave. – St Maartin Condominium
3. 2515 S. Atlantic Ave. – Bella Vista Condominium
4. 2613 S. Atlantic Ave. – Emerald Shores Condominium
5. 2853 S. Atlantic Ave. – St Kitts Condominium
6. 3145 S. Atlantic Ave. – St Croix Condominium
7. 3245 S. Atlantic Ave. – Palma Bella Condominium
8. 3343 S. Atlantic Ave. – Marbella Condominium
9. 3703 S. Atlantic Ave. – Ocean Villa Condominium
10. 3737 S. Atlantic Ave. – Salid Del Sol Condominium
11. 3799 S. Atlantic Ave. – Sanibel Condominium
12. 1921 S. Atlantic Ave. – Ocean Vista
13. 3259 S. Atlantic Ave. – Fornari Park

Project Summary

Daytona Beach Shores incurred significant damage from the recent hurricanes Ian and Nicole in September and November, 2022, respectively. The City wishes to repair the above dune walkovers to their original condition. This scope of services will include permitting of the dune walkover and stairs for location referenced above. This scope will also include seawall/armoring design and permitting of St. Kitts.

Scope of Services

I. Civil Engineering

ZCA will coordinate with the City, permitting agencies, and the sub-consultants during the design and permitting process of the dune walkovers.

II. Structural Engineering Services

Cape Design Engineering (CDE) will provide structural engineering services.

Task A – Design of Temporary Stair Dune Walkovers (Phase 2) (Task Previously Completed):

- CDE to provide standard stair beach access sketches (cut sheets) to attach to the existing damaged beach walkway for the City of DBS to contract the construction of new beach access using a field permit issued by FDEP.
- The referenced standard stair beach access sketches (cut sheets) would allow the City of DBS to initiate solicitation advertisement for the three (3) beach access crossover construction services as outlined below:
 - 3703 S. Atlantic Ave (Ocean Villa) – approximate 14.5 ft vertical elevation change – recommend two (2) stair runs (12 stairs/run) and one (1) 5 ft long intermediate landing (recovery) platform.
 - 2613 S. Atlantic Ave (Emerald Shores) – approximate 5 ft vertical elevation change – recommend one (1) stair run with (6 stairs) and no intermediate landing (recovery) platform.
 - 3737 S. Atlantic Ave (Salida Del Sol) – approximate 9.5 ft vertical elevation change – recommend two (2) stair runs (11/stairs/run) and one (1) 5 ft long intermediate landing (recovery) platform.
- City of DBS to utilize the previous CDE provided (Phase 1) Rapid Needs Assessment (RNA) Reports to assist in the permit application with FDEP.

Task B – Design of Thirteen (13) Dune Walkovers (Phase 3):

- Phase 3 – Design services for constructing the permanent beach crossover plans for the City of DBS to issue construction contracts for the identified beach access locations.
- There will be eleven (11) dune walkover sites. There will be two (2) stairs (no ADA ramp) sites – 3259 Fornari Park and 2853 St. Kitts and St. Kitts also include seawall/armoring design. St. Kitts also includes seawall/armoring design.
- Phase 3 deliverable to be a Construction Bid set of design documents for permanent beach access crossover structures including St. Kitts seawall at the identified thirteen (13) beach access locations.

- o Phase 3 Deliverable – Electronic Construction Bid Set and 1 hard copy for each location.
- o Phase 3 Deliverable to be provided to Zev Cohen for the City of DBS upon an NTP.

CDE Phase III Scope of Work (SOW):

1. Provide engineering services for permanent construction plans for City of DBS identified thirteen (13) beach access/dune crossover locations.
 - Provide consultation, engineering support, and design services for a protective seawall/armouring design at the St Kitt beach access location.
2. Provide three (3) investigative site visits for the thirteen (13) identified locations
3. Provide 2 hr. consultation meeting for each of the thirteen (13) identified locations to coordinate the needs and Basis of Design (BoD) for any enhancements requested by the DBS stakeholders.
4. Provide a Rough Order of Magnitude (ROM) Cost Estimate for each crossover location (based on replacement with like kind). CDE will also provide ROM Cost Estimate for alternative materials (i.e. PVC).
5. Phase 3 Deliverable – Electronic Construction Bid Set and 1 hard copy for each location.

To recap this progression of the SOW - the City of DBS has identified the following thirteen (13) beach access crossover locations and their Phase 3 SOW inclusion as listed below. Strike through site removals - updated SOW from DBS email 15 Feb 23, to ZC and email 22 Feb 23, with the additional SOW email 6 Jul 23 from ZC:

1. 1921 S. Atlantic Ave (Ocean Vistas Condominiums)
 - Restored 1921 S. Atlantic Ave (Ocean Vistas Condominiums) (stair & ADA access) (ref: ZC Email 7.6.23)
2. 2071 S. Atlantic Ave (Opus Condominiums) CDE observed 25 Feb 23
3. 2403 S. Atlantic Ave (St Maartin Condominiums) – CDE observed 23 Feb 23
4. 2515 S. Atlantic Ave (Bellavista Condominiums) – CDE observed 25 Feb 23
5. 2613 S. Atlantic Ave (Emeral Shores Condominium) – CDE observed 25 Feb 23
 - Provided Phase II Services for emergency egress access.
 - Phase III – restore to original configuration utilizing the Phase II construction.
6. 2853 S. Atlantic Ave (St Kitts Park) (stair access –CDE observed 5 Mar 23
 - Phase III – add armor design for stair access.
7. 3145 S. Atlantic Ave (St Croix) - CDE observed 4 Mar 23
8. 3245 S. Atlantic Ave (Palma Bella) - CDE observed 4 Mar 23
9. 3259 S. Atlantic Ave (Fornari Park)
 - Restored 3259 S. Atlantic Ave (Fornari Park) (stair access only) (ref: ZC Email 7.6.23)
 - Phase III – restore to stair access only.
10. 3343 S. Atlantic Ave (Marabella) - CDE observed 4 Mar 23
11. 3703 S. Atlantic Ave (Ocean Villas) - CDE observed 5 Mar 23
 - Provided Phase II Services for emergency access.
 - Phase III – restore to original configuration utilizing the Phase II construction.
12. 3737 S. Atlantic Ave (Salid del Sol) - CDE observed 5 Mar 23
 - Provided Phase II Services for emergency egress access.
 - Phase III – restore to original configuration utilizing the Phase II construction.
13. 3799 S. Atlantic Ave (Sanibel) - CDE observed 5 Mar 23

Changes to the scope or design concept from the Client after contract award will require a re-submission of cost for the additional services.

Clarifications and Assumptions:

1. Fee includes three (3) site visits for the Phase 3 thirteen (13) locations.
2. Phase 3 Fee is to provide design services for the permanent replacement of the thirteen (13) dune crossover locations to the original configuration as defined in the Phase 1 RNA reports. Design services also include design of St. Kitt's/seawall armoring.
3. Phase 3 Fee does not include Construction Administrative (CA) services.
4. A separate Task Order may be considered/issued for Design Documents for Construction and/or Construction Administrative Services.
5. CDE will incorporate all FDEP guidelines and recommendations regarding repair/replacement dune crossovers.
6. Owner to provide record drawing (if available).
7. Site Surveying by others (if required).
8. Permits acquisition by others (if required).

III. FDEP Coastal Permitting

Task A – Eleven (11) Dune Walkovers with ADA Access and two (2) Stair Access Locations

ARDEA will provide consulting services for the FDEP Coastal Permitting process.

The general scope includes the coordination of Coastal Construction Control Line permitting for the replacement of eleven (11) dune walkovers with ADA access ramps and two (2) stair accesses.

Task 1 – FDEP CCCL Permit Application Preparation and Submittal – Replacement Dune Walkovers with Access Ramps: ARDEA will prepare and submit one FDEP CCCL permit application (Form 73-100) with the proposed 11 dune walkovers with ADA access ramps design and stair access drawings prepared by others. ARDEA will review Project drawings for consistency with CCCL Rule and Statute. ARDEA will coordinate with ZCA and the CITY, including but not limited to the Project team surveyor, civil engineer, and structural engineer to address questions and provide guidance for plans and drawings required for the formal CCCL application. ARDEA will prepare the required Sediment Quality Assurance/Quality Control Plan and proposed Project Description to be used within the issued permit. The team goal is to submit a complete application. FDEP has 90 days to review and issue a permit after receipt of a complete application; however, FDEP is currently trying to expedite issuance of replacement walkovers/ADA access ramps.

For each walkover/ADA access ramp and stair access, ZCA or the CITY will provide ARDEA the following FDEP required information:

- 1) Design drawings including site plan, grading plan, cross-sections (signed and sealed);
- 2) Details for any proposed amenities (signed and sealed);
- 3) A CCCL survey (signed and sealed) no more than 6 months old;
- 4) Documentation of City ownership for the Project sites;
- 5) Proposed fill source/quantities/locations;
- 6) A letter from the CITY indicating that the proposed activity, as submitted to the FDEP, does not contravene local setback requirements or zoning codes;
- 7) a construction schedule; and,

Client Initials _____

- 8) A check made payable to the Florida Department of Environmental Protection for the CCCL permit application fee estimated to be \$500 (multiple minor structures). The CITY will provide the required permit application fee.

Task 2 – FDEP CCCL Replacement Dune Walkovers with ADA Access Ramps

Coordination: Within 14 days from the date of CCCL permit application submittal, ARDEA will contact FDEP staff to identify the permit file number, identify staff concerns and questions and any required additional information. As required, ARDEA will meet (one time) with FDEP staff in Tallahassee to assist with agency review of the application. Prior to 30 days following CCCL application submittal, ARDEA will confer with ZCA and the CITY's professionals to obtain revised or additional information or clarification to complete the FDEP application.

Task 3 – Meetings and Consultation: ARDEA will attend meetings or prepare additional information not included in this Agreement when requested by ZCA, the CITY, or CITY's Professionals. These services and expenses will be provided at our hourly rates and expenses basis, attached to this Agreement. ARDEA will provide a written summary of any meetings attended.

Task B – St. Kitts Stairs and Seawall

The general scope is to obtain a Florida Department of Environmental Protection (FDEP) Emergency Coastal Construction Control Line (CCCL) permit for the City of Daytona Beach Shore's new seawall with beach stairs at the St. Kitts Condominium at 2855 S. Atlantic Avenue located seaward of the Volusia County CCCL and between FDEP Monuments VOR-106 and VOR-107.

Task 1 – FDEP Emergency CCCL Permit Application Preparation and Submittal – New Seawall with Stairs:

ARDEA will prepare and submit a FDEP CCCL emergency permit application (Form 73-303) for a new seawall with beach stairs at the St. Kitts Condo site, 2855 S. Atlantic Avenue. The plans will identify the location of the seawall relative to the CCCL, the distance from the CCCL to the seaward extent of the seawall, elevation of the seawall cap, dimensions of the seawall, the stockpile area for materials, and the accessway to the beach for construction. ARDEA will review Project drawings for consistency with CCCL Emergency Rule and Statute. ARDEA will coordinate with ZCA and the CITY to address questions and provide guidance for plans and drawings required for the emergency CCCL application. If the Emergency Order is still active, the application will be made under the EO. If it is not active, a standard FDEP application will be submitted. There are no fees required for applications submitted under the Emergency Order which currently expires August 29, 2023 and is expected to be extended. FDEP should expeditiously review and issue an emergency permit for the new seawall and stairs.

ZCA, the CITY or others will provide ARDEA the following FDEP required information:

- 1) Design drawings in plan and cross-sections with required certification (signed and sealed);
- 2) The most recent CCCL/existing topo survey available (signed and sealed);
- 3) Documentation of ownership;
- 4) Recent photographs;
- 5) Construction methodology including Project Need;
- 6) Date St. Kitts Condominium was constructed;
- 7) A letter from the CITY indicating that the proposed activity, as submitted to the FDEP, does not contravene local setback requirements or zoning codes; and,
- 8) a construction schedule.

Task 2 – FDEP Emergency CCCL Seawall and Stairs Coordination: Within 7 days from the date of CCCL emergency permit application submittal, ARDEA will contact FDEP staff to identify the permit file number, staff concerns, questions, any required additional information, and discuss timing for the FDEP to issue the Emergency Permit.

Task 3 – Meetings and Consultation: ARDEA will attend meetings or prepare additional information not included in this Agreement when requested by ZCA or the CITY. These services and expenses will be provided at our hourly rates and expenses basis, attached to this Agreement. ARDEA will provide a written summary of any meetings attended.

IV. Survey Services

Atlantic Drafting and Surveying will prepare a boundary, topographic and mean high water survey of the dune cross-over areas at the following thirteen property addresses located on South Atlantic Avenue in Daytona Beach Shores, Florida: 1921, 2071, 2403, 2515, 2613, 2853, 3145, 3245, 3259, 3343, 3703, 3737 and 3799.

I. Assumptions

1. Horizontal datum will be referenced to the Florida State Plane East Zone Coordinate System, North American Datum 1983(2011).
2. Vertical control and elevations will be referenced to the North American Vertical Datum of 1988 (NAVD 1988).
3. If existing monumentation is not recovered at the relevant boundary corner location and needs to be replaced, a 1/2" x 18" rebar with plastic identification cap will be set. If such a monument cannot be set due to obstructions or unforeseen conditions, alternative monumentation will be set and noted on the face of the survey.
4. If applicable, only exterior boundary corners of the overall subject property will be monumented. Interior platted lot corners will not be set or re-monumented.
5. The legal description of the subject property, as indicated by a Title Opinion, Title Report or Deed provided by the client will be shown on the face of the survey.
6. Planimetric information to be shown on the survey includes site improvements such as: buildings, sheds, fences, driveways, parking areas, sidewalks, walkways and stairs.
7. Improvements upon adjacent lots within five (5) feet of the property boundary will be located and shown on the survey.
8. Surface and aerial utilities will be shown on the survey if they are apparent with corresponding rim, lid or grate elevations. Invert and top of operating nut elevations will be determined if structures are accessible.
9. Each survey will be prepared in accordance with the Florida Statute Rules and Procedures for Coastal Construction and Excavation and include all items outlined in the section 62B-33.0081 Survey Requirements.
10. Preparing a TIN/3D existing topographic surface is included with this scope of service.
11. Scaled FEMA NFIP Flood plain lines will be shown on the survey and the relevant FEMA NFIP map will be noted.
12. A FEMA Elevation Certificate is not included as part of this proposal.
13. The survey will be certified to the City of Daytona Beach Shores and Zev Cohen & Associates, Inc. If additional parties are requested to be added to the certification, a fee of \$75.00 per additional party will be assessed.
14. An additional fee for copies beyond those specified in item III. Deliverables will be charged in accordance with Atlantic Drafting & Surveying, Inc.'s standard rates.

15. Any work requested that is not explicitly included in item I. Scope of Service or item I. Assumptions can be performed at Atlantic Drafting & Surveying, Inc.'s standard hourly rates only upon the Client's written approval.

16. All fees must be remitted to Atlantic Drafting & Surveying, Inc. prior to the release of any deliverables specified in item III. Deliverables unless a prior written agreement has been executed by all contracted parties stating such conditions.

17. All survey maps or documents prepared as part of this scope of service will be maintained in an active file by Atlantic Drafting & Surveying, Inc. for a period of one year. Thereafter, a fee may be charged to recover any archived information.

18. Surveying services and deliverables will be prepared per Florida Statutes Section 472.027 and in compliance with the Standards of Practice outlined in Chapter 5J-17 Florida Administrative Code.

19. Atlantic Drafting & Surveying, Inc. will schedule the services once the signed agreement and retainer are received.

V. Bidding and Construction Administration

ZCA shall provide a fee for these services once the project has been permitted by FDEP and requested by the City.

Fee Schedule

ZCA shall provide the above described professional services for the proposed following fees:

	<u>TASK</u>	<u>FEE</u>
I.	Civil Engineering	\$38,000.00
II.	Structural Engineering Services	
	Task A	\$4,027.00
	Task B	\$66,028.00
III.	FDEP Coastal Permitting	
	Task A	\$11,625.00
	Task B	\$5,750.00
IV.	Survey Services	\$68,985.00
V.	Bidding and Construction Administration	TBD
TOTAL FIXED FEE		\$194,415.00

All permit application and resubmittal fees shall be paid by the Client prior to submittal. Reimbursable expenses are in addition to the above referenced fees.

Services Not Included

The following services are not included in this contract. However, they can be provided as authorized, if determined necessary during the design. Compensation will be based on our Hourly Rates or a negotiated fee. Consultant's services shall be limited to those expressly set forth above, and Consultant shall have no other obligations or responsibilities for the Project except as agreed to in writing or as provided in this Agreement.

1. Coastal Surge or Flow Modeling
2. Species-specific field survey
3. Permit applications for impacts to protected species
4. Color Rendering/Graphic Representations
5. Site lighting, water/sewer design, or parking lot design
6. Construction Specification Manual
7. Biological Services
8. Landscape Architectural Design
9. Building Permitting (beyond what is required for FDEP Coastal Permitting)
10. Fish and Wildlife Permitting
11. Bidding and Construction Administration Services

The Client shall be responsible for providing copies of original survey or ownership documents of the Dune Walkovers.

The above fee does not include services not specifically listed. Should additional services be required, they can be furnished with additional compensation.

If this Contract/Agreement for Services meets with your approval, please provide an approved Purchase Order and return an executed copy to us for our files. **Receipt of the signed Purchase Order will be considered our notice to commence work.**

Thank you for requesting this contract from our firm. We look forward to working with you on this project and on many more in the future. If you have any questions, please feel free to contact me.

Sincerely,
ZEV COHEN & ASSOCIATES, INC.



Samuel C. Hamilton, Jr., P.E.
Principal

I, as Signatory, warrant and represent that I am authorized on behalf of City of Daytona Beach Shores, to enter into this contract for professional services and I hereby authorize the performance of the above services and agree to pay the fees resulting therefrom.

Accepted on: _____
Date

Accepted by: _____
Signature

Print Name

Print/Type Company Name

SCH/ns
22338c02 F2 REV 8.14.23
cc: M. Dwight DuRant, P.E.
Robert J. Ball, P.E.
Randy M. Hudak, P.E.
Mark P. Karet, AICP
William D. Lites
Viviana Vargas
Elizabeth Dobelbower
File

**PURSUANT TO THE FLORIDA STATUTES §558.0035, ANY
INDIVIDUAL EMPLOYEE OR AGENT OF ZCA MAY NOT BE
HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.**

ZEV COHEN & ASSOCIATES, INC.
STANDARD CONDITIONS

The "Consultant" referred to below is Zev Cohen & Associates, Inc. unless otherwise specified in the Contract/Agreement for Services, the following Standard Conditions shall be incorporated as part of the Agreement for Services. In the event of any conflict, the Contract/Agreement for Services shall control:

1. Reimbursable expenses, including without limitation, permit application fees, postage, express delivery, etc. which are advanced by Consultant shall be reimbursable at cost or, upon request of Consultant, paid directly by the Client. Blueprints shall be provided for a cost of \$0.25 per square foot and mylars at \$1.35 per square foot. These reimbursable expenses may include the use of a GPS unit and/or an ATV, if required. Both are billed out at \$100 per half-day or \$150 per day.
2. Client shall be invoiced each month for reimbursable expenses and work performed during the preceding month. Client agrees to pay each invoice within thirty (30) days of its receipt. In the event that an invoice is not paid in full within sixty (60) days, Consultant reserves the right to stop all work, record a claim of lien as authorized by Florida's Construction Lien Law, and notify property owner if different from the Client. Client further agrees to pay interest on all amounts invoiced and not paid within said sixty (60) day period at a rate of 1.5% per month from date of invoice. Client also agrees to pay Consultant's cost of collections, including court costs and reasonable attorney's fees. Failure to make payment within said sixty (60) days shall release Consultant from all claims which Client may have, whether known or unknown at the time. Signer for Client personally guarantees all amounts due under this Agreement. Any retainer obtained will be applied to the final invoice. Client shall have sixty (60) days from the date of an invoice to dispute any charge on it. Failure to raise any objection during this time period shall constitute a waiver of any and all objections to the charges made within the invoice. Full payment of all outstanding invoices, except outstanding invoices containing a disputed charge, shall be a condition precedent to making any claim against Consultant by Client.
3. Compensation for services rendered more than one year from the date of the Contract/Agreement for Services shall be based on the then current Schedule of Hourly Rates.
4. Design Professional's services and work product are intended for the sole use and benefit of Client and are not intended to create any third-party rights or benefits or any use by any other person or entity or for any other purpose.
5. Consultant shall not be responsible for construction cost adjustments resulting from changes required by approval agencies and/or site conditions.
6. Consultant's determination of amounts owing to Contractor(s) for completed work shall be based on the Consultant's best knowledge, information and belief. Consultant shall not be liable for the techniques of construction nor the safety precautions selected by the Contractor.
7. All reports, plans, specifications, field data and notes and other documents, including all documents on electronic media, prepared by Consultant as instruments of service shall remain the property of Consultant who shall be deemed the author and shall retain all common law, statutory law and other rights, including copyrights. Client may reuse or make any modification to these instruments of service, providing, however, Client agrees to indemnify, defend and hold Consultant harmless from any claim, liability or cost (including reasonable attorney's fees and defense costs) arising out of any reuse or modification of the instruments of service by Client or any person or entity that acquires or obtains them from or through Client without the written authorization of Consultant. Furthermore, the Client shall sign the Consultant's Memorandum of Understanding prior to the transfer of documents. Under no circumstances shall transfer of the instruments of service on electronic media for use by Client be deemed a sale by Consultant and Consultant makes no warranties, either express or implied, of merchantability and fitness for any purpose.
8. The obligation to provide further services under this Agreement for Services may be terminated by either party upon seven (7) days' written notice.
9. In the event that all or any portion of the work prepared or partially prepared by Consultant is suspended, or terminated by Client, or by others, Client shall pay Consultant for all fees, charges and services for work performed to date of suspension or termination within thirty (30) days of such suspension or termination.
10. Consultant cannot guarantee the actions of government officials and agencies to grant desired approvals, and shall therefore not be liable for damages resulting from the actions or inactions of government agencies.
11. In providing opinions of probable construction costs, Client understands that Consultant has no control over costs or the price of labor, equipment or materials, or over the Contractor's method of pricing, and that the opinions of probable construction costs provided by Consultant are to be made on the basis of Consultant's qualifications and experience. Consultant makes no warranty, express or implied, as to the accuracy of such opinions as compared to bid or actual costs.
12. Consultant will perform its services using that degree of care and skill ordinarily exercised under similar

Client Initials _____

conditions by professional consultants practicing in the same field at the same time in the same or similar locality. Consultant shall perform its services as expeditiously as is consistent with the professional skill and care and the orderly progress of the Project. This guaranty is in lieu of all other warranties or representations, either expressed or implied.

13. Should Consultant, or any of its employees, be found to have been negligent in the performance of services, or they have breached any expressed or implied warranty, representation or contract, Client, all parties claiming through Client, and all parties claiming to have in any way relied upon Consultant's services or work, agree that the maximum aggregate amount of Consultant's liability, or of its officers, employees and agents, shall be limited to the total amount of the fee paid to Consultant for work performed under this Contract/Agreement. Client may, upon written request received by Consultant within five (5) days of this Contract/Agreement, increase Consultant's liability to \$2,000,000 by agreeing to pay Consultant an additional 5% of the total fee charged for Consultant's services. This charge is not to be considered a charge for insurance of any type, but is increased consideration for the greater liability involved.
14. Client agrees to defend, indemnify and hold harmless from and against all suits, claims and demands howsoever arising made against Consultant by third parties in connection with the Project to the extent of Client's negligence, error or omission, including reasonable costs and reasonable attorneys' fees before trial, at trial or on appeal. The indemnity provided by Client to Consultant in this Section 14 herein shall not apply to the extent any claim, loss, damage or liability arising from the willful misconduct or gross negligence of Consultant.
15. In the event any of the provisions of the Contract/Agreement shall be found to be unenforceable, it shall be stricken and the remaining provisions shall be enforceable.
16. Anything contained in any other contract document notwithstanding, Consultant shall not be bound by any provision or agreement (a) requiring or providing for arbitration of disputes or controversies arising out of Consultant's work under this Contract/Agreement, (b) that waives Consultant's rights to a construction lien, or (c) conditioning Consultant's rights to payment upon payment by a third party.
17. In the event the Client has selected certain design consultants to subcontract to the Consultant or otherwise assigned them to the project team (collectively "Other Design Consultants") the Client represents that Other Design Consultants have appropriate qualifications for their designated scope of services and carry appropriate insurance for the Project. Consultant shall coordinate its services with Other Design Consultants but shall not be responsible for errors, omissions, or other wrongful acts of Other Design Consultants. Client shall indemnify, defend, and hold harmless the Consultant for any claims, damages, or losses arising from the performance of Other Design Consultants.
18. The Consultant shall be provided the information needed from the Client or Other Design Consultants for rendering of its services. Client or Other Design Consultants shall provide such information to Consultant and Consultant shall be entitled to rely upon the accuracy and completeness of such information. Client recognizes that it is impossible for Consultant to assure the accuracy, completeness and sufficiency of such information, either because it is impossible to verify, or because of errors or omissions which may have occurred in assembling the information. Accordingly, Client agrees to indemnify and hold Consultant and Consultant's subconsultants harmless from any claim, liability or cost (including reasonable attorney's fees and costs of defense) for injury or loss arising from errors, omissions or in information provided by Client or Other Design Consultants to Consultant.
19. Consultant will assist Client in applying for site permits and approvals as shown in our Scope of Services. This assistance consists of completing and submitting forms, but does not include special studies, special research, special testing or special documentation or attendance at unanticipated meetings not normally required for this type of project. Should such additional services be required, they will be furnished by Consultant with compensation based on the above Schedule of Hourly Rates or an agreed upon fee.
20. Consultant may use the services of subconsultants when, in Consultant's opinion, it is appropriate and customary to do so. Such persons and entities include, without limitation, surveyors, specialized consultants and testing laboratories. Client shall reimburse Consultant for services and out-of-pocket expenses charged by subconsultants at the actual cost incurred by Consultant for the work of such subconsultants.
21. In the event Client consents to, allows, authorizes or approves of changes to any plans, specifications or other construction documents, and these changes are not approved in writing by Consultant, Client recognizes that such changes and the results of such changes are not the responsibility of Consultant. Accordingly, Client agrees to release Consultant from any liability arising from the construction, use or result of such changes. In addition, Client agrees to indemnify and hold Consultant harmless from any damage, liability or costs (including reasonable attorneys' fees and costs of defense) arising from such changes, except those damages, liabilities and costs arising from the sole negligence or willful misconduct of Consultant.
22. Client and/or the Client's Contractor or Other Design Consultants shall promptly report to Consultant any deficiencies or suspected deficiencies in Consultant's work or services of which Client becomes aware, so that Consultant may take measures to minimize the consequences of such a deficiency. Failure by Client and/or the Client's Contractor or Other Design Consultants to notify Consultant shall relieve Consultant of the cost of remedying the deficiencies above the sum such remedy would have cost had notice been given to Consultant

- when Client first became aware of the deficiency.
23. No dispute between the parties over any matter in excess of five thousand dollars (\$5,000.00), exclusive of attorney's fees and costs, shall be litigated until the parties have met with a mediator certified by the Florida Supreme Court who will assist the parties in a voluntary resolution of the dispute. This condition shall be waived if Client fails to agree to a mediator within thirty (30) days from the date of mailing a request to mediate made by Consultant, sent by certified mail, return receipt requested, (or equivalent) to the last address of Client on file with Consultant. Any time period to commence litigation is hereby extended until thirty (30) days after certification by the mediator that the parties are at an impasse. If litigation is prematurely commenced, it shall be stayed until the meditation has taken place.
 24. Any suit, claim or legal proceeding of any kind between Client and Consultant shall be brought in a court of competent jurisdiction in Volusia County, Florida, which is Consultant's principal place of business.
 25. Consultant's Construction Administration Phase services shall not be modified or reduced except by written modification to this agreement signed by the Client and Consultant. If the Client terminates, modifies or reduces any portion of the Consultant's Construction Administration Phase services under this agreement, the Client shall indemnify, and hold the Consultant and its consultants harmless from and against damages, losses and judgments arising from claims by the Client or any third parties, including reasonable attorneys' fees and expenses recoverable under applicable law, related to the services or activities the Consultant did not provide or in which the Consultant did not participate.
 26. Upon the written request or direction of Client, Consultant shall evaluate and advise Client with respect to proposed or requested changes in materials, products, or equipment for the Project. Consultant shall be entitled to rely on the accuracy and completeness of the information provided in conjunction with the requested substitution. Client acknowledges that such changes may result in a reduction in the quality and performance of the Project and accepts that risk in recognition of the objectives of the change. Accordingly, Consultant shall not be responsible for errors, omissions, or inconsistencies in information or representations by others or in any way resulting from incorporating such substitution into the Project.
 27. Consultant's services shall be limited to those expressly set forth in this Agreement. Consultant shall have no other obligations or responsibilities for the Project except as agreed upon Agreement amendments. Amendments to the contract authorized by the Client by verbal, email, or other forms of communication shall be considered binding.
 28. Non-Solicitation Agreement - For a period of two years from the date of this Agreement, the Client and the Client's signatory on this Agreement (together, "Client"), agrees not to induce or attempt to persuade, directly or indirectly, any current or future employee of Consultant ("Employee") to terminate his or her employment with Consultant in order to enter into any relationship with the Client, or any firm, corporation, or other entity in which the Client is a participant in any capacity. Consultant will suffer financial harm if an Employee terminates his employment caused by breach of this Non-Solicitation Agreement. As actual damages necessary to compensate Consultant for such harm are uncertain and not readily ascertainable, the parties have agreed upon (liquidated) such damages as follows: An amount equal to the amount payable by Consultant to the Employee for the year following termination of employment. These liquidated damages are not intended by the parties as a penalty, but rather as an approximation of actual compensation due to Consultant as a result of the breach of this Non-Solicitation Agreement. The Client also acknowledges that the services rendered under this Agreement are of a unique, special, and extraordinary character that would be difficult or impossible for Consultant to replace, and by reason of such difficulty, the Client hereby agrees that for the breach or threatened breach of this Non-Solicitation Agreement, Consultant shall, in addition to any other rights and remedies available under this Agreement, at law or otherwise, be entitled to an injunction to be issued by any court of competent jurisdiction enjoining and restraining the Client from breaching this Non-Solicitation Agreement.

PURSUANT TO THE FLORIDA STATUTES §558.0035, ANY INDIVIDUAL EMPLOYEE OR AGENT OF ZCA MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.



CITY COMMISSION AGENDA MEMORANDUM AUGUST 22, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Stewart Cruz, Community Services Director

SUBJECT: Revised Access Agreement & Construction License For Seawall Construction: St. Kitts Condominium, 2853 S. Atlantic Avenue

SYNOPSIS:

On April 11, 2023 the Daytona Beach Shores City Commission approved the St. Kitts Condominium Temporary Access Agreement and Construction License allowing the condo to utilize the adjacent City beach park for storage and construction access during the reconstruction of the condo's seawall. The condo seawall is now substantially completed. The agreement calls for the condo to restore the park to pre-construction standards. However, the City will be utilizing the park property for its own staging and construction of a seawall and beach stairs at the park. The condo representatives have agreed to place \$9,626.53 in an escrow account, which equals the estimated cost of restoring the park, in lieu of restoring the property as noted in the original agreement/license. The City will utilize the escrow money to restore the park at the completion of the aforementioned City project. Attached is the revised license agreement drafted by the City Attorney.

FISCAL IMPACT STATEMENT:

No fiscal impact.

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

Approval of the Revised Access Agreement and Construction License for Seawall Construction to allow St. Kitts Condominium to utilize the Daytona Beach Shores Public Beach Park, located at 2853 S. Atlantic Avenue, for access and storage during the reconstruction of the St. Kitts seawall.

- ATTACHMENT:**
1. Revised Access Agreement & Construction License-St. Kitts Condo-2853
S. Atlantic Ave-August 2023
 2. ST KITTS PARK RESTORATION ESTIMATE

This instrument prepared by/return to:
Gretchen R.H. Vose, Esq.
Vose law Firm, LLP
324 W. Morse Blvd.
Winter Park, FL 32789

Property Appraiser's
Parcel Identification No.

AMENDED AND RESTATED AGREEMENT GRANTING TEMPORARY INGRESS, EGRESS AND CONSTRUCTION LICENSE FOR SEAWALL CONSTRUCTION

This Agreement Granting Temporary Ingress, Egress and Construction License for Seawall Construction, is entered into this ____ day of _____, A.D. 2023, by and between the City of Daytona Beach Shores, a Florida municipal corporation, with an address of 2990 S. Atlantic Avenue, Daytona Beach Shores, Florida 32118 ("City"), and St. Kitts Condominium, Inc., with an address of 2422 S. Atlantic Avenue, Daytona Beach Shores, FL, 32118, ("Grantee").

(Wherever used herein, the terms "City" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Whereas, City and Grantee entered into that certain Agreement Granting Temporary Ingress, Egress and Construction License for Seawall Construction, dated April 11, 2023 and recorded at Book 8395, Page 2873 of the Official Public Records of Volusia County, Florida (the "Original License"); and

Whereas, Grantee intends to construct a seawall ("Seawall") in the location described in the attached Exhibit "A" ("Seawall Location"); and

Whereas, in order to construct the Seawall in the Seawall Location, the Grantee needs to have access to and across an area ("License Area"), as illustrated in the attached Exhibit "B", which is owned by the City, and which will be closed for beach access during the construction of the Seawall; and

Whereas, Grantee agrees to construct the Seawall at Grantee's sole cost and expense, and; and

Whereas, in order to ensure that no liens will attach to the City's property as a result of the construction by Grantee of the Seawall, Grantee shall provide to the City a copy of the estimate of construction costs for the Seawall; and

Whereas, at the termination of this License, Grantee agrees to cause the restoration of the License Area to a condition equal to or better than its condition prior to the grant of this License; and

Whereas, City and Grantee wish to amend the Original License to provide Grantee with the option to escrow funds with City to be used by City for the restoration of the License Area (as defined herein); and

Whereas, Grantee, for good and valuable consideration, the sufficiency of which the parties agree is adequate, indemnifies and holds the City harmless against any and all claims, losses, judgments, costs, damages, or expenses, including attorney's fees and court costs, incurred by the City, or its agents, officers, or employees, arising directly or indirectly or relating in any way to this License or the use of the License Property or the construction of the Seawall, including but not limited to those claims, losses, judgments, costs, damages, or expenses arising out of any accident, casualty, or other occurrence causing injury to any person or property. The Grantee shall also provide liability insurance to the City, with a company subject to the approval of the City, with the City listed as an additionally named insured to cover all indemnification obligations of Grantee in an amount not to be less than \$1,000,000.

Now, therefore, the City and Grantee agree, for and in consideration of the sum of \$10.00, in hand paid each to the other, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, to the following:

1. The "Whereas" clauses set forth above are affirmed and ratified and are an integral part of this Agreement as if fully set forth in this portion of this Agreement.

2. The City grants to the Grantee a non-exclusive, temporary License ("License") for construction of a seawall ("Seawall") in the location as shown on Exhibit "A" hereto, that will be constructed in accordance with plans pre-approved by the City. Such License to be located over, under, across and through that certain real property as more particularly described in Exhibit "B" attached hereto ("License Area"), together with rights of ingress and egress thereto as may be required for purposes of exercising the License rights granted hereby.

3. This License shall replace the Original License in its entirety and the Original License shall have no further effect.

4. This License shall not become effective unless and until the Grantee has provided the City the proof of adequate funds and the liability insurance as provided above.

5. Grantee shall construct the Seawall at Grantee's sole cost and expense. During any and all construction activities in the License Area, Grantee shall be responsible for the securing and maintaining of the License Area in a safe and secure manner so as to prevent public access during construction. During the term of this temporary License, Grantee shall use and maintain the License Area in a neat and clean manner so as not to become an eyesore. Prior to the end of this temporary License, the Grantee shall, at Grantee's sole cost and expense, restore and repair the License Area and any vegetation or other improvements located thereon, to a condition equal to or better than existed immediately prior to the beginning of the temporary License. Any work performed by Grantee shall be performed in a good and workmanlike manner. Alternatively, in lieu of performing the required restoration of the License Area at the

end of this temporary License, Grantee may provide money in an escrow account in the amount of Nine Thousand Six Hundred Twenty-Six Dollars and Fifty-Three Cents (\$9,626.53), which is equal to the estimated cost of fully restoring the License Area pursuant to this agreement (the "Escrow Payment"). Said escrow account shall be held by the City Attorney and managed by the City for the restoration of the License Area at a time determined by the City and in a manner consistent with the Grantee's obligation to restore the License Area. Upon receipt of the Escrow Payment by City, Grantee shall be relieved of its obligation to restore the License Area at the end of the temporary License. If Grantee utilizes the Escrow Payment in lieu of restoration, Grantee and Licensee shall cooperate in the execution or transfer of any agreements or permits necessary to complete the restoration of the License Area. If Grantee does not fulfill its duties under this Agreement, the City may, but shall not be obligated to, fulfil such duties and charge the expenses incurred, plus an administrative fee of 10% to the Grantee. The Grantee agrees to pay such expenses and administrative fee, and if necessary, cause a special assessment to be made on its residents and owners as appropriate to pay such expenses and administrative fees. If such expenses and administrative fees are not paid within twenty (20) days after invoicing for same by the City, such expenses and administrative fees shall incur interest at the highest rate permitted under Florida law until paid in full. If litigation occurs regarding such collection, or regarding any other matter relating to this Agreement, the prevailing party shall pay the other side's attorneys' fees, expenses and costs.

6. The License shall terminate automatically on the earlier of ten (10) days following completion of the construction of the Seawall, or December 31, 2023. This License may be extended at the sole discretion of the City by vote of the City Commission.

7. The signers of this Agreement represent that they have been fully authorized to execute this Agreement by and on behalf of the entity they represent, and that all requirements precedent to the execution of this Agreement have been properly followed. The attorneys signing below on behalf of their respective clients acknowledge that they have fully investigated the authority of the signers of this Agreement, and that by their signatures, such attorneys are representing that their respective clients are fully bound by the provisions of this Agreement.

[Remainder of Page Intentionally Left Blank]

In Witness Whereof, the said party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

WITNESSES:

**CITY OF DAYTONA BEACH
SHORES, FLORIDA**

Print Name: _____

By: Nancy Miller, Mayor

Print Name: _____

ATTEST:

Attorney on behalf of City of Daytona
Beach Shores

Cheri Schwab, City Clerk

Vose Law Firm, LLP

**STATE OF FLORIDA)
COUNTY OF VOLUSIA)**

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ date of _____ 2023, by Nancy Miller, Mayor and Cheri Schwab, City Clerk, on behalf of the City of Daytona Beach Shores, Florida, who are personally known to me or who have produced _____ as identification.

[Notary seal]

Print Name _____
Notary Public, State of Florida
My Commission Expires: _____

Signed, sealed and delivered in presence of:

WITNESSES:

St. Kitts Condominium, Inc.

Leyla Nelson
Print Name: Leyla Nelson

Nancy Prasse
Print Name: Nancy Prasse

Deborah O. Taylor
By: Deborah O. Taylor
Its: Vice President
St. Kitts Condo

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 7th date of AUGUST 2023, by DEBORAH O. TAYLOR, on behalf of St. Kitts Condominium, Inc., who are personally known to me or who have produced FLORIDA DRIVER LICENSE as identification.

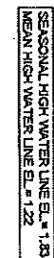


Laurie E. LaFavor
Print Name LAURIE E. LAFAVOR
Notary Public, State of Florida
My Commission Expires: 06/01/2024

Attorney on behalf of St. Kitts Condominium, Inc.

Michael Szegstoffer
Name: Michael Szegstoffer
Cobb Cole

Dienstag, 07. Mai 2019 16:42



AERIAL
1-36

LABINS 2018

Dredging & Marine Consultants
DMC
ENGINEERS • SCIENTISTS

4243 S. Clyde Morris Blvd.
Unit 302
Port Orange, FL 32129
Phone (386) 304-6505
Fax (386) 304-6509
www.dmc1.com

Digitally signed
by durtis N. Todd
Date: 2023.04.07
12:38:06 -0400



**ST. KITTS CONDOMINIUM
SEAWALL DESIGN**

DEBORAH TAYLOR

AERIAL

22-183-01

CS	CS
----	----

SCALE AS SHOWN

C-02

EXHIBIT B

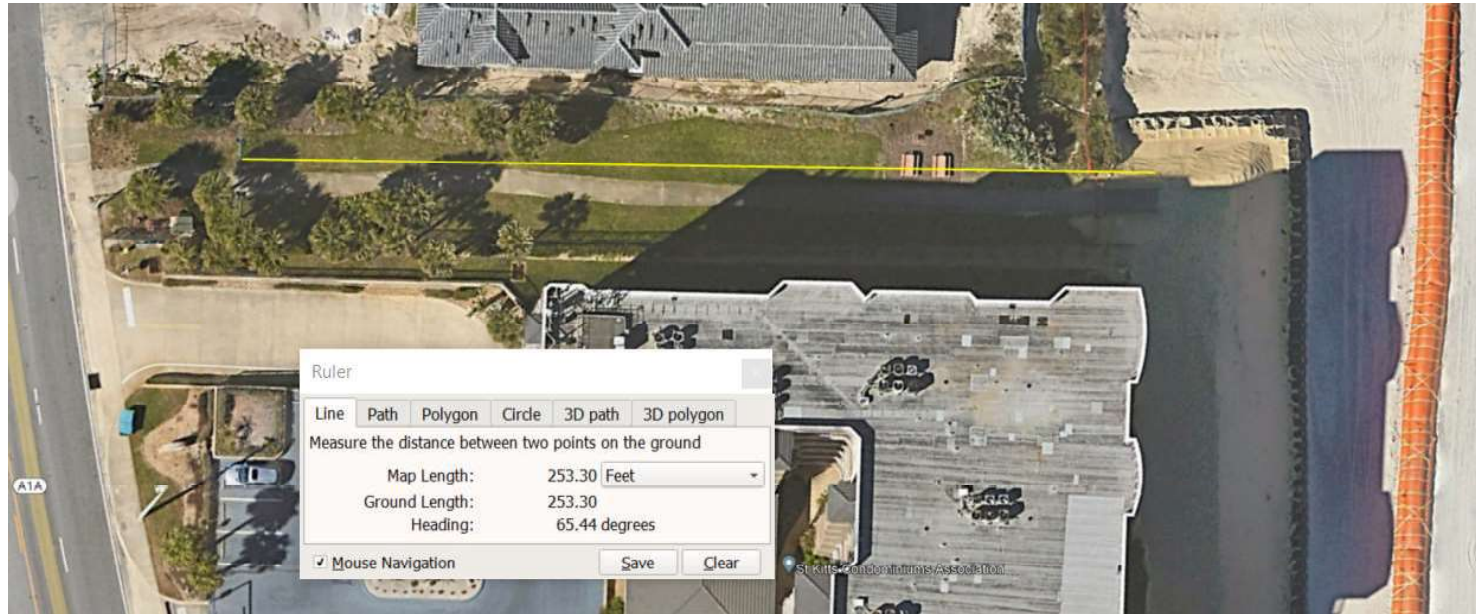
2853 S. Atlantic Avenue License Area

LEGAL DESCRIPTION

THE NORTHERLY 40 FEET OF LOT 163, PLAT TWO RIVER RIDGE ESTATES, AS RECORDED IN MAP BOOK 9, PAGE 204 PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND A PORTION OF OLD ATLANTIC AVE. AN 80 FOOT RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 163 WITH THE EASTERLY RIGHT OF WAY LINE OF SOUTH ATLANTIC AVENUE, AS NOW OCCUPIED AND SHOWN ON THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP FOR STATE ROAD NO. A-1-A, SECTION 7953-(150)250 DATED OCTOBER 30, 1980, RUN N65°46'44"E, ALONG SAID WESTERLY EXTENSION AND ALONG THE NORTHERLY LINE OF SAID LOT 163 A DISTANCE OF 475.92 FEET TO THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN; THENCE, DEPARTING SAID NORTHERLY LINE AND SOUTHERLY ALONG THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN, S26°13'35"E A DISTANCE OF 50.38 FEET TO THE INTERSECTION OF SAID MEAN HIGH WATER LINE ON THE SOUTHERLY LINE OF THE NORTHERLY 40 FEET OF SAID LOT 163; THENCE, DEPARTING SAID MEAN HIGH WATER LINE AND ALONG THE SOUTH LINE OF THE NORTHERLY 40 FEET OF SAID LOT 163 AND ALONG A WESTERLY EXTENSION OF SAID SOUTH LINE, S65°46'44"W A DISTANCE OF 471.01 FEET TO ITS INTERSECTION WITH THE EASTERLY LINE OF SAID SOUTH ATLANTIC AVENUE AND A POINT ON A NON TANGENT CURVE CONCAVE NORTHEAST, HAVING A RADIUS OF 1,349.46 FEET, A CENTRAL ANGLE OF 01°42'56" AND A CHORD BEARING OF N32°21'26"W; THENCE, NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT OF WAY LINE OF SAID ATLANTIC AVENUE, A DISTANCE OF 40.01 FEET TO THE POINT OF BEGINNING.

Daytona Beach Shores - City Owned Public Access North Side of St Kitts



Restoration:

New sidewalk = $253.3' \times 6' = 169\text{sy}$. $169\text{sy} \times 60\% \text{ replacement} \times \$73.77/\text{sy} = \$7,480.28$

New sod = $225' \times 10' \times 2 \text{ sides} = 500\text{sy}$. $500\text{sy} \times 75\% \text{ replacement} \times \$4.39/\text{sy} = \$1,646.25$

Miscellaneous allowance = \$ 500.00

Total restoration projected cost = \$9,626.53

		Florida Department of Transportation					
		Item Average Unit Cost					
		From 2022/07/01 to 2023/06/30					
		Statewide					
Item	No. of Conts	Weighted Average	Total Amount	Total Quantity	Unit Meas	Obs?	Description
0521 72106							444121-1-52-01
0522 1	176	\$73.77	\$22,580,229.45	306,073.000	SY	N	CONCRETE SIDEWALK AND DRIVEWAYS, 4" THICK
0570 1 1	33	\$1.83	\$2,429,420.42	1,326,264.000	SY	H	PERFORMANCE TURF
0570 1 2	258	\$4.39	\$35,624,092.99	8,117,792.000	SY	N	PERFORMANCE TURF, SOD
0570 1 3	39	\$3.41	\$4,732,112.70	874,848.000	SY	N	PERFORMANCE TURF, SOD AND SOIL- SHOULDER TREATMENT INDEX



**CITY COMMISSION AGENDA MEMORANDUM
AUGUST 22, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission
FROM: Mike Fowler, Public Safety Director
PREPARED BY: Mike Fowler, Public Safety Director
SUBJECT: Approval of Flock Safety Contract

SYNOPSIS:

This is a five year contract of continued service for our Flock tag readers.

FISCAL IMPACT STATEMENT:

No fiscal impact for current budget year.

BACKGROUND:

Commission provided for funding for license plate readers (LPR's) in the FY 22/23 budget. Flock was the chosen vendor and has completed installation. The tag readers capture almost all tags entering and exiting the city. Our officers, and neighboring agencies use this technology daily.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval.

SUGGESTED MOTION:

I move we accept the item as presented.

ATTACHMENT: 1. Flock Contract

**Flock Safety + FL - Daytona Beach
Shores Department of Public Safety**

Flock Group Inc.
1170 Howell Mill Rd, Suite 210
Atlanta, GA 30318

MAIN CONTACT:
Stephen Johnston
stephen.johnston@flocksafety.com
(470) 627-5704

flock safety



EXHIBIT A
ORDER FORM

Customer:	FL - Daytona Beach Shores Department of Public Safety	Initial Term:	60 Months
Legal Entity Name:	FL - Daytona Beach Shores Department of Public Safety	Renewal Term:	24 Months
Accounts Payable Email:	mfwler@cityofdb.org	Payment Terms:	Net 30
Address:	3050 S Atlantic Ave Daytona Beach, Florida 32118	Billing Frequency:	Annual Plan - First Year Invoiced at Signing.
		Retention Period:	30 Days

Hardware and Software Products

Annual recurring amounts over subscription term

Item	Cost	Quantity	Total
Flock Safety Platform			\$17,500.00

Professional Services and One Time Purchases

Item	Cost	Quantity	Total
One Time Fees			

Subtotal Year 1:	\$17,500.00
Annual Recurring Subtotal:	\$17,500.00
Discounts:	\$15,000.00
Estimated Tax:	\$0.00
Contract Total:	\$87,500.00

Taxes shown above are provided as an estimate. Actual taxes are the responsibility of the Customer. This Agreement will automatically renew for successive renewal terms of the greater of one year or the length set forth on the Order Form (each, a "Renewal Term") unless either Party gives the other Party notice of non-renewal at least thirty (30) days prior to the end of the then-current term.

Special Terms

Effective Date of the Contract. The first day of the Term of this Agreement, which shall be 10/01/2023.

Billing Schedule

Billing Schedule	Amount (USD)
Year 1	
At Contract Signing	\$17,500.00
Annual Recurring after Year 1	\$17,500.00
Contract Total	\$87,500.00

*Tax not included

Discounts

Discounts Applied	Amount (USD)
Flock Safety Platform	\$15,000.00
Flock Safety Add-ons	\$0.00
Flock Safety Professional Services	\$0.00

Product and Services Description

Flock Safety Platform Items	Product Description	Terms
Flock Safety Falcon ®	An infrastructure-free license plate reader camera that utilizes Vehicle Fingerprint® technology to capture vehicular attributes.	The Term shall commence upon first installation and validation of Flock Hardware.

One-Time Fees	Service Description
Installation on existing infrastructure	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief
Professional Services - Standard Implementation Fee	One-time Professional Services engagement. Includes site and safety assessment, camera setup and testing, and shipping and handling in accordance with the Flock Safety Standard Implementation Service Brief
Professional Services - Advanced Implementation Fee	One-time Professional Services engagement. Includes site & safety assessment, camera setup & testing, and shipping & handling in accordance with the Flock Safety Advanced Implementation Service Brief

FlockOS Features & Description

Package: Essentials

FlockOS Features	Description
Community Cameras (Full Access)	Access to all privately owned Flock devices within your jurisdiction that have been shared with you.
Unlimited Users	Unlimited users for FlockOS
State Network (LP Lookup Only)	Allows agencies to look up license plates on all cameras opted in to the statewide Flock network.
Nationwide Network (LP Lookup Only)	Allows agencies to look up license plates on all cameras opted in to the nationwide Flock network.
Direct Share - Surrounding Jurisdiction (Full Access)	Access to all Flock devices owned by law enforcement that have been directly shared with you. Have ability to search by vehicle fingerprint, receive hot list alerts, and view devices on the map.
Time & Location Based Search	Search full, partial, and temporary plates by time at particular device locations
License Plate Lookup	Look up specific license plate location history captured on Flock devices
Vehicle Fingerprint Search	Search footage using Vehicle Fingerprint™ technology. Access vehicle type, make, color, license plate state, missing / covered plates, and other unique features like bumper stickers, decals, and roof racks.
Flock Insights/Analytics page	Reporting tool to help administrators manage their LPR program with device performance data, user and network audits, plate read reports, hot list alert reports, event logs, and outcome reports.
ESRI Based Map Interface	Flock Safety's maps are powered by ESRI, which offers the ability for 3D visualization, viewing of floor plans, and layering of external GIS data, such as City infrastructure (i.e., public facilities, transit systems, utilities), Boundary mapping (i.e., precincts, county lines, beat maps), and Interior floor plans (i.e., hospitals, corporate campuses, universities)
Real-Time NCIC Alerts on Flock ALPR Cameras	Alert sent when a vehicle entered into the NCIC crime database passes by a Flock camera
Unlimited Custom Hot Lists	Ability to add a suspect's license plate to a custom list and get alerted when it passes by a Flock camera

By executing this Order Form, Customer represents and warrants that it has read and agrees all of the terms and conditions contained in the Terms of Service located at <https://www.flocksafety.com/terms-and-conditions>

The Parties have executed this Agreement as of the dates set forth below.

FLOCK GROUP, INC.

**Customer: FL - Daytona Beach Shores Department
of Public Safety**

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

PO Number: _____



CITY COMMISSION AGENDA MEMORANDUM AUGUST 22, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Consideration to approve Amended Contract for Legal Services as City Attorney

SYNOPSIS:

Request by Vose Law Firm, LLP to adjust fees to partially keep up with inflation.

FISCAL IMPACT STATEMENT:

No fiscal impact to the current year; increases have been updated in the fiscal year 2023-2024 budget.

BACKGROUND:

The Vose Law Firm, LLP was hired as City Attorney on June 1, 2020 at a monthly retainer of \$8,750 per month, all inclusive, including litigation and that retainer amount has not changed over time. Since 2020, inflation has been high, and the fee of \$8,750 as of June 1, 2020 adjusted by inflation equals \$10,355.84 as of June 1, 2023. In order to partially adjust for inflation, it is proposed that the \$8,750 monthly retainer remain as is through FY 2022-2023, but be increased to \$9,500 beginning as of October 1, 2023, through September 30, 2024. Then, beginning as of October 1, 2024, through September 30, 2025, the monthly rate would be increased to \$10,200. Beginning on October 1, 2025, and for every year thereafter, the monthly rate shall be increased based upon the Consumer Price Index ("CPI") as determined by using the Inflation Calculator at <https://data.bls.gov/cgi-bin/cpicalc.pl>. If the Inflation Calculator is no longer published by the Federal government, then the City shall use such other comparable information to determine the CPI. If the CPI is negative, the monthly rate shall remain unchanged for that year. Otherwise the agreement remains unchanged.

LEGAL REVIEW:

The revised agreement is legally acceptable.

RECOMMENDATION:

SUGGESTED MOTION:

I move to approve the revised City Attorney Contract.

OR

I move to not approve the revised City Attorney Contract

ATTACHMENT: 1. CITY ATTORNEY Vose CONTRACT - 8-4-23

CITY OF DAYTONA BEACH SHORES
AMENDED CONTRACT FOR LEGAL SERVICES AS CITY ATTORNEY

THIS AMENDED CONTRACT is made and entered into this ____ day of August, 2023, by and between the CITY OF DAYTONA BEACH SHORES, FLORIDA, hereinafter the “City,” and VOSE LAW FIRM LLP, hereinafter referred to as the “City Attorney.”

WITNESSETH

WHEREAS, the City Attorney is a law firm made up of attorneys who are duly licensed, authorized and admitted to practice law in the State of Florida, and each of the attorneys is also a member in good standing of the Volusia County Bar Association; and

WHEREAS, the City is a Florida municipality in need of legal services in order to serve the public and provide quality municipal governance; and

WHEREAS, the City desires to retain the City Attorney to provide legal services as City Attorney for the City; and

WHEREAS, the City Attorney has agreed to serve in such capacity for the City and perform the duties of City Attorney as defined in the Charter and Code of Ordinances of the City; and

WHEREAS, on June 1, 2020, the City Attorney signed that certain Contract for Legal Services as City Attorney which is identical to this Amended Agreement except as to the underlined portions hereof; and

WHEREAS, Article IV, “City Attorney,” of the Charter of the City of Daytona Beach Shores, provides:

ARTICLE IV. - CITY ATTORNEY

Sec. 4.01. - Duties and responsibilities.

The city council shall appoint a city attorney who shall act as the legal adviser to, and attorney and counselor for the city and all of its elected and appointed officers, all departments and divisions of the city government, and all regulatory and advisory boards in all legal matters relating to their official duties. The city attorney shall prepare and/or review all contracts, bonds and other instruments in which the municipality is concerned, and shall endorse on each his or her approval of the form and correctness thereof.

Sec. 4.02. - Assistant city attorneys and city prosecutor.

The city council may authorize the city attorney to employ one or more assistants, a city prosecutor, and to engage special counsel where the circumstances of a particular case warrant, subject to the approval of the terms of the contract by the council as to compensation and the services to be rendered.

Sec. 4.03. - Qualification and appointment of city attorney.

The city attorney and any assistant city attorney shall be licensed to practice law in the State of Florida, and shall be a member of the Volusia County Bar Association in good standing. He or she shall not be required to be a registered elector residing in the municipality. He or she shall be appointed by the city council for an indefinite term by a four-fifths vote of the council; shall serve at the pleasure of the city council and shall be compensated as determined by the council. In addition to the specific duties imposed under this article, the city council may assign additional professional duties to the city attorney so long as they are not inconsistent with general law or this charter. The city attorney may be removed at any time by four-fifths vote of the full council.

NOW, THEREFORE, in consideration of the foregoing, and the premises and the promises, covenants and agreements herein contained, and of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties the City and the City Attorney agree as follows:

1. The City Attorney has been selected by and shall serve under the City Council as set forth in Article IV of the City's Charter. The City Attorney shall work *with* the City Manager and the City Staff, but shall work *for* and shall be accountable *to* the City Council.
2. The City Attorney has been appointed by the City Council as set forth in Article IV of the City's Charter, and may be removed at any time by a four-fifths vote of the full City Council. Should the City Attorney terminate the contract, it shall give no less than sixty (60) days advance written notice.
3. The City Attorney shall represent the City as its City Attorney in all of its legal matters except for insurance defense (covered by the City's insurance company), and primary bond counsel, (the City Attorney would serve as local bond counsel).
4. The City Attorney shall provide for the prosecution and defense of litigation on behalf of the City and provide legal services to the City Council, the City Manager, City departments and City boards, committees and agencies, and shall monitor litigation involving the City which is being handled by other counsel. The City Attorney shall attend all City Council meetings as requested and, as needed, workshops and other meetings of the City and its boards, committees and agencies. The City Attorney shall perform such other professional duties as may

be required by ordinance, resolution or motion of the City Council or as are prescribed for city attorneys under Federal and State laws. The City Attorney shall assist the City Council in its development of policy, but shall not engage in policy matters in its own accord. The City Attorney shall address individual legal inquiries of all members of the City Council, but shall serve the City Council as a corporate body and the local governing body of the City under controlling Florida law. The City Attorney shall take such action, under its discretion and under controlling law, to provide the City with appropriate legal guidance and appropriate response to legal inquiries.

5. Should the City Attorney have an unavoidable conflict, (none of which are anticipated, and which the City Attorney agrees not to intentionally create), the City Attorney shall assist the City in retaining appropriate legal counsel for the matter in which the conflict exists.

6. The attorneys providing services on behalf of the City Attorney shall be members in good standing of The Florida Bar and of the Volusia County Bar Association.

7. The City Attorney shall be available as appropriate for legal workshops for the City and its boards, committees and agencies to discuss pending City legal issues and to provide for adequate training for the members of such bodies and City staff to ensure, to the maximum extent practicable, a high quality and high functioning municipal government for the City. The City Attorney is encouraged to be involved in local events and activities, but shall not be involved in City political campaigns.

8. The City Attorney shall be compensated at the monthly rate of \$8,750.00, which will be paid in arrears by the City in accordance with its normative processes and procedures. Beginning as of October 1, 2023, through September 30, 2024, the monthly rate shall be \$9,500. Beginning as of October 1, 2024, through September 30, 2025, the monthly rate shall be \$10,200. Beginning on October 1, 2025, and for every year thereafter, the monthly rate shall be increased based upon the Consumer Price Index ("CPI") as determined by using the Inflation Calculator at <https://data.bls.gov/cgi-bin/cpicalc.pl>. If the Inflation Calculator is no longer published by the Federal government, then the City shall use such other comparable information to determine the CPI. If the CPI is negative, the monthly rate shall remain unchanged for that year. No itemization of specific work performed shall be required or provided. This compensation shall cover all general and litigation legal services, and there shall be no additional charges for travel time, travel expenses, or legal research tools such as Westlaw or Lexis. With regard to other out of pocket expenses, (such as court reporter fees, or filing fees), the City Attorney may transmit invoices in the name of the City for services to the City for payment in accordance with its normative processes and procedures, or may advance such expenses and separately bill the City therefor. Partial months of service shall be compensated based upon a daily rate determined by dividing the monthly rate by the number of days in the month and multiplying such quotient by the number of calendar days included in the term of the contract.

9. The City Attorney shall take all actions that reflect highly upon the City and shall act in a manner that advances the City and its programs, projects and activities.

10. Pursuant to Florida Statutes, Section 119.0701, the City Attorney agrees to:

- a) Keep and maintain public records required by the City to perform the service.
- b) Upon request from the City's custodian of public records, provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided under City's procedures or as otherwise provided by law.
- c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the City Attorney does not transfer the records to the City.
- d) Upon completion of the contract, transfer, at no cost, to the City all public records in possession of the City Attorney or keep and maintain public records required by the City to perform the service. If the City Attorney transfers all public records to the City upon completion of the contract, the City Attorney shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the City Attorney keeps and maintains public records upon completion of the contract, the City Attorney shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request from the City's custodian of public records, in a format that is compatible with the information technology systems of the City.

IF THE CITY ATTORNEY HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CITY ATTORNEY'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:

**CHERI SCHWAB, CITY CLERK
(386) 763-5353
CSCHWAB@CITYOFDBS.ORG
2990 SOUTH ATLANTIC AVENUE
DAYTONA BEACH SHORES
FLORIDA 32118.**

IN WITNESS WHEREOF, the parties hereto have executed and delivered this instrument on the day and year indicated above and the signatories below to bind the parties set forth herein.

ATTEST:

CITY OF DAYTONA BEACH SHORES

Cheri Schwab, City Clerk

Nancy J. Miller, Mayor

~~Michael T. Booker~~ Kurt Swartzlander, City Manager

VOSE LAW FIRM LLP

Gretchen R. H. Vose, Esq.



CITY COMMISSION AGENDA MEMORANDUM AUGUST 22, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Ordinance 2023-07: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 3038 South Peninsula Drive

SYNOPSIS:

Ordinance 2023-07, if adopted, would amend the City's Adopted Comprehensive Plan Update (2030) Future Land Use Map by assigning the residential low intensity future land classification use to the recently annexed single-family residential property located at 3038 S. Peninsula Dr. (Exhibit A). The application (Exhibit B) was submitted by Charles and Patricia Register, owners of the subject property. Applying a City future land use designation is a requirement of Florida Law whenever a property is annexed. The property is 0.496 acres and is occupied by a 3,482 square foot single family residential structure. The proposed Daytona Beach Shores future land use designation is consistent with the current Volusia County future land use category and as such, the use will remain as single-family residential.

FISCAL IMPACT STATEMENT:

No financial impact to the current fiscal year but the property could be included in the taxable value from the property appraiser for the FY24-25 Budget Year if approved.

BACKGROUND:

A. BACKGROUND

The subject property, located at 3038 S. Peninsula Dr., 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-1 Urban Single-Family Residential Detached District, consistent with the existing and surrounding land uses and current Volusia County R-3 District zoning classification. The rezoning will

occur subsequent to the future land use amendment associated with the subject property.

The Planning and Zoning Board recommended approval of Ordinance 2023-07 at their regular meeting on August 14, 2023.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of Ordinance 2023-07 as presented.

SUGGESTED MOTION:

A Commission member may motion as follows:

1. "I move to approve Ordinance 2023-07 as presented."
OR
2. "I move to approve Ordinance 2023-07, with the following amendments..."
OR
3. "I move to deny Ordinance 2023-07, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2023-07-FLUMA-3038 S. Peninsula Dr.-Register
 2. Exhibit A-Location Map-3038 S. Peninsula Dr.
 3. Exhibit B-FLUMA Application-3038 S. Peninsula Dr.
 4. Exhibit C-Planning Analysis-FLUMA-3038 S. Peninsula Dr.

ORDINANCE NO: 2023-07

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING *THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN*, AMENDING CHAPTER 1, “FUTURE LAND USE ELEMENT”, BY AMENDING MAP L-4 ENTITLED, “GENERALIZED FUTURE LAND USE MAP (2030)” ASSIGNING THE RESIDENTIAL LOW INTENSITY FUTURE LAND USE DESIGNATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY LOCATED AT 3038 SOUTH PENINSULA DRIVE (SHORT PARCEL IDENTIFICATION NUMBER 5334-02-02-0160); 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 property described in Section One herein was annexed into the City of Daytona Beach Shores on June 27, 2023, and an appropriate City future land use classification must be assigned to the real property in accordance with the requirements of controlling law; 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 Commission 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, CHARLES D. REGISTER and PATRICIA J. REGISTER, trustees or successor trustee(s) of the REGISTER FAMILY TRUST dated March 18, 2003, property owners of the real property with short tax parcel ID 5334-02-02-0160 and located at 3038 South Peninsula Drive, submitted an owner initiated future land use map amendment application to the City of Daytona Beach Shores; and

WHEREAS, CHARLES D. REGISTER and PATRICIA J. REGISTER, trustees or successor trustee(s) of the REGISTER FAMILY TRUST dated March 18, 2003, owners of the subject property, are requesting the City of Daytona Beach Shores to amend the future land use classification of the subject real property to Residential Low Intensity; and

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

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION 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 +/-0.496-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
3038 South Peninsula Drive	5334-02-02-0160	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 _____, 2023.

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

EXHIBIT A

THE SOUTHERLY 75 FEET OF LOTS 15 AND 16, BLOCK 2, ROGERS NORTH ORITA, AS RECORDED IN MAP BOOK 1, PAGE 115, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS LIES WESTERLY OF SOUTH PENINSULA DRIVE, A 50 FOOT STREET AS NOW LAID OUT, THE SAID PARCEL LYING NORTHERLY 75 FEET AT RIGHT ANGLES TO THE SOUTHERLY LINE OF SAID LOT 15 EXTENDED WESTERLY TO THE HALIFAX RIVER.

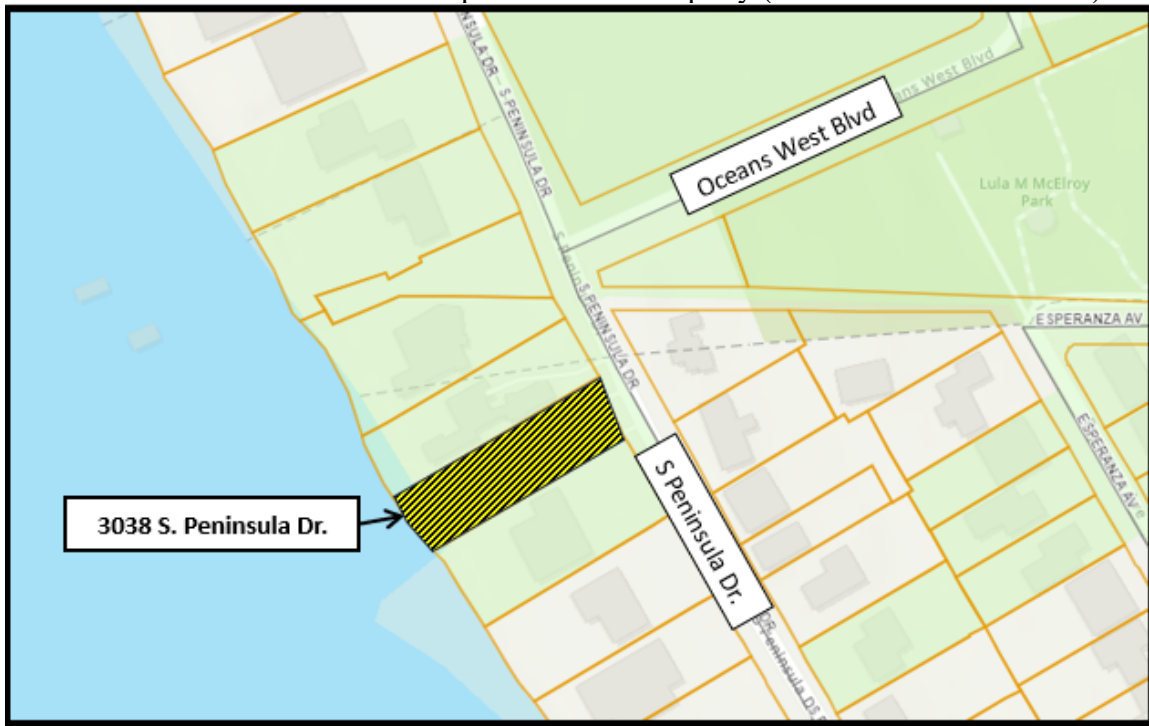
TOGETHER WITH THE WESTERLY 1/2 OF SOUTH PENINSULA DRIVE LYING SOUTHERLY OF THE NORTH LINE OF THE SOUTH 75 FEET LOTS 15 AND 16 AND LYING NORTHERLY OF THE SOUTH LINE OF LOT 15, SAID BLOCK 2, ROGERS NORTH ORITA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

;BEGIN AT THE INTERSECTION OF THE SOUTH LINE OF SAID LOT 15 AND THE CENTERLINE OF SOUTH PENINSULA DRIVE, A 50 FOOT RIGHT OF WAY AS NOW LAID OUT; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 15 TO THE MEAN HIGH WATER LINE OF THE HALIFAX RIVER; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE TO THE NORTH LINE OF SAID SOUTH 75 FEET LOTS 15 AND 16; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SOUTH 75 FEET LOTS 15 AND 16 TO SAID CENTERLINE OF SOUTH PENINSULA DRIVE; THENCE SOUTHERLY ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

;

CONTAINING 0.496 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (3038 S. Peninsula Drive.)



Source: Volusia County Property Appraiser Website, 2023



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

RECEIVED

MAY 04 2023

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

12023019

413219

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: 05 / 03 / 2023

Applicable Section of the Comprehensive Plan: _____

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

Applicant's Name: Charles and Patricia Register

Address: _____ Phone #: 386-871-9575

Property Address: 3038 S. Peninsula Drive Daytona Beach FL 32118

Existing Property Use: Single-family Residence

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:

Future land use amendment

Charles Register

Patricia Register

Applicant's Signature

05 / 03 / 2023

Date

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2023-07

A. INTRODUCTION

The proposed amendment seeks to change the future land use designation of a single-family residential property, recently annexed into the City, from Volusia County *Urban Low Intensity* (0.2-4.0 units/acre) to Daytona Beach Shores *Residential Low Intensity* (0-4.0 units/acre). The +/- 0.496-acre property is located at 3038 S. Peninsula Dr. The subject application, if approved, would result in the first 2023 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 3038 S. Peninsula Dr. from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Residential Low Intensity*:

Overview:

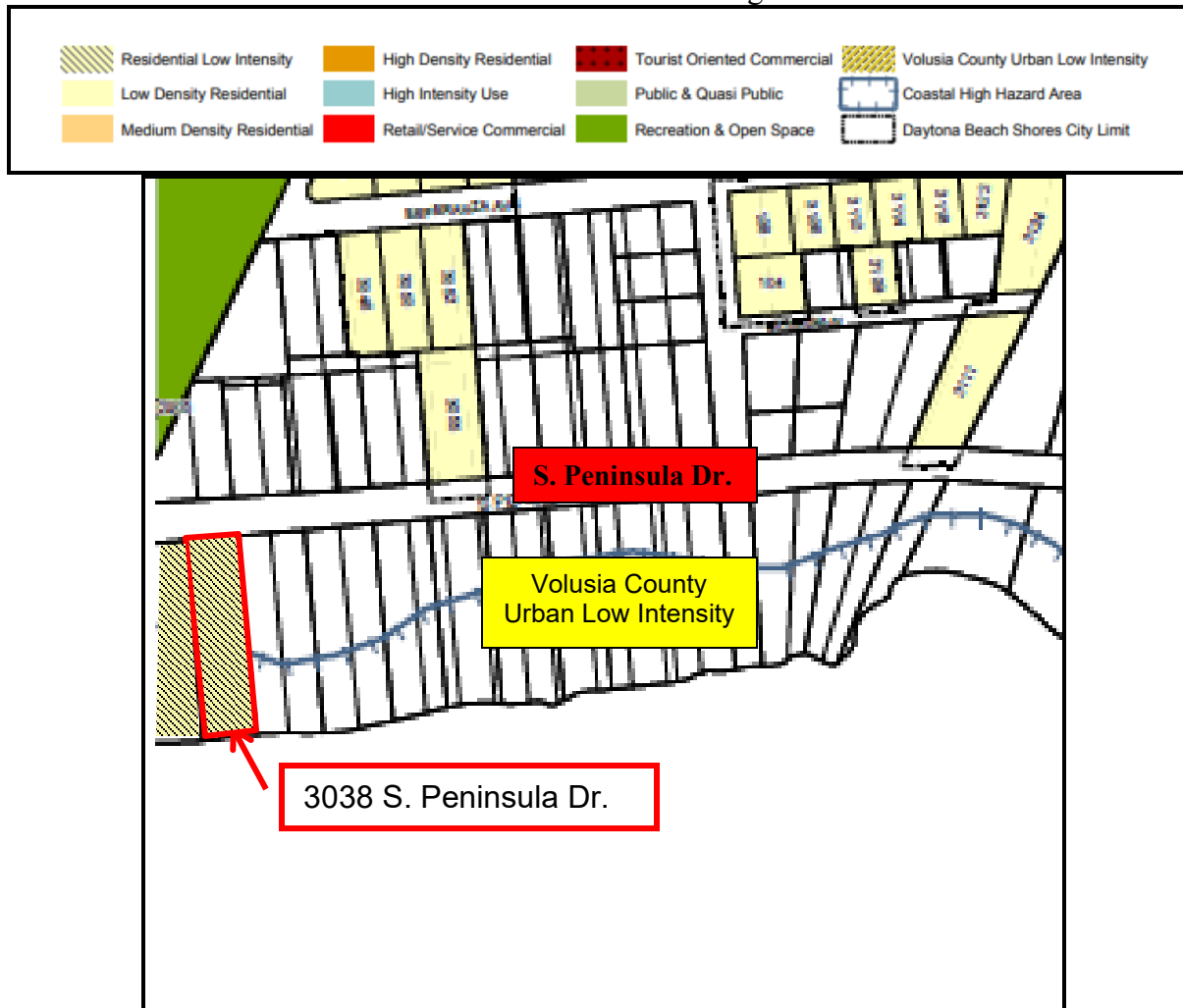
The property has a single-family residential structure on site. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-3” (Urban Single-Family Residential District), respectively. The surrounding future land use designations 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-3	RSF-1	Volusia County Urban Low Intensity	DBS Residential Low Intensity
North	RSF-1		DBS Residential Low Intensity	
South	R-3	RSF-1*	Volusia County Urban Low Intensity	DBS Residential* Low Intensity*
East	R-3		Volusia County Urban Low Intensity	
West	NA		NA	

Notes: * = property has been annexed into DBS and applied for rezoning and FLUMA to DBS RSF-1 and DBS Residential Low Intensity. R-3 = Volusia County *Urban Single-Family Residential District*.

FIGURE 1 3038 S. Peninsula Dr. 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 +/-0.496-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-1 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**). 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	2	2	None
Population ¹	3.14	3.14	None
AM / PM Peak Hour Trips ²	1.5/2.02	1.5/2.02	None
Sanitary Sewer (gallons/day) ³	500	500	None
Potable Water (gallons/day) ⁴	345.4	345.4	None
Solid Waste (lbs./person) ⁵	31.4	31.4	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Public School Student(s)	0.516	0.516	None

Notes:

1. Population: 1.57 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 = 0.258 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)
Volusia County Schools

Transportation:

The subject property is a single-family lot with vehicular transportation access to S. Peninsula Dr., which is a minor arterial connecting 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 SR 441 (Peninsula Dr) from Dunlawton Blvd to Florida Shores Blvd is “D”. The allowable Level-Of-Service (LOS) standard for S. Atlantic Avenue and Dunlawton Blvd is “D” and all 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 500 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 345.4 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 two (2) residential units that would be expected to support a population of 3.14 persons, which together would theoretically generate 31 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 3.14 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
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 Daytona Beach Shores Residential Low Intensity and Volusia County Urban Low Intensity (single-family) in character (**Figure 1**). The subject property is located in a single-family neighborhood **Figure 2**.

Figure 2: Aerial View-3038 S. Peninsula Dr. and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2023

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 S. Peninsula Dr., 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 single-family 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 AUGUST 22, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Ordinance 2023-08: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 3040 South Peninsula Drive

SYNOPSIS:

Ordinance 2023-08, 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 3040 S. Peninsula Dr. (Exhibit A). The application (Exhibit B) was submitted by Charles and Brandea Steffy, owners of the subject property. Applying a City future land use designation is a requirement of Florida Law whenever a property is annexed. The property is 0.640 acres and is occupied by a 3,446 square foot residential single family structure. The proposed Daytona Beach Shores future land use designation is consistent with the current Volusia County future land use category and as such, the use will remain as single-family residential.

FISCAL IMPACT STATEMENT:

No financial impact to the current fiscal year but the property could be included in the taxable value from the property appraiser for the FY24-25 Budget Year if approved.

BACKGROUND:

A. BACKGROUND

The subject property, located at 3040 S. Peninsula Dr., 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-1 Urban Single-Family Residential Detached District, consistent with the existing and surrounding land uses and current Volusia County R-3 District zoning classification. The rezoning will

occur subsequent to the future land use amendment associated with the subject property.

The Planning and Zoning Board recommended approval of Ordinance 2023-08 at their regular meeting on August 14, 2023.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of Ordinance 2023-08 as presented.

SUGGESTED MOTION:

A Commission member may motion as follows:

1. "I move to approve Ordinance 2023-08 as presented."
OR
2. "I move to approve Ordinance 2023-08, with the following amendments..."
OR
3. "I move to deny Ordinance 2023-08, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2023-08-FLUMA-3040 S. Peninsula Dr.-Steffy
 2. Exhibit A-Location Map-3040 S. Peninsula Drive
 3. Exhibit B- FLUMA Application-3040 S. Peninsula Dr.
 4. Exhibit C-Planning Analysis-FLUMA-3040 S. Peninsula Dr.

ORDINANCE NO: 2023-08

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 LOCATED AT 3040 SOUTH PENINSULA DRIVE (SHORT PARCEL IDENTIFICATION NUMBER 5334-02-02-0130); 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 property described in Section One herein was annexed into the City of Daytona Beach Shores on June 27, 2023, and an appropriate City future land use classification must be assigned to the real property in accordance with the requirements of controlling law; 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 Commission 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, CHARLES AND BRANDEA STEFFY, property owners of the real property with short tax parcel ID 5334-02-02-0130 and located at 3040 South Peninsula Drive, submitted an owner initiated future land use map amendment application to the City of Daytona Beach Shores; and

WHEREAS, CHARLES AND BRANDEA STEFFY, owners of the subject property, are requesting the City of Daytona Beach Shores to amend the future land use classification of the subject real property to Residential Low Intensity; and

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

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION 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 +/-0.640-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
3040 South Peninsula Drive	5334-02-02-0130	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

Ordinance 2023-08

Page No.2

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 _____, 2023.

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

EXHIBIT A

LOTS 13 AND 14, BLOCK 2, LYING WESTERLY OF SOUTH PENINSULA DRIVE, ROGERS NORTH ORITA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 1, PAGE 115, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

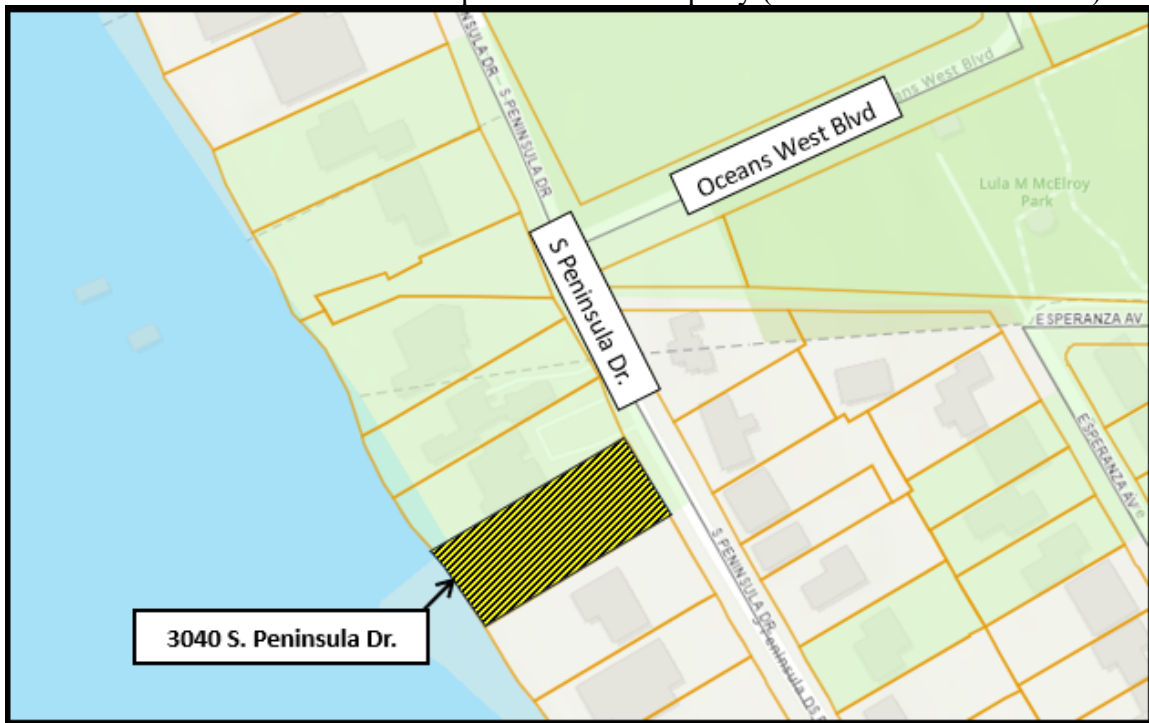
TOGETHER WITH THE WESTERLY 1/2 OF SOUTH PENINSULA DRIVE LYING SOUTHERLY OF THE NORTH LINE OF LOT 14 AND LYING NORTHERLY OF THE SOUTH LINE OF LOT 13, SAID BLOCK 2, ROGERS NORTH ORITA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

;

BEGIN AT THE INTERSECTION OF THE SOUTH LINE OF SAID LOT 13 AND THE CENTERLINE OF SOUTH PENINSULA DRIVE, A 50 FOOT RIGHT OF WAY AS NOW LAID OUT; THENCE WESTERLY ALONG THE SOUTH LINE OF OF SAID LOT 13 TO THE MEAN HIGH WATER LINE OF THE HALIFAX RIVER; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE TO THE NORTH LINE OF SAID LOT 14; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 14 TO SAID CENTERLINE OF SOUTH PENINSULA DRIVE; THENCE SOUTHERLY ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

CONTAINING 0.640 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (3040 S. Peninsula Drive.)



Source: Volusia County Property Appraiser Website, 2023



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

RECEIVED

MAY 04 2023

12023017

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

413218

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: 5/4/23

Applicable Section of the Comprehensive Plan: _____

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

Applicant's Name: Charles & Brancea Steffy

Address: 3040 S Peninsula Dr. Daytona Beach FL 32118 Phone #: 407-716-4329

Property Address: 3040 S Peninsula Dr. Daytona Beach, FL 32118

Existing Property Use: Single Family Residential

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:

LOTS 13 & 14 W OF PEN DR BLK 2 ROGERS NORTH ORITA MB. 1 PG 11

5 & RIP RIGHTS PER OR 3310 PG 1971 PER OR 3731 PG

4717 PER O R 6167 PGS 3629-3630 PER OR 6173 PGS 2963-

2966 INC PER OR 83

Description of your request: Due to annexation

[Signature]

Applicant's Signature

5/4/23
 Date

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2023-08

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 +/- 0.640-acre property is located at 3040 S. Peninsula Dr. The subject application, if approved, would result in the second 2023 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 3040 S. Peninsula Dr. from Volusia County *Urban Low Intensity* to Daytona Beach Shores *Residential Low Intensity*:

Overview:

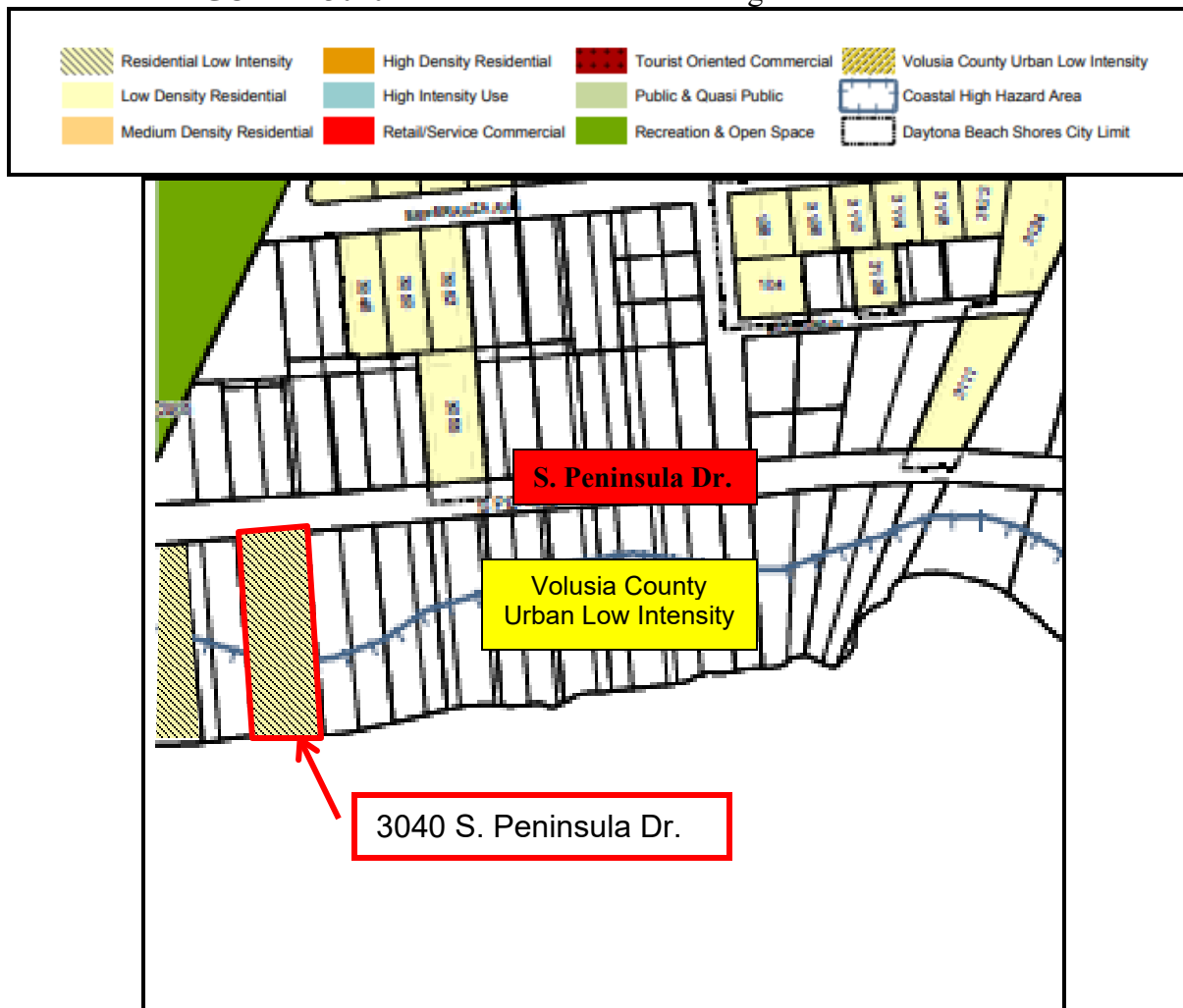
The property has a single-family residential structure on site. The current Volusia County Future Land Use (FLU) and Zoning designations on the property are *Urban Low Intensity* (0.2-4 units/acre) and “R-3” (Urban Single-Family Residential District), respectively. The surrounding future land use designations 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-3	RSF-1	Volusia County Urban Low Intensity	DBS Residential Low Intensity
North	R-3	RSF-1*	Volusia County Urban Low Intensity	DBS Residential Low Intensity*
South	R-3		DBS Residential Low Intensity	
East	R-3		Volusia County Urban Low Intensity	
West	NA		NA	

Notes: * = property has been annexed into DBS and applied for rezoning and FLUMA to DBS RSF-1 and DBS Residential Low Intensity. R-3 = Volusia County *Urban Single-Family Residential District*.

FIGURE 1 3040 S. Peninsula Dr. 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 +/-0.640-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-1 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**). 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	2	2	None
Population ¹	3.14	3.14	None
AM / PM Peak Hour Trips ²	1.5/2.02	1.5/2.02	None
Sanitary Sewer (gallons/day) ³	500	500	None
Potable Water (gallons/day) ⁴	345.4	345.4	None
Solid Waste (lbs./person) ⁵	31.4	31.4	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Public School Student(s)	0.516	0.516	None

Notes:

1. Population: 1.57 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 = 0.258 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)
Volusia County Schools

Transportation:

The subject property is a single-family lot with vehicular transportation access to S. Peninsula Dr., which is a minor arterial connecting 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 SR 441 (Peninsula Dr) from Dunlawton Blvd to Florida Shores Blvd is “D”. The allowable Level-Of-Service (LOS) standard for S. Atlantic Avenue and Dunlawton Blvd is “D” and all 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 500 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 345.4 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 31 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 3.14 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
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 Daytona Beach Shores Residential Low Intensity and Volusia County Urban Low Intensity (single-family) in character (**Figure 1**). The subject property is located in a single-family neighborhood **Figure 2**.

Figure 2: Aerial View-3040 S. Peninsula Dr. and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2023

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 S. Peninsula Dr., 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 single-family 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 AUGUST 22, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Ordinance 2023-09: Rezoning application for recently annexed property located at 3038 South Peninsula Drive

SYNOPSIS:

Ordinance 2023-09, if adopted, would amend the City's Official Zoning Map by assigning the "RSF-2 Urban Single-Family Residential Detached District" to the recently annexed single-family residential property located at 3038 S. Peninsula Dr. (Exhibit A). The application (Exhibit B) was submitted by Charles and Patricia Register, owners of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.496 acres and is occupied by a 3,482 square foot single family residential structure. The proposed amendment is compatible with the current Volusia County zoning district (R-3, Urban Single-Family Residential District).

FISCAL IMPACT STATEMENT:

No financial impact to the current fiscal year. The property value could be included in the FY24-25 Budget Year taxable value from the property appraiser if approved.

BACKGROUND:

A. BACKGROUND

The subject property, located at 3038 S. Peninsula Dr., 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.

The Planning and Zoning Board recommended approval of Ordinance 2023-09 at their regular meeting on August 14, 2023.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of Ordinance 2023-09 as presented.

SUGGESTED MOTION:

A Commission member may motion as follows:

1. "I move to approve Ordinance 2023-09 as presented."

OR

2. "I move to deny Ordinance 2023-09, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2023-09-Zoning Map Amendment-3038 S. Peninsula Dr-Register-RSF-2
 2. Exhibit A-Location Map-3038 S. Peninsula Dr.
 3. Exhibit B-Rezoning Application, 3038 S. Peninsula Dr.
 4. Exhibit C-Planning Analysis- Rezoning-3038 S. Peninsula Dr.-RSF-2

ORDINANCE NO. 2023-09

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE RSF-2 URBAN SINGLE-FAMILY RESIDENTIAL DETACHED DISTRICT ZONING CLASSIFICATION TO ANNEXED SINGLE-FAMILY RESIDENTIAL PROPERTY GENERALLY LOCATED AT 3038 SOUTH PENINSULA DRIVE, SHORT TAX PARCEL ID 5334-02-02-0160; 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 June 27, 2023, 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 Commission 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 Commission 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 COMMISSION 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 5334-02-02-0160, 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 _____, 2023.

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

EXHIBIT A

THE SOUTHERLY 75 FEET OF LOTS 15 AND 16, BLOCK 2, ROGERS NORTH ORITA, AS RECORDED IN MAP BOOK 1, PAGE 115, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS LIES WESTERLY OF SOUTH PENINSULA DRIVE, A 50 FOOT STREET AS NOW LAID OUT, THE SAID PARCEL LYING NORTHERLY 75 FEET AT RIGHT ANGLES TO THE SOUTHERLY LINE OF SAID LOT 15 EXTENDED WESTERLY TO THE HALIFAX RIVER.

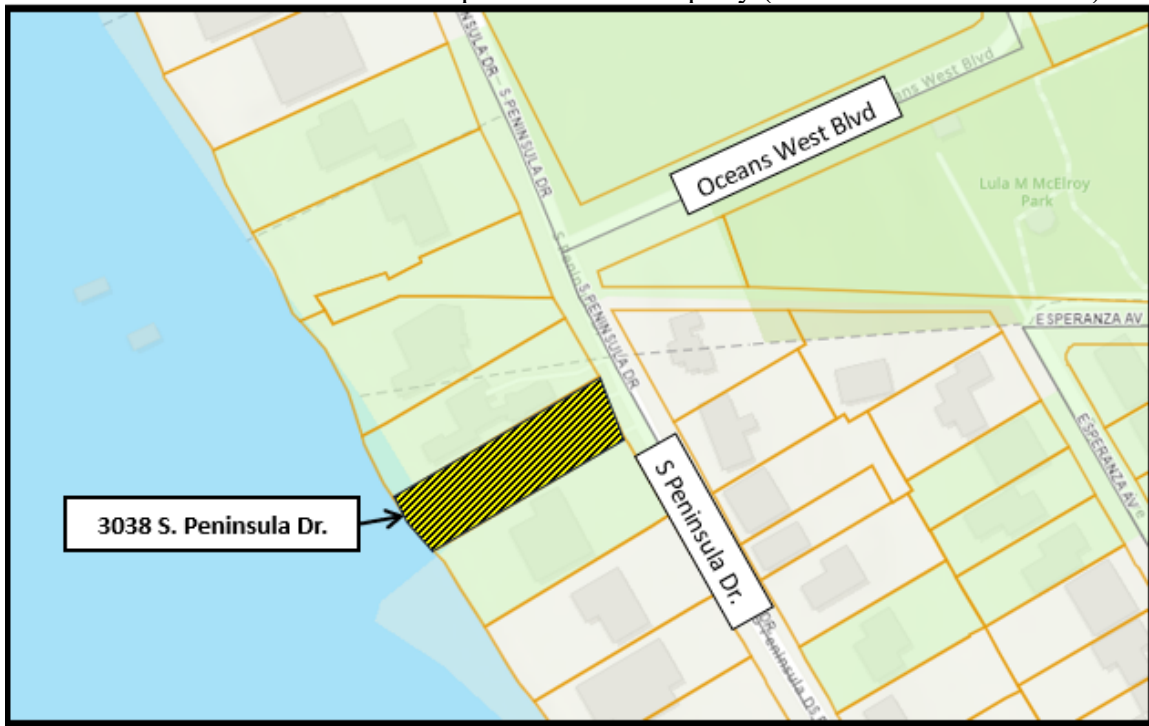
TOGETHER WITH THE WESTERLY 1/2 OF SOUTH PENINSULA DRIVE LYING SOUTHERLY OF THE NORTH LINE OF THE SOUTH 75 FEET LOTS 15 AND 16 AND LYING NORTHERLY OF THE SOUTH LINE OF LOT 15, SAID BLOCK 2, ROGERS NORTH ORITA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

;BEGIN AT THE INTERSECTION OF THE SOUTH LINE OF SAID LOT 15 AND THE CENTERLINE OF SOUTH PENINSULA DRIVE, A 50 FOOT RIGHT OF WAY AS NOW LAID OUT; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 15 TO THE MEAN HIGH WATER LINE OF THE HALIFAX RIVER; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE TO THE NORTH LINE OF SAID SOUTH 75 FEET LOTS 15 AND 16; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SOUTH 75 FEET LOTS 15 AND 16 TO SAID CENTERLINE OF SOUTH PENINSULA DRIVE; THENCE SOUTHERLY ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

;

CONTAINING 0.496 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (3038 S. Peninsula Drive.)



Source: Volusia County Property Appraiser Website, 2023



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

RECEIVED
MAY 05 2023
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES
413226

1 2023 020

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: ___/___/___

Current Zoning: R-3

Requested Zoning: RSF-1

Applicant's Name: Charles D & Patricia J. Register

Address: 3038 S Peninsula Drive Phone #: 386-871-9575

Representative: _____

Address: _____ Phone #: _____

Property Address & Parcel ID: 5334-02-02-0160

Property Owner: _____

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

Legal Description of Property:

Charles D Register
Patricia J Register
Applicant's Signature

5-5-2023
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.

Annexation

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

Annexation

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

Annexation

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

Annexation

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

Annexation

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

Annexation

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?

Annexation

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?

Annexation

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

Annexation

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

Annexation

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?

Annexation

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

Annexation

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

Annexation

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

Annexation

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2023-09

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the annexed single-family residential property located at 3038 S. Peninsula Dr. from Volusia County *R-3 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 0.496 and has a single-family residential structure on site.

B. EXISTING ZONING AND CURRENT LAND USE

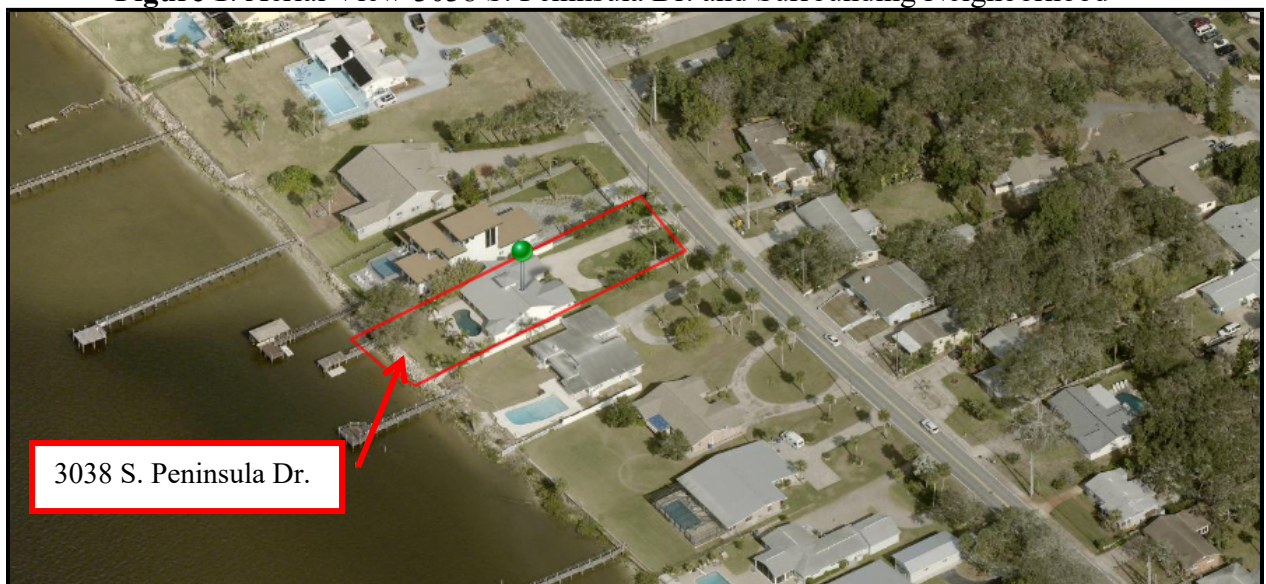
Table 1 below provides a narrative description of the zoning district classifications and current land uses (i.e., existing development) for the subject property and surrounding area while **Figure 1** provides an aerial view of the subject property and surrounding land uses and **Figure 2** is a zoning 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-3	Single Family Residence
North	RSF-2	Single Family Residence
South	R-3 (RSF-2)*	Single Family Residence
East	R-3	Single Family Residence
West	NA	Halifax River

Notes: R-3= *Volusia County Urban Single-Family Residential District*, RSF-2 = *DBS Urban Single-Family Residential District*; R-3 (RSF-2)*= property has been annexed into DBS and applied for rezoning to DBS RSF-2.

Figure 1: Aerial View-3038 S. Peninsula Dr. and Surrounding Neighborhood



Source: Volusia County Property Appraiser Pictometry, 2023

Figure 2: 3038 S. Peninsula Dr. – Zoning Map

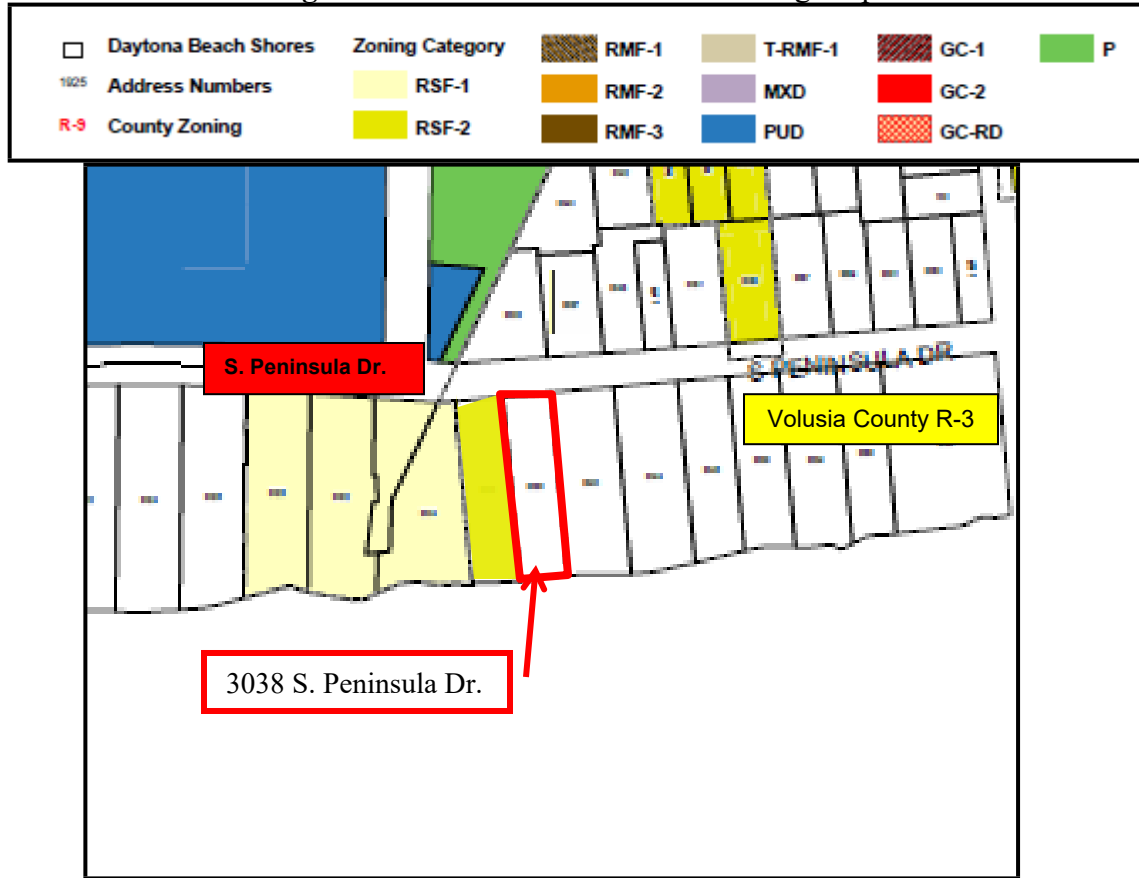


Figure 3: Street View of 3038 S. Peninsula Dr.



As noted in **Table 1** above, the subject property is currently zoned Volusia County *R-3 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-3 Urban Single-Family Residential District”:

Purpose and intent: The purpose and intent of the R-3 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-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 modular dwellings.

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”:

Section 14-17.1. Purpose and Intent: The purpose and intent of the RSF-2 Urban Single-Family Residential Detached District is to provide low 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.

Section 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.

Section 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 two (2) single-family residential units if proposed in the future.

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, CHARLES D. REGISTER and PATRICIA J. REGISTER, trustees or successor trustee(s) of the REGISTER FAMILY TRUST dated March 18, 2003. The subject property is located at 3038 S. Peninsula Dr. and has an acreage of 0.496+/- . The site has vehicular and pedestrian access to S. Peninsula Dr. which directly connects to Dunlawton Blvd. to the south and Silver Beach Ave. to the north.

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	2	2	None
Population ¹	3.14	3.14	None
AM / PM Peak Hour Trips ²	1.5/2.02	1.5/2.02	None
Sanitary Sewer (gallons/day) ³	500	500	None
Potable Water (gallons/day) ⁴	345.4	345.4	None
Solid Waste (lbs./person) ⁵	31.4	31.4	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Public School Student(s)	0.516	0.516	None

Notes:

1. Population: 1.57 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 = 0.258 per single-family unit.

Sources:

2020 US Census

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 onto S. Peninsula Dr. and to 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 Daytona Beach Shores zoning to the north and the remaining Volusia County zoning district classification of 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 AUGUST 22, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Ordinance 2023-10: Rezoning application for recently annexed property located at 3040 South Peninsula Drive

SYNOPSIS:

Ordinance 2023-10, 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 3040 S. Peninsula Dr. (Exhibit A). The application (Exhibit B) was submitted by Charles and Brandea Steffy, owners of the subject property, and is a requirement of Florida Law when a property is annexed. The property is 0.640 acres and is occupied by a 3,446 square foot residential single family structure. The proposed amendment is compatible with the current Volusia County zoning district (R-3, Urban Single-Family Residential District).

FISCAL IMPACT STATEMENT:

No financial impact to the current fiscal year but the property could be included in the taxable value from the property appraiser for the FY24-25 Budget Year if approved.

BACKGROUND:

A. BACKGROUND

The subject property, located at 3040 S. Peninsula Dr., 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.

The Planning and Zoning Board recommended approval of Ordinance 2023-10 at their regular meeting on August 14, 2023.

B. PLANNING ANALYSIS

See Exhibit C for planning analysis.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of Ordinance 2023-10 as presented.

SUGGESTED MOTION:

A Commission member may motion as follows:

1. "I move to approve Ordinance 2023-10 as presented."

OR

2. "I move to deny Ordinance 2023-10, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2023-10-Zoning Map Amendment-3040 S. Peninsula Dr.-Steffy-RSF-2
 2. Exhibit A-Location Map-3040 S. Peninsula Drive
 3. Exhibit B- Rezoning Application-3040 S. Peninsula Dr.
 4. Exhibit C-Planning Analysis- Rezoning-3040 S. Peninsula Dr-RSF-2

ORDINANCE NO. 2023-10

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 3040 SOUTH PENINSULA DRIVE, SHORT TAX PARCEL ID 5334-02-02-0130; 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 June 27, 2023, 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 Commission 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 Commission 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 COMMISSION 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 5334-02-02-0130, 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 _____, 2023.

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

EXHIBIT A

LOTS 13 AND 14, BLOCK 2, LYING WESTERLY OF SOUTH PENINSULA DRIVE, ROGERS NORTH ORITA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 1, PAGE 115, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

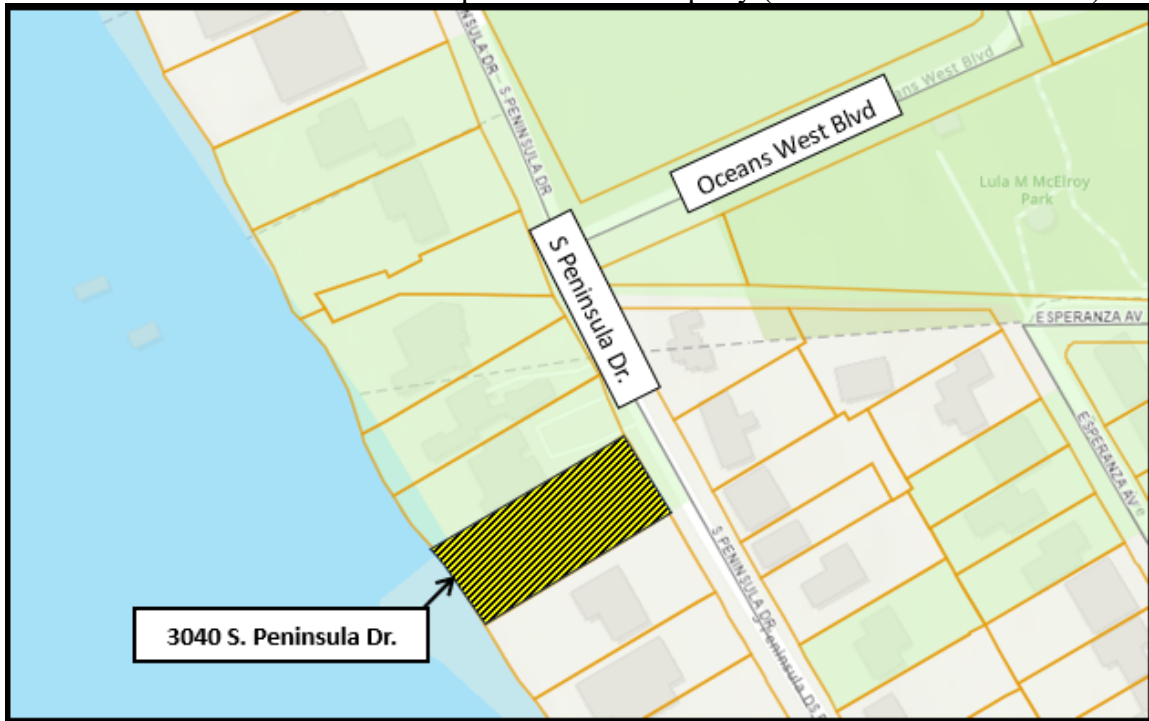
TOGETHER WITH THE WESTERLY 1/2 OF SOUTH PENINSULA DRIVE LYING SOUTHERLY OF THE NORTH LINE OF LOT 14 AND LYING NORTHERLY OF THE SOUTH LINE OF LOT 13, SAID BLOCK 2, ROGERS NORTH ORITA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

;

BEGIN AT THE INTERSECTION OF THE SOUTH LINE OF SAID LOT 13 AND THE CENTERLINE OF SOUTH PENINSULA DRIVE, A 50 FOOT RIGHT OF WAY AS NOW LAID OUT; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 13 TO THE MEAN HIGH WATER LINE OF THE HALIFAX RIVER; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE TO THE NORTH LINE OF SAID LOT 14; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 14 TO SAID CENTERLINE OF SOUTH PENINSULA DRIVE; THENCE SOUTHERLY ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

CONTAINING 0.640 ACRES, MORE OR LESS.

EXHIBIT A: Location Map of Annexed Property (3040 S. Peninsula Drive.)



Source: Volusia County Property Appraiser Website, 2023



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

RECEIVED

MAY 04 2023

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

413218

12023016

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: 5/4/23

Current Zoning: R3

Requested Zoning: _____

Applicant's Name: Charles & Brandea Steffy

Address: 3040 S Peninsula Dr. Phone #: 407-716-4329
Daytona Beach, FL 32118

Representative: Self

Address: 3040 S Peninsula Dr. Daytona Phone #: 407-716-4329
Beach, FL 32118

Property Address & Parcel ID: 3040 S. Peninsula Drive, Daytona Beach, FL 32118 533402020130

Property Owner: Charles & Brandea Steffy

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

Legal Description of Property:

LOTS 13 & 14 W OF PEN DR BLK 2 ROGERS NORTH ORITA MB 1 PG 11
5 & RIP RIGHTS PER OR 3310 PG 1971 PER OR 3731 PG 4717
PER O R 6167 PGS 3629-3630 PER OR 6173 PGS
2963-2966 INC PER OR 83

[Signature]
Applicant's Signature

5/4/23
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.

Due to annexation

RECEIVED

MAY 04 2023

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

413218

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

Due to Annexation

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

Due to Annexation

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

Due to Annexation

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

Due to annexation

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

Due to annexation

RECEIVED

MAY 04 2023

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

413218

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?

Due to annexation

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?

Due to annexation

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

Due to annexation

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

Due to annexation

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?

Due to annexation

RECEIVED

MAY 04 2023

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

413218

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

Due to annexation

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

Due to annexation

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

Due to annexation

EXHIBIT C
PLANNING ANALYSIS
Ordinance 2023-10

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the annexed single-family residential property located at 3040 S. Peninsula Dr. from Volusia County *R-3 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 0.640 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-3	Single Family Residence
North	R-3 (RSF-2)*	Single Family Residence
South	R-3	Single Family Residence
East	R-3	Single Family Residence
West	NA	Halifax River

Notes: R-3= Volusia County Urban Single-Family Residential District, RSF-2 = DBS Urban Single-Family Residential District; R-3 (RSF-2)*= property has been annexed into DBS and applied for rezoning to DBS RSF-2.

Figure 1: Aerial View-3040 S. Peninsula Dr. and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2023

Figure 2: 3040 S. Peninsula Dr. – Zoning Map

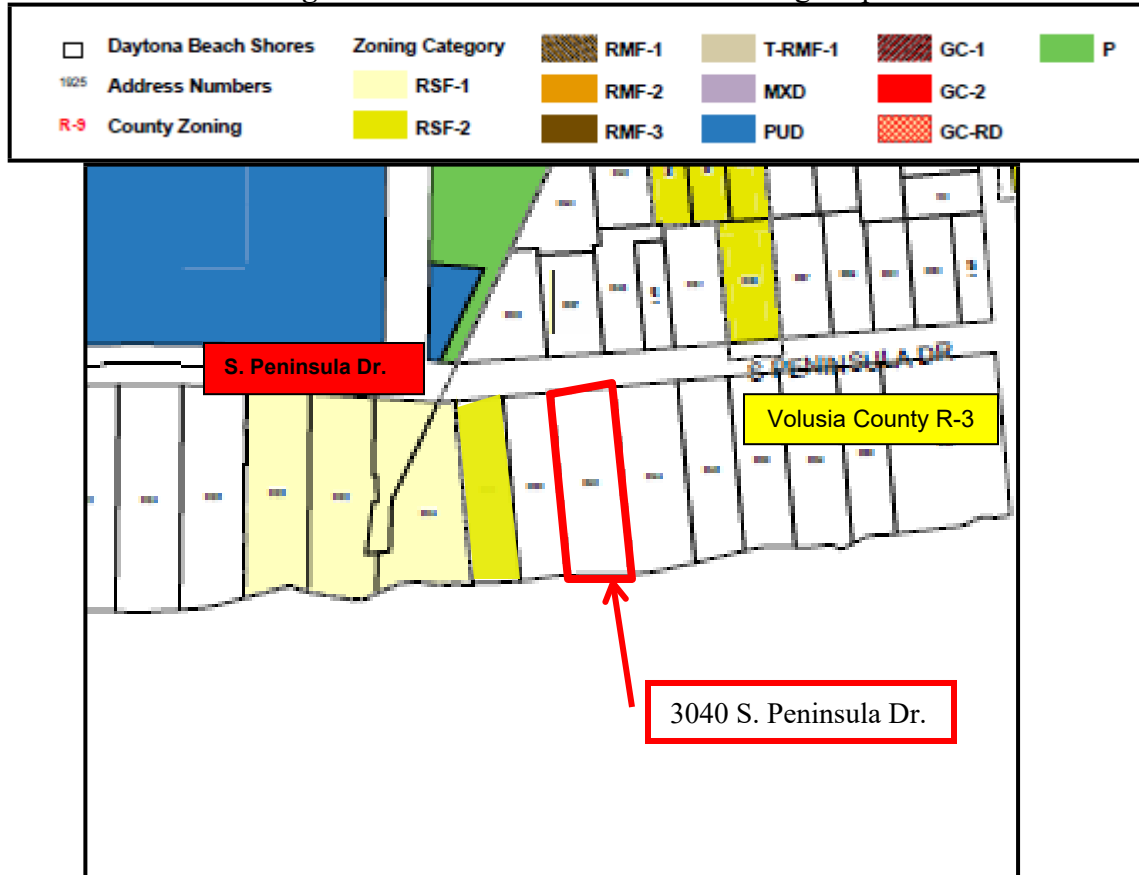


Figure 3: Street View of 3040 S. Peninsula Dr.



As noted in **Table 1** above, the subject property is currently zoned Volusia County R-3 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-3 Urban Single-Family Residential District”:

Purpose and intent: The purpose and intent of the R-3 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-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 modular dwellings.

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”:

Section 14-17-.1. Purpose and Intent: The purpose and intent of the RSF-2 Urban Single-Family Residential Detached District is to provide low 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.

Section 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.

Section 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 two (2) single-family residential units if proposed in the future.

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 owners, Charles and Brandea Steffy. The subject property is located at 3040 S. Peninsula Dr. and has an acreage of 0.640+/- . The site has vehicular and pedestrian access to S. Peninsula Dr. which directly connects to Dunlawton Blvd. to the south and Silver Beach Ave. to the north.

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	2	2	None
Population ¹	3.14	3.14	None
AM / PM Peak Hour Trips ²	1.5/2.02	1.5/2.02	None
Sanitary Sewer (gallons/day) ³	500	500	None
Potable Water (gallons/day) ⁴	345.4	345.4	None
Solid Waste (lbs./person) ⁵	31.4	31.4	None
Stormwater Drainage ⁶	n/a	n/a	n/a
Public School Student(s)	0.516	0.516	None

Notes:

1. Population: 1.57 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 = 0.258 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)
Volusia County Schools

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 onto S. Peninsula Dr. and to 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 Daytona Beach Shores zoning to the north and the remaining Volusia County zoning district classification of 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.