Planning & Zoning Board
Monday, January 9, 2023 at 5:30 PM

City Commission Chambers
214 Sams Avenue, New Smyrna Beach, Florida 32168

1. CALL TO ORDER

A. Roll Call

2. APPROVAL OF MINUTES

2.A Approval of the Planning and Zoning Board October 3, 2022, November 7, 2022 and December 5, 2022 Regular Meeting Minutes.

3. PUBLIC PARTICIPATION

4. OLD BUSINESS

4.A V-16-22: 802 Magnolia Street

5. NEW BUSINESS

5.A Z-1-23: North Atlantic Avenue

5.B ZT-8-22: Multiple amendments to Section 504.02 of the City Land Development Regulations.

5.C Selection of the 2023 Vice Chairperson

5.D Discussion Item: Planning and Zoning Board General Discussion of Workshop Items

6. COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

7. REPORTS AND COMMUNICATION BY THE STAFF

7.A Janaury 2023 Development Activity Report

8. ADJOURNMENT

Pursuant to Florida Statutes 286.0105, if an individual decides to appeal any decision made by the board, agency or commission of the City of New Smyrna Beach with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office in person or by mail at 210 Sams Avenue, New Smyrna Beach, Florida 32168, (386) 410-2630, prior to the meeting.

THE CITY OF NEW SMYRNA BEACH - DEVELOPMENTAL SERVICES

APPROVAL OF THE PLANNING AND ZONING BOARD OCTOBER 3, 2022, NOVEMBER 7, 2022 AND DECEMBER 5, 2022 REGULAR MEETING MINUTES.

January 9, 2023

Background:
Florida Statutes require that minutes be prepared and approved for all meetings of the Planning and Zoning Board.

Findings:
Staff recommends the Planning and Zoning Board approve the minutes of the regular Planning and Zoning Board meetings held on October 3, 2022, November 7, 2022 and December 5, 2023 Regular Meeting Minutes.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Stephanie Ferrara - Development Services Coordinator

Attachments:

December 5 2022 FULL MEETING MINUTES.pdf
November 7 2022 FULL MEETING MINUTES.pdf
October 3 2022 FULL MEETING MINUTES.pdf

Planning and Zoning Regular Meeting
Monday, December 5, 2022 at 5:30 PM
MINUTES

1. CALL TO ORDER

Having been duly advertised as required by law, the regular meeting of the Planning and Zoning Board of the City of New Smyrna Beach, Florida, was held on Monday, December 5, 2022 at the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida 32168.

Chair Smith called the meeting to order at 5:30 PM.

Roll Call

Attendee Name	Title	Status	Arrived
Brooke Weiss	Member	Present	5:30 PM
Stephen Yates	Member	Present	5:30 PM
Larry Wheatcraft	Member	Present	5:30 PM
Curtis Hodges	Member	Present	5:30 PM
Kip Hulvershorn	Member	Absent	----------
Susan Neylon	Vice Chair Person	Present	5:30 PM
Sandra Smith	Chair Person	Present	5:30 PM

Also present were: Senior Planners Jake Baker and Robert Mathen, Assistant City Attorney Shey McCurdy, and Board Secretary Stephanie Ferrara.

Chair Smith asked if there were any changes to the agenda. Staff had no changes to the agenda.

2. APPROVAL OF MINUTES

2.A Approval of the Planning and Zoning Regular Meeting Minutes

None.

DRAFT

3. PUBLIC PARTICIPATION

Joe Dlubac, 3587 Casalta Circle, commented about the proposed moratorium and it being very limited. He spoke about the flooding within Venetian Bay.

Mike Bouma, 3307 Modena Way, spoke about Village Center East and current flooding requirements. He commented about the required civic use within Venetian Bay and why the City would approve a trail system as a use. He also inquired about a proposed commercial/residential building located at 44 and airport road.

4. OLD BUSINESS

None.

5. NEW BUSINESS

5.A SV-1-22: South Myrtle Ave

Robert Mathen, Senior Planner, outlined the Applicant's request to vacate approximately 50 feet wide by 100 feet long, south of West 7th Street, a platted un-opened Myrtle Avenue. In addition, the Applicant proposed to dedicate 15 foot wide right-of-way along South Myrtle Avenue.

Chair Smith asked if the Applicant would like to speak. The Applicant did not wish to speak.

Chair Smith opened the meeting for Public Participation. As no citizens wished to speak, Chair Smith closed Public Participation.

Chair Smith asked the Board if they had any additional questions or comments.

Motion:
Member Hodges moved to recommend approval to City Commission for SV-1-22: South Myrtle Ave, as submitted. Vice-Chair Neylon seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Hodges
SECONDER:	Neylon
AYES:	Weiss, Yates, Wheatcraft, Hodges, Neylon, Smith

5.B V-16-22: 802 Magnolia Street

Jake Baker, Senior Planner, outlined the Applicant's request to allow a driveway to be located 1.0' from a side (west) property line, a variance of 9.0'.

Vice-Chair Neylon commented on Staff's explanation of criteria "b" being weak.

Member Weiss suggested the setback be 1.6" not 1.0' and commented about curb cut.

Chair Smith commented about the property being a non-conforming lot. Cited section 504.01 General Regulations. Chair Smith stated that this was a self-created hardship and does support the variance request.

Chair Smith suggest that Applicant to redesign the building to meet current set back requirements.

Chair Smith asked if the Applicant would like to speak. Stephanie Ferrara, Board Secretary, sworn in the Applicant.

Joseph Blanchette, 6325 Engram Road, New Smyrna Beach, FL 32168, spoke about his variance request. He stated that he would be reducing the current building from 1,355 square feet to 960 square feet. He further explained that decreasing the building size will allow the property to meet current stormwater requirements. He stated that the middle would need to be wide enough to fit a forklift. Hardboard material would be used in the front facade of the building. This would meet the City's architectural design standards.

Chair Smith asked the Applicant to look into redesigning the building to meet current setbacks. Chair Smith requested a continuance for this agenda item.

Member Hodges asked if a fence will be in the front of the building. The Applicant stated yes.

Chair Smith opened the meeting for Public Participation. As no citizens wished to speak, Chair Smith closed Public Participation.

Chair Smith asked the Board if they had any additional questions or comments.

Member Weiss stated that he had no objections continuing the Applicant's variance request.

Member Hodges stated that he supports the improvements and variance request.

Member Wheatcraft spoke in support of the variance request.

Vice-Chair Neylon stated that a stronger case can be made for the variance request.

Motion:
Member Weiss moved to continue V-16-22: 802 Magnolia Street to January 9, 2023. Vice-Chair Neylon seconded the motion, and the motion carried unanimously.

RESULT:	**CONTINUED [UNANIMOUS]**
MOVER:	Weiss
SECONDER:	Neylon
AYES:	Weiss, Yates, Wheatcraft, Hodges, Neylon, Smith

5.C ZT-16-22: Fences on Corner Lots

Jake Baker, Senior Planner, outlined the City's request to amend the City's Land Development Regulations (LDR) to allow 6-foot tall fences within secondary front yard setbacks.

Vice-Chair Neylon supported the request.

Member Weiss does not support this request and requested a better definition for fence.

Member Hodges supported the request.

Member Yates and Member Wheatcraft supported the request.

Chair Smith commented about visibility.

Chair Smith opened the meeting for Public Participation.

Paul Polhill, 646 N Riverside Drive, stated that his property is located within the Garden District. Spoke about his proposal. Chair Smith directed Mr. Polhill to contact staff regarding his proposal.

Norris Mealy, 2530 Edgewater Avenue, spoke in support of this request. He stated that most of the neighbors have 6 foot fences.

Chair Smith closed Public Participation.

Chair Smith asked the Board if they had any additional questions or comments.

Member Hodges stated his support for this request.

Motion:
Vice-Chair Neylon moved to recommend approval to City Commission for ZT-16-22: Fences on Corner Lots, as submitted. Member Hodges seconded the motion, and the motion passed with a vote of 5-1. Member Weiss voted no.

RESULT:	**PASSED [5-1]**
MOVER:	Neylon
SECONDER:	Hodges
AYES:	Yates, Wheatcraft, Hodges, Neylon, Smith
NAYS:	Weiss

5.D A-13-22: 2655 Pioneer Trail

Robert Mathen, Senior Planner, outlined the applicant's request to seek approval for a Voluntary annexation, Comprehensive Plan amendment, and rezoning: From: Volusia County Future Land Use (FLU) designation of Urban Low Intensity, and Volusia County zoning designation of A-3, Transitional Agriculture with an "A" attached for Airport Overlay Zone. To: City Future land use designation of Low Density Residential, and City zoning designation of A-3, Transitional Agriculture with an "A" attached for Airport Overlay Zone.

Chair Smith opened the floor for the applicant to speak.

Chair Smith opened the meeting for Public Participation. As no citizens wished to speak, Chair Smith closed Public Participation.

Chair Smith asked the Board if they had any additional questions or comments.

Motion:

Vice-Chair Neylon moved to recommend approval for A-14-22: 2655 Pioneer Trail, as submitted. Member Yates seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Neylon
SECONDER:	Yates
AYES:	Weiss, Yates, Wheatcraft, Hodges, Neylon, Smith

5.E A-14-22: 645 Oliver Drive

Robert Mathen, Senior Planner, outlined the applicant's request to seek approval for a Voluntary annexation, Comprehensive Plan amendment, and rezoning: From: Volusia County Future Land Use (FLU) designation of Urban Low Intensity, and Volusia County zoning designation of R-1, Urban Single-Family Residential with an "A" attached for Airport Overlay Zone. To: City Future land use designation of Low Density Residential, and City zoning designation of R-1CO, Single Family Residential with an "A" attached for Airport Overlay Zone.

Chair Smith opened the floor for the applicant to speak.

Chair Smith opened the meeting for Public Participation. As no citizens wished to speak, Chair Smith closed Public Participation.

Chair Smith asked the Board if they had any additional questions or comments.

Motion:

Vice-Chair Neylon moved to recommend approval for A-14-22: 645 Oliver Drive, as submitted. Member Weiss seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Neylon
SECONDER:	Weiss
AYES:	Weiss, Yates, Wheatcraft, Hodges, Neylon, Smith

5.F Planning and Zoning 2023 Regular Meeting Schedule

Motion:

Member Weiss approved Planning and Zoning 2023 Meeting Schedule, as submitted. Member Wheatcraft seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Weiss
SECONDER:	Wheatcraft
AYES:	Weiss, Yates, Wheatcraft, Hodges, Neylon, Smith

5.G Selection of the 2023 Chairperson and Vice Chairperson

2023 Chairperson – Sandra Smith
2023 Vice Chairperson – Continued to January 9, 2023 Meeting.

6. COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

Vice Chair Neylon spoke about her time on the board.

Member Weiss proposed an open public workshop. Member Neylon stated that workshops need to be subject driven. Mr. Mathen stated that staff would need a consensus from the board in order to move forward.

7. REPORTS AND COMMUNICATIONS BY THE STAFF

A. December 2022 Development Activity Report

8. ADJOURNMENT

As there was no other business to discuss, Chair Smith declared the meeting adjourned at 7:15 P.M.

Planning and Zoning Regular Meeting
Monday, November 7, 2022 at 5:30 PM
MINUTES

1. CALL TO ORDER

Having been duly advertised as required by law, the regular meeting of the Planning and Zoning Board of the City of New Smyrna Beach, Florida, was held on Monday, November 7, 2022 at the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida 32168.

Chair Smith called the meeting to order at 5:30 PM.

Roll Call

Attendee Name	Title	Status	Arrived
Brooke Weiss	Member	Present	5:30 PM
Stephen Yates	Member	Present	5:30 PM
Larry Wheatcraft	Member	Present	5:30 PM
Curtis Hodges	Member	Present	5:30 PM
Kip Hulvershorn	Member	Absent	----------
Susan Neylon	Vice Chair Person	Absent	----------
Sandra Smith	Chair Person	Present	5:30 PM

Also present were: Chief Planner Jeff Gove, Senior Planners Jake Baker and Robert Mathen, Assistant City Attorney Shey McCurdy, and Board Secretary Stephanie Ferrara.

Chair Smith asked if there were any changes to the agenda. Staff had no changes to the agenda.

2. APPROVAL OF MINUTES

2.A Approval of the Planning and Zoning Regular Meeting Minutes

None.

DRAFT

3. PUBLIC PARTICIPATION

Lisa Martin, 618 S. Pine Street – Spoke about the moratorium.

4. OLD BUSINESS

None.

5. NEW BUSINESS

5.A V-15-22: 215 DUE EAST

Jake Baker, Senior Planner, outlined the applicant's request to allow a driveway to be located 1.0' from the side (west) property line.

Member Hodges inquired about the location of the proposed driveway.

Mr. Baker stated that proposed location is shown on the survey. The applicant will have a new French drain.

Chair Smith asked if the applicant wished to speak. Stephanie Ferrara, Board Secretary, swore in the witness.

Applicant and Owner, Joshua Dougherty, 908 Kersfield Circle, Heathrow, FL 32746, spoke about his variance request. He stated that the material being used is pavers.

Chair Smith opened the meeting for Public Participation. As no citizens wished to speak, Chair Smith closed Public Participation.

Chair Smith asked the Board if they had any additional questions or comments.

Motion:
Member Wheatcraft moved to approve for V-15-22: Due East, as submitted. Member Hodges seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Wheatcraft
SECONDER:	Hodges
AYES:	Weiss, Yates, Wheatcraft, Hodges, Smith

5.B SE-2-22: 720 SOUTH DIXIE FREEWAY

Jake Baker, Senior Planner, outlined the applicant's request to allow an existing 57,855 square foot building to be used for mini-warehouse storage space.

Chair Smith asked if the mini-warehouse allow for outside storage. Mr. Baker stated that the storage would be inside.

Member Weiss commented about creating more retention on the property and landscaping.

Chair Smith asked about upgrading the property to allow more water retention. Mr. Baker stated that the special exception only allows for upgraded landscape plan.

Chair Smith asked if the applicant wished to speak. Stephanie Ferrara, Board Secretary, swore in the witness.

Aeriel McCann, 748 Coltra Lane, Attorney for Applicant, spoke about the requested special exception. Stated that the applicant would not be adding or changing the foot print of the building. The special exception only requires a landscaping plan.

Chair Smith opened the meeting for Public Participation. As no citizens wished to speak, Chair Smith closed Public Participation.

Chair Smith asked the Board if they had any additional questions or comments.

Member Weiss stated that he cannot support this request without addition documentation.

Shey McCurdy, Assistant City Attorney, remained the Board that your decision needs to be made on the criteria that has been provided to you by staff.

Member Wheatcraft supports the special exception request. Discussion ensued with the board regarding improvements to the property.

Motion:
Member Hodges moved to recommend approval to City Commission for SE-2-22: 720 South Dixie Freeway, as submitted. Member Wheatcraft seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Hodges
SECONDER:	Wheatcraft
AYES:	Weiss, Yates, Wheatcraft, Hodges, Smith

5.C PUD-1-22: BLUE DOLPHIN BOAT AND RV STORAGE PUD MDA

Jeff Gove, Chief Planner, outlined the Applicant's request to allow a new PUD Master Development Agreement (MDA) and Conceptual Development Plans (CDP) to allow for a Boat and Recreation Vehicle (RV) storage facility consisting of approximately one hundred sixty (160) individual boat and RV storage stall (a/k/a "spaces") and related amenities.

Member Weiss provided written comments regarding the site plan.

Chair Smith asked if the applicant wished to speak. Stephanie Ferrara, Board Secretary, swore in the witness.

Applicant and Owner Michael J Grindstaff, 300 Orange Ave., Suite 1600, Orlando, spoke about his Proposed PUD request. Discussion ensued with the board regarding retention area, maximum building height, types of trees and tree size.

David Evans, Evans Engineering, 719 Irma Avenue, Orlando, Florida. Mr. Evans was the Engineer of record. Spoke about vegetation on the site and working with FDOT regarding this project. Stated that there are no structure being proposed. Discussion ensued with Member Weiss regarding elevation and the type of fencing being used.

Chair Smith opened the meeting for Public Participation. As no citizens wished to speak, Chair Smith closed Public Participation.

Chair Smith asked the Board if they had any additional questions or comments.

Motion:
Member Weiss moved to recommend approval to City Commission for PUD-1-22: Blue Dolphin Boat and RV Storage, with the following conditions:

1. The Retention and/or Detention Areas shall meet or exceed the requirements of the City of New Smyrna Beach,
2. Pavement on-site is permeable, and provides the greatest possible contribution to eliminate and minimize flooding from the site,
3. Maximum building height to be no larger than 20', and
4. The fence not go around the Retention Pond.

Member Hodges seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Weiss
SECONDER:	Hodges
AYES:	Weiss, Yates, Wheatcraft, Hodges, Smith

5.D TEMPORARY DEVELOPMENT MORATORIUM

Robert Mathen, Senior Planner, outlined the City's request to adopt a temporary moratorium for properties that are located with the FEMA flood zones A & AE. Staff is requesting this proposed moratorium to last until February 23, 2023 unless rescinded or extended.

Member Weiss submitted a memorandum on behalf of New Smyrna Beach Residents' Coalition.

Ms. McCury Stated that City Attorney office has received a copy of the document and will take it under consideration.

Member Smith commented about the moratorium being City wide.

Chair Smith opened the meeting for Public Participation.

Michelle Lindsey, 2132 Burma Road, spoke about her home being flooded and over-development.

David Pogany, 480 Judy Street, he stated that he lived in the City all his life. Spoke about his home being flooded and drainage needing to be addressed.

Claudia Vanderhorst, 562 Aeolian Drive, spoke about the development being a cow pasture. She stated that Costal Woods sits four feet above the development. Commented about drainage within the development.

Barbra Frappier, 2536 Edgewater Ave., spoke about loss of trees and filing in wetlands. She spoke about FEMA regulations.

Jay Pendergast, 5900 S. Atlantic Avenue, spoke about flooding being a regional issue not just a City issue. Spoke about bringing experts in to assist with development issues. In addition, having a grant writer so that the City can receive funds to improve the City's drainage system.

Chair Smith closed Public Participation.

Chair Smith asked the Board if they had any additional questions or comments.

Ms. McCury Stated that the moratorium needed to be specific in purpose, limited in scope, and short in duration.

Kyle Fegley, City Engineer, provided a brief overview of the City's Land Development regulations as it pertains to Storm Water Management.

Member Weiss requested to continue the moratorium and memorandum be attached to the meeting minutes.

Motion:
Member Wheatcraft moved to recommend approval to City Commission for Temporary Development Moratorium, as submitted. Member Yates seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Wheatcraft
SECONDER:	Yates
AYES:	Weiss, Yates, Wheatcraft, Hodges, Smith

6. COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

None.

7. REPORTS AND COMMUNICATIONS BY THE STAFF

A. October 2022 Development Activity Report

Ms. McCurdy stated that applicant for variance V-11-22 3311 Hill Street (CCSL) filed an appeal based on the board denial. She asked the Board if they would like to appoint a member to be at said hearing (November 22, 2022) to answer any questions that City Commission may have regarding the Hill Street Variance. Member Weiss elected himself.

Motion:
Member Wheatcraft moved to send Member Weiss as the Planning and Zoning Board representative. Member Hodges seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Wheatcraft
SECONDER:	Hodges
AYES:	Weiss, Yates, Wheatcraft, Hodges, Smith

8. ADJOURNMENT

As there was no other business to discuss, Chair Smith declared the meeting adjourned at 7:53 P.M.

MEMORANDUM

Date: November 7, 2022

To: New Smyrna Beach Residents' Coalition

From: Stephen W. Snively, Esq.

Re: Proposed Temporary Development Moratorium
City of New Smyrna Beach, Florida

At the request of the New Smyrna Beach Residents' Coalition ("Coalition"), I reviewed and offer the following comments and recommendations for consideration regarding the: (a) staff report and recommendation dated November 7, 2022, relating to the proposed temporary development moratorium, a copy of which is attached as Attachment "A" ("Staff Report"); and (b) draft Ordinance No. 74-22, a copy of which is attached as Attachment "B" ("Draft Ordinance").

General	
Staff Report vs. Draft Ordinance	The proposed Draft Ordinance attached to the Staff Report bears little resemblance to what is described in the Staff Report. This is risky because most non-lawyers (including some members of the Planning and Zoning Board and the City Commission) may not notice the subtle but significant differences. Instead, they will rely solely on the Staff Report and presentation, not realizing that the Draft Ordinance is really a very different proposal. That could result in adoption of an ordinance that was not intended.
What Land is Subject to the Moratorium?	
The Draft Ordinance states that the moratorium applies to ". . . residential subdivisions of 10 acres or more . . ."	Section 201 of the Code of Ordinances for News Smyrna Beach, Florida defines generally "subdivision" to mean the platting of property into three or more lots. The "right words matter." I'll try not to say that too many times in this memorandum. For a moment, get technical and read the language of the proposed ordinance like a lawyer (including developers' lawyers) would. You may notice a number of the things addressed in this memorandum, including the following: If the moratorium is limited to only "residential subdivisions of 10 acres or more," it **WOULD NOT APPLY** to the following, even

	though they are in high-risk flood zones, suffer the consequences of flooding and contribute to the flooding problem: (i) Undeveloped commercial, industrial and other non-residential land; (ii) Developed commercial, industrial and other non-residential land; (iii) Un-platted residential land, both undeveloped and developed; (iv) Apartment complexes located on a single parcel of land; and (v) Residential condominiums (subdivided by the condominium process), most of which are on less than 10 acres of land. If the moratorium applies to all "residential subdivisions of 10 acres or more," it **WOULD APPLY** to the following: (vi) Individual homeowners who reside in those residential subdivisions and want to make repairs or improvements to their homes; (vii) Residential subdivisions of 10 acres or more that are not located in high-risk flood zones; (viii) Apartment complexes and residential condominiums (subdivided by the condominium process) that are not located in high-risk flood zones. The proposed Draft Ordinance has no definition for what is a "residential subdivision of 10 acres or more." If based on zoning classifications, how would PUDs be addressed? It is well recognized that courts will not enforce moratorium ordinances which are arbitrary, capricious or discriminatory. If the proposed moratorium ordinance applies to "residential subdivisions of 10 acres or more," developers can be expected to challenge its enforceability on the basis that: (a) the proposed solution does not align with the problem (i.e. it unnecessarily denies use of swaths of land unrelated to flooding and excludes identifiable parcels of land related to flooding); and (b); it is arbitrary, capricious or discriminatory.

The Staff Report recommends that the moratorium apply to properties located in FEMA flood Zones A & AE.	According to the FEMA website, the high-risk "Special Flood Hazard Areas" are shown on the flood insurance rate maps as zones beginning with the letters "A" and "V." Those areas have at least a 1 in 4 chance of flooding during a 30-year mortgage. All home and business owners in high-risk areas with mortgages from federally regulated or insured lenders are required to buy flood insurance. The Staff Report recommends that the moratorium apply to all land in high-risk flood Zones A & AE, which is good, but does not include all the high-risk flood zones. Aligning the scope of the moratorium (i.e. including all properties in high-risk flood zones) with the problem to be addressed (i.e. improving infrastructure to better accommodate flooding), is a rational basis for the moratorium, and less subject to legal challenge.
Zone V Flood Zones	Zone V flood zones are coastal areas which are often the most hazardous of all flood zone areas. They can be subject to the direct force of storm surge waives which can cause extreme damage to homes, dunes, walkways, vegetation and wildlife. Sea level rise due to climate change, as well as subsidence, also increase flooding in these coastal areas over time.
RECOMMENDATION:	**The geographic scope of the moratorium should be all land in: (a) Zone A high-risk flood zones (not just A and AE); and (b) Zone V high-risk flood zones ("Moratorium Area").**
What Activities are Prohibited by the Moratorium?	
The Draft Ordnance states that the moratorium applies to the following matters: "all rezonings, including amendments to Master Development Agreements, site plan approvals, plats, and variances . . ."	This language is not clear and could be read technically to mean that the moratorium applies to only re-zonings, including [re-zonings involving] amendments to master development agreements, site plan approvals, plats and variances. I doubt that is intended, but that is what its states and how some attorneys will read it when they challenge enforceability of the ordinance. The right words matter. The recitations in the Draft Ordinance should be revised to reflect the language recommended below.
The Draft Ordinance states that the moratorium shall affect	This language is also not clear and could be read technically to suspend action on only "applications" for various matters.

those activities in the following way: "While the temporary moratorium is in effect, the City shall not accept, process or approve any of the aforementioned applications except those that have already have been reviewed by the Planning and Zoning Board prior to the effective date of this ordinance."	This language refers to the "aforementioned" applications when: (a) no applications are mentioned above; and (b) what is "aforementioned) is an incomplete list. I doubt that this is intended, but the problem is that when you do not state specifically what is intended, some lawyers will use it as a way to challenge enforceability of the ordinance.
RECOMMENDATION:	Although it could be stated in different ways, the following is an example of more precise language which would be less subject to challenge: **During the term of the moratorium (as extended, if applicable), the Development Services Department and the Planning and Zoning Board shall suspend any acceptance, review, consideration, approval or other action on matters relating to non-exempt land located within the Moratorium Area, including, but not by way of limitation, permits, site plans, comprehensive plan changes, re-zoning, variances, special exceptions, site plans, plats, new master development agreements, amendments to existing master development agreements, and engineering and architectural drawings.**
What is the Purpose of the Moratorium?	
The Draft Ordnance states that its purpose is to: " . . . provide time for the City to review the impacts of Hurricane Ian and determine if updates to the City's stormwater management and drainage regulations are appropriate.	The action this language describes is extremely narrow and limited to only: (a) review of the impacts of Hurricane Ian; and (b) "updates" to stormwater drainage and drainage regulations. That is good to include, but the scope of the anticipated action action should be broader and more forward-looking.
RECOMMENDATION:	Although it is very subjective and could be stated in different ways, the following example is a more comprehensive scope of activities: **The purpose of this ordinance is to reduce the loss of life and destruction of property and promote public safety in the City by providing the Development Services Department the opportunity and resources to review and develop recommendations for how the ordinances, regulations, rules, policies and procedures of the**

	City may be revised to establish higher development and construction standards designed to: (a) reduce flooding in high-risk flooding areas; and (b) better manage: (i) stormwater retention and drainage; and (ii) flood plain areas. The recitations also should be revised to reflect the foregoing.
Vested Rights Exemption from the Moratorium	
Section 2 of the Draft Ordinance provides a procedure by which the Interim Development Services Director may grant exemptions to the moratorium based on "Vested Rights.	The decision of the interim Development Services Director may be appealed to the City Manager pursuant to Section 301.05 of the Land Development Regulations. The decision of the City Manager may be appealed to the City Commission.
RECOMMENDATION:	To promote transparency and accountability, the following should be added: **The Interim Development Services Director shall provide a written report to the Planning and Zoning Board of any exemptions to the moratorium granted, including an explanation of the basis for the exemption.**
Duration of the Moratorium	
The proposed Draft Ordinance will have its first reading on November 22, 2022 and the second reading on December 3, 2022 and would expire on February 23, 2023, if not extended.	The proposed language means the duration of the proposed moratorium would actually be less than 3 months, even shorter if you consider the Christmas and New Year's holidays.
RECOMMENDATION:	**Rather than having a specific expiration date (i.e. February 23, 2023), the moratorium should be for a stated initial period of time (e.g. 6 months), commencing on its effective date.**
Miscellaneous	
RECOMMENDATION:	If the moratorium ordinance should include the following exemptions: **Development or construction pursuant to a valid building permit issued prior to the effective date of the moratorium ordinance.** **Any "Vested Rights" of land owners, as determined pursuant to the procedure established in the moratorium ordinance.** **Code enforcement matters**

	Hospitals, health care facilities and emergency first responders **Affordable housing projects** **Public and private educational facilities** **Renovations and repairs to existing structures that do not increase their square footage** **Public buildings and structures** **Buildings and facilities for public utility services** **Land for which a waiver has been duly issued pursuant to the moratorium ordinance.** The foregoing is not a complete list, but merely illustrative, so others should be added as we think of them
RECOMMENDATION:	As a "safety valve" for unintended and undesirable application of the ordinance, and to further decrease the likelihood of legal challenges, the moratorium ordinance should include the following procedure for obtaining waivers: **<u>Waiver</u>** **Any property owner seeking a waiver and exemption from the moratorium must file an application with the Planning & Zoning Board for a determination within 30 days after the effective date of this ordinance The Planning and Zoning Board after a public hearing may grant a waiver to the moratorium provided above and permit the development approval process to proceed on a specific parcel when the Planning and Zoning Board determines based upon substantial competent evidence that the proposed waiver will not: (a) detrimentally affect or be inconsistent with the regulations that will be created and adopted; (b) will be compatible with surrounding land uses; and (c) will not impair the public health safety or welfare The public hearing shall be advertised at least seven days prior to the hearing in a local newspaper. The grant of any waiver shall be by resolution of the Planning and Zoning Board. The applicant shall be responsible for the waiver application fee and any other standard fees and requirements for a public hearing**
Impact on Deadlines in Existing Permits?	The ordinance should address whether or not the moratorium extends deadlines in existing permits, approvals and agreements. If so, how those extensions interact with Section 252.363, <u>Florida Statutes</u>, which provides that upon the declaration of a state of

	emergency (e.g. Governor DeSantis' Executive Orders 22-218 and 22-219), permits and other authorizations are tolled for the duration of the declaration, and that they may be extended automatically upon the exercise of the notice requirements of Section 252.363(1)(a) for an additional six months.
Home Rule Recital	It is recommended that the following initial recital be included: **WHEREAS, the City of New Smyrna Beach(" City"), as provided in Section 2(b), Article VIII of the Florida Constitution and Chapters 163 and 166, Florida Statutes, enjoys all home rule authority, police power, land development and zoning authority, governmental and proprietary powers necessary to conduct municipal government and perform municipal functions, and the City may exercise any power for municipal purposes, except as expressly prohibited by law; and**

ATTACHMENT "A"

THE CITY OF NEW SMYRNA BEACH - DEVELOPMENTAL SERVICES

TEMPORARY DEVELOPMENT MORATORIUM

November 7, 2022

Background:

Applicant: City of New Smyrna Beach, Development Services.

Request: Adopting a temporary moratorium for certain applications.

Findings:

Because of the flooding that occurred within the City of New Smyrna Beach during Hurricane Ian, the City Commission directed Staff to review and possibly amend the current Land Development Regulations or Code of Ordinances as it pertains to storm water, drainage, and flood plan management.

Staff would suggest this moratorium be associated with properties that are located within the FEMA flood zones A & AE.

Staff is requesting this proposed moratorium to last until February 23, 2023 unless rescinded or extended.

Recommendation

Staff is recommending the Planning and Zoning Board to give a positive recommendation to the City Commission to approve the requested moratorium for certain application.

Fiscal Analysis:

N/A

Strategic Plan Item:

No

Staff Report Created By: Robert Mathen - Planner II

Attachments:

ORD 74-22 Flooding Moratorium RM.pdf

ATTACHMENT "B"

ORDINANCE NO. 74-22

AN ORDINANCE ADOPTING A TEMPORARY MORATORIUM ON REZONINGS, INCLUDING AMENDMENTS TO MASTER DEVELOPMENT AGREEMENTS, SITE PLAN APPROVALS, PLATS, AND VARIANCES, OF RESIDENTIAL SUBDIVISIONS OF 10 ACRES OR MORE IN THE CITY OF NEW SMYRNA BEACH, FOR A PERIOD ENDING NO LATER THAN FEBRUARY 23, 2023, UNLESS RESCINDED OR EXTENDED BY A SUBSEQUENT ORDINANCE, OR BY SUBSEQUENT AMENDMENT TO THE CITY'S LAND DEVELOPMENT REGULATIONS OR CODE OF ORDINANCES REGARDING THE REGULATION OF STORMWATER MANAGEMENT AND DRAINAGE OR FLOODPLAIN MANAGEMENT; PROVIDING PROCEDURES FOR VESTED RIGHTS REVIEW FOR THE SPECIFIC MATTERS ADDRESSED HEREIN; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hurricane Ian made its way across the State of Florida in early October, causing wide spread flooding throughout the City; and

WHEREAS, over 800 residents and many businesses suffered substantial damage and lost the entire contents of their homes, businesses, vehicles, and countless other valuables; and

WHEREAS, the City is seeking to study regulations and improvements to try and avoid any recurring damage and loss to its residents in the future; and

WHEREAS, the City staff needs time to study what happened with the existing stormwater systems through Hurricane Ian and whether the existing regulations are appropriate or whether improvements should be made to the Land Development Regulations and/or the Code of Ordinances should be revised relating to the regulation of stormwater management and drainage or floodplain management; and

WHEREAS, the City Commission has directed City staff to draft an ordinance for its consideration, declaring a temporary moratorium on rezonings, including amendments to Master Development Agreements, and variances related to the flooding for residential subdivisions in the City; and

WHEREAS, the City Commission has determined that this temporary moratorium

should be in place until February 23, 2023, or until rescinded or extended by a subsequent ordinance, or by subsequent amendment to the City's Land Development Regulations and/or Code of Ordinances regarding the regulation of stormwater management and drainage or floodplain management; and

WHEREAS, the Ordinance was heard and _____ by the Planning and Zoning Board on November 7, 2022 by a vote of ___- ____ and

WHEREAS, the City Commission feels it is in the best interest of the citizens of the City of New Smyrna Beach to _____ the temporary moratorium as more particularly set forth hereinafter.

WHEREAS, the City finds a comprehensive regulatory scheme is necessary to mitigate future flooding risks posed by the current regulations adopted by the City.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF NEW SMYRNA BEACH, FLORIDA:

SECTION 1: ***Moratorium Imposed.*** A temporary moratorium, until no later than February 23, 2023, is hereby imposed on all rezonings, including amendments to Master Development Agreements, site plan approvals, plats, and variances associated with residential subdivisions of 10 acres or more in the City to provide time for the City to review the impacts of Hurricane Ian and determine if updates to the City's stormwater management and drainage regulations are appropriate. While the temporary moratorium is in effect, the City shall not accept, process or approve any of the aforementioned applications except those that have already have been reviewed by the Planning and Zoning Board prior to the effective date of this ordinance.

SECTION 2: ***Determination of Vested Rights or Denial of All Economic Use.***

(A) Nothing in this ordinance shall be construed or applied to abrogate the vested right of a property owner to complete development of a parcel where the property owner can demonstrate by substantial competent evidence each of the following:

1. A governmental act of development approval was obtained prior to the effective date of this ordinance; and

2. Upon which the property owner has detrimentally relied, in good faith, by making substantial expenditures; and

3. That it would be highly inequitable to deny the property owner the right to complete the development.

(B) Any property owner claiming vested rights under this Section 2 must file an application with the Interim Development Services Director for a determination within 30 days after the effective date of this ordinance. The application shall contain a sworn statement as to the basis upon which the vested rights are asserted, together with documentary evidence supporting the claim. The Interim Development Services Director shall review the evidence submitted and make a determination as to whether the property owner has established vested rights for the parcel based

upon competent substantial evidence. The property owner may appeal the Interim Development Service Director's determination pursuant to the appeal procedure set forth in Article III, Sec. 301.05, LDR.

SECTION 3: ***Exhaustion of Administrative Remedies.*** No property owner claiming that this ordinance, as applied, constitutes or would constitute an abrogation of vested rights may pursue such a claim in court, unless he or she has first exhausted the applicable administrative remedies provided in Section 2 of this ordinance.

SECTION 4: ***Conflicts.*** In the event that the provisions of this ordinance are in conflict with any other ordinance, then the provisions of this ordinance shall prevail.

SECTION 5: ***Severability***. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 6: ***Effective Date.*** This ordinance shall become effective immediately upon its adoption. The temporary moratorium enacted by this ordinance shall terminate on February 23, 2023, unless rescinded or extended by subsequent ordinance or by an amendment to the City's Land Development Regulations and/or Code of Ordinances addressing regulation of stormwater management and drainage or floodplain management.

APPROVED AS TO FORM AND CORRECTNESS:

_____

CARRIE AVALLONE
City Attorney

DATE: _____

Planning and Zoning Regular Meeting
Monday, October 3, 2022 at 5:30 PM
MINUTES

1. CALL TO ORDER

Having been duly advertised as required by law, the regular meeting of the Planning and Zoning Board of the City of New Smyrna Beach, Florida, was held on Monday, October 3, 2022 at the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida 32168.

Vice-Chair Neylon called the meeting to order at 5:30 PM.

Roll Call

Attendee Name	Title	Status	Arrived
Brooke Weiss	Member	Present	5:30 PM
Stephen Yates	Member	Present	5:30 PM
Larry Wheatcraft	Member	Present	5:30 PM
Curtis Hodges	Member	Absent	----------
Kip Hulvershorn	Member	Absent	----------
Susan Neylon	Vice-Chair Person	Present	5:30 PM
Sandra Smith	Chair Person	Absent	----------

Also present were: Senior Planner Jake Baker, Assistant City Attorney Shey McCurdy, and Board Secretary Stephanie Ferrara.

Vice Chair Neylon asked if there were any changes to the agenda. Staff had no changes to the agenda.

2. APPROVAL OF MINUTES

2.A Approval of the Planning and Zoning Regular Meeting Minutes

None.

DRAFT

3. PUBLIC PARTICIPATION

Randy Herman, 108 Esther Street, asked about the status of the PUD revisions. He commented about the hurricane brought people together and suggested the board to appoint someone to attend City Commission meetings as a represenative.

Ms. McCurdy stated that she would need to look into that request.

4. OLD BUSINESS

None.

5. NEW BUSINESS

5.A SP-25-21: The Cove MF (Class II)

Jake Baker, Senior Planner, Outlined the applicant's request to approve 47 quadplexes, a total of 188 dwelling units. The community will have a club house, swimming pool, dog park and playground area. There is an internal retention pond/lake, with quadplexes surrounding the lake, and another lake to the west. Each of the 188 dwelling unit will have at least two parking spaces, and an additional 12 spaces are provide for guests, providing a total of 388 parking spaces for the 188 units. Forty five of the parking spaces are within five separate garages, with four of the garages having ten spaces, and one garage with five spaces.

Member Weiss asked about affordable housing for this project. Mr. Baker stated that affordable housing was not required. Discussion ensued regarding the current landscaping plan.

Vice-Chair Neylon asked if the applicant wished to speak. Stephanie Ferrara, Board Secretary, swore in the witness.

Harry Newkirk, Newkirk Engineering, Engineer for Applicant, spoke about the history of the project. Stated that this would be an 83 unit reduction. Spoke about the storm water system for this project.

Member Weiss commented about using more native vegetation.

Vice-Chair Neylon opened the meeting for Public Participation.

Randy Herman, 108 Esther Street, asked about solar technology and what percentage of the units would be available for people with lower income.

Mr. Baker stated that there was no solar associated with the project and it would be market rate rent.

Mr. Newkirk stated that electric car charging station will be installed.

Vice-Chair Neylon closed Public Participation.

Vice-Chair Neylon asked the Board if they had any additional questions or comments.

Member Weiss commented that this would be a nice opportunity to move forward with solar panels and consider low-income program.

Motion:
Member Weiss moved to recommend approval for SP-25-21: The Cove (MF) Class III, as submitted. Member Yates seconded the motion, and the motion carried unanimously.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Weiss
SECONDER:	Yates
AYES:	Weiss, Yates, Wheatcraft, Neylon,

6. COMMENTS OR STATEMENTS BY MEMBERS OF THE BOARD

Vice Chair Neylon commented about Utilities Commission doing an outstanding job restoring power and services following Ian. She also announced her resignation effective at the end of this year.

7. REPORTS AND COMMUNICATIONS BY THE STAFF

A. October 2022 Development Activity Report

8. ADJOURNMENT

As there was no other business to discuss, Chair Smith declared the meeting adjourned at 6:03 P.M.

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

V-16-22: 802 MAGNOLIA STREET

January 9, 2023

Background:

I. Summary

A. Applicant and Property Owner: Christine Blanchette, 6325 Engram Road, New Smyrna Beach, FL 32169

B. Request: Variance to allow a structure to be located 1.0' from a side (west) property line, a variance of 9.0'.

C. Site Information: The subject property is zoned City I-1, Light Industrial, contains approximately 0.179 acres, and is located at 802 Magnolia Street, between Smith Street and 1st Street, south of the AAA Mini Self Storage facility.

D. Tax I.D. Number: 7444-01-00-2780

Findings:

II. Findings

1. At the December 5, 2022 Planning and Zoning Board meeting, the applicant originally requested a variance of 9.0', to allow a structure to be located 1.0' from the side property line. The applicant has since stated that he can reduce the request to 3.0', and as much as 5.0' variance, putting the structure between 3.0' and 5.0' from the side (north) property line. While not ideal, this will allow the property owner enough space to allow a forklift to access the rear of the property. This would result in the existing building and the proposed building being 8.2' apart. While not ideal, the applicant has stated that he can work make this work.

2. It was noted during the December 5, 2022 meeting that the parcel is a non-conforming lot. Per Section 505.02.B., of the City's Land Development Regulations (LDR):

Nonconforming Lots of Record, "any lot platted as part of a recorded subdivision shall be considered buildable, provided that the requirements for pervious, building setbacks, and all other regulations for the district are met." Like a setback variance, this section of the LDR can be granted a variance as well.

3. The LDR defines a variance as “a modification of, or a deviation from, the regulations of this ordinance which is authorized and approved by the planning and zoning board after it finds that the literal applications of the provisions of this LDR would cause unnecessary hardship in the use or development of a specific lot or building.” Thus, it is possible to grant a variance to the requirements of Section 505.02.B, and granting the variance request for the side yard setback would also be a variance from 505.02.B., in effect.

4. Per Section 505.05.A., "no such nonconforming structure may be altered or enlarged, except that where an enlargement or alteration is proposed in required yard space which contains an existing nonconforming structure, and where the existing setback is five feet or greater, the enlargement or alteration of the said nonconforming structure may be permitted so long as the existing setback is not further reduced by the enlargement or alteration, and provided all other applicable district regulations are complied with." Thus, if a portion of the structure were to remain, it could be added onto 5.0' from the side property line distance without requiring a variance. The applicant does not want to keep any part of the building, nevertheless, that could be an option if the variance request is denied.

5. Staff recommends the Planning and Zoning Board approve the variance between 3.0'-5.0' from the side (north) property line.

NOTE: The remainder of the staff report is unchanged from the December 5, 2022 meeting.

A. Exhibits used in this report:

Exhibit A: Location Map

Exhibit B: Aerial Map

Exhibit C: Pictures

Exhibit: D: Letter of Support from neighbor

Exhibit E: Letter from applicant

Exhibit F: Current Survey

B. The property owner proposes to raze the existing 89.45’ long building, 16.54’ wide (at its widest point) on the north side of the property, and replace it with a building 60.0’ long x 16.0’ wide. The current building is 13’ tall, and the proposed building is 16’ tall, before the roof pitches upward, making it roughly 18.0' tall it the peak. Currently, the building is as close as 0.3’ from the side (north) property line, and 0.7’ towards the rear of the building. The new building is proposed to be 1.0’ from the same side property line. The side yard setback requirement in the I-1 Light Industrial zoning district is 10.0’. Please see **Exhibit C** for pictures of the property.

C. The parcel is 52.0’ wide. There is a second building on the site, 20.50’ wide, that is to remain on site. The buildings are close to parallel. With a new building, there would still be a wide enough drive aisle for a truck to access the rear of the building if the variance request was approved. See **Exhibit F** for a copy of the survey.

D. The current building is 1,355 square feet in size, the proposed building is 960 square feet, a decrease of 395 square feet. This decrease in building coverage will provide pervious surface which will allow the property to meet the stormwater requirements, which will be necessary for site plan approval.

E. Per Section 1200.00 of the City’s Land Development Regulations, corrugated metal paneling is prohibited as the predominant exterior building material, thus the front façade of the building must be modified, whether with hardy board or some other material, to the front of the building. Modifying the front facade to meet the City’s architectural design standards should be a condition of approval.

F. Given the close proximity to the neighboring structure, gutters along the north and south sides of the building should be a condition of approval as well.

G. A letter of support from the neighbor to the north is included as **Exhibit D**.

H. Land Development Regulation Section 305.05 requires the Planning and Zoning Board to determine if the requested variance conforms to the following criteria. In this instance, the applicant's wrote a letter (full letter included as **Exhibit E**) explaining the reason for the variance request. It states:

The property at 802 Magnolia is zoned industrial. The current building we need to replace has been made unavailable for business use from the last two hurricane Ian & Nicole. The building was up to date on electricity but was too old to include in my current insurance policy for the building. We have applied for a disaster recovery small business loan to replace the building on our own.

The building is necessary for our storage and a location to work on materials we bring to the office to repair. The building has been there since 1931 and is currently looking shabby, our neighbors will be glad to see a new building in the same location that would represent the neighborhood better. The buildings to the North of us are Storage buildings and we have included a letter with this package from AAA Mini storage approving the renovations we have requested. This is the most affected property concerning this variance.

We are hoping that because we have been operating in this location since 2003 when we purchased the building without any problems to our neighbors you will allow us to continue by granting this variance to put the building one foot from the property line and 60 feet long in the same location. We are requesting this so we can continue to operate our business out of this location successfully.

I. Staff's responses to the criteria are listed below in **bold**.

a. Special circumstances exist which are peculiar to the subject property owner's land, structure, or building, and do not generally apply to the neighboring lands, structures, or buildings, in the same district or vicinity.

The existing building is rather dilapidated. The replacement structure would not only be further away from the property line, it would have gutters to divert water away from the neighboring property. In addition, it would have a footprint 345 square feet smaller than the existing building. Overall, it would be an improvement to the existing situation. This criterion has been met.

b. Strict application of the provisions of this LDR would deprive the subject property owner of reasonable rights commonly applicable to other properties in the same district or may preclude a benefit to the community in general.

The replacement structure would be an improvement to the site, with less of an impact to the immediate neighbor. Rain would be diverted away from the neighboring property, and a more attractive building along Magnolia Street would be built in place of the existing structure. This criterion has been met.

c. The special circumstances and conditions that exist do not result from the direct or indirect actions of the present property owner(s) or past property owner(s). This criterion shall not be satisfied if the present or past property owner created, to any degree, the hardship that is the subject of the variance request.

As noted in the applicant's letter, the existing building was constructed in 1931. It was in poor shape before the recent hurricanes, and is now in need of replacement. It is an old building. The proposed structure would be a marked improvement to the property. This criterion has been met.

d. That granting of the variance will not cause substantial detriment to the public welfare or impair the purposes and intent of this Ordinance.

The proposed building is considerably smaller than the existing structure, and roughly 9 inches further away from the property line than the existing structure. Further, with gutters, the water which is currently running off the roof onto the neighboring property

can be diverted to a retention area on site. This criterion has been met. A replacement structure would actually be a benefit to the immediate vicinity. This criterion has been met.

e. That granting of the variance will not constitute a grant of special privilege that is denied by this Ordinance to other lands, structures, or buildings, in the same district.

In this instance, it is improving on a situation, and provides an existing business owner with a more functional building, further from the property line than the existing building. This criterion has been met.

III. Recommendation

Staff recommend the Planning and Zoning Board **approve** the variance request, with the following conditions:

1. The front façade of the building meets the City's Architectural Design Standards; and
2. Gutters will be installed on the north and south sides of the building.

Fiscal Analysis:
N/A

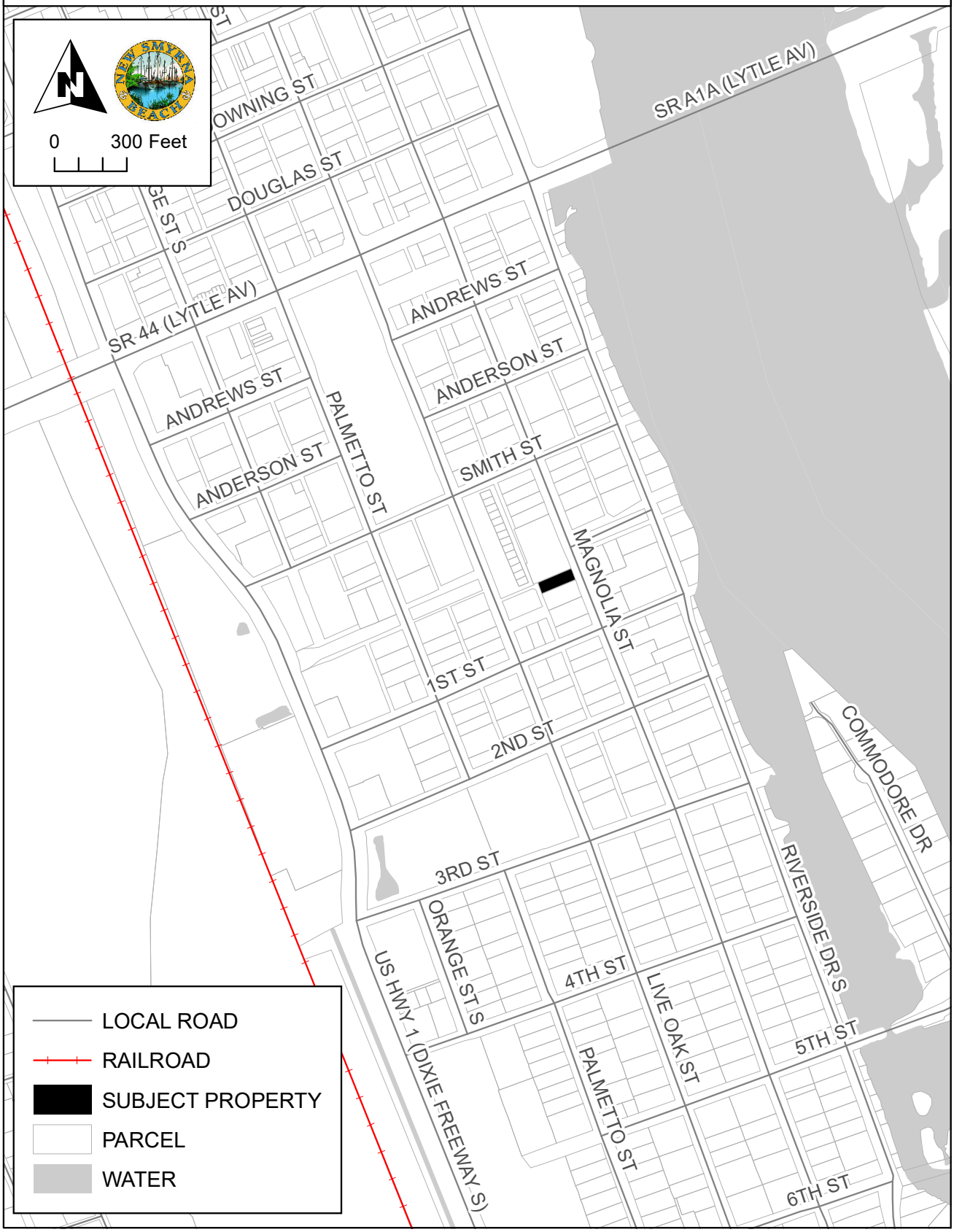
Strategic Plan Item:
No

Staff Report Created By: Jake Baker - Planner I

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Pictures.pdf
Exhibit D Letter of Support.pdf
Exhibit E Applicant's Letter.pdf
Exhibit F Current Survey.pdf

V-16-22: 802 MAGNOLIA STREET
PARCEL: 7444-01-00-2780 LOCATION MAP



V-16-22: 802 MAGNOLIA STREET
PARCEL: 7444-01-00-2780 AERIAL MAP



Exhibit C


NOTE: Property lines (blue) not accurate


Building to be razed and replaced with a 16’ tall building

AAA Mini Self Storage
720 Magnolia Street
New Smyrna Beach, FL 32168

Tropical Air
802 Magnolia Street
New Smyrna Beach Fl. 32168
Office # 386-423-8161
State Lic. # CACO55802

10/28/22

To Whom it May Concern :

We approve of the renovation J & C Air Handling Systems Inc. DBA Tropical Air owned by Joseph & Christine Blanchette . The building on the North Side, building 2 will be replaced with a metal building on the same footprint as the current one. The building height will be increased 16 feet tall. The current building is 13 feet tall.

Sincerely,

AAA Mini Self Storage.

Tropical Air
802 Magnolia Street
New Smyrna Beach Fl. 32168
Office # 386-423-8161

State Lic. # CACO55802
Sub: Variance Criteria Response

Jake Baker
Senior Planner
City of New Smyrna Beach
214 Sams Ave.
New Smyrna Beach, FL 32168 11/17/2022

The property at 802 Magnolia is zoned industrial. The current building we need to replace has been made unavailable for business use from the last two hurricane Ian & Nicole. The building was up to date on electricity but was too old to include in my current insurance policy for the building. We have applied for a disaster recovery small business loan to replace the building on our own.

The building is necessary for our storage and a location to work on materials we bring to the office to repair. The building has been there since 1931 and is currently looking shabby, our neighbors will be glad to see a new building in the same location that would represent the neighborhood better. The buildings to the North of us are Storage buildings and we have included a letter with this package from AAA Mini storage approving the renovations we have requested. This is the most effected property concerning this variance.

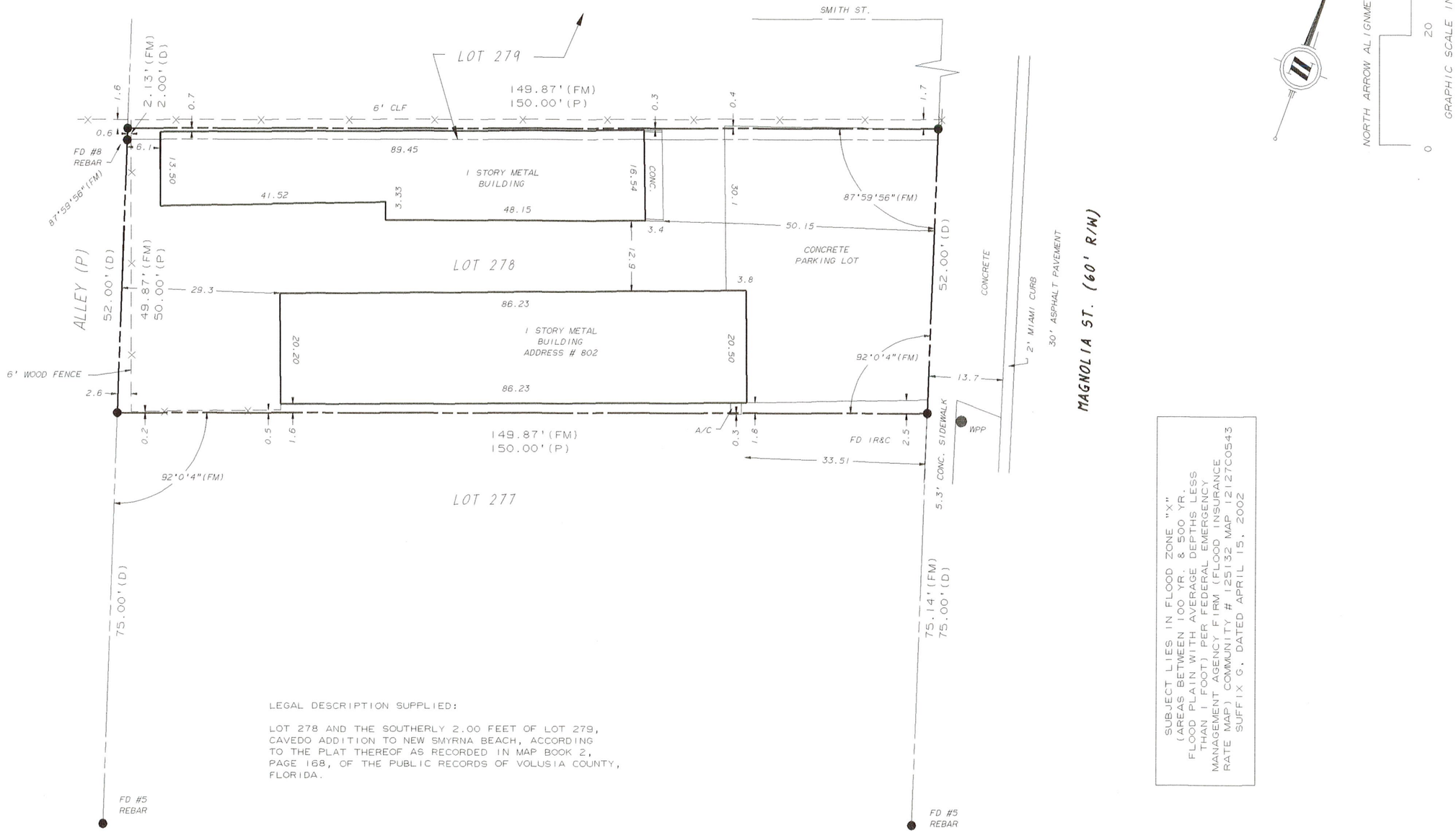
We are hoping that because we have been operating in this location since 2003 when we purchased the building without any problems to our neighbors you will allow us to continue by granting this variance to put the building one foot from the property line and 60 feet long in the same location. We are requesting this so we can continue to operate our business out of this location successfully.

Sincerely,

Christine Blanchette

Christine Blanchette
Tropical Air
J & C Air Handling Systems Inc.

NEW SMYRNA BEACH VOLUSIA COUNTY, FLORIDA



NORTH ARROW ALIGNMENT PER PLAT

0 20 30 40

GRAPHIC SCALE IN FEET

LEGEND:
WM WATER METER
(D) SET IRON ROD
(D) DEED
R/W RIGHT-OF-WAY
(CALC) CALCULATED

FD DENOTES FOUND
(FM) FIELD MEASURES
(P) PLAT
N&W NAIL & WASHER
ESM'T EASEMENT
(P/L) PROPERTY LINE

-X- DENOTES FENCE
CLF CHAIN LINK FENCE
ESMT EASEMENT
IP IRON PIPE
C/O SEWER CLEANOUT
CM CONCRETE MONUMENT

A/C AIR CONDITIONER
E OVERHEAD POWER
BLDG BUILDING
FH FIRE HYDRANT
CONC CONCRETE
NR NON-RADIAL

(PRO) PROPORTIONED
IR&C IRON ROD AND CAP
CATV CABLE TELEVISION
SBSB PHONE BOX
R RADIAL TO CURVE

NOTE: ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF. SET IRON ROD DENOTES 24" #5 REBAR WITH CAP # 5505

SUBJECT LIES IN FLOOD ZONE "X"
(AREAS BETWEEN 100 YR. & 500 YR. FLOOD PLAIN WITH AVERAGE DEPTHS LESS THAN 1 FOOT) PER FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM (FLOOD INSURANCE RATE MAP) COMMUNITY # 125132 MAP 12127C0543 SUFFIX G, DATED APRIL 15, 2002

TYPE OF SURVEY: RECORD SURVEY
PREPARED FOR: JOSEPH H. AND CHRISTINE A. BLANCHETTE

THIS PLAT IS HEREBY CERTIFIED TO:
1) JOSEPH H. AND CHRISTINE A. BLANCHETTE
2) FIRST AMERICAN TITLE INSURANCE COMPANY
3) ASSOCIATED LAND TITLE GROUP, INC.
4)

LEGAL DESCRIPTION SUPPLIED:

LOT 278 AND THE SOUTHERLY 2.00 FEET OF LOT 279, CAVEDO ADDITION TO NEW SMYRNA BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 2, PAGE 168, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

GENERAL NOTES: NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAYS AND OR OWNERSHIP WERE FURNISHED THIS SURVEYOR, EXCEPT AS SHOWN. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN. THE TERM CERTIFIED AS USED ON THIS PLAT, IS UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THIS SURVEYOR AND/OR FIRM WHICH IS FORMULATED ON HIS BEST KNOWLEDGE, AND INFORMATION , AND AS SUCH, IT DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED AND IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

PREPARED BY:

LAWRENCE E. POWERS, PSM

520 SE 5TH AVE. SUITE 2706, FT. LAUDERDALE, FL 33301 (386) 322-0976 FAX (386) 322-0978

CHECKED BY: LEP DRAWN BY: LEP 10.26.2003

LOOSE NOTES FILED IN: CAVEDO ADDITION

PROJECT NUMBER: 0310298
DATE FIELD SURVEYED: 10.25.2003
SCALE 1" = 20' SHEET 1 OF 1
CREW CHIEF: L.POWERS

NOTE: THIS MAP OR SURVEY OR SURVEY REPORT, WAS PREPARED FOR THE SOLE AND EXCLUSIVE PURPOSE OF OBTAINING A MORTGAGE ON THE LANDS DEPICTED HEREON AND SHOULD NOT BE RELIED UPON FOR ANY OTHER PURPOSE(S). ADDITIONS OR DELETIONS TO THIS REPORT OF SURVEY BY OTHER THAN THE SIGNING PARTY, IS PROHIBITED.

VALID ONLY WITH EMBOSSED SEAL.

I THE UNDERSIGNED HEREBY CERTIFY, THIS PLAT TO BE A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR RECORD SURVEYS IN THE STATE OF FLORIDA AS PER CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE. SUBJECT TO ALL NOTES SHOWN HEREON.

LAWRENCE E. POWERS P.S.M. # 5505

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

Z-1-23: NORTH ATLANTIC AVENUE

January 9, 2023

Background:

Applicant: Amy Blakely, 807 North Atlantic Avenue, New Smyrna Beach, Florida 32169

Property owners:

- 1. Zsuzsanna Celenza, 805 North Atlantic Avenue
- 2. Blakely Properties 11 LLC, 807 North Atlantic Avenue
- 3. Charles R. Tomkins III, 809 North Atlantic Avenue
- 4. Passalacqua LP, 811 North Atlantic Avenue
- 5. James M. White TR, 813 North Atlantic Avenue
- 6. Michael F. Sutton TR, 815 North Atlantic Avenue
- 7. APR Realty LLC, 903 North Atlantic Avenue
- 8. Natasta M. DeCamillis, 905 North Atlantic Avenue
- 9. Donald L. M. Haase, 907 North Atlantic Avenue
- 10. Immo H. & Kathleen R. Redeker, 911 North Atlantic Avenue
- 11. Michael D. Boyle, 919 North Atlantic Avenue
- 12. Deborah Demito, 921 North Atlantic Avenue

Request: Change the current City zoning of R-3, Single Family and Two Family to City R-3A Single Family on 12 adjacent properties.

Site: These 12 properties are located on the east side of North Atlantic Avenue between Crawford Road and Sapphire Road.

Findings:

Exhibits used in this report:

Exhibit A: Location Map
Exhibit B: Aerial Map
Exhibit C: Applicant's Request
Exhibit D: Neighborhood Letters of Support
Exhibit E: Applicant Map
Exhibit F: Existing Zoning Map
Exhibit G: Existing R-3 Zoning Text

Exhibit H: Proposed Zoning Map
Exhibit I: Proposed R-3A Zoning Test
Exhibit J: LDR Section 504.01.N
Exhibit K: Legal Descriptions

The property owners from 805 North Atlantic Avenue through 921 North Atlantic Avenue request a zoning change from R-3, Single Family and Two Family Residential to R-3A Single Family and Two Family Residential.

The intent of both zoning districts are the same, as these two zoning districts are intended to be a medium density type of residential development. The permitted uses and accessory uses in each zoning district are the same. The Special Exception uses are also very close to the same except that the R-3A zoning does allow for a garage apartment for properties located east of Atlantic Avenue.

There are slight differences in the minimum lot size and building setbacks.

The R-3 zoning requires a minimum lot size of 50 feet in width and a minimum lot depth of 115 feet. The R-3A zoning requires a minimum lot width of 50 feet and a minimum lot depth of 100 feet. Since the properties requesting the zoning change are at least 50 feet in width and over 110 feet in depth, this should not affect these properties.

The R-3 zoning has a front yard building setback of 20 feet, side and rear building setback of 7 1/2 feet. The R-3A zoning also has a front yard building setback of 20 feet, but has a side yard building setback of 5 feet, and a rear building setback of 10 feet. The R-3A also allows for a zero lot line developments.

Currently most of the homes are closer than 7 1/2 feet to the side property line thus in concept the R-3A zoning would create a better non-conformity since the required side yard building setback would be reduced. The difference in the rear yard building setback should not create an issue since these properties must comply with the City's Coastal Construction Setback Line, (CCSL), regulation under Section 703.00 of the City's Land Development Regulations.

Both zoning districts have the same maximum building coverage of 40% and maximum impervious coverage of 60%. Both zoning districts have the same building height restrictions of 3 stories and 35 feet and both zoning districts also have the same minimum floor area requirements.

Under Land Development Regulation Section 504.01.N, under ordinance number 66-07, properties zoned R-3A, with dwellings located east of Atlantic Avenue, are allowed to

operate as a short term rental.

Summary

The City of New Smyrna beach is a vacation designation and a full time/part time resident location. There is a fine line between the wants of individual property owners, vacationers, and full time/part time residents.

When the planning Department receives an application for rezoning, Staff has to review an application to see if that application is consistent with the City's *Comprehensive Plan* and Land Development Regulations.

After reviewing the application against the City *Comprehensive Plan,* the application would be consistent with the following:

- Element II, Future Land Use, Residential Zoning Table II-5; and
- Element IV, Property Rights Element, Statement 2; and
- Element XV, Economic Development Element, Objective 4, Policy a.

After reviewing the application against the City Land Development Regulation, the application would be consistent with the following:

- The front yard building setback is consistent with the current and proposed zoning.
- The side yard building setback would be less for the R-3A zoning but since most of the structures are non-conforming to the current R-3 side yard setback, the change in zoning would, in theory, create a less non-conforming structure and the possible of less requested variances.
- The rear yard building setback would not be required as rear building setbacks along the Atlantic Coastline are subject to Land Development Regulation Section 703.00, Development in Coastal area. The City Coastal Setback Line, (CCSL) would control a rear building setback.
- The maximum building coverage and maximum impervious coverage would remain the same under either zonings.
- The minimum residential floor area would remain the same on either zoning districts.
- The properties on this application, if they so choose, could rent the houses as short term rentals as part of this zoning change.

Staff would also review the possibility a change in zoning and if it would effect adjacent or close located neighboring properties. The applicant did submit letters of support from some of the neighbors on this side of the street, that are not part of this application, and

staff did receive one letter of non-support from the property owner located at 941 North Atlantic Avenue.

Staff also receive 8 out of 10 letters of support from the property owners located across the street.

Recommendation

After reviewing the application against the consistency of the City's *Comprehensive Plan* and Land Development Regulations, and reviewing the overwhelming support of the neighboring property owners from across the street, Staff would recommend the Planning and Zoning Board to give a positive recommendation to the City Commission to change the zoning for the properties listed on the application from R-3, Single Family and Two Family Residential District to R-3A, Single Family and Two Family Residential District.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Robert Mathen - Planner II

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map2.pdf
Exhibit C Applicants Request2.pdf
Exhibit D Neighborhood Letters of Support.pdf
Exhibit E Applicant Map.pdf
Exhibit F Existing Zoning Map2.pdf
Exhibit G City R-3 Zoning Text.pdf
Exhibit H Proposed Zoning Map2.pdf
Exhibit I Proposed City R-3A Zoning Text.pdf
Exhibit J LDR Section 504.01.N.pdf
Exhibit K Legal Descriptions.pdf

LOCATION MAP



EXHIBIT B

AERIAL MAP



EXHIBIT C

CITY OF NEW SMYRNA BEACH
Rezoning Applicants

As part of the Rezoning application, submitted by Amy Blakely of 807 North Atlantic Avenue, we are also requesting to be included to rezone our property from R-3, Single Family and Two Family Residential to R-3A, Single Family and Two Family Residential.

We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make our property eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
805 N. Atlantic Ave	CELENZA ZSUZSANNA	DocuSigned by: Zsuzsanna Celenza

EXHIBIT C

CITY OF NEW SMYRNA BEACH
Rezoning Applicants

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We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make our property eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
909 N Atlantic Ave	Charles R Tomkins III	Chas R Tomkins III

DocuSign Envelope ID: 89F9BBDE-A24D-4B78-9608-591459A78765

EXHIBIT C

CITY OF NEW SMYRNA BEACH
Rezoning Applicants

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We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make our property eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
811 N. Atlantic Ave. NSB	PASSALACQUA LP	J. Cade Satterfield, President

DocuSign Envelope ID: 680BB380-2D02-457B-8800-13FEC6BE3698

EXHIBIT C

CITY OF NEW SMYRNA BEACH
Rezoning Applicants

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We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make our property eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
813 N. Atlantic Ave	James White	Signature by:

DocuSign Envelope ID: 3A403DCF-7C08-4B1A-9B06-700081F845EA

EXHIBIT C

CITY OF NEW SMYRNA BEACH
Rezoning Applicants

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We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make our property eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
815 N. Atlantic Ave	Michael & Adrian Sutton	DocuSigned by:
		38

EXHIBIT C

CITY OF NEW SMYRNA BEACH
Rezoning Applicants

As part of the Rezoning application, submitted by Amy Blakely of 807 North Atlantic Avenue, we are also requesting to be included to rezone our property from R-3, Single Family and Two Family Residential to R-3A, Single Family and Two Family Residential.

We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make our property eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
903 N. Atlantic NSB	Nina Johnson	
	CHARLES JOHNSON	
	APR Realty LLC	

DocuSign Envelope ID: 3EA64B59-8277-4054-9029-4A5464297D98

EXHIBIT C

CITY OF NEW SMYRNA BEACH
Rezoning Applicants

As part of the Rezoning application, submitted by Amy Blakely of 807 North Atlantic Avenue, we are also requesting to be included to rezone our property from R-3, Single Family and Two Family Residential to R-3A, Single Family and Two Family Residential.

We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make our property eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
905 N. Atlantic Ave.	Natasja DeCammillis	Natasja Decamillis

CITY OF NEW SMYRNA BEACH
Rezoning Applicants

As part of the Rezoning application, submitted by Amy Blakely of 807 North Atlantic Avenue, we are also requesting to be included to rezone our property from R-3, Single Family and Two Family Residential to R-3A, Single Family and Two Family Residential.

We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make our property eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
907 N. Atlantic Ave.	HAASE DONALD L M	HAASE DONALD L M

EXHIBIT C

EXHIBIT C

CITY OF NEW SMYRNA BEACH
Rezoning Applicants

As part of the Rezoning application, submitted by Amy Blakely of 807 North Atlantic Avenue, we are also requesting to be included to rezone our property from R-3, Single Family and Two Family Residential to R-3A, Single Family and Two Family Residential.

We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make our property eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
911 North Atlantic	Kathleen Redeker	Kathleen Redeker

DocuSign Envelope ID: 233F60CF-4063-4AF0-9FBB-14FAAD361462

EXHIBIT C

CITY OF NEW SMYRNA BEACH
Rezoning Applicants

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We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make our property eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
919 N. Atlantic Ave	Donata Makuta/Michael Boyle	DocuSigned by: DONATA MAKUTA

DocuSign Envelope ID: A382A7CE-E4F0-436D-95C8-AD5BA612B8AC

EXHIBIT C

CITY OF NEW SMYRNA BEACH
Rezoning Applicants

As part of the Rezoning application, submitted by Amy Blakely of 807 North Atlantic Avenue, we are also requesting to be included to rezone our property from R-3, Single Family and Two Family Residential to R-3A, Single Family and Two Family Residential.

We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make our property eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
921 N. Atlantic Ave NSB	Deborah Demito	Debbie Demito 7D31823D8924463...

DocuSign Envelope ID: 4676FFC6-2548-4764-A346-477FAC5921F9

EXHIBIT D

CITY OF NEW SMYRNA BEACH
Rezoning Applicant's Surrounding Properties Support

As part of the Rezoning application submitted by Amy Blakely of 807 North Atlantic Avenue New Smyrna Beach, Florida 32169, we are in support of, or not opposed to, the applications requesting to rezone the properties East of North Atlantic Avenue from 805 North Atlantic Avenue to 951 North Atlantic Avenue from R-3, Single Family and Two Family Residential to a R-3A, Single Family and Two Family Residential status.

We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make these properties eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
801 N. Atlantic Ave NSB	Louis Celenza Tr	Louis Celenza

DocuSign Envelope ID: CED73478-FAE8-4465-8B17-D0FB923E82DC

EXHIBIT D

CITY OF NEW SMYRNA BEACH
Rezoning Applicant's Surrounding Properties Support

As part of the Rezoning application submitted by Amy Blakely of 807 North Atlantic Avenue New Smyrna Beach, Florida 32169, we are in support of, or not opposed to, the applications requesting to rezone the properties East of North Atlantic Avenue from 805 North Atlantic Avenue to 951 North Atlantic Avenue from R-3, Single Family and Two Family Residential to a R-3A, Single Family and Two Family Residential status.

We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make these properties eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
806 N. Atlantic Ave NSB	Richard Proctor	Richard Proctor

DocuSign Envelope ID: AF8F7069-07F1-4D9A-BB3E-D64FBD7278FF

EXHIBIT D

CITY OF NEW SMYRNA BEACH
Rezoning Applicant's Surrounding Properties Support

As part of the Rezoning application submitted by Amy Blakely of 807 North Atlantic Avenue New Smyrna Beach, Florida 32169, we are in support of, or not opposed to, the applications requesting to rezone the properties East of North Atlantic Avenue from 805 North Atlantic Avenue to 951 North Atlantic Avenue from R-3, Single Family and Two Family Residential to a R-3A, Single Family and Two Family Residential status.

We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make these properties eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
900 N. Atlantic Ave NSB	Luke Haber	DocuSigned by: 96CC0D2ADBB6463...

EXHIBIT D

CITY OF NEW SMYRNA BEACH
Rezoning Applicant's Surrounding Properties Support

As part of the Rezoning application submitted by Amy Blakely of 807 North Atlantic Avenue New Smyrna Beach, Florida 32169, we are in support of, or not opposed to, the applications requesting to rezone the properties East of North Atlantic Avenue from 805 North Atlantic Avenue to 951 North Atlantic Avenue from R-3, Single Family and Two Family Residential to a R-3A, Single Family and Two Family Residential status.

We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make these properties eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
902 N. Atlantic Ave.	Pimon Properties, LLC	
904 N. Atlantic Ave.	Joyce Braithwaite	

DocuSign Envelope ID: C611FC72-27EE-4401-BA96-5994013B5EF0

EXHIBIT D

CITY OF NEW SMYRNA BEACH
Rezoning Applicant's Surrounding Properties Support

As part of the Rezoning application submitted by Amy Blakely of 807 North Atlantic Avenue New Smyrna Beach, Florida 32169, we are in support of, or not opposed to, the applications requesting to rezone the properties East of North Atlantic Avenue from 805 North Atlantic Avenue to 951 North Atlantic Avenue from R-3, Single Family and Two Family Residential to a R-3A, Single Family and Two Family Residential status.

We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make these properties eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
906 N. Atlantic Ave NSB	Jeffrey & Jill Ashton	DocuSigned by: 4AE1621B0C3B440

EXHIBIT D

CITY OF NEW SMYRNA BEACH
Rezoning Applicant's Surrounding Properties Support

As part of the Rezoning application submitted by Amy Blakely of 807 North Atlantic Avenue New Smyrna Beach, Florida 32169, we are in support of, or not opposed to, the applications requesting to rezone the properties East of North Atlantic Avenue from 805 North Atlantic Avenue to 951 North Atlantic Avenue from R-3, Single Family and Two Family Residential to a R-3A, Single Family and Two Family Residential status.

We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make these properties eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
1000 N. Atlantic Ave., New Smyrna Beach 32169	Quentin L. Green, II Manager of MMG N. Atlantic, LLC	Quentin L. Green, II Manager of MMG N. Atlantic, LLC
1002 N. Atlantic Ave., New Smyrna Beach 32169	Quentin L. Green, II Manager of MMG N. Atlantic, LLC	Quentin L. Green, II Manager of MMG N. Atlantic, LLC

EXHIBIT D

CITY OF NEW SMYRNA BEACH
Rezoning Applicant's Surrounding Properties Support

As part of the Rezoning application submitted by Amy Blakely of 807 North Atlantic Avenue New Smyrna Beach, Florida 32169, we are in support of, or not opposed to, the applications requesting to rezone the properties East of North Atlantic Avenue from 805 North Atlantic Avenue to 951 North Atlantic Avenue from R-3, Single Family and Two Family Residential to a R-3A, Single Family and Two Family Residential status.

We understand that the rezoning will allow for 5 ft. side setbacks as opposed to 7.5 ft. side setbacks and we understand the R-3A status will make these properties eligible for short-term rentals as opposed to the current 30-day minimum.

Property Address	Name	Signature
1006 N. Atlantic, New Smyrna Beach 32169	Marian Miller Green Trust	Marian Green, Trustee

EXHIBIT E

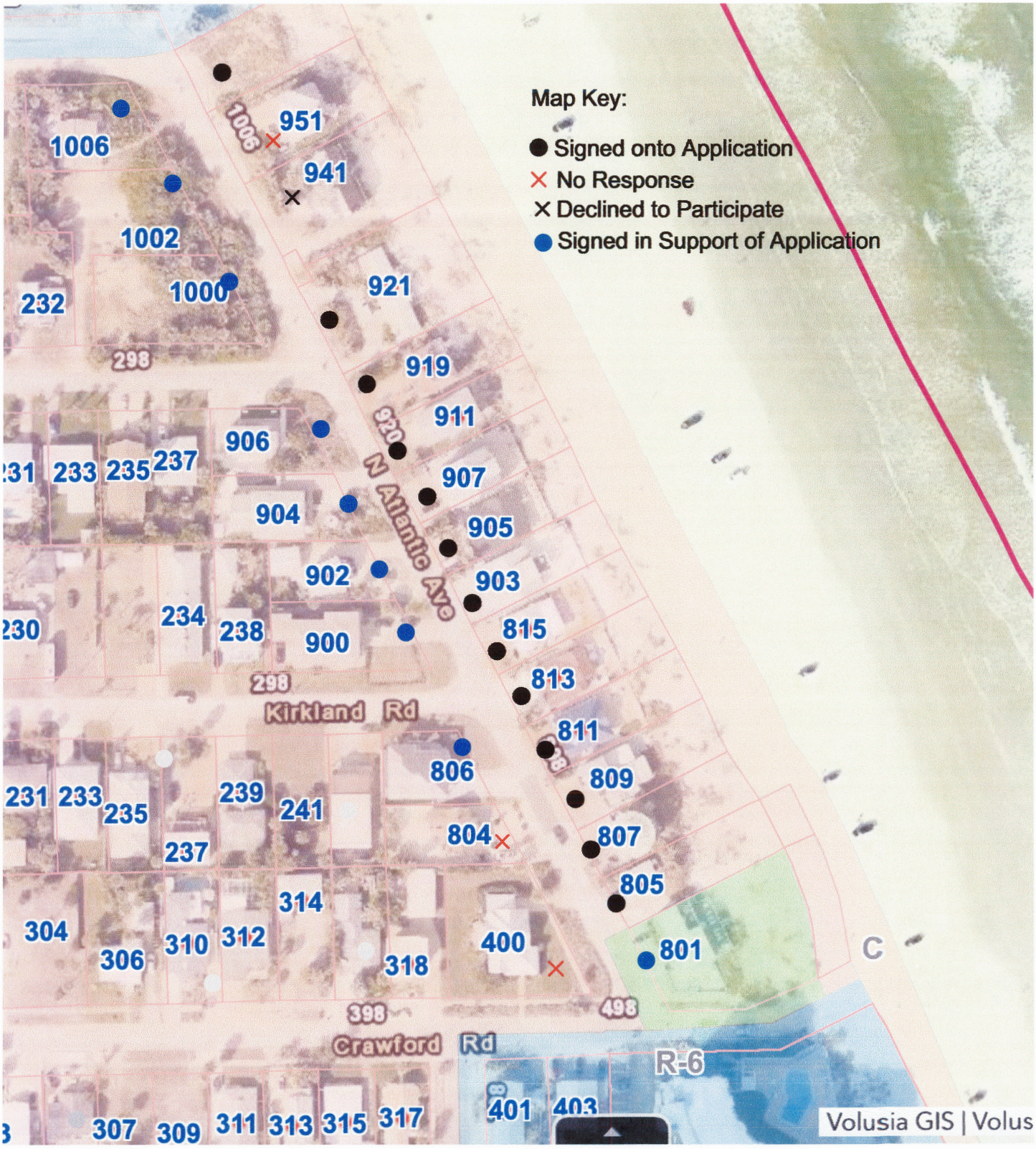
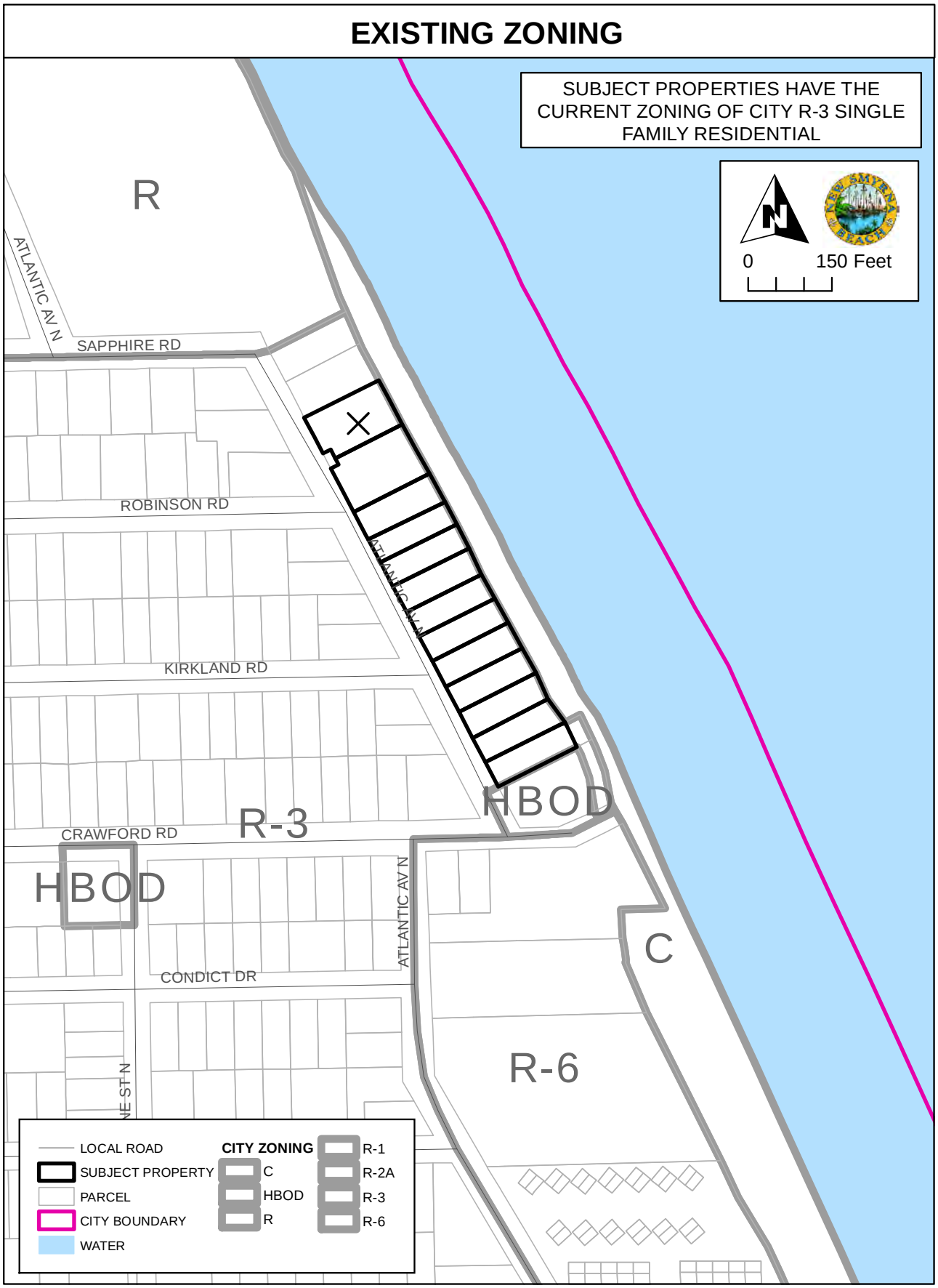

Map Key:
Signed onto Application
No Response
Declined to Participate
Signed in Support of Application
1006
951
941
1002
1000
232
921
298
919
911
906
920
N Atlantic Ave
907
904
905
902
903
234
238
900
815
813
Kirkland Rd
811
806
809
239
241
804
807
237
805
314
304
310
312
400
801
306
318
398
498
Crawford Rd
R-6
307
309
311
313
315
317
401
403
Volusia GIS | Volus

EXHIBIT F


EXISTING ZONING
SUBJECT PROPERTIES HAVE THE CURRENT ZONING OF CITY R-3 SINGLE FAMILY RESIDENTIAL
0
150 Feet
R
ATLANTIC AV N
SAPPHIRE RD
ROBINSON RD
KIRKLAND RD
CRAWFORD RD
CONDICT DR
R-3
HBOD
HBOD
C
R-6
LOCAL ROAD
SUBJECT PROPERTY
PARCEL
CITY BOUNDARY
WATER
CITY ZONING
C
HBOD
R
R-1
R-2A
R-3
R-6

R-3, SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICT

Intent. The R-3, Single-Family and Two-Family Residential District permits single-family and two-family residences and is intended to provide a choice in medium density residential housing.

Permitted uses*.*

Playfields

Playgrounds

Public parks

Recreation buildings and complexes for use by residents and guests in a residential development

Single-family and two-family dwellings

Permitted accessory uses.

Garages

Gazebos

Incidental uses

Permitted home occupations

Storage sheds

Swimming pools, private, provided a principal structure exists and the pool is located behind the front plane of the principal structure. Corner lots will be considered to have two front planes, one on each street. If a structure is not constructed squarely on a parcel, the swimming pool must be located at or behind the most restrictive front plane of the principal structure.

Uses customarily associated with the permitted principal uses

Special exceptions*.*

Facilities owned and/or operated by federal, state, county or municipal government except country clubs and golf courses

Schools and churches provided all structures are located at least 25 feet from all property lines and off-street parking areas abutting residential property are screened by a buffer meeting the requirements of this LDR

Child day care on church property, subject to the following additional conditions:

(1)

The church property shall be located on and be accessible by an arterial or collector roadway.

(2)

Play areas shall be fenced and landscaped. The landscaping shall have a vegetative hedge that will reach six feet in height within two years that is planted a minimum of three feet on center.

(3)

Play areas shall be located within all applicable setback dimensions.

(4)

The church property shall have a vehicular drop off and pickup area with a minimum [of] 100 feet of drive lane outside of the public right-of-way, or sufficient parking area to provide enough space to fit the required parking and provided space for drop off and pick up.

Dimensional requirements*.*

Minimum lot size*.*

Single-family dwellings (outside Historic Westside Neighborhood).

Area: 5,750 square feet

Depth: 115 feet

Width: 50 feet

Single-family dwellings (within Historic Westside Neighborhood).

Area: 5,000 square feet

Depth: 100 feet

Width: 50 feet

Two-family dwellings (outside Historic Westside Neighborhood).

Area: 11,500 square feet

Depth: 115 feet

Width: 100 feet

Two-family dwellings (within Historic Westside Neighborhood).

Area: 7,500 square feet

Depth: 100 feet

Width: 75 feet

Minimum yard size (outside Historic Westside Neighborhood).

Front yard: 20 feet or as required per [sub]section 504.01N. of this LDR

Rear yard: 7.5 feet

Side yard: 7.5 feet

Minimum yard size (within Historic Westside Neighborhood).

Lots less than 50 feet in width:

Front yard: 20 feet or as required per section 504.01(N) of this LDR; if a front porch covering at least 50 percent of the front facade is provided, the front yard setback may be reduced to five feet

Rear yard: 5 feet

Side yard: 5 feet

Lots 50 feet in width or wider:

Front yard: 20 feet or as required per Section 504.01 N. of this LDR; if a front porch covering at least 50 percent of the front facade is provided, the front yard setback may be reduced to five feet.

Rear yard: 7.5 feet

Side yard: 7.5 feet

Corner lots.

(1)

Parcels which front on two streets shall provide a 20-foot front yard on the street frontage with driveway access and a ten foot front yard on the other street or as required per [sub] section 504.01 N. of this LDR. For properties within the Historic Westside Neighborhood, the front yard setback may be reduced to five feet along one street frontage if a front porch covering at least 50 percent of the front facade is provided.

(2)

Parcels fronting on three streets shall provide a 20-foot front yard on the street frontage with driveway access and a ten-foot front yard on the remaining street or as required per [sub] section 504.01 N. of this LDR. For properties within the Historic Westside Neighborhood, the front yard setback may be reduced to five feet along one street frontage if a front porch covering at least 50 percent of the front facade is provided.

Minimum floor area. 650 square feet of livable area for one and two-bedroom dwelling units; 1,200 square feet of livable area for a three-bedroom dwelling unit; and 1,300 square feet of livable area for a four-bedroom dwelling unit.

Maximum principal building height*.*

Three stories.

Maximum height: 35 feet.

Maximum building coverage*.* The total area covered with buildings on any lot shall not exceed 40 percent of the total lot area.

Screen enclosures. As an exception to the maximum building coverage provision any parcel may be allowed an additional ten percent building coverage for only a screen pool enclosure if the following conditions are met:

1.

A screen pool enclosure shall only cover the swimming pool and surrounding pool deck and shall have a roof and walls consisting entirely of screening; and

2. There shall be no variances granted to exceed the maximum building coverage or additional coverage allowed for screen enclosures.

Maximum impervious lot coverage. The total area of the lot that may be covered with impervious material is 60 percent.

Through lots. Through lots shall provide a 20-foot front yard on each street, or as required per [sub] section 504.01 N. of this LDR. For properties within the Historic Westside Neighborhood, the front yard setback may be reduced to five feet along one street frontage if a front porch covering at least 50 percent of the front facade is provided.

Atypical lots. Visibility triangles shall be established at the rear corners of an atypical lot. The visibility triangles shall be those areas formed by a line connecting the points 30 feet from the intersection of the side and rear lot line, along the side lot line, and 30 feet from the intersection of the side and rear lot line; no principal or accessory structure having a height over four feet, except for incidental uses, shall protrude into the area of a visibility triangle.

Building projections. There shall be no building projections into any required yard except for eaves with a maximum projection of 42 inches, but no closer than five feet to a property line; and those structures allowed in [sub] section 804.03.

Off-street parking. Off-street parking shall be provided as required in this LDR.

Visibility at intersections. Visibility at intersections shall be provided as required in this LDR.

EXHIBIT H

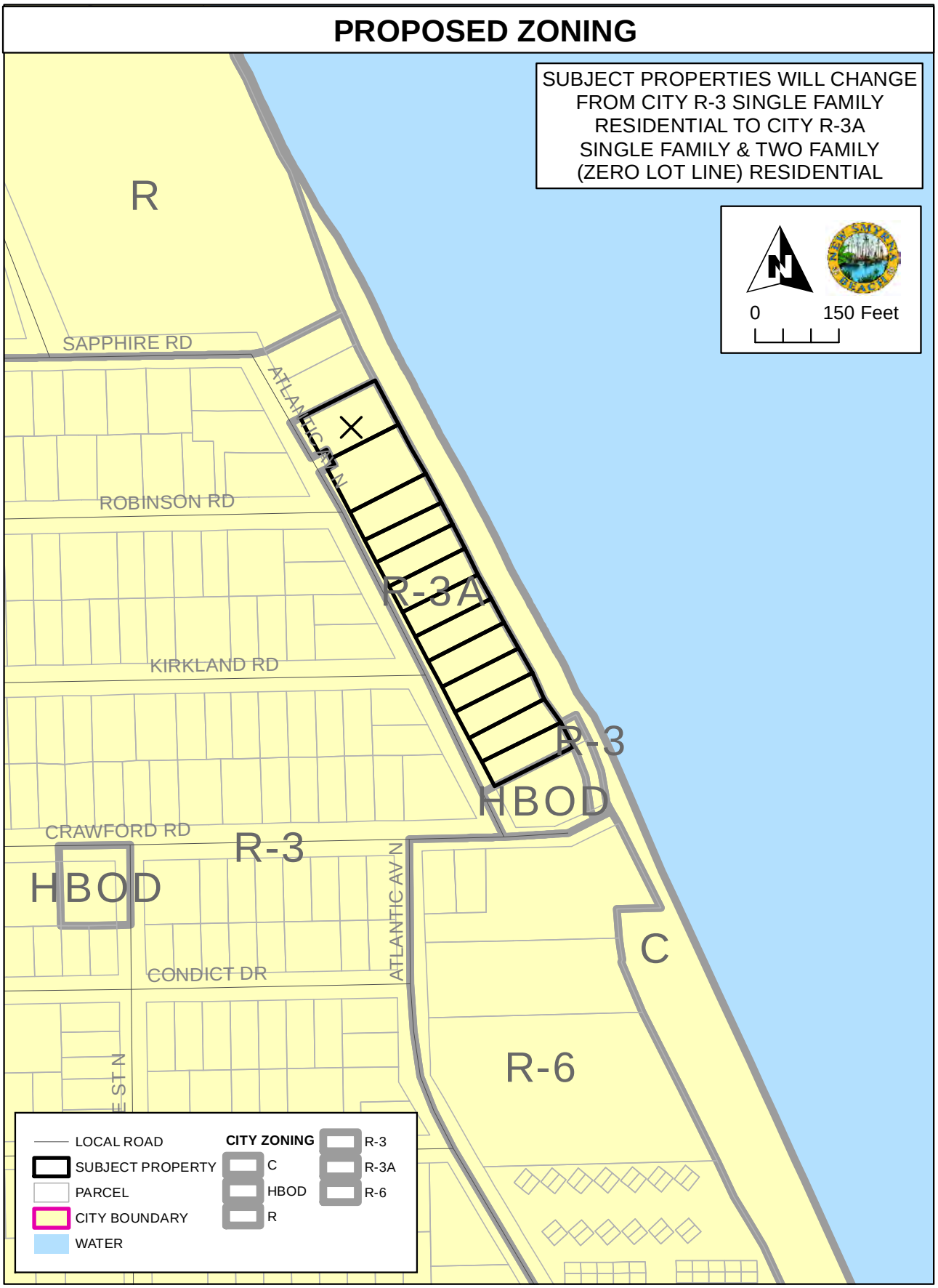

PROPOSED ZONING
SUBJECT PROPERTIES WILL CHANGE FROM CITY R-3 SINGLE FAMILY RESIDENTIAL TO CITY R-3A SINGLE FAMILY & TWO FAMILY (ZERO LOT LINE) RESIDENTIAL
0
150 Feet
R
SAPPHIRE RD
ATLANTIC AV N
ROBINSON RD
R-3A
KIRKLAND RD
R-3
HBOD
CRAWFORD RD
R-3
HBOD
ATLANTIC AV N
CONDICT DR
C
R-6
E ST N
LOCAL ROAD
SUBJECT PROPERTY
PARCEL
CITY BOUNDARY
WATER
CITY ZONING
C
HBOD
R
R-3
R-3A
R-6

EXHIBIT I

R-3A, SINGLE-FAMILY AND TWO-FAMILY (ZERO LOT LINE) RESIDENTIAL DISTRICT

Intent. The R-3A, Single-Family and Two-Family (zero lot line) Residential District is intended to be a medium-density residential district that increases useable lot space by employing zero lot line development and reducing yard sizes. Greater flexibility in building design is permitted.

Permitted uses.

Playfields

Playgrounds

Public parks

Recreation buildings and complexes for residents and guests in a residential development

Single-family and two-family dwellings

Permitted accessory uses.

Garages

Gazebos

Incidental uses

Permitted home occupations

Storage sheds

Swimming pools, private, provided a principal structure exists and the pool is located behind the front plane of the principal structure. Corner lots will be considered to have two front planes, one on each street. If a structure is not constructed squarely on a parcel, the swimming pool must be located at or behind the most restrictive front plane of the principal structure.

Uses customarily associated with the permitted principal uses

Special exceptions.

Child day care facilities, subject to the following additional conditions:

(1)

The church property shall be located within 500 feet of an arterial or collector roadway.

(2)

Play areas shall be fenced and landscaped. The landscaping shall have a vegetative hedge that will reach four feet in height within two years. The hedge plants must be planted three fee apart, on center.

(3)

Play areas shall be located outside all applicable setback dimensions.

(4)

The church property shall have a separate vehicular drop off and pickup area with a minimum 100-foot long drive lane outside of the public right-of-way, or sufficient parking area to provide enough space to fit the required parking and provided space for drop off and pick up.

(5)

Play areas shall be located to the side or rear of the building, outside of the required setbacks.

Facilities owned and/or operated by federal, state, county or municipal government except country clubs and golf courses.

Garage apartments on parcels east of Atlantic Avenue.

Schools and churches provided all structures are located at least 25 feet from all property lines and off-street parking areas abutting residential property are screened by a buffer meeting the requirements of this LDR.

Dimensional requirements.

Single-family dwellings.

Minimum lot size.

Area: 5,000 square feet

Depth: 100 feet

Width: 50 feet

Minimum yard size.

Front yard: 20 feet or as required per [sub]section 504.01M. of this LDR

Rear yard: Ten feet

Side yard: One side yard must be at least ten feet where the residence abuts the zero lot line. Where the residence does not abut the zero lot line, each side yard must be a minimum of five feet and abut another side yard of five feet on the adjoining lot with a residence.

Zero lot line development requirements. Restrictions and covenants based on the following requirements must be recorded on the face of the subdivision plat and on any deed for property delineated in the plat. Final legal form for restrictions and covenants must be approved by the city legal department.

(1)

Only one side lot line of the same lot may be used for zero lot line buildings that are built on adjacent lots. See Illustration No. 1.

(2)

Windows or doors shall not have direct exposure or access on the zero lot line wall except where recessed within the zero lot line wall. Also, a fence must be erected coterminous with the zero or five-foot setback lot line where the zero or five-foot setback lot line wall has been recessed and such fence shall be no less than five feet in height. See Illustration No. 2 and Exhibit A.

(3)

A six-foot maintenance easement shall be provided appurtenant to the adjoining lot on which the residence abuts the zero lot line. No buildings or permanent structures including, but not limited to, permanent barbecue grills, permanent barbecue pits, storage sheds, garages, carports, etc., other than concrete or similar surfaced driveways or patios, shall be located within this easement except for roof eaves not exceeding a maximum projection of 24 inches, and fences, located as shown on Illustration No. 2 and Exhibit A. Roof eaves shall be provided with guttering and downspouts where roofs drain onto the easement. Shrubs, trees, flowers, and other vegetation plantings, may be used for landscaping the easement. Fences are permitted in accordance with [sub]section 803.03, providing no fence is permitted above the height of four feet. In addition, fences erected perpendicular to the zero lot line, on the zero lot line, or on side property lines, if the residence does not abut the zero lot line, shall be constructed as follows:

(a)

A lot owner may construct and maintain a fence perpendicular to the zero lot line provided the fence penetrates the maintenance easement at no more than one point and connects two zero lot line residences. Said fence may connect the two residences at a point no closer to the front of a residence than the rear wall of the residences closest to the front setback line. A gate or opening of not less than

three feet is required within the section of a fence erected on the maintenance easement to afford maintenance access to the owner of the residence that abuts the zero lot line. See Illustration No. 2 and Exhibit A;

(b)

A lot owner may construct a fence on the zero lot line or five-foot setback lot line between the building and the rear property lines. A gate or opening of not less than three feet is required within each section of fence erected on the zero lot line that connects the building and the rear property line to afford maintenance access to the owner of the residence that abuts the zero lot line. See Illustration No. 2 and Exhibit A; and

(c)

Where the five-foot side yard setback requirement is used, no fence may be constructed any closer to the front setback of a residence than the rear wall of said residence or adjoining residence, whichever is closer to the front yard setback. See Exhibit B.

(4)

No zero lot line development is permitted at the outer perimeter property line shown on the plat. Therefore, single-family zero lot line development is permitted only at the side lot line opposite the outer perimeter property line or two-family dwellings as provided for in this district.

Two-family dwellings.

Minimum lot size.

Area: 10,000 square feet

Depth: 100 feet

Width: 100 feet

Minimum yard size.

Front yard: 20 feet or as required per [sub]section 504.01M. of this LDR

Rear yard: 10 feet

Side yard: 10 feet

Two-family dwellings—East of Atlantic Avenue.

Minimum lot size.

Area: 7,500 square feet

Depth: 100 feet

Width: 75 feet

Minimum yard size.

Front yard: 20 feet or as required per [sub]section 504.01M. of this LDR

Rear yard: 10 feet

Side yard: 7.5 feet

Requirements for single-family and two-family dwellings.

Minimum project site size. Five acres.

Maximum building coverage. The total area covered with buildings on any lot shall not exceed 40 percent of the total lot area.

Screen enclosures. As an exception to the maximum building coverage provision any parcel may be allowed an additional ten percent building coverage for only a screen pool enclosure if the following conditions are met:

1. A screen pool enclosure shall only cover the swimming pool and surrounding pool deck and shall have a roof and walls consisting entirely of screening; and
2. There shall be no variances granted to exceed the maximum building coverage or additional coverage allowed for screen enclosures.

Maximum impervious lot coverage. The total area of the lot that may be covered with impervious material is 60 percent.

Maximum principal building height.

Three stories.

Maximum height: 35 feet.

Minimum floor area requirements. 650 square feet of livable area for one and two-bedroom dwelling units; 1,200 square feet of livable area for a three-bedroom dwelling unit; and 1,300 square feet of livable area for a four-bedroom dwelling unit.

Maximum dwelling unit density. Eight dwelling units per gross acre.

Parking. Parking shall be provided as required in this LDR except that space requirements may be met as follows: On-site parking is permitted in required yards including the maintenance easement area; off-site parking is permitted between the front property line and the edge of pavement or travel lane.

Corner lots.

(1) Parcels which front on two streets shall provide a 20-foot front yard on the street frontage with driveway access and a ten-foot front yard on the other street, or as required per [sub]section 504.01M. of this LDR.

(2) Parcels fronting on three streets shall provide a 20-foot front yard on the street frontage with driveway access and a ten-foot front yard on remaining streets, or as required per [sub]section 504.01M. of this LDR.

Through lots. Through lots shall provide a 20-foot front yard on each street, or as required per [sub]section 504.01M. of this LDR.

Atypical lots. Visibility triangles shall be established at the rear corners of an atypical lot. The visibility triangles shall be those areas formed by a line connecting the points 30 feet from the intersection of the side and rear lot line, along the side lot line, and 30 feet from the intersection of the side and rear lot line along the rear lot line; no principal or accessory structure having a height over four feet, except for incidental uses, shall protrude into the area of a visibility triangle.

Building projections. There shall be no building projections into any required yard except for eaves with a maximum projection of 42 inches, but no closer than five feet to a property line; and those structures allowed in [sub]section 804.03.

Buffers. A landscaped buffer shall be provided as required in this LDR along the outer perimeter property line shown on the plat where double frontage lots are served by interior streets and back on adjacent streets.

Landscaping. A landscape plan is required as described in this LDR.

Visibility at intersections. Visibility at intersections shall be provided as required in this LDR.

ILLUSTRATION NO. 1

ZERO LOT LINE DEVELOPMENT

EXHIBIT I

Only one side lot line of the same lot may be used for zero lot line buildings that are built on adjacent lots.

Therefore, the building practice illustrated below is prohibited.

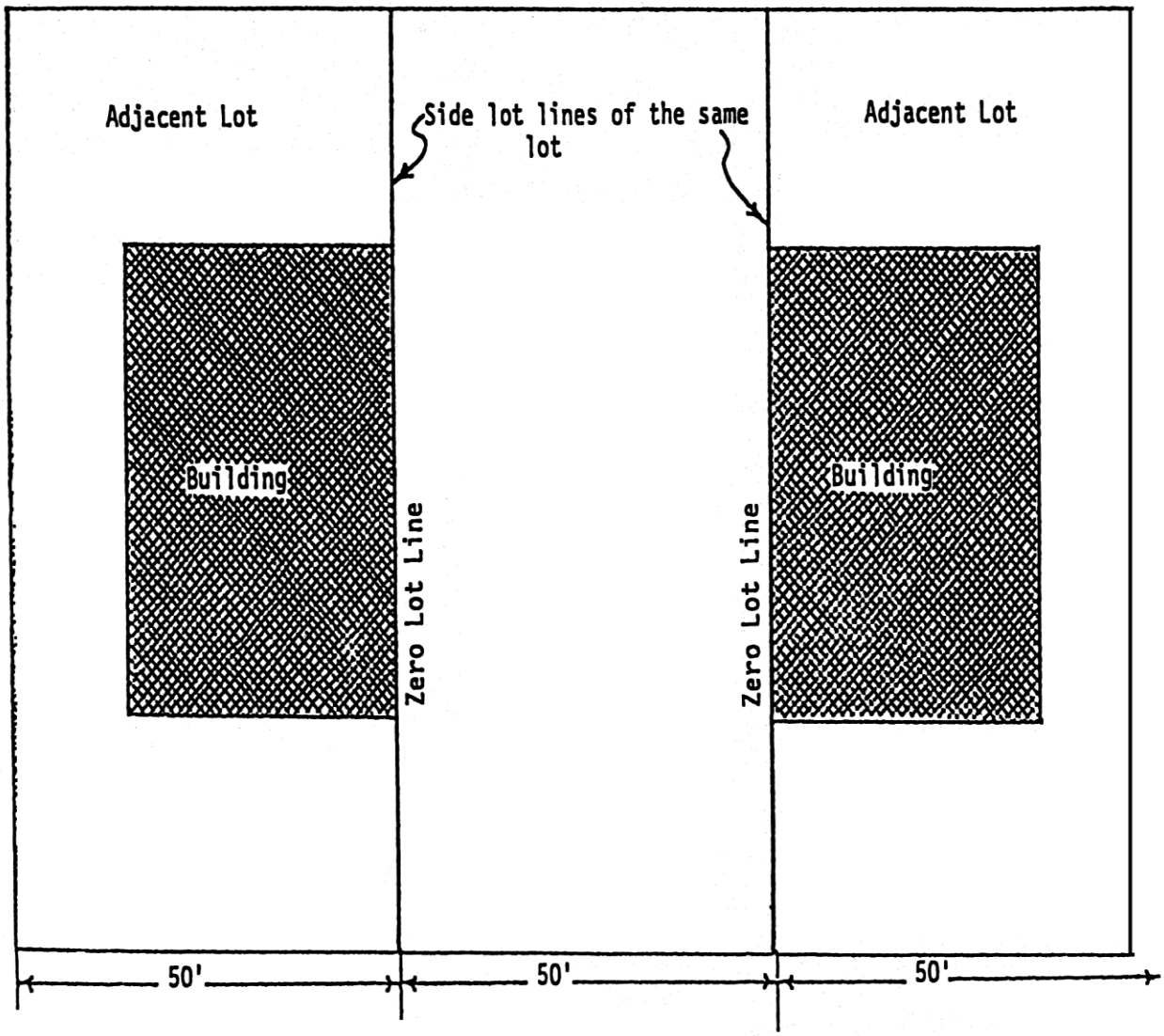


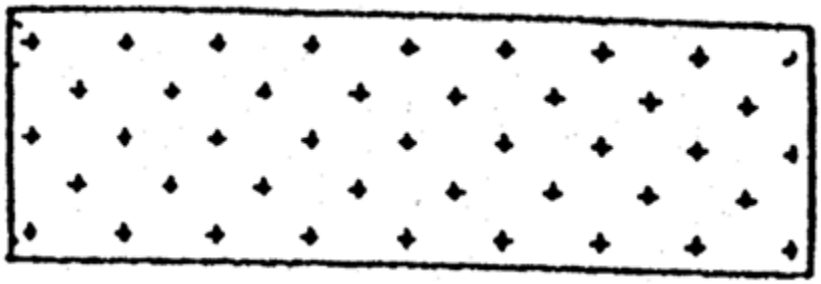
ILLUSTRATION NO. 1 ZERO LOT LINE DEVELOPMENT

ILLUSTRATION NO. 2

ZERO LOT LINE DEVELOPMENT

EXHIBIT I

Required side yard of ten feet includes maintenance easement of six feet.



Maintenance Easement of Six Feet

Windows or doors shall not have direct exposure or access on the zero lot line wall except where recessed within the zero lot line wall. Also, a fence must be erected coterminous with the zero lot line where the zero lot line wall has been recessed and such fence shall be no less than five feet in height.

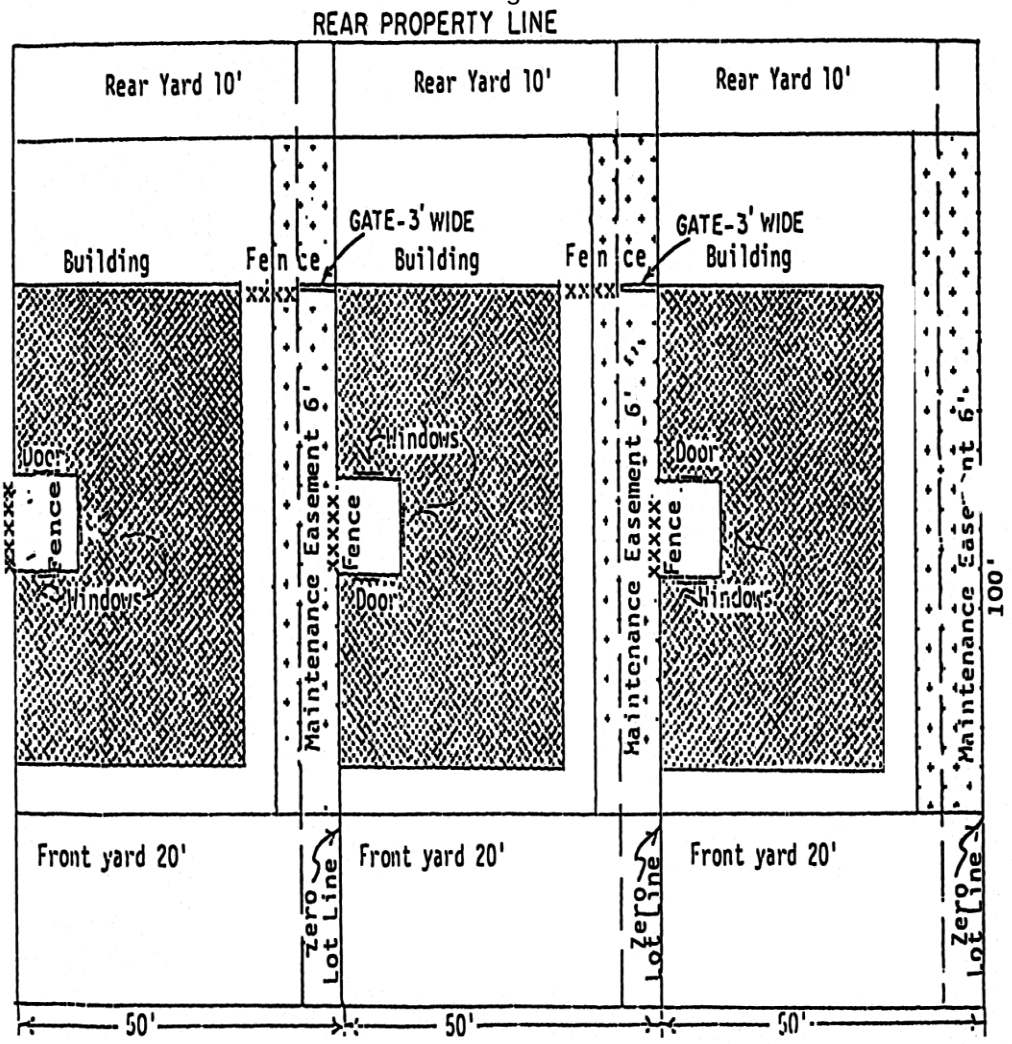


EXHIBIT I

ILLUSTRATION NO. 2

A six-foot maintenance easement shall be provided appurtenant to the adjoining lot on which the residence abuts the zero lot line. No buildings or permanent structures including, but not limited to, permanent barbecue grills, permanent barbecue pits, storage sheds, garages, carports, etc., other than concrete or similar surfaced driveways or patios, shall be located within this easement except for roof eaves not exceeding a maximum projection of 24 inches. Roof eaves shall be provided with guttering and downspouts where roofs drain onto the easement.

EXHIBIT A

ZERO LOT LINE

EXHIBIT A ZERO LOT LINE

EXHIBIT B

EXHIBIT I

ZERO LOT LINE

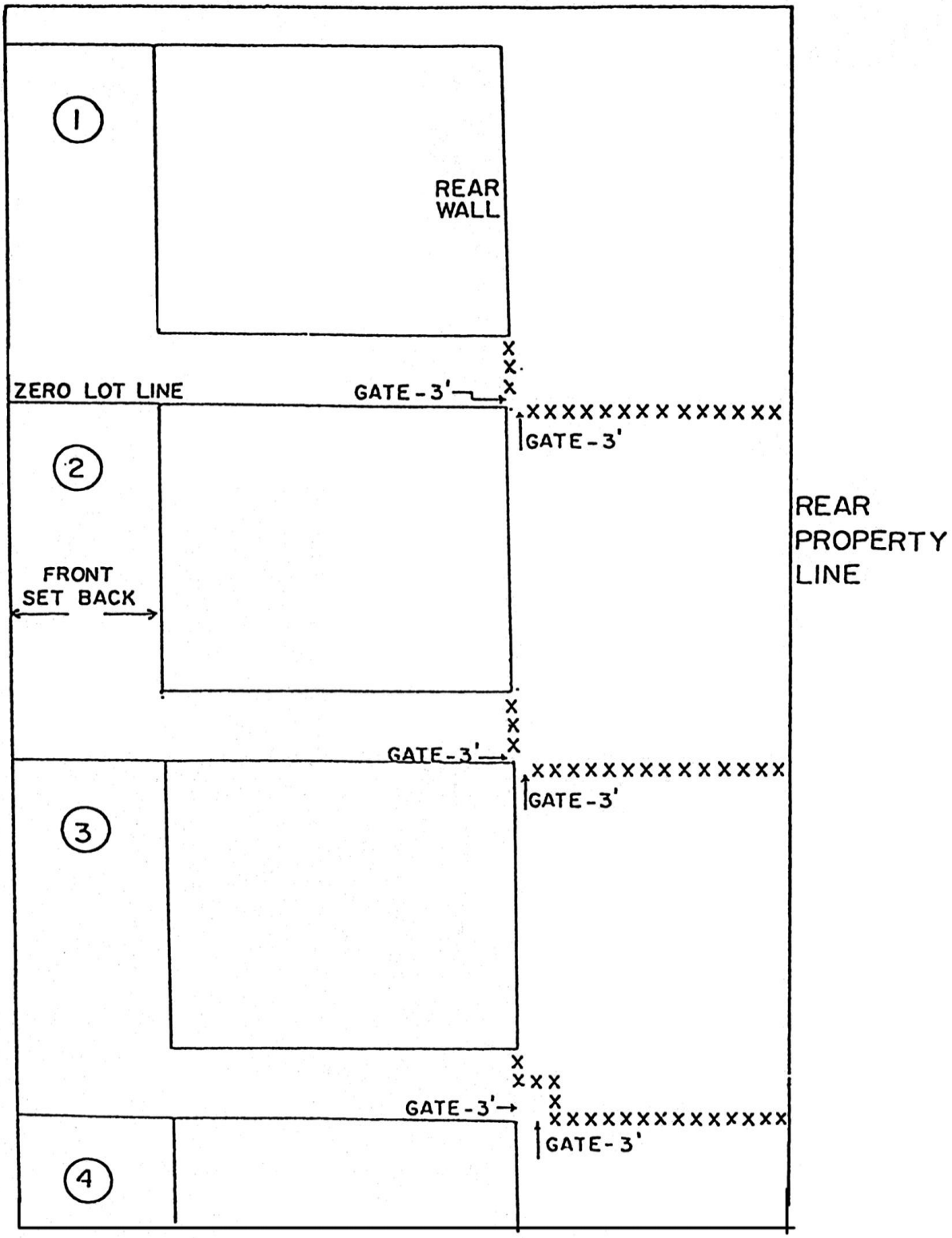
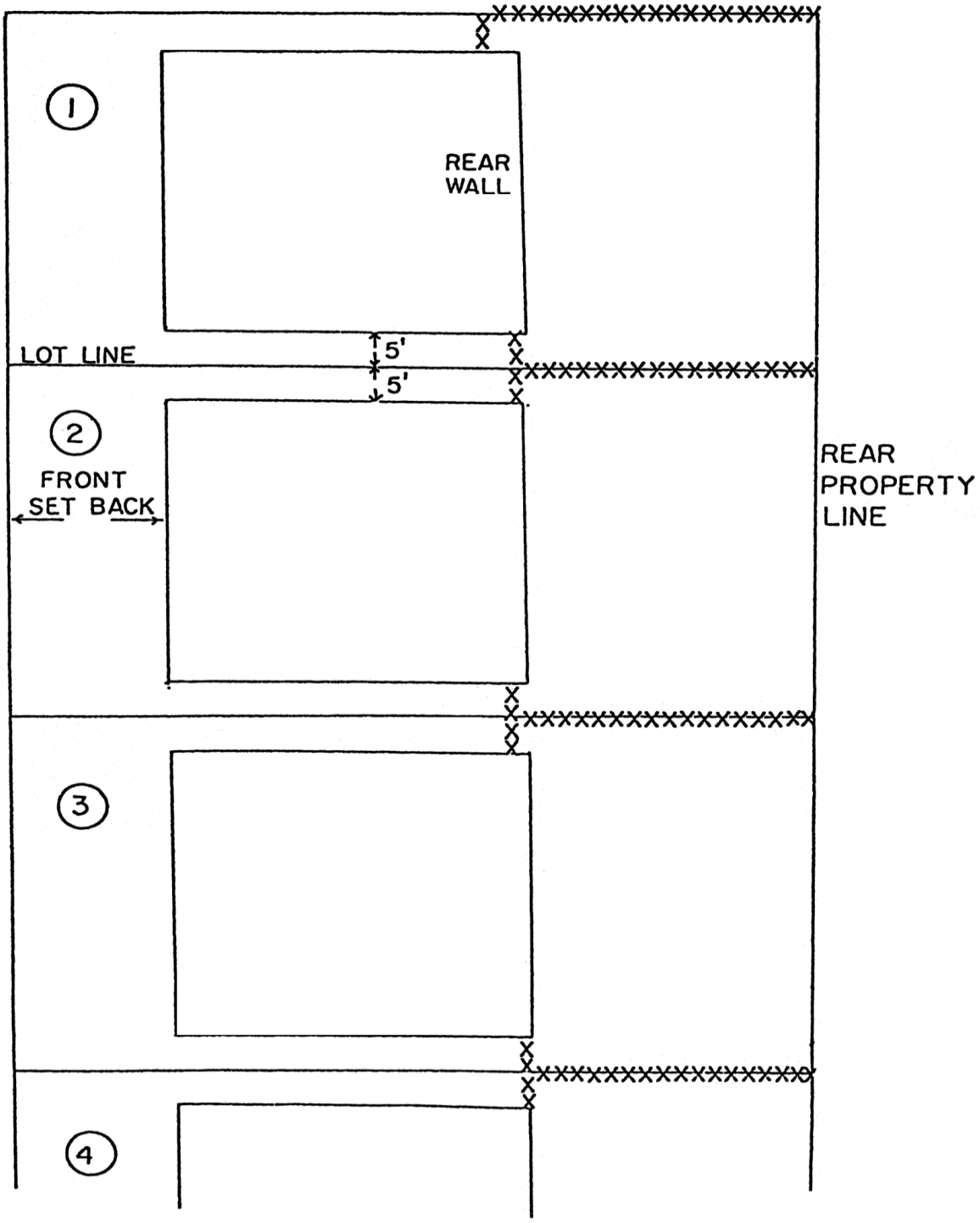


EXHIBIT B ZERO LOT LINE



504.01 General Regulations

N. Short term rental (less than 30 days) of a dwelling unit is permitted only in the designated areas and zoning districts indicated below:

East of the Intracoastal Waterway
Zoning districts: R-3A east of Atlantic Avenue, R-4, R-5, R-6, B-4, M-U, and BBH
Ord. #66-07

East of the Intracoastal Waterway and South of Third Avenue

Zoning districts: R-2A **Ord. #55-92**

West of the Intracoastal Waterway
Zoning districts: M-U, BBH

EXHIBIT K

Legal Descriptions

805 North Atlantic Avenue, New Smyrna Beach, Florida 32169

Parcel Number – 7409-02-05-0030, AltKey - 5200876

Lot 3, Block 5, Map of Resubdivision of "The Boardwalk" SUBDIVISION, according to the plat thereof as recorded in Map Book 8, Page 114 of the Public Records of Volusia County, Florida.

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807 North Atlantic Avenue, New Smyrna Beach, Florida 32169

Parcel Number – 7409-02-05-0040, AltKey - 3786262

Lot 4, Block 5, THE BOARDWALK SUBDIVISION, CORONADO BEACH, according to the map in Map Book 8, Page 114, Public Records of Volusia County, Florida.

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809 North Atlantic Avenue, New Smyrna Beach, Florida 32169

Parcel Number – 7409-02-05-0050, AltKey - 3786271

Lot 5, Block 5, Miller's Boardwalk Subdivision, in the City of New Smyrna Beach, Florida, according to map recorded in Map Book 8, Page 114, Public Records of Volusia County, Florida.

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811 North Atlantic Avenue, New Smyrna Beach, Florida 32169

Parcel Number – 7409-02-05-0060, AltKey - 3786289

Lot 6, Block 5, Map of Resubdivision of "The Boardwalk" SUBDIVISION, according to the plat thereof as recorded in Map Book 8, Page 114 of the Public Records of Volusia County, Florida.

EXHIBIT K

813 North Atlantic Avenue, New Smyrna Beach, Florida 32169

Parcel Number – 7409-02-05-0070, AltKey - 3786297

Lot 7, Block 5, Resubdivision of "The Boardwalk" SUBDIVISION, according to the map or plat thereof, as recorded in Map Book 8, Page(s) 114 of the Public Records of Volusia County, Florida.

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815 North Atlantic Avenue, New Smyrna Beach, Florida 32169

Parcel Number – 7409-02-05-0080, AltKey - 3786301

Lot 8, Block 5, BOARDWALK SUB, according to the map in Map Book 8, Page 114, Public Records of Volusia County, Florida.

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903 North Atlantic Avenue, New Smyrna Beach, Florida 32169

Parcel Number – 7409-02-05-0090, AltKey - 3786319

Lot 9, Block 5, Map of Resubdivision of "The Boardwalk" SUBDIVISION, according to the plat thereof as recorded in Map Book 8, Page 114 of the Public Records of Volusia County, Florida.

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905 North Atlantic Avenue, New Smyrna Beach, Florida 32169

Parcel Number – 7409-02-05-0100, AltKey - 3786327

Lot 10, Block 5, Map of Resubdivision of "The Boardwalk Subdivision", according to the plat thereof as recorded in Map Book 8, Page 114 of the Public Records of Volusia County, Florida.

EXHIBIT K

907 North Atlantic Avenue, New Smyrna Beach, Florida 32169

Parcel Number – 7409-02-05-0110, AltKey - 3786335

Lot 11, Block 5, of RESUBDIVISION OF THE BOARDWALK SUBDIVISION, according to the plat thereof, as recorded in Map Book 8, Page 114 of the Public Records of Volusia County, Florida.

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911 North Atlantic Avenue, New Smyrna Beach, Florida 32169

Parcel Number – 7409-02-05-0120, AltKey - 3786343

Lot 12, Block 5, BOARDWALK Subdivision, City of New Smyrna Beach, County of Volusia, Florida; also described as: Lot 12, Block 5, Miller's Boardwalk Subdivision, Section 9, Township 17 South, Range 34 East, as per map in Map Book 8, Page 114, Public Records of Volusia County, Florida.

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919 North Atlantic Avenue, New Smyrna Beach, Florida 32169

Parcel Number – 7409-02-05-0130, AltKey - 3786351

Lot 13, Block 5, Map or Resubdivision of "The Boardwalk" Subdivision, according to the map or plat thereof, as recorded in Map Book 8, Page 114 of the Public Records of Volusia County, Florida.

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921 North Atlantic Avenue, New Smyrna Beach, Florida 32169

Parcel Number – 7409-02-05-0140, AltKey - 3786360

Lots 14 and 15, Block 5, Resubdivision of "The Boardwalk" Subdivision, according to the map thereof recorded in Map Book 8, Page 114, of the Public Records of Volusia County, Florida, Less the Northerly 12.58 feet of the Westerly 15 feet of Lot 15, Block 5, "Boardwalk Subdivision", as shown on map in Map Book 8, Page 114, Public Records of Volusia County, Floirda.:

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ZT-8-22: MULTIPLE AMENDMENTS TO SECTION 504.02 OF THE CITY LAND DEVELOPMENT REGULATIONS.

January 9, 2023

Background:

Applicant: City of New Smyrna Beach, Planning Department

Request: Amend the Land Development Regulations under Section 504.02, Specific regulations by district, to limit maximum height and parcel aggregation of properties located in either National Registered Historic Districts.

Findings:

Exhibits used in the report:

Exhibit A: Proposed Amendment
Exhibit B: Proposed Amendment Clean
Exhibit C: New Smyrna Beach Historic District Zoning Map
Exhibit D: New Smyrna Beach Historic District Vacant Parcels
Exhibit E: Coronado Historic District Zoning Map
Exhibit F: Coronado Historic District Vacant Parcels

The Planning Department was instructed to review the current Land Development Regulations and possibly amended certain regulations as it would pertain to development in either of the City's National Registered Historic Districts.

The main objective for this amendment would be to limit the height of new construction and the aggregation of parcels to create larger parcels thus creating larger buildings than what is currently in either of the City's National Registered Historic Districts. The proposed regulation would allow for a waiver of these proposed regulations. The waiver process would be reviewed by the Historic New Smyrna Beach Preservation Commission and a final determination by the City Commission.

Recommendation

Staff would concur that this proposed amendment to Section 504.02 would be a bold attempt to limit new construction that may be out of scale with current contributing structures in the various zoning districts located within either of the City's National Registered Historic Districts.

Staff is seeking a motion from the Planning and Zoning Board to give a positive recommendation to the City Commission to approve the requested amendment to Section 504.02 of the City's Land Development Regulation.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Robert Mathen - Planner II

Attachments:

Exhibit A Proposed Text Amendment Height-Combination 12-29-22 DraftV2.pdf
Exhibit B Proposed Text Amendment Height-Combination 12-29-22 DraftV2 Clean.pdf
Exhibit C NSB Local Hist Dist with Zoning.pdf
Exhibit D NSB Local Hist Dist Vacant Lots.pdf
Exhibit E Coronado Local Hist Dist with Zoning.pdf
Exhibit F Coronado Local Hist Dist Vacant Lots.pdf

ARTICLE V. ZONING DISTRICTS

504.02. *Specific regulations by district.* The regulations for each zoning district are set forth in the following schedule. No lot shall be developed except to conform to the respective district requirements unless a variance has been granted in conformance with this LDR.

R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

Dimensional requirements.

Minimum lot size.

Area: 12,000 feet

Depth: 120 feet

Width: 100 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Minimum yard size.

Front yard: 35 feet, or as required per [sub] section 504.01M. of this LDR

Rear yard: Ten feet

Side yard: 20 feet total, no side less than 8

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R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT

Dimensional requirements.

Minimum lot size.

Area: 8,625 square feet

Depth: 115 feet

Width: 75 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Owners may request waiver from these regulations by requesting a Certificate of Appropriateness (COA) from the Historic Preservation Board. After reviewed by the Board, the Waiver must be reviewed by the Commission and approved by a simple majority vote of the Commission if COA was issued by the Historic Preservation Board or super-majority if the COA was denied.

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R-3A, SINGLE-FAMILY AND TWO-FAMILY (ZERO LOT LINE) RESIDENTIAL DISTRICT

Dimensional requirements.

Single-family dwellings.

Minimum lot size.

Area: 5,000 square feet

Depth: 100 feet

Width: 50 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Two-family dwellings.

Minimum lot size.

Area: 10,000 square feet

Depth: 100 feet

Width: 100 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Two-family dwellings—East of Atlantic Avenue.

Minimum lot size.

Area: 7,500 square feet

Depth: 100 feet

Width: 75 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Owners may request waiver from these regulations by requesting a Certificate of Appropriateness (COA) from the Historic Preservation Board. After reviewed by the Board, the Waiver must be reviewed by the Commission and approved by a simple majority vote of the Commission if COA was issued by the Historic Preservation Board or super-majority if the COA was denied.

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R-4, MULTIFAMILY RESIDENTIAL DISTRICT

Dimensional requirements.

Single-family dwellings detached and duplexes.

Minimum lot size.

Single-family dwellings detached.

Area: 5,000 square feet

Depth: 100 feet

Width: 50 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Duplex.

Area: 7,500 square feet

Depth: 100 feet

Width: 75 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Multifamily dwellings.

Minimum project site dimensions.

Width: 100 feet

Depth: 100 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel, except already existing buildings may combine into one building provided the original outside facade remains unchanged.

Maximum principal building height.

Single-family dwellings detached and attached and duplexes.

Three stories.

Maximum height: 35 feet.

Multifamily dwellings.

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Four stories.

Maximum height: 45 feet.

Properties located within the National Registered, New Smyrna Beach Historic District cannot exceed three (3) stories or 35 feet in height for new construction or additions unless the structure of a portion of the proposed footprint of the structure, is utilized to provide required vehicle parking.

Owners may request waiver from these regulations by requesting a Certificate of Appropriateness (COA) from the Historic Preservation Board. After reviewed by the Board, the Waiver must be reviewed by the City Commission and approved by a simple majority vote of the Commission if COA was issued by Historic Preservation Board or super-majority if the COA was denied.

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R-5, MULTIFAMILY RESIDENTIAL DISTRICT

Dimensional requirements.

Single-family dwellings detached and duplexes.

Minimum lot size.

Single-family dwelling detached.

Area: 5,000 square feet

Depth: 100 feet

Width: 50 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Duplex.

Area: 7,500 square feet

Depth: 100 feet

Width: 75 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Multifamily dwelling.

Minimum project site dimensions.

Width: 100 feet

Depth: 100 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel, except already existing buildings may combine into one building provided the original outside facade remains unchanged.

Maximum principal building height.

Eight stories.

Maximum building height: 80 feet.

Properties located within the National Registered, New Smyrna Beach Historic District cannot exceed three (3) stories or 35 feet in height for new

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construction or additions unless the structure of a portion of the proposed footprint of the structure, is utilized to provide required vehicle parking.

Nine stories, provided all of the first story of the building, or that portion of the first story of a building containing nine stories, is used for off-street parking, excluding elevator shafts; maintenance, and utility equipment rooms; laundry rooms; and storage rooms, restricted to owner or tenant usage.

Maximum building height with garage parking: 95 feet.

Properties located within the National Registered, New Smyrna Beach Historic District cannot exceed four (4) stories or 45 feet in height for new construction or additions provided all of the first story of the building, or that portion of the first story of a building containing four stories, is used for off-street parking, excluding elevator shafts; maintenance, and utility equipment rooms; laundry rooms; and storage rooms, restricted to owner or tenant usage.

Owners may request waiver from these regulations by requesting a Certificate of Appropriateness (COA) from the Historic Preservation Board. After reviewed by the Board, the Waiver must be reviewed by the City Commission and approved by a simple majority vote of the Commission if COA was issued by Historic Preservation Board or super-majority if the COA was denied.

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EXHIBIT A

MU, MIXED USE DISTRICT
(CENTRAL BUSINESS DISTRICT)

Dimensional requirements.

Minimum lot size.

Area: None

Depth: None

Width: 50 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel, except already existing buildings may combine into one building provided the original outside facade remains unchanged.

Maximum principal building height.

Beachside: Three stories or 42 feet maximum

Mainland: 72 feet maximum

Properties located within the National Registered, New Smyrna Beach Historic District cannot exceed three (3) stories or 35 feet in height for new construction or additions unless the structure of a portion of the proposed footprint of the structure, is utilized to provide required vehicle parking.

Owners may request waiver from these regulations by requesting a Certificate of Appropriateness (COA) from the Historic Preservation Board. After reviewed by the Board, the Waiver must be reviewed by the City Commission and approved by a simple majority vote of the Commission if COA was issued by Historic Preservation Board or super-majority if the COA was denied.

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EXHIBIT A

B-6, MEDICAL-PROFESSIONAL DISTRICT

Dimensional requirements.

Minimum lot size.

Area: 10,000 square feet

Width: 75 feet

Depth: None

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel, except already existing buildings may combine into one building provided the original outside facade remains unchanged.

Maximum principal building height.

35 feet except adult congregate living facilities.

Adult congregate living facilities: Eight stories, not to exceed 92 feet.

Properties located within the National Registered, New Smyrna Beach Historic District cannot exceed three (3) stories or 35 feet in height for new construction or additions unless the structure of a portion of the proposed footprint of the structure, is utilized to provide required vehicle parking.

Owners may request waiver from these regulations by requesting a Certificate of Appropriateness (COA) from the Historic Preservation Board. After reviewed by the Board, the Waiver must be reviewed by the City Commission and approved by a simple majority vote of the Commission if COA was issued by Historic Preservation Board or super-majority if the COA was denied.

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B-6A, LIMITED MEDICAL-PROFESSIONAL DISTRICT

Dimensional requirements.

Minimum lot size.

Area: 10,000 square feet

Width: 75 feet

Depth: None

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel, except already existing buildings may combine into one building provided the original outside facade remains unchanged.

Owners may request waiver from these regulations by requesting a Certificate of Appropriateness (COA) from the Historic Preservation Board. After reviewed by the Board, the Waiver must be reviewed by the City Commission and approved by a simple majority vote of the Commission if COA was issued by Historic Preservation Board or super-majority if the COA was denied.

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ARTICLE V. ZONING DISTRICTS

504.02. *Specific regulations by district.* The regulations for each zoning district are set forth in the following schedule. No lot shall be developed except to conform to the respective district requirements unless a variance has been granted in conformance with this LDR.

R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

Dimensional requirements.

Minimum lot size.

Area: 12,000 feet

Depth: 120 feet

Width: 100 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Minimum yard size.

Front yard: 35 feet, or as required per [sub] section 504.01M. of this LDR

Rear yard: Ten feet

Side yard: 20 feet total, no side less than 8

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EXHIBIT B

R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT

Dimensional requirements.

Minimum lot size.

Area: 8,625 square feet

Depth: 115 feet

Width: 75 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Owners may request waiver from these regulations by requesting a Certificate of Appropriateness (COA) from the Historic Preservation Board. After reviewed by the Board, the Waiver must be reviewed by the Commission and approved by a simple majority vote of the Commission if COA was issued by the Historic Preservation Board or super-majority if the COA was denied.

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EXHIBIT B

R-3A, SINGLE-FAMILY AND TWO-FAMILY (ZERO LOT LINE) RESIDENTIAL DISTRICT

Dimensional requirements.

Single-family dwellings.

Minimum lot size.

Area: 5,000 square feet

Depth: 100 feet

Width: 50 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Two-family dwellings.

Minimum lot size.

Area: 10,000 square feet

Depth: 100 feet

Width: 100 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Two-family dwellings—East of Atlantic Avenue.

Minimum lot size.

Area: 7,500 square feet

Depth: 100 feet

Width: 75 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Owners may request waiver from these regulations by requesting a Certificate of Appropriateness (COA) from the Historic Preservation Board. After reviewed by the Board, the Waiver must be reviewed by the Commission and approved by a simple majority vote of the Commission if COA was issued by the Historic Preservation Board or super-majority if the COA was denied.

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EXHIBIT B

R-4, MULTIFAMILY RESIDENTIAL DISTRICT

Dimensional requirements.

Single-family dwellings detached and duplexes.

Minimum lot size.

Single-family dwellings detached.

Area: 5,000 square feet

Depth: 100 feet

Width: 50 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Duplex.

Area: 7,500 square feet

Depth: 100 feet

Width: 75 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Multifamily dwellings.

Minimum project site dimensions.

Width: 100 feet

Depth: 100 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel, except already existing buildings may combine into one building provided the original outside facade remains unchanged.

Maximum principal building height.

Single-family dwellings detached and attached and duplexes.

Three stories.

Maximum height: 35 feet.

Multifamily dwellings.

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Four stories.

Maximum height: 45 feet.

Properties located within the National Registered, New Smyrna Beach Historic District cannot exceed three (3) stories or 35 feet in height for new construction or additions unless the structure of a portion of the proposed footprint of the structure, is utilized to provide required vehicle parking.

Owners may request waiver from these regulations by requesting a Certificate of Appropriateness (COA) from the Historic Preservation Board. After reviewed by the Board, the Waiver must be reviewed by the City Commission and approved by a simple majority vote of the Commission if COA was issued by Historic Preservation Board or super-majority if the COA was denied.

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EXHIBIT B

R-5, MULTIFAMILY RESIDENTIAL DISTRICT

Dimensional requirements.

Single-family dwellings detached and duplexes.

Minimum lot size.

Single-family dwelling detached.

Area: 5,000 square feet

Depth: 100 feet

Width: 50 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Duplex.

Area: 7,500 square feet

Depth: 100 feet

Width: 75 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel.

Multifamily dwelling.

Minimum project site dimensions.

Width: 100 feet

Depth: 100 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel, except already existing buildings may combine into one building provided the original outside facade remains unchanged.

Maximum principal building height.

Eight stories.

Maximum building height: 80 feet.

Properties located within the National Registered, New Smyrna Beach Historic District cannot exceed three (3) stories or 35 feet in height for new

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construction or additions unless the structure of a portion of the proposed footprint of the structure, is utilized to provide required vehicle parking.

Nine stories, provided all of the first story of the building, or that portion of the first story of a building containing nine stories, is used for off-street parking, excluding elevator shafts; maintenance, and utility equipment rooms; laundry rooms; and storage rooms, restricted to owner or tenant usage.

Maximum building height with garage parking: 95 feet.

Properties located within the National Registered, New Smyrna Beach Historic District cannot exceed four (4) stories or 45 feet in height for new construction or additions provided all of the first story of the building, or that portion of the first story of a building containing four stories, is used for off-street parking, excluding elevator shafts; maintenance, and utility equipment rooms; laundry rooms; and storage rooms, restricted to owner or tenant usage.

Owners may request waiver from these regulations by requesting a Certificate of Appropriateness (COA) from the Historic Preservation Board. After reviewed by the Board, the Waiver must be reviewed by the City Commission and approved by a simple majority vote of the Commission if COA was issued by Historic Preservation Board or super-majority if the COA was denied.

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EXHIBIT B

MU, MIXED USE DISTRICT
(CENTRAL BUSINESS DISTRICT)

Dimensional requirements.

Minimum lot size.

Area: None

Depth: None

Width: 50 feet

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel, except already existing buildings may combine into one building provided the original outside facade remains unchanged.

Maximum principal building height.

Beachside: Three stories or 42 feet maximum

Mainland: 72 feet maximum

Properties located within the National Registered, New Smyrna Beach Historic District cannot exceed three (3) stories or 35 feet in height for new construction or additions unless the structure of a portion of the proposed footprint of the structure, is utilized to provide required vehicle parking.

Owners may request waiver from these regulations by requesting a Certificate of Appropriateness (COA) from the Historic Preservation Board. After reviewed by the Board, the Waiver must be reviewed by the City Commission and approved by a simple majority vote of the Commission if COA was issued by Historic Preservation Board or super-majority if the COA was denied.

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B-6, MEDICAL-PROFESSIONAL DISTRICT

Dimensional requirements.

Minimum lot size.

Area: 10,000 square feet

Width: 75 feet

Depth: None

Properties located in the National Registered, New Smyrna Beach Historic District cannot aggregate additional parcels to create a larger parcel, except already existing buildings may combine into one building provided the original outside facade remains unchanged.

Maximum principal building height.

35 feet except adult congregate living facilities.

Adult congregate living facilities: Eight stories, not to exceed 92 feet.

Properties located within the National Registered, New Smyrna Beach Historic District cannot exceed three (3) stories or 35 feet in height for new construction or additions unless the structure of a portion of the proposed footprint of the structure, is utilized to provide required vehicle parking.

Owners may request waiver from these regulations by requesting a Certificate of Appropriateness (COA) from the Historic Preservation Board. After reviewed by the Board, the Waiver must be reviewed by the City Commission and approved by a simple majority vote of the Commission if COA was issued by Historic Preservation Board or super-majority if the COA was denied.

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EXHIBIT B

B-6A, LIMITED MEDICAL-PROFESSIONAL DISTRICT

Dimensional requirements.

Minimum lot size.

Area: 10,000 square feet

Width: 75 feet

Depth: None

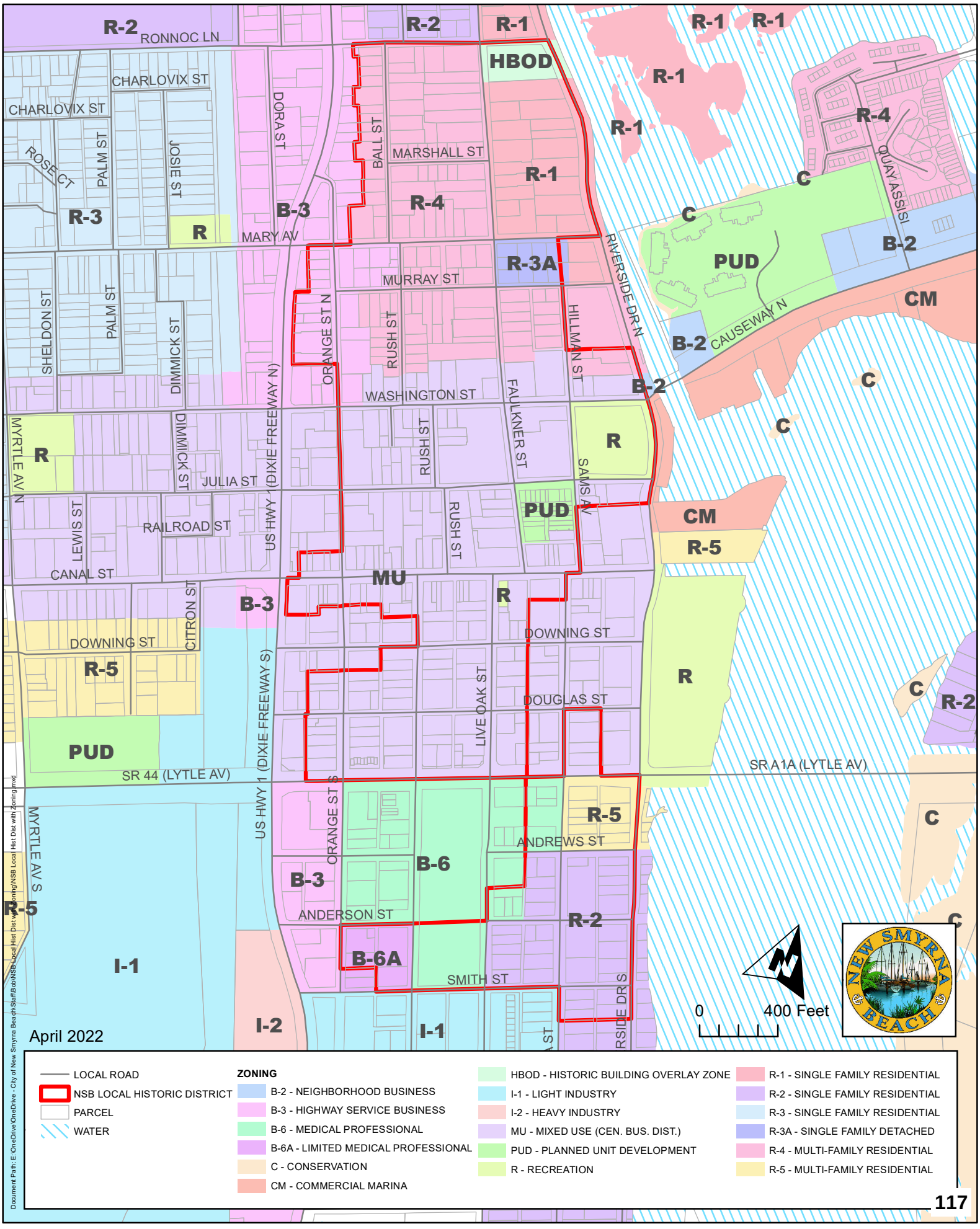
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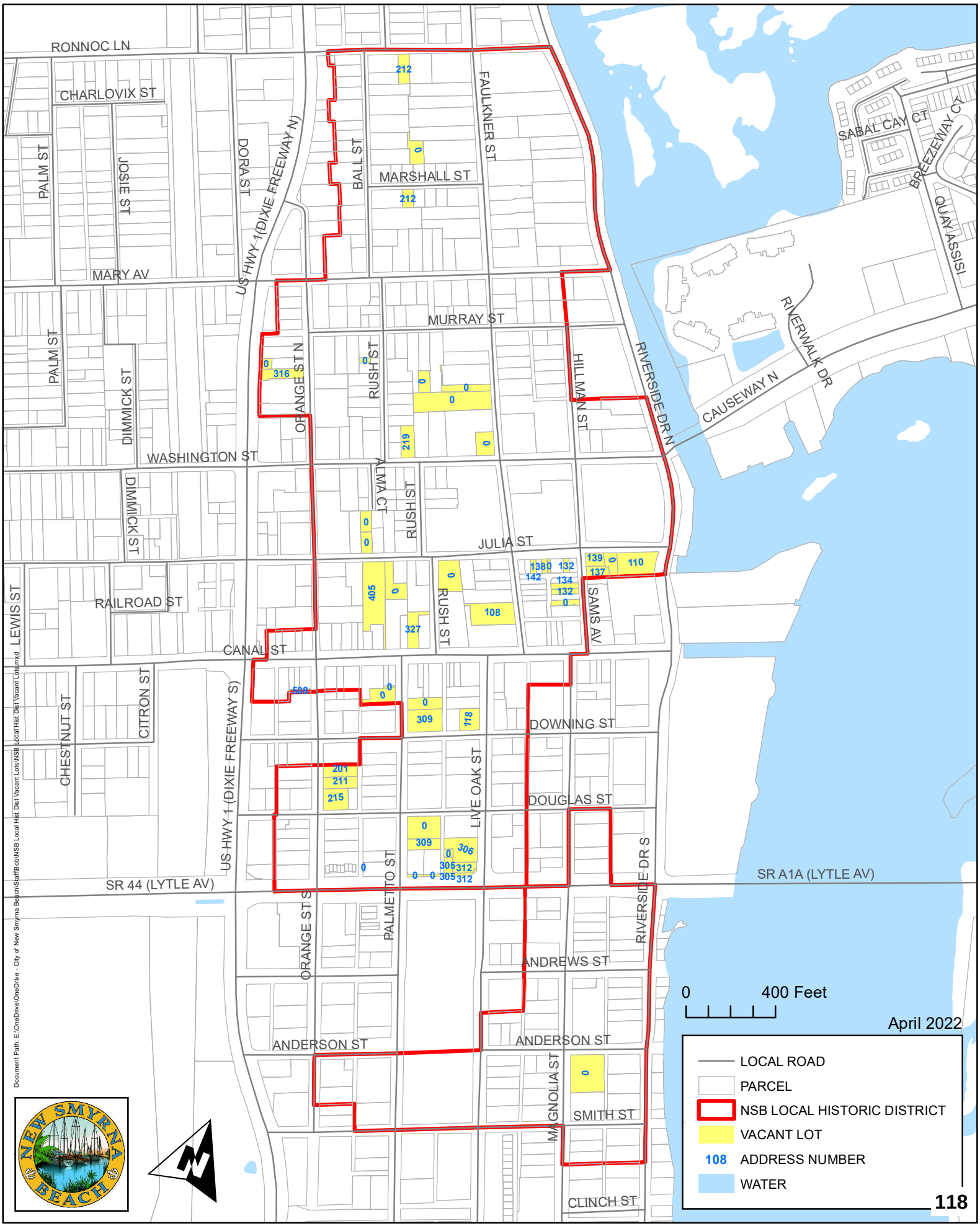
NSB LOCAL HISTORIC DISTRICT WITH CITY ZONING

EXHIBIT C

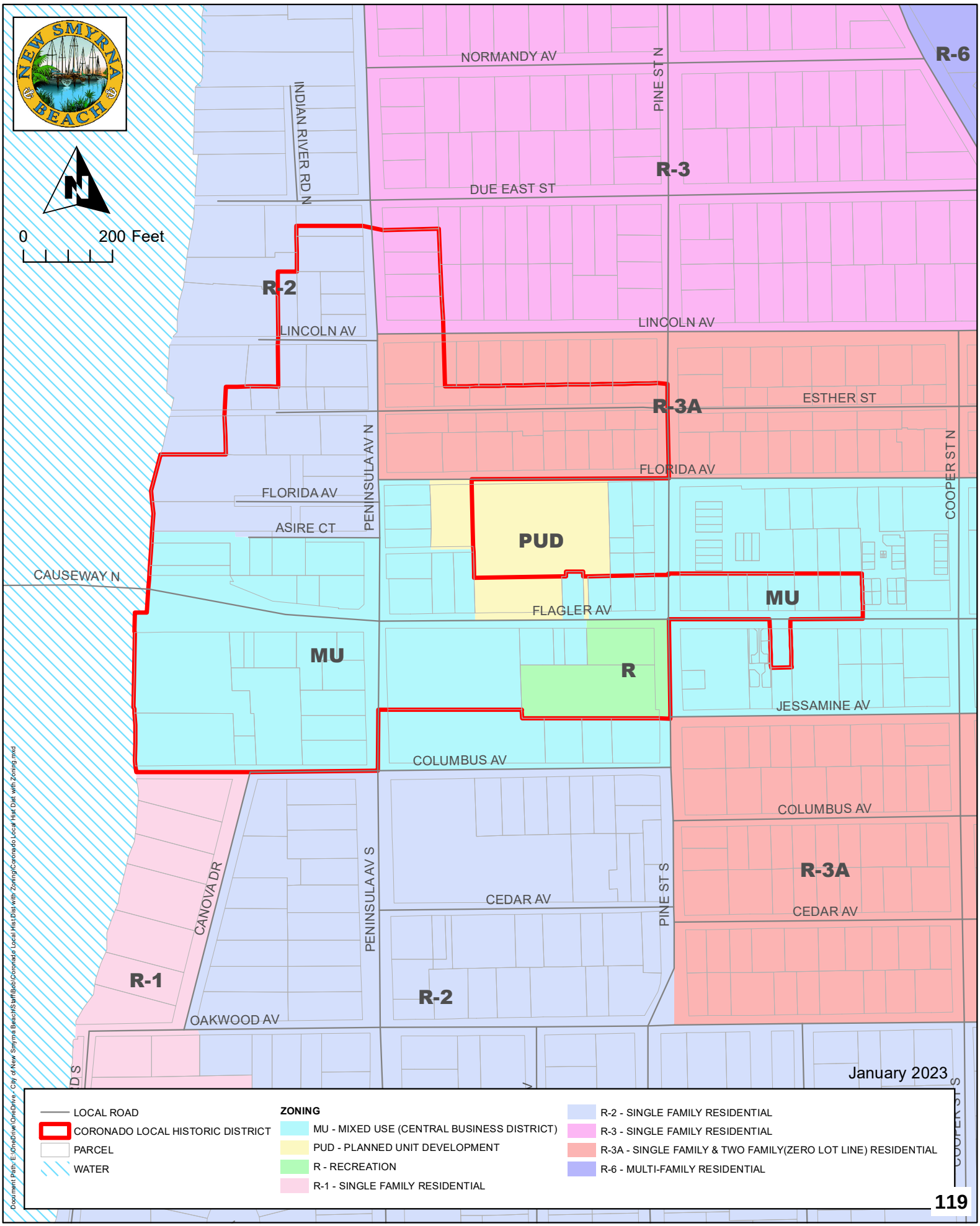


NSB LOCAL HISTORIC DISTRICT VACANT LOTS

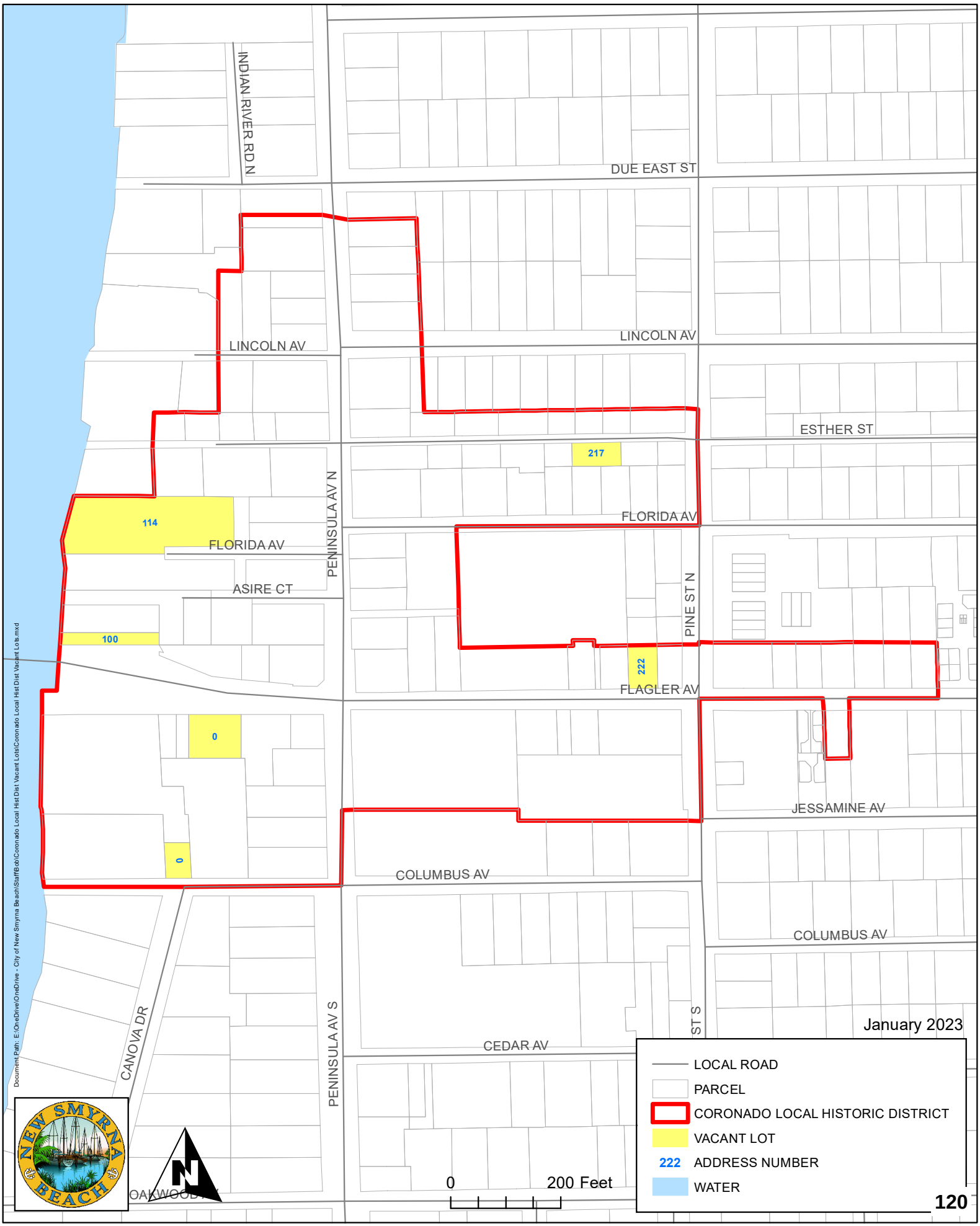
EXHIBIT D



CORONADO LOCAL HISTORIC DISTRICT WITH CITY ZONING



CORONADO LOCAL HISTORIC DISTRICT VACANT LOTS



THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

SELECTION OF THE 2023 VICE CHAIRPERSON

January 9, 2023

Background:

Conduct the nomination and election for the 2023 Planning and Zoning Board Vice Chairperson.

Fiscal Analysis:

N/A

Strategic Plan Item:

No

Staff Report Created By: Stephanie Ferrara - Development Services Coordinator

THE CITY OF NEW SMYRNA BEACH - DEVELOPMENTAL SERVICES

DISCUSSION ITEM: PLANNING AND ZONING BOARD GENERAL DISCUSSION OF WORKSHOP ITEMS

January 9, 2023

Background:

.

Fiscal Analysis:

N/A

Strategic Plan Item:

No

Staff Report Created By: Stephanie Ferrara - Development Services Coordinator

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

JANAURY 2023 DEVELOPMENT ACTIVITY REPORT

January 9, 2023

Background:
January 2023 Development Activity Report

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Robert Mathen - Planner II

Attachments:

January 2022 Development Activity Report with maps.pdf

January 2023 Development Activity Report

****Contact Planning Department at (386) 410-2830 with any questions regarding the DAR*****

Map ID#	Project Name	Project Number	Location	Description	Final Approval By	Current Status	Next Step
1	Hidden Lakes Village	PUD-4-18	Turnbull Bay Road/Whispering Pines Drive	New PUD	City Commission Meeting	City Commission Approved PUD 1-26-2021	Applicant to Submit Development Plans for Staff Review
2	AdventHealth	PUD-2-20	NE Corner of SR 44 & I-95	New Medical Center	City Commission Meeting	City Commission Approved PUD 2-8-22	Applicant to Submit Development Plans for Staff Review
3	Village Square MDA Amendment	PUD-0003-2021	2360 SR 44	Retail / Office / Restaurant	Future City Commission Meeting	Staff Comments Issued	Applicant to Resubmit
4	Blue Dolphin Boat/RV Storage	PUD-0001-2022	S. of 3rd Street extended West of S. Dixie Freeway	Boat and RV Storage Facility	City Commission Meeting 1st reading 12-13-22	Staff preparing for CC agenda	City Commission Meeting 1st reading 1-10-23
5	Medical Complex and Wellness Center	PUD-0004-2022	190 S. Wild Orange Dr.	Medical Office	Future City Commission Meeting	Submitted for Staff Review	Staff to Issue Comments
6	New Smyrna Beach Utilites Commission	PUD-0005-2022	Intersection of S.R. 44 and Interstate 95	Commercial/Utility Uses	Future City Commission Meeting	Staff Comments Issued	Applicant to Resubmit
7	4th Amendment to Regency/Wal-Mart PUD/MDA	PUD-0009-2022	SR 44 and I-95	Carwash	Future City Commission Meeting	Application on Hold	Application on Hold
8	Reserve at Lake Waterford	S-1-18	Eslinger Road	45 Lot Residential Subdivision	Future City Commission Meeting	Staff preparing for CC agenda	City Commission Meeting on TBD
9	Rolling Hills	S-10-18	Sugar Mill Drive	194 Lot Subdivision	Future City Commission Meeting	Staff preparing for CC agenda	City Commission Meeting on TBD
10	Florida Days Phases 4 & 5	S-0001-2021	Cattail Circle	37 Lot Single Family Subdivision	City Commission Approved 9-13-22	Phase 4 & 5 Plat Approved	Mylars and Plat Contract to be recorded
11	The Palms Phase 6	S-0005-2021	Venetian Bay	209 Single Family Lots	City Commission Meeting	City Commission Approved 3-8-22	Mylars and Plat Contract to be recorded
12	St. James Estates Pre Plat	S-0001-2022	West of First Street and Mission Dr.	To construct 31 townhomes	Future City Commission Meeting	Staff Comments Issued	Applicant to Resubmit
13	S. Myrtle Ave	S-0002-2022	408 S. Myrtle Ave	8 Single Family Residental Lots	City Staff	Staff Comments Issued	Applicant to Resubmit
14	Shell Pointe Final Plat Phase 1	S-0003-2022	3350 Pioneer Trail	312 Lot Single Family Subdivision	Future City Commission Meeting	Staff Comments Issued	Applicant to Resubmit

SP - Site Plan, S - Subdivision,
PUD - Planned Unit Development

January 2023 Development Activity Report

****Contact Planning Department at (386) 410-2830 with any questions regarding the DAR*****

Map ID#	Project Name	Project Number	Location	Description	Final Approval By	Current Status	Next Step
15	Village Street Condo	SP-16-19	Corner of Canal St and Village St	23 Residential Condo Units	City Staff	Staff Comments Issued	Applicant to Resubmit
16	NSB Airport Administrative Building	SP-0011-2021	City Airport	New Administrative and Maintenance Building	City Staff	Staff Comments Issued	Applicant to Resubmit
17	Bless Gas Station & Convenience Store	SP-0023-2021	1650 S. Atlantic	Convenience store and gas station	City Staff	Staff Comments Issued	Applicant to Resubmit
18	Village Center East	SP-0028-2021	Medici Blvd. and Luna Bella Lane	322 Residential Units	City Commission Approved	Draft Final approval letter	Pre Construction meeting to be conducted
19	Tionia Storage	SP-0029-2021	Tionia Rd	Storage Facilty with 45 storage spaces	FuturePlanning and Zoning Board Meeting	Staff Comments Issued	Applicant to Resubmit
20	Medical City Park	SP-0005-2022	225 Florida Memorial Parkway	Hotel with Medical Office (182 hotel rooms and 15,690 SF of medical office	Future Planning and Zoning Board Meeting	Submitted for Staff Review	Staff to Issue Comments
21	St. James Estate	SP-0011-2022	West of First Street and Mission Dr.	To construct 31 townhomes	Future Planning and Zoning Board Meeting	Staff Comments Issued	Applicant to Resubmit (TRS Mtg 8-11-22)
22	Panera Bread	SP-0015-2022	SR 44 and Sugar Mill Drive	Restaurant with Drive-Thru	City Staff	Site Plan Approved	Pre Construction meeting to be conducted
23	302 Live Oak Street	SP-0019-2022	302 Live Oak Street	Two Story Residential Buildling	Future Planning and Zoning Board Meeting	Site Plan Approved	Pre Construction meeting to be conducted
24	Oakwiler Townhomes	SP-0023-2022	Saxon Drive at 7th Ave	77 Townhomes	Future City Commission Meeting	Staff Comments Issued	Applicant to Resubmit
25	Davis Bros Expansion	SP-0024-2022	708 N. Dixie Freeway	6,267 SF warehouse	City Staff	Submitted for Staff Review	Staff to Issue Comments
26	214 Columbus Ave (Parking Lot)	SP-0025-2022	214 Columbus Ave	21 Parking Lot Spaces	City Staff	Site Plan Approved	Applicant to conduct a pre-construction meeting
27	218 N. Dixie Freeway	SP-0026-2022	218 N. Dixie Freeway	New Commercial Retail	City Staff	Staff Comments Issued	Applicant to Resubmit

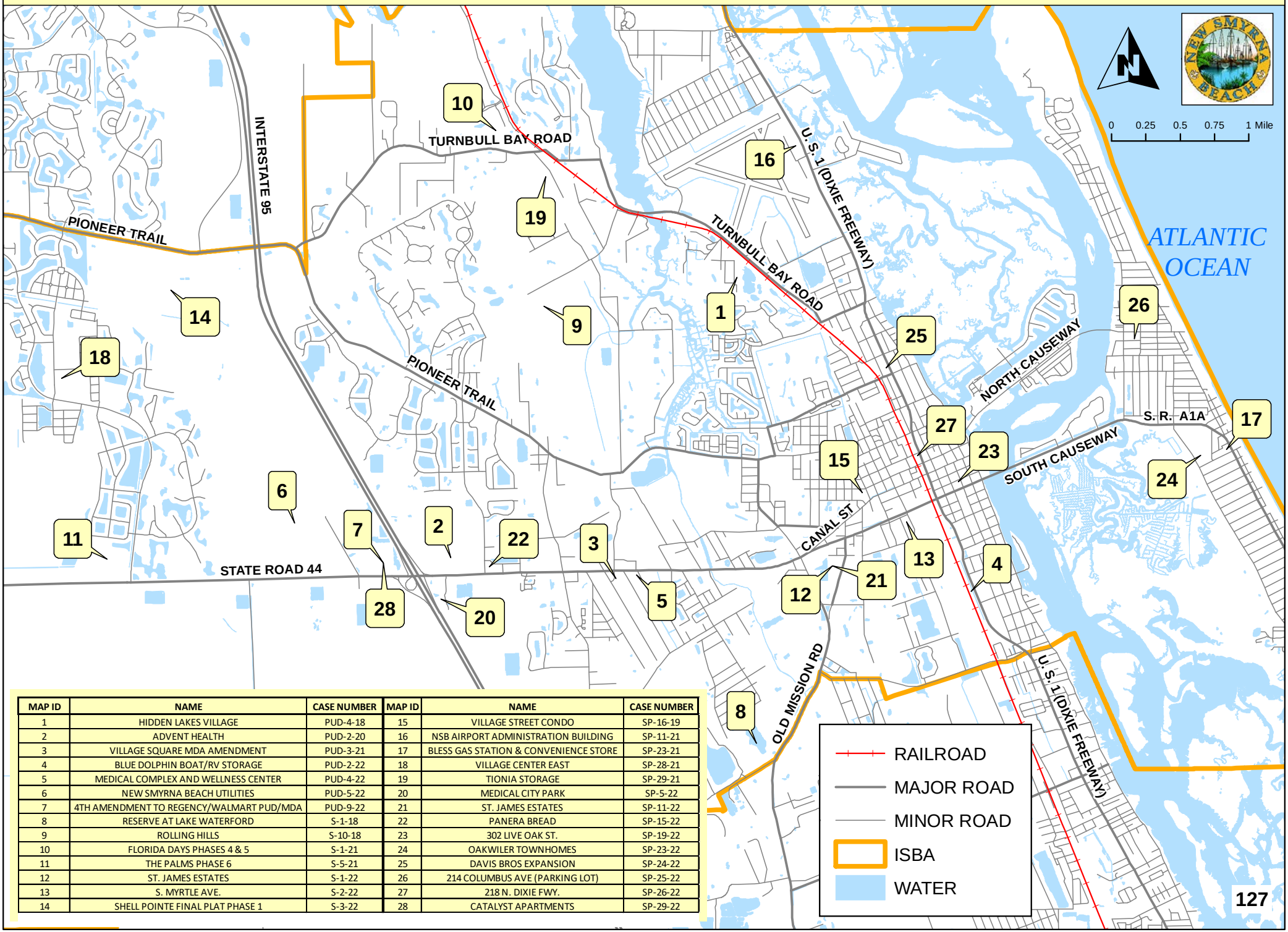
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January 2023 Development Activity Report

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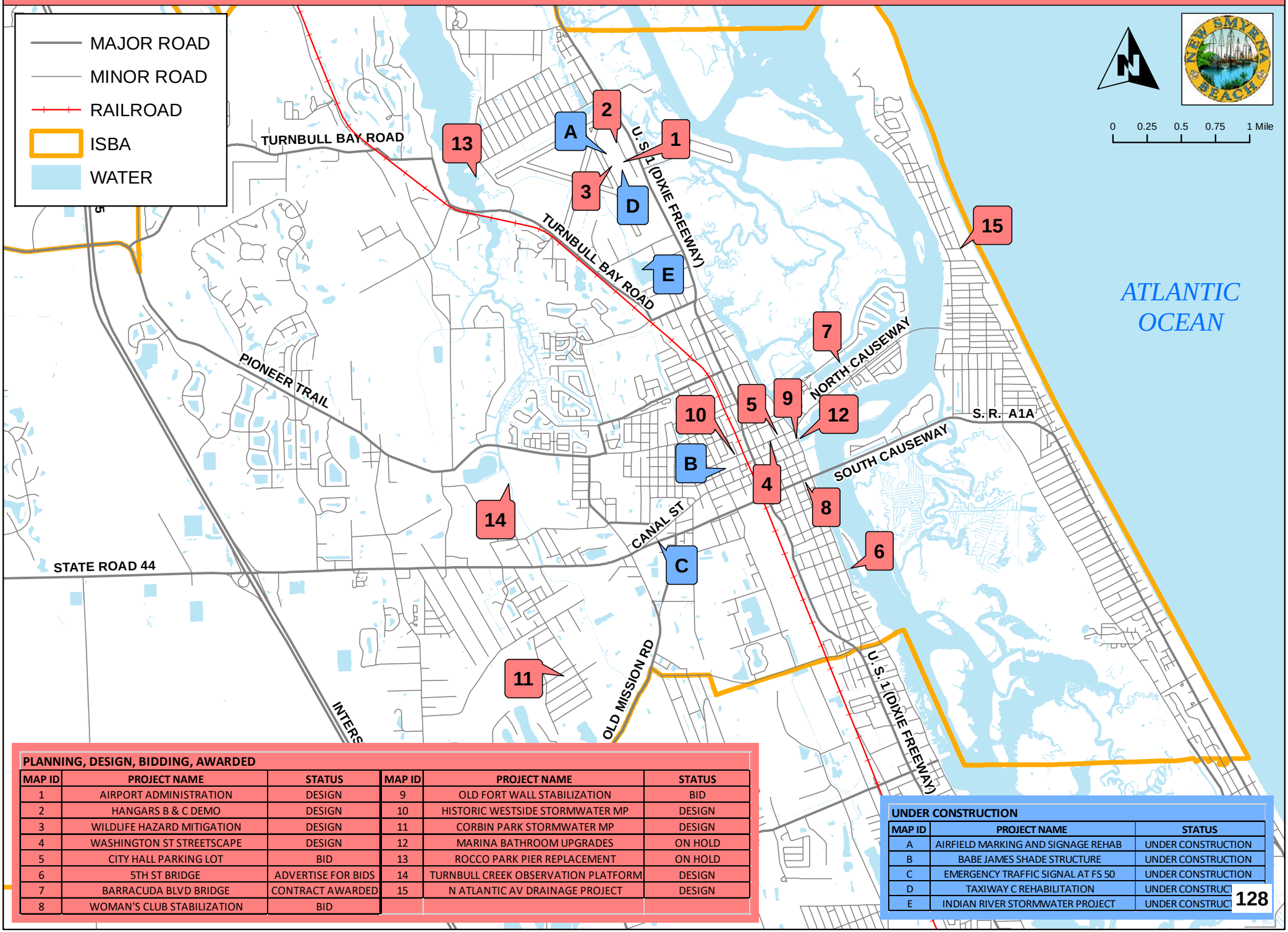
Map ID#	Project Name	Project Number	Location	Description	Final Approval By	Current Status	Next Step
28	Catalyst Apartments	SP-0029-2022	Regency/Wal-mart PUD - SR 44	279 Multifamily Units with 558 parking spaces	Future City Commission Meeting	Application on Hold	Application on Hold

JANUARY 2023 DEVELOPMENT ACTIVITY REPORT MAP



MAP ID	NAME	CASE NUMBER	MAP ID	NAME	CASE NUMBER
1	HIDDEN LAKES VILLAGE	PUD-4-18	15	VILLAGE STREET CONDO	SP-16-19
2	ADVENT HEALTH	PUD-2-20	16	NSB AIRPORT ADMINISTRATION BUILDING	SP-11-21
3	VILLAGE SQUARE MDA AMENDMENT	PUD-3-21	17	BLESS GAS STATION & CONVENIENCE STORE	SP-23-21
4	BLUE DOLPHIN BOAT/RV STORAGE	PUD-2-22	18	VILLAGE CENTER EAST	SP-28-21
5	MEDICAL COMPLEX AND WELLNESS CENTER	PUD-4-22	19	TIONIA STORAGE	SP-29-21
6	NEW SMYRNA BEACH UTILITIES	PUD-5-22	20	MEDICAL CITY PARK	SP-5-22
7	4TH AMENDMENT TO REGENCY/WALMART PUD/MDA	PUD-9-22	21	ST. JAMES ESTATES	SP-11-22
8	RESERVE AT LAKE WATERFORD	S-1-18	22	PANERA BREAD	SP-15-22
9	ROLLING HILLS	S-10-18	23	302 LIVE OAK ST.	SP-19-22
10	FLORIDA DAYS PHASES 4 & 5	S-1-21	24	OAKWILER TOWNHOMES	SP-23-22
11	THE PALMS PHASE 6	S-5-21	25	DAVIS BROS EXPANSION	SP-24-22
12	ST. JAMES ESTATES	S-1-22	26	214 COLUMBUS AVE (PARKING LOT)	SP-25-22
13	S. MYRTLE AVE.	S-2-22	27	218 N. DIXIE FWY.	SP-26-22
14	SHELL POINTE FINAL PLAT PHASE 1	S-3-22	28	CATALYST APARTMENTS	SP-29-22

JANUARY 2023 CITY CAPITAL IMPROVEMENT PROJECTS MAP



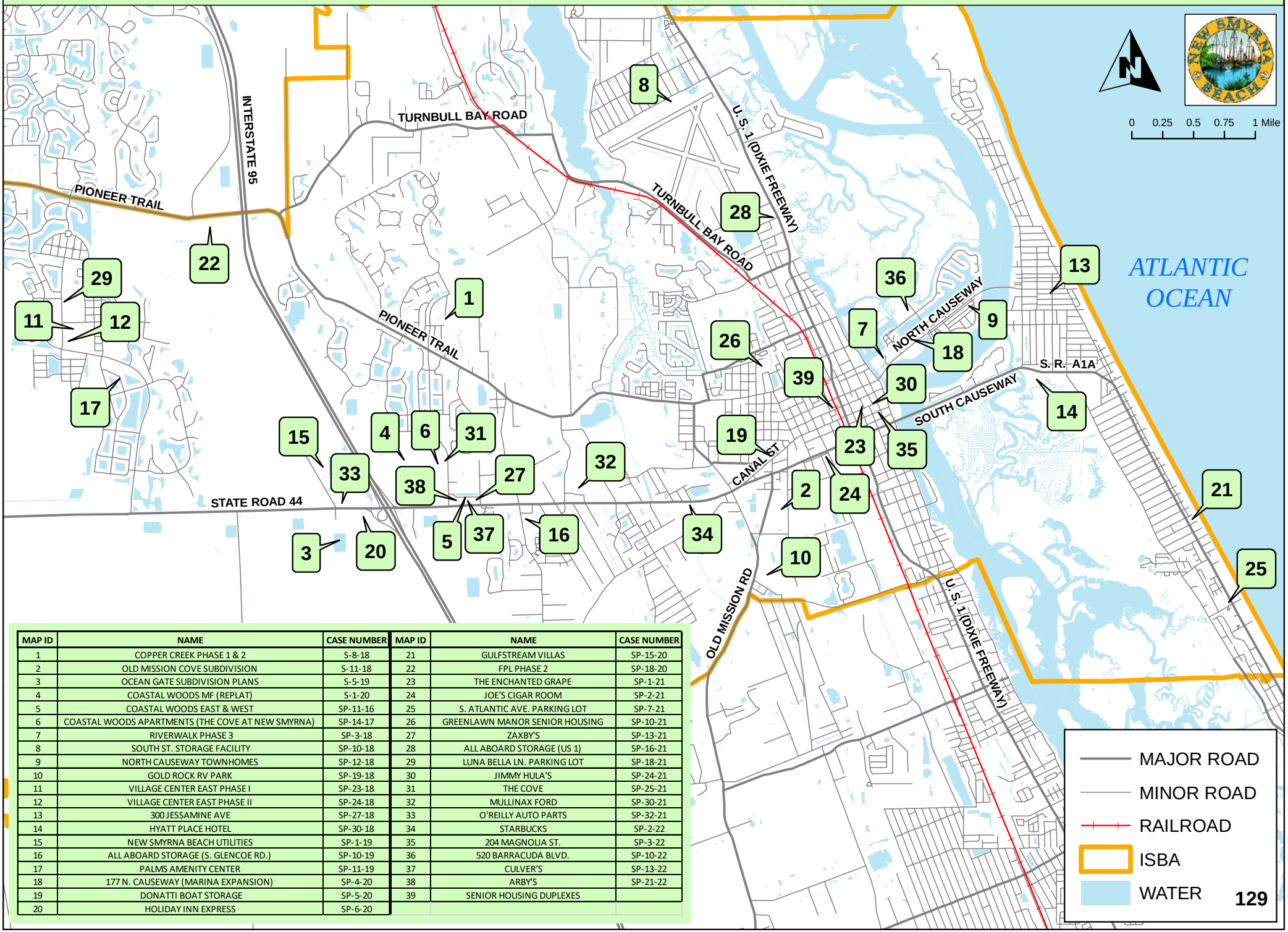
PLANNING, DESIGN, BIDDING, AWARDED

MAP ID	PROJECT NAME	STATUS	MAP ID	PROJECT NAME	STATUS
1	AIRPORT ADMINISTRATION	DESIGN	9	OLD FORT WALL STABILIZATION	BID
2	HANGARS B & C DEMO	DESIGN	10	HISTORIC WESTSIDE STORMWATER MP	DESIGN
3	WILDLIFE HAZARD MITIGATION	DESIGN	11	CORBIN PARK STORMWATER MP	DESIGN
4	WASHINGTON ST STREETSCAPE	DESIGN	12	MARINA BATHROOM UPGRADES	ON HOLD
5	CITY HALL PARKING LOT	BID	13	ROCCO PARK PIER REPLACEMENT	ON HOLD
6	5TH ST BRIDGE	ADVERTISE FOR BIDS	14	TURNBULL CREEK OBSERVATION PLATFORM	DESIGN
7	BARRACUDA BLVD BRIDGE	CONTRACT AWARDED	15	N ATLANTIC AV DRAINAGE PROJECT	DESIGN
8	WOMAN'S CLUB STABILIZATION	BID			

UNDER CONSTRUCTION

MAP ID	PROJECT NAME	STATUS
A	AIRFIELD MARKING AND SIGNAGE REHAB	UNDER CONSTRUCTION
B	BABE JAMES SHADE STRUCTURE	UNDER CONSTRUCTION
C	EMERGENCY TRAFFIC SIGNAL AT FS 50	UNDER CONSTRUCTION
D	TAXIWAY C REHABILITATION	UNDER CONSTRUCTION
E	INDIAN RIVER STORMWATER PROJECT	UNDER CONSTRUCTION

JANUARY 2023 PROJECTS APPROVED AND/OR UNDER CONSTRUCTION MAP



MAP ID	NAME	CASE NUMBER	MAP ID	NAME	CASE NUMBER
1	COPPER CREEK PHASE 1 & 2	S-8-18	21	GULFSTREAM VILLAS	SP-15-20
2	OLD MISSION COVE SUBDIVISION	S-11-18	22	FPL PHASE 2	SP-18-20
3	OCEAN GATE SUBDIVISION PLANS	S-5-19	23	THE ENCHANTED GRAPE	SP-1-21
4	COASTAL WOODS MF (REPLAT)	S-1-20	24	JOE'S CIGAR ROOM	SP-2-21
5	COASTAL WOODS EAST & WEST	SP-11-16	25	S. ATLANTIC AVE. PARKING LOT	SP-7-21
6	COASTAL WOODS APARTMENTS (THE COVE AT NEW SMYRNA)	SP-14-17	26	GREENLAWN MANOR SENIOR HOUSING	SP-10-21
7	RIVERWALK PHASE 3	SP-3-18	27	ZAXBY'S	SP-13-21
8	SOUTH ST. STORAGE FACILITY	SP-10-18	28	ALL ABOARD STORAGE (US 1)	SP-16-21
9	NORTH CAUSEWAY TOWNHOMES	SP-12-18	29	LUNA BELLA LN. PARKING LOT	SP-18-21
10	GOLD ROCK RV PARK	SP-19-18	30	JIMMY HULA'S	SP-24-21
11	VILLAGE CENTER EAST PHASE I	SP-23-18	31	THE COVE	SP-25-21
12	VILLAGE CENTER EAST PHASE II	SP-24-18	32	MULLINAX FORD	SP-30-21
13	300 JESSAMINE AVE	SP-27-18	33	O'REILLY AUTO PARTS	SP-32-21
14	HYATT PLACE HOTEL	SP-30-18	34	STARBUCKS	SP-2-22
15	NEW SMYRNA BEACH UTILITIES	SP-1-19	35	204 MAGNOLIA ST.	SP-3-22
16	ALL ABOARD STORAGE (S. GLENCOE RD.)	SP-10-19	36	520 BARRACUDA BLVD.	SP-10-22
17	PALMS AMENITY CENTER	SP-11-19	37	CULVER'S	SP-13-22
18	177 N. CAUSEWAY (MARINA EXPANSION)	SP-4-20	38	ARBY'S	SP-21-22
19	DONATTI BOAT STORAGE	SP-5-20	39	SENIOR HOUSING DUPLEXES	
20	HOLIDAY INN EXPRESS	SP-6-20			