City Commission Regular Meeting
Tuesday, February 10, 2026 at 5:30 PM

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

1. OPENING OF MEETING

Call to Order

2. INVOCATION/PLEDGE OF ALLEGIANCE

A Police Department Chaplain will give the invocation. Mayor Fred E. Cleveland will lead those present in the Pledge of Allegiance.

3. APPROVAL OF THE AGENDA

4. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

5. CITY MANAGER'S REPORT

5A. City Manager's Report

6. PUBLIC PARTICIPATION

In accordance with Resolution No. 09-23, citizens are provided the opportunity to address the City Commission regarding any topic, for up to three minutes.

7. CONSENT AGENDA

7A. Consider the adoption of the minutes from the City Commission regular

meeting held on Tuesday, January 27, 2026.

7B. Consider the approval of a Grant Award from the Florida Firefighter Cancer Decontamination Equipment Grant Program (FFCDEGP).

7C. Consider the approval of a Dock Easement Agreement to allow for a single-family residential dock to be located along the east side of South Riverside Drive across from property addressed at 1210 South Riverside Drive.

7G. Consider the approval of a proposed Sidewalk Café Agreement for Bricks European Cafe and the Galley located at 421 Canal Street.

7D. Special Event: Consider the approval of the weekly Food Truck Event in Venetian Bay, to be held every Monday starting on February 16, 2026 through December 28, 2026.

7E. Special Event: Consider the approval of the Southeast Volusia Historical Society's Heritage Day Event 2026, to be held on Saturday, March 28, 2026.

7F. Special Event: Consider the approval of the Mike Martin Pro/AM event 2026, to be held on Thursday, April 9, 2026.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

9. QUASI-JUDICIAL HEARINGS

10. PUBLIC HEARINGS

10A. Ordinance No. 09-26: Conduct a Second Reading and Public Hearing of an Ordinance, which, if adopted, would annex approximately 5 + acres of land located on Paige Avenue. (0881)

10B. Ordinance No. 10-26: Conduct a Second Reading and Public Hearing of an Ordinance, which, if adopted, would approve a Small-Scale Comprehensive Plan amendment changing the Future Land Use on Approximately 5 + acres of land located on Paige Avenue. (0881)

10C. Ordinance No. 11-26: Conduct a Second Reading and Public Hearing of an

Ordinance, which, if adopted, would rezone approximately 5 + acres of land to Conservation for property located on Paige Avenue. (0881)

10D. Ordinance No. 12-26: Conduct a Second Reading and Public Hearing of an ordinance, which, if adopted , would annex approximately 4.5 + acres of land for property located on Paige Avenue. (0010)

10E. Ordinance No. 13-26: Conduct a Second Reading and Hearing of an Ordinance, which, if adopted , would approve a Small-Scale Comprehensive Plan amendment changing the Future Land Use to Conservation for property located on Paige Avenue as part of an overall annexation application. (0010)

10F. Ordinance No. 14-26: Conduct a Second Reading and Public Hearing of an Ordinance, which, if adopted, would rezone approximately 4.5 + acres of land to Conservation for property located on Paige Avenue as part of an overall annexation application. (0010)

10G. Ordinance No. 15-26: Conduct a Second Reading and Public Hearing of an Ordinance, which, if adopted, would annex approximately 2.75 + acres of land located on Doster Drive.

10H. Ordinance No. 16-26: Conduct a Second Reading and Public Hearing of an Ordinance, which, if adopted, would approve a Small-Scale Comprehensive Plan amendment changing the Future Land Use to Conservation for property located on Doster Drive as part of an overall annexation application.

10I. Ordinance No. 17-26: Conduct a Second Reading and Public Hearing of an Ordinance, which, if adopted, would rezone approximately 2.75 + acres of land to City Conservation located on Doster Drive as part of an overall annexation application.

10J. Ordinance No. 18-26: Conduct a Second Reading and Public Hearing of an Ordinance, which, if adopted, would amend section 1007.00 Subdivision Plat Process.

10K. Ordinance No. 19-26: Conduct a Second Reading and Public Hearing of an Ordinance, which, if adopted, would establish Section 70-6. Sleeping.

11. ORDINANCES FIRST READINGS

11A. Ordinance No. 76-25: Conduct a First Reading of an Ordinance, which, if adopted, upon Second Reading and Public Hearing would create a definition and process for reviewing an application for a Certified Recovery Residence as required under Senate Bill 954.

11B. Ordinance No. 20-26: Conduct a First Reading of an Ordinance, which, if adopted, upon Second Reading and Public Hearing, would vacate a portion of Citron Street, north of the SR 44 overpass.

11C. Ordinance No. 21-26: Conduct a First Reading of an Ordinance, which, if adopted, upon Second Reading and Public Hearing, would vacate a portion of Buck Lane for the future expansion of Fire Station #50.

12. BOARDS AND COMMISSIONS

12A Board Vacancy Notice: Utilities Commission

12B. Board Vacancy Notice: The Code Compliance Board currently has three (3) unfilled three-year term length vacancy, which will expire on March 4, 2026.

13. MAYOR AND COMMISSIONER COMMENTS

14. CITY CLERK'S REPORT

15. CITY ATTORNEY'S REPORT

15A. Proposed Legislative Bill Summaries as of February 3, 2026.

16. 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 - CITY MANAGER'S OFFICE

CITY MANAGER'S REPORT

February 10, 2026

Background:
City Manager's Report

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Tammy Kosorok - Executive Assistant

Attachments:

CM Report 2-10-26 Attachments and KC Edits.pdf

MEMORANDUM

FROM THE OFFICE OF THE CITY MANAGER

To: Mayor and City Commission

From: Kevin Cowper, City Manager

Re: **City Manager's Report – February 10, 2026**

Date: February 4, 2026

- Began preparations for the 2026 City Commission Strategic Plan meeting scheduled for March 26 beginning at 9:00 am in the Brannon Center. The Commission will review progress made toward implementation of the nine strategic priority themes highlighted in 2025 and will discuss new and upcoming strategic initiatives.

- Began preparations for the 2026 State of the City presentation to be held April 7 at the Brannon Center.

- Began preparations for the 2026 Fiscal Year Budget scheduled to be approved on September 22.

- Coordinated with Finance Director and Development Services Director to initiate the development of a five-year budget projection based on anticipated population and economic growth.

- Continued Fire Chief recruitment process. Questionnaires were received from semi-finalist candidates and reviewed by a panel. Finalist candidates will participate in an interview process later this month.

- Coordinated with public safety and leisure services staff to host Congressman Mills' Town Hall at the Brannon Center on January 28. The event was well attended, and Congressman Mills' staff were most appreciative of our efforts.

- Conducted a follow-up meeting with the Dolphin Cove Condominium Association President on January 30 regarding drainage concerns raised during the December 9 City Commission meeting.

- Attended the SEV Chamber State of the City event on February 3 to hear updates from Mayor Cleveland and Edgewater Mayor DePew.

- Met with AdventHealth representatives on February 3 to discuss parking and mobility issues around the hospital campus.

- Attended the February 4 Ribbon Cutting Ceremony for the Brannon Center Dock to celebrate the reopening of the facility which was destroyed during recent Hurricane events. The roughly $920,000 rebuild was funded primarily by the Federal Emergency Management Agency (FEMA) and the Florida Inland Navigation District (FIND). Today's dock is stronger and more resilient than before with new concrete piles designed to better withstand future storms and have double the life span of timber piles.

- Met with the New Smyrna Beach Visitors Bureau President/CEO to receive updates on their activities within the community on February 5.

- New Smyrna Beach Utilities (NSBU) is moving forward with an upgrade to pellet softening technology at the NSBU Water Treatment Plant. This project represents a significant investment in the City's water treatment infrastructure and is intended to modernize existing processes through the implementation of pellet softening technology. To mark the commencement of this upgrade, NSBU is hosting a ceremonial groundbreaking on February 6 at the Water Treatment Plant which I will attend.

- Will attend the 4th Annual Upward Trend Foundation Gala "Small Town Stars" hosted by the Upward Trend Foundation on February 7 at the Brannon Center.

- Congratulations to the following City employees who recently received certificates and recognition:

- Sgt. Ralph Hunnefeld successfully completed the Florida Department of Law Enforcement (FDLE) Leadership Academy, an intensive four-week program designed to enhance leadership skills among law enforcement personnel. The academy was held in Pensacola, FL, and provided rigorous training and development opportunities. Sgt. Hunnefeld's accomplishment reflects a commitment to professional growth and leadership within the police department.

- Please find attached the Capital Project Monthly Report.

- Please find attached the Stormwater Monthly Report.

- Please find attached the Parking Monthly Report.

- Should you have any questions or need additional information or clarification on any of the teams presented in this report, please let me know.

NSB Monthly CIP Report

Created By	Jesse Kobe
Date of Report	1/30/2026

Projects Completed & Key Accomplishments

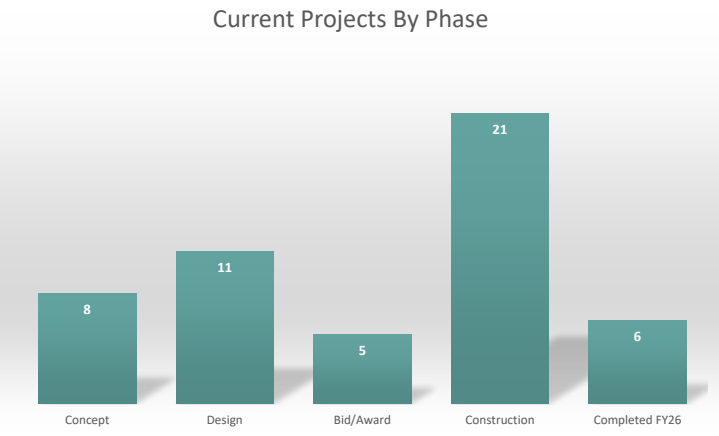
Project Manager/Task Owne	Project	Status
Arvin Weese	1501 Airway Circle Rehab Complete	1/15/2026
Kyle Fegley	Barracuda BLVD Improvements Complete	1/29/2026
David Ray	Brannon Center Sidewalk Repairs Complete	1/23/2026
County	Corbin Park Stormwater Project- County has issue Notice of Commencement to Masci Construction	

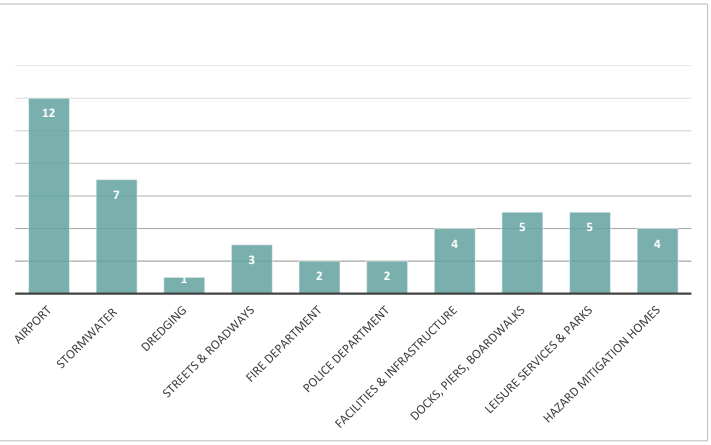
Upcoming

Key Events, Major Milestones, & Goals
☐ Dredging at Pine Shores ongoing
☐ Pettis Park Pavillion 90% Complete
☐ Airport Admin Building Construction Kick Off 2/12
☐ North Atlantic Drainage 80% Complete
☐ Paige Pickleball courts 95% Complete
☐ 27th Avenue Boardwalk Repair 20% complete
☐ North Causeway Docks currently dredging area
☐ North Causeway Revetment construction started

Projects To Be Advertised For Bid

Project	Phase	Project Manager	Status
Washington Street	Construction	Kyle Fegley	Draft
Fire Station 52 Remodel	Construction	David Ray	Draft
Police Boathouse	Construction	Jesse Kobe	Draft
`			





Stormwater Report 1/30
Stormwater Projects

- **City Wide Comprehensive Master Plan Phase II:**
- Received Volusia County Transform386 Funding = $1.6 Million
- County Issued Notice to Proceed to Consultant (Halff)
- Project Schedule to Completion = 400 Days
- The County will manage the project and the City will provide technical review and QA/QC

- **Corbin Park:**
- SJRWMD Permit Received
- Project will be managed by the County
- Notice of commencement was issued to Masci Construction

Historic Westside:

- 100% plans complete
- City received a State Appropriation Funding in August 2025 = $1,000,000
- City will submit for next cycle of Transform386 funding which expected to be in May 2026

- **North Atlantic Drainage:**
- Construction is 90% complete and making consistent progress.
- Next steps to finish replacing driveways, paver bricks, sidewalks, and landscaping.

- **Dredging at Pine Shores, Cemetery Canal, & Gabordy Pond:**
- Pine Island is scheduled to be completed early summer
- Cemetery Canal is scheduled to start next month and be completed by end of summer
- Gabordy Pond is scheduled to be completed by Sept 2026

Parking Updates

Action Item Description	Updates as of 2/2/2026
Right-Price Parking with Meter Technology	With Commision approval hope to roll out a new Parking Guidance System in the Canal and Beach areas sometime in the Spring. This will help drivers find open spaces quicker thus reducing traffic. WIll also provide data to make smart parking decisions in the future On the enforcement side, we are looking at late spring to remove the Kiosks to save on maintenance costs in addition to make payments easier for out of town visitors. The trial run of removing credit card transactions from the kiosks has been successful. Utilization of mobile pay and QR code options has increased substantially without any challenges so we are confident this is the right decision moving forward Have earmarked two mobile payment providers to go with for roll out when kiosks are removed. Having two providers gives users choices and safeguards us against server outage.
Pursue Shared Parking Agreements	Have met with the Coronado Church to discuss options in the Flagler area. Also have looked at vacant lots to see if it would make sense for the city to purchase. Also met with a resident about a possible shared agreement on Atlantic and 6th Ave
Launch Remote Parking for Residents to special events	The Parking and Mobility Department has been added to the City's Special Event Committee. This will ensure that parking and transportation needs are addressed before an event is approved. Will be having a meeting with a shuttle provider to see if there is any viability for the summer season.
Develop Multimodal Master Plan	Three new bike racks have arrived and are awaiting installation at the Coronado Church lot, Shuffleboard area, and Flagler Boardwalk. Also looking at the addition of more bike racks at fishing locations along Penisula Ave. Early planning and investigation of enhanced crosswalks on both Flagler and Canal is underway. We are looking at the challenges with E-Bikes within the city and how we can move forward for them to be a viable tool without sacrifing safety for users and pedestrians
Work with Volusia County Coastal Division to ensure off-beach and on-beach parking technology are optimally paired for the city	There appears to still be a path forward to combine resident permits while still meeting the interests of County and City. Attorneys are drafting agreement to ensure the roll out is succussful. Once everything is ironed out there will be a communication plan put in place.Still hope to roll out some time around Spring Break
Develop webpage on City website with parking instructions & information including links to external resources	Links to County Parking registration is accessible. City Parking FAQS are up to date and accurate. Parking Permit renewels are in full swing. Reminder that 2025 city permits are now expired. Eligble residents must re-apply with proper documentation for a 2026 permit either online or in person at the Police Department

Parking Updates

Understand special event parking demands and develop instructions for parking including maps and remote parking opportunities that will be hosted on the city website	Worked with Leasure Services and ACA on the Images Art Festival by providing a parking plan for the event. In early planning stages for both Mardi Gras parade and 4th of July Festivities. As always, with any event that includes road closures, information is posted to both Google and Waze.
Work with local establishments to include parking instructions to access their respective establishments on their websites	Continue to receive feedback about parking needs of our businesses. A new Parking Guidance System will be a huge help for their customers. They will be able better convey to their customers how to find parking for their business.
Trial various markings and signage and measure utilization for optimal combination that results in higher occupancy	New rules signs are being installed in parking lots in the Canal and Flagler districts. The rules on these signs are not new , but by having proper signage it helps us to enforce them. 3 new bike trail signs will be installed where the trail ends on the Edgewater NSB border. This will help guide riders the section of the trail by the middle school and eventually lead them to the Downtown Canal area. New Signs are ready to go once North Beach area construction is finished.
Paint X-Markings in front of 2 driveways along western side of street on N. Peninsula at Florida and Esther to deter vehicles from blocking ingress and egress	Public Works is scheduled to complete this work after the holidays.
Participate in the Waze for Cities Program and Work with Parkopedia (Apple Maps) to ensure accurate parking data.	Parkopedia Data continues to be accessible to general public. Various city events with road closures have been inputted into Waze for real time traffic data. All events that require road closures have been inputted into Waze for the month of February
Work with FDOT to install messaging boards along SR44 as part of future widening project	As part of our Parking Guidance System project we have the ability to have our own signs that we can control. We have indentifed 4 locations for signage that will show both real-time parking inventory and ability to add our own messaging.
Work with FDOT and City Parking Enforcement on coordinated messaging electronic signage.	If the new PGS system is installed we would leverage our own signs and not need to rely on the FDOT signs.
Work with City of New Smryna Beach Maintenance to ensure trash pickup on peak holidays and events will not block streets along Flagler Ave.	This item is under consideration with the upcoming bid. Procurement and PW Director will ensure this is topic during the pre-bid meetings
Identify anticipated date New Smyrna Utilities off Canal will vacate building and plan for new tenant and potential	Staying abreast of developments along with Economic Development Director
Identify anticipated date Advent Health near south Causeway will vacate building and plan for new tenant and	Staying abreast of developments along with Economic Development Director
Organize parking at North Beach Park on Sapphire Road right of way and include in the paid parking program; organize parking on 2nd Ave for safety improvements; organize parking on Peninsula Drive south of Flagler Ave on the east side	Parts of the new parking area along Sapphire have been hyrdoseeded. However, the area will not open until the county is done with the sand replenishment project. Still hoping to go live at some point around Spring Break.
Install new signs per cited St. Augustine practice to direct people to Parking Payment Kiosks	Signs have been installed at all three kiosks in the Flagler Ave Boardwalk Lot.

THE CITY OF NEW SMYRNA BEACH - CITY CLERK'S OFFICE

CONSIDER THE ADOPTION OF THE MINUTES FROM THE CITY COMMISSION REGULAR MEETING HELD ON TUESDAY, JANUARY 27, 2026.

February 10, 2026

Background:

The City Commission held a regular meeting on Tuesday, January 27, 2026. The attached minutes are submitted for the Commission's review and consideration of adoption.

Fiscal Analysis:

N/A

Strategic Plan Item:

No

Staff Report Created By: Sharon Taylor-Harding

Attachments:

City Commission Regular Meeting January 27, 2026 - Minutes.pdf

City Commission Regular Meeting
Tuesday, January 27, 2026, at 5:30 PM

MINUTES

1. OPENING OF MEETING

Having been duly advertised as required by law, the regular meeting of the City Commission of the City of New Smyrna Beach, Florida, was held on Tuesday, January 27, 2026, at the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida 32168.

Vice Mayor Jason McGuirk opened the meeting at 5:30 PM.

Present: Vice Mayor Jason McGuirk and Commissioner Valli Perrine, Commissioner Lisa Martin, and Commissioner Brian Ashley

Excused: Mayor Fred E. Cleveland

2. INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Valli Perrine gave the invocation. Vice Mayor Jason McGuirk led those present in the Pledge of Allegiance.

3. APPROVAL OF THE AGENDA

City Manager Cowper announced the removal of item 7F and continuance requested by the applicant of item 10A to the City Commission meeting scheduled for Tuesday, March 10, 2026.

Motion:
Commissioner Perrine moved to continue Ordinance No. 01-26 to the City Commission meeting scheduled for Tuesday, March 10, 2026. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

4. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

5. CITY MANAGER'S REPORT

5.A City Manager's Report

City Manager Cowper outlined a report.

6. PUBLIC PARTICIPATION

David Lannin, 1700 Saxon Drive, commented on the road conditions in the neighborhood and speed limit.

7. CONSENT AGENDA

7.A Consider the adoption of the minutes from the City Commission regular meeting held on Tuesday, January 13, 2026.

Motion:

Commissioner Perrine moved to adopt the minutes from the City Commission regular meeting held on Tuesday, January 13, 2026. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

7.B Resolution No. 01-26: Consider the adoption of a Resolution, which, if adopted, would vacate a portion of Citron Street, north of the SR 44 overpass.

Motion:

Commissioner Martin moved to adopt Resolution No. 01-26 which would vacate a portion of Citron Street, north of the SR 44 overpass. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

7.C Resolution No. 02-26: Consider the adoption of a Resolution, which, if adopted, expresses the City's intent to vacate a portion of Buck Lane for the future expansion of Fire Station #50.

Motion:

Commissioner Perrine moved to adopt Resolution No. 02-26, which would express the City's intent to vacate a portion of Buck Lane for the future expansion of Fire Station #50. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

7.D Resolution No. 03-26: Consider the adoption of a Resolution, which, if adopted, would amend the Fiscal Year 2026 budget.

Motion:
Commissioner Perrine moved to adopt Resolution No. 03-26, which would amend the Fiscal Year 2026 budget. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

7.E Easement Agreement, EA-01-25, 110 Florida Memorial Parkway: Consider the approval and acceptance of an Access and Utility Easement within Lot 1 of the Southeast Interchange Complex subdivision, at the southeast corner of SR 44 and Florida Memorial Parkway.

Motion:
Commissioner Perrine moved to approve and accept Easement Agreement, EA-01-25, 110 Florida Memorial Parkway Access and Utility Easement within Lot 1 of the Southeast Interchange Complex subdivision, at the southeast corner of SR 44 and Florida Memorial Parkway. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

7.F Consider the approval of an amendment to the Interlocal Agreement for Supplemental Operational Assistance and Voluntary Cooperation for Animal Services memorandum of understanding with the County of Volusia.

This item was withdrawn from the agenda.

7.G Consider the approval of a three-year contract between the City of New Smyrna Beach and Kynex Inc., for July 4th Fireworks.

Motion:
Commissioner Perrine moved to approve a three-year contract between the City of New Smyrna Beach and Kynex Inc., for July 4th Fireworks. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

7.H Consider the approval of an addendum to the Memorandum of Understanding between City of New Smyrna Beach and Classic Cars on Canal LLC.

Motion:
Commissioner Perrine moved to approve an addendum to the Memorandum of Understanding between City of New Smyrna Beach and Classic Cars on Canal LLC. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

7.I Consider the ratification of the Mutual Aid Agreement for the combined operational assistance and voluntary cooperation between New Smyrna Beach Police Department and other Volusia County law enforcement agencies.

Motion:
Commissioner Perrine moved to approve the Mutual Aid Agreement for the combined operational assistance and voluntary cooperation between New Smyrna Beach Police Department and other Volusia County law enforcement agencies. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

7.J Special Event: Consider the approval of the General Public House's NASCAR display on Orange Street, to be held on Wednesday, February 11, 2026.

Motion:
Commissioner Perrine moved to approve the General Public House's NASCAR display on Orange Street, to be held on Wednesday, February 11, 2026. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

9. QUASI-JUDICIAL HEARINGS

9.A Consider the approval of a request for a Special Exception (SE-3-25) at 1311 North Dixie Freeway to allow indoor auto sales in the B-3 Highway Service Business District.

A quasi-judicial hearing was conducted for Special Exception SE-3-25.

Jake Baker, Senior Planner, outlined a PowerPoint presentation.

Dennis Campbell, 1311 South Dixie Freeway, commented on establishing indoor car sales.

Vice Mayor McGuirk opened the public hearing.

As no citizens wished to speak, the public hearing was closed.

Motion:
Commissioner Martin moved to approve Special Exception (SE-3-25) at 1311 North Dixie Freeway to allow indoor auto sales in the B-3 Highway Service Business District with stipulation that the special exception applied solely to the application only. Commissioner Perrine seconded the motion. The motion passed by unanimous vote.

10. PUBLIC HEARINGS

10.A Ordinance No. 01-26: Conduct a Second Reading and Public Hearing, which if adopted would approve the South Village New Smyrna Beach Community Development District (CDD) for South Village Residential Subdivision.

Ordinance No. 01-26 was continued by the applicant to the City Commission meeting scheduled for Tuesday, March 10, 2026.

10.B Ordinance No. 02-26: Conduct a Second Reading and Public Hearing, which, if adopted, would annex approximately 15.2 + acres of land located on Paige Avenue.

A public hearing was conducted for Ordinance No. 02-26.

City Attorney Avallone read Ordinance No. 02-26 for the second time by title only.

Bob Mathen, Senior Planner, outlined a PowerPoint presentation.

Vice Mayor McGuirk opened the public hearing.

As no citizens wished to speak, the public hearing was closed.

Motion:
Commissioner Martin moved to adopt Ordinance No. 02-26 which would annex approximately 15.2 + acres of land located on Paige Avenue. Commissioner Perrine seconded the motion. The motion passed by unanimous vote.

10.C Ordinance No. 03-26: Conduct a Second Reading and Public Hearing, which, if adopted, would approve a requested Small-Scale Comprehensive Plan amendment changing the Future Land Use to Conservation for property located on Paige Avenue as part of an overall annexation application.

A public hearing was conducted for Ordinance No. 03-26.

City Attorney Avallone read Ordinance No. 03-26 for the second time by title only.

Bob Mathen, Senior Planner, outlined a PowerPoint presentation.

Vice Mayor McGuirk opened the public hearing.

As no citizens wished to speak, the public hearing was closed.

Motion:
Commissioner Martin moved to adopt Ordinance No. 03-26 which would approve a requested Small-Scale Comprehensive Plan amendment changing the Future Land Use to Conservation for property located on Paige Avenue as part of an overall annexation application. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

10.D Ordinance No. 04-26: Conduct a Second Reading and Public Hearing, which, if adopted, would rezone approximately 15.2 + acres of land to Conservation on property located on Paige Avenue as part of an overall annexation application.

A public hearing was conducted for Ordinance No. 04-26.

City Attorney Avallone read Ordinance No. 04-26 for the second time by title only.

Bob Mathen, Senior Planner, outlined a PowerPoint presentation.

Vice Mayor McGuirk opened the public hearing.

As no citizens wished to speak, the public hearing was closed.

Motion:
Commissioner Martin moved to adopt Ordinance No. 04-26 which would rezone approximately 15.2 + acres of land to Conservation on property located on Paige Avenue as part of an overall annexation application. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

10.E Ordinance No. 05-26: Conduct a Second Reading and Public Hearing, which, if adopted, would annex approximately 0.22 + acres of land located on Oliver Drive.

A public hearing was conducted for Ordinance No. 05-26.

City Attorney Avallone read Ordinance No. 05-26 for the second time by title only.

Bob Mathen, Senior Planner, outlined a PowerPoint presentation.

Vice Mayor McGuirk opened the public hearing.

As no citizens wished to speak, the public hearing was closed.

Motion:
Commissioner Martin moved to adopt Ordinance No. 05-26 which would annex approximately 0.22 + acres of land located on Oliver Drive. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

10.F Ordinance No. 06-26: Conduct a Second Reading and Public Hearing, which, if adopted, would approve a requested Small-Scale Comprehensive Plan amendment changing the Future Land Use to Medium Density Residential on property located on Oliver Drive as part of an overall annexation application.

A public hearing was conducted for Ordinance No. 06-26.

City Attorney Avallone read Ordinance No. 06-26 for the second time by title only.

Bob Mathen, Senior Planner, outlined a PowerPoint presentation.

Vice Mayor McGuirk opened the public hearing.

As no citizens wished to speak, the public hearing was closed.

Motion:
Commissioner Martin moved to adopt Ordinance No. 06-26 which would approve a requested Small-Scale Comprehensive Plan amendment changing the Future Land Use to Medium Density Residential on property located on Oliver Drive as part of an overall annexation application. Commissioner Perrine seconded the motion. The motion passed by unanimous vote.

10.G Ordinance No. 07-26: Conduct at a Second Reading and Public Hearing, which, if adopted, would rezone approximately 0.22 + acres of land to R-2, Single-Family Residential on property located on Oliver Drive as part of an overall annexation application.

A public hearing was conducted for Ordinance No. 07-26.

City Attorney Avallone read Ordinance No. 07-26 for the second time by title only.

Bob Mathen, Senior Planner, outlined a PowerPoint presentation.

Vice Mayor McGuirk opened the public hearing.

As no citizens wished to speak, the public hearing was closed.

Motion:
Commissioner Ashley moved to adopt Ordinance No. 07-26 which would rezone approximately 0.22 + acres of land to R-2, Single-Family Residential on property located on Oliver Drive as part of an overall annexation application. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

10.H Ordinance No. 08-26: Conduct a Second Reading and Quasi-Judicial Hearing, which, if adopted, would rezone approximately 0.85 + acres of land to R-2, Single-Family Residential with an "A" attached for the Airport Height Notification Zone for property located at 1701 South Dixie Freeway.

A public hearing was conducted for Ordinance No. 08-26.

City Attorney Avallone read Ordinance No. 08-26 for the second time by title only.

Bob Mathen, Senior Planner, outlined a PowerPoint presentation.

Vice Mayor McGuirk opened the public hearing.

Jeff Allen, Property Owner, provided clarification on the project.

Vice Mayor McGuirk closed the public hearing.

Motion:
Commissioner Martin moved to adopt Ordinance No. 08-26 which would rezone approximately 0.85 + acres of land to R-2, Single-Family Residential with an "A" attached for the Airport Height Notification Zone for property located at 1701 South Dixie Freeway. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

11. ORDINANCES FIRST READINGS

11.A Ordinance No. 09-26: Conduct a First Reading of an Ordinance, which, if adopted at a Second Reading and Public Hearing, would annex approximately 5 + acres of land located on Paige Avenue.

City Attorney Avallone read Ordinance No. 09-26 for the first time by title only. She announced that second reading and public hearing was scheduled for Tuesday, February 10, 2026.

11.B Ordinance No. 10-26: Conduct a First Reading of an Ordinance, which, if adopted, at a Second Reading and Public Hearing, would approve a Small-Scale Comprehensive Plan amendment changing the Future Land Use on Approximately 5 + acres of land located on Paige Avenue. (0881)

City Attorney Avallone read Ordinance No. 10-26 for the first time by title only. She announced that second reading and public hearing was scheduled for Tuesday, February 10, 2026.

11.C Ordinance No. 11-26: Conduct a First Reading of an Ordinance, which, if adopted at a Second Reading and Public Hearing, would rezone approximately 5 + acres of land to Conservation for property located on Paige Avenue. (0881)

City Attorney Avallone read Ordinance No. 11-26 for the first time by title only. She announced that second reading and public hearing was scheduled for Tuesday, February 10, 2026.

11.D Ordinance No. 12-26: Conduct a First Reading of an ordinance, which, if adopted at a Second Reading and Public Hearing, would annex approximately 4.5 + acres of land for property located on Paige Avenue. (0010)

City Attorney Avallone read Ordinance No. 12-26 for the first time by title only. She announced that second reading and public hearing was scheduled for Tuesday, February 10, 2026.

11.E Ordinance No. 13-26: Conduct a First Reading of an Ordinance, which, if adopted at a Second Reading and Public Hearing, would approve a Small-Scale Comprehensive Plan amendment changing the Future Land Use to Conservation for property located on Paige Avenue as part of an overall annexation application. (0010)

City Attorney Avallone read Ordinance No. 13-26 for the first time by title only. She announced that second reading and public hearing was scheduled for Tuesday, February 10, 2026.

11.F Ordinance No. 14-26: Conduct a First Reading of an Ordinance, which, if adopted at a Second Reading and Public Hearing would rezone approximately 4.5 + acres of land to Conservation for property located on Paige Avenue as part of an overall annexation application. (0010)

City Attorney Avallone read Ordinance No. 14-26 for the first time by title only. She announced that second reading and public hearing was scheduled for Tuesday, February 10, 2026.

11.G Ordinance No. 15-26: Conduct a First Reading of an Ordinance, which, if adopted at a Second Reading and Public hearing would annex approximately 2.75 + acres of land located on Doster Drive.

City Attorney Avallone read Ordinance No. 15-26 for the first time by title only. She announced that second reading and public hearing was scheduled for Tuesday, February 10, 2026.

11.H Ordinance No. 16-26: Conduct a First Reading of an Ordinance, which, if adopted at a Second Reading and Public Hearing, would approve a Small-Scale Comprehensive Plan amendment changing the Future Land Use to Conservation for property located on Doster Drive as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 16-26 for the first time by title only. She announced that second reading and public hearing was scheduled for Tuesday, February 10, 2026.

11.I Ordinance No. 17-26: Conduct a First Reading of an Ordinance, which, if adopted at a Second Reading and Public Hearing, would rezone approximately 2.75 + acres of land to City Conservation located on Doster Drive as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 17-26 for the first time by title only. She announced that second reading and public hearing was scheduled for Tuesday, February 10, 2026.

11.J Ordinance No. 18-26: Conduct a First Reading of an Ordinance, which, if adopted at a Second Reading and Public Hearing, would amend section 1007.00 Subdivision Plat Process.

City Attorney Avallone read Ordinance No. 18-26 for the first time by title only. She announced that second reading and public hearing was scheduled for Tuesday, February 10, 2026.

11.K Ordinance No. 19-26: Conduct a First Reading of an Ordinance, which, if adopted at a Second Reading and Public Hearing, would establish Section 70-Sleeping.

City Attorney Avallone read Ordinance No. 19-26 for the first time by title only. She announced that second reading and public hearing was scheduled for Tuesday, February 10, 2026.

12. BOARDS AND COMMISSIONS

12.A Animal Control Board: Consider the appointment of five (5) citizens to serve an unexpired term, set to expire on January 28, 2028.

Jeanette Engel, Dana Hoffman, Jane Magrady, Robert Leonard were reappointed to serve a two-year term set to expire on January 28, 2028.

Julie Strickland was appointed to serve a two-year term set to expire on January 28, 2028.

12.B Board Vacancy Notice: Utilities Commission

13. MAYOR AND COMMISSIONER COMMENTS

Commissioner Perrine commented on the Volusia League of Cities dinner in Oak Hill and the First Step Shelter Mayor's Gala.

Commissioner Martin commented on the MLK Jr. event at Babe James, the Crimson Care charity fundraiser, the IMAGES event that brought together music and arts, and the remodel of the Coronado Civic Center.

Commissioner Ashley commented on employee Kevin McKrystal, a meeting with Mark Billings and Stephanie Ford, and the North American One-Arm Golf Association event hosted at the Golf Club at Venetian Bay.

Vice Mayor McGuirk commented on the IMAGES Festival.

14. CITY CLERK'S REPORT

15. CITY ATTORNEY'S REPORT

15.A Proposed Legislative Bill Summaries, as of January 21, 2026.

City Attorney Avallone commented on the Senate Bill discussions in the Legislative session.

16. ADJOURNMENT

As there was no further business to discuss, Mayor Vice Mayor McGuirk adjourned the meeting at 6:45 PM.

THE CITY OF NEW SMYRNA BEACH - FIRE DEPARTMENT

CONSIDER THE APPROVAL OF A GRANT AWARD FROM THE FLORIDA FIREFIGHTER CANCER DECONTAMINATION EQUIPMENT GRANT PROGRAM (FFCDEGP).

February 10, 2026

Background:

The Florida Firefighter Cancer Decontamination Equipment Grant Program (FFCDEGP) is specifically designed to safeguard the health and safety of our firefighters by providing essential financial assistance for equipment and training aimed at reducing exposure to hazardous, cancer-causing contaminants.

The FFCDEGP is a fantastic opportunity for us to ensure that our firefighters have the necessary tools and knowledge to protect themselves while performing their duties. By participating in this program, we can acquire state-of-the-art decontamination equipment and comprehensive training that will significantly mitigate the risks associated with exposure to harmful substances.

On September 11, 2025 the NSB Fire Department received a notice of grant award of up to $31,228.67 where the State of Florida is contributing 75% and the city's required match is 25%. Several quotes for a decontamination washer were obtained and the lowest responsive amount is $26,470.43.

Findings:

Review and approve the grant agreement for a Decontamination Washer. Furthermore, please authorize the Fire Chief to execute all documents in furtherance of this grant on behalf of the city.

Fiscal Analysis:

Quoted cost for a Decontamination Washer is $26,470.43. State portion $19,852.82 (75%), City match $6,617.61 (25%). The local Tractor Supply store provided the Fire Department with a $500 check. Total cost to the city is $6,117.61 and a budget amendment will be submitted to the Finance Department for this amount. Account number and project code for this purchase to be determined by Finance.

Strategic Plan Item:

No

Staff Report Created By: Claudia Soulie - Administrative Specialist II - Fire Department

Attachments:

Decon Washer Grant Agreement NSBFD.pdf
New Smyrna Beach Fire Grant Award.pdf

GRANT AGREEMENT

THIS GRANT AGREEMENT (Agreement) is made and entered into by and between the **Department of Financial Services** (Department), an agency of the State of Florida (State), and **City of New Smyrna Beach** (Grantee), and is effective as of the date last signed. The Department and the Grantee are sometimes referred to herein individually as a "Party" or collectively as the "Parties."

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING REPRESENTATIONS:

WHEREAS, the Department, through its Division of State Fire Marshal (Division), has the authority, pursuant to an appropriation of the General Appropriations Act, to grant funds to the Grantee;

WHEREAS, the Grantee represents that it is fully qualified and eligible to receive these grant funds and will use them for the purposes identified herein;

NOW, THEREFORE, the Department and the Grantee do mutually agree as follows:

1. **Performance Requirements.**

   The Grantee shall perform the tasks specified herein in accordance with the terms and conditions of this Agreement, including its attachments, addenda, appendices, and exhibits, which are incorporated by reference herein. The performance requirements are more specifically described in Attachment 1, Statement of Work (SOW). The definitions of terms and acronyms in the SOW will apply herein, unless otherwise defined in this Agreement.

2. **Compliance with Laws, Rules, Regulations, and Policies.**

   The Grantee shall comply with the applicable local, state, and federal laws, rules, regulations, and policies including, but not limited to, those identified in this Agreement.

3. **Agreement Term.**

   The term of this Agreement is set forth in Section 2., Performance Period, of Attachment 1, SOW.

4. **Payment and Funding Considerations.**

   4.1. **Funding.** This Agreement shall not exceed the amount of funds stated in the SOW, and payment shall only be issued by the Department after acceptance of the Grantee's performance as set forth by the terms and conditions of this Agreement. Pursuant to section 287.0582, F.S., for any agreement binding the State or the Department for a period in excess of one State fiscal year, the State's and the Department's performance and obligation to pay under that agreement are contingent upon an annual appropriation by the Legislature.

   4.2. **Payment Process.** Subject to the terms and conditions established by this Agreement, the pricing method per deliverable established in the SOW, and the billing procedures established by the Department, the Department agrees to pay the Grantee in accordance with section 215.422, F.S., for its performance under this Agreement, as described in the SOW. The applicable interest rate can be obtained at: https://myfloridacfo.com/division/aa/vendors.

   4.3. **Grantee Rights.** A Vendor Ombudsman has been established within the Department. The duties of the Vendor Ombudsman include acting as an advocate for grantees who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be reached at (850) 413-5516.

4.4. Taxes. The Department is exempted from the payment of State sales and use tax and Federal Excise Tax. Unless otherwise provided by law, the Grantee shall not be exempt from paying State sales and use tax to the appropriate governmental agencies, nor shall the Grantee be exempted from paying its suppliers for any taxes on materials used to fulfill its contractual obligations under this Agreement. The Grantee shall not use the Department's exemption number in securing such materials. The Grantee shall be responsible and liable for the payment of all its FICA/Social Security and other taxes resulting from this Agreement. The Grantee shall provide the Department its taxpayer identification number upon request.

4.5. Invoicing and Acceptance. All charges for performance under this Agreement or for reimbursement of expenses authorized by the Department shall be submitted to the Department in sufficient detail for a proper pre-audit and post-audit to be performed. The Grantee must submit invoices in accordance with the time requirements specified in the SOW. The Department will reimburse the Grantee for the performance required by the Agreement and any authorized expenses only upon the timely and satisfactory completion of the applicable performance and compliance requirements of the SOW. Payment for the deliverables is conditioned upon written acceptance by the Department's designated contract manager (Contract Manager) identified in Section 31., below. If the Department determines that circumstances warrant, the Department may accept partial performance and make partial payments for partial performance.

4.6. Final Invoice. The Grantee shall submit the final invoice to the Department no later than sixty (60) days after the Agreement ends or is terminated; however, the final invoice shall be submitted on or before September 1st following the June 30th ending date of the final State fiscal year in which the project is appropriated funding by the Legislature. If the Grantee fails to do so, the Department may, at its sole discretion, refuse to honor any requests submitted after this time period and may consider the Grantee to have forfeited any and all rights to payment under this Agreement.

4.7. Expenditures. All expenditures must be in compliance with the laws, rules, and regulations applicable to expenditures of State funds, including, but not limited to the State's Reference Guide for State Expenditures. The Grantee shall submit invoices for performance or expenses in accordance with the requirements of this reference guide, which may be obtained at: reference-guide-for-state-expenditures.pdf (myfloridacfo.com). The Grantee may not spend funds received under this Agreement for the purposes of lobbying the Florida Legislature, the judicial branch, or a State agency.

5. Governing Laws of the State.

5.1. Governing Law. The Grantee agrees that this Agreement is entered into in the State, and will be construed, performed, and enforced in all respects in accordance with the laws, rules, and regulations of the State. Each Party shall perform its obligations herein in accordance with the terms and conditions of this Agreement. Without limiting the provisions of Section 23., Dispute Resolution, the exclusive venue of any legal or equitable action that arises out of or relates to this Agreement will be the appropriate State court in Leon County, Florida; in any such action, the Parties waive any right to jury trial.

5.2. Ethics. The Grantee shall comply with the requirements of sections 11.062 and 216.347, F.S. The Grantee shall not, in connection with this or any other agreement with the State, directly or indirectly: (1) offer, confer, or agree to confer any pecuniary benefit on anyone as consideration for any State officer or State employee's decision, opinion, recommendation, vote, other exercise of discretion, or violation of a known legal duty; or (2) offer, give, or agree to give to anyone any gratuity for the benefit of, or at the direction or request of, any State officer or State employee. For purposes of clause (2), "gratuity" means any payment of more than nominal monetary value

in the form of cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind. Upon request of the Department's Inspector General, or other authorized State official, the Grantee shall provide any type of information the Inspector General deems relevant to the Grantee's integrity or responsibility. Such information may include, but will not be limited to, the Grantee's business or financial records, documents, or files of any type or form that refer to or relate to this Agreement. The Grantee shall retain such records in accordance with the record retention requirements of Part V of Attachment 2, Audit Requirements for Awards of State and Federal Financial Assistance. Only the provisions applicable to State funding in Attachment 2, Audit Requirements for Awards of State and Federal Financial Assistance, are applicable to this grant.

5.3. **Advertising.** Subject to chapter 119, F.S., the Grantee shall not publicly disseminate any information concerning this Agreement without prior written approval from the Department, including, but not limited to, mentioning this Agreement in a press release or other promotional material, identifying the Department or the State as a reference, or otherwise linking the Grantee's name and either a description of this Agreement or the name of the Department or the State in any material published, either in print or electronically, to any entity that is not a Party to this Agreement, except potential or actual authorized distributors, dealers, resellers, or service representatives.

5.4. **Sponsorship.** As required by section 286.25, F.S., if the Grantee is a nongovernmental organization which sponsors a program that is financed wholly or in part by State funds, including any funds obtained through this Agreement, it shall, in publicizing, advertising, or describing the sponsorship of the program, state: "Sponsored by (Grantee's name) and the State of Florida, Department of Financial Services." If the sponsorship reference is in written material, the words "State of Florida, Department of Financial Services" must appear in the same size letters or type as the name of the Grantee.

6. **Mandatory Disclosure Requirements.**

6.1. **Conflict of Interest.** This Agreement is subject to chapter 112, F.S. The Grantee shall disclose the name of any officer, director, employee, or other agent who is also an employee of the State. The Grantee shall also disclose the name of any State employee who owns, directly or indirectly, more than a five percent (5%) interest in the Grantee or its affiliates.

6.2. **Convicted Vendor List.** The Grantee has a continuous duty to disclose to the Department if the Grantee or any of its affiliates, as defined by section 287.133(1)(a), F.S., are placed on the convicted vendor list. Pursuant to section 287.133(2)(a), F.S.: "A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in section 287.017, F.S., for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list."

6.3. **Discriminatory Vendor List.** The Grantee has a continuous duty to disclose to the Department if the Grantee or any of its affiliates, as defined by section 287.134(1)(a), F.S., are placed on the discriminatory vendor list. Pursuant to section 287.134(2)(a), F.S.: "An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or

reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity."

6.4. Antitrust Violator Vendor List. The Grantee has a continuous duty to disclose to the Department if the Grantee or any of its affiliates, as defined by section 287.137(1)(a), F.S., are placed on the antitrust violator vendor list. Pursuant to section 287.137(2)(a), F.S.: "A person or an affiliate who has been placed on the antitrust violator vendor list following a conviction or being held civilly liable for an antitrust violation may not submit a bid, proposal, or reply for any new contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply for a new contract with a public entity for the construction or repair of a public building or public work; may not submit a bid, proposal, or reply on new leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a new contract with a public entity; and may not transact new business with a public entity."

6.5. Department Inspection of Records. Pursuant to section 216.1366, F.S., the Grantee shall permit the Department to inspect the Grantee's financial records, papers, and documents that are directly related to the performance of the Agreement or the expenditure of state funds and the Contractor's programmatic records, papers, and documents which the Department determines are necessary to monitor the performance of the Agreement or to ensure that the terms of the Agreement are being met. The Contractor shall provide such records, papers, and documents to the Department's Contract Manager within 10 business days after a request is made to the Contractor.

6.6. Foreign Gifts and Contracts. The Grantee shall comply with any applicable disclosure requirements in section 286.101, F.S. Pursuant to section 286.101(7), F.S.: "In addition to any fine assessed under [section 286.101(7)(a)], a final order determining a third or subsequent violation by an entity other than a state agency or political subdivision shall automatically disqualify the entity from eligibility for any grant or contract funded by a state agency or any political subdivision until such ineligibility is lifted by the Administration Commission for good cause."

7. Funding Requirements of Section 215.971(1), F.S.

7.1. The Grantee shall perform all tasks contained in the SOW.

7.2. Receipt by the Grantee of the Department's written acceptance of the units of deliverables specified herein is a condition precedent to payment under this Agreement and is contingent upon the Grantee's compliance with the specified performance measure (i.e., each deliverable must satisfy at least the minimum acceptable level of service specified in the SOW and the Department shall apply the applicable criteria stated in the SOW to determine satisfactory completion of each deliverable).

7.3. If the Grantee fails to meet the minimum level of service specified in the SOW, the Department shall apply the financial consequences for such failure as specified herein.

7.4. The Grantee may only expend funding under this Agreement for allowable costs resulting from obligations incurred during the term of this Agreement.

7.5. The Grantee shall refund to the Department any balance of unobligated funds that was advanced or paid to the Grantee.

7.6. The Grantee shall refund to the Department all funds paid in excess of the amount to which the Grantee is entitled under the terms and conditions of this Agreement.

8. Return or Recoupment of Funds.

8.1. If the Grantee or its independent auditor, if applicable, discovers that an overpayment has been made, the Grantee shall repay said overpayment within forty (40) calendar days of notification of discovery without prior notification from the Department. If the Department first discovers an overpayment has been made, the Department will notify the Grantee in writing. Should repayment not be made in a timely manner, the Department shall be entitled to charge interest at the lawful rate of interest on the outstanding balance beginning forty (40) calendar days after the date of notification or discovery. A check for the amount due should be sent to the Department's Contract Manager and made payable to the "Department of Financial Services."

8.2. Notwithstanding the damages limitations of Section 25., if the Grantee's non-compliance with any provision of this Agreement results in additional costs or monetary loss to the Department or the State, the Department may recoup the costs or losses from monies owed to the Grantee under this Agreement or any other Agreement between the Grantee and any State entity. If additional costs or losses are discovered when no monies are available under this Agreement or any other Agreement between the Grantee and any State entity, the Grantee shall repay such costs or losses to the Department within thirty (30) calendar days of the date of discovery or notification, unless the Department agrees, in writing, to an alternative timeframe.

9. Audits and Records.

9.1. Representatives of the Department, including, but not limited to, the State's Chief Financial Officer or the State's Auditor General or representatives of the federal government shall have access to any of the Grantee's books, documents, papers, and records, including electronic storage media, as they may relate to this Agreement, for the purposes of conducting audits or examinations or making excerpts or transcriptions.

9.2. The Grantee shall maintain books, records, and documents in accordance with the generally accepted accounting principles to sufficiently and properly reflect all expenditures of funds provided by the Department under this Agreement.

9.3. The Grantee shall comply with all applicable requirements of section 215.97, F.S., and Attachment 2, Audit Requirements for Awards of State and Federal Financial Assistance. If the Grantee is required to undergo an audit, the Grantee shall disclose all related-party transactions to the auditor.

9.4. The Grantee shall retain all the Grantee records, financial records, supporting documents, statistical records, and any other documents, including electronic storage media, pertinent to this Agreement in accordance with the record retention requirements of Part V of Attachment 2, Audit Requirements for Awards of State and Federal Financial Assistance or the period required by the General Records Schedules maintained by the Florida Department of State (available at https://dos.myflorida.com/media/703328/gs1-sl-2020.pdf) whichever is longer. The Grantee shall cooperate with the Department to facilitate the duplication and transfer of such records or documents upon the Department's request. If the Grantee is required to comply with section 119.0701, F.S., then compliance with the retention of records in accordance with section 119.070(2)(b)4, F.S., will fulfill the above stated requirement. If the Grantee's record retention requirements terminate prior to the requirements stated herein, the Grantee may meet the Department's record retention requirements for the Agreement by transferring its records to the Department at the time, and by destroying duplicate records in accordance with section 501.171, F.S., and if applicable, section 119.0701, F.S. The Grantee shall adhere to established information destruction standards such as those established by the National Institute of Standards and

Technology Special Publication 800-88, "Guidelines for Media Sanitization" (2014) (available at: https://nvlpubs.nist.gov/nistpubs/SpecialPublictions/NIST.SP.800-88rl.pdf

9.5. The Grantee shall include the aforementioned audit and recordkeeping requirements in all approved subgrantee agreements and assignments.

9.6. The Grantee agrees to reimburse the State for the reasonable costs of investigation incurred by the Department's Inspector General or other authorized state official for investigations of the Grantee's compliance with the terms of this Agreement or any other agreement between the Grantee and the State which results in the suspension or debarment of the Grantee. Such costs include, but they are not limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Grantee shall not be responsible for any costs of investigations that do not result in the Grantee's suspension or debarment.

9.7. The Grantee understands its duty, pursuant to section 20.055(5), F.S., to cooperate with the Department's Inspector General in any investigation, audit, inspection, review, or hearing. The Grantee shall comply with this duty and ensure that its contracts issued under this Agreement, if any, impose this requirement, in writing, on its contractors.

9.8. Grantee shall comply with the applicable requirement of Addendum A, Public Records Requirements, which is incorporated by reference herein. All references to "Contractor" within Addendum A refer to "Grantee." All references to "Contract" within Addendum A refer to this "Agreement."

10. Assignments, Subgrants, and Contracts.

10.1. Unless otherwise specified in the SOW, or through prior written approval of the Department, the Grantee may not: (1) subgrant any of the funds provided to the Grantee by the Department under this Agreement; (2) contract its duties or responsibilities under this Agreement out to a third party; or (3) assign any of the Grantee's rights or responsibilities hereunder, unless specifically permitted by law to do so. Any such subgrant, contract, or assignment occurring without the prior written consent of the Department will be null and void. If the Department approves the transfer of any of the Grantee's obligations under this Agreement, the Grantee remains responsible for all work performed and all expenses incurred in connection with the Agreement. In addition, this Agreement will bind the successors, assigns, and legal representatives of the Grantee, and of any legal entity that succeeds the Grantee, to the Grantee's obligations to the Department.

10.2. The Grantee agrees to be responsible for all work performed and all expenses incurred in fulfilling the obligations of this Agreement. If the Department permits the Grantee to contract all or part of the work contemplated under this Agreement, including entering into contracts with vendors for services, it is understood by the Grantee that all such contractual arrangements must be evidenced by a written document containing all provisions necessary to ensure the contractor's compliance with applicable state and federal laws. The Grantee further agrees that the Department shall not be liable to the contractor for any expenses or liabilities incurred under the contract and that the Grantee shall be solely liable to the subcontractor for all expenses and liabilities incurred under the contract. The Grantee, at its expense, will defend the Department against such claims.

10.3. The Grantee agrees that the Department may assign or transfer the Department's rights, duties, or obligations under this Agreement to another governmental entity upon giving prior written notice to the Grantee.

10.4. The Grantee agrees to make payments to its subgrantees and contractors, if any, within seven (7) business days after receipt of full or partial payments from the Department in accordance with section 287.0585, F.S., unless otherwise stated in the agreement(s) between the Grantee and the

contractor(s). Unless the Grantee and the subgrantee(s) or contractor(s) contract for an alternate payment schedule, the Grantee's failure to pay its subgrantees or contractors, if any, within seven (7) business days will result in a statutory penalty charged against the Grantee and paid to the subgrantee or contractor in the amount of one-half of one (1) percent of the amount due per day from the expiration of the period allowed herein for payment. Such statutory penalty will be in addition to actual payments owed and will not exceed fifteen percent (15%) of the outstanding balance due (*see* section 287.0585, F.S.).

11. **MyFloridaMarketPlace.** Disbursements under this Agreement are disbursements of State financial assistance to a recipient as defined in the Florida Single Audit Act, section 215.97, F.S., and are exempt from the MyFloridaMarketPlace Transaction Fee pursuant to Rule 60A-1.031(6)(g), F.A.C. Payments will be made according to the SOW and not through the MyFloridaMarketPlace system.

12. **Non-Discrimination.** The Grantee shall not unlawfully discriminate against any individual employed in the performance of this Agreement due to race, religion, color, sex, physical handicap unrelated to such person's ability to engage in this work, national origin, ancestry, or age. The Grantee shall provide a harassment-free workplace, and any allegation of harassment shall be given priority attention and action.

13. **Duty of Continuing Disclosure of Legal Proceedings and Instances of Fraud.**

13.1. The Grantee shall provide written notice to the Department disclosing any criminal litigation, investigation, or proceeding that arises during the Performance Period involving the Grantee, or, to the extent the Grantee is aware, any of the Grantee's subrecipients or contractors (or any of the foregoing entities' current officers or directors). The Grantee shall also provide written notice to the Department disclosing any civil litigation, arbitration, or proceeding that arises during the Performance Period, to which the Grantee (or, to the extent the Grantee is aware, any subrecipient or contractor hereunder) is a party, and which: (1) might reasonably be expected to adversely affect the viability or financial stability of the Grantee or any subrecipient or contractor hereunder; or (2) involves a claim or written allegation of fraud against the Grantee, or any subrecipient or contractor hereunder, by a governmental or public entity arising out of business dealings with governmental or public entities.

All notices under this Section must be provided to the Department within thirty (30) business days following the date that the Grantee first becomes aware of any such litigation, investigation, arbitration, or other proceeding (collectively, a "Proceeding"). Details of settlements that are prevented from disclosure by the terms of the settlement must be annotated as such.

13.2. This duty of disclosure applies to each officer and director of the Grantee, subrecipients, or contractors when any proceeding relates to the officer's or director's business or financial activities.

13.3. Instances of Grantee operational fraud or criminal activities, regardless of whether a legal proceeding has been initiated, shall be reported to the Department's Contract Manager within twenty-four (24) hours of the Grantee being made aware of the incident.

13.4. The Grantee shall promptly notify the Department's Contract Manager of any Proceeding relating to or affecting the Grantee's, subrecipient's, or contractor's business. If the existence of such Proceeding causes the State to conclude that the Grantee's ability or willingness to perform the Agreement is jeopardized, the Grantee shall be required to provide the Department's Contract Manager all reasonable assurances requested by the Department to demonstrate that: (1) the Grantee will be able to perform the Agreement in accordance with its terms and conditions; and (2) the Grantee and/or its employees, agents, subrecipients, or contractor(s) have not and will not

engage in conduct in performance under the Agreement that is similar in nature to the conduct alleged in such Proceeding.

14. Nonexpendable Property.

14.1. For the requirements of this Section of the Agreement, "nonexpendable property" is the same as "property" as defined in section 273.02, F.S. (equipment, fixtures, and other tangible personal property of a non-consumable and nonexpendable nature).

14.2. All nonexpendable property purchased under this Agreement must be listed on the property records of the Grantee in accordance with the requirements of Rule 69I-72.002, F.A.C. For the purposes of section 273.03, F.S., the Grantee is the custodian of all nonexpendable property and shall be primarily responsible for the supervision, control, and disposition of the property in his or her custody (but may delegate its use and immediate control to a person under his or her supervision and may require custody receipts). The Grantee must submit an inventory report to the Department with the final expenditure report and inventory annually during the five (5) year period following the termination of this Agreement or during the depreciable life of the nonexpendable property purchased under this Agreement (determined by the depreciation schedule in use by the Grantee), whichever is shorter, and maintain accounting records for all nonexpendable property purchased under the Agreement. The records must include information necessary to identify the property, which at a minimum, must include the following: property tag identification number; description of the item(s); if a group of items, the number and description of the components; physical location; name, make or manufacturer; year and/or model; manufacturer's serial number(s); date of acquisition; cost or value at date of acquisition; date last inventoried; and the current condition of the item.

14.3. The nonexpendable property must not be relocated, distributed, gifted, or loaned to any other fire service provider, agency, or individual. At no time shall the Grantee dispose of nonexpendable property purchased under this Agreement without the prior written permission of, and in accordance with instructions from, the Department. In addition to its plain meaning, "dispose of" includes, selling, exchanging, transferring, distributing, gifting, and loaning. If the Grantee proposes to dispose of the nonexpendable property or take any other action that will impact its ownership of the property or modify the use of the property other than for the purposes stated herein, the Department shall have the right, in its sole discretion, to demand that the Grantee reimburse the Department the fair market value of the impacted nonexpendable property.

14.4. The Grantee is responsible for any loss, damage, or theft of, and any loss, damage or injury caused by the use of, nonexpendable property purchased with State funds and held in its possession for use in accordance with this Agreement. The Grantee shall immediately notify the Department, in writing, upon discovery of any property loss with the date and reason(s) for the loss.

14.5. The Grantee is responsible for the correct use of all nonexpendable property obtained using funds provided by this Agreement and for the implementation of adequate maintenance procedures to keep the nonexpendable property in good operating condition.

14.6. A formal amendment to this Agreement is required prior to the purchase of any item of nonexpendable property not listed in this Agreement (*see* SOW).

14.7. Title (ownership) to all nonexpendable property acquired with funds from this Agreement will be vested in the Grantee, subject to the requirements of Section 14.8., below.

14.8. The Grantee shall provide advance written notification to the Department if, during the five (5) year period following the termination of this Agreement or during the depreciable life of the nonexpendable property purchased under this Agreement (determined by the depreciation

schedule in use by the Grantee), whichever is shorter, the Grantee proposes to dispose of or take any other action that will impact its ownership of the nonexpendable property or modify the use of the nonexpendable property from the purposes authorized herein. If any of these situations arise, the Department shall have the right, in its sole discretion, to demand that the Grantee immediately reimburse the Department the fair market value of the impacted nonexpendable property valued at the time of disposition or modified use.

15. **Additional Requirements Applicable to the Purchase of, or Improvements to, Real Property.** If funding provided under this Agreement is used for the purchase of, or improvements to, real property, such funds are contingent upon the Grantee granting to the Department a security interest in the property in the amount of the funding provided by this Agreement for the purchase of, or improvements to, the real property for five (5) years from the date of purchase, the completion of the improvements, or as further required by law (*see* section 287.05805, F.S.).

16. **Insurance.**

    16.1. The Grantee shall, at its sole expense, maintain insurance coverage of such types and with such terms and limits as may be reasonably associated with the Agreement. Adequate insurance coverage is a material obligation of the Grantee, and the failure to maintain such coverage may void the Agreement. The limits of coverage under each policy maintained by the Grantee shall not be interpreted as limiting the Grantee's liability and obligations under this Agreement. All insurance policies must be through insurers authorized to write policies in the State. Specific insurance requirements, if any, are listed in the SOW.

    16.2. The Department shall be exempt from, and in no way liable for, any sums of money representing a deductible in any insurance policy. The payment of such deductible will be the sole responsibility of the Grantee.

17. **Intellectual Property Rights.** Each party shall retain its intellectual property rights to its intellectual property. No intellectual property is to be created or otherwise developed by Grantee for the Department under this Agreement. Where activities supported by this Agreement result in the creation of intellectual property rights, the Grantee shall notify the Department, and the Department will determine whether the Grantee will be required to grant the Department a perpetual, irrevocable, royalty-free, nonexclusive license to use, and to authorize others to use for State government purposes, any resulting patented, copyrighted, or trademarked work products developed under this Agreement. The Department will also determine whether the Grantee will be required to pay all or a portion of any royalties resulting from such patents, copyrights, or trademarks.

18. **Independent Contractor Status.** It is mutually understood and agreed to that at all times during the Grantee's performance of its duties and responsibilities under this Agreement Grantee is acting and performing as an independent contractor. The Department shall neither have nor exercise any control or direction over the methods by which the Grantee shall perform its work and functions other than as provided herein. Nothing in this Agreement is intended to or will be deemed to constitute a partnership or joint venture between the Parties.

    18.1. Unless the Grantee is a State agency, the Grantee (and its officers, agents, employees, subrecipients, contractors, or assignees), in performance of this Agreement, shall act in the capacity of an independent contractor and not as an officer, employee, or agent of the State. Further, unless specifically authorized to do so, the Grantee shall not represent to others that, as the Grantee, it has the authority to bind the Department or the State.

    18.2. Unless the Grantee is a State agency, neither the Grantee nor its officers, agents, employees, subrecipients, contractors, or assignees, are entitled to State retirement or State leave benefits, or

to any other compensation of State employment as a result of performing the duties and obligations of this Agreement.

18.3. The Grantee agrees to take such actions as may be necessary to ensure that each subrecipient or contractor will also be deemed to be an independent contractor and will not be considered or permitted to be in a joint venture with the State nor an agent, servant, or partner of the State as a result of this Agreement.

18.4. Unless agreed to by the Department in the SOW, the Department will not furnish services of support (e.g., office space, office supplies, telephone service, secretarial, clerical support, etc.) to the Grantee, its subrecipient, contractor, or assignee.

18.5. The Department shall not be responsible for withholding taxes with respect to the Grantee's compensation hereunder. The Grantee shall have no claim against the Department for vacation pay, sick leave, retirement benefits, social security, workers' compensation, health or disability benefits, reemployment assistance benefits, or employee benefits of any kind. The Grantee shall ensure that its employees, subrecipients, contractors, and other agents, receive all legally required benefits and insurance coverage from an employer other than the State.

18.6. At all times during the Agreement period, the Grantee must comply with the reporting and Reemployment Assistance contribution payment requirements of chapter 443, F.S.

19. Electronic Funds Transfer. The Grantee agrees to enroll in Electronic Funds Transfer (EFT), offered by the State's Chief Financial Officer within thirty (30) calendar days of the date the last Party signed this Agreement. Copies of the authorization form and a sample blank enrollment letter can be found at: https://myfloridacfo.com/division/aa/vendors. Questions should be directed to the EFT Section at (850) 413-5517. Once enrolled, invoice payments will be made by EFT.

20. Entire Agreement. This Agreement consists of all documents listed in the order of precedence below, each of which is incorporated into, and is an integral part of, the Agreement, and together they embody the entire Agreement. This Agreement supersedes all previous oral or written communications, representations, or agreements on this subject. Any conflicts among these documents will be resolved in accordance with the following order of precedence:

i. Attachment 1, Statement of Work;
ii. This Grant Agreement document;
iii. Attachment 2, Audit Requirements for Awards of State and Federal Financial Assistance (with its Exhibit 1);
iv. Addendum A, Public Records Requirements;
v. Attachment 3, Index of Applicable Laws and Regulations;
vi. Any Appendices;
vii. Any other Attachments.

21. Time is of the Essence. Time is of the essence regarding the performance requirements set forth in this Agreement. The Grantee is obligated to timely complete the deliverable(s) under this Agreement and to comply with all other deadlines necessary to perform the Agreement which include, but are not limited to, attendance of meetings or submittal of reports.

22. Termination.

22.1. Termination Due to the Lack of Funds. If funds become unavailable for the Agreement's purpose, such event will not constitute a default by the Department or the State. The Department agrees to notify the Grantee in writing at the earliest possible time if funds are no longer available. If funds become unavailable, including if any State funds upon which this Agreement depends

are withdrawn or redirected, the Department may terminate this Agreement by providing written notice to the Grantee. The Department shall be the final authority as to the availability of funds and will not reallocate funds earmarked for this Agreement to another program thus causing "lack of funds."

22.2. **Termination for Cause.** The Department may terminate this Agreement if the Grantee fails to: (1) satisfactorily complete the deliverables within the time specified in the Agreement; (2) maintain adequate progress, thus endangering performance of the Agreement; (3) honor any term of the Agreement; or (4) abide by any statutory, regulatory, or licensing requirement. The Grantee shall continue to perform any work not terminated. The Department's rights and remedies in this clause are in addition to any other rights and remedies provided by law or under the Agreement. The Grantee shall not be entitled to recover any cancellation charges or lost profits. Upon termination, the Department may require that the Grantee return to the Department any funds that were used for ineligible purposes under the Agreement or applicable program laws, rules, and regulations governing the use of funds under: (1) the Agreement; or (2) applicable program laws, rules, and regulations governing the use of funds under this Agreement.

22.3. **Termination for Convenience.** The Department may terminate this Agreement, in whole or in part, by providing written notice to the Grantee that the Department determined, in its sole discretion, it is in the State's interest to do so. The Grantee shall cease performance upon receipt of the Department's notice of termination, except as necessary to complete the continued portion of the Agreement, if any. The Grantee shall not be entitled to recover any cancellation charges or lost profits.

22.4. **Grantee's Responsibilities upon Termination.** If the Department provides a notice of termination to the Grantee, except as otherwise specified by the Department in that notice, the Grantee shall: (1) stop work under this Agreement on the date and to the extent specified in the notice; (2) complete performance of such part of the work that has not been terminated by the Department, if any; (3) take such action as may be necessary, or as the Department may specify, to protect and preserve any property which is in the possession and custody of the Grantee, and in which the Department has or may acquire an interest; and (4) transfer, assign, and make available to the Department all property and materials belonging to the Department upon the effective date of termination of this Agreement. No extra compensation will be paid to the Grantee for its services in connection with such transfer or assignment.

23. **Dispute Resolution.** Unless otherwise stated in the SOW, the Department shall decide disputes concerning the performance under the Agreement, reduce the decision to writing, and serve a copy on the Grantee. If a Party is dissatisfied with the dispute resolution decision, jurisdiction for any dispute arising under the terms of the Agreement will be in the State courts, and the venue will be in the Second Judicial Circuit, in and for Leon County. Except as otherwise provided by law, the Parties agree to be responsible for their own costs and attorneys' fees incurred in connection with disputes arising under the terms of the Agreement.

24. **No Waiver of Consequences for Failure to Comply.** The Department's decision to waive any consequences in one instance does not relinquish the Department's right and ability to impose any consequences in future instances. The Department's failure to enforce, or the Department's waiver of a breach of, any provision contained herein shall not constitute a waiver of any other breach or of such provision.

25. **Limitation of Liability.** Unless otherwise specifically enumerated in this Agreement, no Party shall be liable to another for special, indirect, punitive, or consequential damages, including lost data or records (unless the Agreement requires the Grantee to back-up data or records), even if the Party has been advised that such damages are possible. No Party shall be liable for lost profits, lost revenue, or lost

institutional operating savings. The State and the Department may, in addition to other remedies available to them at law or in equity and upon notice to the Grantee, retain such monies from amounts due the Grantee as may be necessary to satisfy any claim for damages, penalties, costs, and the like asserted by or against them.

26. Indemnification.

26.1. The Grantee shall be fully liable for the actions of its agents, employees, partners, subrecipients, or contractors and shall fully indemnify, defend, and hold harmless the State and the Department, and their officers, agents, and employees, from suits, actions, damages, and costs of every name and description, arising from or relating to personal injury and damage to real or personal tangible property alleged to be caused in whole or in part by the Grantee, its agents, employees, partners, subrecipients, or contractors, provided, however, that the Grantee shall not indemnify for that portion of any loss or damages proximately caused by the negligent act or omission of the State or the Department.

26.2. Further, the Grantee shall fully indemnify, defend, and hold harmless the State and the Department from any suits, actions, damages, and costs of every name and description, including attorneys' fees, arising from or relating to a violation or infringement of a trademark, copyright, patent, trade secret or intellectual property right, provided, however, that the foregoing obligation will not apply to the Department's misuse or modification of the Grantee's products or the Department's operation or use of the Grantee's products in a manner not contemplated by the Agreement. If any product is the subject of an infringement suit, or in the Grantee's opinion is likely to become the subject of such suit, the Grantee may at its sole expense procure for the Department the right to continue using the product or to modify it to become non-infringing. If the Grantee is not reasonably able to modify or otherwise secure for the Department the right to continue using the product, the Grantee shall remove the product and refund the Department the amounts paid in excess of a reasonable rental for past use. The Department shall not be liable for any royalties.

26.3. The Grantee's obligations under the preceding two paragraphs with respect to any legal action are contingent upon the State or the Department giving the Grantee: (1) written notice of any action or threatened action, (2) the opportunity to take over and settle or defend any such action at the Grantee's sole expense, and (3) assistance in defending the action at the Grantee's sole expense. The Grantee shall not be liable for any cost, expense, or compromise incurred or made by the State or the Department in any legal action without the Grantee's prior written consent, which will not be unreasonably withheld.

NOTE: For the avoidance of doubt, if the Grantee is a State agency or subdivision, as defined in section 768.28(2), F.S., pursuant to section 768.28(19), F.S., neither Party indemnifies nor insures or assumes any liability to the other Party for the other Party's negligence.

27. Force Majeure and Notice of Delay from Force Majeure. Neither Party shall be liable to the other for any delay or failure to perform under this Agreement if such delay or failure is neither the fault nor caused by the negligence of the Party or its employees or agents and the delay is due directly to acts of God, wars, acts of public enemies, strikes, fires, floods, or other similar cause wholly beyond the Party's control, or for any of the foregoing that affects subrecipients, contractors, or suppliers if no alternate source of supply is available. However, if a delay arises from the foregoing causes, the Party shall take all reasonable measures to mitigate all resulting delay or disruption in accordance with the Party's performance requirements under this Agreement. If the Grantee believes any delay is excusable under this Section, the Grantee shall provide written notice to the Department describing the delay or potential delay and the cause of the delay within five (5) calendar days after the Grantee first had reason to

believe that a delay could result if the Grantee could reasonably foresee that a delay could result or within ten (10) calendar days after the date the Grantee first learned of the delay if the delay is not reasonably foreseeable. Providing notice in strict accordance with this paragraph is a condition precedent to such remedy. The Department, in its sole discretion, will determine if the delay is excusable under this Section and will notify the Grantee of its decision in writing. If an extension is legally permissible, and if one will be granted, the Department's notice will state the extension period. **THE FOREGOING CONSTITUTES THE GRANTEE'S SOLE REMEDY OR EXCUSE WITH RESPECT TO DELAY**. The Grantee shall not assert a claim for damages against the Department and shall not be entitled to an increase in this Agreement price or payment of any kind from the Department for any reason. If performance is suspended or delayed, in whole or in part, due to any of the causes described in this Section, after the causes have ceased to exist, the Grantee shall resume performance, unless the Department determines, in its sole discretion, that the delay will significantly impair the ability of the Grantee to timely complete its obligations under this Agreement, in which case the Department may terminate the Agreement in whole or in part.

28. **Severability.** If any provision of this Agreement, in whole or in part, is held to be void or unenforceable by a court of competent jurisdiction, that provision shall be enforced only to the extent that it is not in violation of law or is not otherwise unenforceable, and all other provisions remain in full force and effect.

29. **Survival.** Any right or obligation of the Parties in the Agreement, which, by its express terms or nature and context, is intended to survive termination or expiration of the Agreement, will survive any such termination or expiration.

30. **Execution in Counterparts.** The Agreement may be executed in counterparts, each of which will be deemed an original and all of which will constitute but one and the same instrument.

31. **Contact Information for Grantee and Department Contacts.**

Grantee's Payee:	**Grantee's Contract Manager:**
City of New Smyrna Beach	Daniel B. Harshburger
210 Sams Avenue	210 Sams Avenue
New Smyrna Beach, Florida 32168	New Smyrna Beach, Florida 32168
(386) 402-8196	(386) 402-8196
dharshburger@cityofnsb.com	dharshburger@cityofnsb.com

Department's Contract Manager:

Ginie Chibuzor

200 E. Gaines Street

Tallahassee, Florida 32399

(850) 413-3631

Ginie.Chibuzor@myFloridaCFO.com

If any of the information provided in this Section changes after the execution of this Agreement, the Party making such change will notify the other Parties in writing of such change. Such changes will not require a written amendment to the Agreement.

32. Notices.

The contact information provided in the immediately preceding Section must be used by the Parties for all communications under the Agreement. Where the terms "written notice" or notice "in writing" are used to specify a notice requirement herein, said notice will be deemed to have been given when (1) personally delivered; (2) transmitted via facsimile with confirmation of receipt or email with confirmation of receipt if the sender on the same day sends a confirming copy of such notice by a recognized overnight delivery service (charges prepaid); (3) the day following the day (except if not a Business Day then the next Business Day) on which the same has been delivered prepaid to a recognized overnight delivery service; or (4) on the date actually received, except if there is a date of the certification of receipt, then on that date.

IN WITNESS THEREOF, and in consideration of the mutual covenants set forth above and in the documents that make up this Agreement, the Parties have caused to be executed this Agreement by their undersigned, duly authorized officials.

CITY OF NEW SMYRNA BEACH	**DEPARTMENT OF FINANCIAL SERVICES**
_____	_____
By	**By**
_____	_____
Name	**Name**
_____	_____
Title	**Title**
_____	_____
Date	**Date**

ATTACHMENT 1
Statement of Work (FCDEGP)

1. **Project Description.** The Florida Legislature has appropriated funds in Line 2233 of the General Appropriations Act for the 2025–2026 State fiscal year to the Department to implement section 633.137, F.S., for the specific purposes stated therein, and the Division has the authority to administer the program and annually award grants upon the terms and conditions set forth in the Agreement and in Rule 69A-37.503, *Florida Administrative Code* (F.A.C.). To be a recipient of State funds under this grant program, the Grantee has identified a source of nonstate funding in an amount that is equal to or exceeds twenty-five percent (25%) of the funding provided to Grantee under this Agreement. The Grantee has been awarded funding for the 2025–2026 Fiscal Year in the amount of $21,000.00. The funds will be used for the purchase of equipment, specifically one (1) self-contained breathing apparatus washer, as further described in Appendix 1 and Appendix 2, Itemized Equipment List(s), if applicable. This is a cost-reimbursement agreement, subject to a minimum twenty-five percent (25%) match of funds from a nonstate source of funding, not to exceed the amount of funds stated above. Such funds will be paid by the Department in consideration of the Grantee's performance of the requirements as set forth by the terms and conditions of the Agreement.

2. **Performance Period.** The Performance Period of this Agreement begins on July 1, 2025, and ends on June 30, 2026. The term of this Agreement may be continued through the appropriations carry forward period for the purpose of submitting documents required in Section 6., Deliverables, as approved by the Department through written notification. The Department shall not be obligated to pay for costs incurred by Grantee related to this Agreement prior to this term beginning date or after this term end date.

3. **Program Requirements.** The Florida Legislature created the Firefighter Cancer Decontamination Equipment Grant Program within the Division of State Fire Marshal (Division) to provide financial assistance to help career fire departments, combination fire departments, and volunteer fire departments procure equipment, supplies, and training designed to mitigate exposure to hazardous, cancer-causing chemicals. The Division prioritizes the annual award of grants to those career, combination, and volunteer fire departments demonstrating need via participation in the annual Florida Fire Service Needs Assessment Survey, in compliance with the requirement to submit fire incident data as required in Rule 69A-66.004, F.A.C., in compliance with the Florida Firefighters Occupational Health and Safety Act (or has a plan for correction for any noncompliance issue filed with the Division), and in compliance with the requirement to provide a minimum 25% match of nonstate funding for the amount of funding requested and proof of that funding. Grantees shall only use funds to:

   a. Purchase vehicle exhaust capture systems that are either mounted in the stations or on the vehicles and are compliant with the standards of National Fire Protection Association (NFPA) 1500, Standard on Fire Department Occupational Safety, Health, and Wellness Program, as specified in Rule 69A-62.025, F.A.C.
   b. Purchase personal protective equipment extractor units that are designed to operate using 110-volt alternating current (AC); however, additional costs such as wiring and installation will not be covered.
   c. Purchase personal protective equipment extractor units not designed to operate using 110-volt AC current; however, additional costs such as wiring and installation will not be covered.
   d. Purchase second issued hoods, gloves, and helmet earflaps that are compliant with the standards of NFPA 1971, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, as specified in Rule 69A-37.060, F.A.C., and that can be exchanged at the scene or in quarters after fire extinguishment.

e. Purchase other equipment that is used to mitigate exposure to hazardous, cancer-causing chemicals when specifically authorized by the Division.
f. Purchase supplies that are used to mitigate exposure to hazardous, cancer-causing chemicals when specifically authorized by the Division.
g. Provide educational training designed to mitigate exposure to hazardous, cancer-causing chemicals when specifically authorized by the Division.

4. **Grantee's Responsibilities.** The Grantee shall:

h. Purchase the equipment as specified in Appendix 1 and Appendix 2, Itemized Equipment List(s), if applicable.
i. Provide the Department with the required supporting documents with the invoice as specified in Section 7., Invoice Submittal and Payment Schedule.
j. Receive the equipment as described in Appendix 1 and Appendix 2, as applicable, in a timely manner not to exceed the Performance Period stated in Section 2., Performance Period.
k. Provide the Department with sufficient documentation that ensures receipt of the equipment.
l. Provide the Department with documentation, upon Department's demand, evidencing status reports. Grantee shall provide status report documentation on the Status Update Request Form, incorporated by reference as Attachment 4.
m. Submit monthly fire incident data to the National Fire Incident Reporting System via https://www.nfirs.fema.gov/NFIRSWeb/login until December 25, 2025. On and after January 1, 2026, and for the entire duration of the Performance Period listed in the Agreement submit monthly fire incident data to the National Emergency Response Information System via https://neris.fsri.org/ Proof of submittance of fire incident data is required to be provided to the Department upon the Department's demand.
n. Maintain all fire department profile and roster records within the electronic database of the Bureau of Fire Standards and Training.
o. Demonstrate compliance with the Florida Firefighter Occupational Safety and Health Act by having completed a compliance inspection within the previous three years or having a compliance inspection conducted before the grant funds are awarded.
p. Provide the written agreement with the fire service provider under which the Grantee is operating.

5. **Department's Responsibilities.** The Department shall monitor the Grantee's progress as it deems necessary to verify that all requirements of the Agreement are being performed in accordance with this Agreement. The Department shall review submitted documentation and process payments to the Grantee to reimburse allowable, reasonable, and necessary expenditures, not to exceed the awarded amount specified in Section 1., Project Description.

The Department will monitor reporting compliance for the Grantee and will notify the appropriate parties of non-compliance.

6. **Deliverables.** The Grantee shall complete the following deliverable:

Deliverable No. 1 – Purchase one (1) self-contained breathing apparatus washer		
Task	**Documentation**	**Financial Consequences**
Purchase and receive equipment as described in Appendix 1, Itemized Equipment List.	A. Grantee must provide proof of payment in the form of cleared check(s), bank statement(s), or electronic fund transfer(s). B. Grantee must provide proof of receipt of the equipment in the form of photos, packing slips, or other equivalent documentation. C. Proof of minimum 25% match funding, as required.	The Department will not reimburse the Grantee pursuant to the Agreement for any equipment received outside of the specified Performance Period, or if accurate and sufficient documentation is not received from the Grantee.
TOTAL GRANT AMOUNT NOT TO EXCEED $21,000.00		

7. **Invoice Submittal and Payment Schedule.** This is a cost reimbursement contract. The Department will reimburse the Grantee upon satisfactory completion of the deliverable requirements specified in Section 6., Deliverables, and in accordance with the terms and conditions of this Agreement for a total dollar amount not to exceed the awarded amount specified in Section 1., Project Description, subject to the availability of funds. To request reimbursement, the Grantee shall:

   a. Complete the Reimbursement Request Letter, incorporated by reference as Attachment 5, signed by the Grantee's Agreement Manager certifying that the costs being claimed in the invoice package:
      i. Are specifically for the equipment represented in this Agreement;
      ii. Have been paid;
      iii. Were incurred within the Performance Period as specified in Section 2., Performance Period; and
      iv. Are not a duplicate, and duplicates will not be submitted to another funding source.

   b. Provide all documentation necessary to demonstrate completion of the Deliverable(s) listed in Section 6., Deliverables.

   c. Provide the itemized invoice from the vendor listed in Appendix 1 and Appendix 2, Itemized Equipment List(s), if applicable, that matches the equipment described in Appendix 1 and Appendix 2, Itemized Equipment List(s), if applicable.

   d. Provide proof of payment to the specified vendor.

8. **Financial Consequences for Failure to Timely and Satisfactorily Perform.** Failure to timely complete the required duties outlined in this Attachment 1, Statement of Work, will result in the automatic rejection of a request for reimbursement of the associated expenditures for the applicable deliverable(s). Failure to provide documentation required in Section 6., Deliverables, within the specified Performance Period will result in the expenditure not being reimbursed by the Department. If the Grantee received advance payment and failed to timely and satisfactorily perform, any funds the Grantee received must be returned to the Department upon the Department's written notification. Should repayment not be made in a timely manner, the Department shall be entitled to charge interest at the lawful rate of interest on the outstanding balance beginning forty (40) calendar days after the date

of notification. This provision for financial consequences shall not affect the Department's right to terminate the Agreement as provided elsewhere in the Agreement.

Appendix 1

Itemized Equipment List

(877) 637-3473

Quote

Quote #	QT2025092
Date	01/22/2026
Expires	02/06/2026
Sales Rep	Mclester, Rickey
Shipping Method	FedEx Ground
Customer	NEW SMYRNA BEACH FIRE DEPT (FL)
Customer #	C47330

Bill To
NEW SMYRNA BEACH FIRE DEPT
210 SAMS AVENUE
NEW SMYRNA BEACH FL 32168
United States

Ship To
NEW SMYRNA BEACH FIRE DEPT
1400 SR 44
NEW SMYRNA BEACH FL 32168
United States

Item	Alt. Item #	Units	Description	QTY	Unit Price	Amount
CIRCUL-AIR	CAC-DCN-2401-NA		CAC-DCN-2401-NA Custom CIRCUL-AIR Roto-Decon SCBA Extractor 240V single phase	1	$25,547.45	$25,547.45

Contact: C47330 NEW SMYRNA BEACH FIRE DEPT (FL) : Claudia Soulie (386) 402-8125

Subtotal	$25,547.45
Shipping Cost	$922.98
Tax Total	$0.00
Total	$26,470.43

This Quotation is subject to any applicable sales tax and shipping and handling charges that may apply. Tax and shipping charges are considered estimated and will be recalculated at the time of shipment to ensure they take into account the most current information.

All returns must be processed within 30 days of receipt and require a return authorization number and are subject to a restocking fee.

Custom orders are not returnable. Effective tax rate will be applicable at the time of invoice.

QT2025092

ATTACHMENT 2

AUDIT REQUIREMENTS FOR AWARDS OF STATE AND FEDERAL FINANCIAL ASSISTANCE

The administration of resources awarded by the Department of Financial Services (Department) to the Grantee may be subject to audits and/or monitoring by the Department, as described in this section.

MONITORING

In addition to reviews of audits conducted in accordance with 2 CFR 200, Subpart F - Audit Requirements, and section 215.97, Florida Statutes (F.S.), as revised (see AUDITS below), monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits as defined by 2 CFR §200.425, or other procedures. By entering into this agreement, the Grantee agrees to comply and cooperate with any monitoring procedures or processes deemed appropriate by the Department. In the event the Department determines that a limited scope audit of the Grantee is appropriate, the Grantee agrees to comply with any additional instructions provided by Department staff to the Grantee regarding such audit. The Grantee further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer (CFO) or Auditor General.

AUDITS

Part I: Federally Funded

This part is applicable if the Grantee is a state or local government or a nonprofit organization as defined in 2 CFR §200.90, §200.64, and §200.70.

1. A grantee that expends $750,000 or more in federal awards in its fiscal year must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements. EXHIBIT 1 to this form lists the federal resources awarded through the Department by this agreement. In determining the federal awards expended in its fiscal year, the Grantee shall consider all sources of federal awards, including federal resources received from the Department. The determination of amounts of federal awards expended should be in accordance with the guidelines established in 2 CFR §§200.502-503. An audit of the Grantee conducted by the Auditor General in accordance with the provisions of 2 CFR §200.514 will meet the requirements of this Part.

2. For the audit requirements addressed in Part I, paragraph 1, the Grantee shall fulfill the requirements relative to auditee responsibilities as provided in 2 CFR §§200.508-512.

3. A grantee that expends less than $750,000 in federal awards in its fiscal year is not required to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements. If the Grantee expends less than $750,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from Grantee resources obtained from other than federal entities).

Part II: State Funded

1. In the event that the Grantee expends a total amount of state financial assistance equal to or in excess of $750,000 in any fiscal year of such Grantee (for fiscal years ending June 30, 2017, or thereafter), the Grantee must have a state single or project-specific audit for such fiscal year in accordance with section 215.97, F.S.; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this form lists the state financial assistance awarded through the

Department by this agreement. In determining the state financial assistance expended in its fiscal year, the Grantee shall consider all sources of state financial assistance, including state financial assistance received from the Department, other state agencies, and other nonstate entities. State financial assistance does not include federal direct or pass-through awards and resources received by a nonstate entity for federal program matching requirements.

2. For the audit requirements addressed in Part II, paragraph 1, the Grantee shall ensure that the audit complies with the requirements of section 215.97(8), F.S. This includes submission of a financial reporting package as defined by section 215.97(2), F.S., and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

3. If the Grantee expends less than $750,000 in state financial assistance in its fiscal year (for fiscal years ending June 30, 2017, or thereafter), an audit conducted in accordance with the provisions of section 215.97, F.S., is not required. If the Grantee expends less than $750,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of section 215.97, F.S., the cost of the audit must be paid from the nonstate entity's resources (i.e., the cost of such an audit must be paid from the Grantee's resources obtained from other than state entities).

Part III: Other Audit Requirements

N/A

Part IV: Report Submission

1. Copies of reporting packages for audits conducted in accordance with 2 CFR 200, Subpart F - Audit Requirements, and required by Part I of this form shall be submitted, when required by 2 CFR §200.512, by or on behalf of the Grantee directly to the Federal Audit Clearinghouse (FAC) as provided in 2 CFR §200.36 and §200.512.

   The FAC's website provides a data entry system and required forms for submitting the single audit reporting package. Updates to the location of the FAC and data entry system may be found at the OMB website.

2. Copies of financial reporting packages required by Part II of this form shall be submitted by or on behalf of the Grantee directly to each of the following:

   a. The Department at each of the following addresses:

      Electronic copies (preferred): Ginie.Chibuzor@MyFloridacfo.com

      or

      Paper (hard copy):
      Ginie Chibuzor
      Department of Financial Services
      200 East Gaines Street
      Tallahassee, Florida 32399-0340

   b. The Auditor General's Office at the following address:

      Auditor General
      Local Government Audits/342
      Claude Pepper Building, Room 401
      111 West Madison Street
      Tallahassee, Florida 32399-1450

The Auditor General's website (https://flauditor.gov/) provides instructions for filing an electronic copy of a financial reporting package.

3. Any reports, management letters, or other information required to be submitted to the Department pursuant to this agreement shall be submitted timely in accordance with 2 CFR §200.512, section 215.97, F.S., and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

4. Grantees, when submitting financial reporting packages to the Department for audits done in accordance with 2 CFR 200, Subpart F - Audit Requirements, or Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the Grantee in correspondence accompanying the reporting package.

Part V: Record Retention

The Grantee shall retain sufficient records demonstrating its compliance with the terms of the award(s) and this agreement for a period of five (5) years from the date the audit report is issued, and shall allow the Department, or its designee, the CFO, or Auditor General access to such records upon request. The Grantee shall ensure that audit working papers are made available to the Department, or its designee, the CFO, or Auditor General upon request for a period of five (5) years from the date the audit report is issued, unless extended in writing by the Department.

EXHIBIT 1

Federal Resources Awarded to the Grantee Pursuant to this Agreement Consist of the Following:

1. Federal Program A:

   N/A

2. Federal Program B:

   N/A

Compliance Requirements Applicable to the Federal Resources Awarded Pursuant to this Agreement are as Follows:

1. Federal Program A:

   N/A

2. Federal Program B:

   N/A

State Resources Awarded to the Grantee Pursuant to this Agreement Consist of the Following:

Matching Resources for Federal Programs:

1. Federal Program A:

   N/A

2. Federal Program B:

   N/A

Subject to Section 215.97, F.S.:

1. State Project A:

   State Project: Fire Decontamination Equipment Grant Program
   State Awarding Agency: State of Florida, Department of Financial Services
   Catalog of State Financial Assistance Title and Number: Fire Decontamination Equipment Grants, 43.013
   Amount: The amount listed in section 6., Deliverables, in this Agreement's Attachment 1, Statement of Work.

2. State Project B:

   N/A

Compliance Requirements Applicable to State Resources Awarded Pursuant to this Agreement Are as Follows:

The requirements of this Agreement, section 633.137, F.S., and Rule 69A-37.503, F.A.C.

Attachment 3
Index of Applicable Laws and Regulations

1. Statutory Requirements:
Chapter 112, F.S. (conflict of interest)
Chapter 119, F.S. (public records and exceptions to disclosure)
Sections 11.062 and 216.347, F.S. (prohibitions on the use of state funds for lobbying purposes)
Section 216.1366, F.S. (inspection of records)
Section 286.101, F.S. (foreign gifts and contracts)
Section 286.25, F.S. (sponsorship)
Section 287.133, F.S. (convicted vendor list)
Section 287.134, F.S. (discriminatory vendor list)
Section 287.137, F.S. (antitrust violator vendor list)
Americans with Disabilities Act
Immigration and Nationality Act

2. Audit Requirements:
Section 20.055, F.S. (audit investigations)
Section 215.34, F.S. (return or recoupment of funds)
Section 215.97, F.S., Florida Single Audit Act
Section 215.971, F.S., Agreements Funded with Federal or State Assistance

3. Financial Requirements:
Section 215.422, F.S. (payments from state funds)
Section 273.02, F.S. (nonexpendable tangible personal property)
Section 287.0585, F.S. (payments to subcontractors)
Rule 60A-1.031, F.A.C. (MyFloridaMarketPlace)
Chief Financial Officer Memoranda Nos. 1, 2, and 4 (effective July 1, 2020)

DIVISION OF
STATE FIRE MARSHAL
FLORIDA DEPARTMENT OF FINANCIAL SERVICES

Attachment 4 - Status Update Request Form

Instructions: Complete all applicable fields and submit to the assigned Contract Manager within the Department. If the assigned Contract Manager is unknown, send the form to SFMGrant@myfloridacfo.com.

FOR REFERENCE ONLY
DO NOT USE

Grantee:	**Reporting Date:**	**Contract Number:**
Equipment Purchase Description:		
1. Phases Complete (Check)		
Procurement of Vendor ☐	Equipment Order ☐	Equipment Purchased ☐
Grant Execution ☐	Reimbursement ☐	Equipment Delivery ☐
2. Has the Grant Agreement been executed? If not, why?		
3. When do you expect to have all phases complete?		
4. Problem Areas/Other Comments (Revisions, Delays, Difficulties, etc):		

Grantee	**Grantee Representative** I certify that the information provided above is true and correct per the terms of the Grant Agreement.		
	Date	**Printed Name/Title**	**Signature**
Department	**Comments/Notes**		
	Review Date	**Site Visit** ◯Yes ◯No ◯N/A	**Contract Manager Signature**

Firefighter Cancer Decontamination Equipment Grant Program

Attachment 5 - Reimbursement Request Letter

I, _____, on behalf of
(Print name of Grantee's Grant Manager)

_____, do hereby certify for
(Print name of Grantee)

Agreement No._____ and Reimbursement Request No. _____ that:

1) The costs being claimed on this request are specifically for the equipment listed in the grant award and grant agreement;

2) The costs being claimed on this request are for one or more of the components listed in the deliverable in Section 4, Deliverable, of the Scope of Work;

3) The Grantee has paid such costs under the terms and provisions of the grant agreement;

4) The costs being claimed on this request were incurred after the date specified in Section 3, Performance Period, of the Agreement document, and prior to the end of the Performance Period;

5) A duplicate invoice for the same services, supplies, materials and/or labor set forth in the attached invoice has not been submitted, and will not be submitted, to another funding source for the equipment identified in the grant agreement.

FOR REFERENCE ONLY
DO NOT USE

Signature of Grantee's Grant Manager

Print Name

DIVISION OF
STATE FIRE MARSHAL
FLORIDA DEPARTMENT OF FINANCIAL SERVICES

Reimbursement Detail

Request #		**Grantee:**	
Submit Date:		**Grantee Address:**	
Contract #		**Grantee Contact:**	
Deliverable:			

Vendor	Invoice #	Invoice Date	Invoice Description	Reimbursement Requested

Required Match: _____

Request Total	$
Total Previous Payments	$
Total Grant Amount	$
Remaining Funds	$

FOR REFERENCE ONLY
DO NOT USE

Grantee Certification: Sign here and complete the Grantee's Certification of Reimbursement Request on Page 1 to certify that the amount being requested for reimbursement is true and valid in accordance with the Agreement.

Grantee Signature & Date: _____

SFM Use

Contract Manager Receipt: _____

Component Checklist:	Vendor Invoice(s)	Payment	Tasks Performed	Funds Reconciled

DEPARTMENT OF FINANCIAL SERVICES
Public Records Requirements

Addendum A

1. Public Records Access Requirements.

a. If the Contractor is acting on behalf of the Department in its performance of services under the Contract, the Contractor must allow public access to all documents, papers, letters, or other material, regardless of the physical form, characteristics, or means of transmission, made or received by the Contractor in conjunction with the Contract (Public Records), unless the Public Records are exempt from public access pursuant to section 24(a) of Article I of the Florida Constitution or section 119.07(1), F.S.

b. The Department may unilaterally terminate the Contract if the Contractor refuses to allow public access to Public Records as required by law.

2. Public Records Requirements Applicable to All Contractors.

a. For purposes of the Contract, the Contractor is responsible for becoming familiar with Florida's Public Records law, consisting of chapter 119, F.S., section 24(a) of Article I of the Florida Constitution, or other applicable state or federal law (Public Records Law).

b. All requests to inspect or copy Public Records relating to the Contract must be made directly to the Department. Notwithstanding any provisions to the contrary, disclosure of any records made or received by the State in conjunction with the Contract is governed by Public Records Law.

c. If the Contractor has a reasonable, legal basis to assert that any portion of any records submitted to the Department is confidential, proprietary, trade secret, or otherwise not subject to disclosure ("Confidential" or "Trade Secret") under Public Records Law or other legal authority, the Contractor must simultaneously provide the Department with a separate redacted copy of the records the Contractor claims as Confidential or Trade Secret and briefly describe in writing the grounds for claiming exemption from the Public Records Law, including the specific statutory citation for such exemption. The un-redacted copy of the records must contain the Contract name and number and must be clearly labeled "Confidential" or "Trade Secret." The redacted copy of the records should only redact those portions of the records that the Contractor claims are Confidential or Trade Secret. If the Contractor fails to submit a redacted copy of records it claims are Confidential or Trade Secret, such action may constitute a waiver of any claim of confidentiality.

d. If the Department receives a Public Records request, and if records that have been marked as "Confidential" or "Trade Secret" are responsive to such request, the Department will provide the Contractor-redacted copies to the requester. If a requester asserts a right to the portions of records claimed as Confidential or Trade Secret, the Department will notify the Contractor that such an assertion has been made. It is the Contractor's responsibility to assert that the portions of records in question are exempt from disclosure under Public Records Law or other legal authority. If the Department becomes subject to a demand for discovery or disclosure of the portions of records the Contractor claims as Confidential or Trade Secret in a legal proceeding, the Department will give the Contractor prompt notice of the demand, when possible, prior to releasing the portions of records the Contractor claims as Confidential or Trade Secret (unless disclosure is otherwise prohibited by applicable law). The Contractor shall be responsible for defending its determination that the redacted portions of its records are Confidential or Trade Secret. No right or remedy for damages against the Department arises from any disclosure made by the Department based on the Contractor's failure to promptly legally protect its claim of exemption and commence such protective actions within ten days of receipt of such notice from the Department.

e. If the Contractor claims that the records are "Trade Secret" pursuant to section 624.4213, F.S., and all the requirements of section 624.4213(1), F.S., are met, the Department will respond to the Public Records Request in accordance with the provisions specified in that statute.

f. The Contractor shall ensure that exempt or confidential and exempt Public Records are not disclosed except as permitted by the Contract or by Public Records Law.

3. **Additional Public Records Duties of Section 119.0701, F.S., If Applicable.**
If the Contractor is a "contractor" as defined in section 119.0701(1)(a), F.S., the Contractor shall:

a. Keep and maintain Public Records required by the Department to perform the service.

b. Upon request, provide the Department with a copy of requested Public Records or allow the Public Records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in chapter 119, F.S., or as otherwise provided by law.

c. Ensure that Public Records that are exempt or confidential and exempt from Public Records disclosure requirements are not disclosed except as authorized by law for the duration of the Contract term and following completion of the Contract if the Contractor does not transfer the Public Records to the Department.

d. Upon completion of the Contract, transfer, at no cost, to the Department all Public Records in possession of the Contractor or keep and maintain Public Records required by the Department to perform the service. If the Contractor transfers all Public Records to the Department upon completion of the Contract, the Contractor shall destroy any duplicate Public Records that are exempt or confidential and exempt from Public Records disclosure requirements. If the Contractor keeps and maintains Public Records upon completion of the Contract, the Contractor shall meet all applicable requirements for retaining Public Records. All Public Records stored electronically must be provided to the Department, upon request from the Department's custodian of Public Records, in a format specified by the Department as compatible with the information technology systems of the Department. These formatting requirements are satisfied by using the data formats as authorized in the Contract or Microsoft Word, Outlook, Adobe, or Excel, and any software formats the Contractor is authorized to access.

e. **IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, F.S., TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE CONTRACT, CONTACT PUBLIC RECORDS AT:**

Telephone: **(850) 413-3149**
Email: **PublicRecordsRequest@myfloridacfo.com**
Mailing Address: **The Department of Financial Services**
Office of Open Government
PL-11, The Capitol
Tallahassee, Florida 32399-0301

A Contractor who fails to provide the Public Records to the Department within a reasonable time may be subject to penalties under section 119.10, F.S.

DIVISION OF

STATE FIRE MARSHAL

FLORIDA DEPARTMENT OF FINANCIAL SERVICES

CONFIRMATION FORM

Contact Information

Grantee: New Smyrna Beach Fire Department

(The Grantee name MUST be the name registered with the Department of State and MyFloridaMarketplace, commonly known as MFMP)

Federal ID # (FEIN): 59-6000387

Mailing Address: 210 SAMS AVE

City, State, Zip: NEW SMYRNA BEACH FL, 32168

Physical Address: 1400 SR 44

City, State, Zip: NEW SMYRNA BEACH, FL, 32168

Contract Manager

Name: DANIEL B HARSHBURGER

Title: DEPUTY FIRE CHIEF

Phone: 386-402-8196

Email: dharshburger@cityofnsb.com

All email and phone communications will be directed to the Point of Contact (POC). Please list POC here:

Name: CODY CURREN

Title: BATTALION CHIEF

Phone: 386-290-4383

Email: CCURREN@CITYOFNSB.COM

DIVISION OF
STATE FIRE MARSHAL
FLORIDA DEPARTMENT OF FINANCIAL SERVICES

September 11, 2025

SENT VIA ELECTRONIC MAIL ONLY

New Smyrna Beach Fire Department
Svandemark@cityofnsb.com

Re: Notice of Grant Award from the Decontamination Equipment Grant Program

New Smyrna Beach Fire Department:

As the Director of the Division of State Fire Marshal within the Florida Department of Financial Services (Division), it is my privilege to inform you that the Division approved your grant application for the 2025-2026 fiscal year in the amount of $23,421.50 for the purchase of SCBA Washer. The State of Florida requires a mandated funding match of twenty-five percent (25%) of the total grant award amount; please see below breakdown of the total grant award and required match.

Total Grant Award Amount	$31,228.67
State of Florida Portion Amount (75%)	$23,421.50
Required Match Amount (25%)	$7,807.17

To accept the grant award, you must complete and email the included Confirmation Form to SFMGrant@MyFloridaCFO.com. Once the Division receives the completed form, a contract manager will be assigned and contact you to discuss next steps. The assigned contract manager will be your main point of contact within the Division for all matters relating to this Notice of Grant Award, the Grant Agreement, and the payment of funds.

If you have not already done so, please ensure that you are in full safety compliance from the Bureau of Fire Standards and Training. Any outstanding compliance items are to be completed by you within ninety (90) days from the date of this Notice of Grant Award. If not completed, then this grant award will be revoked.

Please note, the defined performance period for the grant is one (1) year starting July 1, 2025, and ending June 30, 2026. If your equipment purchase will take longer than one (1) year to complete and meet payment requirements, you must notify your assigned contract manager as soon as possible.

Congratulations, the Division looks forward to working with New Smyrna Beach Fire Department on this important project.

Sincerely,

JoAnne E. Rice, Director
Division of State Fire Marshal

LT/ct

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

CONSIDER THE APPROVAL OF A DOCK EASEMENT AGREEMENT TO ALLOW FOR A SINGLE-FAMILY RESIDENTIAL DOCK TO BE LOCATED ALONG THE EAST SIDE OF SOUTH RIVERSIDE DRIVE ACROSS FROM PROPERTY ADDRESSED AT 1210 SOUTH RIVERSIDE DRIVE.

February 10, 2026

Background:

Applicant and Property Owners: Kirk and Katharine Hazen, 1210 South Riverside Drive, New Smyrna Beach, Florida 32168.

Request: A dock easement agreement to allow for renovations to an existing single-family standard residential dock located along the east side of South Riverside Drive across from property addressed as 1210 South Riverside Drive. See the attached location map and aerial map as **Exhibits A** & **B**.

Parcel Number: 7444-03-02-0110

Exhibits used in this report:

Exhibit A: Location Map
Exhibit B: Aerial Map
Exhibit C: Survey
Exhibit D: Dock Plans
Exhibit E: Signed Dock Easement Agreement

Findings:

The upland property that is located between the paved right-of-way and the Indian River along South Riverside Drive is claimed by the City of New Smyrna Beach as a dedicated right-of-way, including all riparian rights and littoral rights per the F. E. Lovejoy Subdivision Plat of 1925.

The current single-family standard dock structure was approved by the City Commission in 2006 and that approval will expire in 2026. A survey of the property including the current dock structure is attached as **Exhibit C**. The proposed dock structure is attached as **Exhibit D**. For property owners that border the west side of South Riverside Drive that wish to install a single-family dock, the City requires an approved Dock Easement Agreement. See **Exhibit E**.

This agreement is required for property owners to install or renovate a single-family dock and conveys the property owner certain easements, including riparian rights to obtain a sovereignty submerged land lease from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida or a single-family dock permit from the Florida Department of Environmental Protection.

The property owner, if this agreement is approved by the City Commission, will have to obtain a building permit from the City Building Department and any other permits required by the Florida Department of Environmental Protection, U.S. Army Corps of Engineers, and Volusia County Manatee Protection Department. The City Building Department will verify via the permit process, that the proposed dock will meet the Land Development Regulations, Section 803.04, the Florida Building Code as adopted, and the National Electric Code as adopted.

Recommendation:

The Planning Department recommends the City Commission to **approve** the proposed Dock Easement Agreement.

Fiscal Analysis:
N/A

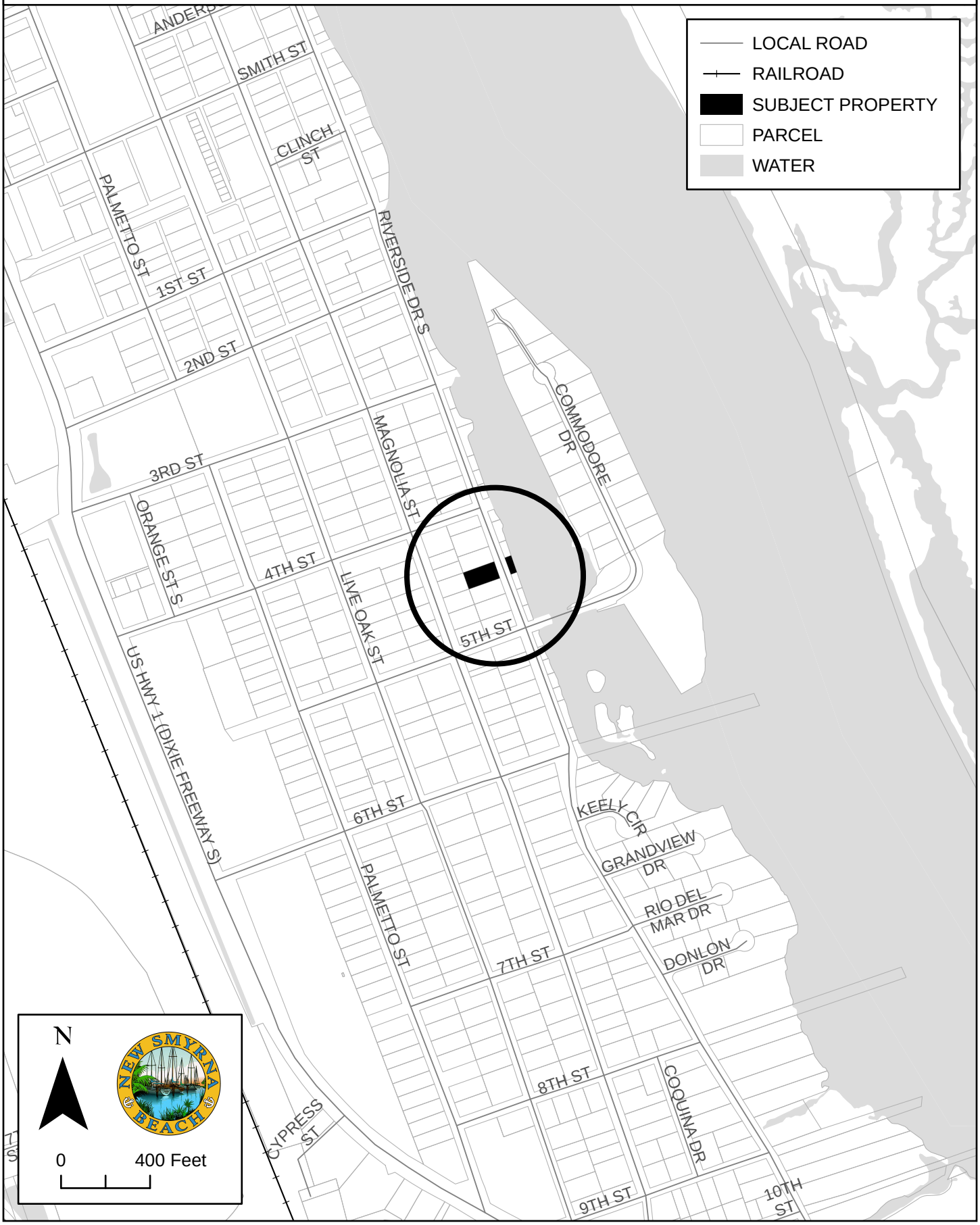
Strategic Plan Item:
No

Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Survey.pdf
Exhibit D Dock Plans.pdf
Exhibit E Dock Easement Agreement.pdf

DP-02-2026: 1210 S. RIVERSIDE DRIVE
PARCEL: 7444-03-02-0110 LOCATION MAP



DP-02-2026: 1210 S. RIVERSIDE DRIVE
PARCEL: 7444-03-02-0110 AERIAL MAP



LEGAL DESCRIPTION:
LOT 4, BLOCK B, , ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK , PAGE , OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FL.

CERTIFIED TO:
RIKKI KELLER; PREMIER SOTHEBY'S INTERNATIONAL

COMMUNITY NUMBER: 125132
PANEL: 1217C0543 SUFFIX: J
F.I.R.M. DATE: 9/29/2017
FLOOD ZONE: AE/X

FIELD WORK:
6/22/2024
PROPERTY ADDRESS:
1210 SOUTH RIVERSIDE DRIVE
NEW SMYRNA BEACH, FL 32168

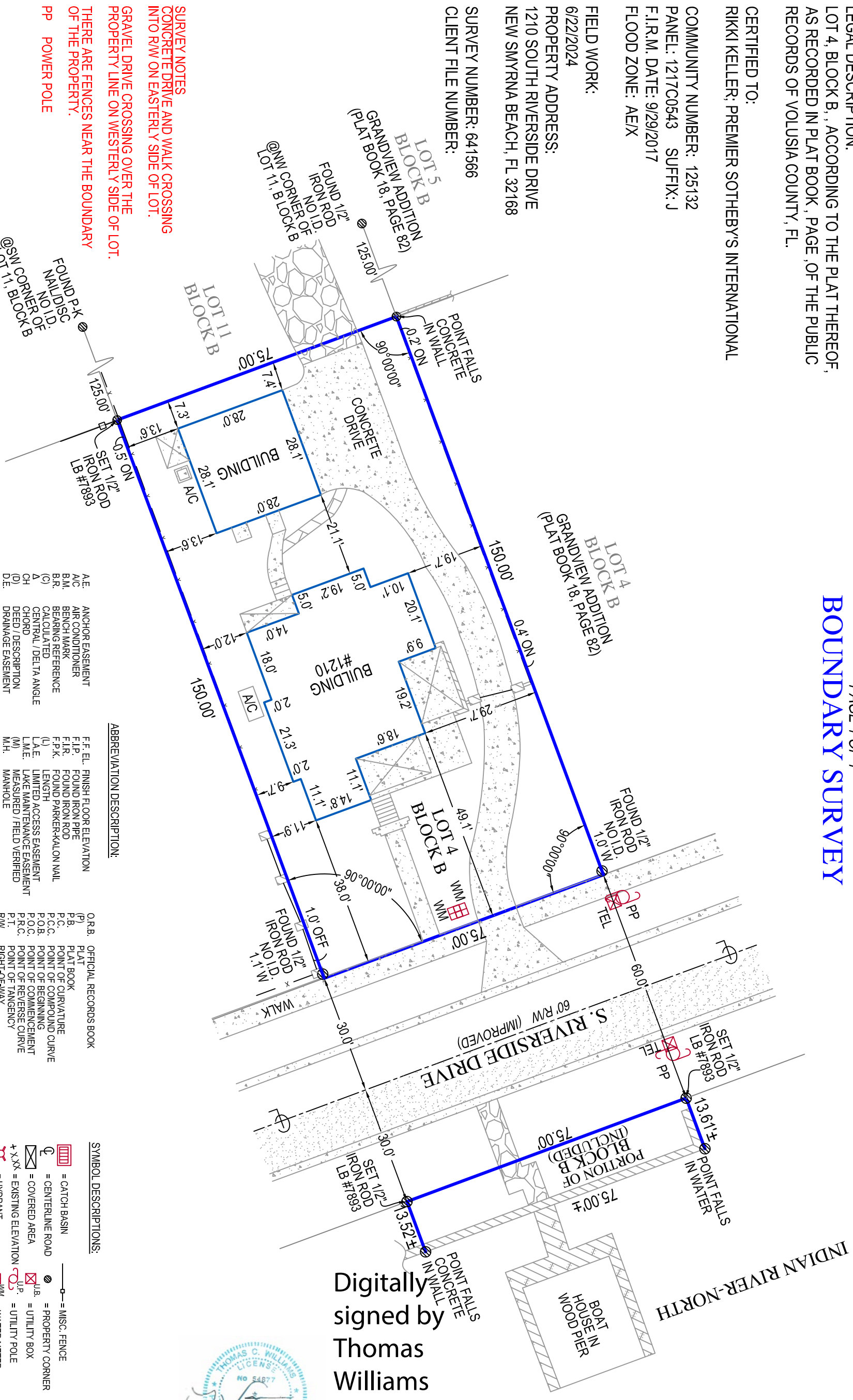
SURVEY NUMBER: 641566
CLIENT FILE NUMBER:

SURVEY NOTES
CONCRETE DRIVE AND WALK CROSSING INTO R/W ON EASTERLY SIDE OF LOT.

GRAVEL DRIVE CROSSING OVER THE PROPERTY LINE ON WESTERLY SIDE OF LOT.

THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY.

PP POWER POLE



ABBREVIATION DESCRIPTION:

A.E.	ANCHOR EASEMENT	F.F. EL.	FINISH FLOOR ELEVATION
A/C	AIR CONDITIONER	F.I.P.	FOUND IRON PIPE
B.M.	BENCH MARK	F.I.R.	FOUND IRON ROD
B.R.	BEARING REFERENCE	F.P.K.	FOUND PARKER-KALON NAIL
(C)	CALCULATED	(L)	LENGTH
Δ	CENTRAL / DELTA ANGLE	L.A.E.	LIMITED ACCESS EASEMENT
CH	CHORD	L.M.E.	LAKE MAINTENANCE EASEMENT
(D)	DEED / DESCRIPTION	(M)	MEASURED / FIELD VERIFIED
D.E.	DRAINAGE EASEMENT	M.H.	MANHOLE
D.H.	DRILL HOLE	N&D	NAIL & DISK
D/W	DRIVEWAY	N.R.	NOT RADIAL
E.O.W.	EDGE OF WATER	N.T.S.	NOT TO SCALE
F.C.M.	FOUND CONCRETE MONUMENT	O.H.L.	OVERHEAD UTILITY LINES
O.R.B.	OFFICIAL RECORDS BOOK		
(P)	PLAT		
P.B.	PLAT BOOK		
P.C.	POINT OF CURVATURE		
P.C.C.	POINT OF COMPOUND CURVE		
P.O.B.	POINT OF BEGINNING		
P.O.C.	POINT OF COMMENCEMENT		
P.R.C.	POINT OF REVERSE CURVE		
P.T.	POINT OF TANGENCY		
R/W	RIGHT-OF-WAY		
(R)	RADIAL / RADIUS		
S.I.R.	SET IRON ROD		
T.O.B.	TOP OF BANK		
U.E.	UTILITY EASEMENT		

SYMBOL DESCRIPTIONS:

	= CATCH BASIN		= MISC. FENCE
	= CENTERLINE ROAD		= PROPERTY CORNER
	= COVERED AREA	U.B.	= UTILITY BOX
+XX.X	= EXISTING ELEVATION	U.P.	= UTILITY POLE
	= HYDRANT	WM	= WATER METER
	= MANHOLE		= WELL
	= METAL FENCE		= WOOD FENCE

REVISIONS:

GENERAL NOTES:

1) LEGAL DESCRIPTION PROVIDED BY OTHERS
2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
5) ONLY VISIBLE ENCROACHMENTS LOCATED.
6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
7) FENCE OWNERSHIP NOT DETERMINED.
8) ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO N.A.V.D. 1988.
9) THIS SURVEY HAS BEEN COMPLETED FOR A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO DESIGN OR CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT APPROVAL FROM TARGET SURVEYING PRIOR TO SUCH USE. TARGET SURVEYING ASSUMES NO RESPONSIBILITIES FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
10) IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.

PAGE 1 OF 1

BOUNDARY SURVEY

SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL,OR A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED)

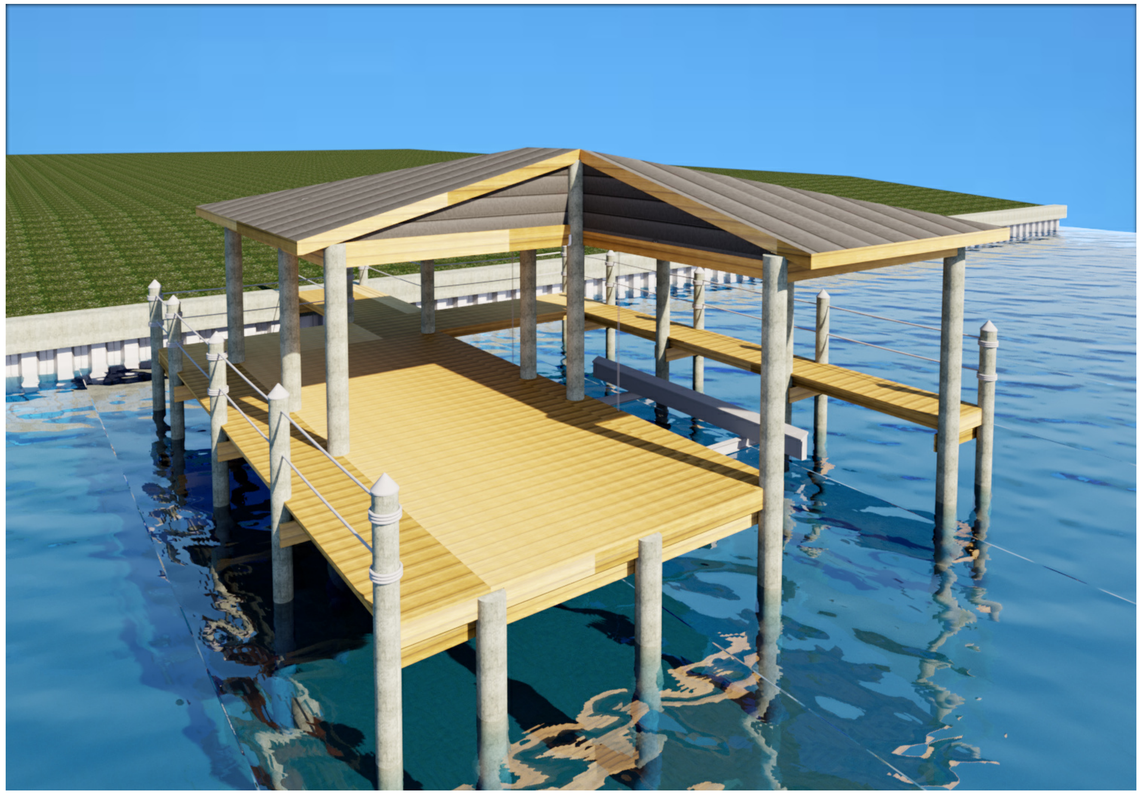
KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

THOMAS C. WILLIAMS LICENSE No 54877 STATE OF FLORIDA PROFESSIONAL ENGINEER

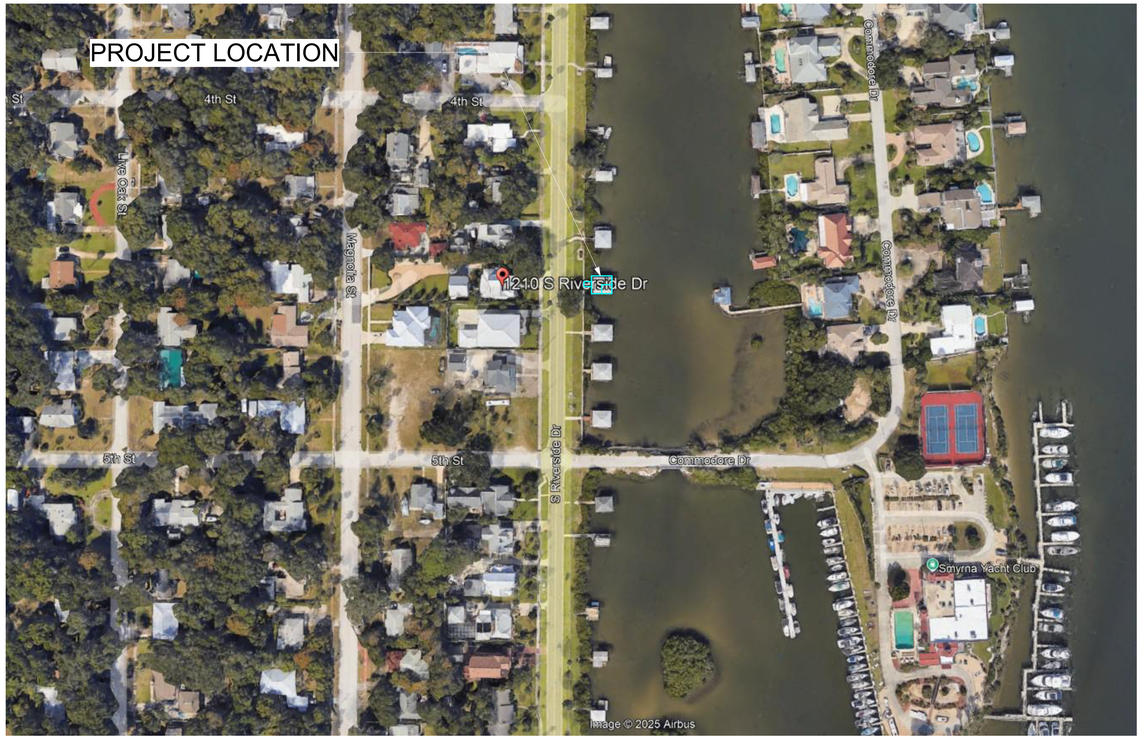
KENNETH J OSBORNE No. 6415 STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER

Digitally signed by Thomas Williams
Date: 2025.07.22 09:12:40 -04'00'

TARGET SURVEYING, LLC
LB #7893
SERVING FLORIDA
6250 N. MILITARY TRAIL, SUTE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: http://targetsurveying.net



3D View



1210 S. Riverside Drive, New Smyrna Beach, FL

Existing Dock Renovation for the Hazen Residence 1210 S. Riverside Dr. New Smyrna Beach, FL 32168 Parcel ID # 744403020110

Sheet List	
Sheet Number	Sheet Name
A0.1	COVER SHEET
A0.2	SITE PLAN
A0.3	DOCK PLAN
A0.3.1	AS-BUILT & DEMO PLAN
A0.4	ELEVATIONS
S0.1	FRAMING PLAN
S0.2	ROOF FRAMING PLAN
S0.3	DOCK DETAILS
S0.4	TURBIDITY BARRIER

SCOPE OF WORK:

- EXISTING PT WOOD DOCK TO BE MODIFIED
- INFILL SLIP AREA WITH PT WOOD DECK
- REDUCE EXISTING BOATHOUSE ROOF
- PT WOOD PILES/PT FRAMING/DECKING
- ALL TO BE MARINE GRADE LUMBER & STAINLESS STEEL FASTENERS

Exhibit D

DESIGN STATEMENT: For 1210 S. Riverside Drive N.S.B. – Hazen Dock

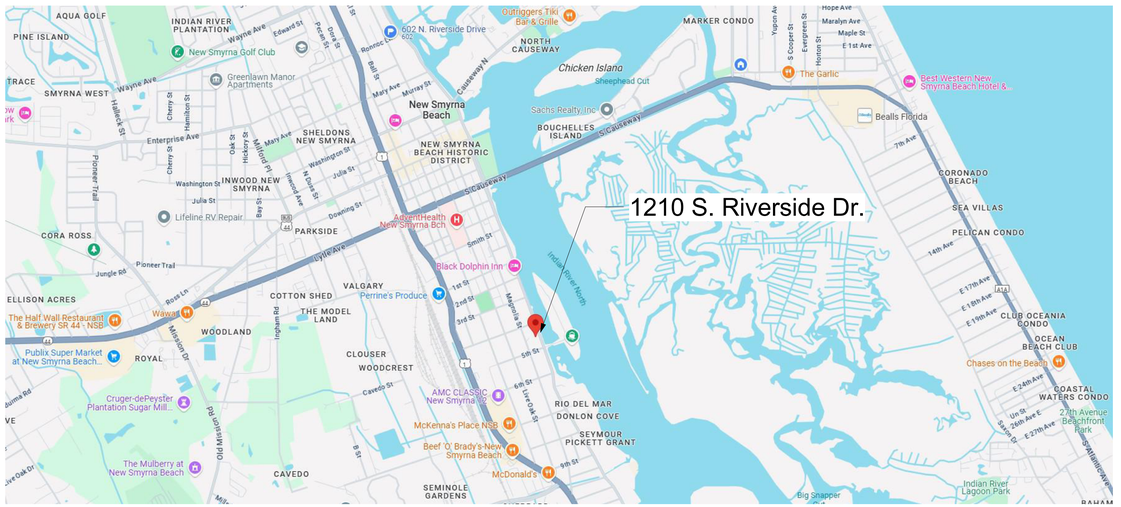
THIS DRAWING MEETS THE STRUCTURAL REQUIREMENTS OF A.S.C.E. 7-22 AND THE 2023 FLORIDA BUILDING CODE, Building, 8th Edition USING ALLOWABLE STRESS DESIGN (ASD)

DESIGN WIND SPEED – V_{ult} - 130 MPH $V_{asd} = V_{ult}(0.6)^{0.5}$ – 100.70 MPH
RISK CATEGORY I
EXPOSURE CATEGORY C
ROOF/MEAN HEIGHT 30' (or less)
PITCHED ROOF 18.43^0
BUILDING OPEN
INTERNAL PRESSURE COEFFICIENT +/- 0%

THE MINIMUM DESIGN PRESSURES FOR M.W.F.R.S.
VERTICAL LOADS +20.22 psf, -18.38psf
HORIZONTAL LOADS +/-30.00 psf,

THE MINIMUM DESIGN PRESSURES FOR COMPONENTS AND CLADDING

Roof
Zone 1 +21.15 psf, -19.31 psf
Zone 2 +32.55 psf, -29.98 psf
Zone 3 +42.30 psf, -38.62 psf



Vicinity Map

TO THE BEST OF THE DESIGNERS KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH ALL APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY.

SECAD
www.SOUTHEASTCADMARINE.com

For City/County use only

Digitally signed by Thomas Williams
Date: 2025.07.22 09:12:40 -04'00'

Engineer's Seal
Williams Engineering PLC
FL CA # 54877
931 S. Ridgewood Ave. Suite B-4
Edgewater, FL 32132
Phone: (386) 427-8431

Client Approval
Signature:
Date:
Client approval required prior to permitting and production. Changes requested by the client after approval shall be made by **Change order only.**

HAZEN RESIDENCE
SINGLE FAMILY DOCK
1210 S. RIVERSIDE DRIVE
NEW SMYRNA BEACH, FL 32168
COVER SHEET

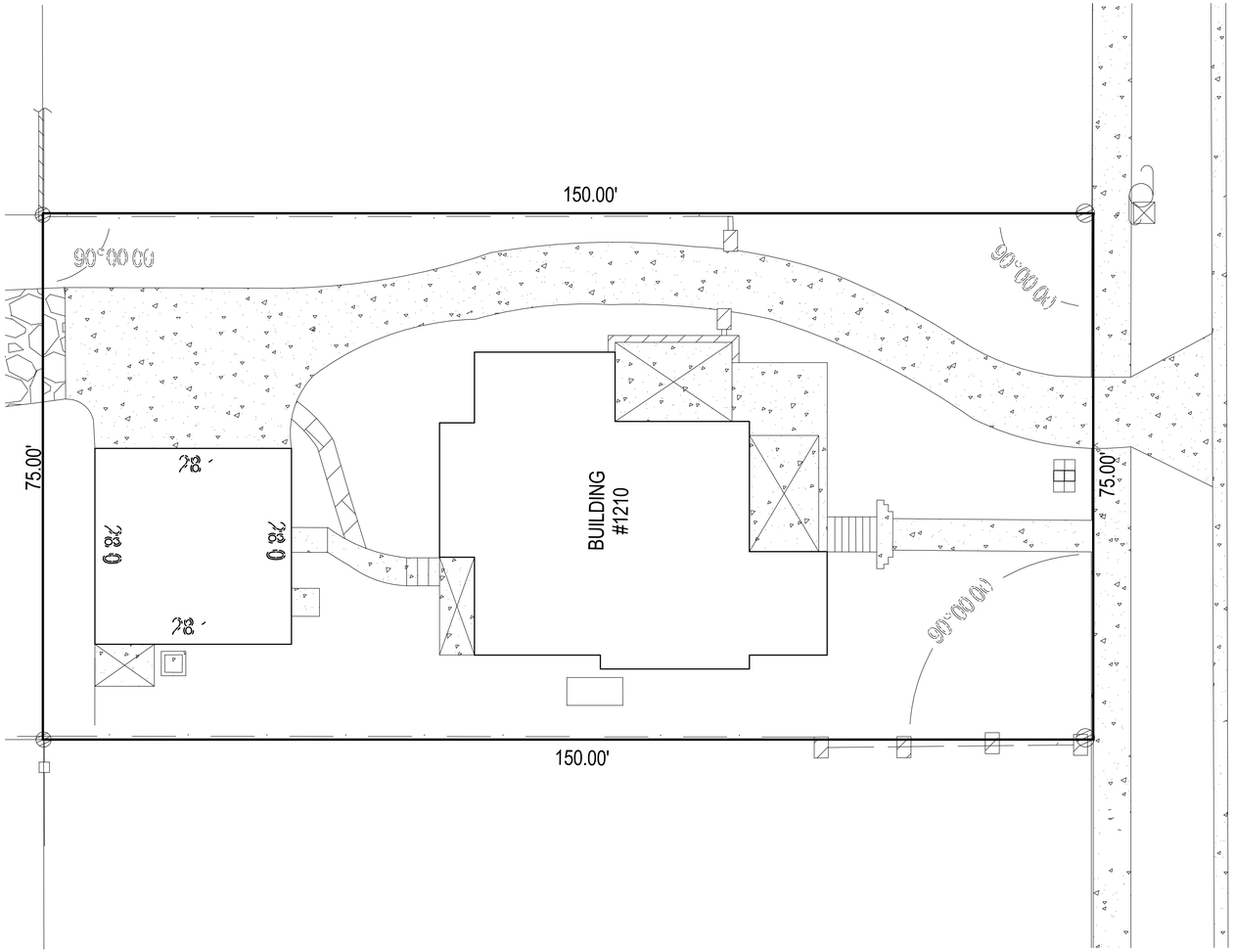
No.	Description	Date

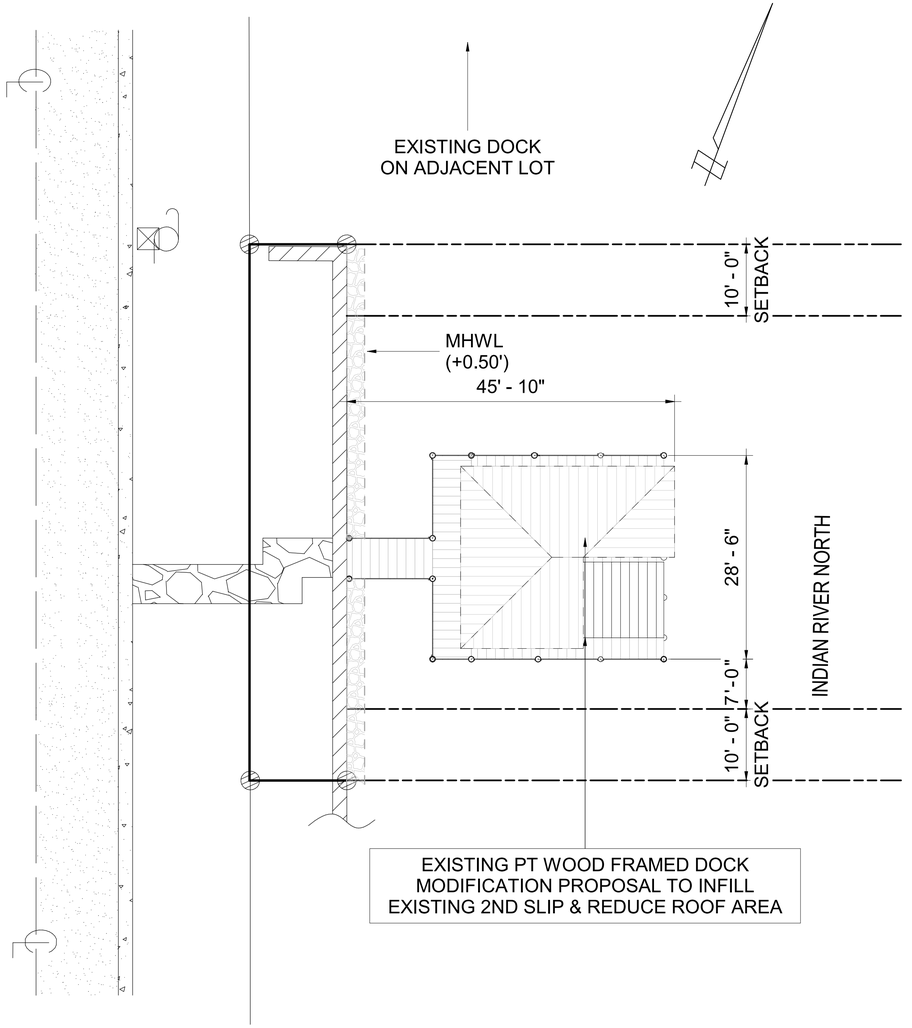
Project number
A0.1

Date Started	06.14.2024
Drawn by	SECAD
Checked by	AK
Scale	

PROJECT AREAS:

- WALKOUT AREA = 68 SF.
- EXISTING DOCK AREA = 922 SF.
- ROOF FOOTPRINT = 600 SF.
- TOTAL DOCK AREA = 990 SF.





EXISTING PT WOOD FRAMED DOCK
MODIFICATION PROPOSAL TO INFILL
EXISTING 2ND SLIP & REDUCE ROOF AREA

1 SITE PLAN
1" = 10'-0"

TO THE BEST OF THE DESIGNERS KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH ALL APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY.

SECAD

www.SOUTHEASTCADMARINE.com

For City/County use only

Engineer's Seal

Digitally signed by Thomas Williams
Date: 2025.07.22 09:14:10 -04'00'

Williams Engineering PLC
FL CA # 54877
931 S. Ridgewood Ave. Suite B-4
Edgewater, FL 32132
Phone: (386) 427-8431

Client Approval

Signature:

Date:

Client approval required prior to permitting and production. Changes requested by the client after approval shall be made by **Change order only.**

HAZEN RESIDENCE
SINGLE FAMILY DOCK

1210 S. RIVERSIDE DRIVE
NEW SMYRNA BEACH, FL 32168

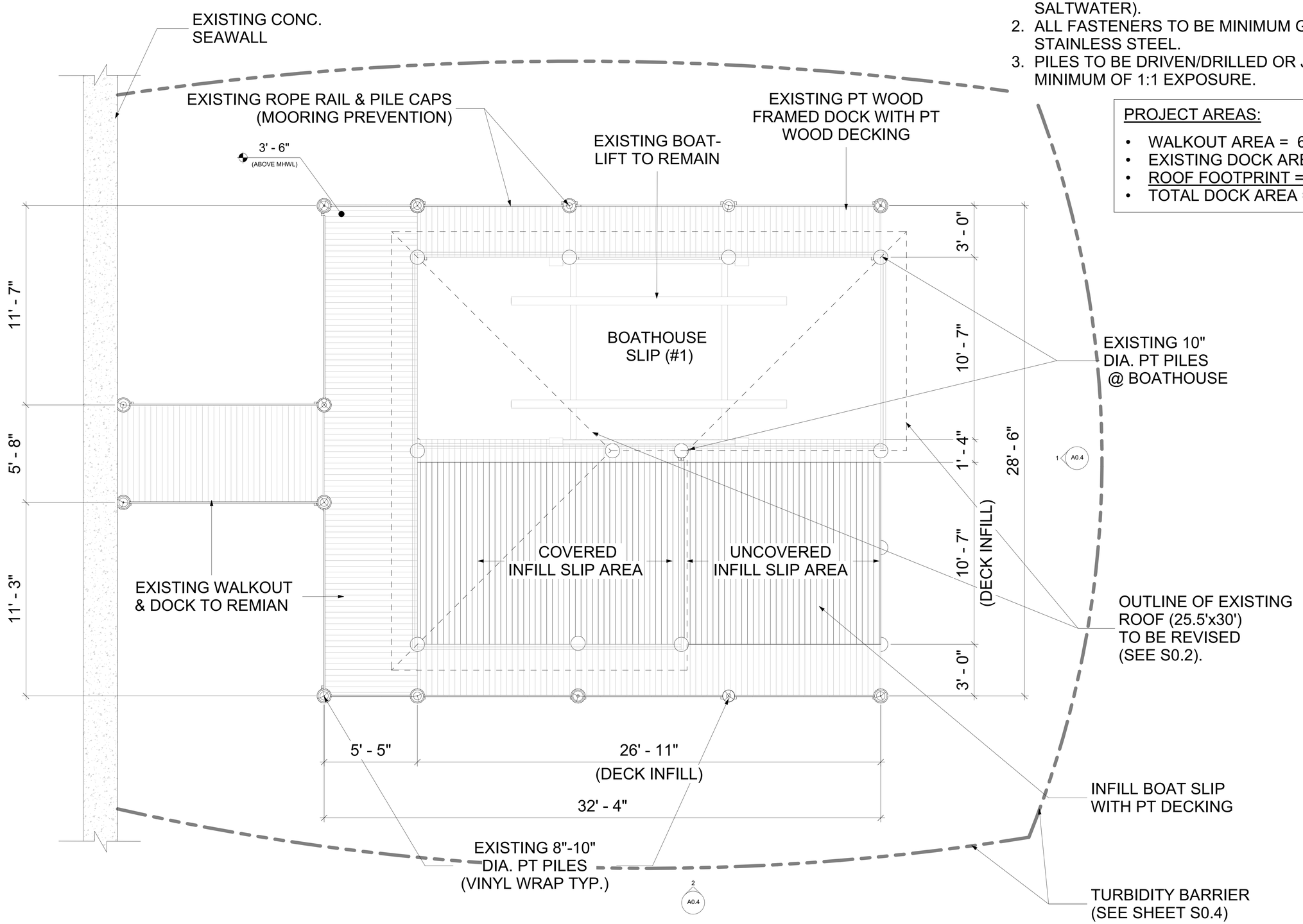
SITE PLAN

No.	Description	Date

Project number

A0.2

Date Started	06.14.2024
Drawn by	SECAD
Checked by	AK
Scale	As indicated



2 DOCK PLAN
3/8" = 1'-0"

GENERAL NOTES:

1. FRAMING TO BE MARINE GRADE YELLOW PINE (TREATMENT TO BE 2.5 PCF CCA FOR SALTWATER).
2. ALL FASTENERS TO BE MINIMUM GRADE 304 STAINLESS STEEL.
3. PILES TO BE DRIVEN/DRILLED OR JETTED TO A MINIMUM OF 1:1 EXPOSURE.

PROJECT AREAS:

- WALKOUT AREA = 68 SF.
- EXISTING DOCK AREA = 922 SF.
- ROOF FOOTPRINT = 600 SF.
- TOTAL DOCK AREA = 990 SF.

TO THE BEST OF THE DESIGNERS KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH ALL APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY.

SECAD

www.SOUTHEASTCADMARINE.com

For City/County use only

Digitally signed by Thomas Williams
Date: 2025.07.22 09:14:10 -04'00'

Engineer's Seal

Williams Engineering PLC
FL CA # 54877
931 S. Ridgewood Ave. Suite B-4
Edgewater, FL 32132
Phone: (386) 427-8431

Client Approval	
Signature:	
Date:	

Client approval required prior to permitting and production. Changes requested by the client after approval shall be made by **Change order only.**

HAZEN RESIDENCE
SINGLE FAMILY DOCK

1210 S. RIVERSIDE DRIVE
NEW SMYRNA BEACH, FL 32168

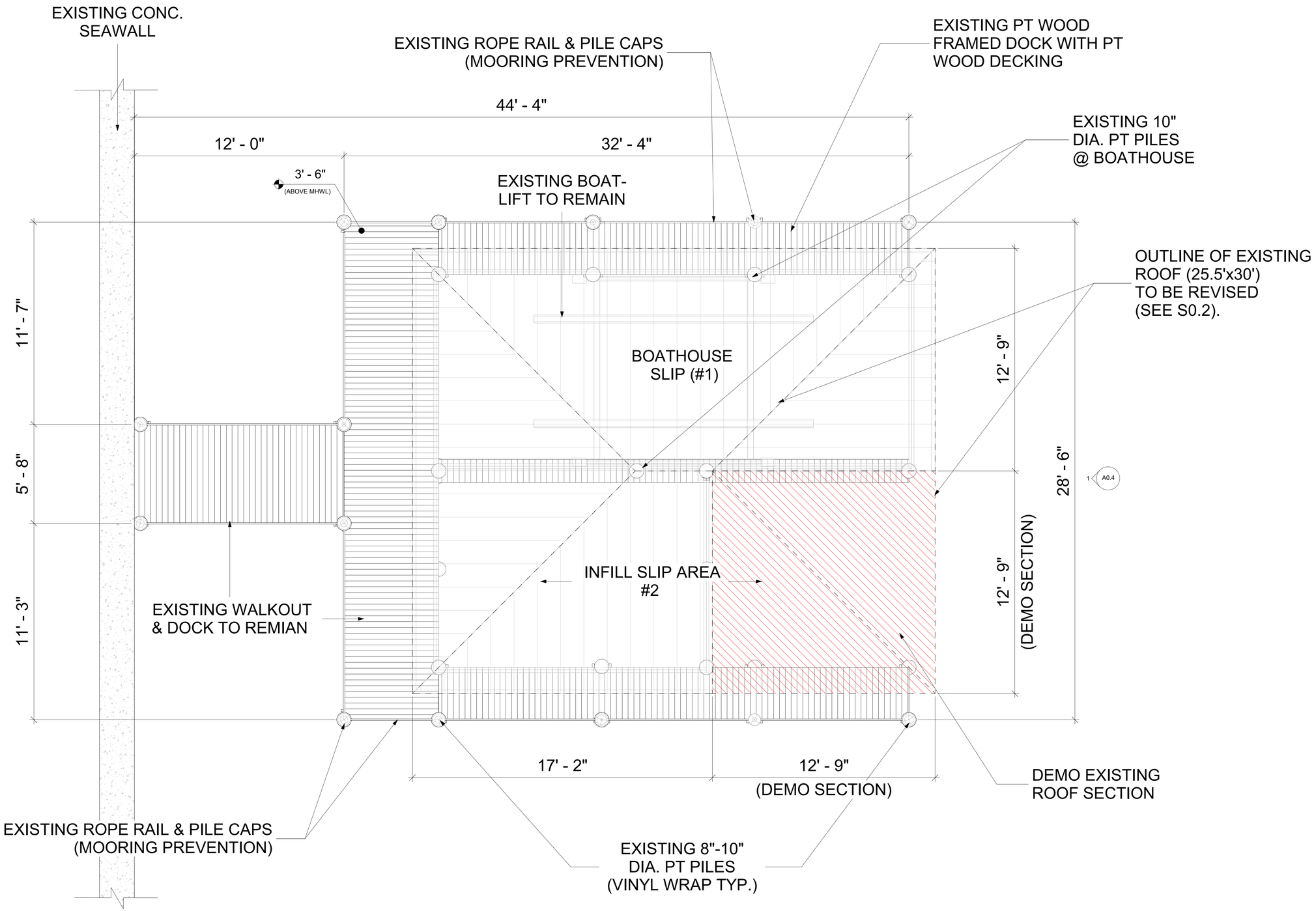
DOCK PLAN

No.	Description	Date

Project number

A0.3

Date Started	06.14.2024
Drawn by	SECAD
Checked by	AC
Scale	As indicated



1 DEMO PLAN
3/8" = 1'-0"

TO THE BEST OF THE DESIGNERS KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH ALL APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY.

SECAD

www.SOUTHEASTCADMARINE.com

For City/County use only

Engineer's stamp

Digitally signed by Thomas Williams
Date: 2025.07.22 09:14:10 -04'00'

Client Approval

Signature:

Date:

Client approval required prior to permitting and production. Changes requested by the client after approval shall be made by **Change order only.**

HAZEN RESIDENCE
SINGLE FAMILY DOCK

1210 S. RIVERSIDE DRIVE
NEW SMYRNA BEACH, FL 32168

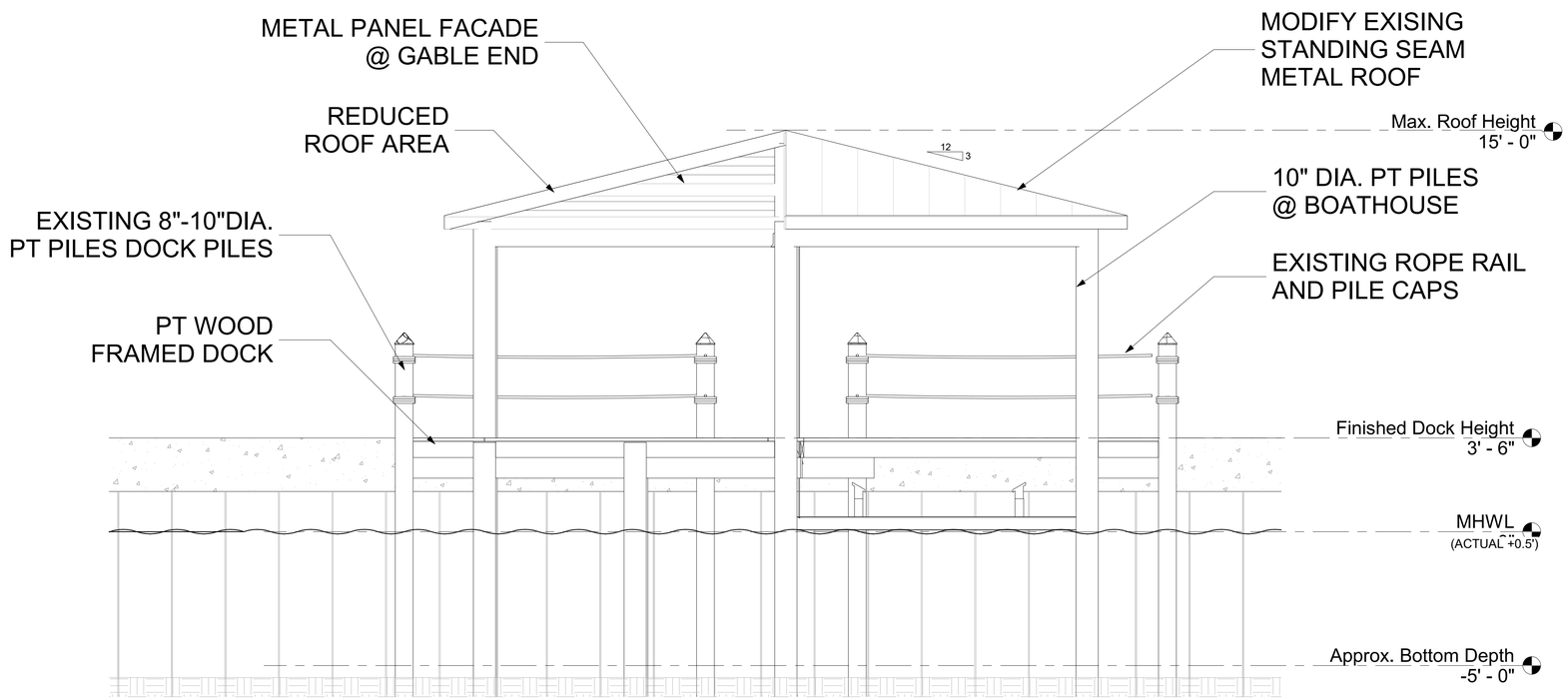
AS-BUILT & DEMO PLAN

No.	Description	Date

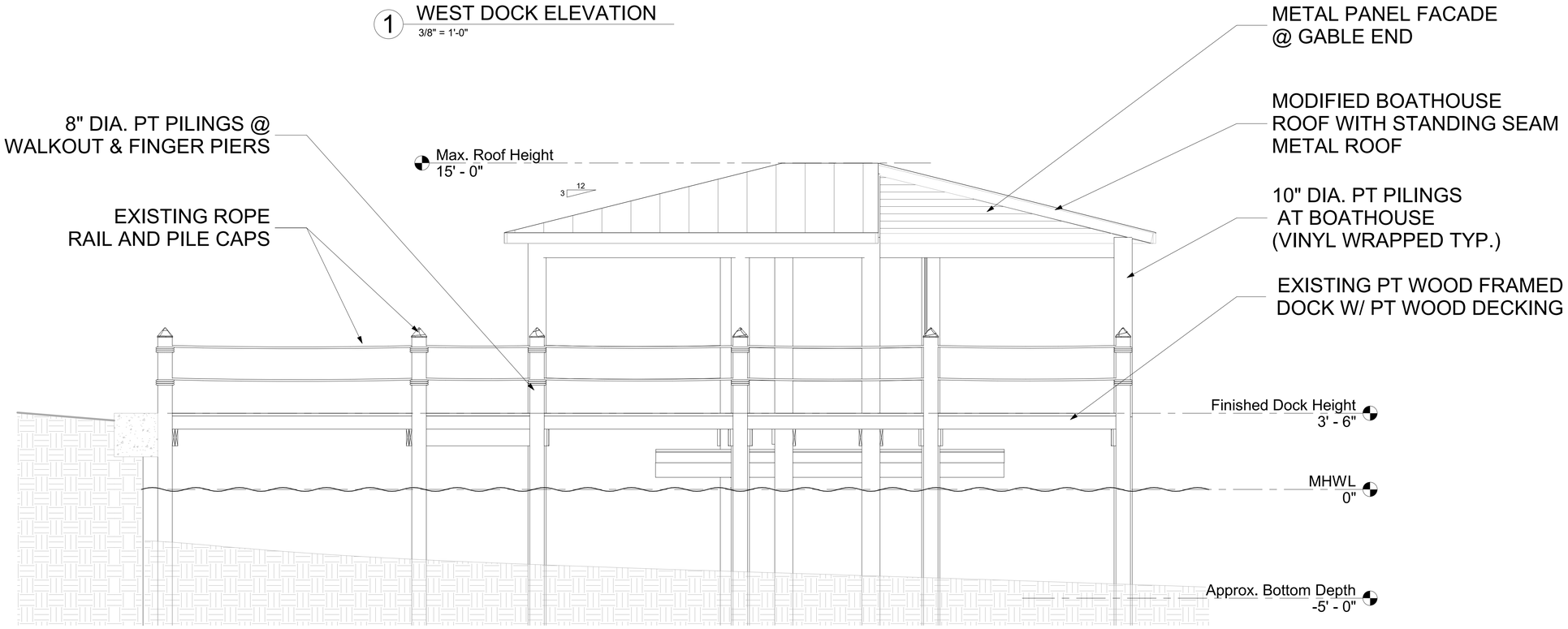
Project number

A0.3.1

Date Started	06.14.2024
Drawn by	SECAD
Checked by	AK
Scale	3/8" = 1'-0"



1 WEST DOCK ELEVATION
3/8" = 1'-0"



2 SOUTH DOCK ELEVATION
3/8" = 1'-0"

GENERAL NOTES:

1. FRAMING TO BE MARINE GRADE YELLOW PINE (TREATMENT TO BE 2.5 PCF CCA FOR SALTWATER).
2. ALL FASTENERS TO BE MINIMUM GRADE 304 STAINLESS STEEL.
3. PILES TO BE DRIVEN/DRILLED OR JETTED TO A MINIMUM OF 1:1 EXPOSURE.

PROJECT AREAS:

- WALKOUT AREA = 68 SF.
- EXISTING DOCK AREA = 922 SF.
- ROOF FOOTPRINT = 600 SF.
- TOTAL DOCK AREA = 990 SF.

TO THE BEST OF THE DESIGNERS KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH ALL APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY.

SECAD

www.SOUTHEASTCADMARINE.com

For City/County use only

Engineer's Stamp

Digitally signed by Thomas Williams
Date: 2025.07.22 09:14:10 -04'00'

Williams Engineering PLC
FL CA # 54877
931 S. Ridgewood Ave. Suite B-4
Edgewater, FL 32132
Phone: (386) 427-8431

Client Approval

Signature:

Date:

Client approval required prior to permitting and production. Changes requested by the client after approval shall be made by **Change order only.**

HAZEN RESIDENCE
SINGLE FAMILY DOCK

1210 S. RIVERSIDE DRIVE
NEW SMYRNA BEACH, FL 32168

ELEVATIONS

No.	Description	Date

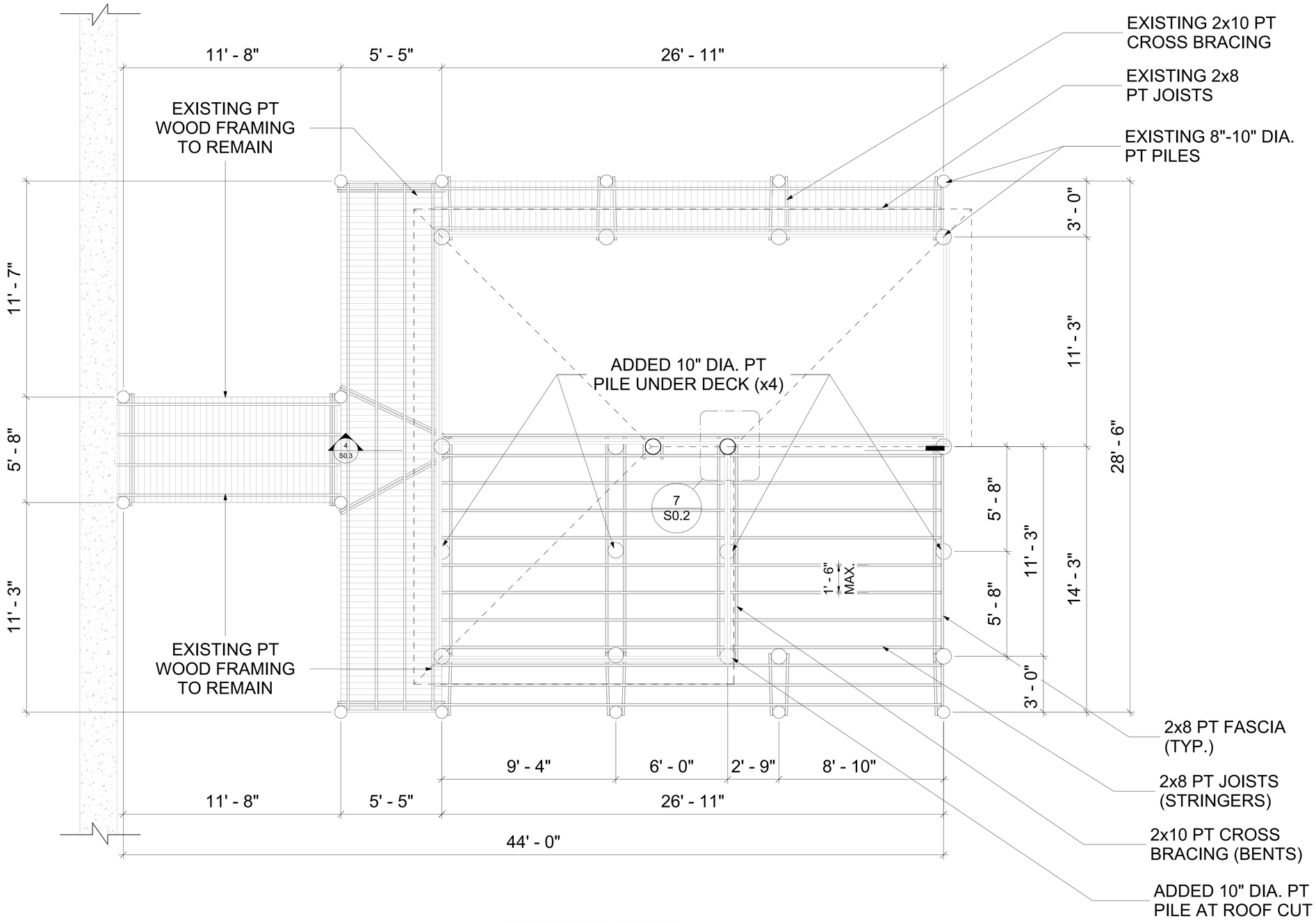
Project number

A0.4

Date Started	06.14.2024
Drawn by	SECAD
Checked by	AK
Scale	As indicated

FRAMING NOTES:

1. ALL PILINGS/FRAMING/DECKING TO BE MARINE GRADE SOUTHERN YELLOW PINE (WHERE APPLICABLE TREATMENT TO BE 2.5 pcf CCA FOR SALTWATER).
2. ALL FASTENERS TO BE MINIMUM GRADE 304 STAINLESS STEEL.
3. ALL PILINGS TO BE INSTALLED WITH .30"PILING WRAP/SS NAILS
4. PILINGS TO BE DRIVEN /DRILLED OR JETTED TO A MINIMUM OF 1:1 EXPOSURE.



1 DOCK FRAMING PLAN
3/8" = 1'-0"

TO THE BEST OF THE DESIGNERS KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH ALL APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY.

SECAD

www.SOUTHEASTCADMARINE.com

For City/County use only

Digitally signed by Thomas Williams
Date: 2025.07.22 09:14:10 -04'00'

Engineer's Seal

Williams Engineering PLC
FL CA # 54877
931 S. Ridgewood Ave. Suite B-4
Edgewater, FL 32132
Phone: (386) 427-8431

Client Approval	
Signature:	
Date:	

Client approval required prior to permitting and production. Changes requested by the client after approval shall be made by **Change order only.**

HAZEN RESIDENCE
SINGLE FAMILY DOCK

1210 S. RIVERSIDE DRIVE
NEW SMYRNA BEACH, FL 32168

FRAMING PLAN

No.	Description	Date

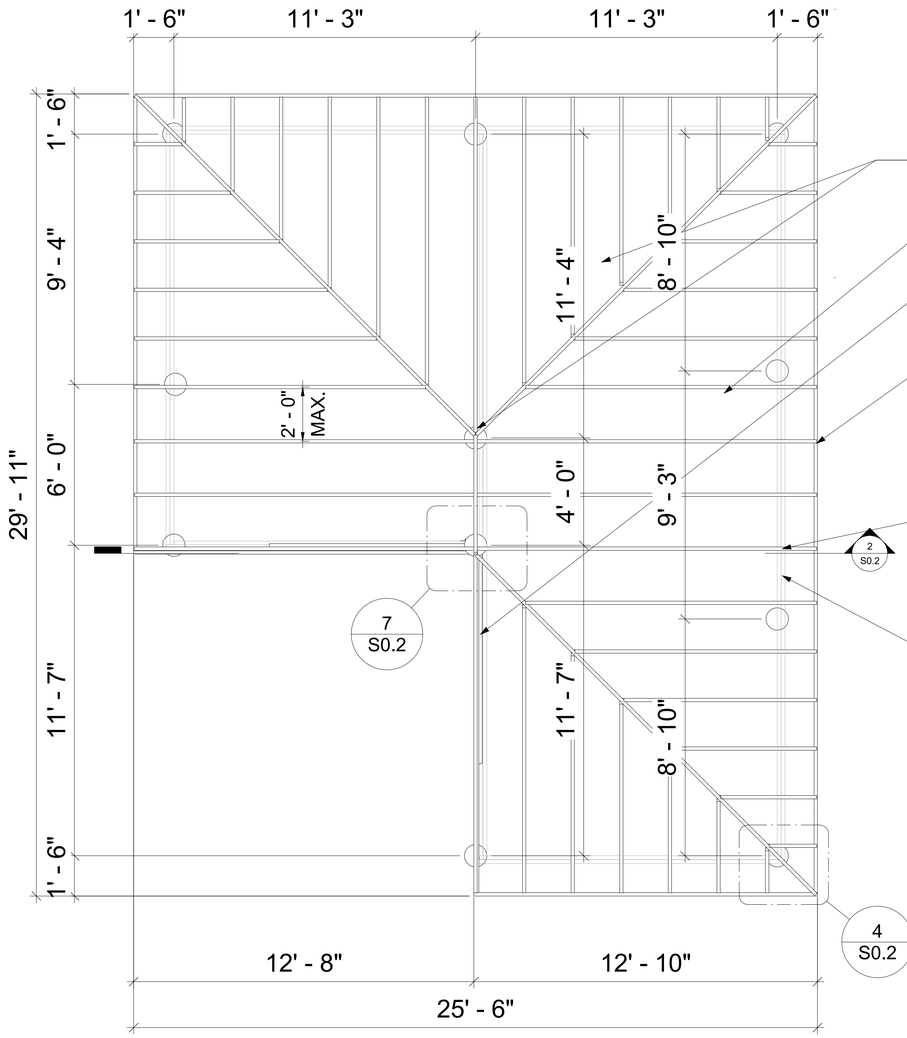
Project number

S0.1

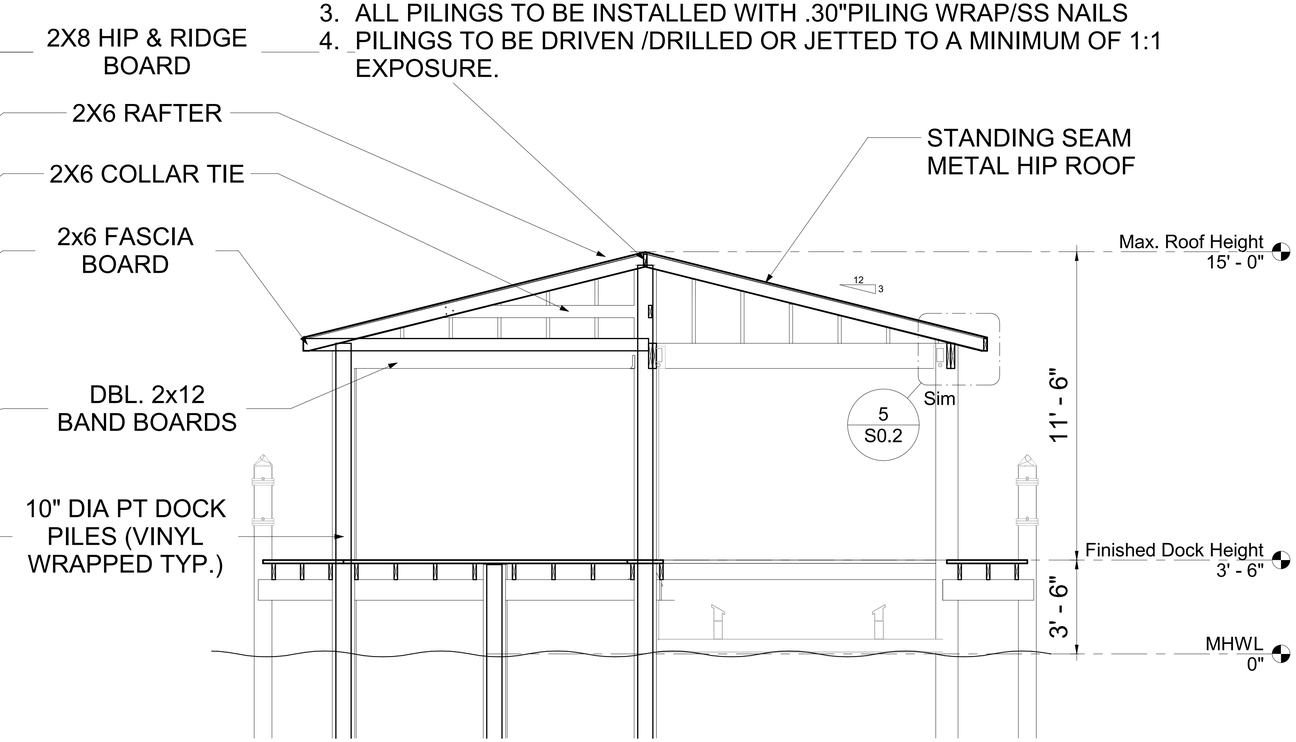
Date Started	06.14.2024
Drawn by	SECAD
Checked by	WE
Scale	As indicated

ROOF FRAMING NOTES:

1. ALL PILINGS/FRAMING/DECKING TO BE MARINE GRADE SOUTHERN YELLOW PINE (WHERE APPLICABLE TREATMENT TO BE 2.5 pcf CCA FOR SALTWATER).
2. ALL FASTENERS TO BE MINIMUM GRADE 304 STAINLESS STEEL. (SS H2.5 CLIPS WHERE APPLICABLE).
3. ALL PILINGS TO BE INSTALLED WITH .30"PILING WRAP/SS NAILS
4. PILINGS TO BE DRIVEN /DRILLED OR JETTED TO A MINIMUM OF 1:1 EXPOSURE.

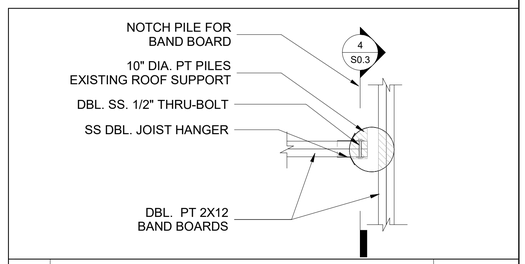


1 ROOF FRAMING PLAN
3/8" = 1'-0"

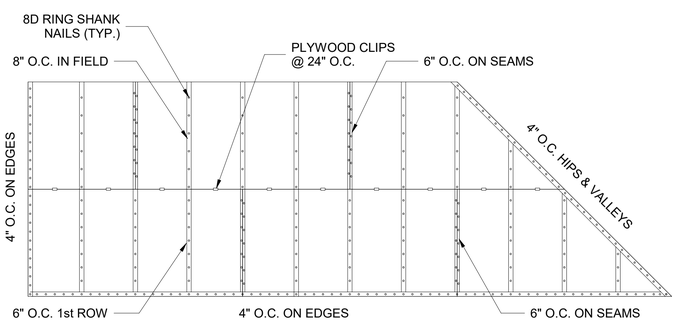


10" DIA. PT PILES
(VINYL WRAPPED TYP.)

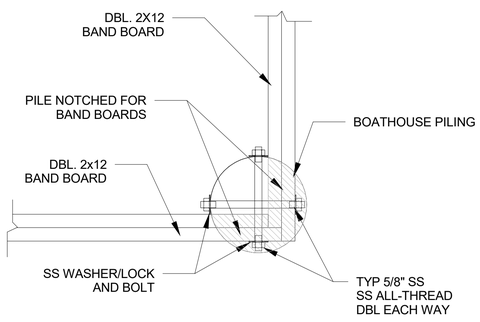
2 ROOF FRAMING SECTION
3/8" = 1'-0"



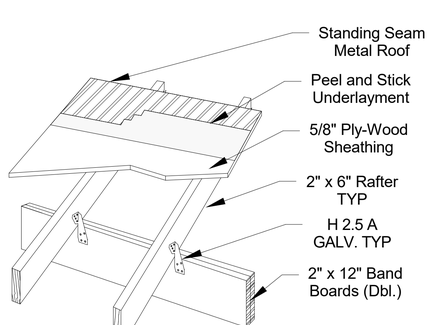
7 BANDBOARD FRAMING DETAIL — SCALE: 3/4" = 1'-0"



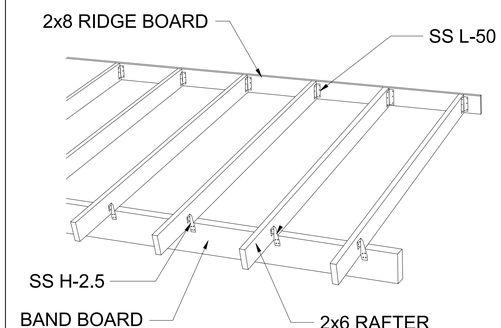
3 Typ Nailing Pattern — SCALE: NTS



4 Bandboard Detail — SCALE: NTS



5 Roof Sheathing Detail — SCALE: NTS



6 Ridge to Rafter Connection — SCALE: 1 1/2" = 1'-0"

TO THE BEST OF THE DESIGNERS KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH ALL APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY.

SECAD

www.SOUTHEASTCADMARINE.com

For City/County use only

Engineer Seal

Digitally signed by Thomas Williams
Date: 2025.07.22 09:14:10 -04'00'

Williams Engineering PLC
FL CA # 54877
931 S. Ridgewood Ave. Suite B-4
Edgewater, FL 32132
Phone: (386) 427-8431

Client Approval

Signature:

Date:

Client approval required prior to permitting and production. Changes requested by the client after approval shall be made by **Change order only.**

HAZEN RESIDENCE
SINGLE FAMILY DOCK

1210 S. RIVERSIDE DRIVE
NEW SMYRNA BEACH, FL 32168

ROOF FRAMING PLAN

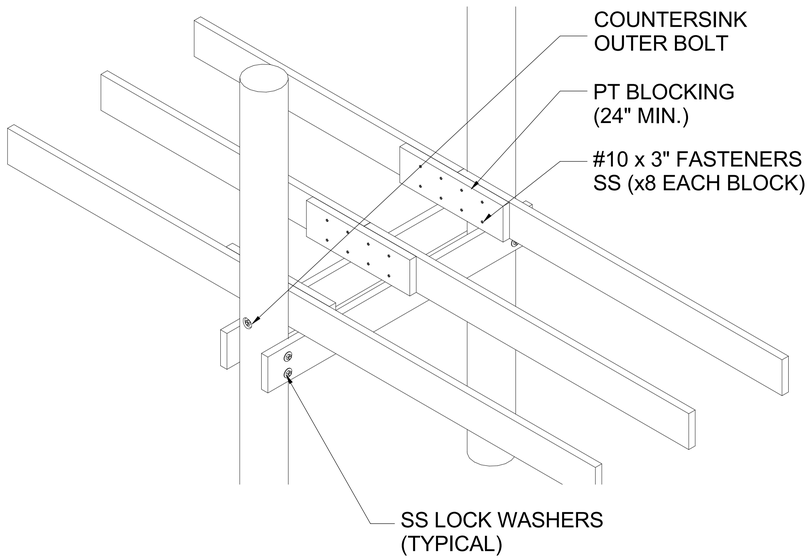
No.	Description	Date

Project number

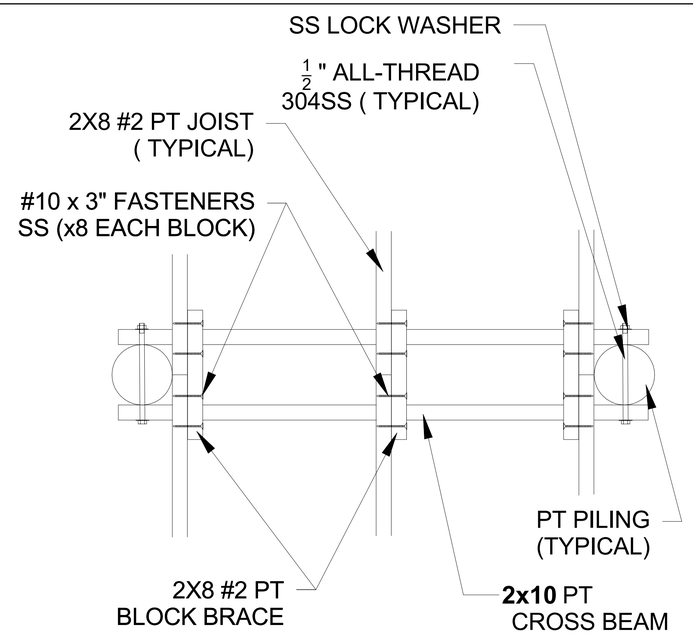
S0.2

Date Started	06.14.2024
Drawn by	SECAD
Checked by	TW
Scale	As indicated

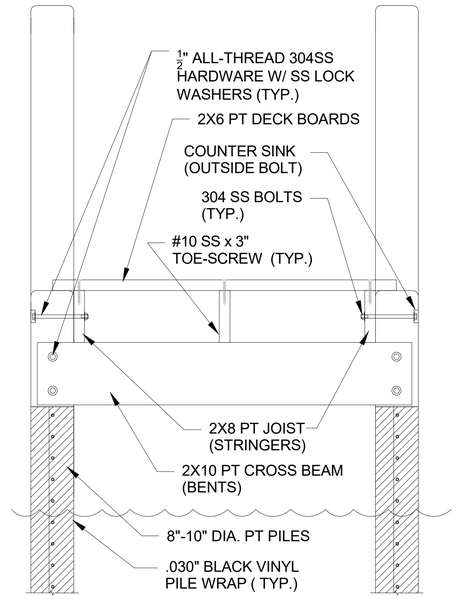
7/21/2025 4:16:16 PM



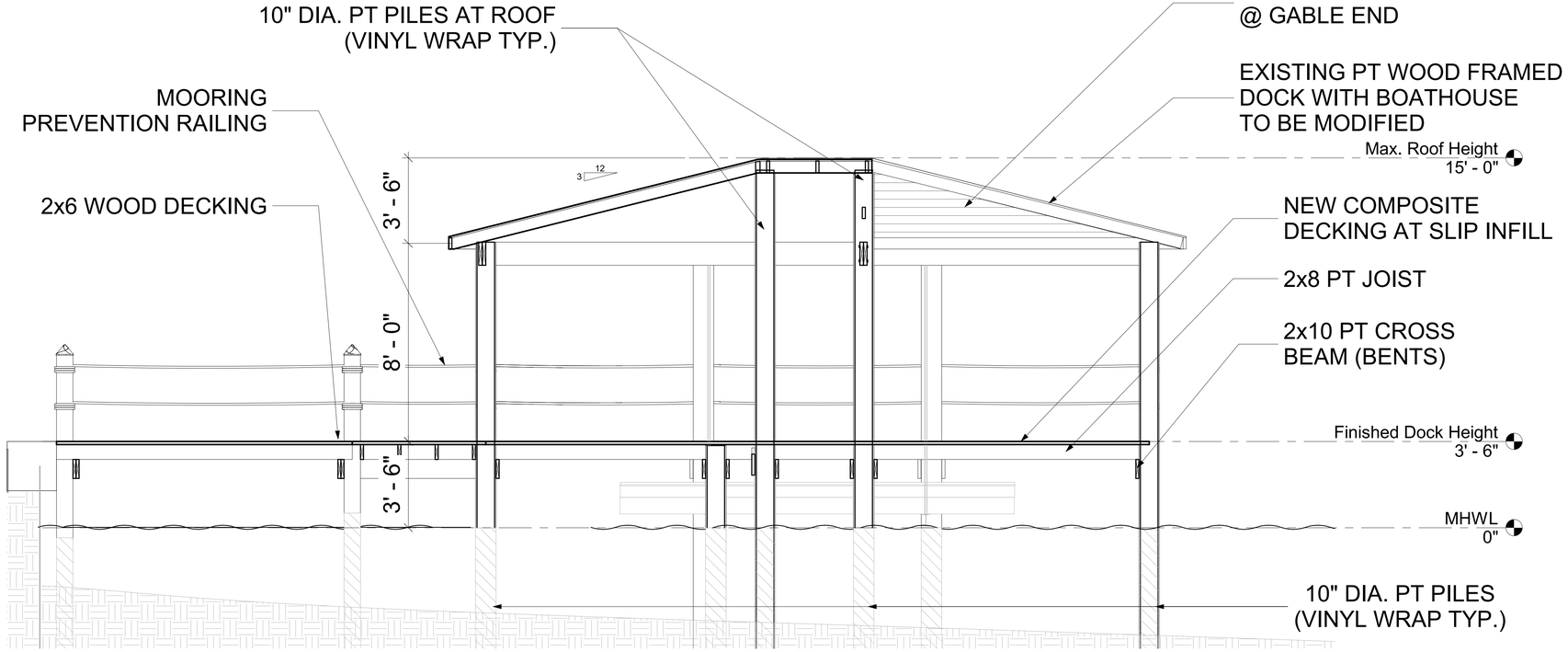
1 | 3D - BRACE BLOCKING DETAIL | SCALE: NTS



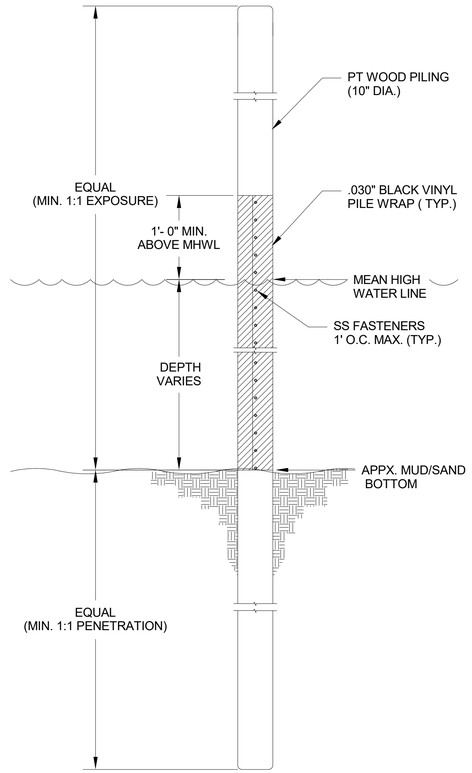
2 | BRACE BLOCKING DETAIL | SCALE: 1 1/2" = 1'-0"



3 | TYPICAL FRAMING SECTION | SCALE: NTS



4 | DOCK SECTION 1 | SCALE: 3/8" = 1'-0"



5 | PILE WRAP DETAIL | SCALE: NTS

TO THE BEST OF THE DESIGNERS KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH ALL APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY.

SECAD

www.SOUTHEASTCADMARINE.com

For City/County use only

Digitally signed by Thomas Williams
Date: 2025.07.22 09:14:10 -04'00'

Engineer Stamp

Williams Engineering PLC
FL CA # 54877
931 S. Ridgewood Ave. Suite B-4
Edgewater, FL 32132
Phone: (386) 427-8431

Client Approval

Signature:

Date:

Client approval required prior to permitting and production. Changes requested by the client after approval shall be made by **Change order only.**

HAZEN RESIDENCE
SINGLE FAMILY DOCK

1210 S. RIVERSIDE DRIVE
NEW SMYRNA BEACH, FL 32168

DOCK DETAILS

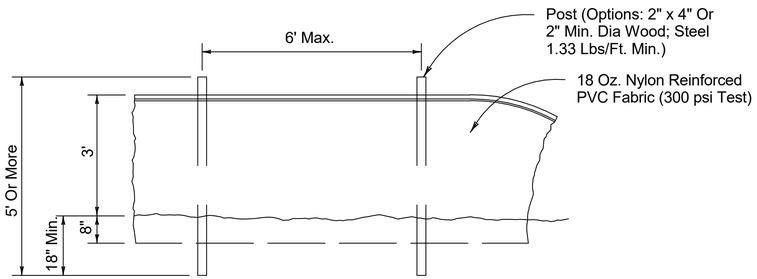
No.	Description	Date

Project number

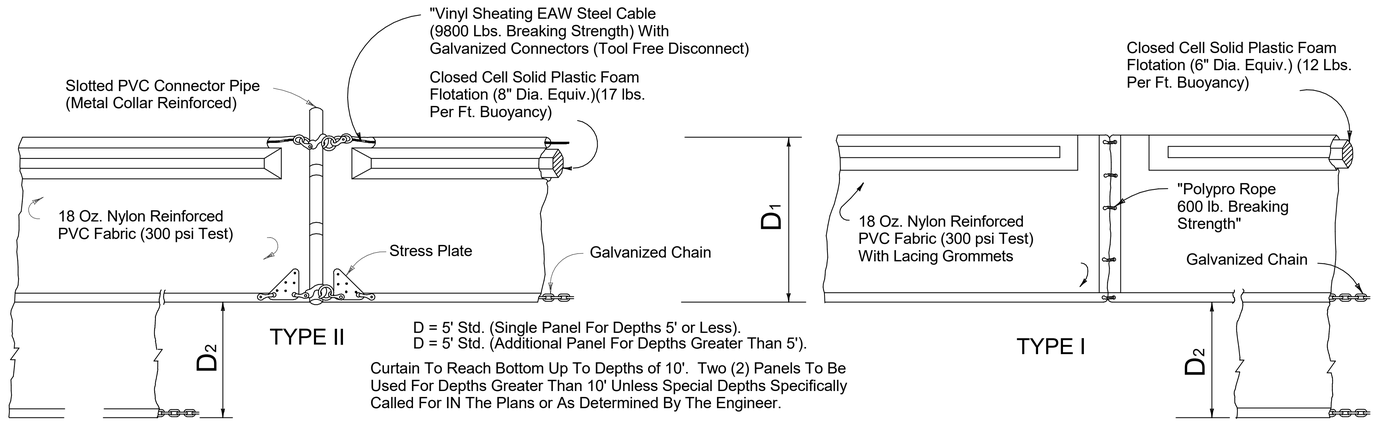
S0.3

Date Started	06.14.2024
Drawn by	SECAD
Checked by	WE
Scale	As indicated

7/21/2025 4:16:17 PM

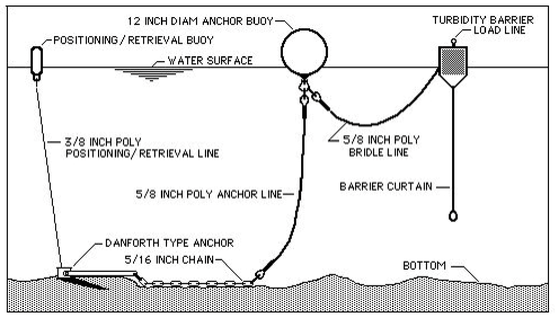


STAKED TURBIDITY BARRIER



FLOATING TURBIDITY BARRIER

ANCHOR KIT INSTALLED WITH FLOATING BARRIER



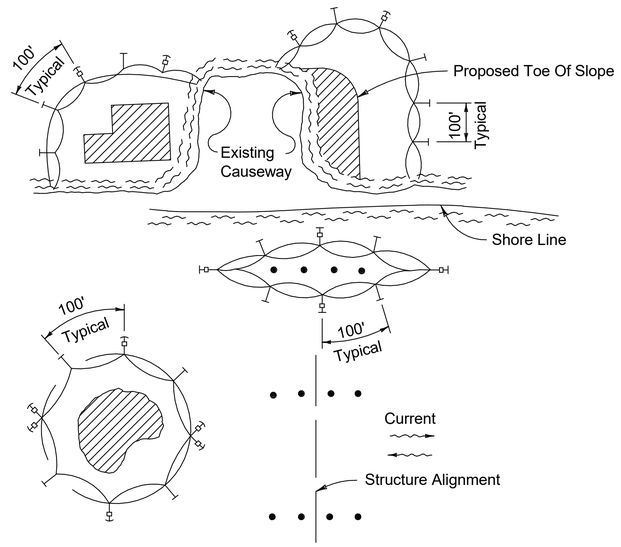
INSTALLATION INSTRUCTIONS

To install an Anchor Kit on one side of Floating Turbidity Barrier, Type 2 or 3:

1. Attach the LOAD LINE to the cable loop in the end of the top tension cable of the barrier, using the SHACKLE at the end of the load line.
2. Back boat away from the barrier and drop the ANCHOR BUOY into the water.
3. Slowly back further away from the barrier while paying out all of the ANCHOR LINE, carefully lower the ANCHOR over the side, and lower the anchor with the POSITIONING/RETRIEVAL LINE until it settles onto the bottom.
4. Hold the POSITIONING/RETRIEVAL BUOY, slowly back away further until the barrier is in the desired position, and drop the POSITIONING/RETRIEVAL BUOY into the water.

To remove an Anchor Kit: Grab the POSITIONING/RETRIEVAL BUOY and lift the LINE until ANCHOR is dislodged from bottom. Retrieve the entire Anchor Kit and detach from the barrier.

© 2007; Aer-Flo, Inc.



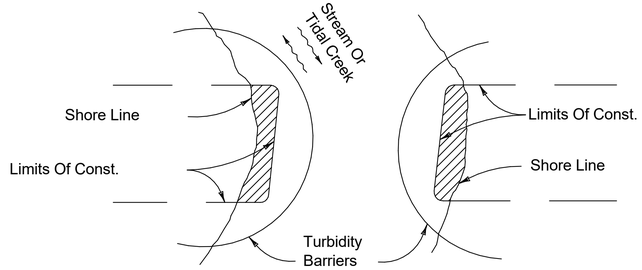
NOTES:

1. Turbidity barriers are to be used in all permanent bodies of water regardless of water depth.
2. Number and spacing of anchors dependent on current velocities.
3. Deployment of barrier around pile locations may vary to accommodate construction operations.
4. Navigation may require segmenting barrier during construction operations.

TURBIDITY BARRIER APPLICATIONS

LEGEND

- Pile Locations
- Dredge Or Fill Area
- Mooring Buoy w/Anchor
- Anchor
- Barrier Movement Due To Current Action



Note:
Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractors option unless otherwise specified in the plans, however payment will be under the pay item(s) established in the plans for Floating Turbidity Barrier and/or Staked Turbidity Barrier. Posts in staked turbidity barriers to be installed in vertical position unless otherwise directed by the Engineer.

TO THE BEST OF THE DESIGNERS KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH ALL APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY.

SECAD
www.SOUTHEASTCADMARINE.com

For City/County use only

Engineer's Seal

Digitally signed by Thomas Williams
Date: 2025.07.22 09:14:10 -04'00'

Williams Engineering PLC
FL CA # 54877
931 S. Ridgewood Ave. Suite B-4
Edgewater, FL 32132
Phone: (386) 427-8431

Client Approval

Signature:

Date:

Client approval required prior to permitting and production. Changes requested by the client after approval shall be made by **Change order only.**

HAZEN RESIDENCE
SINGLE FAMILY DOCK

1210 S. RIVERSIDE DRIVE
NEW SMYRNA BEACH, FL 32168

TURBIDITY BARRIER

No.	Description	Date

Project number

S0.4

Date Started	06.14.2024
Drawn by	SECAD
Checked by	NSB
Scale	12" = 1'-0"

DOCK EASEMENT AGREEMENT

THIS DOCK EASEMENT AGREEMENT is made as of the date set forth below by and between the City of New Smyrna Beach, a Florida municipal corporation (hereinafter "City"), and Kirk and Katharine Hazen, and the successors and assigns in title (hereinafter "Grantee") for the following uses and purposes.

RECITALS:

WHEREAS, the City of New Smyrna Beach was dedicated rights inuring to the public in that certain tract or parcel referenced and known as the Riverside Drive right-of-way, including all riparian and littoral rights attaching thereto, which constitutes all upland real property between the eastern boundary of Grantee's property described in Exhibit "A" (and which is the western boundary of the Riverside Drive right-of-way) and the western shore off the Indian River (hereinafter referred to as the "Property"); and

WHEREAS, Grantee desires to obtain, and City has agreed to convey, certain easements, including riparian rights, to allow Grantee to obtain a sovereignty submerged land lease from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("Board of Trustees") for a single family dock permit from the Florida Department of Environmental Protection ("FDEP"), as applicable, and to construct, reconstruct, maintain and use a dock facility attaching to the upland at the west shore of the Indian River; and

WHEREAS, the City may in its discretion permit private encroachments in a right-of-way which are not in denigration of public usage; and

WHEREAS, it has been and will be necessary and convenient to protect and preserve the uplands of both the City right-of-way and the Grantee's property at Exhibit "A" from erosion and other damage by armoring with a bulkhead, rip rap or other form of stabilization; and

WHEREAS, the City is willing to grant this easement for incidental private use of public property in exchange for appropriate protection of the public interest and sufficient contribution of the Grantee to expenses incurred in the improvements and maintenance of the Riverside Drive right-of-way.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration the receipt, adequacy, and sufficiency of which are hereby acknowledged, the City and Grantee hereby covenant and agree as follows:

1. **Recitals:** The recitals set forth above are true and correct, and shall constitute and be construed as an integral part of this Easement Agreement and not merely as recitals hereto.

2. **Grant of Easements:** Grantor hereby grants and conveys to Grantee, following easements (hereinafter the "Easements") over, upon and across the Property:

a. A non-exclusive easement for ingress, egress, and utilities, and including riparian rights, upon, over and across the Property for the purpose of allowing Grantee to construct, reconstruct, maintain, and use a dock structure extending eastward from the west bank of the Indian River using the riparian and littoral right attaching thereto in a location easterly of the Grantee's property located west of Riverside Drive as described on Exhibit "A".

b. Grantee agrees that the dock shall be located, built and maintained in accordance with the survey and plans attached hereto as Exhibit "B." No modifications shall be made without prior amendment to the Easement.

c. Grantee agrees to not interfere or restrict public use of the Property including the riparian and littoral rights attaching thereto lying easterly of the property described in Exhibit "A," except that Grantee may prohibit the public from accessing or using the dock described in Exhibit "B."

d. Grantee agrees to maintain the grounds east of Riverside Drive and any existing bulkhead, rip rap or other form of stabilization. Grantee agrees to pay any construction, reconstruction and maintenance expense for a bulkhead, rip rap or other form of stabilization. Grantee agrees to the City specially assessing and/or liening the property described in Exhibit "A" for such expense in accordance with law.

3. **Purpose of Easements.** The easements granted hereby are for the express purpose of providing Grantee with the necessary riparian rights to the uplands and necessary rights for ingress, egress, utilities, and parking, for the purpose of allowing Grantee to construct, reconstruct, maintain and use a dock facility.

4. **Permit Requirements Acknowledged.** The City and Grantee acknowledge that federal, state, county and City laws and regulations may govern the construction and maintenance of docks and shoreline stabilization and permits may be required. The Grantee agrees to comply with all requirements of law and to obtain all necessary permits prior to and construction or reconstruction of docks or shoreline stabilization.

5. **Maintenance, Repair, and Improvements.** Grantee shall, at its sole cost and expense, timely perform all maintenance, repair, and replacement of the dock facility and at all times maintain the dock facility in a safe, sound and kempt condition.

6. **Covenants Running with the Land.** The easements granted and reserved herein shall be deemed to be covenants appurtenant to and running with the ownership of the Property, or any portion thereof.

7. **Indemnification and Hold Harmless.** Grantee shall, to the fullest extent permitted by law, indemnify, defend, and hold harmless the City, its successors, assigns, employees, officers, attorneys, and agents (collectively "Indemnified Parties") from and against all claims, losses, damages, personal injuries, (including but not limited to death) or

liability (including reasonable attorney's fees to any and all administrative, trial and appellant proceedings), direct or indirectly arising from, out of, or caused by Grantee, its officers, employees, agents, or contractors, negligent or intentional acts, errors, omissions in the construction, repair and maintenance of the dock facility. The indemnification provided herein shall obligate Grantee to defend, at its expense, or to provide for such defense the option of the City, as the case may be, of any and all claims of liability and all suits and action of every name and description that may be brought against any Indemnified Party arising from or in any way related to this Easement Agreement. In all events the City shall be permitted to choose legal counsel of its sole choice. The fees for which shall be subject to and included with the Indemnification provided herein, as long as said fees are reasonable by local standards.

8. **Term of Easement.** This Easement shall be for a term of 20 years. The City may cancel the Easement during the term of the Easement after notice and hearing before the City Commission upon a finding that the dock unreasonably interferes with public use of the Riverside Drive right-of-way and the riparian and littoral rights attached thereto. Additional terms may extend this easement upon the agreement of the parties.

9. **Termination of Easements.** Grantor shall have the right to terminate the Easements at any time, at the option of Grantor, upon and subject to the earlier of the termination, or natural expiration, of the sovereignty submerged land lease or FDEP permit required for the operation of the dock facility, without any replacement or renewal thereof.

10. **Taxes.** Grantee shall pay all ad valorem taxes and assessments, if any, levied or assessed by any lawful authority against the Easement Property before the same become delinquent, and shall pay all tangible personal property taxes, if any on the dock facility or any other property or equipment owned by Grantee.

11. **General.** All rights, powers and privileges herein reserved and given to either party shall ensure the benefit of and be held by the respective successors, heirs, and assigns of the parties hereto, and likewise, all liabilities and obligations imposed upon each shall be binding upon the respective successors, heirs and assigns of the parties, hereto.

12. **Venue and Choice of Law.** This Easement Agreement shall be construed and interpreted in accordance with the laws of the state of Florida. In the event any litigation to enforce or interpret this Agreement, the parties hereto do hereby agree that the exclusive forum thereof shall be the Circuit Court of Volusia County, Florida.

13. **Partial Invalidity.** The provisions of this Easement Agreement are intended to be independent, and in the event any provision hereof shall be declared by a court of competent jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the remainder of this Easement Agreement.

14. **Headings.** The paragraph headings are inserted for convenience only and are in no way intended to describe, interpret, define, or limit the scope or content of this Easement Agreement or any provision hereof.

15. **Merger.** No prior or present agreements or representations shall be binding upon any of the parties hereto unless incorporated in this agreement.

16. **Statute of Frauds.** No modification or change of this Easement Agreement shall be valid or binding upon the parties unless in writing, executed by the parties to be bound thereby.

17. **Assignment.** This Easement Agreement shall be binding upon and incur to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, City and Grantee have executed this Easement Agreement effective as of this_____day of_____, 2026.

CITY OF NEW SMYRNA BEACH,
A Florida Municipal Corporation

By:

_____

Mayor

Attest:

_____
City Clerk

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [__] physical presence or [__] online notarization the _____ day of _____, 2026, by Fred E. Cleveland, and Sharon Taylor-Harding, as Mayor and City Clerk, respectively, of the City of New Smyrna Beach, a Florida Municipal Corporation, on behalf of the City of New Smyrna Beach. They are personally known to me OR produced as identification _____ and did not take an oath.

Notary Public, State of Florida

Type or Print Name: _____

Commission No. _____

My Commission Expires: _____

GRANTEE

Kirk Hazen

Witnesses:

Printed Name: Robert Mathes

Printed Name: John Baker

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization this 22nd day of January, 2026, by **KIRK HAZEN** (Property Owner Name (s), as owner of the property located at **1210 S RIVERSIDE DRIVE,** (property Address). He/she is personally known to me OR produced as identification _____ FLDL _____ and did not take an oath.

STEPHANIE FERRARA
Commission # HH 505512
Expires May 2, 2028

Notary Public, State of Florida

Type or Print Name: Stephanie Ferrara

Commission No. # HH 505512

My Commission Expires: May 2, 2028

GRANTEE

Katharine Hazen

Witnesses:

Robert Matthews

Printed Name: Robert Matthews

John Baker

Printed Name: John Baker

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization this 22nd day of January, 2026, by **KATHARINE HAZEN** (Property Owner Name (s), as owner of the property located at **1210 S RIVERSIDE DRIVE,** (property Address). He/she is personally known to me OR produced as identification FLDL and did not take an oath.

STEPHANIE FERRARA
Commission # HH 505512
Expires May 2, 2028

Stephanie Ferrara

Notary Public, State of Florida

Type or Print Name: Stephanie Ferrara

Commission No. HH 505512

My Commission Expires: May 2, 2028

Approved as to form and correctness.

City Attorney

Date: _____

Exhibit A

LEGAL DESCRIPTION

Address:

1210 South Riverside Drive, New Smyrna Beach, Florida 32168

Parcel Number:

7444-03-02-0110

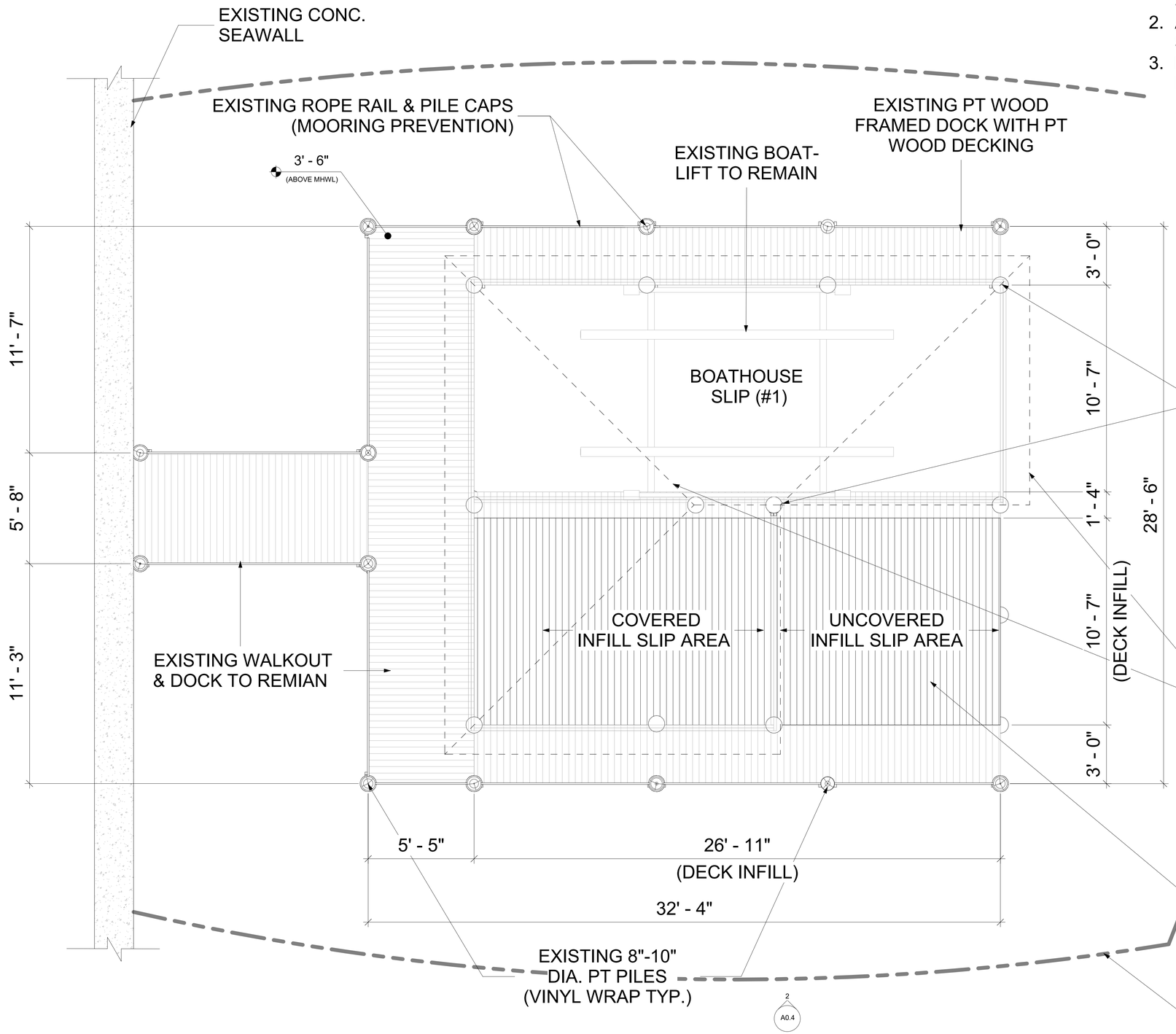
AltKey:

6473102

Legal Description by Meets and Bounds:

Lot 11, Block B, Plan of Subdivision of Property for F.E. Lovejoy New Smyrna, according to the map or plat thereof, as recorded in Map Book 7, Page 43, Public Records of Volusia County, Florida.

Exhibit B



2 DOCK PLAN
3/8" = 1'-0"

GENERAL NOTES:

1. FRAMING TO BE MARINE GRADE YELLOW PINE (TREATMENT TO BE 2.5 PCF CCA FOR SALTWATER).
2. ALL FASTENERS TO BE MINIMUM GRADE 304 STAINLESS STEEL.
3. PILES TO BE DRIVEN/DRILLED OR JETTED TO A MINIMUM OF 1:1 EXPOSURE.

PROJECT AREAS:

- WALKOUT AREA = 68 SF.
- EXISTING DOCK AREA = 922 SF.
- ROOF FOOTPRINT = 600 SF.
- TOTAL DOCK AREA = 990 SF.

TO THE BEST OF THE DESIGNERS KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH ALL APPLICABLE MINIMUM BUILDING CODES AND THE APPLICABLE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY.

SECAD

www.SOUTHEASTCADMARINE.com

For City/County use only

Digitally signed by Thomas Williams
Date: 2025.07.22 09:12:40 -04'00'

Engineer's Seal

Williams Engineering PLC
FL CA # 54877
931 S. Ridgewood Ave. Suite B-4
Edgewater, FL 32132
Phone: (386) 427-8431

Client Approval

Signature:

Date:

Client approval required prior to permitting and production. Changes requested by the client after approval shall be made by **Change order only.**

HAZEN RESIDENCE
SINGLE FAMILY DOCK

1210 S. RIVERSIDE DRIVE
NEW SMYRNA BEACH, FL 32168

DOCK PLAN

No.	Description	Date

Project number

A0.3

Date Started	06.14.2024
Drawn by	SECAD
Checked by	AC
Scale	As indicated

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

CONSIDER THE APPROVAL OF A PROPOSED SIDEWALK CAFÉ AGREEMENT FOR BRICKS EUROPEAN CAFE AND THE GALLEY LOCATED AT 421 CANAL STREET.

February 10, 2026

Background:

Business Owner and Property Owner: Peter Erdei, 421 Canal Street, Suite 102, New Smyrna Beach, Florida 32168.

Request: Approval to have 16 seats, on an overall of five (5) tables for an existing cafe, within the Canal Street right- of-way at 421 Canal Street.

Subject Area: The subject parcel is zoned MU, Mixed-Use, and is located on the north side of Canal Street between North Orange Street and Rush Street.

Tax ID #: 7441-37-01-0162

Exhibits Used in this Report:

Exhibit A: Location Map
Exhibit B: Aerial Map
Exhibit C: Street View Photo
Exhibit D: Signed Sidewalk Cafe License Agreement

Findings:

The applicant is requesting approval for a sidewalk café within the Canal Street right-of-way. The business is currently operating as a cafe known as Bricks European Cafe and the Galley*. The City's Land Development Regulations* (LDR), under Section 801.14*, states that sidewalk cafes are only permitted as an extension of a restaurant.* Staff is recommending that the proposed outdoor seating be permitted under the *Arts Overlay District,* which allows limited activities outside of the building housing the business. Limited activities are allowed during business hours and must be located directly in front of the business.

The applicant is requesting approval to allow five (5) tables with a total of 16 seats within the Canal Street right-of- way. The applicant is required to maintain a continuous 5-foot clear area for pedestrians at the narrowest point between the sidewalk area and the

proposed seating area. A copy of the signed Sidewalk Café Agreement is attached as **Exhibit D**.

Per Section 801.14 of the City's Land Development Regulations (LDR), sidewalk cafes may only be approved by the City Commission. This section of the LDR also lists the following minimum criteria that must be met in order for a sidewalk café to be approved (staff's responses provided below in **bold**):

1. Sidewalk cafes shall only be permitted as an accessory use in the MU, Mixed Use, zoning district.

- **The subject property is located in the Mixed Used zoning district. This criterion is met.**

2. The sidewalk café must be an extension of a restaurant permitted in the district.

- **There is a proposed cafe serving food at this location. This criterion is met.**

3. The sidewalk café is limited to the sidewalk area directly adjacent to the restaurant frontage.

- **According to the site plan provided with the application, the tables and seating will be located at the business frontage. The proposed five (5) tables and 16 seats will be placed on the south side of the building. This criterion is met.**

4. No additional parking is required if the outdoor seating area does not exceed 30% of the restaurant floor area.

- **The restaurant is located within the Arts Overlay District; therefore, no additional parking would be required for the five (5) tables and 16 seats. This criterion is met.**

5. The license holder shall provide adequate liability coverage for the sidewalk café area. The license holder shall name the City as an additional insured.

- **The applicant will provide a copy of the liability coverage for the sidewalk café area if approved. This criterion is met.**

6. The applicant's proposal must also meet the following design criteria in order to establish a sidewalk café (Staff's responses shown in **Bold**):

a. A minimum clear pedestrian area of five (5) feet must be maintained.

- **The sidewalk along Canal Street measures approximately 13 feet from the building to the edge of the curb. The applicant is proposing a minimum width of five (5) foot wide pedestrian area with the proposed layout. This design criterion is met.**

b. If seating area is provided adjacent to the curb, adequate safeguards must be provided to protect patrons from vehicles.

- **The outdoor seating will be placed adjacent to the building, away from the curve. This design criterion is met.**

c. The sidewalk café area must be clearly delineated from the area to remain open for pedestrian traffic.

- **The applicant would need to delineate the area. The use of portable potted plants as a barrier system has been used by other Sidewalk Cafes. Staff would find the use of potted plants acceptable. The design criterion has been met.**

d. Umbrellas shall be allowed if they are contained within the sidewalk café area.

- **The applicant has not proposed umbrellas with this application. The design criterion is met.**

e. Additional signs are limited to one (1) additional sign on an outdoor menu board and the business name or advertising on any umbrellas. The outdoor menu board may be two sided and may not exceed four (4) square feet per side.

- **If the applicant should decide to use a menu board, it will be limited to the size restrictions outlined above. This will be a condition of approval. This design criterion is met.**

f. Outdoor lighting, if provided, must be permanently installed in accordance with City code and be approved as part of the application. The license holder shall take any necessary precautions, including illumination, for protection of the public with particular emphasis on the period from sunrise to sunset.

- **There is no proposal for outdoor lighting. This design criterion is met.**

The following operating standards have also been established for outdoor cafes:

1. All food preparation shall be done inside the restaurant, and all food service shall comply with local and State laws.

- **The applicant has a kitchen inside the restaurant. This operating standard is met.**

2. Alcoholic beverages may be served within the license area consistent with any alcoholic beverage license in effect for the restaurant.

- **The applicant will be required to add the sidewalk café area as part of their State of Florida alcohol license. This operating standard is met.**

3. The hours of operation for the sidewalk café cannot exceed the operating hours of the business.

- **The applicant has not requested extended hours of operation for the sidewalk café. This operating standard is met.**

4. Tables, chairs, and other furniture shall be brought inside when the sidewalk café is not in operation.

- **The applicant has proposed mobile tables and chairs. This operating standard is met.**

5. The license area shall be kept in a clean condition, and the sidewalk area shall be periodically cleaned to remove any stains or other dirt resulting from the sidewalk café operation.

- **The applicant will keep the sidewalk café area cleaned. This operating standard has been met.**

Approval of the sidewalk café will be conditioned upon compliance with the minimum operating standards (1-5 listed above).

Recommendation:

Staff recommends **approval** of the request to have a sidewalk café with a mixture of mobile tables and chairs within the Arts Overlay District, conditioned on compliance with the minimum required operating standards.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

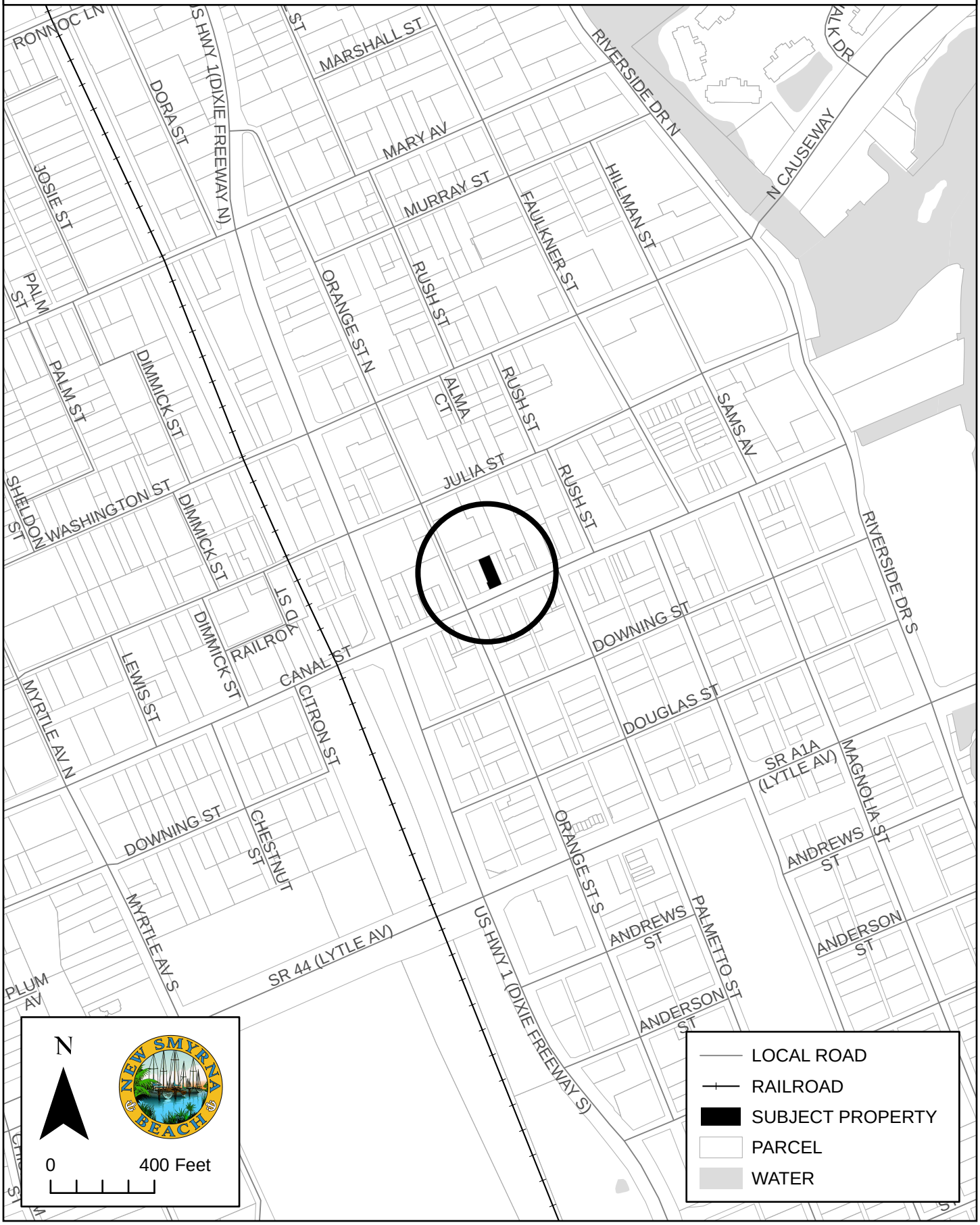
Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

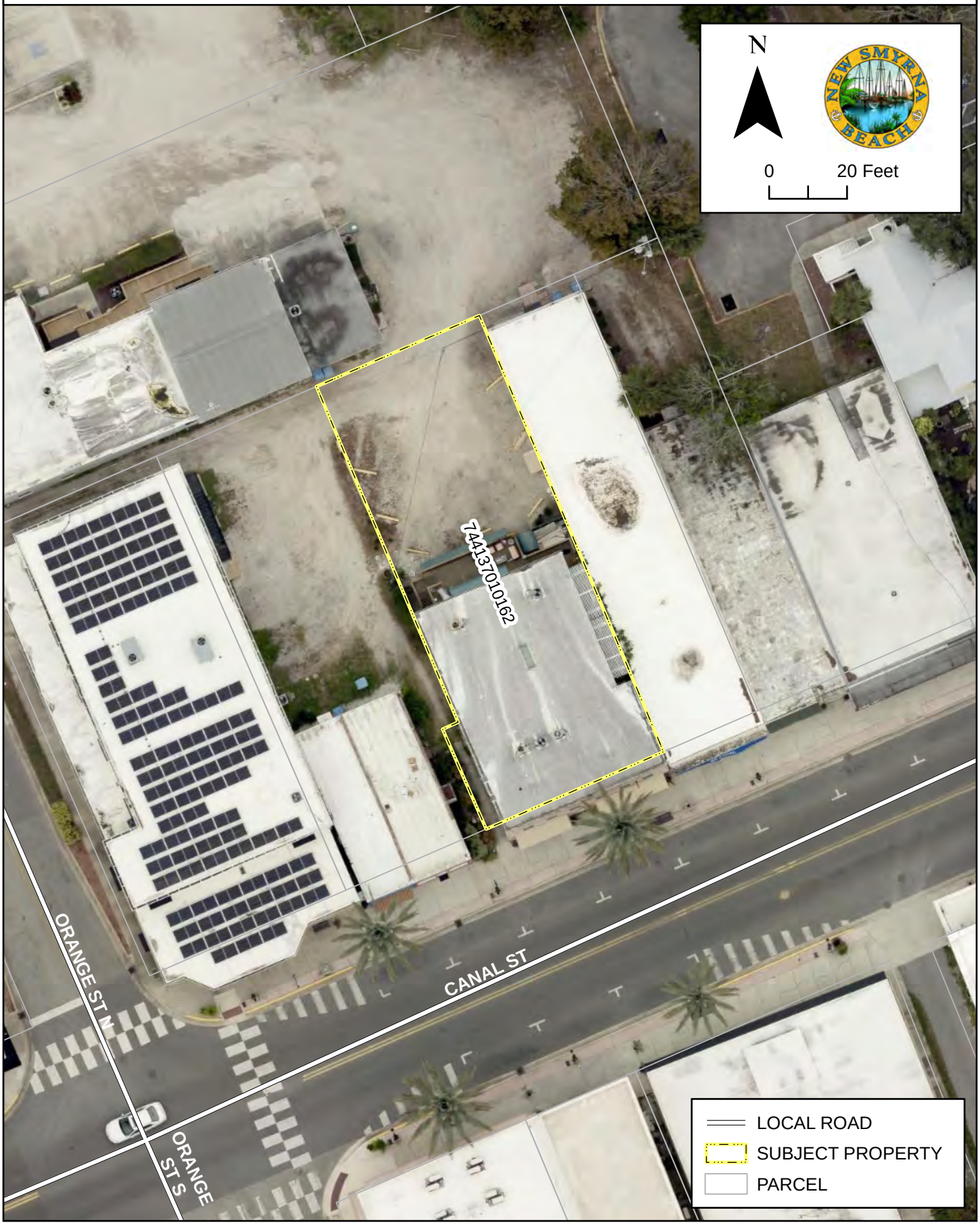
Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Street View Photo.pdf
Exhibit D Sidewalk Cafe Agreement.pdf

Exhibit A

SC-01-26: 421 CANAL STREET
PARCEL: 7441-37-01-0162 LOCATION MAP



SC-01-26: 421 CANAL STREET
PARCEL: 7441-37-01-0162 AERIAL MAP




BIKINI
The Shops at 421
421
Suite 102

SIDEWALK CAFE LICENSE AGREEMENT

THIS AGREEMENT is made and entered into by the **CITY OF NEW SMYRNA BEACH**, a municipal corporation, existing under the laws of the State of Florida, hereinafter referred to as "City", **417 CANAL STREET, LLC**, property owner, hereinafter referred to as "Owner" and **PETER ERDEI**, as lessee of **BRICKS EUROPEAN CAFÉ,** hereinafter referred to as "Lessee":

1. Lessee has applied to the City for a license to operate a sidewalk cafe on City sidewalks adjacent to Lessee's business. The business premises is described as follows: **421 CANAL STREET, SUTIE 102, NEW SMYRNA BEACH, FLORIDA 32168.**
2. Lessee has submitted plans (EXHIBIT A) showing the proposed location of the Sidewalk Cafe, hereafter referred to as the "License Area". The City has determined that the application and proposed plan are in compliance with **SECTION 801.14** of the Land Development Regulations of The City of New Smyrna Beach.
3. The license agreement shall be valid for a period of one (1) year and may be renewed annually with the business tax receipt.
4. This License is subject to Lessee's strict compliance with the following terms and conditions:
   a. Pedestrian walkways with a minimum width of five (5) feet shall be maintained for use by the general public.
   b. The sidewalk café area must be clearly delineated from the area to remain open for pedestrian traffic.
   c. Umbrellas shall be allowed provided that the umbrellas are contained within the sidewalk café area and do not impede pedestrian traffic or vision at intersections.
   d. Additional signs are limited to one (1) additional sign on an outdoor menu board or sandwich board sign and the restaurant name or advertising on any umbrellas. The outdoor menu board or sidewalk sandwich board sign may be two-sided, not to exceed four (4) square feet per side. Any use of a sidewalk sandwich board sign must be located outside of the required five (5) foot pedestrian walkway and removed at closing time of the restaurant.
   e. Outdoor lighting, if provided, must be permanently installed in accordance with the City code and be approved as part of the application. The license holder shall

take necessary precautions, including illumination, for protection of the public with particular emphasis on the period from sunset to sunrise.

f. All food preparation shall be done inside the restaurant, and all food service shall comply with local and state laws.

g. No paper plates, napkins, or other paper products may be used for outdoor service.

h. Alcoholic beverages may be served within the license area consistent with any alcoholic beverage license in effect for the restaurant.

i. The hours of operation for the sidewalk café may not exceed the operating hours of the restaurant.

j. Tables, chairs, and other furniture shall be brought inside when the sidewalk café is not in operation.

k. The license area shall be kept in a clean condition and the sidewalk area shall be periodically cleaned to remove any stains or other dirt resulting from the sidewalk café operation.

5. The Lessee shall maintain liability coverage for the License Area in an amount and form approved by the City Attorney of The City of New Smyrna Beach. This coverage shall name the City of New Smyrna Beach as an additional insured. Lessee shall provide proof of liability coverage prior to annual renewal of this license.

6. This License Agreement may be terminated with or without cause by written notice to the address of the Lessee contained on the application or latest written address change provided by the Lessee. The City will provide thirty (30) days written notice of termination without cause. The following shall constitute grounds for immediate termination with cause:

    a. Failure to use the License Area for ninety (90) consecutive day.
    b. Violation of any of the terms and conditions of this Agreement or violation of any local, State, or federal laws, ordinances, or regulations applicable to the License Area.
    c. Failure to maintain the primary business use and requisite license.
    d. Violation of alcoholic beverage laws or regulations.
    e. Conviction of the Lessee for a felony, or for violation of a state, federal, or local law involving moral turpitude.

7. This license may not be assigned without prior approval of the City Commission. No right, title, or interest in the real property is conveyed by this Agreement, and Lessee's use of the property is at the pleasure of The City of New Smyrna Beach.

WHEREFORE, the parties have set their hand and seal on day of _____ 2026.

_____
Witness 1

_____
Print Name of Witness 1

_____
Witness 2

_____
Print Name of Witness 2

LICENSOR
CITY OF NEW SMYRNA BEACH, FLORIDA,
a Florida Municipal Corporation

By: _____
Fred E. Cleveland, Mayor

Attest:

By: _____
Sharon Taylor-Harding, City Clerk

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization this_____day of _____, 2026, by Fred E Cleveland, as Mayor of the City of New Smyrna Beach, on behalf of the organization. He is personally known to me OR produced as identification _____.

(NOTARY SEAL)

_____
Notary Public, State of Florida
Signature of Notary of Public
Print Name:
Commission No.:
My Commission Expires:

Approved as to form and Correctness

By:

_____
Carrie Avallone, City Attorney
Date:_____

John C. Baker
Witness 1

John C. Baker
Print Name of Witness 1

Property Owner

By: _____
Name: Peter Erdei
Title: Owner of Property

_____
Witness 2

Stephanie Doster
Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization this 10th day of January, 2026, by Peter Erdei (business owner name), as owner of the business located at 417 Canal St. He is personally known to me OR produced as identification FL Drivers license.

(NOTARY SEAL)

ROBERT G. MATHEN
NOTARY PUBLIC
MY COMMISSION EXPIRES 8-12-2027
STATE OF FLORIDA
COMMISSION NUMBER HH 380345

Robert G Mathen
Notary Public, State of Florida
Signature of Notary of Public
Print Name: Robert G Mathen
Commission No.: HH 380345
My Commission Expires: 8-12-2027

John C. Baker
Witness 1

John C. Baker
Print Name of Witness 1

Witness 2

Stephanie Doster
Print Name of Witness 2

Lessee

By:
Name: Peter Erdei
Title: Lessee and Owner of Business

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization this 10th day of January, 2026, by Peter Erdei (business owner name), as owner of the business located at 417 Canal St. He is personally known to me OR produced as identification FL Drivers License.

(NOTARY SEAL)

ROBERT G. MATHEN
NOTARY PUBLIC
MY COMMISSION
EXPIRES 8-12-2027
STATE OF FLORIDA
COMMISSION NUMBER HH 380345

Robert G Mathen
Notary Public, State of Florida
Signature of Notary of Public
Print Name: Robert G Mathen
Commission No.: HH 380345
My Commission Expires: 8-12-2027

Exhibit A

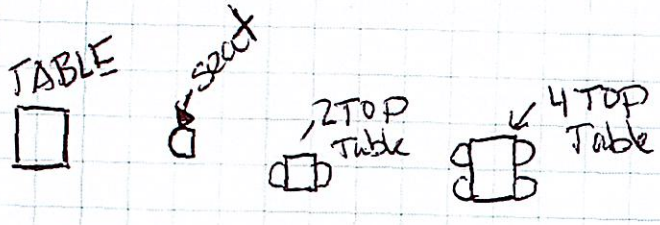
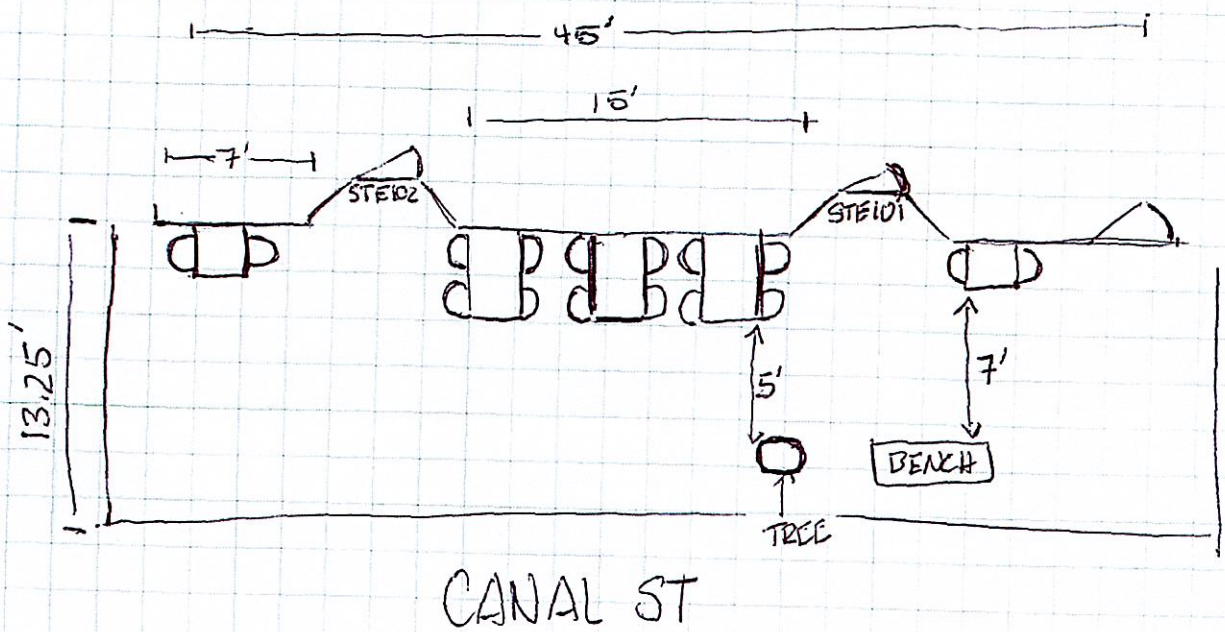


TABLE
seat
2TOP Table
4TOP Table


45'
15'
7'
STE102
STE101
13.25'
5'
7'
BENCH
TREE
CANAL ST

THE CITY OF NEW SMYRNA BEACH - LEISURE SERVICES

SPECIAL EVENT: CONSIDER THE APPROVAL OF THE WEEKLY FOOD TRUCK EVENT IN VENETIAN BAY, TO BE HELD EVERY MONDAY STARTING ON FEBRUARY 16, 2026 THROUGH DECEMBER 28, 2026.

February 10, 2026

Background:

The Evergreen Homeowners Association of Venetian Bay requests approval to present a weekly food truck event every Monday starting on February 16, 2026 through December 28, 2026. The event would start at 4pm and end at 8pm. The food trucks will be located in the parking lot area on Luna Bella Lane. Setup for the event will begin at 4:00pm until 5:00pm, with breakdown of the event completed by 8:00pm. The anticipated weekly attendance will be 60 people. No alcoholic beverage sales allowed at the event. The event organizer will be providing on site restroom facilities for public use. The Fire Department will provide fire safety inspections to all food service vendors.

Findings:

Staff recommends the approval of the weekly Food Truck Event in Venetian Bay, to be held every Monday starting on February 16, 2026 through December 28, 2026.

Fiscal Analysis:

The following permit and event fees will be collected by the city:

Leisure Services Major Event Fee: $532.50

Strategic Plan Item:

No

Staff Report Created By: Robert Salazar - Leisure Services Director

Attachments:

Venetian Bay Wkly Food Trucks 2026.pdf

City of New Smyrna Beach

Special Event Application Follow-Up Form

Name of Event: Venetian Bay Food Trucks

Event Date: ~~01/26/2026~~ Begins Feb 16th

Contact Information: Joann Hillier 386-410-0764

Brief Event Description: 1-2 Food trucks weekly in the parking lot on Luna Bella Ln

Staff Reviewed:

Name	Department	Ext.	E-mail	Signature	Date
Rob Salazar	Leisure Services	2890	rsalazar@cityofnsb.com		1/27/26
John Haverly	Public Works	2205	jhaverly@cityofnsb.com		1/20/26
Stephanie Doster	Planning & Dev.	2800	sdoster@cityofnsb.com		1/21/26
Don Wiech	Fire Department	7631	dwiech@cityofnsb.com		1-20-26
William Helms	Police Department	2297	whelms@cityofnsb.com	Sgt. W. Helms	1-20-26
Barbara Bobelak	Code Enforcement	2800	bbobelak@cityofnsb.com	Barbara Bobelak	1-20-26
Lauren Gawel	Bldg. Department	2800	lgawel@cityofnsb.com		1/22/26
Steven Mendygral	Parking	2609	smendygral@cityofnsb.com		1/20/26

Conditions of Approval:

***Note: All Requirements and payments must be met 72 hours prior to the event or event will be cancelled**

Fire Inspections will occur at each setup.
Reoccuring Event, LS Major Event

Banner Request: Yes ☐ No ☐ **Entered into RecTrac** _____ **Agenda Item Complete** 1-27-26

Road Closures:

City Commission Approval Required? Yes ☑ No ☐ **Agenda Date** 2-10-26 **City Event?** Yes ☐ No ☑

Special Event Application

Form Submission ID: 25912892
Submission Date/Time: 01/15/2026 at 1:08 pm
Form Status: New
Patron Email Address: Joann.hillier@atmoslivingmg.com
Name: Joann Hilllier

CITY OF NEW SMYRNA BEACH SPECIAL EVENT APPLICATION

SPECIAL EVENTS: A Special Event is an event which, by itself or in conjunction with other events occurring during the same time (such as during a community wide event), is likely to have an impact on the community, including but not limited to factors such as traffic, noise, or other aspects of public health, safety and welfare. Special Events must be approved in advance by the City Commission at which time staff will make their recommendation. Application for Special Events must be submitted at least thirty (30) days in advance of the requested event. This application is not a permit to conduct a special event.

Name of Event

Venetian Bay Food trucks

Name of Producer and/or Promoter

Joann Hillier/ venetian Bay HOA

Type of Organization

Non-Profit

Address

424 Luna Bella Ln Suite 119

City

NSB

State

Fl

Zip Code

032168

Work Phone

(386)410-0764

Home Phone

(386)410-0764

Fax

3864100764

Special Event Application

Website

Joann.hillier@atmoslivingmg.com

Billing Information:

Is the party responsible for billing the same as above?

Yes

If no, please provide the proper information below.

Name

Venetian Bay HOA

Address

424 Luna Bella Ln

EVENT INFORMATION:

Date(s) Requested

Jan2026-Jan2027 Mondays

Location of Event

Venetian Bay Pool Parking Lot

Description of Event

1-2 Food trucks weekly in the Parking Lot On Luna Bella Ln

Site Plans are required and must include: Pedestrian AccessParking and Vehicular AccessLocation of Port-O-Lets (if any)Dumpsters and/or Trash CansNumber and Location of Vendor Display Areas Venue/Stage (if any)TentsBarricades/Cones Insurance: An insurance policy naming the City of New Smyrna Beach additionally insured for a minimum of $1,000,000 must be provided no later than five days prior to the scheduled event. Proof of insurance is required for all events if applicable.

Will an admission fee be charged at or prior to the event?

No

Will fees be collected on-site before/during the event?

No

Event Date:

01/26/2026

Event Start Time:

Special Event Application

04:00 pm

Event End Time:

08:00 pm

Set Up Start Time:

04:00 pm

Setup End Time:

05:00 pm

Breakdown Start Time:

07:45 pm

Breakdown End Time:

08:00 pm

Alternative Date:

01/15/2026

How will the general public be notified about a cancellation/ postponement of the event?

e-Blast, community Boards, VB social Media

Anticipated number of attendees?

060

Have you held this event in the City of New Smyrna Beach previously?

Yes

If yes, when?

2024,2025

Have you held this event in another city?

No

If yes, list location(s):

Will the special event require the use of watercraft for competition, servicing, maintenance, safety, or any other reason?

No

NOTE: Temporary buoys and markers may be placed with approval from the U.S. Coast

Special Event Application

Guard. Also, water rescue and lifesaving personnel and equipment shall be on-duty and prepared to act to protect competitors and spectators during all competition and practice.

Will the special event involve the use of aircraft?

No

NOTE: All aircraft flight operations shall conform to FAA regulations and meet minimum pilot qualifications for the given type of operation intended. Also, all operators of any type of aircraft being used shall provide the city with a certificate of insurance coverage. Insurance coverage shall provide liability insurance protection for the City in the amount of not less than $1,000,000 per person for bodily injury or death, $2,000,000 per occurrence of death, and $500,000 per occurrence for property damage, naming the City of New Smyrna Beach as â€œadditionally insured.â€•

Will the special event involve the use of motorcycles?

No

<b> ENTERTAINMENT: </B>

Will there be entertainment?

No

If yes, a complete list of entertainers, contracts, licenses, and schedules must be provided.

Will you be using a sound system?

No

NOTE: The Cityâ€™s Ordinances regarding noise must be complied with during the event, or receive City Commission approval to generate excessive noise outside the accepted hours.

Name of Contractor

Type of System:

Sound Start Time:

Sound End Time:

Will there be carnival games and/or rides?

No

If yes, please describe the types of games and/or rides.

Special Event Application

Name of Contractor

Proof of insurance is required for all carnival games and rides. The City must be listed as additionally insured on the insurance policy.

Insurance Company

Policy Number

<B> SPECIAL EFFECTS: </B>

Will there be any special effects used?

No

Type of Effects:

Effect Time: Date:_____Start:____a.m./p.m. End: _____a.m./p.m.

Location of Special Effects

Effects Producer/Company Name

Address

Phone Number

Fax Number

Proof of insurance is required for all special events.

Insurance Company

Policy Number

NOTE: A permit from the New Smyrna Beach Fire Department will be required.

Special Event Application

<b> PARADES: </B>

Will this be considered a parade?

No

If yes, complete below.

How many will participate?

0

Plan of route attached?

No

Parade Time: Date:____Start:____a.m./p.m. End:____a.m./p.m.

Breakdown: Date:____Start:____a.m./p.m. End:____a.m./p.m.

<b> PROPOSED RETAIL SALES: </B>

Will there be any retail sales?

Yes

If yes, complete below.

How many vendor locations do you hope to accomodate?

2

Type of vending (including number of each): Clothing, Food/Beverage, Jewelry, Other (describe)

Food trucks

Will there be food trucks at this event?

Yes

Special Event Application

PROPOSED SPONSORS: </B>

Will there be any sponsors?

No

If yes, complete below.

How many commercial sponsors with on-site visibility do you anticipate (including product sampling, giveaways, exhibits, and advertising)

ALCOHOLIC BEVERAGES/LIQUOR LIABILITY:

Will alcoholic beverages be dispensed, provided, or served?

No

If yes, complete below.

Name of organization licensed to sell alcohol at the event:

Limit of liquor liability coverage, if required, will not be less than $500,000.

The organization hosting the event is:

PROMOTION: </B>

At what level will the event be promoted?

Local

What type of publicity will be used?

Internet

Telephone number to be released for public information

386 4100764

Special Event Application

<b> SIGNS: </B>

Will you be using signs at your event?

No

How many signs and what dimensions?

Will you use temporary structures?

No

How many tents exceeding 120 square feet or greater?

0

Tent locations and sizes must be included on the site plan.

List the state-certified electrical contractor that will accept responsibility for the quality and code compliance of electrical work performed on behalf of the applicant?

<b> TRAFFIC AND PARKING: </B>

Will normal traffic patterns be altered by the event?

No

Will there be any road closures?

No

If yes, City Commission approval will be required.

If yes, list road name(s):

Will public parking areas, streets, sidewalks, etc., be restricted or obstructed?

No

Special Event Application

PORT-O-LETS & SANITATION:

How many Port-O-Lets will be on-site?

rest rooms

The location of the Port-O-Lets must be included on the site plan.RECOMMENDATION: One toilet is recommended for every 300 people attending an event. If public toilets are not available at the event site, one ADA accessible toilet is required for the first 300 people, and a minimum of 5% of the restrooms must be ADA accessible. If there is a beer/ alcohol being served at the event, the recommended ratio for toilets per is 1:150 people. Existing park toilets count towards the toilet per anticipated attendee ratio. If dumpster service is needed it is required that refuse service be provided through the Cityâ€™s Public Works Department. The dumpster service, fee schedule, and information pertaining to recycling can be obtained by contacting the Public Works Department at 386-424-2212. Payment arrangements should be made prior to the event though the Public Works Department. Trash receptacles and recycling containers are to be provided by the applicant and must be located not only on event grounds, but in parking areas as well. Event grounds must be completely cleared of trash and all receptacles removed by the end of the event and is the sole responsibility of the applicant.

I acknowledge the above Port-O-Lets & Sanitation requirements:

yes

SECURITY/EMERGENCY FIRE/MEDICAL SERVICES:

What are your plans for providing security at the event?

no security Just fire inspection

The New Smyrna Beach Police and Fire Department will evaluate the events security measures to determine if the measures are sufficient to run a safe event. The New Smyrna Beach Police and Fire Department reserve the right to require additional security measures.There will be a minimum requirement of five (5) business days to evaluate the event requirements.NOTE: All events held on City/Public property require the use of City Police and Fire personnel if additional security measures are required.

CONFIRMATION:

Event Contact Information: Please provide the name of the contact person who will be available on-site at all times. Depending on the length of the event, this may require several people. Please list the contact person for each period of time.

Contact Name & Phone Number (1):

386 410 0764

Contact Name & Phone Number (2):

Joann Hillier 3864100764

Upload Site Map

\Question Answers Only\553\FT Ariel_0001.pdf

Upload Documents

I understand that this is an application only and does not obligate the City in any fashion to reserve any facility or approve any event.

Printed Name:

Special Event Application

Joann Hillier

Date:

01/15/2026


Restrooms
215
Venetian Bay
211
2
Luna Bella Ln
Luna Bella Ln
Luna Bella Ln
Luna Bell
Parking
food trucks x2
Trash cans
Normal traffic flow

THE CITY OF NEW SMYRNA BEACH - LEISURE SERVICES

SPECIAL EVENT: CONSIDER THE APPROVAL OF THE SOUTHEAST VOLUSIA HISTORICAL SOCIETY'S HERITAGE DAY EVENT 2026, TO BE HELD ON SATURDAY, MARCH 28, 2026.

February 10, 2026

Background:

The Southeast Volusia Historical Society requests approval to present their Heritage Day 2026 event on Saturday March 28, 2026 from 9am until 3pm at 120 Sams Avenue. This family event will take place on Sams Avenue and in Emory Bennett Park. This event will require the closure of Sams Avenue at the south alleyway next to the museum, northbound ending at the south side of the intersection at Julia Street from 7am on Saturday March 28, 2026 until 4:30pm. This event will have a portable sound system in use for music from 9am until 3pm, with an anticipated 1,000 attendees. The event will have historic displays, living history, entertainment and family activities.

There will be no alcohol sales or consumption during this event or in any City right of way. Public restrooms use will be provided inside the museum. There will be one NSB Police Officer on duty during this event.

Findings:

Staff recommends approval of the Southeast Volusia Historical Society's Heritage Day Event 2026, to be held on Saturday March 28, 2026.

Fiscal Analysis:

The following permit and event fees will be collected by the city:

Leisure Services Major Event Fee: $532.50

Strategic Plan Item:

No

Staff Report Created By: Robert Salazar - Leisure Services Director

Attachments:

Heritage Day 2026 - March 28th.pdf

City of New Smyrna Beach

Special Event Application Follow-Up Form

Name of Event: Heritage Day 2026

Event Date: 03/28/2026

Contact Information: Greg Holbrook 386-478-0052

Brief Event Description: Free community event featuring history presentations, museum tours and interactions

Staff Reviewed:

Name	Department	Ext.	E-mail	Signature	Date
Rob Salazar	Leisure Services	2890	rsalazar@cityofnsb.com		1/27/26
John Haverly	Public Works	2205	jhaverly@cityofnsb.com	John Haverly	1/20/26
Stephanie Doster	Planning & Dev.	2800	sdoster@cityofnsb.com		1/21/26
Don Wiech	Fire Department	7631	dwiech@cityofnsb.com		1-20-26
William Helms	Police Department	2297	whelms@cityofnsb.com	Sgt. W. Helms	1-20-26
Barbara Bobelak	Code Enforcement	2800	bbobelak@cityofnsb.com	Barbara Bobelak	1-20-26
Lauren Gawel	Bldg. Department	2800	lgawel@cityofnsb.com		1/22/26
Steven Mendygral	Parking	2609	smendygral@cityofnsb.com		1/20/26

Conditions of Approval:

***Note: All Requirements and payments must be met 72 hours prior to the event or event will be cancelled**

PD- Request 1 officer via ODM, please provide Instruction Sheet (Pending ODM Request)

FD MAY NEED TO LEAVE FOR AREA EMERGENCIES

LS Major Special Event

Banner Request: Yes ☐ No ☑ **Entered into RecTrac** _____ **Agenda Item Complete** 1-27-26

Road Closures:

Sams Ave from alley south of 120 Sams Ave to Julia St.

City Commission Approval Required? Yes ☑ No ☐ **Agenda Date** 2-10-26 **City Event?** Yes ☐ No ☑

Special Event Application

Form Submission ID: 25956717
Submission Date/Time: 01/17/2026 at 2:13 pm
Form Status: New
Patron Email Address: NSMofHistory@gmail.com
Name: Greg Holbrook

CITY OF NEW SMYRNA BEACH SPECIAL EVENT APPLICATION

SPECIAL EVENTS: A Special Event is an event which, by itself or in conjunction with other events occurring during the same time (such as during a community wide event), is likely to have an impact on the community, including but not limited to factors such as traffic, noise, or other aspects of public health, safety and welfare. Special Events must be approved in advance by the City Commission at which time staff will make their recommendation. Application for Special Events must be submitted at least thirty (30) days in advance of the requested event. This application is not a permit to conduct a special event.

Name of Event

Heritage Day 2026

Name of Producer and/or Promoter

Southeast Volusia Historical Society Inc.

Type of Organization

Non-Profit

Address

120 Sams Ave

City

New Smyrna Beach

State

FL

Zip Code

32168

Work Phone

(386)478-0052

Home Phone

(386)689-4700

Fax

N/A

Special Event Application

Website

www.NSBHistory.org

Billing Information:

Is the party responsible for billing the same as above?

Yes

If no, please provide the proper information below.

Name

Address

EVENT INFORMATION:

Date(s) Requested

March 28th 2026

Location of Event

120 Sams Ave., Emory Bennett Park

Description of Event

Free community event featuring history presentations, museum tours and interactions

Site Plans are required and must include: Pedestrian AccessParking and Vehicular AccessLocation of Port-O-Lets (if any)Dumpsters and/or Trash CansNumber and Location of Vendor Display Areas Venue/Stage (if any)TentsBarricades/Cones Insurance: An insurance policy naming the City of New Smyrna Beach additionally insured for a minimum of $1,000,000 must be provided no later than five days prior to the scheduled event. Proof of insurance is required for all events if applicable.

Will an admission fee be charged at or prior to the event?

No

Will fees be collected on-site before/during the event?

No

Event Date:

03/28/2026

Event Start Time:

09:00 am

Special Event Application

Event End Time:

03:00 pm

Set Up Start Time:

07:00 am

Setup End Time:

08:45 am

Breakdown Start Time:

03:00 pm

Breakdown End Time:

04:30 pm

Alternative Date:

How will the general public be notified about a cancellation/ postponement of the event?

This is a rain or shine event with no reschedule date

Anticipated number of attendees?

1000

Have you held this event in the City of New Smyrna Beach previously?

Yes

If yes, when?

This annual event has been held on the first Saturday of April from 2022 - 2025, we are requesting to shift the event to the last Saturday in March to avoid Easter Weekend.

Have you held this event in another city?

No

If yes, list location(s):

Will the special event require the use of watercraft for competition, servicing, maintenance, safety, or any other reason?

No

NOTE: Temporary buoys and markers may be placed with approval from the U.S. Coast Guard. Also, water rescue and lifesaving personnel and equipment shall be on-duty and prepared to act to protect competitors and spectators during all competition and practice.

Special Event Application

Will the special event involve the use of aircraft?

No

NOTE: All aircraft flight operations shall conform to FAA regulations and meet minimum pilot qualifications for the given type of operation intended. Also, all operators of any type of aircraft being used shall provide the city with a certificate of insurance coverage. Insurance coverage shall provide liability insurance protection for the City in the amount of not less than $1,000,000 per person for bodily injury or death, $2,000,000 per occurrence of death, and $500,000 per occurrence for property damage, naming the City of New Smyrna Beach as â€œadditionally insured.â€•

Will the special event involve the use of motorcycles?

No

<b> ENTERTAINMENT: </B>

Will there be entertainment?

Yes

If yes, a complete list of entertainers, contracts, licenses, and schedules must be provided.

The entertainment for this event is a rotation of historic speakers, with each hosting a 20-30 minute presentation in the morning, then a second offering in the afternoon.
David Head of UCF will provide a presentation titled "Brittan's Loyal Colonies, The American Revolution in Florida".
Greg Holbrook, Executive Director of the New Smyrna Museum of History speaking about Ft. New Smyrna that was built here in 1836.
Andrew Foster, speaking about his ancestors who founded the community of Glencoe in the late 1800s.

Will you be using a sound system?

Yes

NOTE: The Cityâ€™s Ordinances regarding noise must be complied with during the event, or receive City Commission approval to generate excessive noise outside the accepted hours.

Name of Contractor

Museum owned system

Type of System:

4 powered Yamaha speakers at each corner of the park

Sound Start Time:

09:00 am

Sound End Time:

03:00 pm

Will there be carnival games and/or rides?

Special Event Application

No

If yes, please describe the types of games and/or rides.

Name of Contractor

Proof of insurance is required for all carnival games and rides. The City must be listed as additionally insured on the insurance policy.

Insurance Company

Policy Number

<B> SPECIAL EFFECTS: </B>

Will there be any special effects used?

No

Type of Effects:

Effect Time: Date:_____Start:____a.m./p.m. End: _____a.m./p.m.

Location of Special Effects

Effects Producer/Company Name

Address

Phone Number

Fax Number

Proof of insurance is required for all special events.

Insurance Company

Policy Number

Special Event Application

NOTE: A permit from the New Smyrna Beach Fire Department will be required.

<b> PARADES: </B>

Will this be considered a parade?

No

If yes, complete below.

How many will participate?

0

Plan of route attached?

No

Parade Time: Date:____Start:____a.m./p.m. End:____a.m./p.m.

Breakdown: Date:____Start:____a.m./p.m. End:____a.m./p.m.

<b> PROPOSED RETAIL SALES: </B>

Will there be any retail sales?

Yes

If yes, complete below.

How many vendor locations do you hope to accomodate?

1

Type of vending (including number of each): Clothing, Food/Beverage, Jewelry, Other (describe)

The New Smyrna Museum of History will host a membership drive during the event and will promote sales of items available in the Museum Store.

Will there be food trucks at this event?

No

Special Event Application

PROPOSED SPONSORS: </B>

Will there be any sponsors?

No

If yes, complete below.

How many commercial sponsors with on-site visibility do you anticipate (including product sampling, giveaways, exhibits, and advertising)

None

ALCOHOLIC BEVERAGES/LIQUOR LIABILITY:

Will alcoholic beverages be dispensed, provided, or served?

No

If yes, complete below.

Name of organization licensed to sell alcohol at the event:

Limit of liquor liability coverage, if required, will not be less than $500,000.

The organization hosting the event is:

PROMOTION: </B>

At what level will the event be promoted?

Regional

What type of publicity will be used?

Newspaper,Internet

Telephone number to be released for public information

386-478-0052

Special Event Application

<b> SIGNS: </B>

Will you be using signs at your event?

Yes

How many signs and what dimensions?

8.5 x 11 in signs attached to vendor booths to identify the subject of the location, 11 x 17 in signs on Membership Drive table

Will you use temporary structures?

Yes

How many tents exceeding 120 square feet or greater?

0

Tent locations and sizes must be included on the site plan.

List the state-certified electrical contractor that will accept responsibility for the quality and code compliance of electrical work performed on behalf of the applicant?

Electricity is available in 3 locations in Emory Bennett Park, installed by the City of NSB

<b> TRAFFIC AND PARKING: </B>

Will normal traffic patterns be altered by the event?

Yes

Will there be any road closures?

Yes

If yes, City Commission approval will be required.

If yes, list road name(s):

Sams Ave. from the alley just South of 120 Sams Ave. to Julia Street.

Will public parking areas, streets, sidewalks, etc., be restricted or obstructed?

No

Special Event Application

PORT-O-LETS & SANITATION:

How many Port-O-Lets will be on-site?

0 - Bathroom available inside the New Smyrna Museum of History

The location of the Port-O-Lets must be included on the site plan.RECOMMENDATION: One toilet is recommended for every 300 people attending an event. If public toilets are not available at the event site, one ADA accessible toilet is required for the first 300 people, and a minimum of 5% of the restrooms must be ADA accessible. If there is a beer/ alcohol being served at the event, the recommended ratio for toilets per is 1:150 people. Existing park toilets count towards the toilet per anticipated attendee ratio. If dumpster service is needed it is required that refuse service be provided through the Cityâ€™s Public Works Department. The dumpster service, fee schedule, and information pertaining to recycling can be obtained by contacting the Public Works Department at 386-424-2212. Payment arrangements should be made prior to the event though the Public Works Department. Trash receptacles and recycling containers are to be provided by the applicant and must be located not only on event grounds, but in parking areas as well. Event grounds must be completely cleared of trash and all receptacles removed by the end of the event and is the sole responsibility of the applicant.

I acknowledge the above Port-O-Lets & Sanitation requirements:

yes

SECURITY/EMERGENCY FIRE/MEDICAL SERVICES:

What are your plans for providing security at the event?

Per city requirements

The New Smyrna Beach Police and Fire Department will evaluate the events security measures to determine if the measures are sufficient to run a safe event. The New Smyrna Beach Police and Fire Department reserve the right to require additional security measures.There will be a minimum requirement of five (5) business days to evaluate the event requirements.NOTE: All events held on City/Public property require the use of City Police and Fire personnel if additional security measures are required.

CONFIRMATION:

Event Contact Information: Please provide the name of the contact person who will be available on-site at all times. Depending on the length of the event, this may require several people. Please list the contact person for each period of time.

Contact Name & Phone Number (1):

Greg Holbrook - 386-478-0052

Contact Name & Phone Number (2):

Greg Holbrook - 386-689-4700

Upload Site Map

\Question Answers Only\566\2026 Site and Barricade Plan.pdf

Upload Documents

\Question Answers Only\567\HD 2026 Final Site Plan.pdf

I understand that this is an application only and does not obligate the City in any fashion to reserve any facility or approve any event.

Special Event Application

Printed Name:

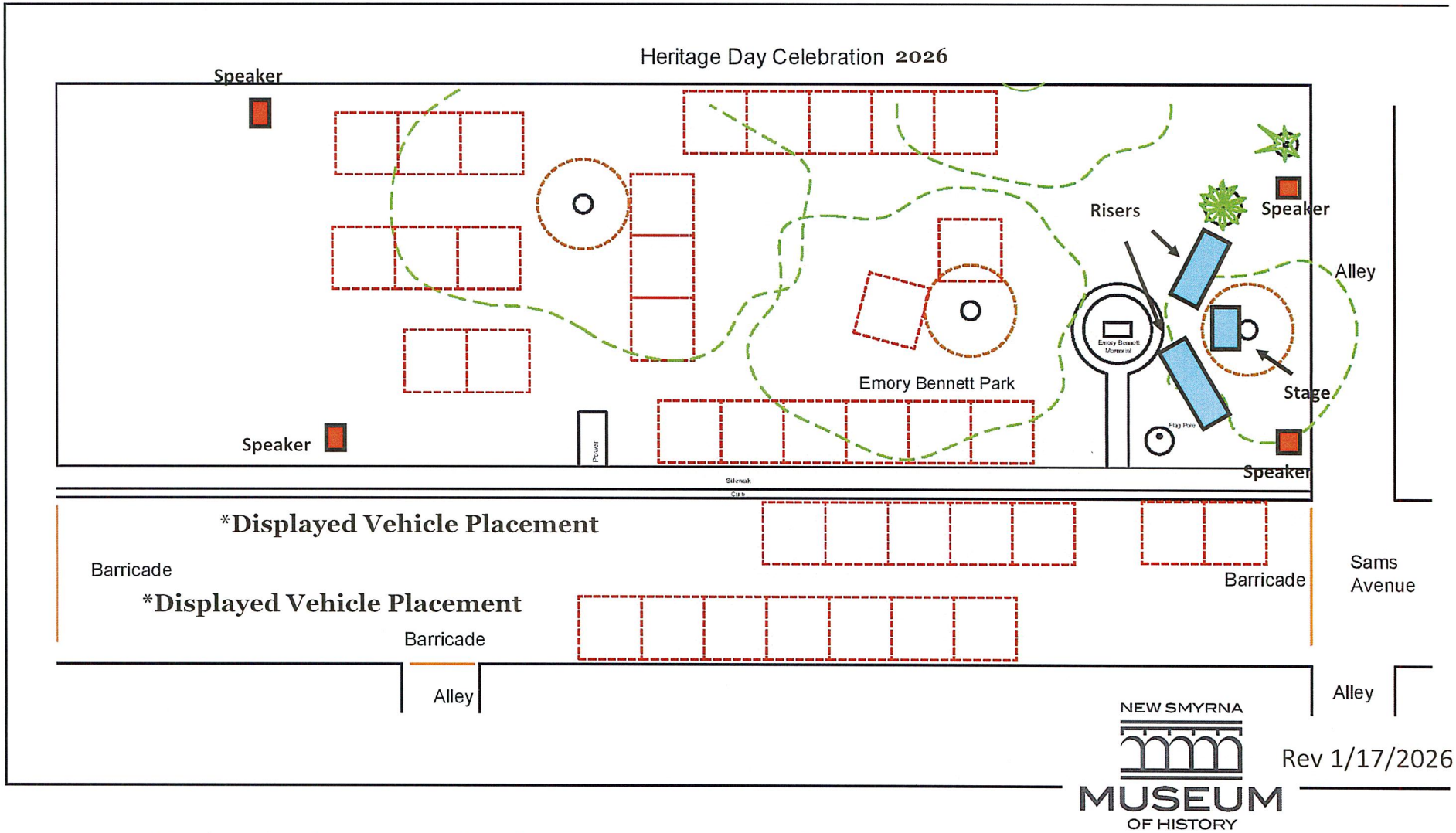
Greg Holbrook

Date:

01/17/2026



Event Area with Barricade Placement / Heritage Day 2026



* Displayed Vehicles include, Fire Dept, VC Beach Safety, USCG, and restored military service vehicles.

THE CITY OF NEW SMYRNA BEACH - LEISURE SERVICES

SPECIAL EVENT: CONSIDER THE APPROVAL OF THE MIKE MARTIN PRO/AM EVENT 2026, TO BE HELD ON THURSDAY, APRIL 9, 2026.

February 10, 2026

Background:

The Surfari Club and Surfing in the Sixties request approval to present their Mike Martin Pro/AM 2026 event, from 5pm until 10pm on Thursday, April 9, 2026. This event will require a partial street closure at 12pm of Canal Street between Sams Avenue and Faulkner Street. The partial closure from the eastern intersection border of Canal Street at Faulkner to the western border of the intersection of Canal Street at Sams Avenue, including the intersection of Canal at Magnolia Street would be required for this event. This free event has an anticipated 350 attendees. Breakdown of the event will begin at 10pm and the street will be reopened by 11pm to vehicle traffic. There will be entertainment and a sound system in use during the event.

The event does not allow the sale or consumption of alcoholic beverages on Canal Street or on any City Right of Way. One Port-O-Let will be provided for attendee use.

Findings:

Staff recommends the approval of the Mike Martin Pro/AM event 2026, to be held on Thursday, April 9, 2026. Staff has reviewed event with Canal St. Historical District President, CSHD supports the event.

Fiscal Analysis:

The following permit and event fees will be collected by the city:

Leisure Services Major Event Fee: $532.50

Strategic Plan Item:

No

Staff Report Created By: Robert Salazar - Leisure Services Director

Attachments:

Mike Martin Pro-AM Evnt April 9 2026.pdf
Mike Martin Pro Contest 2026.pdf
SKATE_CONTEST__2026_CANAL_STREET___1_FIRST_FLOOR.pdf

City of New Smyrna Beach

Special Event Application Follow-Up Form

Name of Event: Mike Martin Pro/Am

Event Date: 04/09/2026

Contact Information: Stephanie Brown 407-619-1238

Brief Event Description: Pro/Skateboarding competition in conjunction with the 4 day Mike Martin Pro Am surf competition

Staff Reviewed:

Name	Department	Ext.	E-mail	Signature	Date
Rob Salazar	Leisure Services	2890	rsalazar@cityofnsb.com		1/27/26
John Haverly	Public Works	2205	jhaverly@cityofnsb.com	John Haverly	1/20/26
Stephanie Doster	Planning & Dev.	2800	sdoster@cityofnsb.com		1/21/26
Don Wiech	Fire Department	7631	dwiech@cityofnsb.com	Donald R Wiech	1-20-26
William Helms	Police Department	2297	whelms@cityofnsb.com	Sgt. W. Helms	1-20-26
Barbara Bobelak	Code Enforcement	2800	bbobelak@cityofnsb.com	Barbara Bobelak	1/20/26
Lauren Gawel	Bldg. Department	2800	lgawel@cityofnsb.com	see attached	1/20/26
Steven Mendygral	Parking	2609	smendygral@cityofnsb.com		1/20/26

Conditions of Approval:

***Note: All Requirements and payments must be met 72 hours prior to the event or event will be cancelled**

Vendor asking for Water Barricades + A-Frames. + Metal Barricades to be Staged
Will need to leave emergency access 12' minimum + Possible EMS Standby
LS - Major Special Event

Banner Request: Yes ☐ No ☐ **Entered into RecTrac** _____ **Agenda Item Complete** 1-27-26

Road Closures:

Canal St between Sams + Faulkner

City Commission Approval Required? Yes ☑ No ☐ **Agenda Date** 2-10-26 **City Event?** Yes ☐ No ☑

City of New Smyrna Beach

Special Event Application Follow-Up Form

Name of Event: Mike Martin Pro/Am

Event Date: 04/09/2026

Contact Information: Stephanie Brown 407-619-1238

Brief Event Description: Pro/Skateboarding competition in conjunction with the 4 day Mike Martin Pro Am surf competition

Staff Reviewed:

Name	Department	Ext.	E-mail	Signature	Date
Rob Salazar	Leisure Services	2890	rsalazar@cityofnsb.com		
John Haverly	Public Works	2205	jhaverly@cityofnsb.com	John Haverly	1/20/26
Stephanie Doster	Planning & Dev.	2800	sdoster@cityofnsb.com		1/21/26
Don Wiech	Fire Department	7631	dwiech@cityofnsb.com	Donald R Wiech	1-20-26
William Helms	Police Department	2297	whelms@cityofnsb.com	Sgt. W. Helms	1-20-26
Barbara Bobelak	Code Enforcement	2800	bbobelak@cityofnsb.com	Barbara Bobelak	1/20/26
Lauren Gawel	Bldg. Department	2800	lgawel@cityofnsb.com	Lauren G	01/26/2026
Steven Mendygral	Parking	2609	smendygral@cityofnsb.com		1/20/26

Conditions of Approval:

***Note: All Requirements and payments must be met 72 hours prior to the event or event will be cancelled**

Vendor asking for Water Barricades + A-Frames + Metal Barricades to be Staged. Will need to leave emergency access 12' minimum + Possible EMS Standby

Banner Request: Yes ☐ No ☐ **Entered into RecTrac** _____ **Agenda Item Complete** _____

Road Closures:

City Commission Approval Required? Yes ☐ No ☐ **Agenda Date** _____ **City Event?** Yes ☐ No ☐

Special Event Application

Form Submission ID: 25733761
Submission Date/Time: 01/06/2026 at 6:09 pm
Form Status: New
Patron Email Address: stephanie@venspiration.com
Name: Stephanie Brown

CITY OF NEW SMYRNA BEACH SPECIAL EVENT APPLICATION

SPECIAL EVENTS: A Special Event is an event which, by itself or in conjunction with other events occurring during the same time (such as during a community wide event), is likely to have an impact on the community, including but not limited to factors such as traffic, noise, or other aspects of public health, safety and welfare. Special Events must be approved in advance by the City Commission at which time staff will make their recommendation. Application for Special Events must be submitted at least thirty (30) days in advance of the requested event. This application is not a permit to conduct a special event.

Name of Event

Mike Martin Pro/AM

Name of Producer and/or Promoter

Surfari Club & Surfing in the Sixties

Type of Organization

Non-Profit

Address

145 Canal Street

City

New Smyrna Beach

State

Florida

Zip Code

32168

Work Phone

(407)619-1238

Home Phone

(407)619-1238

Fax

407-619-1238

Special Event Application

Website

mikemartinproam.com

Billing Information:

Is the party responsible for billing the same as above?

Yes

If no, please provide the proper information below.

Name

Address

EVENT INFORMATION:

Date(s) Requested

April 9th

Location of Event

Canal Street between Sam's and Faulkner

Description of Event

Pro/Skateboarding competition in conjunction with the 4 day Mike Martin Pro Am surf competition

Site Plans are required and must include: Pedestrian AccessParking and Vehicular AccessLocation of Port-O-Lets (if any)Dumpsters and/or Trash CansNumber and Location of Vendor Display Areas Venue/Stage (if any)TentsBarricades/Cones Insurance: An insurance policy naming the City of New Smyrna Beach additionally insured for a minimum of $1,000,000 must be provided no later than five days prior to the scheduled event. Proof of insurance is required for all events if applicable.

Will an admission fee be charged at or prior to the event?

No

Will fees be collected on-site before/during the event?

No

Event Date:

04/09/2026

Event Start Time:

05:00 pm

Special Event Application

Event End Time:

10:00 pm

Set Up Start Time:

12:00 pm

Setup End Time:

05:00 pm

Breakdown Start Time:

10:00 pm

Breakdown End Time:

11:00 pm

Alternative Date:

How will the general public be notified about a cancellation/ postponement of the event?

Via social media

Anticipated number of attendees?

350

Have you held this event in the City of New Smyrna Beach previously?

No

If yes, when?

We have not done the skate event before but we have done the surf event multiple times and this is in conjunction with that.

Have you held this event in another city?

No

If yes, list location(s):

Will the special event require the use of watercraft for competition, servicing, maintenance, safety, or any other reason?

No

NOTE: Temporary buoys and markers may be placed with approval from the U.S. Coast Guard. Also, water rescue and lifesaving personnel and equipment shall be on-duty and prepared to act to protect competitors and spectators during all competition and practice.

Special Event Application

Will the special event involve the use of aircraft?

No

NOTE: All aircraft flight operations shall conform to FAA regulations and meet minimum pilot qualifications for the given type of operation intended. Also, all operators of any type of aircraft being used shall provide the city with a certificate of insurance coverage. Insurance coverage shall provide liability insurance protection for the City in the amount of not less than $1,000,000 per person for bodily injury or death, $2,000,000 per occurrence of death, and $500,000 per occurrence for property damage, naming the City of New Smyrna Beach as â€œadditionally insured.â€•

Will the special event involve the use of motorcycles?

No

<b> ENTERTAINMENT: </B>

Will there be entertainment?

Yes

If yes, a complete list of entertainers, contracts, licenses, and schedules must be provided.

Will you be using a sound system?

Yes

NOTE: The Cityâ€™s Ordinances regarding noise must be complied with during the event, or receive City Commission approval to generate excessive noise outside the accepted hours.

Name of Contractor

Type of System:

Sound Start Time:

Sound End Time:

Will there be carnival games and/or rides?

No

If yes, please describe the types of games and/or rides.

Name of Contractor

Special Event Application

Proof of insurance is required for all carnival games and rides. The City must be listed as additionally insured on the insurance policy.

Insurance Company

Policy Number

<B> SPECIAL EFFECTS: </B>

Will there be any special effects used?

No

Type of Effects:

Effect Time: Date:_____Start:____a.m./p.m. End: _____a.m./p.m.

Location of Special Effects

Effects Producer/Company Name

Address

Phone Number

Fax Number

Proof of insurance is required for all special events.

Insurance Company

Holden Haws

Policy Number

The policy is not obtained yet - we need permission to have the event first.

NOTE: A permit from the New Smyrna Beach Fire Department will be required.

Special Event Application

<b> PARADES: </B>

Will this be considered a parade?

No

If yes, complete below.

How many will participate?

0

Plan of route attached?

No

Parade Time: Date:____Start:____a.m./p.m. End:____a.m./p.m.

Breakdown: Date:____Start:____a.m./p.m. End:____a.m./p.m.

<b> PROPOSED RETAIL SALES: </B>

Will there be any retail sales?

No

If yes, complete below.

How many vendor locations do you hope to accomodate?

0

Type of vending (including number of each): Clothing, Food/Beverage, Jewelry, Other (describe)

Will there be food trucks at this event?

Special Event Application

PROPOSED SPONSORS: </B>

Will there be any sponsors?

Yes

If yes, complete below.

How many commercial sponsors with on-site visibility do you anticipate (including product sampling, giveaways, exhibits, and advertising)

10-15 sponsors at the event - no product sampling, but yes to giveaways, yes to exhibits, and yes advertising with banners

ALCOHOLIC BEVERAGES/LIQUOR LIABILITY:

Will alcoholic beverages be dispensed, provided, or served?

No

If yes, complete below.

Name of organization licensed to sell alcohol at the event:

Limit of liquor liability coverage, if required, will not be less than $500,000.

The organization hosting the event is:

Non-Profit/501C-3 (see below)

PROMOTION: </B>

At what level will the event be promoted?

Local

What type of publicity will be used?

Newspaper,Radio,Television,Internet

Telephone number to be released for public information

407-619-1238

Special Event Application

<b> SIGNS: </B>

Will you be using signs at your event?

No

How many signs and what dimensions?

Will you use temporary structures?

No

How many tents exceeding 120 square feet or greater?

0

Tent locations and sizes must be included on the site plan.

Yes

List the state-certified electrical contractor that will accept responsibility for the quality and code compliance of electrical work performed on behalf of the applicant?

<b> TRAFFIC AND PARKING: </B>

Will normal traffic patterns be altered by the event?

Yes

Will there be any road closures?

Yes

If yes, City Commission approval will be required.

If yes, list road name(s):

We would like to close between Sam's and Faulkner but we would like for the street to be closed so travelers in vehicles can still make turns on those streets away from the section of Canal that will be hosting the skate event.

Will public parking areas, streets, sidewalks, etc., be restricted or obstructed?

No

Special Event Application

PORT-O-LETS & SANITATION:

How many Port-O-Lets will be on-site?

1

The location of the Port-O-Lets must be included on the site plan.RECOMMENDATION: One toilet is recommended for every 300 people attending an event. If public toilets are not available at the event site, one ADA accessible toilet is required for the first 300 people, and a minimum of 5% of the restrooms must be ADA accessible. If there is a beer/ alcohol being served at the event, the recommended ratio for toilets per is 1:150 people. Existing park toilets count towards the toilet per anticipated attendee ratio. If dumpster service is needed it is required that refuse service be provided through the Cityâ€™s Public Works Department. The dumpster service, fee schedule, and information pertaining to recycling can be obtained by contacting the Public Works Department at 386-424-2212. Payment arrangements should be made prior to the event though the Public Works Department. Trash receptacles and recycling containers are to be provided by the applicant and must be located not only on event grounds, but in parking areas as well. Event grounds must be completely cleared of trash and all receptacles removed by the end of the event and is the sole responsibility of the applicant.

I acknowledge the above Port-O-Lets & Sanitation requirements:

yes

SECURITY/EMERGENCY FIRE/MEDICAL SERVICES:

What are your plans for providing security at the event?

We will provide 2 on site security guards for the duration of the event.

The New Smyrna Beach Police and Fire Department will evaluate the events security measures to determine if the measures are sufficient to run a safe event. The New Smyrna Beach Police and Fire Department reserve the right to require additional security measures.There will be a minimum requirement of five (5) business days to evaluate the event requirements.NOTE: All events held on City/Public property require the use of City Police and Fire personnel if additional security measures are required.

CONFIRMATION:

Event Contact Information: Please provide the name of the contact person who will be available on-site at all times. Depending on the length of the event, this may require several people. Please list the contact person for each period of time.

Contact Name & Phone Number (1):

Stephanie Brown - 407-619-1238

Contact Name & Phone Number (2):

Blake Carpenter - 386-793-4169

Upload Site Map

\Question Answers Only\529\SKATE CONTEST - 2026 CANAL STREET _ 1. FIRST FLOOR.pdf

Upload Documents

I understand that this is an application only and does not obligate the City in any fashion to reserve any facility or approve any event.

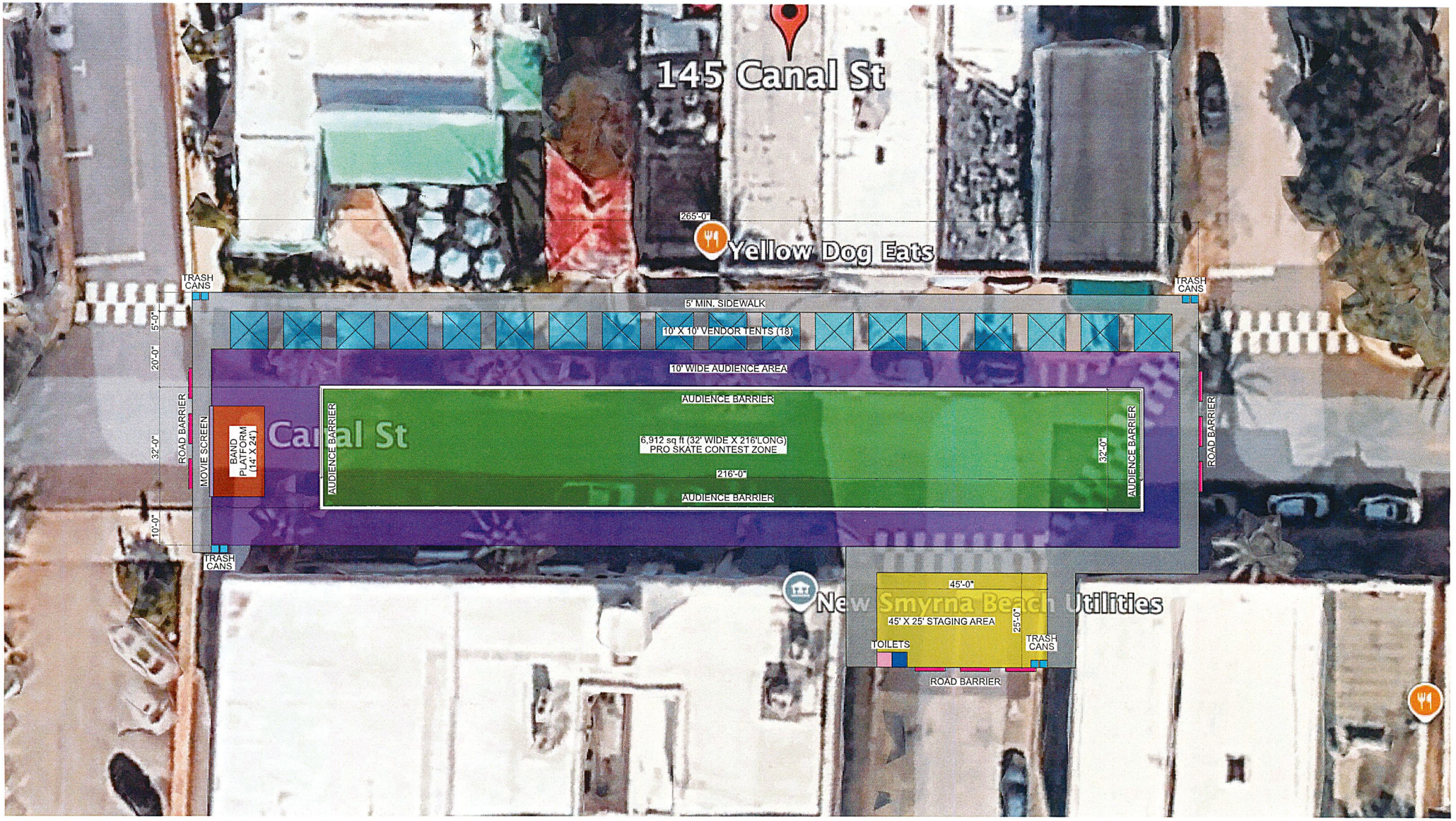
Printed Name:

Special Event Application

Stephanie Brown

Date:

01/06/2026


145 Canal St
265'-0"
Yellow Dog Eats
TRASH CANS
TRASH CANS
5' MIN. SIDEWALK
5'-0"
10' X 10' VENDOR TENTS (18)
20'-0"
10' WIDE AUDIENCE AREA
AUDIENCE BARRIER
ROAD BARRIER
MOVIE SCREEN
BAND PLATFORM (14' X 24')
32'-0"
Canal St
AUDIENCE BARRIER
6,912 sq ft (32' WIDE X 216'LONG)
PRO SKATE CONTEST ZONE
216'-0"
32'-0"
AUDIENCE BARRIER
AUDIENCE BARRIER
ROAD BARRIER
10'-0"
TRASH CANS
New Smyrna Beach Utilities
45'-0"
45' X 25' STAGING AREA
25'-0"
TOILETS
TRASH CANS
ROAD BARRIER


MikeMartinProAm.com
SMYRNA
SURFARI
CLUB
STILL SEARCHING FOR THE PERFECT WAVE
Surfing
IN THE SIXTIES

SURFING IN THE SIXTIES

*Surfing

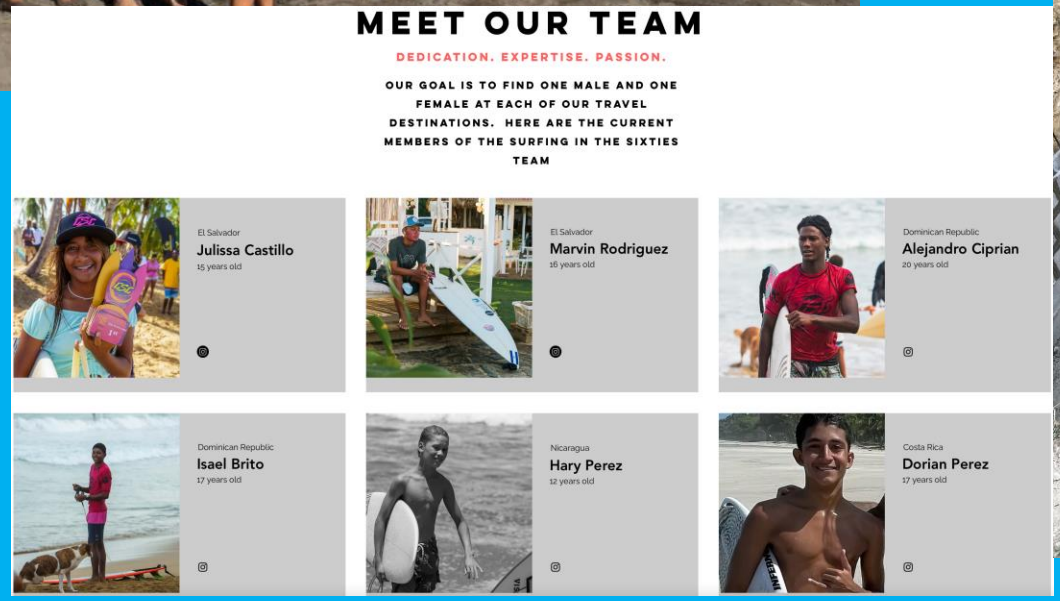
*Serving

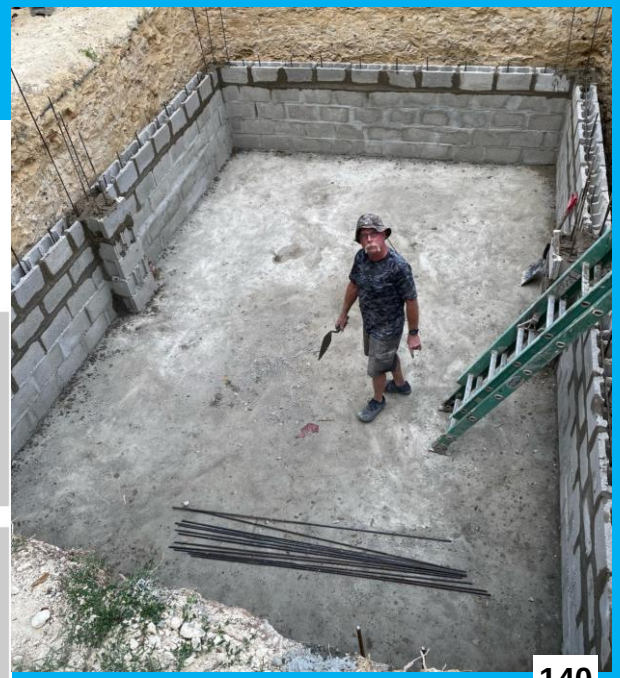
*Contests

*Team Riders
("Pipe Dreamers")









SURFING IN THE SIXTIES









SMYRNA SURFARI CLUB
What We Do!

*Partnering with Oceans of Hope

*Quarterly Beach Clean Ups

*Host Local Surf Contests
- -Spooktacular
- -Seaside Fiesta
- -Mike Martin Pro/Am











SMYRNA SURFARI CLUB
What We Do!

*Support NSB high school surf club

*Raise Funds for NSB HS Surf Scholarship Program

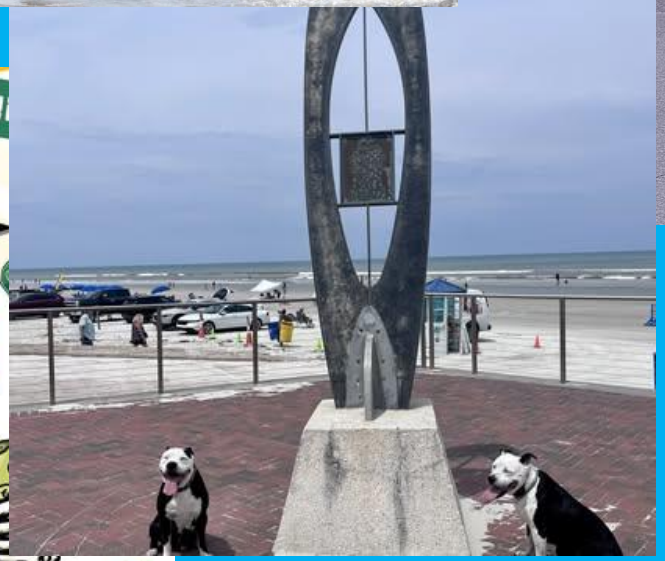
*Help out our friends at I Can Surf

*Participate in local NSB events











Mike Martin Pro/Am Surf Contest

April 10, 11, 12 2026

NSB Inlet

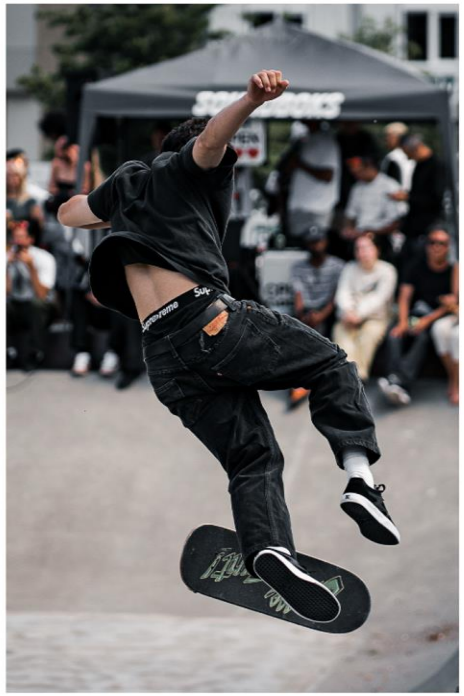


This Is What Stoke Looks Like 👍



https://youtu.be/KRfWBbhh_EY

PRO SKATE CONTEST
April 9
Canal St., NSB
Contest Director
Local Pro Skateboarder
Blake Carpenter







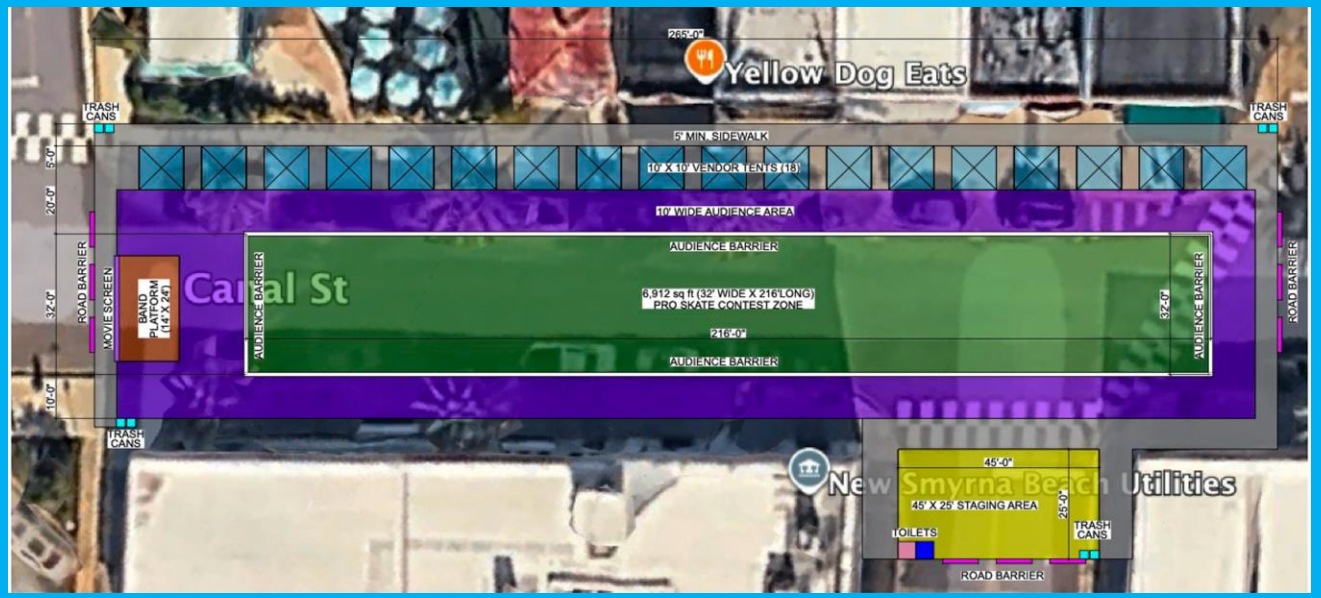


Where Style Meets the Streets!

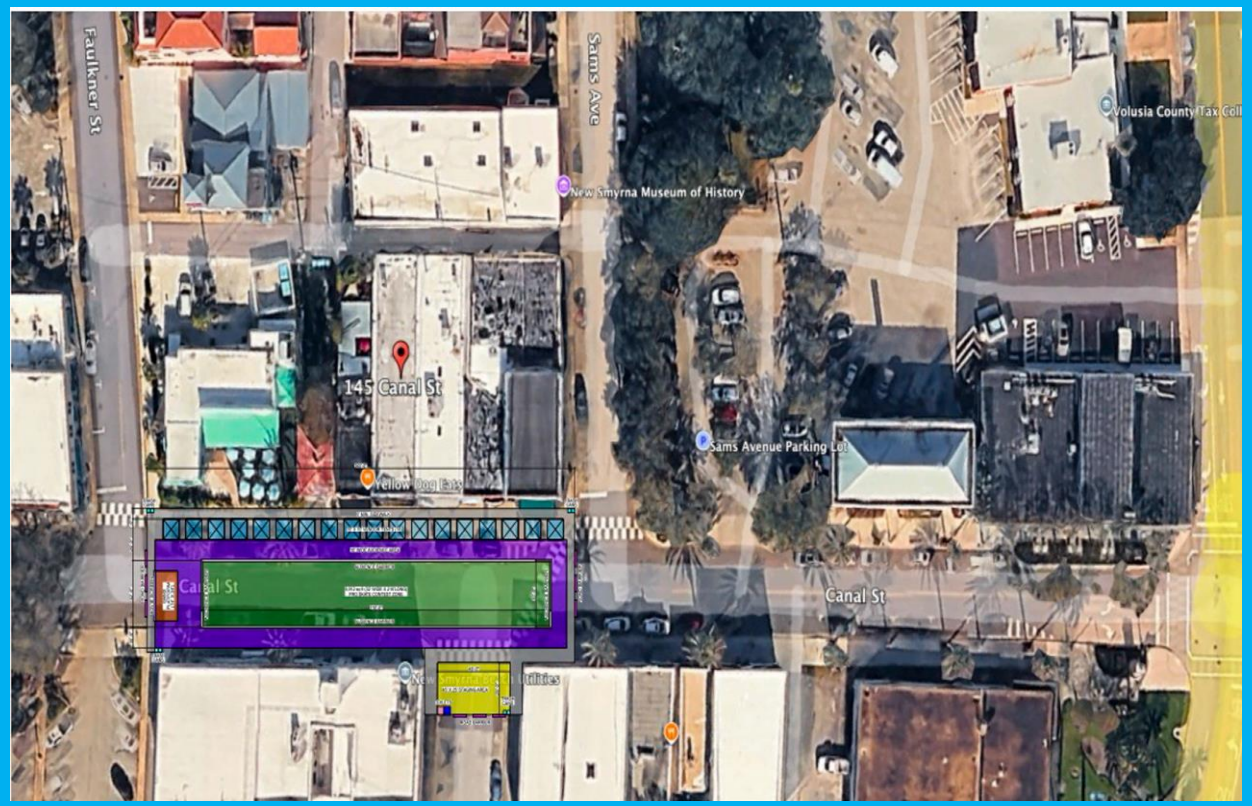


https://youtu.be/gea6FtFjw8A

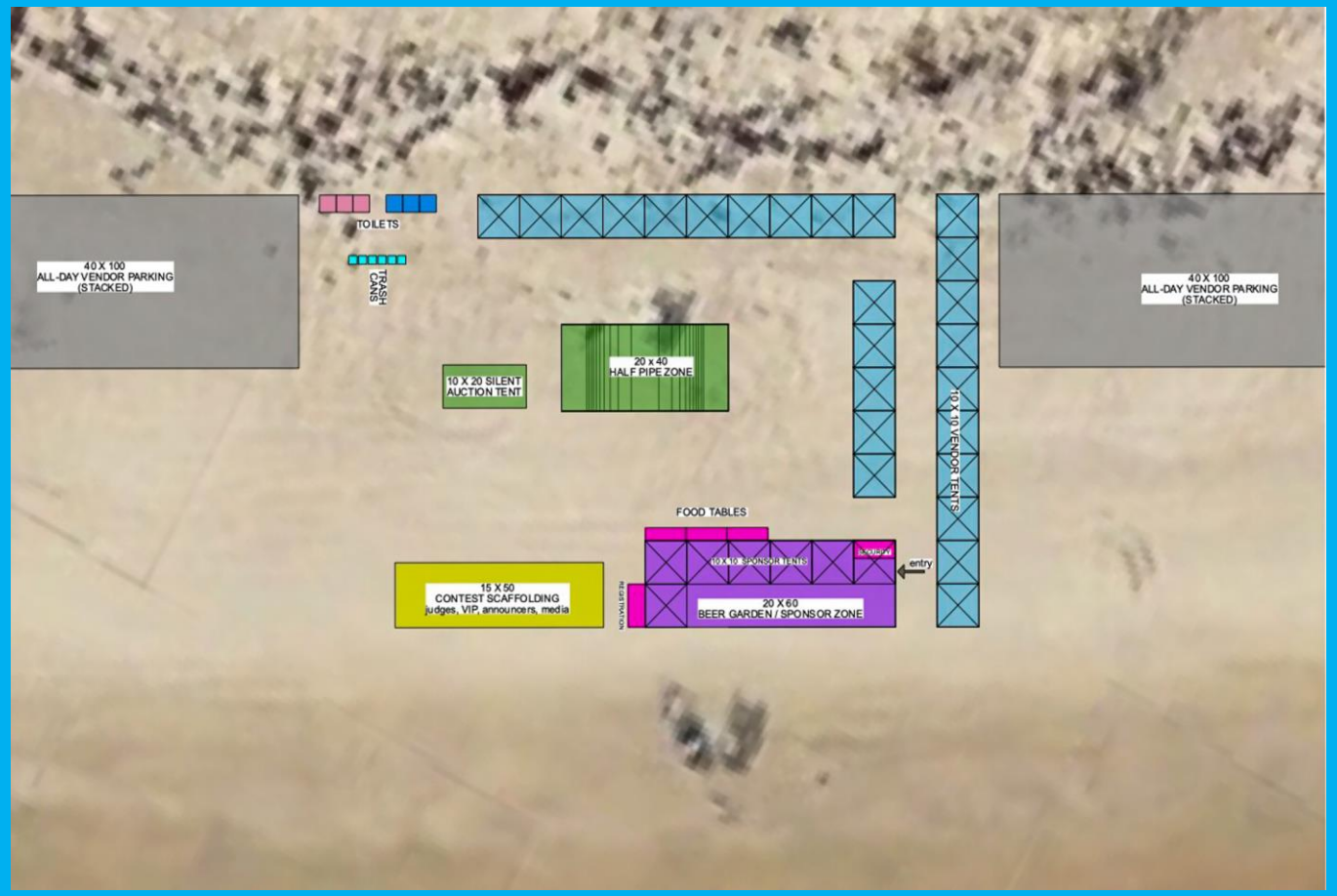
SKATE CONTEST DETAIL



SKATE CONTEST OVERVIEW



SURF CONTEST DETAIL

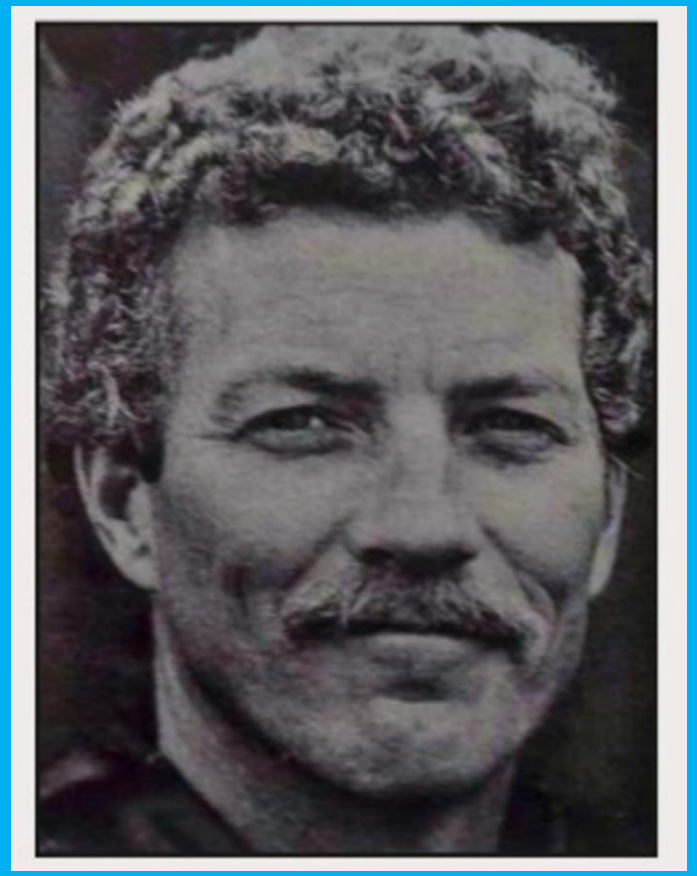


SURF CONTEST OVERVIEW

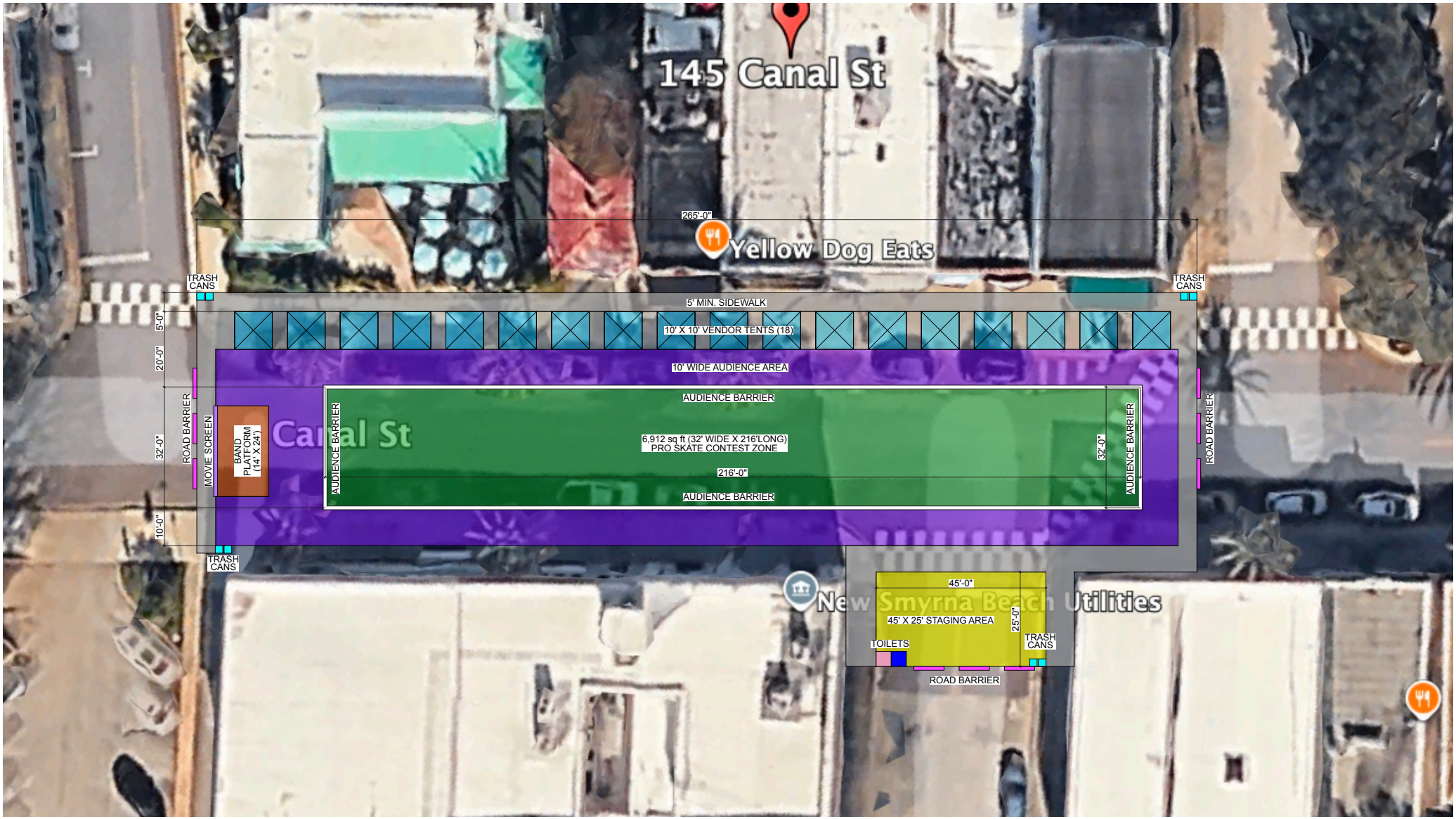


MIKE MARTIN

1949 - 2016



Association of Surfing Professionals
Head Judge
Rule Composer


145 Canal St
265'-0"
Yellow Dog Eats
TRASH CANS
TRASH CANS
5' MIN. SIDEWALK
5'-0"
10' X 10' VENDOR TENTS (18)
20'-0"
10' WIDE AUDIENCE AREA
AUDIENCE BARRIER
ROAD BARRIER
32'-0"
MOVIE SCREEN
BAND PLATFORM (14' X 24')
AUDIENCE BARRIER
6,912 sq ft (32' WIDE X 216'LONG)
PRO SKATE CONTEST ZONE
32'-0"
AUDIENCE BARRIER
ROAD BARRIER
216'-0"
AUDIENCE BARRIER
10'-0"
TRASH CANS
New Smyrna Beach Utilities
45'-0"
45' X 25' STAGING AREA
25'-0"
TOILETS
TRASH CANS
ROAD BARRIER

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ORDINANCE NO. 09-26: CONDUCT A SECOND READING AND PUBLIC HEARING OF AN ORDINANCE, WHICH, IF ADOPTED, WOULD ANNEX APPROXIMATELY 5 ± ACRES OF LAND LOCATED ON PAIGE AVENUE. (0881)

February 10, 2026

Background:

Applicant: Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florid 32168.

Property Owner: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168.

Request: Voluntary annexation:

- **From:** Un-Incorporated Volusia County.
- **To:** City of New Smyrna Beach.

Site Information:

- **Size:** 5 ± acres.
- **Location:** South side of Paige Avenue, east of Trophy Hunter Trail.

Tax I.D. Number: 7343-06-00-0881

Findings:

On April 23, 2013, the City Commission adopted an Interlocal Service Boundary Agreement (ISBA). The ISBA, which is permitted under Chapter 171, Part II, Florida Statutes, allows the City of New Smyrna Beach to annex any parcels that are within the designated annexation area, even if they are not contiguous to the current municipal boundaries. The agreement, which is between the Volusia County and the City of New Smyrna Beach, was also approved by the County on May 2, 2013. A new updated agreement was approved on May 2, 2022.

The subject property is within the annexation area designated in the ISBA. The subject property on Paige Avenue is currently vacant. A location map is attached as **Exhibit A** and an aerial map is attached as **Exhibit B**. Existing land uses are shown on the map attached as **Exhibit C**.

The established City Commission policy is that when properties are annexed into the City, the City will assign future land use categories and zoning designations that would be as similar as possible to existing County designations. The existing County future land use categories are Environmental Systems Corridor, Urban Low Intensity, and Urban Medium Intensity. The existing County zoning designations are Resource Corridor, R-1, Urban Single-Family, and R-4, Urban Single Family Residential. The proposed City future land use category is Conservation. The proposed City zoning designation is Conservation.

This annexation request is within the City's annexation area and within the City's water and sewer service area **(Exhibit D).** The property located on Paige Avenue is undeveloped. A 20" PVC and 12" PVC water lines, an 8" force main sewer line, and a 20" reclaim water line is available in the Paige Avenue right-of-way.

A map of the soil limitations for septic systems is attached as **Exhibit E**.

The *Land Development Regulations* requires any proposed development to conform to the Concurrency Management System. That system includes traffic, parks and recreation, potable water, wastewater treatment, solid waste collection, stormwater management, and public-school facilities. Because the subject property is undeveloped, and because no new improvements are proposed, staff did not prepare a concurrency analysis table for this case.

A map showing the subject properties incorporated into Commission Zone 1 is attached as **Exhibit F**. The ISBA map is attached as **Exhibit G**. The legal description and Warranty Deed are attached as **Exhibits H** and **I**.

Recommendations:

At its regular scheduled meeting on December 1, 2025, the Planning and Zoning Board voted, 7-0, to give a positive recommendation to the City Commission to **approve** the requested annexation application.

The Planning Department also recommends the City Commission to **approve** the requested annexation application.

Fiscal Analysis:
N/A

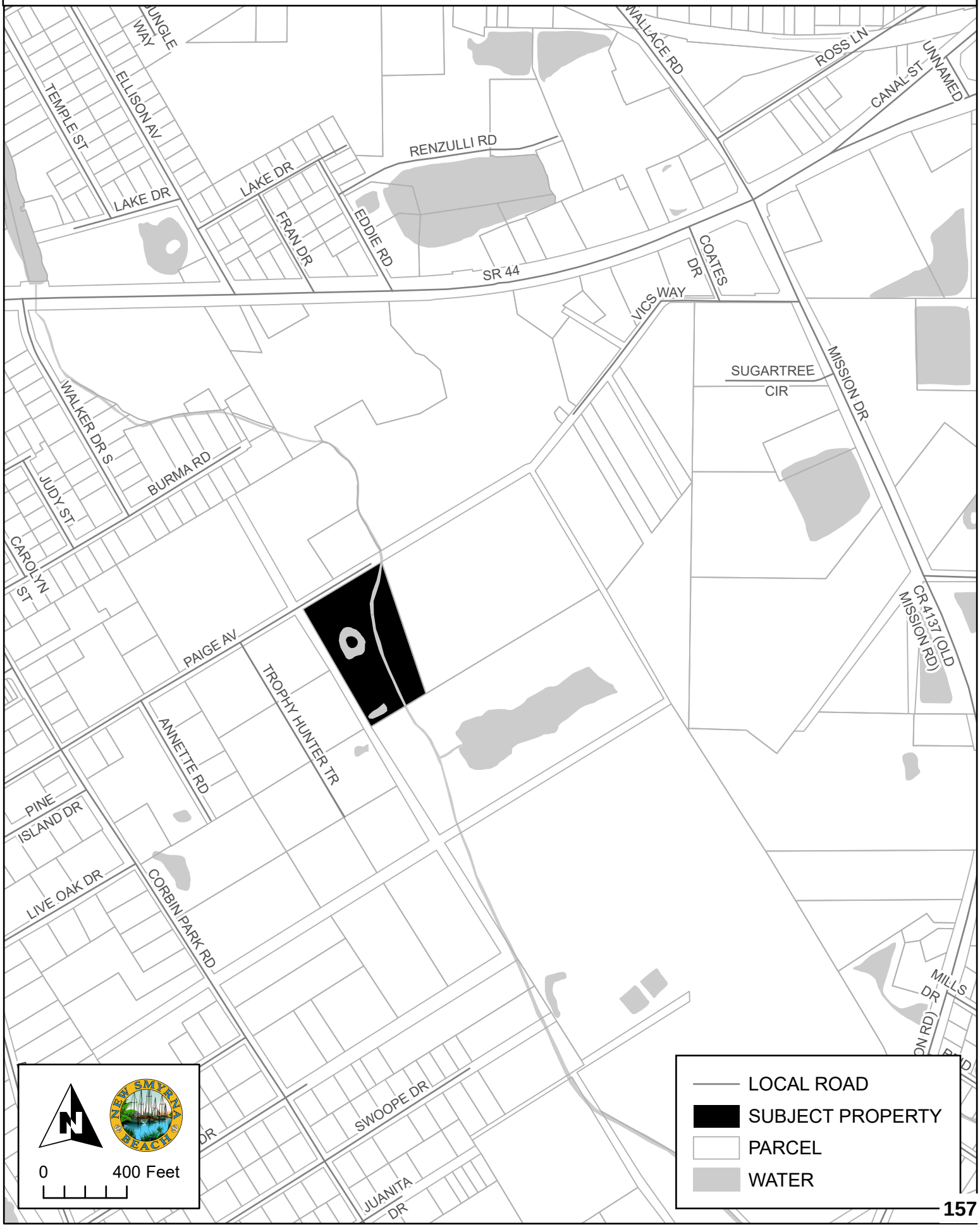
Strategic Plan Item:
Yes

Staff Report Created By: Shane Corbin - Developmental Services Director

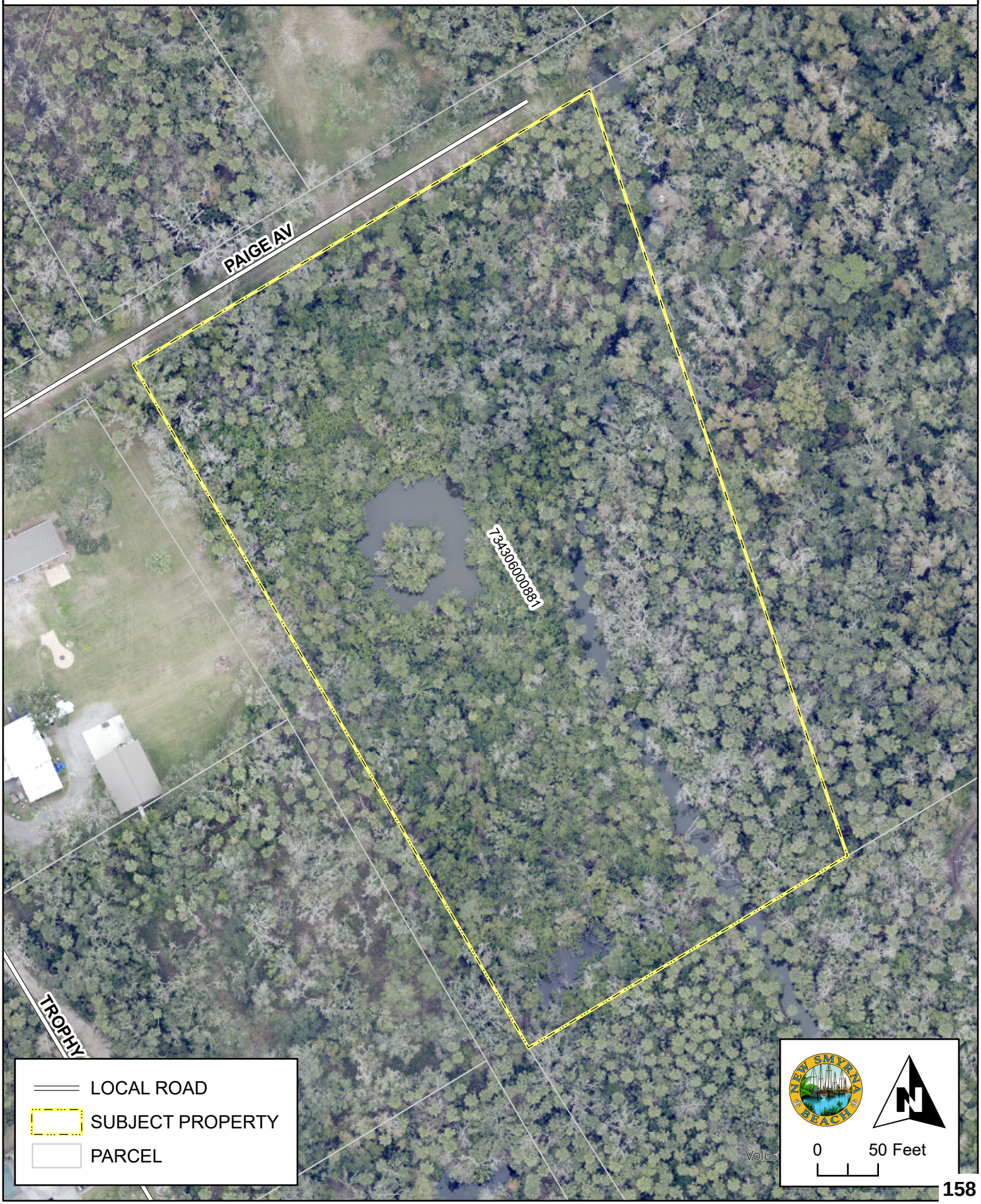
Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing Land Use Map.pdf
Exhibit D Water and Sewer Service Area.pdf
Exhibit E Soil Limitation for Septic Systems.pdf
Exhibit F Commission Zones Map.pdf
Exhibit G Interlocal Service Boundary Agreement Map.pdf
Exhibit H Legal Description.pdf
Exhibit I Warranty Deed.pdf
Business Impact Estimate - Ord 09-26 Paige Ave.pdf
Ord 09-26 Annex Paige Ave (0881).pdf

A-11-25: PAIGE AVENUE
PARCEL: 7343-06-00-0881 LOCATION MAP

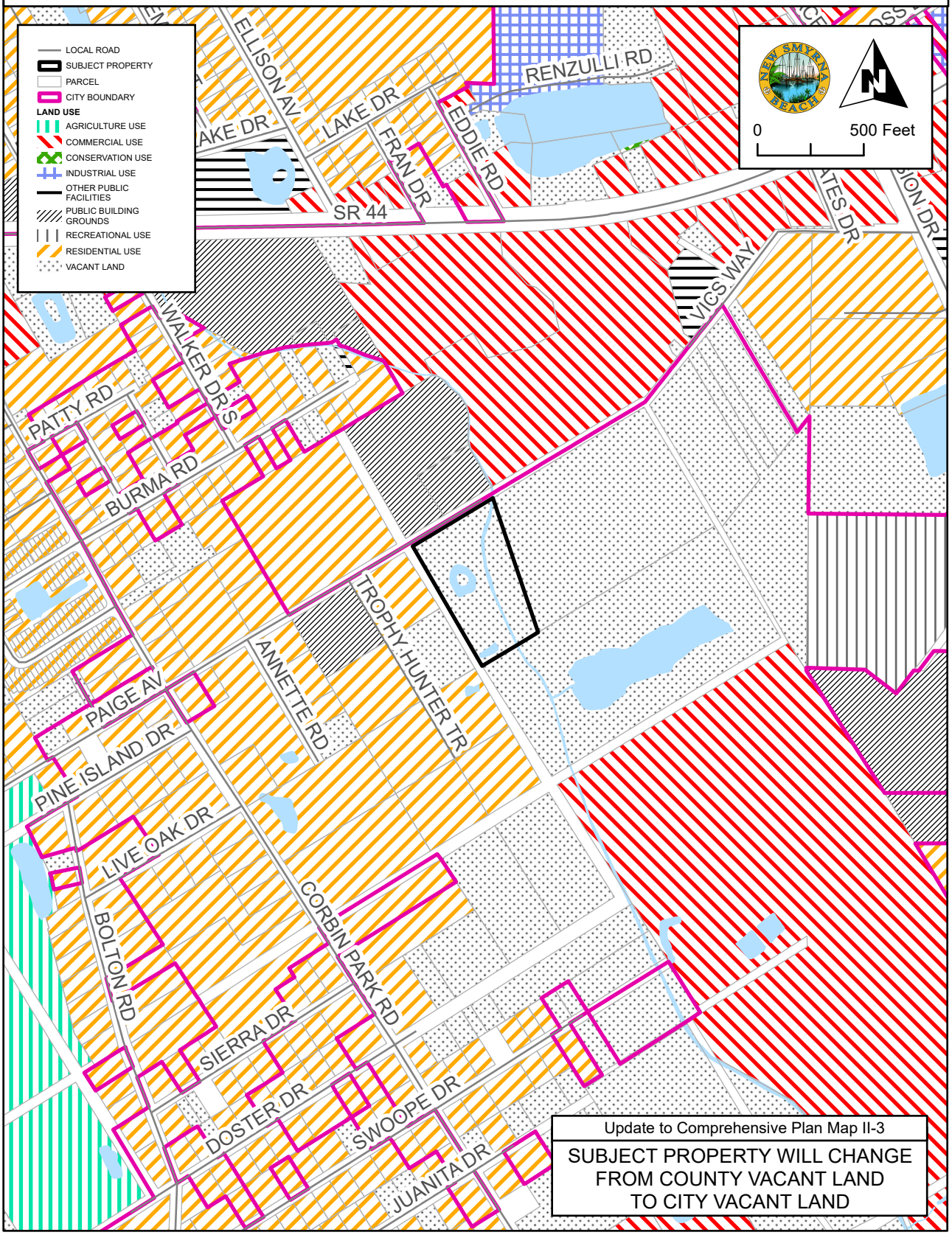


A-11-25: PAIGE AVENUE
PARCEL: 7343-06-00-0881 AERIAL MAP



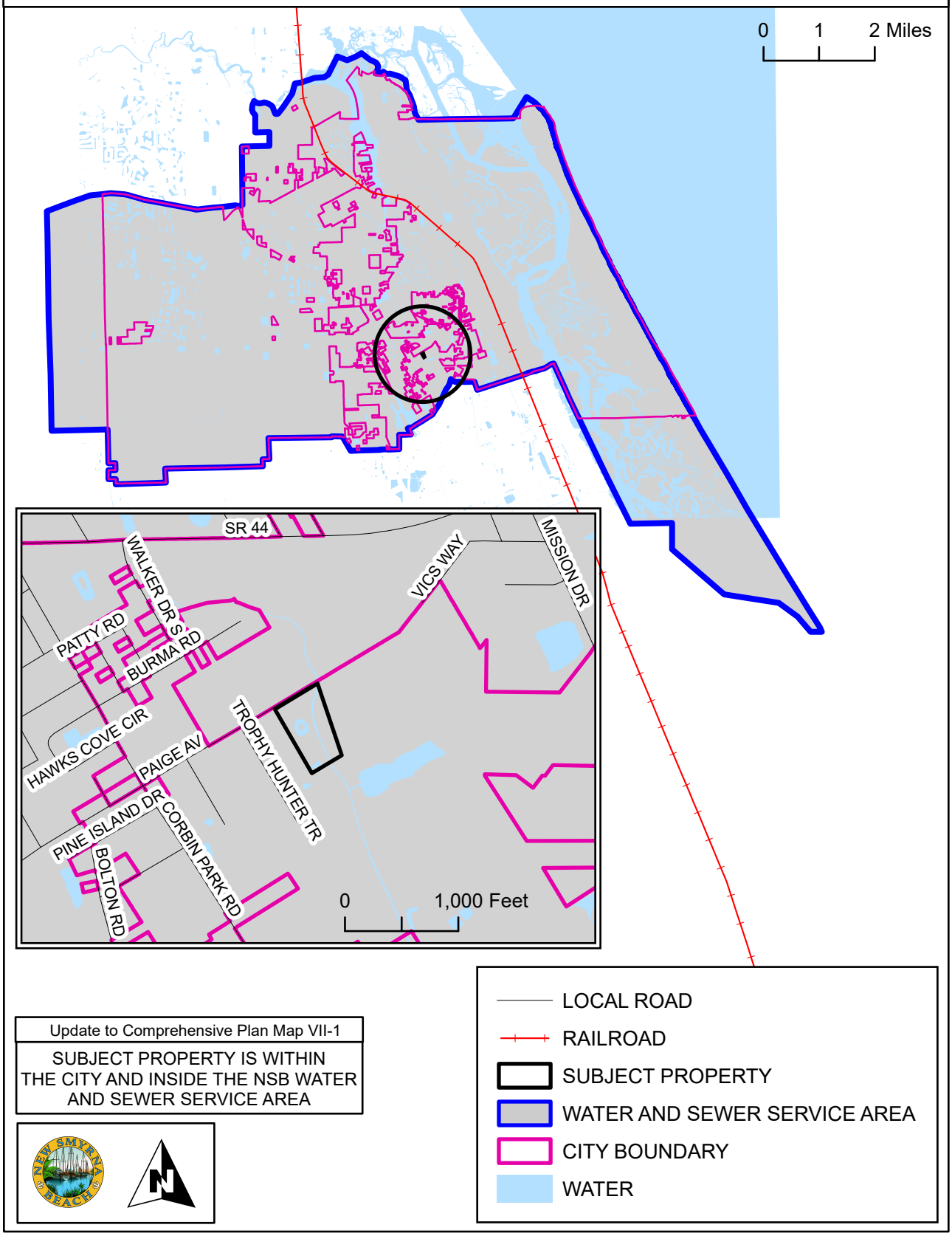
EXISTING LAND USE DESIGNATIONS

A-11-25



WATER AND SEWER SERVICE AREA

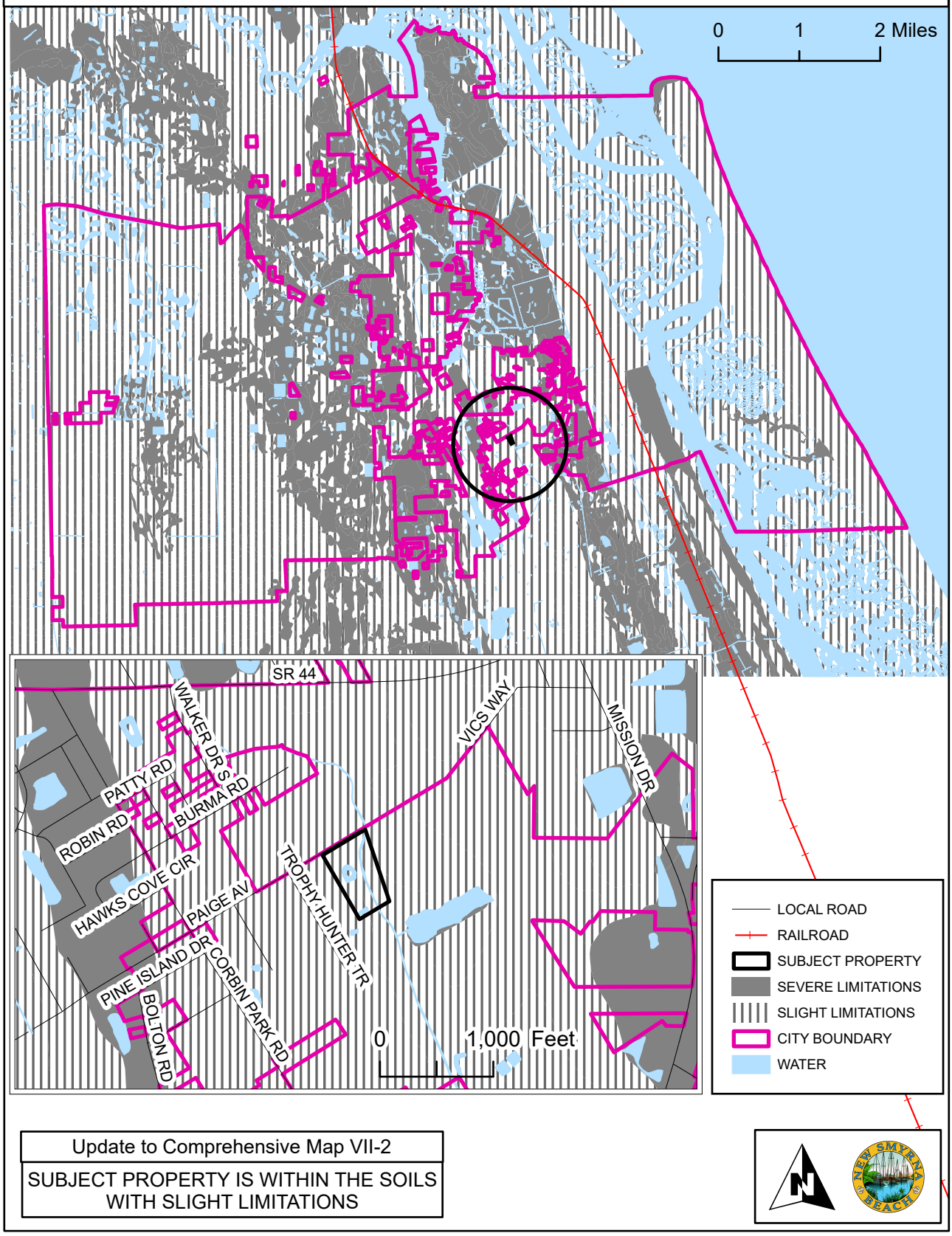
A-11-25



Update to Comprehensive Plan Map VII-1
SUBJECT PROPERTY IS WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA

SOIL LIMITATION FOR SEPTIC SYSTEMS

A-11-25

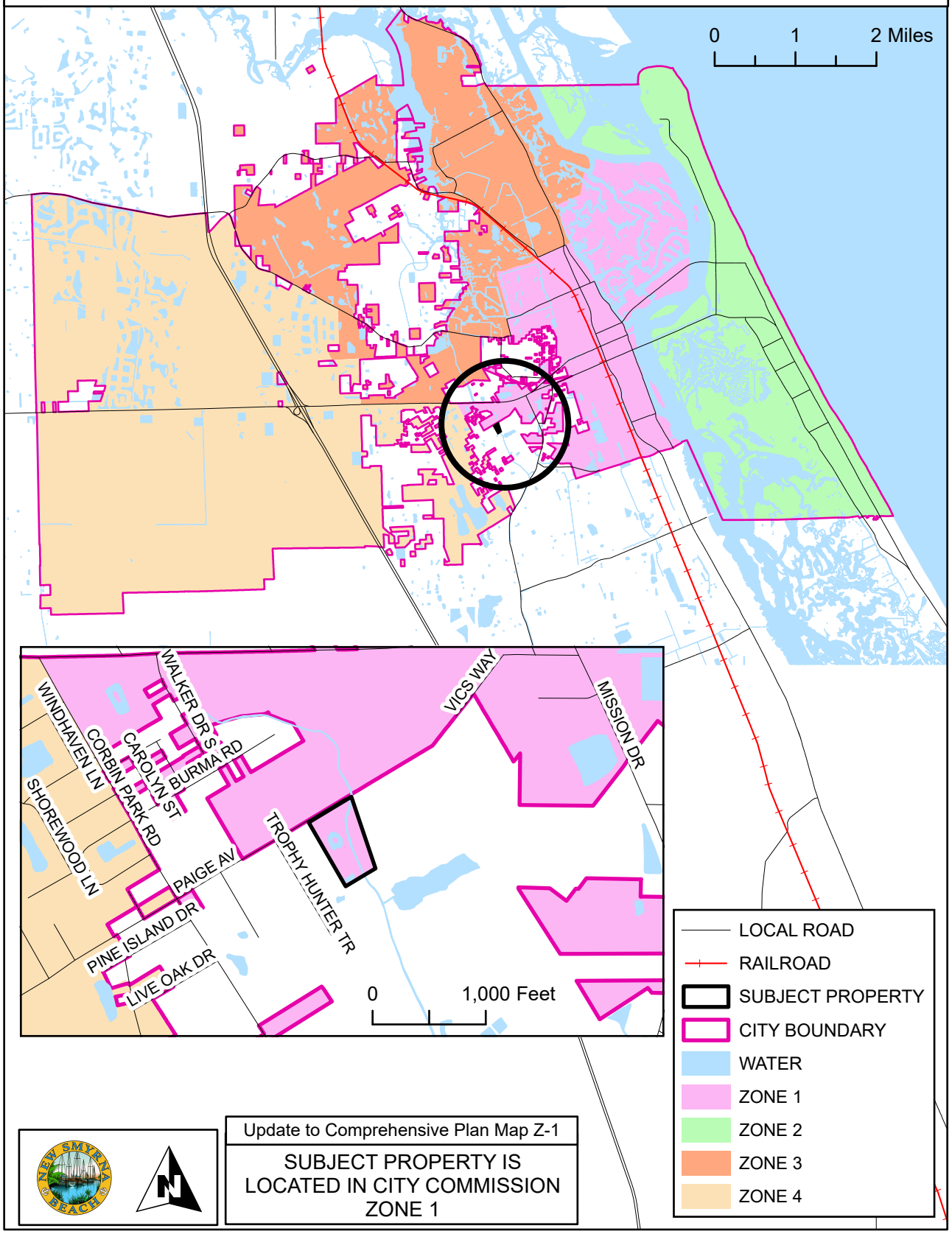


Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

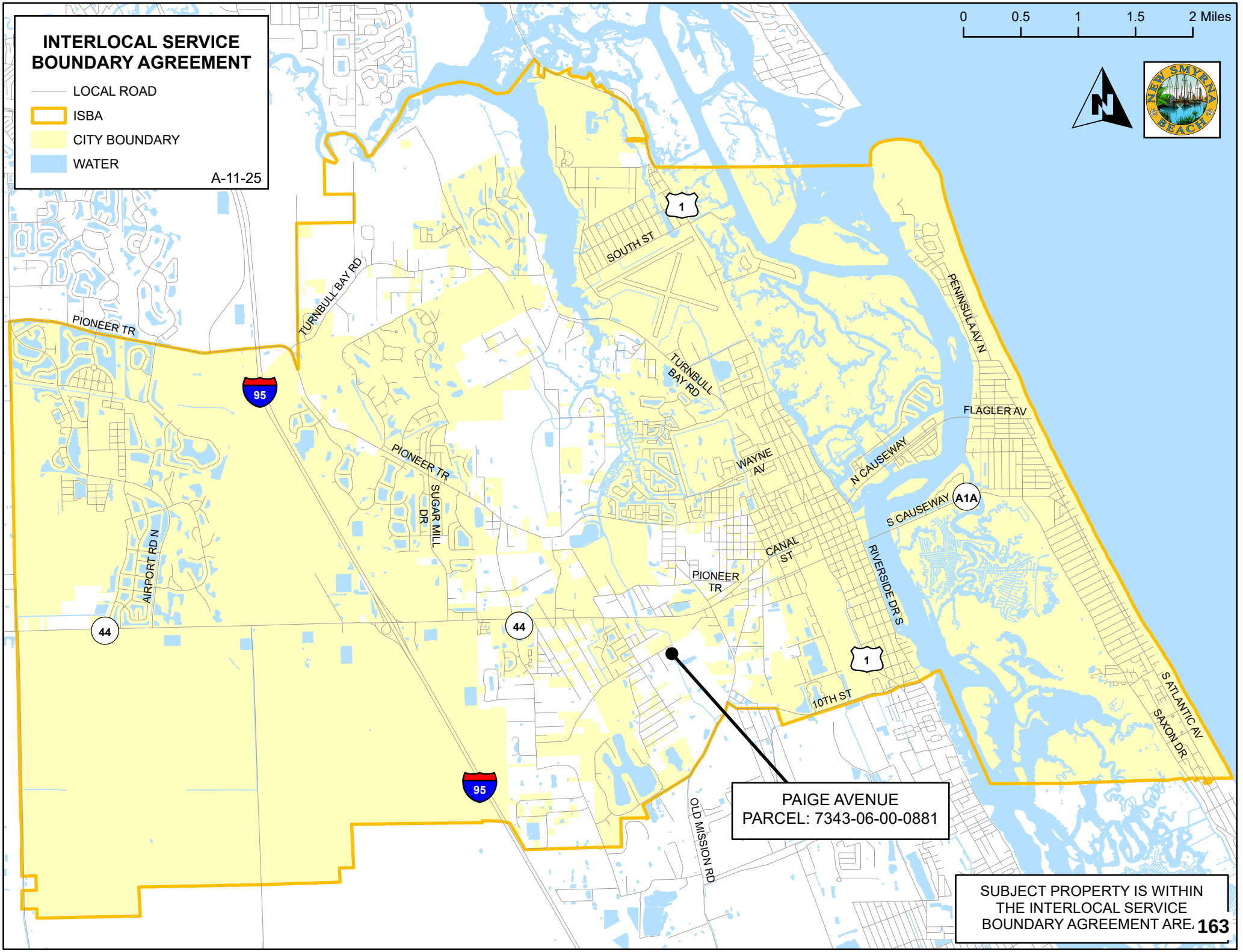
COMMISSION ZONES

A-11-25



Update to Comprehensive Plan Map Z-1

SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 1


INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-11-25
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
PIONEER TR
TURNBULL BAY RD
SOUTH ST
PENINSULA AV N
FLAGLER AV
N CAUSEWAY
WAYNE AV
S CAUSEWAY
A1A
CANAL ST
RIVERSIDE DR S
S ATLANTIC AV
SAXON DR
10TH ST
SUGAR MILL DR
AIRPORT RD N
OLD MISSION RD
95
44
1
PAIGE AVENUE
PARCEL: 7343-06-00-0881
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ARE

LEGAL DESCRIPTION

Address:
Paige Avenue, New Smyrna Beach, Florida 32168

Parcel Number
7343-06-00-0881

AltKey Number:
3732804

Metes and Bounds by Professional Title Agency

PART OF LOT 88 LYING EASTERLY OF CENTER LINE OF EXISTING DRAINAGE DITCH, ALL BEING IN DOUGHERTY'S SUBDIVISION OF THE THOMAS NAPIER GRANT AND THE NORTH 1/3 OF THE AMBROSE HULL GRANT IN TOWNSHIP 17 SOUTH, RANGE 33 EAST, ACCORDING TO MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK M, PAGE 688, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Prepared by and Return To:
Teresa Prompovitch
Professional Title Agency, a division of LandCastle Title Group, LLC
313 Julia Street
New Smyrna Beach, FL 32168

Order No.: N[redacted]

APN/Parcel ID(s): 734306000880
734306000881

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this September 11, 2025 by Blossom Development Inc, a Texas Corporation having its principal place of business at 1215 Gessner Rd, Houston, TX 77055, hereinafter called the grantor, and City of New Smyrna Beacha municipal corporation, a corporation existing under athe laws of the State of Florida whose post office address is 210 Sams Avenue, New Smyrna Beach, FL 32168, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representative and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all the certain land situated in County of Volusia, State of Florida, viz:

Parcel 1:

Part of Lot 88 lying Easterly of center line of existing drainage ditch, and Lot 89, Daugherty's Subdivision of the Thomas Napier Grant and the North 1/3 of the Ambrose Hull Grant, in Township 17 South, Range 33 East, according to map or plat thereof as recorded in Plat Book M, Page 688, Public Records of Volusia County, Florida.

Parcel 2:

That part of Lot 88 lying Westerly of the center line of existing drainage ditch, all being in Daugherty's Subdivision of the Thomas Napier Grant and the North 1/3 of the Ambrose Hull Grant, in Township 17 South, Range 33 East, according to map or plat thereof as recorded in Plat Book M, Page 688, Public Records of Volusia County, Florida.

Subject to encumbrances, easements and restrictions of record and taxes accruing subsequently to 2024.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

SPECIAL WARRANTY DEED
(continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in Fee Simple; that the grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Witness Signature

Teresa A. Prompovitch
Print Name

Address: 313 Julia Street
New Smyrna Beach, FL 32168

Witness Signature

Linda Roncsg
Print Name

Address: 313 Julia St.
NSB FL 32168

Blossom Development Inc, a Texas Corporation

BY: _____
Dan Silvestri
President

Address: 1215 Gessner Rd
Houston, TX 77055

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 8th day of September, 2025, by Dan Silvestri, President of Blossom Development Inc, A Texas Corporation, to me known to be the person(s) described in or who has/have produced Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

NOTARY PUBLIC
My Commission Expires:

TERESA A. PROMPOVITCH
Notary Public - State of Florida
Commission # HH 227186
My Comm. Expires Mar 21, 2026
Bonded through National Notary Assn.

Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of New Smyrna Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
ORD 09-26 Annexing Paige Ave.

This Business Impact Estimate is provided in accordance with section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of New Smyrna Beach is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of New Smyrna Beach is, nevertheless providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
    b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
    c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
    d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City of New Smyrna Beach hereby publishes the following information:

[1] *See* Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Ordinance 09-26 annexes land purchased by the City for the protection of the Turnbull Creek watershed.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of New Smyrna Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance, or for which businesses will be financially responsible; and
(c) An estimate of the City of New Smyrna Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):
[*You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of New Smyrna Beach staff solicited comments from businesses in the City of New Smyrna Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of New Smyrna Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.*).

None.

ORDINANCE NO. 09-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH ANNEXING 5± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF PAIGE AVENUE, EAST OF TROPHY HUNTER TRAIL; PROVIDING FOR REDEFINING BOUNDARIES OF THE CITY; DESIGNATING THE PROPERTY WITHIN COMMISSION ZONE 1; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR REQUIRED FILINGS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florida 32168, applicant on behalf of City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168, property owner, has requested the annexation of 5± acres of property generally located south of Paige Avenue, east of Trophy Hunter Trail; and

WHEREAS, the Planning and Zoning Board, at its regularly scheduled meeting on December 1, 2025, by a vote of 7-0, recommended that the City Commission approve the requested annexation; and

WHEREAS, the City Commission of the City of New Smyrna Beach is desirous of annexing the real property described in the first paragraph above, and the City Commission hereby finds and determines that the petition for annexation bears the signature of the owner of the property in the area proposed to be annexed, and the property is within the Interlocal Service Boundary Agreement area.

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

SECTION 1: ***Annexation.*** That the real property is located in Volusia County, State of Florida, legally described as:

SEE EXHIBIT "A" LEGAL DESCRIPTION AND LOCATION MAP ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

and to the centerline of all surrounding rights-of-way shall be and the same is hereby annexed into the City of New Smyrna Beach and made a part hereof pursuant to §171.044(1)-(2) and §171.204, F.S.

SECTION 2: ***Boundary Adjustment.*** That the boundary lines of the City of New Smyrna Beach shall be and the same are hereby redefined and shall hereinafter read as follows:

SEE EXHIBIT "B" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 3: ***Commission Zone.*** That the real properties annexed shall become a part of Zone 1. New Smyrna Beach Charter, §3.07.

SEE EXHIBIT "C" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 4: ***Public Hearing.*** It is hereby found that a public hearing held by the City Commission to consider adoption of this ordinance on February 10, 2026 at 5:30 p.m. in the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida, after notice published once a week for two consecutive weeks and provided to the County Council by certified mail is deemed to comply with Section 171.044, F.S.

SECTION 5: ***Filing.*** That within SEVEN (7) days after adoption, this ordinance shall be filed by the City Clerk with the Clerk of the Circuit Court, the County Manager and the Florida Department of State. The City Clerk shall file with this ordinance a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds. §171.044(3), F.S.

SECTION 6: ***Charter Revisions to the Department of State.*** The Charter Boundary Article shall be revised to reflect the changes in the municipal boundaries resulting from this annexation and shall be filed as a revision of the City Charter with the Florida Department of State within THIRTY (30) days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area. §171.091, F.S.

SECTION 7: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 8: ***Administrative Correction of Scrivener's Errors.*** The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 9: ***Severability.*** That if any section, sentence, clause or phrase of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 10: ***Effective Date.*** That this ordinance shall become effective 60 days after its final adoption.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 1/16/2026

EXHIBIT "A"

LEGAL DESCRIPTION

Address:
Paige Avenue, New Smyrna Beach, Florida 32168

Parcel Number
7343-06-00-0881

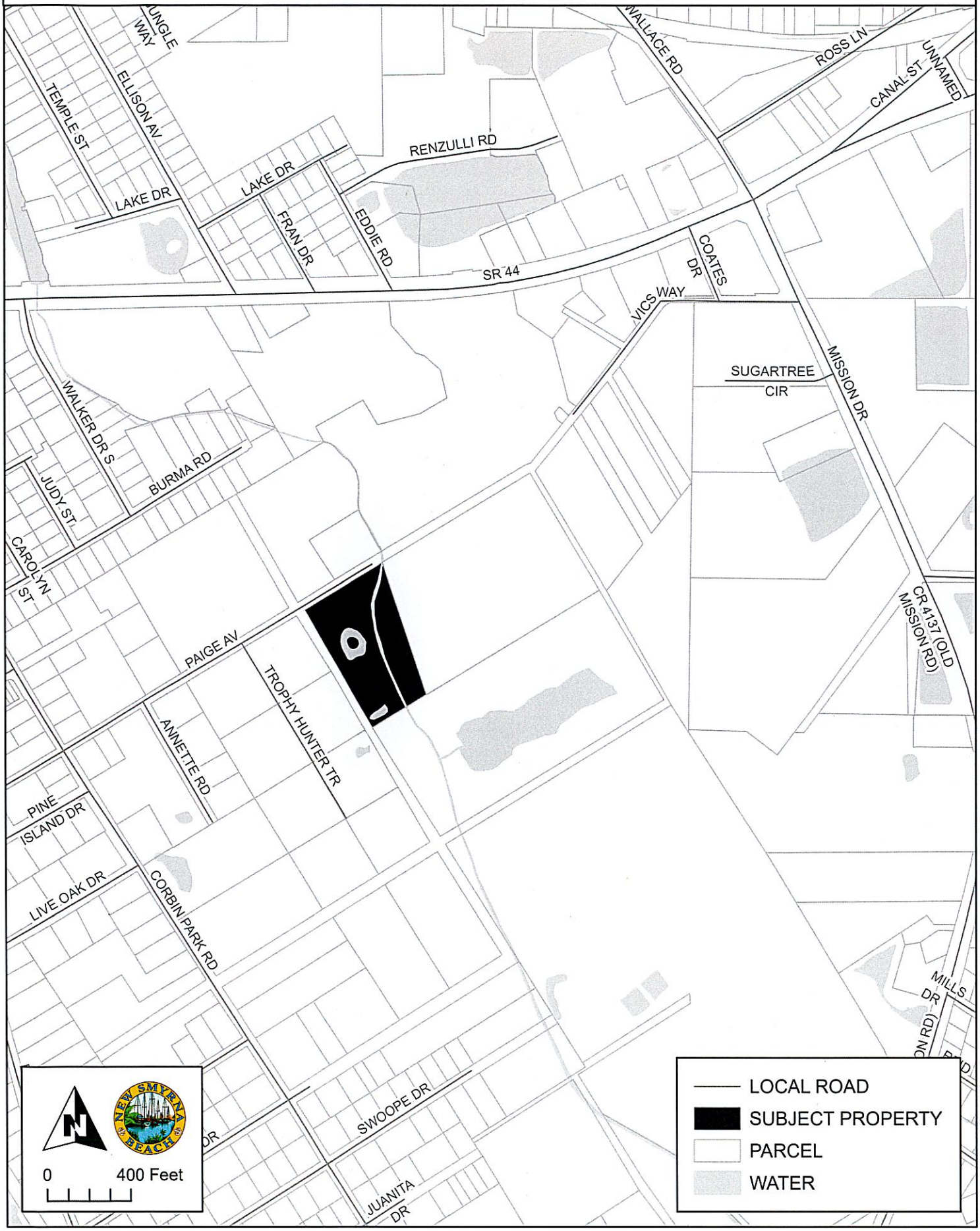
AltKey Number:
3732804

Metes and Bounds by Professional Title Agency

PART OF LOT 88 LYING EASTERLY OF CENTER LINE OF EXISTING DRAINAGE DITCH, ALL BEING IN DOUGHERTY'S SUBDIVISION OF THE THOMAS NAPIER GRANT AND THE NORTH 1/3 OF THE AMBROSE HULL GRANT IN TOWNSHIP 17 SOUTH, RANGE 33 EAST, ACCORDING TO MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK M, PAGE 688, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

EXHIBIT "A"

A-11-25: PAIGE AVENUE
PARCEL: 7343-06-00-0881 LOCATION MAP



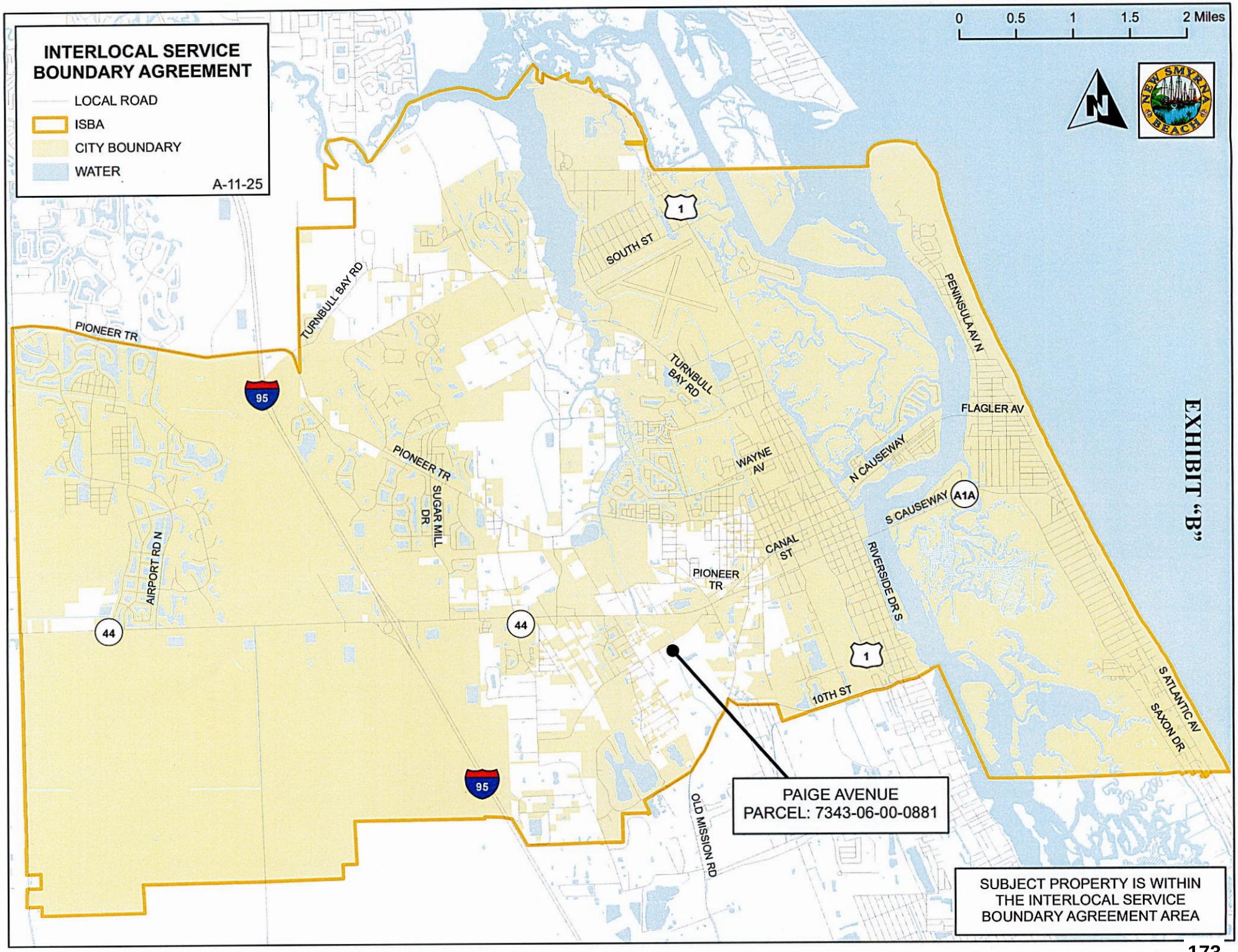
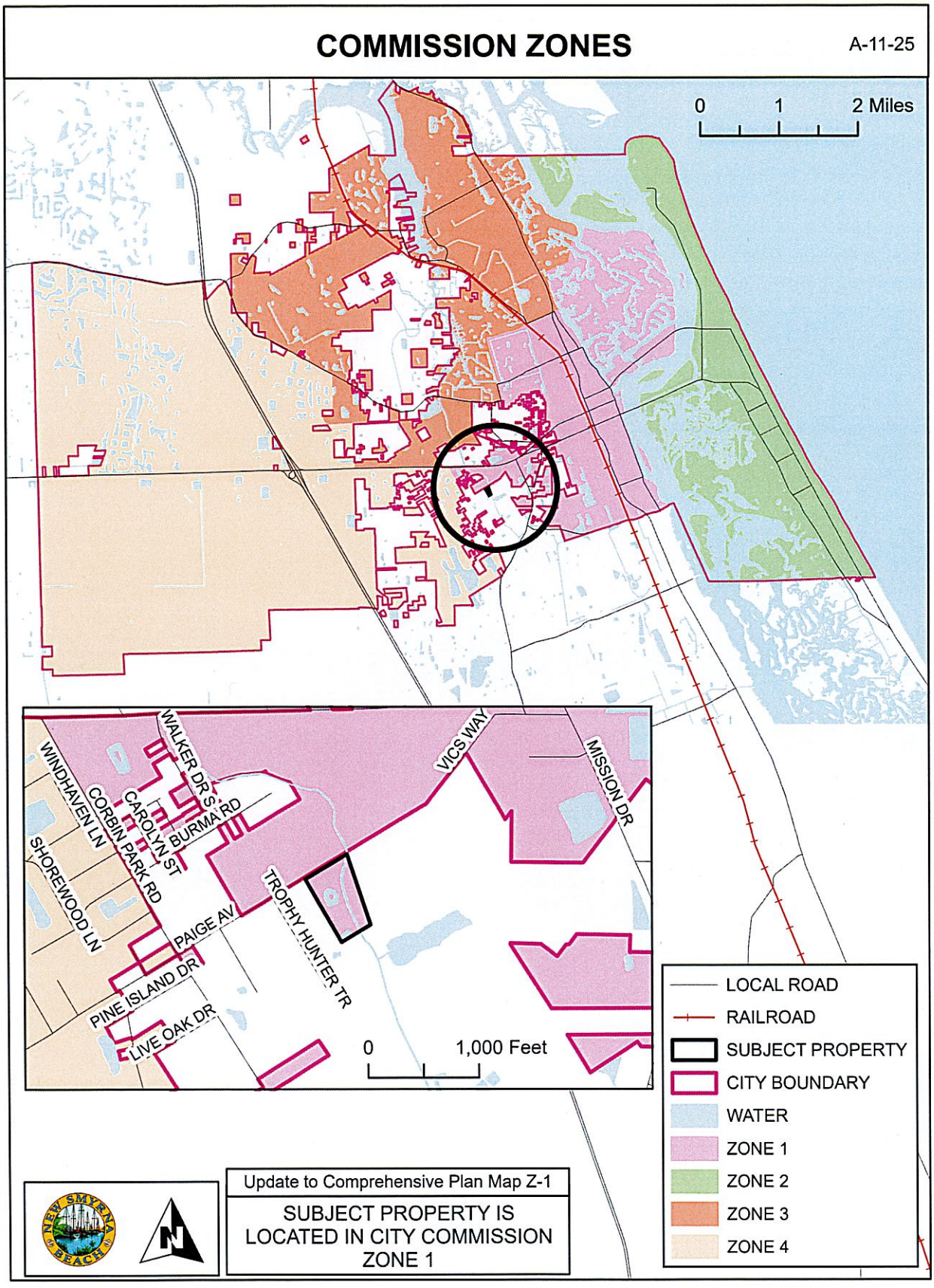

INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-11-25
0 0.5 1 1.5 2 Miles
EXHIBIT "B"
PIONEER TR
TURNBULL BAY RD
SOUTH ST
PENINSULA AV N
FLAGLER AV
WAYNE AV
N CAUSEWAY
S CAUSEWAY
A1A
SUGAR MILL DR
AIRPORT RD N
CANAL ST
RIVERSIDE DR S
10TH ST
S ATLANTIC AV
SAXON DR
OLD MISSION RD
95
44
1
PAIGE AVENUE
PARCEL: 7343-06-00-0881
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT AREA

EXHIBIT "C"


COMMISSION ZONES
A-11-25
0 1 2 Miles
WINDHAVEN LN
WALKER DR S
CORBIN PARK RD
CAROLYN ST
BURMA RD
VICS WAY
MISSION DR
SHOREWOOD LN
PAIGE AV
TROPHY HUNTER TR
PINE ISLAND DR
LIVE OAK DR
0 1,000 Feet
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
CITY BOUNDARY
WATER
ZONE 1
ZONE 2
ZONE 3
ZONE 4
Update to Comprehensive Plan Map Z-1
SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 1

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ORDINANCE NO. 10-26: CONDUCT A SECOND READING AND PUBLIC HEARING OF AN ORDINANCE, WHICH, IF ADOPTED, WOULD APPROVE A SMALL-SCALE *COMPREHENSIVE PLAN* AMENDMENT CHANGING THE FUTURE LAND USE ON APPROXIMATELY 5 ± ACRES OF LAND LOCATED ON PAIGE AVENUE. (0881)

February 10, 2026

Background:

Applicant: Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florid 32168.

Property Owner: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168.

Request: Small-Scale *Comprehensive Plan* amendment:

- **From:** Volusia County Future Land Use (FLU) categories of Environmental Systems Corridor, Urban Low Intensity, and Urban Medium Intensity.
- **To:** City FLU category of Conservation.

Site Information:

- **Size:** 5 ± acres.
- **Location:** South side of Paige Avenue, east of Trophy Hunter Trail.

Tax I.D. Number: 7343-06-00-0881

Findings:

On April 23, 2013, the City Commission adopted an Interlocal Service Boundary Agreement (ISBA). The ISBA, which is permitted under Chapter 171, Part II, Florida Statutes, allows the City of New Smyrna Beach to annex any parcels that are within the designated annexation area, even if they are not contiguous to the current municipal boundaries. The agreement, which is between the Volusia County and the City of New Smyrna Beach, was also approved by the County on May 2, 2013. A new updated agreement was approved on May 2, 2022.

The subject property is within the annexation area designated in the ISBA. The subject property on Paige Avenue is currently vacant. A location map is attached as **Exhibit A** and an aerial map is attached as **Exhibit B**.

The existing Volusia County Future Land Use (FLU) categories of the subject property is shown on the following map as **Exhibit C**. The text description of the existing Future Land Use categories for the subject property is attached as **Exhibit D**. Existing land uses are shown on the map attached as **Exhibit E**.

The established City Commission policy is that when properties are annexed into the City, the City will assign future land use categories and zoning designations that would be as similar as possible to existing County designations. As discussed above, the existing County FLU categories are Environmental Systems Corridor, Urban Low Intensity, and Urban Medium Intensity. The existing County zoning designations are Resource Corridor, R-1, Urban Single-Family, and R-4, Urban Single Family Residential. The proposed City FLU category is Conservation. The proposed City zoning designation is Conservation. A text description of the proposed City Conservation Future Land Use category is attached as **Exhibit F,** with a map of this proposed change also attached as **Exhibit G**.

This annexation request is within the City's annexation area and within the City's water and sewer service area **(Exhibit H).** The property located on Paige Avenue is undeveloped. A 20" PVC and 12" PVC water lines, an 8" force main sewer line, and a 20" reclaim water line is available in the Paige Avenue right-of-way.

A map of the soil limitations for septic systems is attached as **Exhibit I**.

The *Land Development Regulations* requires any proposed development to conform to the Concurrency Management System. That system includes traffic, parks and recreation, potable water, wastewater treatment, solid waste collection, stormwater management, and public-school facilities. Because the subject property is undeveloped, and because no new improvements are proposed, staff did not prepare a concurrency analysis table for this case.

There are numerous *Comprehensive Plan* maps that must be amended to incorporate the subject property into the *Comprehensive Plan* (see **Exhibits J through V)**. A map showing the subject properties incorporated into Commission Zone 1 is attached as **Exhibit W**. The ISBA map is attached as **Exhibit X**. The legal description and Warranty Deed are attached as **Exhibits Y** and **Z**.

Recommendations:

At its regular scheduled meeting on December 1, 2025, the Planning and Zoning Board voted, 7-0, to give a positive recommendation to the City Commission to **approve** the requested Small Scale *Comprehensive Plan* amendment amending the Future Land Use category to City Conservation for property located on Paige Avenue as part of an overall annexation application.

The Planning Department also recommends the City Commission to **approve** the requested Small Scale *Comprehensive Plan* amendment amending the Future Land Use category to City Conservation for property located on Paige Avenue as part of an overall annexation application.

Fiscal Analysis:
N/A

Strategic Plan Item:
Yes

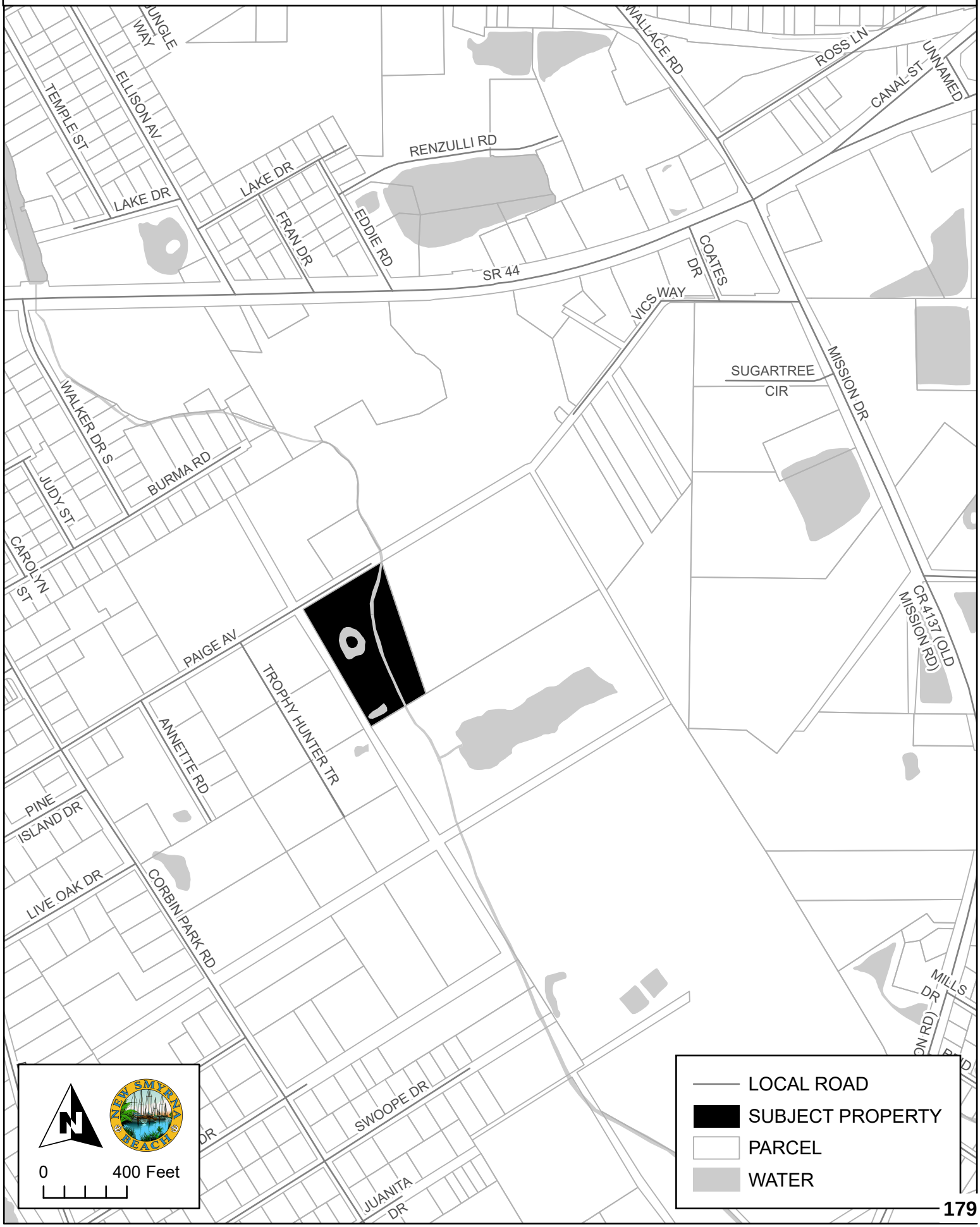
Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

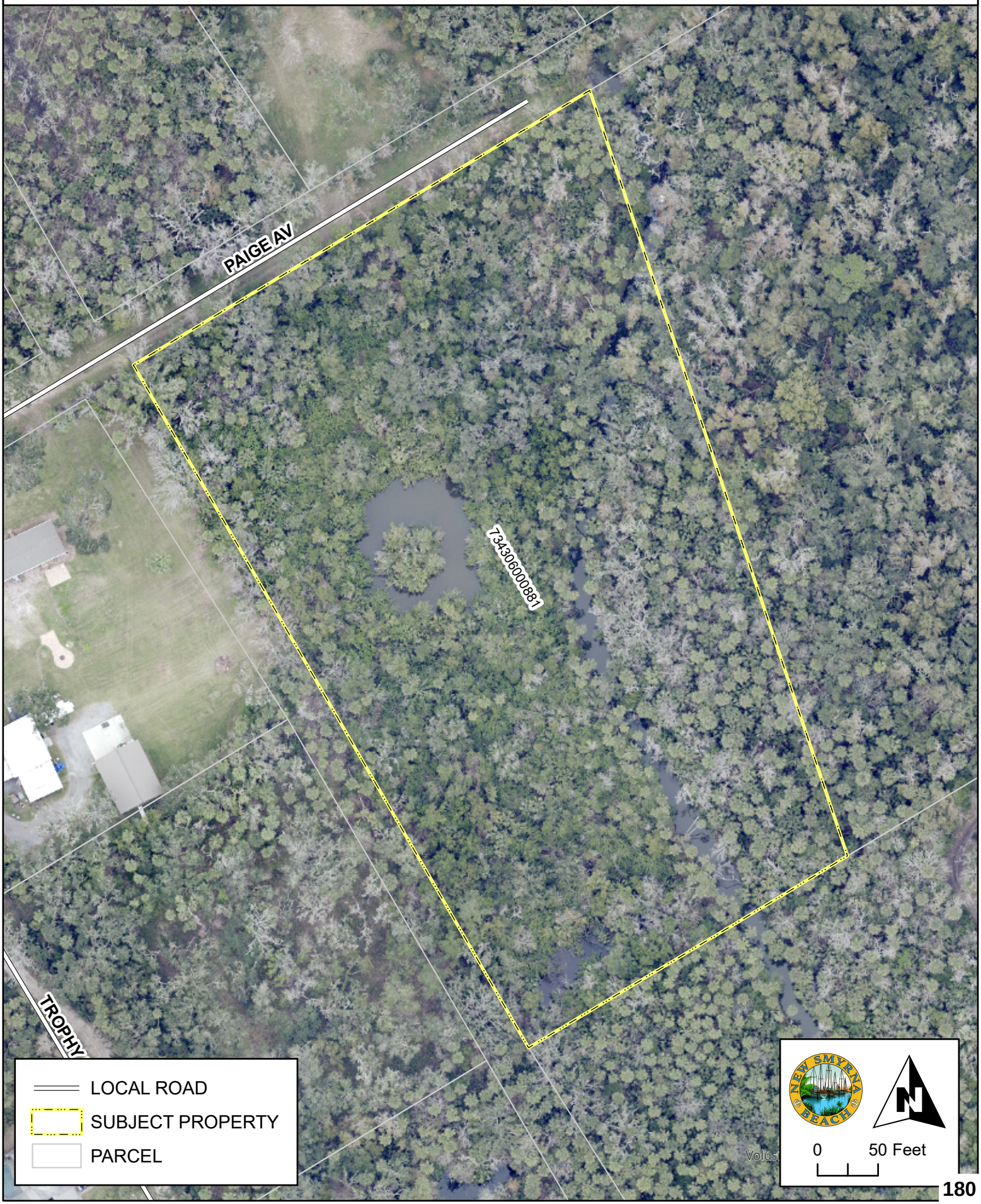
Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing FLU Map.pdf
Exhibit D Existing County FLU Text.pdf
Exhibit E Existing Land Use Map.pdf
Exhibit F City Conservation FLU Text.pdf
Exhibit G Proposed FLU Map.pdf
Exhibit H Water and Sewer Service Area.pdf
Exhibit I Soil Limitation for Septic Systems.pdf
Exhibit J Airport Runway Protection Zones.pdf
Exhibit K Bicycle and Pedestrian Facilities.pdf
Exhibit L Boat Slip Siting.pdf
Exhibit M City Parks.pdf
Exhibit N Coastal High Hazard Areas.pdf
Exhibit O Evacuation Routes.pdf
Exhibit P Existing Traffic Lanes - 2009.pdf
Exhibit Q Number of Traffic Lanes - 2025.pdf
Exhibit R Existing Level of Service - 2009.pdf
Exhibit S Level of Service - 2025.pdf
Exhibit T Flood Prone Areas.pdf
Exhibit U Neighborhood Map.pdf
Exhibit V Public Transit Routes.pdf
Exhibit W Commission Zones Map.pdf

Exhibit X Interlocal Service Boundary Agreement Map.pdf
Exhibit Y Legal Description.pdf
Exhibit Z Warranty Deed.pdf
Business Impact Estimate - Ord 10-26 Paige Ave.pdf
Ord 10-26 Small Scale Paige Ave (0881).pdf

A-11-25: PAIGE AVENUE
PARCEL: 7343-06-00-0881 LOCATION MAP

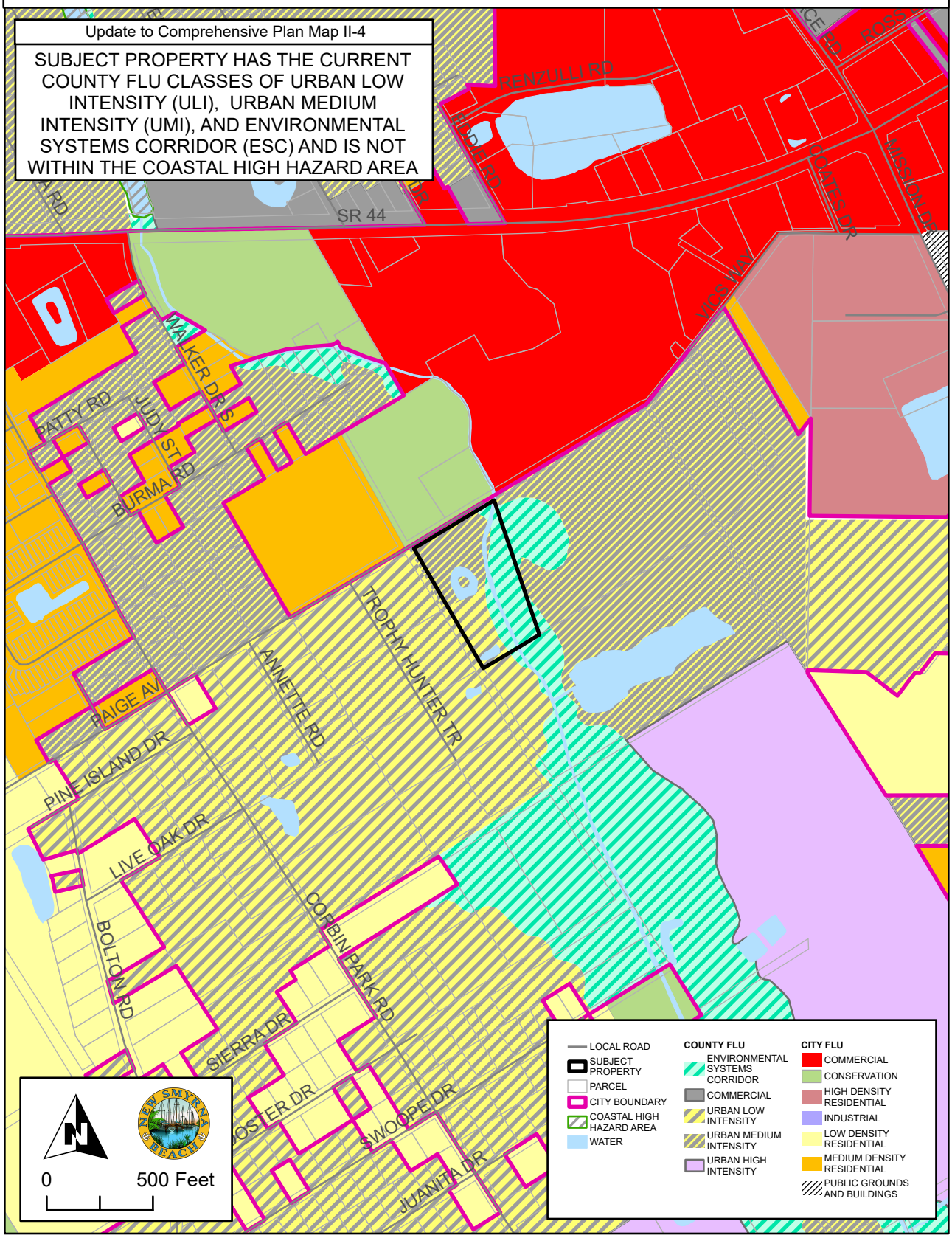


A-11-25: PAIGE AVENUE
PARCEL: 7343-06-00-0881 AERIAL MAP



EXISTING FUTURE LAND USE DESIGNATIONS

A-11-25



Volusia County Future Land Use

Environmental System Corridor (ESC) –

This designation consists of important ecological corridors comprised of environmentally sensitive and ecologically significant lands. Land use activities occurring within these corridors shall not degrade these natural functions and connections. The intention is to provide protected, natural pathways which connect to other protected areas such as parks, conservation lands and water bodies. This inter-connection helps maintain the ecological integrity and ecodiversity of the County's vast natural resources. ESC's shall include significant interconnected natural systems of environmentally sensitive lands, connecting to and including conservation areas where possible. The ESC's are not intended to include pre-existing improved, cultivated, or developed lands unless such lands contain unique or exceptional ecological value. Conservation and silviculture, utilizing Best Management Practices (BMP's), will be the preferred use, however, other compatible passive agricultural activities may also be permitted such as unimproved pasture. The primary consideration of compatible agriculture should be potential adverse impacts to the short and long term ecological stability of the system, as well as adjacent lands and waterways. The Environmental System Corridor configuration displayed on the Future Land Use Map is intended to show a generalized location for the corridor. The actual boundaries will be established based upon site specific information and features.

(1) The maximum residential density shall not exceed one (1) dwelling unit per twenty-five (25) acres.
(2) The maximum Floor Area Ratio shall not exceed ten percent (0.10 FAR).

Urban Low Intensity (ULI) – Areas for low density residential dwelling units of up to four (4) dwelling units per acre. In reviewing rezoning requests, the specific density will depend on locational factors, particularly compatibility with adjacent uses and availability of public facilities. This residential designation is generally characterized by single family type housing, e.g., single family detached and attached, cluster and zero lot line. This designation will allow existing agricultural zoning and uses to continue.

The ULI designation is primarily a residential designation but may also allow neighborhood convenience uses (see Shopping Center definition in Chapter 20) and individual office buildings as transitional uses that meet the Comprehensive Plan's location criteria. The commercial intensity shall be limited to no more than a fifty percent Floor Area Ratio (0.50 FAR) and in a manner to be compatible with the allowable residential density. In order to be considered compatible, the commercial development should be oriented to serve adjacent neighborhoods, reflect comparable traffic generation, similar traffic patterns, building scale, landscaping and open space and buffers. Due to the nature of some of the commercial uses, additional landscaping and visual screening shall be provided through the BPUD process when adjacent to low density residential in order to preserve the character of the neighborhood. More intensive neighborhood commercial use shall be reserved to areas designated for Commercial.

All requests for nonresidential uses within one-quarter (¼) mile of another jurisdiction shall require notification to that jurisdiction.

Urban Medium Intensity (UMI) –

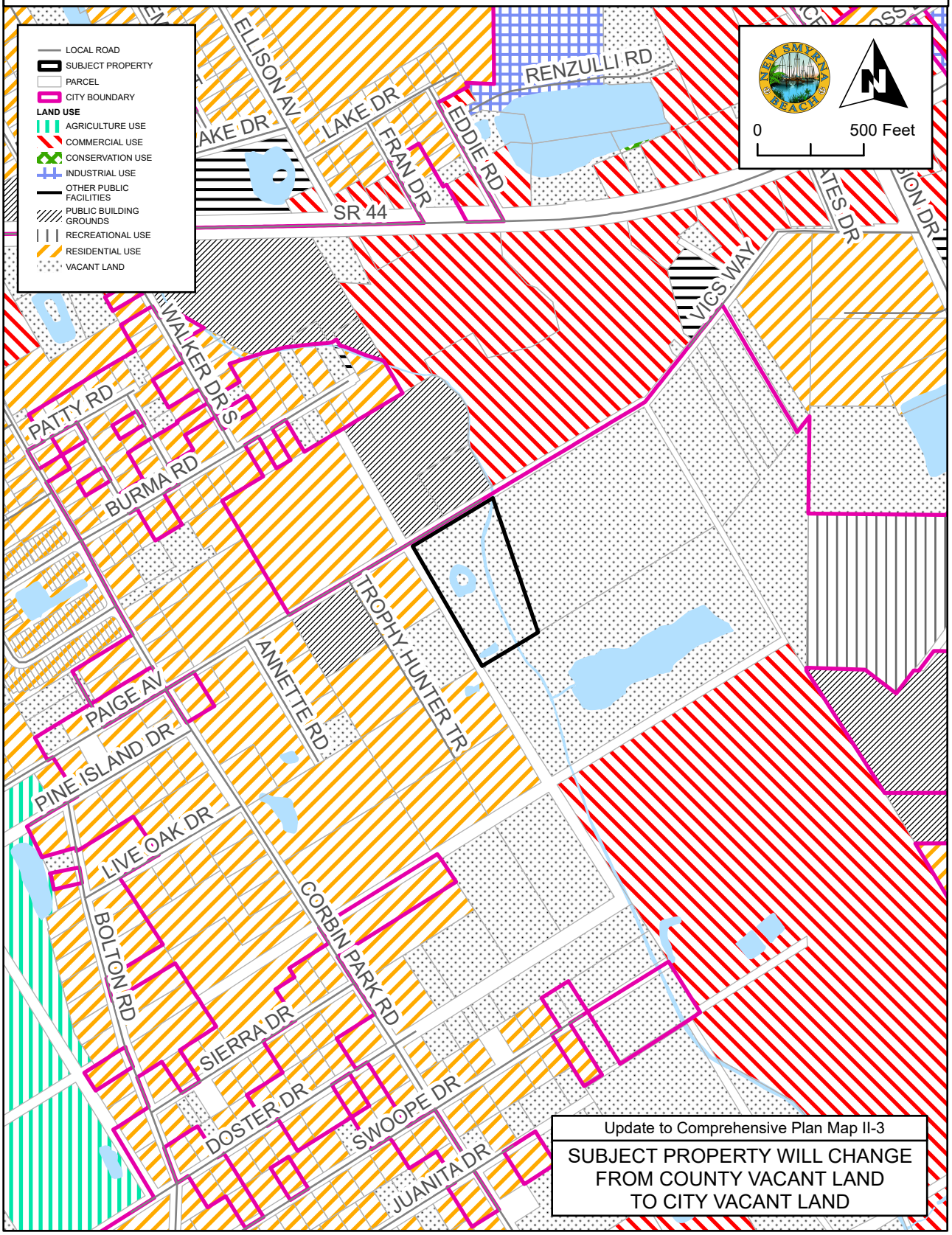
Areas that contain residential development at a range of up to eight (8) dwelling units per acre. The types of housing typically found in areas designated urban medium intensity include single family homes, townhouses and low-rise apartments.

The UMI designation is primarily a residential designation but may allow neighborhood business areas (see Shopping Center definition in Chapter 20) and office development that meet the Comprehensive Plan's location criteria. The commercial intensity shall be no more than a fifty percent Floor Area Ratio (0.50 FAR) and shall be limited in a manner to be compatible with the allowable residential density. In order to be considered compatible, the commercial development should reflect similar traffic patterns, traffic generation, building scale, landscaping and open space, and buffers. More intensive commercial use, other than neighborhood business areas, shall be reserved to areas designated for Commercial.

All requests for nonresidential uses within one- quarter (¼) mile of another jurisdiction shall require notification to that jurisdiction.

EXISTING LAND USE DESIGNATIONS

A-11-25



CONSERVATION

Maximum allowed Floor Area Ratio (FAR): 0.10

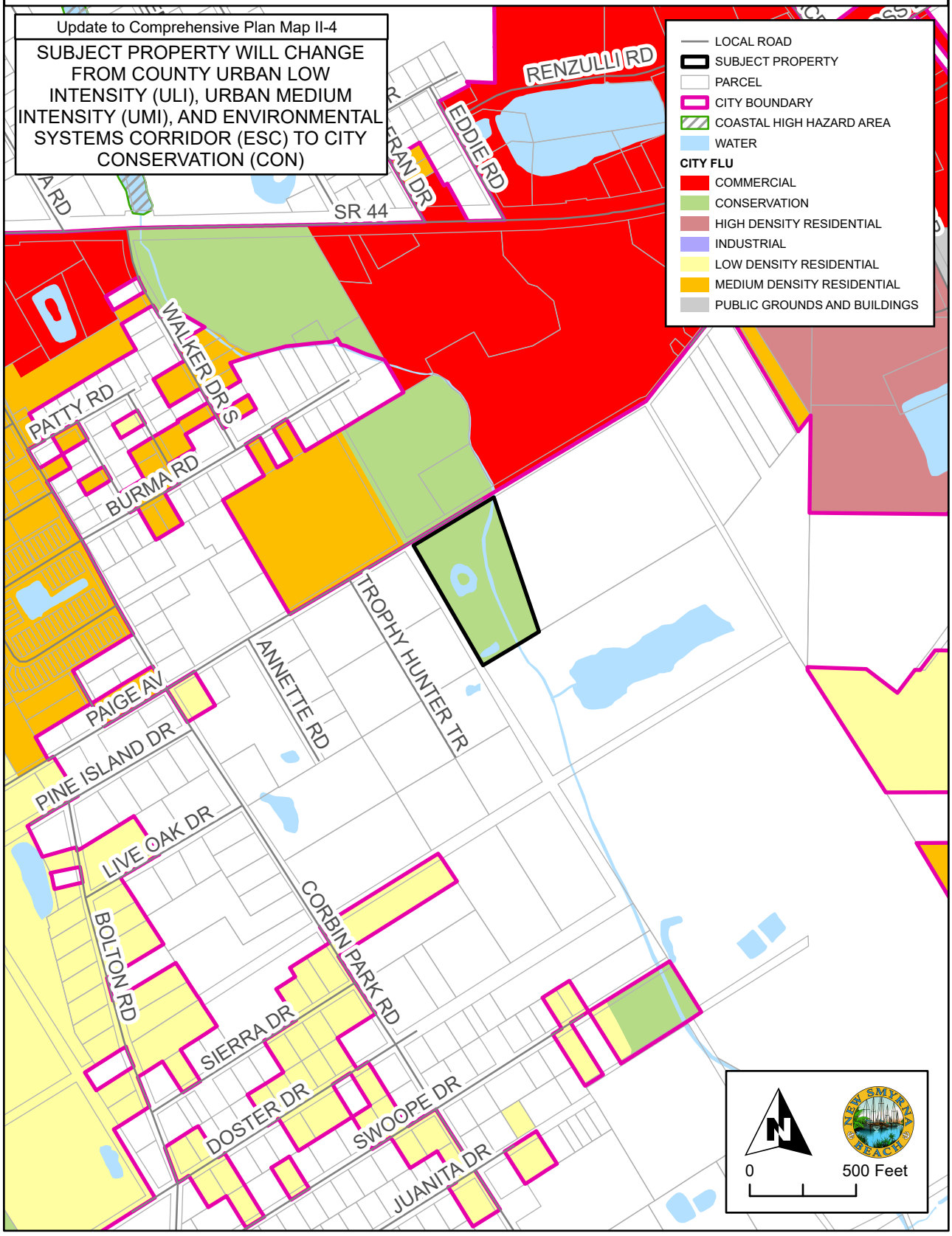
The general boundaries of those areas known to require environmental protection from development have been designated as conservation on the Future Land Use Map.

Designations are based on the best information available. Owners of lands designated as conservation on the Future Land Use Map may petition the City to adjust the boundaries of the conservation zone based upon a qualified biologist's determination of the boundaries made in accordance with §701.07 of the *Land Development Regulations*.

The Planning and Zoning Department shall review the owner's petition and automatically adjust the Future Land Use Map to correctly represent said area and upland buffer. The Local Planning Agency's approval shall be required if the area to be changed is greater than five (5) acres. Environmentally sensitive areas shall include, but not be limited to, jurisdictional wetlands, wetland buffers, uplands included as part of designated environmental corridors, and public beaches.

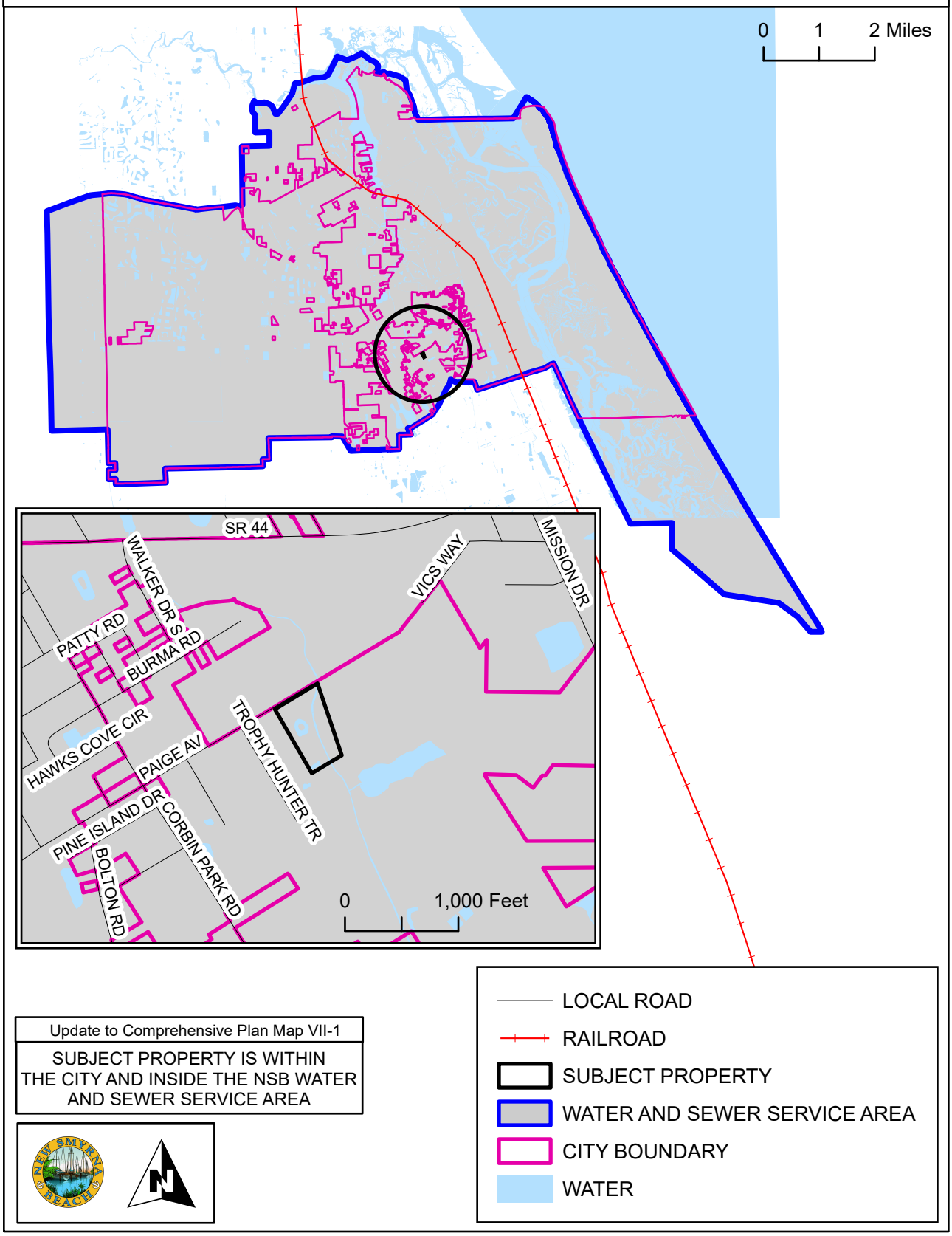
PROPOSED FUTURE LAND USE DESIGNATIONS

A-11-25



WATER AND SEWER SERVICE AREA

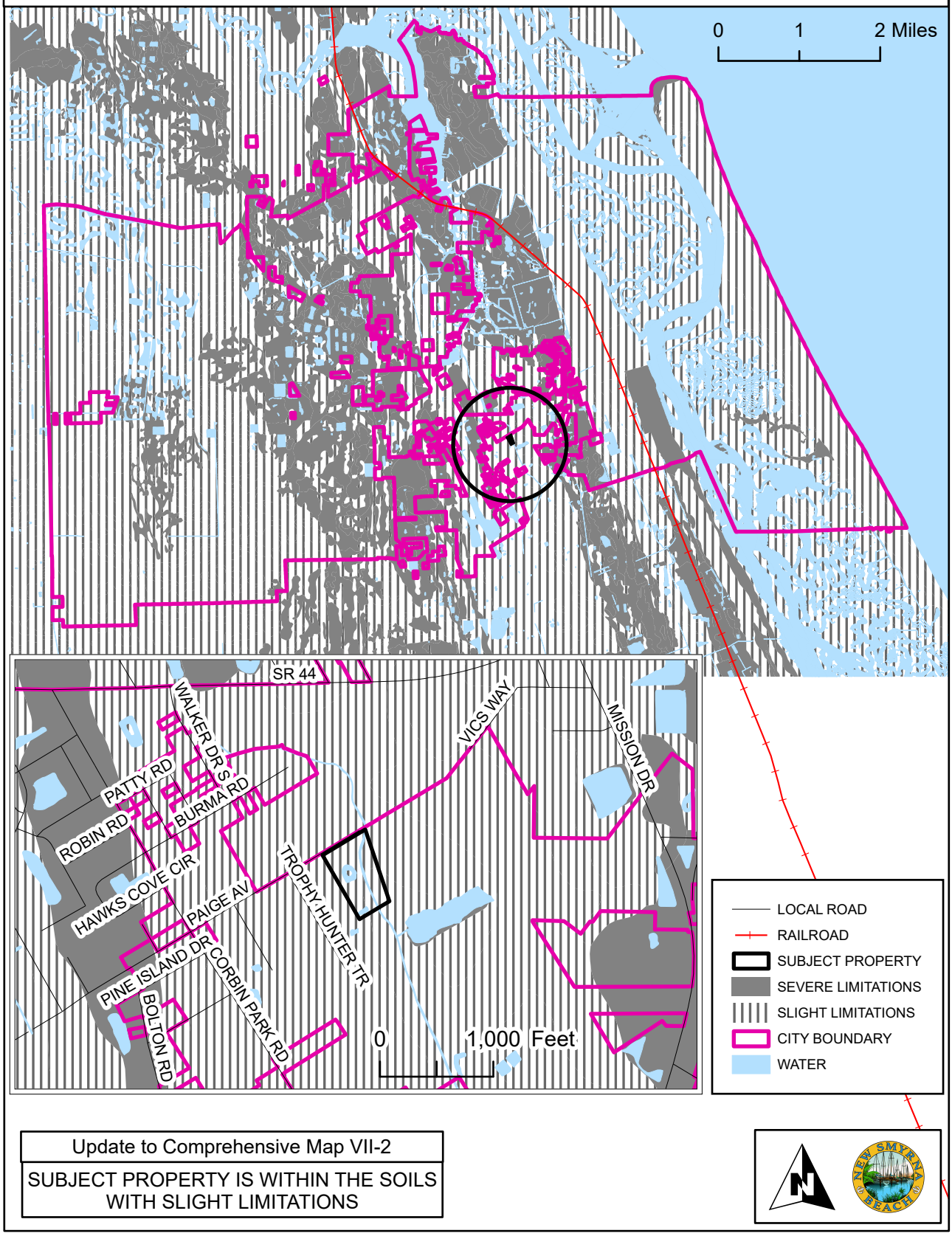
A-11-25



Update to Comprehensive Plan Map VII-1
SUBJECT PROPERTY IS WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA

SOIL LIMITATION FOR SEPTIC SYSTEMS

A-11-25

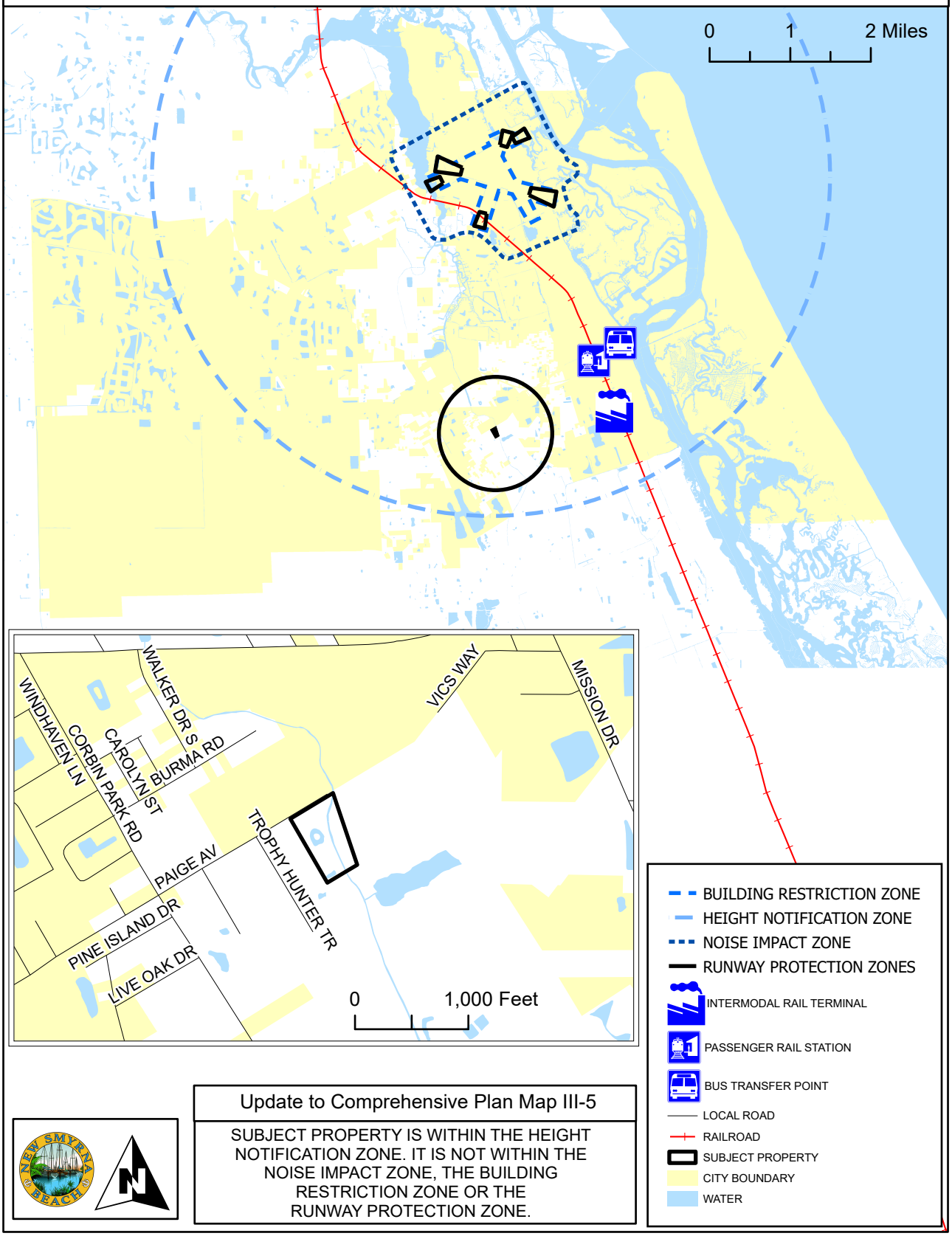


Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

AIRPORT RUNWAY PROTECTION ZONES

A-11-25

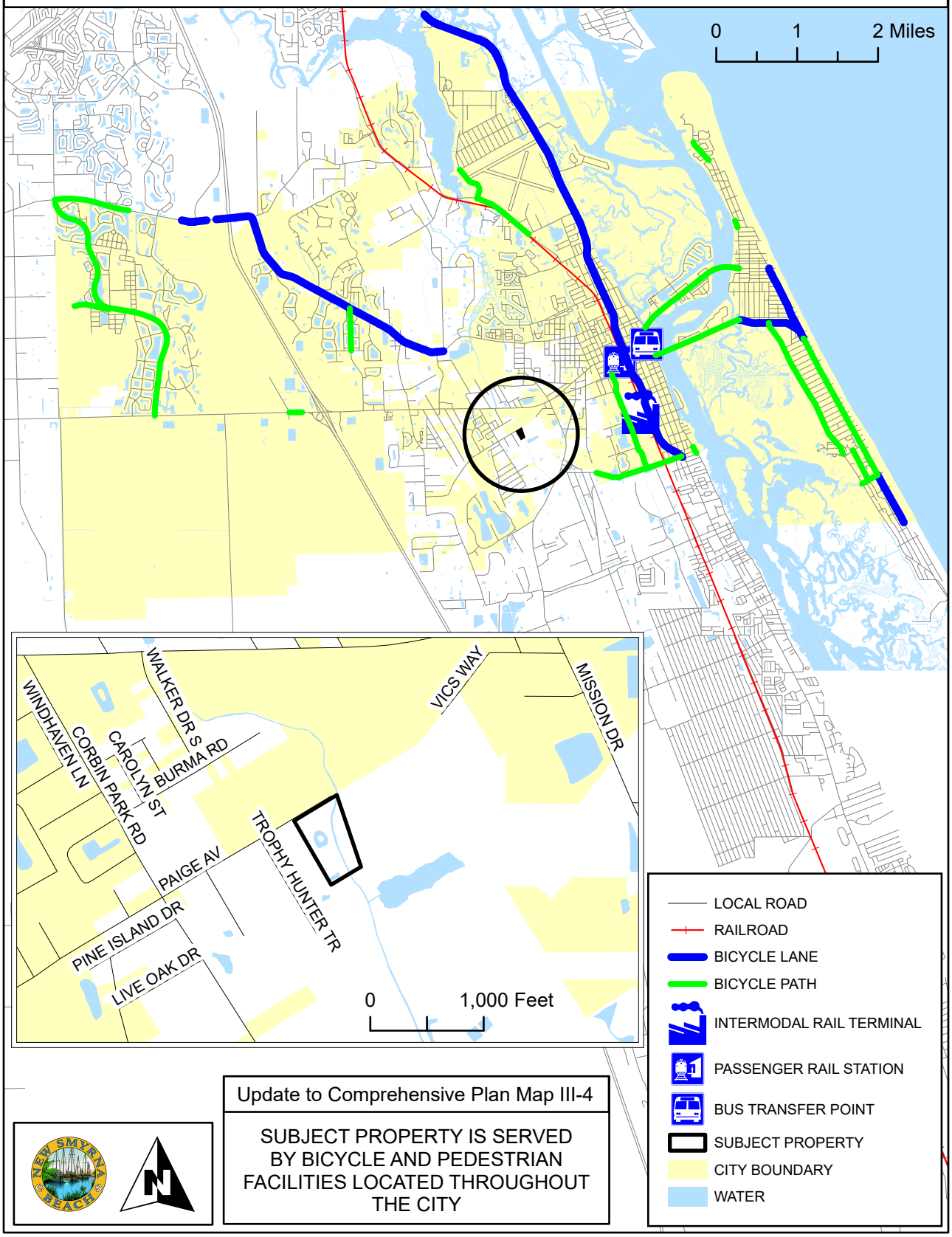


Update to Comprehensive Plan Map III-5

SUBJECT PROPERTY IS WITHIN THE HEIGHT NOTIFICATION ZONE. IT IS NOT WITHIN THE NOISE IMPACT ZONE, THE BUILDING RESTRICTION ZONE OR THE RUNWAY PROTECTION ZONE.

BICYCLE AND PEDESTRIAN FACILITIES

A-11-25

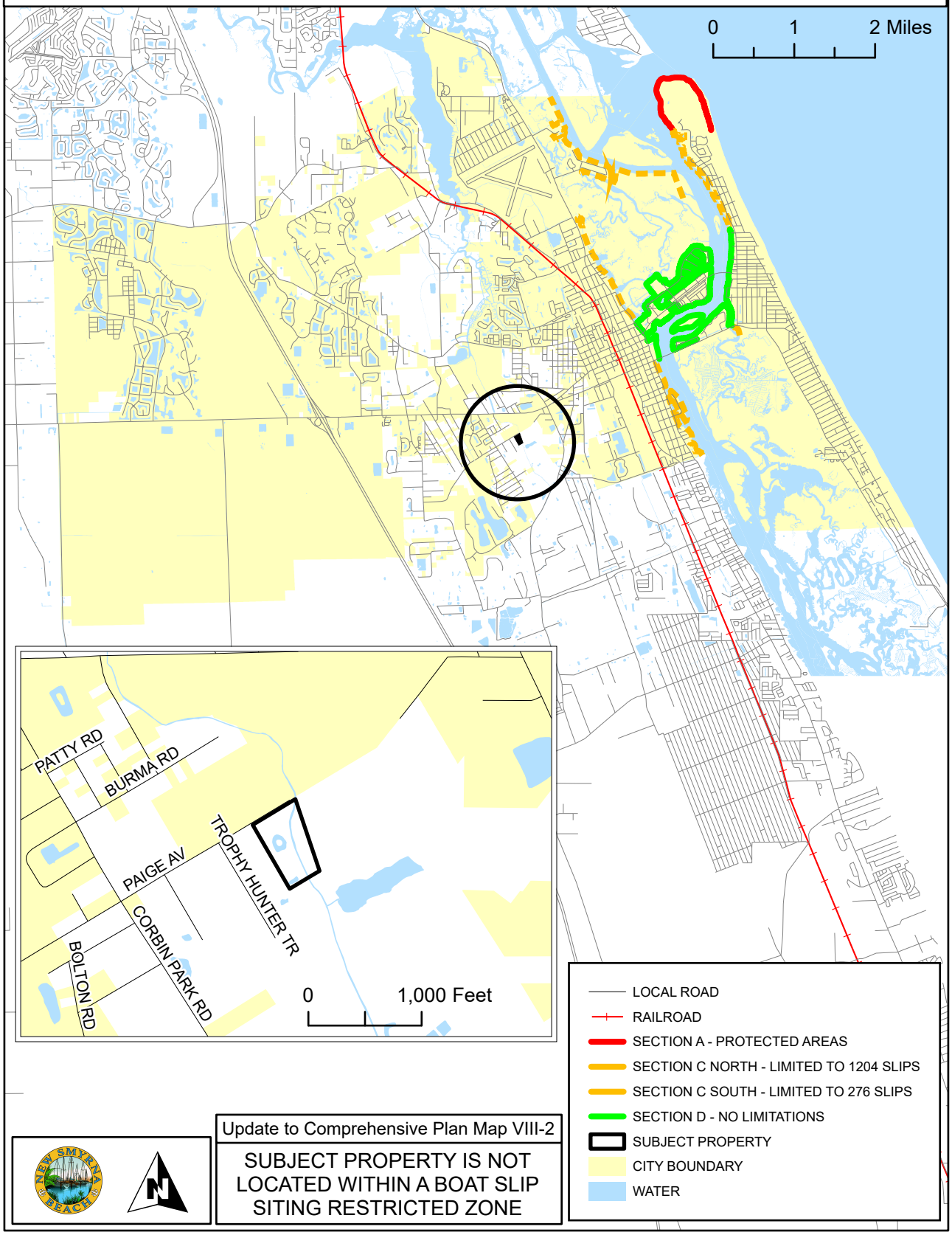


Update to Comprehensive Plan Map III-4

SUBJECT PROPERTY IS SERVED BY BICYCLE AND PEDESTRIAN FACILITIES LOCATED THROUGHOUT THE CITY

BOAT SLIP SITING

A-11-25

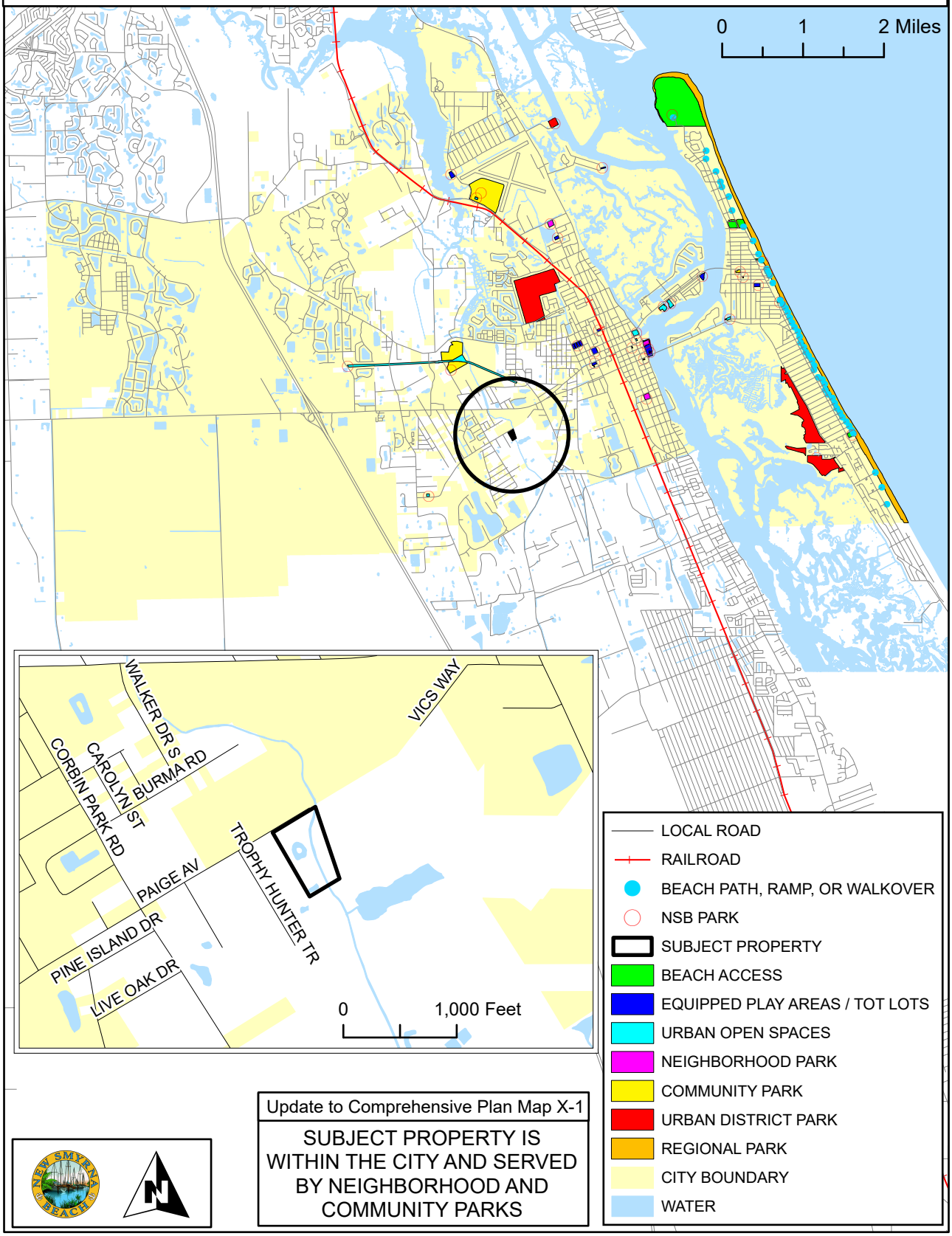


Update to Comprehensive Plan Map VIII-2

SUBJECT PROPERTY IS NOT LOCATED WITHIN A BOAT SLIP SITING RESTRICTED ZONE

CITY PARKS

A-11-25

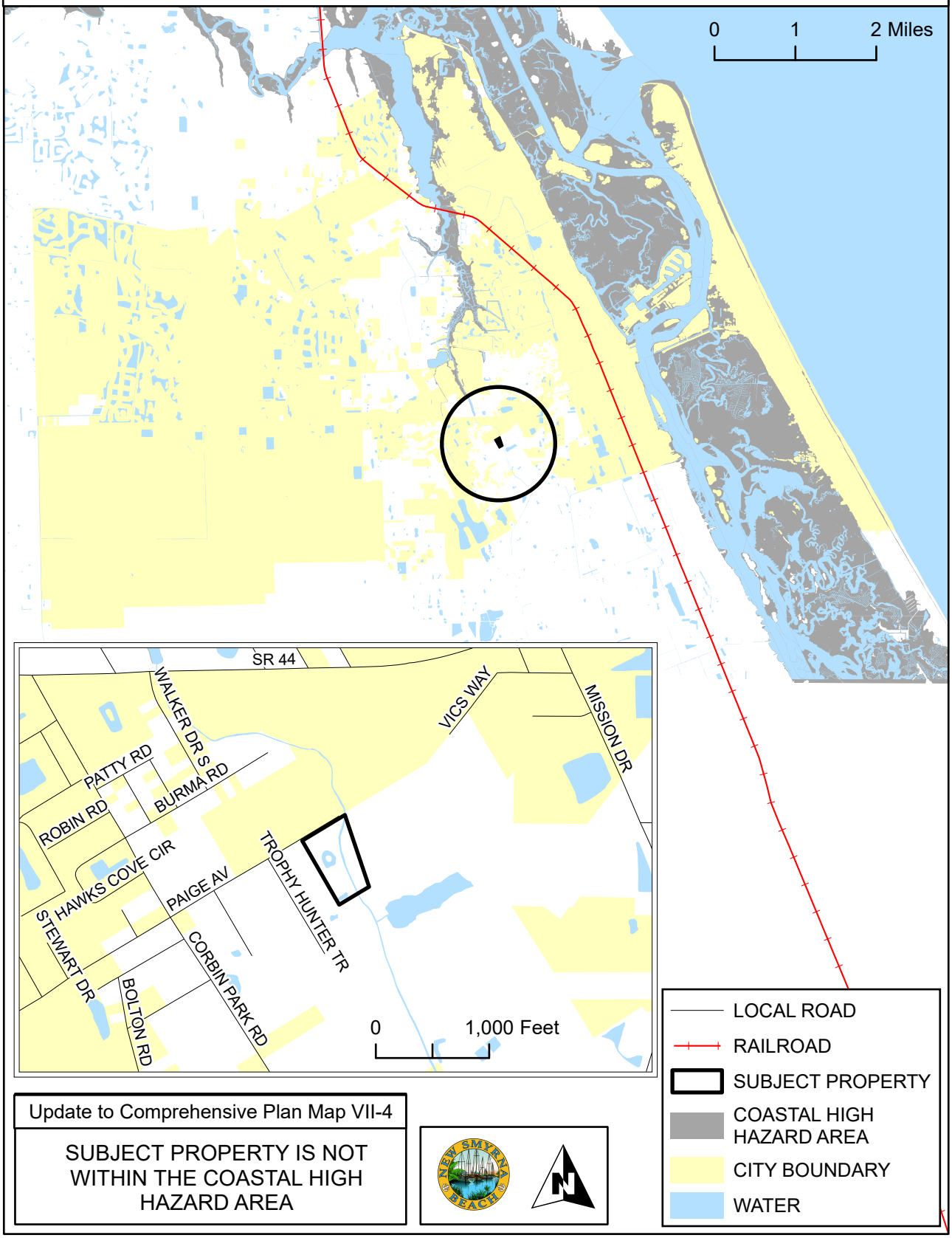


Update to Comprehensive Plan Map X-1

SUBJECT PROPERTY IS WITHIN THE CITY AND SERVED BY NEIGHBORHOOD AND COMMUNITY PARKS

COASTAL HIGH HAZARD AREAS

A-11-25

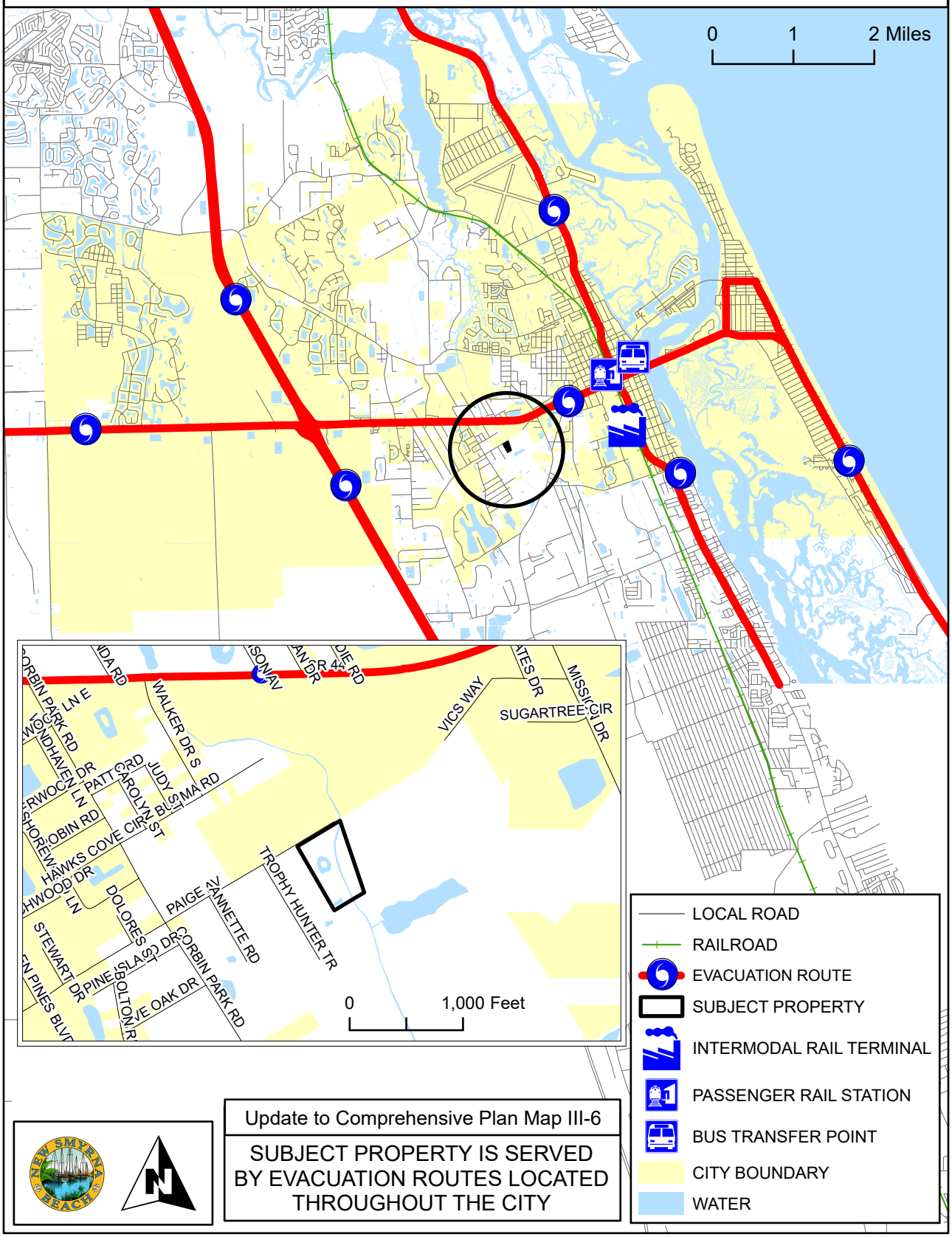


Update to Comprehensive Plan Map VII-4

SUBJECT PROPERTY IS NOT WITHIN THE COASTAL HIGH HAZARD AREA

EVACUATION ROUTES

A-11-25

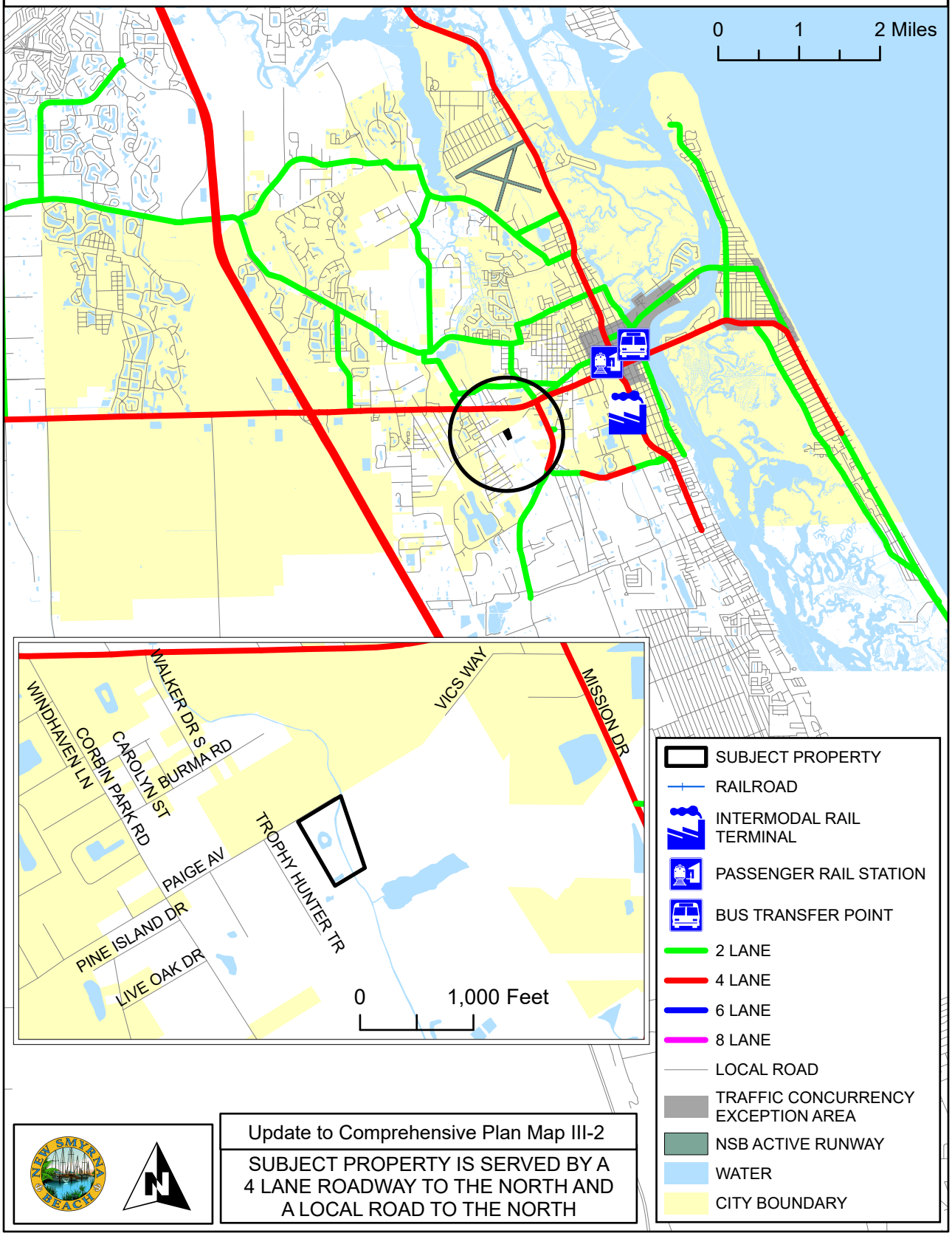


Update to Comprehensive Plan Map III-6

SUBJECT PROPERTY IS SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY

EXISTING TRAFFIC LANES - 2009

A-11-25

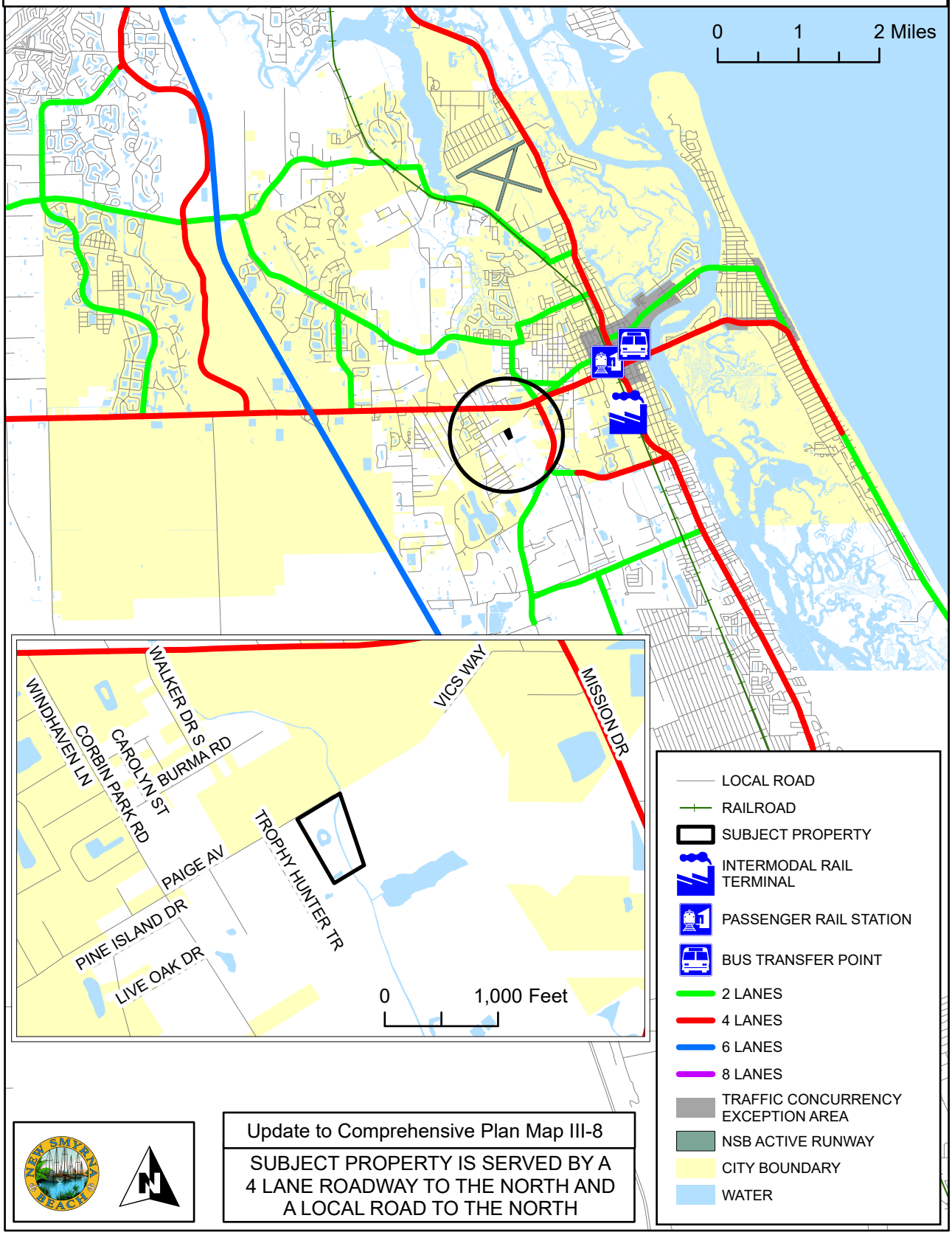


Update to Comprehensive Plan Map III-2

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE NORTH

NUMBER OF TRAFFIC LANES - 2025

A-11-25

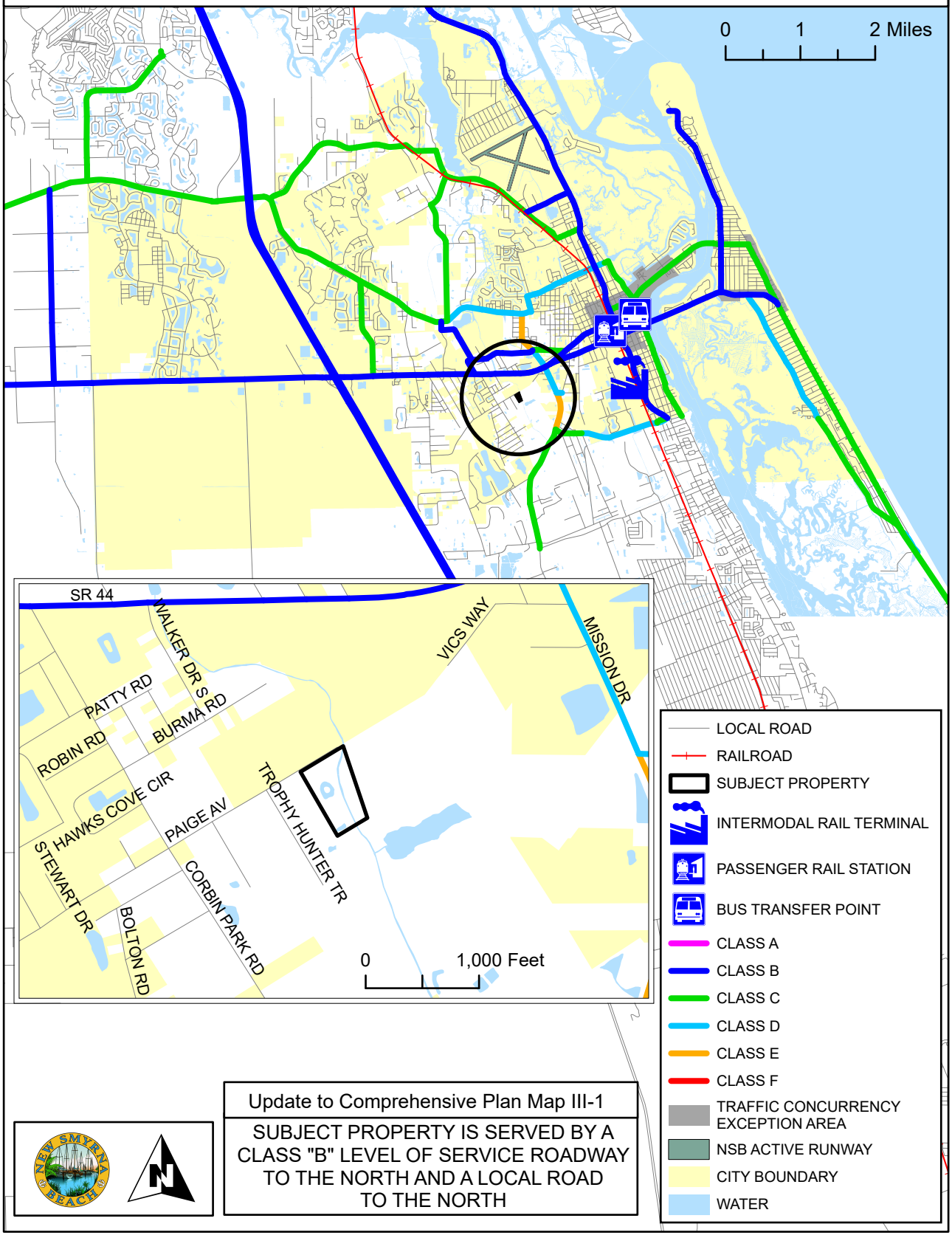


Update to Comprehensive Plan Map III-8

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE NORTH

EXISTING LEVEL OF SERVICE - 2009

A-11-25

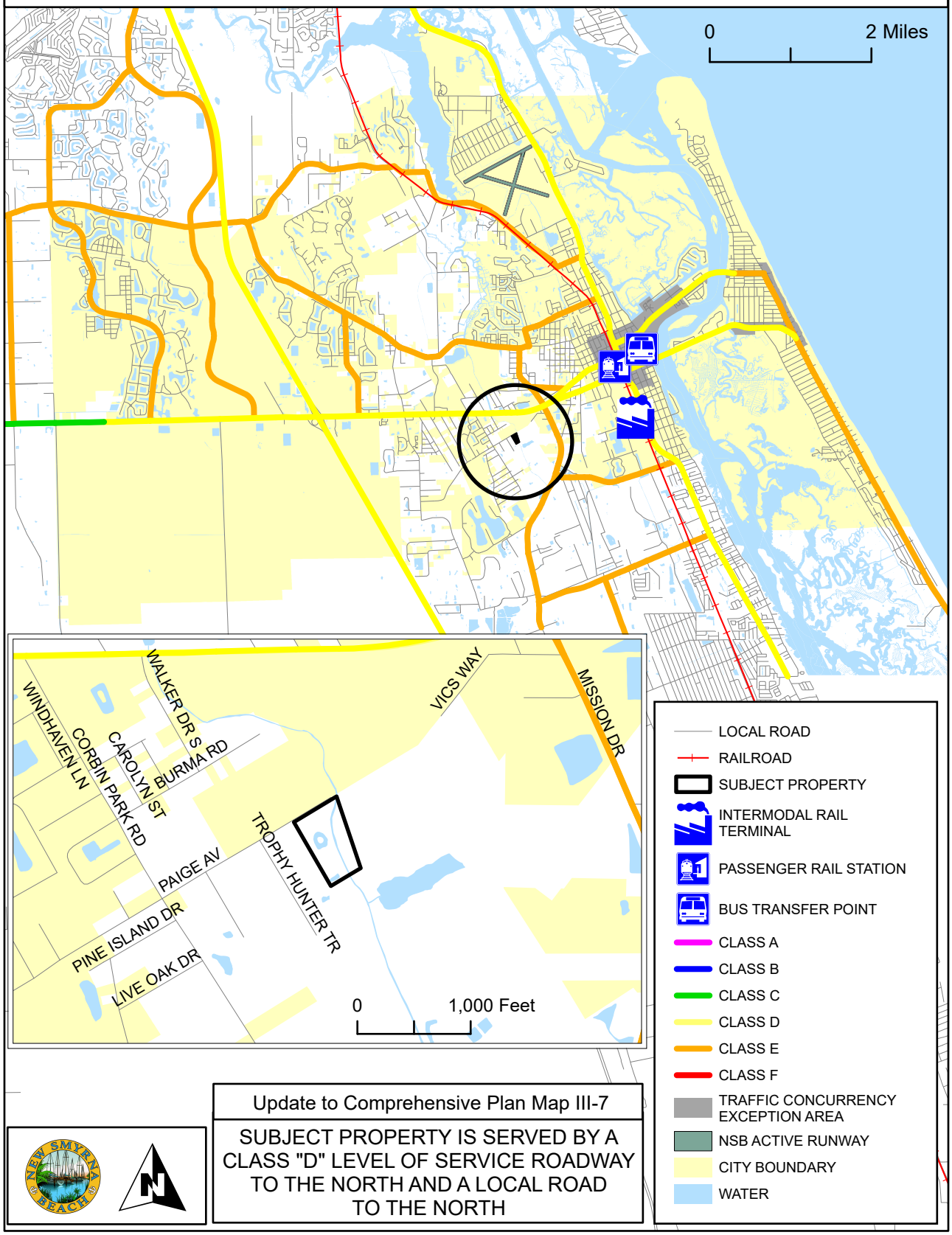


Update to Comprehensive Plan Map III-1

SUBJECT PROPERTY IS SERVED BY A CLASS "B" LEVEL OF SERVICE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE NORTH

LEVEL OF SERVICE - 2025

A-11-25

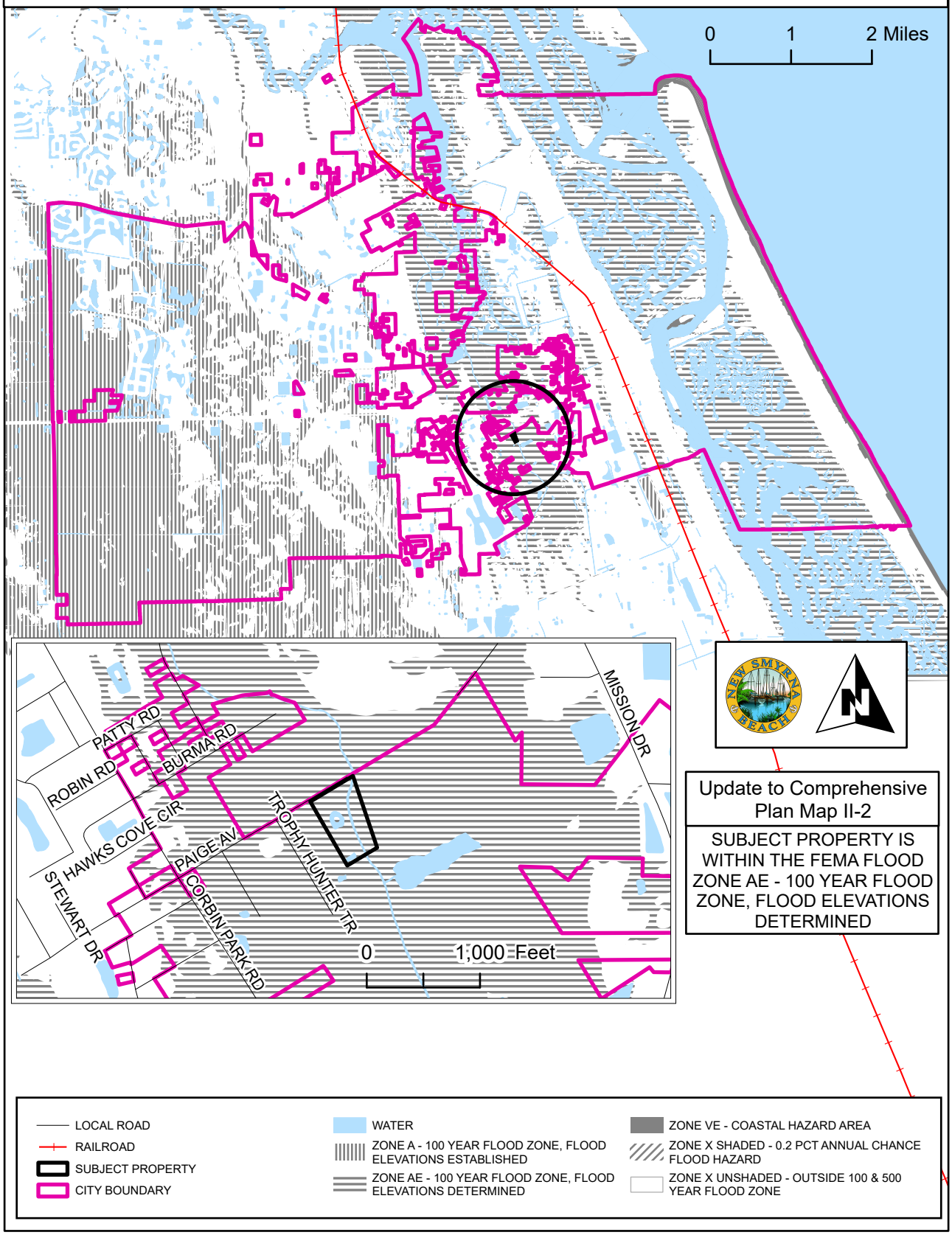


Update to Comprehensive Plan Map III-7

SUBJECT PROPERTY IS SERVED BY A CLASS "D" LEVEL OF SERVICE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE NORTH

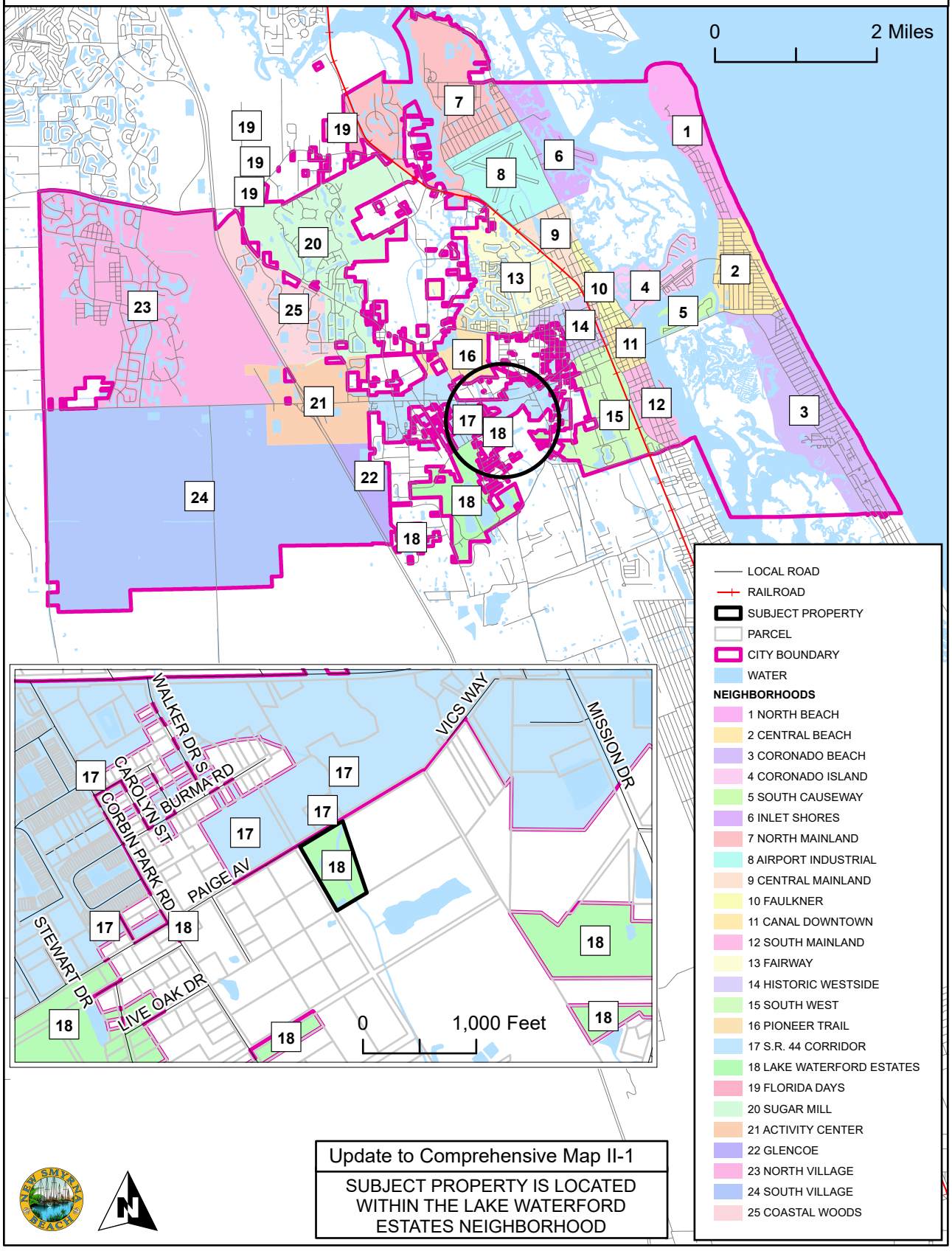
FLOOD PRONE AREAS

A-11-25



NEIGHBORHOODS

A-11-25

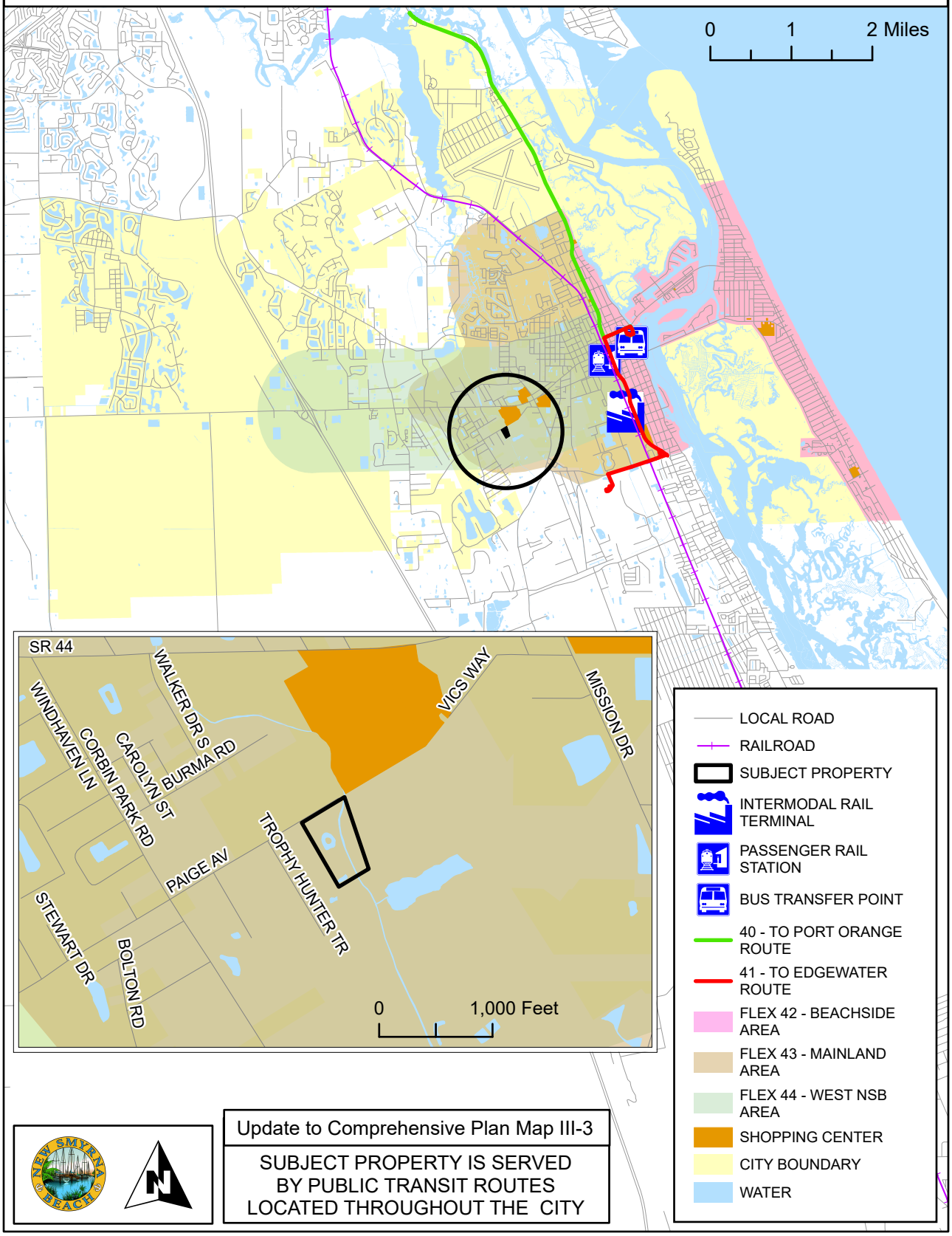


Update to Comprehensive Map II-1

SUBJECT PROPERTY IS LOCATED WITHIN THE LAKE WATERFORD ESTATES NEIGHBORHOOD

PUBLIC TRANSIT ROUTES

A-11-25

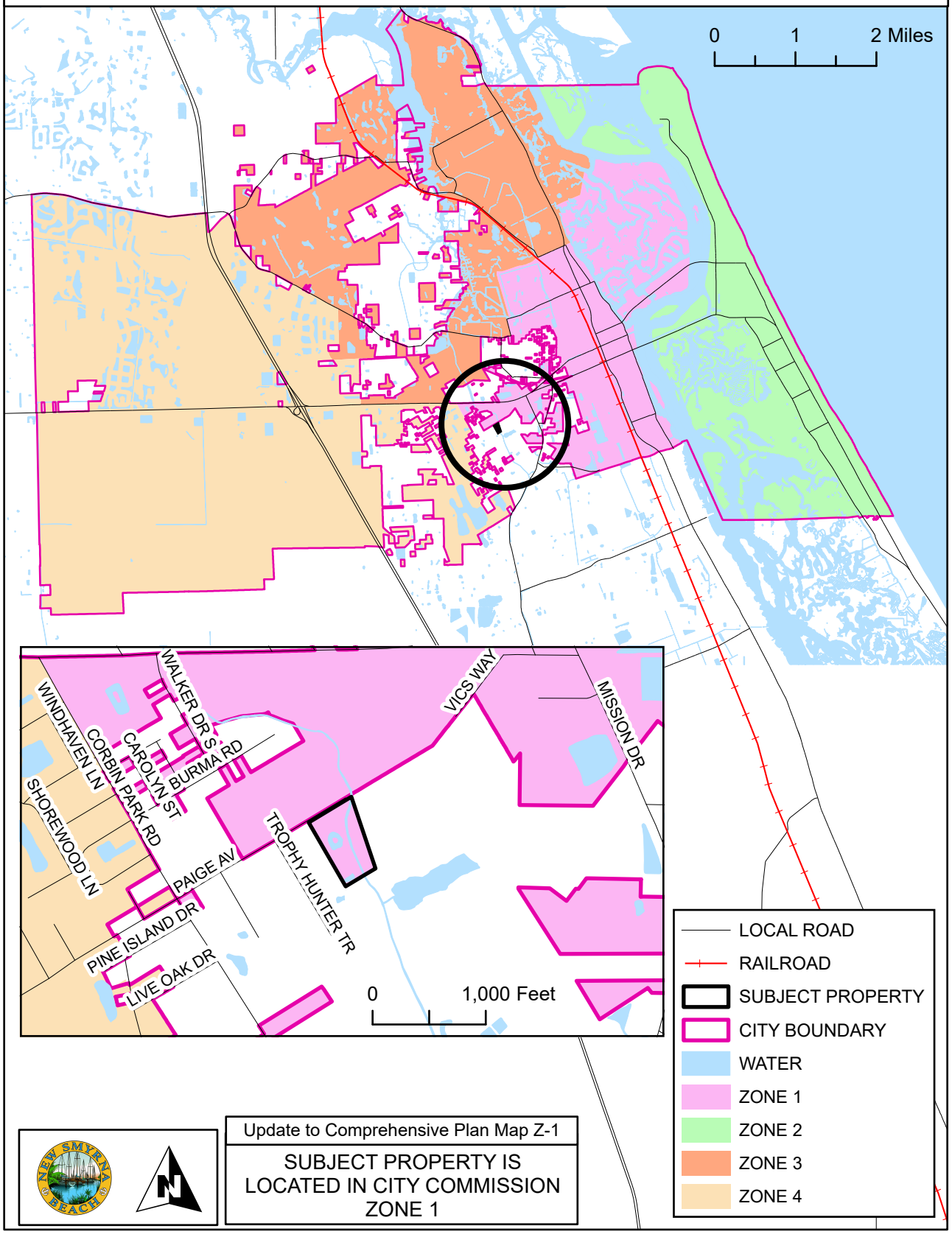


Update to Comprehensive Plan Map III-3

SUBJECT PROPERTY IS SERVED BY PUBLIC TRANSIT ROUTES LOCATED THROUGHOUT THE CITY

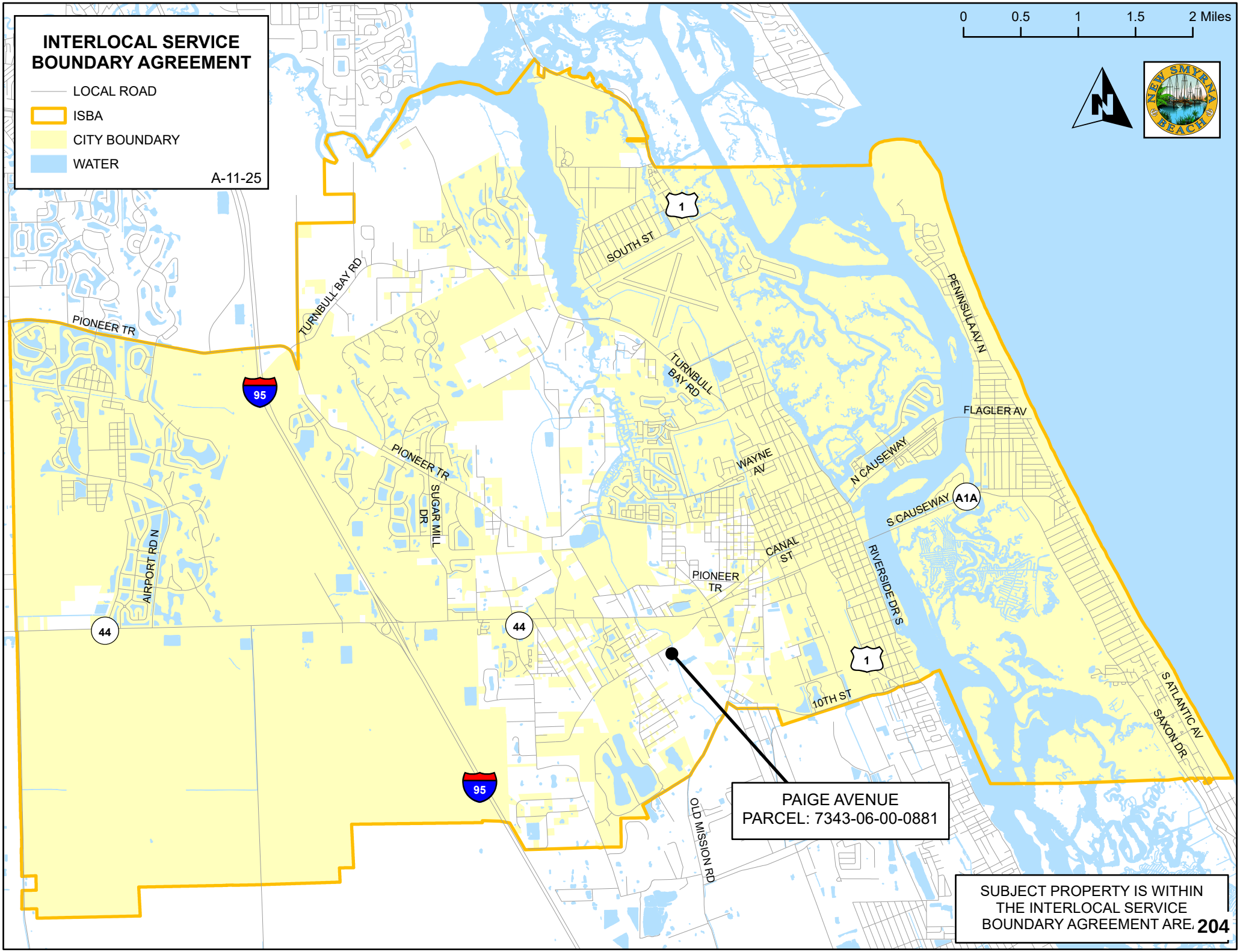
COMMISSION ZONES

A-11-25



Update to Comprehensive Plan Map Z-1

SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 1


INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-11-25
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
PIONEER TR
TURNBULL BAY RD
SOUTH ST
TURNBULL BAY RD
PENINSULA AV N
FLAGLER AV
WAYNE AV
N CAUSEWAY
S CAUSEWAY
A1A
PIONEER TR
SUGAR MILL DR
AIRPORT RD N
CANAL ST
RIVERSIDE DR S
PIONEER TR
10TH ST
S ATLANTIC AV
SAXON DR
OLD MISSION RD
95
44
1
PAIGE AVENUE
PARCEL: 7343-06-00-0881
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ARE.

LEGAL DESCRIPTION

Address:
Paige Avenue, New Smyrna Beach, Florida 32168

Parcel Number
7343-06-00-0881

AltKey Number:
3732804

Metes and Bounds by Professional Title Agency

PART OF LOT 88 LYING EASTERLY OF CENTER LINE OF EXISTING DRAINAGE DITCH, ALL BEING IN DOUGHERTY'S SUBDIVISION OF THE THOMAS NAPIER GRANT AND THE NORTH 1/3 OF THE AMBROSE HULL GRANT IN TOWNSHIP 17 SOUTH, RANGE 33 EAST, ACCORDING TO MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK M, PAGE 688, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Prepared by and Return To:
Teresa Prompovitch
Professional Title Agency, a division of LandCastle Title Group, LLC
313 Julia Street
New Smyrna Beach, FL 32168

Order No.: N[redacted]

APN/Parcel ID(s): 734306000880
734306000881

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this September 11, 2025 by Blossom Development Inc, a Texas Corporation having its principal place of business at 1215 Gessner Rd, Houston, TX 77055, hereinafter called the grantor, and City of New Smyrna Beacha municipal corporation, a corporation existing under athe laws of the State of Florida whose post office address is 210 Sams Avenue, New Smyrna Beach, FL 32168, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representative and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all the certain land situated in County of Volusia, State of Florida, viz:

Parcel 1:

Part of Lot 88 lying Easterly of center line of existing drainage ditch, and Lot 89, Daugherty's Subdivision of the Thomas Napier Grant and the North 1/3 of the Ambrose Hull Grant, in Township 17 South, Range 33 East, according to map or plat thereof as recorded in Plat Book M, Page 688, Public Records of Volusia County, Florida.

Parcel 2:

That part of Lot 88 lying Westerly of the center line of existing drainage ditch, all being in Daugherty's Subdivision of the Thomas Napier Grant and the North 1/3 of the Ambrose Hull Grant, in Township 17 South, Range 33 East, according to map or plat thereof as recorded in Plat Book M, Page 688, Public Records of Volusia County, Florida.

Subject to encumbrances, easements and restrictions of record and taxes accruing subsequently to 2024.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

SPECIAL WARRANTY DEED
(continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in Fee Simple; that the grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Witness Signature

Teresa A. Prompovitch
Print Name

Address: 313 Julia Street
New Smyrna Beach, FL 32168

Witness Signature

Linda Roncsg
Print Name

Address: 313 Julia St.
NSB FL 32168

Blossom Development Inc, a Texas Corporation

BY: _____
Dan Silvestri
President

Address: 1215 Gessner Rd
Houston, TX 77055

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 8th day of September, 2025, by Dan Silvestri, President of Blossom Development Inc, A Texas Corporation, to me known to be the person(s) described in or who has/have produced Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

NOTARY PUBLIC
My Commission Expires:

TERESA A. PROMPOVITCH
Notary Public - State of Florida
Commission # HH 227186
My Comm. Expires Mar 21, 2026
Bonded through National Notary Assn.

Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of New Smyrna Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
ORD 10-26 Small Scale Paige Ave.

This Business Impact Estimate is provided in accordance with section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of New Smyrna Beach is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of New Smyrna Beach is, nevertheless providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
    b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
    c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
    d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City of New Smyrna Beach hereby publishes the following information:

[1] *See* Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Ordinance 10-26 amends the City Comprehensive Plan to include the property annexed in Ordinance 09-26 and apply conservation land use.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of New Smyrna Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance, or for which businesses will be financially responsible; and
(c) An estimate of the City of New Smyrna Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):
[*You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of New Smyrna Beach staff solicited comments from businesses in the City of New Smyrna Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of New Smyrna Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.*).

None.

ORDINANCE NO. 10-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH AMENDING THE COMPREHENSIVE PLAN; CHANGING THE FUTURE LAND USE DESIGNATION OF 5± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF PAIGE AVENUE, EAST OF TROPHY HUNTER TRAIL, FROM VOLUSIA COUNTY *URBAN LOW INTENSITY, URBAN MEDIUM INTENSITY, AND ENVIRONMENTAL SYSTEMS CORRIDOR* TO CITY *CONSERVATION*; PROVIDING FOR AMENDMENT OF THE ASSOCIATED COMPREHENSIVE PLAN MAPS TO SHOW THE AREA INCORPORATED INTO THE CITY; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florida 32168, applicant on behalf of City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168, property owner, has requested the City of New Smyrna Beach amend its Comprehensive Plan, Future Land Use Map II-4 to change the land use designation of 5± acres of property generally located south of Paige Avenue, east of Trophy Hunter Trail, from Volusia County *Urban Low Intensity*, *Urban Medium Intensity* and *Environmental Systems Corridor* to City *Conservation*; to amend City Neighborhood Map II-1 to show the subject property is located within the Lake Waterford Estates Neighborhood; to amend Flood Prone Areas Map II-2 to show the subject property is within the FEMA Flood Zone AE; to amend Existing Land Use Designations Map II-3 to show the subject property will change from Volusia County *Vacant Land* to City *Vacant Land* to amend Existing Level of Service-2009 Map III-1 to show the subject property is served by a Class B level of service roadway to the north and a local road to the north; to amend Existing Traffic Lanes-2009 Map III-2 to show the subject property is served by a 4-lane roadway to the north and a local road to the north; to amend Public Transit Routes Map III-3 to show the subject property is served by public transit routes located throughout the City; to amend Bicycle and Pedestrian Facilities Map III-4 to show the subject property is served by bicycle and pedestrian facilities located throughout the City; to amend Airport Runway Protection Zones Map III-5 to show the subject property is within the height notification zone, and is not within the noise impact zone, the building restriction zone, or the runway protection zone; to amend Evacuation Routes Map III-6 to show the subject property is served by evacuation routes located throughout the City; to amend Level of Service-2025 Map III-7 to show the subject property is served by Class D level of service roadway to the north and a local road to the north; to amend Number of Traffic Lanes-2025 Map III-8 to show the subject property is served by a 4-lane roadway to the north and a local road to the north; amend Water & Sewer Service Area Map VII-1 to show the subject property is within the City and inside the New Smyrna Beach water and sewer service area; to amend Soil Limitation for Septic Systems Map VII-2 to show the subject property is within the slight limitations; to amend Coastal High Hazard Area Map VII-4 to show the subject property is not within the Coastal High Hazard

Area; to amend Boat Slip Siting Map VIII-2 to show the subject property is not located within a boat slip siting restricted zone; to amend City Parks Map X-1 to show the subject property is within the City and served by neighborhood and community parks; to amend Commission Zones Map Z-1 to show the subject property is located in City Commission Zone 1; and

WHEREAS, the Planning and Zoning Board, sitting as the City's Local Planning Agency, held an advertised public hearing pursuant to §163.3174(4), Fla. Stat., on December 1, 2025, and by a vote of 7-0 recommended that the City Commission approve the proposed Plan Amendment; and

WHEREAS, the proposed Amendment is from Volusia County *Urban Low Intensity, Urban Medium Intensity,* and *Environmental Systems Corridor* to City *Conservation* land use of FIFTY (50) acres or fewer. §163.3187(1)(a), Fla. Stat.; and

WHEREAS, the proposed Amendment does not involve a text change to the goals, policies, and objectives of the City's Comprehensive Plan, but only propose a land use change to the future land use map for a site-specific small-scale development activity. §163.3187(1)(c), Fla. Stat.; and

WHEREAS, the proposed Amendment is not located within an area of critical state concern. §163.3187(1)(d), Fla. Stat.; and

WHEREAS, the City Commission finds that the proposed Amendment qualifies as a Plan Amendment directly related to small-scale development activities within the meaning of §163.3187(1), Fla. Stat.; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to amend its Comprehensive Plan as more particularly set forth hereinafter.

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

SECTION 1: ***Land Use Amendment.*** That the Comprehensive Plan, **Future Land Use Map II-4**, is hereby amended by changing the land use designations for real property located in Volusia County, Florida, described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

from Volusia County *Urban Low Intensity, Urban Medium Intensity,* and *Environmental Systems Corridor* to City *Conservation.*

SECTION 2: ***Map Amendment.*** That the Comprehensive Plan, **Neighborhoods Map II-1**, is hereby amended to show the subject property is within the Lake Waterford Estates Neighborhood.

SEE EXHIBIT "B" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 3: ***Map Amendment.*** That the Comprehensive Plan, **Flood Prone Area Map II-2**, is hereby amended to show the subject property is within FEMA Flood Zone AE.

SEE EXHIBIT "C" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 4: ***Map Amendment.*** That the Comprehensive Plan, **Existing Land Use Designations Map II-3**, is hereby amended to show the subject property will change from County *Vacant Land* to City *Vacant Land.*

SEE EXHIBIT "D" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 5: ***Map Amendment.*** That the Comprehensive Plan, **Existing Level of Service-2009 Map III-1**, is hereby amended to show the subject property is served by a Class B level of service roadway to the north and a local road to the north.

SEE EXHIBIT "E" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 6: ***Map Amendment.*** That the Comprehensive Plan, **Existing Traffic Lanes-2009 Map III-2,** is hereby amended to show the subject property is served by a 4-lane roadway to the north and a local road to the north.

SEE EXHIBIT "F" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 7: ***Map Amendment.*** That the Comprehensive Plan, **Public Transit Routes Map III-3,** is hereby amended to show the subject property is served by public transit routes located throughout the City.

SEE EXHIBIT "G" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 8: ***Map Amendment.*** That the Comprehensive Plan, **Bicycle and Pedestrian Facilities Map III-4**, is hereby amended to show the subject property is served by bicycle and pedestrian facilities located throughout the City.

SEE EXHIBIT "H" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 9: ***Map Amendment.*** That the Comprehensive Plan, **Airport Runway Protection Zones Map III-5**, is hereby amended to show the subject property is within the height notification zone, and is not within the noise impact zone, the building restriction zone, or the runway protection zone.

SEE EXHIBIT "I" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 10: ***Map Amendment.*** That the Comprehensive Plan, **Evacuation Routes Map III-6**, is hereby amended to show the subject property is served by evacuation routes located throughout the City.

SEE EXHIBIT "J" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 11: ***Map Amendment.*** That the Comprehensive Plan, **Level of Service-2025 Map III-7**, is hereby amended to show the subject property is served by a Class D level of service roadway to the north and a local road to the north.

SEE EXHIBIT "K" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 12: ***Map Amendment.*** That the Comprehensive Plan, **Number of Traffic Lanes-2025 Map III-8**, is hereby amended to show the subject property is served by a 4-lane roadway to the north and a local road to the north.

SEE EXHIBIT "L" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 13: ***Map Amendment.*** That the Comprehensive Plan, **Water and Sewer Service Area Map VII-1** is hereby amended to show the subject property is within the City and inside the New Smyrna Beach Water and Sewer Service Area.

SEE EXHIBIT "M" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 14: ***Map Amendment.*** That the Comprehensive Plan, **Soil Limitation for Septic Systems Map VII-2** is hereby amended to show the subject property is within the soils with slight limitations.

SEE EXHIBIT "N" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 15: ***Map Amendment.*** That the Comprehensive Plan, **Coastal High Hazard Areas Map VII-4** is hereby amended to show the subject property is not within the Coastal High Hazard Area.

SEE EXHIBIT "O" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 16: ***Map Amendment.*** That the Comprehensive Plan, **Boat Slip Siting Map VIII-2** is hereby amended to show the subject property is not located within a boat slip siting restricted zone.

SEE EXHIBIT "P" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 17: ***Map Amendment.*** That the Comprehensive Plan, **City Parks Map X-1** is hereby amended to show the subject property is within the City and served by neighborhood and community parks.

SEE EXHIBIT "Q" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 18: ***Map Amendment.*** That the Comprehensive Plan, **Commission Zones Map Z-1** is hereby amended to show the subject property is located in City Commission Zone 1.

SEE EXHIBIT "R" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 19: ***Public Hearing.*** It is hereby found that a public hearing held by the City Commission to consider adoption of this ordinance on February 10, 2026, at 5:30 p.m. in the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida, after notice published at least 10 days prior to hearing is deemed to comply with §§163.3187(2) and 166.041(3)(a), Fla. Stat.

SECTION 20: ***Conflicting Ordinances***. That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 21: ***Administrative Correction of Scrivener's Errors.*** The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 22: ***Effective Date.*** That this ordinance shall become effective THIRTY ONE (31) days following adoption by the City Commission unless a challenge is filed under §163.3187(5), Fla. Stat. In the event that the ordinance is challenged within THIRTY (30) days after adoption, it shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the adopted small scale development amendment is in compliance. §163.3187(5), Fla. Stat. In addition, this ordinance shall not become effective until Volusia Growth Management Commission has issued a Certificate of Consistency. No development orders, development permits, or land uses dependent on these amendments may be issued or commence before they have become effective.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 1/16/2026

EXHIBIT "A"

EXISTING FUTURE LAND USE DESIGNATIONS

A-11-25

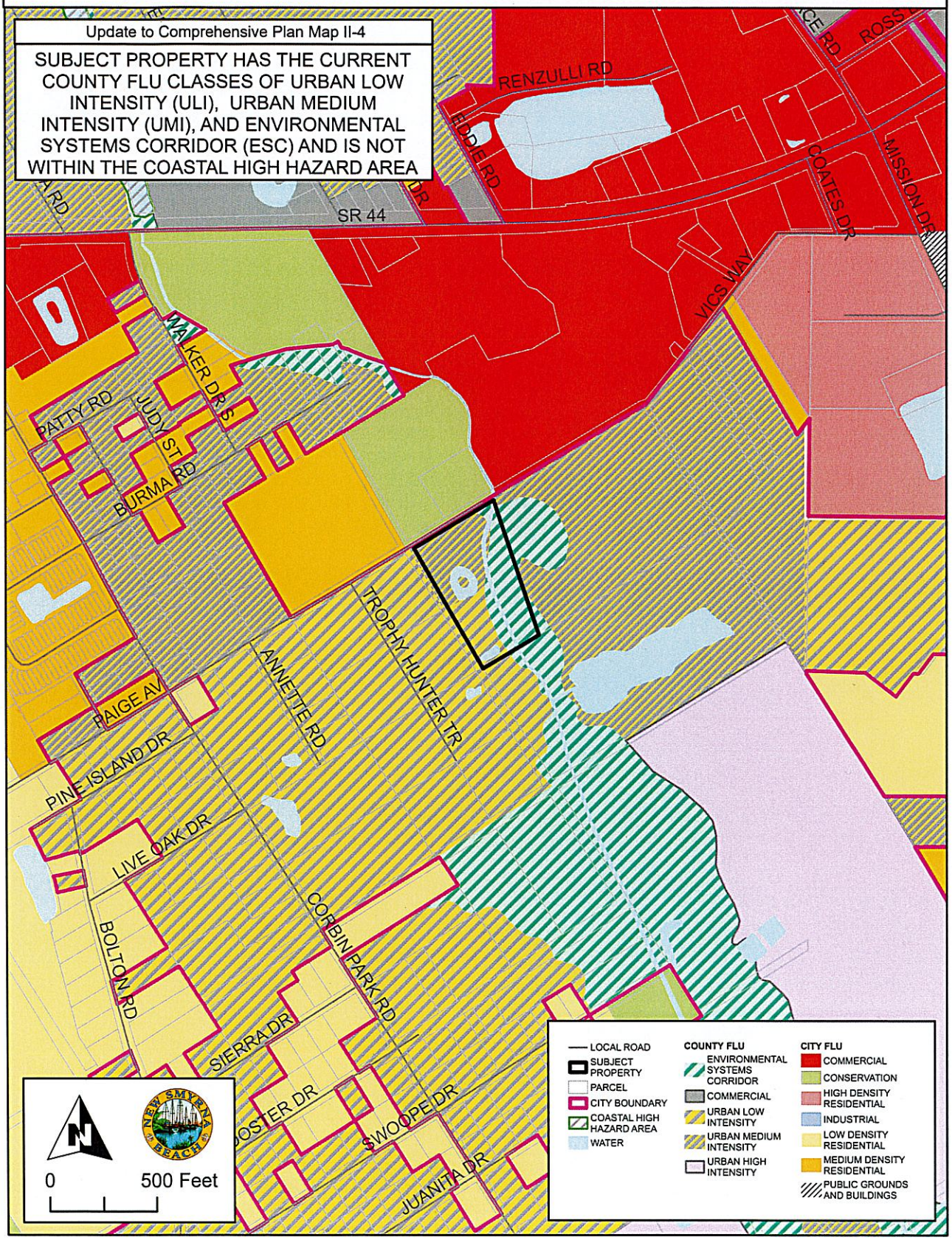


EXHIBIT "A"

PROPOSED FUTURE LAND USE DESIGNATIONS

A-11-25

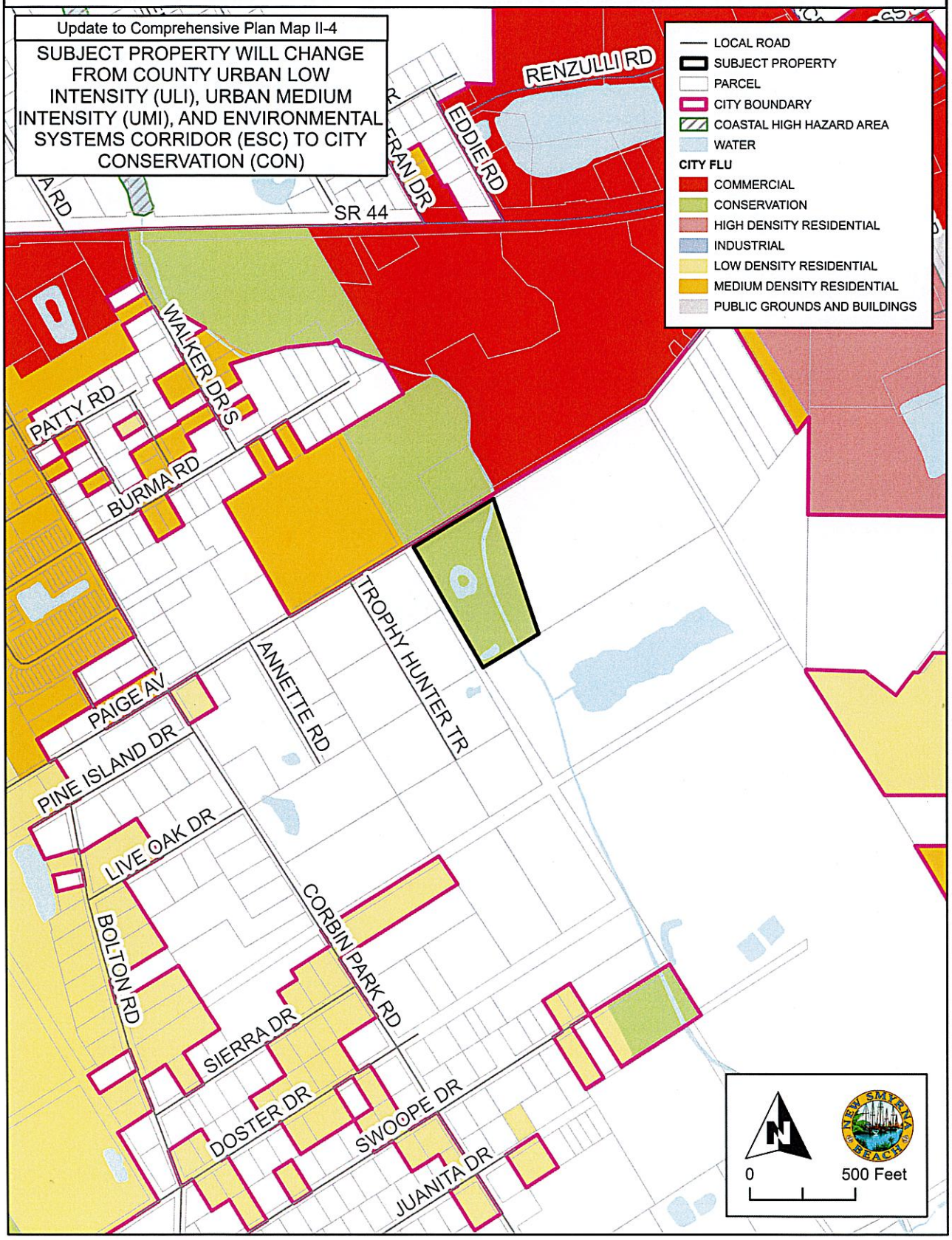
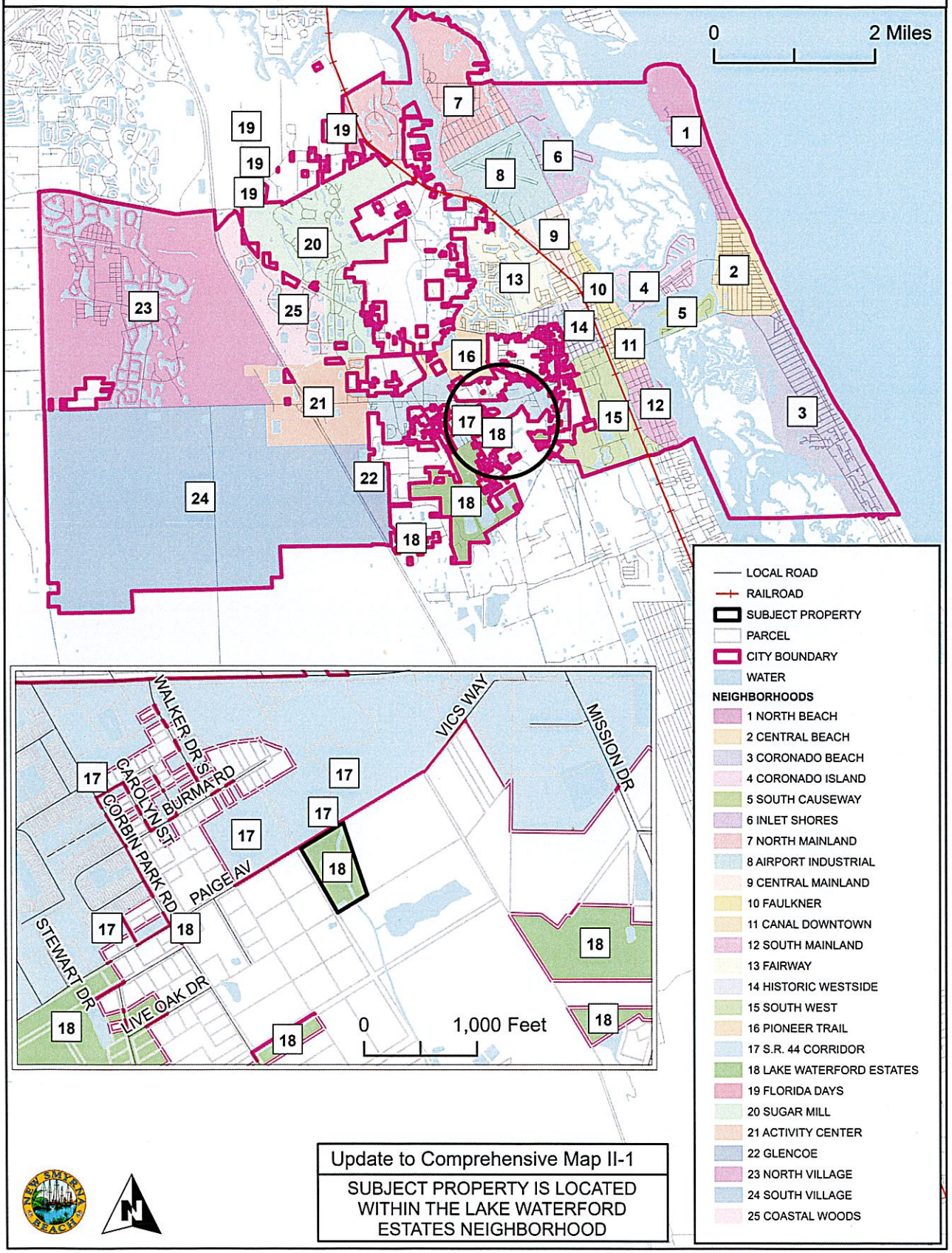


EXHIBIT "B"

NEIGHBORHOODS

A-11-25



Update to Comprehensive Map II-1

SUBJECT PROPERTY IS LOCATED WITHIN THE LAKE WATERFORD ESTATES NEIGHBORHOOD

EXHIBIT "C"

FLOOD PRONE AREAS

A-11-25

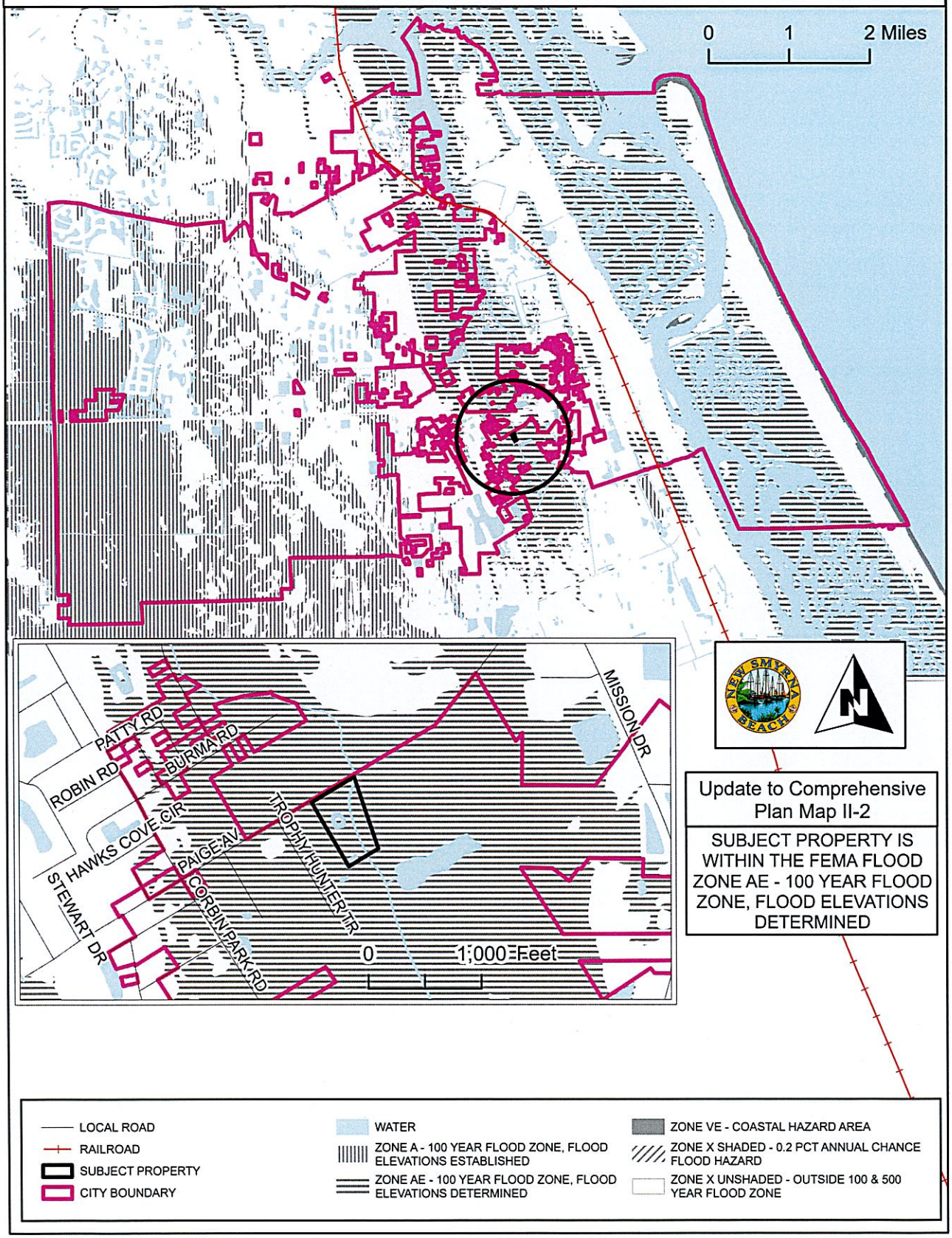


EXHIBIT "D"

EXISTING LAND USE DESIGNATIONS

A-11-25

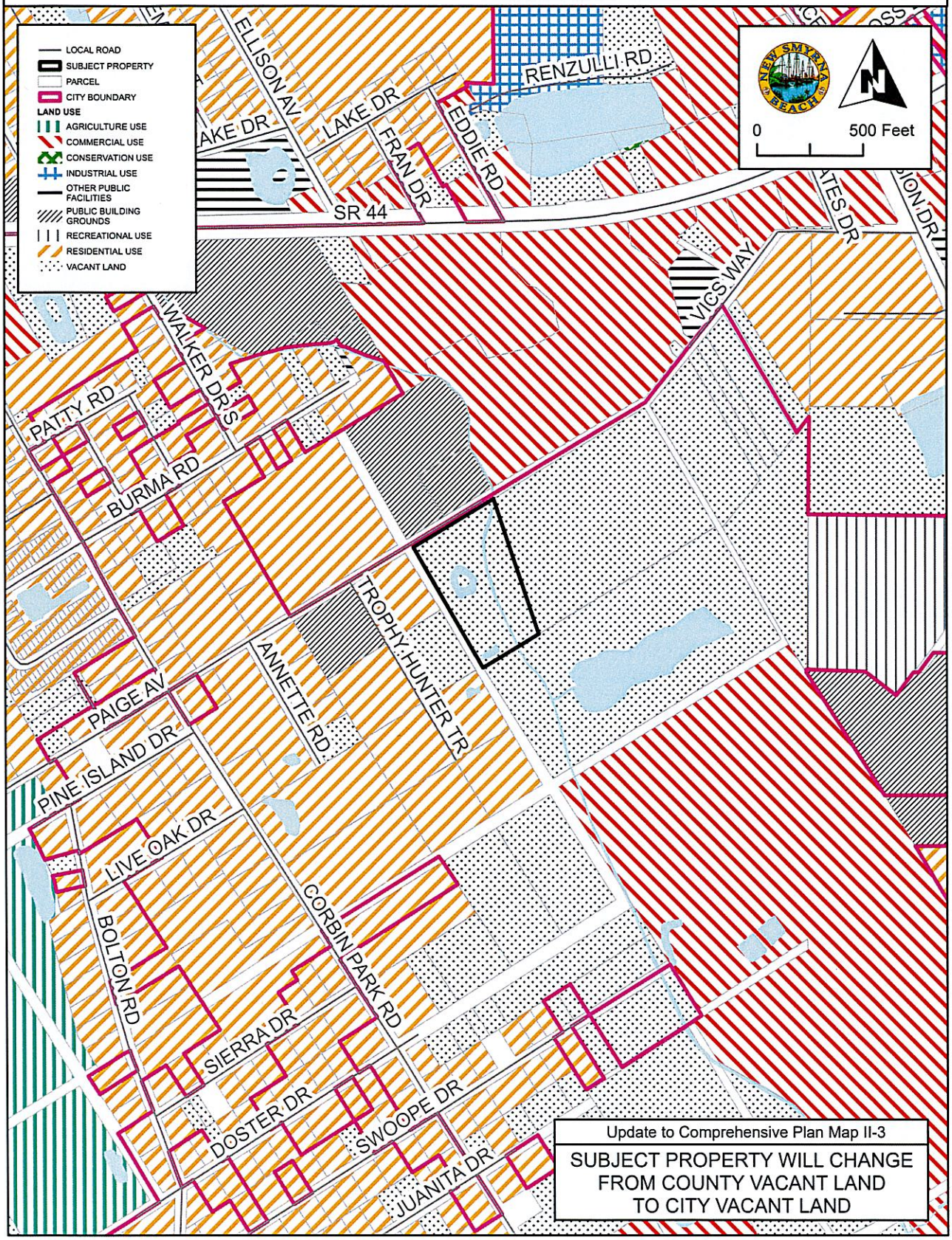


EXHIBIT "E"

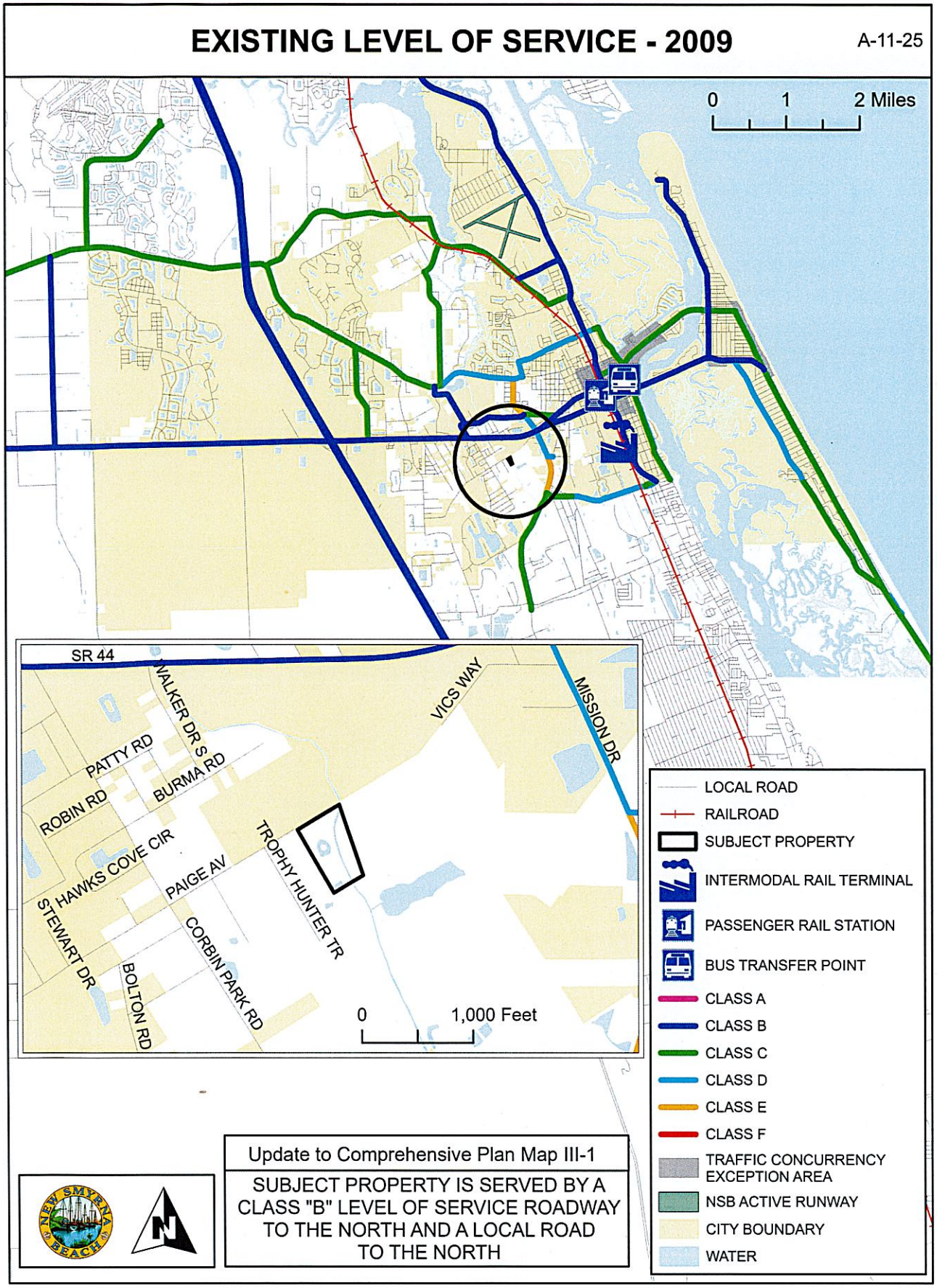
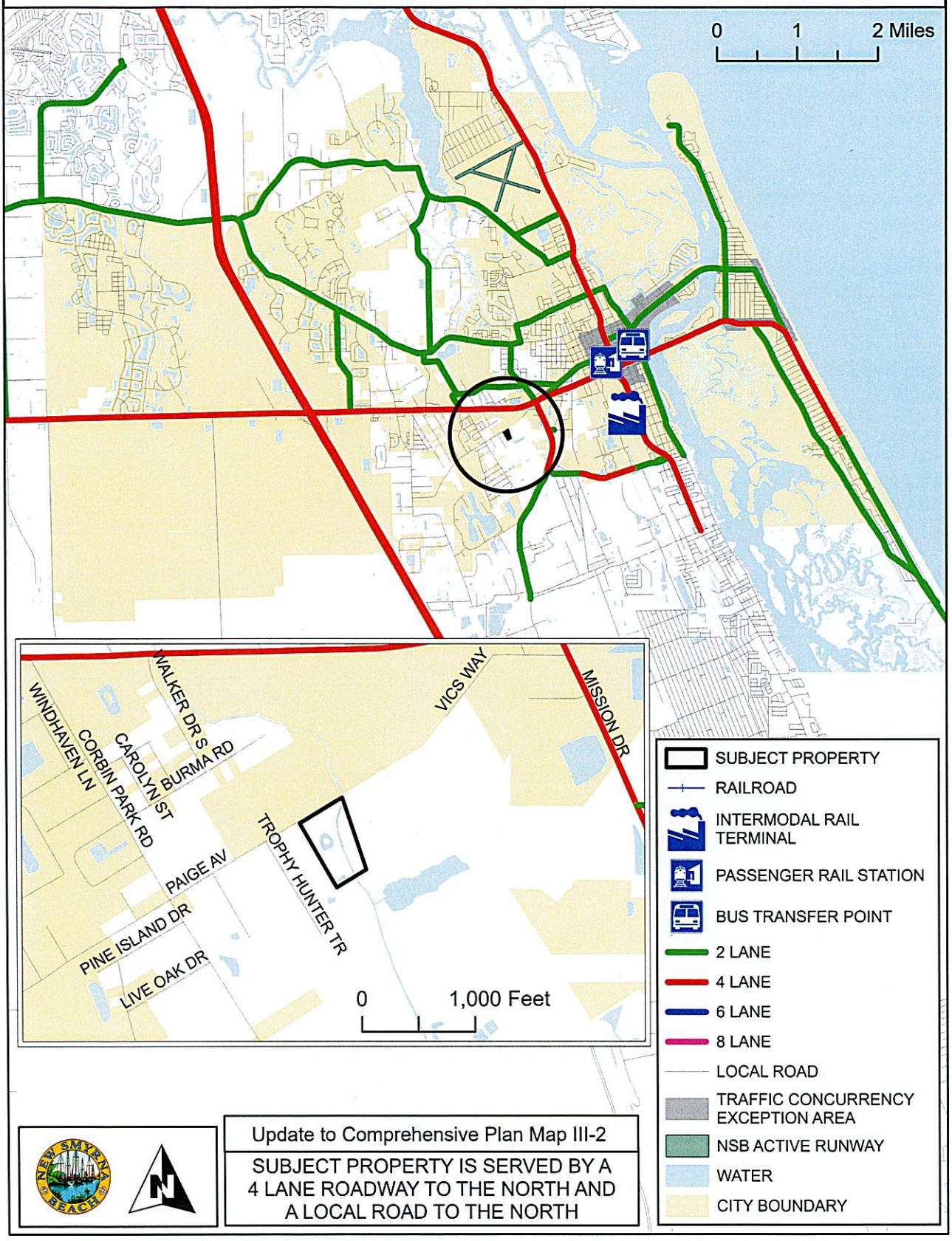

EXISTING LEVEL OF SERVICE - 2009
A-11-25
0 1 2 Miles
SR 44
WALKER DR S
VICS WAY
MISSION DR
PATTY RD
BURMA RD
ROBIN RD
HAWKS COVE CIR
PAIGE AV
TROPHY HUNTER TR
STEWART DR
BOLTON RD
CORBIN PARK RD
0 1,000 Feet
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
CLASS A
CLASS B
CLASS C
CLASS D
CLASS E
CLASS F
TRAFFIC CONCURRENCY EXCEPTION AREA
NSB ACTIVE RUNWAY
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map III-1
SUBJECT PROPERTY IS SERVED BY A CLASS "B" LEVEL OF SERVICE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE NORTH

EXHIBIT "F"

EXISTING TRAFFIC LANES - 2009

A-11-25

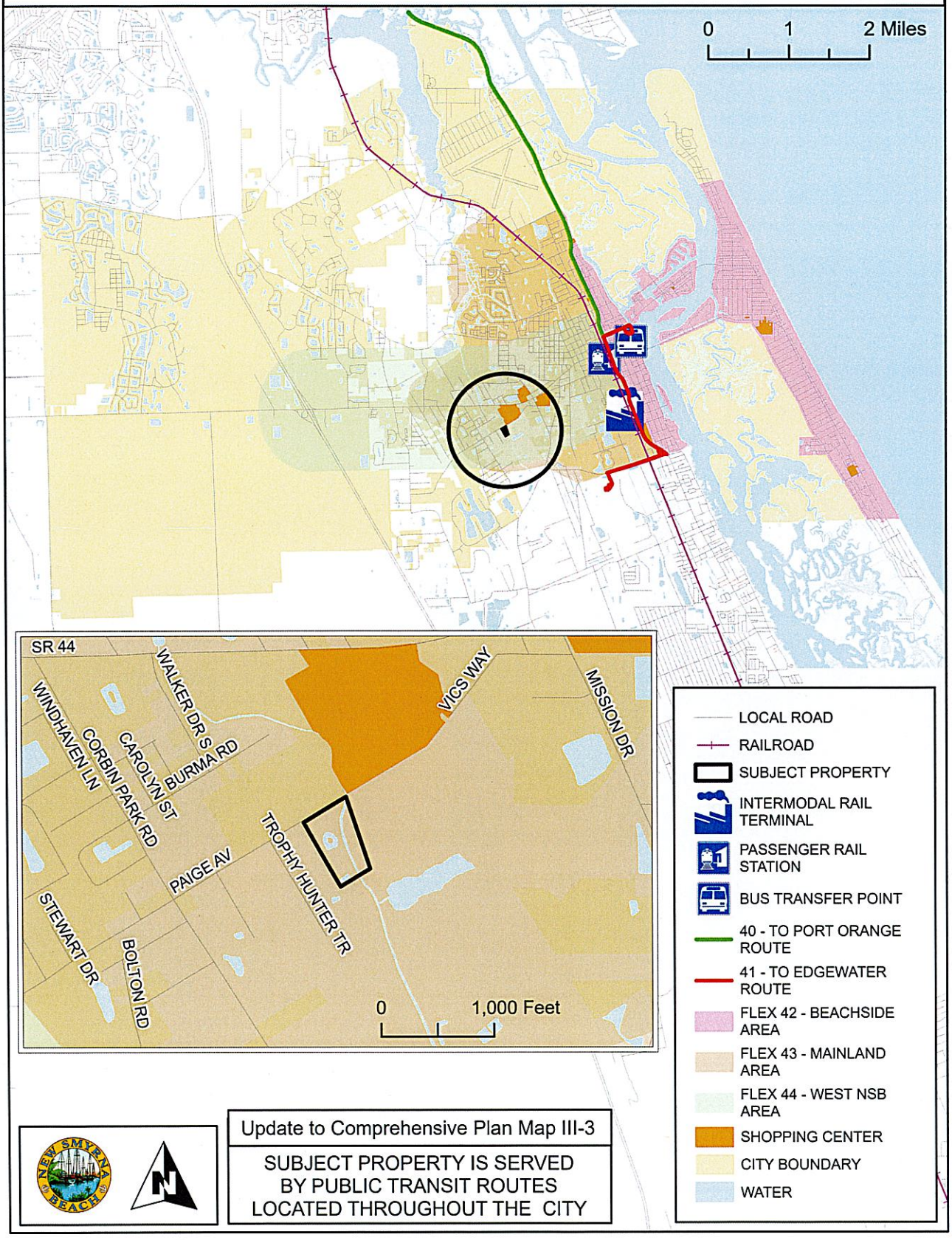


Update to Comprehensive Plan Map III-2

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE NORTH

PUBLIC TRANSIT ROUTES

A-11-25



Update to Comprehensive Plan Map III-3

SUBJECT PROPERTY IS SERVED BY PUBLIC TRANSIT ROUTES LOCATED THROUGHOUT THE CITY

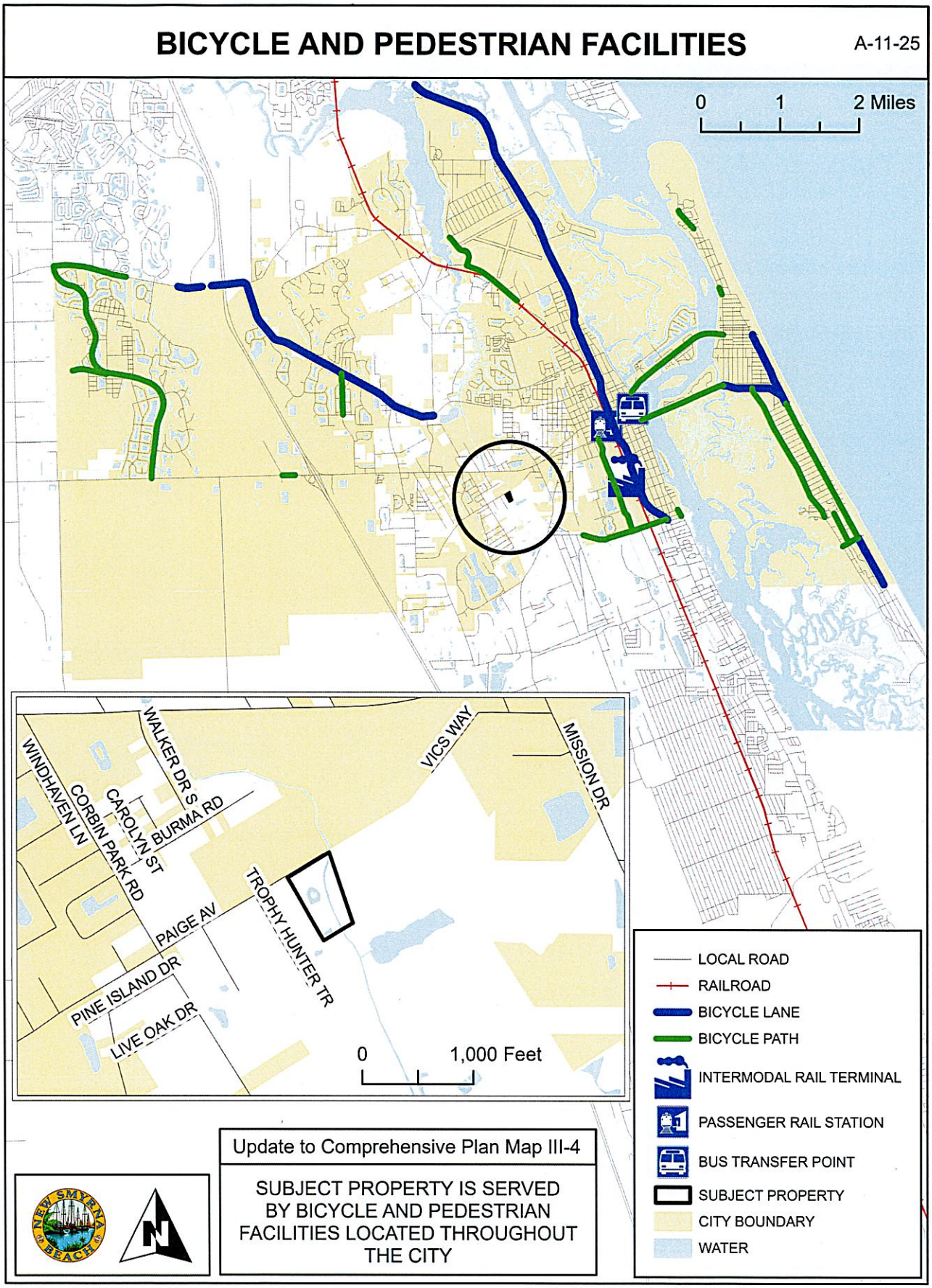
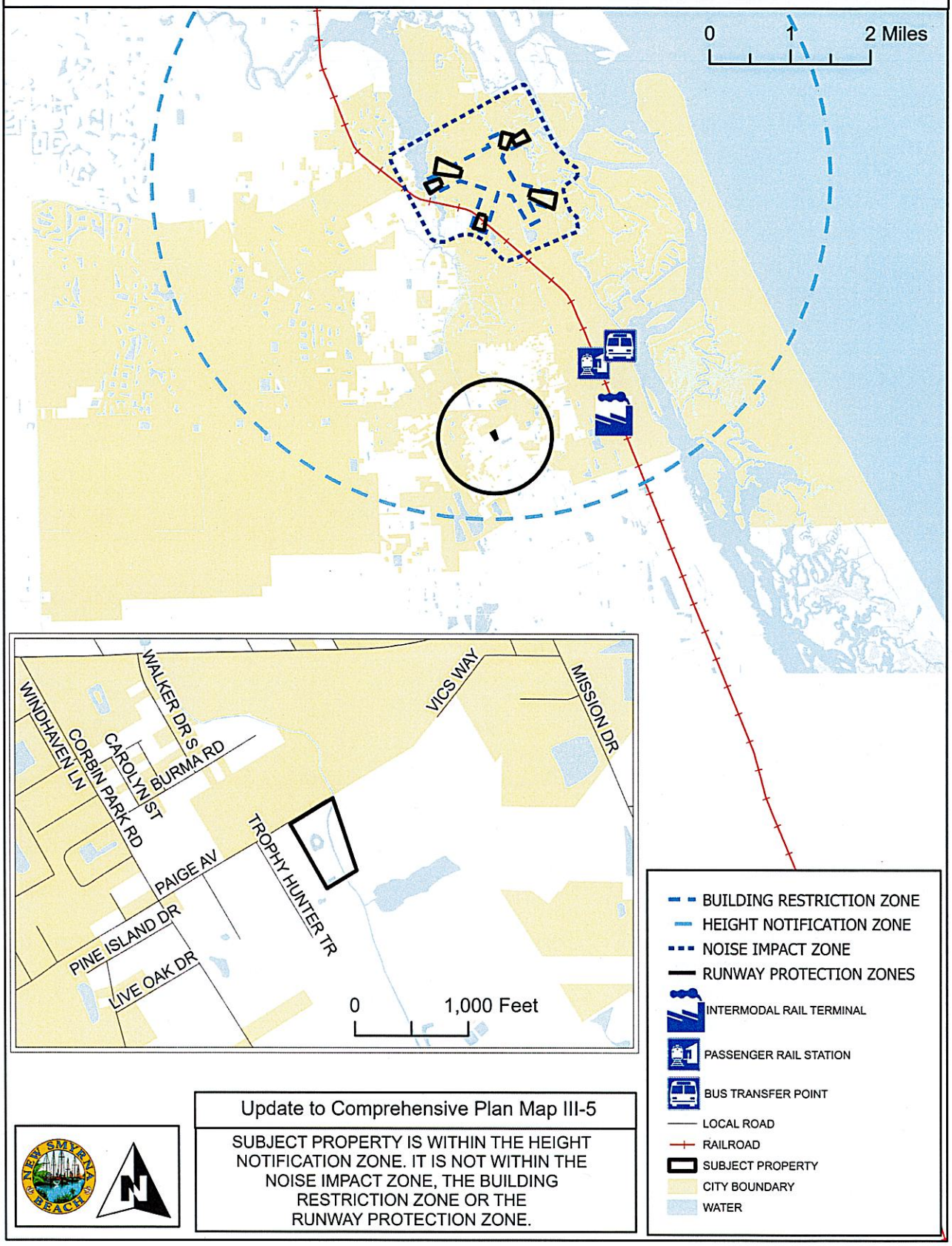

BICYCLE AND PEDESTRIAN FACILITIES
A-11-25
0 1 2 Miles
WALKER DR S
VICS WAY
MISSION DR
WINDHAVEN LN
CORBIN PARK RD
CAROLYN ST
BURMA RD
TROPHY HUNTER TR
PAIGE AV
PINE ISLAND DR
LIVE OAK DR
0 1,000 Feet
LOCAL ROAD
RAILROAD
BICYCLE LANE
BICYCLE PATH
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
SUBJECT PROPERTY
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map III-4
SUBJECT PROPERTY IS SERVED BY BICYCLE AND PEDESTRIAN FACILITIES LOCATED THROUGHOUT THE CITY

EXHIBIT "I"

AIRPORT RUNWAY PROTECTION ZONES

A-11-25



Update to Comprehensive Plan Map III-5
SUBJECT PROPERTY IS WITHIN THE HEIGHT NOTIFICATION ZONE. IT IS NOT WITHIN THE NOISE IMPACT ZONE, THE BUILDING RESTRICTION ZONE OR THE RUNWAY PROTECTION ZONE.

EXHIBIT "J"

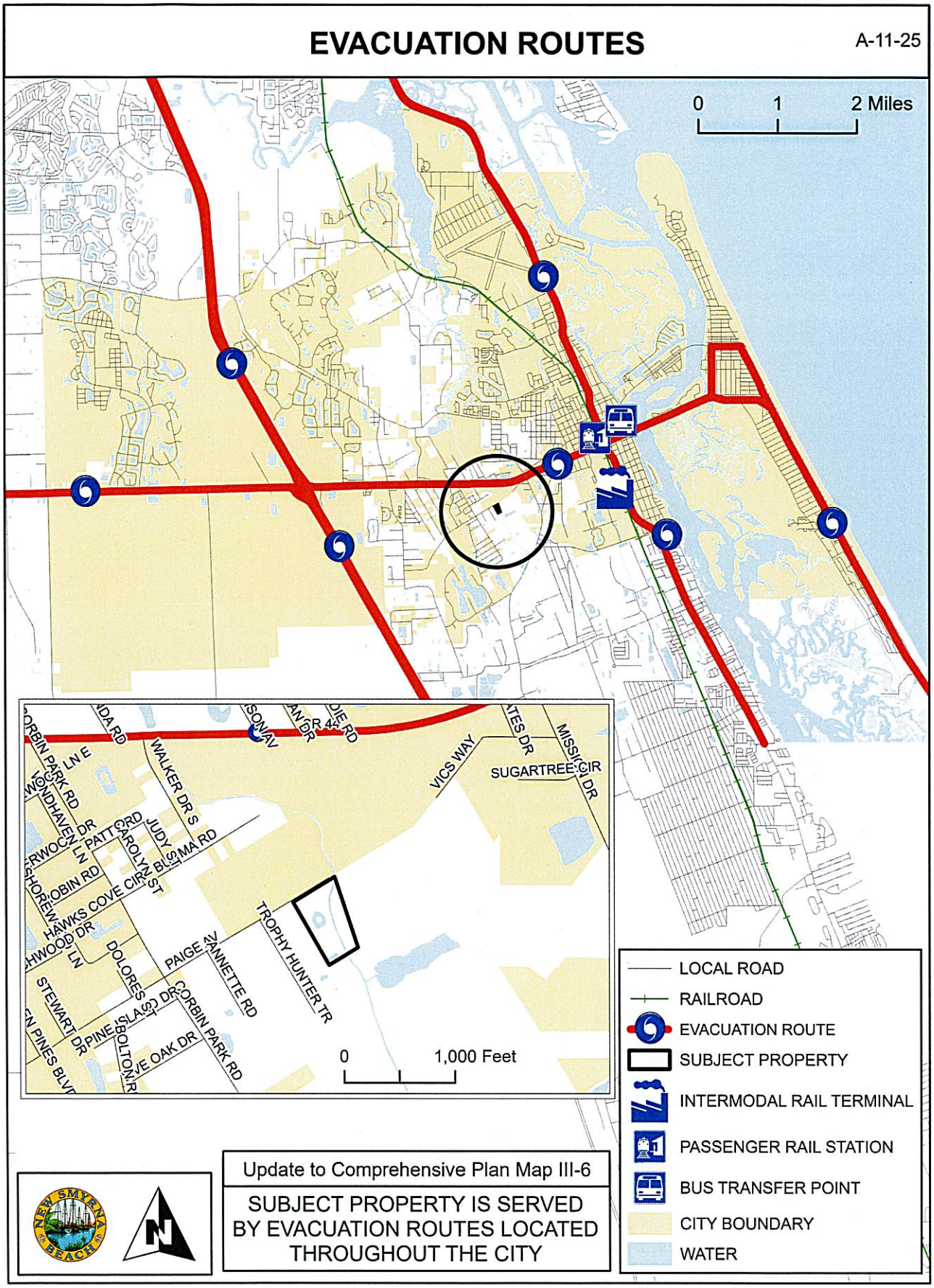

EVACUATION ROUTES
A-11-25
0
1
2 Miles
WALKER DR S
VICS WAY
SUGARTREE CIR
TROPHY HUNTER TR
PAIGE AV
DOLORES ST
CORBIN PARK RD
STEWART DR
0
1,000 Feet
LOCAL ROAD
RAILROAD
EVACUATION ROUTE
SUBJECT PROPERTY
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map III-6
SUBJECT PROPERTY IS SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY

EXHIBIT "K"

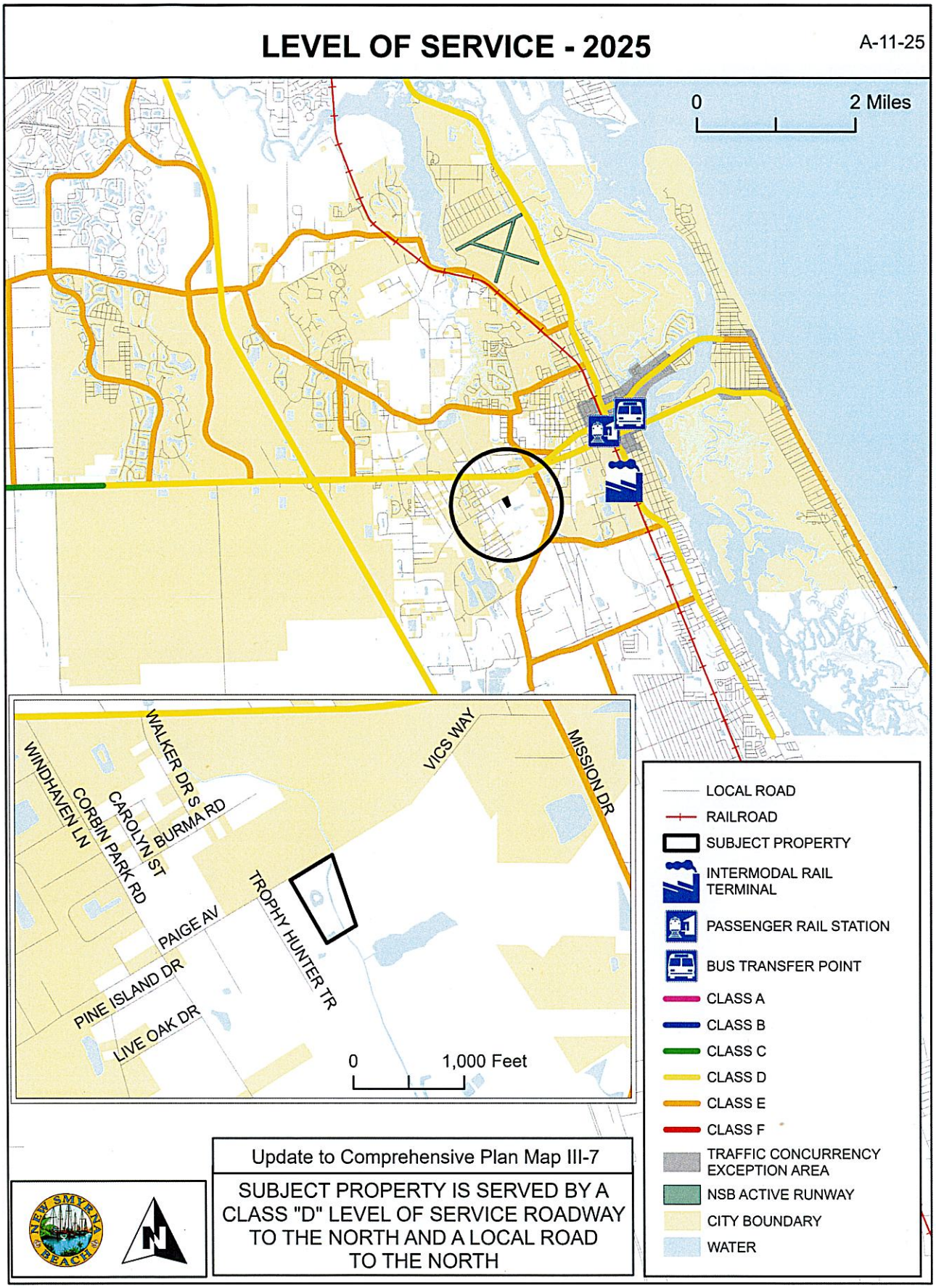

LEVEL OF SERVICE - 2025
A-11-25
0
2 Miles
A
WALKER DR S
WINDHAVEN LN
CORBIN PARK RD
CAROLYN ST
BURMA RD
VICS WAY
MISSION DR
PAIGE AV
TROPHY HUNTER TR
PINE ISLAND DR
LIVE OAK DR
0
1,000 Feet
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
CLASS A
CLASS B
CLASS C
CLASS D
CLASS E
CLASS F
TRAFFIC CONCURRENCY EXCEPTION AREA
NSB ACTIVE RUNWAY
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map III-7
SUBJECT PROPERTY IS SERVED BY A CLASS "D" LEVEL OF SERVICE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE NORTH

EXHIBIT "L"

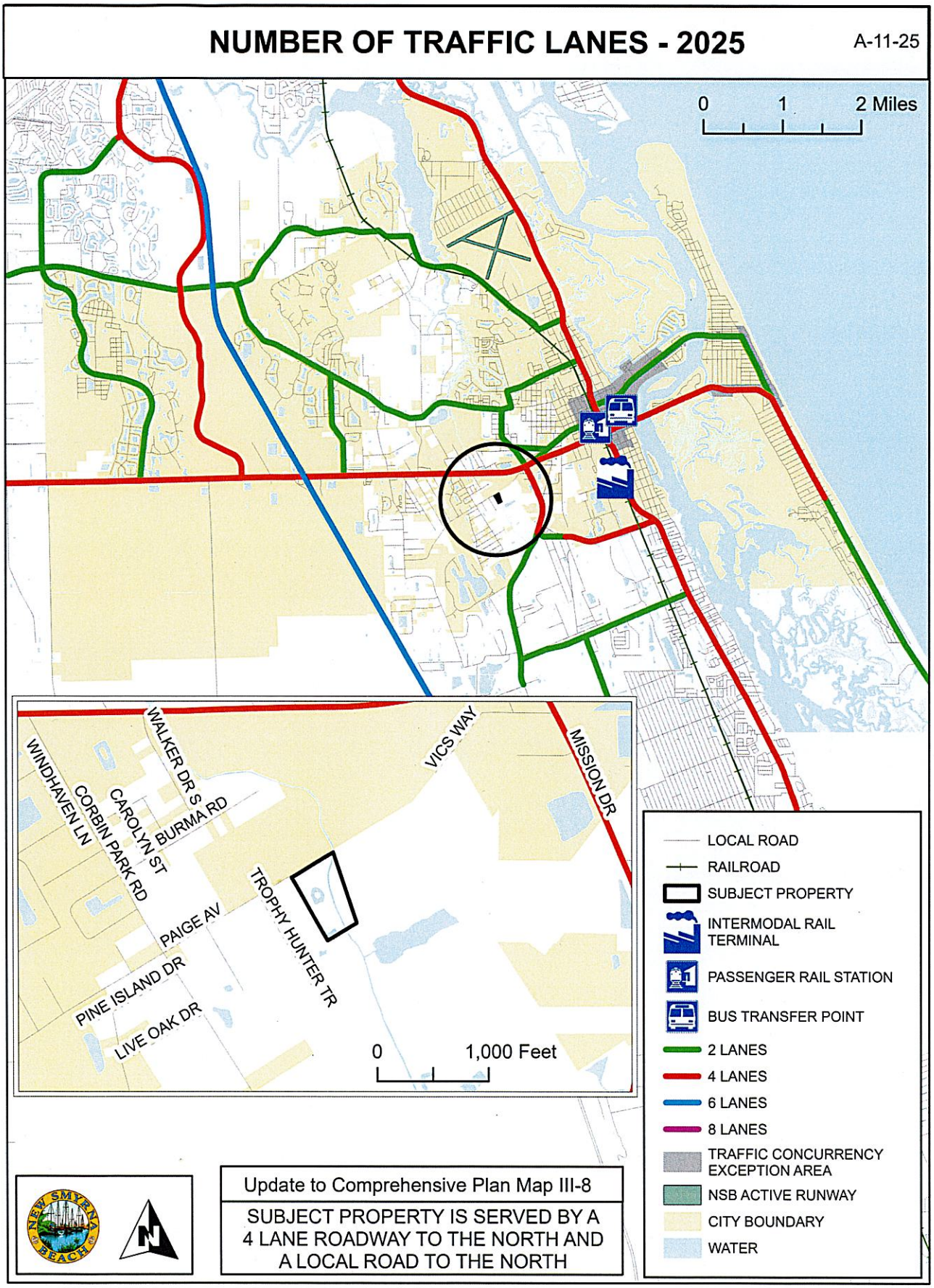
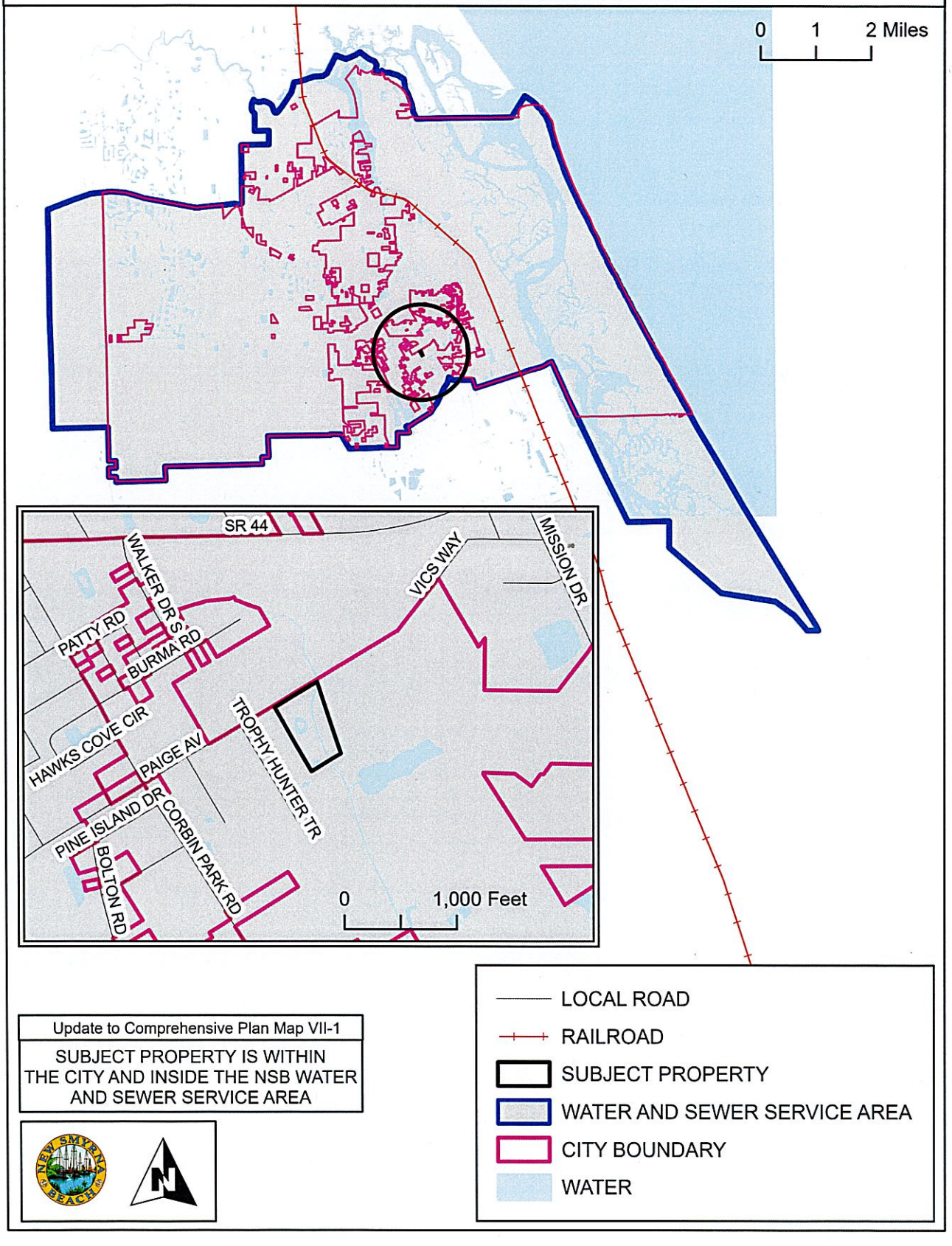

NUMBER OF TRAFFIC LANES - 2025
A-11-25
0 1 2 Miles
WALKER DR S
VICS WAY
MISSION DR
WINDHAVEN LN
CORBIN PARK RD
CAROLYN ST
BURMA RD
PAIGE AV
TROPHY HUNTER TR
PINE ISLAND DR
LIVE OAK DR
0 1,000 Feet
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
2 LANES
4 LANES
6 LANES
8 LANES
TRAFFIC CONCURRENCY EXCEPTION AREA
NSB ACTIVE RUNWAY
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map III-8
SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE NORTH

EXHIBIT "M"

WATER AND SEWER SERVICE AREA

A-11-25

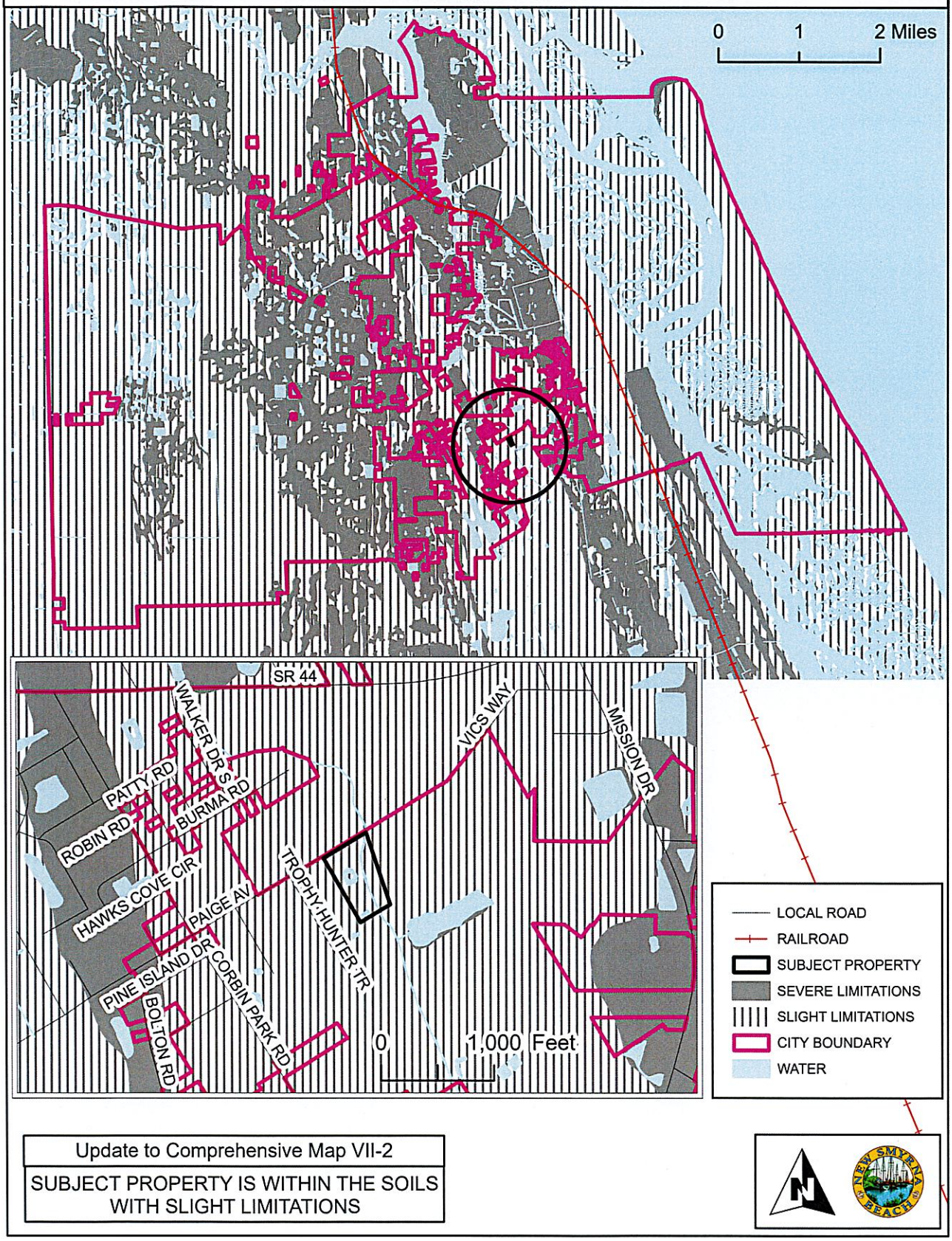


Update to Comprehensive Plan Map VII-1

SUBJECT PROPERTY IS WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA

SOIL LIMITATION FOR SEPTIC SYSTEMS

A-11-25



Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

EXHIBIT "O"

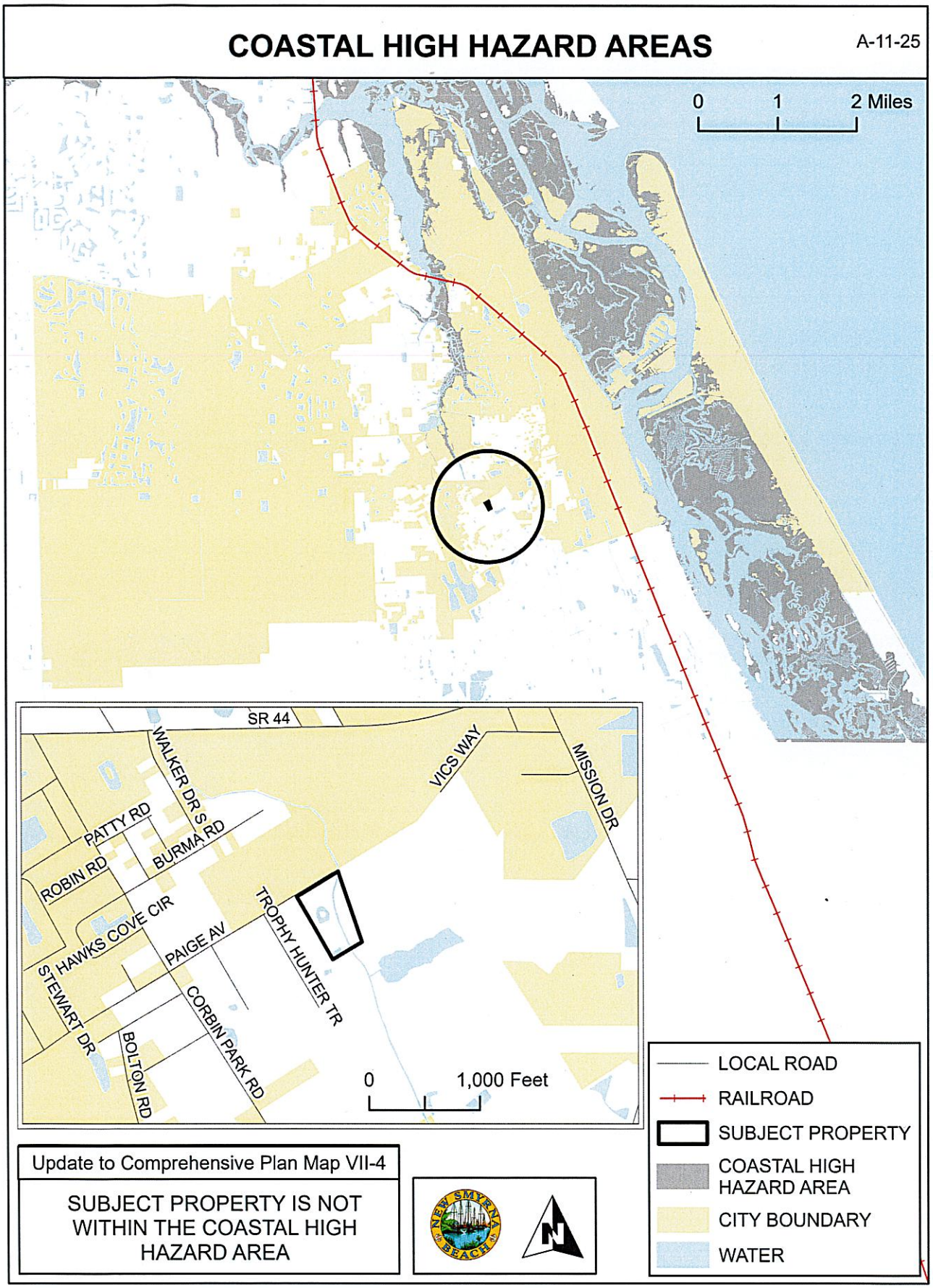

COASTAL HIGH HAZARD AREAS
A-11-25
0 1 2 Miles
SR 44
WALKER DR S
VICS WAY
MISSION DR
PATTY RD
BURMA RD
ROBIN RD
HAWKS COVE CIR
PAIGE AV
TROPHY HUNTER TR
STEWART DR
BOLTON RD
CORBIN PARK RD
0 1,000 Feet
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
COASTAL HIGH HAZARD AREA
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map VII-4
SUBJECT PROPERTY IS NOT WITHIN THE COASTAL HIGH HAZARD AREA

EXHIBIT "P"

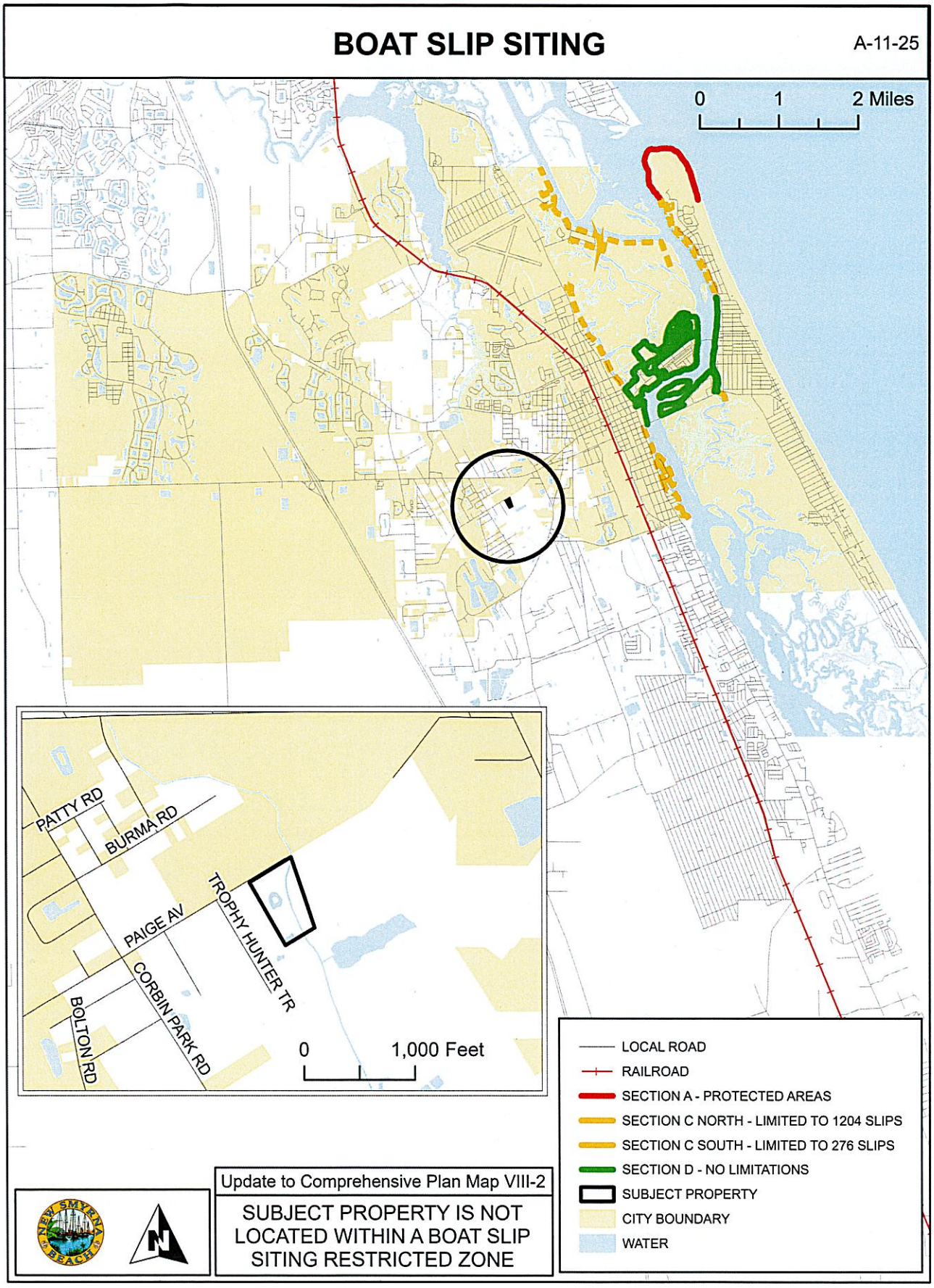
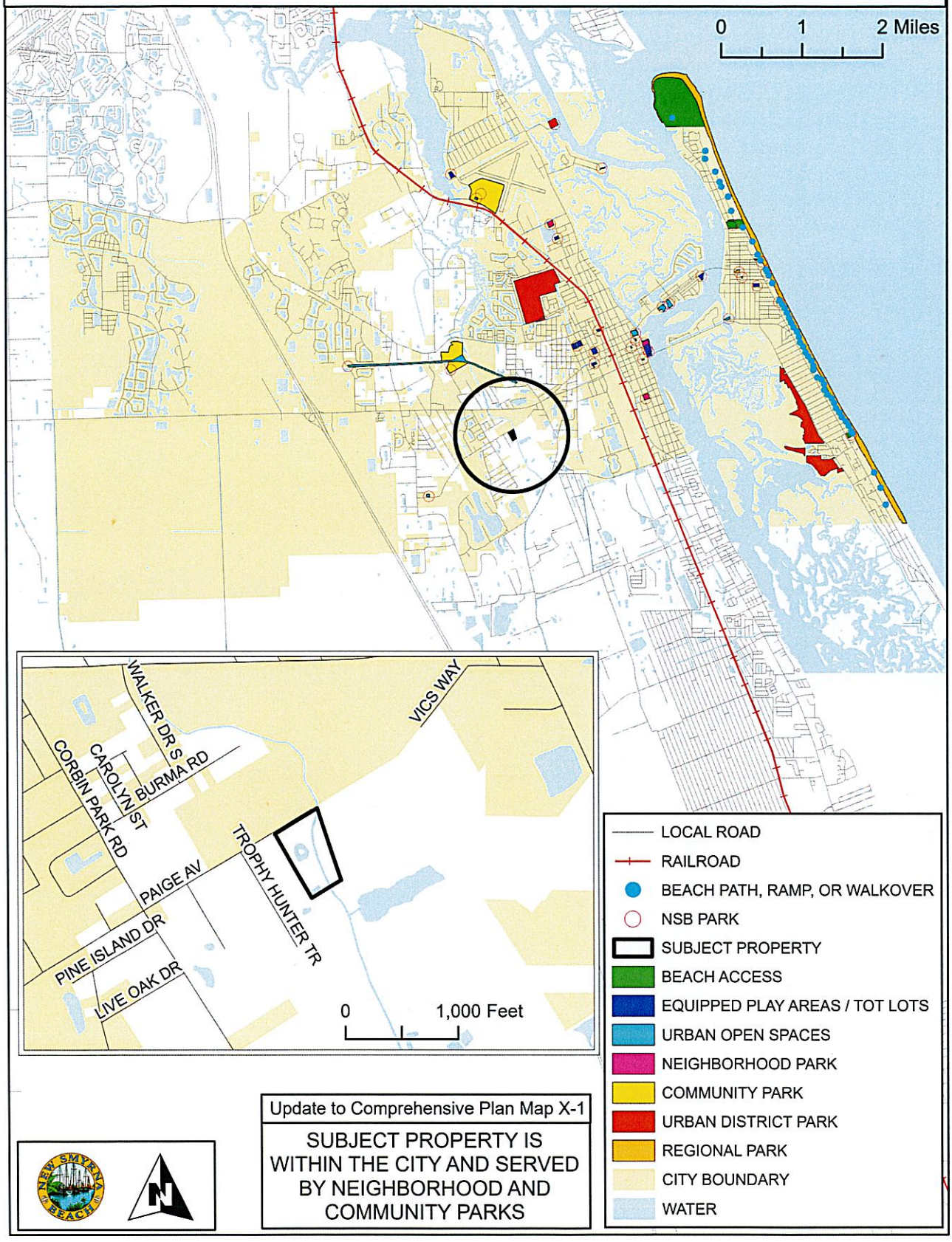

BOAT SLIP SITING
A-11-25
0
1
2 Miles
PATTY RD
BURMA RD
PAIGE AV
TROPHY HUNTER TR
CORBIN PARK RD
BOLTON RD
0
1,000 Feet
LOCAL ROAD
RAILROAD
SECTION A - PROTECTED AREAS
SECTION C NORTH - LIMITED TO 1204 SLIPS
SECTION C SOUTH - LIMITED TO 276 SLIPS
SECTION D - NO LIMITATIONS
SUBJECT PROPERTY
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map VIII-2
SUBJECT PROPERTY IS NOT LOCATED WITHIN A BOAT SLIP SITING RESTRICTED ZONE

EXHIBIT "Q"

CITY PARKS

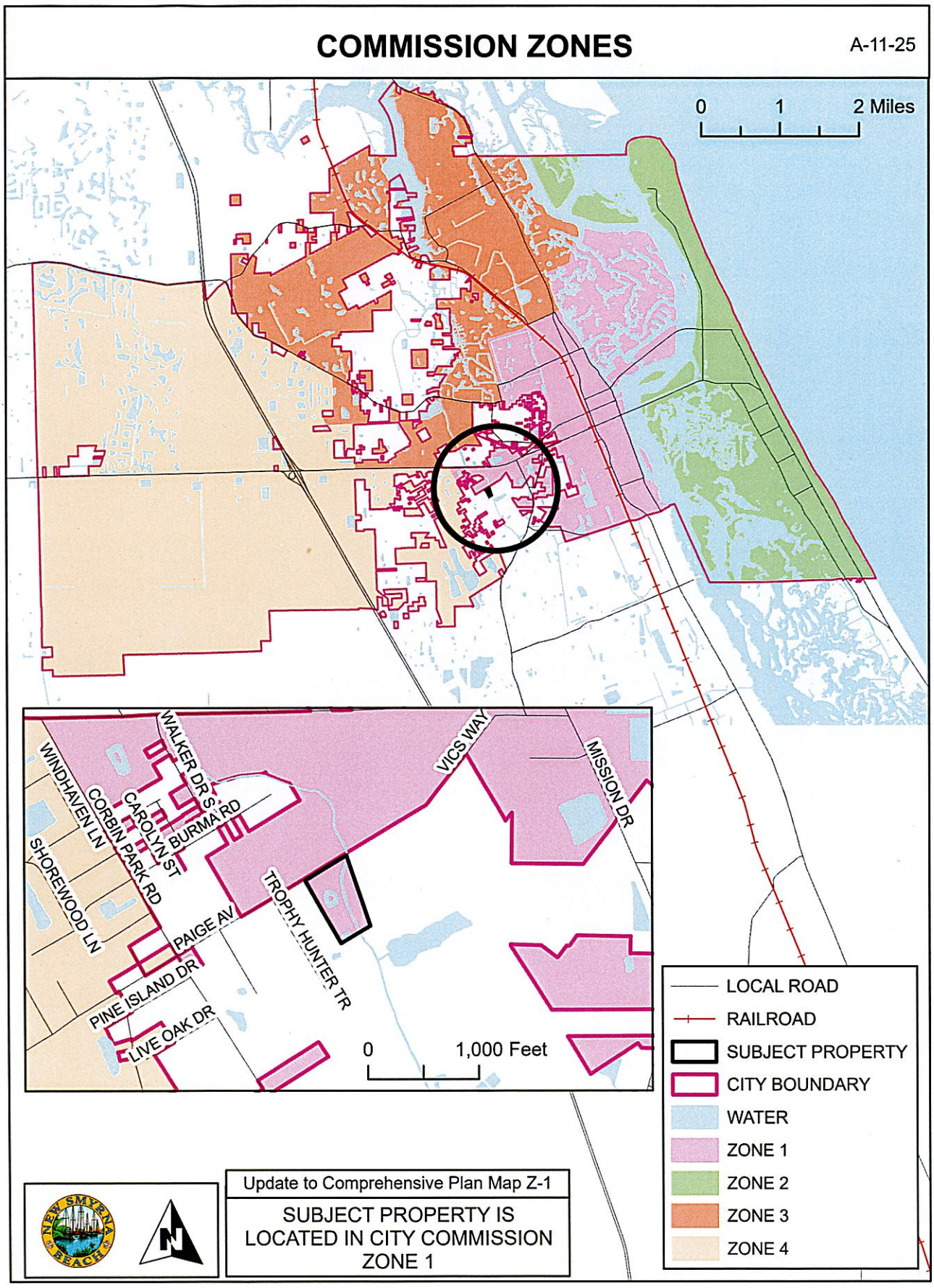
A-11-25



Update to Comprehensive Plan Map X-1

SUBJECT PROPERTY IS WITHIN THE CITY AND SERVED BY NEIGHBORHOOD AND COMMUNITY PARKS

EXHIBIT "R"


COMMISSION ZONES
A-11-25
0 1 2 Miles
WINDHAVEN LN
WALKER DR S
CORBIN PARK RD
CAROLYN ST
BURMA RD
VICS WAY
MISSION DR
SHOREWOOD LN
TROPHY HUNTER TR
PAIGE AV
PINE ISLAND DR
LIVE OAK DR
0 1,000 Feet
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
CITY BOUNDARY
WATER
ZONE 1
ZONE 2
ZONE 3
ZONE 4
Update to Comprehensive Plan Map Z-1
SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 1

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ORDINANCE NO. 11-26: CONDUCT A SECOND READING AND PUBLIC HEARING OF AN ORDINANCE, WHICH, IF ADOPTED, WOULD REZONE APPROXIMATELY 5 ± ACRES OF LAND TO CONSERVATION FOR PROPERTY LOCATED ON PAIGE AVENUE. (0881)

February 10, 2026

Background:

Applicant: Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

Property Owner: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168.

Request: Rezoning:

- **From:** Volusia County zoning designations of RC, Resource Corridor, R-1, Urban Single-Family, and R-4, Urban Single Family Residential with a "A" attached for Airport Height Notification Zone.

- **To:** City zoning designation of Conservation with a "A" attached for Airport Height Notification Zone.

Site Information:

- **Size:** 5 ± acres.

- **Location:** South side of Paige Avenue, east of Trophy Hunter Trail.

Tax I.D. Number: 7343-06-00-0881

Findings:

On April 23, 2013, the City Commission adopted an Interlocal Service Boundary Agreement (ISBA). The ISBA, which is permitted under Chapter 171, Part II, Florida Statutes, allows the City of New Smyrna Beach to annex any parcels that are within the designated annexation area, even if they are not contiguous to the current municipal boundaries. The agreement, which is between the Volusia County and the City of New Smyrna Beach, was also approved by the County on May 2, 2013. A new updated agreement was approved on May 2, 2022.

The subject property is within the annexation area designated in the ISBA. The subject property on Paige Avenue is currently vacant. A location map is attached as **Exhibit A** and an aerial map is attached as **Exhibit B**.

The existing Volusia County zoning designations of the subject property is shown on the following map as **Exhibit C**. The associated current zoning text descriptions for the subject property is attached as **Exhibit D**. Existing land uses are shown on the map attached as **Exhibit E**.

The established City Commission policy is that when properties are annexed into the City, the City will assign future land use categories and zoning designations that would be as similar as possible to existing County designations. The existing County Future Land Use categories are Environmental Systems Corridor, Urban Low Intensity, and Urban Medium Intensity. The existing County zoning designations are Resource Corridor, R-1, Urban Single-Family, and R-4, Urban Single Family Residential. The proposed City FLU category is Conservation. The proposed City zoning designation is Conservation. A text description of the proposed City Conservation zoning designation, and a map of the proposed changes are attached as **Exhibits F** and **G**.

The *Land Development Regulations* requires any proposed development to conform to the Concurrency Management System. That system includes traffic, parks and recreation, potable water, wastewater treatment, solid waste collection, stormwater management, and public-school facilities. Because the subject property is undeveloped, and because no new improvements are proposed, staff did not prepare a concurrency analysis table for this case.

The ISBA map is attached as **Exhibit H**. The legal description and Warranty Deed are attached as **Exhibits I** and **J**.

Recommendations:

At its regular scheduled meeting on December 1, 2025, the Planning and Zoning Board voted, 7-0, to give a positive recommendation to the City Commission to **approve** the requested rezoning designation to City Conservation with an “A” attached for Airport Height Notification Zone for property located on Paige Avenue as part of an overall annexation application.

The Planning Department also recommends the City Commission to **approve** the requested rezoning designation to City Conservation with an “A” attached for Airport Height Notification Zone for property located on Paige Avenue as part of an overall

annexation application.

Fiscal Analysis:
N/A

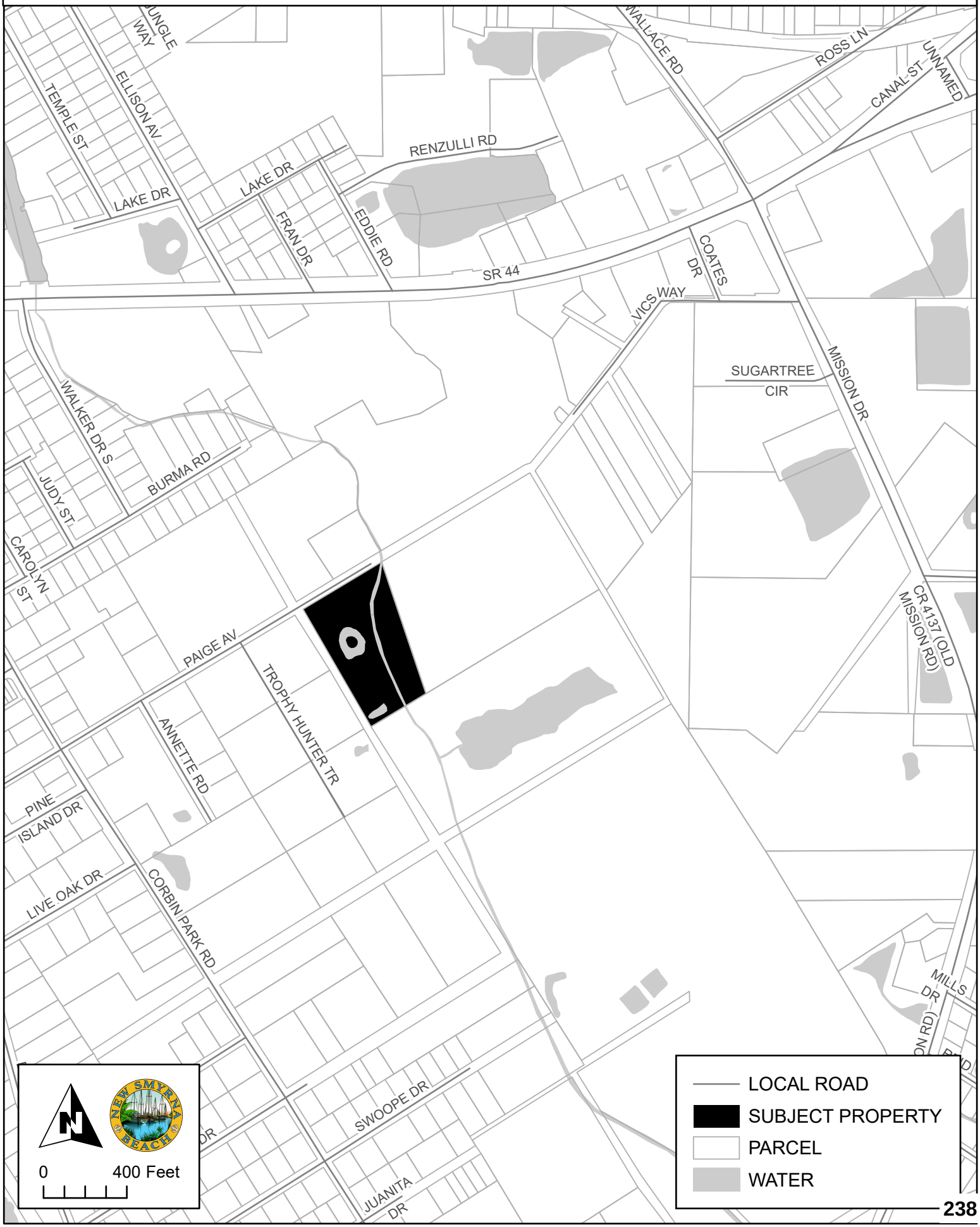
Strategic Plan Item:
Yes

Staff Report Created By: Shane Corbin - Developmental Services Director

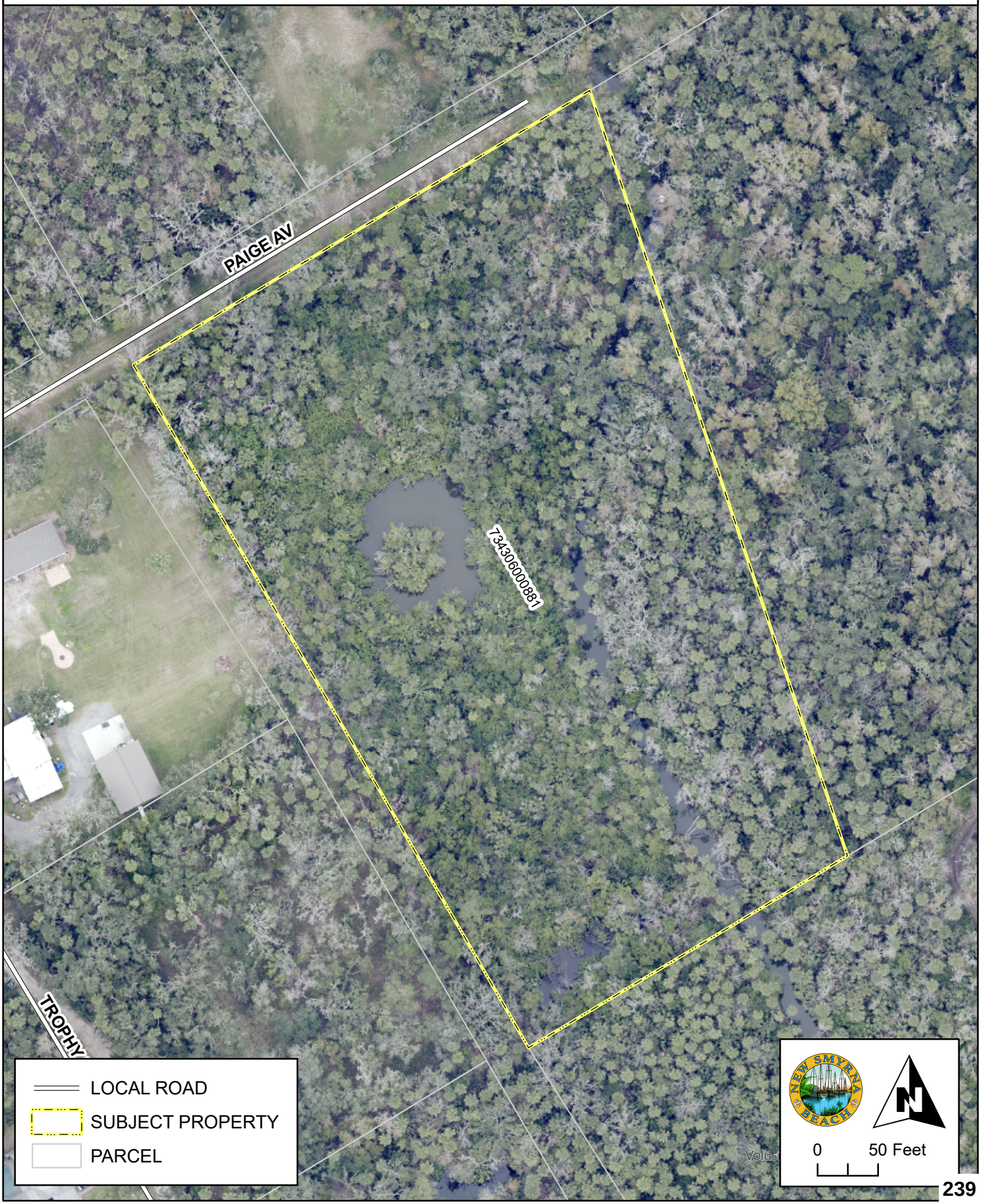
Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing Zoning Map.pdf
Exhibit D Existing County Zoning Text.pdf
Exhibit E Existing Land Use Map.pdf
Exhibit F City Conservation Zoning Text.pdf
Exhibit G Proposed Zoning Map.pdf
Exhibit H Interlocal Service Boundary Agreement Map.pdf
Exhibit I Legal Description.pdf
Exhibit J Warranty Deed.pdf
Business Impact Estimate - Ord 11-26 Paige Ave.pdf
Ord 11-26 Rezoning Paige Ave (0881).pdf

A-11-25: PAIGE AVENUE
PARCEL: 7343-06-00-0881 LOCATION MAP

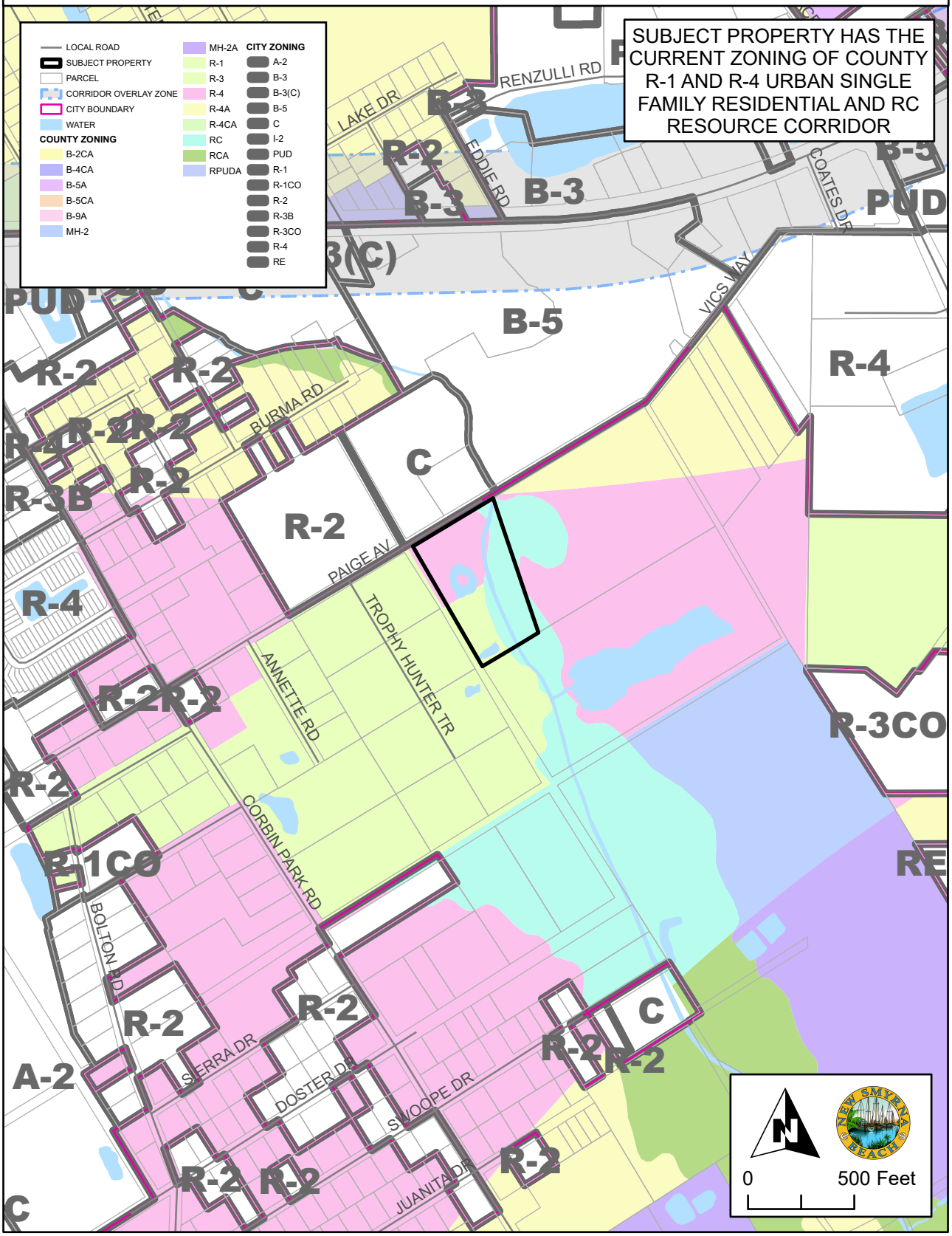


A-11-25: PAIGE AVENUE
PARCEL: 7343-06-00-0881 AERIAL MAP



EXISTING ZONING

A-11-25



RC RESOURCE CORRIDOR CLASSIFICATION

Purpose and intent: The purpose and intent of the RC Resource Corridor Classification is to provide protected, natural corridors consisting of environmentally sensitive and ecologically significant lands which connect to other protected areas such as parks and water bodies. The corridor shall provide a contiguous hydroecological pathway, where the wetlands and uplands are integrated and conducive to the maintenance and perpetuation of the system.

Permitted principal uses and structures: In the RC Resource Corridor Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Apiaries; provided, however, that the RC classified area does not comprise part of a lot classified for residential, commercial or industrial use.

Aquatic preserves (state or federal designated).

Aviaries; provided, however, that the RC classified area does not comprise part of a lot classified for residential, commercial or industrial use.

Docks in accordance with section 72-278.

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 3 of the Land Development Code of Volusia County [article III] and/or final plan review procedures of this article.

Fire stations.

Fishing, hunting and wildlife management areas.

Historical or archeological sites.

Hobby breeder.

Home-based business (refer to section 72-283).

Pasture for the grazing, boarding or raising of livestock, subject to the maximum lot coverage requirements below.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Silvicultural operations, which follow the most up to date state-prescribed best management practices.

Single-family standard, modular or mobile home dwelling.

Worm raising, provided, however, that the RC classified area does not comprise part of a lot classified for residential, commercial or industrial use.

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

Animal shelters.

Communication towers exceeding 70 feet in height above ground level.

Dogs and cats boarded as personal pets exceeding the number permitted in subsection 72-306(a).

Except for those permitted principal uses and special exceptions listed hereunder, all agricultural pursuits, including the processing, packaging, storage and sale of agriculture products which are raised on the premises; provided however, that the total land area devoted to agricultural uses, including improved pasture, does not exceed 20 percent of the total lot area zoned RC and further provided that the RC classified area does not comprise part of a lot classified for residential commercial or industrial use.

Hunting camps.

Kennels.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 72-293(1)).

Riding stables.

Dimensional requirements for lots, parcels and tracts of land zoned in its entirety as resource corridor.

Minimum lot sizes:

Area: 25 acres.

Width: 150 feet.

Minimum yard size:

Front yard: 50 feet.

Rear yard: 50 feet.

Side yard: 50 feet.

Waterfront yard: 75 feet.

Maximum building height: 45 feet.

Maximum lot clearance and coverage: Lot clearance can not exceed 20 percent. The area covered with principal and accessory buildings shall not exceed ten percent.

Minimum floor area: 750 square feet.

Dimensional requirements for lots, parcels or other tracts of land which are zoned a mixture of RC and another zone classification: In instances where Resource Corridor boundaries split existing lots parcels or tracts of land, the subject property may be subdivided into lots meeting the minimum lot area and width requirements of the zoning classification of the property not classified as Resource Corridor, providing that Resource Corridor classified lands are not counted as meeting part of the minimum lot area or lot width requirements of the other zone classification. In such instances, there shall be no minimum area or width requirements for the portion of the lot classified as RC. Development of lots classified as a mixture of RC and another zone classification shall be subject to the provisions of subsection 72-136(10) of this article.

Minimum lot size:

Area: No minimum for the portion of the lot classified as RC, providing that the minimum area requirement for the portion of the lot classified other than RC is met.

Width: No minimum for the portion of the lot classified as RC, providing that the minimum with requirement for the portion of the lot classified other than RC is met.

Minimum yard sizes: As provided for under subsection 72-136(10) of this article.

Maximum building height: 45 feet.

Maximum lot coverage: Lot clearance on the portion of the lot classified as RC cannot exceed 20 percent, and no more than ten percent of the portion of the lot classified as RC may be covered with principal and accessory buildings. The portion of the lot classified other than RC shall be subject to the maximum lot coverage requirements of that zone classification.

Minimum floor area: As required for the portion of the lot not classified as RC.

Off-street parking and loading requirements: Off-street parking and loading areas meeting the requirements of sections 72-286 and 72-287 shall be constructed.

Skirting requirements for mobile home dwelling: The area between the ground and floor of the mobile home dwelling shall be enclosed with skirting.

R-1 URBAN SINGLE-FAMILY

RESIDENTIAL CLASSIFICATION[1]

Purpose and intent: The purpose and intent of the R-1 Urban Single-Family Residential Classification is to provide low-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structures: In the R-1 Urban Single-Family Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Cluster and zero lot line subdivisions (refer to section 72-304).

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article.

Exempt landfills (refer to subsection 72-293(16)).

Fire stations.

Home-based business (refer to section 72-283).

Houses of worship.

Parks and recreation areas accessory to residential developments.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Single-family standard or modular dwelling.

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

Bed and breakfast (refer to subsection 72-293(19)).

Cemeteries (refer to subsection 72-293(4)).

Communication towers exceeding 70 feet in height above ground level.

Day care centers (refer to subsection 72-293(6)).

Dogs and cats boarded as personal pets exceeding the number permitted in subsection 72-306(a).

---

[1]Editor's note(s)—Section 14 of Ord. No. 90-34, adopted Sept. 27, 1990, changed the title of the R-1 classification from "Suburban" to "Urban".

Excavations only for stormwater retention ponds for which a permit is required by this article.

Off-street parking areas (refer to subsection 72-293(14)).

Public uses not listed as permitted principal uses.

Public utility uses and structures (refer to subsection 72-293(1)).

Recreational areas (refer to subsection 72-293(3)).

Schools, parochial or private (refer to subsection 72-293(4)).

Dimensional requirements:

Minimum lot size:

Area: 20,000 square feet.

Width: 100 feet.

Minimum yard size:

Front yard: 30 feet.

Rear yard: 20 feet.

Side yard: 20 feet combined, minimum of eight feet on any one side.

Waterfront yard: 25 feet.

Maximum building height: 35 feet.

Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.

Minimum floor area: 1,500 square feet.

Off-street parking and loading requirements: Off-street parking and loading areas meeting the requirements of sections 72-286 and 72-287 shall be constructed.

R-4 URBAN SINGLE-FAMILY RESIDENTIAL CLASSIFICATION

Purpose and intent: The purpose and intent of the R-4 Urban Single-Family Residential Classification is to provide medium-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structures: In the R-4 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Cluster and zero lot line subdivisions (refer to subsection 72-304).

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article.

Exempt landfills (refer to subsection 72-293(16)).

Fire stations.

Home-based business (refer to section 72-283).

Houses of worship.

Parks and recreational areas accessory to residential developments.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Single-family standard or modular dwelling.

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

Bed and breakfast (refer to subsection 72-293(19)).

Cemeteries (refer to subsection 72-293(4)).

Communication towers exceeding 70 feet in height above ground level.

Day care centers (refer to subsection 72-293(6)).

Dogs and cats boarded as personal pets exceeding the number permitted in subsection 72-306(a).

Excavations only for stormwater retention ponds for which a permit is required by this article.

Off-street parking areas (refer to subsection 72-293(14)).

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to subsection 72-293(1)).

Recreational areas (refer to subsection 72-293(3)).

Schools, parochial or private (refer to subsection 72-293(4)).

Dimensional requirements:

Minimum lot size:

Area: 7,500 square feet.

Width: 75 feet.

Minimum yard size:

Front yard: 25 feet.

Rear yard: 20 feet.

Side yard: 20 feet combined, minimum of eight feet on any one side.

Waterfront yard: 25 feet.

Maximum building height: 35 feet.

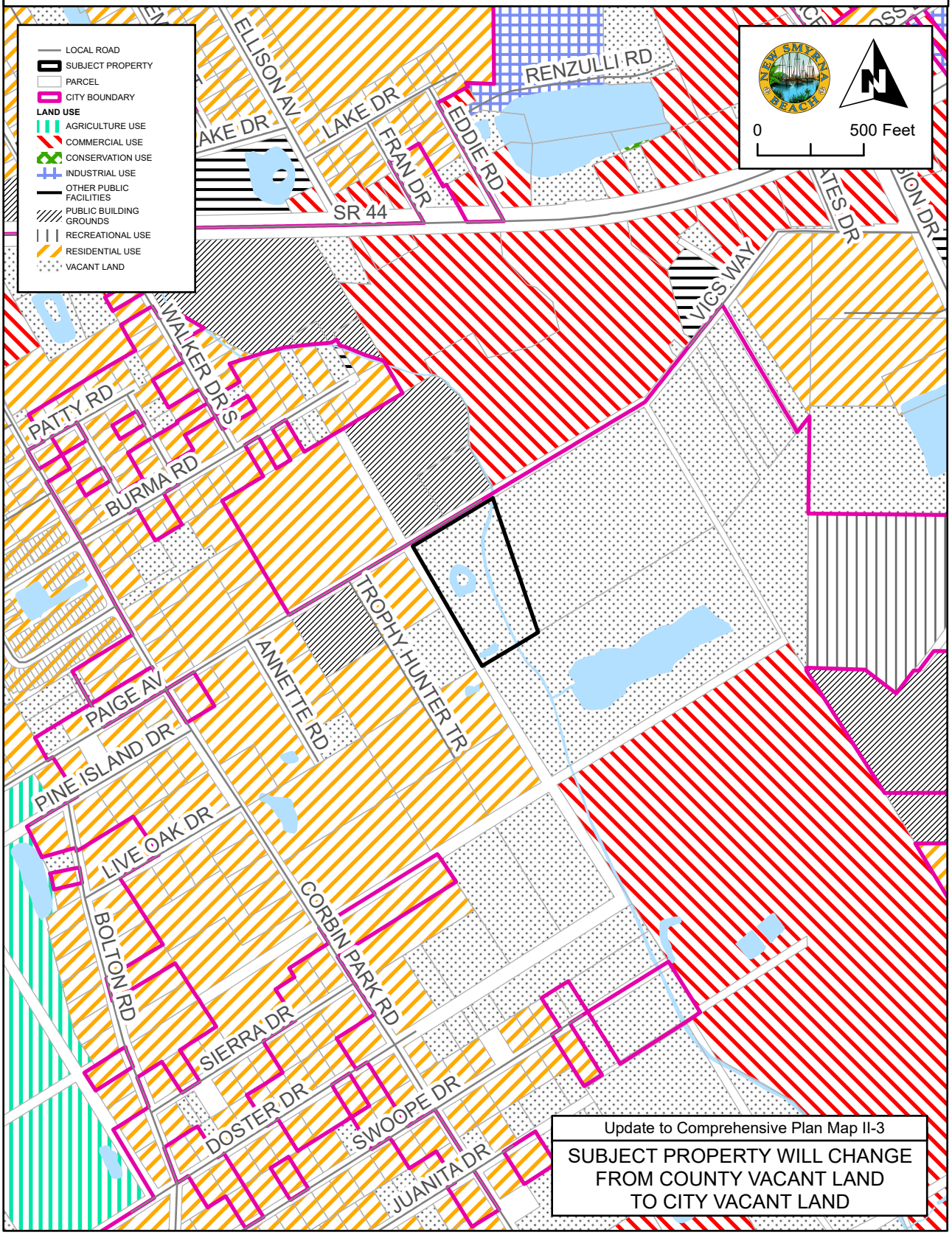
Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.

Minimum floor area: 850 square feet.

Off-street parking and loading requirements: Off-street parking and loading areas meeting the requirements of sections 72-286 and 72-287 shall be constructed.

EXISTING LAND USE DESIGNATIONS

A-11-25



C, CONSERVATION DISTRICT

Intent. The C, Conservation District, is designed to:

(1) Protect persons and private property from the hazards of flood water inundation and to protect the community from costs which are incurred when urban development occurs in flood plains; and
(2) Conserve important natural and historic resources for ecological purposes and for the enjoyment and education of future residents.

Permitted uses.

Fishing and picnicking
Nature trails and exhibits
Park ranger residence, State of Florida or Volusia County. The structure may be occupied by only one State of Florida or Volusia County Park Ranger and his family. Said ranger must be a state certified law enforcement officer. The structure shall be built in accordance with the requirements of the R-2, Single-Family Residential District in this LDR.
Public and private parks
Public utility lines and utility facilities
Silvicultural operations which follow state-prescribed best management practices

Permitted accessory uses.

Incidental uses
Recreation facilities related to the permitted uses

Special exceptions.

Fishing, hunting or nonprofit organizations camps
Riding stables

Dimensional requirements.

Minimum lot size.
Area: 20,000 square feet
Depth: 200 feet
Width: 100 feet
Minimum yard size.
Front yard: 40 feet, or as required per [sub]section 504.01M. of this LDR
Rear yard: 30 feet
Side yard: Ten feet

Minimum setback from wetlands.
Any jurisdictional wetland line: 25 feet towards upland

Maximum building coverage. The total area covered with buildings on any lot shall not exceed 30 percent of the total lot area.

Maximum impervious coverage. The total area covered with impervious materials on any lot shall not exceed 35 percent of the total lot area.

Maximum principal building height. 35 feet above finished grade.

Landscaping. Landscaped buffer area(s) as defined in this LDR shall be required at property lines as follows:

(1) All front property lines; and
(2) Along side or rear lot line abutting a residentially zoned lot.

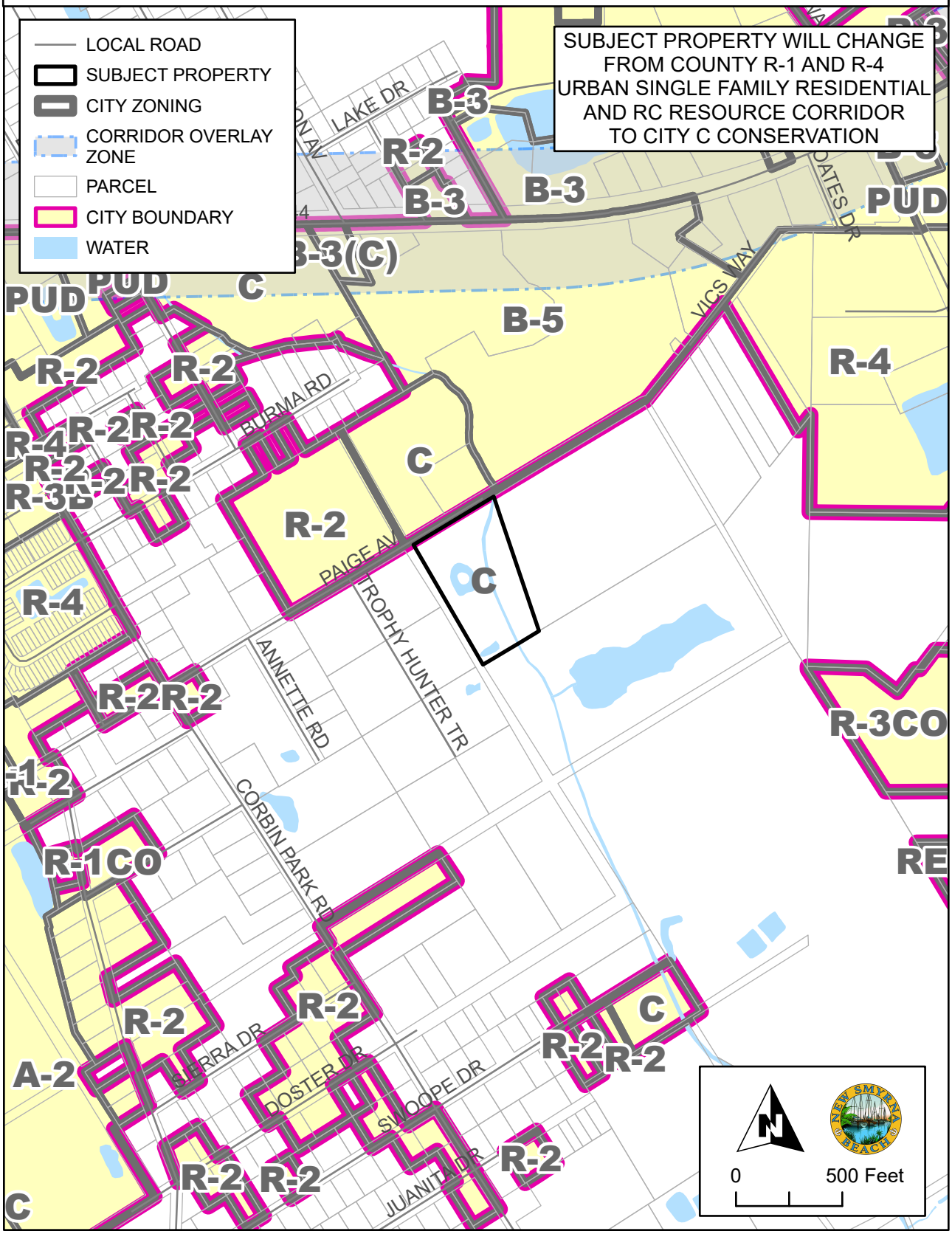
Visibility at intersections. Visibility at intersections shall be provided as required in this LDR.

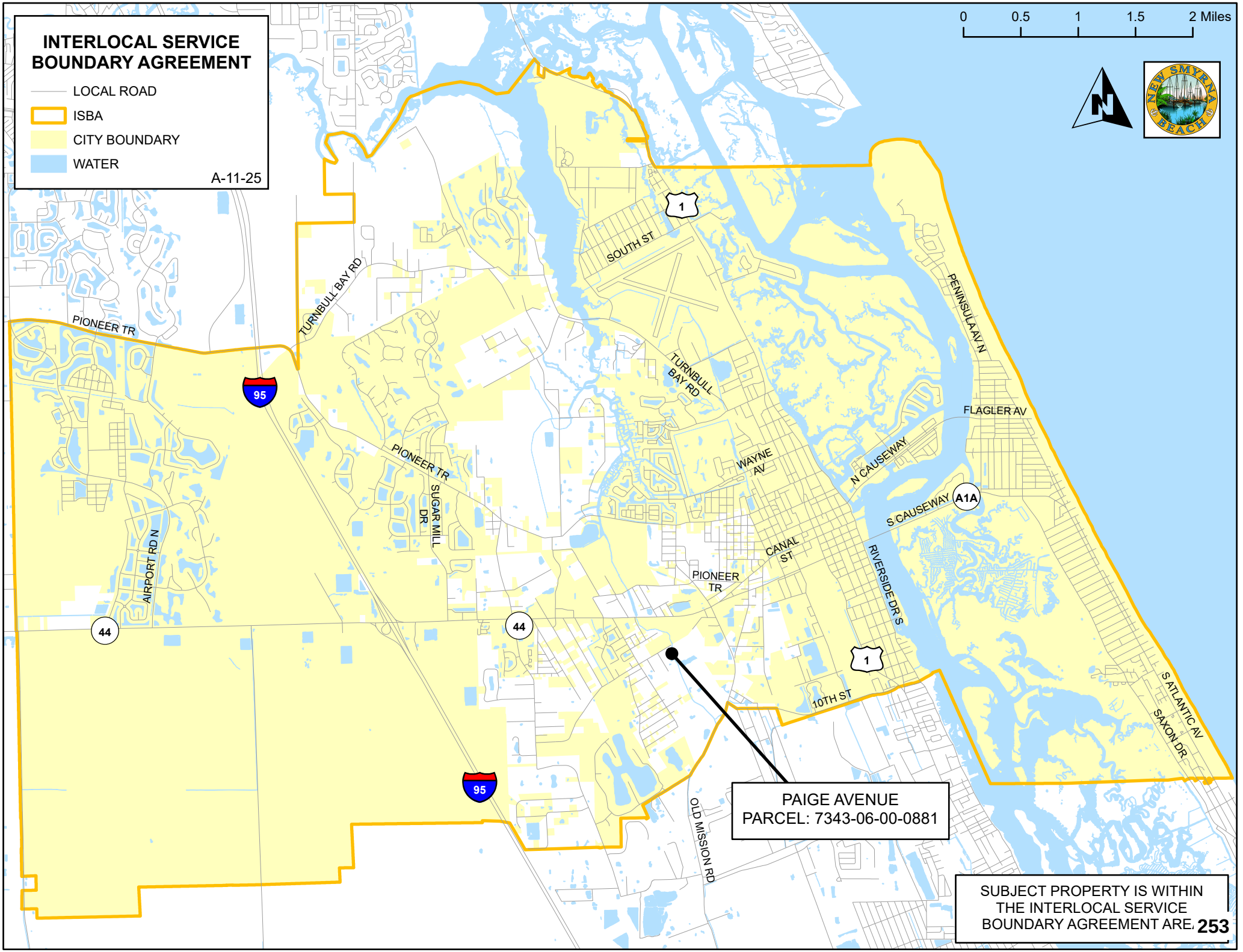
Off-street parking. Off-street parking shall be provided as required in this LDR.

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.

PROPOSED ZONING

A-11-25




INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-11-25
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
PIONEER TR
TURNBULL BAY RD
SOUTH ST
PENINSULA AV N
FLAGLER AV
WAYNE AV
N CAUSEWAY
S CAUSEWAY
A1A
CANAL ST
RIVERSIDE DR S
10TH ST
S ATLANTIC AV
SAXON DR
SUGAR MILL DR
AIRPORT RD N
OLD MISSION RD
95
44
1
PAIGE AVENUE
PARCEL: 7343-06-00-0881
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ARE.
253

LEGAL DESCRIPTION

Address:
Paige Avenue, New Smyrna Beach, Florida 32168

Parcel Number
7343-06-00-0881

AltKey Number:
3732804

Metes and Bounds by Professional Title Agency

PART OF LOT 88 LYING EASTERLY OF CENTER LINE OF EXISTING DRAINAGE DITCH, ALL BEING IN DOUGHERTY'S SUBDIVISION OF THE THOMAS NAPIER GRANT AND THE NORTH 1/3 OF THE AMBROSE HULL GRANT IN TOWNSHIP 17 SOUTH, RANGE 33 EAST, ACCORDING TO MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK M, PAGE 688, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Prepared by and Return To:
Teresa Prompovitch
Professional Title Agency, a division of LandCastle Title Group, LLC
313 Julia Street
New Smyrna Beach, FL 32168

Order No.: N[redacted]

APN/Parcel ID(s): 734306000880
734306000881

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this September 11, 2025 by Blossom Development Inc, a Texas Corporation having its principal place of business at 1215 Gessner Rd, Houston, TX 77055, hereinafter called the grantor, and City of New Smyrna Beacha municipal corporation, a corporation existing under athe laws of the State of Florida whose post office address is 210 Sams Avenue, New Smyrna Beach, FL 32168, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representative and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all the certain land situated in County of Volusia, State of Florida, viz:

Parcel 1:

Part of Lot 88 lying Easterly of center line of existing drainage ditch, and Lot 89, Daugherty's Subdivision of the Thomas Napier Grant and the North 1/3 of the Ambrose Hull Grant, in Township 17 South, Range 33 East, according to map or plat thereof as recorded in Plat Book M, Page 688, Public Records of Volusia County, Florida.

Parcel 2:

That part of Lot 88 lying Westerly of the center line of existing drainage ditch, all being in Daugherty's Subdivision of the Thomas Napier Grant and the North 1/3 of the Ambrose Hull Grant, in Township 17 South, Range 33 East, according to map or plat thereof as recorded in Plat Book M, Page 688, Public Records of Volusia County, Florida.

Subject to encumbrances, easements and restrictions of record and taxes accruing subsequently to 2024.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

SPECIAL WARRANTY DEED
(continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in Fee Simple; that the grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Witness Signature

Teresa A. Prompovitch
Print Name

Address: 313 Julia Street
New Smyrna Beach, FL 32168

Witness Signature

Linda Roncsg
Print Name

Address: 313 Julia St.
NSB FL 32168

Blossom Development Inc, a Texas Corporation

BY: _____
Dan Silvestri
President

Address: 1215 Gessner Rd
Houston, TX 77055

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 8th day of September, 2025, by Dan Silvestri, President of Blossom Development Inc, A Texas Corporation, to me known to be the person(s) described in or who has/have produced Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

NOTARY PUBLIC
My Commission Expires:

TERESA A. PROMPOVITCH
Notary Public - State of Florida
Commission # HH 227186
My Comm. Expires Mar 21, 2026
Bonded through National Notary Assn.

Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of New Smyrna Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
ORD 11-26 Rezoning Paige Ave.

This Business Impact Estimate is provided in accordance with section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of New Smyrna Beach is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of New Smyrna Beach is, nevertheless providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
    b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
    c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
    d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City of New Smyrna Beach hereby publishes the following information:

[1] *See* Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Ordinance No. 11-26 rezones the land annexed by Ordinance No. 09-26 to conservation zoning.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of New Smyrna Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance, or for which businesses will be financially responsible; and
(c) An estimate of the City of New Smyrna Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):
[*You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of New Smyrna Beach staff solicited comments from businesses in the City of New Smyrna Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of New Smyrna Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.*).

None.

ORDINANCE NO. 11-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH REZONING 5± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF PAIGE AVENUE, EAST OF TROPHY HUNTER TRAIL, FROM VOLUSIA COUNTY *RC, RESOURCE CORRIDOR, R-1 A, URBAN SINGLE-FAMILY, AND R-4 URBAN SINGLE-FAMILY RESIDENTIAL AIRPORT OVERLAY* TO CITY *C A, CONSERVATION AIRPORT OVERLAY* ZONING DISTRICT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florida 32168, applicant on behalf of City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168, property owner, has requested the annexation of 5± acres of property generally located south of Paige Avenue, east of Trophy Hunter Trail, from Volusia County *RC, Resource Corridor, R-1, Urban Single-Family*, and *R-4 A, Urban Single-Family Residential Airport Overlay* to City *C A, Conservation Airport Overlay* zoning district; and

WHEREAS, the Planning and Zoning Board, at its regular scheduled meeting on December 1, 2025, by a vote of 7-0, recommended that the City Commission approve the requested rezoning; and

WHEREAS, the City Commission finds that the requested rezoning is consistent with the City Comprehensive Plan; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to rezone said property as more particularly described hereinafter.

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

SECTION 1: ***Rezoning.*** That the 5± acres of property generally located south of Paige Avenue, east of Trophy Hunter Trail, in the City of New Smyrna Beach, Florida, said properties more particularly described as follows:

7343-06-00-0881
Paige Avenue

PART OF LOT 88 LYING EASTERLY OF CENTER LINE OF EXISTING DRAINAGE DITCH, ALL BEING IN DOUGHERTY'S SUBDIVISION OF THE THOMAS NAPIER GRANT AND THE NORTH 1/3 OF THE AMBROSE HULL GRANT IN TOWNSHIP 17 SOUTH, RANGE 33 EAST, ACCORDING TO MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK M, PAGE 688, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

shall be and the same is hereby rezoned from Volusia *RC, Resource Corridor, R-1, Urban Single-Family,* and *R-4 A, Urban Single-Family Residential Airport Overlay* to City *C A, Conservation Airport Overlay* zoning district.

SECTION 2: ***Quasi-Judicial Public Hearing.*** It is hereby found that a quasi-judicial public hearing held by the City Commission to consider adoption of this ordinance on February 10, 2026, at 5:30 p.m. in the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida, to consider the rezoning request in accordance with *Bd. of Cty. Com'rs of Brevard v. Snyder*, 627 So.2d 469 (Fla. 1993) in a manner to insure that all parties are provided an opportunity to be heard, present evidence and cross-examine witnesses, and to be informed of all the facts upon which the Commission's decision on the rezoning is based, after notice published at least 10 days prior to hearing, is deemed to comply with §166.041(3)(a), Fla.Stat.

SECTION 3: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 4: ***Administrative Correction of Scrivener's Errors.*** The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 5: ***Severability.*** That if any section, sentence, clause or phrase of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 6: ***Effective Date***. That this ordinance shall become effective THIRTY ONE (31) days following adoption of Ordinance No. 10-26, the Small Scale Comprehensive Plan Amendment for the subject property, by the City Commission unless a challenge is filed to said ordinance under §163.3187, F.S. In the event that Ordinance No. 10-26, the Small Scale Comprehensive Plan Amendment, is challenged this ordinance shall become effective upon the state land planning agency or the Administration Commission, respectively, issuing a final order determining that the adopted small scale development amendment is in compliance.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

Date: 1/14/2026

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ORDINANCE NO. 12-26: CONDUCT A SECOND READING AND PUBLIC HEARING OF AN ORDINANCE, WHICH, IF ADOPTED , WOULD ANNEX APPROXIMATELY 4.5 ± ACRES OF LAND FOR PROPERTY LOCATED ON PAIGE AVENUE. (0010)

February 10, 2026

Background:

Applicant: Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florid 32168.

Property Owner: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168.

Request: Voluntary annexation:

- **From:** Un-Incorporated Volusia County.
- **To:** City of New Smyrna Beach.

Site Information:

- **Size:** 4.5 ± acres.
- **Location:** South side of Paige Avenue, east of Trophy Hunter Trail.

Tax I.D. Number: 7324-12-05-0010.

Findings:

On April 23, 2013, the City Commission adopted an Interlocal Service Boundary Agreement (ISBA). The ISBA, which is permitted under Chapter 171, Part II, Florida Statutes, allows the City of New Smyrna Beach to annex any parcels that are within the designated annexation area, even if they are not contiguous to the current municipal boundaries. The agreement, which is between the Volusia County and the City of New Smyrna Beach, was also approved by the County on May 2, 2013. A new updated agreement was approved on May 2, 2022.

The subject property is within the annexation area designated in the ISBA. The subject property on Paige Avenue is currently vacant. A location map is attached as **Exhibit A** and

an aerial map is attached as **Exhibit B**. Existing land uses are shown on the map attached as **Exhibit C**.

The established City Commission policy is that when properties are annexed into the City, the City will assign future land use categories and zoning designations that would be as similar as possible to existing County designations. The existing County Future Land Use category is Urban Medium Intensity. The existing County zoning designation is R-4, Urban Single Family Residential. The proposed City FLU category is Conservation. The proposed City zoning designation is Conservation.

This annexation request is within the City's annexation area and within the City's water and sewer service area **(Exhibit D).** The property located on Paige Avenue is undeveloped. A 20" PVC and 12" PVC water lines, an 8" force main sewer line, and a 20" reclaim water line is available in the Paige Avenue right-of-way.

A map of the soil limitations for septic systems is attached as **Exhibit E**.

The *Land Development Regulations* requires any proposed development to conform to the Concurrency Management System. That system includes traffic, parks and recreation, potable water, wastewater treatment, solid waste collection, stormwater management, and public-school facilities. Because the subject property is undeveloped, and because no new improvements are proposed, staff did not prepare a concurrency analysis table for this case.

A map showing the subject properties incorporated into Commission Zone 1 is attached as **Exhibit F**. The ISBA map is attached as **Exhibit G**. The legal description and Warranty Deed are attached as **Exhibits H** and **I**.

Recommendations:

At its regular scheduled meeting on December 1, 2025, the Planning and Zoning Board voted, 7-0, to give a positive recommendation to the City Commission to **approve** the requested annexation for property located on Paige Avenue.

The Planning Department also recommends the City Commission to **approve** the requested annexation for property located on Paige Avenue.

Fiscal Analysis:
N/A

Strategic Plan Item:

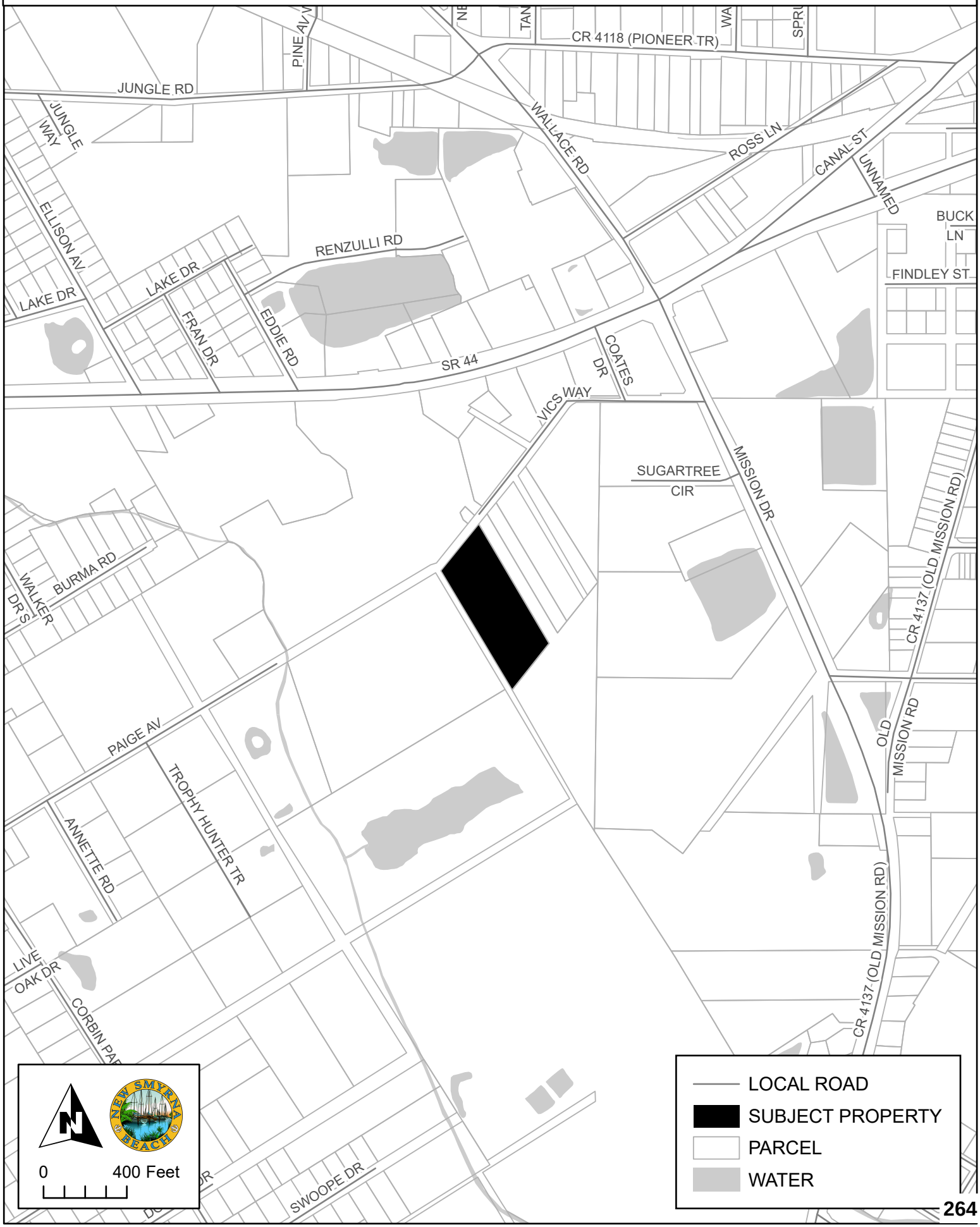
Yes

Staff Report Created By: Shane Corbin - Developmental Services Director

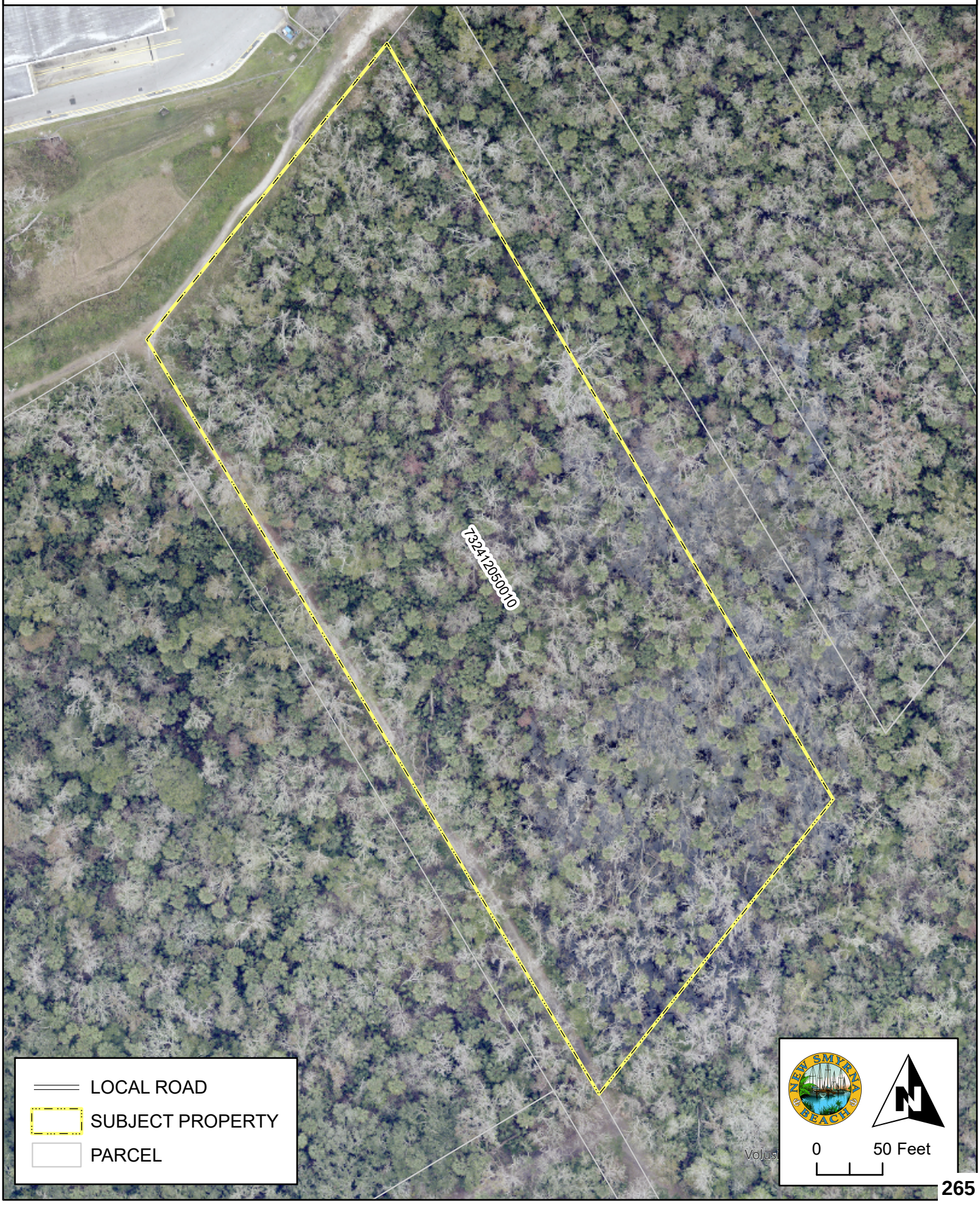
Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing Land Use Map.pdf
Exhibit D Water and Sewer Service Area.pdf
Exhibit E Soil Limitation for Septic Systems.pdf
Exhibit F Commission Zones Map.pdf
Exhibit G Interlocal Service Boundary Agreement Map.pdf
Exhibit H Legal Description.pdf
Exhibit I Warranty Deed.pdf
Business Impact Estimate - Ord 12-26 Paige Ave.pdf
Ord 12-26 Annex Paige Ave (0010).pdf

A-12-25: PAIGE AVENUE
PARCEL: 7324-12-05-0010 LOCATION MAP

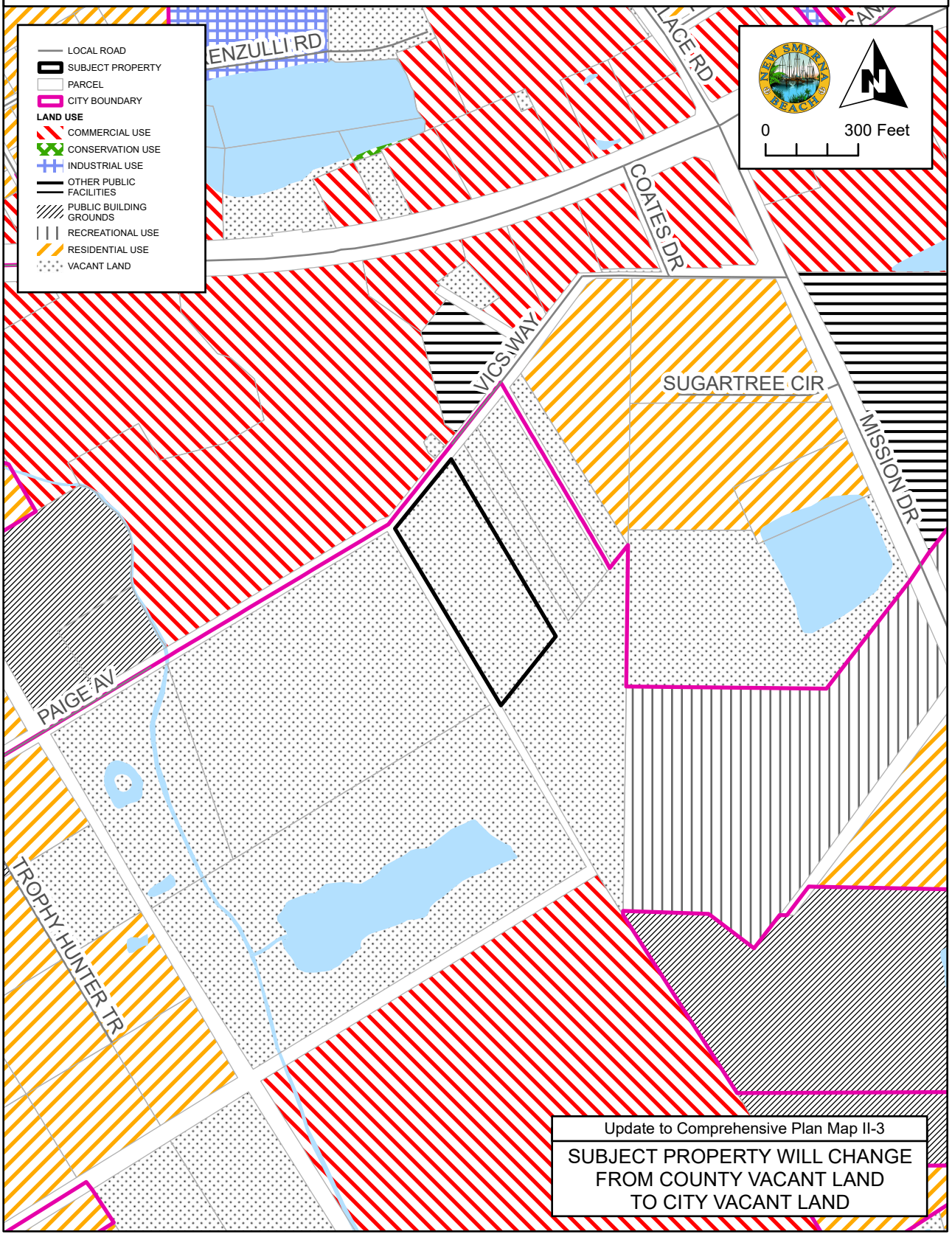


A-12-25: PAIGE AVENUE
PARCEL: 7324-12-05-0010 AERIAL MAP



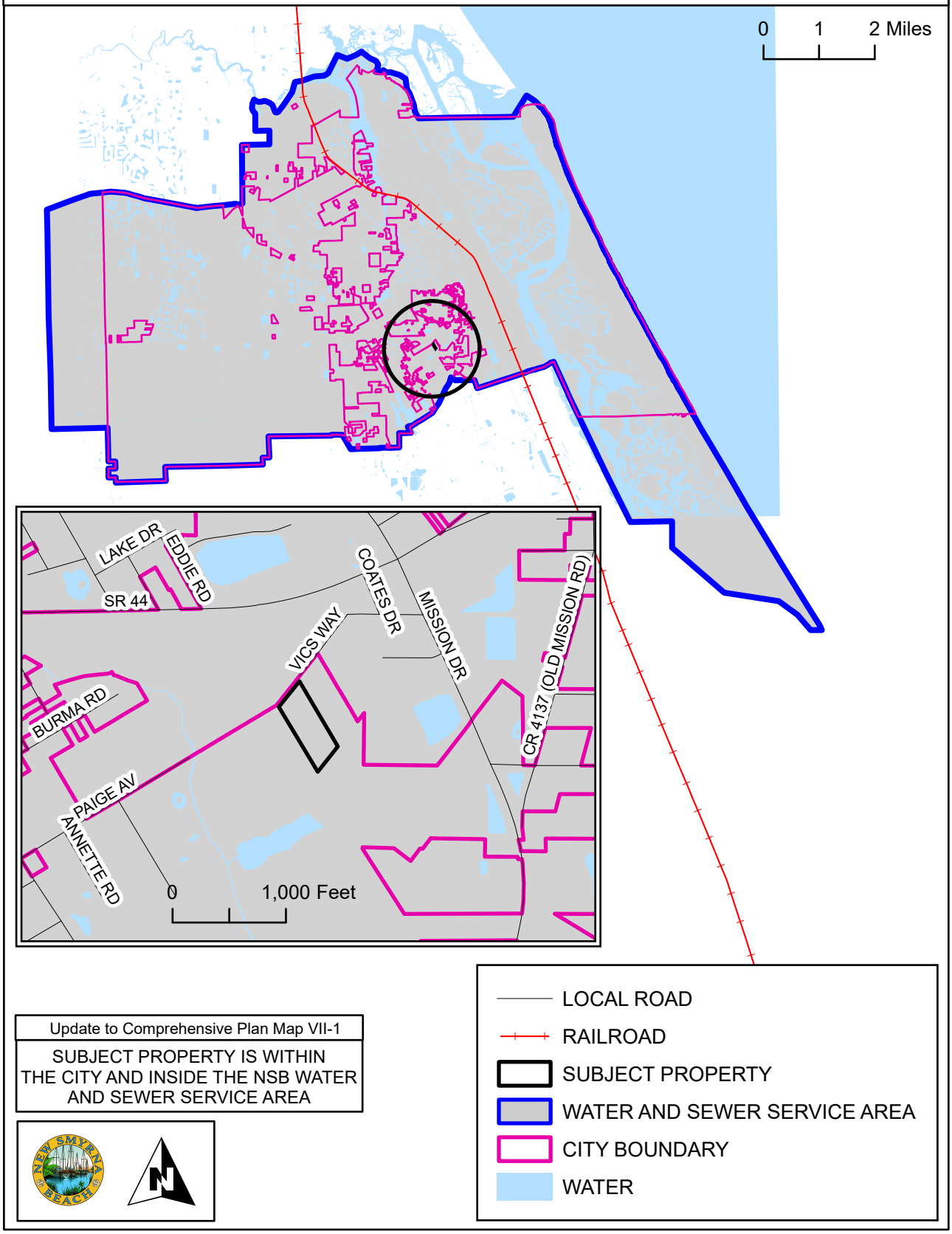
EXISTING LAND USE DESIGNATIONS

A-12-25



WATER AND SEWER SERVICE AREA

A-12-25

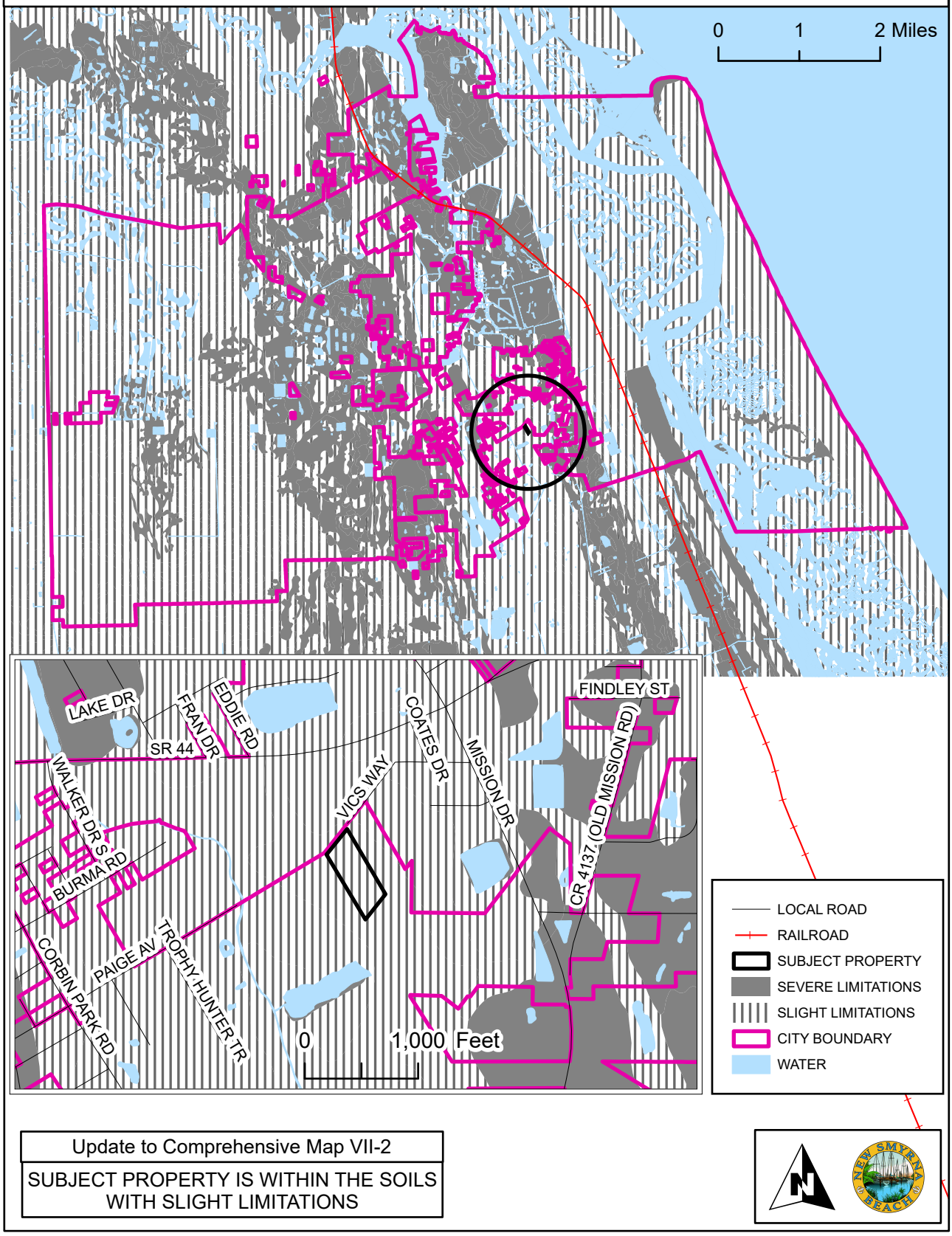


Update to Comprehensive Plan Map VII-1

SUBJECT PROPERTY IS WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA

SOIL LIMITATION FOR SEPTIC SYSTEMS

A-12-25

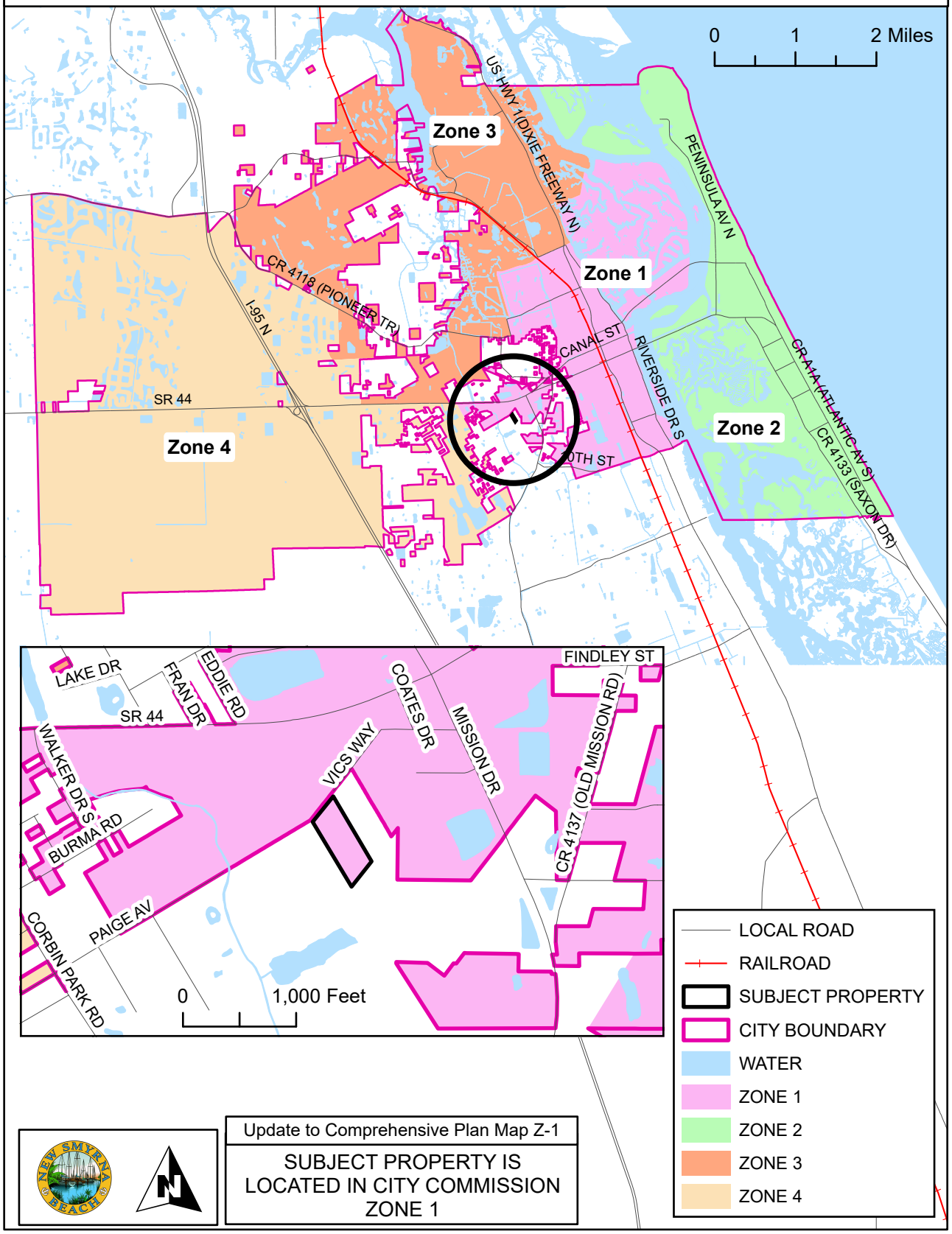


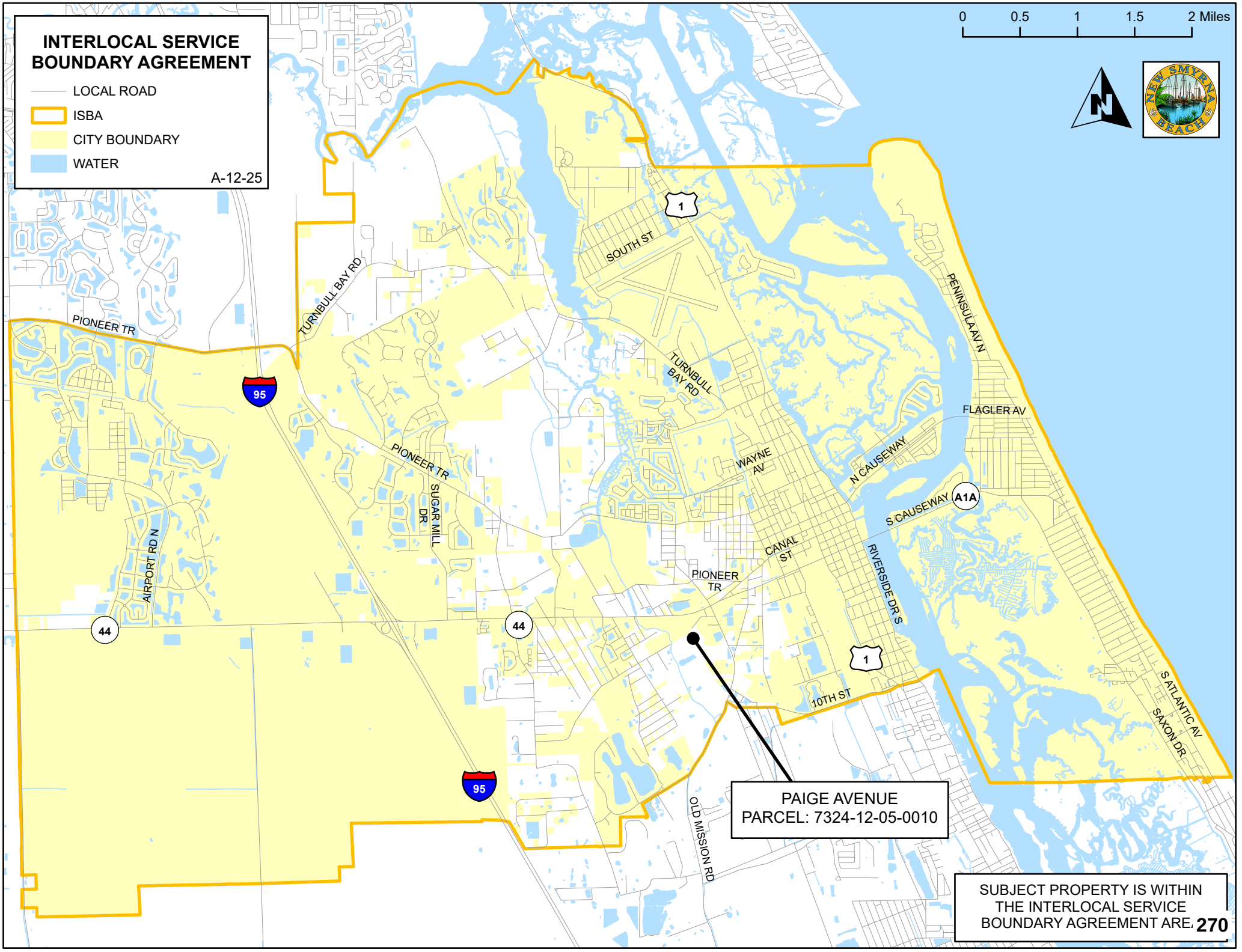
Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

COMMISSION ZONES

A-12-25




INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-12-25
0 0.5 1 1.5 2 Miles
NEW SMYRNA BEACH
PIONEER TR
TURNBULL BAY RD
SOUTH ST
PENINSULA AV N
FLAGLER AV
N CAUSEWAY
WAYNE AV
S CAUSEWAY
A1A
CANAL ST
RIVERSIDE DR S
10TH ST
S ATLANTIC AV
SAXON DR
SUGAR MILL DR
AIRPORT RD N
OLD MISSION RD
95
44
1
PAIGE AVENUE
PARCEL: 7324-12-05-0010
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ARE.
270

LEGAL DESCRIPTION

Address:
Paige Avenue, New Smyrna Beach, Florida 32168

Parcel Number
7324-12-05-0010

AltKey Number:
3716132

Metes and Bounds by Professional Title Agency

LOT 1, BLOCK 5, “WOODLAND” L.D. BUCKS SUBDIVISION, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 6, PAGE 134, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

9/12/2025 10:19:57 AM Instrument #2025172177 #1 Book:8753 Page:3828
Doc Stamps $1,366.40 Transfer Amt $195,140.00

Prepared by and Return To:
Teresa Prompovitch
Professional Title Agency, a division of LandCastle Title Group, LLC
313 Julia Street
New Smyrna Beach, FL 32168

Order No.: N[redacted]

APN/Parcel ID(s): 732412050010

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this September 11, 2025 by Festival Properties, Inc. having its principal place of business at 1215 Gessner Drive, Houston, TX 77055, hereinafter called the grantor, and City of New Smyrna Beacha municipal corporation, a corporation existing under the laws of the State of Floirda whose post office address is 210 Sams Avenue, New Smyrna Beach, FL 32168, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representative and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all the certain land situated in County of Volusia, State of Florida, viz:

Lot 1, Block 5, "Woodland" L.D. Buck's Subdivision, according to the map or plat thereof, as recorded in Map Book 6, Page 134, of the Public Records of Volusia County, Florida.

Subject to encumbrances, easements and restrictions of record and taxes accruing subsequently to 2024.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in Fee Simple; that the grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

SPECIAL WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Witness Signature

Teresa A. Prompovitch
Print Name

Address: 313 Julia Street
New Smyrna Beach, FL 32168

Witness Signature

Linda Romsey
Print Name

Address: 313 Julia St.
NSB FL 32168

Festival Properties, Inc.

BY: _____
Dan Silvestri
President

Address: 1215 Gessner Drive
Houston, TX 77055

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 8th day of September, 2025, by Dan Silvestri, President of Festival Properties, Inc, to me known to be the person(s) described in or who has/have produced Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

TERESA A. PROMPOVITCH
Notary Public - State of Florida
Commission # HH 221861
My Comm. Expires Mar 21, 2026
Bonded through National Notary Assn.

NOTARY PUBLIC
My Commission Expires:

Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of New Smyrna Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
ORD 12-26 Annexing Paige Ave.

This Business Impact Estimate is provided in accordance with section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of New Smyrna Beach is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of New Smyrna Beach is, nevertheless providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
    b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
    c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
    d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City of New Smyrna Beach hereby publishes the following information:

[1] *See* Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Ordinance 12-26 annexes land purchased by the City for the protection of the Turnbull Creek watershed.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of New Smyrna Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance, or for which businesses will be financially responsible; and
(c) An estimate of the City of New Smyrna Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):
[*You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of New Smyrna Beach staff solicited comments from businesses in the City of New Smyrna Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of New Smyrna Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.*).

None.

ORDINANCE NO. 12-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH ANNEXING 4.5± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF PAIGE AVENUE, EAST OF TROPHY HUNTER TRAIL; PROVIDING FOR REDEFINING BOUNDARIES OF THE CITY; DESIGNATING THE PROPERTY WITHIN COMMISSION ZONE 1; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR REQUIRED FILINGS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florida 32168, applicant on behalf of City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168, property owner, has requested the annexation of 4.5± acres of property generally located south of Paige Avenue, east of Trophy Hunter Trail; and

WHEREAS, the Planning and Zoning Board, at its regularly scheduled meeting on December 1, 2025, by a vote of 7-0, recommended that the City Commission approve the requested annexation; and

WHEREAS, the City Commission of the City of New Smyrna Beach is desirous of annexing the real property described in the first paragraph above, and the City Commission hereby finds and determines that the petition for annexation bears the signature of the owner of the property in the area proposed to be annexed, and the property is within the Interlocal Service Boundary Agreement area.

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

SECTION 1: ***Annexation.*** That the real property is located in Volusia County, State of Florida, legally described as:

SEE EXHIBIT "A" LEGAL DESCRIPTION AND LOCATION MAP ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

and to the centerline of all surrounding rights-of-way shall be and the same is hereby annexed into the City of New Smyrna Beach and made a part hereof pursuant to §171.044(1)-(2) and §171.204, F.S.

SECTION 2: ***Boundary Adjustment.*** That the boundary lines of the City of New Smyrna Beach shall be and the same are hereby redefined and shall hereinafter read as follows:

SEE EXHIBIT "B" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 3: ***Commission Zone.*** That the real properties annexed shall become a part of Zone 1. New Smyrna Beach Charter, §3.07.

SEE EXHIBIT "C" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 4: ***Public Hearing.*** It is hereby found that a public hearing held by the City Commission to consider adoption of this ordinance on February 10, 2026 at 5:30 p.m. in the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida, after notice published once a week for two consecutive weeks and provided to the County Council by certified mail is deemed to comply with Section 171.044, F.S.

SECTION 5: ***Filing.*** That within SEVEN (7) days after adoption, this ordinance shall be filed by the City Clerk with the Clerk of the Circuit Court, the County Manager and the Florida Department of State. The City Clerk shall file with this ordinance a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds. §171.044(3), F.S.

SECTION 6: ***Charter Revisions to the Department of State.*** The Charter Boundary Article shall be revised to reflect the changes in the municipal boundaries resulting from this annexation and shall be filed as a revision of the City Charter with the Florida Department of State within THIRTY (30) days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area. §171.091, F.S.

SECTION 7: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 8: ***Administrative Correction of Scrivener's Errors.*** The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 9: ***Severability.*** That if any section, sentence, clause or phrase of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 10: ***Effective Date.*** That this ordinance shall become effective 60 days after its final adoption.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 1/20/2026

EXHIBIT "A"

LEGAL DESCRIPTION

Address:
Paige Avenue, New Smyrna Beach, Florida 32168

Parcel Number
7324-12-05-0010

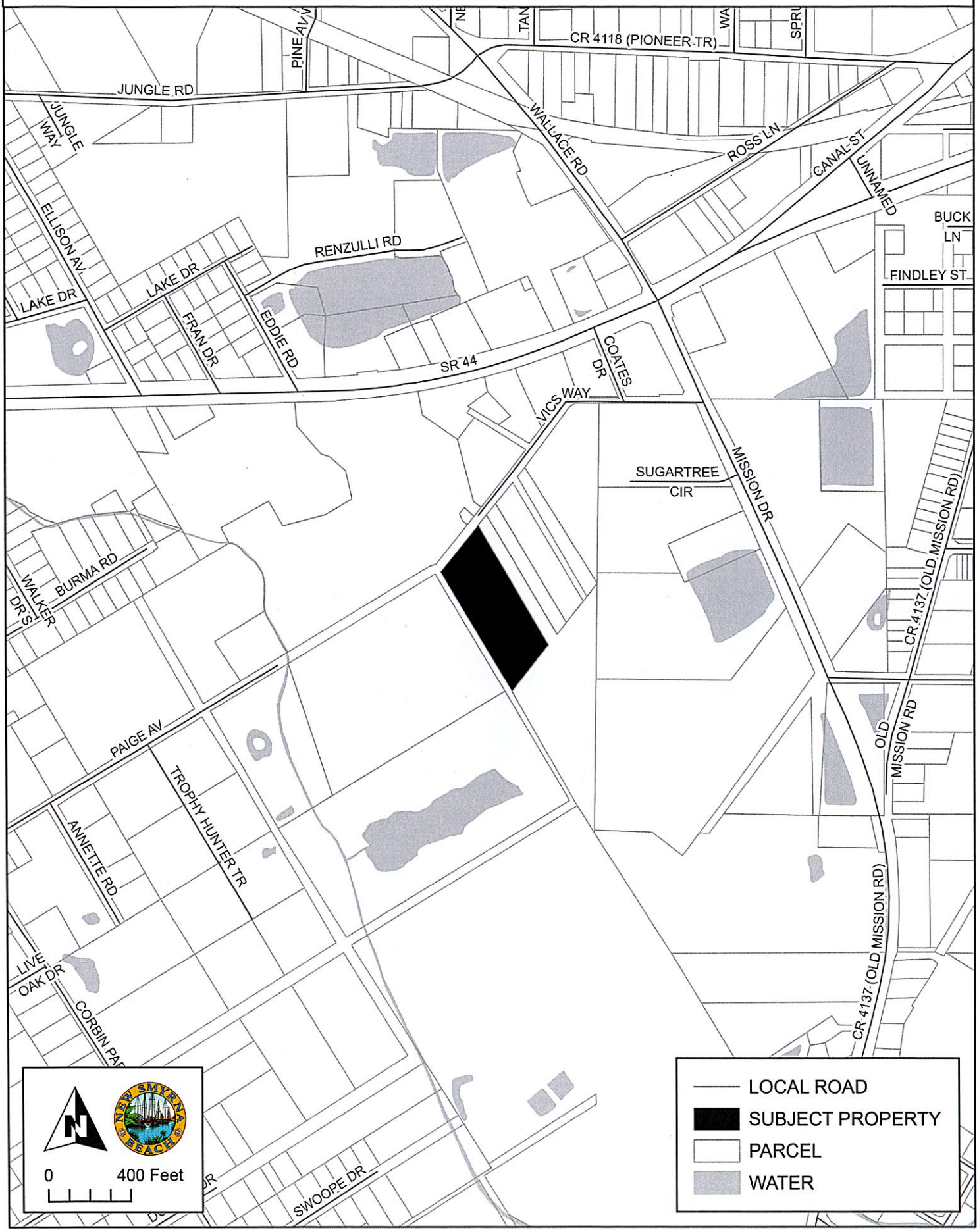
AltKey Number:
3716132

Metes and Bounds by Professional Title Agency

LOT 1, BLOCK 5, "WOODLAND" L.D. BUCKS SUBDIVISION, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 6, PAGE 134, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

EXHIBIT "A"

A-12-25: PAIGE AVENUE
PARCEL: 7324-12-05-0010 LOCATION MAP



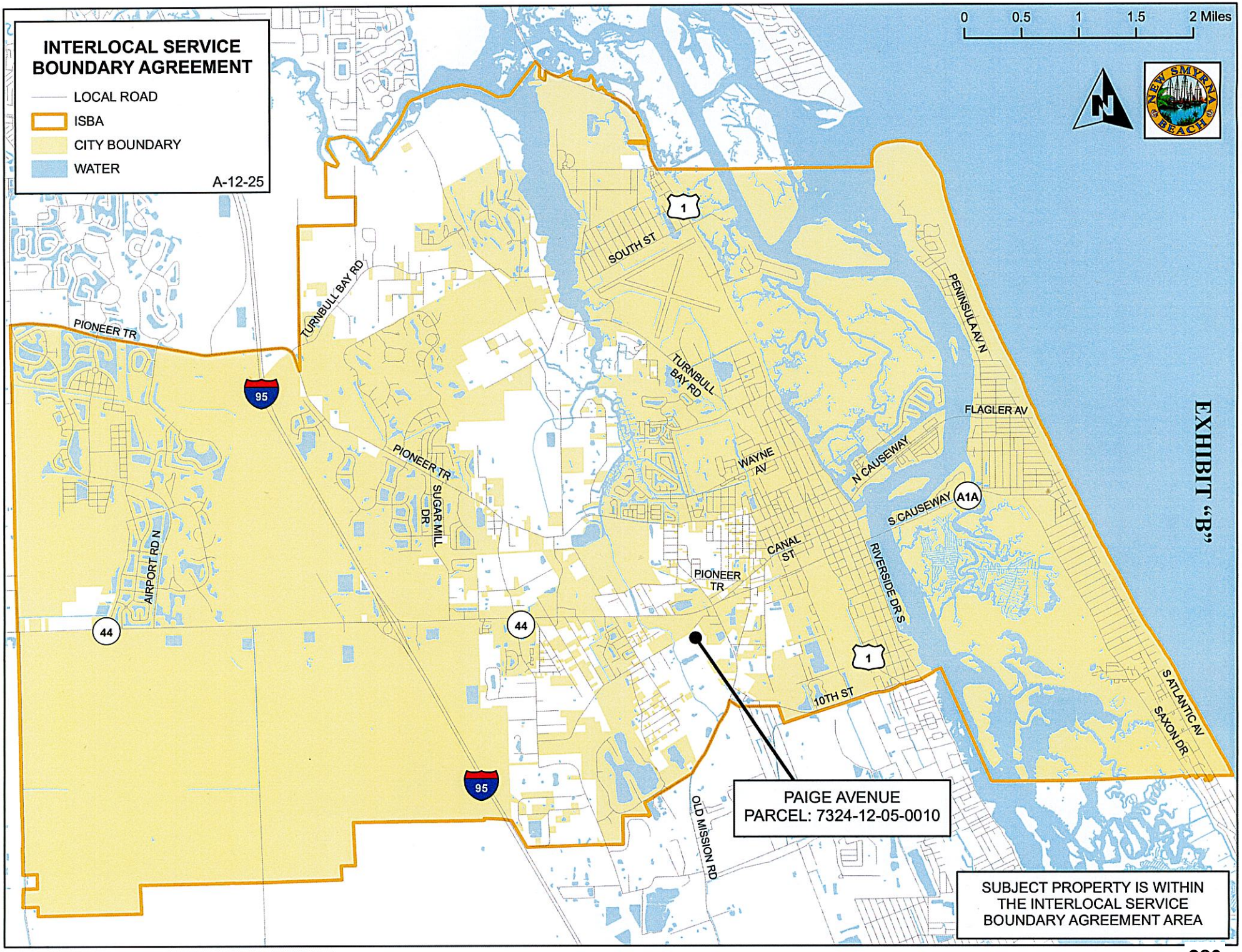
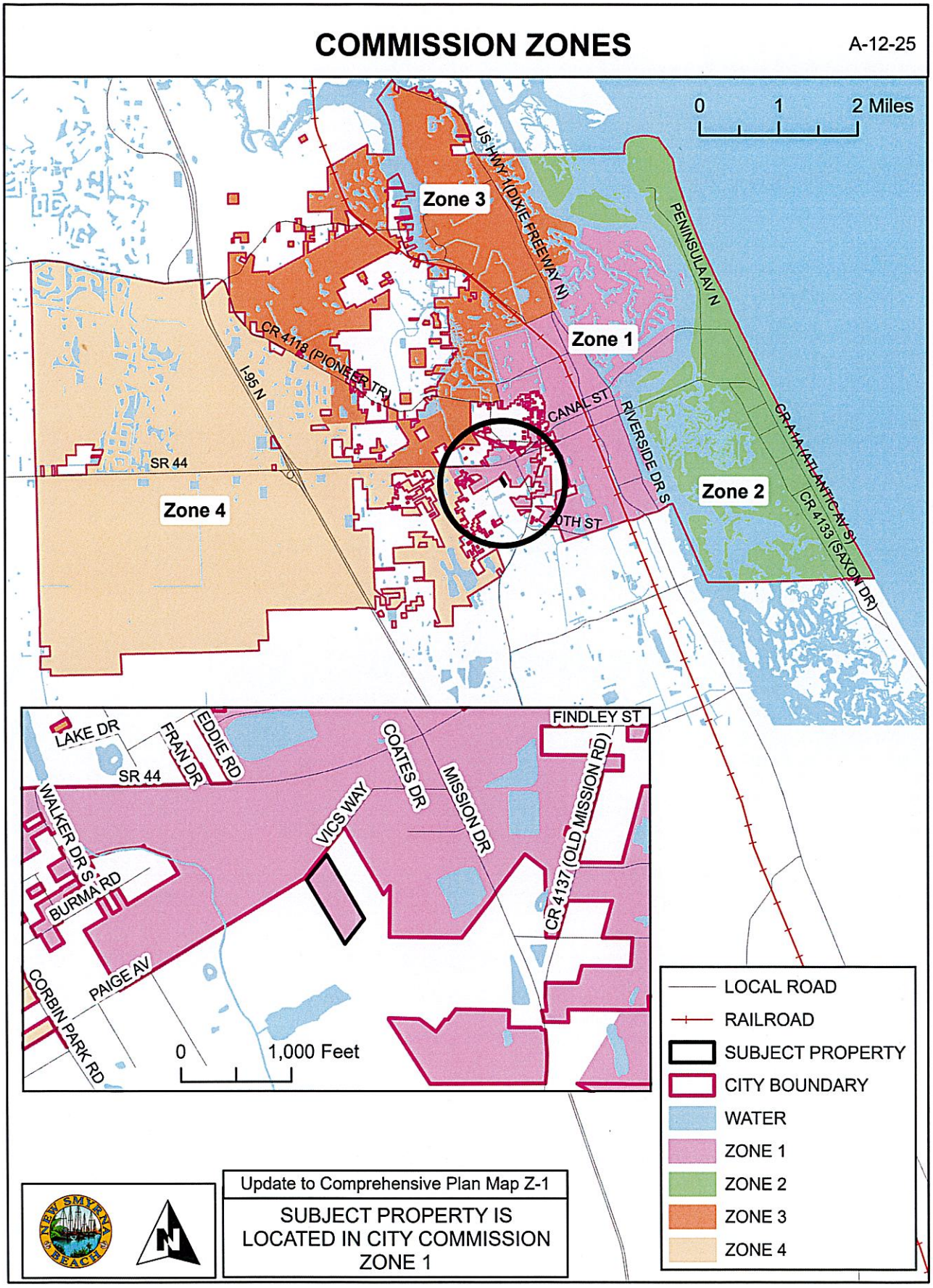

INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-12-25
0 0.5 1 1.5 2 Miles
EXHIBIT "B"
PIONEER TR
TURNBULL BAY RD
SOUTH ST
PENINSULA AV N
FLAGLER AV
N CAUSEWAY
S CAUSEWAY
A1A
WAYNE AV
SUGAR MILL DR
AIRPORT RD N
CANAL ST
RIVERSIDE DR S
10TH ST
S ATLANTIC AV
SAXON DR
OLD MISSION RD
95
44
1
PAIGE AVENUE
PARCEL: 7324-12-05-0010
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT AREA

EXHIBIT "C"


COMMISSION ZONES
A-12-25
0 1 2 Miles
Zone 1
Zone 2
Zone 3
Zone 4
US HWY 1 (DIXIE FREEWAY N)
PENINSULA AV N
CR 4118 (PIONEER TR)
I-95 N
SR 44
CANAL ST
RIVERSIDE DR S
CR 4A1A (ATLANTIC AV S)
CR 4133 (SAXON DR)
FINDLEY ST
LAKE DR
FRAN DR
EDDIE RD
COATES DR
MISSION DR
VICS WAY
CR 4137 (OLD MISSION RD)
WALKER DR S
BURMA RD
PAIGE AV
CORBIN PARK RD
0 1,000 Feet
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
CITY BOUNDARY
WATER
ZONE 1
ZONE 2
ZONE 3
ZONE 4
Update to Comprehensive Plan Map Z-1
SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 1

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ORDINANCE NO. 13-26: CONDUCT A SECOND READING AND HEARING OF AN ORDINANCE, WHICH, IF ADOPTED , WOULD APPROVE A SMALL-SCALE *COMPREHENSIVE PLAN* AMENDMENT CHANGING THE FUTURE LAND USE TO CONSERVATION FOR PROPERTY LOCATED ON PAIGE AVENUE AS PART OF AN OVERALL ANNEXATION APPLICATION. (0010)

February 10, 2026

Background:

Applicant: Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florid 32168.

Property Owner: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168.

Request: Small-Scale *Comprehensive Plan* amendment:

- **From:** Volusia County Future Land Use (FLU) category of Urban Medium Intensity.
- **To:** City FLU category of Conservation.

Site Information:

- **Size:** 4.5 ± acres.
- **Location:** South side of Paige Avenue, east of Trophy Hunter Trail.

Tax I.D. Number: 7324-12-05-0010.

Findings:

On April 23, 2013, the City Commission adopted an Interlocal Service Boundary Agreement (ISBA). The ISBA, which is permitted under Chapter 171, Part II, Florida Statutes, allows the City of New Smyrna Beach to annex any parcels that are within the designated annexation area, even if they are not contiguous to the current municipal boundaries. The agreement, which is between the Volusia County and the City of New Smyrna Beach, was also approved by the County on May 2, 2013. A new updated agreement was approved on May 2, 2022.

The subject property is within the annexation area designated in the ISBA. The subject property on Paige Avenue is currently vacant. A location map is attached as **Exhibit A** and an aerial map is attached as **Exhibit B**.

The existing Volusia County Future Land Use (FLU) category of the subject property is shown on the following map as **Exhibit C**. The text description of the existing Future Land Use category for the subject property is attached as **Exhibit D**. Existing land uses are shown on the map attached as **Exhibit E**.

The established City Commission policy is that when properties are annexed into the City, the City will assign future land use categories and zoning designations that would be as similar as possible to existing County designations. As discussed above, the existing County FLU category is Urban Medium Intensity. The existing County zoning designation is R-4, Urban Single Family Residential. The proposed City FLU category is Conservation. The proposed City zoning designation is Conservation. A text description of the proposed City Conservation Future Land Use category is attached as **Exhibit F,** with a map of this proposed change also attached as **Exhibit G**.

This annexation request is within the City's annexation area and within the City's water and sewer service area **(Exhibit H).** The property located on Paige Avenue is undeveloped. A 20" PVC and 12" PVC water lines, an 8" force main sewer line, and a 20" reclaim water line is available in the Paige Avenue right-of-way.

A map of the soil limitations for septic systems is attached as **Exhibit I**.

The *Land Development Regulations* requires any proposed development to conform to the Concurrency Management System. That system includes traffic, parks and recreation, potable water, wastewater treatment, solid waste collection, stormwater management, and public-school facilities. Because the subject property is undeveloped, and because no new improvements are proposed, staff did not prepare a concurrency analysis table for this case.

There are numerous *Comprehensive Plan* maps that must be amended to incorporate the subject property into the *Comprehensive Plan* (see **Exhibits J through V)**. A map showing the subject properties incorporated into Commission Zone 1 is attached as **Exhibit W**. The ISBA map is attached as **Exhibit X**. The legal description and Warranty Deed are attached as **Exhibits Y** and **Z**.

Recommendations:

At its regular scheduled meeting on December 1, 2025, the Planning and Zoning Board

voted, 7-0, to give a positive recommendation to the City Commission to **approve** the requested Small Scale *Comprehensive Plan* amendment amending the Future Land Use category to City Conservation for property located on Paige Avenue as part of an overall annexation application.

The Planning Department also recommends the City Commission to **approve** the requested Small Scale *Comprehensive Plan* amendment amending the Future Land Use category to City Conservation for property located on Paige Avenue as part of an overall annexation application.

Fiscal Analysis:
N/A

Strategic Plan Item:
Yes

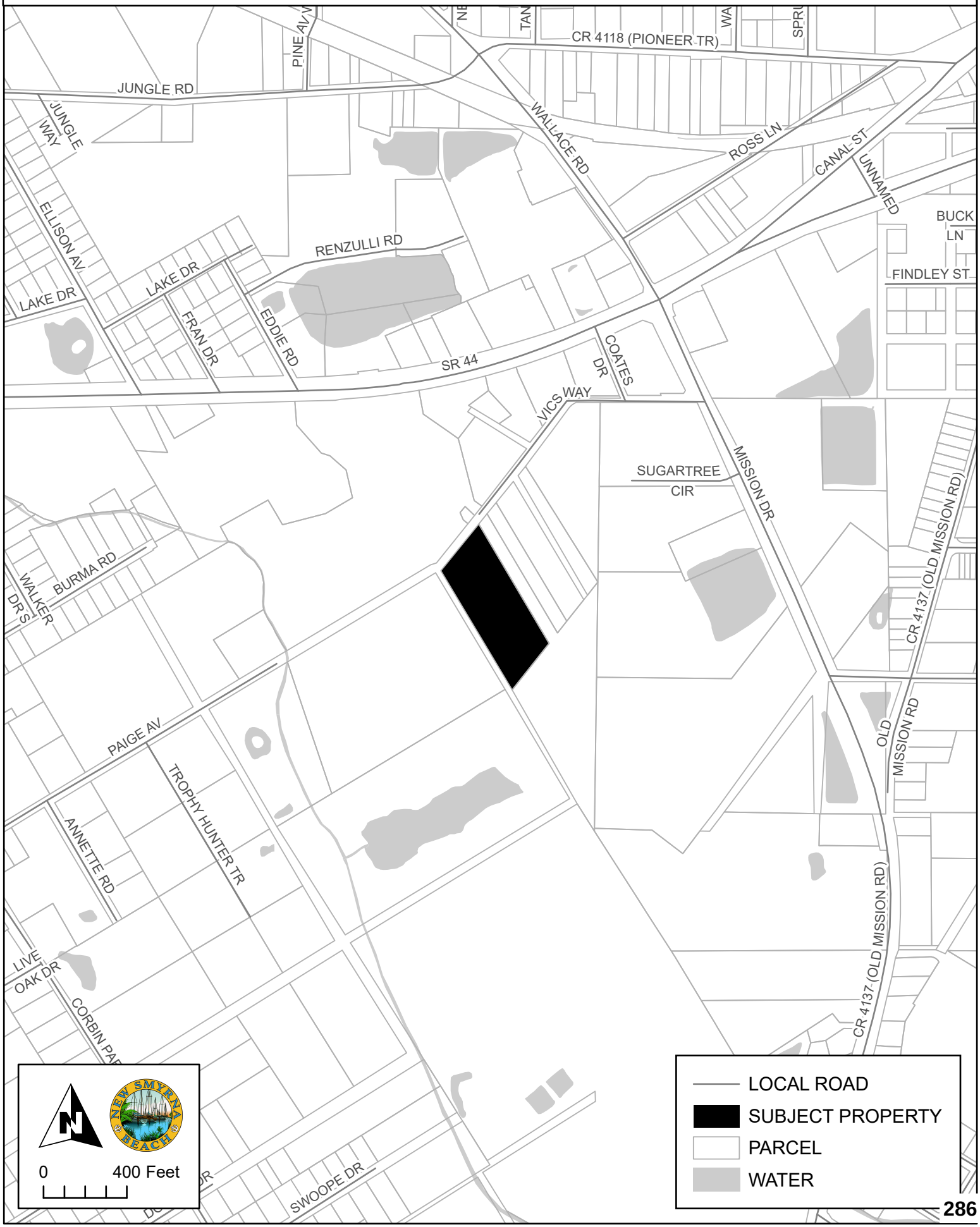
Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

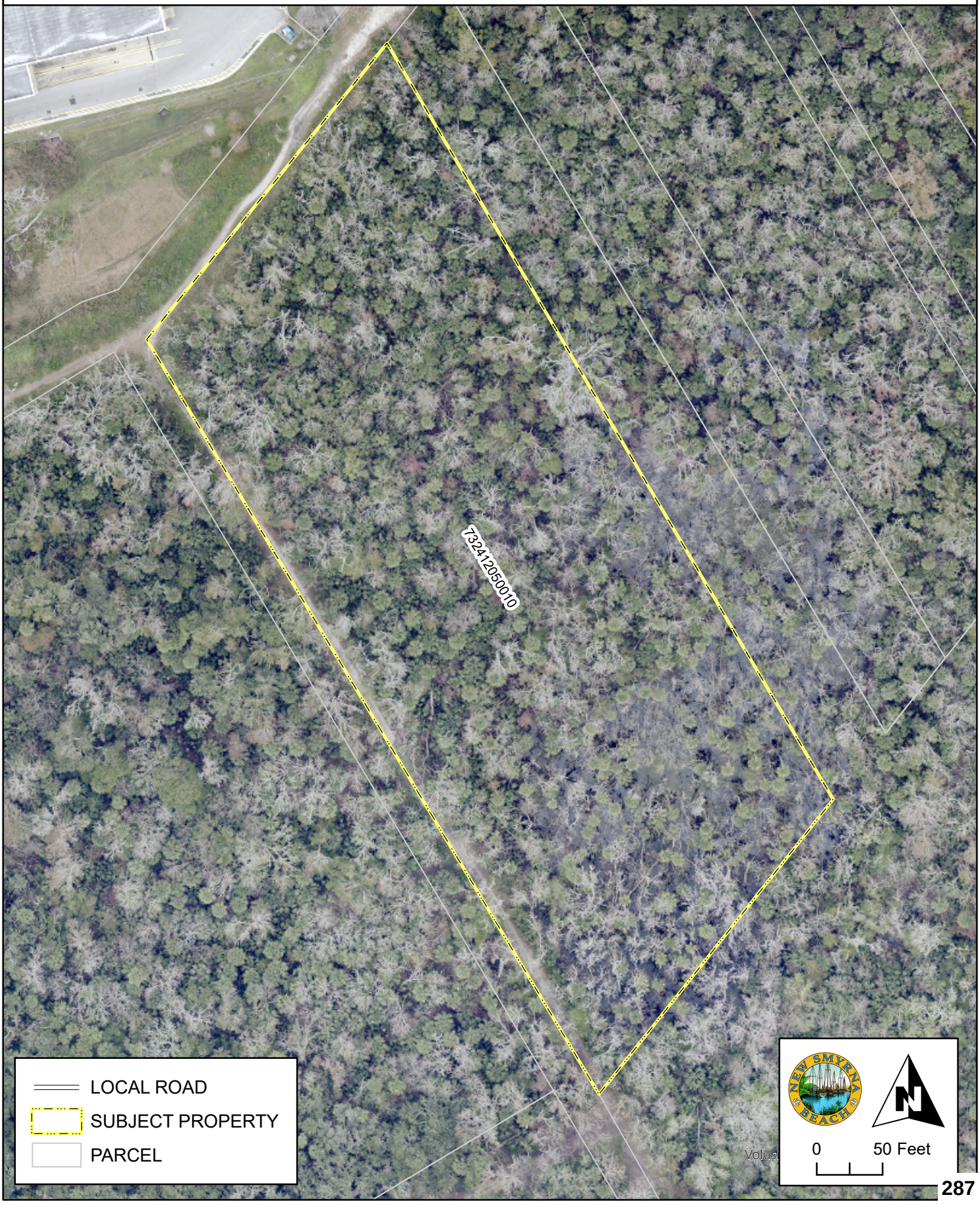
Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing FLU Map.pdf
Exhibit D County Urban Medium Intensity FLU Text.pdf
Exhibit E Existing Land Use Map.pdf
Exhibit F City Conservation FLU Text.pdf
Exhibit G Proposed FLU Map.pdf
Exhibit H Water and Sewer Service Area.pdf
Exhibit I Soil Limitation for Septic Systems.pdf
Exhibit J Airport Runway Protection Zones.pdf
Exhibit K Bicycle and Pedestrian Facilities.pdf
Exhibit L Boat Slip Siting.pdf
Exhibit M City Parks.pdf
Exhibit N Coastal High Hazard Areas.pdf
Exhibit O Evacuation Routes.pdf
Exhibit P Existing Traffic Lanes - 2009.pdf
Exhibit Q Number of Traffic Lanes - 2025.pdf
Exhibit R Existing Level of Service - 2009.pdf
Exhibit S Level of Service - 2025.pdf
Exhibit T Flood Prone Areas.pdf
Exhibit U Neighborhood Map.pdf
Exhibit V Public Transit Routes.pdf
Exhibit W Commission Zones Map.pdf

Exhibit X Interlocal Service Boundary Agreement Map.pdf
Exhibit Y Legal Description.pdf
Exhibit Z Warranty Deed.pdf
Business Impact Estimate - Ord 13-26 Paige Ave.pdf
Ord 13-26 Small Sclae Paige Ave (0010).pdf

A-12-25: PAIGE AVENUE
PARCEL: 7324-12-05-0010 LOCATION MAP

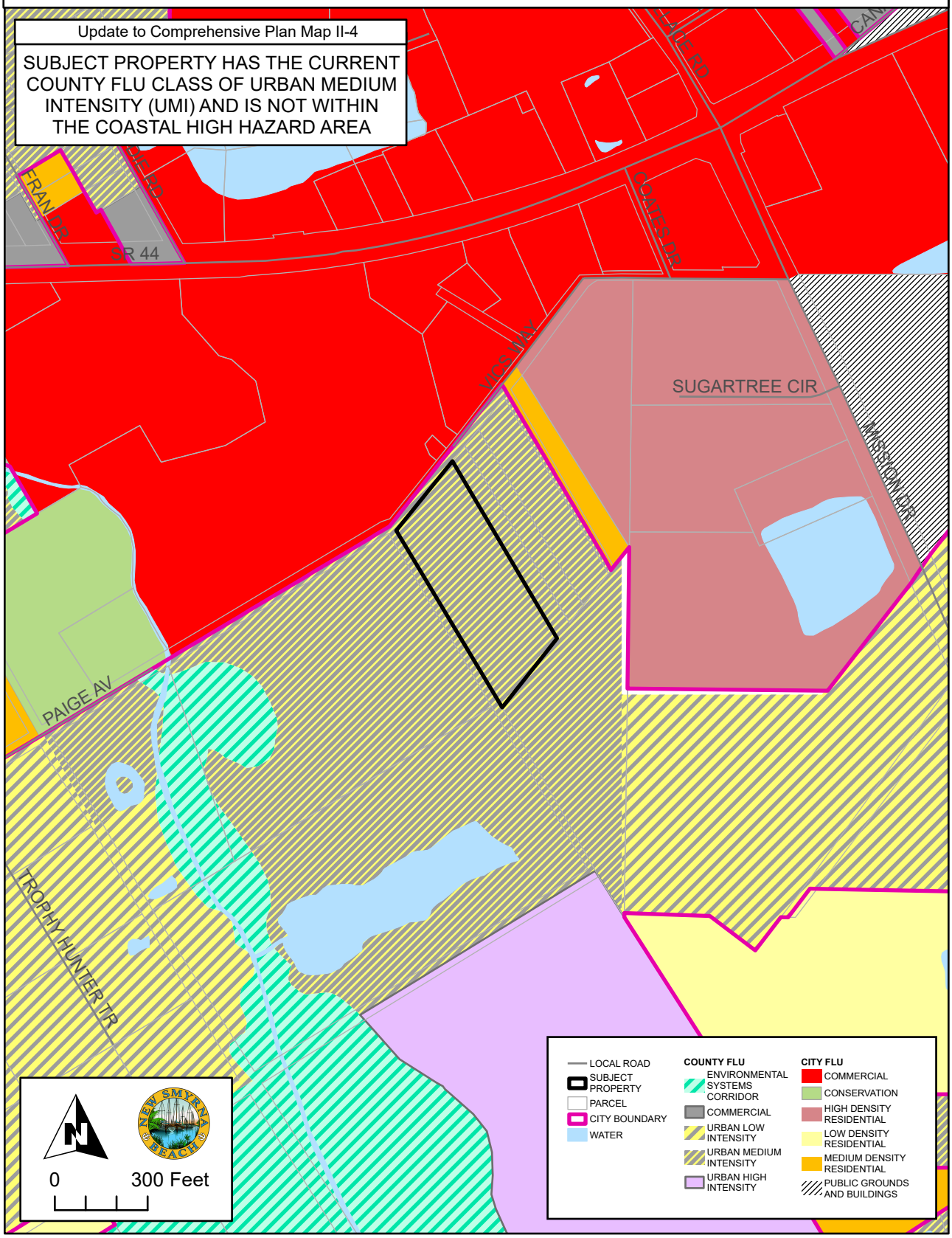


A-12-25: PAIGE AVENUE
PARCEL: 7324-12-05-0010 AERIAL MAP



EXISTING FUTURE LAND USE DESIGNATIONS

A-12-25



Urban Medium Intensity (UMI) –

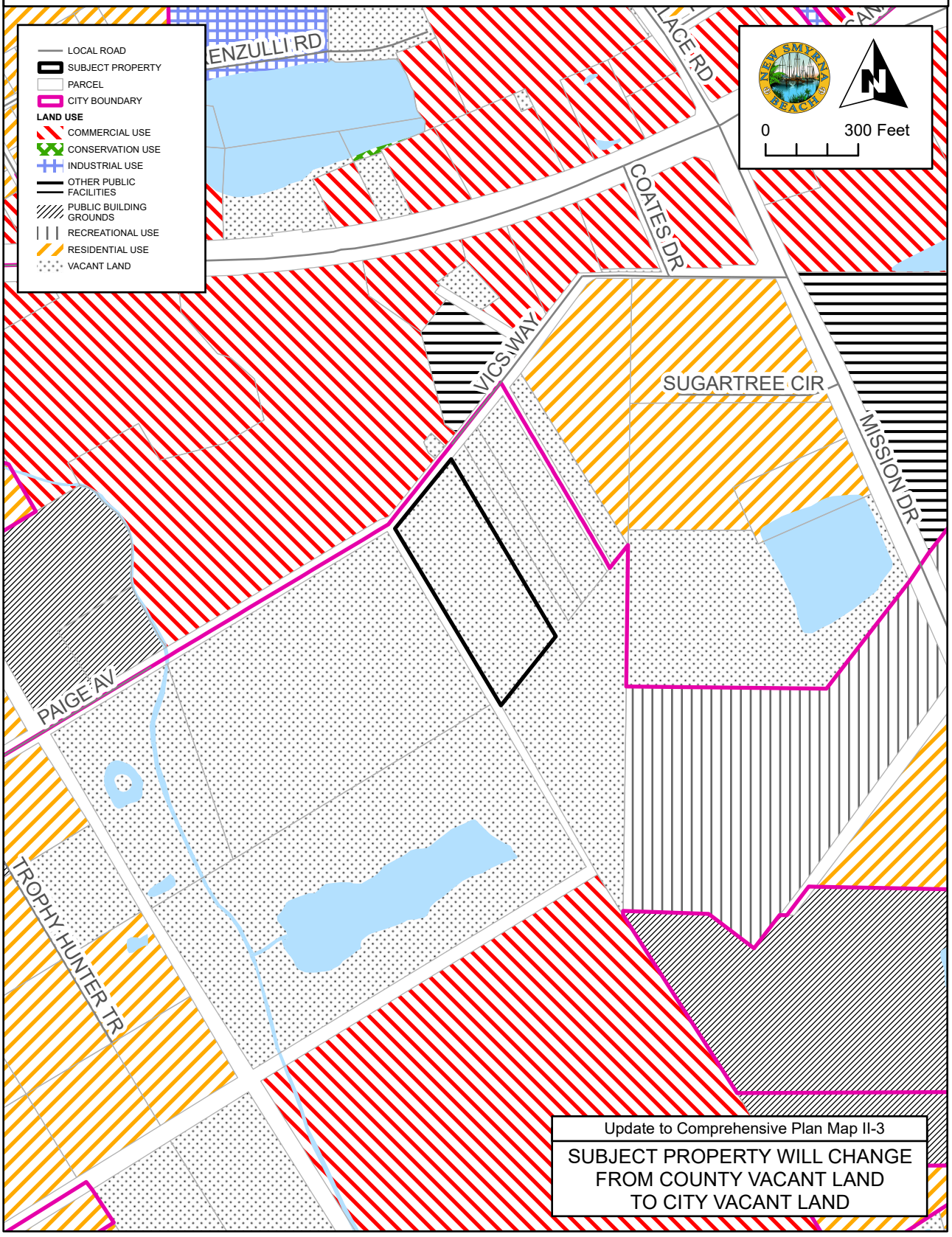
Areas that contain residential development at a range of up to eight (8) dwelling units per acre. The types of housing typically found in areas designated urban medium intensity include single family homes, townhouses and low-rise apartments.

The UMI designation is primarily a residential designation but may allow neighborhood business areas (see Shopping Center definition in Chapter 20) and office development that meet the Comprehensive Plan's location criteria. The commercial intensity shall be no more than a fifty percent Floor Area Ratio (0.50 FAR) and shall be limited in a manner to be compatible with the allowable residential density. In order to be considered compatible, the commercial development should reflect similar traffic patterns, traffic generation, building scale, landscaping and open space, and buffers. More intensive commercial use, other than neighborhood business areas, shall be reserved to areas designated for Commercial.

All requests for nonresidential uses within one- quarter (¼) mile of another jurisdiction shall require notification to that jurisdiction.

EXISTING LAND USE DESIGNATIONS

A-12-25



CONSERVATION

Maximum allowed Floor Area Ratio (FAR): 0.10

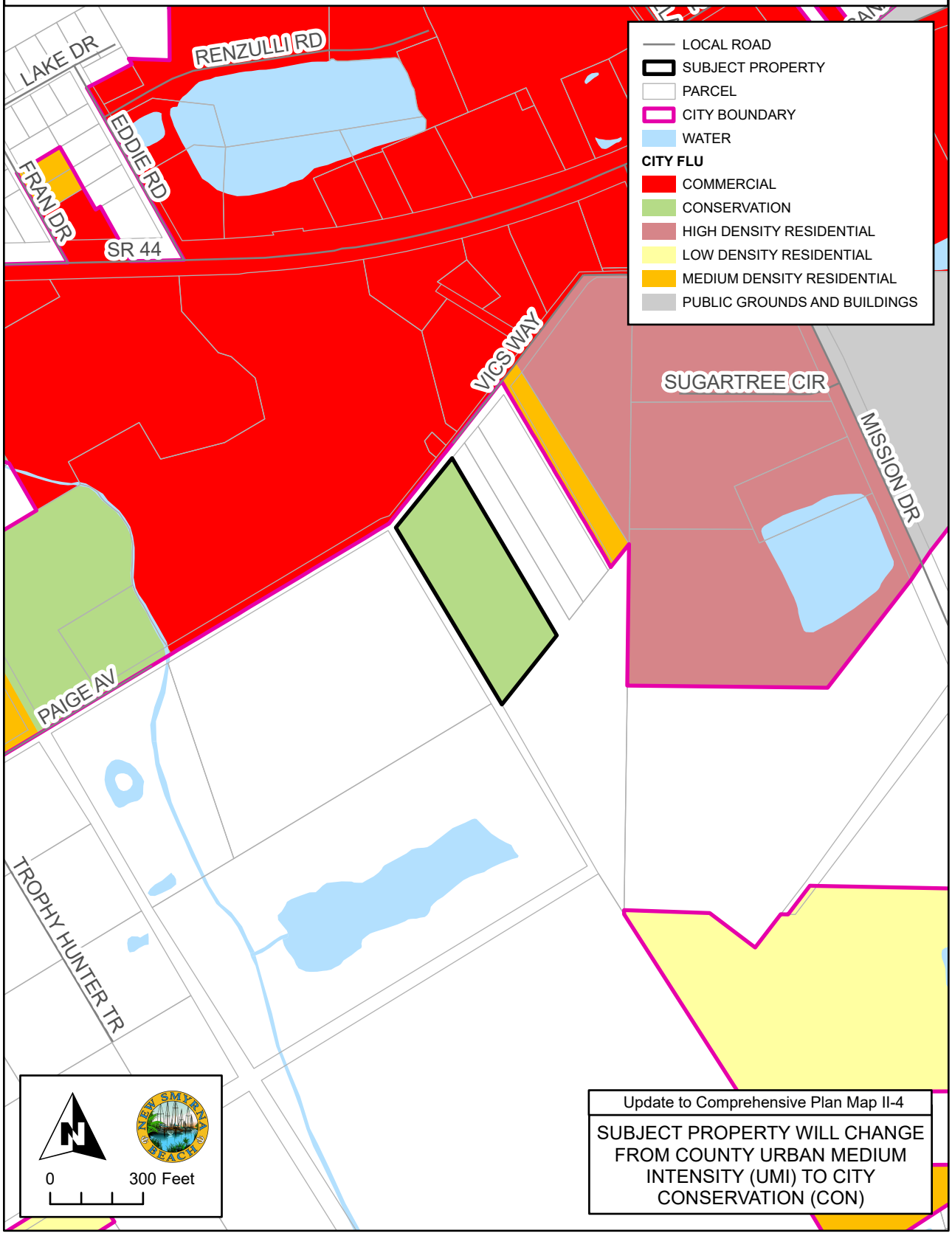
The general boundaries of those areas known to require environmental protection from development have been designated as conservation on the Future Land Use Map.

Designations are based on the best information available. Owners of lands designated as conservation on the Future Land Use Map may petition the City to adjust the boundaries of the conservation zone based upon a qualified biologist's determination of the boundaries made in accordance with §701.07 of the *Land Development Regulations*.

The Planning and Zoning Department shall review the owner's petition and automatically adjust the Future Land Use Map to correctly represent said area and upland buffer. The Local Planning Agency's approval shall be required if the area to be changed is greater than five (5) acres. Environmentally sensitive areas shall include, but not be limited to, jurisdictional wetlands, wetland buffers, uplands included as part of designated environmental corridors, and public beaches.

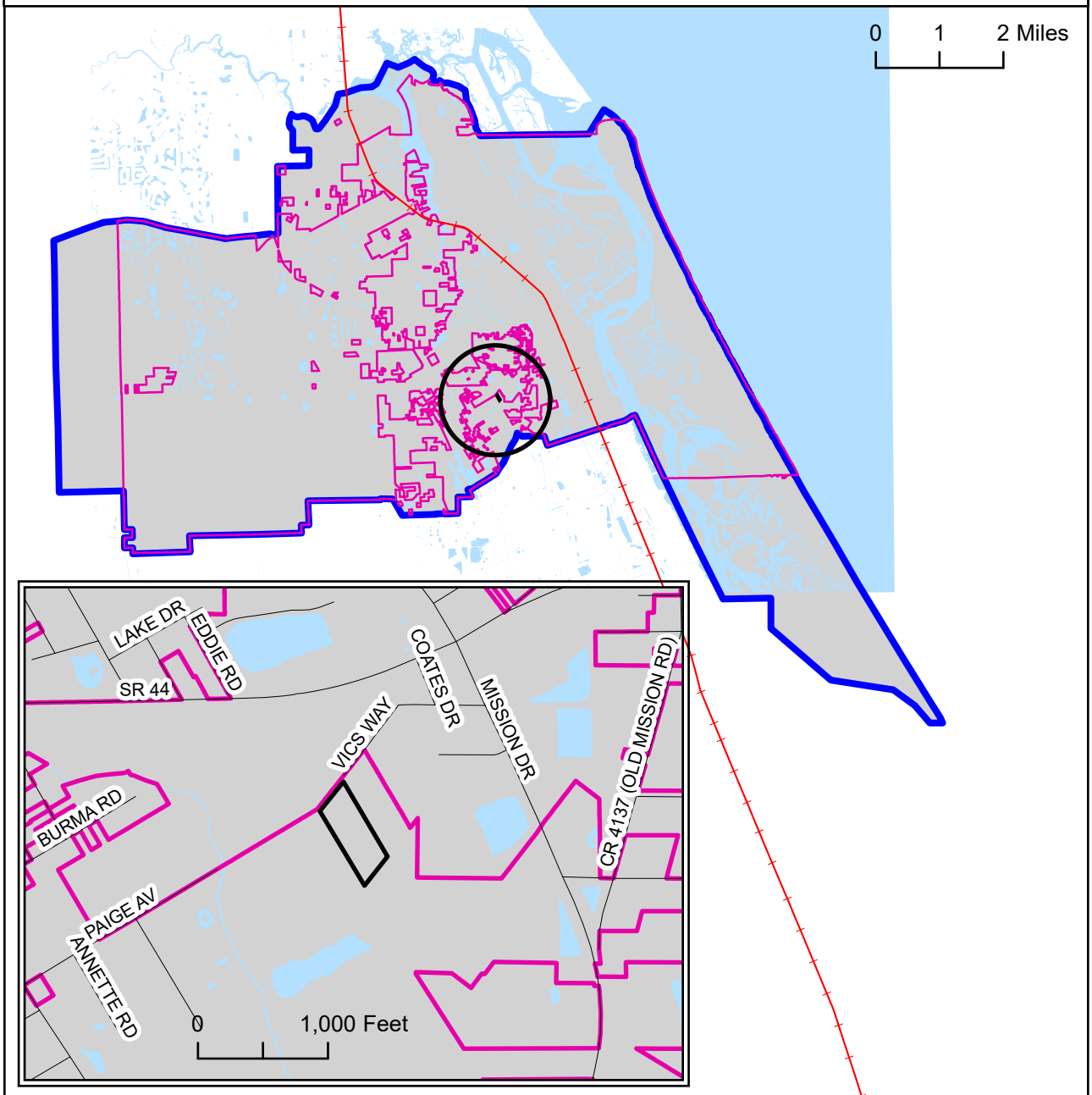
PROPOSED FUTURE LAND USE DESIGNATIONS

A-12-25



WATER AND SEWER SERVICE AREA

A-12-25



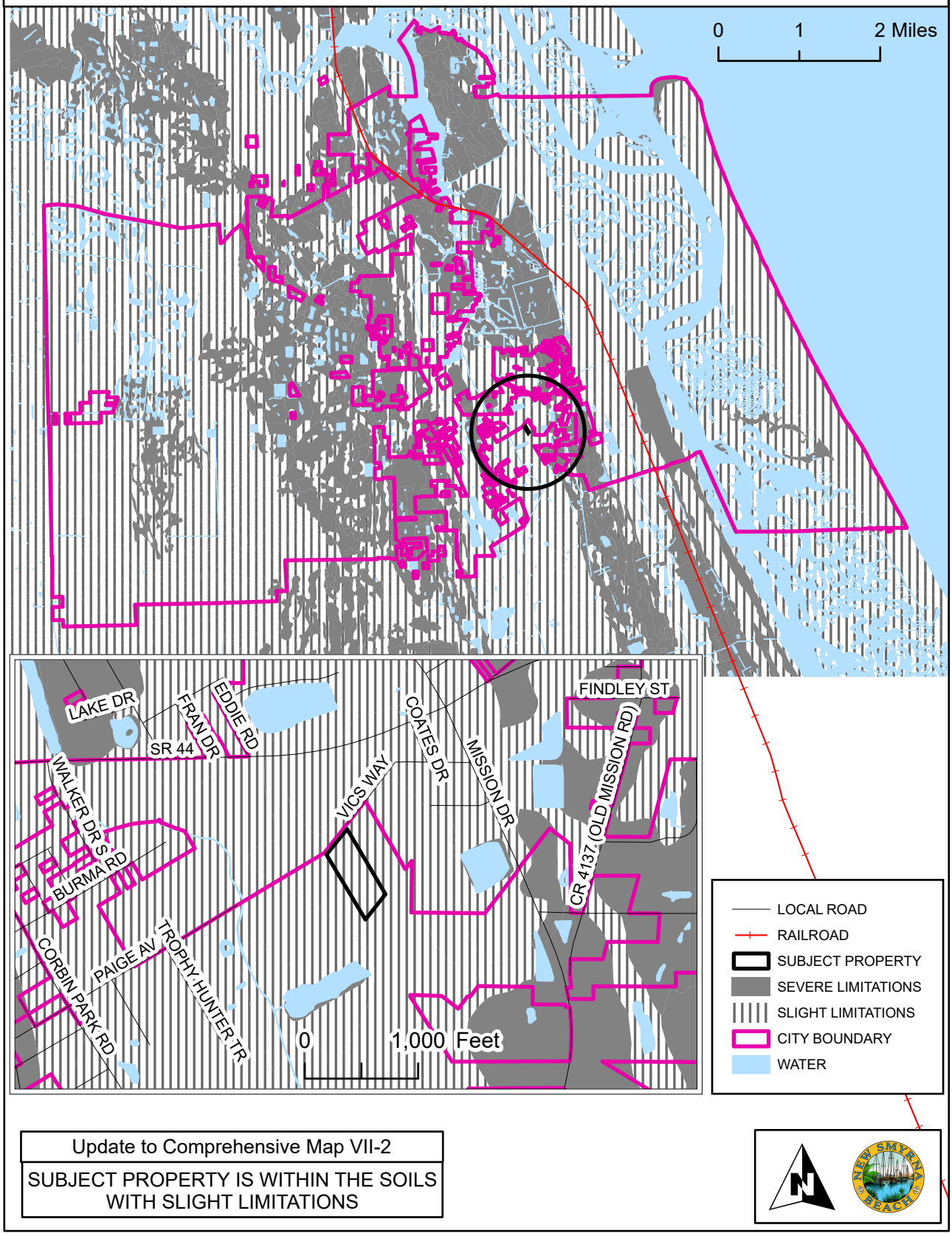
Update to Comprehensive Plan Map VII-1

SUBJECT PROPERTY IS WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA

- LOCAL ROAD
- RAILROAD
- SUBJECT PROPERTY
- WATER AND SEWER SERVICE AREA
- CITY BOUNDARY
- WATER

SOIL LIMITATION FOR SEPTIC SYSTEMS

A-12-25

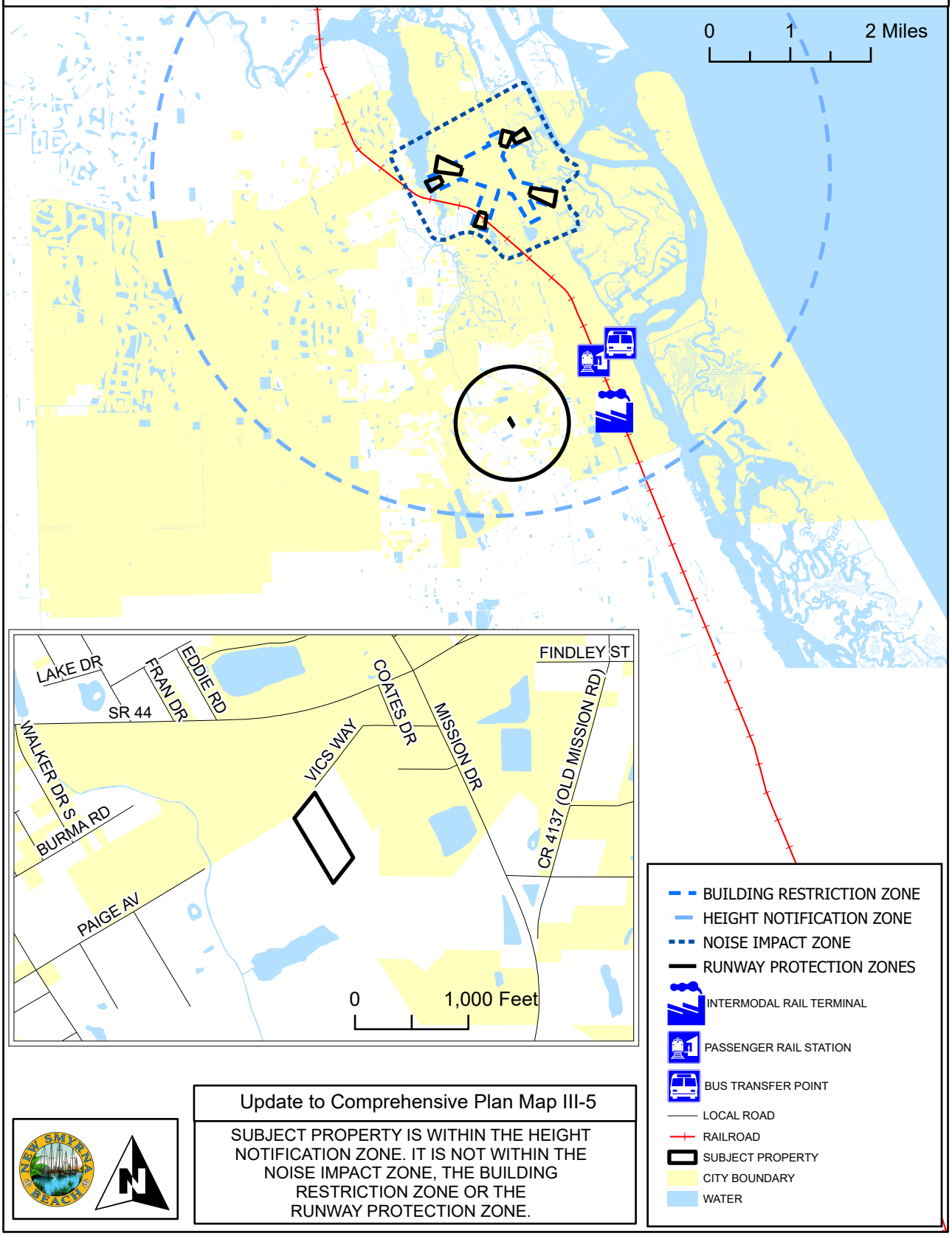


Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

AIRPORT RUNWAY PROTECTION ZONES

A-12-25

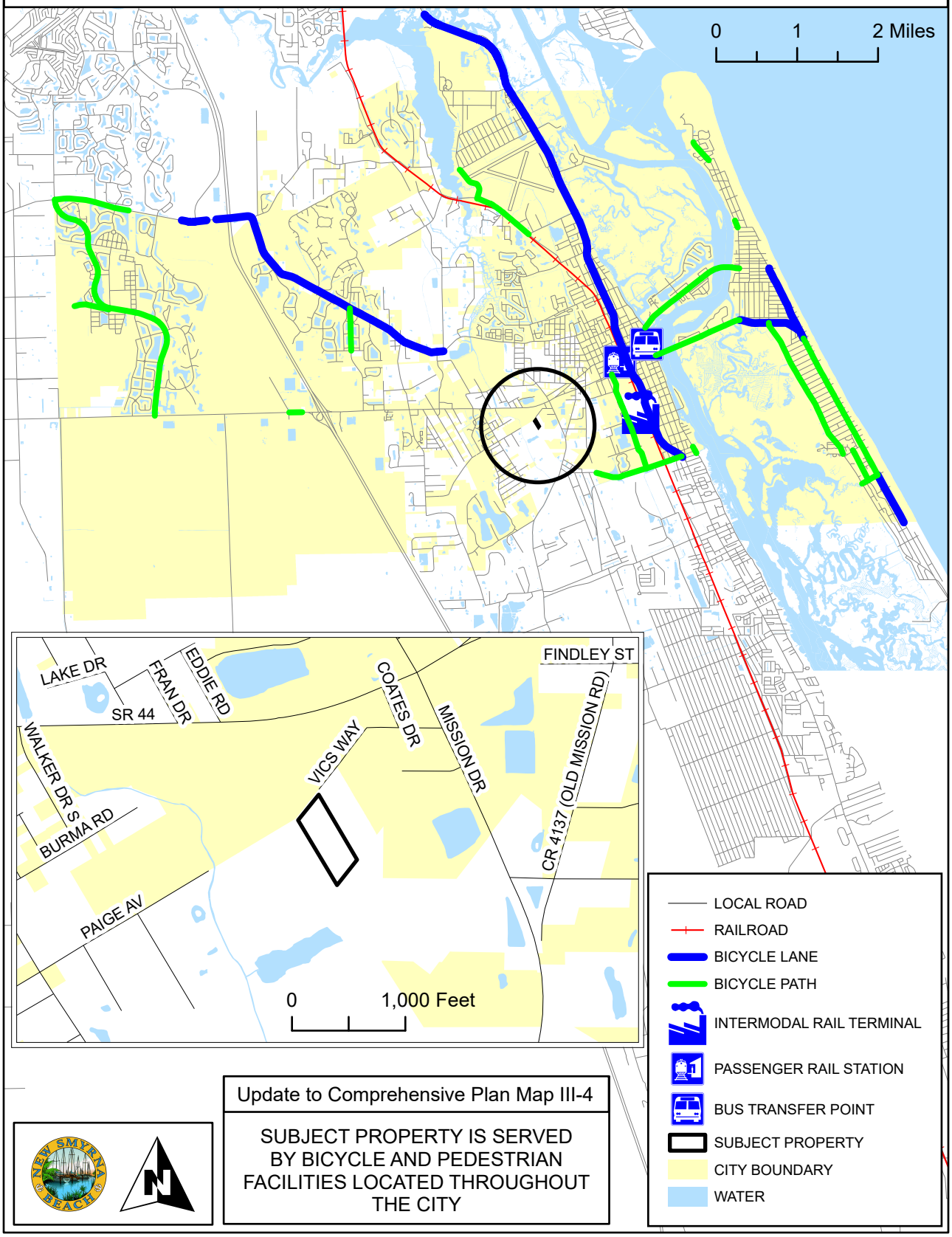


Update to Comprehensive Plan Map III-5

SUBJECT PROPERTY IS WITHIN THE HEIGHT NOTIFICATION ZONE. IT IS NOT WITHIN THE NOISE IMPACT ZONE, THE BUILDING RESTRICTION ZONE OR THE RUNWAY PROTECTION ZONE.

BICYCLE AND PEDESTRIAN FACILITIES

A-12-25

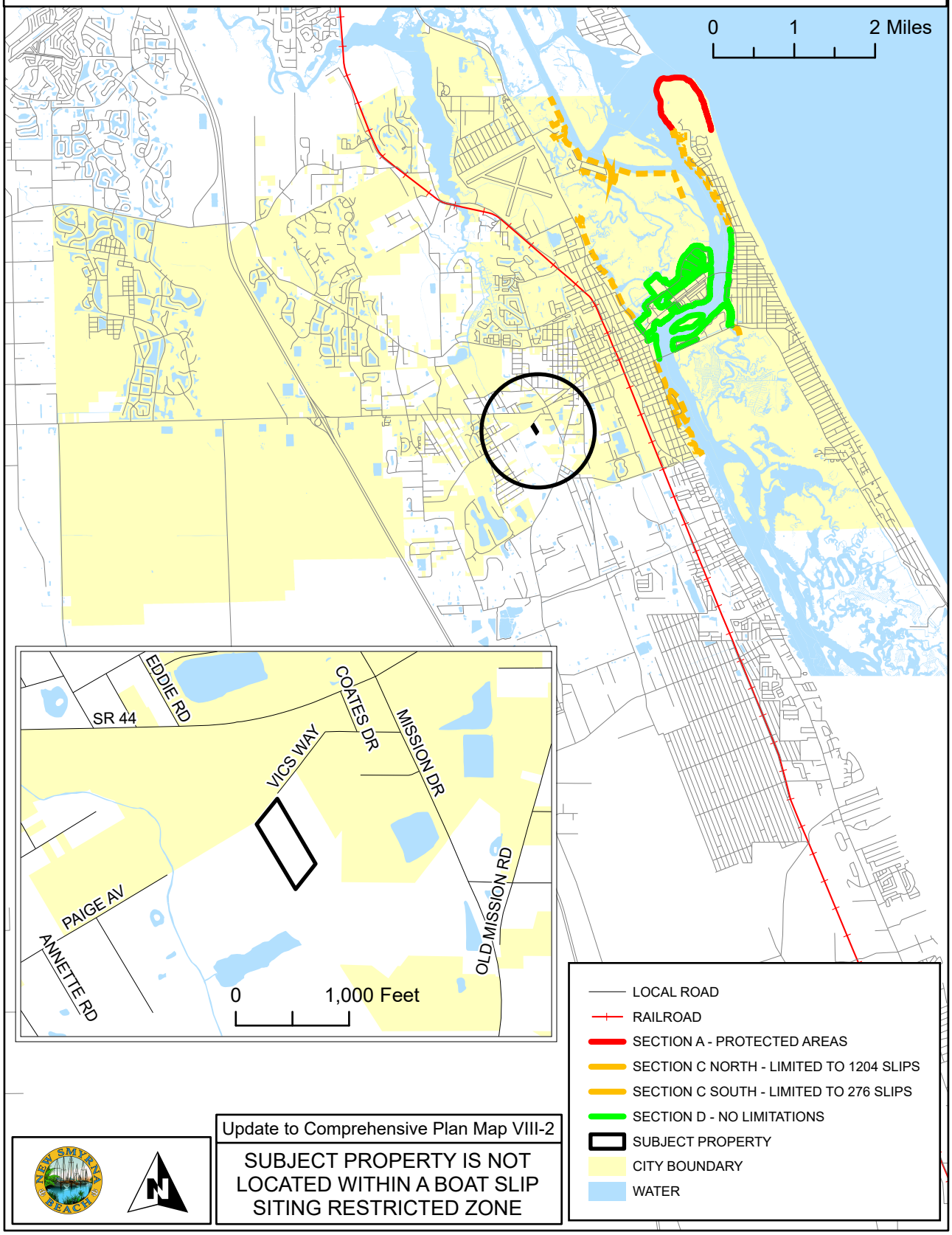


Update to Comprehensive Plan Map III-4

SUBJECT PROPERTY IS SERVED BY BICYCLE AND PEDESTRIAN FACILITIES LOCATED THROUGHOUT THE CITY

BOAT SLIP SITING

A-12-25

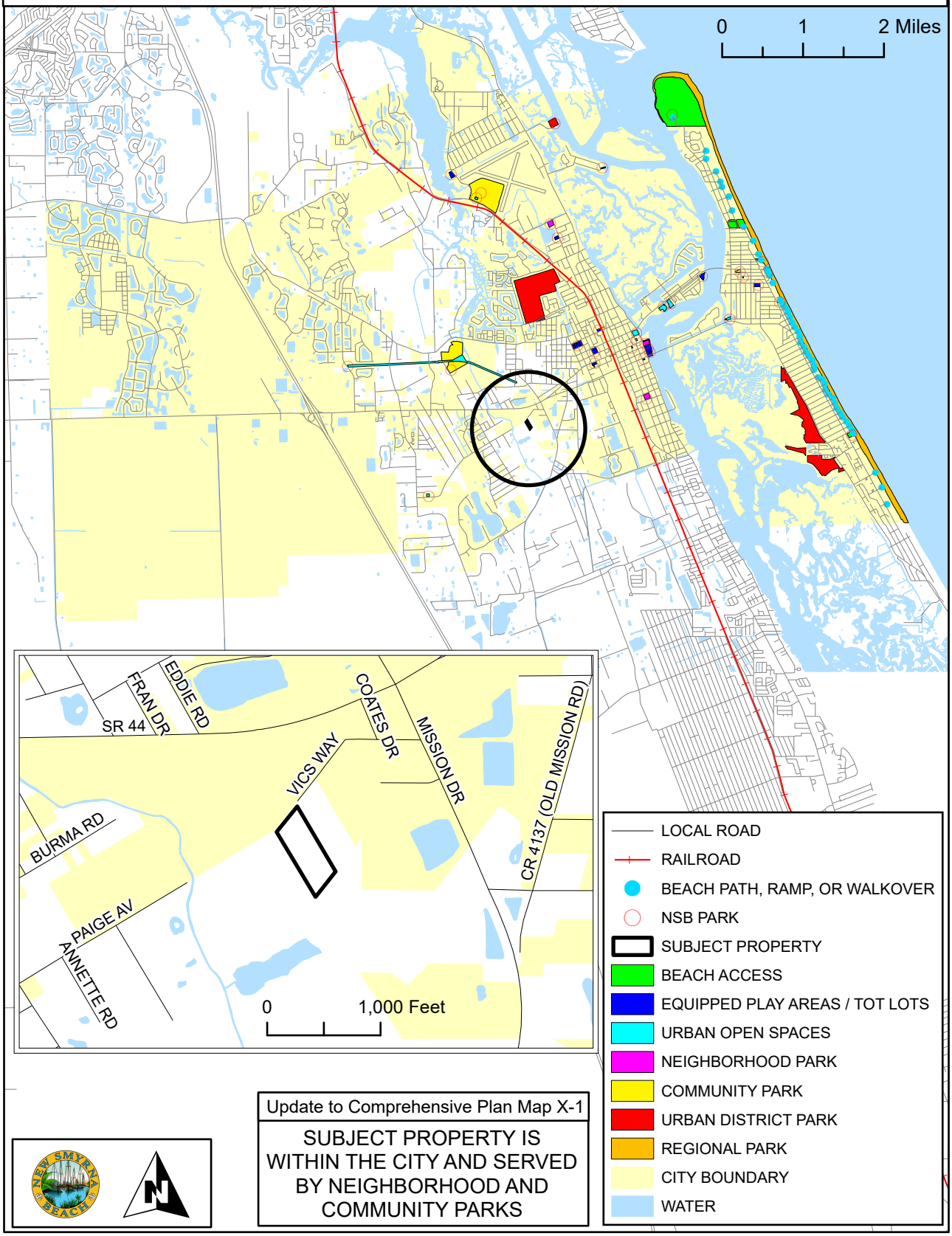


Update to Comprehensive Plan Map VIII-2

SUBJECT PROPERTY IS NOT LOCATED WITHIN A BOAT SLIP SITING RESTRICTED ZONE

CITY PARKS

A-12-25

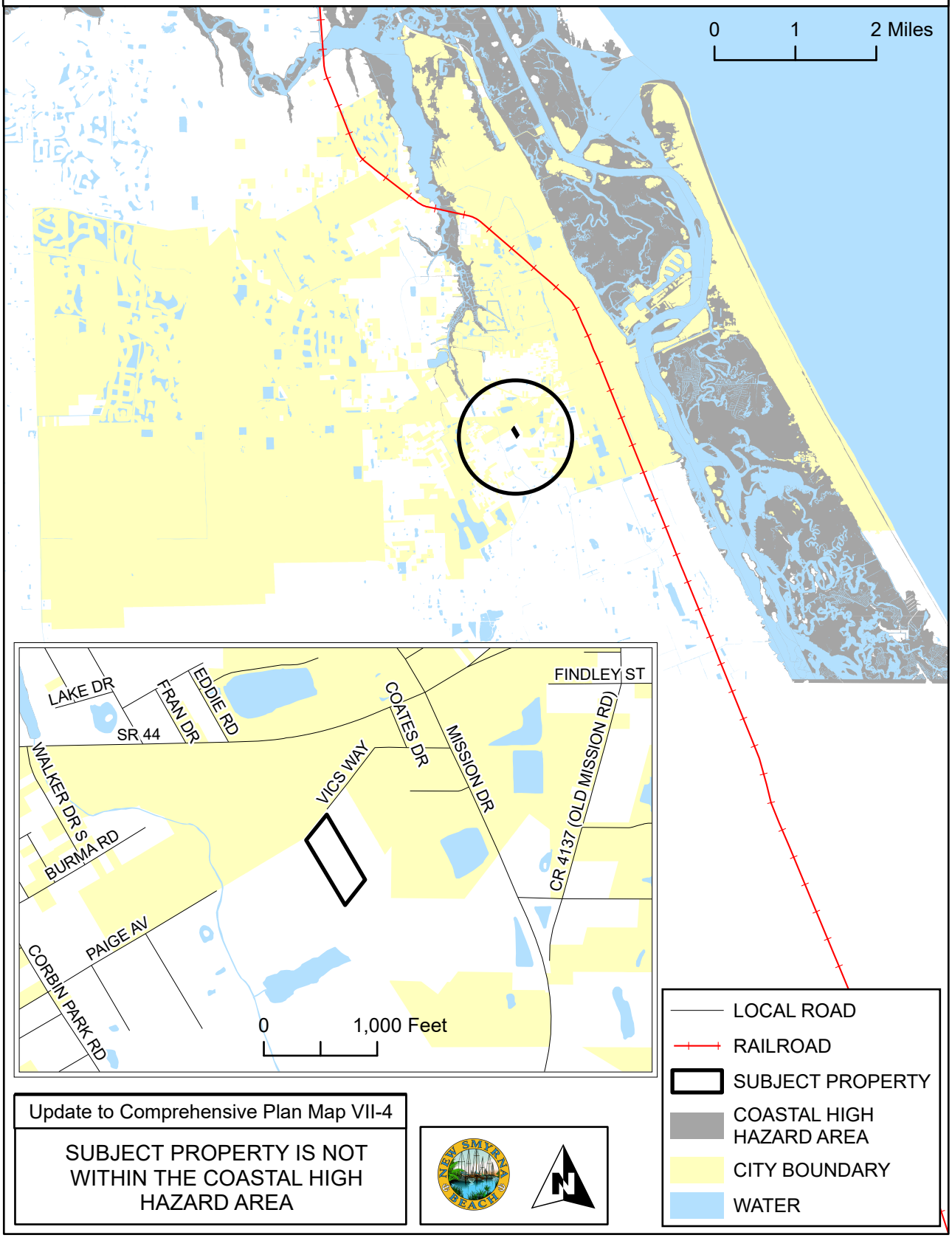


Update to Comprehensive Plan Map X-1

SUBJECT PROPERTY IS WITHIN THE CITY AND SERVED BY NEIGHBORHOOD AND COMMUNITY PARKS

COASTAL HIGH HAZARD AREAS

A-12-25

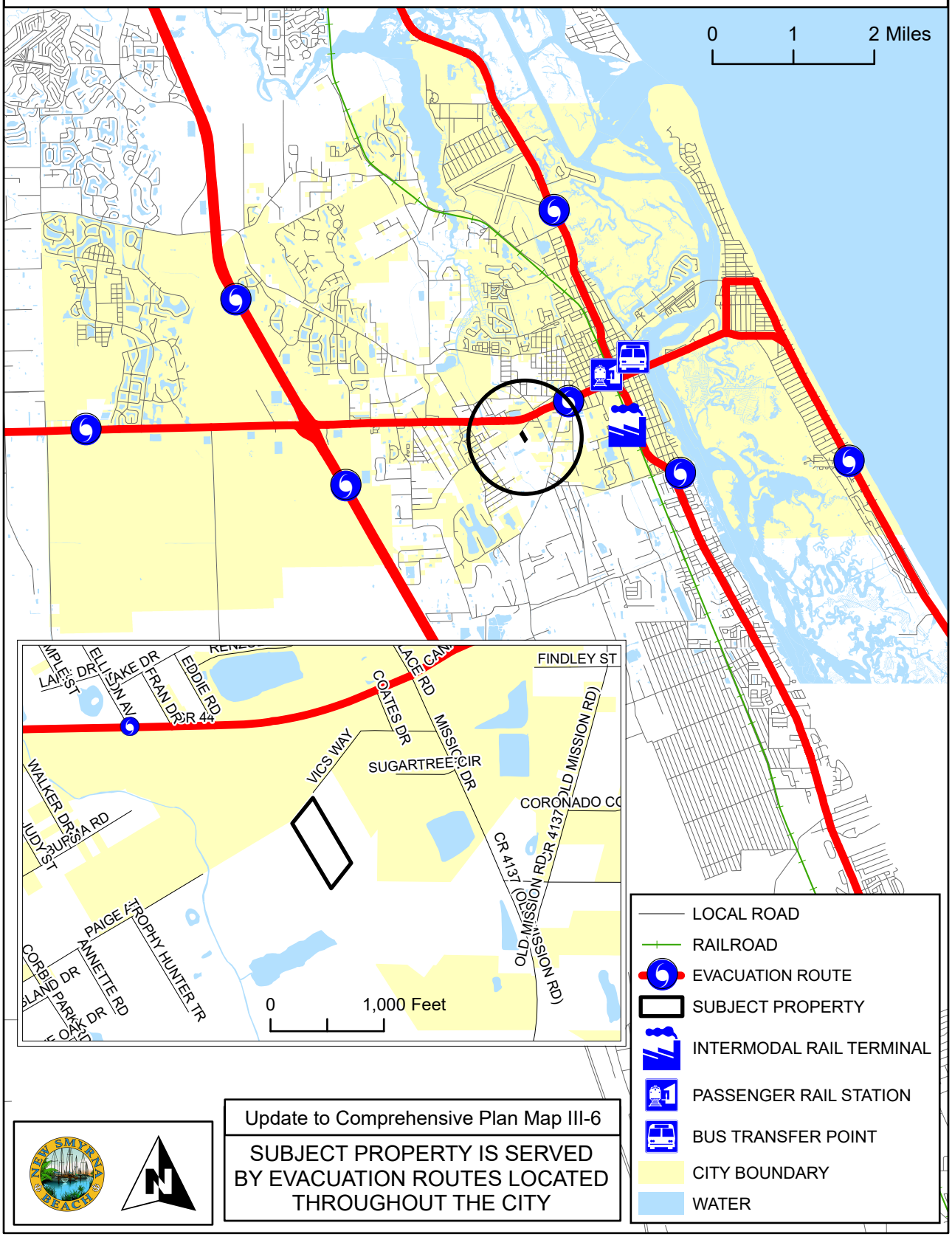


Update to Comprehensive Plan Map VII-4

SUBJECT PROPERTY IS NOT WITHIN THE COASTAL HIGH HAZARD AREA

EVACUATION ROUTES

A-12-25

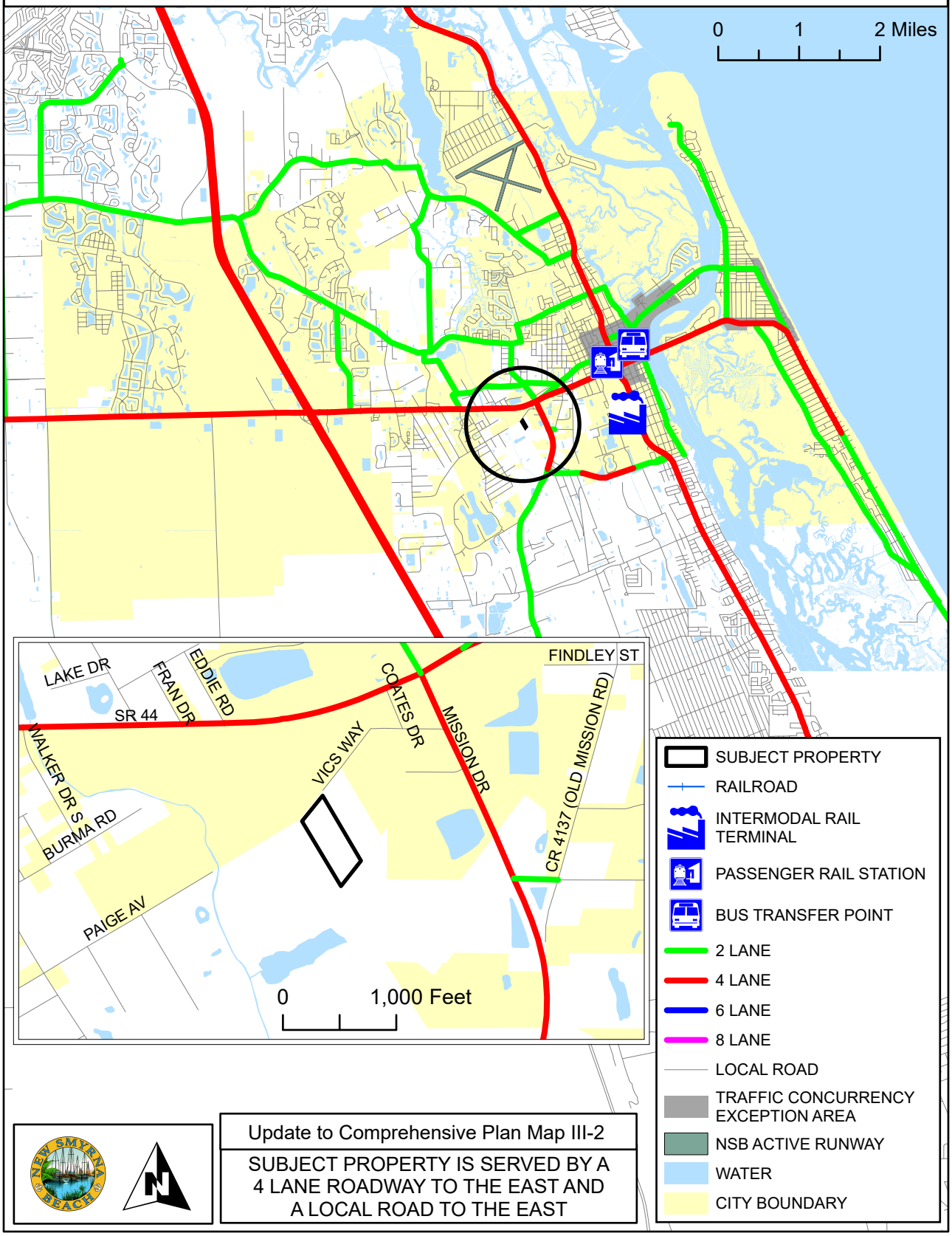


Update to Comprehensive Plan Map III-6

SUBJECT PROPERTY IS SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY

EXISTING TRAFFIC LANES - 2009

A-12-25

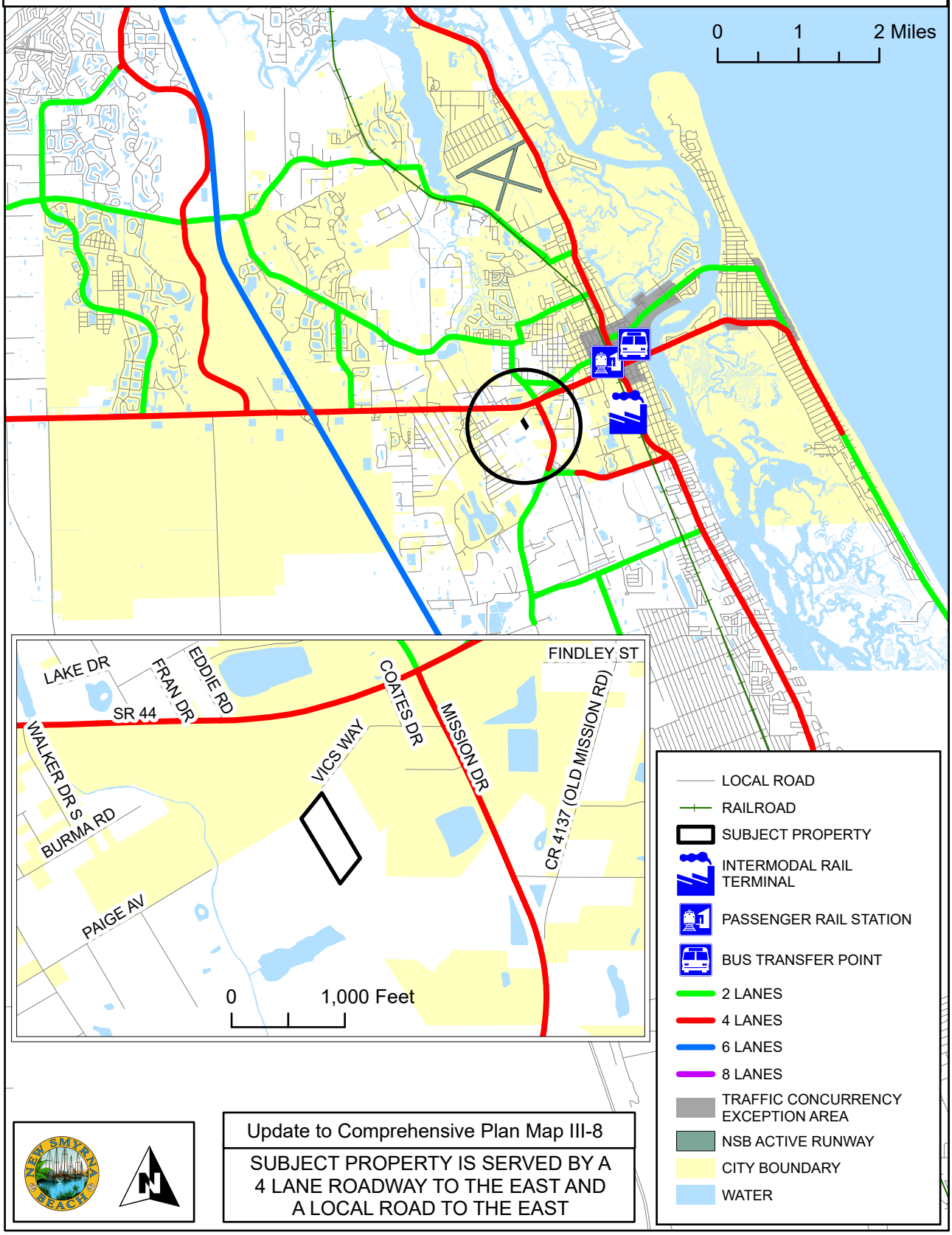


Update to Comprehensive Plan Map III-2

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE EAST AND A LOCAL ROAD TO THE EAST

NUMBER OF TRAFFIC LANES - 2025

A-12-25

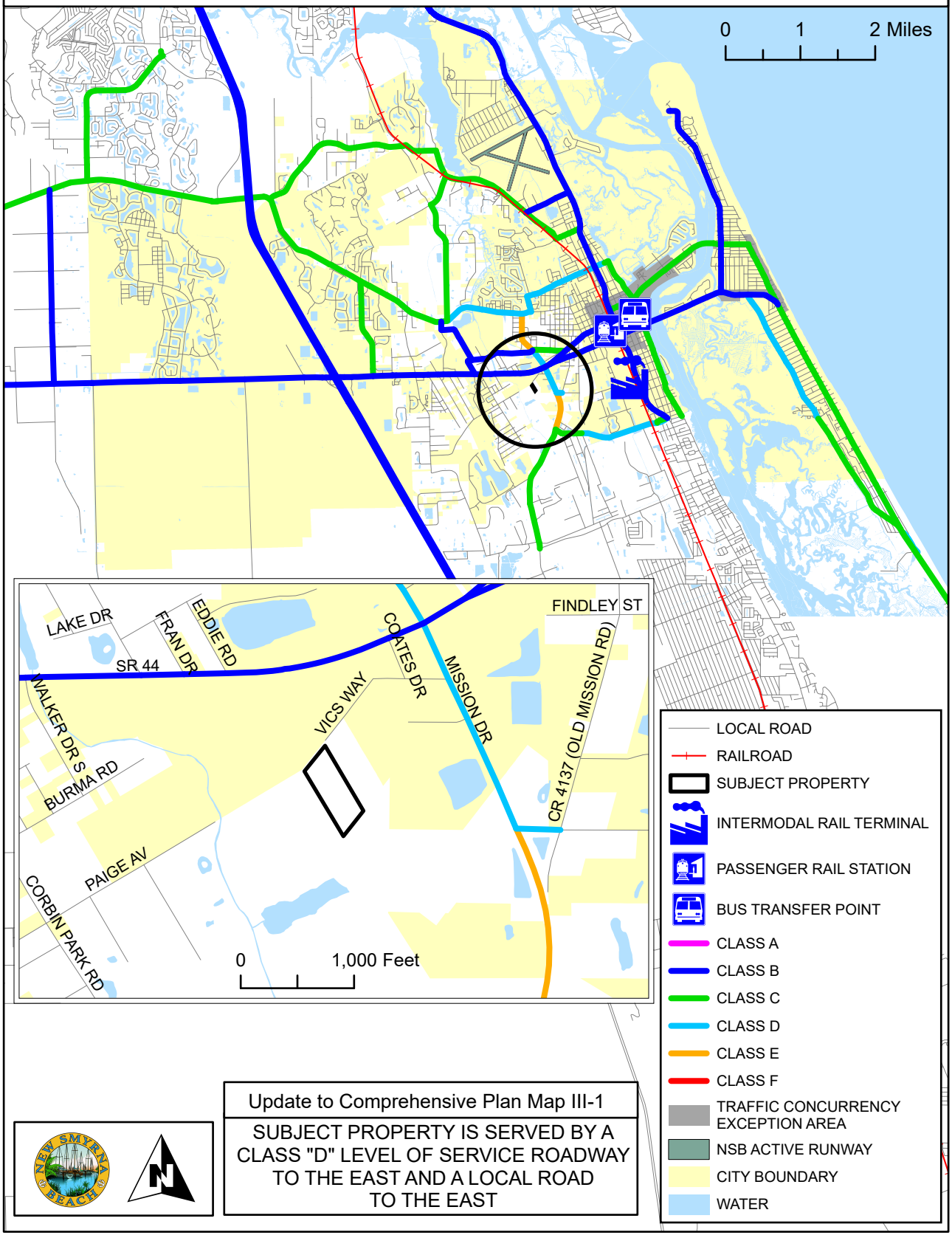


Update to Comprehensive Plan Map III-8

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE EAST AND A LOCAL ROAD TO THE EAST

EXISTING LEVEL OF SERVICE - 2009

A-12-25

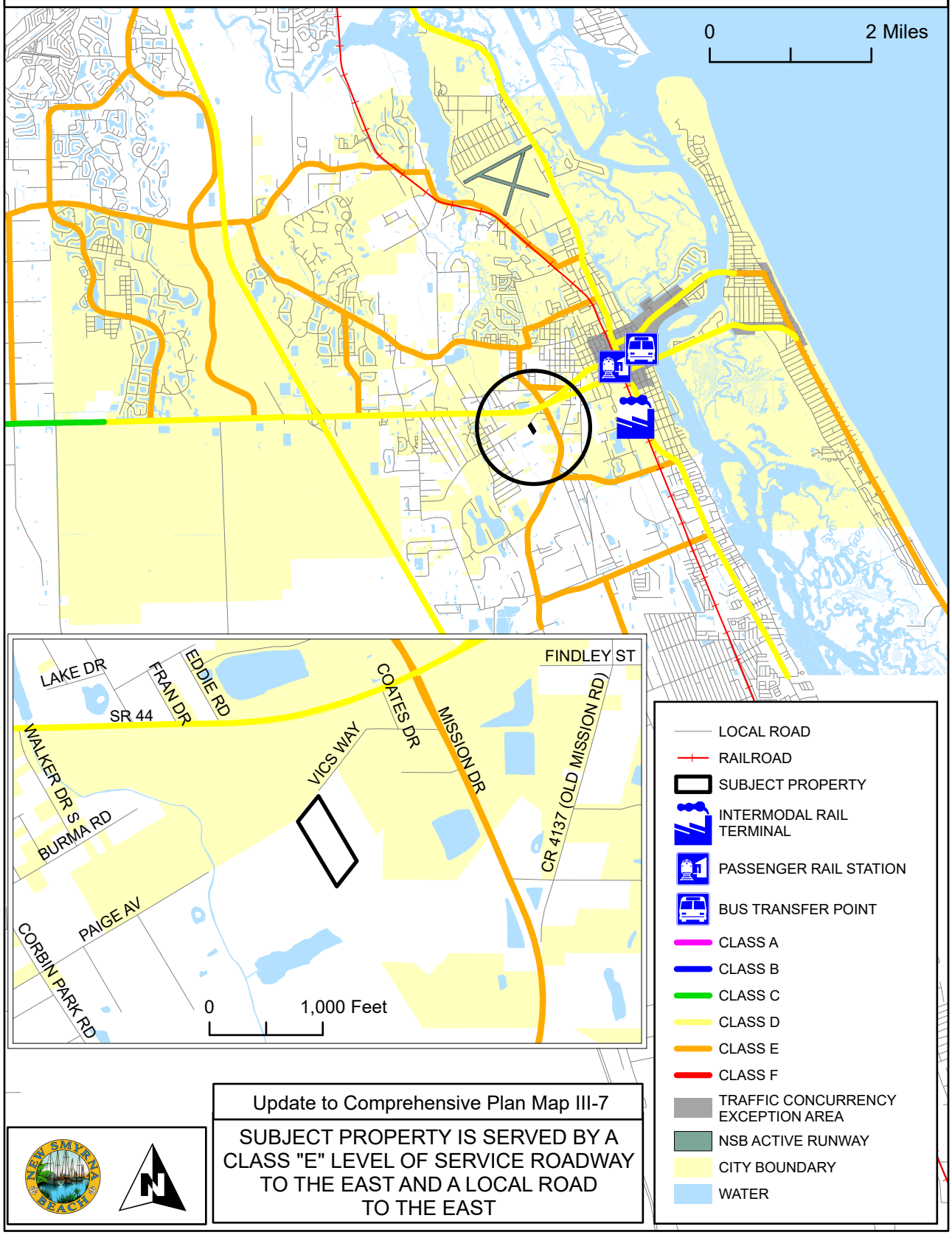


Update to Comprehensive Plan Map III-1

SUBJECT PROPERTY IS SERVED BY A CLASS "D" LEVEL OF SERVICE ROADWAY TO THE EAST AND A LOCAL ROAD TO THE EAST

LEVEL OF SERVICE - 2025

A-12-25

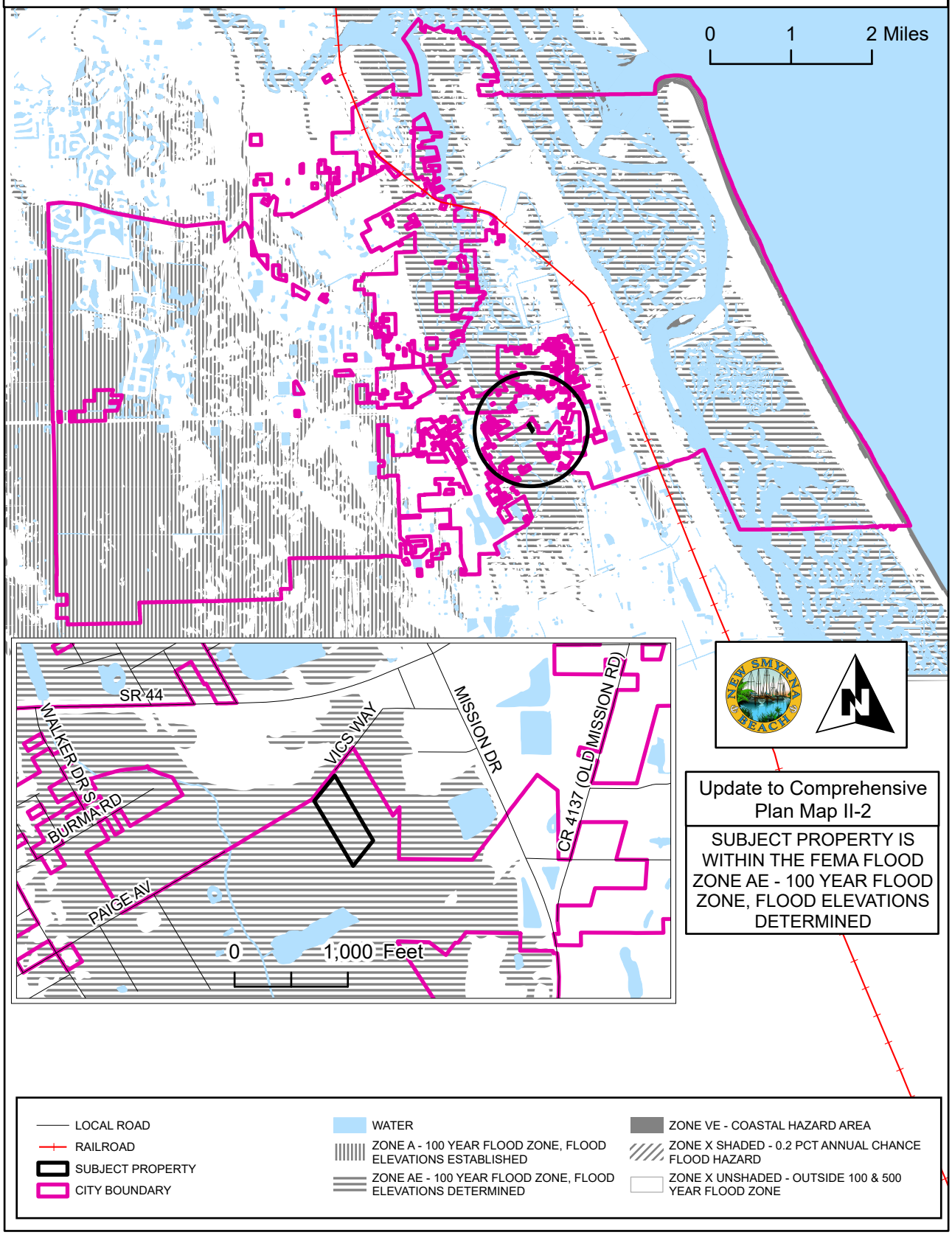


Update to Comprehensive Plan Map III-7

SUBJECT PROPERTY IS SERVED BY A CLASS "E" LEVEL OF SERVICE ROADWAY TO THE EAST AND A LOCAL ROAD TO THE EAST

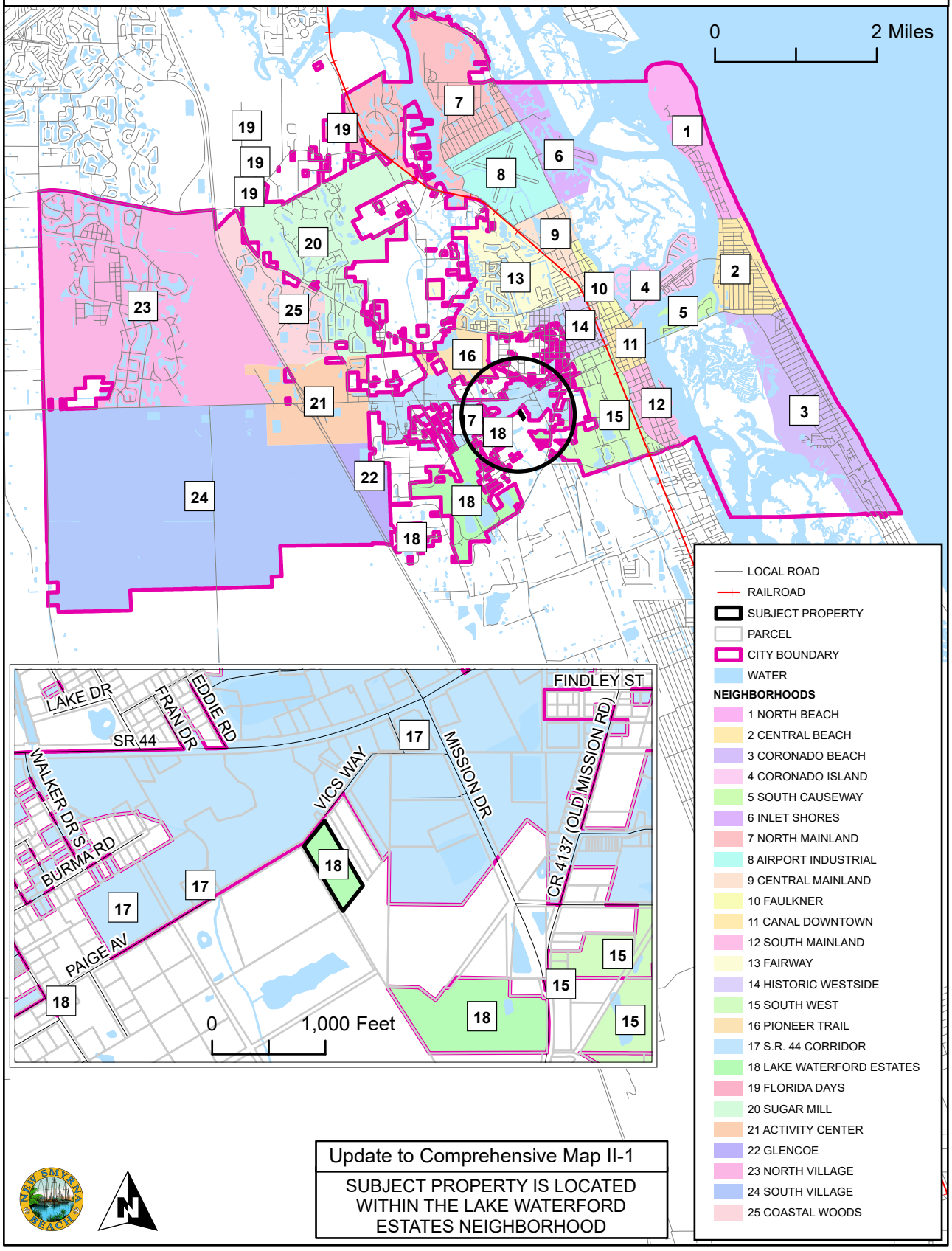
FLOOD PRONE AREAS

A-12-25



NEIGHBORHOODS

A-12-25

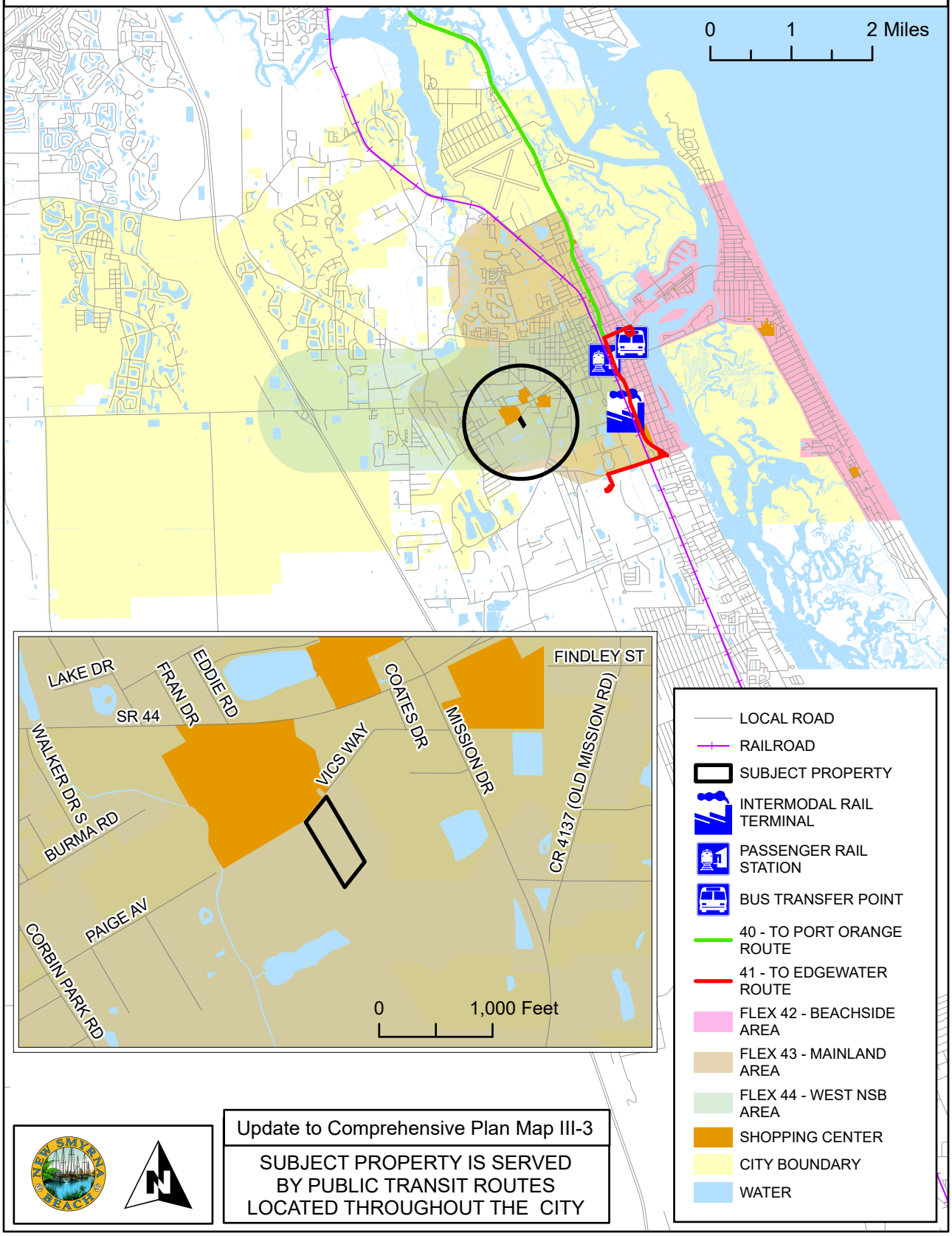


Update to Comprehensive Map II-1

SUBJECT PROPERTY IS LOCATED WITHIN THE LAKE WATERFORD ESTATES NEIGHBORHOOD

PUBLIC TRANSIT ROUTES

A-12-25

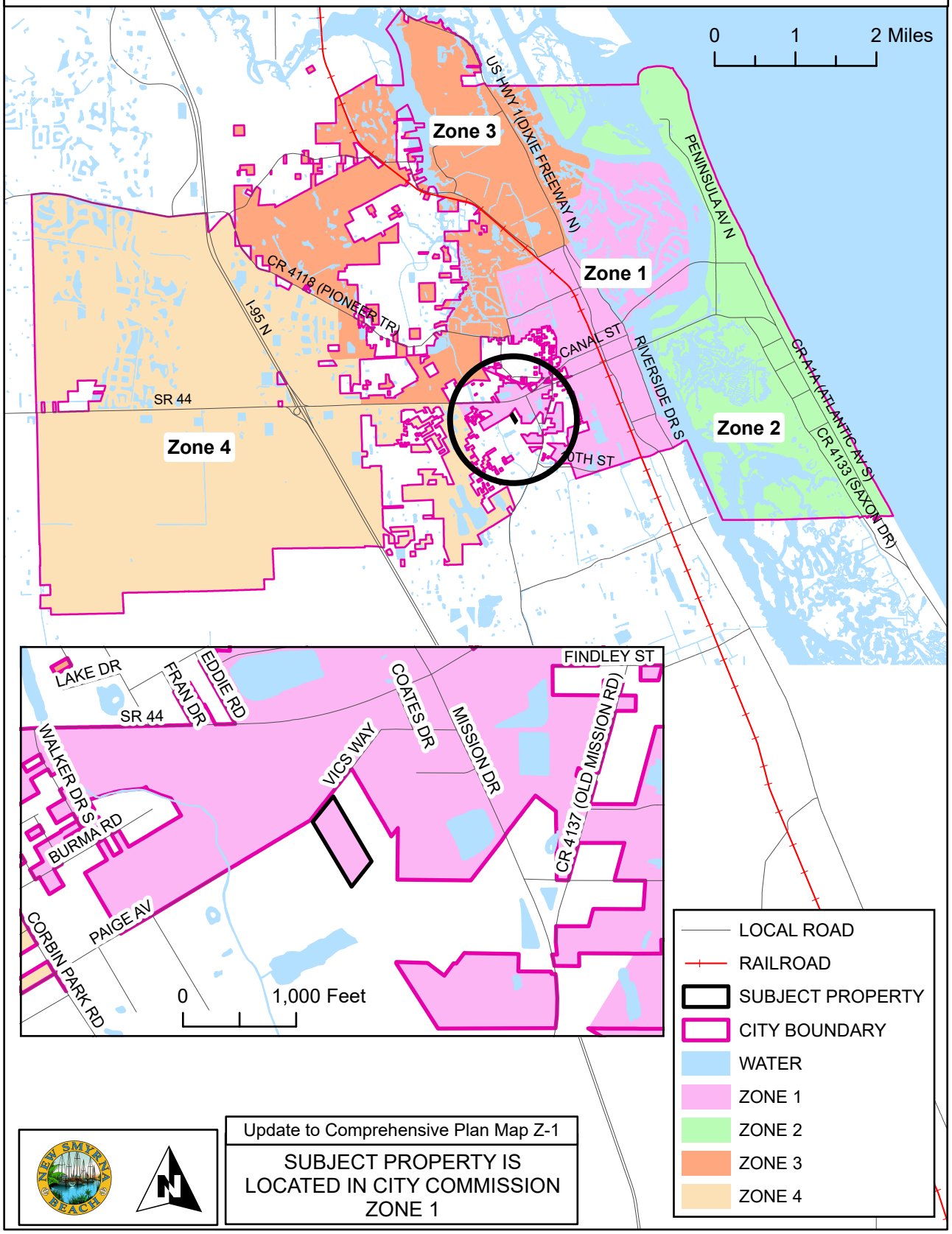


Update to Comprehensive Plan Map III-3

SUBJECT PROPERTY IS SERVED BY PUBLIC TRANSIT ROUTES LOCATED THROUGHOUT THE CITY

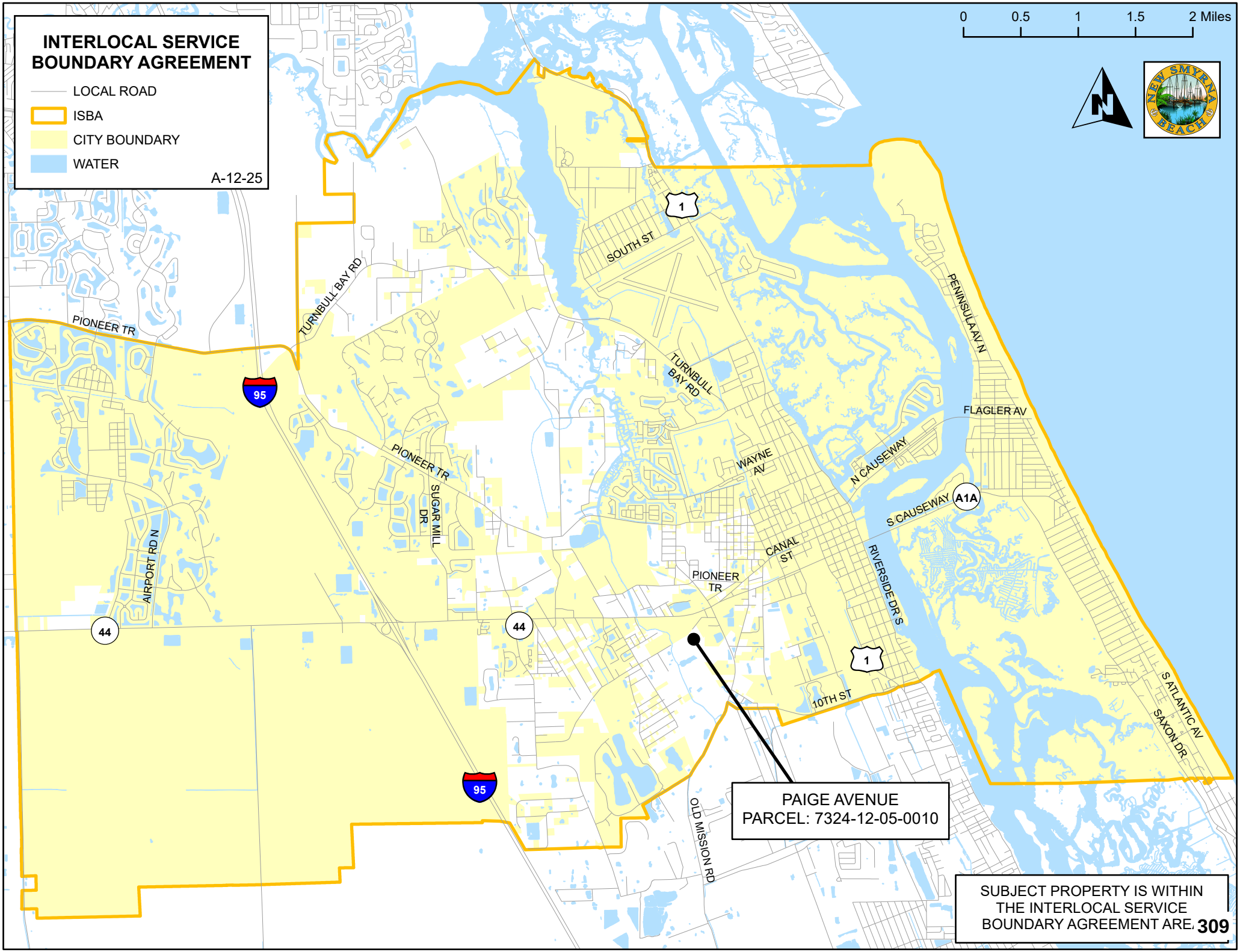
COMMISSION ZONES

A-12-25



Update to Comprehensive Plan Map Z-1

SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 1


INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-12-25
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
PIONEER TR
TURNBULL BAY RD
SOUTH ST
PENINSULA AV N
FLAGLER AV
N CAUSEWAY
WAYNE AV
S CAUSEWAY
A1A
SUGAR MILL DR
AIRPORT RD N
CANAL ST
RIVERSIDE DR S
10TH ST
S ATLANTIC AV
SAXON DR
OLD MISSION RD
95
44
1
PAIGE AVENUE
PARCEL: 7324-12-05-0010
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ARE.
309

LEGAL DESCRIPTION

Address:
Paige Avenue, New Smyrna Beach, Florida 32168

Parcel Number
7324-12-05-0010

AltKey Number:
3716132

Metes and Bounds by Professional Title Agency

LOT 1, BLOCK 5, “WOODLAND” L.D. BUCKS SUBDIVISION, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 6, PAGE 134, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

9/12/2025 10:19:57 AM Instrument #2025172177 #1 Book:8753 Page:3828
Doc Stamps $1,366.40 Transfer Amt $195,140.00

Prepared by and Return To:
Teresa Prompovitch
Professional Title Agency, a division of LandCastle Title Group, LLC
313 Julia Street
New Smyrna Beach, FL 32168

Order No.: N[redacted]

APN/Parcel ID(s): 732412050010

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this September 11, 2025 by Festival Properties, Inc. having its principal place of business at 1215 Gessner Drive, Houston, TX 77055, hereinafter called the grantor, and City of New Smyrna Beacha municipal corporation, a corporation existing under the laws of the State of Floirda whose post office address is 210 Sams Avenue, New Smyrna Beach, FL 32168, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representative and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all the certain land situated in County of Volusia, State of Florida, viz:

Lot 1, Block 5, "Woodland" L.D. Buck's Subdivision, according to the map or plat thereof, as recorded in Map Book 6, Page 134, of the Public Records of Volusia County, Florida.

Subject to encumbrances, easements and restrictions of record and taxes accruing subsequently to 2024.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in Fee Simple; that the grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

SPECIAL WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Witness Signature

Teresa A. Prompovitch
Print Name

Address: 313 Julia Street
New Smyrna Beach, FL 32168

Witness Signature

Linda Romsey
Print Name

Address: 313 Julia St.
NSB FL 32168

Festival Properties, Inc.

BY: _____
Dan Silvestri
President

Address: 1215 Gessner Drive
Houston, TX 77055

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 8th day of September, 2025, by Dan Silvestri, President of Festival Properties, Inc, to me known to be the person(s) described in or who has/have produced Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

TERESA A. PROMPOVITCH
Notary Public - State of Florida
Commission # HH 221861
My Comm. Expires Mar 21, 2026
Bonded through National Notary Assn.

NOTARY PUBLIC
My Commission Expires:

Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of New Smyrna Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
ORD 13-26 Small Scale Paige Ave.

This Business Impact Estimate is provided in accordance with section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of New Smyrna Beach is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of New Smyrna Beach is, nevertheless providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
    b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
    c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
    d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City of New Smyrna Beach hereby publishes the following information:

[1] *See* Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Ordinance 13-26 amends the City Comprehensive Plan to include the property annexed in Ordinance 12-26 and apply conservation land use.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of New Smyrna Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance, or for which businesses will be financially responsible; and
(c) An estimate of the City of New Smyrna Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):
[*You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of New Smyrna Beach staff solicited comments from businesses in the City of New Smyrna Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of New Smyrna Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.*).

None.

ORDINANCE NO. 13-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH AMENDING THE COMPREHENSIVE PLAN; CHANGING THE FUTURE LAND USE DESIGNATION OF 4.5± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF PAIGE AVENUE, EAST OF TROPHY HUNTER TRAIL, FROM VOLUSIA COUNTY *URBAN MEDIUM INTENSITY* TO CITY *CONSERVATION*; PROVIDING FOR AMENDMENT OF THE ASSOCIATED COMPREHENSIVE PLAN MAPS TO SHOW THE AREA INCORPORATED INTO THE CITY; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florida 32168, applicant on behalf of City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168, property owner, has requested the City of New Smyrna Beach amend its Comprehensive Plan, Future Land Use Map II-4 to change the land use designation of 4.5± acres of property generally located south of Paige Avenue, east of Trophy Hunter Trail, from Volusia County *Urban Medium Intensity* to City *Conservation*; to amend City Neighborhood Map II-1 to show the subject property is located within the Lake Waterford Estates Neighborhood; to amend Flood Prone Areas Map II-2 to show the subject property is within the FEMA Flood Zone AE; to amend Existing Land Use Designations Map II-3 to show the subject property will change from Volusia County *Vacant Land* to City *Vacant Land* to amend Existing Level of Service-2009 Map III-1 to show the subject property is served by a Class D level of service roadway to the east and a local road to the east; to amend Existing Traffic Lanes-2009 Map III-2 to show the subject property is served by a 4-lane roadway to the east and a local road to the east; to amend Public Transit Routes Map III-3 to show the subject property is served by public transit routes located throughout the City; to amend Bicycle and Pedestrian Facilities Map III-4 to show the subject property is served by bicycle and pedestrian facilities located throughout the City; to amend Airport Runway Protection Zones Map III-5 to show the subject property is within the height notification zone, and is not within the noise impact zone, the building restriction zone, or the runway protection zone; to amend Evacuation Routes Map III-6 to show the subject property is served by evacuation routes located throughout the City; to amend Level of Service-2025 Map III-7 to show the subject property is served by Class E level of service roadway to the east and a local road to the east; to amend Number of Traffic Lanes-2025 Map III-8 to show the subject property is served by a 4-lane roadway to the east and a local road to the east; amend Water & Sewer Service Area Map VII-1 to show the subject property is within the City and inside the New Smyrna Beach water and sewer service area; to amend Soil Limitation for Septic Systems Map VII-2 to show the subject property is within the slight limitations; to amend Coastal High Hazard Area Map VII-4 to show the subject property is not within the Coastal High Hazard Area; to amend Boat Slip Siting Map VIII-2 to show the subject property is not located within a boat slip siting restricted zone; to amend City

Parks Map X-1 to show the subject property is within the City and served by neighborhood and community parks; to amend Commission Zones Map Z-1 to show the subject property is located in City Commission Zone 1; and

WHEREAS, the Planning and Zoning Board, sitting as the City's Local Planning Agency, held an advertised public hearing pursuant to §163.3174(4), Fla. Stat., on December 1, 2025, and by a vote of 7-0 recommended that the City Commission approve the proposed Plan Amendment; and

WHEREAS, the proposed Amendment is from Volusia County *Urban Medium Intensity* to City *Conservation* land use of FIFTY (50) acres or fewer. §163.3187(1)(a), Fla. Stat.; and

WHEREAS, the proposed Amendment does not involve a text change to the goals, policies, and objectives of the City's Comprehensive Plan, but only propose a land use change to the future land use map for a site-specific small-scale development activity. §163.3187(1)(c), Fla. Stat.; and

WHEREAS, the proposed Amendment is not located within an area of critical state concern. §163.3187(1)(d), Fla. Stat.; and

WHEREAS, the City Commission finds that the proposed Amendment qualifies as a Plan Amendment directly related to small-scale development activities within the meaning of §163.3187(1), Fla. Stat.; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to amend its Comprehensive Plan as more particularly set forth hereinafter.

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

SECTION 1: ***Land Use Amendment.*** That the Comprehensive Plan, **Future Land Use Map II-4**, is hereby amended by changing the land use designations for real property located in Volusia County, Florida, described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

from Volusia County *Urban Medium Intensity* to City *Conservation.*

SECTION 2: ***Map Amendment.*** That the Comprehensive Plan, **Neighborhoods Map II-1**, is hereby amended to show the subject property is within the Lake Waterford Estates Neighborhood.

SEE EXHIBIT "B" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 3: ***Map Amendment.*** That the Comprehensive Plan, **Flood Prone Area Map II-2,** is hereby amended to show the subject property is within FEMA Flood Zone AE.

SEE EXHIBIT "C" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 4: ***Map Amendment.*** That the Comprehensive Plan, **Existing Land Use Designations Map II-3**, is hereby amended to show the subject property will change from County *Vacant Land* to City *Vacant Land.*

SEE EXHIBIT "D" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 5: ***Map Amendment.*** That the Comprehensive Plan, **Existing Level of Service-2009 Map III-1**, is hereby amended to show the subject property is served by a Class D level of service roadway to the east and a local road to the east.

SEE EXHIBIT "E" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 6: ***Map Amendment.*** That the Comprehensive Plan, **Existing Traffic Lanes-2009 Map III-2,** is hereby amended to show the subject property is served by a 4-lane roadway to the east and a local road to the east.

SEE EXHIBIT "F" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 7: ***Map Amendment.*** That the Comprehensive Plan, **Public Transit Routes Map III-3,** is hereby amended to show the subject property is served by public transit routes located throughout the City.

SEE EXHIBIT "G" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 8: ***Map Amendment.*** That the Comprehensive Plan, **Bicycle and Pedestrian Facilities Map III-4**, is hereby amended to show the subject property is served by bicycle and pedestrian facilities located throughout the City.

SEE EXHIBIT "H" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 9: ***Map Amendment.*** That the Comprehensive Plan, **Airport Runway Protection Zones Map III-5**, is hereby amended to show the subject property is within the height notification zone, and is not within the noise impact zone, the building restriction zone, or the runway protection zone.

SEE EXHIBIT "I" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 10: ***Map Amendment.*** That the Comprehensive Plan, **Evacuation Routes Map III-6**, is hereby amended to show the subject property is served by evacuation routes located throughout the City.

SEE EXHIBIT "J" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 11: ***Map Amendment.*** That the Comprehensive Plan, **Level of Service-2025 Map III-7**, is hereby amended to show the subject property is served by a Class E level of service roadway to the east and a local road to the east.

SEE EXHIBIT "K" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 12: ***Map Amendment.*** That the Comprehensive Plan, **Number of Traffic Lanes-2025 Map III-8**, is hereby amended to show the subject property is served by a 4-lane roadway to the east and a local road to the east.

SEE EXHIBIT "L" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 13: ***Map Amendment.*** That the Comprehensive Plan, **Water and Sewer Service Area Map VII-1** is hereby amended to show the subject property is within the City and inside the New Smyrna Beach Water and Sewer Service Area.

SEE EXHIBIT "M" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 14: ***Map Amendment.*** That the Comprehensive Plan, **Soil Limitation for Septic Systems Map VII-2** is hereby amended to show the subject property is within the soils with slight limitations.

SEE EXHIBIT "N" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 15: ***Map Amendment.*** That the Comprehensive Plan, **Coastal High Hazard Areas Map VII-4** is hereby amended to show the subject property is not within the Coastal High Hazard Area.

SEE EXHIBIT "O" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 16: ***Map Amendment.*** That the Comprehensive Plan, **Boat Slip Siting Map VIII-2** is hereby amended to show the subject property is not located within a boat slip siting restricted zone.

SEE EXHIBIT "P" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 17: ***Map Amendment.*** That the Comprehensive Plan, **City Parks Map X-1** is hereby amended to show the subject property is within the City and served by neighborhood and community parks.

SEE EXHIBIT "Q" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 18: ***Map Amendment.*** That the Comprehensive Plan, **Commission Zones Map Z-1** is hereby amended to show the subject property is located in City Commission Zone 1.

SEE EXHIBIT "R" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 19: ***Public Hearing.*** It is hereby found that a public hearing held by the City Commission to consider adoption of this ordinance on February 10, 2026, at 5:30 p.m. in the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida, after notice published at least 10 days prior to hearing is deemed to comply with §§163.3187(2) and 166.041(3)(a), Fla. Stat.

SECTION 20: ***Conflicting Ordinances***. That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 21: ***Administrative Correction of Scrivener's Errors.*** The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 22: ***Effective Date.*** That this ordinance shall become effective THIRTY ONE (31) days following adoption by the City Commission unless a challenge is filed under §163.3187(5), Fla. Stat. In the event that the ordinance is challenged within THIRTY (30) days after adoption,

it shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the adopted small scale development amendment is in compliance. §163.3187(5), Fla. Stat. In addition, this ordinance shall not become effective until Volusia Growth Management Commission has issued a Certificate of Consistency. No development orders, development permits, or land uses dependent on these amendments may be issued or commence before they have become effective.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 1/20/2024

EXHIBIT "A"

EXISTING FUTURE LAND USE DESIGNATIONS

A-12-25

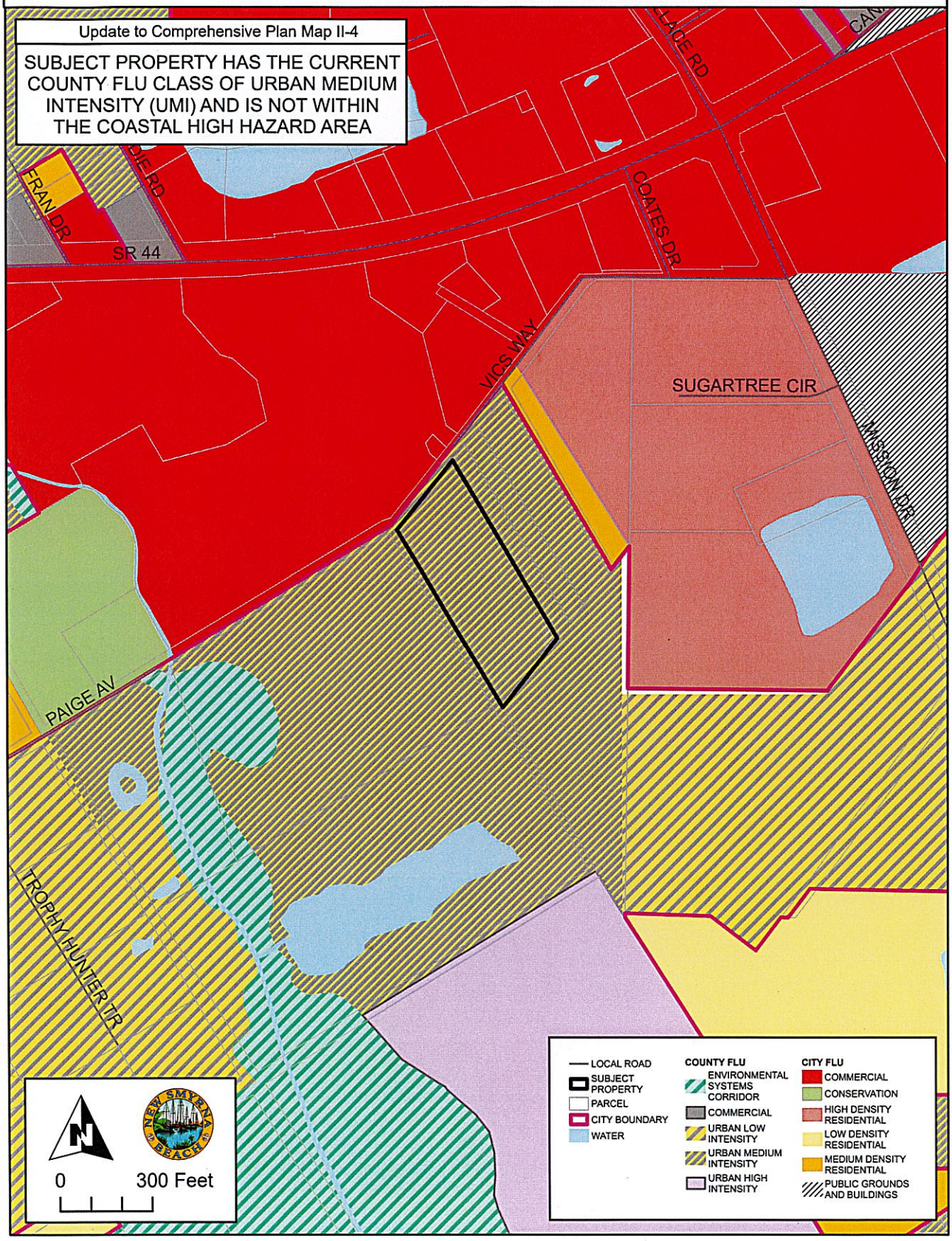


EXHIBIT "A"

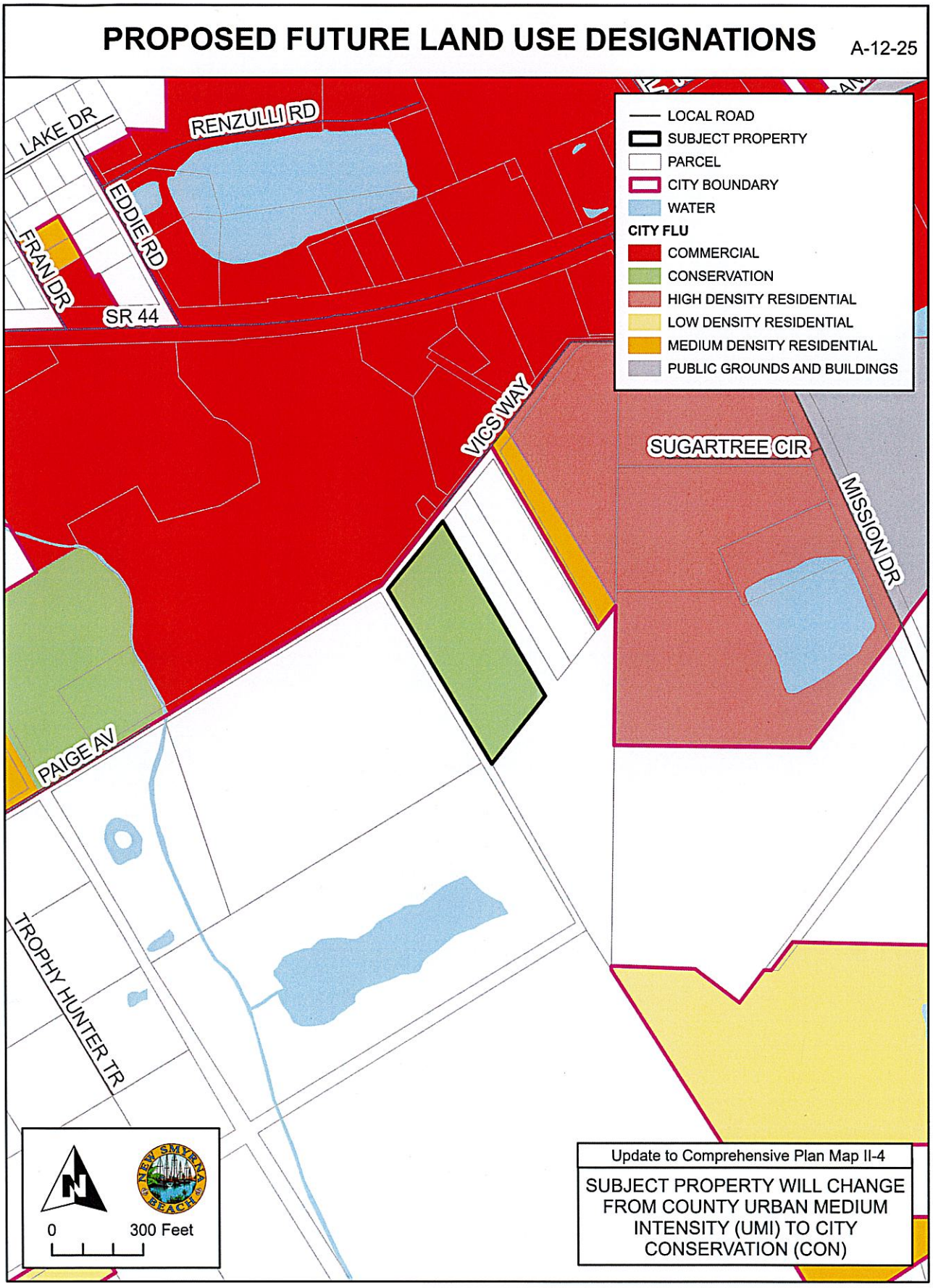

PROPOSED FUTURE LAND USE DESIGNATIONS
A-12-25
LAKE DR
RENZULLI RD
EDDIE RD
FRAN DR
SR 44
VICS WAY
SUGARTREE CIR
MISSION DR
PAIGE AV
TROPHY HUNTER TR
LOCAL ROAD
SUBJECT PROPERTY
PARCEL
CITY BOUNDARY
WATER
CITY FLU
COMMERCIAL
CONSERVATION
HIGH DENSITY RESIDENTIAL
LOW DENSITY RESIDENTIAL
MEDIUM DENSITY RESIDENTIAL
PUBLIC GROUNDS AND BUILDINGS
N
NEW SMYRNA BEACH
0
300 Feet
Update to Comprehensive Plan Map II-4
SUBJECT PROPERTY WILL CHANGE FROM COUNTY URBAN MEDIUM INTENSITY (UMI) TO CITY CONSERVATION (CON)

EXHIBIT "B"

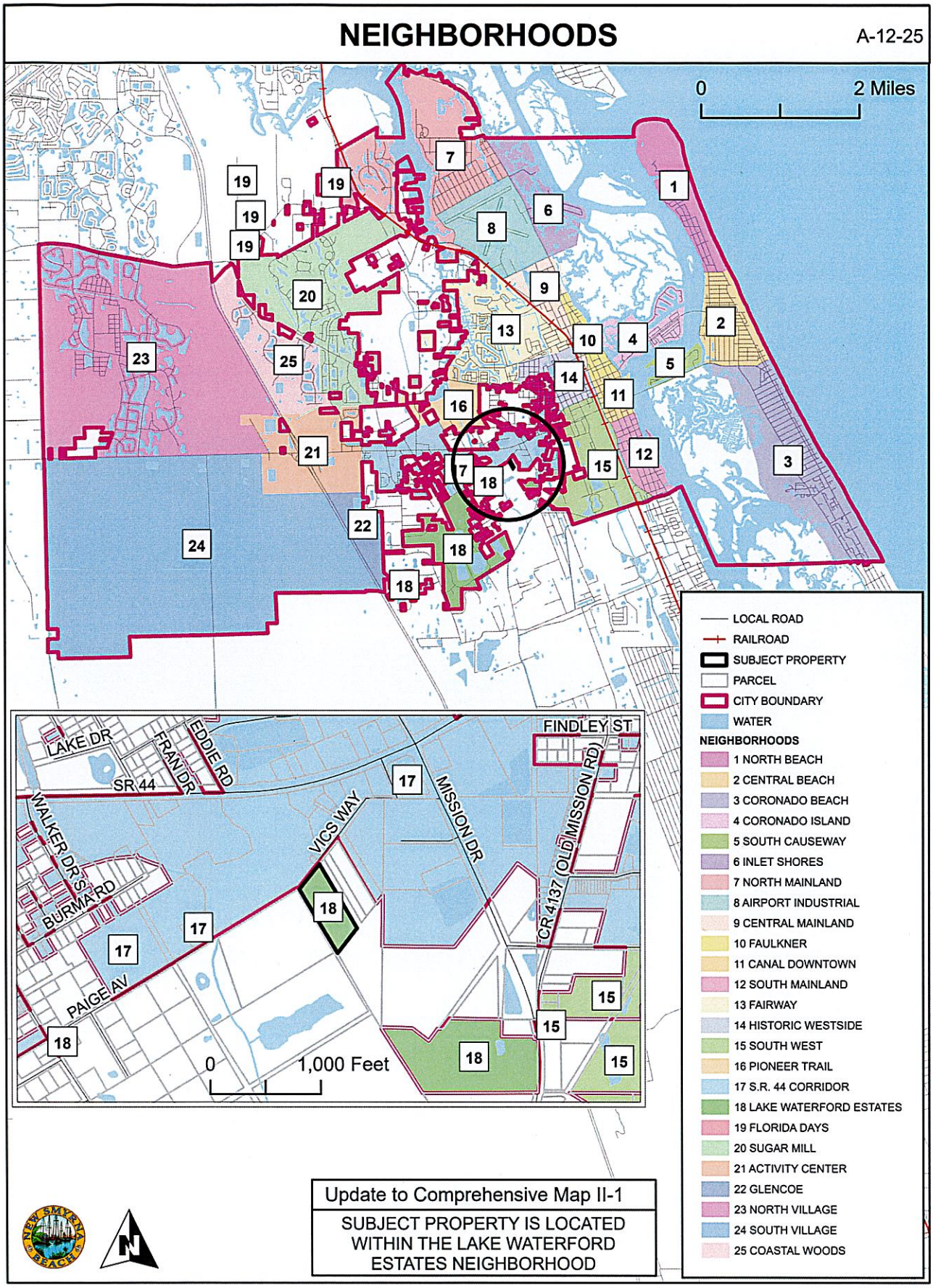

NEIGHBORHOODS
A-12-25
0
2 Miles
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
PARCEL
CITY BOUNDARY
WATER
NEIGHBORHOODS
1 NORTH BEACH
2 CENTRAL BEACH
3 CORONADO BEACH
4 CORONADO ISLAND
5 SOUTH CAUSEWAY
6 INLET SHORES
7 NORTH MAINLAND
8 AIRPORT INDUSTRIAL
9 CENTRAL MAINLAND
10 FAULKNER
11 CANAL DOWNTOWN
12 SOUTH MAINLAND
13 FAIRWAY
14 HISTORIC WESTSIDE
15 SOUTH WEST
16 PIONEER TRAIL
17 S.R. 44 CORRIDOR
18 LAKE WATERFORD ESTATES
19 FLORIDA DAYS
20 SUGAR MILL
21 ACTIVITY CENTER
22 GLENCOE
23 NORTH VILLAGE
24 SOUTH VILLAGE
25 COASTAL WOODS
LAKE DR
FRAN DR
EDDIE RD
SR 44
FINDLEY ST
WALKER DR S
BURMA RD
VICS WAY
MISSION DR
CR 4137 (OLD MISSION RD)
PAIGE AV
0
1,000 Feet
Update to Comprehensive Map II-1
SUBJECT PROPERTY IS LOCATED WITHIN THE LAKE WATERFORD ESTATES NEIGHBORHOOD

EXHIBIT "C"

FLOOD PRONE AREAS

A-12-25

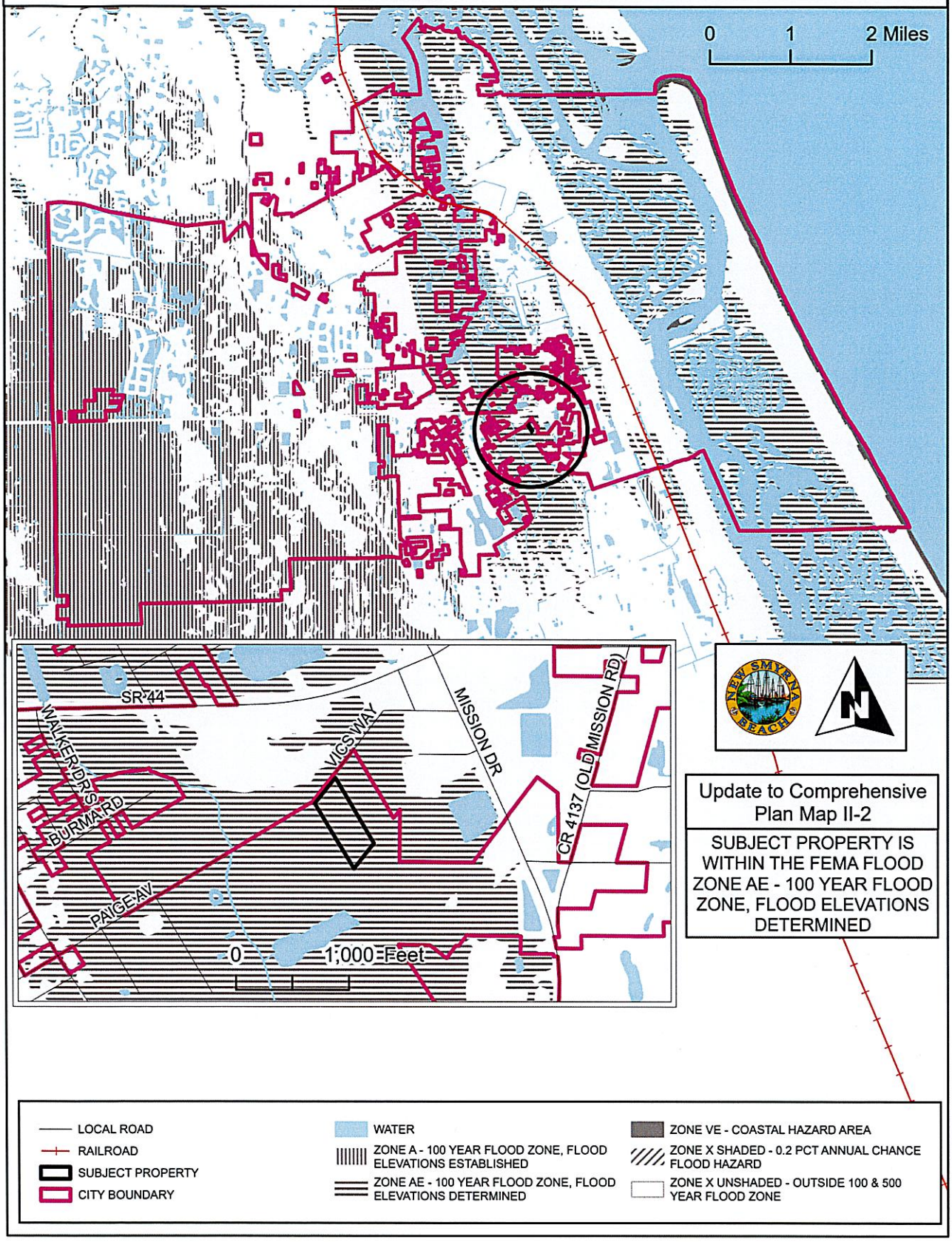


EXHIBIT "D"

EXISTING LAND USE DESIGNATIONS

A-12-25

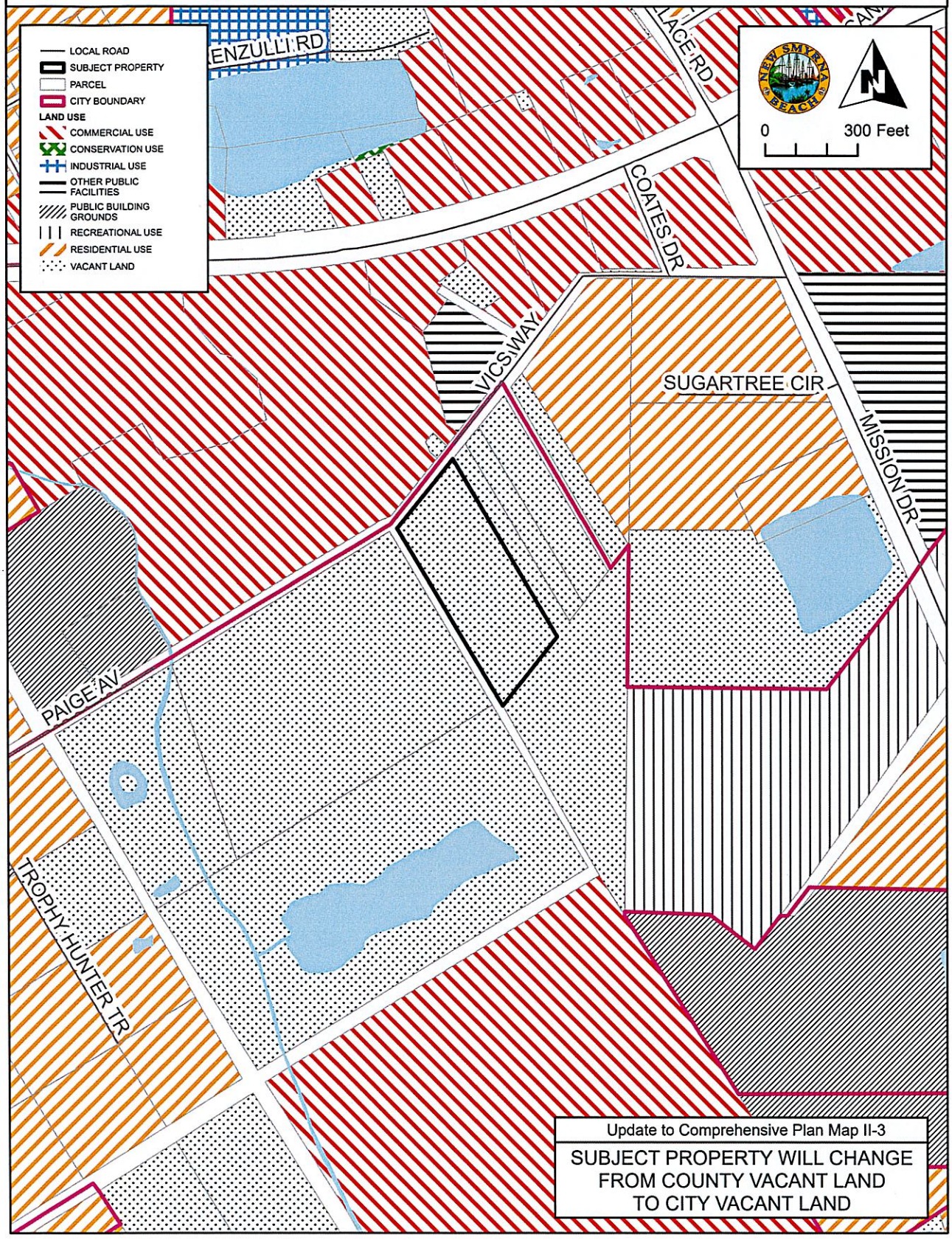
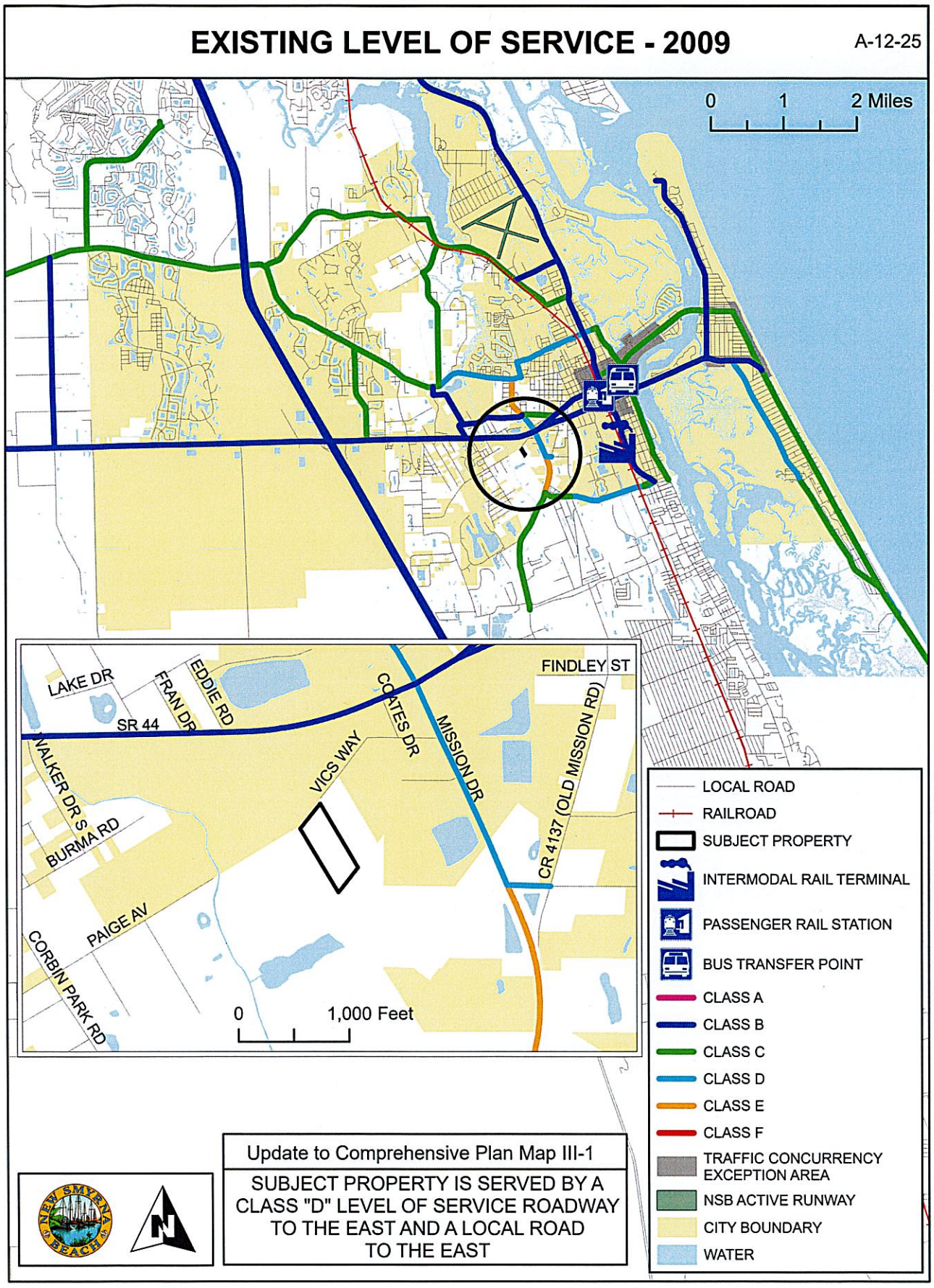
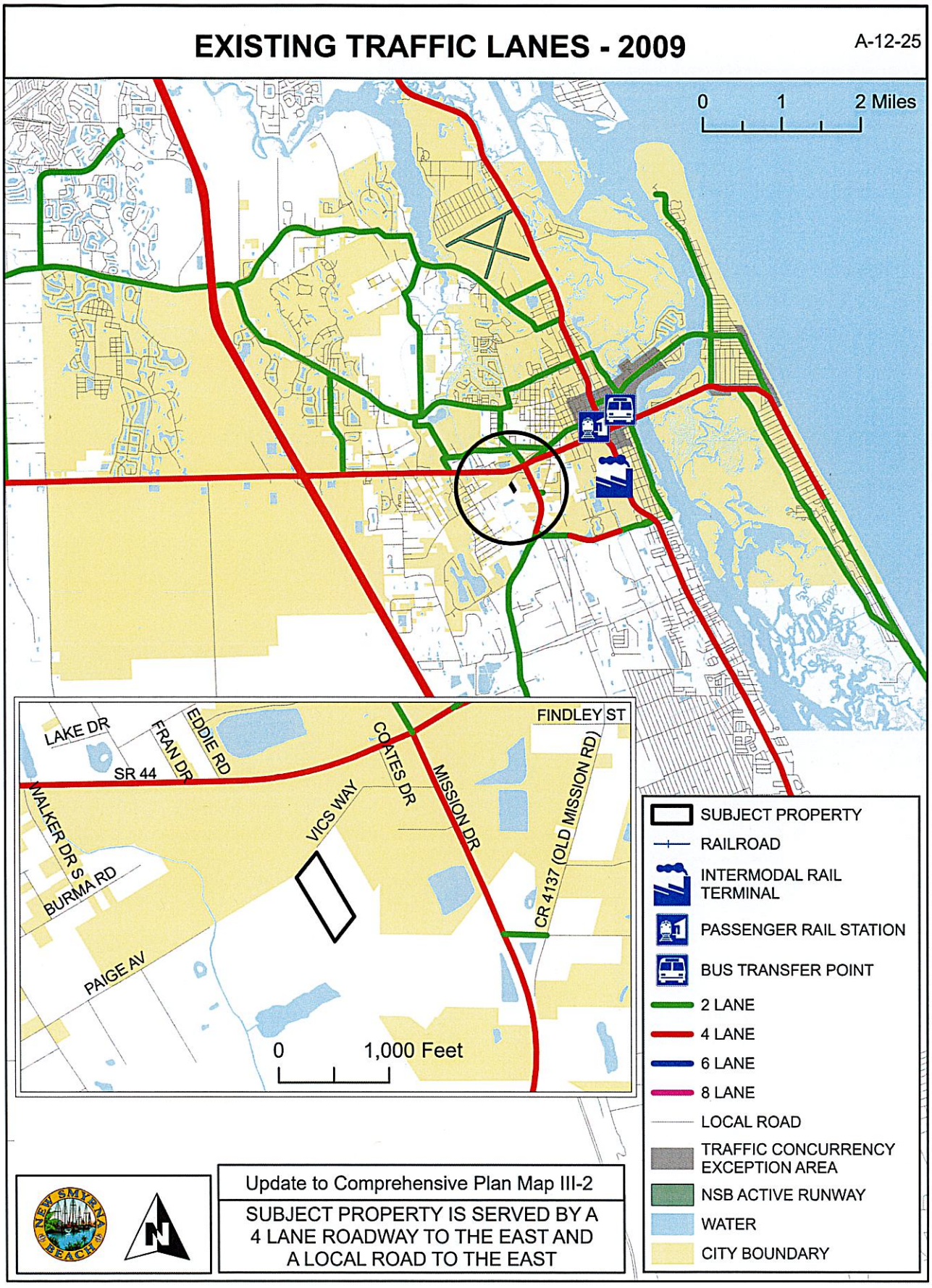


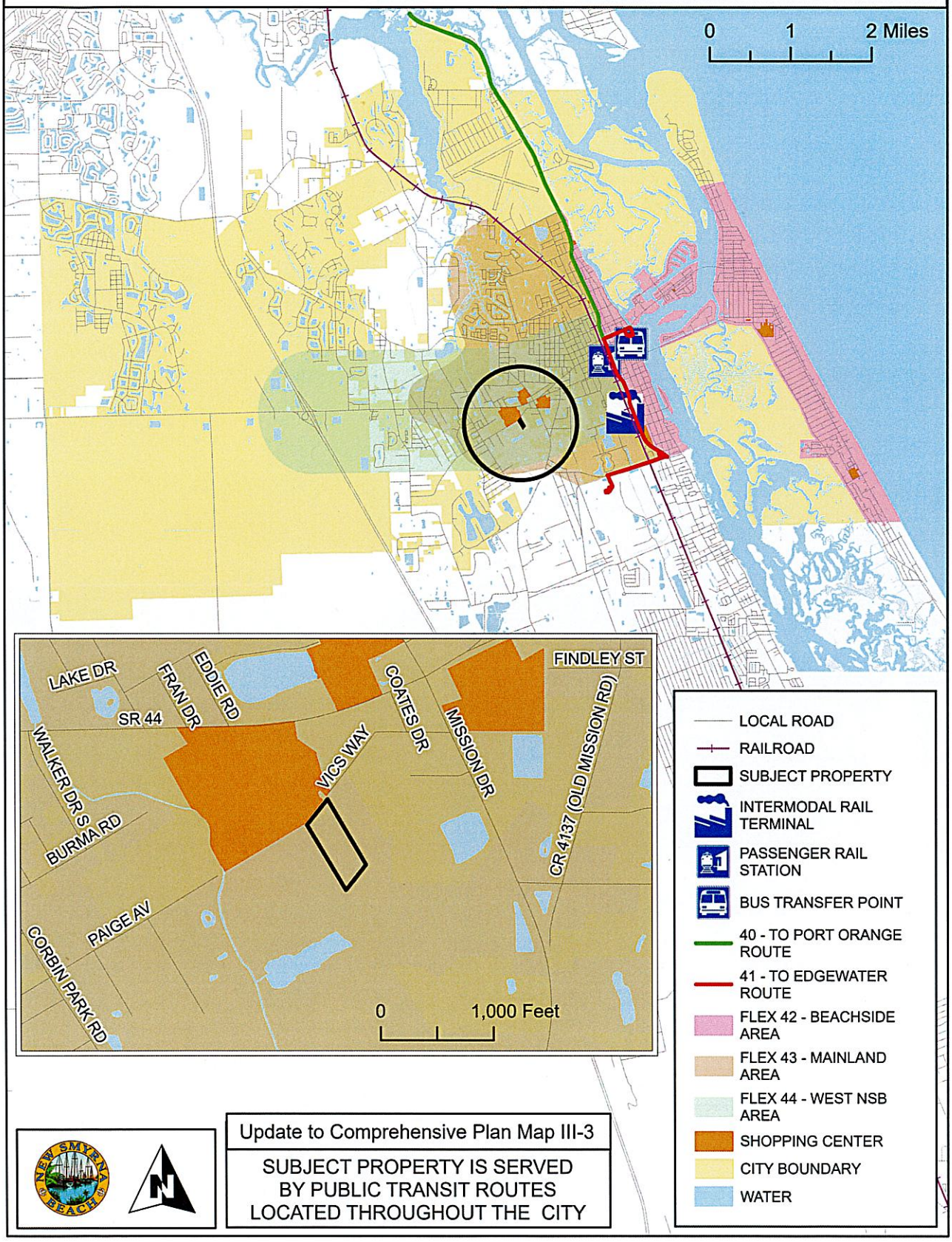
EXHIBIT "E"


EXISTING LEVEL OF SERVICE - 2009
A-12-25
0 1 2 Miles
LAKE DR
FRAN DR
EDDIE RD
SR 44
FINDLEY ST
COATES DR
MISSION DR
CR 4137 (OLD MISSION RD)
VICS WAY
WALKER DR S
BURMA RD
PAIGE AV
CORBIN PARK RD
0 1,000 Feet
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
CLASS A
CLASS B
CLASS C
CLASS D
CLASS E
CLASS F
TRAFFIC CONCURRENCY EXCEPTION AREA
NSB ACTIVE RUNWAY
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map III-1
SUBJECT PROPERTY IS SERVED BY A CLASS "D" LEVEL OF SERVICE ROADWAY TO THE EAST AND A LOCAL ROAD TO THE EAST


EXISTING TRAFFIC LANES - 2009
A-12-25
0 1 2 Miles
LAKE DR
FRAN DR
EDDIE RD
SR 44
FINDLEY ST
COATES DR
MISSION DR
CR 4137 (OLD MISSION RD)
VICS WAY
WALKER DR S
BURMA RD
PAIGE AV
0 1,000 Feet
SUBJECT PROPERTY
RAILROAD
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
2 LANE
4 LANE
6 LANE
8 LANE
LOCAL ROAD
TRAFFIC CONCURRENCY EXCEPTION AREA
NSB ACTIVE RUNWAY
WATER
CITY BOUNDARY
Update to Comprehensive Plan Map III-2
SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE EAST AND A LOCAL ROAD TO THE EAST

PUBLIC TRANSIT ROUTES

A-12-25

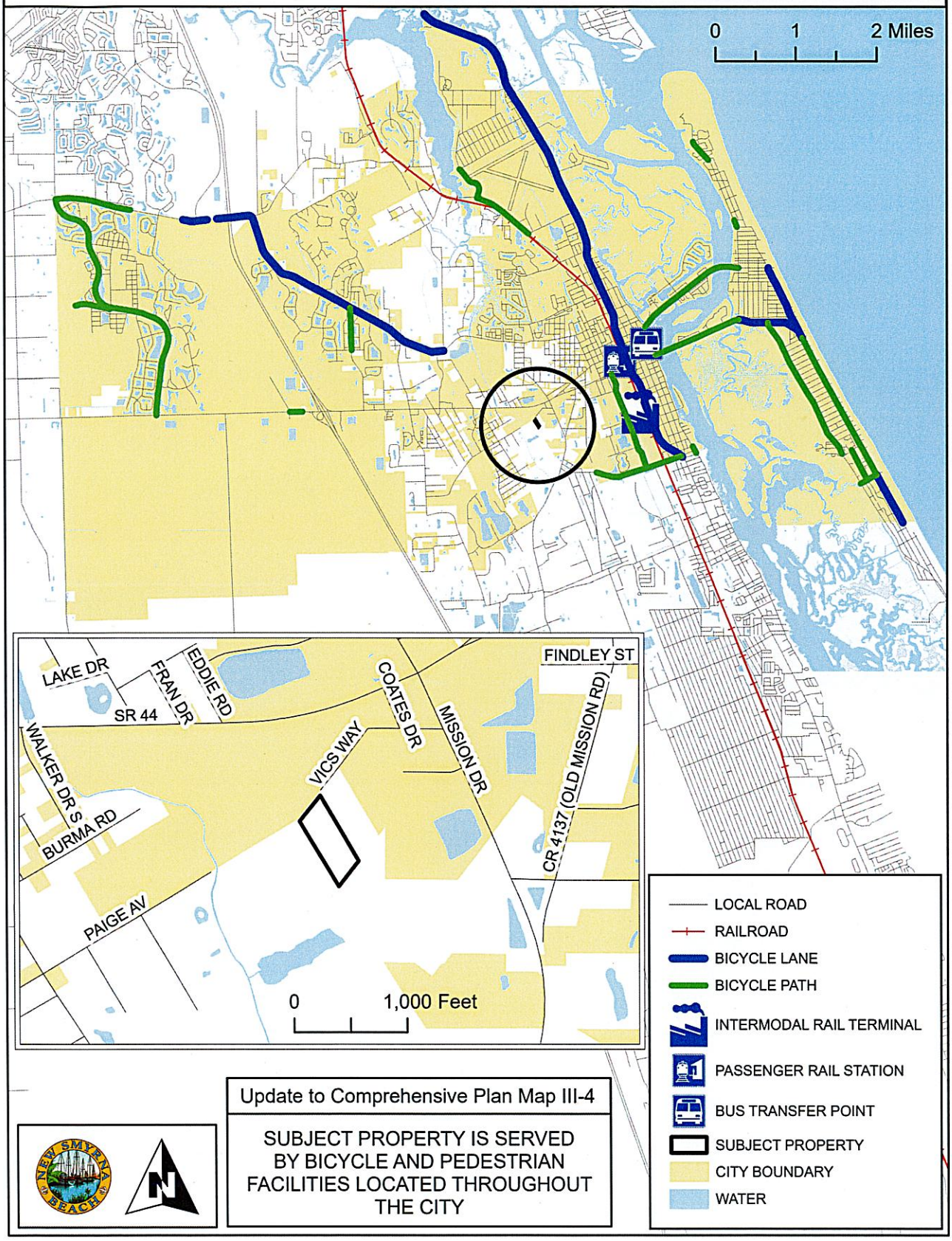


Update to Comprehensive Plan Map III-3

SUBJECT PROPERTY IS SERVED BY PUBLIC TRANSIT ROUTES LOCATED THROUGHOUT THE CITY

BICYCLE AND PEDESTRIAN FACILITIES

A-12-25



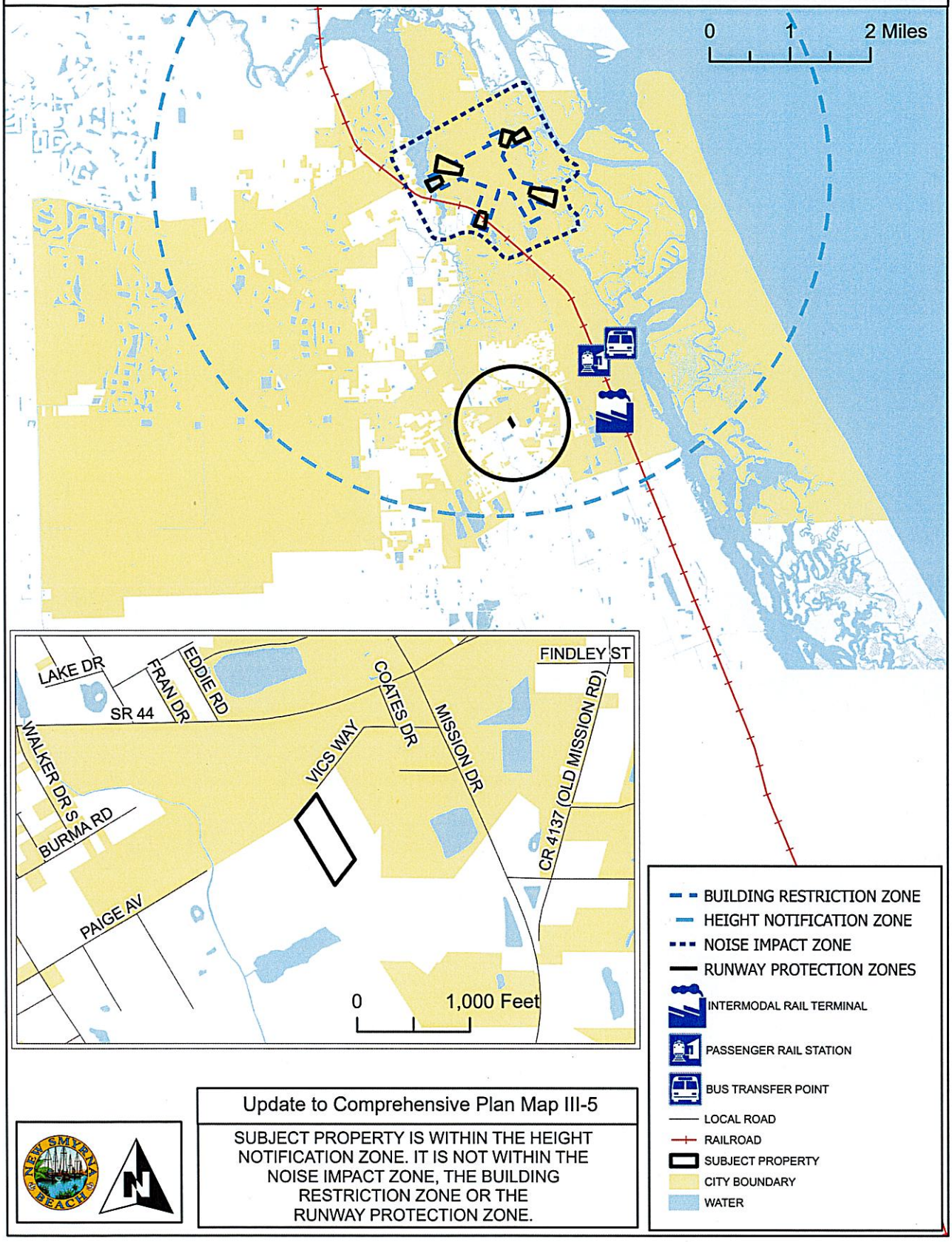
Update to Comprehensive Plan Map III-4

SUBJECT PROPERTY IS SERVED BY BICYCLE AND PEDESTRIAN FACILITIES LOCATED THROUGHOUT THE CITY

EXHIBIT "I"

AIRPORT RUNWAY PROTECTION ZONES

A-12-25



Update to Comprehensive Plan Map III-5

SUBJECT PROPERTY IS WITHIN THE HEIGHT NOTIFICATION ZONE. IT IS NOT WITHIN THE NOISE IMPACT ZONE, THE BUILDING RESTRICTION ZONE OR THE RUNWAY PROTECTION ZONE.

EXHIBIT "J"

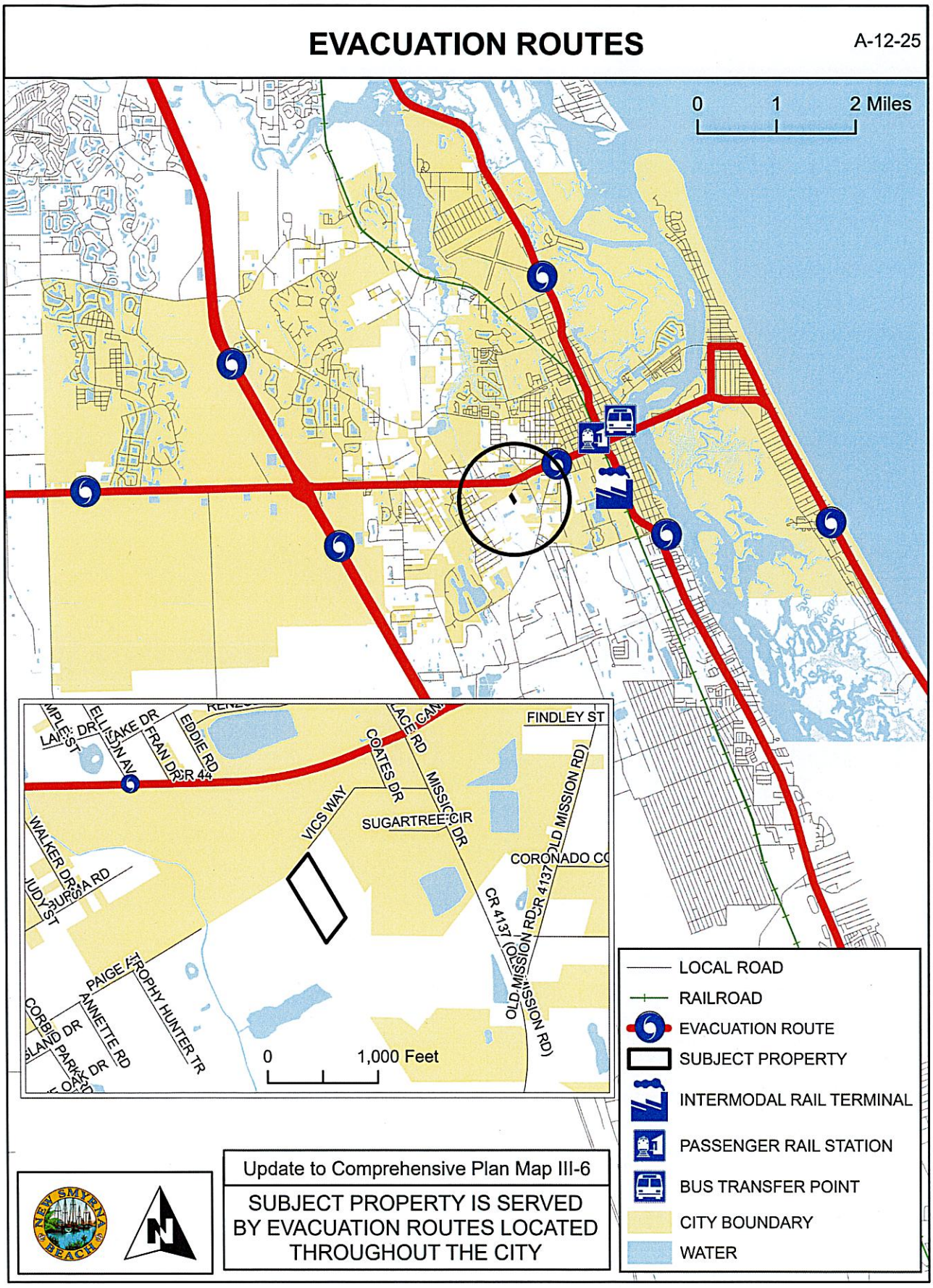
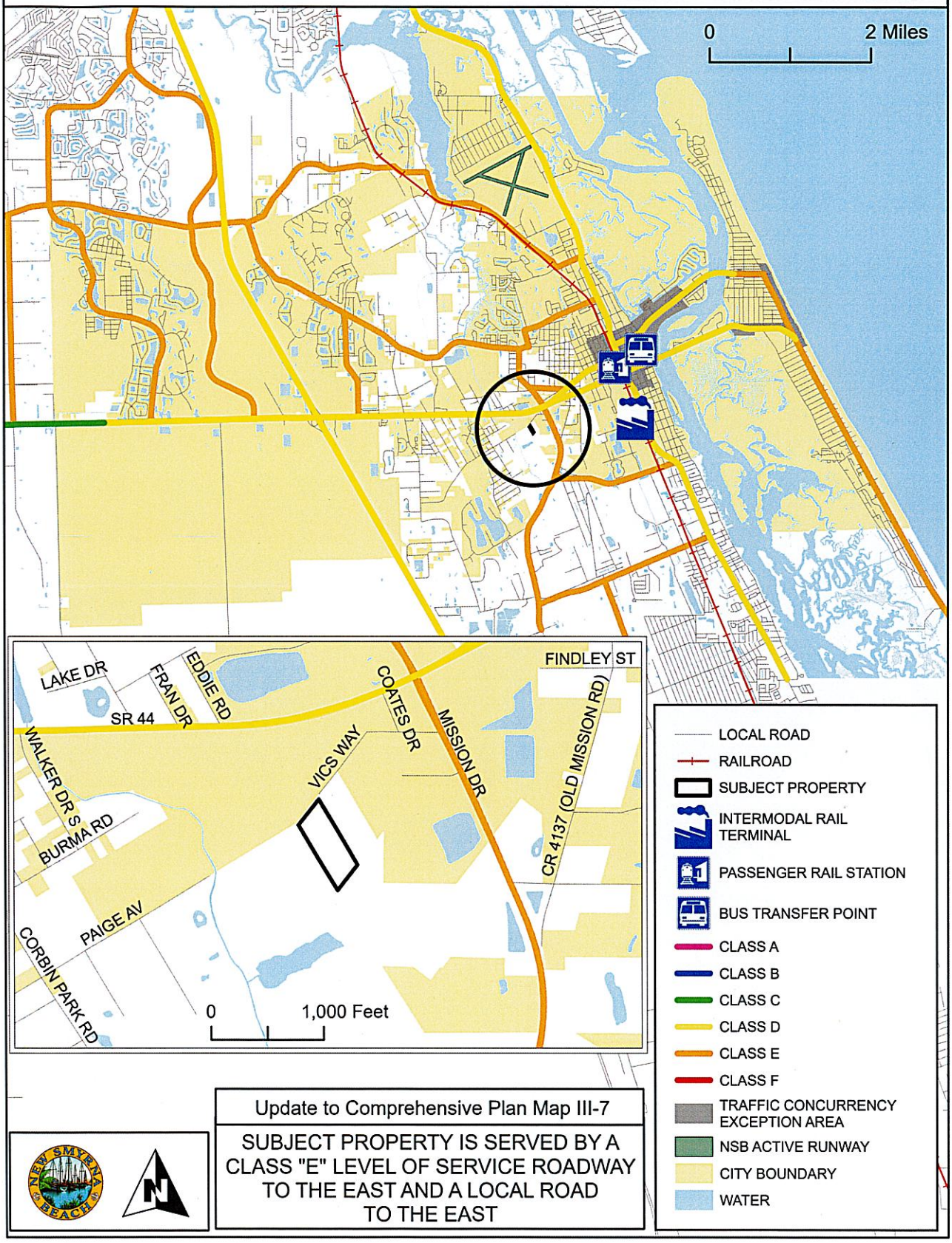

EVACUATION ROUTES
A-12-25
0 1 2 Miles
FINDLEY ST
COATES DR
MISSION DR
SUGARTREE CIR
VICS WAY
CR 4137 (OLD MISSION RD)
CORONADO CC
WALKER DR
PAIGE TROPHY HUNTER TR
ANNETTE RD
CORBID DR
0 1,000 Feet
LOCAL ROAD
RAILROAD
EVACUATION ROUTE
SUBJECT PROPERTY
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map III-6
SUBJECT PROPERTY IS SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY

EXHIBIT "K"

LEVEL OF SERVICE - 2025

A-12-25



Update to Comprehensive Plan Map III-7

SUBJECT PROPERTY IS SERVED BY A CLASS "E" LEVEL OF SERVICE ROADWAY TO THE EAST AND A LOCAL ROAD TO THE EAST

EXHIBIT "L"

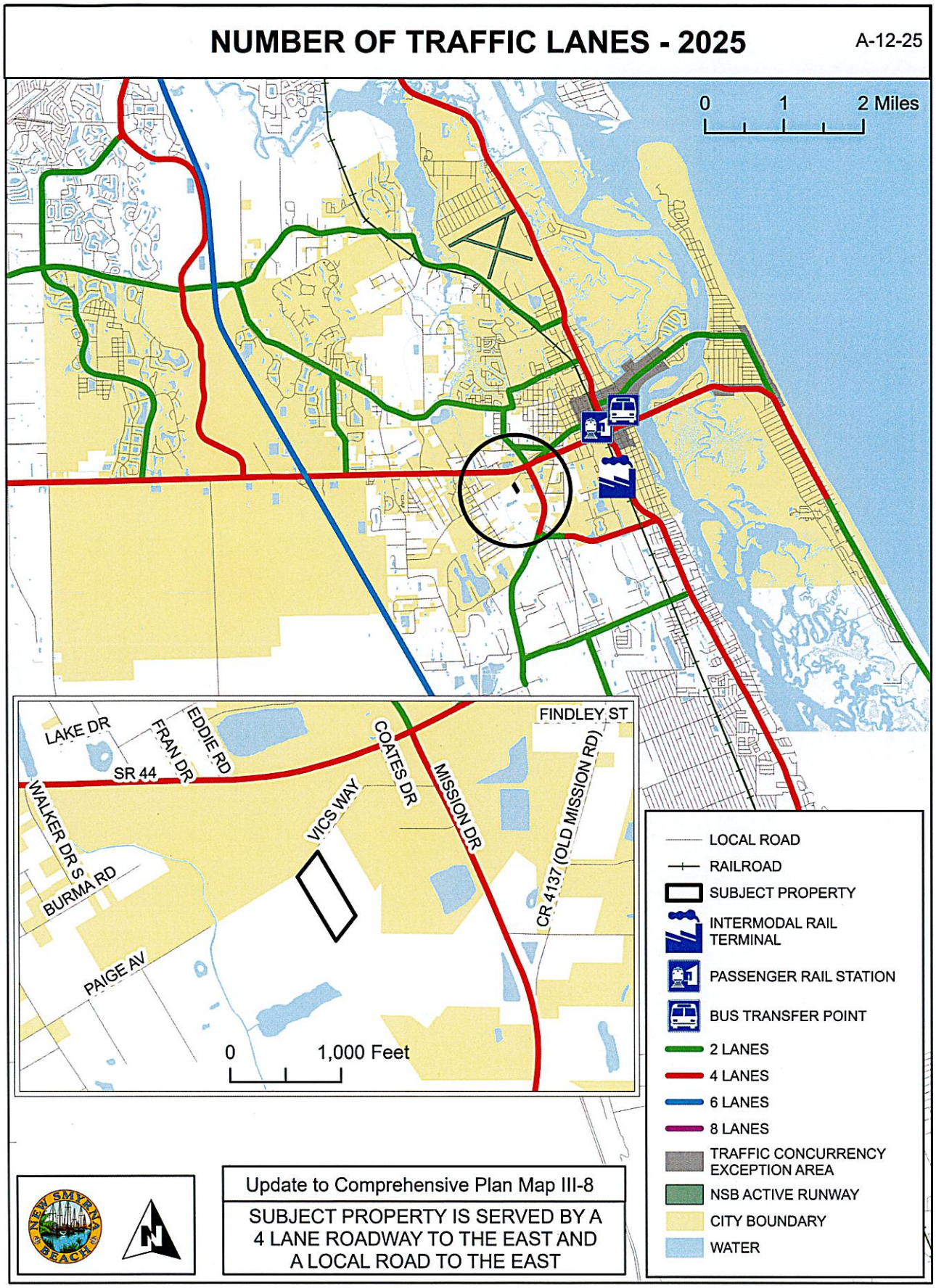
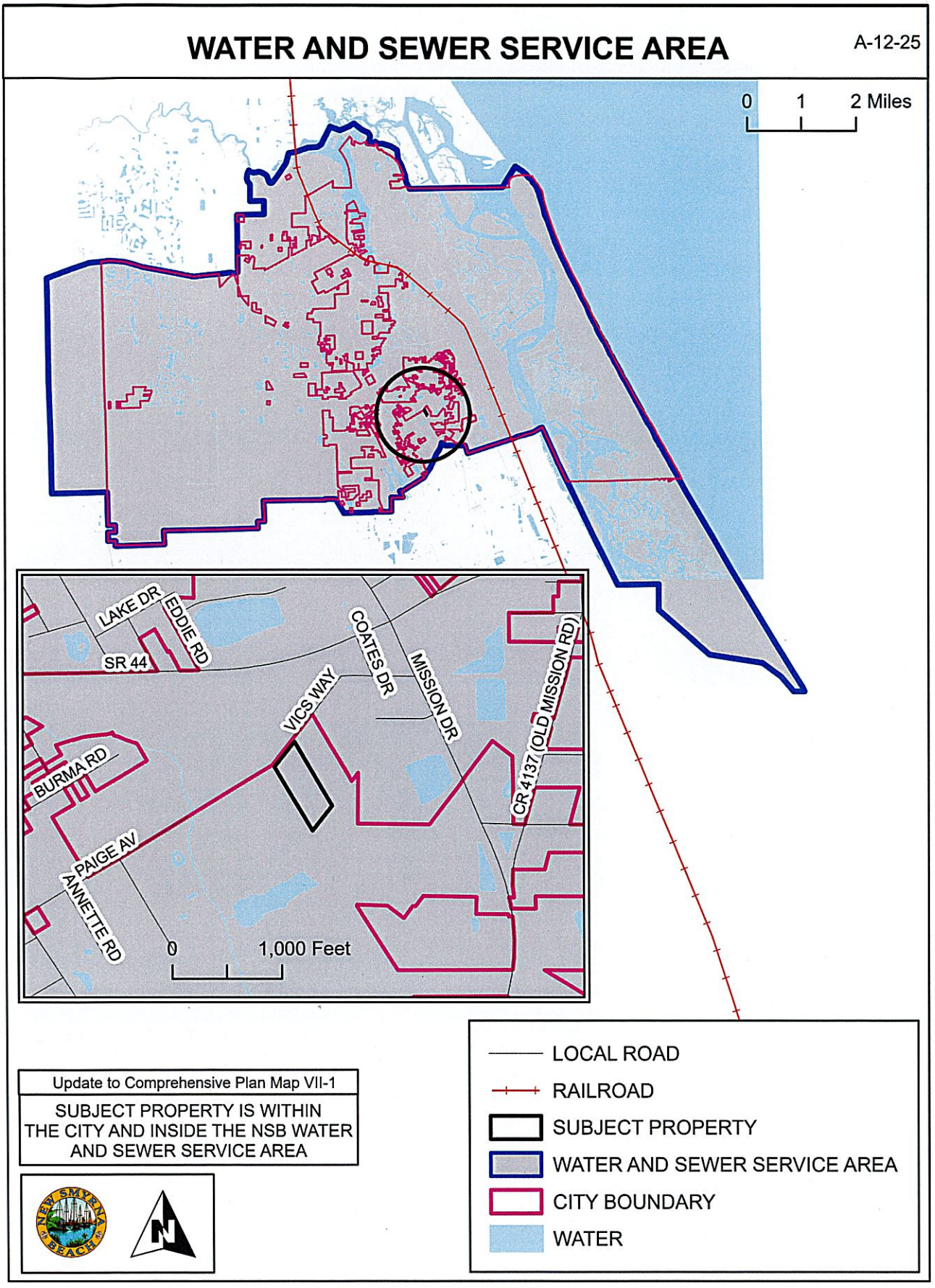
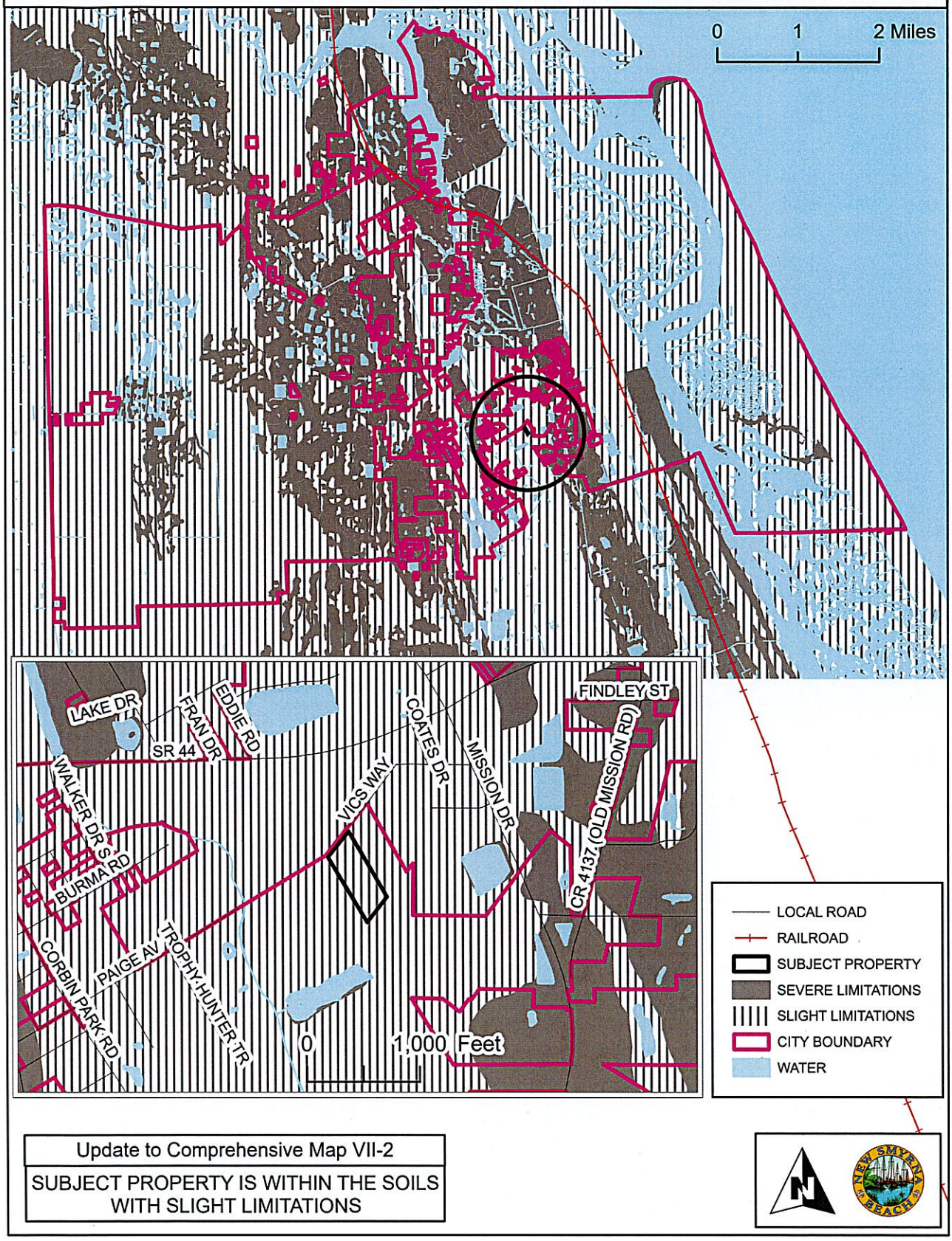

NUMBER OF TRAFFIC LANES - 2025
A-12-25
0 1 2 Miles
LAKE DR
FRAN DR
EDDIE RD
SR 44
WALKER DR S
BURMA RD
PAIGE AV
VICS WAY
COATES DR
MISSION DR
FINDLEY ST
CR 4137 (OLD MISSION RD)
0 1,000 Feet
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
2 LANES
4 LANES
6 LANES
8 LANES
TRAFFIC CONCURRENCY EXCEPTION AREA
NSB ACTIVE RUNWAY
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map III-8
SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE EAST AND A LOCAL ROAD TO THE EAST

EXHIBIT "M"


WATER AND SEWER SERVICE AREA
A-12-25
0 1 2 Miles
LAKE DR
EDDIE RD
SR 44
COATES DR
MISSION DR
CR 4137 (OLD MISSION RD)
VICS WAY
BURMA RD
PAIGE AV
ANNETTE RD
0 1,000 Feet
Update to Comprehensive Plan Map VII-1
SUBJECT PROPERTY IS WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
WATER AND SEWER SERVICE AREA
CITY BOUNDARY
WATER

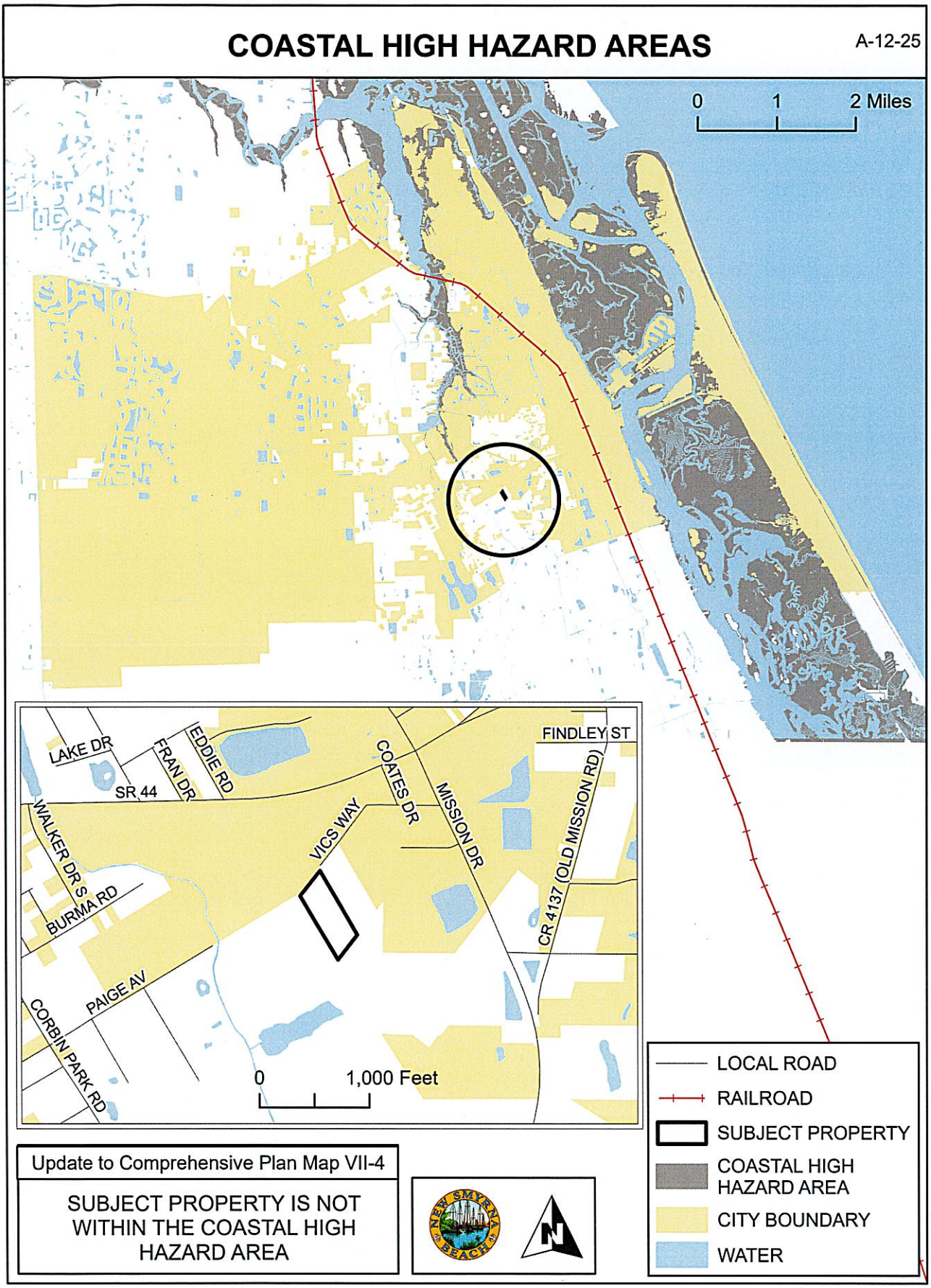
SOIL LIMITATION FOR SEPTIC SYSTEMS

A-12-25



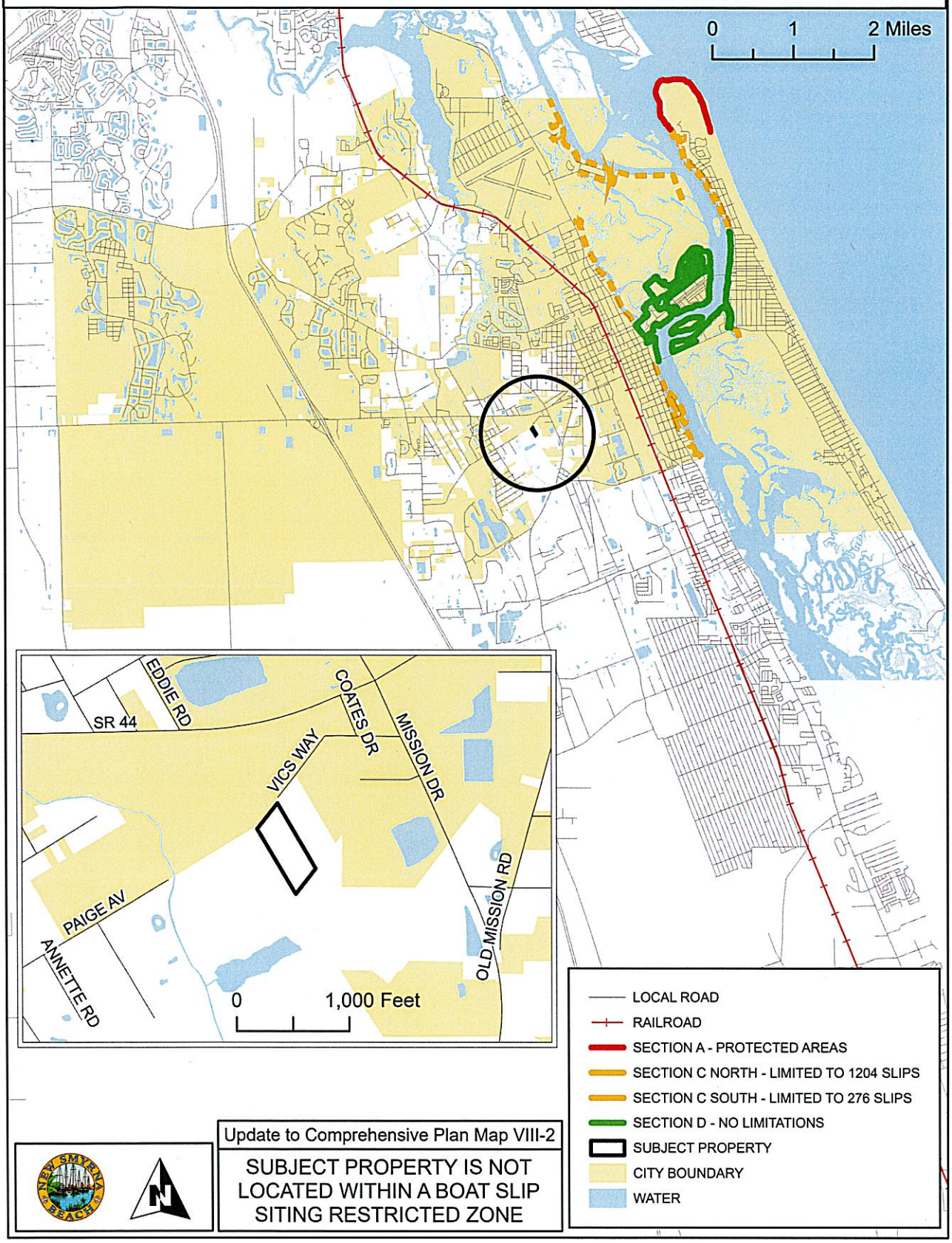
Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS


COASTAL HIGH HAZARD AREAS
A-12-25
0
1
2 Miles
LAKE DR
FRAN DR
EDDIE RD
SR 44
COATES DR
FINDLEY ST
MISSION DR
CR 4137 (OLD MISSION RD)
VICS WAY
WALKER DR S
BURMA RD
PAIGE AV
CORBIN PARK RD
0
1,000 Feet
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
COASTAL HIGH HAZARD AREA
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map VII-4
SUBJECT PROPERTY IS NOT WITHIN THE COASTAL HIGH HAZARD AREA
NEW SMYRNA BEACH
N

BOAT SLIP SITING

A-12-25



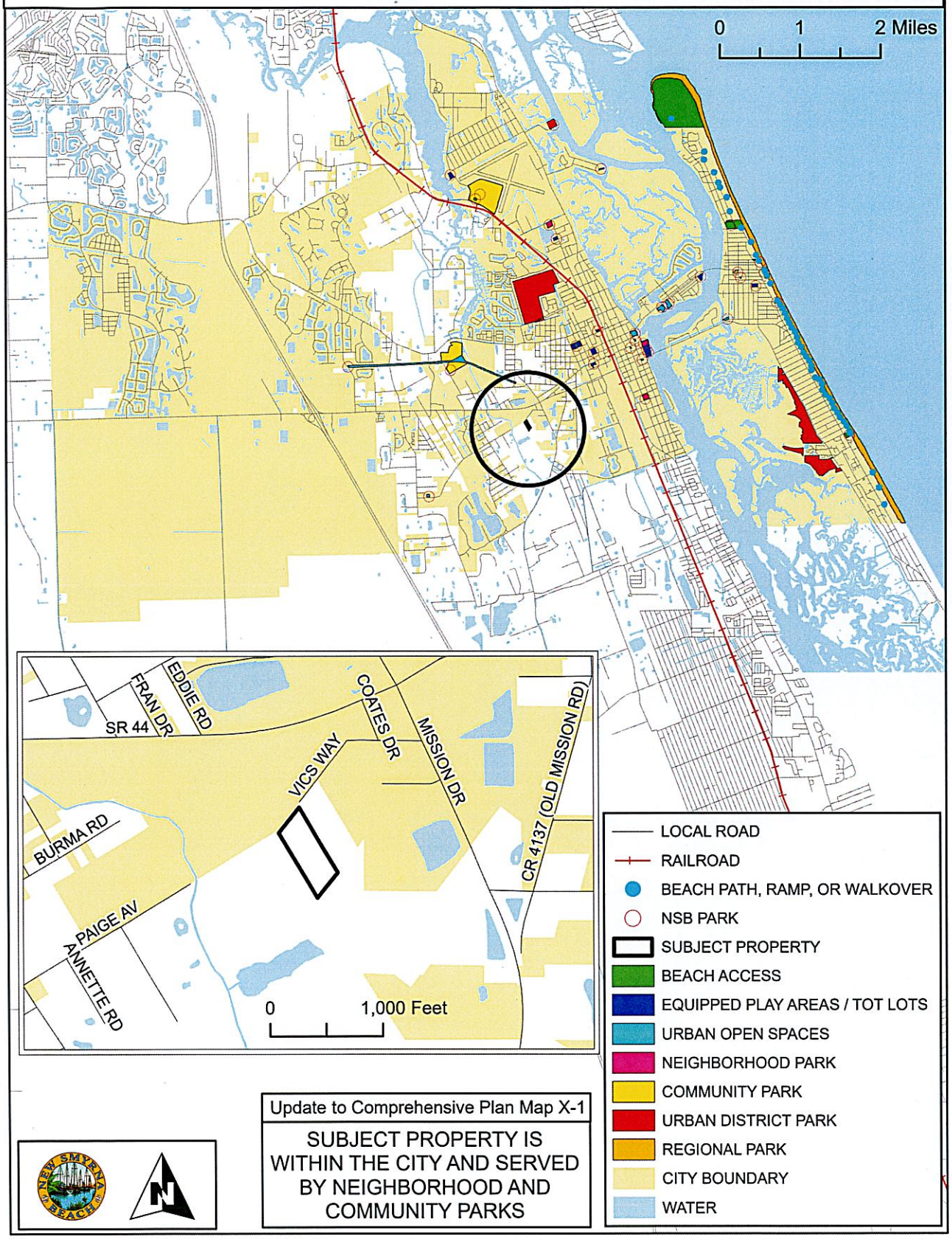
Update to Comprehensive Plan Map VIII-2

SUBJECT PROPERTY IS NOT LOCATED WITHIN A BOAT SLIP SITING RESTRICTED ZONE

EXHIBIT "Q"

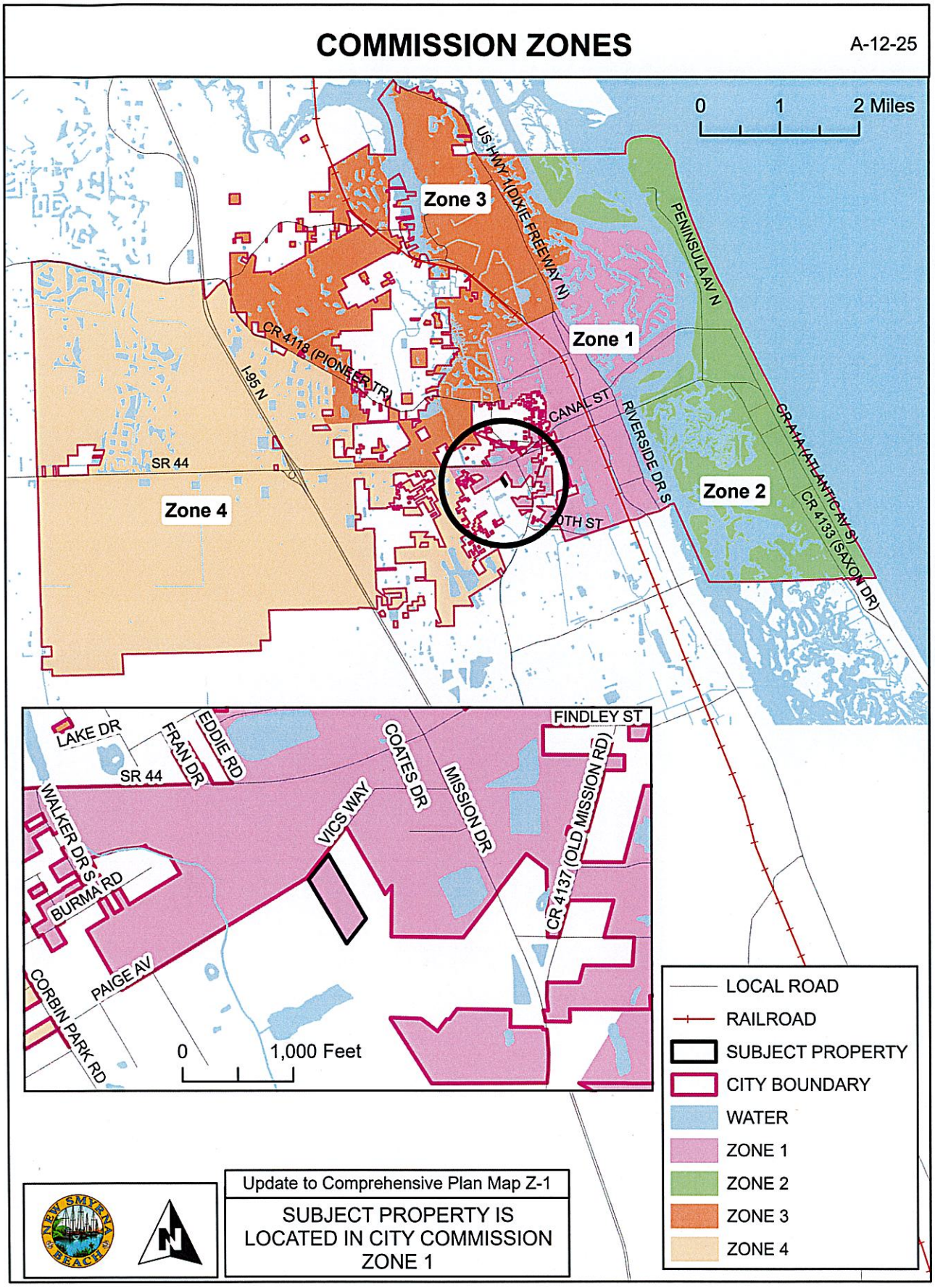
CITY PARKS

A-12-25



Update to Comprehensive Plan Map X-1

SUBJECT PROPERTY IS WITHIN THE CITY AND SERVED BY NEIGHBORHOOD AND COMMUNITY PARKS


COMMISSION ZONES
A-12-25
0 1 2 Miles
Zone 1
Zone 2
Zone 3
Zone 4
US HWY 1 (DIXIE FREEWAY N)
PENINSULA AV N
CR 4118 (PIONEER TR)
I-95 N
SR 44
CANAL ST
RIVERSIDE DR S
CR 4118 (ATLANTIC AV S)
CR 4133 (SAXON DR)
FINDLEY ST
LAKE DR
FRAN DR
EDDIE RD
COATES DR
MISSION DR
VICS WAY
WALKER DR S
BURMA RD
PAIGE AV
CORBIN PARK RD
CR 4137 (OLD MISSION RD)
0 1,000 Feet
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
CITY BOUNDARY
WATER
ZONE 1
ZONE 2
ZONE 3
ZONE 4
Update to Comprehensive Plan Map Z-1
SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 1

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ORDINANCE NO. 14-26: CONDUCT A SECOND READING AND PUBLIC HEARING OF AN ORDINANCE, WHICH, IF ADOPTED, WOULD REZONE APPROXIMATELY 4.5 ± ACRES OF LAND TO CONSERVATION FOR PROPERTY LOCATED ON PAIGE AVENUE AS PART OF AN OVERALL ANNEXATION APPLICATION. (0010)

February 10, 2026

Background:

Applicant: Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florid 32168.

Property Owner: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168.

Request: Rezoning:

- **From:** Volusia County zoning designation of R-4, Urban Single Family Residential with a "A" attached for Airport Height Notification Zone.
- **To:** City zoning designation of Conservation with a "A" attached for Airport Height Notification Zone.

Site Information:

- **Size:** 4.5 ± acres.
- **Location:** South side of Paige Avenue, east of Trophy Hunter Trail.

Tax I.D. Number: 7324-12-05-0010.

Findings:

On April 23, 2013, the City Commission adopted an Interlocal Service Boundary Agreement (ISBA). The ISBA, which is permitted under Chapter 171, Part II, Florida Statutes, allows the City of New Smyrna Beach to annex any parcels that are within the designated annexation area, even if they are not contiguous to the current municipal boundaries. The agreement, which is between the Volusia County and the City of New Smyrna Beach, was also approved by the County on May 2, 2013. A new updated agreement was approved on May 2, 2022.

The subject property is within the annexation area designated in the ISBA. The subject property on Paige Avenue is currently vacant. A location map is attached as **Exhibit A** and an aerial map is attached as **Exhibit B**.

The existing Volusia County zoning designation of the subject property is shown on the following map as **Exhibit C**. The current zoning text description for the subject property is attached as **Exhibit D**. Existing land uses are shown on the map attached as **Exhibit E**.

The established City Commission policy is that when properties are annexed into the City, the City will assign future land use categories and zoning designations that would be as similar as possible to existing County designations. The existing County Future Land Use category is Urban Medium Intensity. The existing County zoning designation is R-4, Urban Single Family Residential. The proposed City Future Land Use category is Conservation. The proposed City zoning designation is Conservation. A text description of the proposed City Conservation zoning, and a map of the proposed changes are attached as **Exhibits F** and **G**.

The *Land Development Regulations* requires any proposed development to conform to the Concurrency Management System. That system includes traffic, parks and recreation, potable water, wastewater treatment, solid waste collection, stormwater management, and public-school facilities. Because the subject property is undeveloped, and because no new improvements are proposed, staff did not prepare a concurrency analysis table for this case.

The ISBA map is attached as **Exhibit H**. The legal description and Warranty Deed are attached as **Exhibits I** and **J**.

Recommendations:

At its regular scheduled meeting on December 1, 2025, the Planning and Zoning Board voted, 7-0, to give a positive recommendation to the City Commission to **approve** the requested rezoning to City Conservation with an “A” attached for Airport Height Notification Zone for property located on Paige Avenue as part of an overall annexation application.

The Planning Department also recommends the City Commission to **approve** the requested rezoning to City Conservation with an “A” attached for Airport Height Notification Zone for property located on Paige Avenue as part of an overall annexation application.

Fiscal Analysis:
N/A

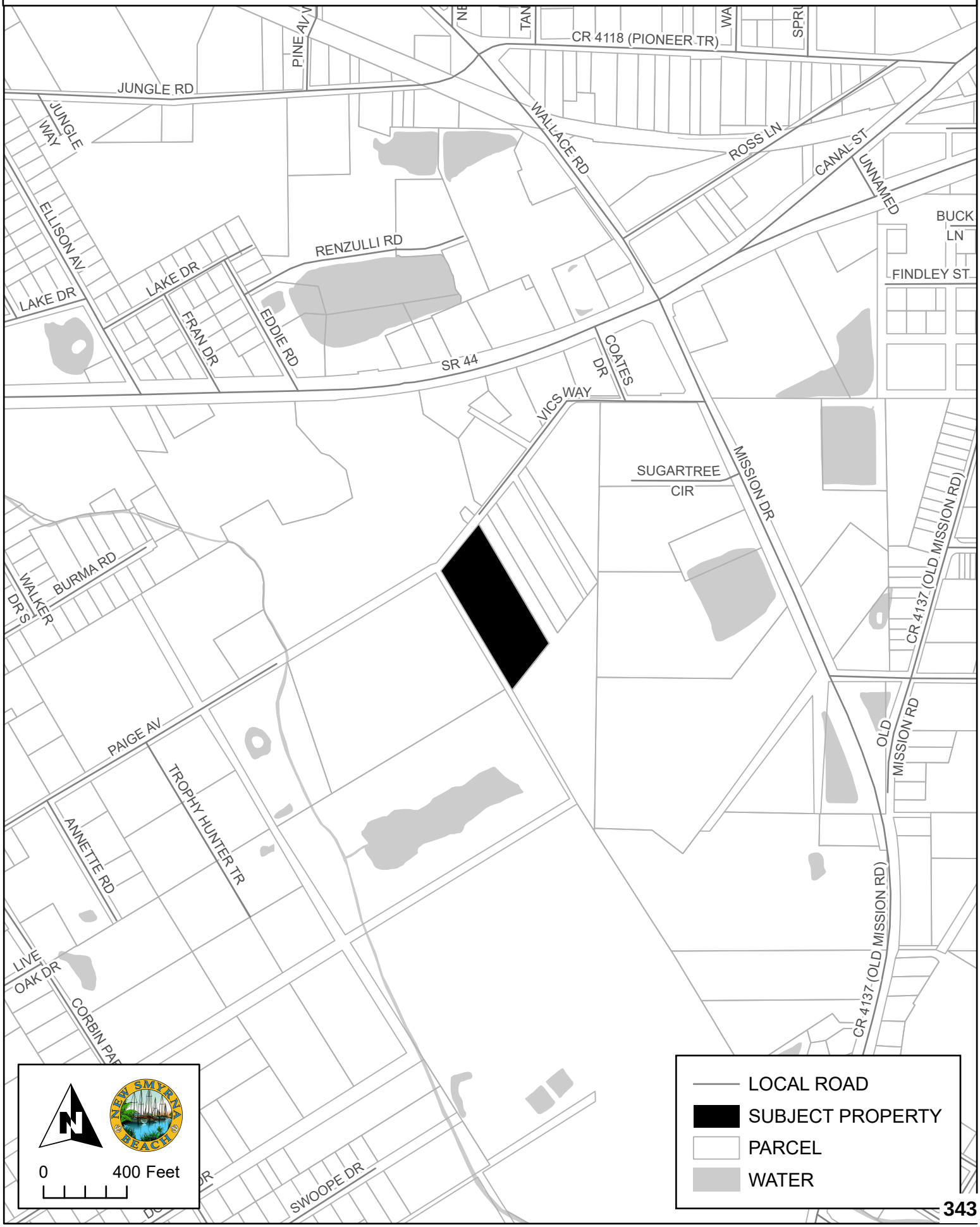
Strategic Plan Item:
Yes

Staff Report Created By: Shane Corbin - Developmental Services Director

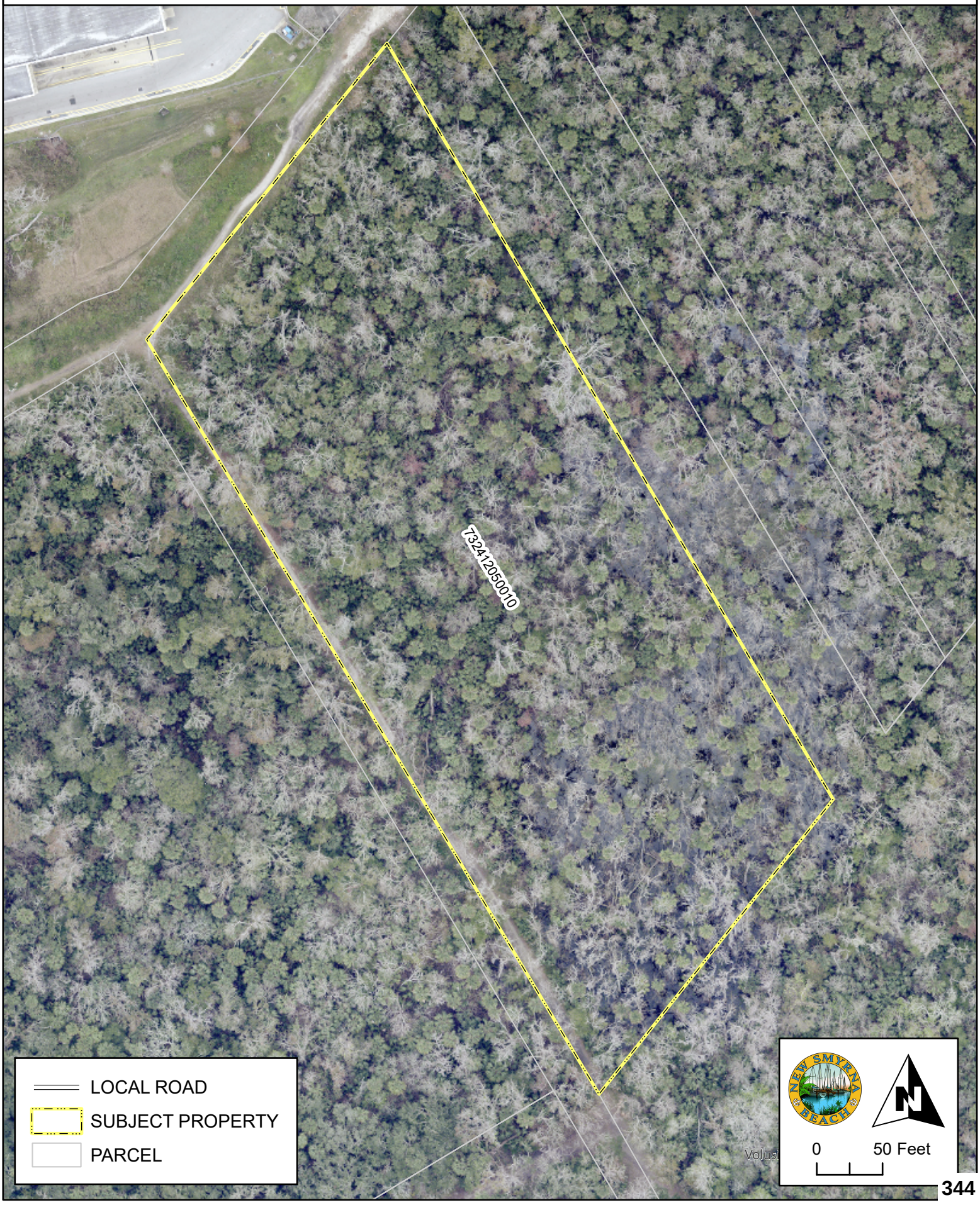
Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing Zoning Map.pdf
Exhibit D County R-4 Zoning Text.pdf
Exhibit E Existing Land Use Map.pdf
Exhibit F City Conservation Zoning Text.pdf
Exhibit G Proposed Zoning Map.pdf
Exhibit H Interlocal Service Boundary Agreement Map.pdf
Exhibit I Legal Description.pdf
Exhibit J Warranty Deed.pdf
Business Impact Estimate - Ord 14-26 Paige Ave.pdf
Ord 14-26 Rezoning Paige Ave (0010).pdf

A-12-25: PAIGE AVENUE
PARCEL: 7324-12-05-0010 LOCATION MAP

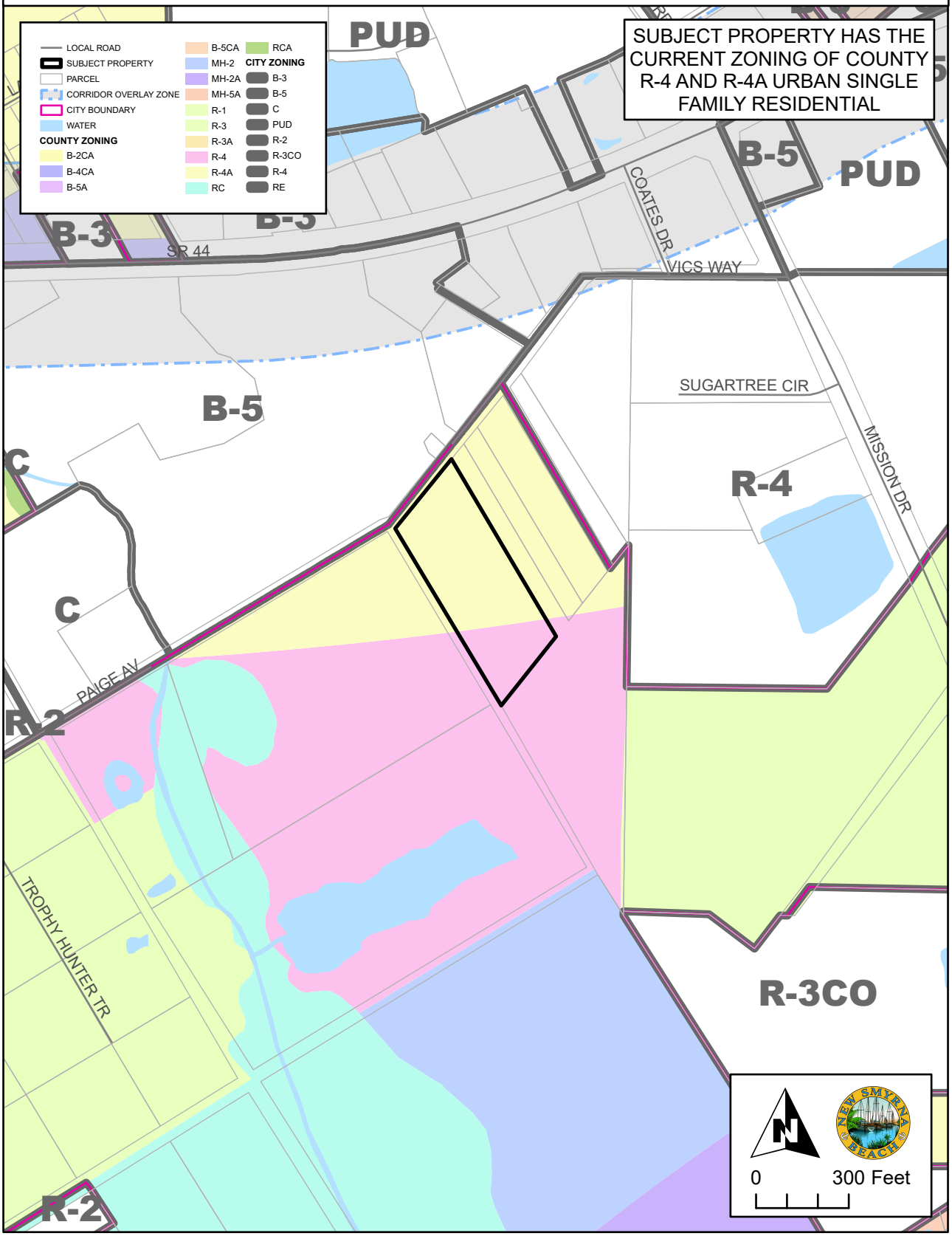


A-12-25: PAIGE AVENUE
PARCEL: 7324-12-05-0010 AERIAL MAP



EXISTING ZONING

A-12-25



R-4 URBAN SINGLE-FAMILY RESIDENTIAL CLASSIFICATION

Purpose and intent: The purpose and intent of the R-4 Urban Single-Family Residential Classification is to provide medium-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structures: In the R-4 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Cluster and zero lot line subdivisions (refer to subsection 72-304).

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article.

Exempt landfills (refer to subsection 72-293(16)).

Fire stations.

Home-based business (refer to section 72-283).

Houses of worship.

Parks and recreational areas accessory to residential developments.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Single-family standard or modular dwelling.

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

Bed and breakfast (refer to subsection 72-293(19)).

Cemeteries (refer to subsection 72-293(4)).

Communication towers exceeding 70 feet in height above ground level.

Day care centers (refer to subsection 72-293(6)).

Dogs and cats boarded as personal pets exceeding the number permitted in subsection 72-306(a).

Excavations only for stormwater retention ponds for which a permit is required by this article.

Off-street parking areas (refer to subsection 72-293(14)).

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to subsection 72-293(1)).

Recreational areas (refer to subsection 72-293(3)).

Schools, parochial or private (refer to subsection 72-293(4)).

Dimensional requirements:

Minimum lot size:

Area: 7,500 square feet.

Width: 75 feet.

Minimum yard size:

Front yard: 25 feet.

Rear yard: 20 feet.

Side yard: 20 feet combined, minimum of eight feet on any one side.

Waterfront yard: 25 feet.

Maximum building height: 35 feet.

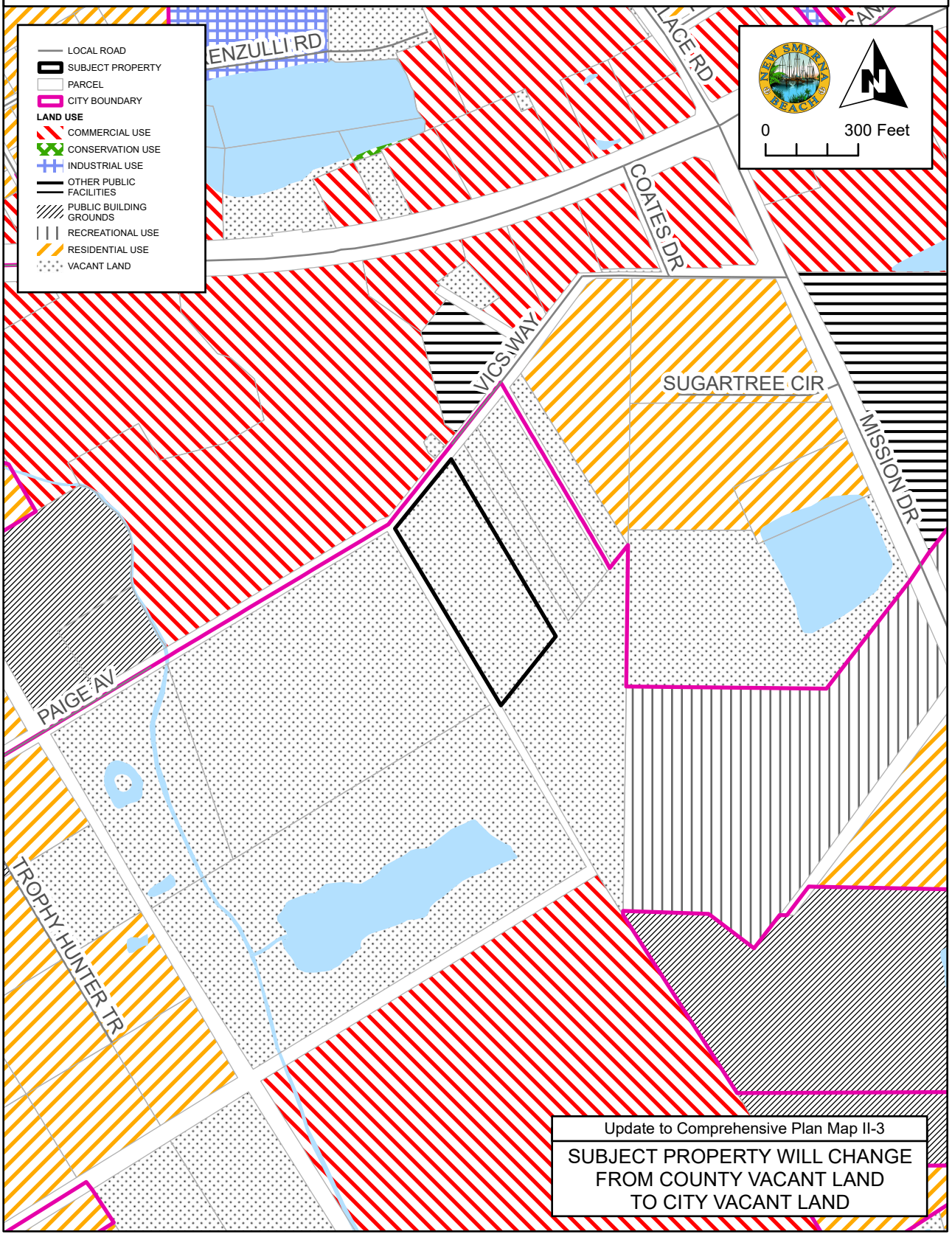
Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.

Minimum floor area: 850 square feet.

Off-street parking and loading requirements: Off-street parking and loading areas meeting the requirements of sections 72-286 and 72-287 shall be constructed.

EXISTING LAND USE DESIGNATIONS

A-12-25



C, CONSERVATION DISTRICT

Intent. The C, Conservation District, is designed to:

(1) Protect persons and private property from the hazards of flood water inundation and to protect the community from costs which are incurred when urban development occurs in flood plains; and
(2) Conserve important natural and historic resources for ecological purposes and for the enjoyment and education of future residents.

Permitted uses.

Fishing and picnicking
Nature trails and exhibits
Park ranger residence, State of Florida or Volusia County. The structure may be occupied by only one State of Florida or Volusia County Park Ranger and his family. Said ranger must be a state certified law enforcement officer. The structure shall be built in accordance with the requirements of the R-2, Single-Family Residential District in this LDR.
Public and private parks
Public utility lines and utility facilities
Silvicultural operations which follow state-prescribed best management practices

Permitted accessory uses.

Incidental uses
Recreation facilities related to the permitted uses

Special exceptions.

Fishing, hunting or nonprofit organizations camps
Riding stables

Dimensional requirements.

Minimum lot size.
Area: 20,000 square feet
Depth: 200 feet
Width: 100 feet
Minimum yard size.
Front yard: 40 feet, or as required per [sub]section 504.01M. of this LDR
Rear yard: 30 feet
Side yard: Ten feet

Minimum setback from wetlands.
Any jurisdictional wetland line: 25 feet towards upland

Maximum building coverage. The total area covered with buildings on any lot shall not exceed 30 percent of the total lot area.

Maximum impervious coverage. The total area covered with impervious materials on any lot shall not exceed 35 percent of the total lot area.

Maximum principal building height. 35 feet above finished grade.

Landscaping. Landscaped buffer area(s) as defined in this LDR shall be required at property lines as follows:

(1) All front property lines; and
(2) Along side or rear lot line abutting a residentially zoned lot.

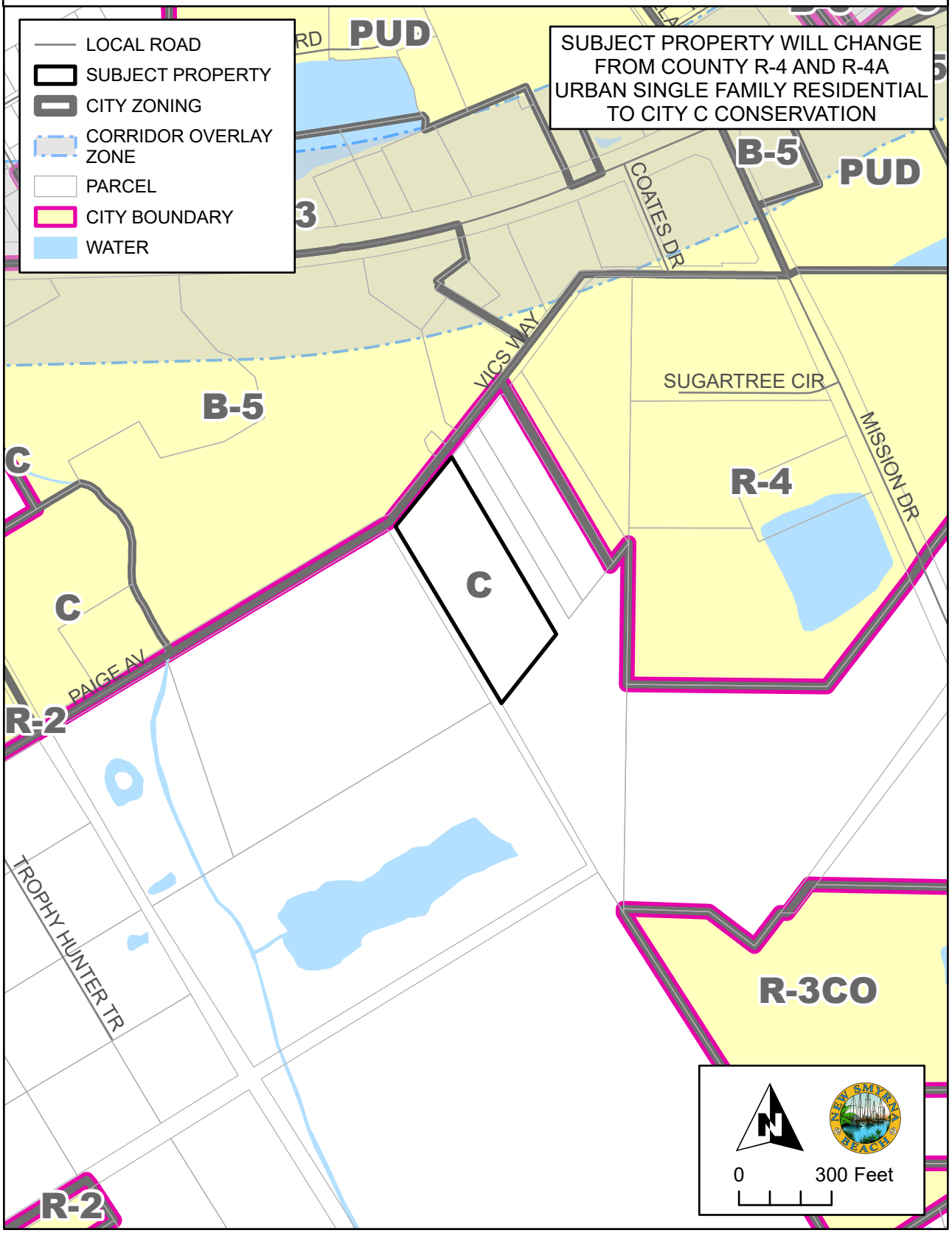
Visibility at intersections. Visibility at intersections shall be provided as required in this LDR.

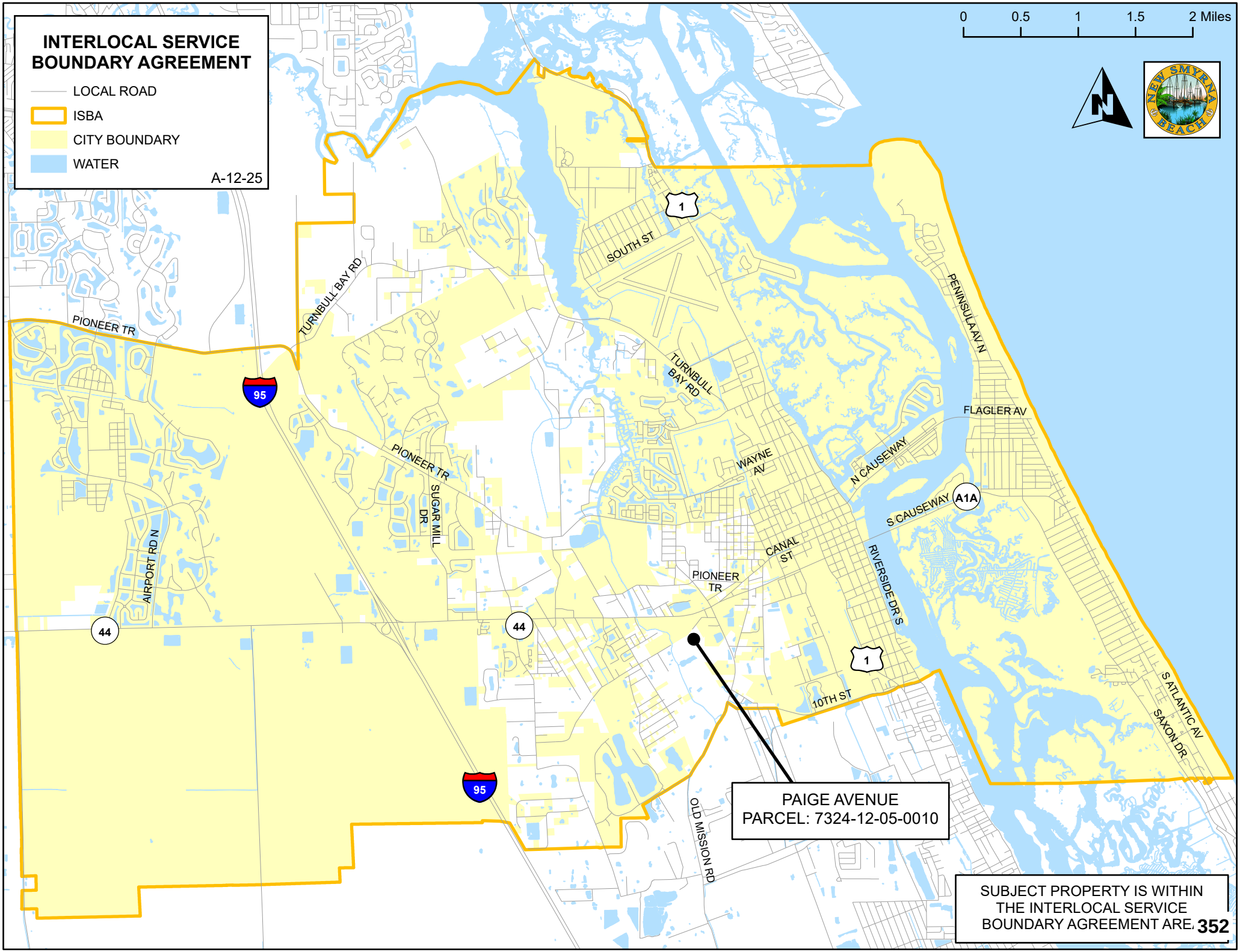
Off-street parking. Off-street parking shall be provided as required in this LDR.

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.

PROPOSED ZONING

A-12-25




INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-12-25
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
PIONEER TR
TURNBULL BAY RD
SOUTH ST
PENINSULA AV N
FLAGLER AV
N CAUSEWAY
WAYNE AV
S CAUSEWAY
A1A
CANAL ST
RIVERSIDE DR S
10TH ST
S ATLANTIC AV
SAXON DR
SUGAR MILL DR
AIRPORT RD N
OLD MISSION RD
95
44
1
PAIGE AVENUE
PARCEL: 7324-12-05-0010
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ARE.
352

LEGAL DESCRIPTION

Address:
Paige Avenue, New Smyrna Beach, Florida 32168

Parcel Number
7324-12-05-0010

AltKey Number:
3716132

Metes and Bounds by Professional Title Agency

LOT 1, BLOCK 5, “WOODLAND” L.D. BUCKS SUBDIVISION, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 6, PAGE 134, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Prepared by and Return To:
Teresa Prompovitch
Professional Title Agency, a division of LandCastle
Title Group, LLC
313 Julia Street
New Smyrna Beach, FL 32168

Order No.: N[redacted]

APN/Parcel ID(s): 732412050010

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this September 11, 2025 by Festival Properties, Inc. having its principal place of business at 1215 Gessner Drive, Houston, TX 77055, hereinafter called the grantor, and City of New Smyrna Beacha municipal corporation, a corporation existing under the laws of the State of Floirda whose post office address is 210 Sams Avenue, New Smyrna Beach, FL 32168, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representative and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all the certain land situated in County of Volusia, State of Florida, viz:

Lot 1, Block 5, "Woodland" L.D. Buck's Subdivision, according to the map or plat thereof, as recorded in Map Book 6, Page 134, of the Public Records of Volusia County, Florida.

Subject to encumbrances, easements and restrictions of record and taxes accruing subsequently to 2024.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in Fee Simple; that the grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

SPECIAL WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Witness Signature

Teresa A. Prompovitch
Print Name

Address: 313 Julia Street
New Smyrna Beach, FL 32168

Witness Signature

Linda Romsey
Print Name

Address: 313 Julia St.
NSB FL 32168

Festival Properties, Inc.

BY: Dan Silvestri
Dan Silvestri
President

Address: 1215 Gessner Drive
Houston, TX 77055

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 8th day of September, 2025, by Dan Silvestri, President of Festival Properties, Inc, to me known to be the person(s) described in or who has/have produced Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

NOTARY PUBLIC
My Commission Expires:

TERESA A. PROMPOVITCH
Notary Public - State of Florida
Commission # HH 221861
My Comm. Expires Mar 21, 2026
Bonded through National Notary Assn.

Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of New Smyrna Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
ORD 14-26 Rezoning Paige Ave.

This Business Impact Estimate is provided in accordance with section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of New Smyrna Beach is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of New Smyrna Beach is, nevertheless providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
    b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
    c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
    d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City of New Smyrna Beach hereby publishes the following information:

[1] *See* Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Ordinance No. 14-26 rezones the land annexed by Ordinance No. 12-26 to conservation zoning.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of New Smyrna Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance, or for which businesses will be financially responsible; and
(c) An estimate of the City of New Smyrna Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):
[*You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of New Smyrna Beach staff solicited comments from businesses in the City of New Smyrna Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of New Smyrna Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.*).

None.

ORDINANCE NO. 14-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH REZONING 4.5± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF PAIGE AVENUE, EAST OF TROPHY HUNTER TRAIL, FROM VOLUSIA *R-4 A, URBAN SINGLE-FAMILY AIRPORT OVERLAY* TO CITY *C A, CONSERVATION AIRPORT OVERLAY* ZONING DISTRICT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florida 32168, applicant on behalf of City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168, property owner, has requested the annexation of 4.5± acres of property generally located south of Paige Avenue, east of Trophy Hunter Trail, from Volusia County *R-4 A, Urban Single-Family Residential Airport Overlay* to City *C A, Conservation Airport Overlay* zoning district; and

WHEREAS, the Planning and Zoning Board, at its regular scheduled meeting on December 1, 2025, by a vote of 7-0, recommended that the City Commission approve the requested rezoning; and

WHEREAS, the City Commission finds that the requested rezoning is consistent with the City Comprehensive Plan; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to rezone said property as more particularly described hereinafter.

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

SECTION 1: ***Rezoning.*** That the 5± acres of property generally located south of Paige Avenue, east of Trophy Hunter Trail, in the City of New Smyrna Beach, Florida, said properties more particularly described as follows:

7324-12-05-0010
Paige Avenue

LOT 1, BLOCK 5, "WOODLAND" L.D. BUCKS SUBDIVISION, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 6, PAGE 134, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

shall be and the same is hereby rezoned from Volusia *R-4 A, Urban Single-Family Residential Airport Overlay* to City *C A, Conservation Airport Overlay* zoning district.

SECTION 2: ***Quasi-Judicial Public Hearing.*** It is hereby found that a quasi-judicial public hearing held by the City Commission to consider adoption of this ordinance on February 10, 2026, at 5:30 p.m. in the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach,

Florida, to consider the rezoning request in accordance with *Bd. of Cty. Com'rs of Brevard v. Snyder*, 627 So.2d 469 (Fla. 1993) in a manner to insure that all parties are provided an opportunity to be heard, present evidence and cross-examine witnesses, and to be informed of all the facts upon which the Commission's decision on the rezoning is based, after notice published at least 10 days prior to hearing, is deemed to comply with §166.041(3)(a), Fla.Stat.

SECTION 3: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 4: ***Administrative Correction of Scrivener's Errors.*** The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 5: ***Severability.*** That if any section, sentence, clause or phrase of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 6: ***Effective Date***. That this ordinance shall become effective THIRTY ONE (31) days following adoption of Ordinance No. 13-26, the Small Scale Comprehensive Plan Amendment for the subject property, by the City Commission unless a challenge is filed to said ordinance under §163.3187, F.S. In the event that Ordinance No. 13-26, the Small Scale Comprehensive Plan Amendment, is challenged this ordinance shall become effective upon the state land planning agency or the Administration Commission, respectively, issuing a final order determining that the adopted small scale development amendment is in compliance.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

Date: 1/20/2026

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ORDINANCE NO. 15-26: CONDUCT A SECOND READING AND PUBLIC HEARING OF AN ORDINANCE, WHICH, IF ADOPTED, WOULD ANNEX APPROXIMATELY 2.75 ± ACRES OF LAND LOCATED ON DOSTER DRIVE.

February 10, 2026

Background:

Applicant: Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florid 32168.

Property Owner: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168.

Request: Voluntary annexation, Small-Scale *Comprehensive Plan* amendment, and rezoning:

- **From:** Un-Incorporated Volusia County.
- **To:** City of New Smyrna Beach.

Site Information:

- **Size:** 2.75 ± acres
- **Location:** South side of Doster Drive, east of Corbin Park Road.

Tax I.D. Number: 7344-03-00-0440

Findings:

On April 23, 2013, the City Commission adopted an Interlocal Service Boundary Agreement (ISBA). The ISBA, which is permitted under Chapter 171, Part II, Florida Statutes, allows the City of New Smyrna Beach to annex any parcels that are within the designated annexation area, even if they are not contiguous to the current municipal boundaries. The agreement, which is between the County of Volusia and the City of New Smyrna Beach, was also approved by the County on May 2, 2013. A new updated agreement was approved on May 2, 2022.

The subject property is within the annexation area designated in the ISBA. The subject property on Doster Drive is currently vacant. A location map is attached as **Exhibit A** and

an aerial map is attached as **Exhibit B**. Existing land uses are shown on the map attached as **Exhibit C**.

The established City Commission policy is that when properties are annexed into the City, the City will assign future land use and zoning designations that would be as similar as possible to existing County designations. The existing County FLU designations are Environmental Systems Corridor and Urban Low Intensity. The existing County zoning designations are Resource Corridor and R-4, Urban Single Family Residential. The proposed City FLU designation is Conservation. The proposed City zoning designation is Conservation.

This annexation request is within the City's annexation area and within the City's water and sewer service area **(Exhibit D).** The property located on Doster Drive is undeveloped. An 8" PVC water line is located within the Corbin Park Drive right-of-way but central sewer and reclaim water are unavailable.

A map of the soil limitations for septic systems is attached as **Exhibit E**.

The *Land Development Regulations* requires any proposed development to conform to the Concurrency Management System. That system includes traffic, parks and recreation, potable water, wastewater treatment, solid waste collection, stormwater management, and public-school facilities. Because the subject property is undeveloped, and because no new improvements are proposed, staff did not prepare a concurrency analysis table for this case.

A map showing the subject properties incorporated into Commission Zone 1 is attached as **Exhibit F**. The ISBA map is attached as **Exhibit G**. The legal description and Warranty Deed are attached as **Exhibits H** and **I**.

Recommendations:

At its regular scheduled meeting on January 5, 2026, the Planning and Zoning Board voted, 5-0, to give a positive recommendation to the City Commission to **approve** the requested annexation application.

The Planning Department also recommends the City Commission to **approve** the requested annexation application.

Fiscal Analysis:
N/A

Strategic Plan Item:

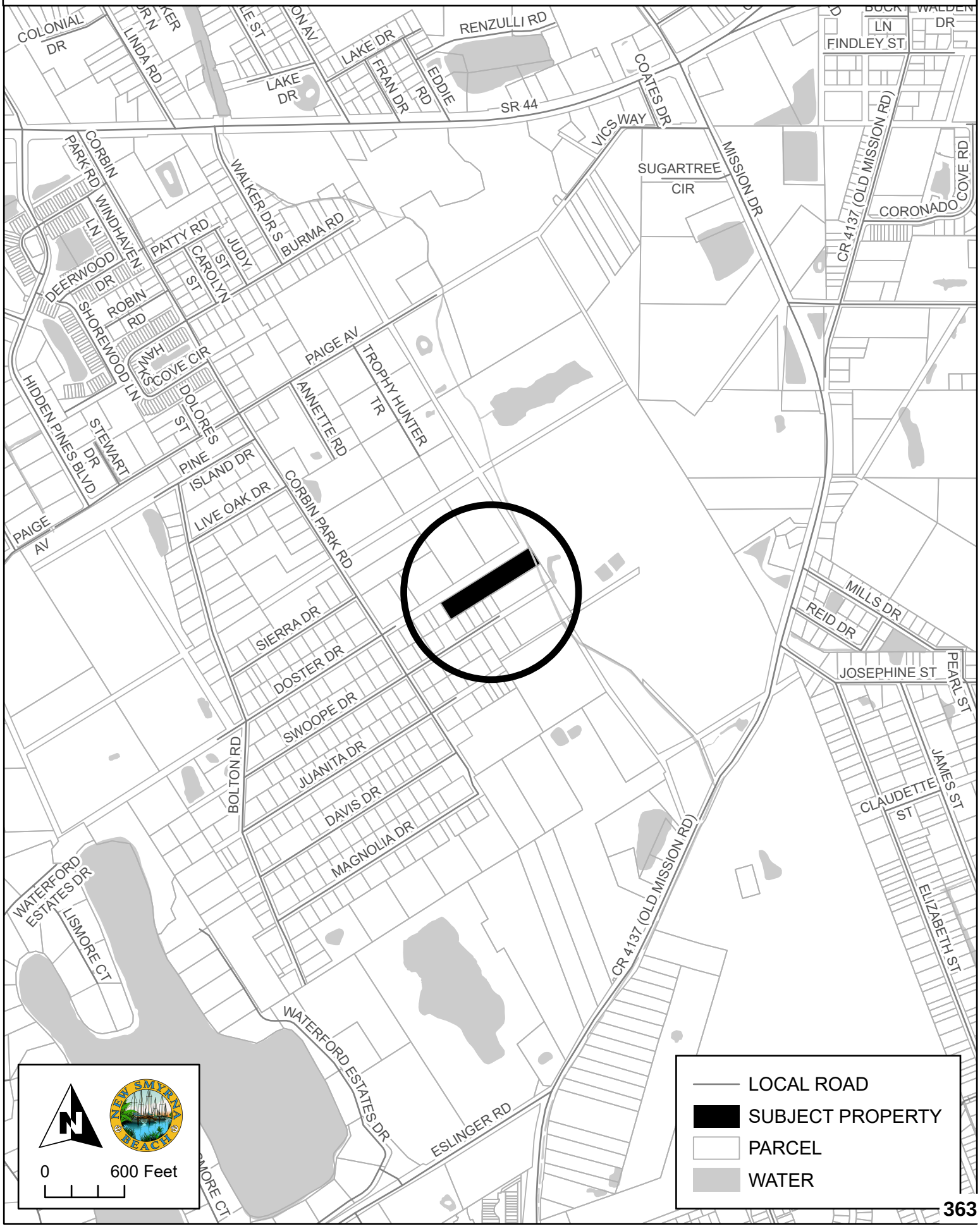
Yes

Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing Land Use Map.pdf
Exhibit D Water and Sewer Service Area.pdf
Exhibit E Soil Limitation for Septic Systems.pdf
Exhibit F Commission Zones Map.pdf
Exhibit G Interlocal Service Boundary Agreement Map.pdf
Exhibit H Legal Description.pdf
Exhibit I Warranty Deed.pdf
Business Impact Estimate - Ord 15-26 Doster Dr.pdf
Ord 15-26 Annex Doster Dr.pdf

A-14-25: DOSTER DRIVE
PARCEL: 7344-03-00-0440 LOCATION MAP

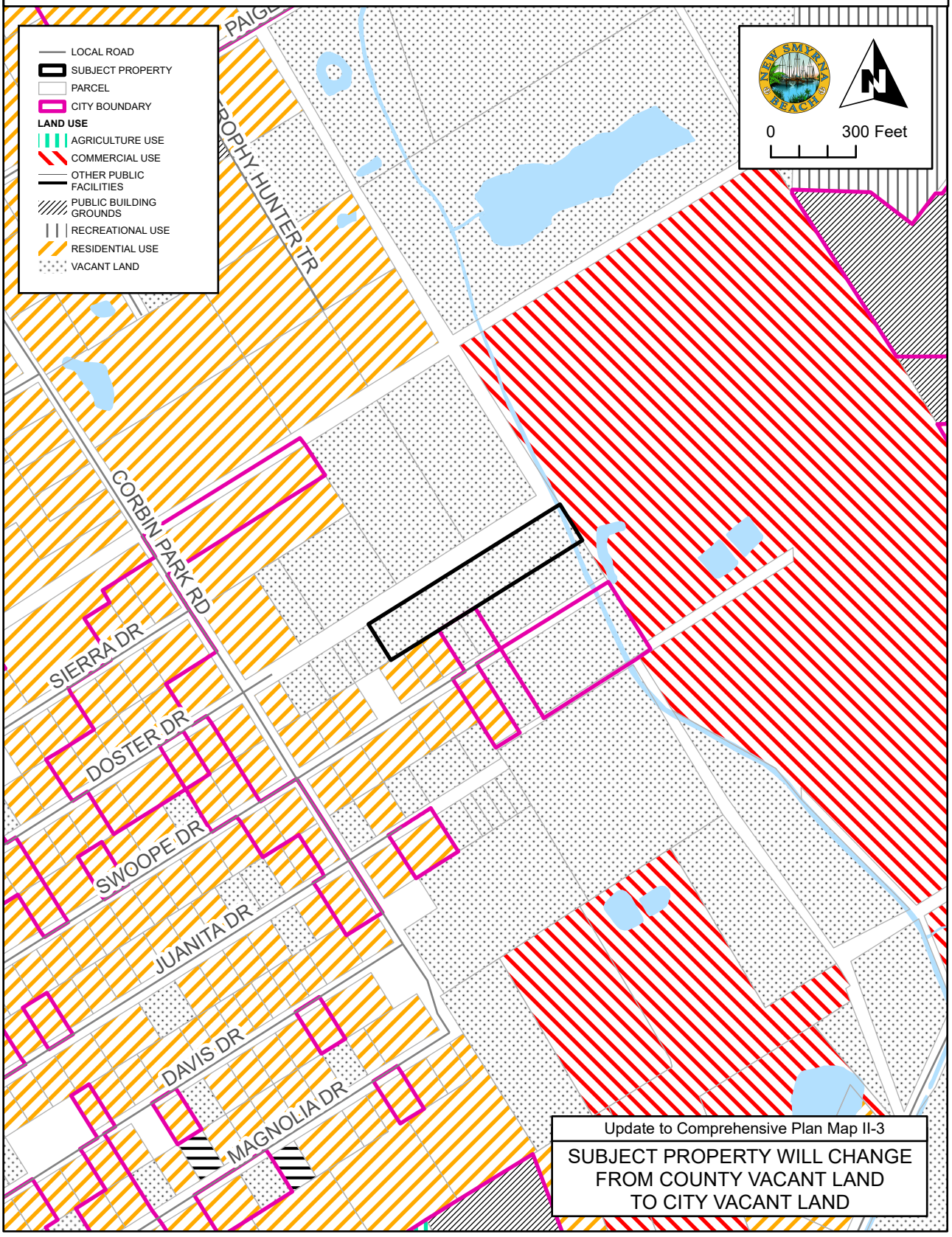


A-14-25: DOSTER DRIVE
PARCEL: 7344-03-00-0440 AERIAL MAP



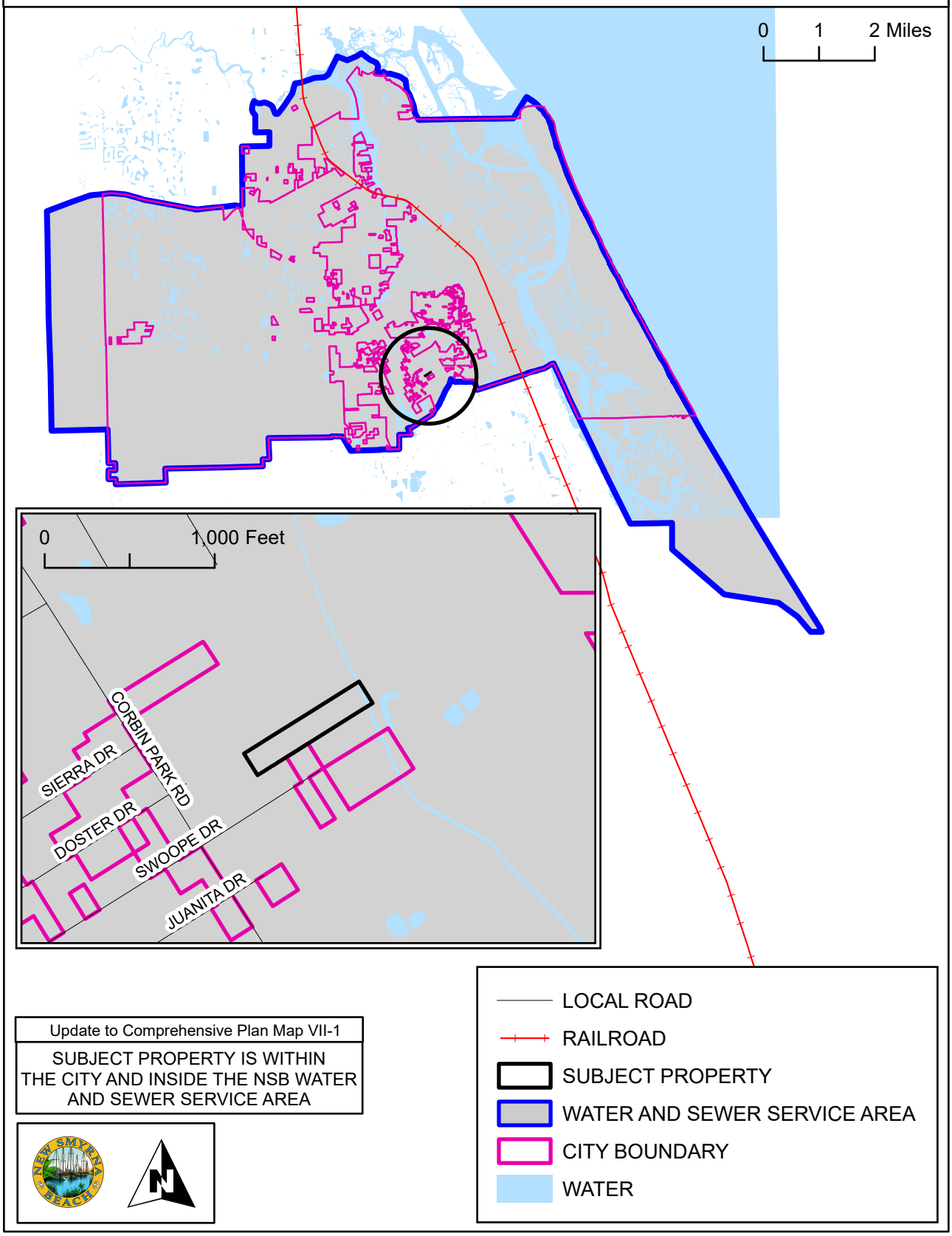
EXISTING LAND USE DESIGNATIONS

A-14-25



WATER AND SEWER SERVICE AREA

A-14-25

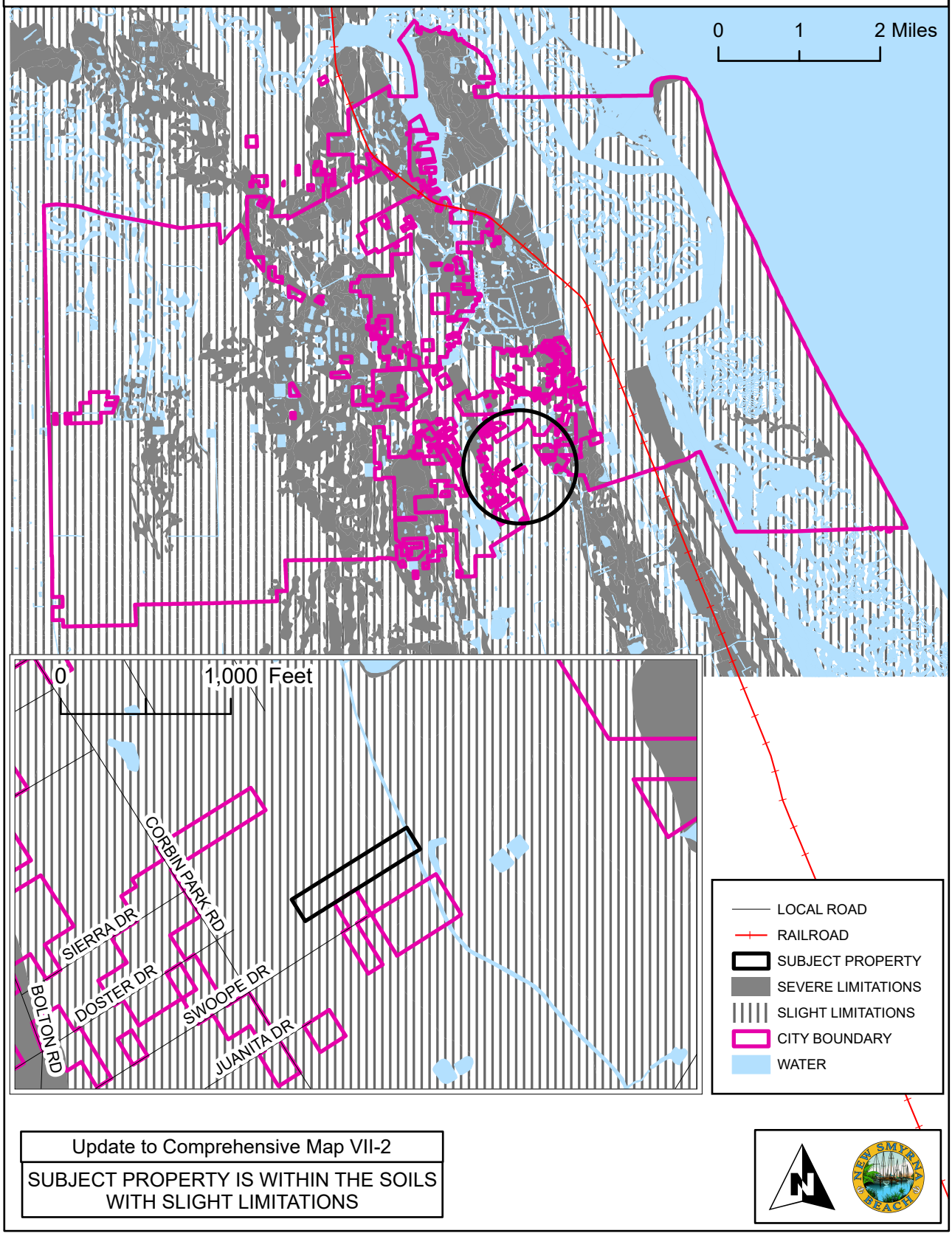


Update to Comprehensive Plan Map VII-1

SUBJECT PROPERTY IS WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA

SOIL LIMITATION FOR SEPTIC SYSTEMS

A-14-25

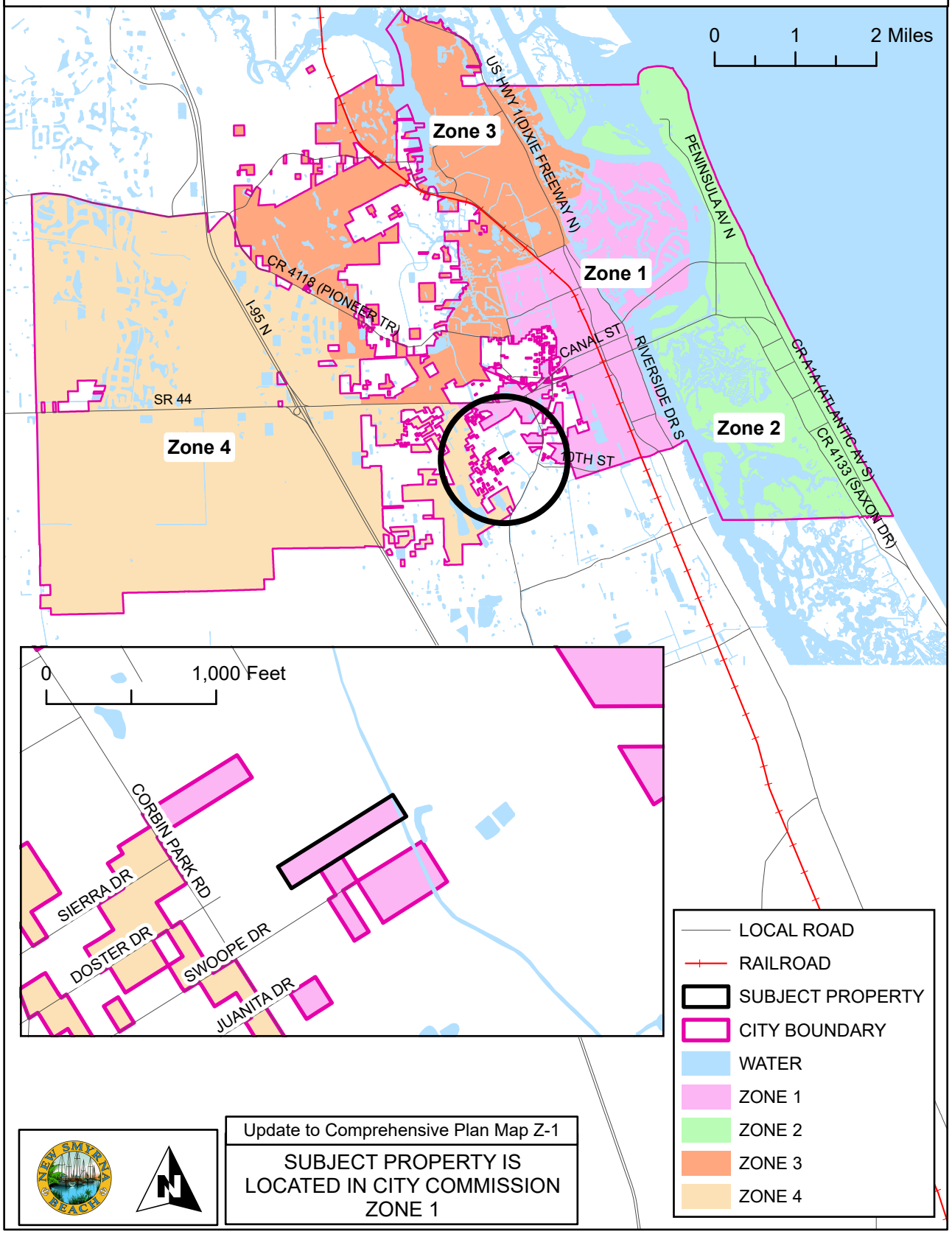


Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

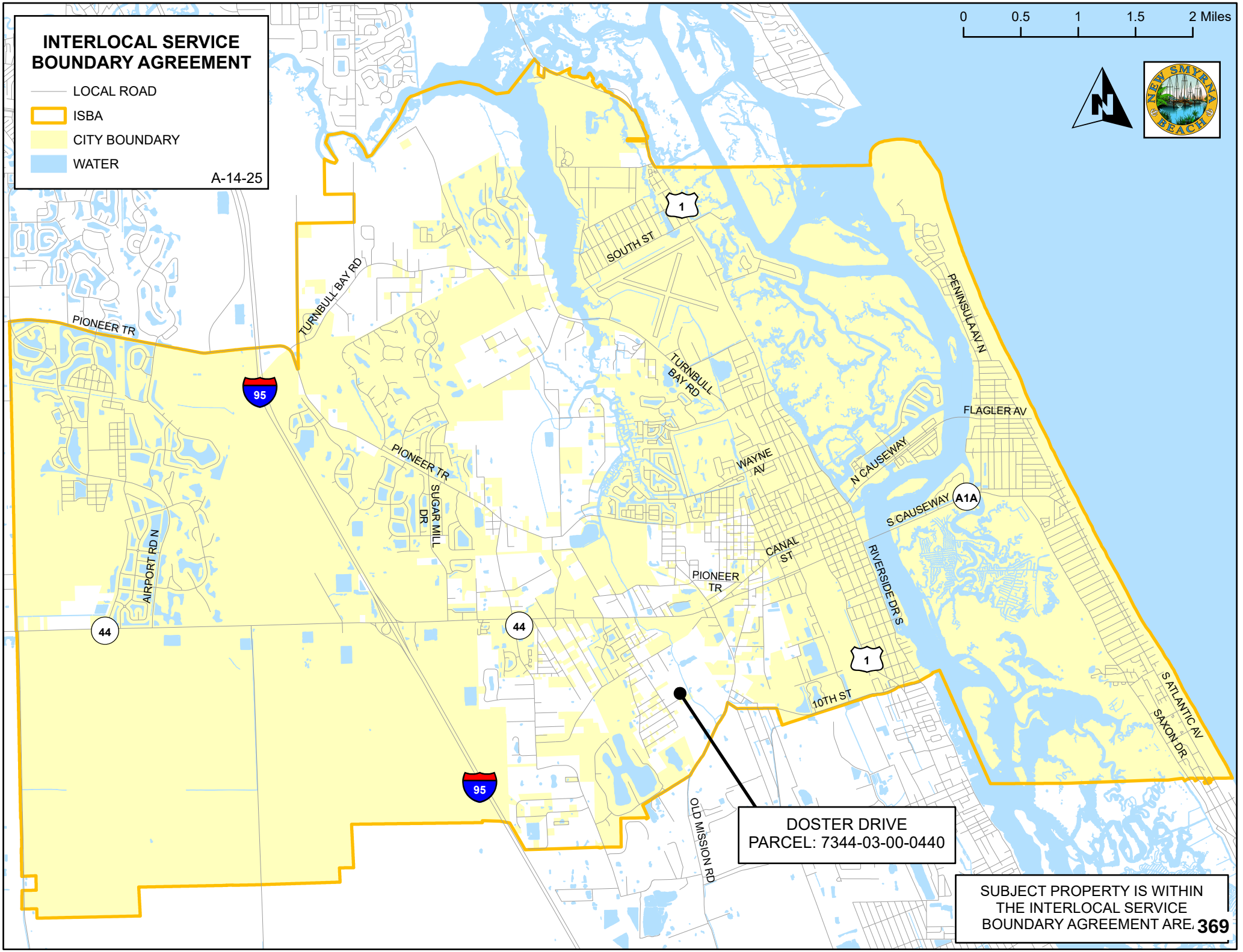
COMMISSION ZONES

A-14-25



Update to Comprehensive Plan Map Z-1

SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 1


INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-14-25
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
PIONEER TR
TURNBULL BAY RD
SOUTH ST
PENINSULA AV N
FLAGLER AV
N CAUSEWAY
WAYNE AV
S CAUSEWAY
A1A
SUGAR MILL DR
AIRPORT RD N
CANAL ST
RIVERSIDE DR S
10TH ST
S ATLANTIC AV
SAXON DR
OLD MISSION RD
95
44
1
DOSTER DRIVE
PARCEL: 7344-03-00-0440
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ARE.
369

LEGAL DESCRIPTION

Address:
Doster Drive, New Smyrna Beach, Florida 32168

Parcel Number
7344-03-00-0440

AltKey Number:
3734599

Metes and Bounds by Professional Title Agency.

LOT(S) 44, 45, 46, AND 47, CORBIN PARK SUBDIVISION UNIT NO. 3, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 23, PAGE 146, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Prepared by and Return To:
Teresa Prompovitch
Professional Title Agency, a division of LandCastle Title Group, LLC
313 Julia Street
New Smyrna Beach, FL 32168

Order No.: N[redacted]

APN/Parcel ID(s): 734403000440

WARRANTY DEED

THIS WARRANTY DEED dated August 22, 2025, by Tad D. Johnston and Crystal G. Johnston, husband and wife, hereinafter called the grantor, to City of New Smyrna Beach, a municipal corporation a corporation existing under the laws of the State of Florida, whose post office address is 210 Sams Avenue, New Smyrna Beach, FL 32168, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten And No/100 Dollars ($10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Volusia, State of Florida, to wit:

Lot (s) 44, 45, 46 and 47, Corbin Park Subdivision Unit No. 3, according to the map or plat thereof, as recorded in Map Book 23, Page 146, of the Public Records of Volusia County, Florida.

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2024.

WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Witness Signature

Teresa A. Prompovitch
Print Name

Address: 313 Julia Street
New Smyrna Beach, FL 32168

Witness Signature

Linda Ramsey
Print Name

Address: 313 Julia St.
NSB FL 32168

Tad D. Johnston

Crystal G. Johnston

Address: 2141 Swoope Drive
New Smyrna Beach, FL 32168

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 22nd day of August, 2025, by Tad D. Johnson and Crystal G. Johnston, to me known to be the person(s) described in or who has/have produced Driver's License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

NOTARY PUBLIC
My Commission Expires:

TERESA A. PROMPOVITCH
Notary Public - State of Florida
Commission # HH 221861
My Comm. Expires Mar 21, 2026
Bonded through National Notary Assn.

Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of New Smyrna Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
ORD 15-26 Annexing Doster Dr.

This Business Impact Estimate is provided in accordance with section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of New Smyrna Beach is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of New Smyrna Beach is, nevertheless providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
    b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
    c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
    d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City of New Smyrna Beach hereby publishes the following information:

[1] *See* Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Ordinance 15-26 annexes land purchased by the City for the protection of the Turnbull Creek watershed.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of New Smyrna Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance, or for which businesses will be financially responsible; and
(c) An estimate of the City of New Smyrna Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):
[*You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of New Smyrna Beach staff solicited comments from businesses in the City of New Smyrna Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of New Smyrna Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.*).

None.

ORDINANCE NO. 15-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH ANNEXING 2.8± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF DOSTER DRIVE, EAST OF CORBIN PARK ROAD; PROVIDING FOR REDEFINING BOUNDARIES OF THE CITY; DESIGNATING THE PROPERTY WITHIN COMMISSION ZONE 1; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR REQUIRED FILINGS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florida 32168, applicant on behalf of City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168, property owner, has requested the annexation of 2.8± acres of property generally located south of Doster Drive, east of Corbin Park Road; and

WHEREAS, the Planning and Zoning Board, at its regularly scheduled meeting on January 5, 2026, by a vote of 5-0, recommended that the City Commission approve the requested annexation; and

WHEREAS, the City Commission of the City of New Smyrna Beach is desirous of annexing the real property described in the first paragraph above, and the City Commission hereby finds and determines that the petition for annexation bears the signature of the owner of the property in the area proposed to be annexed, and the property is within the Interlocal Service Boundary Agreement area.

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

SECTION 1: ***Annexation.*** That the real property is located in Volusia County, State of Florida, legally described as:

SEE EXHIBIT "A" LEGAL DESCRIPTION AND LOCATION MAP ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

and to the centerline of all surrounding rights-of-way shall be and the same is hereby annexed into the City of New Smyrna Beach and made a part hereof pursuant to §171.044(1)-(2) and §171.204, F.S.

SECTION 2: ***Boundary Adjustment.*** That the boundary lines of the City of New Smyrna Beach shall be and the same are hereby redefined and shall hereinafter read as follows:

SEE EXHIBIT "B" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 3: ***Commission Zone.*** That the real properties annexed shall become a part of Zone 1. New Smyrna Beach Charter, §3.07.

SEE EXHIBIT "C" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 4: ***Public Hearing.*** It is hereby found that a public hearing held by the City Commission to consider adoption of this ordinance on February 10, 2026 at 5:30 p.m. in the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida, after notice published once a week for two consecutive weeks and provided to the County Council by certified mail is deemed to comply with Section 171.044, F.S.

SECTION 5: ***Filing.*** That within SEVEN (7) days after adoption, this ordinance shall be filed by the City Clerk with the Clerk of the Circuit Court, the County Manager and the Florida Department of State. The City Clerk shall file with this ordinance a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds. §171.044(3), F.S.

SECTION 6: ***Charter Revisions to the Department of State.*** The Charter Boundary Article shall be revised to reflect the changes in the municipal boundaries resulting from this annexation and shall be filed as a revision of the City Charter with the Florida Department of State within THIRTY (30) days. A copy of such revision must be submitted to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area. §171.091, F.S.

SECTION 7: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 8: ***Administrative Correction of Scrivener's Errors.*** The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 9: ***Severability.*** That if any section, sentence, clause or phrase of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 10: ***Effective Date.*** That this ordinance shall become effective 60 days after its final adoption.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 1/20/2026

EXHIBIT "A"

LEGAL DESCRIPTION

Address:
Doster Drive, New Smyrna Beach, Florida 32168

Parcel Number
7344-03-00-0440

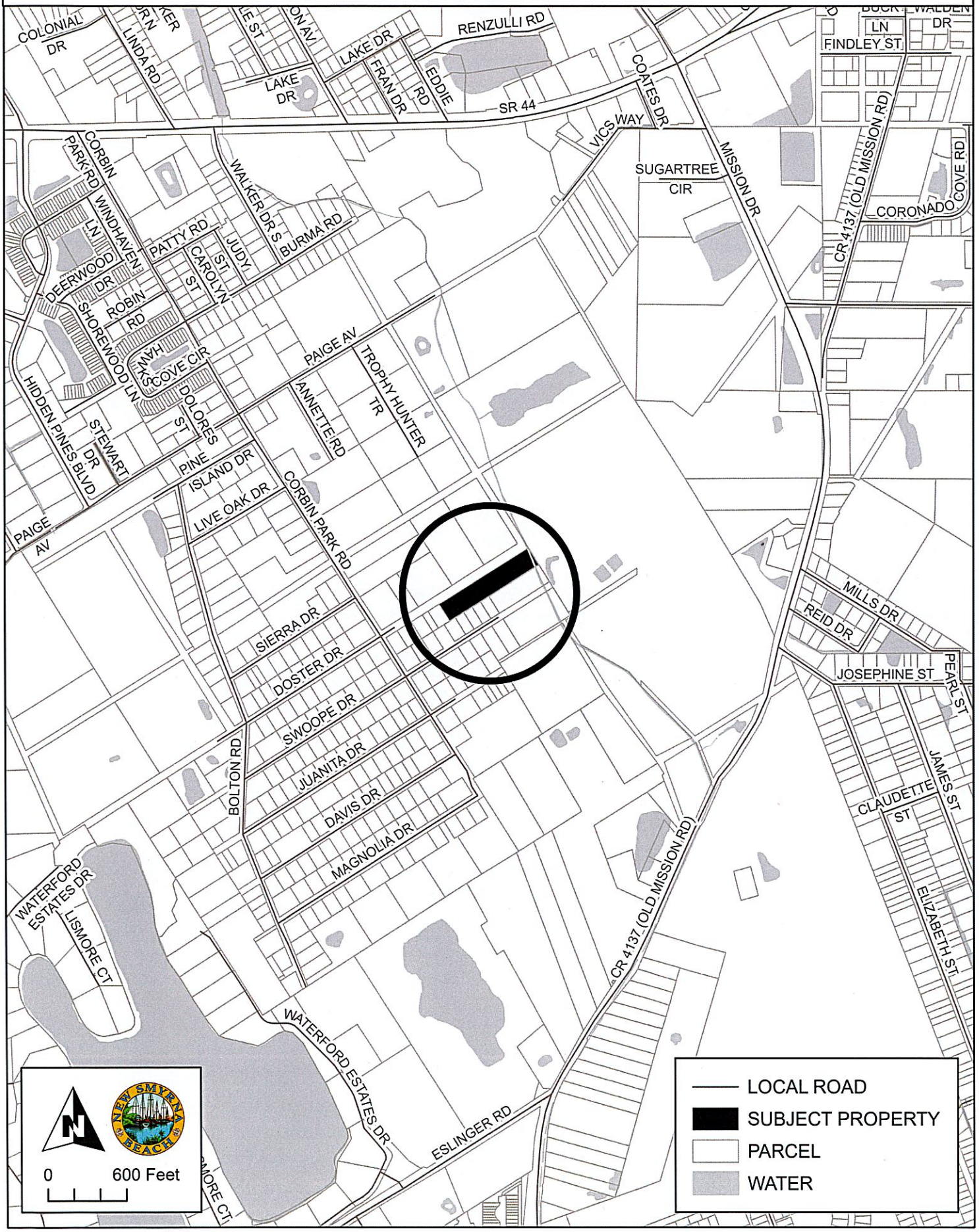
AltKey Number:
3734599

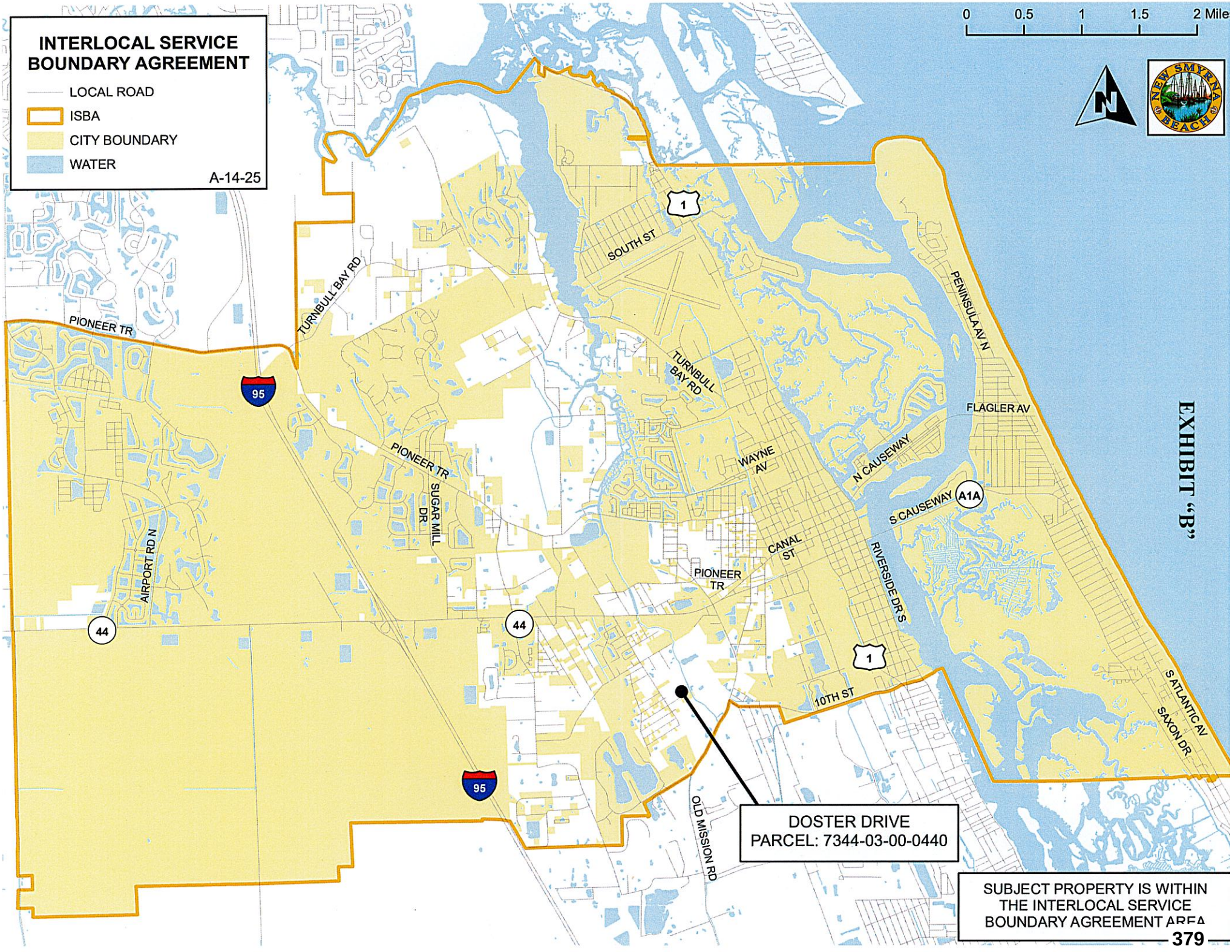
Metes and Bounds by Professional Title Agency.

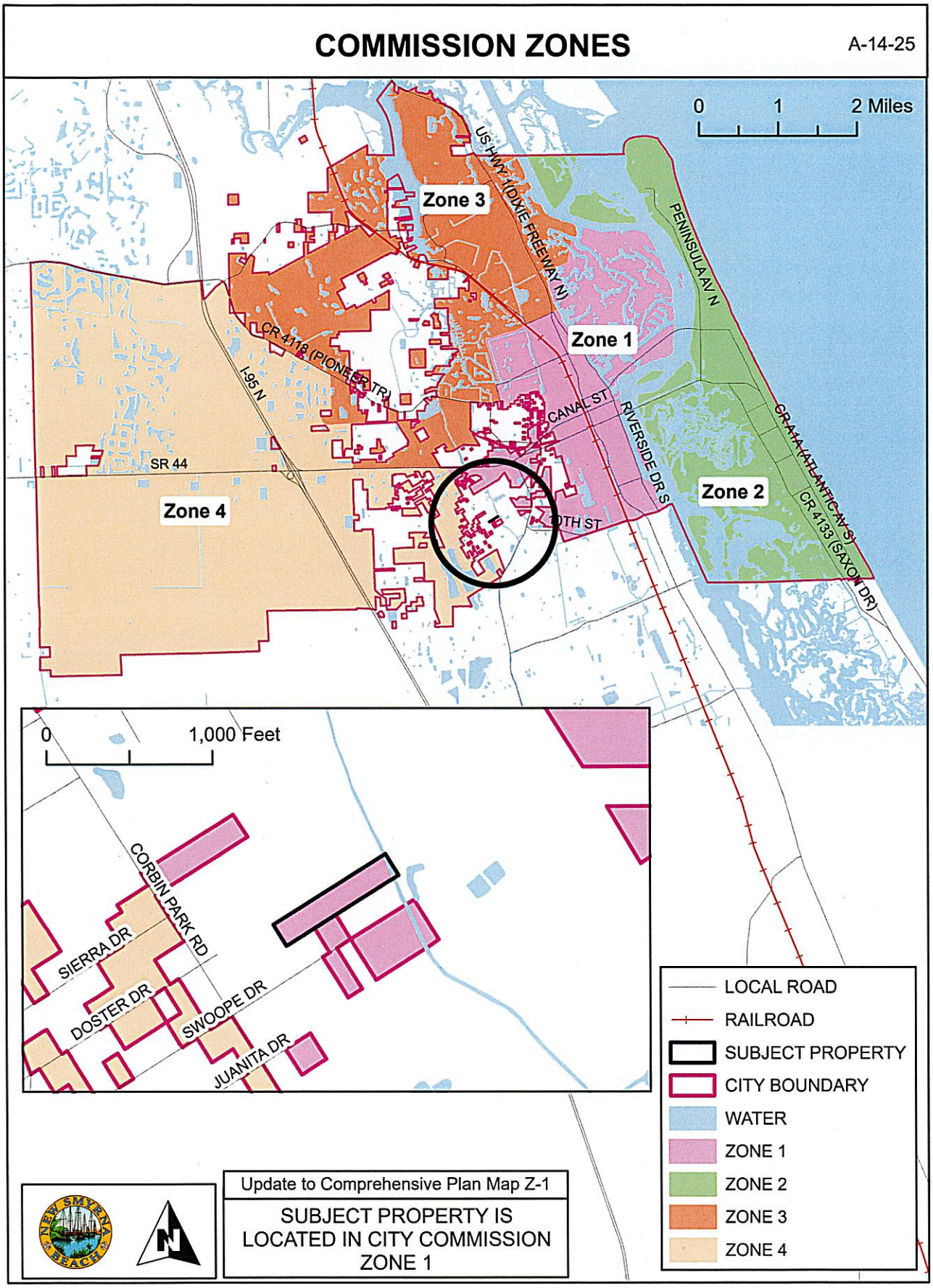
LOT(S) 44, 45, 46, AND 47, CORBIN PARK SUBDIVISION UNIT NO. 3, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 23, PAGE 146, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

EXHIBIT "A"

A-14-25: DOSTER DRIVE
PARCEL: 7344-03-00-0440 LOCATION MAP




INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-14-25
0 0.5 1 1.5 2 Miles
EXHIBIT "B"
PIONEER TR
TURNBULL BAY RD
SOUTH ST
PENINSULA AV N
FLAGLER AV
N CAUSEWAY
S CAUSEWAY
A1A
WAYNE AV
SUGAR MILL DR
AIRPORT RD N
CANAL ST
RIVERSIDE DR S
10TH ST
S ATLANTIC AV
SAXON DR
OLD MISSION RD
95
44
1
DOSTER DRIVE
PARCEL: 7344-03-00-0440
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT AREA


COMMISSION ZONES
A-14-25
0
1
2 Miles
Zone 3
Zone 1
Zone 2
Zone 4
US HWY 1(DIXIE FREEWAY N)
PENINSULA AV N
CR 4118 (PIONEER TR)
I-95 N
SR 44
CANAL ST
RIVERSIDE DR S
10TH ST
CR 4A (ATLANTIC AV S)
CR 4133 (SAXON DR)
0
1,000 Feet
CORBIN PARK RD
SIERRA DR
DOSTER DR
SWOOPE DR
JUANITA DR
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
CITY BOUNDARY
WATER
ZONE 1
ZONE 2
ZONE 3
ZONE 4
Update to Comprehensive Plan Map Z-1
SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 1

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ORDINANCE NO. 16-26: CONDUCT A SECOND READING AND PUBLIC HEARING OF AN ORDINANCE, WHICH, IF ADOPTED, WOULD APPROVE A SMALL-SCALE *COMPREHENSIVE PLAN* AMENDMENT CHANGING THE FUTURE LAND USE TO CONSERVATION FOR PROPERTY LOCATED ON DOSTER DRIVE AS PART OF AN OVERALL ANNEXATION APPLICATION.

February 10, 2026

Background:

Applicant: Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florid 32168.

Property Owner: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168.

Request: Small-Scale *Comprehensive Plan* amendment:

- **From:** Volusia County Future Land Use (FLU) designation of Environmental Systems Corridor and Urban Low Intensity.
- **To:** City FLU designation of Conservation.

Site Information:

- **Size:** 2.75 ± acres
- **Location:** South side of Doster Drive, east of Corbin Park Road.

Tax I.D. Number: 7344-03-00-0440

Findings:

On April 23, 2013, the City Commission adopted an Interlocal Service Boundary Agreement (ISBA). The ISBA, which is permitted under Chapter 171, Part II, Florida Statutes, allows the City of New Smyrna Beach to annex any parcels that are within the designated annexation area, even if they are not contiguous to the current municipal boundaries. The agreement, which is between the County of Volusia and the City of New Smyrna Beach, was also approved by the County on May 2, 2013. A new updated agreement was approved on May 2, 2022.

The subject property is within the annexation area designated in the ISBA. The subject property on Doster Drive is currently vacant. A location map is attached as **Exhibit A** and an aerial map is attached as **Exhibit B**.

The existing Volusia County Future Land Use (FLU) category of the subject property is shown on the following map as **Exhibit C**. The text description of the existing Future Land Use category for the subject property is attached as **Exhibit D**. Existing land uses are shown on the map attached as **Exhibit E**.

The established City Commission policy is that when properties are annexed into the City, the City will assign future land use categories and zoning designations that would be as similar as possible to existing County categories and designations. As discussed above, the existing County FLU categories are Environmental Systems Corridor and Urban Low Intensity. The existing County zoning designations are Resource Corridor and R-4, Urban Single Family Residential. The proposed City FLU category is Conservation. The proposed City zoning designation is Conservation. A text description of the proposed City Conservation Future Land Use category is attached as **Exhibit F,** with a map of this proposed change also attached as **Exhibit G**.

This annexation request is within the City's annexation area and within the City's water and sewer service area **(Exhibit H).** The property located on Doster Drive is undeveloped. An 8" PVC water line is located within the Corbin Park Drive right-of-way but central sewer and reclaim water are unavailable.

A map of the soil limitations for septic systems is attached as **Exhibit I**.

The *Land Development Regulations* requires any proposed development to conform to the Concurrency Management System. That system includes traffic, parks and recreation, potable water, wastewater treatment, solid waste collection, stormwater management, and public-school facilities. Because the subject property is undeveloped, and because no new improvements are proposed, staff did not prepare a concurrency analysis table for this case.

There are numerous *Comprehensive Plan* maps that must be amended to incorporate the subject property into the *Comprehensive Plan* (see **Exhibits J through V)**. A map showing the subject properties incorporated into Commission Zone 1 is attached as **Exhibit W**. The ISBA map is attached as **Exhibit X**. The legal description and Warranty Deed are attached as **Exhibits Y** and **Z**.

Recommendations:

At its regular scheduled meeting on January 5, 2026, the Planning and Zoning Board voted, 5-0, to give a positive recommendation to the City Commission to **approve** the requested Small Scale *Comprehensive Plan* amendment amending the Future Land Use to City Conservation as part of an overall annexation application.

The Planning Department also recommends the City Commission to **approve** the requested Small Scale *Comprehensive Plan* amendment amending the Future Land Use to City Conservation as part of an overall annexation application.

Fiscal Analysis:
N/A

Strategic Plan Item:
Yes

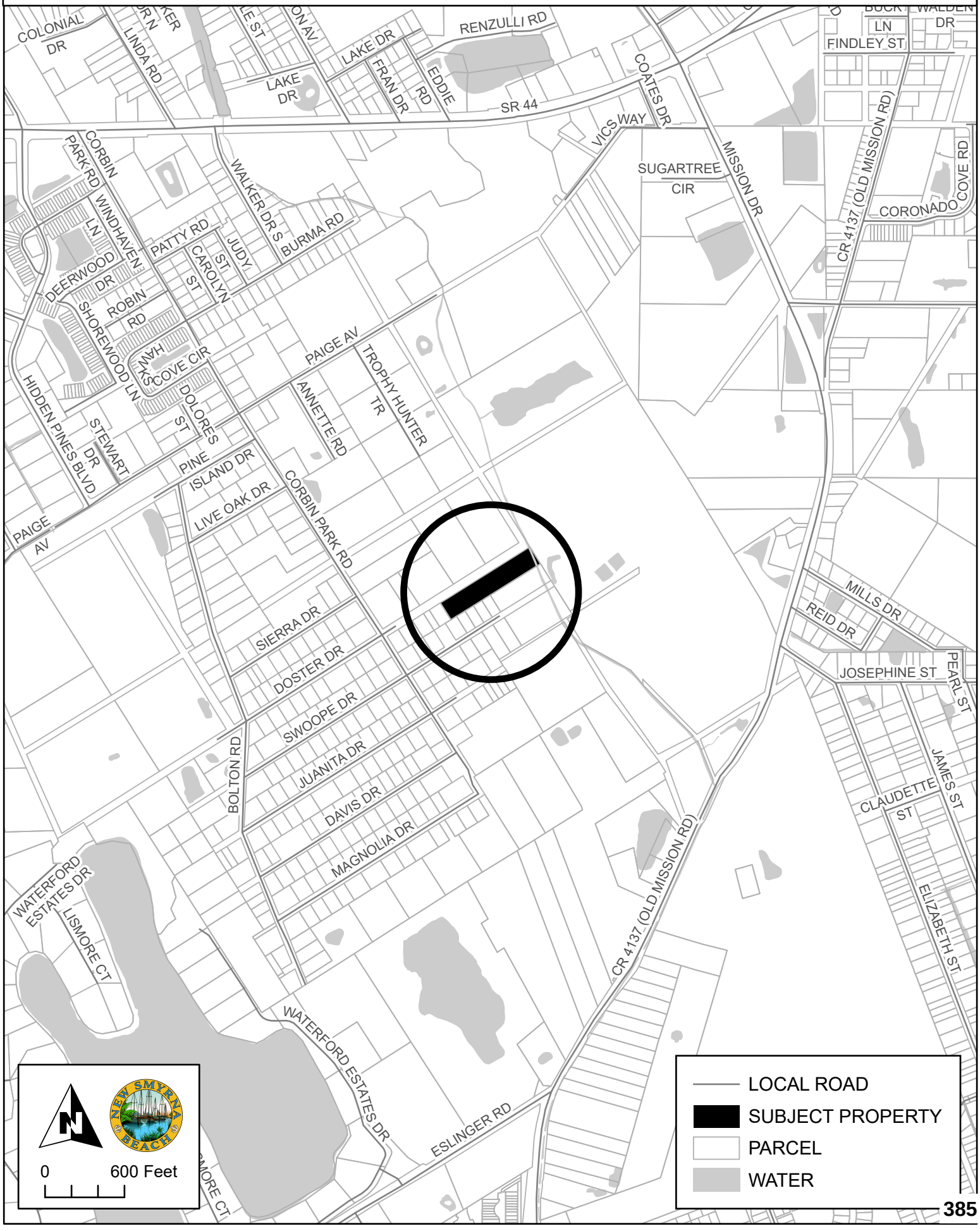
Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing FLU Map.pdf
Exhibit D County Future Land Use Text.pdf
Exhibit E Existing Land Use Map.pdf
Exhibit F City Conservation FLU Text.pdf
Exhibit G Proposed FLU Map.pdf
Exhibit H Water and Sewer Service Area.pdf
Exhibit I Soil Limitation for Septic Systems.pdf
Exhibit J Airport Runway Protection Zones.pdf
Exhibit K Bicycle and Pedestrian Facilities.pdf
Exhibit L Boat Slip Siting.pdf
Exhibit M City Parks.pdf
Exhibit N Coastal High Hazard Areas.pdf
Exhibit O Evacuation Routes.pdf
Exhibit P Existing Traffic Lanes - 2009.pdf
Exhibit Q Number of Traffic Lanes - 2025.pdf
Exhibit R Existing Level of Service - 2009.pdf
Exhibit S Level of Service - 2025.pdf
Exhibit T Flood Prone Areas.pdf
Exhibit U Neighborhood Map.pdf
Exhibit V Public Transit Routes.pdf
Exhibit W Commission Zones Map.pdf
Exhibit X Interlocal Service Boundary Agreement Map.pdf
Exhibit Y Legal Description.pdf

Exhibit Z Warranty Deed.pdf
Business Impact Estimate - Ord 16-26 Doster Dr.pdf
Ord 16-26 Small Scale Doster Dr.pdf

A-14-25: DOSTER DRIVE
PARCEL: 7344-03-00-0440 LOCATION MAP

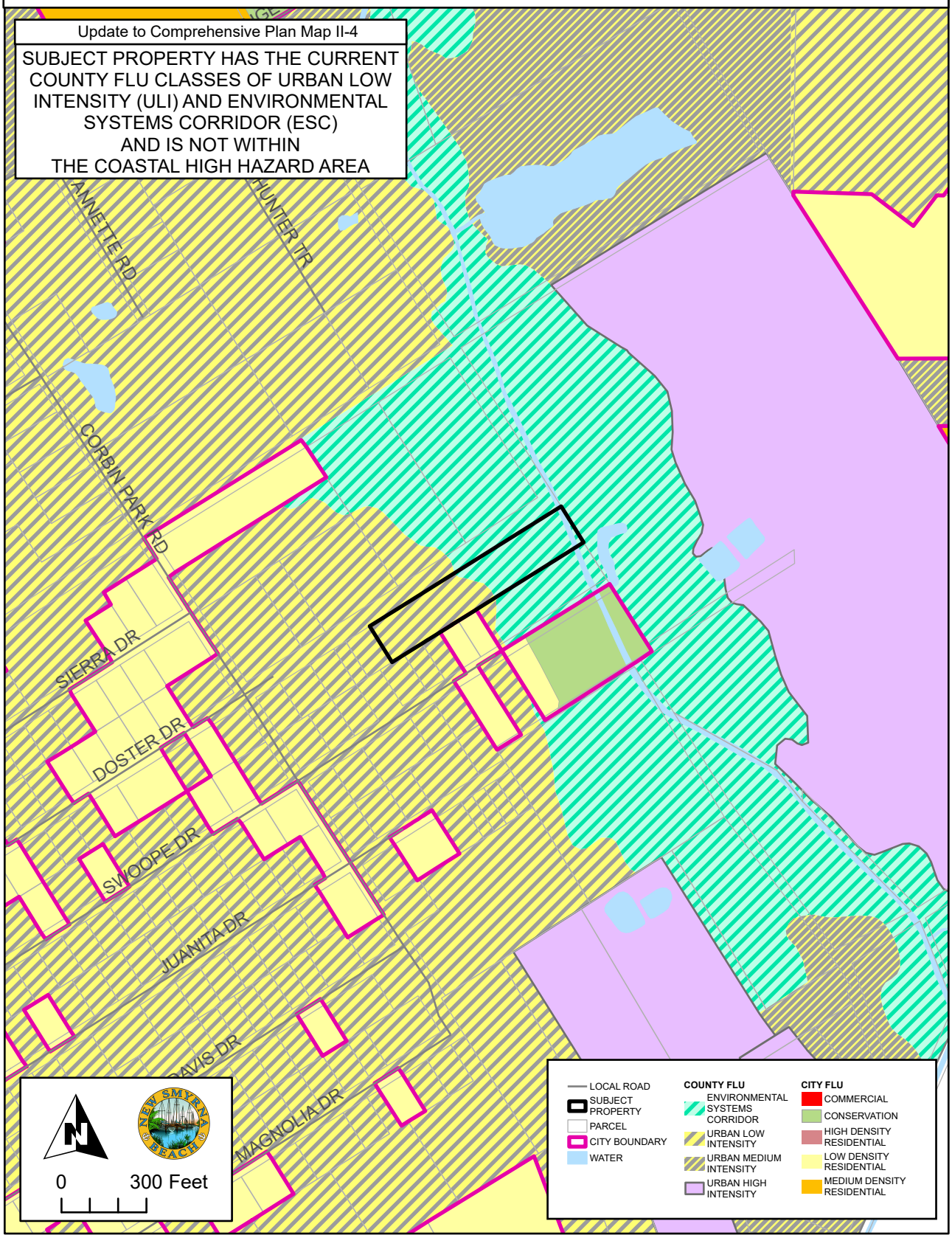


A-14-25: DOSTER DRIVE
PARCEL: 7344-03-00-0440 AERIAL MAP



EXISTING FUTURE LAND USE DESIGNATIONS

A-14-25



Volusia County Future Land Use

Environmental System Corridor (ESC) –

This designation consists of important ecological corridors comprised of environmentally sensitive and ecologically significant lands. Land use activities occurring within these corridors shall not degrade these natural functions and connections. The intention is to provide protected, natural pathways which connect to other protected areas such as parks, conservation lands and water bodies. This inter-connection helps maintain the ecological integrity and ecodiversity of the County's vast natural resources. ESC's shall include significant interconnected natural systems of environmentally sensitive lands, connecting to and including conservation areas where possible. The ESC's are not intended to include pre-existing improved, cultivated, or developed lands unless such lands contain unique or exceptional ecological value. Conservation and silviculture, utilizing Best Management Practices (BMP's), will be the preferred use, however, other compatible passive agricultural activities may also be permitted such as unimproved pasture. The primary consideration of compatible agriculture should be potential adverse impacts to the short and long term ecological stability of the system, as well as adjacent lands and waterways. The Environmental System Corridor configuration displayed on the Future Land Use Map is intended to show a generalized location for the corridor. The actual boundaries will be established based upon site specific information and features.
(1) The maximum residential density shall not exceed one (1) dwelling unit per twenty-five (25) acres.
(2) The maximum Floor Area Ratio shall not exceed ten percent (0.10 FAR).

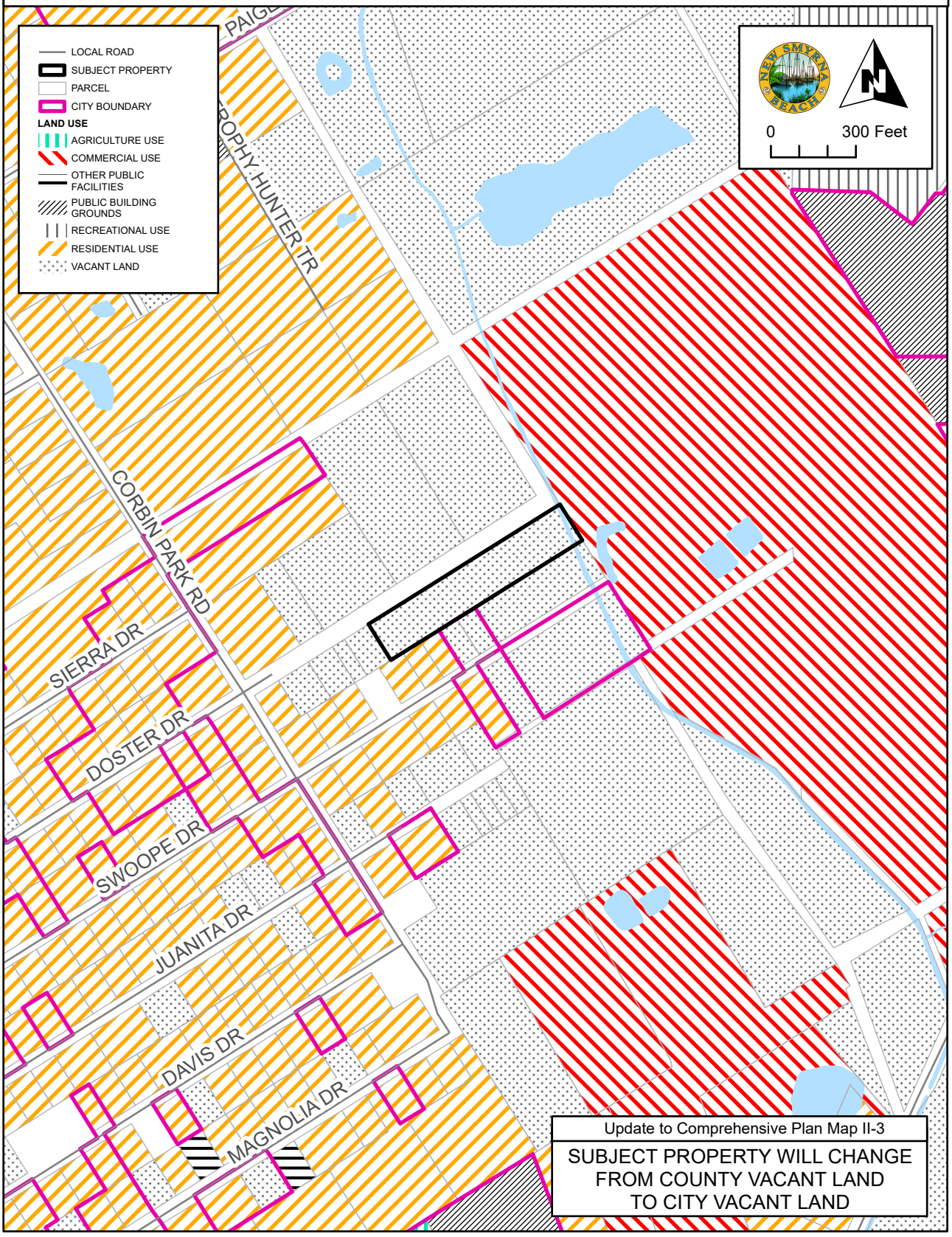
Urban Low Intensity (ULI) – Areas for low density residential dwelling units of up to four (4) dwelling units per acre. In reviewing rezoning requests, the specific density will depend on locational factors, particularly compatibility with adjacent uses and availability of public facilities. This residential designation is generally characterized by single family type housing, e.g., single family detached and attached, cluster and zero lot line. This designation will allow existing agricultural zoning and uses to continue.

The ULI designation is primarily a residential designation but may also allow neighborhood convenience uses (see Shopping Center definition in Chapter 20) and individual office buildings as transitional uses that meet the Comprehensive Plan's location criteria. The commercial intensity shall be limited to no more than a fifty percent Floor Area Ratio (0.50 FAR) and in a manner to be compatible with the allowable residential density. In order to be considered compatible, the commercial development should be oriented to serve adjacent neighborhoods, reflect comparable traffic generation, similar traffic patterns, building scale, landscaping and open space and buffers. Due to the nature of some of the commercial uses, additional landscaping and visual screening shall be provided through the BPUD process when adjacent to low density residential in order to preserve the character of the neighborhood. More intensive neighborhood commercial use shall be reserved to areas designated for Commercial.

All requests for nonresidential uses within one-quarter (¼) mile of another jurisdiction shall require notification to that jurisdiction.

EXISTING LAND USE DESIGNATIONS

A-14-25



CONSERVATION

Maximum allowed Floor Area Ratio (FAR): 0.10

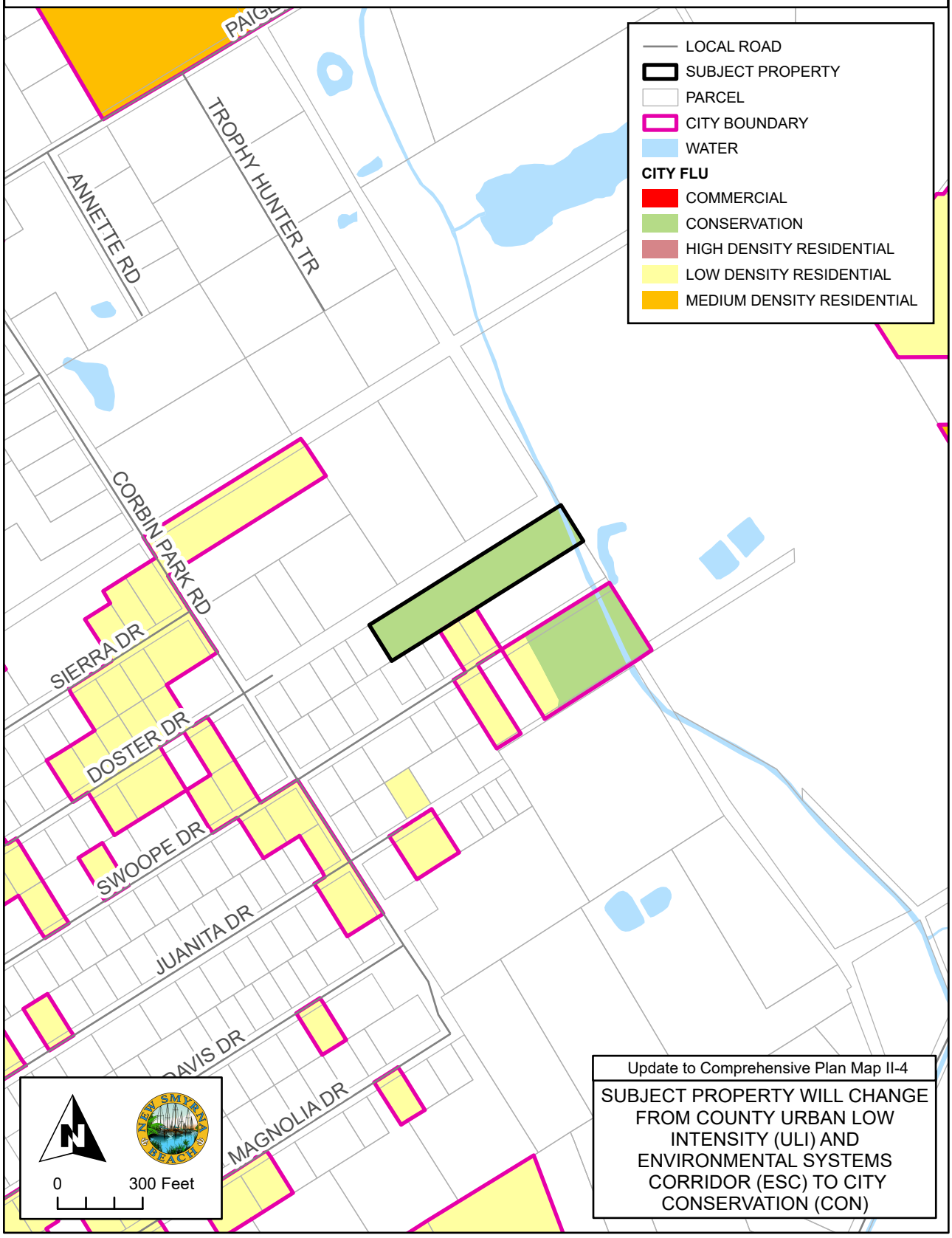
The general boundaries of those areas known to require environmental protection from development have been designated as conservation on the Future Land Use Map.

Designations are based on the best information available. Owners of lands designated as conservation on the Future Land Use Map may petition the City to adjust the boundaries of the conservation zone based upon a qualified biologist's determination of the boundaries made in accordance with §701.07 of the *Land Development Regulations*.

The Planning and Zoning Department shall review the owner's petition and automatically adjust the Future Land Use Map to correctly represent said area and upland buffer. The Local Planning Agency's approval shall be required if the area to be changed is greater than five (5) acres. Environmentally sensitive areas shall include, but not be limited to, jurisdictional wetlands, wetland buffers, uplands included as part of designated environmental corridors, and public beaches.

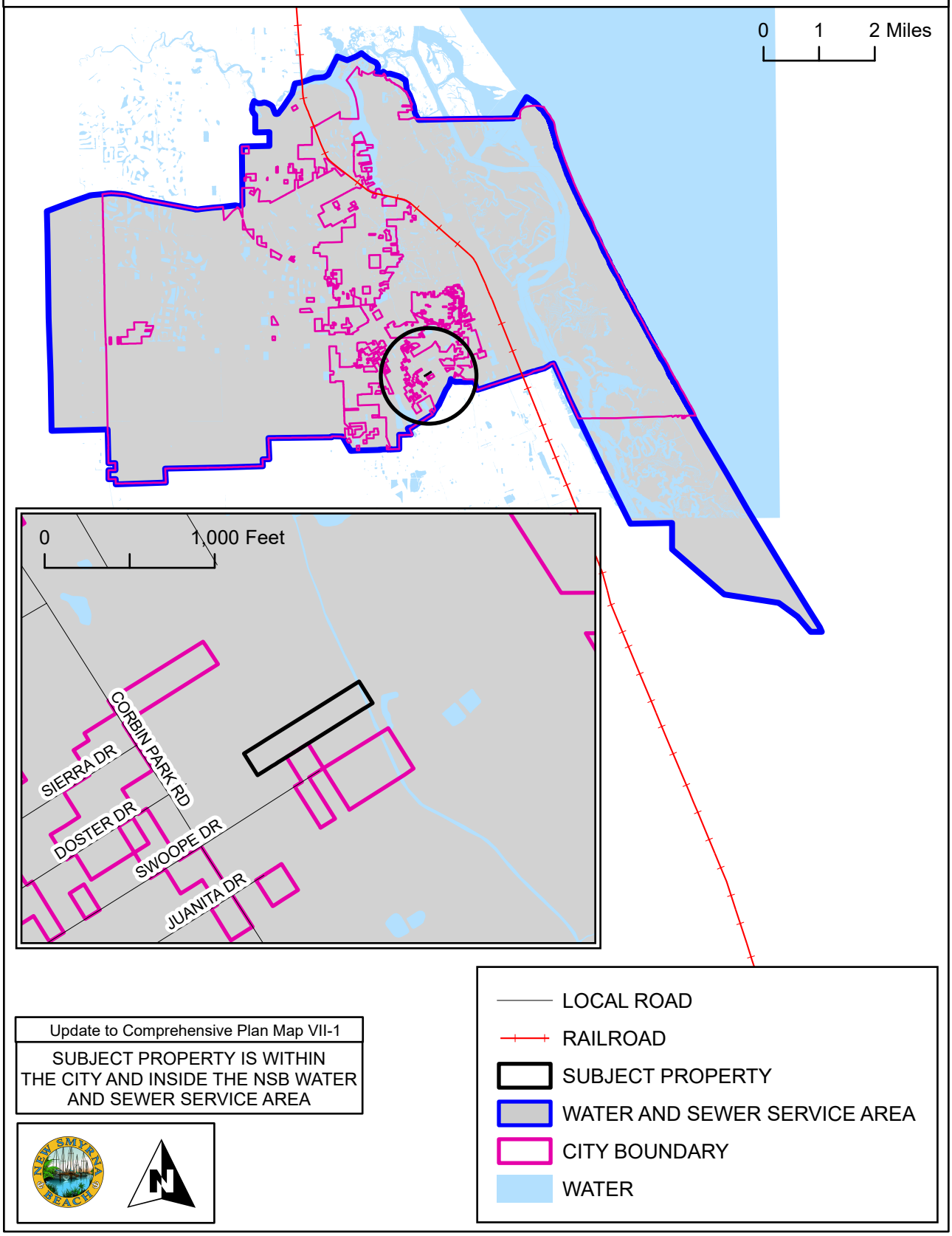
PROPOSED FUTURE LAND USE DESIGNATIONS

A-14-25



WATER AND SEWER SERVICE AREA

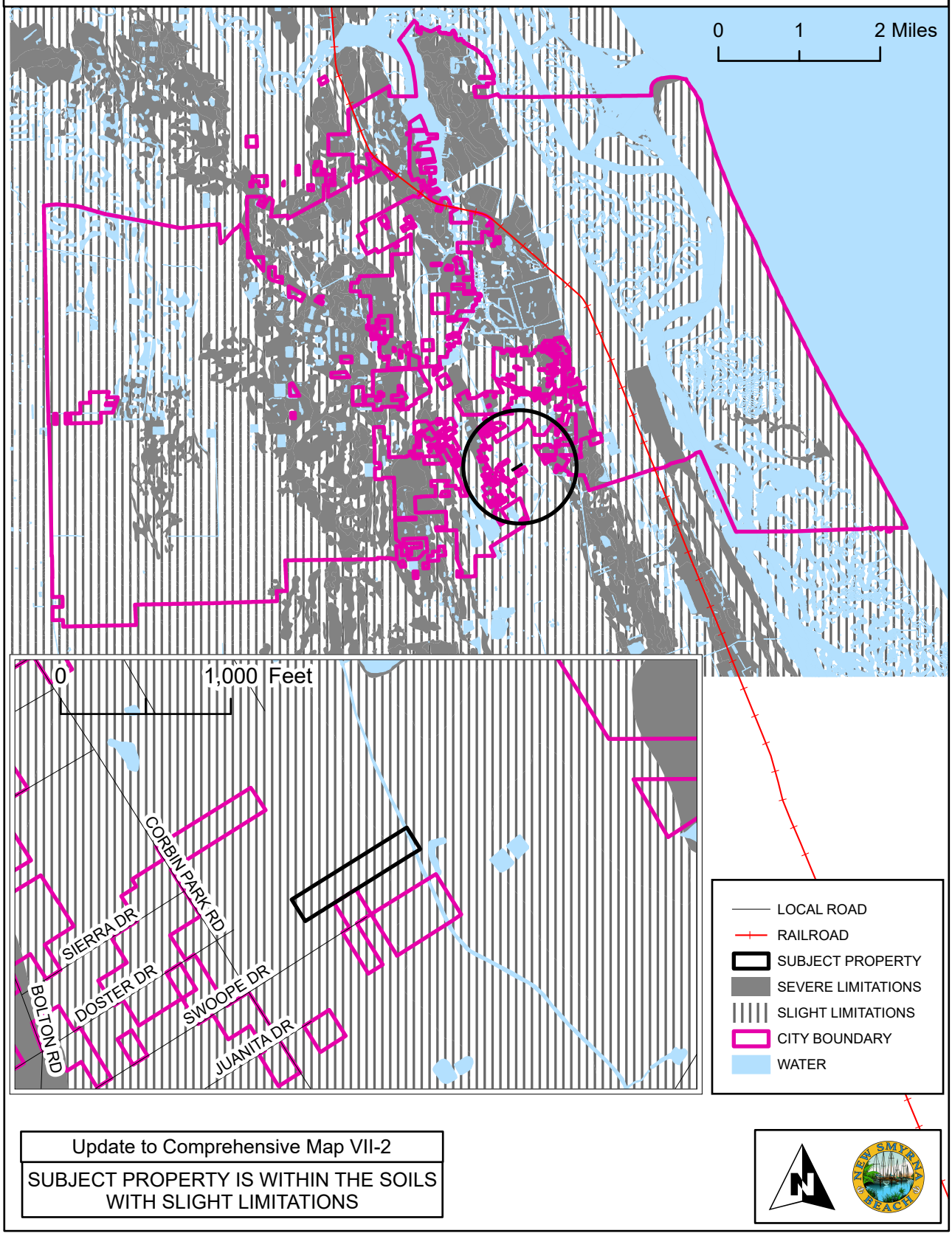
A-14-25



Update to Comprehensive Plan Map VII-1
SUBJECT PROPERTY IS WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA

SOIL LIMITATION FOR SEPTIC SYSTEMS

A-14-25

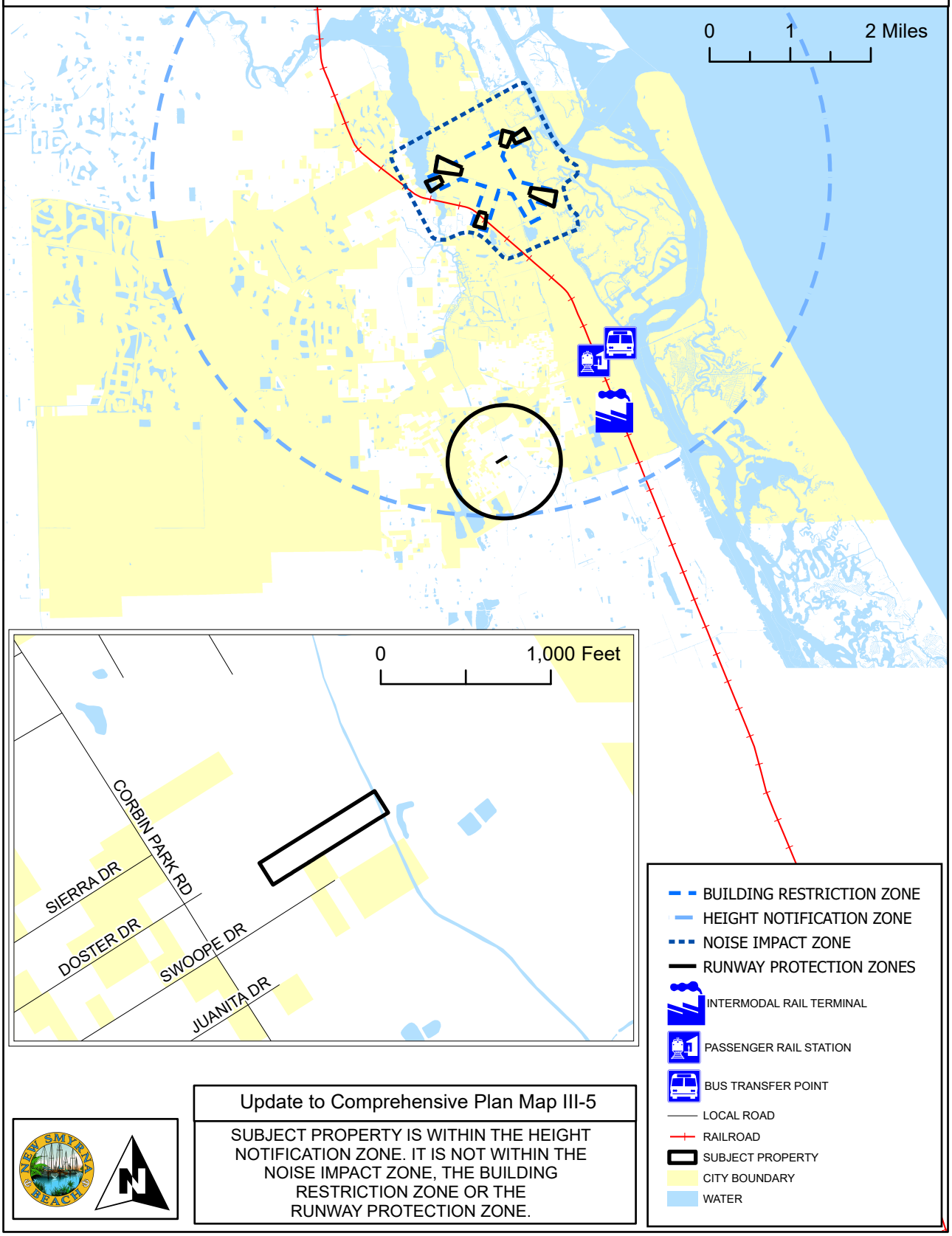


Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

AIRPORT RUNWAY PROTECTION ZONES

A-14-25

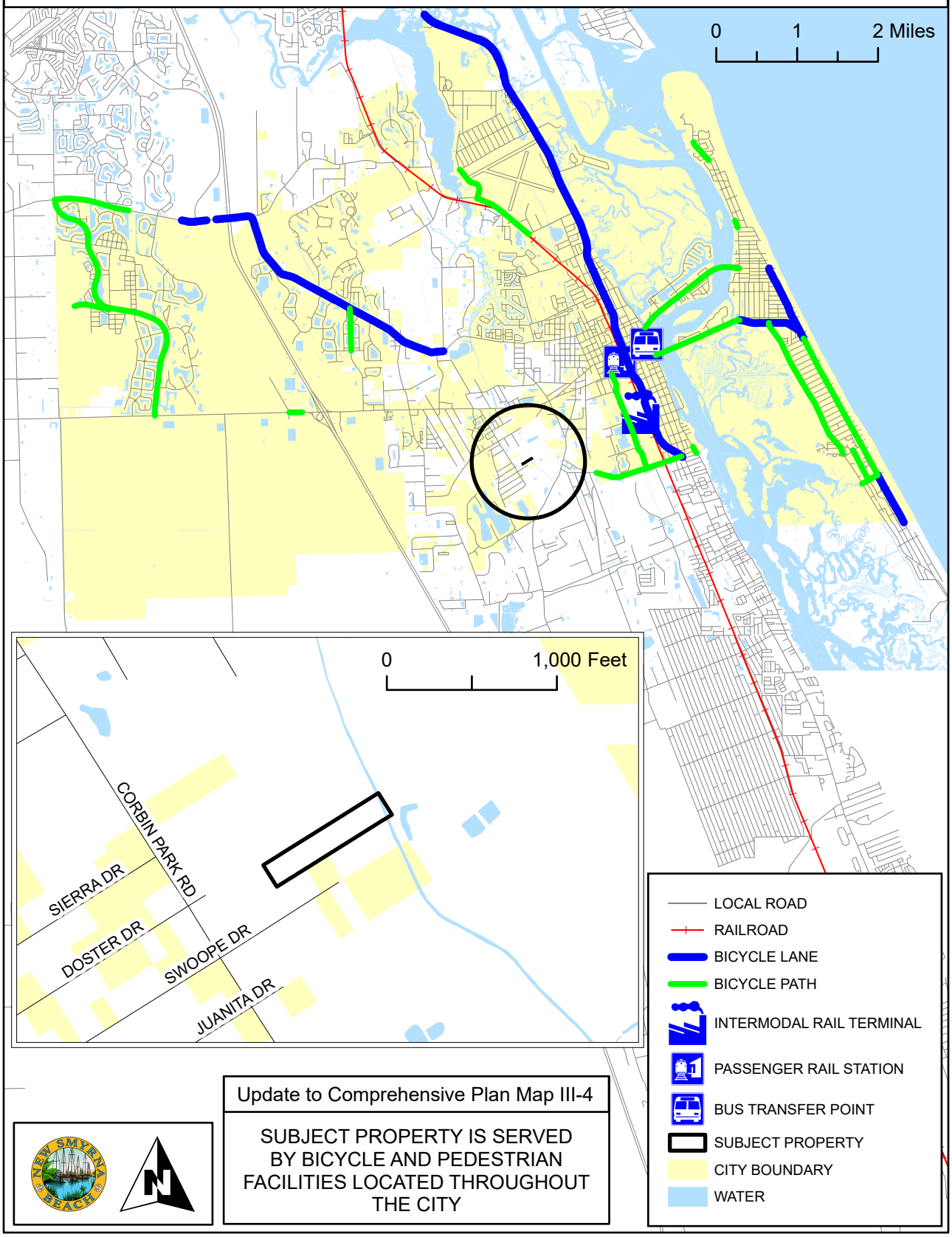


Update to Comprehensive Plan Map III-5

SUBJECT PROPERTY IS WITHIN THE HEIGHT NOTIFICATION ZONE. IT IS NOT WITHIN THE NOISE IMPACT ZONE, THE BUILDING RESTRICTION ZONE OR THE RUNWAY PROTECTION ZONE.

BICYCLE AND PEDESTRIAN FACILITIES

A-14-25

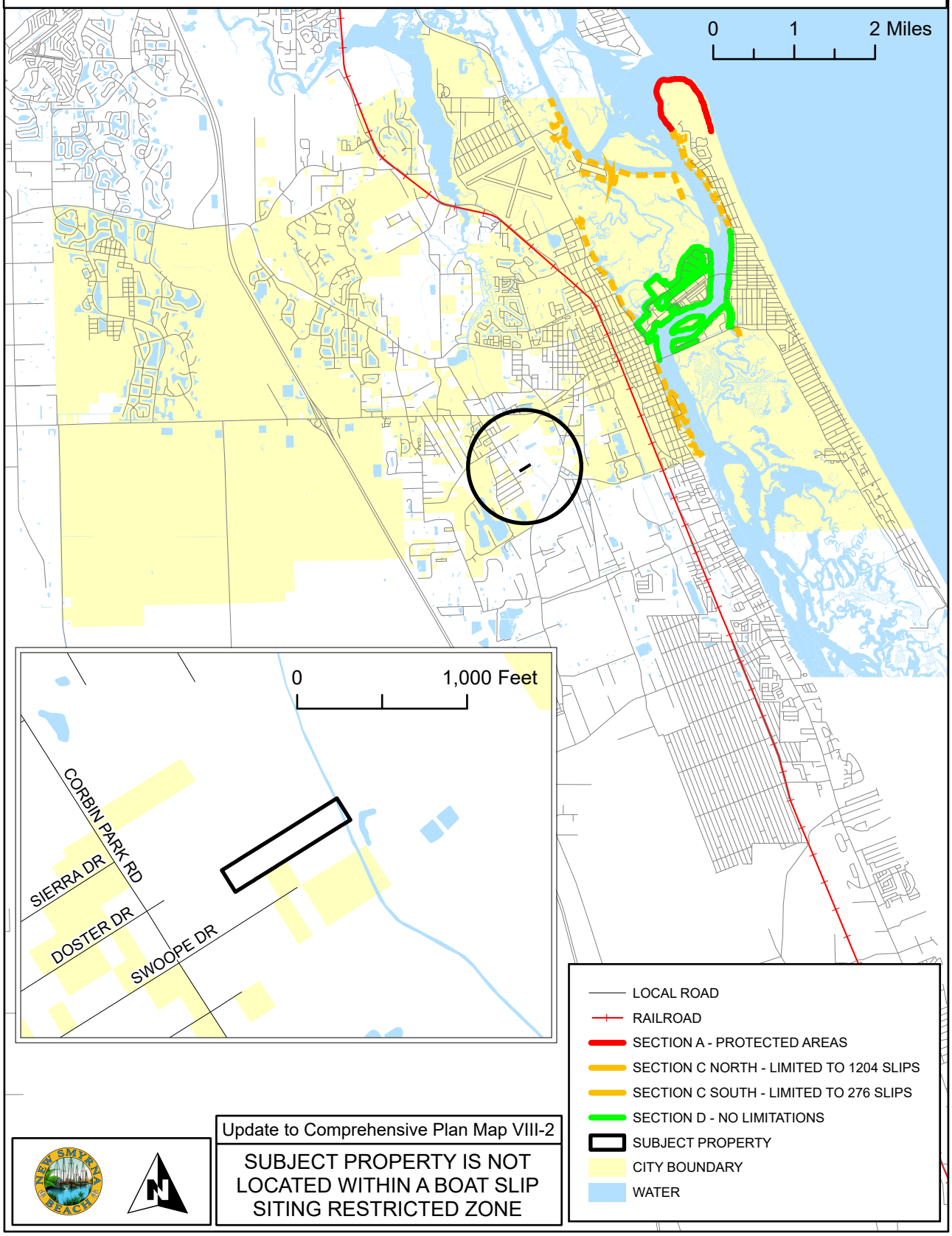


Update to Comprehensive Plan Map III-4

SUBJECT PROPERTY IS SERVED BY BICYCLE AND PEDESTRIAN FACILITIES LOCATED THROUGHOUT THE CITY

BOAT SLIP SITING

A-14-25

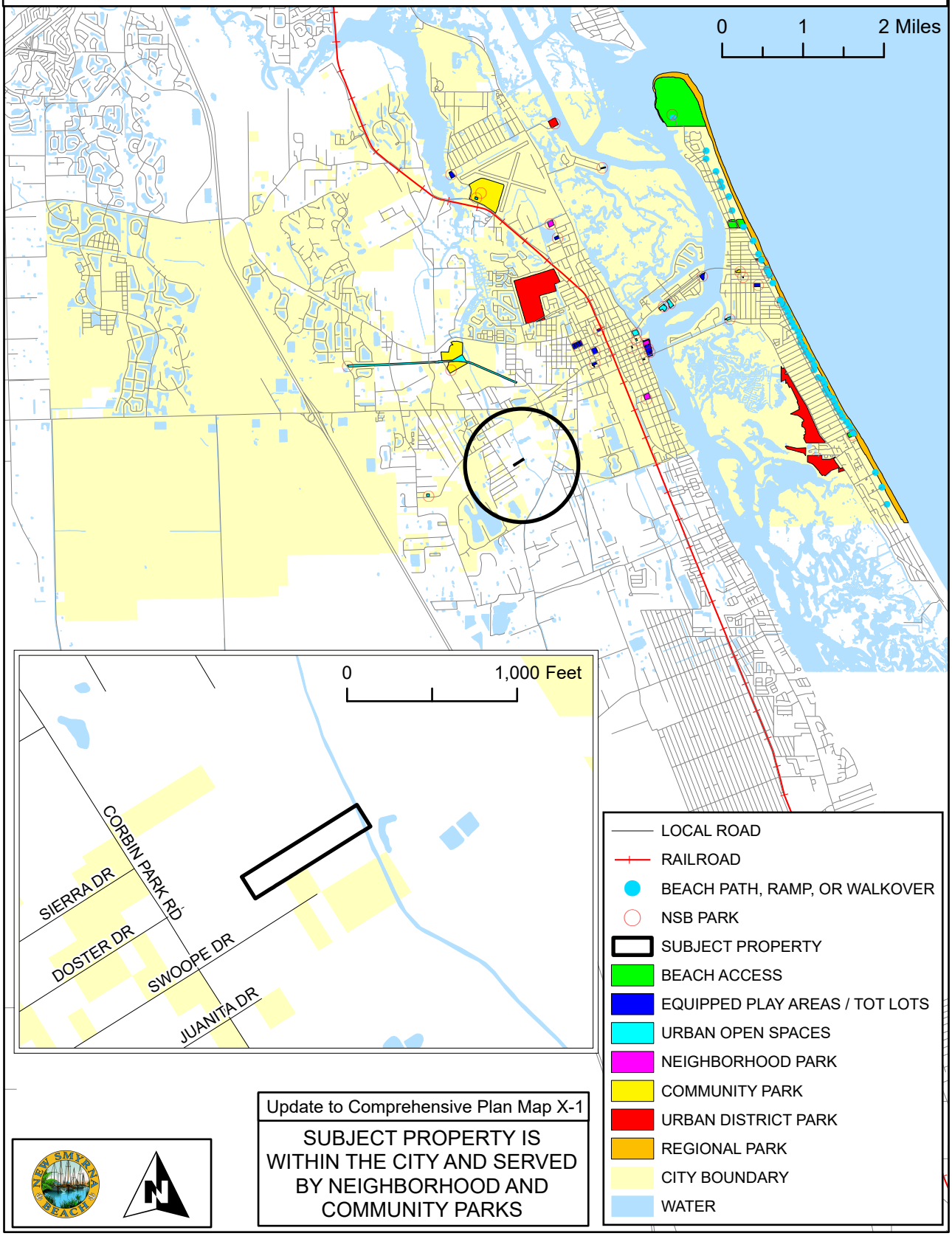


Update to Comprehensive Plan Map VIII-2

SUBJECT PROPERTY IS NOT LOCATED WITHIN A BOAT SLIP SITING RESTRICTED ZONE

CITY PARKS

A-14-25

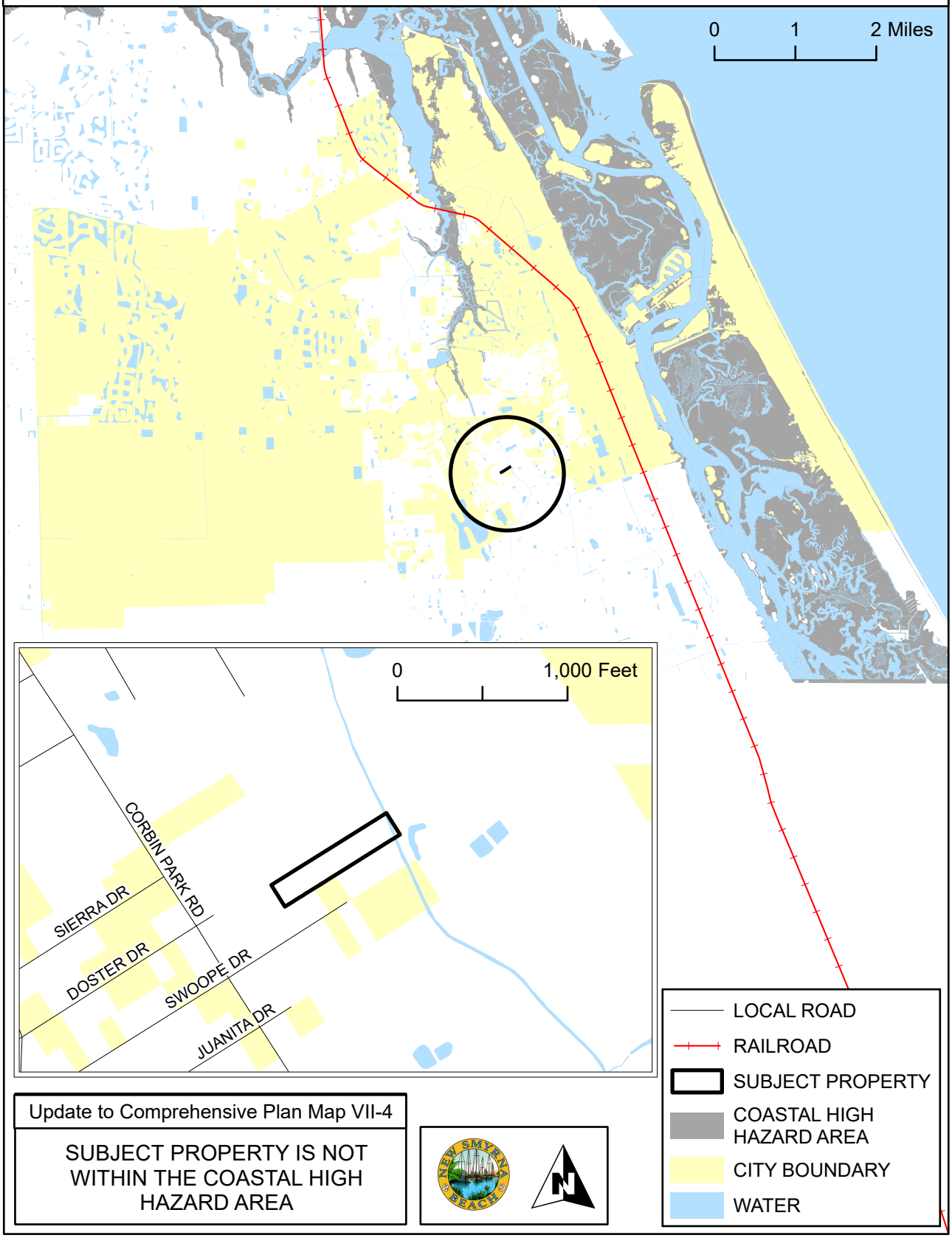


Update to Comprehensive Plan Map X-1

SUBJECT PROPERTY IS WITHIN THE CITY AND SERVED BY NEIGHBORHOOD AND COMMUNITY PARKS

COASTAL HIGH HAZARD AREAS

A-14-25

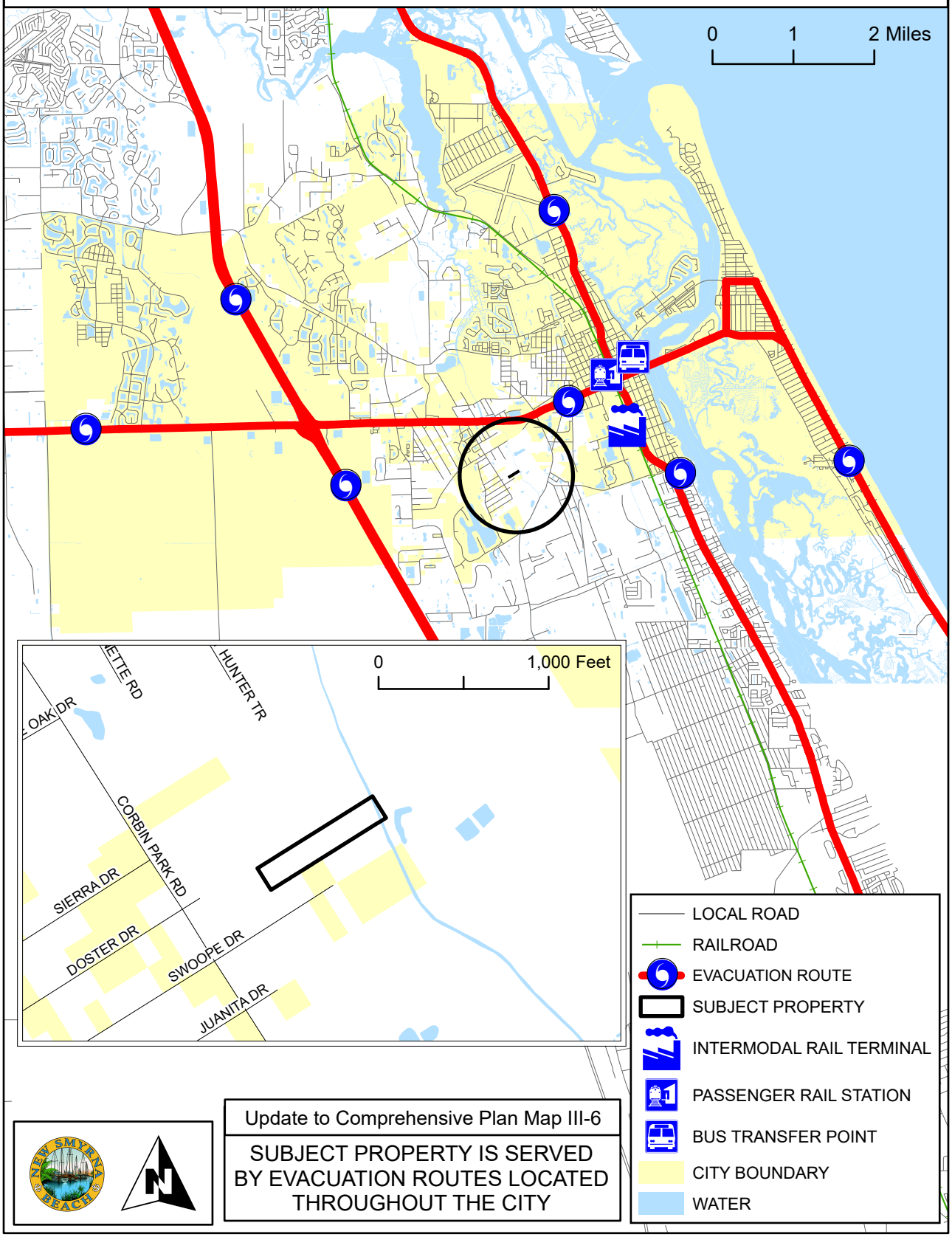


Update to Comprehensive Plan Map VII-4

SUBJECT PROPERTY IS NOT WITHIN THE COASTAL HIGH HAZARD AREA

EVACUATION ROUTES

A-14-25

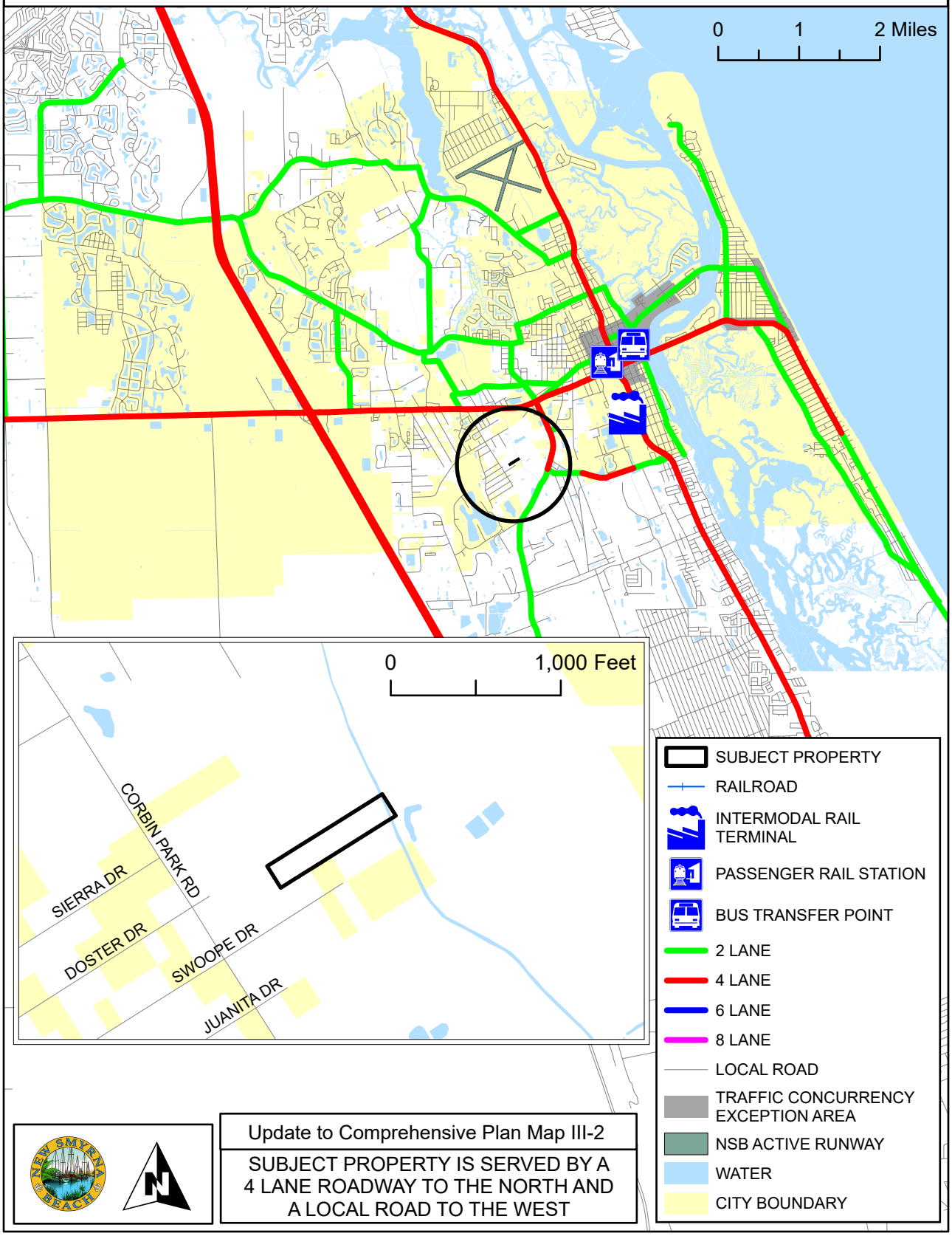


Update to Comprehensive Plan Map III-6

SUBJECT PROPERTY IS SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY

EXISTING TRAFFIC LANES - 2009

A-14-25

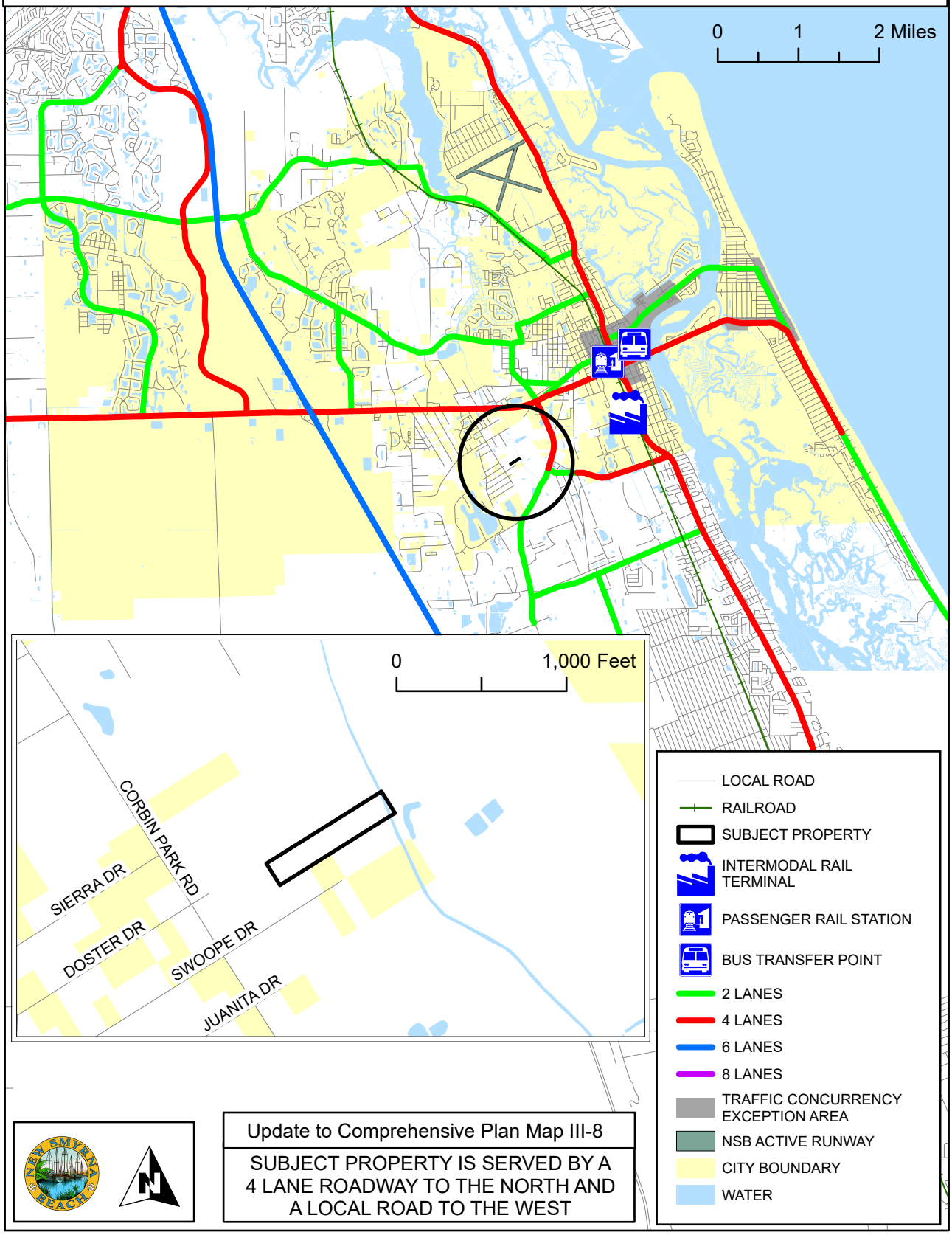


Update to Comprehensive Plan Map III-2

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE WEST

NUMBER OF TRAFFIC LANES - 2025

A-14-25

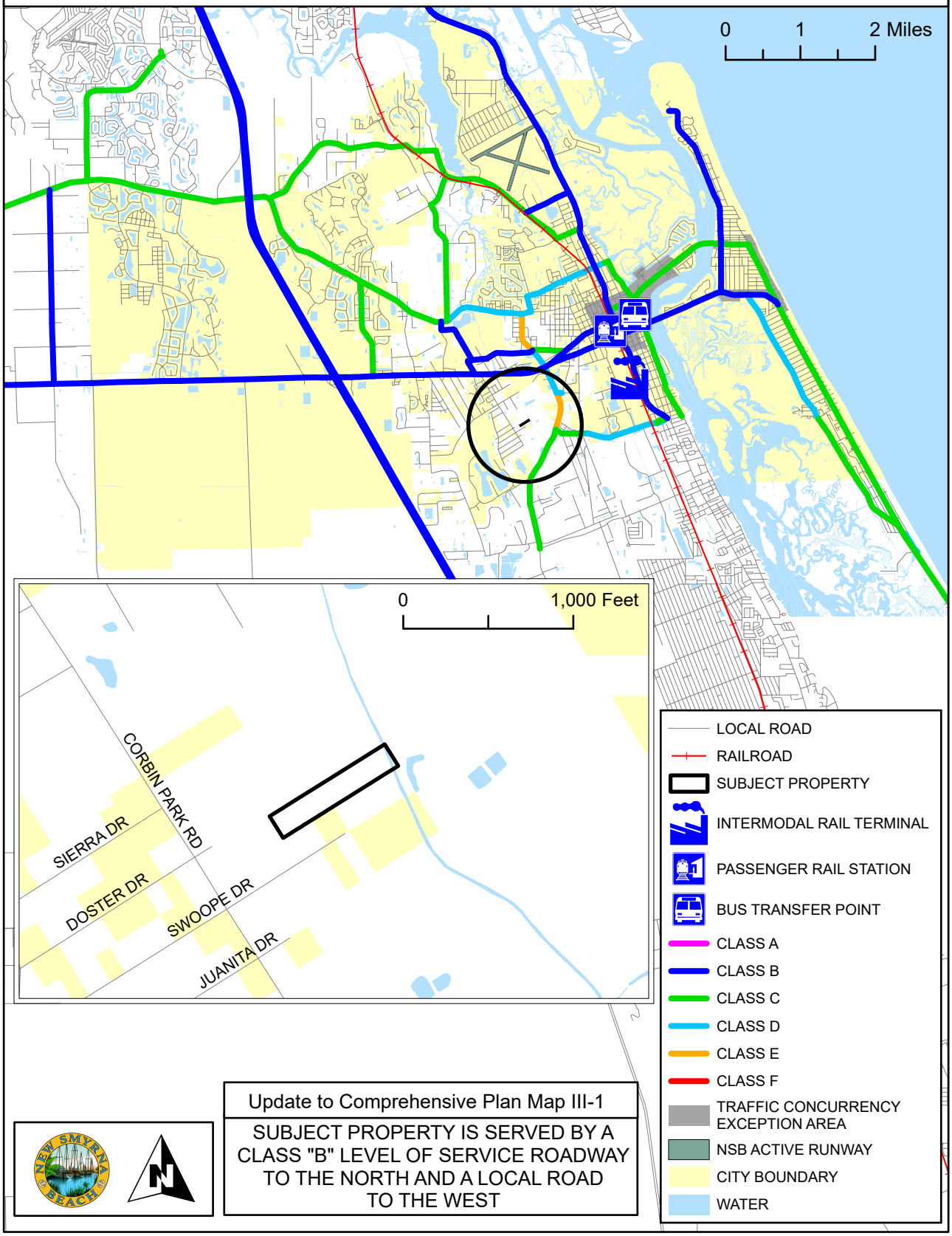


Update to Comprehensive Plan Map III-8

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE WEST

EXISTING LEVEL OF SERVICE - 2009

A-14-25

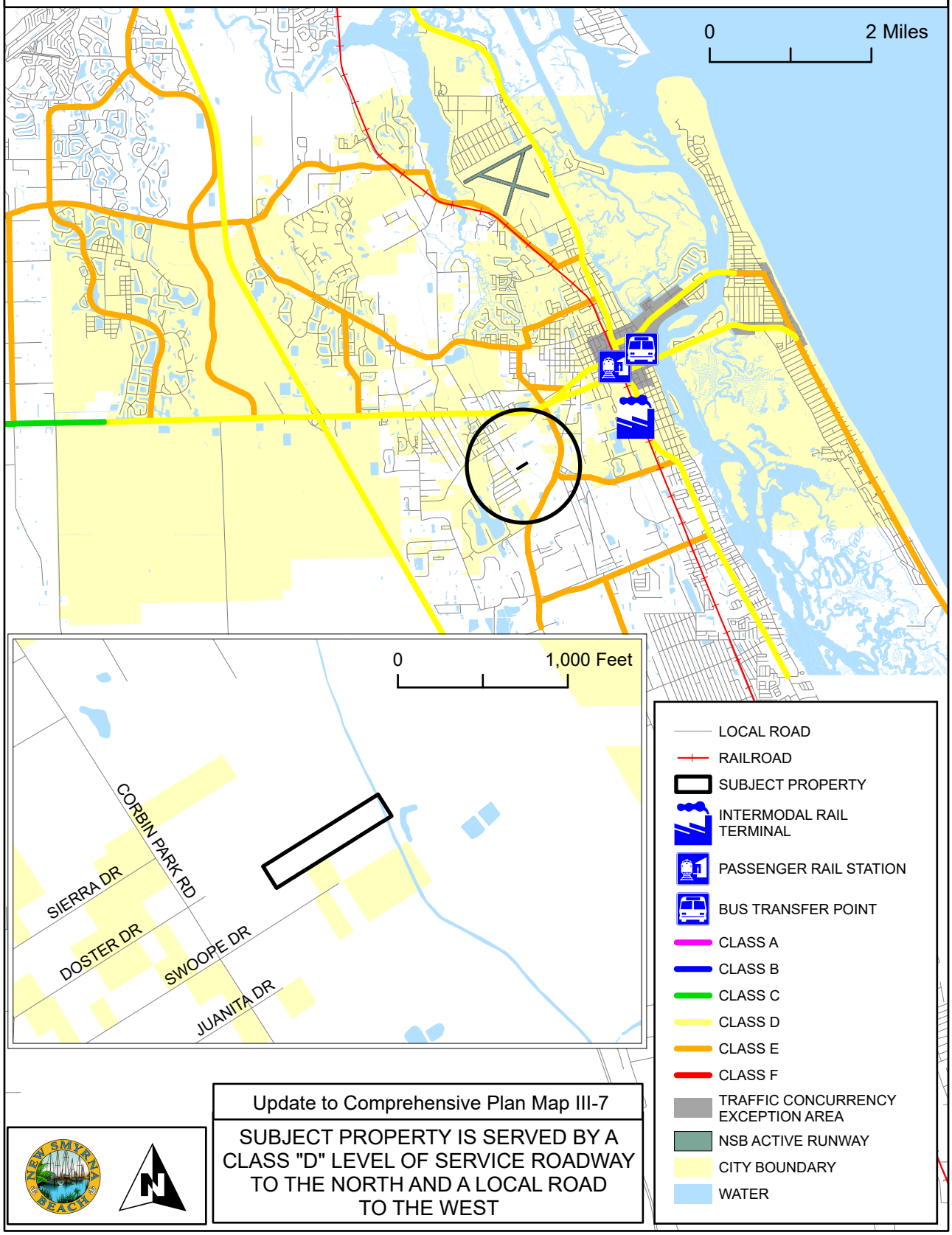


Update to Comprehensive Plan Map III-1

SUBJECT PROPERTY IS SERVED BY A CLASS "B" LEVEL OF SERVICE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE WEST

LEVEL OF SERVICE - 2025

A-14-25

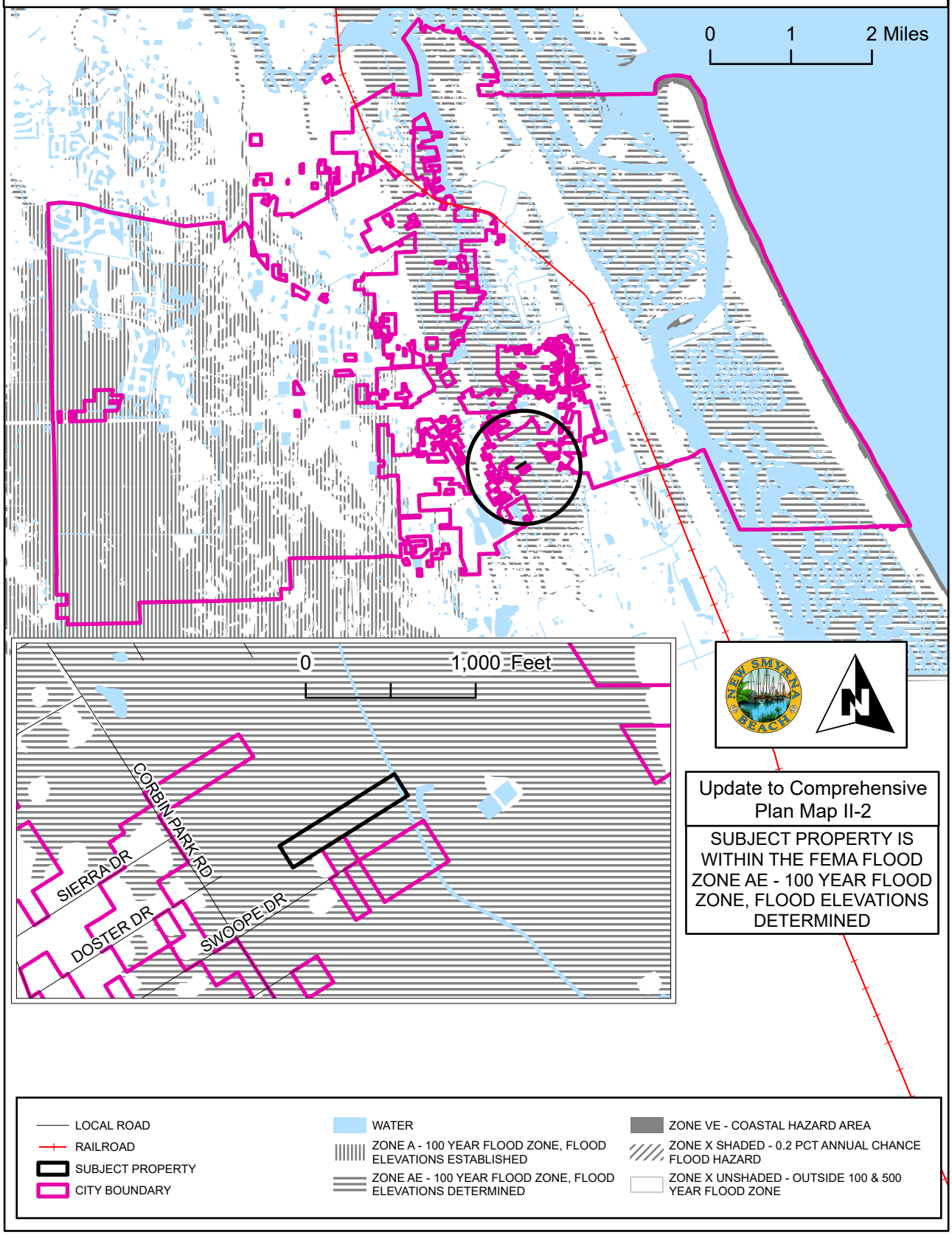


Update to Comprehensive Plan Map III-7

SUBJECT PROPERTY IS SERVED BY A CLASS "D" LEVEL OF SERVICE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE WEST

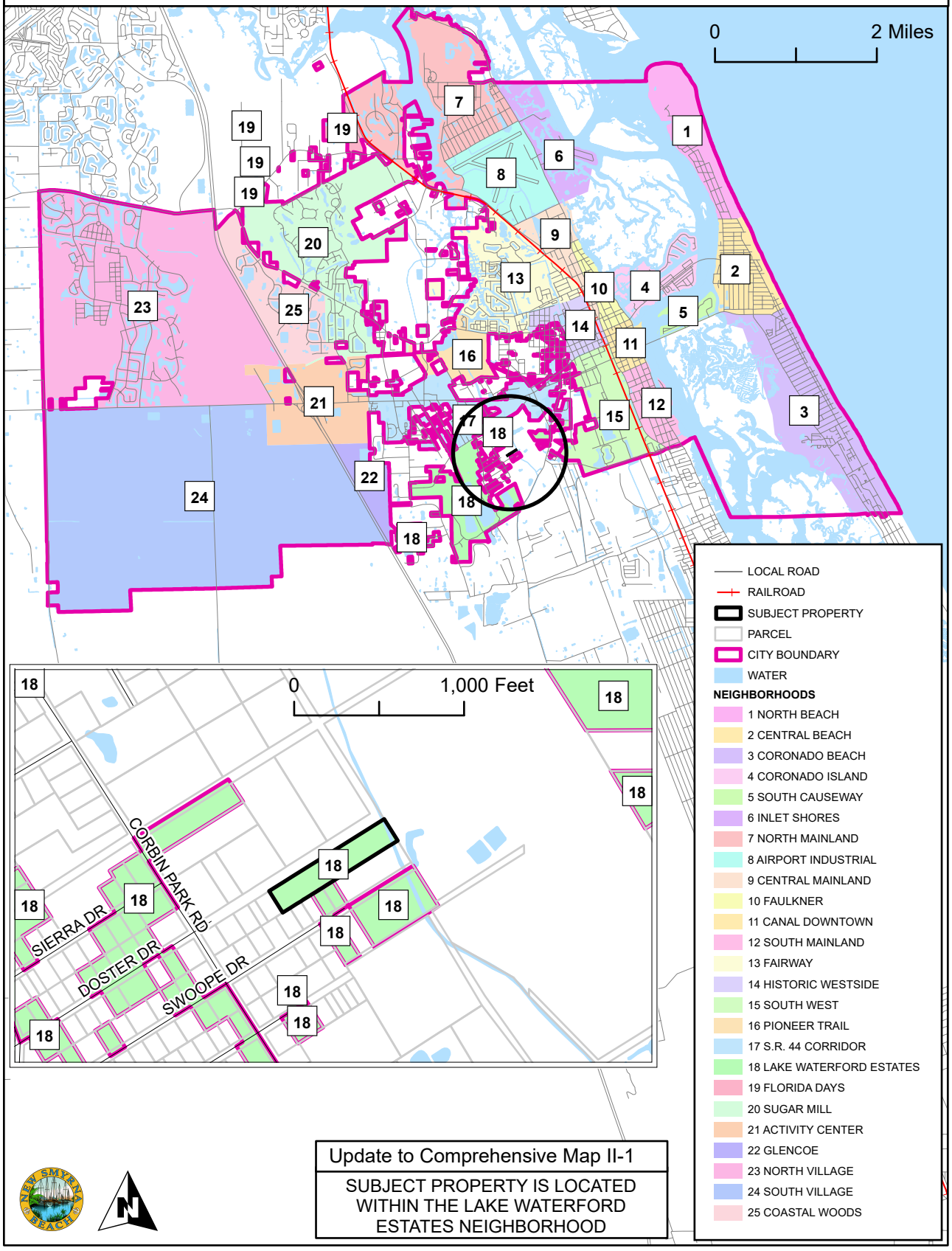
FLOOD PRONE AREAS

A-14-25



NEIGHBORHOODS

A-14-25

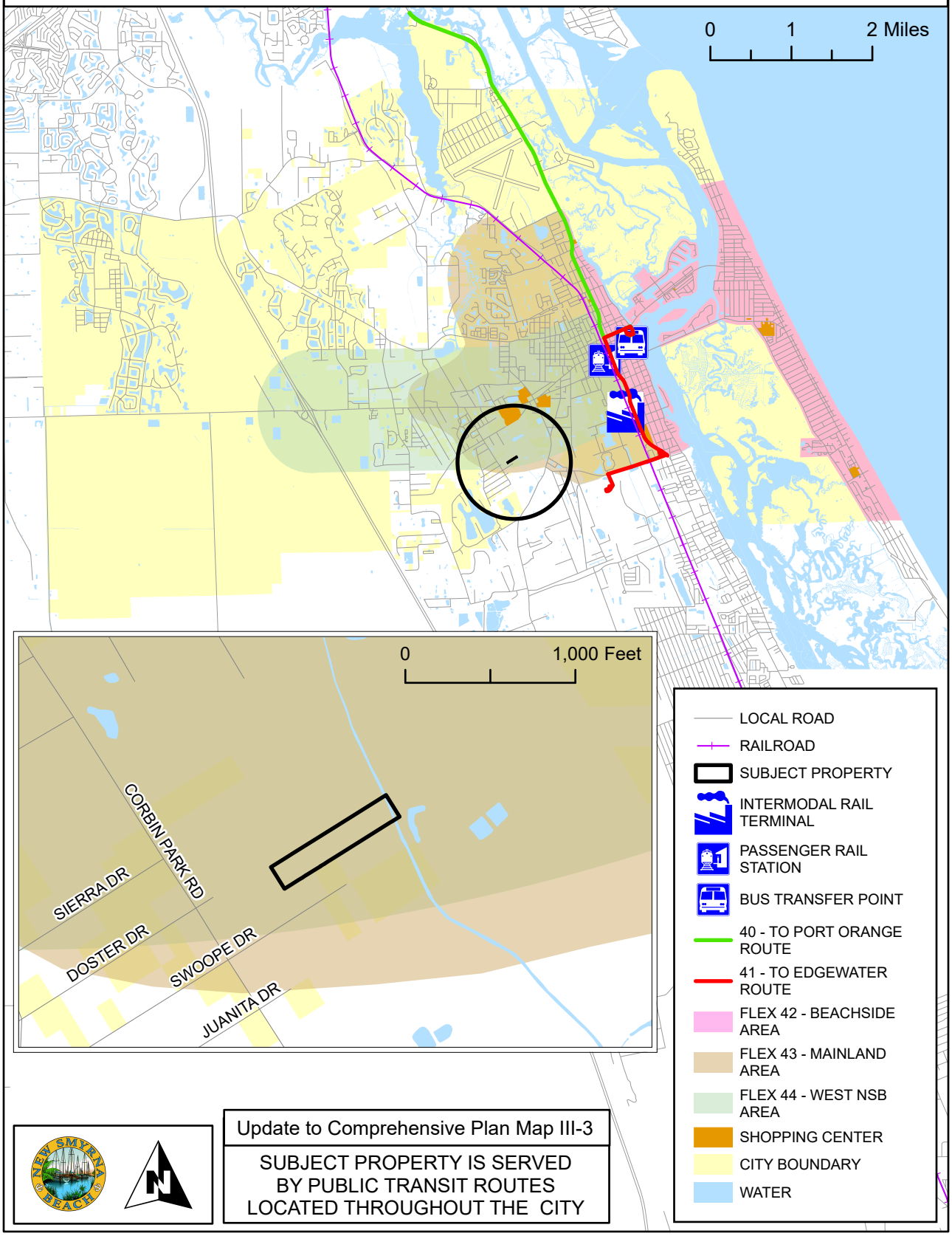


Update to Comprehensive Map II-1

SUBJECT PROPERTY IS LOCATED WITHIN THE LAKE WATERFORD ESTATES NEIGHBORHOOD

PUBLIC TRANSIT ROUTES

A-14-25

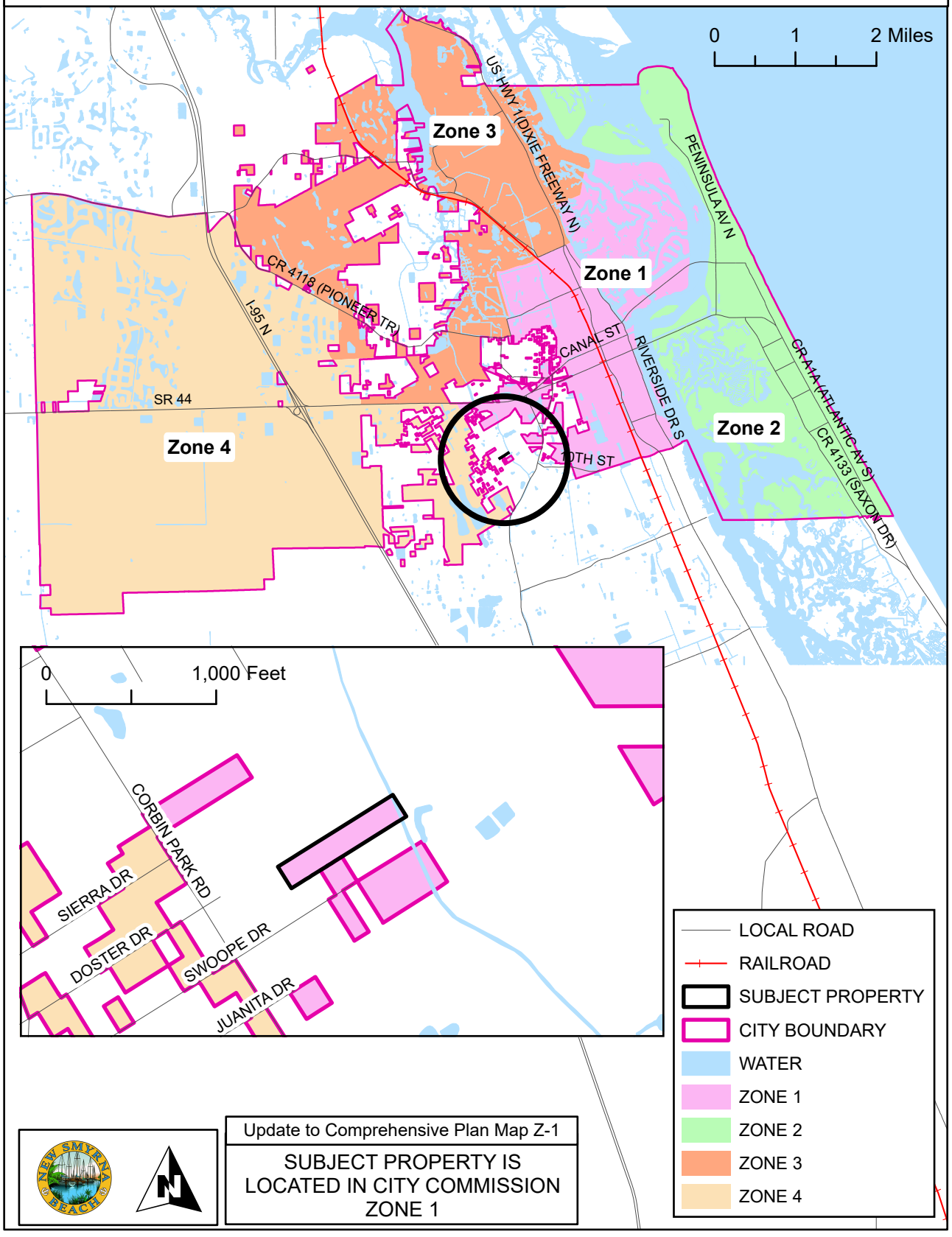


Update to Comprehensive Plan Map III-3

SUBJECT PROPERTY IS SERVED BY PUBLIC TRANSIT ROUTES LOCATED THROUGHOUT THE CITY

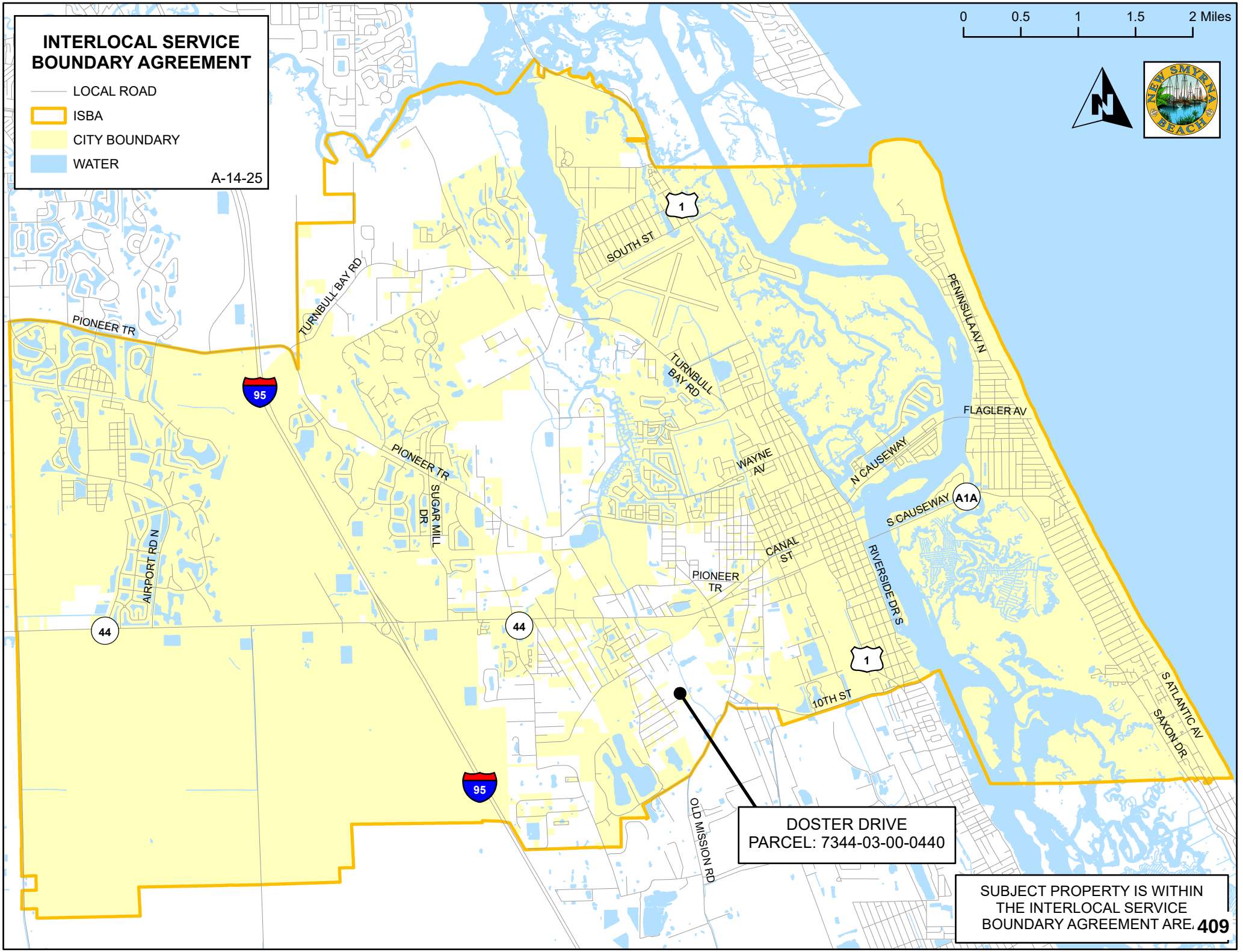
COMMISSION ZONES

A-14-25



Update to Comprehensive Plan Map Z-1

SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 1


INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-14-25
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
PIONEER TR
TURNBULL BAY RD
SOUTH ST
PENINSULA AV N
FLAGLER AV
N CAUSEWAY
WAYNE AV
S CAUSEWAY
A1A
SUGAR MILL DR
AIRPORT RD N
CANAL ST
RIVERSIDE DR S
10TH ST
S ATLANTIC AV
SAXON DR
OLD MISSION RD
95
44
1
DOSTER DRIVE
PARCEL: 7344-03-00-0440
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ARE.
409

LEGAL DESCRIPTION

Address:
Doster Drive, New Smyrna Beach, Florida 32168

Parcel Number
7344-03-00-0440

AltKey Number:
3734599

Metes and Bounds by Professional Title Agency.

LOT(S) 44, 45, 46, AND 47, CORBIN PARK SUBDIVISION UNIT NO. 3, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 23, PAGE 146, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Prepared by and Return To:
Teresa Prompovitch
Professional Title Agency, a division of LandCastle Title Group, LLC
313 Julia Street
New Smyrna Beach, FL 32168

Order No.: N[redacted]

APN/Parcel ID(s): 734403000440

WARRANTY DEED

THIS WARRANTY DEED dated August 22, 2025, by Tad D. Johnston and Crystal G. Johnston, husband and wife, hereinafter called the grantor, to City of New Smyrna Beach, a municipal corporation a corporation existing under the laws of the State of Florida, whose post office address is 210 Sams Avenue, New Smyrna Beach, FL 32168, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten And No/100 Dollars ($10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Volusia, State of Florida, to wit:

Lot (s) 44, 45, 46 and 47, Corbin Park Subdivision Unit No. 3, according to the map or plat thereof, as recorded in Map Book 23, Page 146, of the Public Records of Volusia County, Florida.

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2024.

WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Witness Signature

Teresa A. Prompovitch
Print Name

Address: 313 Julia Street
New Smyrna Beach, FL 32168

Witness Signature

Linda Ramsey
Print Name

Address: 313 Julia St.
NSB FL 32168

Tad D. Johnston

Crystal G. Johnston

Address: 2141 Swoope Drive
New Smyrna Beach, FL 32168

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 22nd day of August, 2025, by Tad D. Johnson and Crystal G. Johnston, to me known to be the person(s) described in or who has/have produced Driver's License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

NOTARY PUBLIC
My Commission Expires:

TERESA A. PROMPOVITCH
Notary Public - State of Florida
Commission # HH 221861
My Comm. Expires Mar 21, 2026
Bonded through National Notary Assn.

Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of New Smyrna Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
ORD 16-26 Small Scale Doster Dr

This Business Impact Estimate is provided in accordance with section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of New Smyrna Beach is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of New Smyrna Beach is, nevertheless providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
    b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
    c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
    d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City of New Smyrna Beach hereby publishes the following information:

[1] *See* Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Ordinance 16-26 amends the City Comprehensive Plan to include the property annexed in Ordinance 15-26 and apply conservation land use.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of New Smyrna Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance, or for which businesses will be financially responsible; and
(c) An estimate of the City of New Smyrna Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):
[*You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of New Smyrna Beach staff solicited comments from businesses in the City of New Smyrna Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of New Smyrna Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.*).

None.

ORDINANCE NO. 16-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH AMENDING THE COMPREHENSIVE PLAN; CHANGING THE FUTURE LAND USE DESIGNATION OF 2.8± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF DOSTER DRIVE, EAST OF CORBIN PARK ROAD, FROM VOLUSIA COUNTY *URBAN LOW INTENSITY* AND *ENVIRONMENTAL SYSTEMS CORRIDOR* TO CITY *CONSERVATION*; PROVIDING FOR AMENDMENT OF THE ASSOCIATED COMPREHENSIVE PLAN MAPS TO SHOW THE AREA INCORPORATED INTO THE CITY; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florida 32168, applicant on behalf of City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168, property owner, has requested the City of New Smyrna Beach amend its Comprehensive Plan, Future Land Use Map II-4 to change the land use designation of 2.8± acres of property generally located south of Paige Avenue, east of Trophy Hunter Trail, from Volusia County *Urban Low Intensity and Environmental Systems Corridor* to City *Conservation*; to amend City Neighborhood Map II-1 to show the subject property is located within the Lake Waterford Estates Neighborhood; to amend Flood Prone Areas Map II-2 to show the subject property is within the FEMA Flood Zone AE; to amend Existing Land Use Designations Map II-3 to show the subject property will change from Volusia County *Vacant Land* to City *Vacant Land* to amend Existing Level of Service-2009 Map III-1 to show the subject property is served by a Class B level of service roadway to the north and a local road to the west; to amend Existing Traffic Lanes-2009 Map III-2 to show the subject property is served by a 4-lane roadway to the north and a local road to the west; to amend Public Transit Routes Map III-3 to show the subject property is served by public transit routes located throughout the City; to amend Bicycle and Pedestrian Facilities Map III-4 to show the subject property is served by bicycle and pedestrian facilities located throughout the City; to amend Airport Runway Protection Zones Map III-5 to show the subject property is within the height notification zone, and is not within the noise impact zone, the building restriction zone, or the runway protection zone; to amend Evacuation Routes Map III-6 to show the subject property is served by evacuation routes located throughout the City; to amend Level of Service-2025 Map III-7 to show the subject property is served by Class D level of service roadway to the north and a local road to the west; to amend Number of Traffic Lanes-2025 Map III-8 to show the subject property is served by a 4-lane roadway to the north and a local road to the west; amend Water & Sewer Service Area Map VII-1 to show the subject property is within the City and inside the New Smyrna Beach water and sewer service area; to amend Soil Limitation for Septic Systems Map VII-2 to show the subject property is within the slight limitations; to amend Coastal High Hazard Area Map VII-4 to show the subject property is not within the Coastal High Hazard Area; to

amend Boat Slip Siting Map VIII-2 to show the subject property is not located within a boat slip siting restricted zone; to amend City Parks Map X-1 to show the subject property is within the City and served by neighborhood and community parks; to amend Commission Zones Map Z-1 to show the subject property is located in City Commission Zone 1; and

WHEREAS, the Planning and Zoning Board, sitting as the City's Local Planning Agency, held an advertised public hearing pursuant to §163.3174(4), Fla. Stat., on January 5, 2026, and by a vote of 5-0 recommended that the City Commission approve the proposed Plan Amendment; and

WHEREAS, the proposed Amendment is from Volusia County *Urban Low Intensity* and *Environmental Systems Corridor* to City *Conservation* land use of FIFTY (50) acres or fewer. §163.3187(1)(a), Fla. Stat.; and

WHEREAS, the proposed Amendment does not involve a text change to the goals, policies, and objectives of the City's Comprehensive Plan, but only propose a land use change to the future land use map for a site-specific small-scale development activity. §163.3187(1)(c), Fla. Stat.; and

WHEREAS, the proposed Amendment is not located within an area of critical state concern. §163.3187(1)(d), Fla. Stat.; and

WHEREAS, the City Commission finds that the proposed Amendment qualifies as a Plan Amendment directly related to small-scale development activities within the meaning of §163.3187(1), Fla. Stat.; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to amend its Comprehensive Plan as more particularly set forth hereinafter.

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

SECTION 1: ***Land Use Amendment.*** That the Comprehensive Plan, **Future Land Use Map II-4**, is hereby amended by changing the land use designations for real property located in Volusia County, Florida, described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

from Volusia County *Urban Low Intensity* and *Environmental Systems Corridor* to City *Conservation.*

SECTION 2: ***Map Amendment.*** That the Comprehensive Plan, **Neighborhoods Map II-1**, is hereby amended to show the subject property is within the Lake Waterford Estates Neighborhood.

SEE EXHIBIT "B" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 3: ***Map Amendment.*** That the Comprehensive Plan, **Flood Prone Area Map II-2**, is hereby amended to show the subject property is within FEMA Flood Zone AE.

SEE EXHIBIT "C" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 4: ***Map Amendment.*** That the Comprehensive Plan, **Existing Land Use Designations Map II-3**, is hereby amended to show the subject property will change from County *Vacant Land* to City *Vacant Land.*

SEE EXHIBIT "D" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 5: ***Map Amendment.*** That the Comprehensive Plan, **Existing Level of Service-2009 Map III-1**, is hereby amended to show the subject property is served by a Class B level of service roadway to the north and a local road to the west.

SEE EXHIBIT "E" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 6: ***Map Amendment.*** That the Comprehensive Plan, **Existing Traffic Lanes-2009 Map III-2,** is hereby amended to show the subject property is served by a 4-lane roadway to the north and a local road to the west.

SEE EXHIBIT "F" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 7: ***Map Amendment.*** That the Comprehensive Plan, **Public Transit Routes Map III-3,** is hereby amended to show the subject property is served by public transit routes located throughout the City.

SEE EXHIBIT "G" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 8: ***Map Amendment.*** That the Comprehensive Plan, **Bicycle and Pedestrian Facilities Map III-4**, is hereby amended to show the subject property is served by bicycle and pedestrian facilities located throughout the City.

SEE EXHIBIT "H" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 9: ***Map Amendment.*** That the Comprehensive Plan, **Airport Runway Protection Zones Map III-5**, is hereby amended to show the subject property is within the height notification zone, and is not within the noise impact zone, the building restriction zone, or the runway protection zone.

SEE EXHIBIT "I" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 10: ***Map Amendment.*** That the Comprehensive Plan, **Evacuation Routes Map III-6**, is hereby amended to show the subject property is served by evacuation routes located throughout the City.

SEE EXHIBIT "J" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 11: ***Map Amendment.*** That the Comprehensive Plan, **Level of Service-2025 Map III-7**, is hereby amended to show the subject property is served by a Class D level of service roadway to the north and a local road to the west.

SEE EXHIBIT "K" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 12: ***Map Amendment.*** That the Comprehensive Plan, **Number of Traffic Lanes-2025 Map III-8**, is hereby amended to show the subject property is served by a 4-lane roadway to the north and a local road to the west.

SEE EXHIBIT "L" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 13: ***Map Amendment.*** That the Comprehensive Plan, **Water and Sewer Service Area Map VII-1** is hereby amended to show the subject property is within the City and inside the New Smyrna Beach Water and Sewer Service Area.

SEE EXHIBIT "M" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 14: ***Map Amendment.*** That the Comprehensive Plan, **Soil Limitation for Septic Systems Map VII-2** is hereby amended to show the subject property is within the soils with slight limitations.

SEE EXHIBIT "N" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 15: ***Map Amendment.*** That the Comprehensive Plan, **Coastal High Hazard Areas Map VII-4** is hereby amended to show the subject property is not within the Coastal High Hazard Area.

SEE EXHIBIT "O" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 16: ***Map Amendment.*** That the Comprehensive Plan, **Boat Slip Siting Map VIII-2** is hereby amended to show the subject property is not located within a boat slip siting restricted zone.

SEE EXHIBIT "P" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 17: ***Map Amendment.*** That the Comprehensive Plan, **City Parks Map X-1** is hereby amended to show the subject property is within the City and served by neighborhood and community parks.

SEE EXHIBIT "Q" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 18: ***Map Amendment.*** That the Comprehensive Plan, **Commission Zones Map Z-1** is hereby amended to show the subject property is located in City Commission Zone 1.

SEE EXHIBIT "R" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 19: ***Public Hearing.*** It is hereby found that a public hearing held by the City Commission to consider adoption of this ordinance on February 10, 2026, at 5:30 p.m. in the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida, after notice published at least 10 days prior to hearing is deemed to comply with §§163.3187(2) and 166.041(3)(a), Fla. Stat.

SECTION 20: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 21: ***Administrative Correction of Scrivener's Errors.*** The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 22: ***Effective Date.*** That this ordinance shall become effective THIRTY ONE (31) days following adoption by the City Commission unless a challenge is filed under §163.3187(5), Fla. Stat. In the event that the ordinance is challenged within THIRTY (30) days after adoption, it shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the adopted small scale development amendment is in compliance. §163.3187(5), Fla. Stat. In addition, this ordinance shall not become effective until Volusia Growth Management Commission has issued a Certificate of Consistency. No development orders, development permits, or land uses dependent on these amendments may be issued or commence before they have become effective.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 1/20/2026

EXHIBIT "A"

EXISTING FUTURE LAND USE DESIGNATIONS

A-14-25

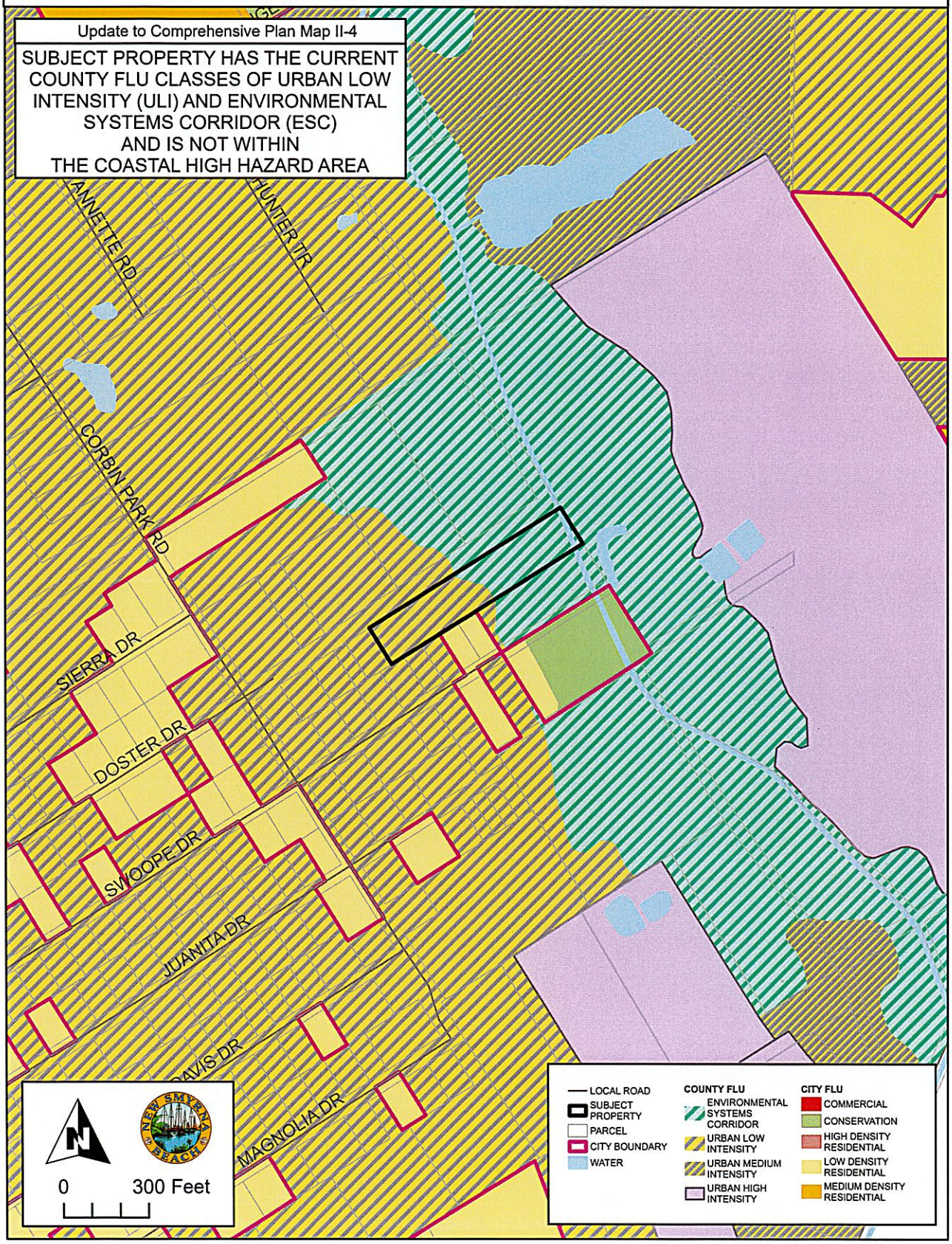


EXHIBIT "A"

PROPOSED FUTURE LAND USE DESIGNATIONS

A-14-25

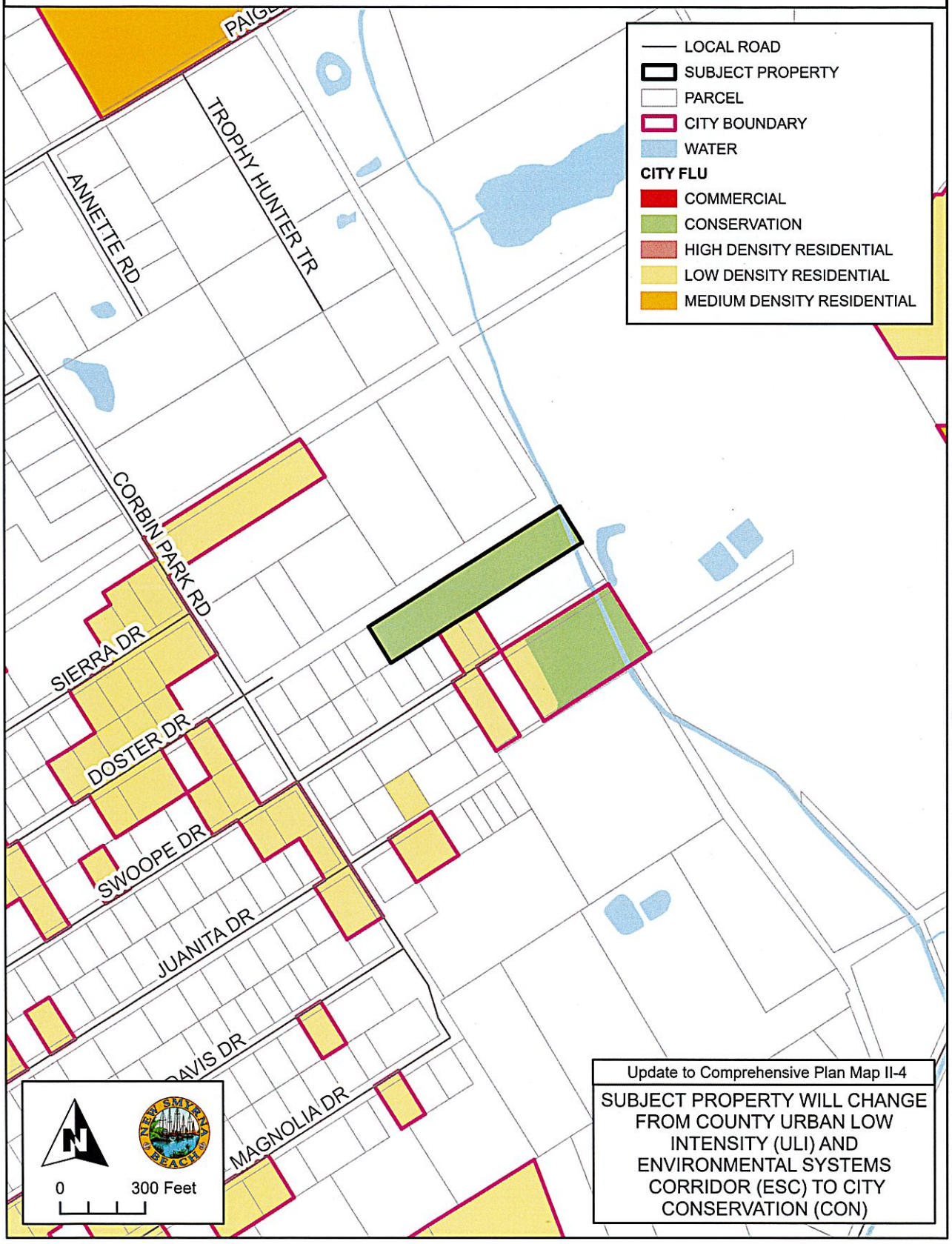
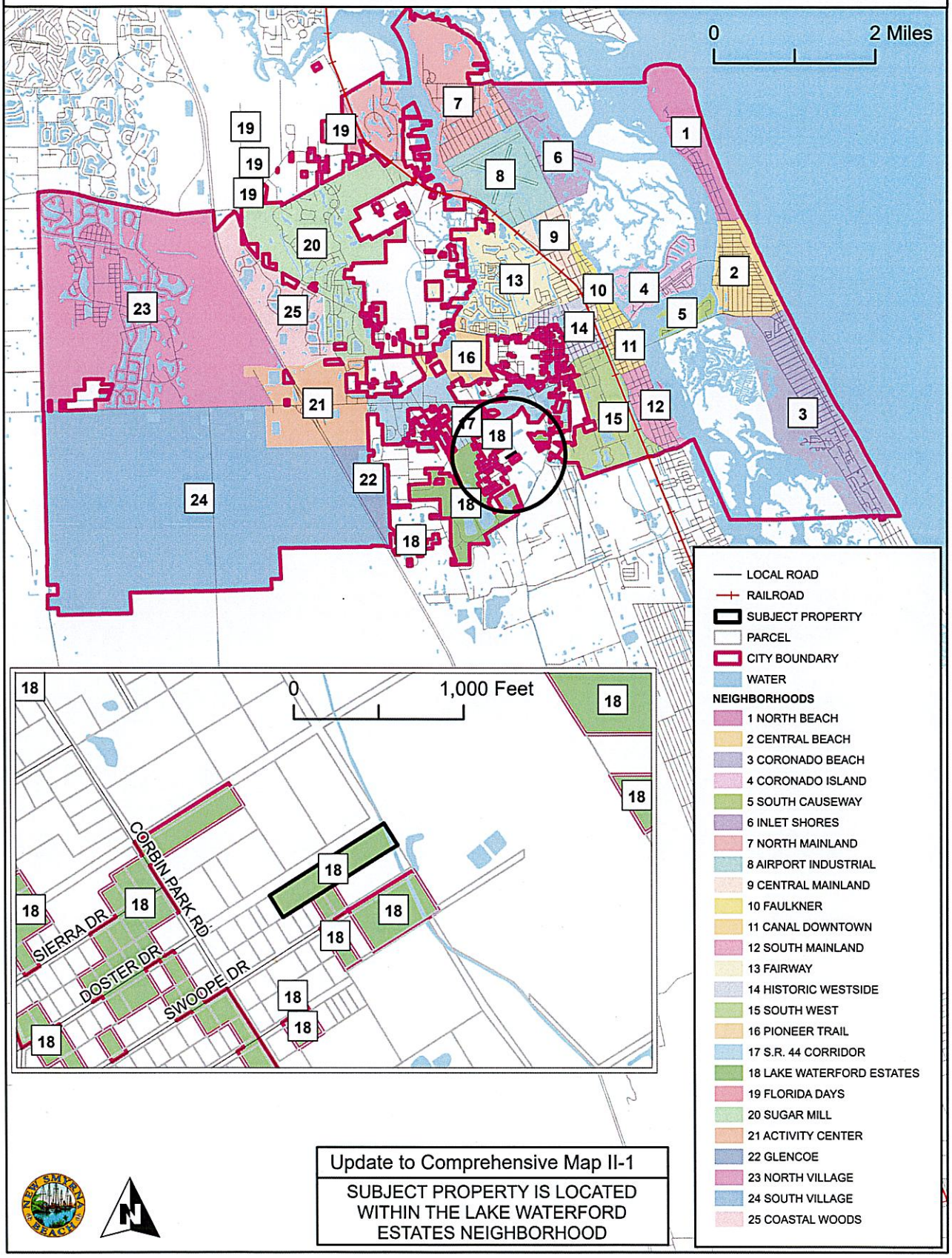


EXHIBIT "B"

NEIGHBORHOODS

A-14-25



Update to Comprehensive Map II-1

SUBJECT PROPERTY IS LOCATED WITHIN THE LAKE WATERFORD ESTATES NEIGHBORHOOD

EXHIBIT "C"

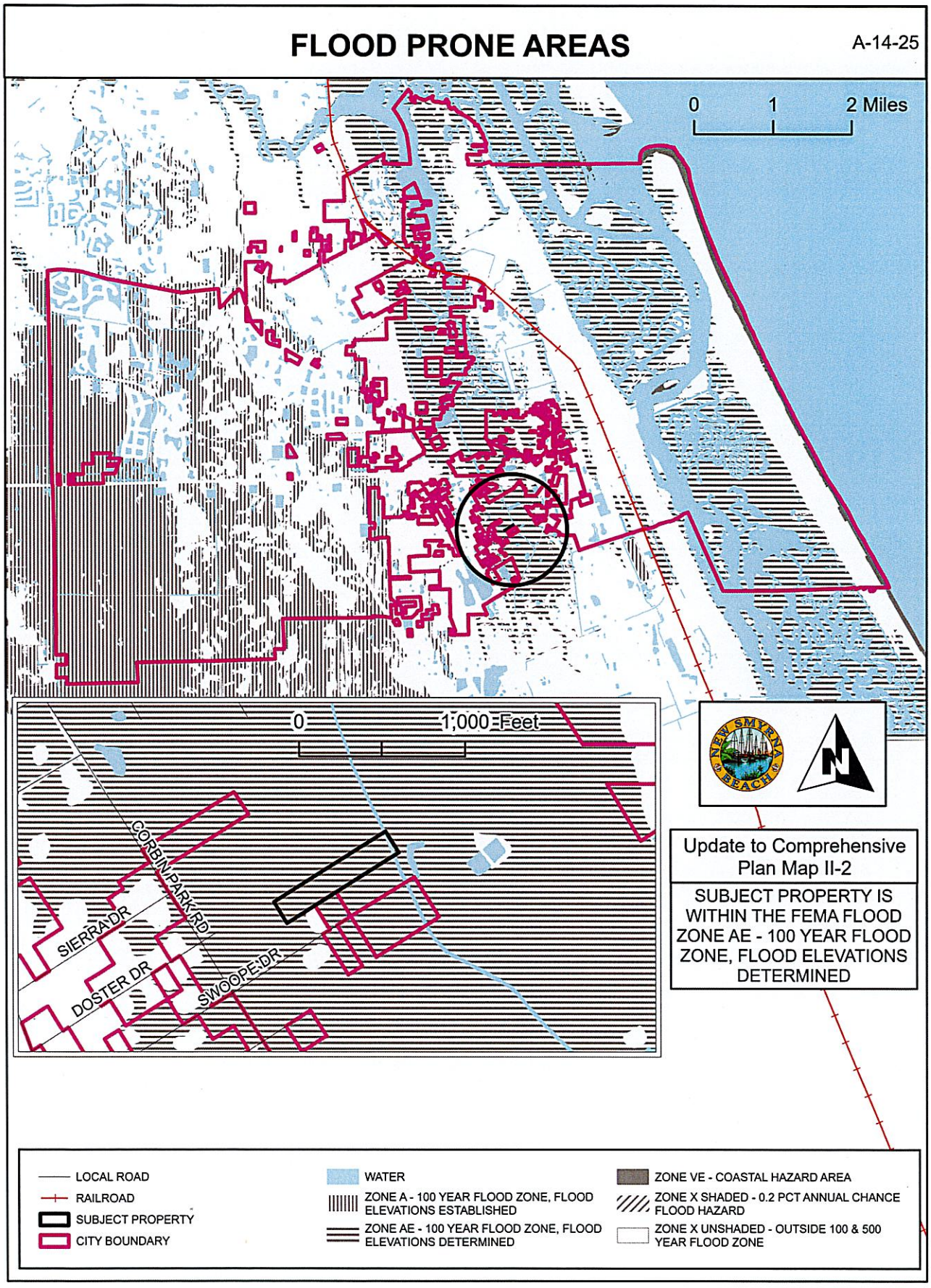
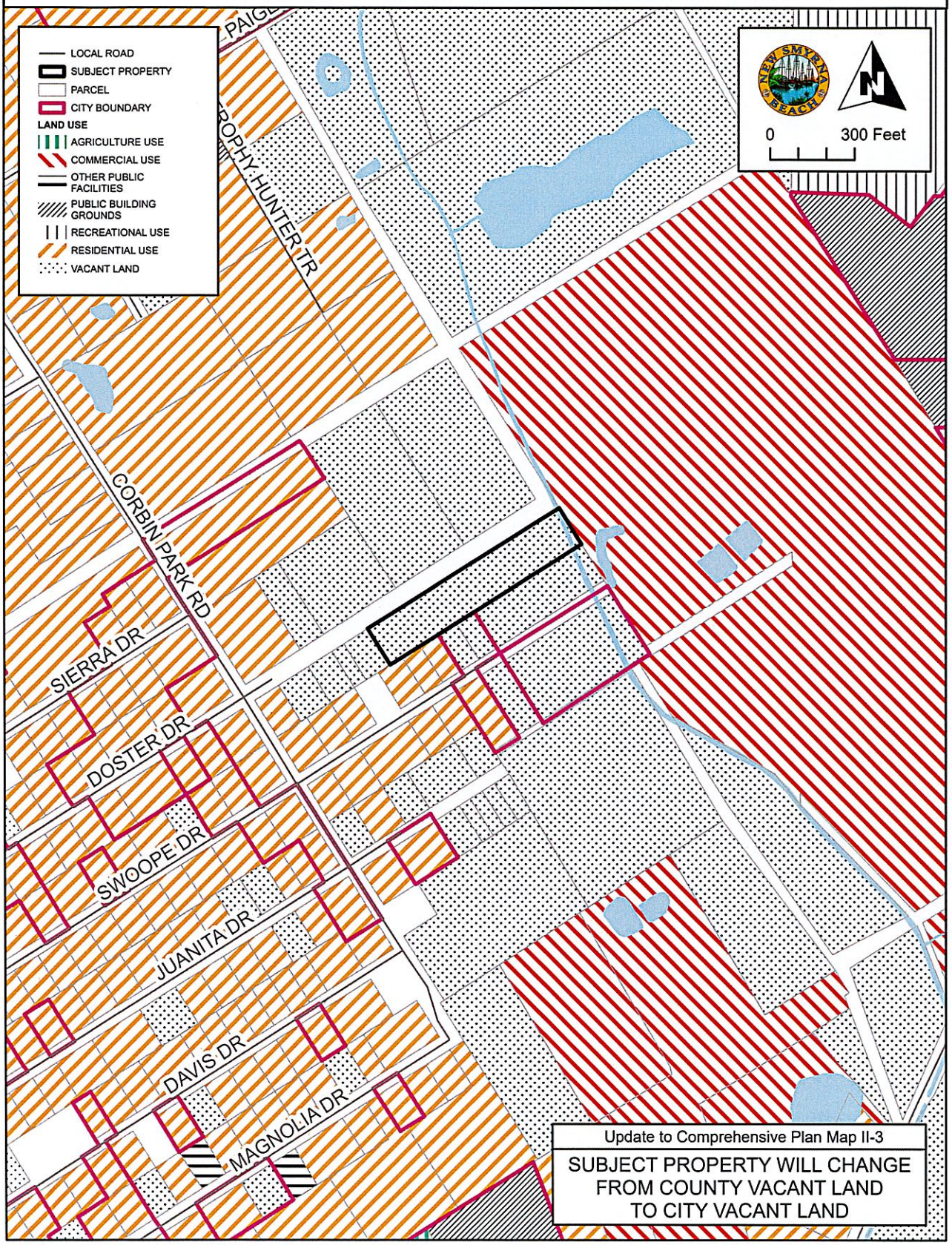

FLOOD PRONE AREAS
A-14-25
0
1
2 Miles
0
1,000 Feet
CORBIN PARK RD
SIERRA DR
DOSTER DR
SWOOPE DR
Update to Comprehensive Plan Map II-2
SUBJECT PROPERTY IS WITHIN THE FEMA FLOOD ZONE AE - 100 YEAR FLOOD ZONE, FLOOD ELEVATIONS DETERMINED
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
CITY BOUNDARY
WATER
ZONE A - 100 YEAR FLOOD ZONE, FLOOD ELEVATIONS ESTABLISHED
ZONE AE - 100 YEAR FLOOD ZONE, FLOOD ELEVATIONS DETERMINED
ZONE VE - COASTAL HAZARD AREA
ZONE X SHADED - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
ZONE X UNSHADED - OUTSIDE 100 & 500 YEAR FLOOD ZONE

EXHIBIT "D"

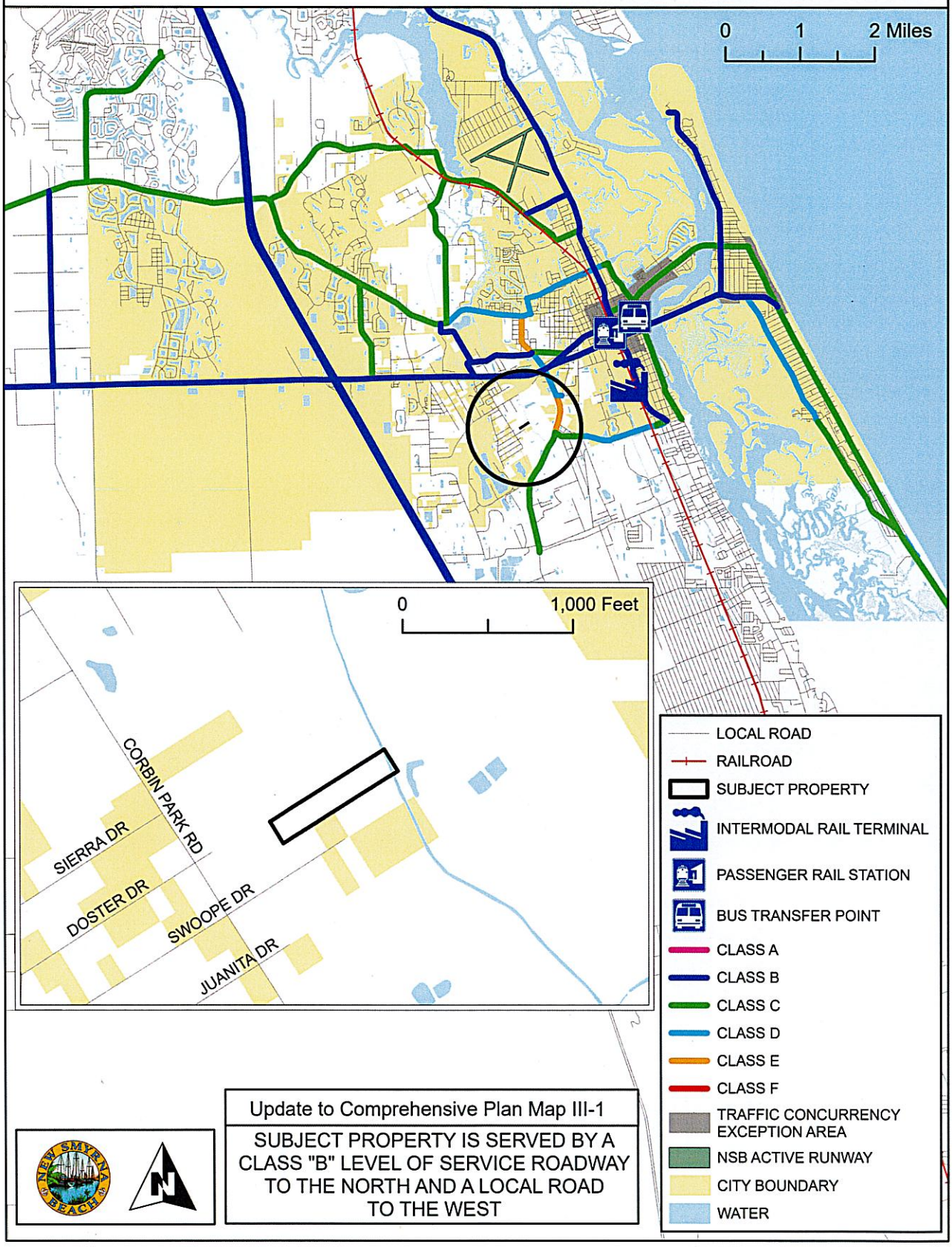
EXISTING LAND USE DESIGNATIONS

A-14-25



EXISTING LEVEL OF SERVICE - 2009

A-14-25



Update to Comprehensive Plan Map III-1

SUBJECT PROPERTY IS SERVED BY A CLASS "B" LEVEL OF SERVICE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE WEST

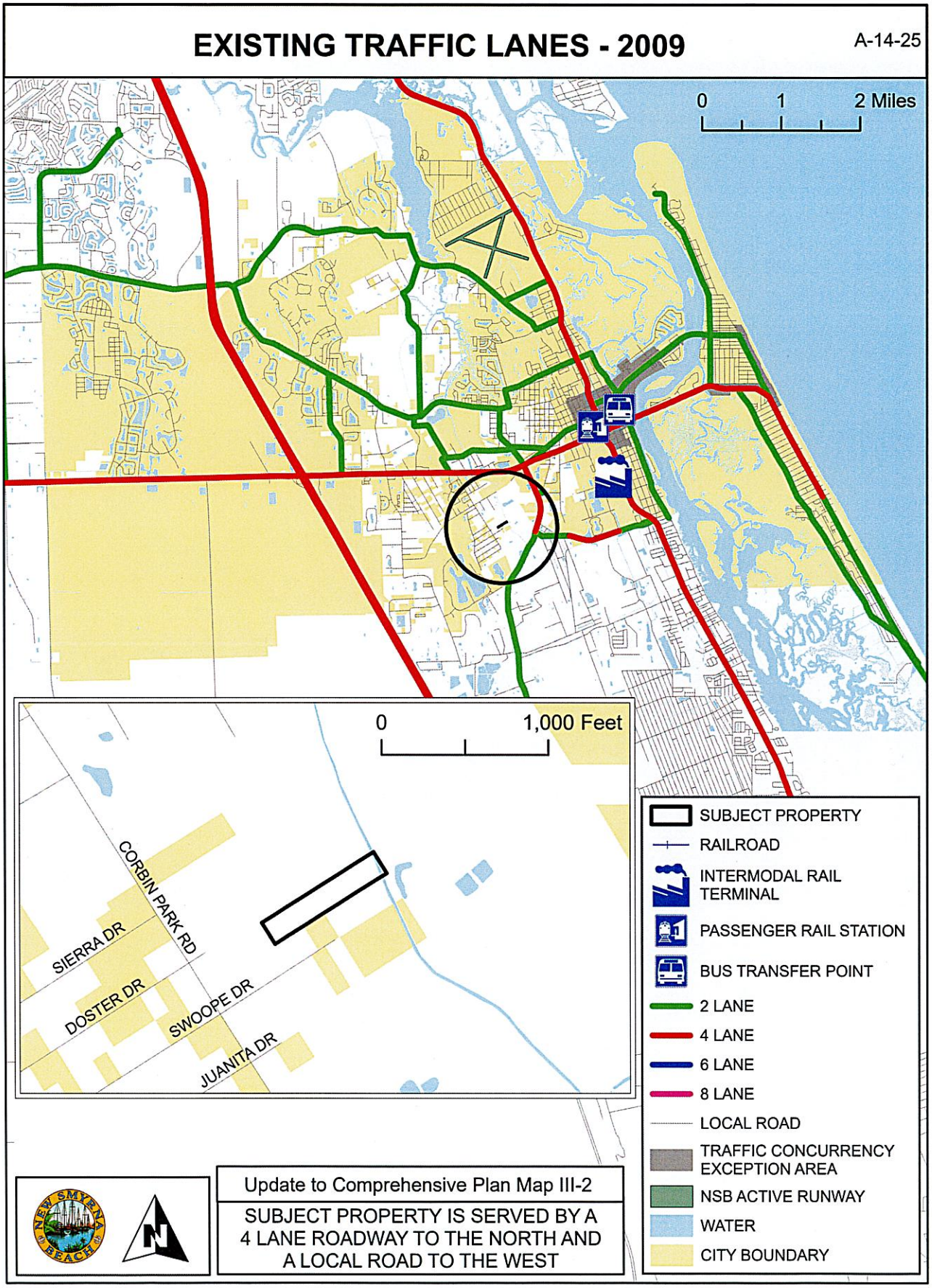
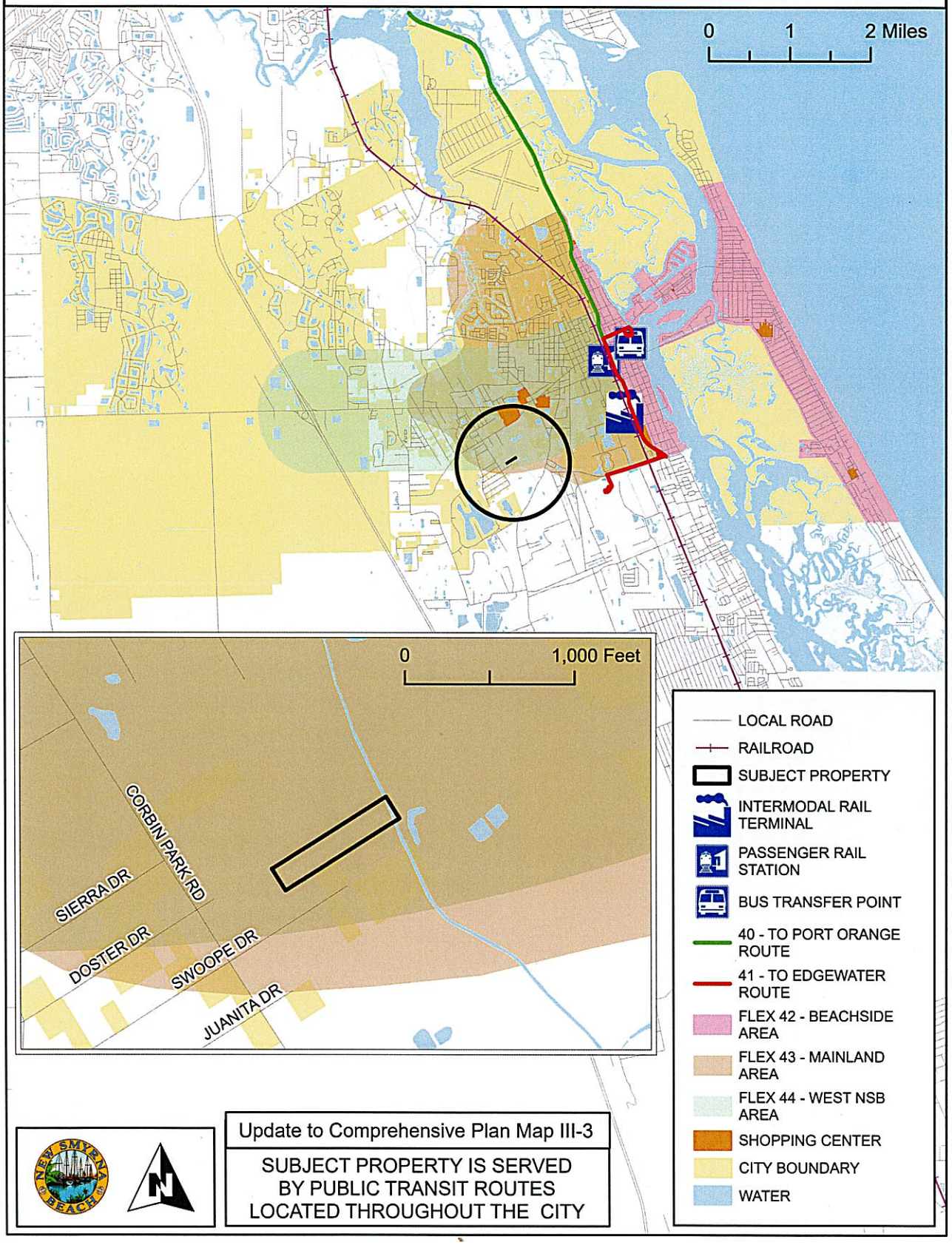

EXISTING TRAFFIC LANES - 2009
A-14-25
0 1 2 Miles
0 1,000 Feet
CORBIN PARK RD
SIERRA DR
DOSTER DR
SWOOPE DR
JUANITA DR
SUBJECT PROPERTY
RAILROAD
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
2 LANE
4 LANE
6 LANE
8 LANE
LOCAL ROAD
TRAFFIC CONCURRENCY EXCEPTION AREA
NSB ACTIVE RUNWAY
WATER
CITY BOUNDARY
Update to Comprehensive Plan Map III-2
SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE WEST

EXHIBIT "G"

PUBLIC TRANSIT ROUTES

A-14-25

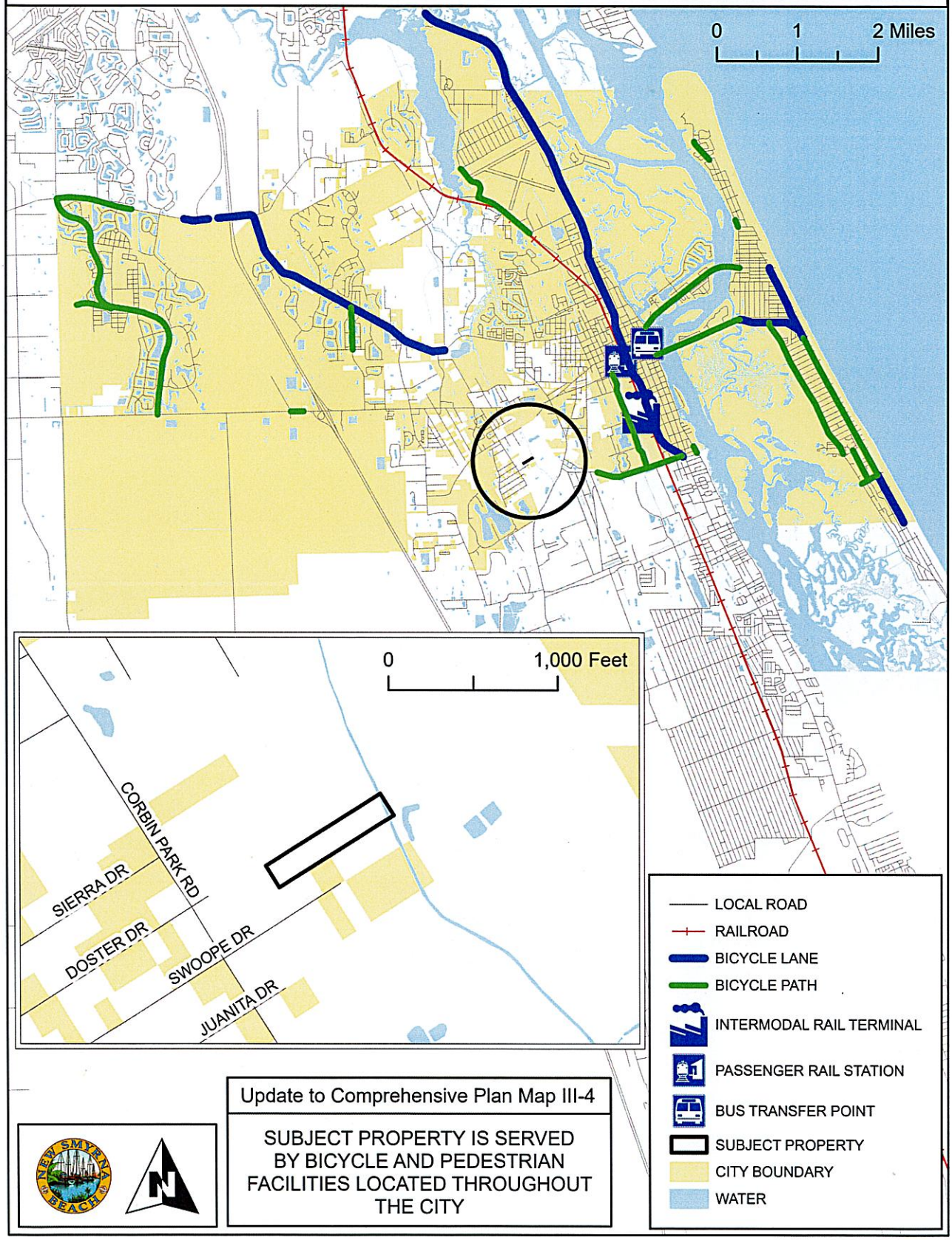


Update to Comprehensive Plan Map III-3

SUBJECT PROPERTY IS SERVED BY PUBLIC TRANSIT ROUTES LOCATED THROUGHOUT THE CITY

BICYCLE AND PEDESTRIAN FACILITIES

A-14-25

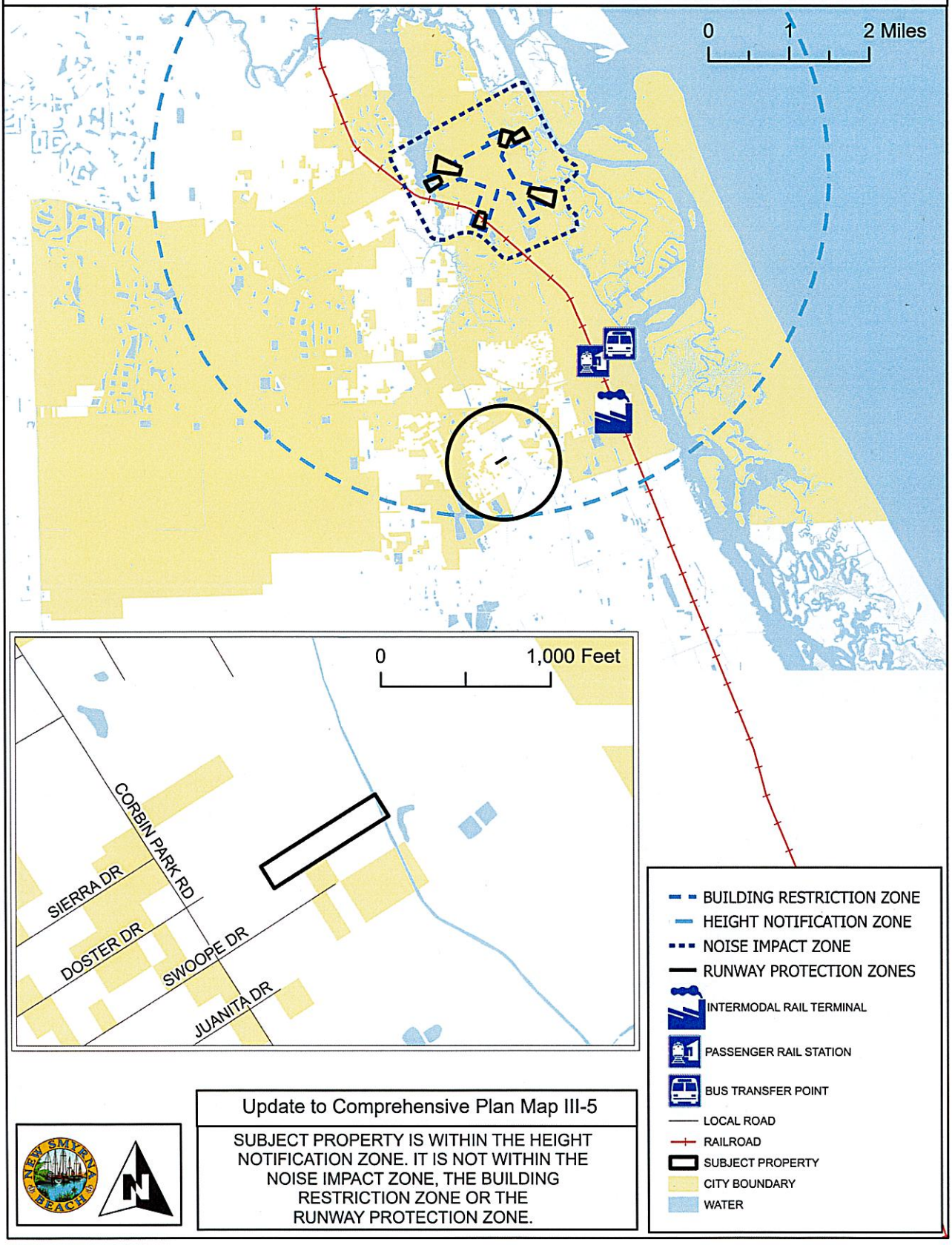


Update to Comprehensive Plan Map III-4

SUBJECT PROPERTY IS SERVED BY BICYCLE AND PEDESTRIAN FACILITIES LOCATED THROUGHOUT THE CITY

AIRPORT RUNWAY PROTECTION ZONES

A-14-25



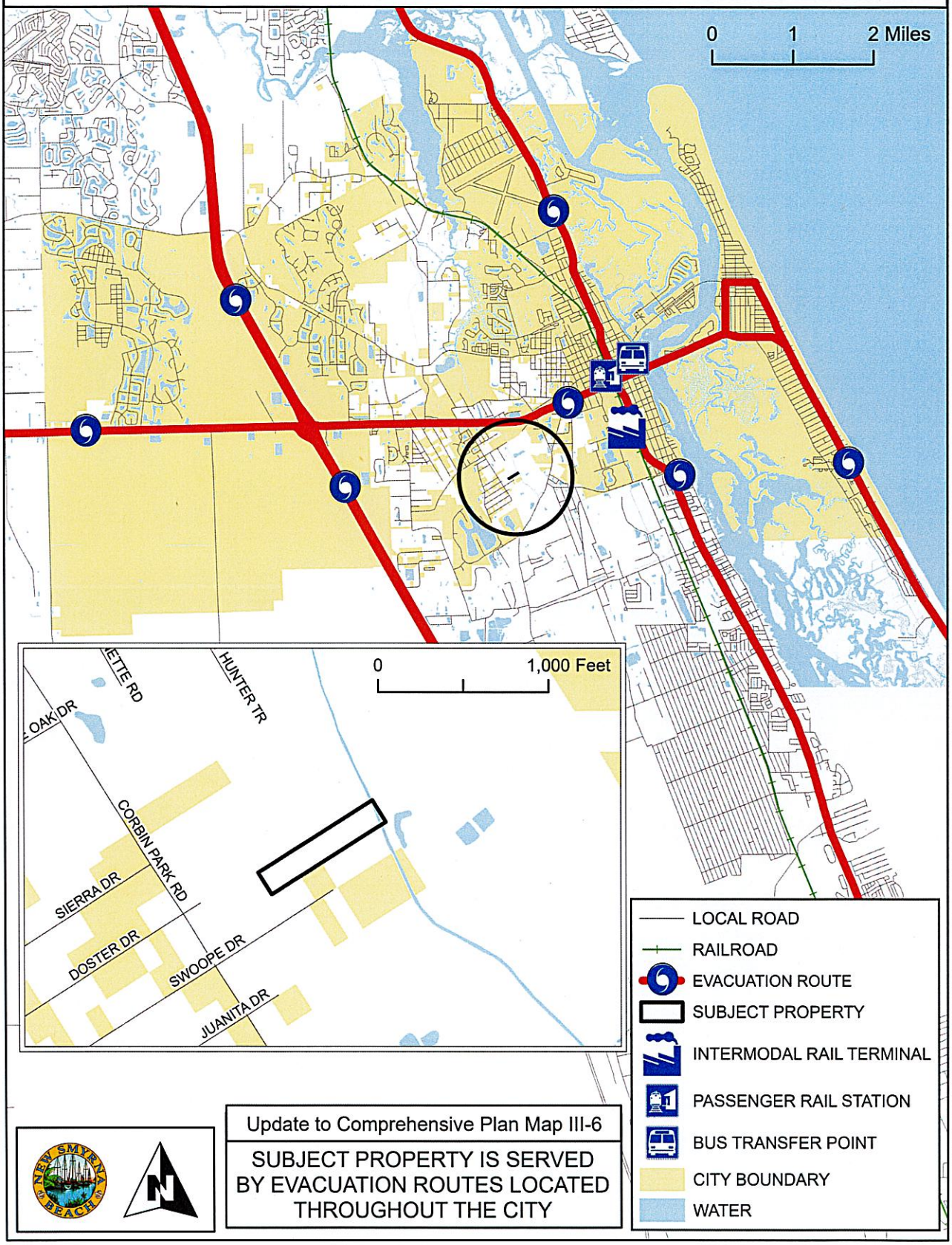
Update to Comprehensive Plan Map III-5

SUBJECT PROPERTY IS WITHIN THE HEIGHT NOTIFICATION ZONE. IT IS NOT WITHIN THE NOISE IMPACT ZONE, THE BUILDING RESTRICTION ZONE OR THE RUNWAY PROTECTION ZONE.

EXHIBIT "J"

EVACUATION ROUTES

A-14-25



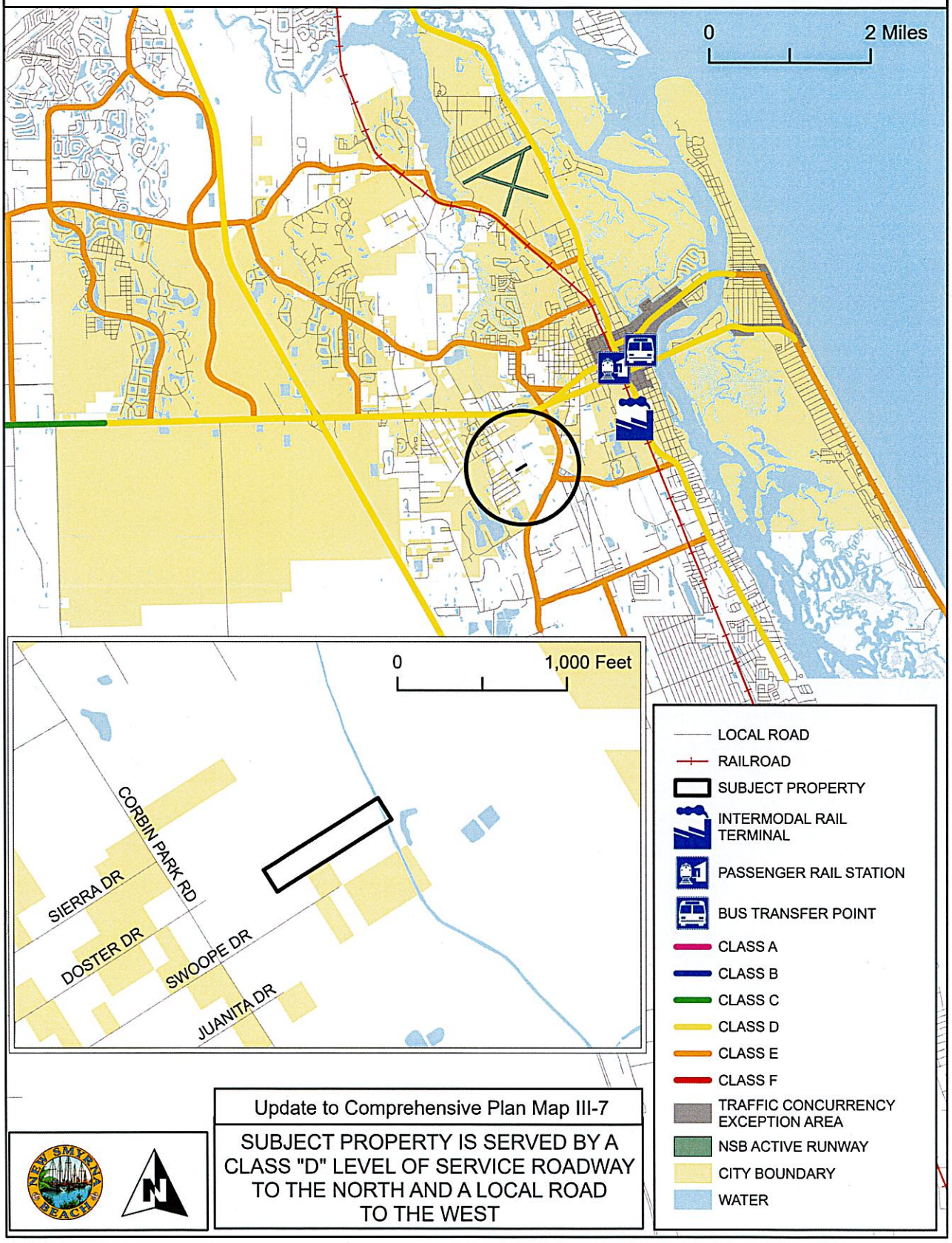
Update to Comprehensive Plan Map III-6

SUBJECT PROPERTY IS SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY

EXHIBIT "K"

LEVEL OF SERVICE - 2025

A-14-25



Update to Comprehensive Plan Map III-7

SUBJECT PROPERTY IS SERVED BY A CLASS "D" LEVEL OF SERVICE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE WEST

EXHIBIT "L"

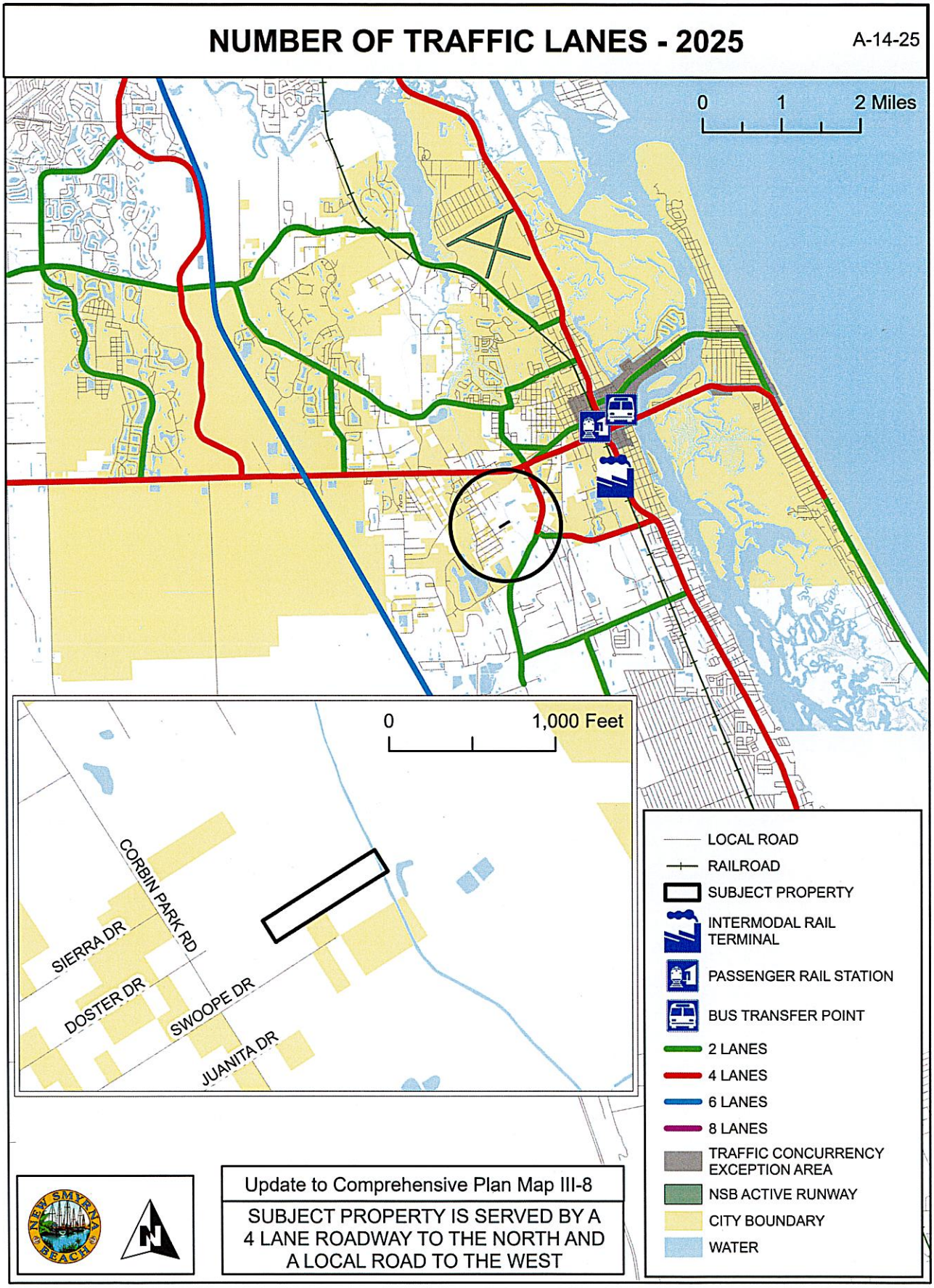
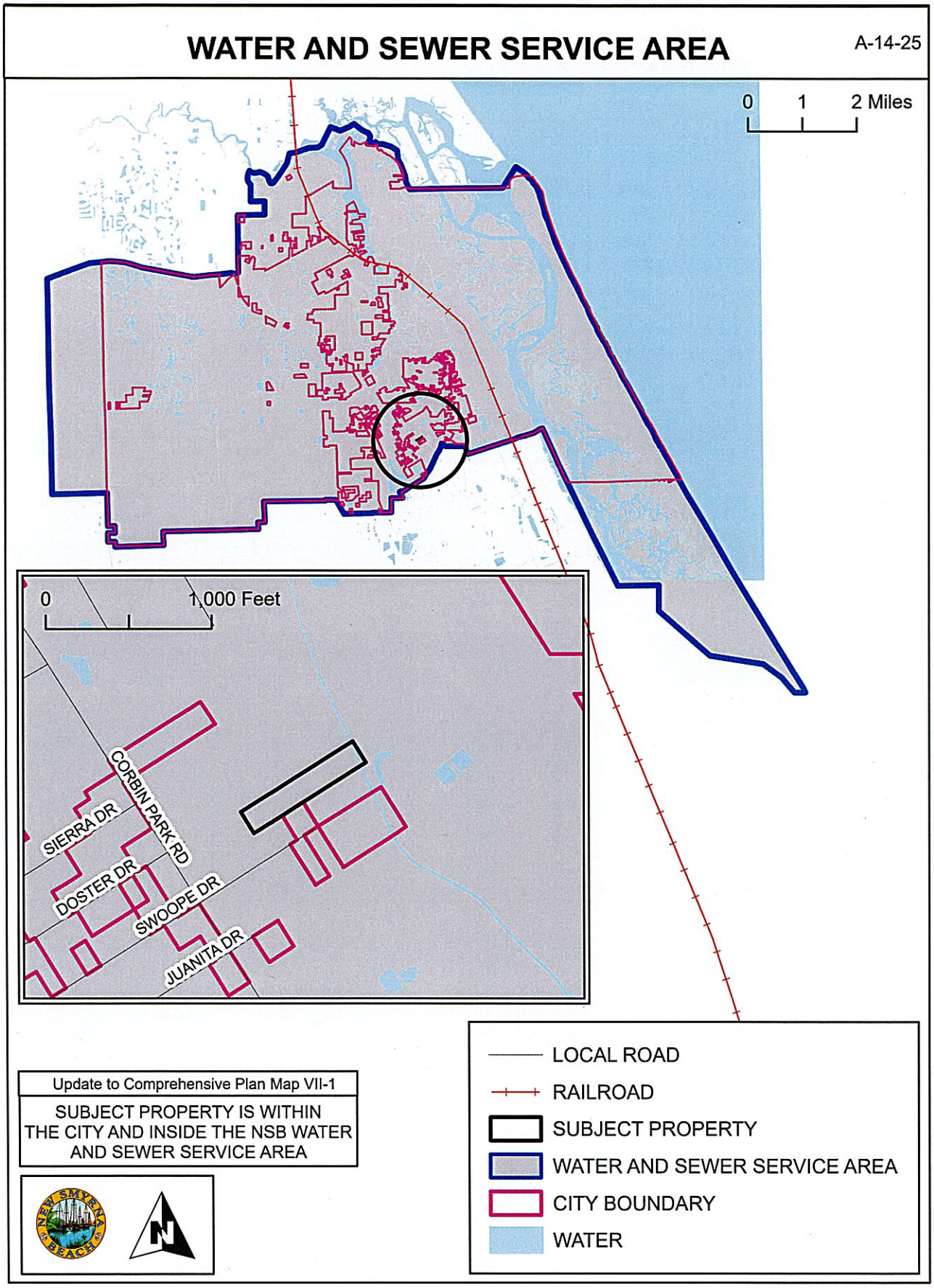
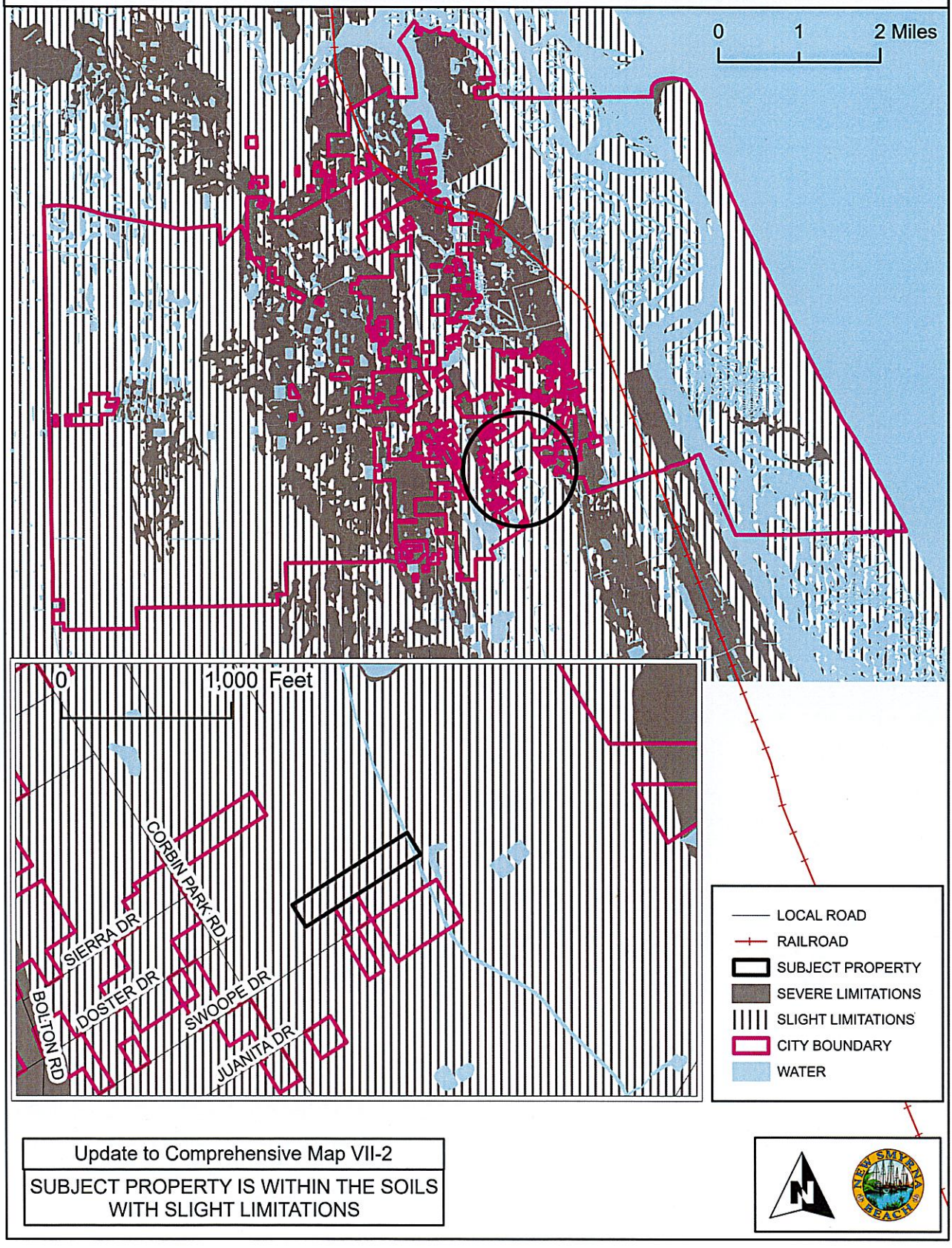

NUMBER OF TRAFFIC LANES - 2025
A-14-25
0
1
2 Miles
0
1,000 Feet
CORBIN PARK RD
SIERRA DR
DOSTER DR
SWOOPE DR
JUANITA DR
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
2 LANES
4 LANES
6 LANES
8 LANES
TRAFFIC CONCURRENCY EXCEPTION AREA
NSB ACTIVE RUNWAY
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map III-8
SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE NORTH AND A LOCAL ROAD TO THE WEST

EXHIBIT "M"


WATER AND SEWER SERVICE AREA
A-14-25
0 1 2 Miles
0 1,000 Feet
CORBIN PARK RD
SIERRA DR
DOSTER DR
SWOOPE DR
JUANITA DR
Update to Comprehensive Plan Map VII-1
SUBJECT PROPERTY IS WITHIN THE CITY AND INSIDE THE NSB WATER AND SEWER SERVICE AREA
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
WATER AND SEWER SERVICE AREA
CITY BOUNDARY
WATER

SOIL LIMITATION FOR SEPTIC SYSTEMS

A-14-25



Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

EXHIBIT "O"

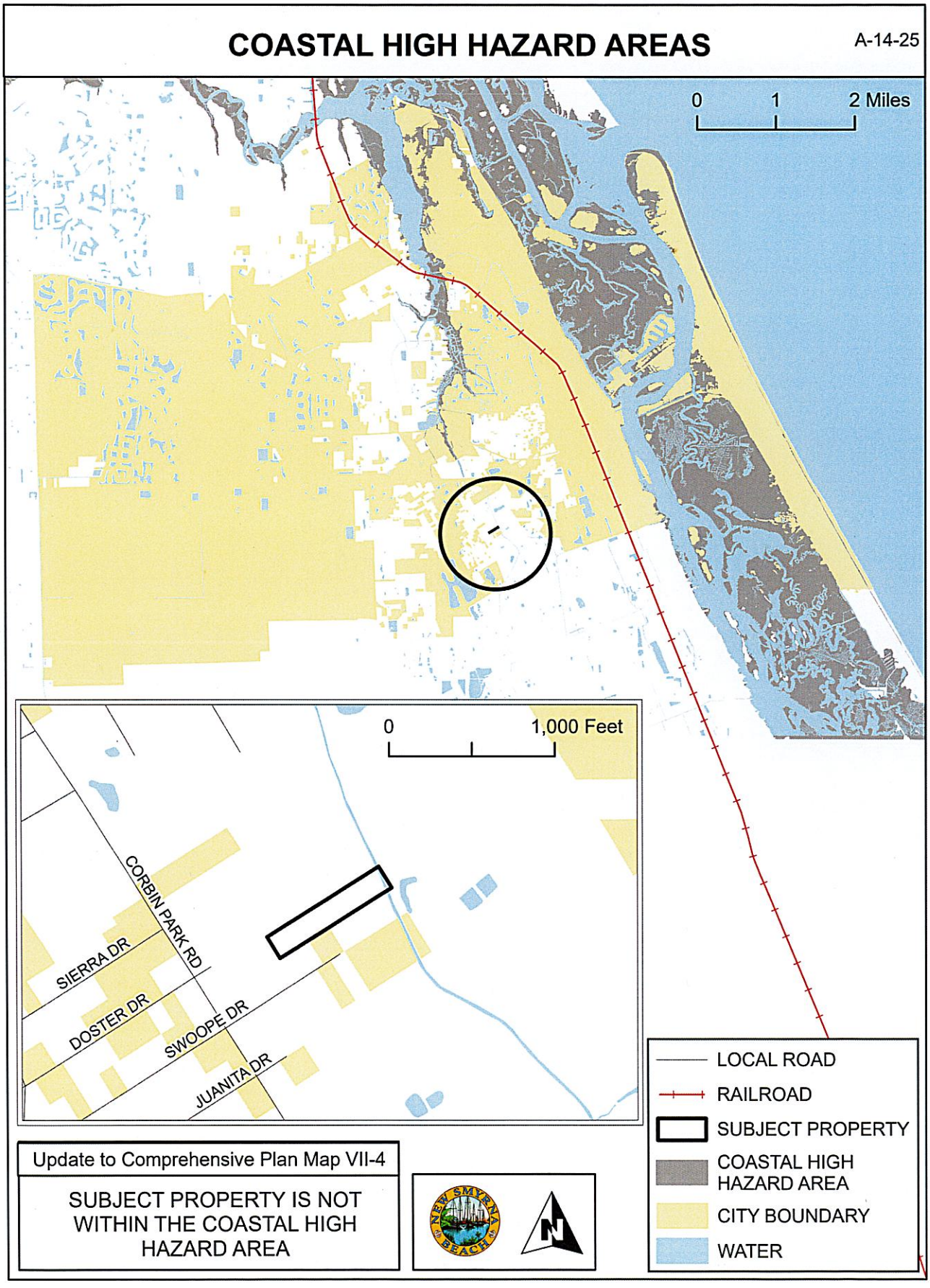
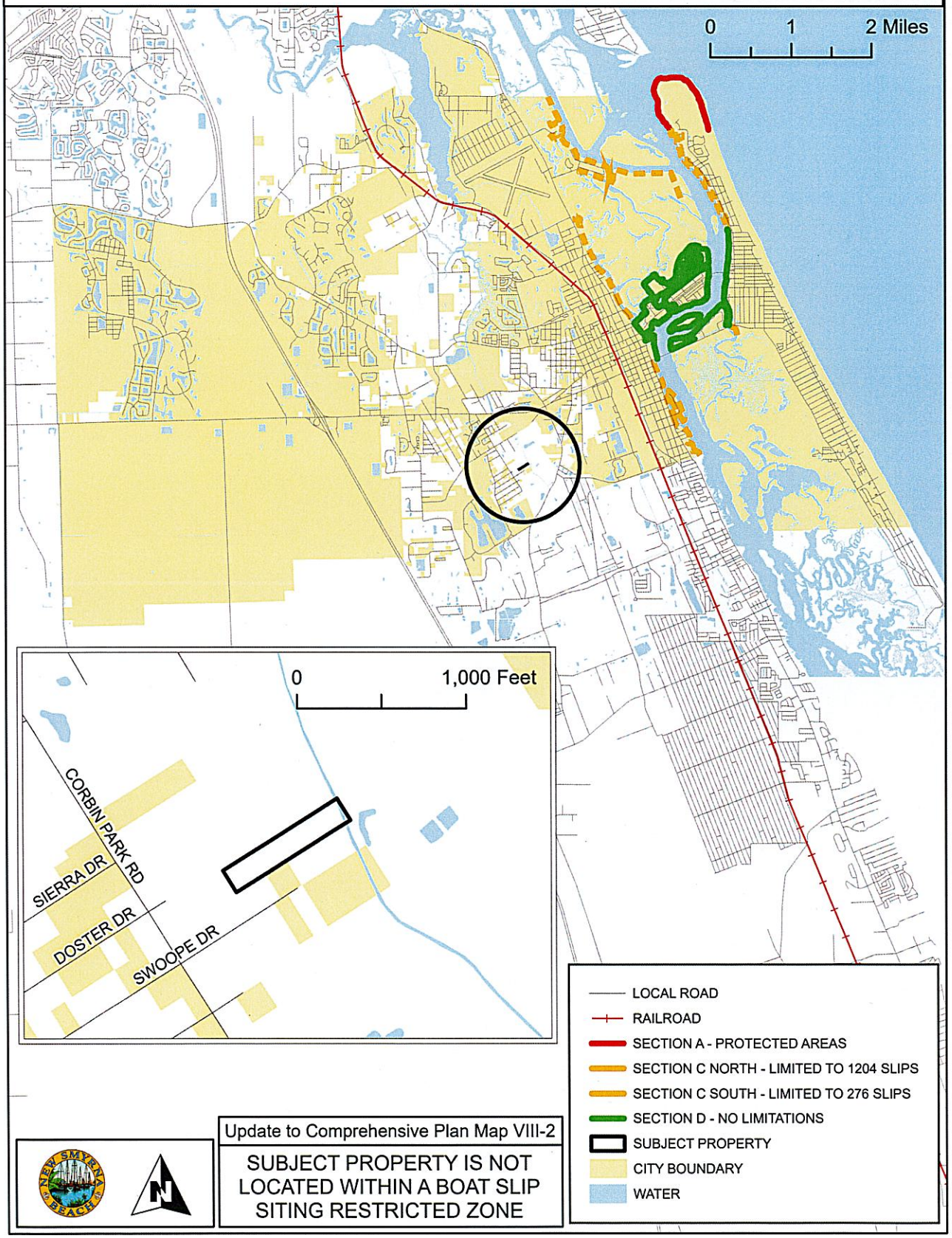

COASTAL HIGH HAZARD AREAS
A-14-25
0
1
2 Miles
0
1,000 Feet
CORBIN PARK RD
SIERRA DR
DOSTER DR
SWOOPE DR
JUANITA DR
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
COASTAL HIGH HAZARD AREA
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map VII-4
SUBJECT PROPERTY IS NOT WITHIN THE COASTAL HIGH HAZARD AREA
NEW SMYRNA BEACH
N

EXHIBIT "P"

BOAT SLIP SITING

A-14-25

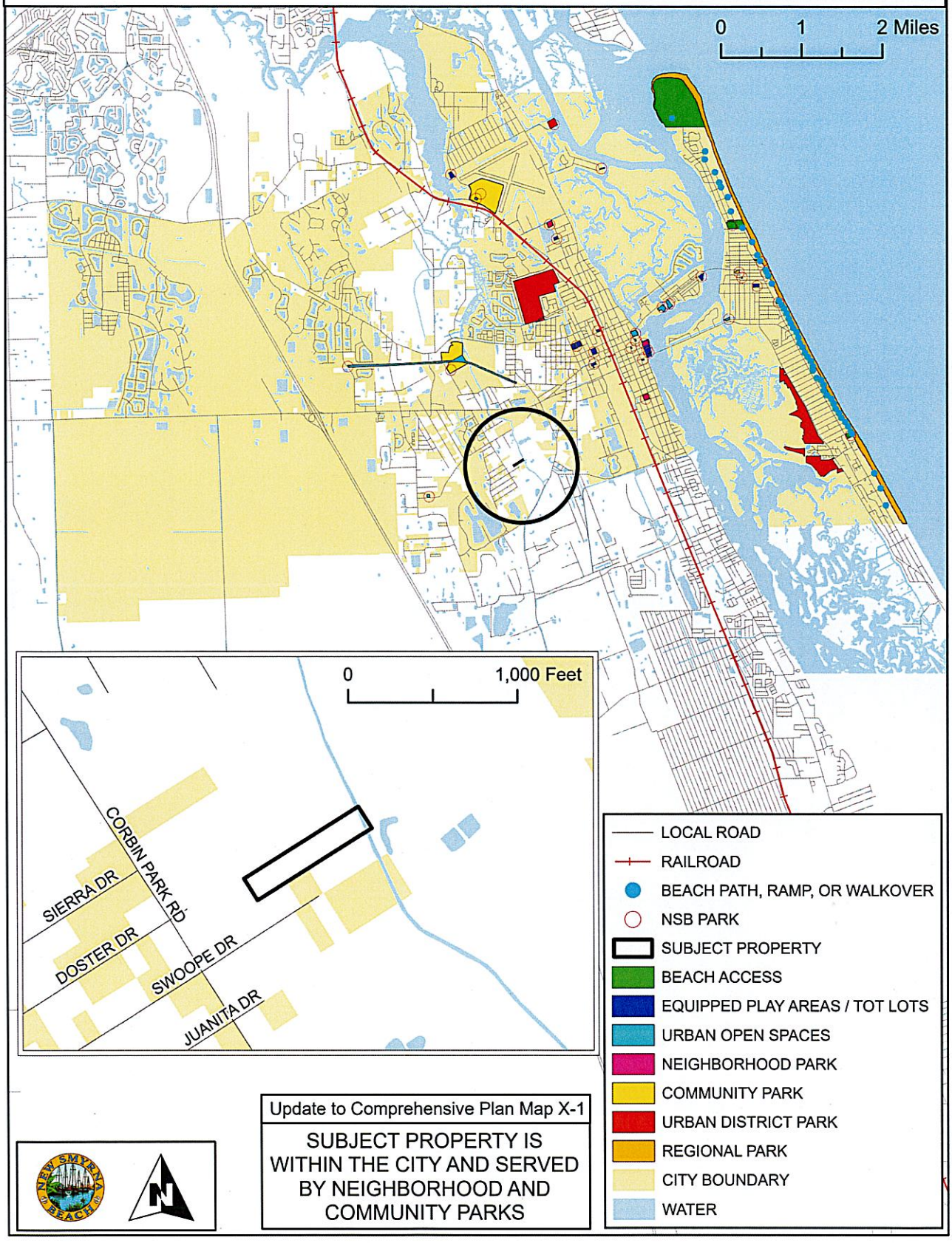


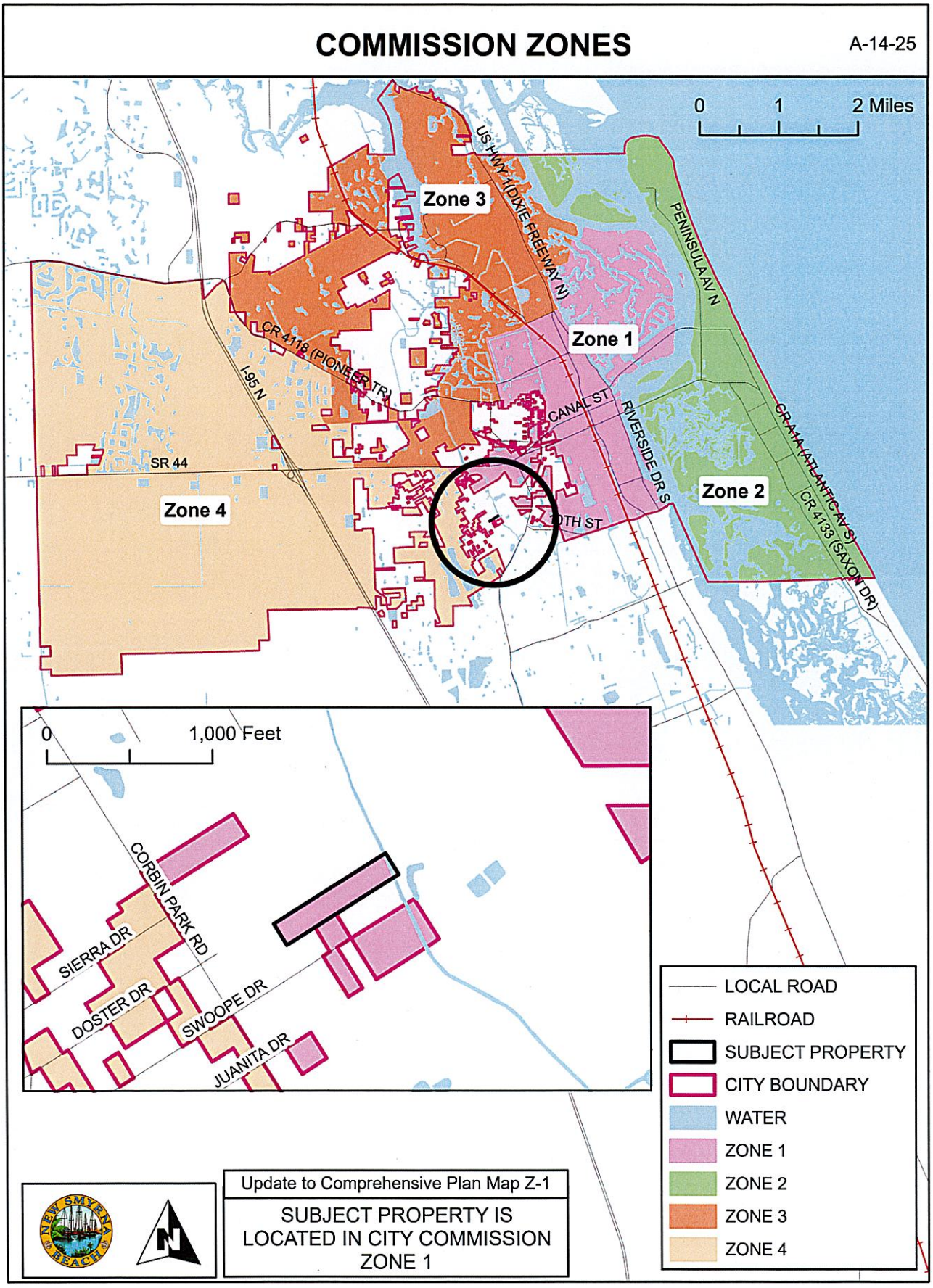
Update to Comprehensive Plan Map VIII-2

SUBJECT PROPERTY IS NOT LOCATED WITHIN A BOAT SLIP SITING RESTRICTED ZONE

CITY PARKS

A-14-25




COMMISSION ZONES
A-14-25
0
1
2 Miles
Zone 3
Zone 1
Zone 2
Zone 4
US HWY 1 (DIXIE FREEWAY N)
PENINSULA AV N
CR 4118 (PIONEER TR)
I-95 N
SR 44
CANAL ST
RIVERSIDE DR S
CR 4A (ATLANTIC AV S)
CR 4133 (SAXON DR)
10TH ST
0
1,000 Feet
CORBIN PARK RD
SIERRA DR
DOSTER DR
SWOOPE DR
JUANITA DR
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
CITY BOUNDARY
WATER
ZONE 1
ZONE 2
ZONE 3
ZONE 4
Update to Comprehensive Plan Map Z-1
SUBJECT PROPERTY IS LOCATED IN CITY COMMISSION ZONE 1

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ORDINANCE NO. 17-26: CONDUCT A SECOND READING AND PUBLIC HEARING OF AN ORDINANCE, WHICH, IF ADOPTED, WOULD REZONE APPROXIMATELY 2.75 ± ACRES OF LAND TO CITY CONSERVATION LOCATED ON DOSTER DRIVE AS PART OF AN OVERALL ANNEXATION APPLICATION.

February 10, 2026

Background:

Applicant: Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florid 32168.

Property Owner: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168.

Request: Rezoning:

- **From:** Volusia County zoning designations of RC, Resource Corridor and R-4, Urban Single Family Residential with a "A" attached for Airport Height Notification Zone.
- **To:** City zoning of designation of Conservation with a "A" attached for Airport Height Notification Zone.

Site Information:

- **Size:** 2.75 ± acres
- **Location:** South side of Doster Drive, east of Corbin Park Road.

Tax I.D. Number: 7344-03-00-0440

Findings:

On April 23, 2013, the City Commission adopted an Interlocal Service Boundary Agreement (ISBA). The ISBA, which is permitted under Chapter 171, Part II, Florida Statutes, allows the City of New Smyrna Beach to annex any parcels that are within the designated annexation area, even if they are not contiguous to the current municipal boundaries. The agreement, which is between the County of Volusia and the City of New Smyrna Beach, was also approved by the County on May 2, 2013. A new updated agreement was approved on May 2, 2022.

The subject property is within the annexation area designated in the ISBA. The subject property on Doster Drive is currently vacant. A location map is attached as **Exhibit A** and an aerial map is attached as **Exhibit B**.

The existing Volusia County zoning designations of the subject property is shown on the following map as **Exhibit C**. The current zoning text descriptions for the subject property are attached as **Exhibit D**. Existing land uses are shown on the map attached as **Exhibit E**.

The established City Commission policy is that when properties are annexed into the City, the City will assign future land use and zoning designations that would be as similar as possible to existing County designations. The existing County FLU categories are Environmental Systems Corridor and Urban Low Intensity. The existing County zoning designations are Resource Corridor and R-4, Urban Single Family Residential. The proposed City FLU category is Conservation. The proposed City zoning designation is Conservation. A text description of the proposed City Conservation zoning, and a map of the proposed changes are attached as **Exhibits F** and **G**.

The *Land Development Regulations* requires any proposed development to conform to the Concurrency Management System. That system includes traffic, parks and recreation, potable water, wastewater treatment, solid waste collection, stormwater management, and public-school facilities. Because the subject property is undeveloped, and because no new improvements are proposed, staff did not prepare a concurrency analysis table for this case.

The ISBA map is attached as **Exhibit H**. The legal description and Warranty Deed are attached as **Exhibits I** and **J**.

Recommendations:

At its regular scheduled meeting on January 5, 2026, the Planning and Zoning Board voted, 5-0, to give a positive recommendation to the City Commission to **approve** the requested rezoning to City Conservation with an “A” attached for Airport Height Notification Zone for property located on Doster Drive as part of an overall annexation application.

The Planning Department also recommends the City Commission to **approve** the requested rezoning to City Conservation with an “A” attached for Airport Height Notification Zone for property located on Doster Drive as part of an overall annexation application.

Fiscal Analysis:

N/A

Strategic Plan Item:

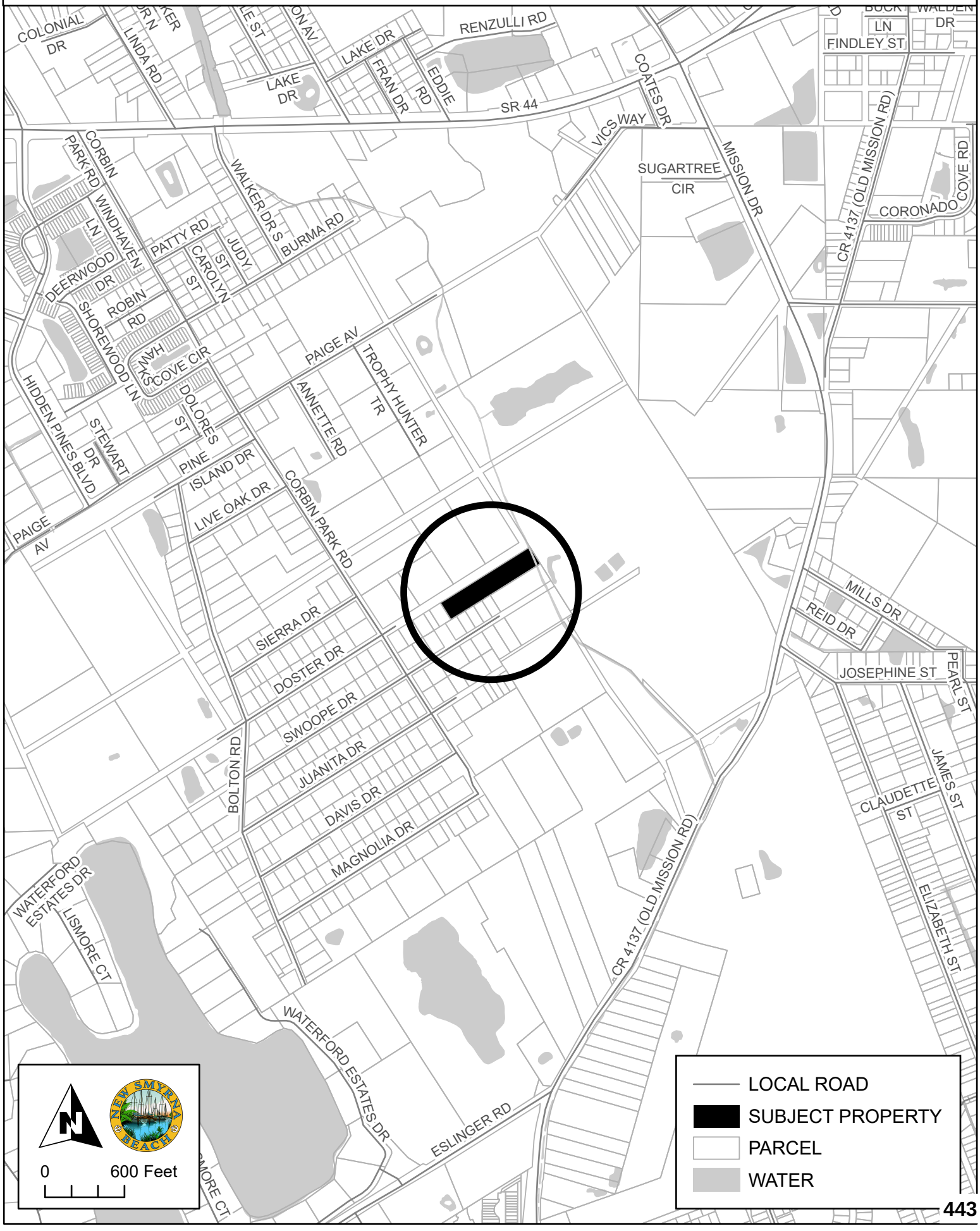
Yes

Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing Land Use Map.pdf
Exhibit D Existing Zoning Map.pdf
Exhibit E County Zoning Text.pdf
Exhibit F City Conservation Zoning Text.pdf
Exhibit G Proposed Zoning Map.pdf
Exhibit H Interlocal Service Boundary Agreement Map.pdf
Exhibit I Legal Description.pdf
Exhibit J Warranty Deed.pdf
Business Impact Estimate - Ord 17-26 Doster Dr.pdf
Ord 17-26 Rezoning Doster Dr.pdf

A-14-25: DOSTER DRIVE
PARCEL: 7344-03-00-0440 LOCATION MAP

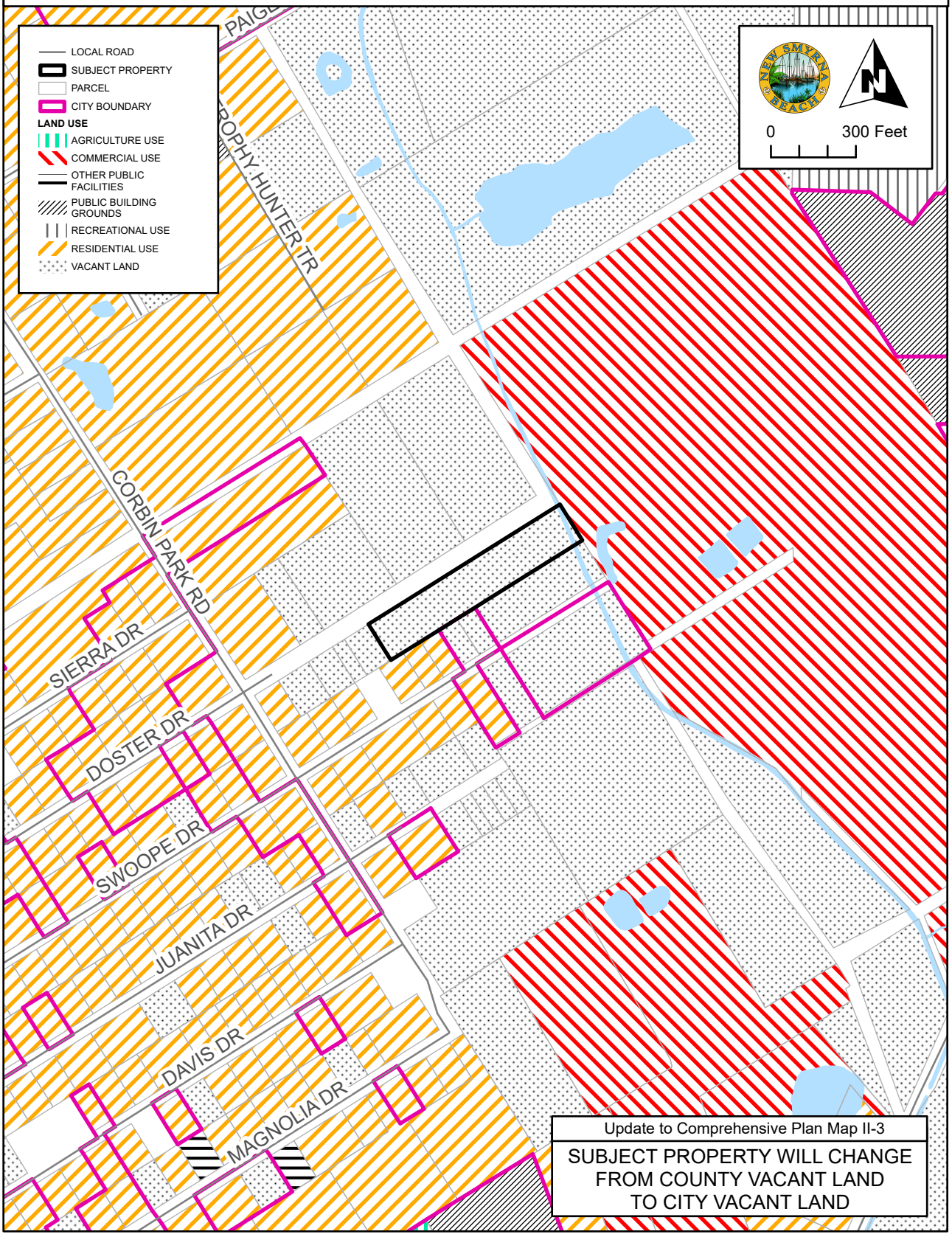


A-14-25: DOSTER DRIVE
PARCEL: 7344-03-00-0440 AERIAL MAP



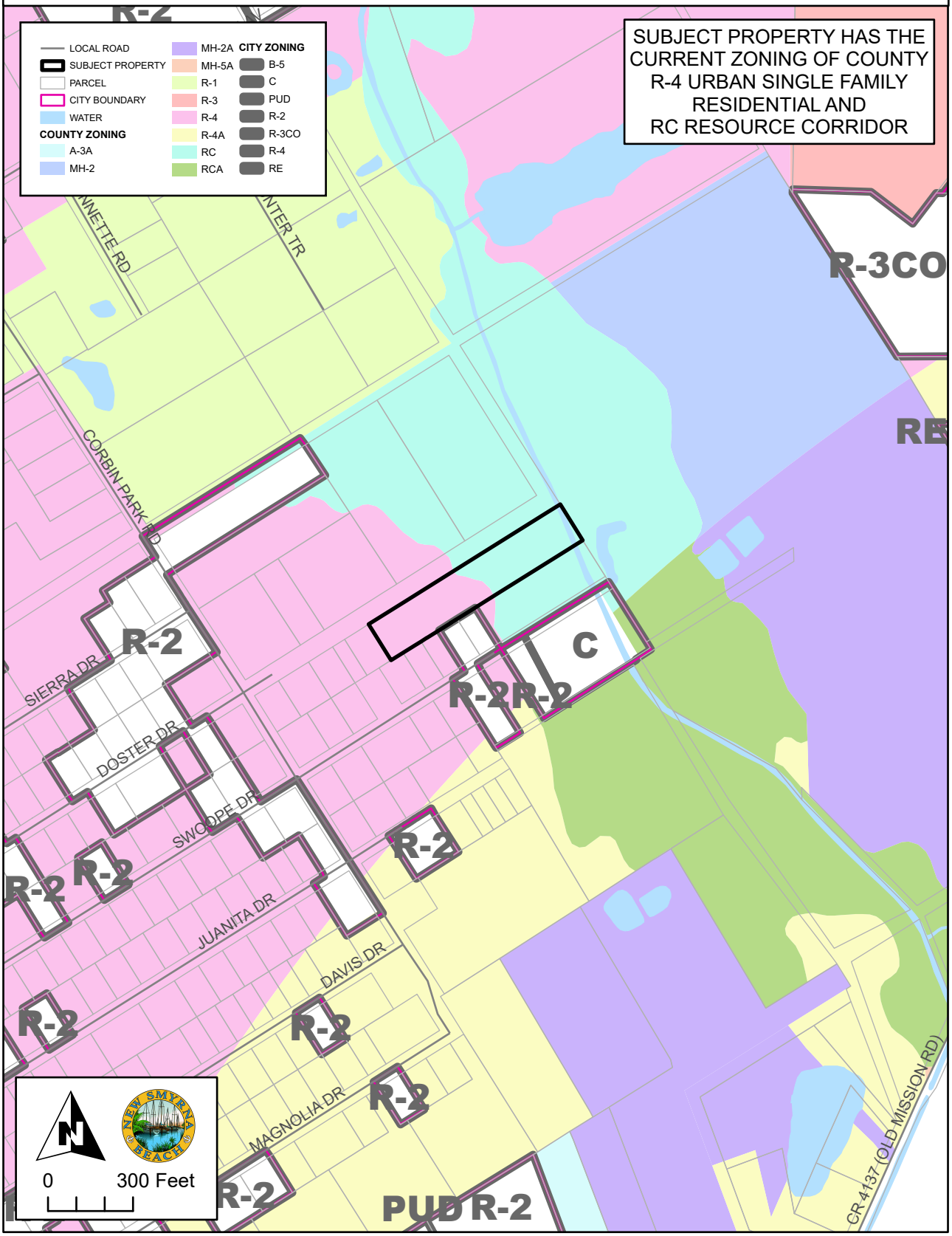
EXISTING LAND USE DESIGNATIONS

A-14-25



EXISTING ZONING

A-14-25



R-4 URBAN SINGLE-FAMILY RESIDENTIAL CLASSIFICATION

Purpose and intent: The purpose and intent of the R-4 Urban Single-Family Residential Classification is to provide medium-density residential developments, preserving the character of existing or proposed residential neighborhoods.

Permitted principal uses and structures: In the R-4 Urban Single-Family Residential Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Cluster and zero lot line subdivisions (refer to subsection 72-304).

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 8 of the Land Development Code of Volusia County [article III] and/or final site plan review procedures of this article.

Exempt landfills (refer to subsection 72-293(16)).

Fire stations.

Home-based business (refer to section 72-283).

Houses of worship.

Parks and recreational areas accessory to residential developments.

Public schools.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Single-family standard or modular dwelling.

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

Bed and breakfast (refer to subsection 72-293(19)).

Cemeteries (refer to subsection 72-293(4)).

Communication towers exceeding 70 feet in height above ground level.

Day care centers (refer to subsection 72-293(6)).

Dogs and cats boarded as personal pets exceeding the number permitted in subsection 72-306(a).

Excavations only for stormwater retention ponds for which a permit is required by this article.

Off-street parking areas (refer to subsection 72-293(14)).

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to subsection 72-293(1)).

Recreational areas (refer to subsection 72-293(3)).

Schools, parochial or private (refer to subsection 72-293(4)).

Dimensional requirements:

Minimum lot size:

Area: 7,500 square feet.

Width: 75 feet.

Minimum yard size:

Front yard: 25 feet.

Rear yard: 20 feet.

Side yard: 20 feet combined, minimum of eight feet on any one side.

Waterfront yard: 25 feet.

Maximum building height: 35 feet.

Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.

Minimum floor area: 850 square feet.

Off-street parking and loading requirements: Off-street parking and loading areas meeting the requirements of sections 72-286 and 72-287 shall be constructed.

RC RESOURCE CORRIDOR CLASSIFICATION

Purpose and intent: The purpose and intent of the RC Resource Corridor Classification is to provide protected, natural corridors consisting of environmentally sensitive and ecologically significant lands which connect to other protected areas such as parks and water bodies. The corridor shall provide a contiguous hydroecological pathway, where the wetlands and uplands are integrated and conducive to the maintenance and perpetuation of the system.

Permitted principal uses and structures: In the RC Resource Corridor Classification, no premises shall be used except for the following uses and their customary accessory uses or structures:

Apiaries; provided, however, that the RC classified area does not comprise part of a lot classified for residential, commercial or industrial use.

Aquatic preserves (state or federal designated).

Aviaries; provided, however, that the RC classified area does not comprise part of a lot classified for residential, commercial or industrial use.

Docks in accordance with section 72-278.

Communication towers not exceeding 70 feet in height above ground level.

Essential utility services.

Exempt excavations (refer to subsection 72-293(15)) and/or those which comply with division 3 of the Land Development Code of Volusia County [article III] and/or final plan review procedures of this article.

Fire stations.

Fishing, hunting and wildlife management areas.

Historical or archeological sites.

Hobby breeder.

Home-based business (refer to section 72-283).

Pasture for the grazing, boarding or raising of livestock, subject to the maximum lot coverage requirements below.

Publicly owned parks and recreational areas.

Publicly owned or regulated water supply wells.

Silvicultural operations, which follow the most up to date state-prescribed best management practices.

Single-family standard, modular or mobile home dwelling.

Worm raising, provided, however, that the RC classified area does not comprise part of a lot classified for residential, commercial or industrial use.

Permitted special exceptions: Additional regulations/requirements governing permitted special exceptions are located in sections 72-293 and 72-415 of this article.

Animal shelters.

Communication towers exceeding 70 feet in height above ground level.

Dogs and cats boarded as personal pets exceeding the number permitted in subsection 72-306(a).

Except for those permitted principal uses and special exceptions listed hereunder, all agricultural pursuits, including the processing, packaging, storage and sale of agriculture products which are raised on the premises; provided however, that the total land area devoted to agricultural uses, including improved pasture, does not exceed 20 percent of the total lot area zoned RC and further provided that the RC classified area does not comprise part of a lot classified for residential commercial or industrial use.

Hunting camps.

Kennels.

Public uses not listed as a permitted principal use.

Public utility uses and structures (refer to section 72-293(1)).

Riding stables.

Dimensional requirements for lots, parcels and tracts of land zoned in its entirety as resource corridor.

Minimum lot sizes:

Area: 25 acres.

Width: 150 feet.

Minimum yard size:

Front yard: 50 feet.

Rear yard: 50 feet.

Side yard: 50 feet.

Waterfront yard: 75 feet.

Maximum building height: 45 feet.

Maximum lot clearance and coverage: Lot clearance can not exceed 20 percent. The area covered with principal and accessory buildings shall not exceed ten percent.

Minimum floor area: 750 square feet.

Dimensional requirements for lots, parcels or other tracts of land which are zoned a mixture of RC and another zone classification: In instances where Resource Corridor boundaries split existing lots parcels or tracts of land, the subject property may be subdivided into lots meeting the minimum lot area and width requirements of the zoning classification of the property not classified as Resource Corridor, providing that Resource Corridor classified lands are not counted as meeting part of the minimum lot area or lot width requirements of the other zone classification. In such instances, there shall be no minimum area or width requirements for the portion of the lot classified as RC. Development of lots classified as a mixture of RC and another zone classification shall be subject to the provisions of subsection 72-136(10) of this article.

Minimum lot size:

Area: No minimum for the portion of the lot classified as RC, providing that the minimum area requirement for the portion of the lot classified other than RC is met.

Width: No minimum for the portion of the lot classified as RC, providing that the minimum with requirement for the portion of the lot classified other than RC is met.

Minimum yard sizes: As provided for under subsection 72-136(10) of this article.

Maximum building height: 45 feet.

Maximum lot coverage: Lot clearance on the portion of the lot classified as RC cannot exceed 20 percent, and no more than ten percent of the portion of the lot classified as RC may be covered with principal and accessory buildings. The portion of the lot classified other than RC shall be subject to the maximum lot coverage requirements of that zone classification.

Minimum floor area: As required for the portion of the lot not classified as RC.

Off-street parking and loading requirements: Off-street parking and loading areas meeting the requirements of sections 72-286 and 72-287 shall be constructed.

Skirting requirements for mobile home dwelling: The area between the ground and floor of the mobile home dwelling shall be enclosed with skirting.

C, CONSERVATION DISTRICT

Intent. The C, Conservation District, is designed to:

(1) Protect persons and private property from the hazards of flood water inundation and to protect the community from costs which are incurred when urban development occurs in flood plains; and
(2) Conserve important natural and historic resources for ecological purposes and for the enjoyment and education of future residents.

Permitted uses.

Fishing and picnicking
Nature trails and exhibits
Park ranger residence, State of Florida or Volusia County. The structure may be occupied by only one State of Florida or Volusia County Park Ranger and his family. Said ranger must be a state certified law enforcement officer. The structure shall be built in accordance with the requirements of the R-2, Single-Family Residential District in this LDR.
Public and private parks
Public utility lines and utility facilities
Silvicultural operations which follow state-prescribed best management practices

Permitted accessory uses.

Incidental uses
Recreation facilities related to the permitted uses

Special exceptions.

Fishing, hunting or nonprofit organizations camps
Riding stables

Dimensional requirements.

Minimum lot size.
Area: 20,000 square feet
Depth: 200 feet
Width: 100 feet

Minimum yard size.
Front yard: 40 feet, or as required per [sub]section 504.01M. of this LDR
Rear yard: 30 feet
Side yard: Ten feet

Minimum setback from wetlands.
Any jurisdictional wetland line: 25 feet towards upland

Maximum building coverage. The total area covered with buildings on any lot shall not exceed 30 percent of the total lot area.

Maximum impervious coverage. The total area covered with impervious materials on any lot shall not exceed 35 percent of the total lot area.

Maximum principal building height. 35 feet above finished grade.

Landscaping. Landscaped buffer area(s) as defined in this LDR shall be required at property lines as follows:

(1) All front property lines; and
(2) Along side or rear lot line abutting a residentially zoned lot.

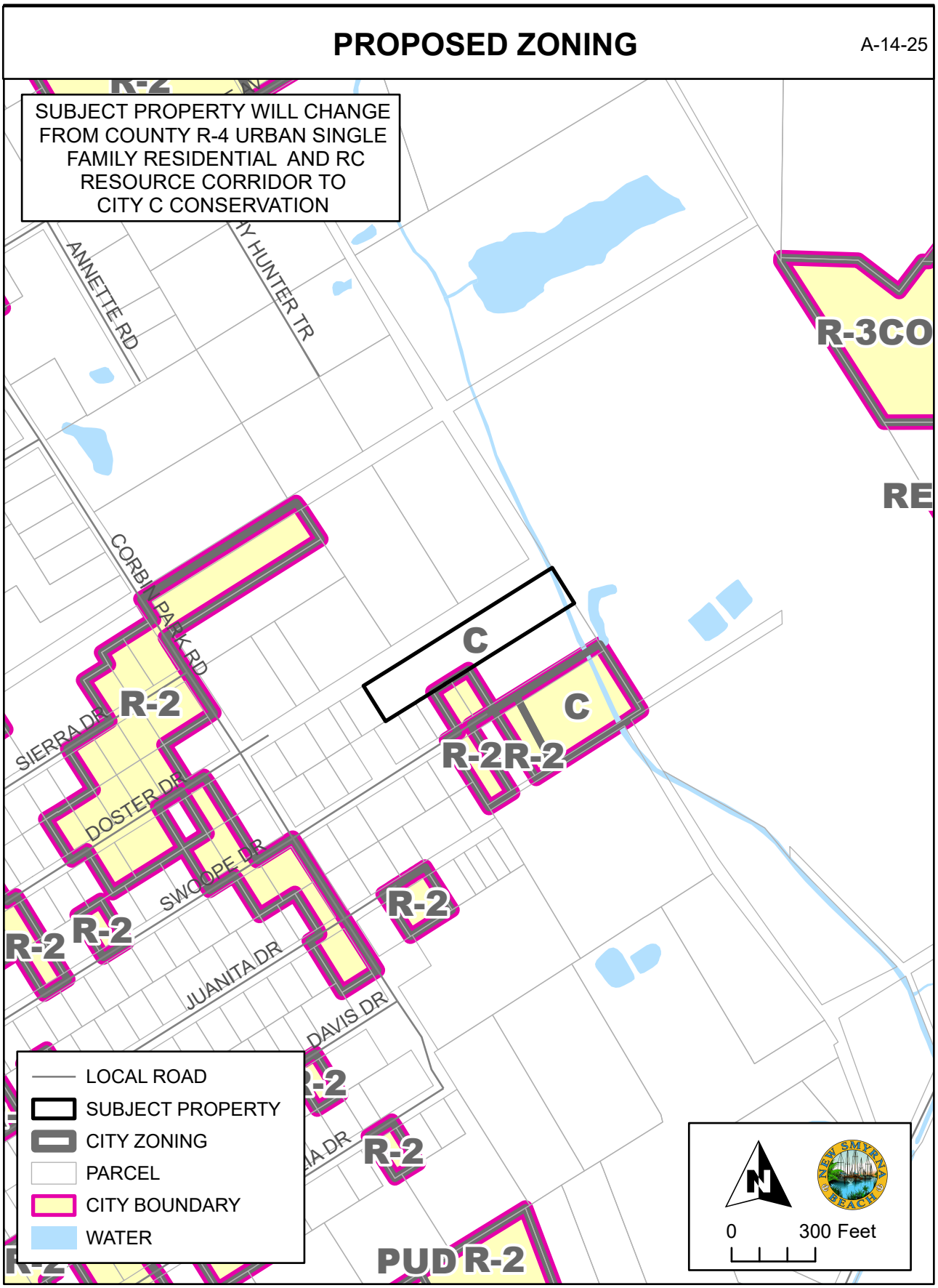
Visibility at intersections. Visibility at intersections shall be provided as required in this LDR.

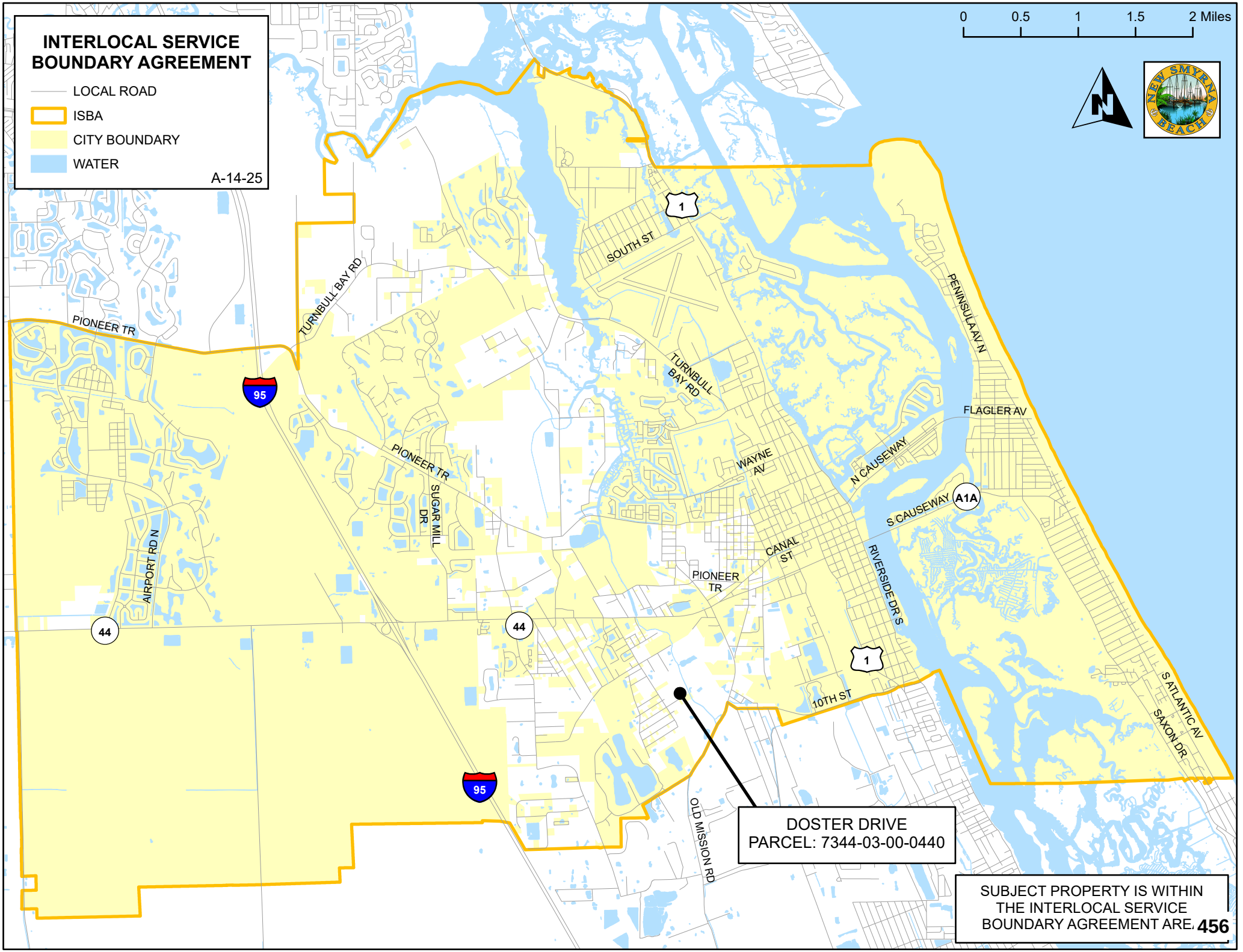
Off-street parking. Off-street parking shall be provided as required in this LDR.

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.

PROPOSED ZONING

A-14-25




INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-14-25
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
PIONEER TR
TURNBULL BAY RD
SOUTH ST
PENINSULA AV N
FLAGLER AV
N CAUSEWAY
WAYNE AV
S CAUSEWAY
A1A
SUGAR MILL DR
AIRPORT RD N
CANAL ST
RIVERSIDE DR S
10TH ST
S ATLANTIC AV
SAXON DR
OLD MISSION RD
95
44
1
DOSTER DRIVE
PARCEL: 7344-03-00-0440
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ARE.
456

LEGAL DESCRIPTION

Address:
Doster Drive, New Smyrna Beach, Florida 32168

Parcel Number
7344-03-00-0440

AltKey Number:
3734599

Metes and Bounds by Professional Title Agency.

LOT(S) 44, 45, 46, AND 47, CORBIN PARK SUBDIVISION UNIT NO. 3, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 23, PAGE 146, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Prepared by and Return To:
Teresa Prompovitch
Professional Title Agency, a division of LandCastle Title Group, LLC
313 Julia Street
New Smyrna Beach, FL 32168

Order No.: N[redacted]

APN/Parcel ID(s): 734403000440

WARRANTY DEED

THIS WARRANTY DEED dated August 22, 2025, by Tad D. Johnston and Crystal G. Johnston, husband and wife, hereinafter called the grantor, to City of New Smyrna Beach, a municipal corporation a corporation existing under the laws of the State of Florida, whose post office address is 210 Sams Avenue, New Smyrna Beach, FL 32168, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten And No/100 Dollars ($10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Volusia, State of Florida, to wit:

Lot (s) 44, 45, 46 and 47, Corbin Park Subdivision Unit No. 3, according to the map or plat thereof, as recorded in Map Book 23, Page 146, of the Public Records of Volusia County, Florida.

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2024.

WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

Witness Signature

Teresa A. Prompovitch
Print Name

Address: 313 Julia Street
New Smyrna Beach, FL 32168

Witness Signature

Linda Ramsey
Print Name

Address: 313 Julia St.
NSB FL 32168

Tad D. Johnston

Crystal G. Johnston

Address: 2141 Swoope Drive
New Smyrna Beach, FL 32168

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 22nd day of August, 2025, by Tad D. Johnson and Crystal G. Johnston, to me known to be the person(s) described in or who has/have produced Driver's License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

NOTARY PUBLIC
My Commission Expires:

TERESA A. PROMPOVITCH
Notary Public - State of Florida
Commission # HH 221861
My Comm. Expires Mar 21, 2026
Bonded through National Notary Assn.

Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of New Smyrna Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
ORD 17-26 Rezoning Doster Dr.

This Business Impact Estimate is provided in accordance with section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of New Smyrna Beach is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of New Smyrna Beach is, nevertheless providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
    b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
    c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
    d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City of New Smyrna Beach hereby publishes the following information:

[1] *See* Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Ordinance No. 17-26 rezones the land annexed by Ordinance No. 15-26 to conservation zoning.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of New Smyrna Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance, or for which businesses will be financially responsible; and
(c) An estimate of the City of New Smyrna Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):
[*You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of New Smyrna Beach staff solicited comments from businesses in the City of New Smyrna Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of New Smyrna Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.*).

None.

ORDINANCE NO. 17-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH REZONING 2.8± ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF DOSTER DRIVE, EAST OF CORBIN PARK ROAD, FROM VOLUSIA *RC, RESOURCE CORRIDOR AIRPORT OVERLAY* AND *R-4 A, URBAN SINGLE-FAMILY AIRPORT OVERLAY* TO CITY *C A, CONSERVATION AIRPORT OVERLAY* ZONING DISTRICT; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kevin Cowper, City Manager, 210 Sams Avenue, New Smyrna Beach, Florida 32168, applicant on behalf of City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168, property owner, has requested the annexation of 2.8± acres of property generally located south of Doster Drive, east of Corbin Park Road, from Volusia County *RC, Resource Corridor Airport Overlay* and *R-4 A, Urban Single-Family Residential Airport Overlay* to City *C A, Conservation Airport Overlay* zoning district; and

WHEREAS, the Planning and Zoning Board, at its regular scheduled meeting on January 5, 2026, by a vote of 5-0, recommended that the City Commission approve the requested rezoning; and

WHEREAS, the City Commission finds that the requested rezoning is consistent with the City Comprehensive Plan; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to rezone said property as more particularly described hereinafter.

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

SECTION 1: ***Rezoning.*** That the 2.8± acres of property generally located south of Doster Drive, east of Corbin Park Road, in the City of New Smyrna Beach, Florida, said properties more particularly described as follows:

7344-03-00-0440
Doster Drive

LOT(S) 44, 45, 46, AND 47, CORBIN PARK SUBDIVISION UNIT NO. 3, ACCORDING TO MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 23, PAGE 146, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

shall be and the same is hereby rezoned from Volusia *RC, Resource Corridor Airport Overlay* and *R-4 A, Urban Single-Family Residential Airport Overlay* to City *C A, Conservation Airport Overlay* zoning district.

SECTION 2: ***Quasi-Judicial Public Hearing.*** It is hereby found that a quasi-judicial public hearing held by the City Commission to consider adoption of this ordinance on February 10, 2026, at 5:30 p.m. in the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida, to consider the rezoning request in accordance with *Bd. of Cty. Com'rs of Brevard v. Snyder*, 627 So.2d 469 (Fla. 1993) in a manner to insure that all parties are provided an opportunity to be heard, present evidence and cross-examine witnesses, and to be informed of all the facts upon which the Commission's decision on the rezoning is based, after notice published at least 10 days prior to hearing, is deemed to comply with §166.041(3)(a), Fla.Stat.

SECTION 3: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 4: ***Administrative Correction of Scrivener's Errors.*** The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 5: ***Severability.*** That if any section, sentence, clause or phrase of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 6: ***Effective Date***. That this ordinance shall become effective THIRTY ONE (31) days following adoption of Ordinance No. 16-26, the Small Scale Comprehensive Plan Amendment for the subject property, by the City Commission unless a challenge is filed to said ordinance under §163.3187, F.S. In the event that Ordinance No. 16-26, the Small Scale Comprehensive Plan Amendment, is challenged this ordinance shall become effective upon the state land planning agency or the Administration Commission, respectively, issuing a final order determining that the adopted small scale development amendment is in compliance.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

Date: 1/20/2026

THE CITY OF NEW SMYRNA BEACH - DEVELOPMENTAL SERVICES

ORDINANCE NO. 18-26: CONDUCT A SECOND READING AND PUBLIC HEARING OF AN ORDINANCE, WHICH, IF ADOPTED, WOULD AMEND SECTION 1007.00 SUBDIVISION PLAT PROCESS.

February 10, 2026

Background:

Under existing law (prior to SB 784), plats and replats were typically submitted to local governing bodies (city commissions/councils or board of county commissioners) for approval, after technical review by staff and other agencies. In the 2025 Legislative Session the Florida Legislature enacted SB 784 (Chapter No. 2025-164) which became effective July 1, 2025. SB 784 amends § 177.071 and § 177.111 of the Florida Statutes to require that:

A plat or replat that complies with § 177.091 must be administratively approved by a designated administrative authority of the local government, and no further action by the governing body is required.

The governing body must, by ordinance or resolution, designate an administrative authority (department/division or an official/employee) to receive, review and process plats/replats.

Within 7 business days of receipt of a plat/replat submittal, the administrative authority must provide written notice to the applicant acknowledging receipt, identifying any missing documents/information required to process the submittal under § 177.091, and outlining the process and applicable timeframe.

Unless the applicant requests an extension of time, the administrative authority must approve, approve with conditions, or deny the plat or replat within the timeframe identified in that initial written notice. The local government may not require the applicant to request a written extension of time.

If the plat/replat lies wholly within the boundaries of a municipality, that municipality has exclusive jurisdiction to approve.

Commonly, plats become controversial as they make their way through the public hearing process regardless of their compliance with existing code. The state decided this

process was too cumbersome by creating unnecessary delays and expenses. SB 784 is intended to streamline platting procedures, reduce delays, and remove unnecessary governing-body hearings for code-compliant plats. Staff has taken our existing requirements and drafted a hybrid amendment that maintains some cohesion of our current process while complying with the new regulations of SB 784.

This proposed Land Development Regulation amendment has a new introductory section establishing the rules of SB 784, designates the City Manager or his/her designee as the administrative authority to approve plats and clarifies the new review/approval process.

The proposed platting process is now broken down into three phases. In summary, the three phases cover the following:

1. **Sketch plat** (previously called a preliminary plat) - This first phase requires the minimum detail required for a property owner and staff to have initial discussions about a project before it gets into the more detailed and expensive design work.
2. **Preliminary plat** (previously called a final plat)- This second phase requires all of the detailed engineering required to record a plat prior to recording. New language regarding plat contracts was added to end of this section. Approval of the preliminary plat and development plans results in the issuance of a development order per state law even though a final plat has not been recorded.
3. **Final plat recording** - This third and final phase remains relatively unchanged from the existing text. During this phase the final documents are collected, a mylar is singed and the final plat is recorded in Volusia County clerk of court.

Findings:

The proposed amendment is administrative in nature and does not alter land use designations, densities, intensities, or development standards. It is consistent with the City's Comprehensive Plan policies that call for efficient and timely review of development applications and transparent procedures. The draft has been reviewed by city staff, NSBU and should be approved to be compliant with state law.

At its regular scheduled meeting on January 5, 2026, the Planning and Zoning Board voted, 5-0, to recommend the City Commission to **approve** the proposed text amendment to update the Land Development Regulations' subdivision/platting section to incorporate the procedural requirements of SB 784 amending the administrative authority designation, review timelines, and approval process for plats and replats.

The Planning Department also recommends **approval** to the City Commission of the proposed text amendment to update the Land Development Regulations' subdivision/platting section to incorporate the procedural requirements of SB 784

amending the administrative authority designation, review timelines, and approval process for plats and replats.

Exhibit A: 1007.00 Platting Requirements Redline
Exhibit B: Senate Bill 784

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

Exhibit A: 1007.00. Platting Requirements Redline
Senate Bill 784
Business Impact Estimate - Ord 18-26 Subdivision Plat Process.pdf
Ord 18-26 LDR Amend Subdivision Plat Process.pdf

1007.00. Administrative Authority for Plat and Replat Approval

A. *Purpose and Applicability*. This section shall apply to all plats and replats, whether denominated as preliminary, final, or otherwise, required pursuant to Chapter 177, Florida Statutes, or the City's Land Development Regulations.

B. *Delegation of Authority*

(1.) The City Manager is hereby designated as the "administrative authority" for purposes of Section 177.071, Florida Statutes, as amended.

(2.) The City Manager may delegate, in writing, the duties and responsibilities set forth in this section to one or more employees of the City possessing the requisite qualifications, including but not limited to the Director of Development Services or other appropriate staff or consultants.

(3.) Any such designee shall have the same authority and responsibility as the City Manager to review, approve, approve with conditions, or deny plats and replats in accordance with this section.

C. *Review Procedure*

(1.) Upon receipt of an application for a plat or replat, the administrative authority shall within seven (7) business days:

a. Acknowledge receipt of the application in writing to the applicant;

b. Notify the applicant of any missing or incomplete required materials; and

c. Provide the applicant with the expected timeframe for review and decision. The review period shall commence only when all materials in the application packet are complete.

(2.) Within the stated timeframe, the administrative authority shall issue a written decision to approve, approve with conditions (required corrections or modifications), or deny the application.

(3.) Any denial shall state with specificity the requirements of law, regulation, or technical standard not met by the application.

D. Extensions. The review timeframe may be extended only upon written request by the applicant or by declaration of a natural disaster by the Governor. No extension shall be required by the City as a condition of review.

E. *Conformity with Law*. All plats and replats shall conform to the requirements of Chapter 177, Florida Statutes, the City's Land Development Regulations, and any other applicable laws.

F. *Effect of Approval.* Administrative approval of a plat or replat under this section shall constitute final City action for purposes of Chapter 177, Florida Statutes, without the necessity of review or approval by the Planning and Zoning Board or the City Commission, except where otherwise required by law.

1007.~~00~~01. Plat requirements.

A. *Survey accuracy.* The allowable angular and linear error of closure for subdivision surveys shall be as follows:

(1) Angular error of closure shall not exceed 15 seconds times the square root of the number of angles turned. Total angular error shall be no greater than 40 seconds.

(2) Linear error of closure shall not exceed one foot per 10,000 feet (1:10,000 feet).

B. *Monumentation.* The developer shall cause a professional land surveyor and mapper to install monuments based on the requirements of F.S. ch. 177. The professional land surveyor and mapper shall establish the elevation in feet above ~~National Vertical Geodetic~~North American Vertical Datum of 1988 (~~N.V.G.D.)~~(NAVD 88) for at least two permanent reference monuments in the subdivision and show such information on the plat.

C. *Lot and block layout.* All lots shall be designed to meet the minimum dimensional requirements of their zoning district or any controlling master development agreement (MDA). The following additional criteria shall be considered in the layout of proposed subdivisions:

(1) Maximum block length shall be 1,400 feet, unless longer blocks are required due to environmental or topographic limitations.

(2) Blocks designed for non-residential uses should provide sufficient length and width to prevent adverse traffic impacts, while allowing adequate service areas and parking without requiring excessive points of entry on abutting streets.

(3) Lots within non-residential blocks shall require a common vehicular access easement dedicated to the use, maintenance and benefit of all lots within the block. Alternatively, a lower functional classified side street may be used to provide access to the lot.

(4) All lots shall front on a public or private street.

(5) Where a residential subdivision abuts or includes an arterial or major collector road, streets and blocks shall be designed so that no lot requires access from the arterial or major collector road.

(6) Double frontage lots are to be avoided. However, where double frontage lots are used to meet this requirement, the lot must be 20 percent deeper than the average lot depth of any adjoining lots. All double frontage lots shall contain one of the following:

a. A decorative masonry wall; or

b. A 15-foot landscaped buffer area. If a buffer area is used, this area must be placed in a conservation easement that is dedicated to the homeowners association or the controlling maintenance entity per the recorded MDA.

(7) Access to a double frontage lot shall be from a local or minor collector road only as established by the comprehensive plan.

(8) All corner lots shall be 15 percent wider than the minimum width required by ~~this Code~~these land development regulations.

(9) Lots fronting on a cul-de-sac shall have a minimum width at the right-of-way line of not less than 30 feet measured at the chord of the arc.

(10) Side lot lines shall be perpendicular or radial to street right-of-way lines except where physical lot features make such orientation impractical.

D. *Easements and miscellaneous dedications.* The following minimum number and size of easements and dedications shall be reflected on the plat drawing. Larger easements may be specifically required based on the size, depth, or special maintenance requirements of a facility. All easements or dedications shall be graphically depicted unless otherwise noted.

(1) *Drainage facilities.* A drainage easement shall be granted to the city where a proposed subdivision is traversed by any existing or proposed watercourse, canal, ditch, storm sewer, or other drainage way. Minimum size shall be as follows:

a. Lake or retention areas shall be covered by an easement extending to ten feet beyond the top of bank.

b. Canals, water courses, drainage ways, channels or streams shall be covered by an easement extending to 20 feet beyond the top of bank on one side, and 20 feet beyond the top of bank on the other side, if needed.

c. Swales, or any other facility ~~up to two 22~~greater than two feet deep and with side slopes no greater than 4:1 shall be covered by an easement extending to the top of bank.

d. Storm sewer lines shall be covered by an easement of no less than 20 feet, centered on the centerline of the pipe.

e. The city may require the dedication of a drainage right-of-way over major facilities providing area-wide drainage.

(2) *Utilities.* A utility easement shall be granted to the ~~utilities commission~~New Smyrna Beach Utilities (NSBU) wherever a proposed utility line or other facility is planned or located on or adjacent to any property not otherwise dedicated to or owned by the ~~utilities commission~~NSBU. Such easements shall be 20 feet in width and centered on the centerline of the pipe; with reasonable justification, the ~~utilities commission~~NSBU may reduce the easement to less than 20 feet in width or may request up to an additional five feet in width, if necessary.

(3) *Vehicular access control easements.* A one-foot wide vehicular access control easement, precluding the construction of any accessway to the property from the adjoining street, shall be granted to the city parallel to the right-of-way line as follows:

a. On all double frontage (through) lots adjacent to the arterial or collector road, along the rear or non-local road frontage.

b. On all corner lots adjacent to an arterial or collector road, along the non-local road frontage.

c. Along any other lot frontage where access must be restricted due to visibility restrictions or other traffic engineering considerations.

(4) *Conservation easements.* Conservation easements shall be granted to the city or other appropriate governmental agency as follows:

a. Over all required tree preservation areas.

b. Around all individual specimen trees required to be preserved.

c. Over all wetlands, wetland buffers and wetland mitigation areas.

(Ord. No. 35-11, § 6, 6-28-2011; Ord. No. 50-18, § 3(Exh. C), 9-25-2018)

1008.00. ~~Preliminary~~ Sketch plat and plan approval.

A ~~preliminary~~ sketch plat must be reviewed and approved prior to the review and approval of ~~development plans.~~preliminary plat. The requirement for approval of a ~~preliminary~~ sketch plat may be waived by the administrative ~~official~~ authority when the proposal is determined to be minor in review or consistent with the conceptual plan exhibit of a PUD master development agreement. A ~~preliminary~~ sketch plat approval does not convey any rights of a development order, and does not result in any reservation of capacity for concurrency management purposes.

A. *Pre-application conference.* Prior to filing for ~~preliminary~~ sketch plat and plan approval, the developer or the developer's representative must meet with city technical review staff in order to discuss potential issues regarding the proposed subdivision. Comments made at the pre-application meeting are advisory and intended to provide guidance and are non-binding on the formal review of the preliminary plat and plans.

B. *Application.* Application for ~~preliminary~~ sketch plat and plans approval shall be made to the planning and engineering department utilizing the form provided by the department for that purpose, and accompanied by the appropriate review fee as adopted by resolution of the city commission. Initial applications shall be accompanied by the required number of signed and sealed plat and development plans by professional land surveyors, including electronic copies, as determined by the administrative official.

(1) ~~*Review of application materials.* Within three working days of the receipt of an application, the department shall determine whether the application is complete. Incomplete applications shall be returned to the applicant with the deficiencies noted in writing. Re-application shall be accompanied by a re-application fee as adopted by resolution of the city commission.~~

~~(2) *Initiation of development review.* When an application is determined to be complete, it shall be scheduled in accordance with the adopted submittal deadline calendar for the corresponding city technical review staff meeting and the applicant shall be so notified. All application packages must be submitted by noon on the deadline date in order to be scheduled for the next available city technical review staff meeting.~~

C. ~~*Preliminary*~~ *Sketch plat and plans and exhibits.* The following information shall be shown on or enclosed with the preliminary plat and plans submitted for approval unless specifically waived by the city technical review staff member responsible for review of that item. The ~~preliminary~~ sketch plat itself shall be drawn at a scale of no smaller than 1" = 100'.

(1) Subdivision name, date, north arrow, and the property's legal description, boundary dimensions and area in acres.

(2) Name and address of owner, surveyor, engineer, and any other professional consultants involved with the generation of the plan information. If the property is owned by a corporation or company, the name and address of its president and secretary, and state of incorporation shall be given.

(3) A vicinity map drawn to scale, showing the project boundary, the zoning of the area, and the relationship of the proposed subdivision to surrounding development.

(4) Proposed streets, common areas, drainage areas, conservation areas, lot lines, and their dimensions.

(5) Proposed street names and lot numbers.

(7) Existing topography using one-foot contours, and delineation of flood insurance rate map flood zones.

(9) All existing buildings, utilities, roads, easements or other improvements on the property, and all roads and lot lines within 150 feet of the property boundary.

~~(10) A soils report including one percolation test per ten acres with one or more eight-foot deep soil boring at each percolation test site.~~

(~~11~~10) Proposed utilities layout.

~~(12) A tree survey in compliance with Article VI of this code.~~

~~(13) One copy of the computer disk(s) depicting the proposed subdivision layout, including the streets and lots, for projects prepared on an appropriate computer-aided drafting (CAD) system.~~

~~(14) A boundary survey certified to the city.~~

~~(15) An opinion of title issued to the city.~~

(~~16~~11) If zoned PUD, provide the required number of copies of any/all PUD Master Development Agreement (MDA) and Amendment(s) concerning the proposed development, as determined by the administrative official.

~~D. *Review process.*~~

~~(1) Plan review by city technical review staff.~~

~~a. All applications shall be reviewed by city technical review staff and written staff comments shall be delivered and discussed at a regularly scheduled city technical review staff meeting.~~

~~b. Plans must be resubmitted in response to city technical review staff comments no later than 180 days after the original review.~~

~~c. Following resubmittal, city technical review staff shall have 20 working days to review and approve the revised plat and plans or provide the administrative official with a list of outstanding comments.~~

~~(2) *Failure to provide timely plan resubmission.* Failure to meet any of the resubmission deadlines cited above shall require the applicant to pay late fees or file a new application, including the appropriate review fees, whichever is deemed applicable by the administrative official.~~

~~(3) *Extension of resubmittal deadlines.* The administrative official may extend the resubmission deadlines cited above when warranted by unforeseeable events. A request for extension must be filed in writing with the planning and engineering department explaining the circumstances justifying the extension and include a resubmittal extension fee as adopted by resolution of the city commission.~~

~~(4) *Expiration.* Preliminary plat and plan approval shall expire two years after approval or conditional approval unless an application for final plat approval is submitted.~~

(Ord. No. 35-11, § 6, 6-28-2011; Ord. No. 19-18, § 1, 3-13-2018; Ord. No. 104-20, § 1, 12-8-2020)

1009.~~01~~00. ~~Final~~ Preliminary plat and development plan approval.

Approval of the ~~final~~ preliminary plat and development plans results in the issuance of a development order.

A. *Pre-application conference.* Prior to filing for development plan approval, the developer or the developer's representative shall meet with the city technical review staff in order to verify the steps necessary for application and review, and discuss potential issues regarding the development proposal. Comments made at the pre-application conference are intended to provide guidance and are nonbinding on the formal review of the development plans.

B. *Application for development plan approval.* Application for development plan approval shall be made to the planning and engineering department utilizing the form provided by the department for that purpose, and accompanied by the appropriate review fee. Application shall be accompanied by the required number of signed and sealed plat and development plans, including electronic copies, as determined by the administrative official. Plans shall be signed and sealed by a registered engineer~~,~~ or ~~architect, or landscape architect, where~~architect where required by this Code. Plans shall be prepared according to the standards of this Code.

(1) ~~*Review of application materials.* Within three working days of the receipt of an application, the department shall determine whether the application is complete. Incomplete applications shall be returned to the applicant with the deficiencies noted in writing. Re-application shall be accompanied by a re-application fee as adopted by resolution of the city commission.~~

~~(2) *Initiation of development review.* When an application is determined to be complete it shall be scheduled in accordance with the adopted submittal deadline calendar for the corresponding city technical review staff meeting, and the applicant shall be so notified. All application packages must be submitted by noon on the deadline date in order to be scheduled for the next available meeting.~~

C. *Subdivision plat and development plan exhibits.* In addition to the information listed in section ~~1008~~1009.00 of this article, the following information and documentation shall be shown on or enclosed with the subdivision plat and development plans submitted for approval. The subdivision plat and development plans shall be drawn at a scale of no smaller than 1"=100'.

(1) The ~~final~~ preliminary plat drawing(s) drafted in compliance with F.S. ch. 177, and including certificates of approval to be signed by the mayor and attested to by the city clerk.

(2) An opinion title issued to the city.

(3) A boundary survey certified to the city.

(4) Acreage in lots, drainage areas, common areas, streets and other uses; and the minimum lot size, average lot size and total number of lots.

(5) A soils report including one percolation test per ten acres with one or more eight-foot deep soil boring at each percolation test site and at every proposed stormwater retention pond.

(6) Environmental assessments showing all wetlands, delineation of wooded areas and vegetative communities, endangered/protected species reports and tree surveys showing all specimen trees, with calculations as required in Article VI of this code.

(~~2~~7) Engineering drawings, prepared by an engineer registered in the State of Florida, showing all required improvements, and including:

a. A composite plan drawing which shows all utility and drainage lines in relationship to each other;

b. Individual plan and profile sheets for all roads and sanitary sewer lines, showing manholes, inlets, and pipe crossings. Plans and profile sheets shall show sanitary lines and all other buried utilities that cross sewer lines, and any that parallel and are within ten feet of sewer lines. This includes but is not limited to potable water lines, reclaimed water lines, storm

drainage pipes, and storm drainage lines and inlets. Plan views shall be drawn at a scale of 1"=40' horizontal. Profiles shall be drawn at 1"=4' vertical.

c. Calculations justifying the sizing of utility lines.

d. A drainage basin map showing the topography and size of drainage basins and the specific flows therein.

e. Drainage calculations demonstrating compliance with this Code, and justifying ~~the size of all facilities~~recovery, conveyance and validating the capacity of the proposed stormwater management improvements.

f. The lot grading plan required under section 1004.00 of this article.

(~~3~~8) A construction cost estimate detailing the tabulation of quantities and costs of all proposed improvements including landscaping and irrigation signed and sealed by the engineer of record and/or landscape architect as appropriate.

(~~4~~9) Any and all proposed deed covenants.

(~~5~~10) Copies of letters notifying all franchised utilities of the size, location, and layout of the proposed subdivision.

(~~6~~11) Letter of approval for street names from Volusia County 9-1-1 coordinator.

(~~7~~12) If zoned PUD, provide the required number of copies of any/all PUD Master Development Agreement (MDA) and Amendment(s) concerning the proposed development, as determined by the administrative official.

~~D. *Review process.*~~

~~(1) *Plan review by the city technical review staff.*~~

~~a. All applications shall be reviewed by city technical review staff. Written technical review staff comments shall be delivered to the applicant and discussed at a regularly scheduled city technical review staff meeting.~~

~~b. Plans must be resubmitted in response to city technical review staff comments no later than 180 days after delivery of the original written technical review staff comments.~~

~~c. Following resubmittal, city technical review staff shall have 20 working days to review and approve the revised plat and plans or provide the administrative official with a list of outstanding comments.~~

~~(2) *Planning and zoning board review.* Only projects with five or fewer outstanding technical and procedural city technical review staff comments shall be submitted by the department to the planning and zoning board for consideration, unless waived by the planning and zoning board.~~

~~a. Planning and zoning board action. The planning and zoning board shall consider the final plat and plans at a regularly scheduled meeting and determine if they meet the requirements of this Code. The applicant or authorized agent shall be present at the consideration by the planning and zoning board. Upon consideration of the comments of the city technical review staff and the public, the board shall take one of the following actions:~~

~~1. Continue consideration of the project to the next regularly scheduled meeting to allow for the resolution of outstanding issues.~~

~~2. Recommend disapproval of the proposed final plat and plans.~~

~~3. Recommend approval of the proposed final plat and plans.~~

~~4. Recommend approval of the proposed final plat and plans with conditions.~~

~~(3) *Final document submittals for city commission review.*~~

~~a. Following the planning and zoning board meeting, the applicant shall submit any revisions of the final plat and development plans, addressing any outstanding city technical review staff comments, in order to be heard by the city commission.~~

~~b. If the plat is to be recorded prior to the completion of improvements, an improvement guarantee must be included for city commission review. All agreements and guarantees shall be on forms acceptable to the city engineer and city attorney. The guarantee shall be in the amount of 115 percent of the construction costs as estimated by the developer and confirmed or adjusted by the city.~~

~~(4) City commission approval. The city commission shall consider the final plat and development plans at a regularly scheduled meeting, and determine if they meet the requirements of this Code. Upon consideration of the comments of the department and public, and the recommendation of the planning and zoning board, the city commission shall take one of the following actions:~~

~~a. Table or continue the consideration of the proposed development plan to allow for resolution of outstanding issues.~~

~~b. Deny the proposed final plat and development plans.~~

~~c. Approve the final plat and development plans.~~

~~d. Approve the final plat and development plans with conditions. Revised plans and/or reflecting conditions of city commission approval shall be submitted to the planning and engineering department within 60 days of that approval. Plans and/or documents shall be reviewed by the department within ten working days of resubmittal to determine compliance with those conditions.~~

~~e. Refer the proposed development plan back to the planning and zoning board for further review and recommendation based on new or additional information or circumstances.~~

~~E~~D. *Issuance of development order.* The planning and engineering department shall issue a development order within five working days of unconditional city commission approval, or verification that city commission conditions for approval have been met.

~~F. *Failure to provide timely plan resubmission.* Failure to meet any of the resubmission deadlines cited above shall require applicant to pay late fees or file a new application, including the appropriate review fees, whichever is deemed applicable by the administrative official.~~

~~G. *Extension of resubmittal deadlines.* The administrative official may extend the deadlines cited above when warranted by unforeseeable events. A request for extension must be filed in writing with the planning and engineering department accompanied by the appropriate fee explaining the circumstances justifying the extension.~~

~~H~~E. *Expiration.* Failure to install all required improvements and record the final plat within two years of the date of ~~city commission~~ approval shall result in the ~~final~~ preliminary plat approval being revoked.

(Ord. No. 35-11, § 6, 6-28-2011; Ord. No. 19-18, § 1, 3-13-2018; Ord. No. 104-20, § 1, 12-8-2020)

1009.~~02~~01. Final plat recording.

A. The following information must be provided prior to the recording of the final plat:

(1) A letter from the surveyor verifying that all survey monumentation required by this code is in place;

(2) Evidence of a third party review and approval in conformity with Chapter 177 of Florida Statutes shall be placed on the face of the plat;

(~~2~~3) A title opinion or property information report, in a format acceptable to the city attorney, dated not more than 30 days prior to the proposed date for plat recording;

(~~3~~4) A copy of the articles of incorporation for the property owner's association responsible for maintenance of common facilities;

(~~4~~5) One mylar copy of the final plat, executed by the owner(s), surveyor of record, and other entities associated with the developer; and

(~~5~~6) Electronic copies of the final plat and all supporting documents.

B. *Recorded plat.* Upon receipt of all documents listed above, the mayor, city attorney, and city clerk shall sign the mylar copy of the final plat. The signed mylar will be returned to the developer for recording with the Volusia County clerk of court. Developer shall record the plat within 30 days of receiving the signed mylars from the city. Recording shall be done at the developer's expense. Developer shall provide the city with an electronic copy of the recorded plat.

(Ord. No. 104-20, § 1, 12-8-2020)

DRAFT

An act relating to platting; amending s. 177.071, F.S.; requiring that certain plat or replat submittals be administratively approved with no further action by certain entities under certain circumstances; requiring the governing body of such county or municipality to designate an administrative authority to receive, review, and process plat or replat submittals; providing requirements for such designation; defining the term "administrative authority"; requiring the administrative authority to submit a certain notice to an applicant; providing requirements for such notice; requiring the administrative authority to approve, approve with conditions, or deny a plat or replat submittal in accordance with the timeframe in the initial written notice to the applicant; requiring the administrative authority to notify the applicant in writing if it declines to approve a plat or replat submittal; requiring that the written notification contain the reasons for denial and other information; prohibiting the administrative authority or other official, employee, agent, or designee from requesting or requiring that the applicant request an extension of time; amending s. 177.111, F.S.; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 177.071, Florida Statutes, is amended to read:

177.071 Administrative approval of plats ~~plat~~ by designated county or municipal official ~~governing bodies~~.—

(1)(a) A plat or replat submitted under this part must be administratively approved and no further action or approval by the governing body of a county or municipality is required if the plat or replat complies with the requirements of s. 177.091. The governing body of the county or municipality shall designate, by ordinance or resolution, an administrative authority to receive, review, and process the plat or replat submittal, including designating an administrative official responsible for approving, approving with conditions, or denying the proposed plat or replat.

(b) As used in this section, the term "administrative authority" means a department, division, or other agency of the county or municipality. For purposes of issuing a final administrative approval of a plat or replat submittal, the term also includes an administrative officer or employee designated by the governing body of a county or municipality, including but not limited to, a county administrator or manager, a city manager, a deputy county administrator or manager, a deputy city manager, an assistant county administrator or manager, an assistant city manager, or other high-ranking county or city department or division director with direct or indirect oversight responsibility for the county's or municipality's land development, housing, utilities, or public works programs.

(2) Within 7 business days after receipt of a plat or

replat submittal, the administrative authority shall provide written notice to the applicant acknowledging receipt of the plat or replat submittal and identifying any missing documents or information necessary to process the plat or replat submittal for compliance with s. 177.091. The written notice must also provide information regarding the plat or replat approval process, including requirements regarding the completeness of the process and applicable timeframes for reviewing, approving, and otherwise processing the plat or replat submittal.

(3) Unless the applicant requests an extension of time, the administrative authority shall approve, approve with conditions, or deny the plat or replat submittal within the timeframe identified in the written notice provided to the applicant under subsection (2). If the administrative authority does not approve the plat or replat, it must notify the applicant in writing of the reasons for declining to approve the submittal. The written notice must identify all areas of noncompliance and include specific citations to each requirement the plat or replat submittal fails to meet. The administrative authority, or an official, an employee, an agent, or a designee of the governing body, may not request or require the applicant to file a written extension of time.

(4)~~(1)~~ Before a plat or replat is offered for recording, it must be administratively approved as required by this section ~~by the appropriate governing body~~, and evidence of such approval must be placed on the plat or replat. If not approved, the governing body must return the plat or replat to the professional surveyor and mapper or the legal entity offering the plat or replat for recordation. For the purposes of this

part:

(a) When the plat or replat to be submitted for approval is located wholly within the boundaries of a municipality, the ~~governing body of the~~ municipality has exclusive jurisdiction to approve the plat or replat.

(b) When a plat or replat lies wholly within the unincorporated areas of a county, the ~~governing body of the~~ county has exclusive jurisdiction to approve the plat or replat.

(c) When a plat or replat lies within the boundaries of more than one county, municipality, or both ~~governing body~~, two plats or replats must be prepared and each county or municipality ~~governing body~~ has exclusive jurisdiction to approve the plat or replat within its boundaries, unless each county or municipality with jurisdiction over the plat or replat agrees ~~the governing bodies having said jurisdiction agree~~ that one plat is mutually acceptable.

(5) ~~(2)~~ Any provision in a county charter, or in an ordinance of any charter county or consolidated government chartered under s. 6(e), Art. VIII of the State Constitution, which provision is inconsistent with anything contained in this section shall prevail in such charter county or consolidated government to the extent of any such inconsistency.

Section 2. Section 177.111, Florida Statutes, is amended to read:

177.111 Instructions for filing plats ~~plat~~.—After the approval by the appropriate administrative authority ~~governing body~~ required by s. 177.071, the plat or replat must ~~shall~~ be recorded by the circuit court clerk or other recording officer upon submission thereto of such approved plat or replat. The

circuit court clerk or other recording officer shall maintain in his or her office a book of the proper size for such papers so that they will ~~shall~~ not be folded, to be kept in the vault. A print or photographic copy must be filed in a similar book and kept in his or her office for the use of the public. The clerk shall make available to the public a full size copy of the record plat or replat at a reasonable fee.

Section 3. This act shall take effect July 1, 2025.

Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of New Smyrna Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
ORD 18-26 Subdivision Plat Process

This Business Impact Estimate is provided in accordance with section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of New Smyrna Beach is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of New Smyrna Beach is, nevertheless providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☑ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
    b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
    c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
    d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City of New Smyrna Beach hereby publishes the following information:

[1] *See* Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

This ordinance updates the subdivision plat process in accordance with recently state law.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of New Smyrna Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance, or for which businesses will be financially responsible; and
(c) An estimate of the City of New Smyrna Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None

4. Additional information the governing body deems useful (if any):

None

ORDINANCE NO. 18-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS; AMENDING ARTICLE X, SUBDIVISIONS, SECTION 1007.00, PLAT REQUIREMENTS, SECTION 1008.00 PRELIMINARY PLAT AND PLANS APPROVAL, AND SECTION 1009.00, FINAL PLAT AND DEVELOPMENT PLAN APPROVAL; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, has requested administrative text amendments to the Land Development Regulations, Article X, Subdivisions, to update the administrative aspects of the Subdivision plat process in accordance with recently revised state law; and

WHEREAS, the Planning and Zoning Board, at its regular meeting held on January 5, 2026, by a vote of 5-0, recommended that the City Commission approve the text amendments; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to amend the Land Development Regulations as more particularly set forth hereinafter.

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

SECTION 1: ***Amending Land Development Regulations.*** That New Smyrna Beach Land Development Regulations are hereby amended as follows: **(Note: Omissions from text are indicated by [...], deletions from text are indicated by ~~strikeout~~, and additions to text are indicated by underline.)**

ARTICLE X. - SUBDIVISIONS

SECTION 1007.00 – Administrative authority for plat and replat approval.

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

SECTION 2: ***Amending Land Development Regulations.*** That New Smyrna Beach Land Development Regulations are hereby amended as follows: **(Note: Omissions from text are indicated by [...], deletions from text are indicated by ~~strikeout~~, and additions to text are indicated by underline.)**

SECTION 1007.00 - Plat requirements.

SEE EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.

SECTION 3: ***Amending Land Development Regulations.*** That New Smyrna Beach Land Development Regulations are hereby amended as follows: **(Note: Omissions from text are indicated by [...], deletions from text are indicated by ~~strikeout~~, and additions to text are indicated by underline.)**

SECTION 1008.00 – Preliminary plat and plan approval.

SEE EXHIBIT C ATTACHED HERETO AND MADE A PART HEREOF.

SECTION 4: ***Amending Land Development Regulations.*** That New Smyrna Beach Land Development Regulations are hereby amended as follows: **(Note: Omissions from text are indicated by [...], deletions from text are indicated by ~~strikeout~~, and additions to text are indicated by underline.)**

SECTION 1009.01 – Final plat and plan approval.

SEE EXHIBIT D ATTACHED HERETO AND MADE A PART HEREOF.

SECTION 5: ***Amending Land Development Regulations.*** That New Smyrna Beach Land Development Regulations are hereby amended as follows: **(Note: Omissions from text are indicated by [...], deletions from text are indicated by ~~strikeout~~, and additions to text are indicated by underline.)**

SECTION 1009.02 – Preliminary plat and plan approval.

SEE EXHIBIT E ATTACHED HERETO AND MADE A PART HEREOF.

SECTION 6: ***Codification.*** Following adoption of this ordinance, the City Clerk shall transmit a copy of this ordinance to Municipal Code Corporation of Tallahassee, Florida, to be codified into the City's Code of Ordinances. Municipal Code Corporation's usual and customary fee for said codification service is hereby approved

SECTION 7: ***Public Hearing***. That a public hearing considering the adoption of this ordinance was held February 10, 2026 in the City Commission Chambers at City Hall, 214 Sams Avenue, New Smyrna Beach, Florida, after notice published is found to comply with §166.041(3)(a), F.S.

SECTION 8: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 9: ***Administrative Correction of Scrivener's Errors.*** The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 10: ***Severability.*** That if any section, sentence, clause or phrase of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 11: ***Effective Date.*** That this ordinance shall take effect immediately upon its final adoption.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 1/21/2024

EXHIBIT A

ARTICLE X – SUBDIVISIONS.

1007.00. Administrative Authority for Plat and Replat Approval

A. *Purpose and applicability.* This section shall apply to all plats and replats, whether denominated as preliminary, final, or otherwise, required pursuant to Chapter 177, Florida Statutes, or the City's Land Development Regulations.

B. *Delegation of authority.*

(1) The City Manager is hereby designated as the "administrative authority" for purposes of Section 177.071, Florida Statutes, as amended.

(2) The City Manager may delegate, in writing, the duties and responsibilities set forth in this section to one or more employees of the City possessing the requisite qualifications, including but not limited to the Director of Development Services or other appropriate staff or consultants.

(3) Any such designee shall have the same authority and responsibility as the City Manager to review, approve, approve with conditions, or deny plats and replats in accordance with this section.

C. *Review procedure.*

(1) Upon receipt of an application for a plat or replat, the administrative authority shall within seven (7) business days:

a. Acknowledge receipt of the application in writing to the applicant;

b. Notify the applicant of any missing or incomplete required materials; and

c. Provide the applicant with the expected timeframe for review and decision. The review period shall commence only when all materials in the application packet are complete.

(2) Within the stated timeframe, the administrative authority shall issue a written decision to approve, approve with conditions (required corrections or modifications), or deny the application.

(3) Any denial shall state with specificity the requirements of law, regulation, or technical standard not met by the application.

D. *Extensions.* The review timeframe may be extended only upon written request by the applicant or by declaration of a natural disaster by the Governor. No extension shall be required by the City as a condition of review.

E. *Conformity with law*. All plats and replats shall conform to the requirements of Chapter 177, Florida Statutes, the City's Land Development Regulations, and any other applicable laws.

F. *Effect of approval*. Administrative approval of a plat or replat under this section shall constitute final City action for purposes of Chapter 177, Florida Statutes, without the necessity of review or approval by the Planning and Zoning Board or the City Commission, except where otherwise required by law.

EXHIBIT B

1007.~~0~~001. Plat requirements.

A. *Survey accuracy.* The allowable angular and linear error of closure for subdivision surveys shall be as follows:

(1) Angular error of closure shall not exceed 15 seconds times the square root of the number of angles turned. Total angular error shall be no greater than 40 seconds.

(2) Linear error of closure shall not exceed one foot per 10,000 feet (1:10,000 feet).

B. *Monumentation.* The developer shall cause a professional land surveyor and mapper to install monuments based on the requirements of F.S. ch. 177. The professional land surveyor and mapper shall establish the elevation in feet above ~~National Vertical Geodetic~~ North American Vertical Datum of 1988 ~~(N.V.G.D.)~~ (NAVD 88) for at least two permanent reference monuments in the subdivision and show such information on the plat.

C. *Lot and block layout.* All lots shall be designed to meet the minimum dimensional requirements of their zoning district or any controlling master development agreement (MDA). The following additional criteria shall be considered in the layout of proposed subdivisions:

(1) Maximum block length shall be 1,400 feet, unless longer blocks are required due to environmental or topographic limitations.

(2) Blocks designed for non-residential uses should provide sufficient length and width to prevent adverse traffic impacts, while allowing adequate service areas and parking without requiring excessive points of entry on abutting streets.

(3) Lots within non-residential blocks shall require a common vehicular access easement dedicated to the use, maintenance and benefit of all lots within the block. Alternatively, a lower functional classified side street may be used to provide access to the lot.

(4) All lots shall front on a public or private street.

(5) Where a residential subdivision abuts or includes an arterial or major collector road, streets and blocks shall be designed so that no lot requires access from the arterial or major collector road.

(6) Double frontage lots are to be avoided. However, where double frontage lots are used to meet this requirement, the lot must be 20 percent deeper than the average lot depth of any adjoining lots. All double frontage lots shall contain one of the following:

a. A decorative masonry wall; or
b. A 15-foot landscaped buffer area. If a buffer area is used, this area must be placed in a conservation easement that is dedicated to the homeowners association or the controlling maintenance entity per the recorded MDA.

(7) Access to a double frontage lot shall be from a local or minor collector road only as established by the comprehensive plan.

(8) All corner lots shall be 15 percent wider than the minimum width required by ~~this Code~~ these land development regulations.

(9) Lots fronting on a cul-de-sac shall have a minimum width at the right-of-way line of not less than 30 feet measured at the chord of the arc.

(10) Side lot lines shall be perpendicular or radial to street right-of-way lines except where physical lot features make such orientation impractical

D. *Easements and miscellaneous dedications.* The following minimum number and size of easements and dedications shall be reflected on the plat drawing. Larger easements may be specifically required based on the size, depth, or special maintenance requirements of a facility. All easements or dedications shall be graphically depicted unless otherwise noted.

(1) *Drainage facilities.* A drainage easement shall be granted to the city where a proposed subdivision is traversed by any existing or proposed watercourse, canal, ditch, storm sewer, or other drainage way. Minimum size shall be as follows:

a. Lake or retention areas shall be covered by an easement extending to ten feet beyond the top of bank.

b. Canals, water courses, drainage ways, channels or streams shall be covered by an easement extending to 20 feet beyond the top of bank on one side, and 20 feet beyond the top of bank on the other side, if needed.

c. Swales, or any other facility ~~up to two 22~~ greater than two feet deep and with side slopes no greater than 4:1 shall be covered by an easement extending to the top of bank.

d. Storm sewer lines shall be covered by an easement of no less than 20 feet, centered on the centerline of the pipe.

e. The city may require the dedication of a drainage right-of-way over major facilities providing area-wide drainage.

(2) *Utilities.* A utility easement shall be granted to the ~~utilities commission~~ New Smyrna Beach Utilities (NSBU) wherever a proposed utility line or other facility is planned or located on or adjacent to any property not otherwise dedicated to or owned by the ~~utilities commission~~ NSBU. Such easements shall be 20 feet in width and centered on the centerline of the pipe; with reasonable justification, the ~~utilities commission~~ NSBU may reduce the easement to less than 20 feet in width or may request up to an additional five feet in width, if necessary.

(3) *Vehicular access control easements*. A one-foot wide vehicular access control easement, precluding the construction of any accessway to the property from the adjoining street, shall be granted to the city parallel to the right-of-way line as follows:

a. On all double frontage (through) lots adjacent to the arterial or collector road, along the rear or non-local road frontage.

b. On all corner lots adjacent to an arterial or collector road, along the non-local road frontage.

c. Along any other lot frontage where access must be restricted due to visibility restrictions or other traffic engineering considerations.

(4) *Conservation easements*. Conservation easements shall be granted to the city or other appropriate governmental agency as follows:

a. Over all required tree preservation areas.

b. Around all individual specimen trees required to be preserved.

c. Over all wetlands, wetland buffers and wetland mitigation areas.

EXHIBIT C

1008.00. ~~P reliminary~~ Sketch plat and plan approval.

A ~~preliminary~~ sketch plat must be reviewed and approved prior to the review and approval of ~~development plans.~~preliminary plat. The requirement for approval of a ~~preliminary~~ sketch plat may be waived by the administrative ~~official~~ authority when the proposal is determined to be minor in review or consistent with the conceptual plan exhibit of a PUD master development agreement. A ~~preliminary~~ sketch plat approval does not convey any rights of a development order, and does not result in any reservation of capacity for concurrency management purposes.

~~A.~~ *Pre-application conference.* Prior to filing for ~~preliminary~~ sketch plat and plan approval, the developer or the developer's representative must meet with city technical review staff in order to discuss potential issues regarding the proposed subdivision. Comments made at the pre-application meeting are advisory and intended to provide guidance and are non-binding on the formal review of the preliminary plat and plans.

~~B.~~ *Application.* Application for ~~preliminary~~ sketch plat and plans approval shall be made to the planning and engineering department utilizing the form provided by the department for that purpose, and accompanied by the appropriate review fee as adopted by resolution of the city commission. Initial applications shall be accompanied by the required number of signed and sealed plat and development plans by professional land surveyors, including electronic copies, as determined by the administrative official.

~~(1) *Review of application materials.* Within three working days of the receipt of an application, the department shall determine whether the application is complete. Incomplete applications shall be returned to the applicant with the deficiencies noted in writing. Re-application shall be accompanied by a re-application fee as adopted by resolution of the city commission.~~

~~(2) *Initiation of development review.* When an application is determined to be complete, it shall be scheduled in accordance with the adopted submittal deadline calendar for the corresponding city technical review staff meeting and the applicant shall be so notified. All application packages must be submitted by noon on the deadline date in order to be scheduled for the next available city technical review staff meeting.~~

~~C. *Preliminary*~~ *Sketch plat and plans and exhibits.* The following information shall be shown on or enclosed with the preliminary plat and plans submitted for approval unless specifically waived by the city technical review staff member responsible for review of that item. The ~~preliminary~~ sketch plat itself shall be drawn at a scale of no smaller than 1" = 100'.

(1) Subdivision name, date, north arrow, and the property's legal description, boundary dimensions and area in acres.

(2) Name and address of owner, surveyor, engineer, and any other professional consultants involved with the generation of the plan information. If the property is owned by a corporation or company, the name and address of its president and secretary, and state of incorporation shall be given.

(3) A vicinity map drawn to scale, showing the project boundary, the zoning of the area, and the relationship of the proposed subdivision to surrounding development.

(4) Proposed streets, common areas, drainage areas, conservation areas, lot lines, and their dimensions.

(5) Proposed street names and lot numbers.

(6) Acreage in lots, drainage areas, common areas, streets and other uses; and the minimum lot size, average lot size and total number of lots.

(7) Existing topography using one-foot contours, and delineation of flood insurance rate map flood zones.

(8) Environmental assessment showing all wetlands, delineation of wooded areas and vegetative communities, and tree survey showing all specimen trees, with calculations required in Article VI of this code.

(9) All existing buildings, utilities, roads, easements or other improvements on the property, and all roads and lot lines within 150 feet of the property boundary.

~~(10) A soils report including one percolation test per ten acres with one or more eight foot deep soil boring at each percolation test site.~~

(~~11~~10) Proposed utilities layout.

~~(12) A tree survey in compliance with Article VI of this code.~~

~~(13) One copy of the computer disk(s) depicting the proposed subdivision layout, including the streets and lots, for projects prepared on an appropriate computer aided drafting (CAD) system.~~

~~(14) A boundary survey certified to the city.~~

~~(15) An opinion of title issued to the city.~~

(~~16~~11) If zoned PUD, provide the required number of copies of any/all PUD Master Development Agreement (MDA) and Amendment(s) concerning the proposed development, as determined by the administrative official.

~~D. *Review process.*~~

~~(1) Plan review by city technical review staff.~~

~~a. All applications shall be reviewed by city technical review staff and written staff comments shall be delivered and discussed at a~~

regularly scheduled city technical review staff meeting.

b. Plans must be resubmitted in response to city technical review staff comments no later than 180 days after the original review.

c. Following resubmittal, city technical review staff shall have 20 working days to review and approve the revised plat and plans or provide the administrative official with a list of outstanding comments.

(2) *Failure to provide timely plan resubmission.* Failure to meet any of the resubmission deadlines cited above shall require the applicant to pay late fees or file a new application, including the appropriate review fees, whichever is deemed applicable by the administrative official.

(3) *Extension of resubmittal deadlines.* The administrative official may extend the resubmission deadlines cited above when warranted by unforeseeable events. A request for extension must be filed in writing with the planning and engineering department explaining the circumstances justifying the extension and include a resubmittal extension fee as adopted by resolution of the city commission.

(4) *Expiration.* Preliminary plat and plan approval shall expire two years after approval or conditional approval unless an application for final plat approval is submitted.

EXHIBIT D

1009.~~01~~00. ~~Final~~ Preliminary plat and development plan approval.

Approval of the ~~final~~ preliminary plat and development plans results in the issuance of a development order.

A. *Pre-application conference.* Prior to filing for development plan approval, the developer or the developer's representative shall meet with the city technical review staff in order to verify the steps necessary for application and review, and discuss potential issues regarding the development proposal. Comments made at the pre-application conference are intended to provide guidance and are nonbinding on the formal review of the development plans.

B. *Application for development plan approval.* Application for development plan approval shall be made to the planning and engineering department utilizing the form provided by the department for that purpose, and accompanied by the appropriate review fee. Application shall be accompanied by the required number of signed and sealed plat and development plans, including electronic copies, as determined by the administrative official. Plans shall be signed and sealed by a registered engineer, or ~~architect, or landscape architect, where~~architect where required by this Code. Plans shall be prepared according to the standards of this Code.

~~(1) *Review of application materials.* Within three working days of the receipt of an application, the department shall determine whether the application is complete. Incomplete applications shall be returned to the applicant with the deficiencies noted in writing. Re-application shall be accompanied by a re-application fee as adopted by resolution of the city commission.~~

~~(2) *Initiation of development review.* When an application is determined to be complete it shall be scheduled in accordance with the adopted submittal deadline calendar for the corresponding city technical review staff meeting, and the applicant shall be so notified. All application packages must be submitted by noon on the deadline date in order to be scheduled for the next available meeting.~~

C. *Subdivision plat and development plan exhibits.* In addition to the information listed in section ~~1008~~1009.00 of this article, the following information and documentation shall be shown on or enclosed with the subdivision plat and development plans submitted for approval. The subdivision plat and development plans shall be drawn at a scale of no smaller than 1"=100'.

(1) The ~~final~~ preliminary plat drawing(s) drafted in compliance with F.S. ch. 177, and including certificates of approval to be signed by the mayor and attested to by the city clerk.

(2) An opinion title issued to the city.

(3) A boundary survey certified to the city.

(4) Acreage in lots, drainage areas, common areas, streets and other uses; and the minimum lot size, average lot size and total number of lots.

(5) A soils report including one percolation test per ten acres with one or more eight-foot deep soil boring at each percolation test site and at every proposed stormwater retention pond.

(6) Environmental assessments showing all wetlands, delineation of wooded areas and vegetative communities, endangered/protected species reports and tree surveys showing all specimen trees, with calculations as required in Article VI of this code.

(~~2~~7) Engineering drawings, prepared by an engineer registered in the State of Florida, showing all required improvements, and including:

a. A composite plan drawing which shows all utility and drainage lines in relationship to each other;

b. Individual plan and profile sheets for all roads and sanitary sewer lines, showing manholes, inlets, and pipe crossings. Plans and profile sheets shall show sanitary lines and all other buried utilities that cross sewer lines, and any that parallel and are within ten feet of sewer lines. This includes but is not limited to potable water lines, reclaimed water lines, storm drainage pipes, and storm drainage lines and inlets. Plan views shall be drawn at a scale of 1"=40' horizontal. Profiles shall be drawn at 1"=4' vertical.

c. Calculations justifying the sizing of utility lines.

d. A drainage basin map showing the topography and size of drainage basins and the specific flows therein.

e. Drainage calculations demonstrating compliance with this Code, and justifying ~~the size of all facilities~~recovery, conveyance and validating the capacity of the proposed stormwater management improvements.

f. The lot grading plan required under section 1004.00 of this article.

(~~3~~8) A construction cost estimate detailing the tabulation of quantities and costs of all proposed improvements including landscaping and irrigation signed and sealed by the engineer of record and/or landscape architect as appropriate.

(4~~9~~) Any and all proposed deed covenants.

(5~~10~~) Copies of letters notifying all franchised utilities of the size, location, and layout of the proposed subdivision.

(6~~11~~) Letter of approval for street names from Volusia County 9-1-1 coordinator.

(7~~12~~) If zoned PUD, provide the required number of copies of any/all PUD

Master Development Agreement (MDA) and Amendment(s) concerning the proposed development, as determined by the administrative official.

~~(D) *Review process.*~~

~~(1) *Plan review by the city technical review staff.*~~

~~a. All applications shall be reviewed by city technical review staff. Written technical review staff comments shall be delivered to the applicant and discussed at a regularly scheduled city technical review staff meeting.~~

~~b. Plans must be resubmitted in response to city technical review staff comments no later than 180 days after delivery of the original written technical review staff comments.~~

~~c. Following resubmittal, city technical review staff shall have 20 working days to review and approve the revised plat and plans or provide the administrative official with a list of outstanding comments.~~

~~(2) *Planning and zoning board review.* Only projects with five or fewer outstanding technical and procedural city technical review staff comments shall be submitted by the department to the planning and zoning board for consideration, unless waived by the planning and zoning board.~~

~~a. Planning and zoning board action. The planning and zoning board shall consider the final plat and plans at a regularly scheduled meeting and determine if they meet the requirements of this Code. The applicant or authorized agent shall be present at the consideration by the planning and zoning board. Upon consideration of the comments of the city technical review staff and the public, the board shall take one of the following actions:~~

~~1. Continue consideration of the project to the next regularly scheduled meeting to allow for the resolution of outstanding issues.~~

~~2. Recommend disapproval of the proposed final plat and plans.~~

~~3. Recommend approval of the proposed final plat and plans.~~

~~4. Recommend approval of the proposed final plat and plans with conditions.~~

~~(3) *Final document submittals for city commission review.*~~

~~a. Following the planning and zoning board meeting, the applicant shall submit any revisions of the final plat and~~

~~development plans, addressing any outstanding city technical review staff comments, in order to be heard by the city commission.~~

~~b. If the plat is to be recorded prior to the completion of improvements, an improvement guarantee must~~ be included for city commission review. All agreements and guarantees shall be on forms acceptable to ~~the city engineer and city attorney. The guarantee shall be in the amount of 115 percent of the construction costs as estimated by the developer and confirmed or adjusted by the city.~~

~~(4) City commission approval. The city commission shall consider the final plat and development plans at a regularly scheduled meeting, and determine if they meet the requirements of this Code. Upon consideration of the comments of the department and public, and the recommendation of the planning and zoning board, the city commission shall take one of the following actions:~~

~~a. Table or continue the consideration of the proposed development plan to allow for resolution of outstanding issues.~~

~~b. Deny the proposed final plat and development plans.~~

~~c. Approve the final plat and development plans.~~

~~d. Approve the final plat and development plans with conditions. Revised plans and/or reflecting~~ conditions of city commission approval shall be submitted to the planning and engineering department ~~within 60 days of that approval. Plans and/or documents shall be reviewed by the department within ten working days of resubmittal to determine compliance with those conditions.~~

~~e. Refer the proposed development plan back to the planning and zoning board for further review and recommendation based on new or additional information or circumstances.~~

~~E~~D. *Issuance of development order.* The planning and engineering department shall issue a development order within five working days of unconditional city commission approval, or verification that city commission conditions for approval have been met.

~~F. *Failure to provide timely plan resubmission.* Failure to meet any of the resubmission deadlines cited~~ above shall require applicant to pay late fees or file a new application, including the appropriate review ~~fees, whichever is deemed applicable by the administrative official.~~

~~G. *Extension of resubmittal deadlines.* The administrative official may extend the deadlines cited above when warranted by unforeseeable events. A~~

~~request for extension must be filed in writing with the planning and engineering department accompanied by the appropriate fee explaining the circumstances justifying the extension.~~

~~H~~E. *Expiration.* Failure to install all required improvements and record the final plat within two years of the date of ~~city commission~~ approval shall result in the ~~final~~ preliminary plat approval being revoked.

EXHIBIT E

1009.~~02~~01. Final plat recording.

A. The following information must be provided prior to the recording of the final plat:

(1) A letter from the surveyor verifying that all survey monumentation required by this code is in place;

(2) Evidence of a third party review and approval in conformity with Chapter 177 of Florida Statutes shall be placed on the face of the plat;

(~~2~~3) A title opinion or property information report, in a format acceptable to the city attorney, dated not more than 30 days prior to the proposed date for plat recording;

(~~3~~4) A copy of the articles of incorporation for the property owner's association responsible for maintenance of common facilities;

(4~~5~~) One mylar copy of the final plat, executed by the owner(s), surveyor of record, and other entities associated with the developer; and

(~~5~~6) Electronic copies of the final plat and all supporting documents.

B. *Recorded plat.* Upon receipt of all documents listed above, the mayor, city attorney, and city clerk shall sign the mylar copy of the final plat. The signed mylar will be returned to the developer for recording with the Volusia County clerk of court. Developer shall record the plat within 30 days of receiving the signed mylars from the city. Recording shall be done at the developer's expense. Developer shall provide the city with an electronic copy of the recorded plat.

THE CITY OF NEW SMYRNA BEACH - POLICE DEPARTMENT

ORDINANCE NO. 19-26: CONDUCT A SECOND READING AND PUBLIC HEARING OF AN ORDINANCE, WHICH, IF ADOPTED, WOULD ESTABLISH SECTION 70-6. SLEEPING.

February 10, 2026

Background:

In recent months, the Police Department has undertaken a concerted effort to address overnight occupancy based on citizen concerns. Special operations have focused on these issues, with additional operations currently being planned. To further support these efforts, schedules have been adjusted to allow earlier arrivals as needed, ensuring timely and effective responses to ongoing challenges.

Based on the most recent point-in-time count, 51 individuals are experiencing homelessness in New Smyrna Beach. Of these, slightly more than a dozen primarily sleep in public areas such as streets, alleyways, parks, and vehicles. While these actions are often driven by housing instability, they present significant public safety and nuisance concerns, including blocked access for emergency and maintenance services, increased litter, noise, and sanitation issues.

Many municipalities have adopted overnight anti-camping or vehicular sleeping bans to protect community welfare and ensure the uncluttered use of public infrastructure. This ordinance enforces a clear overnight prohibition between 11:00 p.m. and 6:00 a.m. on vehicle and outdoor sleeping across public rights-of-way and under public structures, as well as lodging or sleeping on private property without permission during the same hours. These measures help the City comply with state law while preserving public safety, accessibility, and community standards.

While recognizing the complexities of homelessness and vehicular living, this ordinance is not intended to criminalize individuals. Instead, it focuses on maintaining public spaces, ensuring community safety, and supporting coordinated efforts to direct individuals

toward designated safe options or appropriate services.

Fiscal Analysis:
No fiscal impact.

Strategic Plan Item:
No

Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

Business Impact Estimate - Ord 19-26 COO Sec 70-6 Sleeping.pdf
Ord 19-26 COO Sec 70-6 Sleeping.pdf

Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of New Smyrna Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
ORD 19-26 Sec 70-6 Sleeping COO

This Business Impact Estimate is provided in accordance with section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of New Smyrna Beach is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of New Smyrna Beach is, nevertheless providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☑ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
    b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
    c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
    d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City of New Smyrna Beach hereby publishes the following information:

[1] *See* Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

This ordinance adds Section 70-6, to prohibit sleeping on streets and other public places in accordance with HB 1365 (2024).

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of New Smyrna Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance, or for which businesses will be financially responsible; and
(c) An estimate of the City of New Smyrna Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None

4. Additional information the governing body deems useful (if any):

None

ORDINANCE NO. 19-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH, FLORIDA, AMENDING CHAPTER 70, STREETS AND SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE I, IN GENERAL, TO ADD SECTION 70-6, SLEEPING, TO PROHIBIT SLEEPING ON PUBLIC STREETS, ALLEYS, SIDEWALKS, AND RIGHTS-OF-WAY; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, provides the City of New Smyrna Beach's authority to exercise any power for municipal purposes, including the protection of public health, safety, and welfare; and

WHEREAS, the Florida Legislature enacted House Bill 1365 (2024) to prevent municipalities from permitting public camping or sleeping on public property unless within a state-certified designated area, with the intent to reduce unsafe encampments, protect public health and safety, and ensure that individuals experiencing homelessness are directed toward appropriate services; and

WHEREAS, consistent with the intent of HB 1365, the City recognizes the need to address overnight sleeping in vehicles and on public streets, which can create unsafe conditions for occupants, burden public infrastructure, and negatively impact neighborhood quality of life; and

WHEREAS, the City has experienced an increase in citizen complaints regarding individuals sleeping in vehicles parked on public streets, alleys, and rights-of-way, as well as individuals sleeping directly on private lots, vacant lots, in railroad cars, streets, and other public property; and

WHEREAS, the City Commission finds that sleeping in vehicles or on public rights-of-way, or private property creates safety hazards for both the individuals involved and the public, including risks related to, sanitation, and personal security; and

WHEREAS, the City Commission further finds that regulating the use of public streets, alleys, sidewalks, and rights-of-way is necessary to maintain safe, orderly, and accessible public spaces for residents, visitors, and businesses; and

WHEREAS, the City Commission desires to adopt reasonable regulations that balance public safety with compassion, while ensuring that public property remains safe and functional for its intended purposes; and

WHEREAS, the City Commission deems it in the best interests of the citizens of the City of New Smyrna Beach to amend Chapter 70, by adding section 70-6, as more particularly set forth herein.

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

SECTION 1: ***Amendment.*** That New Smyrna Beach Code of Ordinances Chapter 70, Streets and Sidewalks and Other Public Places, is hereby added to create Section 70-6, Sleeping, as follows: **(Note: Omissions from text are indicated by [. . .], deletions from text are indicated by ~~strikethrough~~ and additions to text are indicated by underline.)**

CHAPTER 70- STREETS AND OTHER PUBLIC PLACES

ARTICLE I. IN GENERAL

Sec. 70-6. Sleeping

(a) No person shall sleep in any vehicle or on any of the city streets, sidewalks, alleys, rights-of-way, or easements between the hours of 11:00 p.m. and 6:00 a.m. the following morning.

(b) No person shall lodge or sleep in the open on private property, in vacant lots, in or under any bridge or structure, or in any railroad car between the hours of 11:00 p.m. and 6:00 a.m., without owning such or without permission of the owner or person entitled to the possession.

SECTION 2: ***Codification.*** Following adoption of this ordinance, the city clerk shall transmit a copy of this ordinance to Municipal Code Corporation of Tallahassee, Florida, to be codified into the City's Code of Ordinance. Municipal Code Corporation's usual and customary fee for said codification service is hereby approved. The provisions of this ordinance are intended to be incorporated into the code of Ordnance of the City of New Smyrna Beach, Florida, and the sections of this ordinance may be renumber, re-lettered, and the word "ordinance" may be changed to "sections, "article," or such other word or phrase in order to accomplish such intention.

SECTION 3: ***Public Hearing.*** That the public hearing considering the adoption of this ordinance shall be held at 5:30 p.m. on February 10, 2026, in the City Commission Chambers at City Hall, 214 Sams Avenue, New Smyrna Beach, Florida, after notice published pursuant to §166.041(3)(a), F.S.

SECTION 4: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 5: ***Administrative Correction of Scrivener's Errors.*** The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 6: ***Severability.*** That if any section, sentence, clause or phrase of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 7: ***Effective Date.*** That this ordinance shall take effect immediately upon its final adoption.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 1/21/2026

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ORDINANCE NO. 76-25: CONDUCT A FIRST READING OF AN ORDINANCE, WHICH, IF ADOPTED, UPON SECOND READING AND PUBLIC HEARING WOULD CREATE A DEFINITION AND PROCESS FOR REVIEWING AN APPLICATION FOR A CERTIFIED RECOVERY RESIDENCE AS REQUIRED UNDER SENATE BILL 954.

February 10, 2026

Background:

Applicant: City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach Florida 32168.

Request: Creation of Section 801.32 of the Land Development Regulation as it pertains to the review process of a Certified Recovery Residence as required under an amended Florida Statue 397.487. To also create a definition in the Land Development Regulation under Section 201.00 for a Certified Recovery Residence and a Certified Recovery Residential Administrator.

Findings:

On June 25, 2025, the Florida Governor signed Senate Bill 954, see **Exhibit A**, requiring all local counties and municipalities to adopt an ordinance to establish procedures for the review and approval of certified recovery residences. This bill is an amendment to Florida Statue 397.487.

The local ordinance is required to be adopted by January 1, 2026.

The Planning Department, as requested by the City Attorney's office, has proposed to create definitions based on Florida Stature 397.311, **See Exhibit B**, in Section 201.00 of the Land Development Regulations and create procedures for the review and approval of an application for a certified recovery residence. See **Exhibit C**.

Recommendations:

At its regular scheduled meeting on October 6, 2025, the Planning and Zoning Board voted, 6-0, to give a positive recommendation to the City Commission to approve the proposed regulation and definitions for processing a Certified Recovery Residence based on an amended Florida Statue 397.487.

The Planning Department also recommends the City Commission to approve the

proposed regulation and definitions for processing a Certified Recovery Residence based on an amended Florida Statue 397.487.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

Exhibit A Senate Bill 954.pdf
Exhibit B Proposed Definitions Section 201.00docx.pdf
Exhibit C Poposed Regulation Section 801.32 (002).pdf
Business Impact Estimate - Ord 76-25 LDR Creating Sec 801.32 Certified recovery residences.pdf
Ord 76-25 Certified Recovery Residences.pdf

Exhibit A

2025954er

An act relating to certified recovery residences; amending s. 397.487, F.S.; requiring, by a specified date, the governing body of each county or municipality to adopt an ordinance to establish procedures for the review and approval of certified recovery residences; requiring that such ordinance include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; specifying criteria for the ordinance; providing that the ordinance may establish additional requirements for the review and approval of reasonable accommodation requests; requiring that such additional requirements be consistent with federal law and not conflict with the act; prohibiting the ordinance from requiring public hearings beyond the minimum required by law; providing that the ordinance may include provisions for revocation of a granted accommodation for cause, if the accommodation is not reinstated within a specified timeframe; providing construction; amending s. 397.4871, F.S.; providing that the personnel-to-resident ratio for a certified recovery residence must be met only when the residents are at the residence; providing that a certified recovery residence administrator for Level IV certified recovery residences which maintains a specified personnel-to-patient ratio has a limitation on the number of residents it may manage; providing an

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (15) and (16) are added to section 397.487, Florida Statutes, to read:

397.487 Voluntary certification of recovery residences.—

(15)(a) By January 1, 2026, the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence.

(b) At a minimum, the ordinance must:

1. Be consistent with the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

2. Establish a written application process for requesting a reasonable accommodation for the establishment of a certified recovery residence, which application must be submitted to the appropriate local government office.

3. Require the local government to date-stamp each application upon receipt. If additional information is required, the local government must notify the applicant in writing within the first 30 days after receipt of the application and allow the applicant at least 30 days to respond.

4. Require the local government to issue a final written determination on the application within 60 days after receipt of

a completed application. The determination must:

a. Approve the request in whole or in part, with or without conditions; or

b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

5. Provide that if a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

6. Require that the application include, at a minimum:

a. The name and contact information of the applicant or the applicant's authorized representative;

b. The property address and parcel identification number; and

c. A description of the accommodation requested and the specific regulation or policy from which relief is sought.

(c) The ordinance may establish additional requirements for the review or approval of reasonable accommodation requests for establishing a certified recovery residence, provided such requirements are consistent with federal law and do not conflict with this subsection.

(d) The ordinance may not require public hearings beyond the minimum required by law to grant the requested accommodation.

(e) The ordinance may include provisions for the revocation of a granted accommodation of a certified recovery residence for cause, including, but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to

maintain certification or licensure required under this section, if not reinstated within 180 days.

(f) The ordinance and establishment of a reasonable accommodation process does not relieve the local government from its obligations under the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq. The regulation for which the applicant is seeking a reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

(16) The application of this section does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718; any cooperative document adopted pursuant to chapter 719; or any declaration or declaration of covenant adopted pursuant to chapter 720.

Section 2. Paragraph (c) of subsection (8) of section 397.4871, Florida Statutes, is amended to read:

397.4871 Recovery residence administrator certification.—

(8)

(c) Notwithstanding paragraph (b), a Level IV certified recovery residence operating as community housing as defined in s. 397.311(9), which residence is actively managed by a certified recovery residence administrator approved for 100 residents under this section and is wholly owned or controlled by a licensed service provider, may:

1. Actively manage up to 150 residents so long as the licensed service provider maintains a service provider personnel-to-patient ratio of 1 to 8 and maintains onsite supervision at the residence during times when residents are at

the residence ~~24 hours a day, 7 days a week,~~ with a personnel-to-resident ratio of 1 to 10.

2. Actively manage up to 300 residents, so long as the licensed service provider maintains a service provider personnel-to-patient ratio of 1 to 8 and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 6.

A certified recovery residence administrator who has been removed by a certified recovery residence due to termination, resignation, or any other reason may not continue to actively manage more than 50 residents for another service provider or certified recovery residence without being approved by the credentialing entity.

Section 3. This act shall take effect July 1, 2025.

201.00 General Definitions

The following definitions shall apply to these regulations in general unless superseded by a definition pertaining to a specific Article as indicated in Sections 202.00 through 207.00 of these regulations

Carwash. A building or portion thereof containing apparatus and facilities other than a faucet and hose for washing automobiles.

Certified recovery residence administrator. Means a recovery residence administrator, who has been certified pursuant to section 397.4871, Florida Statute, and holds a valid certificate of compliance.

Certified Recovery residence. A residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written electronic, or printed means , by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment, and is managed by a certified recover residence administrator.

Convenience store. A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers purchasing only a relatively few items (in contrast to "supermarkets"). It is designed to attract and depends upon large volume stop and go traffic. Illustrative examples of convenience stores are those operated by "7-11," "Circle K," and "Jiffy." This definition includes convenience market.

Credentialing entity. A nonprofit organization that develops and administers professional, facility, or organization certification programs according to applicable nationally recognized certification or psychometric standards as approved by the Florida Department of Children and Families.

…

Recreation[al] equipment, minor. Swing sets and other playground equipment, court related equipment such as tennis, racquetball, volleyball and basketball courts, horseshoe pit equipment, canoes and other small boats less than 15 feet in length and not requiring a trailer for transport, bicycles, motorcycles, surfboards, and other smaller lightweight equipment, generally used for enjoyment in the out-of-doors.

Recovery Residence Certificate of Compliance. A certificate that is issued by a credentialing entity to a recovery residence or a recovery residence administrator.

801.00 Additional Regulations for Specified Uses

801.32 Reasonable Accommodations.

A. *Purpose:* This section establishes a procedure for processing and considering reasonable accommodations request to the city's land development regulations, in addition to reasonable accommodations request by certified recover residence in compliance with section 397.487, Florida Statutes.

B. *Submission of request for reasonable accommodation.* A request for reasonable accommodation shall be made in writing, on an approved application, with an explanation and information that city staff may use to process the request for the reasonable accommodation request. Any reasonable accommodation request made to the city is specific to the applicant and does not run with the land.

C. *Confidentiality of medical information or records.* Should information provided to the city include any medical information or records, including records indicating the medical conditions, diagnosis or medical history of a resident, such person or certified recovery residence may, at the time of submitting such medical information, request the city, to the extent allowed by law, treat such medical information as confidential information of the resident. The city shall thereafter endeavor to provide written notice to the applicant or certified recovery residence (and/or their representative) of any request received by the city for disclosure of the medical information or records which the applicant or certified recovery residence has previously requested be treated as confidential by the city. The city will defer to the applicant or certified recovery center, to the extent allowed by law, in actions initiated by such applicant or certified recovery residence, to oppose the disclosure of such medical information or records, but the city shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may comply with any judicial order without proper notice to the applicant or certified recovery residence.

D. *Processing the request for reasonable accommodation*. When a reasonable accommodation request has been submitted it will be reviewed by the director of the development services, or designee and shall meet the following criteria:

That the applicant is protected under the FHA and/or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA and/or ADA. For purposes of this section the disabled individual must show:

1. A physical or mental impairment which substantially limits one or more major life activities; or

2. A record of having such impairment; or

3. They are regarded as having such impairment; and

4. That the proposed accommodation being sought is reasonable and necessary to afford handicapped or disabled persons equal opportunity to use and enjoy housing.

E. *Administrative authority to process the request*: The director of development services shall have the authority to take any of the following actions in order to provide reasonable accommodation request regarding land development regulation without a need for a public hearing:

1. Modify any numerical standard for setback, lot coverage or landscaping by no more than ten percent.

2. Modify any off-street parking requirement by no more than two spaces.

3. Permit the paving of one off- street parking space in front or side setback area, provided that reasonable landscaping is provided to screen the view of vehicles parted in such paved area from properties

4. Permit an increase in the occupancy limit of a residence to allow up to four residents per sanitary toilet/ bathroom.

The director of development services may, as authorized above, approve a type of reasonable accommodation different from that requested by the applicant if the director concludes that a different form of accommodation would satisfy the requirements of the FHA and ADA with fewer impacts on adjacent areas, less cost to the city, fewer administrative burdens, or less impact on the fundamental principles of the zoning and land development regulations.

F. *Written determination.* The director of development services shall issue a written determination after receipt and review of a completed application requesting an accommodation for which the director has authority to grant under this subsection. Any denial shall state the grounds therefor and give notice of the right to appeal. The written determination shall be sent to the applicant and shall be deemed to be given when deposited in the U.S. mail.

G. *Appeals.* Within 30 days after denial of the request for reasonable accommodation, such applicant may appeal the decision. All appeals shall include a statement containing sufficient detail of the grounds for the appeal. If the director of development services denied the request for reasonable accommodations, then the appeal shall be to the City Manager. If the planning and zoning board denied the request for reasonable accommodations, then the appeal shall be to circuit court. Appeal must be filed in writing within 30 days of notice of the denial.

H. *Fees*. There shall be no fee imposed by the city in connection with a request for reasonable accommodation under this section or an appeal of determination is to the City Manager. The city shall have no obligation to pay an applicant's (or appealing party's) attorneys' fees or costs in connection with the request, or appeal.

I. *Expiration of approvals.* Approval of reasonable accommodation shall expire one hundred eighty (180) days from the date of such approval if not implemented.

J. *Certified Recovery residences.* All certified recovery residences may submit a request to the city for any reasonable accommodation from the land development regulations and shall follow the procedures as outlined in this section. In addition to the requirements as outlined in this section all certified recovery residences shall be reviewed and approved if the following additional criteria are established:

1. All applications must meet the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

2. An application for a certified recovery residence shall be submitted to the city's planning department for processing and review.

3. All Application must comply with Florida Statute 397.487, as amended.

4. The application shall be date-stamped when received.

5. The applicant shall be notified in writing within the first 30 days of the submittal if additional information or documents are required. The applicant shall have 30 days to respond and provide the additional information or additional documents that have been requested. If the applicant fails to provide the additional information requested with in said 30- day period, the planning department, shall issue a written notice advising the applicant failed to timely submit the additional information, and therefore the request for reasonable accommodations shall be deemed abandoned and/or withdrawn and no further action by the city with regards to said reasonable accommodation request shall be required. In the event that additional information is requested by the planning department, the 60-day time frame for issuing a written determination shall be extended by 30 days.

6. The planning department shall issue a final written determination on the application within 60 days after receipt of a completed application. The determination must:

    a. Approve the request in whole or in part, with or without conditions; or

    b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

7. If the final written determination is not issued within 60 days after the receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

8. In addition to any other information necessary to process the applicant's reasonable accommodation request as outlined in this section, the application shall require the following information at a minimum:

    a. Name and contact information of the applicant or the applicant's authorized representative.

    b. Copy of certified recovery residence administrator certification, and proof that the administrator of the certified recovery residence is qualified to provide such

services and/or housing to qualifying individuals. An applicant may demonstrate that they are certified by the Florida Association of Recovery Residences, (FARR) National Alliance for Recovery Residences, or other similar nationally recognized accrediting agencies for recovery residences. c. Property address.

d. Parcel identification number.

e. Survey or site plan of property.

f. Existing and proposed floorplan.

g. A description, including the number of beds requested, of the accommodation requested and services provided. The applicant shall demonstrate that the requested accommodation is both reasonable and necessary to afford the qualifying residents with an equal opportunity to use and enjoy the certified recovery residence that is subject to the request, including the following factors:

1. *Therapeutic necessity.* The applicant shall demonstrate the proposed accommodation is therapeutically necessary for sobriety. If the accommodation does not directly aid in sobriety (or if the request exceeds the demonstrated need), then the accommodation shall not be deemed therapeutically necessary. Further, the applicant shall demonstrate that the specific accommodation request constitutes the minimum necessary accommodation to achieve the stated therapeutic purpose. Lastly, if the request for reasonable accommodation is with regards to housing, the applicant shall provide a site- specific assessment regarding the particular property for which the accommodation is requested. General statements of therapeutic necessity shall not be sufficient to satisfy the requirements of this subsection.

2. *Fundamental Alteration*. The applicant shall demonstrate that the proposed accommodation does not constitute a fundamental alteration of the city's land development regulation. A fundamental alteration is if the accommodation would eliminate an essential aspect of the relevant city code provision or policy or is in violation of the city charter. Factors to be considered in determining whether the proposed accommodation would result in a fundamental alteration of the city code but is not limited to, whether the accommodation is

    a. Compatible with surrounding uses and structures in the zoning district; and

    b. Substantially similar to surrounding uses and structures expressly permitted in the zoning district.

    The applicant shall not be entitled to reasonable accommodation if the requested accommodation is incompatible with surrounding uses and structures in the zoning district, is not substantially similar to surrounding uses and structures expressly permitted in the zoning district, and the city

had not otherwise routinely waived the applicable ordinance, rule, policy or procedure. A request that increases in density shall not be considered a reasonable accommodation.

3. *Undue financial or administrative burden.* The applicant shall demonstrate that the proposed accommodation does not impose an undue financial or administrative burden on the city.

4. *Overconcentration of certified recovery residences.* The applicant must demonstrate that the request for reasonable accommodation does not result in an over-concentration of such housing. At a minimum, a certified recovery residence shall not be located with a radius of 1,000 feet of another certified recovery residence or within a radius of 1,200 feet from another existing community residential home as defined in Florida Statute 419.001(1)(a).

9. Requests for reasonable accommodation by a certified recovery residence shall not be subject to a public hearing unless such a hearing is otherwise required by the land development regulations.

10. Approval of a certified recovery residence may be revoked for cause, including but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to maintain certification or licensure required by the State of Florida, if not reinstated within 180 days.

11. The application of Florida Statue 397.487 does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718; any cooperative document adopted pursuant to chapter 719; or any declaration or declaration of covenant adopted pursuant to chapter 720.

Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of New Smyrna Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
ORD 76-25 Creating Sec 801.32, Certified recovery residences based on Florida Statute 397.487.

This Business Impact Estimate is provided in accordance with section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of New Smyrna Beach is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of New Smyrna Beach is, nevertheless providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☑ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
    b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
    c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
    d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City of New Smyrna Beach hereby publishes the following information:

[1] *See* Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

This ordinance will create Section 801.32, Certified recovery residences, based on Florida Statute 397.487.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of New Smyrna Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance, or for which businesses will be financially responsible; and
(c) An estimate of the City of New Smyrna Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
N/A

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None

4. Additional information the governing body deems useful (if any):

N/A

ORDINANCE NO. 76-25

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS; AMENDING ARTICLE II, DEFINITIONS, SECTION 201.00, GENERAL DEFINITIONS, BY ADDING DEFINITIONS FOR RECOVERY RESIDENCES; AMENDING ARTICLE VIII, SUPPLEMENTARY REGULATIONS, TO ADD SECTION 801.32, TO PROVIDE A PROCESS FOR REQUESTING RESONABLE ACCOMODATIONS UNDER THE ADA AND FHA; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature enacted Senate Bill 954 during the 2025 Legislative Session, establishing new statewide requirements for the review, approval and accommodation of certified recovery residences; and

WHEREAS, SB 954(2025) requires the governing body of each county and municipality to adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction; and

WHEREAS, the Legislature recognized the need to provide consistent statewide standards for the operation and development of certified recovery residences, while preserving the ability of local governments to regulate land use in a manner consistent with the Fair Housing Act and the Americans with Disabilities Act: and

WHEREAS, the City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida, 32168, has requested administrative text amendments to the Land Development Regulations to Article II, General Definition, to add related definitions, and to Article VIII, Supplementary Regulations, to add Section 801.32, to provide a process for requesting for reasonable accommodations; and

WHEREAS, certified recovery residences play an essential role in supporting individuals recovering from substance-use disorders by providing safe, stable, and supportive housing environments that promote long-term recovery and community reintegration; and

WHEREAS, the City recognizes the importance of balancing neighborhood compatibility with the legal obligation to provide reasonable accommodations to individuals with disabilities, including those in recovery, as required by federal and state law; and

WHEREAS, a study entitled *Reforming State and Local Zoning for Community Residences for People with Disabilities and for Recovery Communities*, demonstrates that rational spacing between certified recovery residences is necessary to prevent harmful clustering, protect neighborhood character, and ensure these homes can effectively promote normalization and community integration for their residents; and

WHEREAS, the study concludes that maintaining rational spacing between certified recovery residences prevents the formation of de facto service districts and supports both neighborhood character and positive recovery outcomes; and

WHEREAS, the Planning and Zoning Board, at its regular meeting on October 6, 2025, by a vote of 6-0, recommended that the City Commission approve the text amendments; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to amend the Land Development Regulations as more particularly set forth hereinafter.

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

SECTION 1: ***Amendment.*** That New Smyrna Beach Land Development Regulations, Article II, General Definitions, Section 201.00, Geneal Definitions, is hereby amended to read as follows: **(Note: Deletions from text are indicated by ~~strikeout~~, additions to text are indicated by underline, and omissions in text are indicated by [...].)**

ARTICLE II DEFINITIONS

Except where specific definitions are used within a specific article or section of this LDR for the purpose of such sections, the following terms, phrases, words, and their derivations shall have the meaning given herein when not inconsistent with the context.

Any words not specifically defined within this LDR shall assume the meaning as indicated in "Merriam-Webster's Collegiate Dictionary, Eleventh Edition, Copyright 2014, by Merriam-Webster, Inc.

201.00. General definitions.

The following definitions shall apply to these regulations in general unless superseded by a definition pertaining to a specific article as indicated in sections 202.00 through 207.00 of these regulations:

...

Carwash. A building or portion thereof containing apparatus and facilities other than a faucet and hose for washing automobiles.

Certified recovery residence administrator. Means a recovery residence administrator, who has been certified pursuant to section 397.4871, Florida Statute, and holds a valid certificate of compliance.

Certified recovery residence. A residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment, and is managed by a certified recovery residence administrator.

Convenience store. A one-story retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers purchasing only a relatively few items (in contrast to "supermarkets"). It is designed to attract and depends upon large volume stop and go traffic. Illustrative examples of convenience stores are those operated by "7-11," "Circle K," and "Jiffy." This definition includes convenience market.

Credentialing entity. A nonprofit organization that develops and administers professional, facility, or organization certification programs according to applicable nationally recognized certification or psychometric standards as approved by the Florida Department of Children and Families.

...

Recreation[al] equipment, minor. Swing sets and other playground equipment, court related equipment such as tennis, racquetball, volleyball and basketball courts, horseshoe pit equipment, canoes and other small boats less than 15 feet in length and not requiring a trailer for transport, bicycles, motorcycles, surfboards, and other smaller lightweight equipment, generally used for enjoyment in the out-of-doors.

Recovery residence certificate of compliance. A certificate that is issued by a credentialing entity to a recovery residence or a recovery residence administrator.

...

SECTION 2. ***Amendment.*** That New Smyrna Beach Land Development Regulations, Article VIII, Supplementary Regulations, adding Section 801.32, Certified recovery residences, is hereby amended to read as follows: **(Note: Deletions from text are indicated by ~~strikeout~~, additions to text are indicated by underline, and omissions in text are indicated by [...].)**

ARTICLE VIII. SUPPLEMENTARY REGULATIONS

...

801.32 Reasonable accommodations.

A. *Purpose.* This section establishes a procedure for processing and considering requests for reasonable accommodations to the city's land development regulations, in addition to requests by certified recovery residences in compliance with section 397.487, Florida Statutes.

B. *Submission of request for reasonable accommodation.* A request for reasonable accommodation shall be made in writing, on an approved application, with an explanation and information that city staff may use to process the request for the reasonable accommodation request. Any reasonable accommodation request made to the city is specific to the applicant and does not run with the land.

C. *Confidentiality of medical information or records.* Should information provided to the city include any medical information or records, including records indicating the medical conditions, diagnosis or medical history of a resident, such person or certified recovery

residence may, at the time of submitting such medical information, request the city, to the extent allowed by law, treat such medical information as confidential information of the resident. The city shall thereafter endeavor to provide written notice to the applicant or certified recovery residence (and/or their representative) of any request received by the city for disclosure of the medical information or records which the applicant or certified recovery residence has previously requested be treated as confidential by the city. The city will defer to the applicant or certified recovery center, to the extent allowed by law, in actions initiated by such applicant or certified recovery residence, to oppose the disclosure of such medical information or records, but the city shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counsel or allocation of internal resources) in connection therewith, and may comply with any judicial order without proper notice to the applicant or certified recovery residence.

D. *Processing the request for reasonable accommodation.* When a reasonable accommodation request has been submitted it will be reviewed by the director of development services, or designee and shall meet the following criteria:

That the applicant is protected under the FHA and/or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA and/or ADA. For purposes of this section the disabled individual must show:

1. A physical or mental impairment which substantially limits one or more major life activities; or

2. A record of having such impairment; or

3. They are regarded as having such impairment; and

4. That the proposed accommodation being sought is reasonable and necessary to afford handicapped or disabled persons equal opportunity to use and enjoyment of housing.

E. *Administrative authority to process the request.* The director of development services shall have the authority to take any of the following actions in order to provide reasonable accommodation requests regarding land development regulation without a need for a public hearing:

1. Modify any numerical standard for setback, lot coverage or landscaping by no more than ten percent.

2. Modify any off-street parking requirement by no more than two spaces.

3. Permit the paving of one off-street parking space in front or side setback area, provided that reasonable landscaping is provided to screen the view of vehicles parted in such paved area from properties.

4. Permit an increase in the occupancy limit of a residence to allow up to four residents per sanitary toilet/ bathroom.

The director of development services may, as authorized above, approve a type of reasonable accommodation different from that requested by the applicant if the director con-

cludes that a different form of accommodation would satisfy the requirements of the FHA and ADA with fewer impacts on adjacent areas, less cost to the city, fewer administrative burdens, or less impact on the fundamental principles of the zoning and land development regulations.

F. *Written determination.* The director of development services shall issue a written determination after receipt and review of a completed application requesting an accommodation for which the director has authority to grant under this subsection. Any denial shall state the grounds therefor and give notice of the right to appeal. The written determination shall be sent to the applicant and shall be deemed to be given when deposited in the U.S. mail.

G. *Appeals.* Within 30 days after denial of the request for reasonable accommodation, such applicant may appeal the decision. All appeals shall include a statement containing sufficient detail of the grounds for the appeal. If the director of development services denied the request for reasonable accommodations, then the appeal shall be to the City Manager. If the planning and zoning board denied the request for reasonable accommodations, then the appeal shall be to circuit court. Appeal must be filed in writing within 30 days of notice of the denial.

H. *Fees.* There shall be no fee imposed by the city in connection with a request for reasonable accommodation under this section or an appeal of determination to the City Manager. The city shall have no obligation to pay an applicant's (or appealing party's) attorneys' fees or costs in connection with the request, or appeal.

I. *Expiration of approvals.* Approval of reasonable accommodation shall expire one hundred eighty (180) days from the date of such approval if not implemented.

J. *Certified recovery residences.* All certified recovery residences may submit a request to the city for any reasonable accommodation from the land development regulations and shall follow the procedures as outlined in this section. In addition to the requirements as outlined in this section all certified recovery residences shall be reviewed and approved if the following criteria are established:

1. All applications must meet the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

2. An application for a certified recovery residence shall be submitted to the city's planning department for processing and review.

3. All applications must comply with Florida Statute 397.487, as amended.

4. The application shall be date-stamped when received.

5. The applicant shall be notified in writing within the first 30 days of the submittal if additional information or documents are required. The applicant shall have 30 days to respond and provide the additional information or additional documents that have been requested. If the applicant fails to provide the additional information requested within said 30-day period, the planning depart-

ment, shall issue a written notice advising the applicant failed to timely submit the additional information, and therefore the request for reasonable accommodations shall be deemed abandoned and/or withdrawn and no further action by the city with regards to said reasonable accommodation request shall be required. In the event that additional information is requested by the planning department, the 60-day time frame for issuing a written determination shall be extended by 30 days.

6. The planning department shall issue a final written determination on the application within 60 days after receipt of a completed application. The determination must:

a. Approve the request in whole or in part, with or without conditions; or

b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

7. If the final written determination is not issued within 60 days after the receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

8. In addition to any other information necessary to process the applicant's reasonable accommodation request as outlined in this section, the application shall require the following information at a minimum:

a. Name and contact information of the applicant or the applicant's authorized representative.

b. Copy of certified recovery residence administrator certification, and proof that the administrator of the certified recovery residence is qualified to provide such services and/or housing to qualifying individuals. An applicant may demonstrate that they are certified by the Florida Association of Recovery Residences (FARR), National Alliance for Recovery Residences, or other similar nationally recognized accrediting agencies for recovery residences.

c. Property address.

d. Parcel identification number.

e. Survey or site plan of property.

f. Existing and proposed floorplan.

g. A description, including the number of beds requested, of the accommodation requested and services provided. The applicant shall demonstrate that the requested accommodation is both reasonable and necessary to afford the qualifying residents with an equal opportunity to use and enjoy the certified recovery residence that is subject to the request, including the following factors:

1. *Therapeutic necessity.* The applicant shall demonstrate the proposed accommodation is therapeutically necessary for sobriety. If the accommodation does not directly aid in sobriety (or if the request exceeds the demon-

strated need), then the accommodation shall not be deemed therapeutically necessary. Further, the applicant shall demonstrate that the specific accommodation request constitutes the minimum necessary accommodation to achieve the stated therapeutic purpose. Lastly, if the request for reasonable accommodation is with regards to housing, the applicant shall provide a site-specific assessment regarding the particular property for which the accommodation is requested. General statements of therapeutic necessity shall not be sufficient to satisfy the requirements of this subsection.

2. *Fundamental alteration.* The applicant shall demonstrate that the proposed accommodation does not constitute a fundamental alteration of the city's land development regulation. A fundamental alteration is if the accommodation would eliminate an essential aspect of the relevant city code provision or policy or is in violation of the city charter. Factors to be considered in determining whether the proposed accommodation would result in a fundamental alteration of the city code includes, but is not limited to, whether the accommodation is

    a. Compatible with surrounding uses and structures in the zoning district; and

    b. Substantially similar to surrounding uses and structures expressly permitted in the zoning district.

    The applicant shall not be entitled to reasonable accommodation if the requested accommodation is incompatible with surrounding uses and structures in the zoning district, is not substantially similar to surrounding uses and structures expressly permitted in the zoning district, and the city had not otherwise routinely waived the applicable ordinance, rule, policy or procedure. A request that increases in density shall not be considered a reasonable accommodation.

3. *Undue financial or administrative burden.* The applicant shall demonstrate that the proposed accommodation does not impose an undue financial or administrative burden on the city.

4. *Overconcentration of certified recovery residences.* The applicant must demonstrate that the request for reasonable accommodation does not result in an over-concentration of such housing. At a minimum, a certified recovery residence shall not be located with a radius of 1,000 feet of another certified recovery residence or within a radius of 1,200 feet from another existing community residential home as defined in Florida Statute 419.001(1)(a).

9. Requests for reasonable accommodation by a certified recovery residence shall not be subject to a public hearing unless such a hearing is otherwise required by the land development regulations.

10. Approval of a certified recovery residence may be revoked for cause, including but not limited to, a violation of the conditions of approval or the lapse, revocation, or

failure to maintain certification or licensure required by the State of Florida, if not re-instated within 180 days.

11. The application of Florida Statue 397.487 does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718; any co-operative document adopted pursuant to chapter 719; or any declaration or declaration of covenant adopted pursuant to chapter 720.

...

SECTION 3: ***Codification.*** Following adoption of this ordinance, the City Clerk shall transmit a copy of this ordinance to Municipal Code Corporation of Tallahassee, Florida, to be codified into the City's Land Development Regulations. Municipal Code Corporation's usual and customary fee for said codification service is hereby approved. The provisions of this ordinance are intended to be incorporated into the Code of Ordinances of the City of New Smyrna Beach, Florida, and the sections of this ordinance may be renumbered, relettered, and the word "ordinance" may be changed to "section," "article," or such other word or phrase in order to accomplish such intention.

SECTION 4: ***Public Hearing***. That a public hearing considering the adoption of this ordinance was held February 24, 2026, at 5:30 p.m. in the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida after notice is found to comply with §166.041(3)(a), F.S.

SECTION 5: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance shall be and the same are hereby rescinded and repealed.

SECTION 6: ***Administrative Correction of Scrivener's Errors.*** The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 7: ***Severability.*** That if any section, sentence, clause or phrase of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 8: ***Effective Date.*** That this ordinance shall take effect immediately upon its final adoption.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 2/2/2026

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ORDINANCE NO. 20-26: CONDUCT A FIRST READING OF AN ORDINANCE, WHICH, IF ADOPTED, UPON SECOND READING AND PUBLIC HEARING, WOULD VACATE A PORTION OF CITRON STREET, NORTH OF THE SR 44 OVERPASS.

February 10, 2026

Background:

A. Applicant: Glenn D. Storch, 420 S. Nova Road, Daytona Beach, FL 32114
B. Request: Vacation of 40.0' X 267.78' section of platted Citron Street right-of-way (ROW)

C. Right-of-Way Information: The platted un-opened section of Citron Street is located north of SR 44, and east of Lexington Place Assisted Living Facility, which fronts on Myrtle Avenue

Exhibits used in this report:

Exhibit A: Location Map

Exhibit B: Aerial Map

Exhibit C: Depiction of ROW to be vacated

Exhibit D: Survey with Legal Description

Exhibit E: Recorded Plats

Exhibit F: Non-Objection Letter from New Smyrna Beach Utilities

Exhibit G: Letter of public good
Exhibit H: Non-Objection Letter from City Engineering Department

Findings:

The Planning and Zoning Board voted 5-0 to recommend the City Commission *approve* this Street Vacation.

A. The applicant, Glenn Storch, representing Smyrna Railroad Land, LLC, have applied for Site Plan approval to construct a warehouse on property owned west of the FEC railroad tracks, east of the Lexington Place ALF, north of SR 44, and south of Canal Street. While reviewing the plans, staff noticed that the survey showed the legal status of Citron Street as "unknown," which raised an obvious question. After some research, it turns out that Citron Street in this area has in fact never been vacated, which is the reason for this current application. The building is proposed on the ROW, thus it needs to be vacated to facilitate the construction of the structure. The proposed street vacation is shown on **Exhibit C**. Given that SR 44 ramps up to go over the railroad tracks at the end of platted Citron Street, it is never going to connect to the south.

B. Section 305.03 of the City's Land Development Regulations (LDR) requires the following items for a street vacation Staff responses in **bold**):

1. List of all abutting property owners. **Received.**

2. Letter from New Smyrna Beach Utilities indicating:

a. No objection to the vacation; **Received**

b. No utilities are within the right-of-way proposed to be vacated; or **NSBU does not have an objection to the proposed ROW, however, they have requested and the owner has agreed to grant an easement for an overhead power line on the northern portion of the parcel/ROW.**

c. If utilities exist with right-of-way then a letter must indicate what utilities are located in the right-of-way, **There is an overhead power line, which there is going to be an easement dedicated to allow said line to remain.**

d. If utilities exist in right-of-way, then letter must indicate easements required. **Received.**

D. Section 305.03 C. of the City LDR requires:

1. The "City Planner shall review the application package for consistency with the City Comprehensive Plan and Land Development Regulations," and

2. "In addition, the City Planner shall determine whether or not the proposed vacation would be in the interest of the public good."

E. This application for street vacation is consistent with the City LDR. This street vacation application complies with all matters of general provision, enforcement, administration, concurrency and zoning district requirement as outlined in the City of New Smyrna Beach LDR.

F. This vacation does not impact any level of service indicated within the Transportation Element of the Comprehensive Plan.

G. In this instance, given that Citron Street is on a separate plat than the parcel proposed for a warehouse, the ROW will entirely be vacated to the owner of the parcel proposed to build the warehouse.

Recommendation:

Staff recommends the City Commission approves the request to vacate the above described ROW. The Planning and Zoning Board voted 5-0 to approve the ROW vacation.

Fiscal Analysis:

N/A

Strategic Plan Item:

No

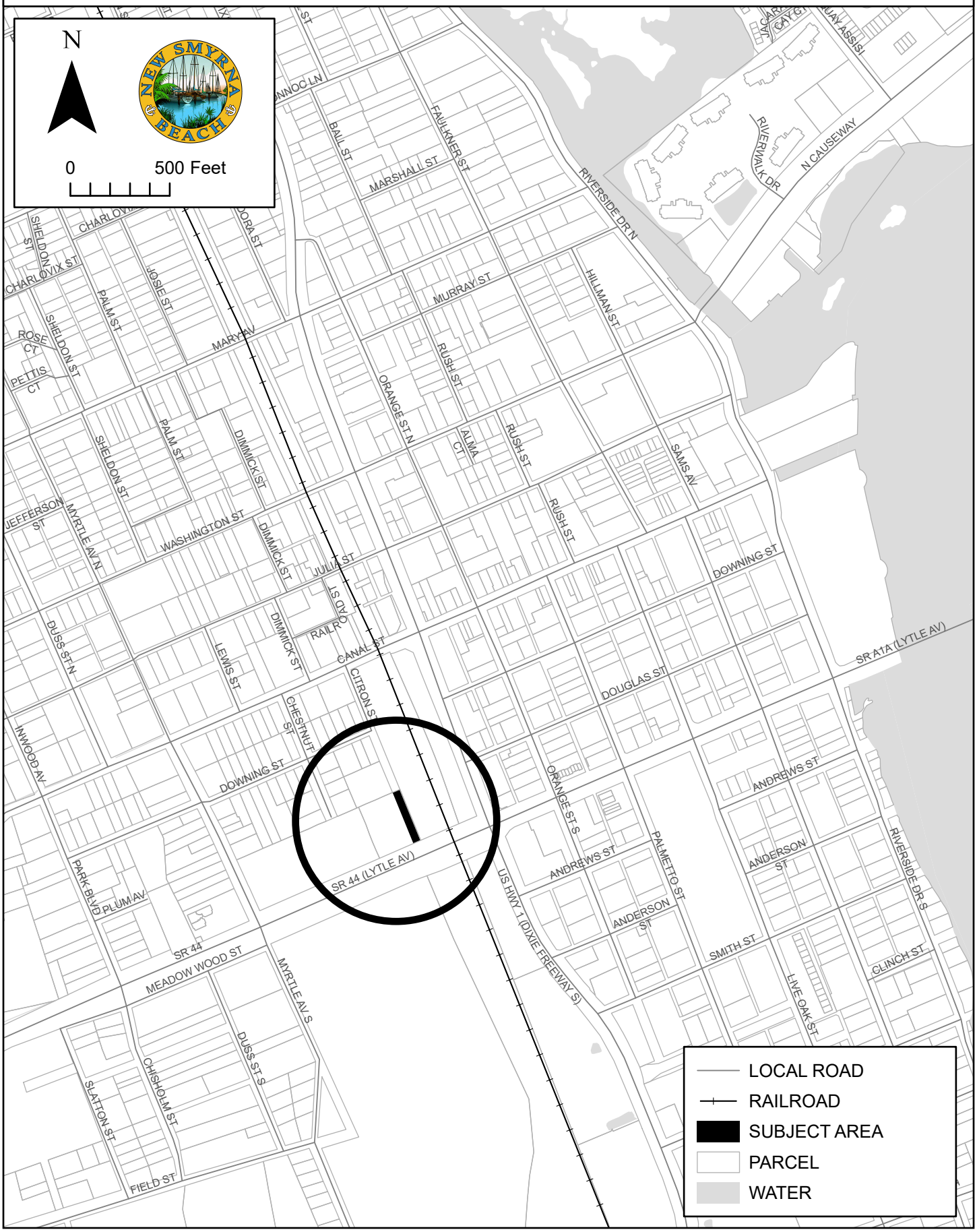
Staff Report Created By: Jake Baker - Senior Planner

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Depiction of Citron to be vacated.pdf
Exhibit D Survey w Legal Description.pdf
Exhibit E Plats.pdf
Exhibit F NSBU No Objection.pdf

Exhibit G Benefits of Citron Street Vacation.pdf
Exhibit H City Engineer No Objection Letter.pdf
Res 01-26 ROW Vacation - Citron St.pdf
Business Impact Estimate - Ord 20-26 Vacating ROW - Citron St..pdf
Ord 20-26 Vacating Citron St.pdf

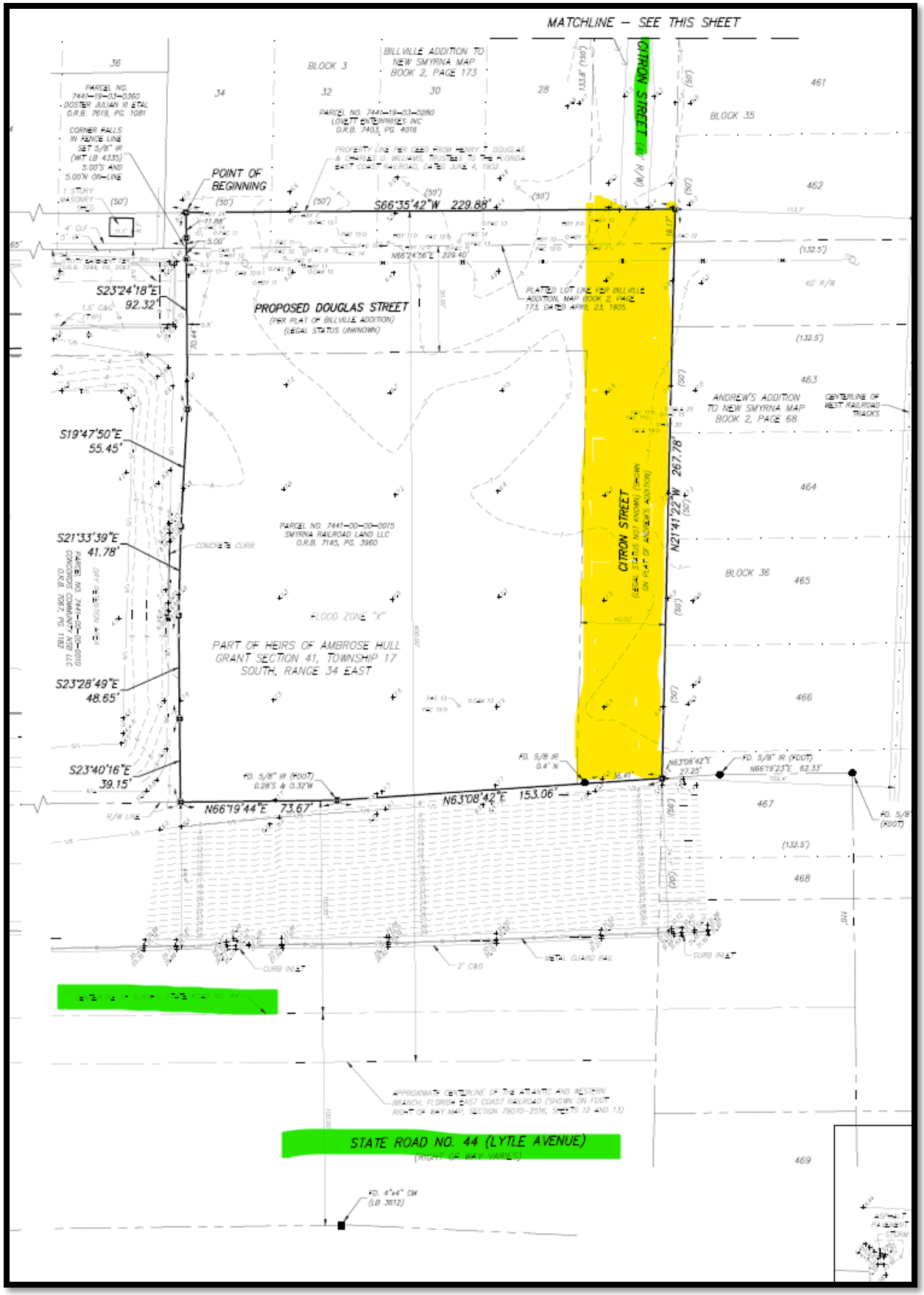
SV-04-25: CITRON STREET
LOCATION MAP



SV-04-25: CITRON STREET
AERIAL MAP



Exhibit C


MATCHLINE – SEE THIS SHEET
POINT OF BEGINNING
S66°35'42"W 229.88'
S23°24'18"E 92.32'
S19°47'50"E 55.45'
S21°33'39"E 41.78'
S23°28'49"E 48.65'
S23°40'16"E 39.15'
N66°19'44"E 73.67'
N63°08'42"E 153.06'
N21°41'22"W 267.76'
PROPOSED DOUGLAS STREET
(PER PLAT OF BILLVILLE ADDITION)
(LEGAL STATUS UNKNOWN)
CITRON STREET
(LEGAL STATUS NOT KNOWN) (SHOWN ON PLAT OF ANDREW'S ADDITION)
BILLVILLE ADDITION TO NEW SMYRNA MAP BOOK 2, PAGE 173
ANDREW'S ADDITION TO NEW SMYRNA MAP BOOK 2, PAGE 68
PARCEL NO. 7441-19-03-0360 DOSTER JULIAN M ETAL O.R.B. 7619, PG. 1081
PARCEL NO. 7441-19-03-0380 LOVETT ENTERPRISES INC O.R.B. 7403, PG. 4016
PARCEL NO. 7441-00-00-0015 SMYRNA RAILROAD LAND LLC O.R.B. 7145, PG. 3960
PART OF HEIRS OF AMBROSE HULL GRANT SECTION 41, TOWNSHIP 17 SOUTH, RANGE 34 EAST
FLOOD ZONE "X"
BLOCK 3
BLOCK 35
BLOCK 36
CENTERLINE OF WEST RAILROAD TRACKS
STATE ROAD NO. 44 (LYTLE AVENUE)
(RIGHT OF WAY VARIES)
APPROXIMATE CENTERLINE OF THE ATLANTIC AND WESTERN BRANCH, FLORIDA EAST COAST RAILROAD (SHOWN ON FDOT RIGHT OF WAY MAP, SECTION 79070-2516, SHEETS 12 AND 13)
FD. 4"x4" CM (LB 3612)
FD. 5/8" IR (FDOT)
CONCRETE CURB
CURB INLET
METAL GUARD RAIL
2' C&G
R/W LINE

LEGAL DESCRIPTION:

(AS CREATED BY MARK DOWST & ASSOCIATES, INC.)

THAT PORTION OF CITRON STREET LYING WEST OF BLOCKS 35 AND 36, ANDREW'S ADDITION TO NEW SMYRNA, AS RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 44 AND THE WEST LINE OF BLOCK 36, ANDREW'S ADDITION TO NEW SMYRNA, AS RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S63°08'42"W ALONG THE NORTH RIGHT-OF-WAY OF SAID STATE ROAD NO. 44, A DISTANCE OF 40.16 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CITRON STREET, HAVING A 40.00 FOOT RIGHT-OF-WAY; THENCE N21°41'22"W ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 270.20 FEET TO A POINT ON THE PROPERTY LINE PER DEED FROM HENRY T. DOUGLAS & CHARLES U. WILLIAMS, TRUSTEES TO THE FLORIDA EAST COAST RAILROAD, DATED JUNE 4, 1902; THENCE N66°35'42"E ALONG SAID PROPERTY LINE, A DISTANCE OF 40.02 FEET TO A POINT ON THE WEST LINE OF BLOCK 35, SAID ANDREW'S ADDITION TO NEW SMYRNA; THENCE S21°41'22"E ALONG THE WEST LINE OF BLOCK 35 AND THE WEST LINE OF AFORESAID BLOCK 36, A DISTANCE OF 267.78 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 0.25 ACRES, MORE OR LESS.

SURVEY NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, THIS IS A SKETCH OF DESCRIPTION ONLY. IMPROVEMENTS SHOWN HEREON WERE OBTAINED FROM A SURVEY PREPARED BY THIS FIRM, PROJECT NO. 1540, DATED 03/13/24, AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE WEST LINE OF BLOCK 36, ANDREW'S ADDITION TO NEW SMYRNA, AS BEING S21°41'22"E.
3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

LEGEND AND ABBREVIATIONS:

(#)	PLAT DIMENSION
CLF	CHAIN-LINK FENCE
LB	LICENSED BUSINESS
M.B.	MAP BOOK
NO.	NUMBER
O.R.B.	OFFICIAL RECORDS BOOK
PG(S).	PAGE/PAGES
PLS	PROFESSIONAL LAND SURVEYOR
R/W	RIGHT OF WAY
T/B	APPROXIMATE TOP OF BANK
T/S	APPROXIMATE TOE OF SLOPE
(TYP)	TYPICAL
VF	VINYL FENCE

SURVEYOR'S CERTIFICATE:

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

Jeffrey W. Cory

Digitally signed by Jeffrey W. Cory
Date: 2025.10.03 12:12:03 -04'00'

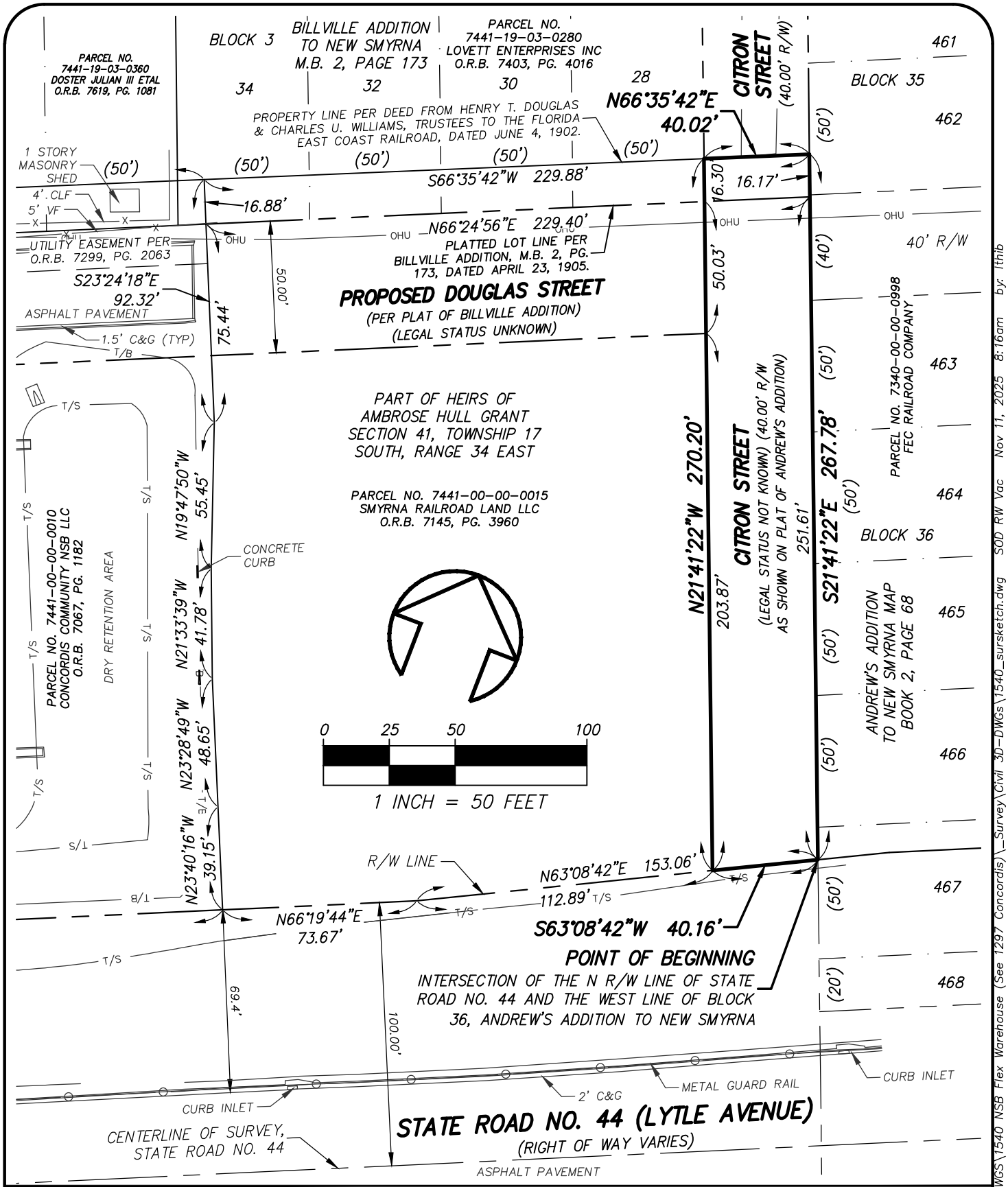
LEE H. DOWST. P.L.S. NO. 6860

THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

MARK DOWST & ASSOCIATES, INC.
* ENGINEERS PLANNERS SURVEYORS LB#4335 *
536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 PH: 386-258-7999

SKETCH AND DESCRIPTION (CITRON STREET R/W VACATION)			DRAW DATE: 11/11/25	SCALE: 1" = N/A	PROJECT # 1540
F.B./PG.: N/A	FIELD DATE: N/A	CREW: N/A	DRAWN BY: LAT	CHECKED BY: LHD	SHEET 1 OF 2

Drawing name: V:\DWGS\1540 NSB Flex Warehouse (See 1297 Concords)_Survey\Civil 3D-DWGs\1540_sursketch.dwg SOD RW Vac Nov 11, 2025 10:20am by: ithib

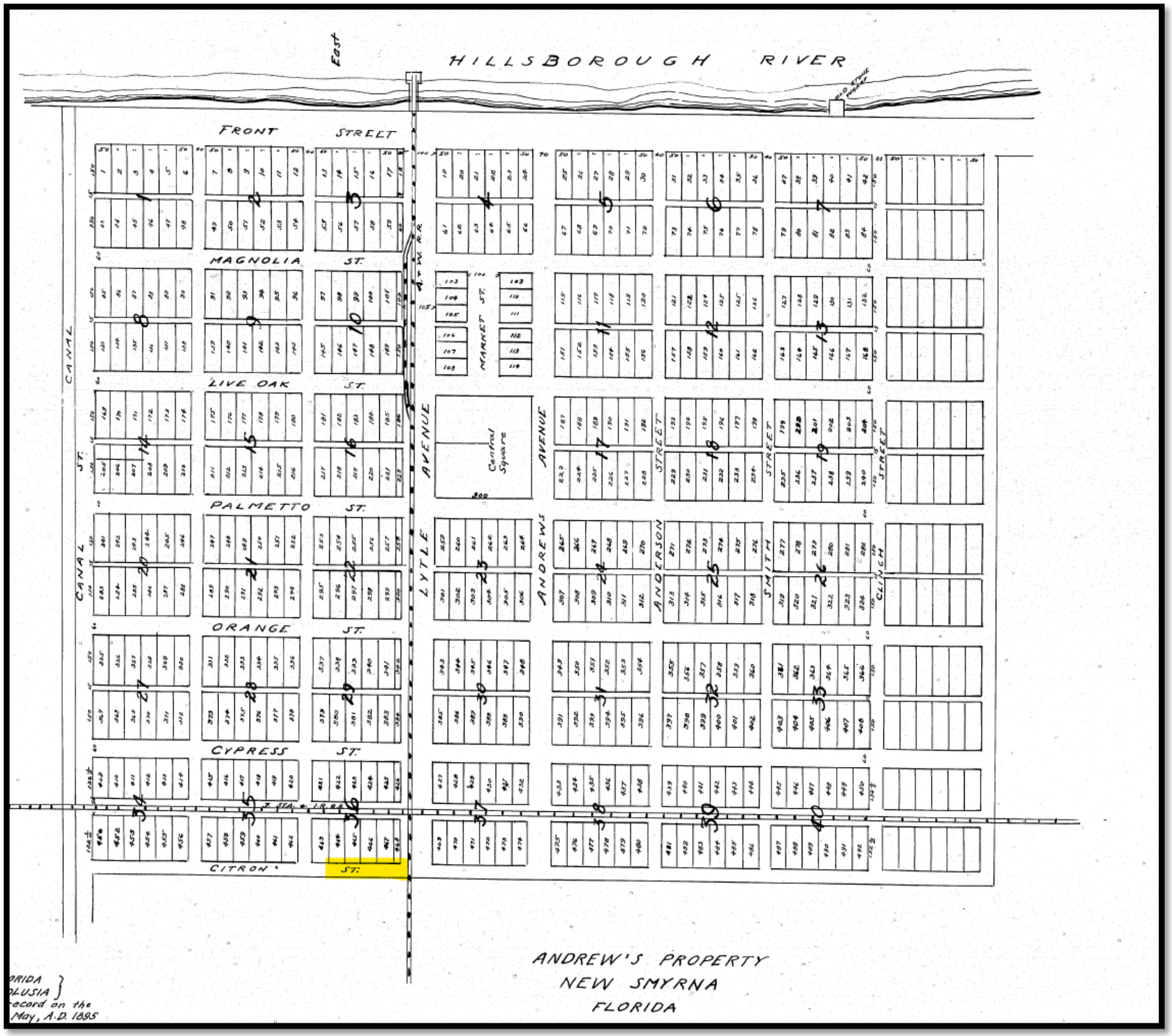


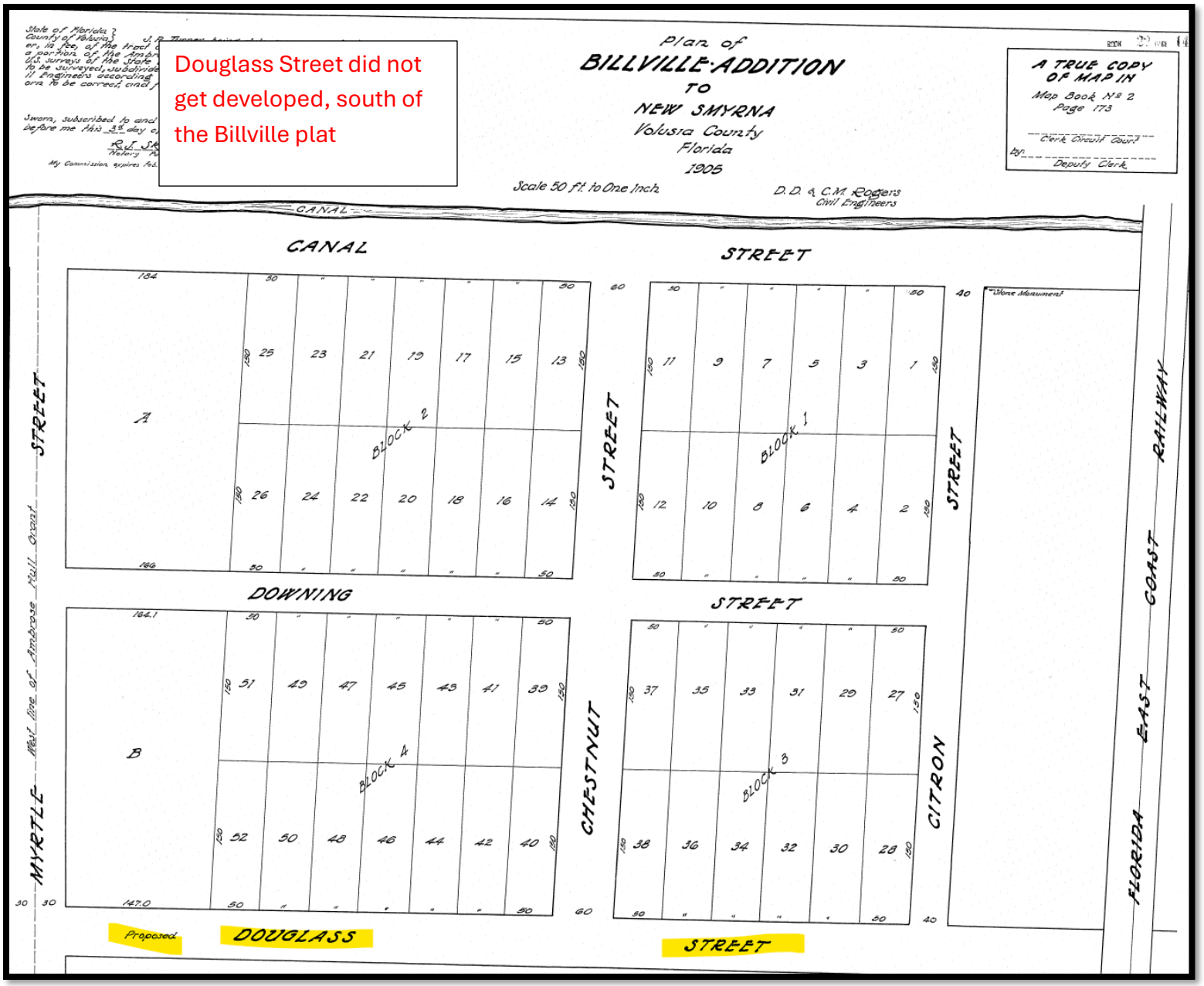
MARK DOWST & ASSOCIATES, INC.
* ENGINEERS PLANNERS SURVEYORS LB#4335 *
536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 PH: 386-258-7999

SKETCH AND DESCRIPTION (CITRON STREET R/W VACATION)			DRAW DATE: 11/11/25	SCALE: 1" = 50'	PROJECT # 1540
F.B./PG.: N/A	FIELD DATE: N/A	CREW: N/A	DRAWN BY: LAT	CHECKED BY: LHD	SHEET 2 OF 2

Drawing name: V:\DWGS\1540 NSB Flex Warehouse (See 1297 Concordis)_Survey\Civil 3D-DWGs\1540_surskeetch.dwg SOD RW Vac Nov 11, 2025 8:16am by: lthib

Exhibit E


HILLSBOROUGH RIVER
FRONT STREET
MAGNOLIA ST.
LIVE OAK ST.
PALMETTO ST.
ORANGE ST.
CYPRESS ST.
CITRON ST.
CANAL ST.
LYTLE AVENUE
MARKET ST.
Central Square
ANDREWS AVENUE
ANDERSON STREET
SMITH STREET
CLINCH STREET
ANDREW'S PROPERTY
NEW SMYRNA
FLORIDA


Douglass Street did not get developed, south of the Billville plat
Plan of
BILLVILLE ADDITION
TO
NEW SMYRNA
Volusia County
Florida
1905
Scale 50 ft. to One Inch
D. D. & C. M. Rogers
Civil Engineers
A TRUE COPY OF MAP IN
Map Book No 2
Page 173
Clerk Circuit Court
Deputy Clerk
CANAL
STREET
DOWNING
STREET
MYRTLE STREET
CHESTNUT STREET
CITRON STREET
FLORIDA EAST COAST RAILWAY
West line of Ambrose Hull Grant
Stone Monument
BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
A
B
Proposed
DOUGLASS
STREET

New Smyrna Beach
• • • UTILITIES • • •

October 31, 2025

Mr. Corey D. Brown, Esquire
420 South Nova Road
Daytona Beach, FL 32114

SUBJECT: **Proposed Vacation of Highlighted Platted Right-of-Way "Citron Street."**
Located within Parcel ID 744100000015, Public Records of Volusia County

Dear Mr. Brown:

New Smyrna Beach Utilities has no objection regarding the potable water, wastewater and reclaimed water to the proposed vacation of the platted Right-of-Way as depicted in your letter dated October 29, 2025 (attached).

New Smyrna Beach Utilities has no water, reclaim or sanitary sewer mains in the right-of-way to be vacated.

Storch Law Firm will be required to grant a utilities easement for the existing overhead power line located on the northern portion of the parcel as a condition of the Right-of-Way vacation and match the width of the existing utilities easement O.R.B. 7299, PG 2063.

Please do not hesitate to call me if you have any questions or require additional information.

Sincerely,

Kristin Greene

Kristin Greene
Civil Engineering Technician
Office: 386-424-3008

STORCH
LAW FIRM

GLENN D. STORCH, ESQUIRE
glenn@storchlawfirm.com

COREY D. BROWN, ESQUIRE
corey@storchlawfirm.com

A. JOSEPH POSEY, ESQUIRE
joey@storchlawfirm.com

October 29, 2025

Via Electronic Mail: kho@nsbufl.com
Mr. Kenny Ho
New Smyrna Beach Utilities Commission
P.O. Box 100
New Smyrna Beach, FL 32170

Re: Proposed Vacation of a Portion of the Citron St. Right-of-Way
Plat of Andrew's Addition to New Smyrna, Plat Book 2, Page 68

Dear Kenny:

I am writing to request a letter of no objection for the vacation of a section of the Citron Street right-of-way within Parcel ID Number 7441-00-00-0015. As we discussed at the pre-application meeting with City of NSB staff, we will provide an easement for the existing overhead power line as a condition of the vacation.

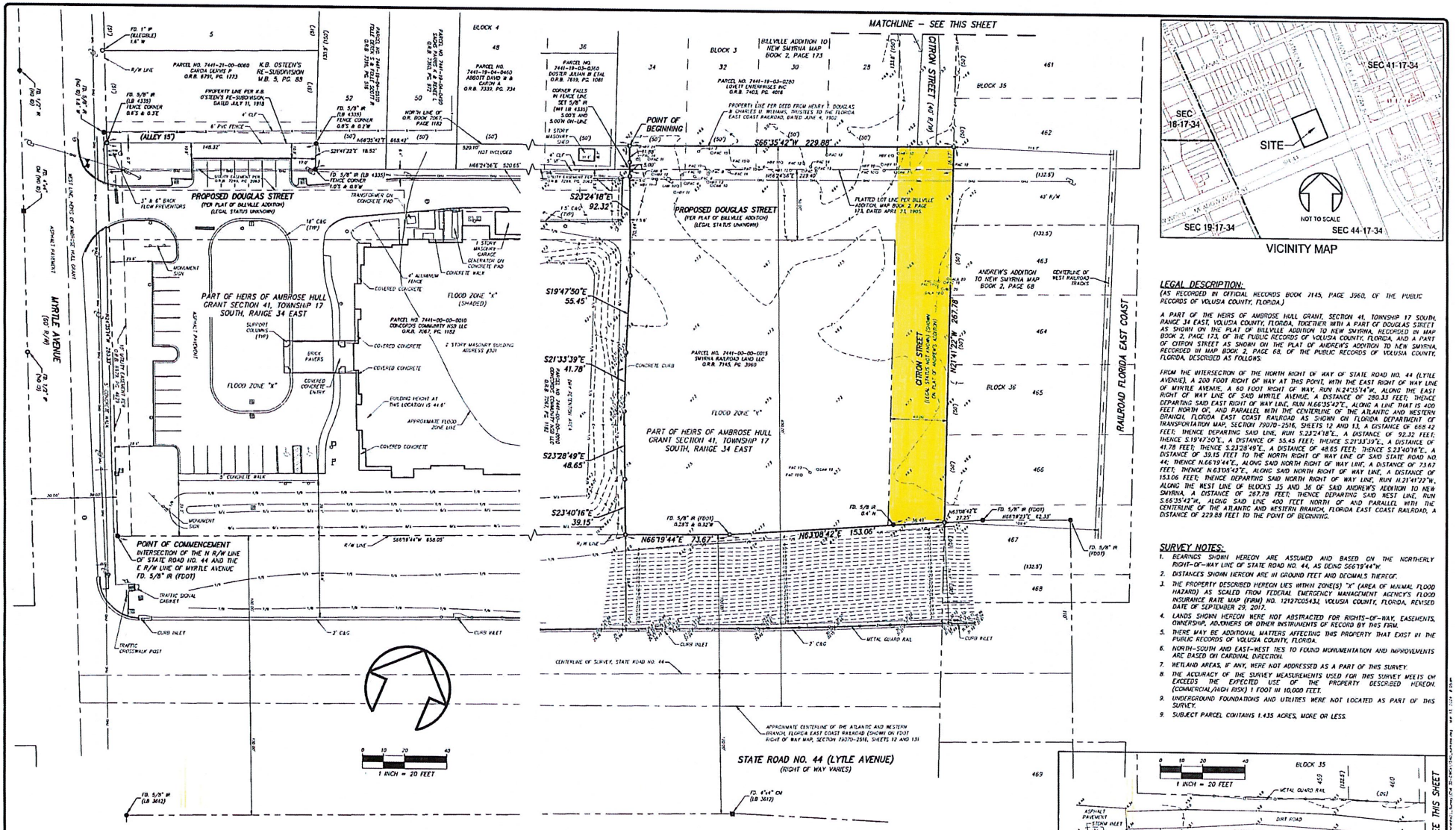
Accompanying this letter is a survey with the area to be vacated highlighted in yellow. Please let me know if any questions, and thank you in advance for your assistance.

Kindest regards,

Corey D. Brown

CDB
Enclosures

420 South Nova Road • Daytona Beach, Florida 32114
(386) 238-8383 • (386) 238-0988 (fax)
Website: www.storchlawfirm.com



VICINITY MAP

LEGAL DESCRIPTION:

(AS RECORDED IN OFFICIAL RECORDS BOOK 7145, PAGE 3960, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.)

A PART OF THE HEIRS OF AMBROSE HULL GRANT, SECTION 41, TOWNSHIP 17 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A PART OF DOUGLAS STREET AS SHOWN ON THE PLAT OF BILLVILLE ADDITION TO NEW SMYRNA, RECORDED IN MAP BOOK 2, PAGE 173, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND A PART OF CITRON STREET AS SHOWN ON THE PLAT OF ANDREW'S ADDITION TO NEW SMYRNA, RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE NORTH RIGHT OF WAY OF STATE ROAD NO. 44 (LYTLE AVENUE), A 200 FOOT RIGHT OF WAY AT THIS POINT, WITH THE EAST RIGHT OF WAY LINE OF MYRTLE AVENUE, A 60 FOOT RIGHT OF WAY, RUN N.24°35'14"W., ALONG THE EAST RIGHT OF WAY LINE OF SAID MYRTLE AVENUE, A DISTANCE OF 280.33 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN N.66°35'42"E., ALONG A LINE THAT IS 400 FEET NORTH OF, AND PARALLEL WITH THE CENTERLINE OF THE ATLANTIC AND WESTERN BRANCH, FLORIDA EAST COAST RAILROAD AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION MAP, SECTION 79070-2516, SHEETS 12 AND 13, A DISTANCE OF 668.42 FEET; THENCE DEPARTING SAID LINE, RUN S.23°24'18"E., A DISTANCE OF 92.32 FEET; THENCE S.19°47'50"E., A DISTANCE OF 55.45 FEET; THENCE S.21°33'39"E., A DISTANCE OF 41.78 FEET; THENCE S.23°28'49"E., A DISTANCE OF 48.65 FEET; THENCE S.23°40'16"E., A DISTANCE OF 39.15 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID STATE ROAD NO. 44; THENCE N.66°19'44"E., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 73.67 FEET; THENCE N.63°08'42"E., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 153.06 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, RUN N.21°41'22"W., ALONG THE WEST LINE OF BLOCKS 35 AND 36 OF SAID ANDREW'S ADDITION TO NEW SMYRNA, A DISTANCE OF 267.78 FEET; THENCE DEPARTING SAID WEST LINE, RUN S.66°35'42"W., ALONG SAID LINE 400 FEET NORTH OF AND PARALLEL WITH THE CENTERLINE OF THE ATLANTIC AND WESTERN BRANCH, FLORIDA EAST COAST RAILROAD, A DISTANCE OF 229.88 FEET TO THE POINT OF BEGINNING.

SURVEY NOTES:

1. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 44, AS BEING S66°19'44"W.
2. DISTANCES SHOWN HEREON ARE IN GROUND FEET AND DECIMALS THEREOF.
3. THE PROPERTY DESCRIBED HEREON LIES WITHIN ZONE(S) "X" (AREA OF MINIMAL FLOOD HAZARD) AS SCALED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) NO. 12127C0543J, VOLUSIA COUNTY, FLORIDA, REVISED DATE OF SEPTEMBER 29, 2017.
4. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, ADJOINERS OR OTHER INSTRUMENTS OF RECORD BY THIS FIRM.
5. THERE MAY BE ADDITIONAL MATTERS AFFECTING THIS PROPERTY THAT EXIST IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
6. NORTH-SOUTH AND EAST-WEST TIES TO FOUND MONUMENTATION AND IMPROVEMENTS ARE BASED ON CARDINAL DIRECTION.
7. WETLAND AREAS, IF ANY, WERE NOT ADDRESSED AS A PART OF THIS SURVEY.
8. THE ACCURACY OF THE SURVEY MEASUREMENTS USED FOR THIS SURVEY MEETS OR EXCEEDS THE EXPECTED USE OF THE PROPERTY DESCRIBED HEREON. (COMMERCIAL/HIGH RISK) 1 FOOT IN 10,000 FEET.
9. UNDERGROUND FOUNDATIONS AND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY.
9. SUBJECT PARCEL CONTAINS 1.435 ACRES, MORE OR LESS.

LEGEND AND ABBREVIATIONS:

( )	PLAT/DEED	MB	MAP BOOK	WF	WOOD PRIVACY FENCE
±	MORE OR LESS	N/D	NAIL & DISK	WV	WATER VALVE
AC	ACRES	NO	NUMBER	CO	CLEAN OUT
CBG	CURB & GUTTER	ORB	OFFICIAL RECORDS BOOK	CATV	CABLE TELEVISION RISER POST
Δ	DELTA (CENTRAL ANGLE)	OHU	OVER-HEAD UTILITIES	GAS	GAS VALVE
CLF	CHAIN-LINK FENCE	PG(S)	PAGE(S)	BFP	BACK FLOW PREVENTION
CM	CONCRETE MONUMENT	PLS	PROFESSIONAL LAND SURVEYOR	FH	FIRE HYDRANT
DE	DRAINAGE EASEMENT	PRM	PERMANENT REFERENCE MONUMENT	FDC	FIRE DEPARTMENT CONNECTION
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION	PSM	PROFESSIONAL SURVEYOR AND MAPPER	HC	HANDICAP PARKING
FIRM	FLOOD (FLORIDA) INSURANCE RATE MAP	R/W	RIGHT OF WAY	SPP	SINGLE POLE SIGN
FNC	FENCE	SEC	SECTION-TOWNSHIP-RANGE	BOL	BOLLARD
FD	FOUND	T/B	APPROXIMATE TOP OF BANK	UL	UNLEAK LINE
ID	IDENTIFICATION	T/S	APPROXIMATE TOE OF SLOPE		FOUND 4"x4" CM (AS NOTED)
IR	IRON PIPE	UE	UTILITY EASEMENT		SET 4"x4" CM (LB 4335)
IRC	IRON ROD	(TYP)	TYPICAL		FOUND N/D (AS NOTED)
LB	LICENSED BUSINESS	W	WOOD FENCE		SET/FOUND 5/8" IRC (LB 4335)

	FOUND IRON ROD (AS NOTED)
	FOUND IRON PIPE (AS NOTED)
	FLAG POLE
	CABLE TELEVISION RISER POST
	ELECTRIC JUNCTION BOX
	TELEPHONE JUNCTION BOX
	WATER METER
	WOOD UTILITY POLE
	TRAFFIC SIGNAL POLE
	GUY ANCHOR
	LIGHT POLE
	CATCH BASIN/YARD DRAIN
	STORM MANHOLE
	GREASE TRAP
	SANITARY MANHOLE
	TELEPHONE MANHOLE

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THIS SURVEY MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050-.052, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

LEE H. DOWST, P.L.S. NO. 6860
www.mdoeng.com

THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LEE H DOWST — LICENSED NUMBER 6860 — STATE OF FLORIDA — PROFESSIONAL SURVEYOR AND MAPPER

Digitally signed by Lee H Dowst
Date: 2024.03.18 13:59:22 -04'00'

TREE LEGEND:

	TREE LOCATION WITH TYPE & SIZE
CAM	CAMPHOR TREE
HOY	HACKBERRY TREE
GALA	LAUREL OAK TREE
PAC	CADDACE PALM

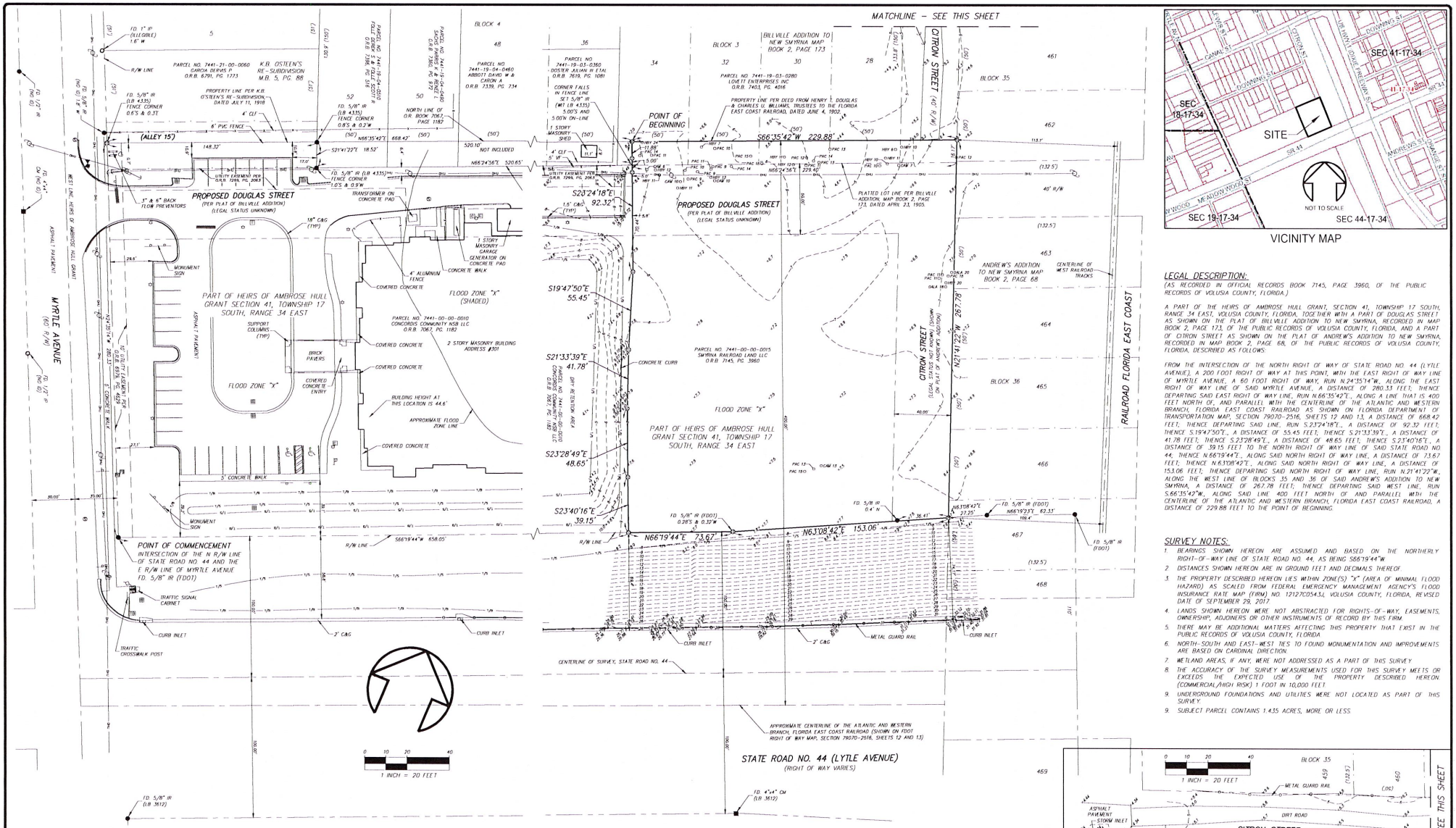
REVISIONS				
F.B. / PG.	DATE	BY	DESCRIPTION	CFD

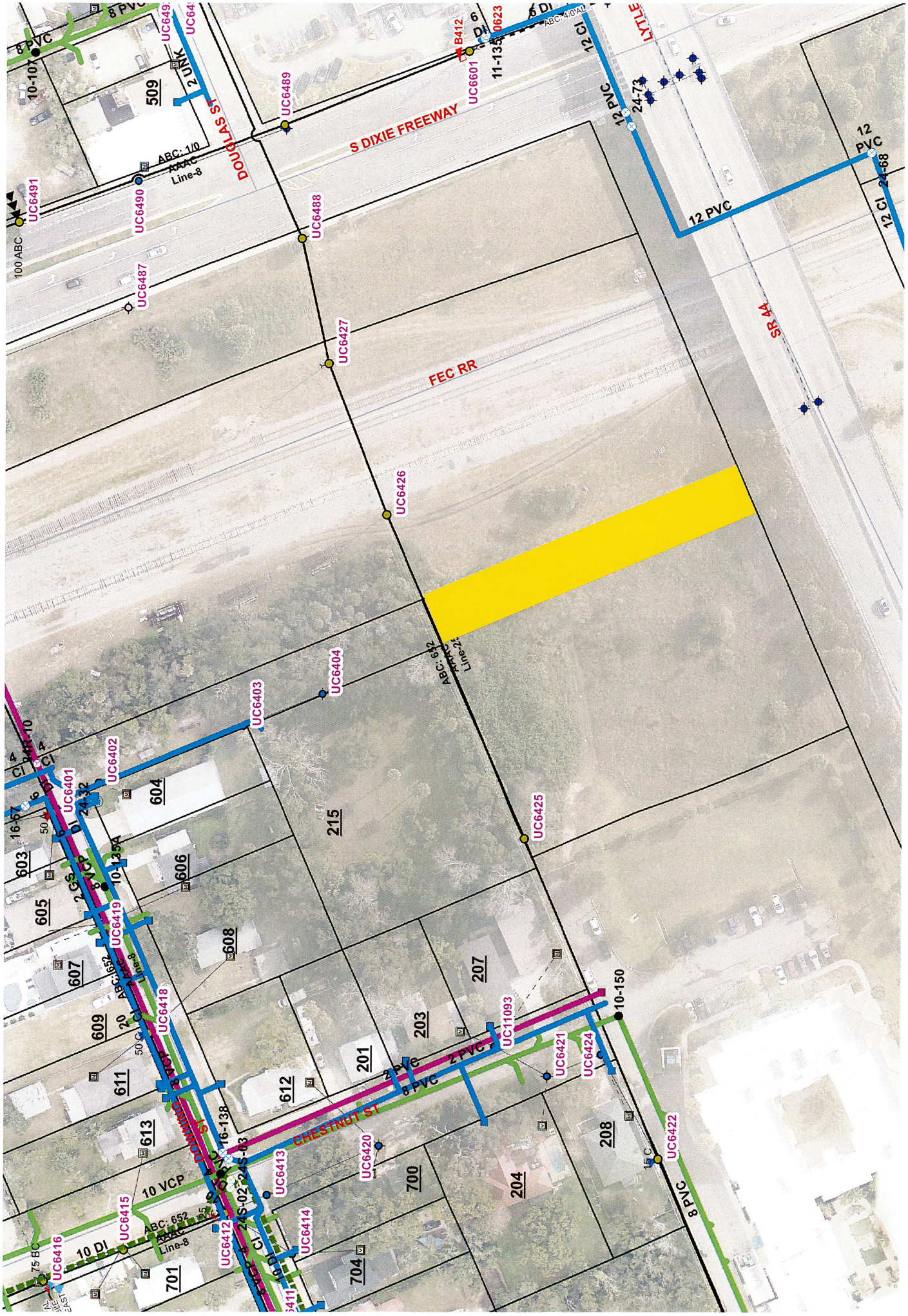
MARK DOWST & ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS LB#4335
536 NORTH NIAGARA AVENUE, SUITE 103, DAYTONA BEACH, FLORIDA 32118 PH.386-255-7999

BOUNDARY, TOPOGRAPHIC AND TREE LOCATION SURVEY | PROJECT #: 1540

DRAWN BY: LAT | DRAW DATE: 03/13/24 | CHECKED BY: LHD | SCALE: 1" = 30' | FILE NAME: 1540_surbase.dwg

CREW: BK,P,LBT | FIELD DATE: 03/12/24 | F.B./PG.: 256/8-13,21 | SHEET 1 OF 1


MATCHLINE – SEE THIS SHEET
PROPOSED DOUGLAS STREET
(PER PLAT OF BILLVILLE ADDITION)
(LEGAL STATUS UNKNOWN)
(ALLEY 15')
MYRTLE AVENUE
(60' R/W)
PART OF HEIRS OF AMBROSE HULL GRANT SECTION 41, TOWNSHIP 17 SOUTH, RANGE 34 EAST
POINT OF COMMENCEMENT
INTERSECTION OF THE N R/W LINE OF STATE ROAD NO. 44 AND THE E R/W LINE OF MYRTLE AVENUE
F.D. 5/8" IR (TDOT)
POINT OF BEGINNING
CITRON STREET
(40' R/W)
PROPOSED DOUGLAS STREET
(PER PLAT OF BILLVILLE ADDITION)
(LEGAL STATUS UNKNOWN)
PART OF HEIRS OF AMBROSE HULL GRANT SECTION 41, TOWNSHIP 17 SOUTH, RANGE 34 EAST
CITRON STREET
(LEGAL STATUS UNKNOWN PER PLAT OF ANDREW'S ADDITION)
RAILROAD FLORIDA EAST COAST
BILLVILLE ADDITION TO NEW SMYRNA MAP BOOK 2, PAGE 173
ANDREW'S ADDITION TO NEW SMYRNA MAP BOOK 2, PAGE 68
PLATTED LOT LINE PER BILLVILLE ADDITION MAP BOOK 2, PAGE 173, DATED APRIL 23, 1905.
FLOOD ZONE "X"
(SHADED)
FLOOD ZONE "X"
APPROXIMATE FLOOD ZONE LINE
BUILDING HEIGHT AT THIS LOCATION IS 44.6'
1 STORY MASONRY GARAGE GENERATION ON CONCRETE PAD
2 STORY MASONRY BUILDING ADDRESS #301
CONCRETE WALK
CONCRETE CURB
COVERED CONCRETE
COVERED CONCRETE ENTRY
BRICK PAVERS
SUPPORT COLUMNS (TYP)
MONUMENT SIGN
TRAFFIC SIGNAL CABINET
TRAFFIC CROSSWALK POST
CURB INLET
2' C&G
5' CONCRETE WALK
METAL GUARD RAIL
CENTERLINE OF SURVEY, STATE ROAD NO. 44
APPROXIMATE CENTERLINE OF THE ATLANTIC AND WESTERN BRANCH, FLORIDA EAST COAST RAILROAD (SHOWN ON FDOT RIGHT OF WAY MAP, SECTION 79070-2516, SHEETS 12 AND 13)
STATE ROAD NO. 44 (LYTLE AVENUE)
(RIGHT OF WAY VARIES)
F.D. 4"x4" CM (LB 3612)
F.D. 5/8" IR (LB 3612)
F.D. 5/8" IR (LB 4335)
F.D. 5/8" IR (TDOT)
F.D. 5/8" IR 0.4' N
F.D. 5/8" IR (TDOT)
F.D. 1" IR (ILLEGIBLE) 1.6' W
F.D. 4"x4" CM (NO ID)
F.D. 1/2" IR (NO ID)
F.D. 5/8" IR (NO ID)
F.D. 5/8" IR 0.6' W
F.D. 5/8" IR (LB 4335) FENCE CORNER 0.6'S & 0.3'E
F.D. 5/8" IR (LB 4335) FENCE CORNER 0.8'S & 0.2'W
F.D. 5/8" IR (LB 4335) FENCE CORNER 1.0'S & 0.9'W
F.D. 5/8" IR (LB 4335) 0.4'S & 0.2'W
F.D. 5/8" IR (LB 4335) 0.2'S & 0.3'W
F.D. 5/8" IR (LB 4335) 0.2'S & 0.3'W
F.D. 5/8" IR (LB 4335) 0.8'S & 0.3'W
F.D. 5/8" IR (LB 4335) 0.2


S DIXIE FREEWAY
FEC RR
SR 44
DOUGLAS ST
CHESTNUT ST
LYTLE
UC6489
UC6490
UC6491
UC6487
UC6488
UC6427
UC6426
UC6404
UC6403
UC6402
UC6401
UC6425
UC6419
UC6418
UC6413
UC6412
UC6414
UC6415
UC6416
UC6420
UC11093
UC6421
UC6424
UC6422
UC6601
B412
509
604
603
605
606
607
608
609
611
612
613
215
207
203
201
208
204
700
701
704
12 PVC
12 CI
8 PVC
2 PVC
10 VCP
10 DI
ABC: 1/0 AAAC Line-8
ABC: 652 AAAC Line-8
ABC: 4/0 AL
100 ABC
75 BC
10-107
11-135
24-73
24-68
24-32
16-57
10-135A
16-138
24S-02
24S-03
10-150
15 C

STORCH
LAW FIRM

GLENN D. STORCH, ESQUIRE
glenn@storchlawfirm.com

COREY D. BROWN, ESQUIRE
corey@storchlawfirm.com

A. JOSEPH POSEY, ESQUIRE
joey@storchlawfirm.com

December 16, 2025

Via Electronic Mail: jbaker@cityofnsb.com
Jake Baker, AICP
Senior Planner
City of New Smyrna Beach
214 Sams Avenue
New Smyrna Beach, FL 32168

Re: Benefits of Vacation of the Citron Street Right of Way

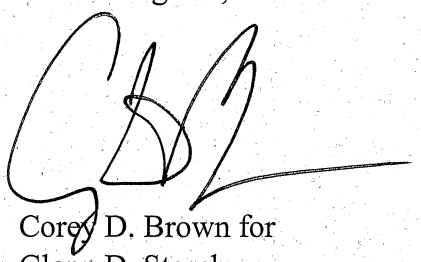
Dear Jake:

I'm writing to explain how the proposed vacation of the Citron Street right-of-way is in the interest of the public good, which is the case for several reasons. First of all, the section of Citron Street to be vacated does not go anywhere. The south end of the right-of-way runs into the earthen ramp for the SR 44 overpass of U.S. 1 and the railroad tracks, and those FEC railroad tracks are the only thing on the east side of Citron St. Neither the public nor any private property owners can make any use of the right-of-way in those two directions. In contrast, the applicant is the only person or entity with ownership of property both lying underneath the right-of-way and adjoining the entire section of right-of-way to the west. As such, the public has no existing or potential use of Citron Street in this location, meaning the right-of-way is not doing the public any good in its current state.

In contrast to the lack of any public benefit stemming from the existing right-of-way, the applicant does have the ability and intent to use the land under the right-of-way as the site of a new warehouse building. This new redevelopment project is a good use of the property, which is zoned for industrial uses, and the new building will increase surrounding property values and the City's tax base, directly benefitting the public. In addition, the removal of the right-of-way could reduce the City's potential liability for accidents or injuries that may occur within the current City right-of-way. Finally, the applicant has agreed to grant a utility easement to New Smyrna Beach Utilities for the section of existing overhead powerlines that cross the right-of-way.

For all of the above reasons, the partial vacation of the Citron St. right-of-way is in the interest of the public good. Please let me know if you have any questions.

Kindest regards,



Corey D. Brown for
Glenn D. Storch

GDS/cdb

Exhibit H

After review of the referenced vacation request for a platted right-of-way (Citron Street) within parcel ID#744100000015 the Engineering Department has no objection taking into consideration the following:

1.There is no potential roadway connectivity to SR44 or other dedicated rights-of-way for traffic management or access purposes.
2.The alignment of a potential multi-use trail was contemplated at one time to avoid crossing SR44, but no longer appears to be a viable route.
3.Without the benefit of a Phase I environmental site assessment the City is released in full from any costs or remedial obligations should a potential brownfield or contaminated soils exist.

Let me know if you need more input on any of these items.

Thanks,

Kyle W. Fegley, P.E.
City Engineer
City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL 32168
Office (386) 410-2811
Mobile (386) 547-1159
Kfegley@cityofnsb.com
www.cityofnsb.com

RESOLUTION NO. 01-26

A RESOLUTION OF THE CITY OF NEW SMYRNA BEACH EXPRESSING THE INTENT TO VACATE A PLATTED UNOPENED RIGHT-OF-WAY IN THE ANDREW'S SUBDIVISION, GENERALLY LOCATED NORTH OF SR 44, EAST OF LEXINGTON PLACE ASSISTED LIVING FACILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Glenn D. Storch, 420 S. Nova Road, Daytona Beach, Florida 32114, applicant, has requested the vacation of a platted unopened right-of-way in the Andrew's Subdivision, generally located north of SR 44, east of Lexington Assisted Living Facility; and

WHEREAS, Section 70-36, City Code, requires that before adopting an ordinance vacating a street, the City Commission shall pass a resolution expressing its intent to vacate the street; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to adopt an ordinance vacating a platted unopened right-of-way in the Andrew's Subdivision as more fully described below.

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

SECTION 1: ***Intent to Vacate.*** That the City Commission of the City of New Smyrna Beach, Florida hereby expresses its intent to vacate a platted unopened right-of-way in the Andrew's Subdivision. Said property is hereinafter described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 2: ***Conflicting Resolutions.*** That all resolutions or parts thereof that are in conflict with this resolution are hereby rescinded or repealed.

SECTION 3: ***Effective Date.*** That this resolution shall take effect immediately upon its final adoption.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 1/13/2026

EXHIBIT "A"

LEGAL DESCRIPTION:

(AS CREATED BY MARK DOWST & ASSOCIATES, INC.)

THAT PORTION OF CITRON STREET LYING WEST OF BLOCKS 35 AND 36, ANDREW'S ADDITION TO NEW SMYRNA, AS RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 44 AND THE WEST LINE OF BLOCK 36, ANDREW'S ADDITION TO NEW SMYRNA, AS RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S63°08'42"W ALONG THE NORTH RIGHT-OF-WAY OF SAID STATE ROAD NO. 44, A DISTANCE OF 40.16 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CITRON STREET, HAVING A 40.00 FOOT RIGHT-OF-WAY; THENCE N21°41'22"W ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 270.20 FEET TO A POINT ON THE PROPERTY LINE PER DEED FROM HENRY T. DOUGLAS & CHARLES U. WILLIAMS, TRUSTEES TO THE FLORIDA EAST COAST RAILROAD, DATED JUNE 4, 1902; THENCE N66°35'42"E ALONG SAID PROPERTY LINE, A DISTANCE OF 40.02 FEET TO A POINT ON THE WEST LINE OF BLOCK 35, SAID ANDREW'S ADDITION TO NEW SMYRNA; THENCE S21°41'22"E ALONG THE WEST LINE OF BLOCK 35 AND THE WEST LINE OF AFORESAID BLOCK 36, A DISTANCE OF 267.78 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 0.25 ACRES, MORE OR LESS.

SURVEY NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, THIS IS A SKETCH OF DESCRIPTION ONLY. IMPROVEMENTS SHOWN HEREON WERE OBTAINED FROM A SURVEY PREPARED BY THIS FIRM, PROJECT NO. 1540, DATED 03/13/24, AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE WEST LINE OF BLOCK 36, ANDREW'S ADDITION TO NEW SMYRNA, AS BEING S21°41'22"E.
3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

LEGEND AND ABBREVIATIONS:

(#)	PLAT DIMENSION
CLF	CHAIN-LINK FENCE
LB	LICENSED BUSINESS
M.B.	MAP BOOK
NO.	NUMBER
O.R.B.	OFFICIAL RECORDS BOOK
PG(S).	PAGE/PAGES
PLS	PROFESSIONAL LAND SURVEYOR
R/W	RIGHT OF WAY
T/B	APPROXIMATE TOP OF BANK
T/S	APPROXIMATE TOE OF SLOPE
(TYP)	TYPICAL
VF	VINYL FENCE

SURVEYOR'S CERTIFICATE:

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

LEE H DOWST License Number 6860 STATE OF FLORIDA Professional Surveyor and Mapper

Digitally signed by Lee H Dowst
Date: 2025.11.11 10:25:55 -05'00'

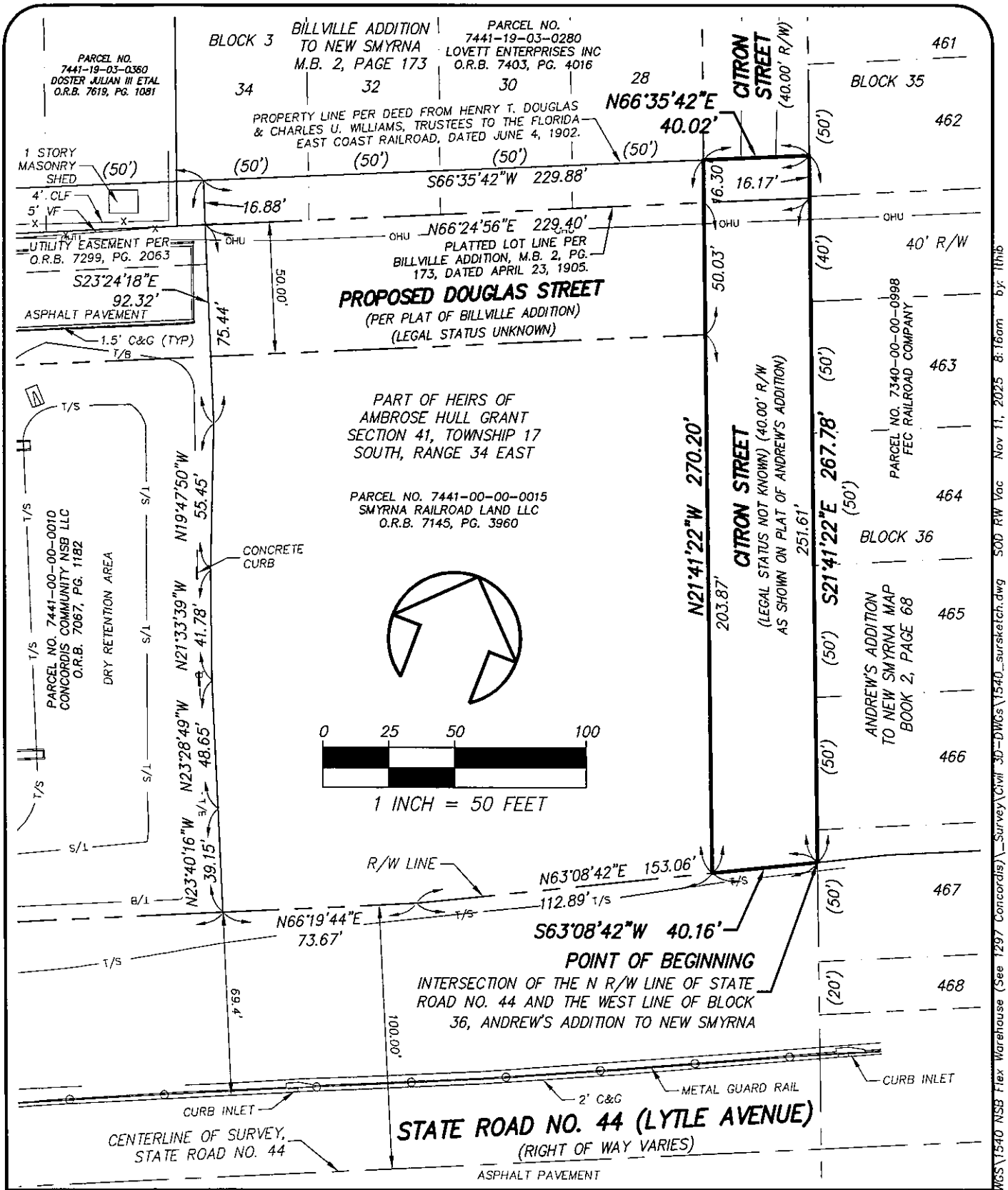
LEE H. DOWST. P.L.S. NO. 6860

THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

MARK DOWST & ASSOCIATES, INC.
* ENGINEERS PLANNERS SURVEYORS LB#4335 *
536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 PH: 386-258-7999

SKETCH AND DESCRIPTION (CITRON STREET R/W VACATION)			DRAW DATE: 11/11/25	SCALE: 1" = N/A	PROJECT # 1540
F.B./PG.: N/A	FIELD DATE: N/A	CREW: N/A	DRAWN BY: LAT	CHECKED BY: LHD	SHEET 1 OF 2

Drawing name: V:\DWGS\1540 NSB Flex Warehouse (See 1297 Concordia)_Survey\Civil 3D-DWGs\1540_sursketch.dwg SOD RW Vac Nov 11, 2025 10:20am by: lthib



MARK DOWST & ASSOCIATES, INC.
* ENGINEERS PLANNERS SURVEYORS LB#4335 *
536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 PH: 386-258-7999

SKETCH AND DESCRIPTION (CITRON STREET R/W VACATION)			DRAW DATE: 11/11/25	SCALE: 1" = 50'	PROJECT # 1540
F.B./PG.: N/A	FIELD DATE: N/A	CREW: N/A	DRAWN BY: LAT	CHECKED BY: LHD	SHEET 2 OF 2

Drawing name: V:\DWGS\1540 NSB Flex Warehouse (See 1297 Concordis)_Survey\Civil 3D-DWGs\1540_surskетch.dwg Nov 11, 2025 8:16am by: lthib

Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of New Smyrna Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: ORD 20-26 Vacating ROW - Citron St.

This Business Impact Estimate is provided in accordance with section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of New Smyrna Beach is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of New Smyrna Beach is, nevertheless providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☑ The proposed ordinance is enacted to implement the following:
    a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
    b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
    c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
    d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City of New Smyrna Beach hereby publishes the following information:

[1] *See* Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Ord 20-26 Vacating ROW - Citron St.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of New Smyrna Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance, or for which businesses will be financially responsible; and
(c) An estimate of the City of New Smyrna Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

N/A

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
N/A

4. Additional information the governing body deems useful (if any):
[*You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of New Smyrna Beach staff solicited comments from businesses in the City of New Smyrna Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of New Smyrna Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.*).

N/A

ORDINANCE NO. 20-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH VACATING A PLATTED UNOPENED RIGHT-OF-WAY IN THE ANDREW'S SUBDIVISION, GENERALLY LOCATED NORTH OF SR 44, EAST OF LEXINGTON PLACE ASSISTED LIVING FACILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Glen D. Storch, 420 S. Nova Road, Daytona Beach, Florida 32114, applicant, have requested the vacation of a platted unopened right-of-way in the Andrew's Subdivision, generally located north of SR 44, east of Lexington Assisted Living Facility; and

WHEREAS, Section 70-36, City Code, requires that before adopting an ordinance vacating a street or alley, the City Commission shall pass a resolution expressing its intent to vacate the street or alley; and

WHEREAS, the City Commission, in accordance with Section 70-36, City Code, adopted Resolution No. 01-26 on January 27, 2026, expressing its intent to vacate a portion of platted unopened right-of-way on the north of SR 44, east of Lexington Assisted Living Facility; and

WHEREAS, the Planning and Zoning Board, at its meeting of January 5, 2026, by vote of 5-0 recommended that the City Commission approve the requested street vacation; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to vacate a portion of the platted unopened right-of-way in the Andrew's Subdivision.

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

SECTION 1: ***Vacation.*** That the City Commission of the City of New Smyrna Beach, Florida hereby vacates a portion of the platted unopened right-of-way located in the Andrew's Subdivision. Said property is hereinafter described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 2: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance are hereby rescinded or repealed.

SECTION 3: ***Effective Date.*** That this ordinance shall take effect immediately upon its final adoption.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 2/2/2026

EXHIBIT "A"

LEGAL DESCRIPTION:

(AS CREATED BY MARK DOWST & ASSOCIATES, INC.)

THAT PORTION OF CITRON STREET LYING WEST OF BLOCKS 35 AND 36, ANDREW'S ADDITION TO NEW SMYRNA, AS RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 44 AND THE WEST LINE OF BLOCK 36, ANDREW'S ADDITION TO NEW SMYRNA, AS RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S63°08'42"W ALONG THE NORTH RIGHT-OF-WAY OF SAID STATE ROAD NO. 44, A DISTANCE OF 40.16 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CITRON STREET, HAVING A 40.00 FOOT RIGHT-OF-WAY; THENCE N21°41'22"W ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 270.20 FEET TO A POINT ON THE PROPERTY LINE PER DEED FROM HENRY T. DOUGLAS & CHARLES U. WILLIAMS, TRUSTEES TO THE FLORIDA EAST COAST RAILROAD, DATED JUNE 4, 1902; THENCE N66°35'42"E ALONG SAID PROPERTY LINE, A DISTANCE OF 40.02 FEET TO A POINT ON THE WEST LINE OF BLOCK 35, SAID ANDREW'S ADDITION TO NEW SMYRNA; THENCE S21°41'22"E ALONG THE WEST LINE OF BLOCK 35 AND THE WEST LINE OF AFORESAID BLOCK 36, A DISTANCE OF 267.78 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 0.25 ACRES, MORE OR LESS.

SURVEY NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, THIS IS A SKETCH OF DESCRIPTION ONLY. IMPROVEMENTS SHOWN HEREON WERE OBTAINED FROM A SURVEY PREPARED BY THIS FIRM, PROJECT NO. 1540, DATED 03/13/24, AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE WEST LINE OF BLOCK 36, ANDREW'S ADDITION TO NEW SMYRNA, AS BEING S21°41'22"E.
3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

LEGEND AND ABBREVIATIONS:

(#)	PLAT DIMENSION
CLF	CHAIN-LINK FENCE
LB	LICENSED BUSINESS
M.B.	MAP BOOK
NO.	NUMBER
O.R.B.	OFFICIAL RECORDS BOOK
PG(S).	PAGE/PAGES
PLS	PROFESSIONAL LAND SURVEYOR
R/W	RIGHT OF WAY
T/B	APPROXIMATE TOP OF BANK
T/S	APPROXIMATE TOE OF SLOPE
(TYP)	TYPICAL
VF	VINYL FENCE

SURVEYOR'S CERTIFICATE:

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

LEE H DOWST License Number 6860 STATE OF FLORIDA Professional Surveyor and Mapper

Digitally signed by Lee H Dowst
Date: 2025.11.11 10:25:55 -05'00'

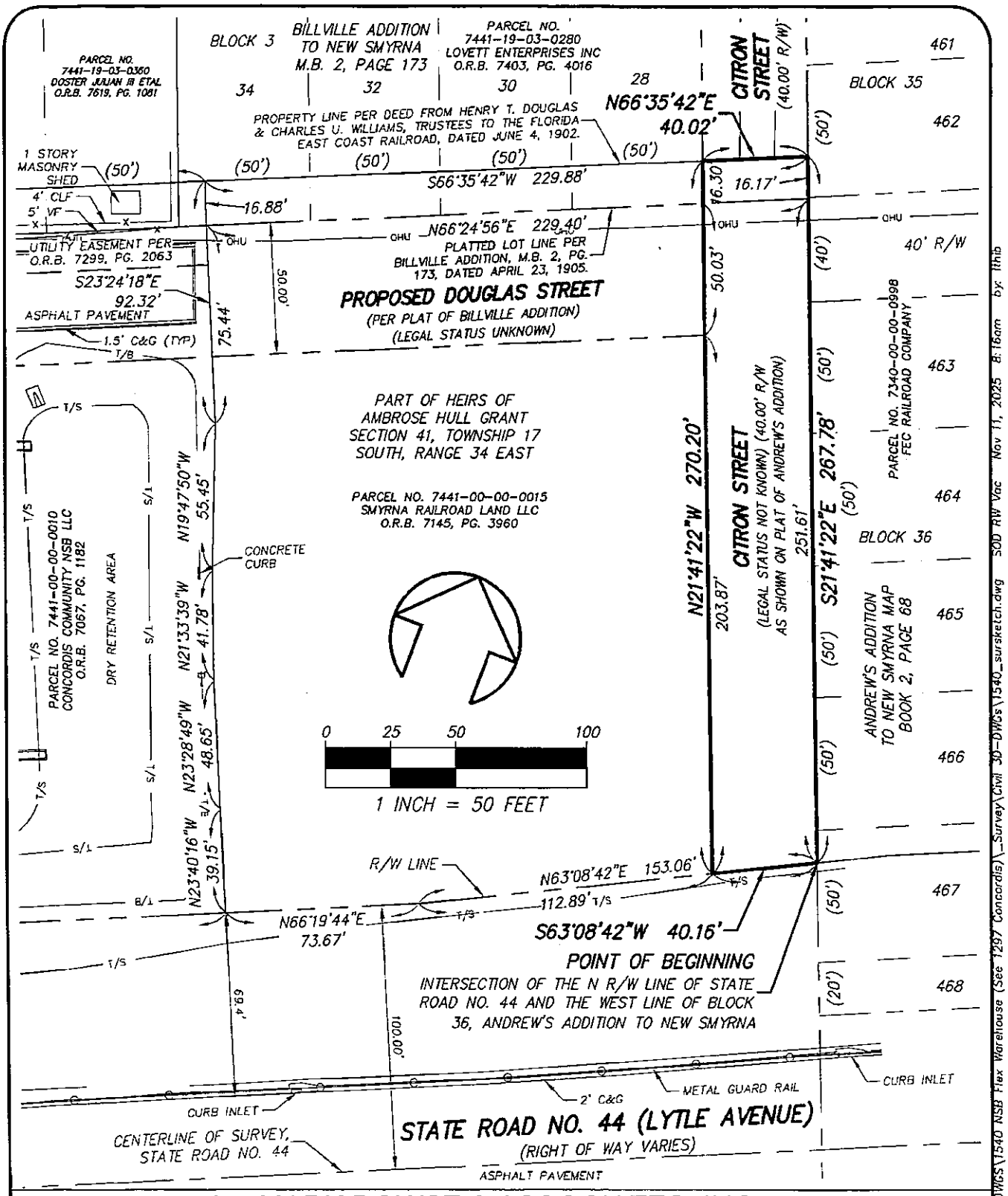
LEE H. DOWST. P.L.S. NO. 6860

THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

MARK DOWST & ASSOCIATES, INC.
* ENGINEERS PLANNERS SURVEYORS LB#4335 *
536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 PH: 386-258-7999

SKETCH AND DESCRIPTION (CITRON STREET R/W VACATION)			DRAW DATE: 11/11/25	SCALE: 1" = N/A	PROJECT # 1540
F.B./PG.: N/A	FIELD DATE: N/A	CREW: N/A	DRAWN BY: LAT	CHECKED BY: LHD	SHEET 1 OF 2

Drawing name: V:\DWGS\1540 NSB Flex Warehouse (Sec 1297 Concordia)_Survey\Civil 3D-DWGs\1540_sursketch.dwg SOD RW Vac Nov 11, 2025 10:20am by ftnib



MARK DOWST & ASSOCIATES, INC.
* ENGINEERS PLANNERS SURVEYORS LB#4335 *
536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 PH: 386-258-7999

SKETCH AND DESCRIPTION (CITRON STREET R/W VACATION)			DRAW DATE: 11/11/25	SCALE: 1" = 50'	PROJECT # 1540
F.B./PG.: N/A	FIELD DATE: N/A	CREW: N/A	DRAWN BY: LAT	CHECKED BY: LHD	SHEET 2 OF 2

Drawing name: V:\DWGS\1540 NSB Flex Warehouse (See 1297 Concords)_Survey\Civil 3D-DWGs\1540_surskeich.dwg SOD RW Vac Nov 11, 2025 8:16am by: lhib

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ORDINANCE NO. 21-26: CONDUCT A FIRST READING OF AN ORDINANCE, WHICH, IF ADOPTED, UPON SECOND READING AND PUBLIC HEARING, WOULD VACATE A PORTION OF BUCK LANE FOR THE FUTURE EXPANSION OF FIRE STATION #50.

February 10, 2026

Background:

1. Applicant: Jesse Kobe, Capital Improvements Director, New Smyrna Beach, 210 Sams Avenue

2. Request: Vacation of 25.0' X 94.0'section of platted right-of-way (ROW) adjacent to City Fire Station 50, south of SR 44

3. Right-of-Way Information: The platted un-opened ROW is located along Buck Lane (platted Second Street), between platted and unopened First Avenue and Second Avenue

Exhibits used in this report:

Exhibit A: Location Map

Exhibit B: Aerial Map

Exhibit C: Depiction of ROW to be vacated

Exhibit D: Survey with Legal Description

Exhibit E: Recorded Plat

Exhibit F: Non-Objection Letter from New Smyrna Beach Utilities

Findings:

The Planning and Zoning Board voted 5-0 to recommend the City Commission **approve** this proposed ROW vacation.

1. The proposed street vacation is shown on the **Exhibit C**. The applicant, Jesse Kobe, Capital Improvements Director is requesting the vacation of the 25.0’ ROW to allow for the further development of the City Fire Station #50. The ROW was originally 50.0’ wide, but the northern 25.0’ was already vacated. This request is to vacate the remaining 25.0 X 94.0’ section.

2. The City previously vacated 25.0' of the ROW for an earlier Fire Station project but the adjacent property to the south did not want to vacate the 25.0' along her frontage. The City has since purchased the property to facilitate the expansion of the Fire Department, thus the ROW is now separating the City property, and does not have a real purpose, as it now just divides the parcel.

3. Section 305.03 of the City's Land Development Regulations (LDR) requires the following items for a street vacation:

a. Plat of survey, including legal description and acreage of street or alley proposed to be vacated. **Received.**

b. list of all abutting property owners

c. Letter from New Smyrna Beach Utilities indicating:

I. No objection to the vacation; **Received**
II. No utilities are within the right-of-way proposed to be vacated; or **It has been verified that there are no utilities in the ROW.**
III. If utilities exist with right-of-way then a letter must indicate what utilities are located in the right-of-way, **N/A**
IV. If utilities exist in right-of-way, then letter must indicate easements required **No easements exist or are required.**
V. Letter from applicant explaining how the vacation is in the interest of the public good.

4. Section 305.03 C. of the City LDR requires:

a. the “City Planner shall review the application package for consistency with the City Comprehensive Plan and LDR,” and

b. “In addition, the City Planner shall determine whether or not the proposed vacation

would be in the interest of the public good." **The remaining 25.0'-wide section of ROW is not wide enough to be used as a road anymore, and vacating it will facilitate the expansion of Fire Station 50.**

5. This application for street vacation is consistent with the City Land Development Regulations. This street vacation application complies with all matters of general provision, enforcement, administration, concurrency and zoning district requirement as outlined in the City of New Smyrna Beach LDR.

6. This application for street vacation is consistent with the City Comprehensive Plan as it does not impact any level of service indicated within the Transportation Element of the Comprehensive Plan.

7. New Smyrna Beach Utilities, The Florida Gas Transmission Company, and the City's Engineering department have all provided notification that they do not object to the proposed ROW vacation, and that no utilities are within the right-of-way proposed to be vacated. The City Engineering Department has submitted a letter of no-objection to the right-a-way being vacated.

STAFF RECOMMENDATION

Staff recommends the City Commission ***approves*** the request to vacate the above-described ROW. The Planning and Zoning Board voted 5-0 to approve the ROW vacation.

Fiscal Analysis:
N/A

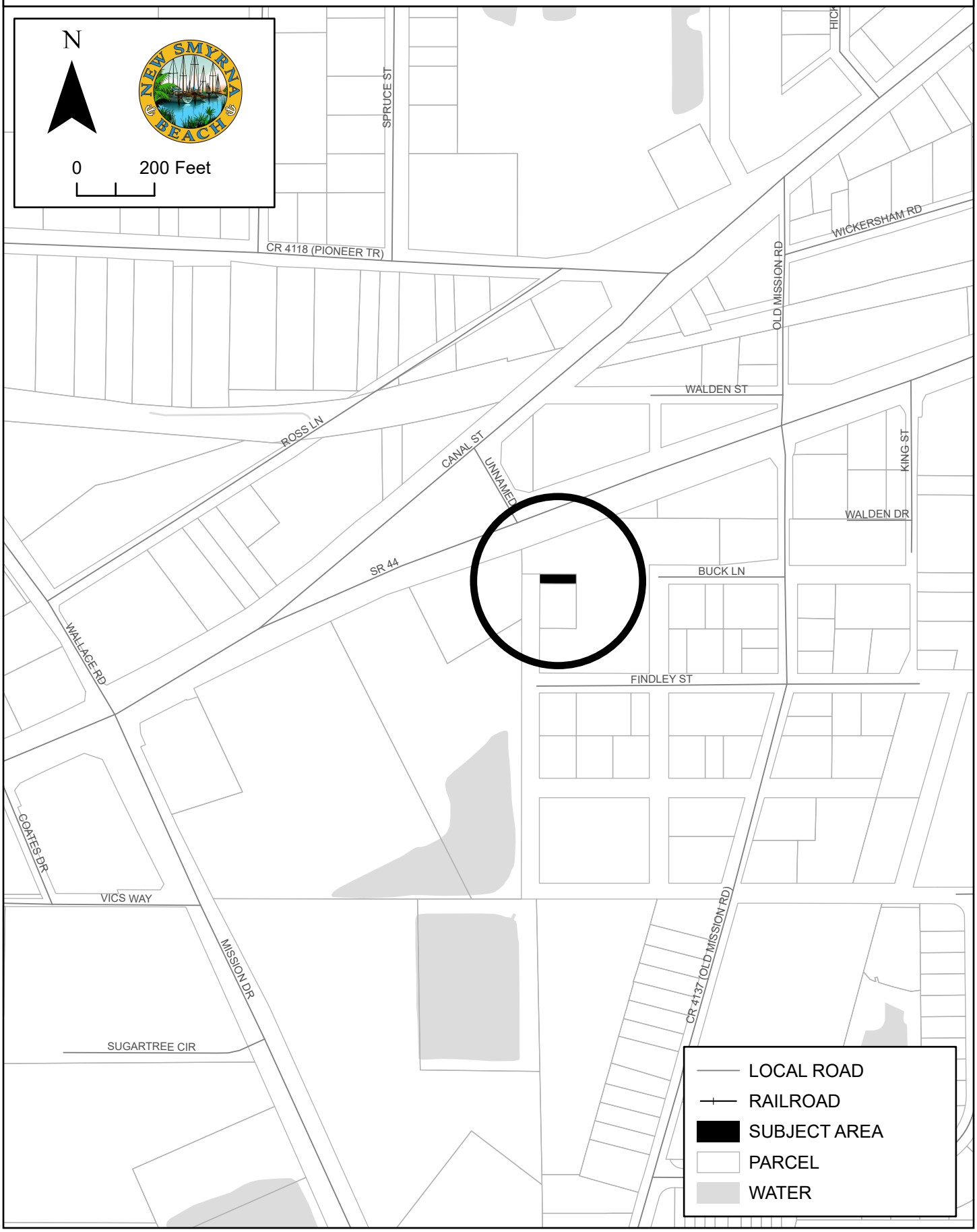
Strategic Plan Item:
No

Staff Report Created By: Jake Baker - Senior Planner

Attachments:

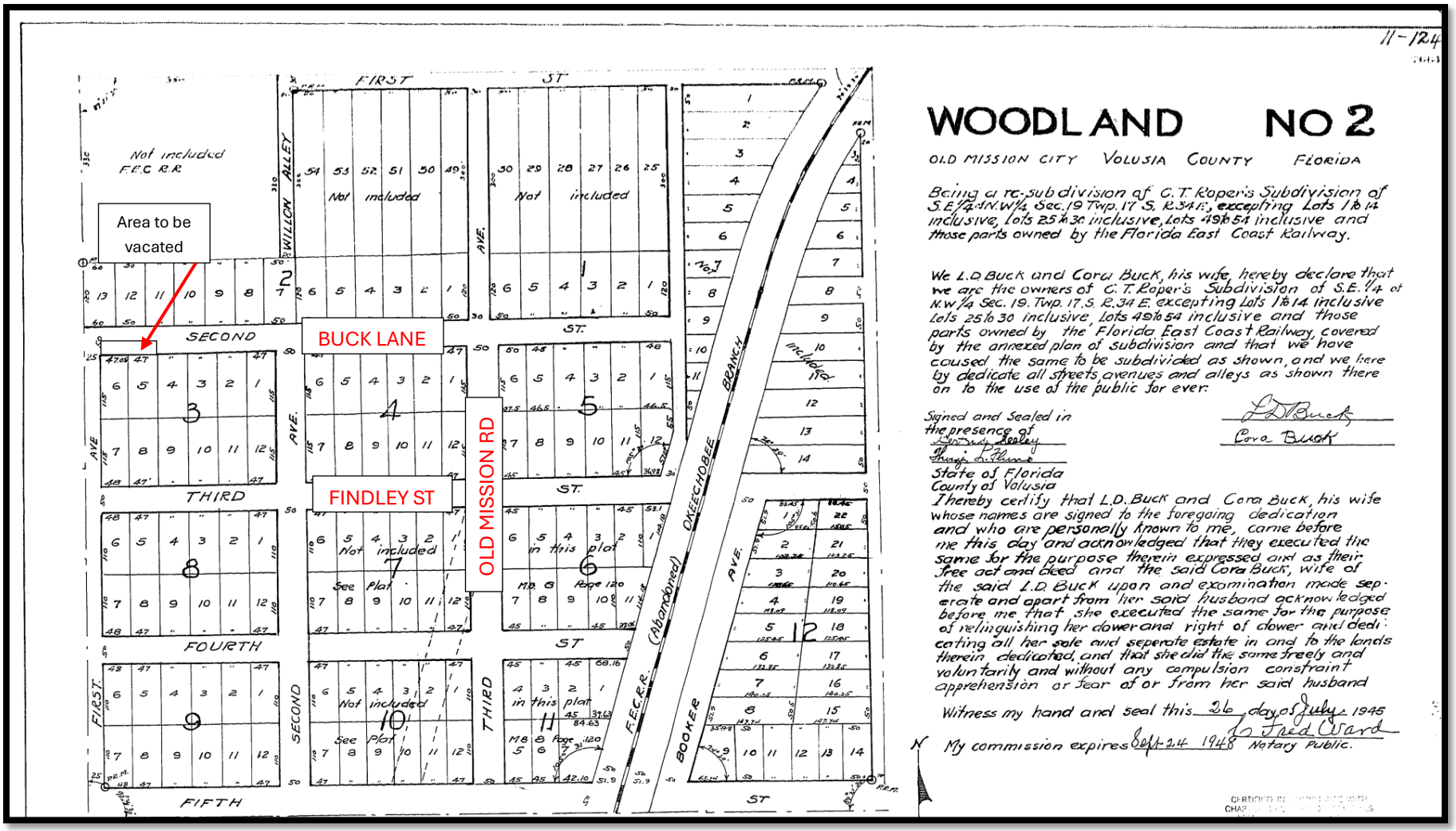
Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Depiction of area to be vacated.pdf
Exhibit D Survey with Legal Description.pdf
Exhibit E Woodland No 2 Plat.pdf
Exhibit F Letter of No Objection - UCNSB.pdf
Res 02-26 ROW Vacation - Buck Ln.pdf
Business Impact Estimate - Ord 21-26 Vacating ROW - Buck Ln.pdf
Ord 21-26 Vacating Buck Ln.pdf

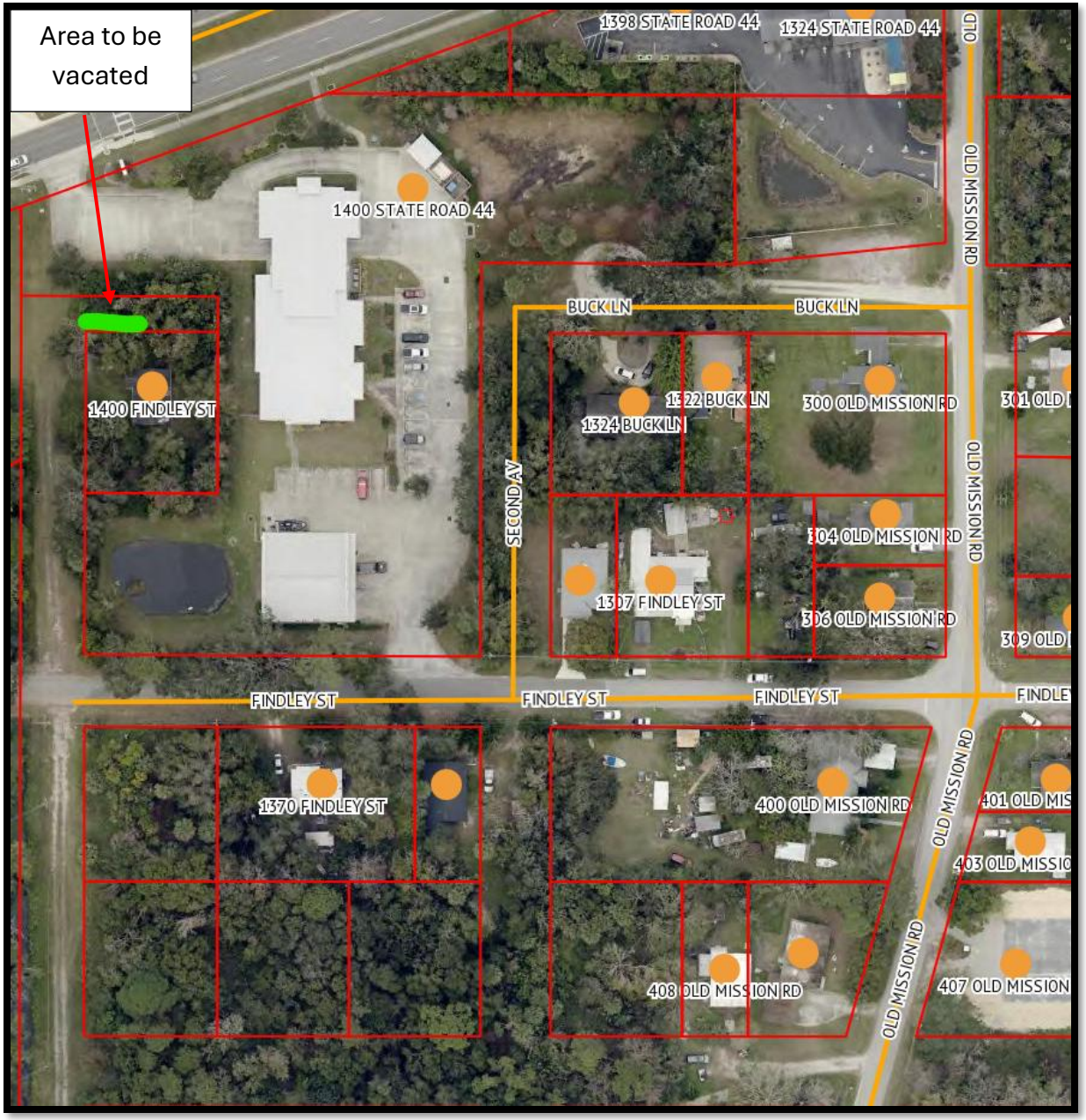
SV-03-25: 1400 FINDLEY STREET
LOCATION MAP



SV-03-25: 1400 FINDLEY STREET
AERIAL MAP




11-124
WOODLAND NO 2
OLD MISSION CITY VOLUSIA COUNTY FLORIDA
Being a re-subdivision of C.T. Roper's Subdivision of S.E.1/4 of N.W.1/4 Sec. 19 Twp. 17 S. R.34 E., excepting Lots 1 to 14 inclusive, Lots 25 to 30 inclusive, Lots 49 to 54 inclusive and those parts owned by the Florida East Coast Railway.
We L.D. Buck and Cora Buck, his wife, hereby declare that we are the owners of C.T. Roper's Subdivision of S.E.1/4 of N.W.1/4 Sec. 19. Twp. 17. S. R.34 E. excepting Lots 1 to 14 inclusive Lots 25 to 30 inclusive, Lots 49 to 54 inclusive and those parts owned by the Florida East Coast Railway, covered by the annexed plan of subdivision and that we have caused the same to be subdivided as shown, and we here by dedicate all streets, avenues and alleys as shown there on to the use of the public for ever.
Signed and Sealed in the presence of
State of Florida
County of Volusia
I hereby certify that L.D. Buck and Cora Buck, his wife whose names are signed to the foregoing dedication and who are personally known to me, came before me this day and acknowledged that they executed the same for the purpose therein expressed and as their free act and deed and the said Cora Buck, wife of the said L.D. Buck upon and examination made seperate and apart from her said husband acknowledged before me that she executed the same for the purpose of relinquishing her dower and right of dower and dedicating all her sole and seperate estate in and to the lands therein dedicated, and that she did the same freely and voluntarily and without any compulsion constraint apprehension or fear of or from her said husband
Witness my hand and seal this 26 day of July 1945
My commission expires Sept 24 1948 Notary Public.
Not included F.E.C. R.R.
Area to be vacated
BUCK LANE
FINDLEY ST
OLD MISSION RD
FIRST ST
SECOND ST.
THIRD ST.
FOURTH ST
FIFTH ST
WILLOW ALLEY
AVE.
OKEECHOBEE BRANCH
F.E.C.R.R. (Abandoned)
BOOKER AVE.
Not included
See Plat
in this plat
Not included
N

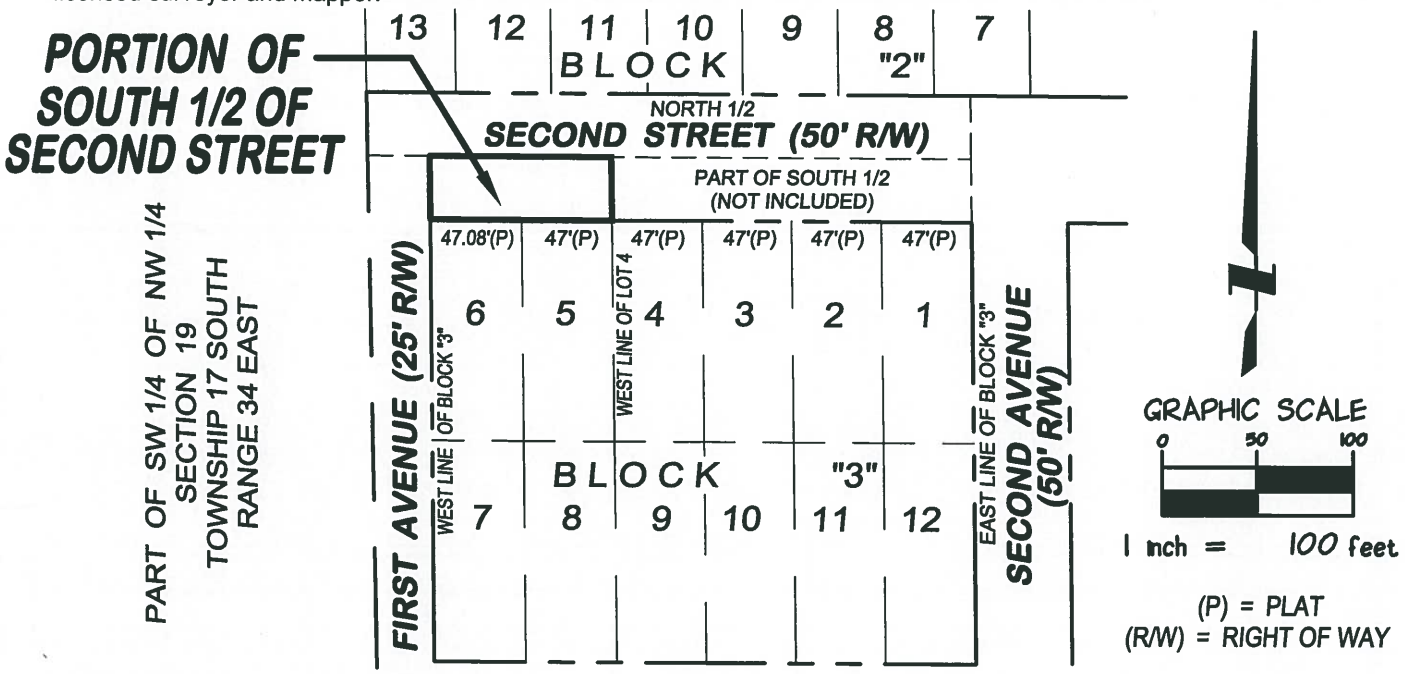

Area to be vacated
1398 STATE ROAD 44
1324 STATE ROAD 44
1400 STATE ROAD 44
1400 FINDLEY ST
BUCK LN
BUCK LN
1322 BUCK LN
1324 BUCK LN
300 OLD MISSION RD
SECOND AV
OLD MISSION RD
304 OLD MISSION RD
1307 FINDLEY ST
306 OLD MISSION RD
FINDLEY ST
FINDLEY ST
FINDLEY ST
1370 FINDLEY ST
400 OLD MISSION RD
OLD MISSION RD
OLD MISSION RD
408 OLD MISSION RD
407 OLD MISSION

SKETCH OF DESCRIPTION OF
(NOT A SURVEY)

That portion of the South 1/2 of Second Street, a 50-foot right of way as shown on plat of WOODLAND NO. 2, recorded in Map Book 11, Page 124 of the Public Records of Volusia County, Florida, lying east of the northerly prolongation of the west line of Block "3", said WOODLAND NO. 2, and lying west of the northerly prolongation of the west line of Lot 4, Block "3", said WOODLAND NO. 2.

REPORT:

1. Description prepared by the undersigned at the request of the client.
2. Subject to restrictions, reservations, limitations, easements and rights of way, if any, appearing of record.
3. This sketch of description and report prepared without the benefit of an abstract and no title work has been performed or provided to this surveyor.
4. This sketch of description and report is subject to any facts that may be disclosed by a full and accurate title search.
5. The location of any subsurface foundations, improvements, features or utilities which may or may not exist and which may or may not violate deed or easement lines are not determined or addressed by this survey.
6. Dimensions indicated hereon are in U.S. standard feet and decimals thereof, unless otherwise noted.
7. **This sketch is not an actual Boundary Survey.**
8. Additions or deletions to this survey map or report by other than the signing party or parties is prohibited without written consent of the signing party or parties per F.A.C. Rule 5J-17.051(3)(b)6.
9. The survey map and report or copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

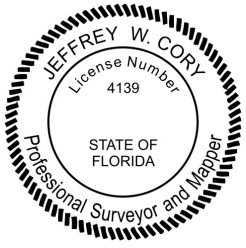


DATE PREPARED: 09/30/2025

I hereby certify that this sketch of description of the subject property is true and correct to the best of my knowledge, information and belief as prepared under my supervision on the dates shown thereon. I further certify that this sketch of description meets the Standards of Practice set forth in F.A.C. Rule 5J-17, adopted by the Florida Board of Professional Surveyors and Mappers, pursuant to Florida Statutes Ch. 472.027, subject to the qualifications noted hereon.

Signed: Jeffrey W. Cory Digitally signed by Jeffrey W. Cory Date: 2025.10.03 12:12:03 -04'00'

Seal:



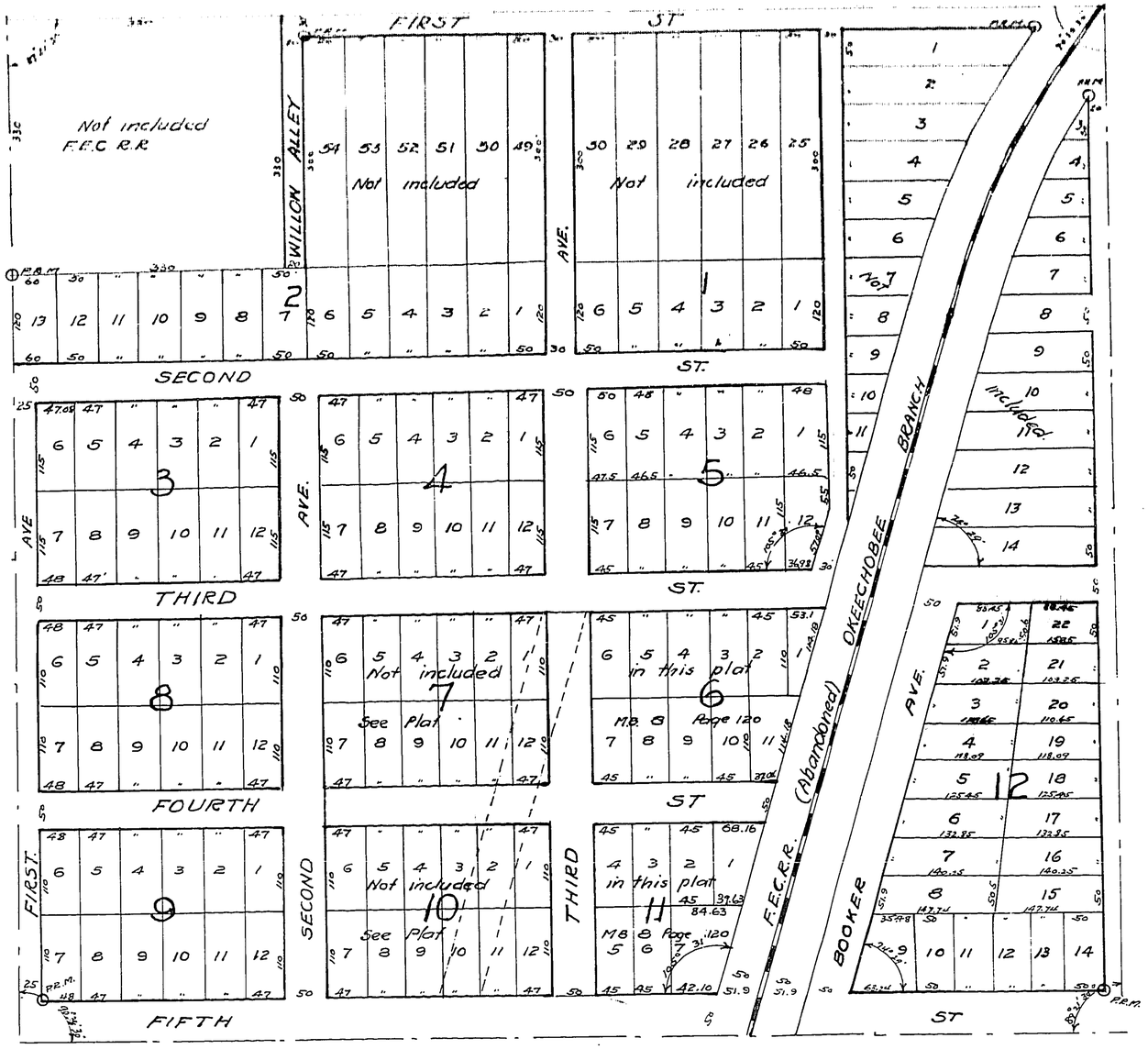
Jeffrey W. Cory
Professional Surveyor and Mapper License Number 4139

THIS SKETCH OF DESCRIPTION CONTAINS 2 PAGES
EACH PAGE IS NOT FULL AND COMPLETE WITHOUT THE OTHER PAGE

Daniel W. Cory Surveyor, LLC
Certificate of Authorization Number LB 7883
300 Canal Street
New Smyrna Beach, Florida 32168
(386) 427-9575

FILE # 5515
Work Order #25-09-016
Part of Second Street
Woodland No. 2
Page 1 of 1

CAD FILE: 250906



WOODLAND NO 2

OLD MISSION CITY VOLUSIA COUNTY FLORIDA

Being a re-subdivision of C.T. Roper's Subdivision of S.E.1/4 of N.W.1/4 Sec. 19 Twp. 17 S. R.34 E., excepting Lots 1 to 14 inclusive, Lots 25 to 30 inclusive, Lots 49 to 54 inclusive and those parts owned by the Florida East Coast Railway.

We L.D. Buck and Cora Buck, his wife, hereby declare that we are the owners of C.T. Roper's Subdivision of S.E.1/4 of N.W.1/4 Sec. 19. Twp. 17. S. R.34 E. excepting Lots 1 to 14 inclusive Lots 25 to 30 inclusive, Lots 49 to 54 inclusive and those parts owned by the Florida East Coast Railway, covered by the annexed plan of subdivision and that we have caused the same to be subdivided as shown, and we here by dedicate all streets, avenues and alleys as shown there on to the use of the public for ever.

L.D. Buck
Cora Buck

Signed and Sealed in the presence of
Gertrude Seeley
Thurza L. Flinn
State of Florida
County of Volusia

I hereby certify that L.D. Buck and Cora Buck, his wife whose names are signed to the foregoing dedication and who are personally known to me, came before me this day and acknowledged that they executed the same for the purpose therein expressed and as their free act and deed and the said Cora Buck, wife of the said L.D. Buck upon and examination made seperate and apart from her said husband acknowledged before me that she executed the same for the purpose of relinquishing her dower and right of dower and dedicating all her sole and seperate estate in and to the lands therein dedicated, and that she did the same freely and voluntarily and without any compulsion constraint apprehension or fear of or from her said husband

Witness my hand and seal this 26 day of July 1945
Fred Ward
My commission expires Sept 24 1948 Notary Public.

CERTIFIED IN COMPLIANCE WITH CHAPTER ... 1941 ...
... 5
JESS ... COURT
By ...

Approved for record this ___ day of ___ 1945
[signature]

I hereby certify that this map is a correct representation of the land platted and that permanent refrence monuments have been erected as shown and required by law.

Ray S. Blinn
Land Surveyor Reg No. 176

This plat corrects and supersedes plat of Woodland No 2 as recorded in Map Book 10 Page 246 Public Records of Volusia County, Fla.

Scale 1"=100'

New Smyrna Beach
• • • UTILITIES • • •

September 23, 2025

Jesse Meyers, P.E., CFM
City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL 32168

SUBJECT: **Proposed Vacation of Highlighted Platted Right-of-Way "Second Street." North of Parcel ID 741913030050, Public Records of Volusia County**

Dear Mr. Myers:

New Smyrna Beach Utilities has no objection to the proposed vacation of the platted Right-of-Way as depicted in your email dated September 19, 2025 (attached).

New Smyrna Beach Utilities has no electric, water, reclaim or sanitary sewer mains in the right-of-way to be vacated.

Please do not hesitate to call me if you have any questions or require additional information.

Sincerely,

Kristin Greene

Kristin Greene
Civil Engineering Technician
Office: 386-424-3008

From: Meyers, Jesse <jmeyers@cityofnsb.com>
Sent: Friday, September 19, 2025 3:45 PM
To: Kristin Greene
Subject: RE: Fire Station 50 ROW
Attachments: Ord. No. 30-07.pdf; Buck Lane Survey.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is the old legal. They have not updated it yet. The only difference will be the last part where it says "west line of lot 4" will have to be changed to "west line of lot 6". This is in the attached. I will let you know if/when they update it.

AND

The south 1/2 of Second Street, a 50-foot right of way as shown on plat of WOODLAND NO. 2, recorded in Map Book 11, Page 124 of the Public Records of Volusia County, Florida, lying west of the northerly prolongation of the east line of Block "3", said WOODLAND NO. 2, and lying east of the northerly prolongation of the west line of Lot 4, Block "3", said WOODLAND NO. 2.

From: Kristin Greene <kgreene@nsbufl.com>
Sent: Friday, September 19, 2025 9:46 AM
To: Meyers, Jesse <jmeyers@cityofnsb.com>
Subject: Fire Station 50 ROW

CAUTION: EXTERNAL EMAIL

Good morning and Happy Friday!

Can you please submit to me the Legal Description so that I can attach it in our files with my letter to the city for the vacation?

😊

Thank you,

Kristin Greene / Civil Engineering Technician
New Smyrna Beach Utilities
Phone 386-424-3008 / Email: kgreene@nsbufl.com
www.nsbufl.com

SKETCH OF DESCRIPTION OF

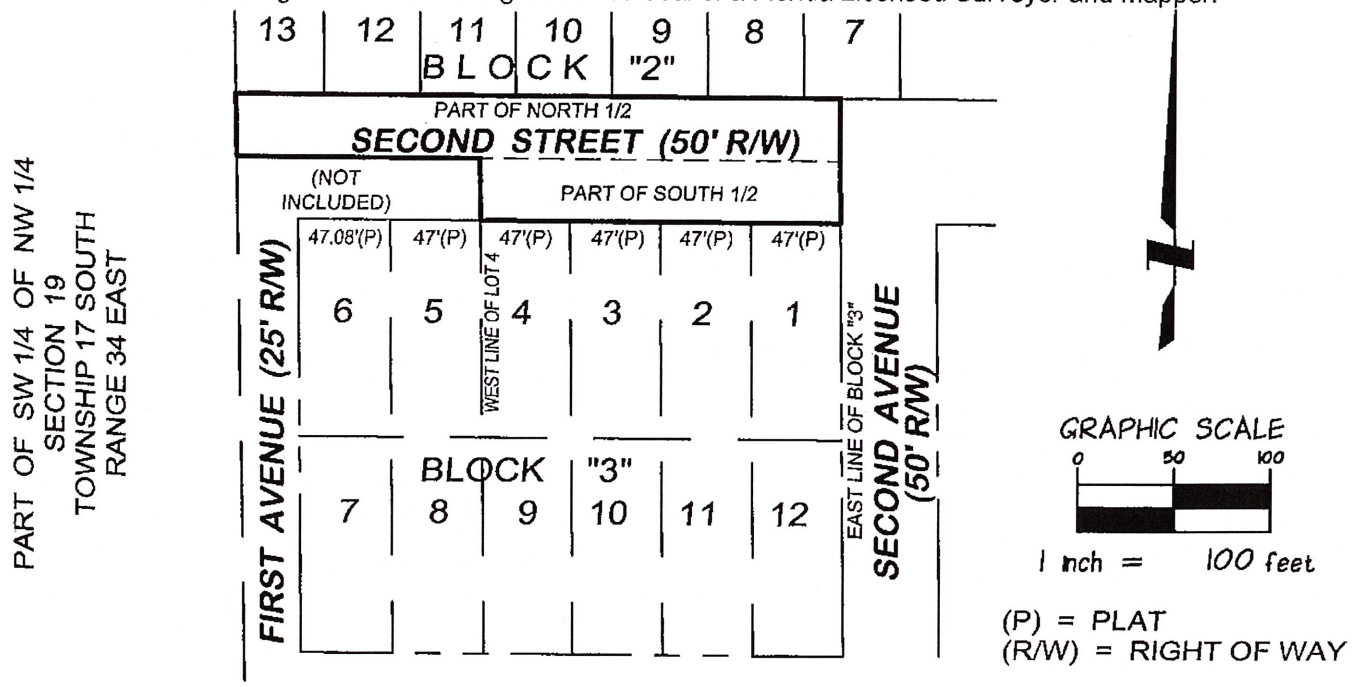
The north 1/2 of Second Street, a 50-foot right of way as shown on plat of WOODLAND NO. 2, recorded in Map Book 11, Page 124 of the Public Records of Volusia County, Florida, lying west of the northerly prolongation of the east line of Block "3", said WOODLAND NO. 2, and that portion of First Avenue, a 25-foot right of way as shown on said plat of WOODLAND NO. 2, lying north of the westerly prolongation of south line of said north 1/2 of Second Street.

AND

The south 1/2 of Second Street, a 50-foot right of way as shown on plat of WOODLAND NO. 2, recorded in Map Book 11, Page 124 of the Public Records of Volusia County, Florida, lying west of the northerly prolongation of the east line of Block "3", said WOODLAND NO. 2, and lying east of the northerly prolongation of the west line of Lot 4, Block "3", said WOODLAND NO. 2.

SURVEY REPORT:

1. Description prepared by the undersigned at the request of the client.
2. Subject to restrictions, reservations, limitations, easements and rights of way, if any, appearing of record.
3. This sketch of description and report prepared without the benefit of an abstract and no title work has been performed or provided to this surveyor.
4. This sketch of description and report is subject to any facts that may be disclosed by a full and accurate title search.
5. Underground utilities and features, if any, not located.
6. Dimensions indicated hereon are in feet and decimals thereof, unless otherwise noted.
7. **This sketch is not an actual Boundary Survey.**
8. Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.



DATE PREPARED: 01/23/2007

I hereby certify that this sketch of description of the subject property is true and correct to the best of my knowledge, information and belief as prepared under my supervision on the dates shown thereon. I further certify that this sketch of description meets the minimum technical standards set forth in F.A.C. Rule 61G17-6, adopted by the Florida Board of Professional Surveyors and Mappers, pursuant to Florida Statutes Ch. 472.027, subject to the qualifications noted hereon.

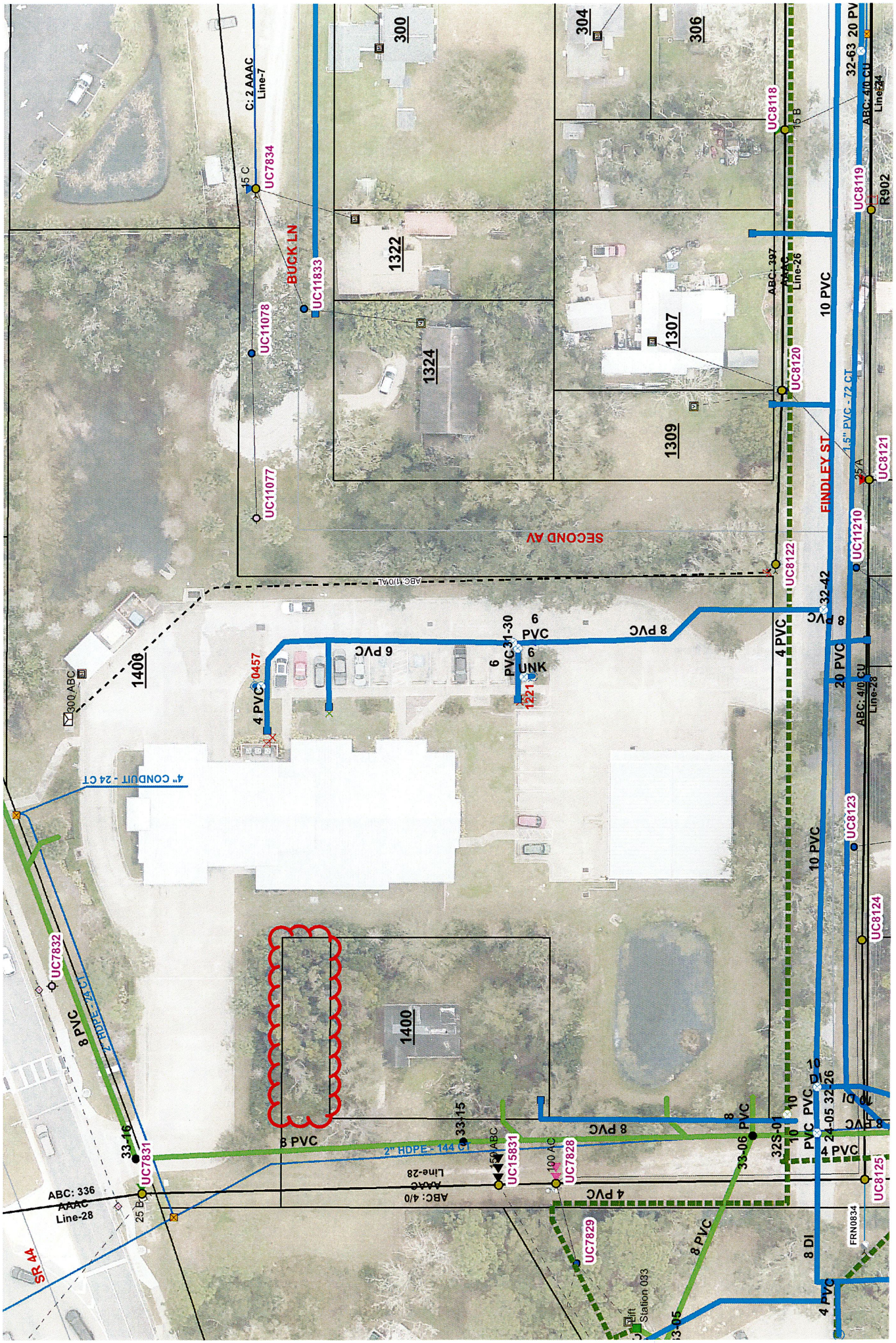
Signed: _____ Seal:

Daniel W. Cory
Professional Surveyor and Mapper License Number 2027

Daniel W. Cory Surveyor, Inc.
Certificate of Authorization Number LB 2599
300 Canal Street
New Smyrna Beach, Florida 32168
(386) 427-9575

Work Order # 07-01-015
PART OF SECOND STREET
Sketch of Description
FILE # 5515

CADD FILE: 070105



300
304
306
1322
1324
1307
1309
1400
BUCK LN
SECOND AV
FINDLEY ST
SR 44
C: 2 AAAC
Line-7
UC7834
UC11833
UC11078
UC11077
UC8118
UC8119
UC8120
UC8121
UC8122
UC11210
UC8123
UC8124
UC8125
UC7832
UC7831
UC15831
UC7828
UC7829
R902
ABC: 4/0 CU
Line-24
ABC: 397
AAAC
Line-26
ABC: 4/0 CU
Line-28
ABC: 336
AAAC
Line-28
ABC: 4/0
AAAC
Line-28
1.5" PVC - 72 CT
4" CONDUIT - 24 CT
2" HDPE - 24 CT
2" HDPE - 144 CT
10 PVC
20 PVC
8 PVC
4 PVC
6 PVC
8 DI
FRN0834
Station 033

RESOLUTION NO. 02-26

A RESOLUTION OF THE CITY OF NEW SMYRNA BEACH EXPRESSING THE INTENT TO VACATE A PLATTED UNOPENED RIGHT-OF-WAY IN THE WOODLAND NO. 2 SUBDIVISION, GENERALLY LOCATED ALONG BUCK LANE, BETWEEN PLATTED AND UNOPENED FIRST AND SECOND AVENUE; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jesse Kobe, Capital Improvements Director, City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168, applicant, has requested the vacation of a platted unopened right-of-way in the Woodland No. 2 Subdivision, generally along Buck Lane, between platted and unopened First and Second Avenue; and

WHEREAS, Section 70-36, City Code, requires that before adopting an ordinance vacating a street, the City Commission shall pass a resolution expressing its intent to vacate the street; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to adopt an ordinance vacating a platted unopened right-of-way in the Woodland No. 2 Subdivision as more fully described below.

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

SECTION 1: ***Intent to Vacate.*** That the City Commission of the City of New Smyrna Beach, Florida hereby expresses its intent to vacate a platted unopened right-of-way in the Woodland No. 2 Subdivision. Said property is hereinafter described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 2: ***Conflicting Resolutions.*** That all resolutions or parts thereof that are in conflict with this resolution are hereby rescinded or repealed.

SECTION 3: ***Effective Date.*** That this resolution shall take effect immediately upon its final adoption.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 1/13/2026

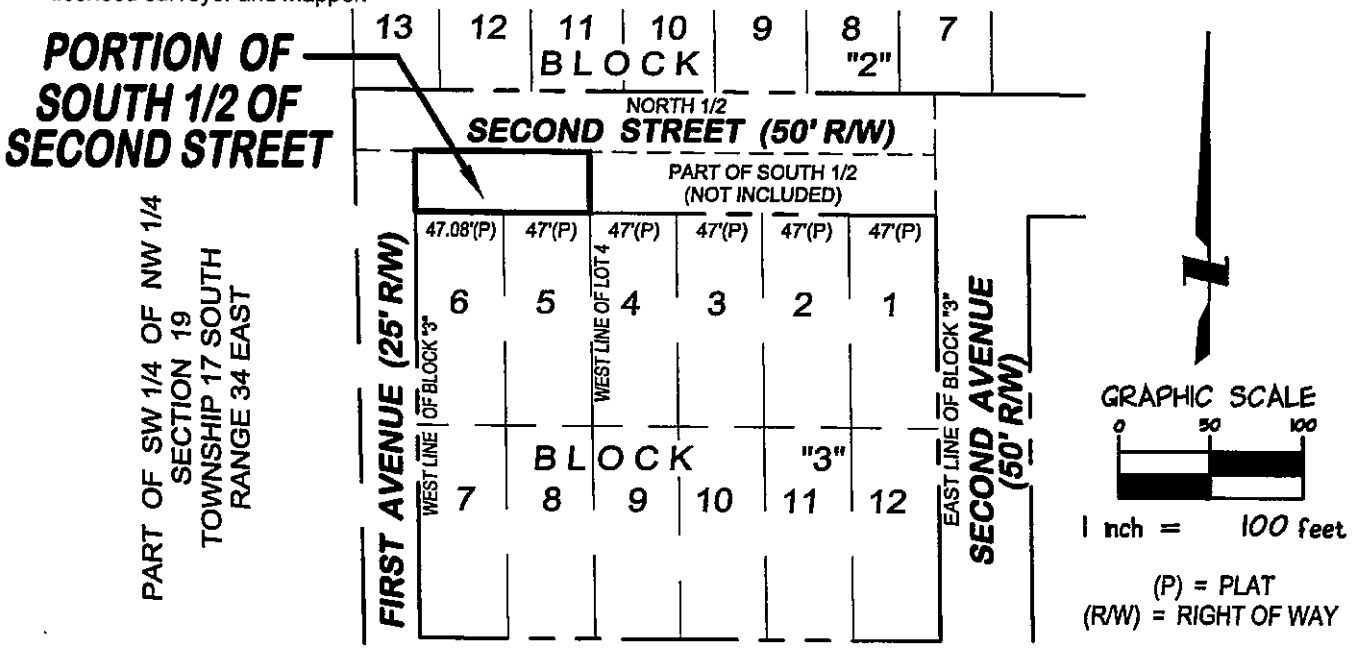
EXHIBIT "A"

SKETCH OF DESCRIPTION OF
(NOT A SURVEY)

That portion of the South 1/2 of Second Street, a 50-foot right of way as shown on plat of WOODLAND NO. 2, recorded in Map Book 11, Page 124 of the Public Records of Volusia County, Florida, lying east of the northerly prolongation of the west line of Block "3", said WOODLAND NO. 2, and lying west of the northerly prolongation of the west line of Lot 4, Block "3", said WOODLAND NO. 2.

REPORT:

1. Description prepared by the undersigned at the request of the client.
2. Subject to restrictions, reservations, limitations, easements and rights of way, if any, appearing of record.
3. This sketch of description and report prepared without the benefit of an abstract and no title work has been performed or provided to this surveyor.
4. This sketch of description and report is subject to any facts that may be disclosed by a full and accurate title search.
5. The location of any subsurface foundations, improvements, features or utilities which may or may not exist and which may or may not violate deed or easement lines are not determined or addressed by this survey.
6. Dimensions indicated hereon are in U.S. standard feet and decimals thereof, unless otherwise noted.
7. **This sketch is not an actual Boundary Survey.**
8. Additions or deletions to this survey map or report by other than the signing party or parties is prohibited without written consent of the signing party or parties per F.A.C. Rule 5J-17.051(3)(b)6.
9. The survey map and report or copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

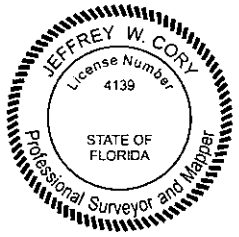


DATE PREPARED: 09/30/2025

I hereby certify that this sketch of description of the subject property is true and correct to the best of my knowledge, information and belief as prepared under my supervision on the dates shown thereon. I further certify that this sketch of description meets the Standards of Practice set forth in F.A.C. Rule 5J-17, adopted by the Florida Board of Professional Surveyors and Mappers, pursuant to Florida Statutes Ch. 472.027, subject to the qualifications noted hereon.

Signed: Jeffrey W. Cory Digitally signed by Jeffrey W. Cory Date: 2025.10.03 12:12:03 -04'00'

Seal:



Jeffrey W. Cory
Professional Surveyor and Mapper License Number 4139

THIS SKETCH OF DESCRIPTION CONTAINS 2 PAGES
EACH PAGE IS NOT FULL AND COMPLETE WITHOUT THE OTHER PAGE

Daniel W. Cory Surveyor, LLC
Certificate of Authorization Number LB 7883
300 Canal Street
New Smyrna Beach, Florida 32168
(386) 427-9575

FILE # 5515
Work Order #25-09-016
Part of Second Street
Woodland No. 2
Page 1 of 1

CAD FILE 2509016

Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of New Smyrna Beach website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:
Ord 21-26 Vacating ROW - Buck Ln.

This Business Impact Estimate is provided in accordance with section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of New Smyrna Beach is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City of New Smyrna Beach is, nevertheless providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government.
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. A development order or development permit, as defined in s. 163.3164, F.S.; a development agreement as authorized by ss. 163.3220-163.3243, F.S.; or a comprehensive plan amendment or land development regulation amendment initiated by an application by a private party other than the municipality;
    b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
    c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
    d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City of New Smyrna Beach hereby publishes the following information:

[1] *See* Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Ord 21-26 Vacating ROW - Buck Ln.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of New Smyrna Beach, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance, or for which businesses will be financially responsible; and
(c) An estimate of the City of New Smyrna Beach's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

N/A

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

N/A

4. Additional information the governing body deems useful (if any):

[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of New Smyrna Beach staff solicited comments from businesses in the City of New Smyrna Beach as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of New Smyrna Beach website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.).

By vacating this unopened ROW would allow for further development of the City Fire Station #50 to include a 3400 sq ft building for training space, additional space for staff, new EOC, a parking lot and expanding the retention pond for stormwater.

ORDINANCE NO. 21-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH VACATING A PLATTED UNOPENED RIGHT-OF-WAY IN THE WOODLAND NO. 2 SUBDIVISION, GENERALLY LOCATED ALONG BUCK LANE, BETWEEN PLATTED AND UNOPENED FIRST AND SECOND AVENUE; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jesse Kobe, Capital Improvements Director, City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168, applicant, has requested the vacation of a platted unopened right-of-way in the Woodland No. 2 Subdivision, generally along Buck Lane, between platted and unopened First and Second Avenue; and

WHEREAS, Section 70-36, City Code, requires that before adopting an ordinance vacating a street or alley, the City Commission shall pass a resolution expressing its intent to vacate the street or alley; and

WHEREAS, the City Commission, in accordance with Section 70-36, City Code, adopted Resolution No. 02-26 on January 27, 2026, expressing its intent to vacate a portion of platted unopened right-of-way along Buck Lane, between platted and unopened First and Second Avenue; and

WHEREAS, the Planning and Zoning Board, at its meeting of January 5, 2026, by vote of 5-0 recommended that the City Commission approve the requested street vacation; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to vacate a portion of the platted unopened right-of-way in the Andrew's Subdivision.

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

SECTION 1: ***Vacation.*** That the City Commission of the City of New Smyrna Beach, Florida hereby vacates a portion of the platted unopened right-of-way located in the Woodland No. 2 Subdivision. Said property is hereinafter described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

SECTION 2: ***Conflicting Ordinances.*** That all ordinances or parts thereof that are in conflict with this ordinance are hereby rescinded or repealed.

SECTION 3: ***Effective Date.*** That this ordinance shall take effect immediately upon its final adoption.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 2/2/2026

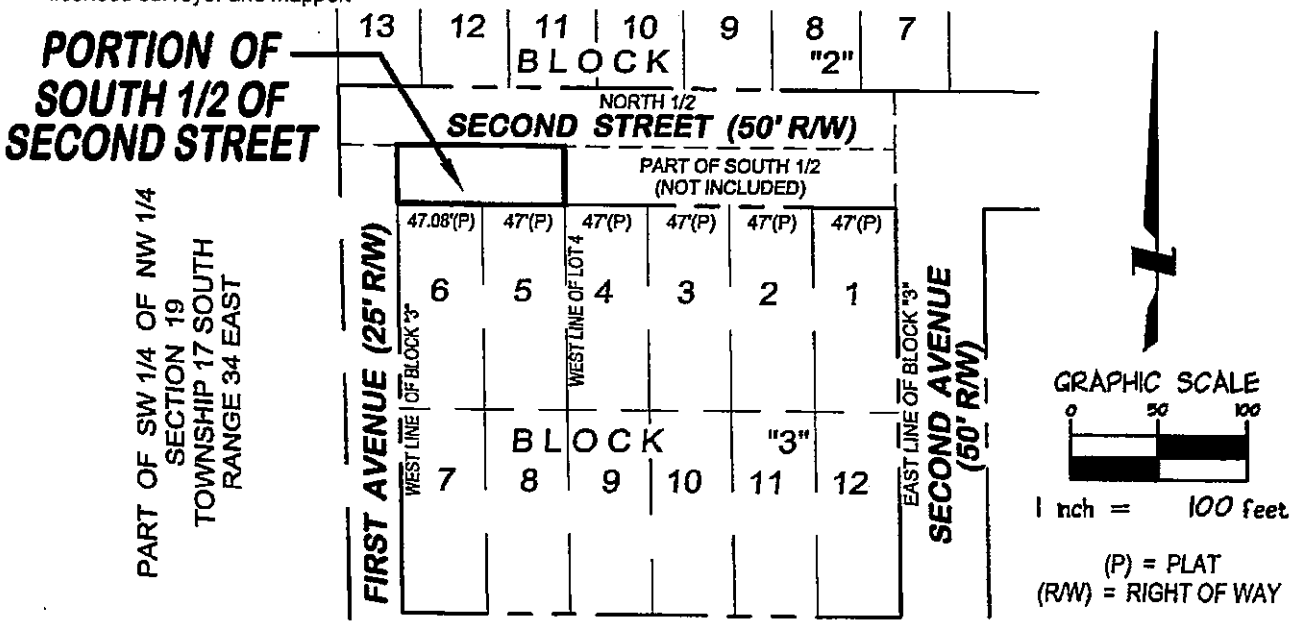
EXHIBIT "A"

SKETCH OF DESCRIPTION OF
(NOT A SURVEY)

That portion of the South 1/2 of Second Street, a 50-foot right of way as shown on plat of WOODLAND NO. 2, recorded in Map Book 11, Page 124 of the Public Records of Volusia County, Florida, lying east of the northerly prolongation of the west line of Block "3", said WOODLAND NO. 2, and lying west of the northerly prolongation of the west line of Lot 4, Block "3", said WOODLAND NO. 2.

REPORT:

1. Description prepared by the undersigned at the request of the client.
2. Subject to restrictions, reservations, limitations, easements and rights of way, if any, appearing of record.
3. This sketch of description and report prepared without the benefit of an abstract and no title work has been performed or provided to this surveyor.
4. This sketch of description and report is subject to any facts that may be disclosed by a full and accurate title search.
5. The location of any subsurface foundations, improvements, features or utilities which may or may not exist and which may or may not violate deed or easement lines are not determined or addressed by this survey.
6. Dimensions indicated hereon are in U.S. standard feet and decimals thereof, unless otherwise noted.
7. **This sketch is not an actual Boundary Survey.**
8. Additions or deletions to this survey map or report by other than the signing party or parties is prohibited without written consent of the signing party or parties per F.A.C. Rule 5J-17.051(3)(b)6.
9. The survey map and report or copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

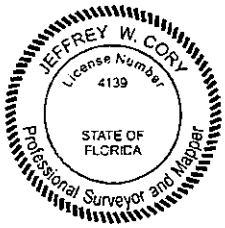


DATE PREPARED: 09/30/2025

I hereby certify that this sketch of description of the subject property is true and correct to the best of my knowledge, information and belief as prepared under my supervision on the dates shown thereon. I further certify that this sketch of description meets the Standards of Practice set forth in F.A.C. Rule 5J-17, adopted by the Florida Board of Professional Surveyors and Mappers, pursuant to Florida Statutes Ch. 472.027, subject to the qualifications noted hereon.

Signed: Jeffrey W. Cory Digitally signed by Jeffrey W. Cory Date: 2025.10.03 12:12:03 -04'00'

Seal:



Jeffrey W. Cory
Professional Surveyor and Mapper License Number 4139

THIS SKETCH OF DESCRIPTION CONTAINS 2 PAGES
EACH PAGE IS NOT FULL AND COMPLETE WITHOUT THE OTHER PAGE

Daniel W. Cory Surveyor, LLC
Certificate of Authorization Number LB 7883
300 Canal Street
New Smyrna Beach, Florida 32168
(386) 427-9575

FILE # 5515
Work Order #25-09-016
Part of Second Street
Woodland No. 2
Page 1 of 1

CAD FILE 250906

THE CITY OF NEW SMYRNA BEACH - CITY CLERK'S OFFICE

BOARD VACANCY NOTICE: UTILITIES COMMISSION

February 10, 2026

Background:

The Utilities Commission is a five-member board established under Section 8.01 of the City Charter. It is responsible for managing, operating, and controlling all of the city's utilities, including the authority to employ necessary personnel and adopt operational rules.

Membership Requirements

Per Section 8.03:

- Each commissioner must be a qualified elector and freeholder in New Smyrna Beach.
- No employee or elected/appointed officer of the city may serve.
- No commissioner may serve more than three consecutive term

Appointment and Vacancy Process

As outlined in Section 8.02:

- Members are appointed by the City Commission for three-year terms.
- Vacancies due to resignation, death, or removal are filled by the City Commission for the remainder of the unexpired term.
- A commissioner may be removed by majority vote of the City Commission for malfeasance, misfeasance, nonfeasance, felony conviction, or by recommendation of a majority of the Utilities Commissioners

Findings:

The board appointment will be conducted at the City Commission regular meeting on Tuesday, February 24, 2026.

Fiscal Analysis:

None.

Strategic Plan Item:

No

Staff Report Created By: Sharon Taylor-Harding

Attachments:

UC Board Roster 01.2026.pdf

City of New Smyrna Beach, FL

Utilities Commission

Board Roster

James Smith

2nd Term Sep 12, 2023 - Sep 07, 2026

Email flajimster@gmail.com
Home Phone Home: (386) 689-6072
Address
414 Florida Avenue
New Smyrna Beach, FL 32169

Appointing Authority City Commission
Position Asst. Secretary-Treasurer

Lawrence J Kelly

2nd Term Sep 08, 2024 - Sep 08, 2027

Email lkelly@ritcheyautos.com
Home Phone Business: (386) 547-4464
Address
2808 Paradiso Court
New Smyrna Beacj, FL 32168

Appointing Authority City Commission
Position Vice Chairman

Lillian Conrad

3rd Term Sep 08, 2025 - Sep 08, 2028

Email lconrad@conradcc.com
Home Phone Home: (813) 787-8662
Alternate Phone Business: (386) 409-7881
Address
2700 North Peninsula Avenue #416, New Smyrna Beach, FL 32169
P.O. Box 1359
Edgewater, FL 32132

Appointing Authority City Commission
Position Secretary-Treasurer

Jeff Devine

1st Term Sep 08, 2025 - Sep 08, 2028

Email jdjddevine@yahoo.com
Home Phone Home: (650) 804-9123
Address
3205 Hill Street
New Smyrna Beach, FL 32169

Position Commissioner

Vacancy

Appointing Authority City Commission
Position Chairman

THE CITY OF NEW SMYRNA BEACH - CITY CLERK'S OFFICE

BOARD VACANCY NOTICE: THE CODE COMPLIANCE BOARD CURRENTLY HAS THREE (3) UNFILLED THREE-YEAR TERM LENGTH VACANCY, WHICH WILL EXPIRE ON MARCH 4, 2026.

February 10, 2026

Background:

Establishment and Purpose: Florida State Statute 162.01 authorizes the creation of a **Code Compliance Board** to enforce local building codes, zoning regulations, or other ordinances concerning property standards. The Board is tasked with reviewing complaints and violations related to code infractions and determining compliance.

Duties: The Board's responsibilities may include:

- Hearing cases of alleged code violations.
- Issuing orders or fines to non-compliant property owners.
- Providing hearings for individuals or businesses challenging code violations.
- Recommending corrective actions or penalties.

Findings:

The board meets the third Thursday of each month. This is a seven (7) member board with term length of three (3) years.

Member Qualifications: (whenever possible)

- Must be citizen of New Smyrna Beach
- Architect
- Businessman
- Engineer
- General Contractor
- Subcontractor
- Realtor

The board appointment will be conducted at the City Commission regular meeting on Tuesday, March 10, 2026.

Fiscal Analysis:

N/A

Strategic Plan Item:

No

Staff Report Created By: Sharon Taylor-Harding

Attachments:

64-80.pdf
Ordinance_No._10-13_Code_Enforcement_Board_-_City_Code_Amendment.pdf

ORDINANCE NO. 64-80

AN ORDINANCE TO BE KNOWN AS THE CITIZEN CODE ENFORCEMENT ORDINANCE; CREATING A CITIZEN CODE ENFORCEMENT BOARD; SETTING FORTH THE PURPOSE OF THE SAID BOARD; PROVIDING DEFINITIONS; PROVIDING FOR THE ORGANIZATION OF SAID BOARD; FOR TERMS OF OFFICE AND COMPENSATION; PROVIDING FOR CODE INSPECTORS; PROVIDING FOR ENFORCEMENT PROCEDURES INCLUDING NOTICE OF VIOLATIONS, HEARINGS AND THE CONDUCT THEREOF; PROVIDING FOR TRANSCRIPTION OF HEARINGS AND FOR CLERICAL AND ADMINISTRATIVE PERSONNEL; PROVIDING POWERS OF THE BOARD; PROVIDING FOR FINES AND LIENS; PROVIDING FOR APPEALS; SPECIFYING TYPES OF NOTICE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION OF THIS ORDINANCE BY TITLE ONLY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Commission, by adoption of this ordinance, to promote, protect and improve the health, safety and welfare of the citizens of this city by providing an equitable, expeditious, effective and inexpensive method of enforcing the various occupational license, fire, building, zoning, sign and related technical codes in force in the City, and

WHEREAS, the Legislature of the State of Florida has authorized the enactment of this ordinance by the City Commission by passage of the "Municipal Code Enforcement Board Act", Chapter 80-300, Laws of Florida, 1980, codified as Part V of Chapter 166, Florida Statutes, consisting of §166.501 to and including §166.512.

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

SECTION 1: TITLE. This ordinance shall hereafter be known as the Citizen Code Enforcement Ordinance.

SECTION 2: CREATION. There is hereby created a Citizen Code Enforcement Board.

SECTION 3: PURPOSE. The purpose and intent of the creation of the Citizen Code Enforcement Board is to promote, protect and improve the health, safety and welfare of the citizens of New Smyrna Beach by providing an equitable, expeditious, effective and inexpensive method of enforcing the various occupational license, fire, building, zoning, sign and related technical codes and ordinances presently in force or hereafter adopted.

SECTION 4: DEFINITIONS.

(a) Codes - the Citizen Code Enforcement Ordinance shall apply to the following codes and ordinances in force in the City: standard building, electrical, gas, housing, mechanical, plumbing, and swimming pool codes, together with ordinances applicable thereto; sign ordinance, subdivision ordinance, zoning ordinance, animal control ordinance, fire code, noise abatement ordinance and any other similar code or ordinance which may be passed in the future.

(b) Commission - means the City Commission of the City of New Smyrna Beach, Florida.

(c) Code Inspectors - those authorized persons, agents and representatives of the City of New Smyrna Beach whose duty it is to ensure compliance with the various codes and ordinances enumerated

herein, said inspectors to be designated by the City Manager.

(d) City Attorney - the legal counsel for the City.

(e) Enforcement Board - the Citizen Code Enforcement Board.

SECTION 5: ENFORCEMENT BOARD; ORGANIZATION

(a) The City Commission shall appoint a six (6) member enforcement board. Members of the enforcement board shall be residents of the City of New Smyrna Beach and no member may serve on the enforcement board while serving on any other board or commission of the City of New Smyrna Beach. Appointments shall be made by the City Commission on the basis of experience or interest in the fields of zoning, building control and in the other codes enumerated herein. The membership of the enforcement board shall, whenever possible, consist of an architect, a businessman, an engineer, a general contractor, a sub-contractor and a realtor.

(b) The initial appointments to the enforcement board shall be as follows:

1. Two members appointed for a term of one (1) year.

2. Two members appointed for a term of two (2) years.

3. Two members appointed for a term of three (3) years.

Thereafter, all appointemnts shall be made for a term of three (3) years. Any member may be re-appointed from term to term upon approval of the City Commission. Appointments to fill any vacancy on the enforcement board shall be for the remainder of the unexpired term of office. Members shall serve at the pleasure of the City Commission. Any member who fails to attend two of the three consecutive meetings without cause and without prior approval of the chairman shall automatically forfeit his appointment.

(c) The members of the enforcement board shall elect a chairman and a vice-chairman. The presence of four (4) or more members shall constitute a quorum of the enforcement board. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the City Commission.

(d) The City Attorney shall when requested, either be counsel to the Code Enforcement Board or shall represent the City by presenting cases before the board; but, in no case, shall the City Attorney serve in both capacities.

(e) The enforcement board shall be authorized to establish such internal rules and regulations as it shall deem necessary.

SECTION 6: ENFORCEMENT PROCEDURE

(a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes; provided, however, no member of the board shall have the power to initiate such enforcement proceedings.

(b) Except as provided in subsection (c), if a violation of a code or ordinance enumerated herein is found, the code inspector shall notify the violator and give him a reasonable time to correct the violation. Should the violatin continue beyond the time specified for correction, the code inspector shall notify the enforce -

ment board and request a hearing pursuant to the procedure in §7. Written notice shall be mailed to said violator as provided herein.

(c) If the code inspector has reason to believe that a violation presents a serious threat to the public health, safety and welfare, the code inspector may proceed directly to the procedure outlined in §7 hereof without notifying the violator.

SECTION 7: CONDUCT OF HEARING.

(a) The Chairman of the enforcement board may call hearings of the enforcement board and hearings may also be called by written notice signed by at least three (3) members of the enforcement board. The enforcement board at any hearing may set a future hearing date. The enforcement board should attempt to convene no less frequently than once every two months, but may meet more often or less often as the demand necessitates. Minutes shall be kept of all hearings by the enforcement board and all hearings shall be open to the public and taped. The City Commission shall provide clerical and administrative personnel as may be reasonably required by the enforcement board for the proper performance of its duties. The respondent brought before the enforcement board on an alleged violation shall have the privilege to challenge the right of a member of the enforcement board to sit on the board in that particular case, and if there is good cause to believe that the said board member shall not be able to render an impartial decision, the challenged member shall recuse himself. If the challenged board member refuses to recuse himself, then the board shall vote on whether or not that particular board member shall sit on the enforcement board for that particular case.

(b) Each case before the enforcement board shall be presented by either the City Attorney or by a member of the administrative staff of the municipality.

(c) The enforcement board shall proceed to hear cases on the agenda for that day. All testimony shall be taken under oath and shall be recorded. The enforcement board shall take testimony from the code inspector and the alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern said proceedings.

(d) At the conclusion of the hearing, the enforcement board shall issue findings of fact, based on evidence of record, and conclusions of law and shall issue an order affording the proper relief consistent with powers granted herein. The findings shall be by motion approved by a majority of those present and voting, except that at least three (3) members of the enforcement board must vote for the action to be official. The record shall be presented to the Court on appeal and shall be subject to review.

SECTION 8: POWERS OF THE ENFORCEMENT BOARD. The enforcement board shall have the power to :

(a) Adopt rules for the conduct of its hearings.

(b) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the police department of the municipality.

(c) Subpoena evidence.

(d) Take testimony under oath.

(e) Issue orders having the force of law commanding whatever steps are necessary to bring the violation into compliance.

SECTION 9: FINES AND/OR LIENS. The enforcement board, upon notification by the code inspector that a previous order of the enforcement board has not been complied with by the set time, may order the violator to pay a fine not to exceed Five Hundred

and No/100 ($500.00) Dollars for each day the violation continues passed the date set for compliance. A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists. After one year from the filing of any such lien which remains unpaid, the enforcement board may authorize the City Attorney to foreclose on the lien. In addition, and in the event it is impracticable or impossible to impose a lien against land, the City Attorney may be authorized to proceed to reduce the said fine to a judgment before a court of competent jurisdiction.

SECTION 10: APPEAL. An aggrieved party may appeal a ruling or order of the enforcement board by certiorari in the Circuit Court. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

SECTION 11: NOTICES. All notices required by this ordinance shall be by certified mail, return receipt requested, where the mail would not be effective, by hand delivery by the code inspector.

SECTION 12: SEVERABILITY CLAUSE. Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION 13: REPEALING CLAUSE. All ordinances or parts thereof that are in conflict with this ordinance be and the same are hereby repealed and rescinded.

SECTION 14: PUBLICATION BY TITLE. This ordinance shall be published by title only at least one time in a newspaper of general circulation in the City of New Smyrna Beach, which said publication shall be not less than seven (7) days prior to its final passage.

SECTION 15: EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption as provided by law.

APPROVED AS TO FORM AND CORRECTNESS

Charles A. Hall

CHARLES A. HALL, City Attorney

DATED: January 20, 1981

Ordinance No. 64-80 of the City of New Smyrna Beach, Florida, was introduced before the City Commission at its Regular Meeting at the City Hall in said City on the 27th day of January, A.D., 19 81 and read in full by title only. Motion was made by Commissioner Powell to approve Ordinance No. 64-80; which motion having been seconded by Commissioner Sawtelle; the vote thereon being as follows:

MAYOR GEORGE E. MUSSON	Yes
VICE-MAYOR COMR. JAMES D. POWELL	Yes
COMMISSIONER MARY C. HILL	Yes
COMMISSIONER REED J. LaFERRIERE	Yes
COMMISSIONER COURTLAND D. SAWTELLE	Yes

Whereupon, the Mayor did then declare the Ordinance No. 64-80 to be approved on first reading and Public Hearing to be held on February 10, 1981.

Ordinance No. 64-80 was read in full by title only for the second time before the City Commission at its Regular Meeting at the City Hall, in the City of New Smyrna Beach, Florida on the 10th day of February A.D., 1981, and Commissioner Sawtelle moved, seconded by Commissioner Hill that Ordinance No. 64-80 be adopted as introduced and read. A roll-call vote was ordered upon this motion and resulted as follows:

MAYOR GEORGE E. MUSSON	YES
VICE-MAYOR COMR. JAMES D. POWELL	YES
COMMISSIONER MARY C. HILL	YES
COMMISSIONER REED J. LeFERRIERE	YES
COMMISSIONER COURTLAND D. SAWTELLE	YES

The Mayor then did declare the motion to pass Ordinance No. 64-80 was thereby enacted, as introduced and read.

The City Clerk was instructed to note the passage of Ordinance No. 64-80 in the minutes of this meeting by its title only and to record the same in full, in the Ordinance Records of the City at the City Hall, in the City of New Smyrna Beach, Florida, this 11th day of February A.D., 19 81, and has caused the Official Seal of said City to be here-unto affixed, for the purpose of authenticity and as is required by law.

George E. Musson

As Mayor of the
City of New Smyrna Beach, Florida

(OFFICIAL SEAL)

Lynda L. Schardt

As City Clerk of the City of
New Smyrna Beach, Florida

City of New Smyrna Beach

210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32069
TELEPHONE: 904/ 427-4166

GEORGE E. MUSSON, MAYOR
WILLIAM R. RAINES, VICE-MAYOR
REED J. LA FERRIERE, COMMISSIONER
MARY C. HILL, COMMISSIONER
JAMES D. POWELL, COMMISSIONER

E. IRENE BECKHAM, CITY MANAGER
LYNDA L. SCHAIDT, CITY CLERK
CHARLES A. HALL, CITY ATTORNEY
JOHN E. HAGOOD, FINANCE DIRECTOR

November 21, 1980

TO: Honorable Mayor and City Commission
FROM: Charles A. Hall, City Attorney
RE: Code Enforcement Board

Dear Commissioners:

I am enclosing a copy of the rules and regulations adopted by the City of West Palm Beach Code Enforcement Board for you to look over. Our CCEB should have something substantially similar.

Yours very truly,

Charles A. Hall

CHARLES A. HALL

CAH:lr
enclosures

Amended 11/21/1979

CODES ENFORCEMENT BOARD
CITY OF WEST PALM BEACH, FLORIDA

RULES AND REGULATIONS

ARTICLE I — NAME

The name of this Board shall be the "Codes Enforcement Board of the City of West Palm Beach, Florida."

ARTICLE II — JURISDICTION

The Board has jurisdiction over those matters which are set forth in Ordinance No. 1466-79 of the City of West Palm Beach.

ARTICLE III — OFFICERS AND THEIR DUTIES

Section 1: The officers shall be a Chairperson and a Vice Chairperson. The City Clerk shall provide a Recording Secretary.

Section 2: The Chairperson shall preside at all meetings (and hearings) of the Board and shall have the duties normally conferred by parliamentary usage of such officers.

Section 3: The Chairperson shall be one of the members of the Board. The Chairperson shall have the privilege of discussing all matters before the Board and shall have the same voting rights as all Board members.

Section 4: The Vice Chairperson shall act in the absence of the Chairperson.

ARTICLE IV — ELECTION OF OFFICERS

Section 1: Nomination of officers shall be made from the floor at the annual organizational meeting in October each year, and the election shall be held immediately thereafter.

Section 2: A candidate receiving a majority vote shall be declared elected and shall serve a term of one year or until a successor shall take office.

Section 3: Vacancies in office shall be filled immediately by regular election procedure.

ARTICLE V — MEETINGS

Section 1: Regular Meetings:

Regular meetings shall be held at least every two months. The Board may set meetings more frequently if necessary.

Section 2: Special Meetings:

Special meetings may be called by the Chairperson or any two members of the Board by notification to the Board Attorney.

Section 3: Notice

Notice of all meetings, both regular and special, shall be given to all Board members at least twenty-four (24) hours in advance of the meeting.

ARTICLE V — MEETINGS (Cont'd)

Section 4: Attendance

a. Members shall notify the Chairperson of the Board if they are not going to attend a meeting.

b. If a member, including the alternate, misses two out of three consecutive meetings without cause and without prior approval of the Chairperson, he shall forfeit his appointment.

c. If a regular member misses a meeting, the first alternate shall vote in his place. If a second regular member misses the same meeting, the second alternate shall vote in his place.

Section 5: Quorum

A quorum of the Board shall consist of three (3) members, including alternates, and an affirmative vote of a majority of those present shall be necessary to pass any motion or adopt any order unless otherwise specified herein.

Section 6: a) Voting

Voting shall be by voice vote and shall be recorded by individual "aye" or "nay."

b) Abstention

Each member present shall cast an "aye" or "nay" vote on each question before the Board, except that if any member has a personal interest in a matter, he may abstain from participating as a member of the Board in that matter and must file a Memorandum of Voting Conflict with the Secretary of the Board within fifteen (15) days after such vote.

ection 7: Records

All regular and special meetings, hearings, and records shall be open to the public.

ection 8: Procedure

Parliamentary procedure in Board meetings shall be governed by Robert's Rules of Order, as amended, and by the Rules and Regulations contained herein.

RTICLE VI — ORDER OF BUSINESS

1. Role Call
2. Minutes of previous meetings
3. Public Hearings
4. Unfinished Business
5. Presentation of Filed Affidavits of Violations
6. New Business
7. Adjournment

The order of business may be suspended by a vote of the majority of those members present.

ARTICLE VII — INITIATION OF ACTIONS BEFORE THE BOARD

Section 1: All actions before the Board shall be initiated by filing an Affidavit of Violation (a copy of which is attached hereto) with the Secretary of the Board.

Section 2: The Secretary shall assign a case number and present the case to the Board at its next meeting.

Section 3: The Board shall review the Affidavit and if they feel that action is warranted, set the case for a Hearing to be held at a subsequent meeting of the Board.

Section 4: After a case is set for hearing by the Board, the Secretary shall send out a Notice of Hearing to the alleged violator by certified mail, return receipt requested, or effect personal service upon a party by the police deparment (a copy of which is attached hereto). A copy of said Notice of Hearing shall be sent to the City Prosecutor, the Affiant, and the Attorney for the Board.

Section 5: After a case is set for hearing, the Secretary of the Board shall be empowered to issue subpoenas as requested by the Affiant and the alleged violator. The subpoenas shall be sent to the City police department to be served.

ARTICLE VIII — HEARINGS

Section 1: The following procedures will be observed in hearings before the Board:

a) The Secretary shall read the Notification of Violation for each application.

b) The respondent shall be asked if he wishes to contest the charges.

c) All witnesses shall be sworn in by the Secretary.

d) The City shall present its case and respondent shall present their case. Both parties will have an opportunity to cross-examine all witnesses.

e) The Board or its Attorney may question any witness or call any witnesses as it feels necessary.

f) The right of parties to present rebuttal evidence is discretionary with the Board.

g) The Board may, in its discretion, adjourn a Hearing for a period not to exceed 31 days at any time during the Hearing, and request further information from either party.

h) If a Hearing is adjourned, at the time the Hearing is reconvened, only those Board members that have been present from the beginning of the Hearing may participate in the deliberations and decision making process. (This requirement may be waived by the consent of both parties.)

ARTICLE VIII HEARINGS (Cont'd)

i) Upon completion of all the evidence, the Chairperson shall close the Hearing.

j) The Board may only consider that evidence which is presented at the Hearing and that both parties have had an opportunity to rebut before reaching their decision.

k) The Board shall immediately deliberate in open session before the public.

l) The Board shall orally issue an Order which is approved by a majority of the Board (at least 3 members). The Order shall contain findings of fact and conclusions of law and state the affirmative relief granted by the Board. Said Order shall be reduced to writing with ten (10) days and be mailed to the respondent. (Two form Orders are attached hereto.)

ARTICLE IX ENFORCEMENT

Section 1: After an Order of non-compliance has been issued by the Board and a scheduled date of compliance has been ordered, a designated City Official shall make an inspection to determine if the alleged violation has been corrected.

Section 2: The designated City Official shall then issue an Affidavit of Compliance or Non-Compliance, which shall be filed with the Board. A copy of said Affidavit shall be sent to the violator by Certified mail, return receipt requested.

Section 3: A letter of notification of lien (sample letter attached) shall be mailed to the violator every 45 days, until the condition is corrected or the maximum fine has been imposed.

Section 4: The Board shall hold hearings as necessary to insure the effectiveness of any Order issued by the Board.

ARTICLE X MISCELLANEOUS

Section 1: These Rules and Regulations may be altered in a manner not inconsistent with the City Code during a regular meeting by the affirmative vote of at least (4) members of the Board, provided notice of the proposed change is given to the Board at a preceding regular meeting.

Section 2: The provisions of these Rules and Regulations shall be discussed and/or adopted, or readopted by the Board annually at its regular Organizational meeting.

(Continued on P. 5)

ORDINANCE NO. 10-13

AN ORDINANCE REPEALING IN ITS ENTIRETY CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE III, BOARDS, COMMISSIONS AND SIMILAR AGENCIES, DIVISION 2, CODE ENFORCEMENT BOARD; AMENDING CHAPTER 26 OF THE CITY CODE (BUILDINGS AND BUILDING REGULATIONS) BY ESTABLISHING A NEW *ARTICLE XVI, CODE ENFORCEMENT BOARD;* ESTABLISHING MEMBERSHIP AND QUALIFICATIONS OF MEMBERS; PROVIDING FOR APPOINTMENT AND QUALIFICATIONS OF SPECIAL MAGISTRATES; PROVIDING FOR POWERS OF THE BOARD AND SPECIAL MAGISTRATES; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 162, F.S., authorizes municipalities to provide for enforcement of City Codes via a code enforcement board and/or a special magistrate; and

WHEREAS, the Chief Building Official desires to utilize several avenues to achieve code compliance, including hearings before a special magistrate; and

WHEREAS, the current provisions of the City Code of Ordinances relating to the City's Code Enforcement Board are in need of revision to clarify and broaden the City's ability to enforce its codes; and

WHEREAS, the City Commission deems it is in the best interests of the citizens of the City of New Smyrna Beach to repeal in its entirety City Code Chapter 2, Administration, Article III, Boards, Commissions and Similar Agencies, Division 2, Code Enforcement Board, and to establish a new Article XVI in Chapter 26 to be entitled, Code Enforcement Board, as more particularly set

forth hereinafter, and to provide for appointment of Special Magistrates to hear cases involving code violations.

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

SECTION 1: ***Repeal.*** That Chapter 2, Administration, Article III, Boards, Commissions and Similar Agencies, Division 2, Code Enforcement Board, is hereby repealed in its entirety.

SECTION 2: ***Amendment.*** That New Smyrna Beach Code of Ordinances, Chapter 26, is hereby amended to create a new Article XVI to be entitled *Code Enforcement*, as follows:

Chapter 26
BUILDINGS AND BUILDING REGULATIONS

. . . .

ARTICLE XVI - CODE ENFORCEMENT

Sec. 26-1600 - Purpose and duties.

(a) The code enforcement board is established to promote, protect, and improve the health, safety, and welfare of the citizens of the city by providing an authority to conduct administrative hearings concerning violations of the Land Development Regulations (LDR) and other city codes or ordinances, and impose administrative fines and other noncriminal penalties. It is intended to provide an equitable, expeditious, effective, and inexpensive method of enforcing the LDR and other city codes or ordinances for all parties.

(b) The code enforcement board shall act in accordance with the Local Government Code Enforcement Boards Act, F.S. ch. 162, as it may be amended from time to time, and shall have all of the powers and duties set forth therein. Nothing herein shall prohibit the city from retaining and utilizing one or more special magistrates as authorized pursuant to sections 26-1602 and 26-1603 of this article.

Sec. 26-1601 - Appointment and membership.

(a) The city commission shall appoint a seven-member code enforcement board. Members of the board shall be residents of the city. Appointments shall be made on the basis of experience or interest in the fields of zoning and building control. The membership of the board shall whenever possible include an architect, a business person, an engineer, a general contractor, a subcontractor, and a realtor. The city commission shall appoint qualified individuals. Present duly appointed members are grandfathered, shall serve until the end of their present terms, and are eligible for appointment pursuant to this section thereafter.

(b) Members shall serve without compensation, but may be reimbursed for travel, mileage, and per diem expenses as authorized by the city commission.

(c) Each appointment shall be for a term of three years. A member may be appointed to additional terms by the city commission. A member shall serve until the expiration of the term, or until a successor is appointed and qualified if that be later. When a vacancy occurs before the expiration of a term, the city commission shall appoint a replacement to serve the remainder of the unexpired term of office.

(d) A member may be suspended or removed for cause by the city commission as provided by ordinance.

Sec. 26-1602 - Special Magistrates; appointment; qualifications.

(a) From time to time, based on the city attorney's recommendation, the city commission may appoint one or more special magistrates to perform the functions set forth in this section. All such appointments shall be by resolution. The resolution appointing a special magistrate may fix the terms and conditions of the appointment of the special magistrate, subject to conformance of all such terms with the provisions of this section.

(b) Every special magistrate appointed by the city commission shall be an attorney who has been duly licensed to practice law in the State of Florida for a period of not less than five years and shall be a member in good standing of the Florida Bar.

(c) Each special magistrate shall be subject to removal with or without cause at any time by the city commission.

(d) No special magistrate shall be considered to be a city employee.

(e) The city commission may, by the resolution appointing the special magistrate, establish terms that include compensation to a special magistrate for his or her services, and for his or her costs such as for travel, mileage and per diem expenses, subject to compliance with record-keeping and other documentation requirements of the city, at a rate to be determined by the appointing resolution or, if the resolution is silent as to rates, by administrative order of the city.

Sec. 26-1603 - Jurisdiction; powers.

(a) Every special magistrate appointed pursuant to this section shall have jurisdiction to hear and decide cases involving alleged violations of the municipal codes and ordinances of the City of New Smyrna Beach as provided in F.S. ch. 162, as it may be amended from time to time, and shall have all of the powers and duties of special magistrates as set forth therein. Nothing herein shall prohibit the city from utilizing the code enforcement board to hear and decide such cases in lieu of a special magistrate.

(b) Every special magistrate appointed pursuant to this section shall have all powers granted to the City of New Smyrna Beach Code Enforcement Board by Chapter 162, F.S.

SECTION2: ***Codification.*** Following adoption of this ordinance, the City Attorney shall transmit a copy of this ordinance to Municipal Code Corporation of Tallahassee, Florida, to be codified into the City's Code of Ordinances. Municipal Code Corporation's

usual and customary fee for said codification service is hereby approved.

SECTION 3: ***Public Hearing.*** That a public hearing considering the adoption of this ordinance held March 12, 2013 in the City Commission Chambers, 210 Sams Avenue (south entrance on Julia Street), New Smyrna Beach, Florida, after notice published, is found to comply with §166.041(3)(a), F.S.

SECTION 4: ***Conflicting Ordinances.*** That any ordinances that are in conflict with this ordinance are hereby rescinded and repealed.

SECTION5: ***Severability.*** That if any section, sentence, clause or phrase of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 6: ***Effective Date.*** That this ordinance shall take effect immediately upon its final adoption.

APPROVED AS TO FORM AND CORRECTNESS:

FRANK B. GUMMEY, III
City Attorney

DATE: 2/15/13

Ordinance No. 10-13 of the City of New Smyrna Beach, Florida, was introduced before the City Commission at its Regular Meeting February 26, 2013, and read by title only. Motion was made by Commissioner Reiker, and seconded by Commissioner Jones, the vote thereon being as follows:

MAYOR ADAM BARRINGER	Yes
VICE MAYOR J. S. GRASTY	Yes
COMMISSIONER JUDY REIKER	Yes
COMMISSIONER JASON MCGUIRK	Yes
COMMISSIONER KIRK JONES	Yes

Ordinance No. 10-13 was read by title only at the Regular Meeting held by the City Commission on March 12, 2013, Motion was made by Commissioner McGuirk, and seconded by Commissioner Reiker, that Ordinance No. 10-13 be adopted on second and final reading, the vote thereon being as follows:

MAYOR ADAM BARRINGER	Yes
VICE MAYOR J. S. GRASTY	Yes
COMMISSIONER JUDY REIKER	Yes
COMMISSIONER JASON MCGUIRK	Yes
COMMISSIONER KIRK JONES	Yes

The City Clerk noted the passage of Ordinance No. 10-13 in the minutes of this meeting by its title only and recorded the same in full in the Ordinance Records of the City.

The Mayor of the City of New Smyrna Beach has hereunto set his official signature, duly attested by the City Clerk, and has caused the Official Seal of said City to be hereunto affixed for the purpose of authenticity as required by law.

(OFFICIAL SEAL)

As Mayor of the City of New Smyrna Beach, Florida

As City Clerk of the City of New Smyrna Beach, Florida

ORDINANCE NO. 10-13

THE CITY OF NEW SMYRNA BEACH - CITY ATTORNEY'S OFFICE

PROPOSED LEGISLATIVE BILL SUMMARIES AS OF FEBRUARY 3, 2026.

February 10, 2026

Background:

The Florida State Legislature is scheduled to meet from January 13 to March 13, 2026.

Findings:

Please see attached .pdf

Fiscal Analysis:

N/A.

Strategic Plan Item:

No

Staff Report Created By: Carrie Avallone - City Attorney

Attachments:

2026 Update 2 (3 Feb).pdf

Legislative Updates:

SB 840: Land Use Regulations for Local Governments Affected by Natural Disasters/SB 180 "Glitch Bill" – SB 840 was heard January 20, in the Senate Judiciary Committee, the second of three committee stops in the Senate. There is no identical House bill at this time. The bill narrows the definition of "impacted local government" from counties within 100 miles of a hurricane's track to those within 50 miles, and limits applicability to counties included in a federal major disaster declaration and municipalities within those counties. The bill also clarifies that this section may not be construed to restrict a local government from adopting or enforcing changes to the Florida Building Code or local technical amendments. The bill shortens the prohibition period, moving the end date for the moratorium and "more restrictive or burdensome" land-use and procedural restrictions from October 1, 2027, to June 30, 2026.

UPDATE: HB 1465 - HB 1465 imposes new application-processing requirements not included in SB 840. The bill requires that applications for site plans, development permits, development orders, or comprehensive plan amendments that are pending as of March 31, 2026, be processed and considered under the regulations in effect at the time the application was filed, notwithstanding the adoption of more restrictive or burdensome local regulations while the application remains pending. This requirement applies during the post-storm restriction period and limits the effect of subsequently adopted local land-use or procedural changes on pending applications. Unlike SB 840, HB 1465 retains and expands the private enforcement framework in section 28 of SB 180. The bill authorizes residents, business owners, or property owners to bring civil actions for declaratory and injunctive relief for violations of the section, provides for preliminary injunctive relief during litigation, and preserves one-sided attorney fee provisions, subject to a notice-and-cure process that allows a local government to withdraw or repeal a challenged action within specified timeframes to avoid liability.

SB 968 & HB 1049: Building Permit Requirements – HB 1049 was heard January 20, in the House Intergovernmental Affairs Subcommittee. This is the first of three committee stops in the House. The bills prohibit a local government from requiring a permit or approval for the installation or repair of a backup power system installed in a single-or two-family dwelling or townhouse by a licensed contractor or by a public utility. In addition, the bills prohibit a local government from requiring a building permit for any work valued at less than $7,500 on the lot of a single-family dwelling. A local government may require a building permit for electrical, plumbing, or structural work (but not repair or replacement of exterior doors or windows) performed on a lot of a single-family dwelling, regardless of the value of the work.

UPDATE: HB 1049 was amended to state that any residential manufactured building that is certified under chapter 553 by the Department of Business and Professional Regulation may not be denied a building permit for placement on a mobile home lot, a recreational vehicle park, or mobile home subdivision.

HB 105 & SB 588: Local Government Enforcement Actions – HB 105 will be heard on Wednesday, January 21, at 9:15 a.m. in the House Civil Justice & Claims Subcommittee. This is the first of three committee stops in the House. SB 588 has three committee references and has not yet been heard in a committee. The bill applies to municipalities, counties, and special districts. The bills establish a uniform method for regulatory enforcement and create an investigative process and certain legal remedies for persons subject to local government enforcement action. The bills specify that an enforcement action is arbitrary or unreasonable if it: 1) is not supported by applicable law, rule, or adopted policy; 2) deviates from a prior determination or interpretation without written justification; 3) unreasonably delays or obstructs lawful development, permitting, or other business activity; or 4) imposes requirements or conditions not authorized by general law, ordinance, or regulation.

UPDATE: CS/HB 105 was amended to exclude from the bill the following actions: proprietary activities, actions by law enforcement, workers compensation, employment or personnel actions, procurement, franchises, the adoption or amendment of budgets, including revenue sources necessary to fund the budget, emergency actions, the issuance or refinancing of debt, actions or decisions that apply equally to all similarly situated persons, and reasonable interpretations made by the government of existing rules, ordinances, resolutions, statutes, or regulations. In addition, CS/HB 105 was amended to include actions by building officials and fire marshals.

SB 1138 & HB 927: Qualified Contractors – SB 1138 was heard January 20, in the Senate Community Affairs Committee. This is the first of three committee stops in the Senate. HB 927 has not yet been heard in a committee and has three committee references. The bills shift a significant portion of local land-use, plat, and development application review work to private reviewers and constrain cities' traditional zoning and procedural control over development approvals. These provisions collectively reduce local land-use discretion, increase administrative burden, and create new litigation and financial exposure risks tied to routine development approvals.

HB 103 & SB 122: Local Business Taxes – HB 103 passed out of the House Intergovernmental Affairs Subcommittee on January 20. The next and final committee stop for HB 103 is the House State Affairs Committee. SB 122 has passed its first committee of reference and has two more committee stops in the Senate. The bills propose to repeal

chapter 205, Florida Statutes, and eliminate the ability for local governments to levy local business tax. One exception is included in the bill for local governments that collect a local business tax through the use of gross sales receipts. HB 203: Phased Out Elimination of Non-school Property Tax for Homesteads - passed its second committee of reference last week. HB 203 has one more committee stop, the House Ways & Means Committee. The bill is a proposed constitutional amendment that would establish a new, additional $100,000 homestead property tax exemption for non-school property tax levies (cities, counties, special districts) each year starting January 1, 2028 for the next 9 years. In 2037, any homestead properties with taxable valuation remaining will be considered fully exempt from non-school ad valorem property taxes. This bill also includes a new prohibition for counties and municipalities from lowering their total budgeted law enforcement and first responders funding below the higher level from either the 2025-26 or 2026-27 fiscal year.

UPDATE: CS/CS/HJR 203 was amended to revise the additional non-school homestead exemption so that it applies to the portion of a homestead's assessed value greater than $25,000 and up to $150,000, replacing the prior $50,000 to $75,000 value range. This change broadens the eligibility for the new homestead exemption being proposed. CS/CS/HJR 203 also modifies the implementation schedule by delaying the $100,000 annual increases to begin January 1, 2028. The bill was further amended to include a prohibition on reducing law enforcement, firefighter, and other first-responder budgets, aiming to protect these services from potential budget cuts due to the loss of ad valorem revenues.

HB 145 Suits Against the Government/Sovereign Immunity – HB 145 has passed all committees of reference. The Senate has filed a sovereign immunity bill, SB 1366. It is not identical to HB 145. HB 145 would dramatically raise tort limits (up to $200,000 per person and $300,000 per incident) and loosen key procedural safeguards. For causes of action that accrue on or after October 1, 2026, the liability caps would increase to $500,000 per person and $1 million per incident, and for claims accruing on or after October 1, 2031, the limits would further rise to $600,000 per person and $1.2 million per incident. SB 1366 increases tort liability caps for claims accruing on or after October 1, 2026, to $300,000 per person and $450,000 per incident, while preserving the existing requirement that any payment above those caps must be approved by the Legislature through a claims bill unless fully paid within available insurance limits.

UPDATE: The bill directs the Department of Financial Services to adjust the caps for inflation every five years using a CPI-based formula, but no single five-year adjustment may exceed 3%. It also expressly authorizes the Legislature, in a claims bill, to award attorney

fees on amounts above the caps at a rate below 25% and to reduce cost payments to maximize net proceeds to the claimant.

SB 354: "Blue Ribbon Projects" creates a new statewide approval process for very large development projects, referred to as "blue ribbon projects." To qualify, a project must include at least 10,000 contiguous acres under one ownership, with at least 60% permanently preserved for conservation, agriculture, wildlife corridors, or open space. The remaining up to 40% may be developed with mixed uses, including residential, commercial, and employment centers. Residential density may be up to 12 units per acre, and at least 20% of all housing must be affordable, missing-middle, or reserved for Hometown Hero workers. The bills substantially limit local government authority over land use. A blue ribbon project may be built regardless of existing future land uses or zoning, and no comprehensive plan amendment or rezoning may be required. If a proposal meets the statutory checklist, the local government must administratively approve it. Local review is strictly limited to verifying compliance with the bill's criteria. There is no policy discretion, no public hearing requirement, and no ability for a city or county to deny a compliant project. Failure to act within the deadlines results in automatic approval. Developers may also use private providers for plan review and building inspections. Once approved, the project's development plan must be recorded in the public records and run with the land. The bills create an administrative appeal process through the Department of Commerce. Developers may appeal a local denial, and affected residents or entities may challenge an approval through a chapter 120 hearing, though only on limited grounds. The Department must determine whether the project meets the statutory requirements and issue a final order. Overall, the bills shift major land-use authority from local governments to the state, require automatic approval of qualifying mega-projects, and significantly restrict local planning, public input, and growth-management discretion.

UPDATE: CS/SB 354 was amended to strengthen conservation protections for Blue Ribbon Projects. The amendment requires a Blue Ribbon Plan to include an easement in favor of the Department of Agriculture and Consumer Services over portions of the reserve area, limited to uses consistent with the public purposes set forth in s. 570.71(1), Florida Statutes. It also requires Blue Ribbon Projects to include a covenant providing that any easements granted to the state or local governments must be conveyed without charge. Collectively, these changes are intended to ensure that the required 60% conservation area of a Blue Ribbon Project is permanently preserved for conservation, agriculture, wildlife corridors, or open space.

Newly Added Bills to the City's List:

SB 558 & HB 239: Standards for Storm Water Systems – SB 558 passed its first committee of reference, the Senate Environment and Natural Resources Committee, and has two more committee stops in the Senate. HB 239 has three committee references and has not yet received a committee hearing. The bills require all stormwater systems, when installing new storm pipe and storm structures, to adhere to the state Department of Transportation's annual Standard Specifications for Road and Bridge Construction, specifically the sections on "Pipe Culverts" and "Pipe Liner." The bills also mandate that final inspections must be performed by a NASSCO Pipeline Assessment Certification Program (PACP) certified technician employed by a third-party licensed engineering firm that does not have a controlling interest in the company that installed the system. The bills specify that these standards supersede all existing and local standards in municipalities and counties.

SB 526 & HB 405: Commercial Construction Projects – SB 526 was heard February 2 in the Senate Governmental Oversight and Accountability Committee. This is the second of three committee stops in the Senate. HB 405 has passed all committees of reference and is now eligible for consideration by the full House. The bills address public construction projects, commercial construction projects, and the use of private providers for commercial construction projects. For public construction projects, the bills provide that a provision in a public construction project that waives, extinguishes, or releases the rights of a contractor to recover costs or damages, or to obtain an extension for delays in performance, is void and unenforceable if the delay is caused in whole or in part by the local government or its agents. For commercial construction projects, the bills direct the Florida Building Commission to create a "uniform commercial building permit application" by December 31, 2027. The bills specify minimum requirements for the contents of such an application. The uniform application must be accepted for use statewide, and it may not be modified.

HB 1303 & SB 1572: Department of Financial Services – HB 1303 has three committee references and has not yet received a committee hearing. SB 1572 also has three committee references and has not received a committee hearing. The bills seek to formally establish the Florida Agency for Fiscal Oversight to audit local governments, impose fines for financial noncompliance, enhance whistle-blower protections, and expand contract transparency requirements. The identified goal is to identify unnecessary spending and conduct audits of local governments that propose new or increased taxes. The power to issue penalties such as administrative fines and withhold certain state funds from local governments that fail to provide requested fiscal information is authorized. A new

requirement for annual financial ethics training for agency employees, elected officials, and volunteers is included. Whistle-blower protections are extended to those employees of local governments who report information to the new oversight agency. Additionally, there is a prohibition on agencies and vendors from entering into contracts that bar participation with or require nondisclosure arrangements for the oversight agency. Local governments are mandated to submit yearly Local Government Efficiency Reports to the Department of Financial Services. Counties are required to track and post contract information within the State secure contract tracking system or an approved alternative.

SB 1566 & HB 1329: Local Government Spending – SB 1566 has three committee references and has not yet received a committee hearing. HB 1329 also has three committee references and has not received a committee hearing. The bills propose to expand local government budget posting requirements, increase budget transparency, require budget-cutting exercises, and prohibit publicly funded diversity, equity, and inclusion initiatives. The minimum posting period for tentative county and municipal budgets is increased from two to 14 days and requires that final budgets remain posted online for five years instead of two years. The posted budgets are required to feature enhanced data accessibility, including searchable formats, downloadable financial data and graphs, and detailed employee salary and travel expense listings. A budget-cutting exercise is mandated by county and municipal budget officers whereby they go through a process of identifying 10% in specific reductions to tentative budgets, to be performed at least 14 days before final adoption. The notice period for public hearings on county budget amendments is increased from two to seven days, and there is a requirement that adopted amendments be posted online at least seven days before adoption and remain online for five years. A new prohibition is created preventing local governments from expending public funds or contracting for any diversity, equity, and inclusion programs, with enforcement and potential fines administered by the Chief Financial Officer.

LEGAL DESCRIPTION:

(AS CREATED BY MARK DOWST & ASSOCIATES, INC.)

THAT PORTION OF CITRON STREET LYING WEST OF BLOCKS 35 AND 36, ANDREW'S ADDITION TO NEW SMYRNA, AS RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 44 AND THE WEST LINE OF BLOCK 36, ANDREW'S ADDITION TO NEW SMYRNA, AS RECORDED IN MAP BOOK 2, PAGE 68, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S63°08'42"W ALONG THE NORTH RIGHT-OF-WAY OF SAID STATE ROAD NO. 44, A DISTANCE OF 40.16 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CITRON STREET, HAVING A 40.00 FOOT RIGHT-OF-WAY; THENCE N21°41'22"W ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 270.20 FEET TO A POINT ON THE PROPERTY LINE PER DEED FROM HENRY T. DOUGLAS & CHARLES U. WILLIAMS, TRUSTEES TO THE FLORIDA EAST COAST RAILROAD, DATED JUNE 4, 1902; THENCE N66°35'42"E ALONG SAID PROPERTY LINE, A DISTANCE OF 40.02 FEET TO A POINT ON THE WEST LINE OF BLOCK 35, SAID ANDREW'S ADDITION TO NEW SMYRNA; THENCE S21°41'22"E ALONG THE WEST LINE OF BLOCK 35 AND THE WEST LINE OF AFORESAID BLOCK 36, A DISTANCE OF 267.78 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 0.25 ACRES, MORE OR LESS.

SURVEY NOTES:

1. THIS IS NOT A BOUNDARY SURVEY, THIS IS A SKETCH OF DESCRIPTION ONLY. IMPROVEMENTS SHOWN HEREON WERE OBTAINED FROM A SURVEY PREPARED BY THIS FIRM, PROJECT NO. 1540, DATED 03/13/24, AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY.
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE WEST LINE OF BLOCK 36, ANDREW'S ADDITION TO NEW SMYRNA, AS BEING S21°41'22"E.
3. DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

LEGEND AND ABBREVIATIONS:

(#)	PLAT DIMENSION
CLF	CHAIN-LINK FENCE
LB	LICENSED BUSINESS
M.B.	MAP BOOK
NO.	NUMBER
O.R.B.	OFFICIAL RECORDS BOOK
PG(S).	PAGE/PAGES
PLS	PROFESSIONAL LAND SURVEYOR
R/W	RIGHT OF WAY
T/B	APPROXIMATE TOP OF BANK
T/S	APPROXIMATE TOE OF SLOPE
(TYP)	TYPICAL
VF	VINYL FENCE

SURVEYOR'S CERTIFICATE:

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

Jeffrey W. Cory

Digitally signed by Jeffrey W. Cory
Date: 2025.10.03 12:12:03 -04'00'

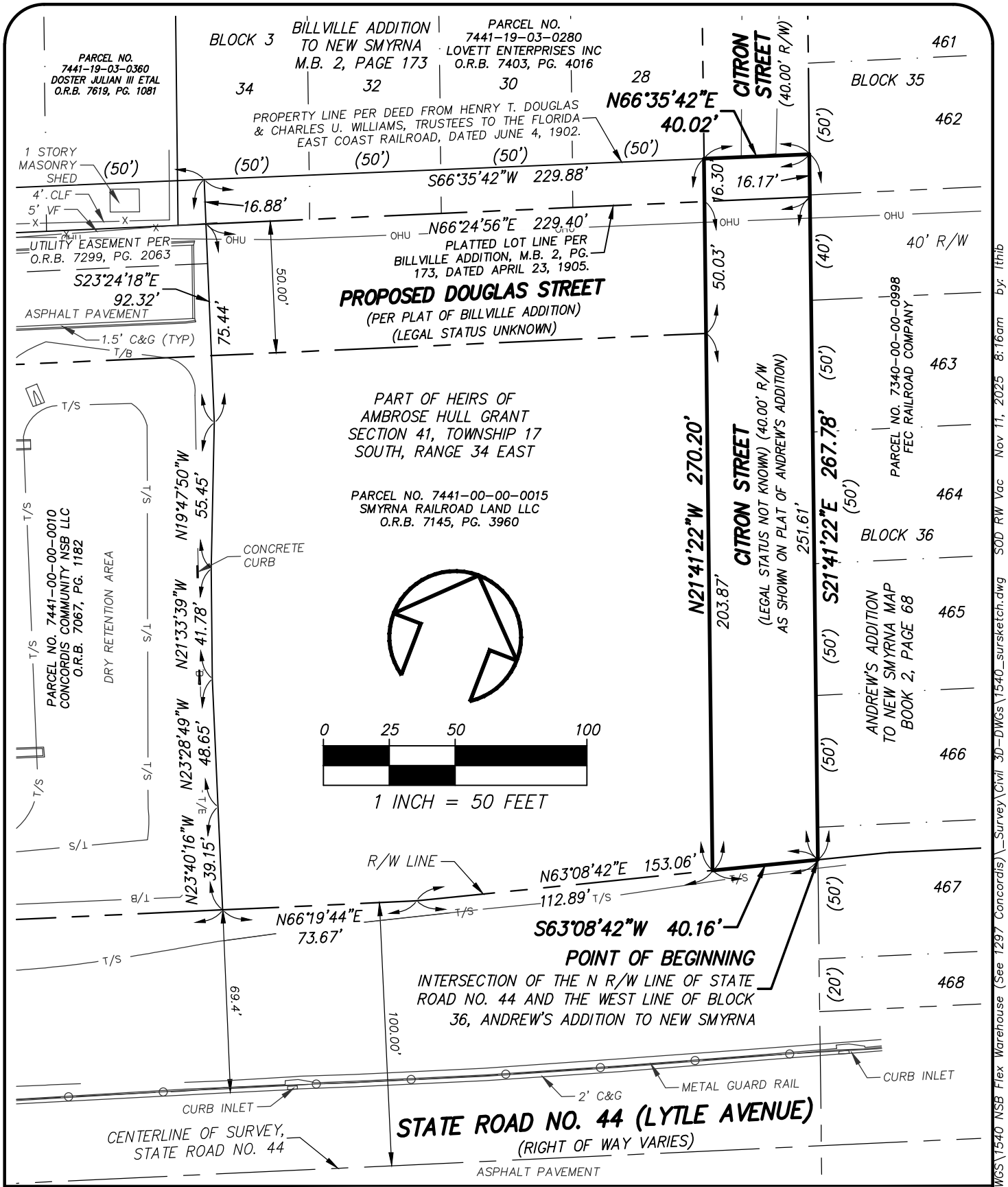
LEE H. DOWST. P.L.S. NO. 6860

THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

MARK DOWST & ASSOCIATES, INC.
* ENGINEERS PLANNERS SURVEYORS LB#4335 *
536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 PH: 386-258-7999

SKETCH AND DESCRIPTION (CITRON STREET R/W VACATION)			DRAW DATE: 11/11/25	SCALE: 1" = N/A	PROJECT # 1540
F.B./PG.: N/A	FIELD DATE: N/A	CREW: N/A	DRAWN BY: LAT	CHECKED BY: LHD	SHEET 1 OF 2

Drawing name: V:\DWGS\1540 NSB Flex Warehouse (See 1297 Concords)_Survey\Civil 3D-DWGs\1540_sursketch.dwg SOD RW Vac Nov 11, 2025 10:20am by: ithib



MARK DOWST & ASSOCIATES, INC.
* ENGINEERS PLANNERS SURVEYORS LB#4335 *
536 NORTH HALIFAX AVENUE, SUITE 100, DAYTONA BEACH, FLORIDA 32118 PH: 386-258-7999

SKETCH AND DESCRIPTION (CITRON STREET R/W VACATION)			DRAW DATE: 11/11/25	SCALE: 1" = 50'	PROJECT # 1540
F.B./PG.: N/A	FIELD DATE: N/A	CREW: N/A	DRAWN BY: LAT	CHECKED BY: LHD	SHEET 2 OF 2

Drawing name: V:\DWGS\1540 NSB Flex Warehouse (See 1297 Concordis)_Survey\Civil 3D-DWGs\1540_surskeetch.dwg SOD RW Vac Nov 11, 2025 8:16am by: lthib