City Commission Regular Meeting
Tuesday, November 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

5.A 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

7.A Consider the adoption of minutes for the City Commission Regular Meeting

held on Tuesday, October 27, 2026.

7.B Resolution No. 39-26: Consider the adoption of Resolution No. 39-26, which, if adopted, would appoint a Vice Mayor to serve a one-year term commencing on November 10, 2026.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

9. QUASI-JUDICIAL HEARINGS

10. PUBLIC HEARINGS

10.A Ordinance No. 44-26: Conduct a Second Reading and Public Hearing, which, if adopted, would Amend Chapter 70, Section 70-4 regarding operation of bicycles, electric bicycles, micromobility devices, motorized scooters, or other similar devices.

10.B Ordinance No. 63-26: Conduct a Second Reading and Public Hearing, which, if adopted, would annex approximately 0.77 acres of City owned land located at 101 Linda Road.

10.C Ordinance No. 64-26: Conduct a Second Reading and Public Hearing, which, if adopted, would approve a Small-Scale Comprehensive Plan amendment changing the Future Land Use category to Conservation on approximately 0.77 + acres of City owned land located at 101 Linda Road as part of an overall annexation application.

10.D Ordinance No. 65-26: Conduct a Second Reading and Public Hearing, which, if adopted, would rezone approximately 0.77 + acres of City owned land to Conservation for a parcel located at 101 Linda Road as part of an overall annexation application.

11. ORDINANCES FIRST READINGS

12. BOARDS AND COMMISSIONS

13. MAYOR AND COMMISSIONER COMMENTS

14. CITY CLERK'S REPORT

15. CITY ATTORNEY'S REPORT

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

November 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 11-10-26 with KC Edits and Attachments.pdf

MEMORANDUM

FROM THE OFFICE OF THE CITY MANAGER

To: Mayor and City Commission

From: Kevin Cowper, City Manager

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

Date: November 4, 2026

- Effective October 1, New Smyrna Beach transitioned from Waste Pro to FCC Environmental Services for solid waste collection services. Information about solid waste services can be found here: Solid Waste Services | New Smyrna Beach, FL - Official Website. Public Works staff are continuing to develop plans for more effective recycling opportunities including a manned recycling drop-off center on the former transfer station property on Industrial Park Avenue.
- The Leisure Services Department held their 4th Annual fall Festival at the NSB Sports Complex on October 24 from 4:00 – 8:00 pm. The festival offered amusements, carnival games, inflatables, local vendors, and food trucks. Estimated attendance was one thousand attendees.
- Attended the Volusia Managers Association meeting on October 28 and discussed matters of mutual interest including stormwater management, Amendment 3, fire service fees and building permit fees.
- Met with the Executive Director of the SEV Chamber of Commerce on October 28 to receive monthly update on Chamber Activities.
- Met with representatives of the Ocean Gate Planned Unit Development (PUD) on October 29 to review their proposed PUD amendment. The Ocean Gate PUD, located on 181 acres at the Southwest quadrant of SR 44 and I-95, was originally approved in 2013 and was previously amended in 2017 and 2021. The property owner, Lagacy Acquisitions Group LLC, is requesting a 3rd amendment to the PUD which is scheduled for first reading on December 8 and second reading and public hearing on January 12, 2027.

- Met with city staff on November 3 to discuss the potential regulation of data centers.
- Met with newly elected city commissioners Curtis Hodges and Jennifer Devine after the conclusion of the election process.
- Attended an introductory meeting with the new VP of Operations for SEV Habitat for Humanity on November 5.
- The annual Veterans Day celebration is scheduled for November 11, beginning at 11:00 am at the Brannon Center.
- Please be aware of City Commission meeting dates during the Holiday Season. There will be two regular meetings in November, on November 10 and 17. There will be a single regular meeting in December on December 8.
- Join us shaping the future of New Smyrna Beach's North Causeway and 3rd Avenue corridors during two community workshops from 5:30-7:30 p.m. Monday, Nov. 16 and Wednesday, Nov. 18 in the Brannon Center at 105 S. Riverside Dr. The first workshop will introduce the project and explore its vision; the second will gather feedback on initial concepts, sketches, and themes.
- The New Smyrna Beach Annual Christmas Parade is scheduled for Saturday, December 5 beginning at 3:00pm. The parade will commence from the beachside on Atlantic Avenue, proceeding westbound on Flagler Avenue crossing the North Causeway turning southbound on Riverside Drive then turning onto westbound Canal Street before ending at Orange Street around 6:00pm.
- Starting January 1, 2027, New Smyrna Beach residents will use a single ParkVolusia resident permit for participating City and County off-beach parking locations and boat ramps. Register for your permit online or schedule an in-person appointment now at https://www.parkvolusia.org. See attached flyer for additional information.
- A New Smyrna Golf Club customer experience survey is available is available online at New Smyrna Golf Club Survey.
- As a reminder, the Strategic Plan is available on the City's website at Strategic Plan | New Smyrna Beach, FL - Official Website. The plan includes nine strategic priority themes organized in three functional areas related to: Government, Residents and Business. Readers can review the nine priority

themes and the tremendous progress that has been made toward implementing multiple action items.

- As a reminder, financial information is available on the City's website at Finance Department | New Smyrna Beach, FL - Official Website. Monthly financial information is also provided as part of the City Manager's Monthly Report (see below and attached).
- As a reminder, the semi-monthly utilities bill electronic newsletter inserts covering current events and City Commission meetings can be found on the City's website at Utilities Bill Newsletter | New Smyrna Beach, FL - Official Website.
- 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	11/2/2026

Projects Completed & Key Accomplishments

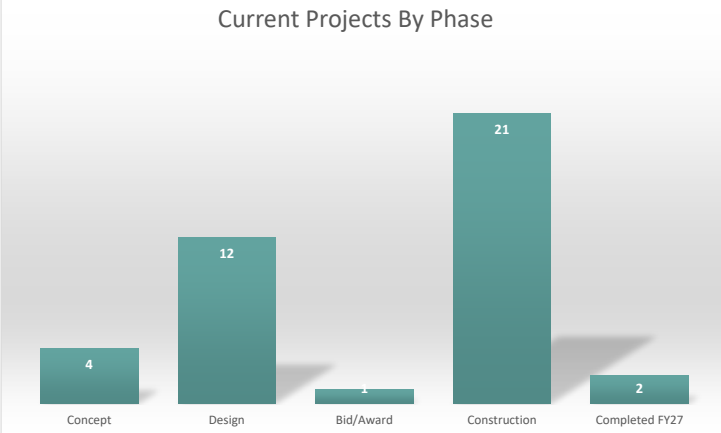
Project Manager/Task Owne	Project	Status
Rob Salazar	Sports Complex Playground replacement	Wrapping up completion, ribbon cutting this month
David Ray	Detwiler Park Playground replacement	Wrapping up completion, ribbon cutting this month

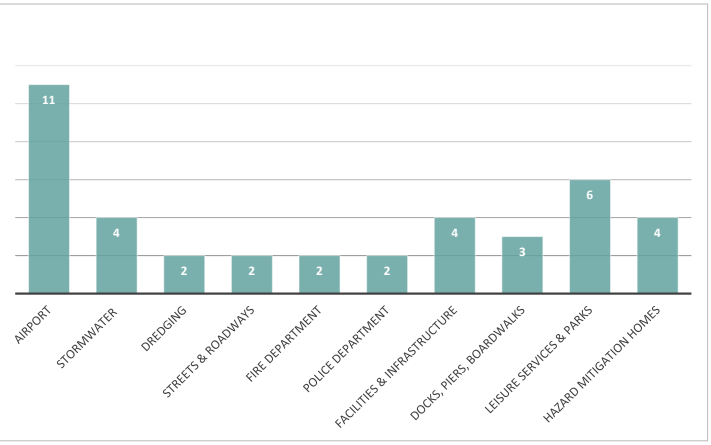
Upcoming

Key Events, Major Milestones, & Goals
☐ Dredging at Gabordy- Final walkthrough scheduled
☐ Sports Complex Electronic Marquee installed
☐ Airport Admin Building Construction 40% Complete
☐ Flagler Ave Lights are installed and operational
☐ North Causeway installing new boat ramps East side
☐ Police Boathouse contruction slated to start 11/16
☐ Fire Station 52 Kitchen Remodel 30% complete
☐ Rocc Park Light replacement temporarily onhold

Projects To Be Advertised For Bid

Project	Phase	Project Manager	Status
Washington Street	Construction	Kyle Fegley	Advertised for Construction





Stormwater Report (11/02/26)
Stormwater Projects

- **<u>City Wide Comprehensive Stormwater Master Plan (SWMP) Phase 2</u>:**
- **Task 1** – Data Collection, Review and Cataloging - **100% Complete**
- **Task 2** – Project Geodatabase Development – **100% Complete**
- **Task 3** – Peer Review of Project Geodatabase Development by City Engineers – **100% Complete**
- **Task 4** – Existing Conditions StormWise Hydrologic & Hydraulic Model Debugging, Execution, and Verification – **25% Complete**
- (See below for the Task 4 sub-tasks and work duration)

Task	Schedule	Duration
GWIS to StormWise migration	Through Oct. 19	—
H&H model debugging	Oct. 19 – Oct. 26	1 week
Model verification	Oct. 26 – Nov. 9	2 weeks
Preliminary floodplain mapping	Nov. 9 – Nov. 16	1 week
City and County review	Nov. 16 – Nov. 30	2 weeks
Incorporate comments and prepare meeting materials	Nov. 30 – Dec. 14	2 weeks

- Stormwater Master Plan (Phase 2) is **100% funded by Volusia County CDBG-DR Transform386 grant in amount of $1.667M**. Project schedule below from Notice to Proceed (NTP) commencing on January 29, 2026, for Tasks 1 through 7. Project completion in March 2027

- **Corbin Park Stormwater Improvements:**
- Bi-Monthly progress meeting #10 was held in October 2026 with Contractor, Volusia County CEI, and City Engineer
- Contractor submitted Work Directive Changes (WDC) for drainage structure modifications to top elevation adjustments within the treatment swale areas
- Contractor installing storm sewers, drainage structures & treatment swales from Live Oak Drive to Doster Drive and continue working at the stormwater outfall locations
- Maintenance of Traffic (MOT) is on-going with single lane closures near the construction work areas to allow one lane of through traffic for the residents and emergency responders
- Construction Schedule: Substantial completion in 600 days and Final completion in 630 days from NTP date March 9, 2026

Historic Westside Stormwater Improvements:

- Drainage and NSBU Utilities Improvement Plans are complete (100%), and SJRWMD & FDOT Permits have been issued
- City Engineer & City Grant Manager attended a Transform386 Mandatory Grant Workshop at Volusia County Office of Recovery & Resiliency on October 16, 2026
- City to submit the Transform386 CDBG-DR (Hurricane Milton Disaster) Grant Application **by November 20, 2026**. **Estimate grant amount request is $3,800,000**
- If grant is approved, it will be executed at the Volusia County BOCC Meeting in January 2027

Dredging at Pine Shores, Cemetery Canal, & Gabordy Canal:

- Pine Island completed
- Glencoe-Geiger (cemetery canal) is completed & stabilized and accepted by the city
- Gabordy Canal dredging completed and final walk through scheduled.

Parking Updates
|November 2026

Right-Price Parking & Meter Technology

PayByPhone, the City's new mobile payment provider, has been in service for three months. This payment option has increased convenience for users while reducing maintenance and upkeep costs associated with the previous system. We continue to refine the system and signage to ensure the payment process is clear. Since the program launched, more than 13,000 transactions have been completed, with new users accounting for 36% of transactions. The high proportion of returning users reflects continued adoption of the service.

Technology & Data Integration

All November road closures have been entered into Waze to provide real-time updates.

The Parking Guidance project is underway, and materials have been ordered. Pre-application meetings have been held with the City and FDOT regarding permits for the digital message signs. Brief parking closures will be necessary during installation, and advance notice will be provided.

Parking Enforcement continues to test a mobile license plate recognition (LPR) camera in paid parking areas. The goal is to improve the efficiency and accuracy of parking payment and permit verification.

Pursue Shared Parking Agreements

We continue to evaluate vacant and underutilized properties for potential partnerships that could expand parking availability in strategic locations.

We are also evaluating the potential purchase of a vacant property in the Flagler area to expand parking capacity. We are working with appraisers as an initial step in the acquisition process.

City & County Coordination

The City and County Commissions have approved an interlocal agreement to consolidate annual parking permits. As the end of the year approaches, we have begun notifying permit holders of the changes and any required actions. Beginning January 1, Park Volusia will be the sole provider of resident and nonresident parking permits. A single permit will provide access to City and County parking areas, excluding County parks. Current County permit holders do not need to take any action. City permit holders without a County permit must register with Park Volusia to maintain complimentary parking privileges. FIND parking permits will continue to be issued by the City, and each entity will remain responsible for enforcement within its jurisdiction. Two rounds of reminder emails have been sent to permit holders. In early December, we will test data integration between the City and County systems to confirm that information is being exchanged correctly.

Webpage & Public Information

The City's parking webpage has been updated to reflect the latest information to ensure accuracy. We are exploring additional communication channels, including Facebook and text alerts, to share timely updates. A redesigned webpage is also planned to reflect the new permit agreement and payment changes.

We have partnered with Visit NSB to communicate parking program changes and updates to out-of-town visitors.

Develop Multimodal Master Plan

A new bike brochure and map is in development highlight the city's biking facilities. This should be public in the near future.

We are participating in the early planning stages of the City's western expansion to help ensure multiple mobility options are considered during the design process.

We continue to collaborate with City leadership, the New Smyrna Beach Police Department (NSBPD), and the City Attorney on a new e-bike policy. Recommendations were presented to the City Commission on August 25. Adoption was deferred pending a public meeting, which was held on September 29. Feedback from that meeting informed revisions to the proposed policy. The City Commission is scheduled to vote on the policy on November 10.

We are working with Public Works on proposed sidewalk expansion along Ocean and Cooper in the beachside area. A public meeting was held on September 21 to gather feedback and ideas from residents. This input will be considered as planning continues, and another public meeting is anticipated.

Parking Optimization & Signage

New crosswalk signage has been installed at Cooper and Flagler to remind drivers to watch for pedestrians.

A new parking gate has been installed at the Garden Club parking lot near the dog park. The gate will allow the Garden Club to close portions of the lot for events while maintaining parking availability for dog park visitors.

Parking Enforcement continues to patrol areas beyond paid parking facilities to promote compliance with parking regulations and keep streets and sidewalks clear of illegally parked vehicles.

New signage has been installed to reflect changes to parking payment options, including the removal of cash payments.

We are developing signage for the January launch of the joint parking permit program.

North Beach & Future Planning

We are evaluating the feasibility of designating a City parking lot for 24-hour use to address overnight parking needs. This evaluation will include potential liability and safety concerns.

Paid parking continues to perform well in the North Beach area. Additional signage remains in place to inform drivers of the changes and minimize confusion.

In partnership with Leisure Services and the Public Information Officer (PIO), we have developed a comprehensive communication plan for this year's Christmas Parade. The plan includes a map showing parking areas and road closures, as well as targeted outreach to local hotels to help inform guests arriving around the event. Additional information will also be shared with residents.

We participated in a kickoff session for the development of new master plans for the 3rd Avenue and North Causeway corridors. We hope to incorporate improved mobility options for pedestrians and cyclists in both areas.

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

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

November 10, 2026

Background:
The attached minutes are submitted for the Commission's review and consideration of adoption.

Fiscal Analysis:
None.

Strategic Plan Item:
No

Staff Report Created By: Sharon Taylor-Harding

Attachments:

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

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

MINUTES

1. OPENING OF MEETING

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

Mayor Fred E. Cleveland called the meeting to order at 5:30 PM.

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

Excused: Commissioner Valli Perrine

2. INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Fred E. Cleveland gave the invocation. Will Roberts, Tax Collector, led those present in the Pledge of Allegiance.

3. APPROVAL OF THE AGENDA

City Manager Cowper announced the removal of items 4A and 7H.

4. ANNOUNCEMENTS/PRESENTATION/RECOGNITIONS

4.A Presentation of the 2025 Donnadine Miller Memorial Historic Preservation Award.

4.B Recognition of the New Smyrna Beach Citizens Academy Class of 2026

City Commission recognized the graduates of the 2026 New Smyrna Beach Citizens Academy.

5. CITY MANAGER'S REPORT

5.A City Manager's Report

City Manager Cowper outlined a report.

6. PUBLIC PARTICIPATION

Will Roberts, Tax Collector, reported on the fourth year of Kids Tag Art, which included 10 Title I schools. Each school received $2,200 last year, with total distributions of $46,000 over four years. He invited the Commission to participate as a gold sponsor for the 2026–2027 school year.

Phil Grudzinski, 871 Bluefish Avenue, owner of General Public House and President of the Canal Street Historic District, reported that the October 15 Canal Street Fest drew approximately 5,000 attendees and featured 90 vendors, beer gardens, a local band, and a scarecrow contest. He thanked Rob, Leisure Services, and New Smyrna Beach Utilities Commission for their assistance and discussed upcoming Canal Street events.

Aaron Denys, 15 Brody Drive, discussed the Kiwanis Foundation and upcoming events. He highlighted the Southeast Volusia chapter's focus on children and teachers in Southeast Volusia and referenced $20,000. He announced a Field of Honor display of 225 flags honoring veterans at the Brannon Center and a children's fishing derby at Riverside Park on Saturday, November 7.

Mark Billings, 128 Mangrove Estates, Southeast Volusia Habitat for Humanity and Southeast Volusia Chamber of Commerce, discussed affordable housing. He thanked the City Commission for its support and the upcoming cottage homes and Mr. Davenport for donating land.

Buddy Davenport, 106 Grandview Drive, discussed Kiwanis, the fishing derby, beach dredging and its process, and community jobs. He stated that the sand was performing as planned.

Deb Dugas, 200 North Pine Street, discussed the 2026 Citizens Academy and City staff.

Cindy Rhatigan, 1339 Scarlett Trial, requested a committee to address airport noise, commented on Airport Advisory Board members, and proposed a community roundtable to resolve noise concerns. She noted that noise conditions had improved but further improvement was needed.

Mike Ison, 624 North Riverside, a volunteer at the New Smyrna Beach library, urged everyone to vote.

Suzanne Palmer, 605 Glendevon Drive, across from Pine Island, discussed neighborhood flooding, requested assistance, and asked how the city planned to address it.

7. CONSENT AGENDA

7.A Consider the adoption of minutes for the City Commission Regular Meeting held on Tuesday, October 13, 2026.

Motion:
Vice Mayor McGuirk moved to adopt the minutes for the City Commission Regular Meeting held on Tuesday, October 13, 2026. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

7.B Resolution No. 38-26: Consider the adoption of Resolution No. 38-26, which, if adopted, would approve a Florida Division of Emergency Management Hazard Mitigation Grant Program - Elevate 8 Homes Hurricane Ian.

Motion:
Commissioner Martin moved to adopt Resolution No. 38-26 approving a Florida Division of Emergency Management Hazard Mitigation Grant Program - Elevate 8 Homes Hurricane Ian. Vice Mayor McGuirk seconded the motion. The motion passed by unanimous vote.

7.C Consider the approval of the Pegasus Engineering Contract regarding Grant Services for the HMGP Project for six (6) homes.

Motion:
Vice Mayor McGuirk moved to approve the Pegasus Engineering Contract regarding Grant Services for the HMGP Project for six (6) homes. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

7.D Consider the approval of a first renewal amendment to the Professional Services Agreement for referee management services between the City of New Smyrna Beach and American Sports Officials Inc.

Motion:
Vice Mayor McGuirk moved to approve the first renewal amendment to the Professional Services Agreement for referee management services between the City of New Smyrna Beach and American Sports Officials Inc. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

7.E Consider the approval of a Contract Modification #2 for HMGP 4337-373-R.

Motion:
Commissioner Ashley moved to approve the Contract Modification #2 for HMGP 4337-373-R. Vice Mayor McGuirk seconded the motion. The motion passed by 3-0 majority vote, with Commissioner Martin recusing from the vote.

7.F Consider the approval of an application for a License Agreement to allow for a Volusia County Mosquito Control ground sign to be placed in the city right-of-way in front of 801 South Street.

Motion:
Vice Mayor McGuirk moved to approve an application for a License Agreement to allow for a Volusia County Mosquito Control ground sign to be placed in the city right-of-way in front of 801 South Street. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

7.G Special Event: Consider the approval of the 2026 Anglers Yacht Club Holiday Boat Parade, to be held on Saturday, December 12, 2026.

Motion:
Vice Mayor McGuirk moved to approve the 2026 Anglers Yacht Club Holiday Boat Parade, to be held on Saturday December 12, 2026.Commissioner Martin seconded the motion. The motion passed by unanimous vote.

7.H Special Event: Consider the approval of the IMAGES, A Festival of the Arts to be held on January 22, 23 and 24, 2027.
This item was removed from the agenda.

8. ADMINISTRATIVE ITEMS/NEW BUSINESS

8.A Consider the approval of the 2027 Community Redevelopment Agency (CRA) and City Commission Meeting dates.

City Clerk Taylor-Harding provided an overview of the report.

Motion:
Vice Mayor McGuirk moved to approve the 2027 Community Redevelopment Agency (CRA) and City Commission meeting dates, including rescheduling the meeting from Tuesday, November 23, 2027, to Tuesday, November 16, 2027. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

9. QUASI-JUDICIAL HEARINGS

9.A SP-08-26: Consider the review and approval of a Class III Site Plan for Shops of NSB, a New Shopping Center at the Southeast Corner of South Myrtle Avenue and State Road 44.

A quasi-judicial hearing was conducted to consider the review and approval of a Class III Site Plan for Shops of NSB, a new shopping center at the southeast corner of South Myrtle Avenue and State Road 44

Shane Corbin, Development Services Director, outlined a PowerPoint presentation.

Kyle Fegely, Senior Engineer, provided clarification regarding the stormwater on the project.

Tuan Huynh, Senior Civil Engineer, clarified how the stormwater system functions during a hurricane.

Commissioner Martin questioned the stormwater on the site.

Glenn Storch, 420 south Nova Road, outlined a PowerPoint presentation and explained the plan for the property.

Mayor Cleveland opened the public hearing.

Stephanie Ford, Southeast Volusia Chamber of Commerce, 115 Canal Street, spoke in support of site the plan for Shops of New Smyrna Beach.

Buddy Davenport, 106 Grandview Drive, supported the site plan for Shops of New Smyrna Beach and discussed the tax base and jobs the project would create in the city.

John Kirk, 760 W 7th Street, spoke in opposition to the Shops of New Smyrna Beach and discussed potential neighborhood traffic impacts and deficiencies in the plan.

Cindy Sneizak, 512 Yupon Street, commented on staff's work and questioned whether the traffic impact study consultant was private. She also discussed TJ Maxx's red color, lighting adjustments for nearby homes and apartments, and brownfield remediation costs, including who would pay.

Curtis Hodges, 620 South Riverside Drive, spoke in support of the site plan for Shops of New Smyrna Beach.

Deborah Lenoard, 1039 South Myrtle Avenue, discussed stormwater, raising the site with fill, and run off. She stated that she had received an EPA letter regarding contaminated water on her Myrtle Avenue property.

Tim Lenoard, 886 South Myrtle Avenue, questioned the quasi-judicial process and whether citizens could review the site plan before the meeting to prepare comments. He stated that speed humps were not a solution and discussed impermeable surfaces.

Robert Liess, 1320 South Riverside Drive, spoke in support of site plan for Shops of New Smyrna Beach.

Curtis Hodges, 620 South Riverside Drive, spoke in support of site plan for Shops of New Smyrna Beach and quality control.

Stephanie Foster, 446 Bouchelle Drive #203, spoke in support of site plan for Shops of New Smyrna Beach.

Mayor Cleveland closed the public hearing.

Jessica Gow, Cobb Cole, provided clarification regarding the Department of Environmental Protection, contaminated water, and the Early Detection Incentive Program (EDI). She also provided background regarding water conditions at the site and in the surrounding neighborhood. She clarified that taxpayer dollars were not being used to pay for the contaminated water.

Vice Mayor McGuirk discussed Renee Stimpson's and John Kirk's involvement in traffic calming discussions and a resident's request to review the site plan before a meeting. He noted the need for a public workshop on basic stormwater functions and thanked Scott Cole and his team for listening to the Commission, as well as the Myrtle Street residents.

Mayor Cleveland discussed stormwater flow, traffic on Myrtle Avenue once all stores were occupied, and FDOT. He noted that the brownfield site would be remediated before construction.

Commissioner Martin questioned how many Myrtle Avenue residents had spoken in support.

City Attorney Avallone reiterated that public sentiment was not considered in quasi-judicial review.

Motion:
Vice Mayor McGuirk moved to approve the Class III Site Plan for Shops of NSB, a new shopping center at the southeast corner of South Myrtle Avenue and State Road 44, with staff recommendations and the addition of three speed tables to be supplied by the

developer and installed and maintained by the City, with the locations to be determined based on recommendations from Renee Stimson, John Kirk, and Myrtle Avenue residents. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

10. PUBLIC HEARINGS

10.A Ordinance No. 55-26: Conduct a Second Reading and Public Hearing of an Ordinance, which, if adopted, would approve a Small-Scale Comprehensive Plan Amendment, on city owned land, changing the Future Land Use from Medium Density Residential to Conservation on property located on Paige Avenue.

A public hearing was conducted for Ordinance No. 55-26.

City Attorney Avallone read Ordinance No. 55-26 for the second time by title only.

Stephanie Doster, Planning Manager, outlined a PowerPoint presentation.

Mayor Cleveland opened the public hearing.

As no citizen wished to speak, Mayor Cleveland closed the public hearing.

Motion:
Commissioner Martin moved to adopt Ordinance No. 55-26 upon Second Reading and Public Hearing approving a Small-Scale Comprehensive Plan Amendment, on city owned land, changing the Future Land Use from Medium Density Residential to Conservation on property located on Paige Avenue. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

10.B Ordinance No. 59-26: Conduct a Second Reading and Public Hearing of an ordinance, which, if adopted, would rezone approximately 6.996 + acres of City owned land from R-2, Single-Family Residential to Conservation on property located on Paige Avenue.

A public hearing was conducted for Ordinance No. 59-26.

City Attorney Avallone read Ordinance No. 59-26 for the second time by title only.

Stephanie Doster, Planning Manager, outlined a PowerPoint presentation.

Mayor Cleveland opened the public hearing.

As no citizen wished to speak, Mayor Cleveland closed the public hearing.

Motion:
Commissioner Ashley moved to adopt Ordinance No. 59-26 approving a rezone approximately 6.996 + acres of City owned land from R-2, Single-Family Residential to Conservation on property located on Paige Avenue. Vice Mayor McGuirk seconded the motion. The motion passed by unanimous vote.

10.C Ordinance No. 56-26: Conduct a Second Reading and Public Hearing of an Ordinance, which, if adopted, would annex approximately 6.63 + acres of land located at 670 Williams Road.

A public hearing was conducted for Ordinance No. 56-26.

City Attorney Avallone read Ordinance No. 56-26 for the second time by title only.

Stephanie Doster, Planning Manager, outlined a PowerPoint presentation.

Mayor Cleveland opened the public hearing.

Lou Gorrell, 2362 Melonie Trail, questioned the reasons for annexation into the city and the absence of a posting.

Mayor Cleveland closed the public hearing.

Motion:
Commissioner Martin moved to adopt Ordinance No. 56-26 approving annex approximately 6.63 + acres of land located at 670 Williams Road. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

10.D Ordinance No. 57-26: 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 category to City Rural on approximately 6.63 + acres of land located at 670 Williams Road as part of an overall annexation application.

A public hearing was conducted for Ordinance No. 57-26.

City Attorney Avallone read Ordinance No. 57-26 for the second time by title only.

Stephanie Doster, Planning Manager, outlined a PowerPoint presentation.

Mayor Cleveland opened the public hearing.

As no citizen wished to speak, Mayor Cleveland closed the public hearing.

Motion:
Commissioner Martin moved to adopt Ordinance No. 57-26 approving a Small-Scale Comprehensive Plan amendment changing the Future Land Use category to City Rural on approximately 6.63 + acres of land located at 670 Williams Road as part of an overall annexation application. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

10.E Ordinance No. 58-26: Conduct a Second Reading and Public Hearing of an ordinance, which, if adopted, would rezone approximately 6.63 + acres of land to A-2, Agriculture on property located at 670 Williams Road as part of an overall annexation application.

A public hearing was conducted for Ordinance No. 58-26.

City Attorney Avallone read Ordinance No. 58-26 for the second time by title only.

Stephanie Doster, Planning Manager, outlined a PowerPoint presentation.

Mayor Cleveland opened the public hearing.

As no citizen wished to speak, Mayor Cleveland closed the public hearing.

Motion:
Commissioner Martin moved to adopt Ordinance No. 58-26 approving rezone approximately 6.63 + acres of land to A-2, Agriculture on property located at 670 Williams Road as part of an overall annexation application. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

10.F Ordinance No. 60-26: Conduct a Second Reading and Public Hearing of an ordinance, which, if adopted, would annex approximately 1.94 + acres of vacant land located at the corner of Alberta Street and Louella Street.

A public hearing was conducted for Ordinance No. 60-26.

City Attorney Avallone read Ordinance No. 60-26 for the second time by title only.

Stephanie Doster, Planning Manager, outlined a PowerPoint presentation.

Mayor Cleveland opened the public hearing.

As no citizen wished to speak, Mayor Cleveland closed the public hearing.

Motion:
Commissioner Martin moved to adopt Ordinance No. 60-26 approving annex approximately 1.94 + acres of vacant land located at the corner of Alberta Street and Louella Street. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

10.G Ordinance No. 61-26: 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 Rural on approximately 1.94 + acres of land located at the corner of Alberta Street and Louella Street as part of an overall annexation application.

A public hearing was conducted for Ordinance No. 61-26.

City Attorney Avallone read Ordinance No. 61-26 for the second time by title only.

Stephanie Doster, Planning Manager, outlined a PowerPoint presentation.

Mayor Cleveland opened the public hearing.

As no citizen wished to speak, Mayor Cleveland closed the public hearing.

Motion:
Commissioner Martin moved to adopt Ordinance No. 61-26 approving a Small-Scale Comprehensive Plan amendment changing the Future Land Use to Rural on approximately 1.94 + acres of land located at the corner of Alberta Street and Louella Street as part of an overall annexation application. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

10.H Ordinance No. 62-26: Conduct a Second Reading and Public Hearing of an ordinance, which, if adopted, would rezone approximately 1.94 + acres of land to City A-3, Transitional Agriculture for property located at the corner of Alberta Street and Louella Street as part of an overall annexation application.

A public hearing was conducted for Ordinance No. 62-26.

City Attorney Avallone read Ordinance No. 62-26 for the second time by title only.

Stephanie Doster, Planning Manager, outlined a PowerPoint presentation.

Mayor Cleveland opened the public hearing.

As no citizen wished to speak, Mayor Cleveland closed the public hearing.

Motion:
Commissioner Martin moved to adopt Ordinance No. 62-26 approving rezone approximately 1.94 + acres of land to City A-3, Transitional Agriculture for property located at the corner of Alberta Street and Louella Street as part of an overall annexation application. Commissioner Ashley seconded the motion. The motion passed by unanimous vote.

11. ORDINANCES FIRST READINGS

11.A Ordinance No. 63-26: Conduct a First Reading on an Ordinance, which, if adopted, at a Second Reading and Public Hearing, would annex approximately 0.77 acres of City owned land located at 101 Linda Road.

City Attorney Avallone read Ordinance No. 63-26 for the first time by title only. She announced that second reading and public hearing was scheduled for Tuesday, November 10, 2026.

11.B Ordinance No. 64-26: 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 category to Conservation on approximately 0.77 + acres of City owned land located at 101 Linda Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 64-26 for the first time by title only. She announced that second reading and public hearing was scheduled for Tuesday, November 10, 2026.

11.C Ordinance No. 65-26: Conduct a First Reading of an Ordinance, which, if adopted, at a Second Reading and Public Hearing, would rezone approximately 0.77 + acres of City owned land to Conservation for a parcel located at 101 Linda Road as part of an overall annexation application.

City Attorney Avallone read Ordinance No. 65-26 for the first time by title only. She announced that second reading and public hearing was scheduled for Tuesday, November 10, 2026.

12. BOARDS AND COMMISSIONS

12.A Board Vacancy Notice: The Building Trades Examining Board has four (4) vacancies. There are three (3) vacancies due to reappointment. Member Heidi Hales-Walker currently serves as Vice-Chair and has submitted an application for reappointment consideration. There is one (1) vacancy due to resignation.

13. MAYOR AND COMMISSIONER COMMENTS

Commissioner Martin recognized City Manager Kevin Cowper's 35 years of public service and commended Jessica Fentress for her work with Volusia County beaches.

Vice Mayor McGuirk noted that the Washington Street project was out for bid, highlighted the successful October Fest on Canal Street, and commented on UCF football's victory over the No. 2-ranked team. He thanked staff for their work on the Sprouts project and its successful outcome.

Mayor Cleveland thanked staff for their work on the Shops at New Smyrna Beach site plan and mentioned October Fest and The HUB breast cancer fashion show. He also thanked everyone for their service on the dais.

14. CITY CLERK'S REPORT

14.A 2026 City Commission Meeting Dates and Election Information

15. CITY ATTORNEY'S REPORT

16. ADJOURNMENT

As there was no further business to discuss, Mayor Cleveland adjourned the meeting at 7:43 p.m.

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

RESOLUTION NO. 39-26: CONSIDER THE ADOPTION OF RESOLUTION NO. 39-26, WHICH, IF ADOPTED, WOULD APPOINT A VICE MAYOR TO SERVE A ONE-YEAR TERM COMMENCING ON NOVEMBER 10, 2026.

November 10, 2026

Background:

The New Smyrna Beach Code of Ordinances, Part I - Charter, Article II - City Commission, Section 2.10 - Organization of Commission, states that on or before the first regularly scheduled meeting of the City Commission in November of each year, the City Commission shall choose a Vice Mayor from among its membership to serve in the absence of the Mayor, and who shall serve as Vice Mayor for a period of one year.

Findings:

Zone 3 Commissioner Jason McGuirk's tenure as Vice Mayor will terminate simultaneously with the selection of a new Vice Mayor.

The Vice Mayor selection coincides with the zone numeric order.

Consider Zone 4 Commissioner Brian Ashley to serve a one-year term as Vice Mayor, commencing on Tuesday, November 10, 2026

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Sharon Taylor-Harding

Attachments:

Res 39-26 Appointment of Vice Mayor (Ashley).pdf

RESOLUTION NO. 39-26

A RESOLUTION OF THE CITY OF NEW SMYRNA BEACH, APPOINTING A VICE MAYOR TO SERVE IN THE ABSENCE OF THE MAYOR FOR A PERIOD OF ONE YEAR; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: The Honorable Brian Ashley, Zone 4 Commissioner, is hereby appointed Vice Mayor of the City of New Smyrna Beach, Florida, to serve for a period of one-year commencing on November 10, 2026.

SECTION 2: The Vice Mayor shall serve in the capacity of Acting Mayor in the absence of the Mayor.

SECTION 3: All resolutions or parts thereof that are in conflict with this resolution are hereby rescinded and repealed.

SECTION 4: This resolution shall take effect immediately upon its adoption.

APPROVED AS TO FORM AND CORRECTNESS:

Carrie Avallone

CARRIE AVALLONE
City Attorney

DATE: 11/2/2026

THE CITY OF NEW SMYRNA BEACH - POLICE DEPARTMENT

ORDINANCE NO. 44-26: CONDUCT A SECOND READING AND PUBLIC HEARING, WHICH, IF ADOPTED, WOULD AMEND CHAPTER 70, SECTION 70-4 REGARDING OPERATION OF BICYCLES, ELECTRIC BICYCLES, MICROMOBILITY DEVICES, MOTORIZED SCOOTERS, OR OTHER SIMILAR DEVICES.

November 10, 2026

Background:

This ordinance was developed in response to increased community concern regarding the safety of e-bike usage on multiuse paths and sidewalks.

Cities and Counties throughout Florida are implementing policies and regulations to address the growing use of various mobility devices, including e-bikes, motorized scooters, and other motorized or electric mobility devices, on public streets, sidewalks, and multi-use paths.

Over the past several years, increased use of these devices has raised community concerns regarding the safe interaction between riders, pedestrians, motorists, and other users of public spaces. As mobility technology continues to evolve, existing regulations may not clearly address where and how these devices may be operated.

The proposed ordinance is intended to modernize and clarify the City's regulations by establishing clear expectations for users regarding permitted and prohibited activities. It will also provide the Police Department with clear and consistent guidelines to support education, enforcement, and the safe operation of mobility devices.

The City recognizes that e-bikes and other alternative transportation options can provide convenient alternatives to automobile travel and may help reduce parking demand and traffic congestion. The goal of the proposed ordinance is to support these transportation options while prioritizing the safety of pedestrians, riders, motorists, and the community.

Fiscal Analysis:

No cost for ordinance implementation or enforcement. Estimated less than $5,000 for

signage and striping.

Strategic Plan Item:
No

Staff Report Created By: Chris Kirk

Attachments:

ARTICLE_I.___IN_GENERAL, Section 70-4 (002).docx
Business Impact Estimate - Ord 44-26 Sec 70-4 E-bikes.pdf
Ord 44-26 COO Sec 70-4 E-bikes.pdf

ARTICLE I. IN GENERAL

Sec. 70-4. Operation of bicycles, electric bicycles, micromobility devices, motorized scooters or other similar devices on streets and sidewalks.

(a) Definitions: For purposes of this section, the following, words terms, and phrases shall have the meanings ascribed to them in this section except when the context otherwise requires. In the event a term utilized herein is not defined, then it shall have the meaning ascribed to it in Chapter 316, Florida Statute, as amended from time to time :

(1) Bicycle

(2) Bicycle Lane

(3) Bicycle Path

(4) Business District

(5) *Electric bicycle (e-bike)*

(6) *Motorized scooter*

(3) (7) *Micromobility device*

(8) *Uni-wheel or One wheel Device* means a single-wheel electric device, including a device consisting of a platform or footrests and one wheel located beneath or within the device, whether commonly referred to as an electric unicycle, one-wheel device, or similar device.

(9) *Multi-use path* means a public pathway maintained by the City, separate from a roadway, and designed for shared use by pedestrians, nonmotorized or motorized devices regulated by this section.

(10) *Rider or Operator* means a person riding, driving, or otherwise operating a device regulated by this section.

(12) *Shopping Center* means a group of commercial establishments planned, developed, owned, and managed as a unit.

(11) *Stage or Staging* means the parking or placing of electric bicycles, micromobility devices, motorized scooters, or other devices regulated by this section on a right-of-way, within a public park, or on other public property for the purpose of advertising, displaying, or making such devices available to the general public for use or rental.

~~(4) *Stage* or *staging* means the parking and/or placing of electric bicycles, micromobility devices or motorized scooters on a right-of-way, within a public park or on other public property for the purpose of advertising or displaying such micromobility devices to the general public for use or rental~~.

(b) Use of Bicycles, e-bikes, micromobility devices, motorized scooters, uni-wheels or similar devices on multi use paths:

(1) The City Manager is authorized to prohibit or restrict the use of devices regulated by this section on sidewalks, bicycle paths, or multi-use paths where such use is deemed to pose a potential hazard to

pedestrians, provided that such prohibition or restriction shall be effective upon designation by official signs, markings, or other traffic-control devices..

(2) Where the City has designated and posted a usable bicycle path or multi-use path for use by devices regulated by this section, operators of such devices shall use the designated path and shall not operate such devices on the adjacent roadway or sidewalk, unless otherwise directed by official traffic-control devices or authorized City personnel

(3) Where the City has designated and posted a specific lane or area of a bicycle path or multi-use path for use by devices regulated by this section, operators of such devices shall operate within the designated lane or area, unless otherwise directed by official traffic-control devices or authorized City personnel. The designated lane will be identified by specific coloring on the path, lane markers, or both, to alert riders and operators of the proper lane in which to operate such device.

(4) A person operating a device regulated by this section on a sidewalk, roadway, bicycle path, or multi-use path shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing a pedestrian, consistent with section 316.2065(10), Florida Statutes, as amended. However, no signal is needed to be given if such device is being operated in a specifically designated lane for such device as provided above.

(c) Prohibitions:

(1) It shall be unlawful at any time for any person, with the exclusion of law enforcement in the course and scope of duty, upon roller skates, a skateboard, or riding in or by means of any coaster, toy vehicle, micromobility device, motorized scooter, uni-wheel or similar device, or riding a bicycle, tricycle or unicycle, to ride or otherwise operate such vehicle or device upon the public sidewalks within the Mainland Special Parking District or the Flagler Avenue Special Parking District or a business district or shopping center of this city. Nothing in this section shall prohibit a person from walking a bicycle or operating a wheelchair upon a sidewalk in such areas, or the operation of bicycles or micromobility devices upon designated bike routes in other areas of this city where available and so long as their use will not endanger the safety of pedestrians.

(2) E-bikes, motorized scooters, uni-wheels, and similar motorized devices shall not be ridden or otherwise operated within City recreational parks, including on sidewalks, pathways, trails, open areas, or other pedestrian areas located within such parks, unless official signage expressly authorizes such use. This prohibition does not prohibit a person from dismounting and walking such device through a recreational park or along a sidewalk or pathway within or adjacent to the park.

(3) No device regulated by this section shall be ridden on any City owned recreational court, to include any city basketball court, tennis court, or pickleball court.

(d) Use of Helmets Required:

(1) In addition to the requirements of Florida Statute § 316.2065(3)(d), a person operating or riding on a bicycle, e-bike, motorized scooter, uni- wheel or micromobility device who is 16 and 17 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the operator, rider, or passengers head by a strap and that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203.

(2) It shall be unlawful for the parent or legal guardian of a minor to knowingly permit or allow such minor to operate, be a rider, or passenger on any of the device listed in subsection (a) without the required helmet.

(3) Penalties: A violation of the provision of this section shall be a non-criminal, civil infraction punishable by a fine of $25.00 plus any applicable court cost.

(e) Staging of Micromobility devices prohibited: It shall be unlawful for a shared mobility company or rental operators to stage micromobility devices within the limits of the city.

(f) Improper parking of devices: No device regulated by this section shall be parked, abandoned or otherwise left upon any street, right-of-way or sidewalk in such a manner as to obstruct traffic, either of vehicles or pedestrians, or to obstruct any stopping or parking space.

(g) Penalties: Except as provided in 70-4(d), a first violation of the provision of this section, shall result in a non-criminal, civil infraction punishable by a fine of $150.00 plus any applicable court costs. Any second or subsequent violation shall be punishable as provided in section 1-14, City Code. Second and subsequent violations of this section may result in the bicycle, e-bike, electric scooter, uni-wheel or micromobility devices being seized by the New Smyrna Beach Police Department. Any seized device will be stored at the New Smyrna Beach Police Department. The device will be released upon proper proof of ownership, and payment of any outstanding fines and fees owed to the City.

Sec. 70-5. Objects and obstructions in public rights-of-way.

(a) The placement or maintenance of objects or obstructions, such as signs, pyramid-shaped cement or concrete curbstones, loose construction materials, concrete blocks, boulders, rocks, metal pipe, or any other sharp-edged or pointed object or obstruction in a public right-of-way is prohibited without an approved license agreement. It shall be the obligation of the real property owner immediately abutting a public right-of-way to maintain the right-of-way free of prohibited objects and obstructions.

(b) Remedies for violation.

(1) The owner of the real property abutting a public right-of-way where a violation of this section exists shall correct said violation within five days from the date of receipt of notice from the city. After expiration of the five-day period, the city may correct the violation by removing and disposing of the obstruction. The city shall not be responsible for the storage, maintenance or returning to the owner of any object removed from a public right-of-way. The cost of correcting the violation may be charged to the owner of the abutting real property, and such cost may be collected and a lien made upon the property in the same manner as a tax lien in favor of the city. The city manager or designee is authorized to require the immediate removal of any object or obstruction which is determined to constitute an imminent safety hazard.

(2) Violations of this section are punishable as provided in section 1-14, City Code.

Secs. 70-6—70-35. Reserved.

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: Ordinance 44-26:
Ord 44-26 would amend Chapter 70, Section 70-4 regarding operation of bicycles, electric bicycles, micromobility devices, motorized scooters, or other similar devices.

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):

The Ordinance is to design to address public safety in regulation of e-bikes

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.

The city will gain some revenue through enforcement of the ordinance however much the police department's goal will first be education. This will have no impact on business.

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

None, this is not a regulation that would effect business

4. Additional information the governing body deems useful (if any):

None

ORDINANCE NO. 44-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH AMENDING CHAPTER 70, STREETS AND SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE I, IN GENERAL, TO AMEND SECTION 70-4, OPERATION OF BICYCLES, ELECTRIC BICYCLES, MICROMOBILITY DEVICES, MOTORIZED SCOOTERS OR OTHER SIMILAR DEVICES ON STREETS AND SIDEWALKS, TO REVISE THE REGULATIONS RELATED TO ELECTRIC BICYCLES AND SIMILAR DEVICES; 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 City Commission desires to revise the regulations related to the operation of bicycles, electric bicycles, motorized scooters, uni-wheels, and other similar devices within the City of New Smyrna Beach; and

WHEREAS, Section 316.20655, Florida Statutes, electric bicycle regulations, permits a local government to adopt an ordinance governing the operation of electric bicycles on streets, highways, sidewalk areas, including bike paths, multiuse paths, and trail networks under the local government's jurisdiction; and

WHEREAS, the City Commission finds that sidewalks, multi-use paths, bicycle paths, parks, and other public areas are intended to be safely shared by pedestrians and other lawful users; and

WHEREAS, the operation of bicycles, electric bicycles, motorized scooters, micromobility devices, uni-wheels, and similar devices in areas heavily used by pedestrians may create safety concerns if not reasonably regulated; and

WHEREAS, the City Commission recognizes the need to protect pedestrians, including children, older adults, and other vulnerable users, from unreasonable risks associated with the operation of motorized or high-speed devices in pedestrian areas; and

WHEREAS, the City Commission finds that protecting pedestrian safety while allowing appropriate use of bicycles, electric bicycles, micromobility devices, motorized scooters, uni-wheels, and similar devices serve the public health, safety, and welfare of the city's residents and visitors; and

WHEREAS, reasonable regulations governing the operation, parking, and use of such devices are necessary to promote orderly movement, reduce conflicts between users, protect pedestrian safety, and allow reasonable shared use of sidewalks, bicycle paths, and multi-use paths where such use can be achieved without unnecessarily placing riders at risk in adjacent streets; and

WHEREAS, the City Commission desires to adopt reasonable regulations that consider public safety and ensures 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, Section 70-4, 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 amending Section 70-4, Operation of bicycles, electric bicycles, micromobility devices, motorized scooters or other similar devices on streets and sidewalks, 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. 70-4. - Operation of bicycles, electric bicycles, micromobility devices, motorized scooters or other similar devices on streets and sidewalks.

(a) Definitions. For purposes of this section, the following, words, terms, and phrases shall have the meanings ~~respectively~~ ascribed to them in this section, except when the context otherwise requires. In the event a term is not defined, it shall have the meaning ascribed to it in Chapter 316, Florida Statute, as amended.~~except when the context otherwise requires~~:

(1) *Bicycle*

(2) *Bicycle lane*

(3) *Bicycle path*

(4) *Business district*

~~(1)~~ (5) *Electric bicycle (e-bike)* ~~means any bicycle or tricycle equipped with fully operable pedals, a seat or saddle for use of the rider, and an electric motor of less than 750 watts. This definition includes all classes of electric bicycle under F.S. § 316.003(22).~~

~~(2)~~ (6) *Motorized scooter* ~~means any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle~~

~~at a speed greater than 20 miles per hour on level ground as defined by F.S. § 316.003(45).~~

~~(3)~~ (7) *Micromobility device* ~~means any motorized transportation device made available for private use by reservation through an online application, website, or software for point to point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground as defined by F.S. § 316.003(38). This term includes motorized scooters and electric bicycles as defined by F.S. § 316.003.~~

(8) *Uni-wheel or one wheel device* means a single-wheel electric device, including a device consisting of a platform or footrests and one wheel located beneath or within the device, whether commonly referred to as an electric unicycle, one-wheel device, or similar device.

(9) *Multi-use path* means a public pathway maintained by the city, separate from a roadway, and designed for shared use by pedestrians, nonmotorized or motorized devices regulated by this section.

(10) *Rider or operator* means a person riding, driving, or otherwise operating a device regulated by this section.

(11) *Shopping center* means a group of commercial establishments planned, developed, owned, and managed as a unit.

(12) *Stage or staging* means the parking or placing of electric bicycles, micromobility devices, motorized scooters, or other devices regulated by this section on a right-of-way, within a public park, or on other public property for the purpose of advertising, displaying, or making such devices available to the general public for use or rental.

~~(4) *Stage* or *staging* means the parking and/or placing of electric bicycles, micromobility devices or motorized scooters on a right-of-way, within a public park or on other public property for the purpose of advertising or displaying such micromobility devices to the general public for use or rental~~.

(b) Use of bicycles, e-bikes, micromobility devices, motorized scooters, uni-wheels or similar devices.

(1) The city manager is authorized to prohibit or restrict the use of devices regulated by this section on sidewalks, bicycle paths, or multi-use paths where such use has documented evidence of a potential hazard to pedestrians, provided that such prohibition or restriction is designated by official signs, markings, or other traffic-control devices.

(2) Where the city has designated and posted a usable bicycle path, multi-use path, or a specific lane or area of a bicycle path for use by devices regulated by this section, operators of such devices shall operate within the designated path, lane, or area, unless otherwise directed by official traffic-control devices or authorized city personnel. Any designated lane will be identified by specific coloring on the path, lane markers, or both, to alert riders and operators of the proper lane in which to operate such device.

(3) A person operating a device regulated by this section on a sidewalk, roadway, bicycle path, or multi-use path shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing a pedestrian, consistent with section 316.2065(10),

Florida Statutes, as amended. However, no signal is needed to be given if such device is being operated in a specifically designated lane for such device as provided above.

(c) Prohibitions.

(1) It shall be unlawful at any time for any person, with the exclusion of law enforcement in the course and scope of duty, upon roller skates, a skateboard, or riding in or by means of any coaster, toy vehicle, micromobility device, motorized scooter, uni-wheel or similar device, or riding a bicycle, tricycle or unicycle, to ride or otherwise operate such vehicle or device upon the public sidewalks within the Mainland Special Parking District or the Flagler Avenue Special Parking District or a business district or shopping center of this city. Nothing in this section shall prohibit a person from walking a bicycle or operating a wheelchair upon a sidewalk in such areas, or the operation of bicycles or micromobility devices upon designated bike routes in other areas of this city where available and so long as their use will not endanger the safety of pedestrians.

(2) E-bikes, motorized scooters, uni-wheels, and similar motorized devices shall not be ridden or otherwise operated within city recreational parks, including on sidewalks, pathways, trails, open areas, or other pedestrian areas located within such parks, unless official signage expressly authorizes such use. This prohibition does not prohibit a person from dismounting and walking such device through a recreational park or along a sidewalk or pathway within the park.

(3) No device regulated by this section shall be ridden on any city owned recreational court, to include any city basketball court, tennis court, or pickleball court.

(d) Use of Helmets.

(1) In addition to the requirements of Florida Statute § 316.2065(3)(d), a person operating or riding on a bicycle, e-bike, motorized scooter, uni-wheel or micromobility device who is 16 and 17 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the operator, rider, or passengers head by a strap and that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203.

(2) It shall be unlawful for the parent or legal guardian of a minor to knowingly permit or allow such minor to operate, be a rider, or passenger on any of the device listed in subsection (a) without the required helmet.

(3) Penalties: A violation of the provision of this section shall be a non-criminal, civil infraction punishable by a fine of $25.00 plus any applicable court cost.

(e) Staging of micromobility devices. It shall be prohibited for a shared mobility company or rental operators to stage micromobility devices within the limits of the city.

(f)~~(e)~~Improper parking of devices. No ~~micromobility~~ device regulated by this section shall be parked, abandoned or otherwise left upon any street, right-of-way or sidewalk in such a manner as to obstruct traffic, either of vehicles or pedestrians, or to obstruct any stopping or parking space.

~~(d) It shall be unlawful to stage micromobility devices within the limits of the city.~~

(g)~~(e)~~Penalties. Except as provided in 70-4(d), a first violation of the provision of this section, shall result in a non-criminal, civil infraction punishable by a fine of $150.00 plus any applicable court costs. Any second or subsequent violation shall be punishable as provided in section 1-14, City Code. Second and subsequent violations of this section may result in the bicycle, e-bike, electric scooter, uni-wheel or micromobility devices being seized by the New Smyrna Beach Police Department. Any seized device will be stored at the New Smyrna Beach Police Department. The device will be released upon proper proof of ownership, and payment of any outstanding fines and fees owed to the city. The parent or legal guardian of a minor (anyone under the age of 18) who commits a violation of this section shall be provided notice of the minor's commission of a first violation, either by written notice, or by verbal notice documented in an associated report.

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 September 8, 2026, continued to November 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: 11/2/2026

THE CITY OF NEW SMYRNA BEACH - PLANNING DEPARTMENT

ORDINANCE NO. 63-26: CONDUCT A SECOND READING AND PUBLIC HEARING, WHICH, IF ADOPTED, WOULD ANNEX APPROXIMATELY 0.77 ACRES OF CITY OWNED LAND LOCATED AT 101 LINDA ROAD.

November 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:** Unincorporated Volusia County.
- **To:** City of New Smyrna Beach.

Site Information:

- **Size:** 0.77 ± acres.
- **Location:** Northeast corner of Linda Road and State Road 44.
- **Tax I.D. Number:** 7343-01-00-0010.

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 Linda Road 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 categories and designations. In this application, the land was purchased by the City of New Smyrna Beach as part of the Turnbull Creek Preservation and the FLU and zoning will be downgraded for preservation. 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.

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 at 101 Linda Road is undeveloped. An 8" PVC water line is located within the Linda Road right-of-way, but sewer and reclaimed water services are not available. 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 September 14, 2026, 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

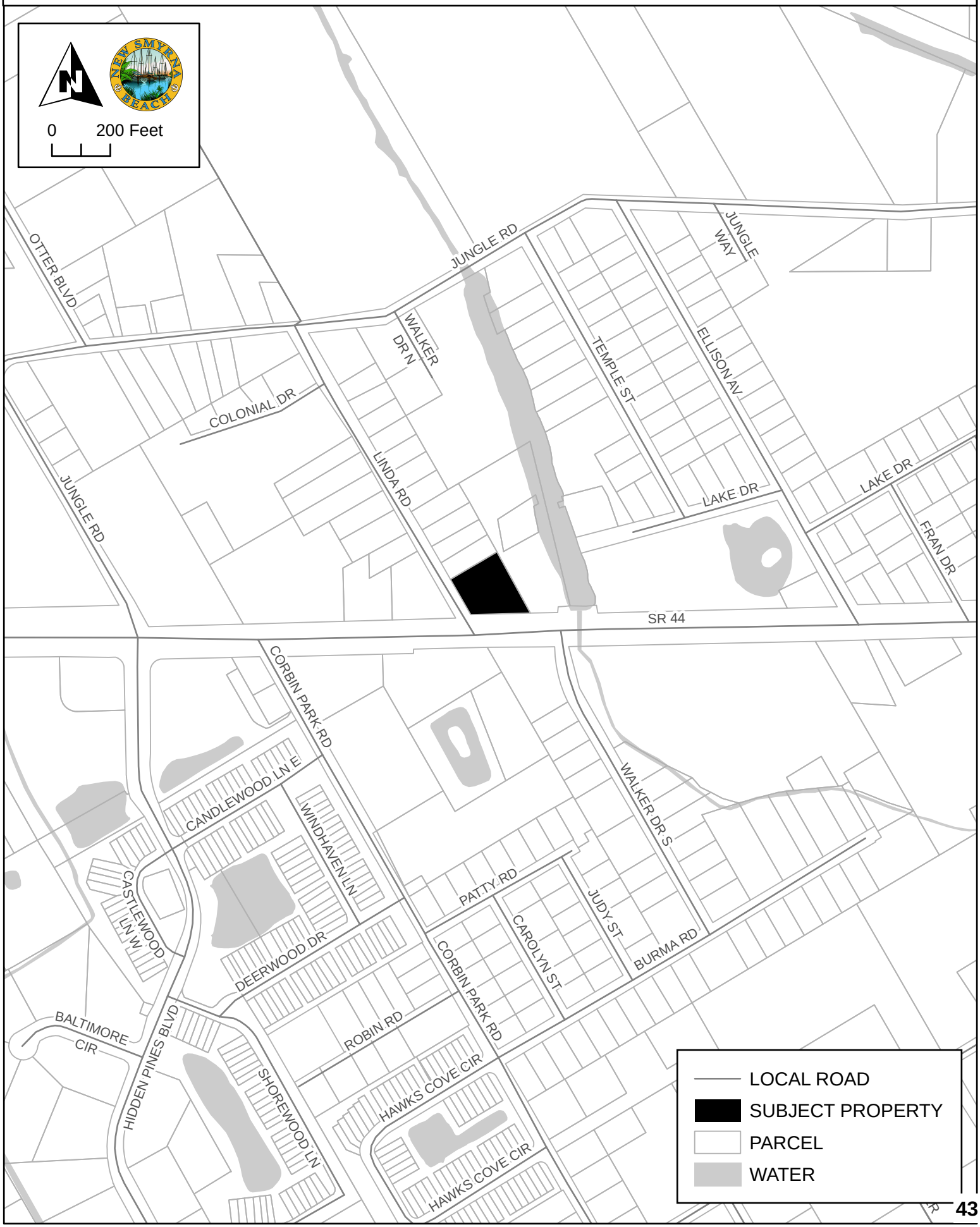
Strategic Plan Item:
No

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 63-26 101 Linda Rd (Annex).pdf
Ord 63-26 Annexation 101 Linda Rd.pdf

A-8-26: 101 LINDA ROAD
PARCEL: 7343-01-00-0010 LOCATION MAP

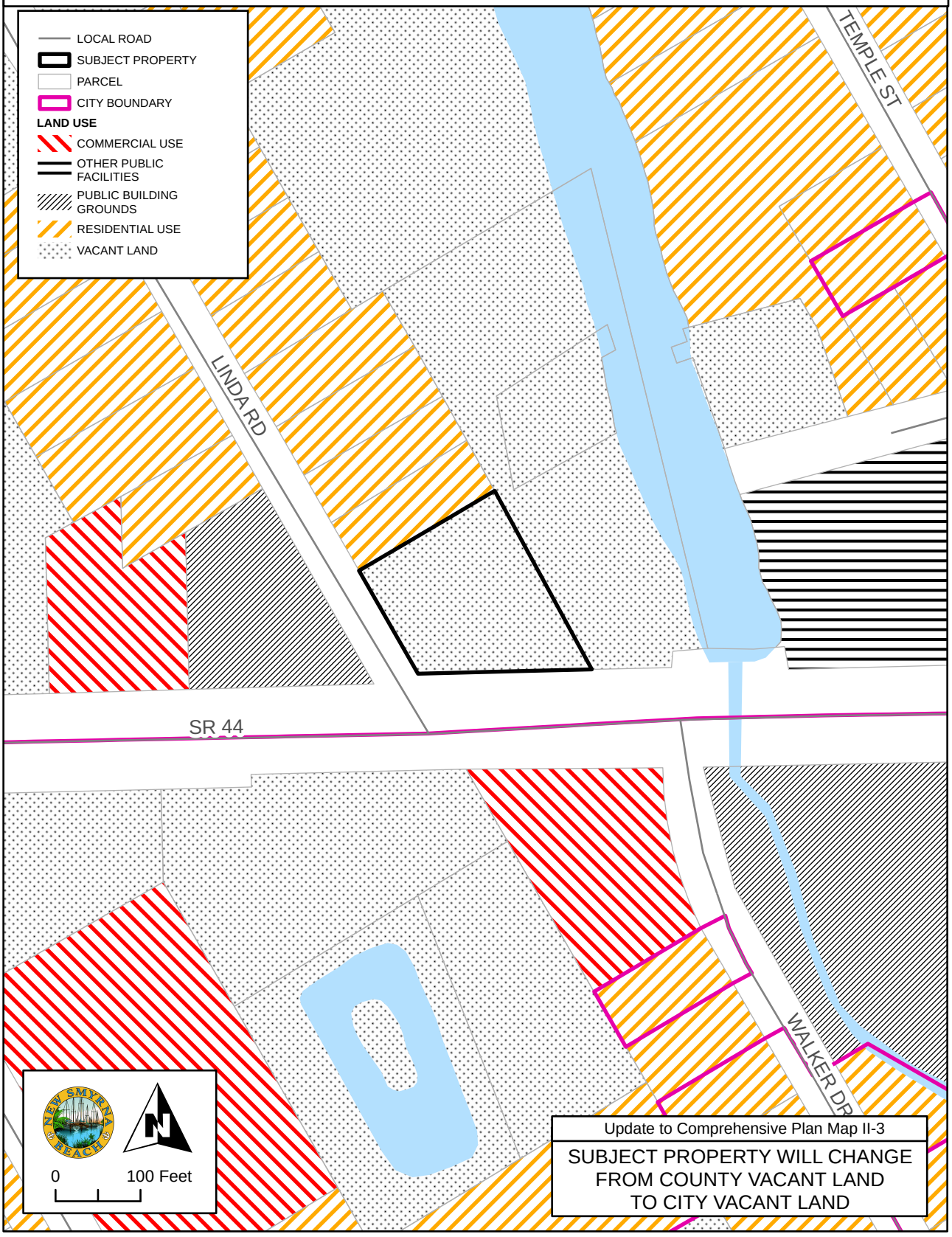


A-8-26: 101 LINDA ROAD
PARCEL: 7343-01-00-0010 AERIAL MAP



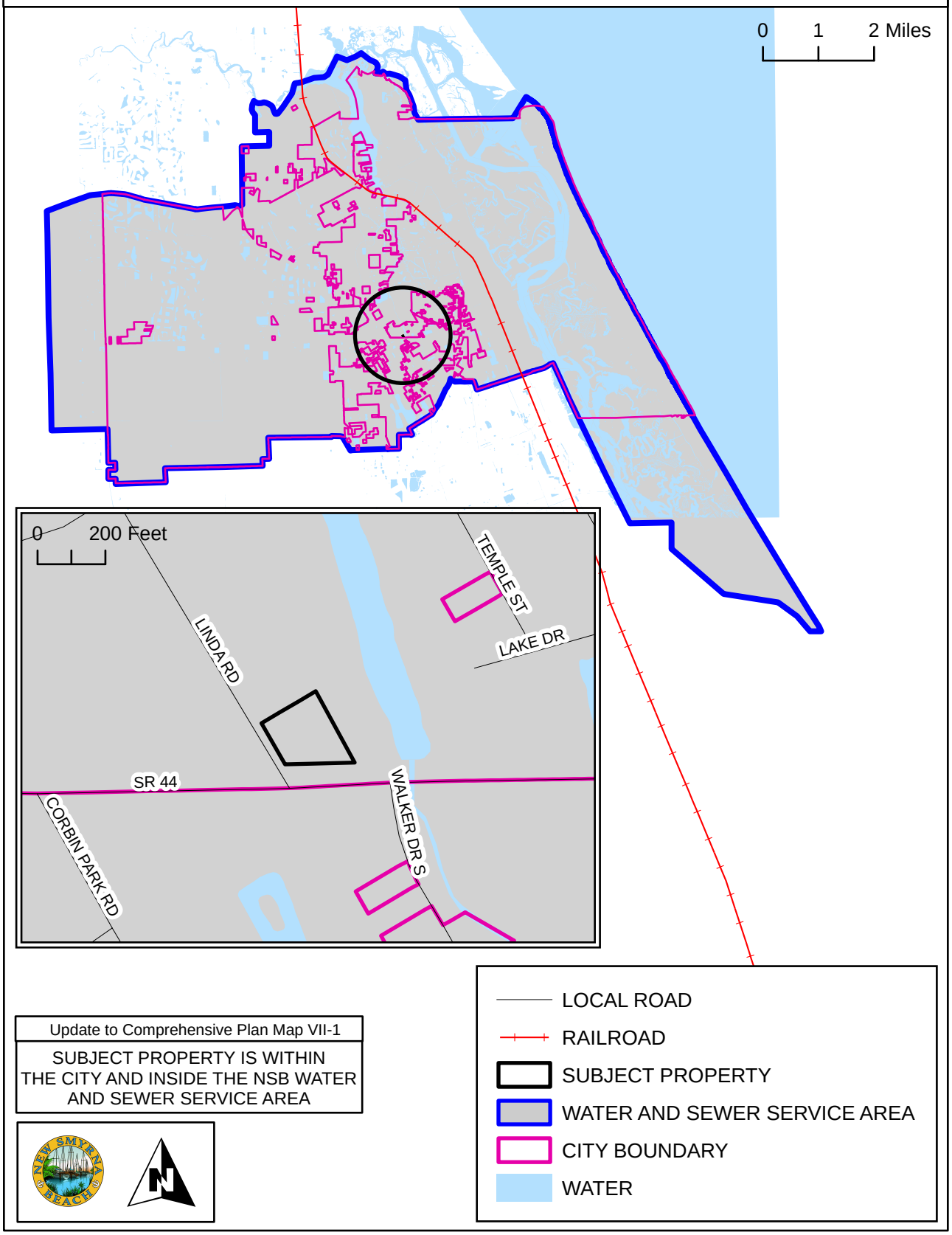
EXISTING LAND USE DESIGNATIONS

A-8-26



WATER AND SEWER SERVICE AREA

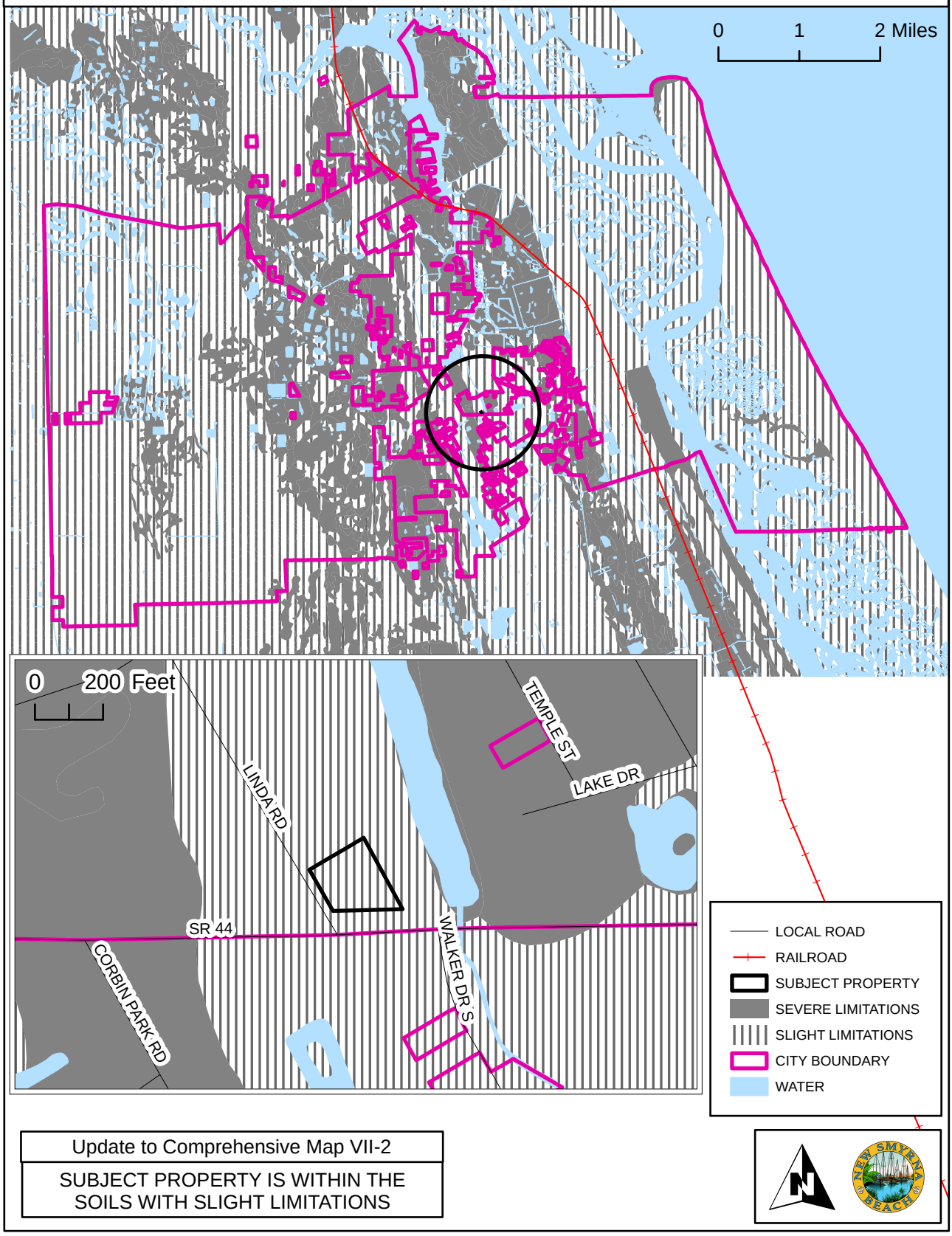
A-8-26



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-8-26

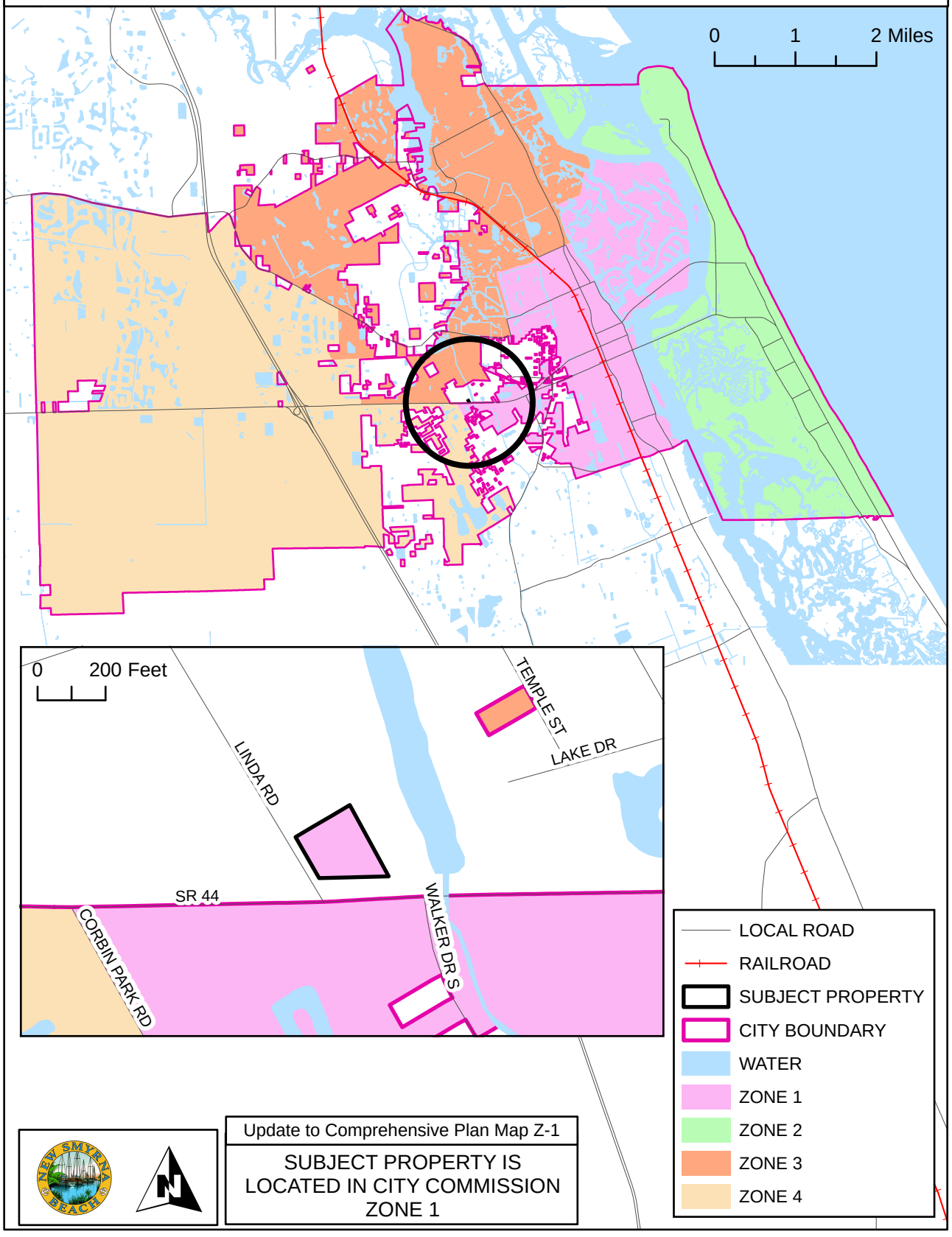


Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

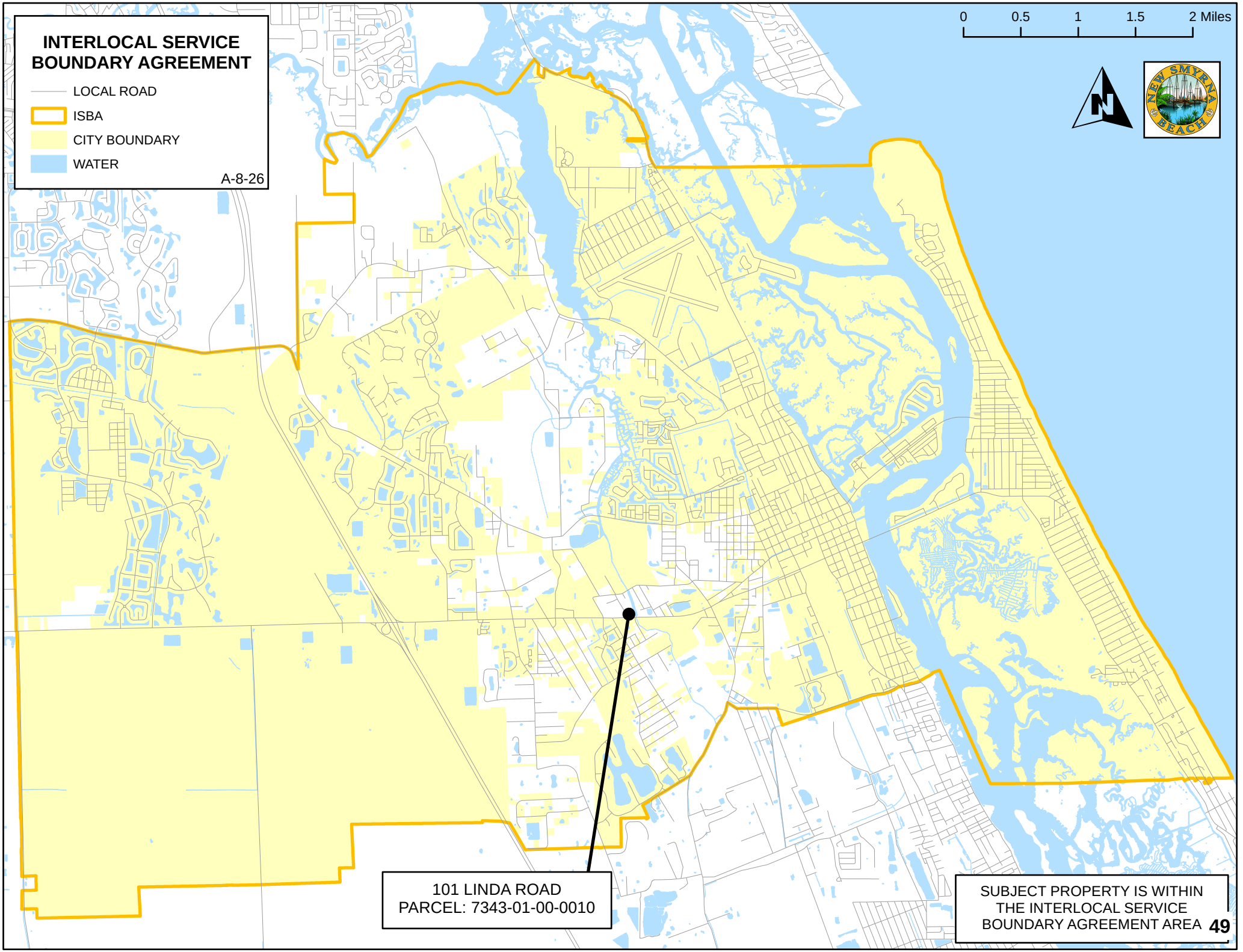
COMMISSION ZONES

A-8-26



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-8-26
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
101 LINDA ROAD
PARCEL: 7343-01-00-0010
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT AREA

LEGAL DESCRIPTION

Address:
101 Linda Road, New Smyrna Beach, Florida 32168

Parcel Number
7343-01-00-0010

AltKey Number:
3728912

Metes and Bounds by Professional Title Agency:
LOT 1, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 81 PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

EXCEPTING THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES: COMMENCE AT A POINT 155.39 FEET NORTH 29 DEGREES 50 MINUTES 50 SECONDS WEST FROM THE SOUTHEAST CORNER OF LOT 1, KENNEDY PARK, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 19, PAGE 282, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 23.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 70.15 FEET; THENCE RUN NORTH 1 DEGREE 23 MINUTES 35 WEST, A DISTANCE OF 50 FEET TO THE EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN NORTH 13 DEGREES 10 MINUTES 10 SECONDS EAST, A DISTANCE OF 32.98 FEET; THENCE RUN NORTH 15 DEGREES 01 MINUTES 27 SECONDS WEST, A DISTANCE OF 25.85 FEET; THENCE RUN NORTH 60 DEGREES 13 MINUTES 25 SECONDS EAST, A DISTANCE OF 30 FEET; THENCE RUN SOUTH 46 DEGREES 18 MINUTES 04 SECONDS EAST, A DISTANCE OF 26.08 FEET; THENCE RUN SOUTH 29 DEGREES 46 MINUTES 35 SECONDS EAST, A DISTANCE OF 48.69 FEET TO THE SAID EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN SOUTH 1 DEGREE 23 MINUTES 35 SECONDS EAST, A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.

AND LOTS 2 AND 3, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 81 PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
EXCEPTING FROM ALL OF THE ABOVE THAT PORTION OF SAID LOTS TAKEN FOR WIDENING OF STATE ROAD NO. 44.

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.: NS932605017

APN/Parcel ID(s): 7343-01-00-0010

WARRANTY DEED

THIS WARRANTY DEED dated July 9, 2026 by William H. Stagina, a married man, 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 101 Linda Road, 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 1, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 8, PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
EXCEPTING THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES: COMMENCE AT A POINT 155.39 FEET NORTH 29 DEGREES 50 MINUTES 50 SECONDS WEST FROM THE SOUTHEAST CORNER OF LOT 1, KENNEDY PARK, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 19, PAGE 282, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 23.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 70.15 FEET; THENCE RUN NORTH 1 DEGREE 23 MINUTES 35 WEST, A DISTANCE OF 50 FEET TO THE EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN NORTH 13 DEGREES 10 MINUTES 10 SECONDS EAST, A DISTANCE OF 32.98 FEET; THENCE RUN NORTH 15 DEGREES 01 MINUTES 27 SECONDS WEST, A DISTANCE OF 25.85 FEET; THENCE RUN NORTH 60 DEGREES 13 MINUTES 25 SECONDS EAST, A DISTANCE OF 30 FEET; THENCE RUN SOUTH 46 DEGREES 18 MINUTES 04 SECONDS EAST, A DISTANCE OF 26.08 FEET; THENCE RUN SOUTH 29 DEGREES 46 MINUTES 35 SECONDS EAST, A DISTANCE OF 48.69 FEET TO THE SAID EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN SOUTH 1 DEGREE 23 MINUTES 35 SECONDS EAST, A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.
AND LOTS 2 AND 3, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 8, PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA
EXCEPTING FROM ALL OF THE ABOVE THAT PORTION OF SAID LOTS TAKEN FOR WIDENING OF STATE ROAD NO. 44.

WARRANTY DEED
(continued)

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any member of the household of Grantor(s) reside thereon.

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, 2025.

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:

Lorraine E Banks
Witness Signature

Lorraine E Banks
Print Name

Address: 4044 Portland Ridge Pl
Florissant MO 63034

William H. Stagina
William H. Stagina

Address: 2721 Hillcroft Dr
Wildwood, MO 63005

Adonica Lanette Banks
Witness Signature

Adonica Lanette Banks
Print Name

Address: 1650 Beale ST
St Charles, MO 63303

State of ~~Florida~~ MO AMB
County of ~~Volusia~~ St louis AMB

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 29 day of ~~July~~ June, 2026, by William H. Stagina, to me known to be the person(s) described in or who has/have produced MO DL as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

Adonica Lanette Banks
NOTARY PUBLIC
My Commission Expires: 11/29/2028

ADONICA LANETTE BANKS
Notary Public - Notary Seal
St Charles County - State of Missouri
Commission Number 16400238
My Commission Expires Nov 29, 2028

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 63-26 101 Linda Rd.

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 63-26 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. 63-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH ANNEXING .8± ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF LINDA ROAD AND STATE ROAD 44; 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 .8± acres of property generally located on the northeast corner of Linda Road and State Road 44; and

WHEREAS, the Planning and Zoning Board, at its regularly scheduled meeting on September 14, 2026, 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 November 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: 10/19/2026

EXHIBIT "A"

LEGAL DESCRIPTION

Address:
101 Linda Road, New Smyrna Beach, Florida 32168

Parcel Number
7343-01-00-0010

AltKey Number:
3728912

Metes and Bounds by Professional Title Agency:
LOT 1, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 81 PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

EXCEPTING THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES: COMMENCE AT A POINT 155.39 FEET NORTH 29 DEGREES 50 MINUTES 50 SECONDS WEST FROM THE SOUTHEAST CORNER OF LOT 1, KENNEDY PARK, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 19, PAGE 282, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 23.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 70.15 FEET; THENCE RUN NORTH 1 DEGREE 23 MINUTES 35 WEST, A DISTANCE OF 50 FEET TO THE EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN NORTH 13 DEGREES 10 MINUTES 10 SECONDS EAST, A DISTANCE OF 32.98 FEET; THENCE RUN NORTH 15 DEGREES 01 MINUTES 27 SECONDS WEST, A DISTANCE OF 25.85 FEET; THENCE RUN NORTH 60 DEGREES 13 MINUTES 25 SECONDS EAST, A DISTANCE OF 30 FEET; THENCE RUN SOUTH 46 DEGREES 18 MINUTES 04 SECONDS EAST, A DISTANCE OF 26.08 FEET; THENCE RUN SOUTH 29 DEGREES 46 MINUTES 35 SECONDS EAST, A DISTANCE OF 48.69 FEET TO THE SAID EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN SOUTH 1 DEGREE 23 MINUTES 35 SECONDS EAST, A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.

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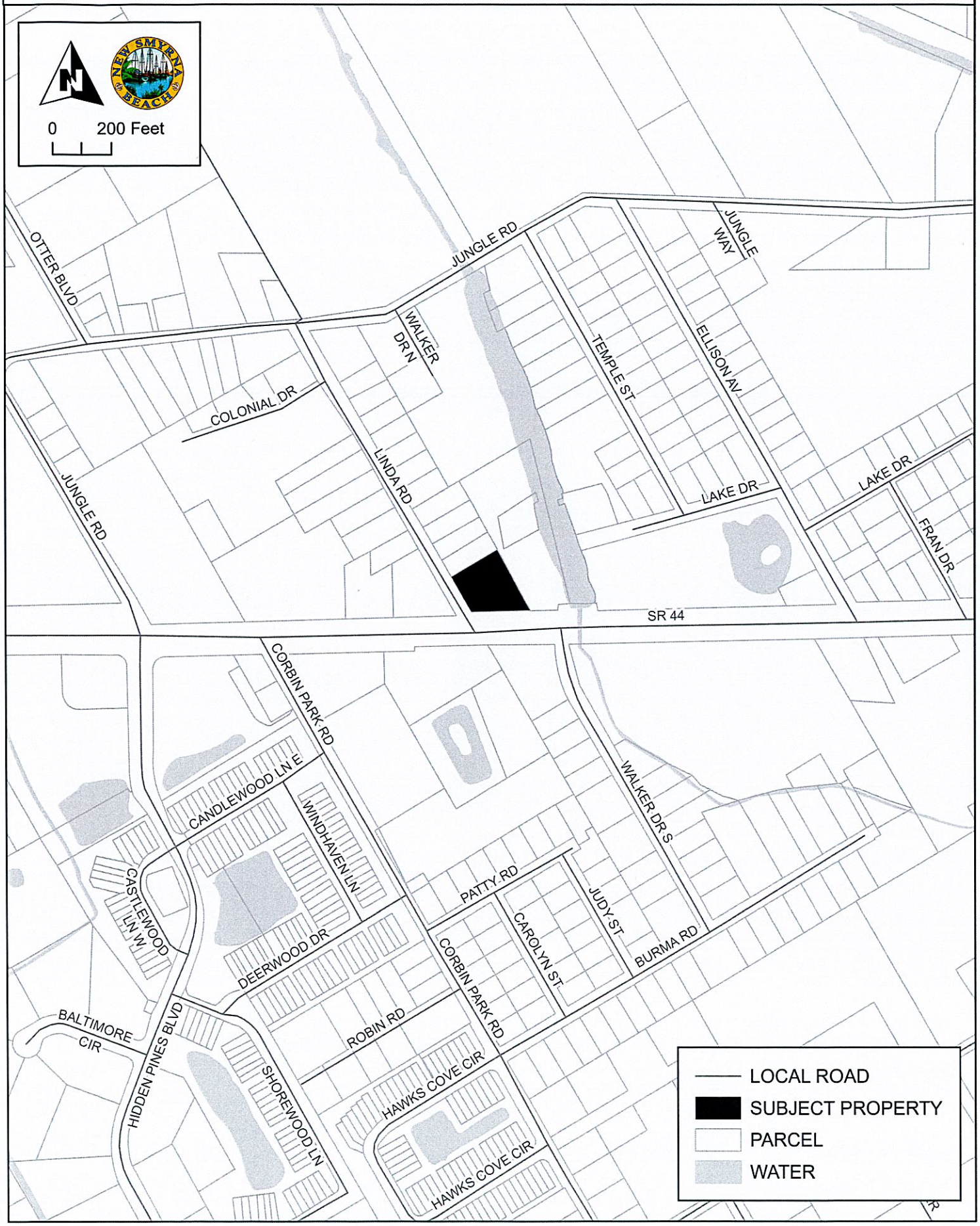
EXCEPTING FROM ALL OF THE ABOVE THAT PORTION OF SAID LOTS TAKEN FOR WIDENING OF STATE ROAD NO. 44.

EXHIBIT "A"

A-8-26: 101 LINDA ROAD
PARCEL: 7343-01-00-0010 LOCATION MAP



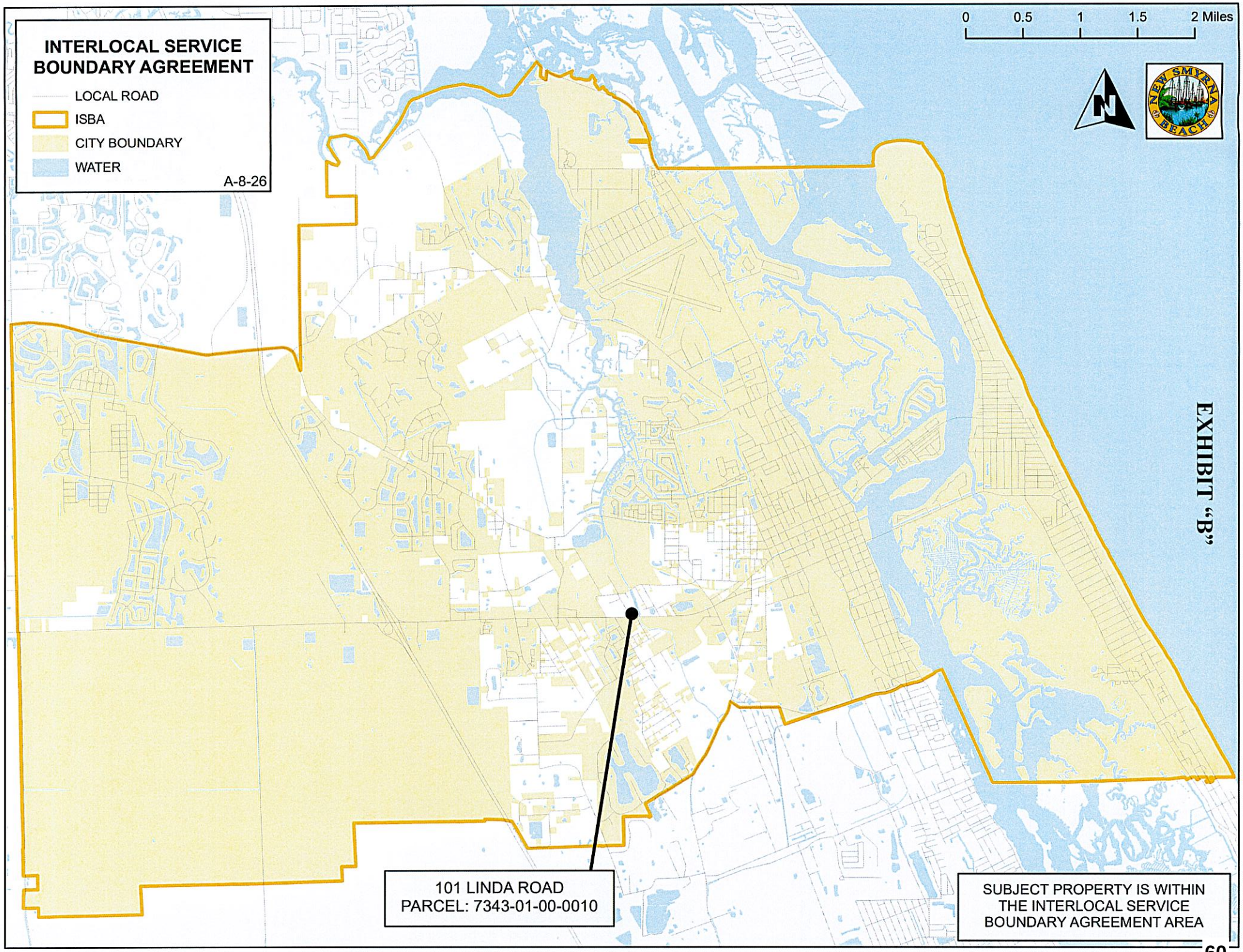
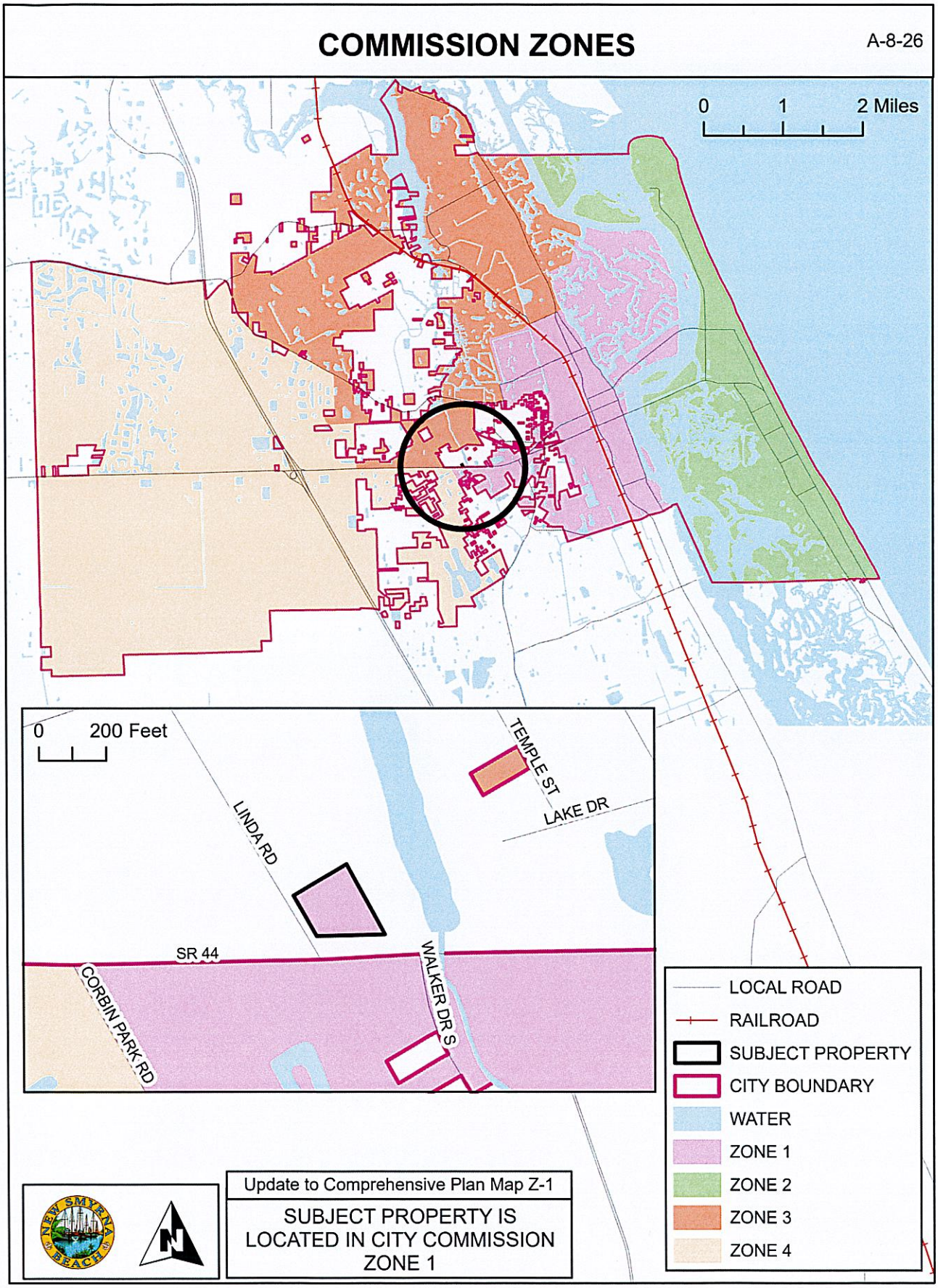

INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-8-26
0 0.5 1 1.5 2 Miles
N
NEW SMYRNA BEACH
EXHIBIT "B"
101 LINDA ROAD
PARCEL: 7343-01-00-0010
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT AREA

EXHIBIT "C"


COMMISSION ZONES
A-8-26
0 1 2 Miles
0 200 Feet
TEMPLE ST
LAKE DR
LINDA RD
SR 44
CORBIN PARK RD
WALKER DR S
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. 64-26: CONDUCT A SECOND READING AND PUBLIC HEARING, WHICH, IF ADOPTED, WOULD APPROVE A SMALL-SCALE *COMPREHENSIVE PLAN* AMENDMENT CHANGING THE FUTURE LAND USE CATEGORY TO CONSERVATION ON APPROXIMATELY 0.77 ± ACRES OF CITY OWNED LAND LOCATED AT 101 LINDA ROAD AS PART OF AN OVERALL ANNEXATION APPLICATION.

November 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:** 0.77 ± acres.
- **Location:** Northeast corner of Linda Road and State Road 44.
- **Tax I.D. Number:** 7343-01-00-0010.

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 Linda Road 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. In this application, the land was purchased by the City of New Smyrna Beach as part of the Turnbull Creek Preservation and the FLU and zoning will be downgraded for preservation. 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 at 101 Linda Road is undeveloped. An 8" PVC water line is located within the Linda Road right-of-way, but sewer and reclaimed water services are not available. 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 September 14, 2026, 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 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:
No

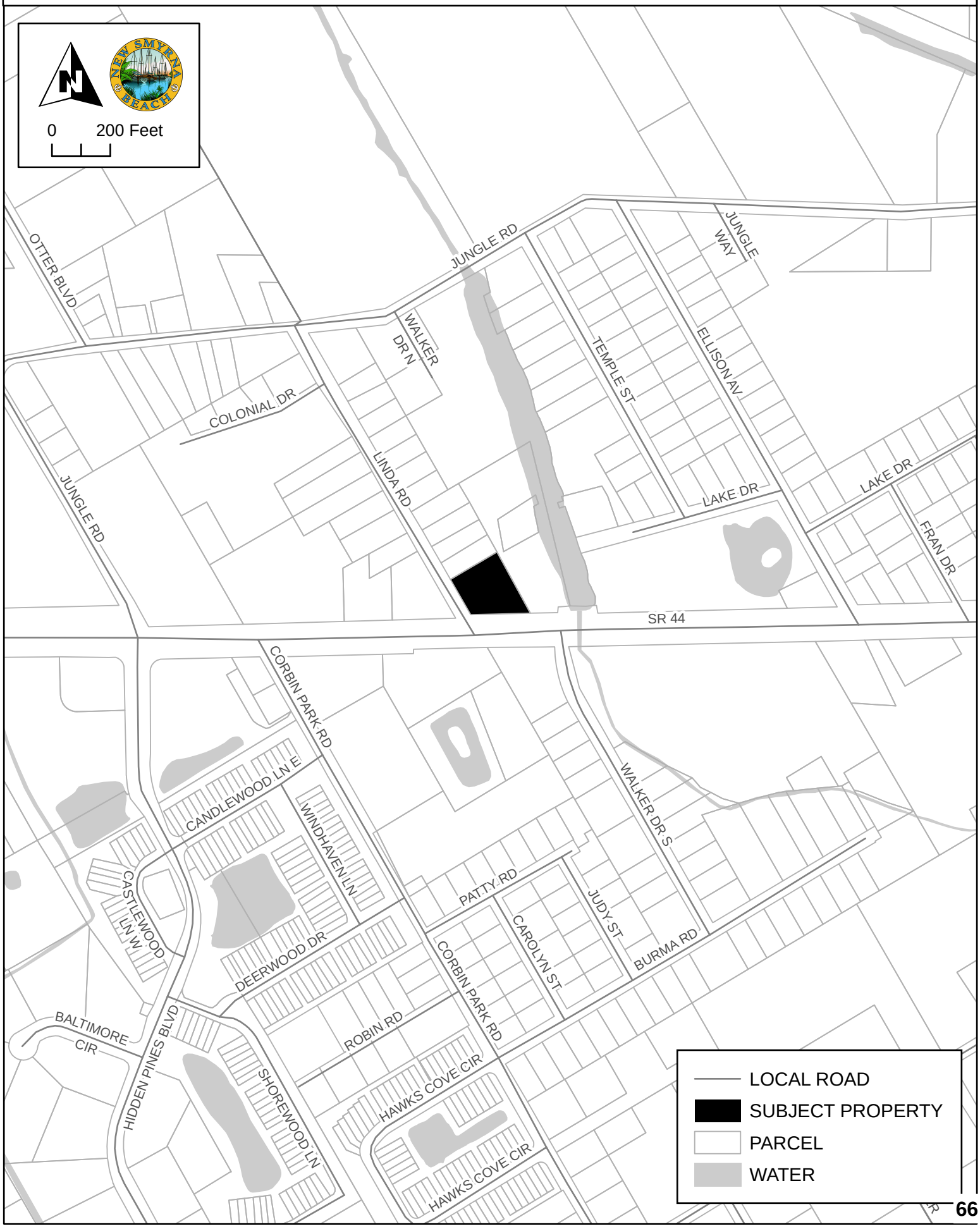
Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C Existing FLU Map.pdf
Exhibit D County Urban Medium Intensity 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 64-26 101 Linda Rd (Small Scale).pdf
Ord 64-26 Small Scale 101 Linda Rd.pdf

A-8-26: 101 LINDA ROAD
PARCEL: 7343-01-00-0010 LOCATION MAP

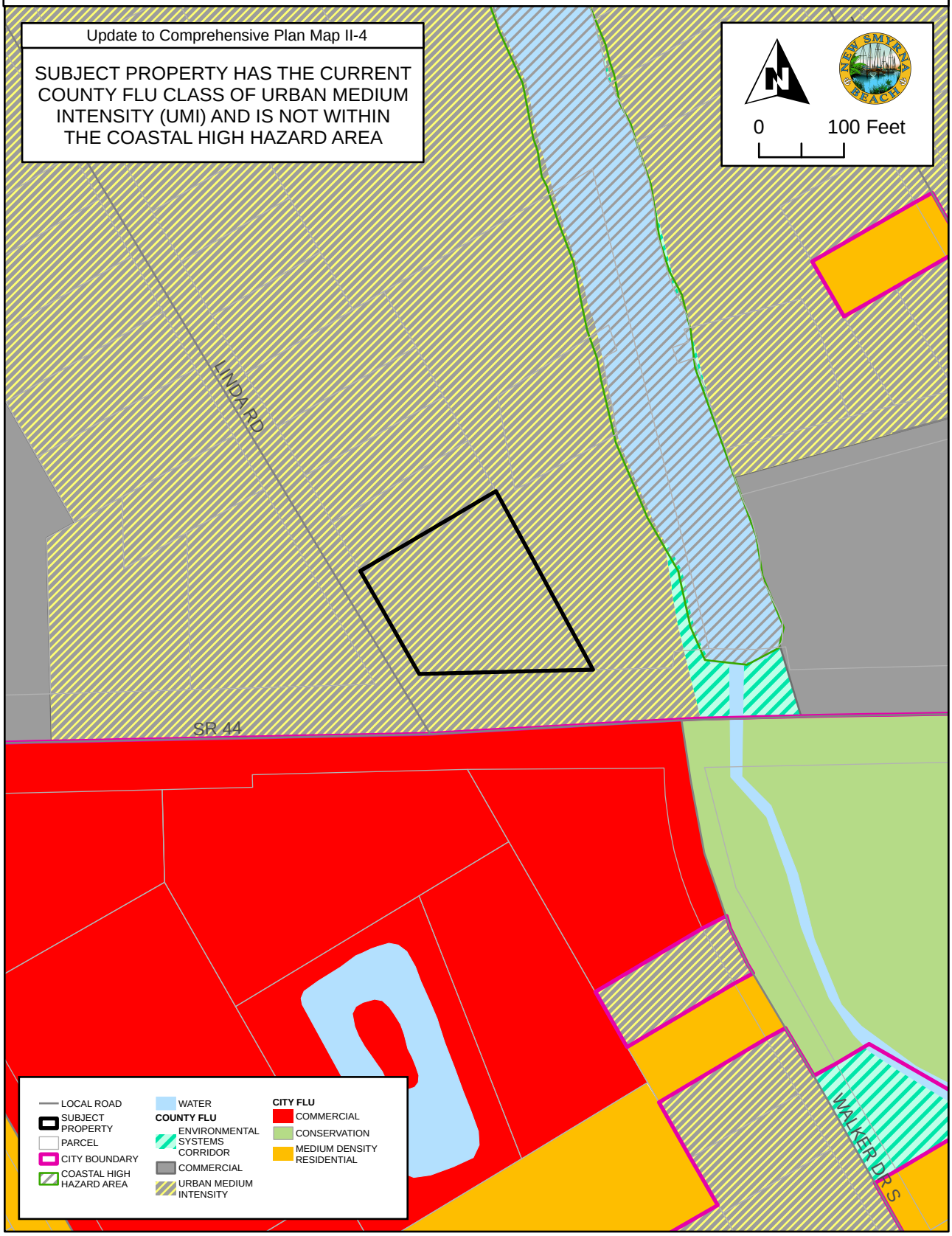


A-8-26: 101 LINDA ROAD
PARCEL: 7343-01-00-0010 AERIAL MAP



EXISTING FUTURE LAND USE DESIGNATIONS

A-8-26



Urban Medium Intensity (UMI) –

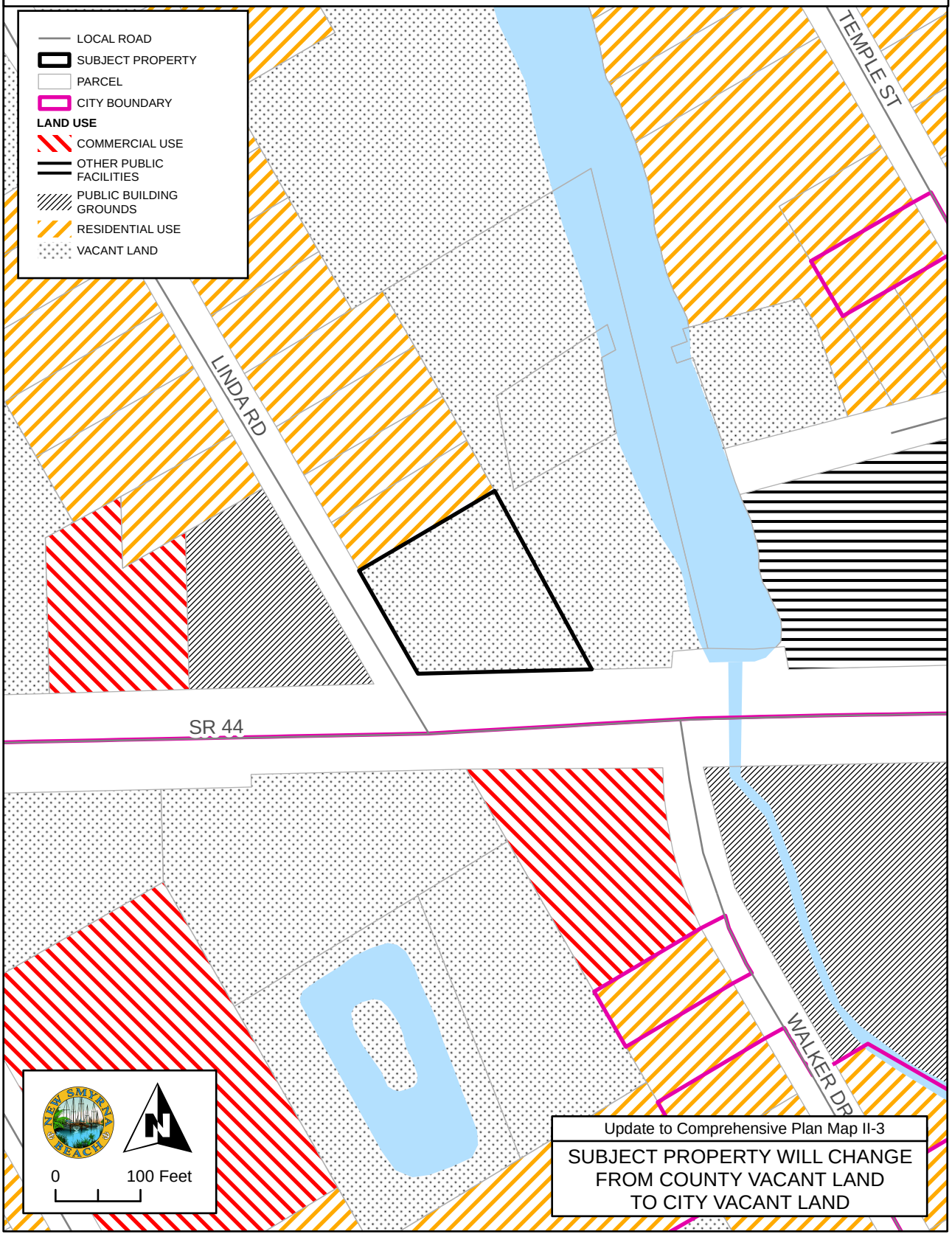
Areas that contain residential development at a range of up to eight (8) dwelling units per acre. The types of housing typically found in areas designated urban medium intensity include single family homes, townhouses and low-rise apartments.

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-8-26



CONSERVATION

Maximum allowed Floor Area Ratio (FAR): 0.10

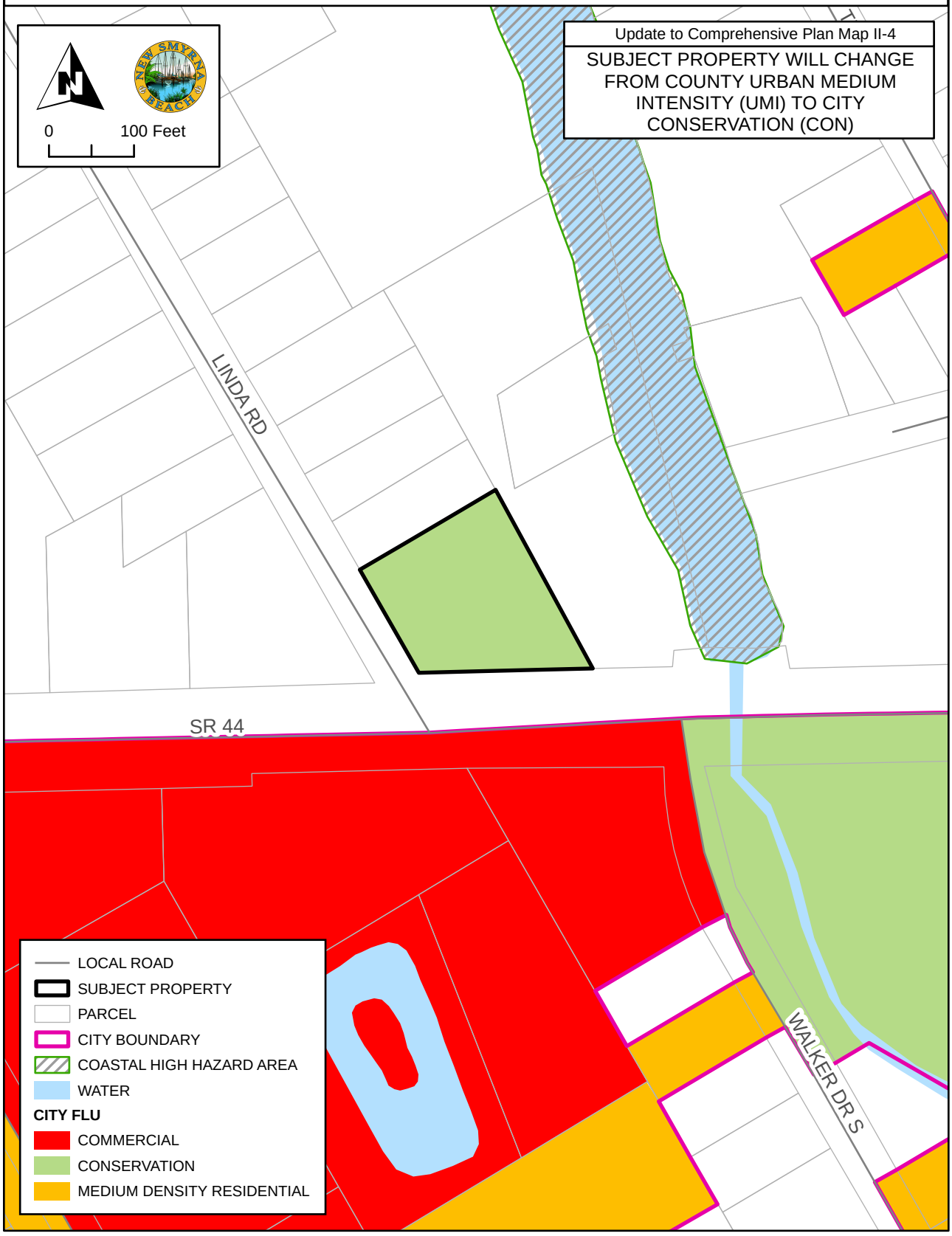
The general boundaries of those areas known to require environmental protection from development have been designated as conservation on the Future Land Use Map.

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.

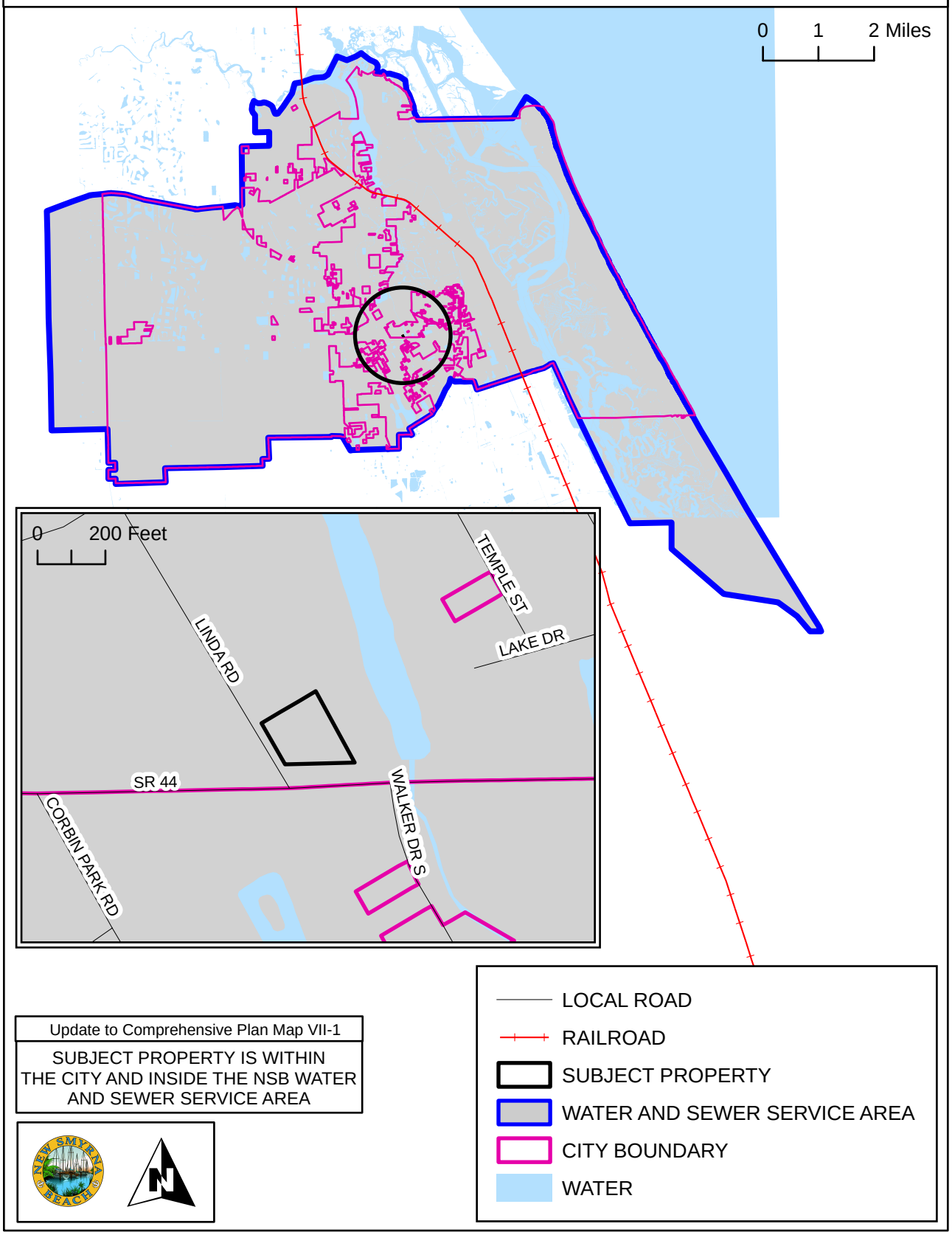
PROPOSED FUTURE LAND USE DESIGNATIONS

A-8-26



WATER AND SEWER SERVICE AREA

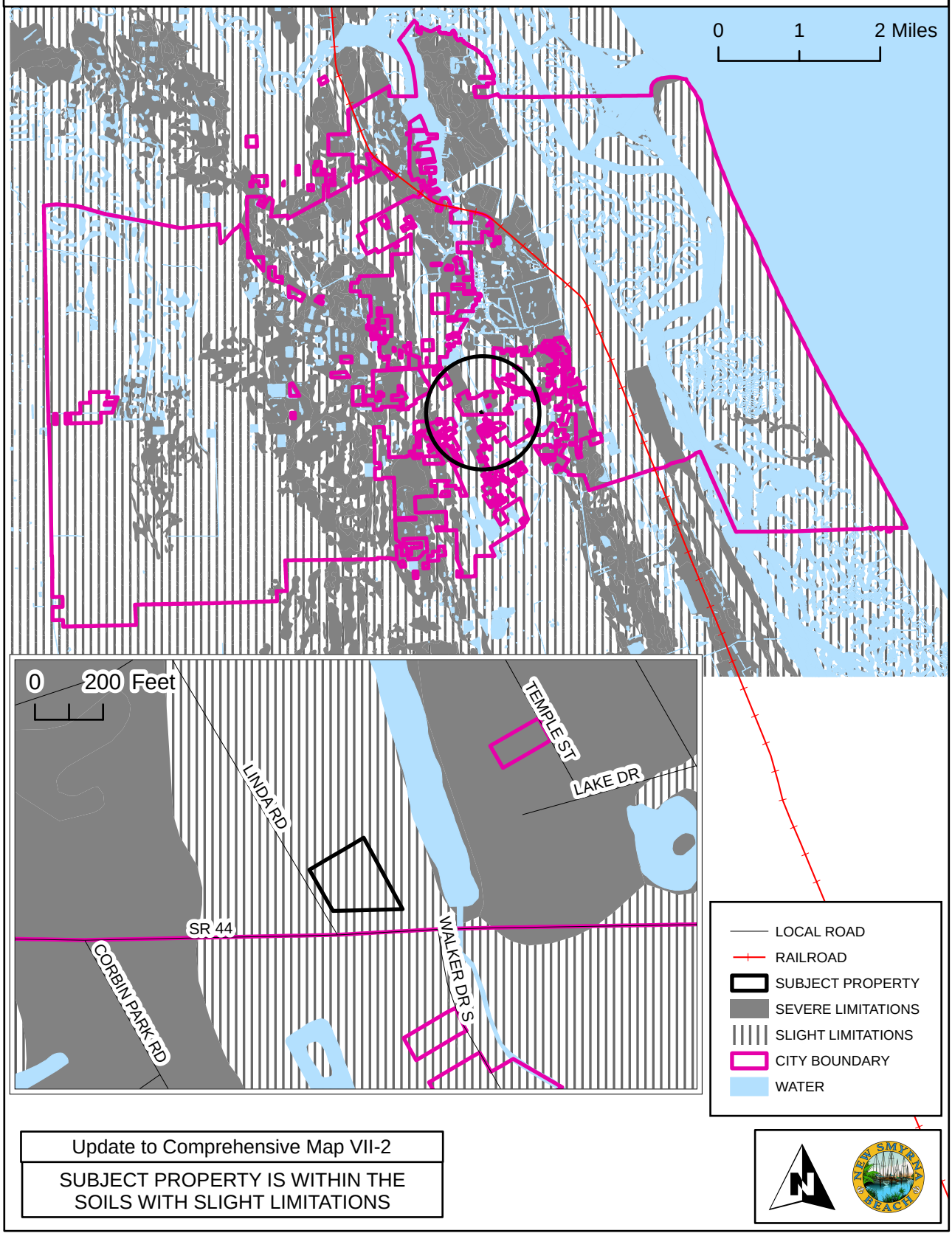
A-8-26



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-8-26

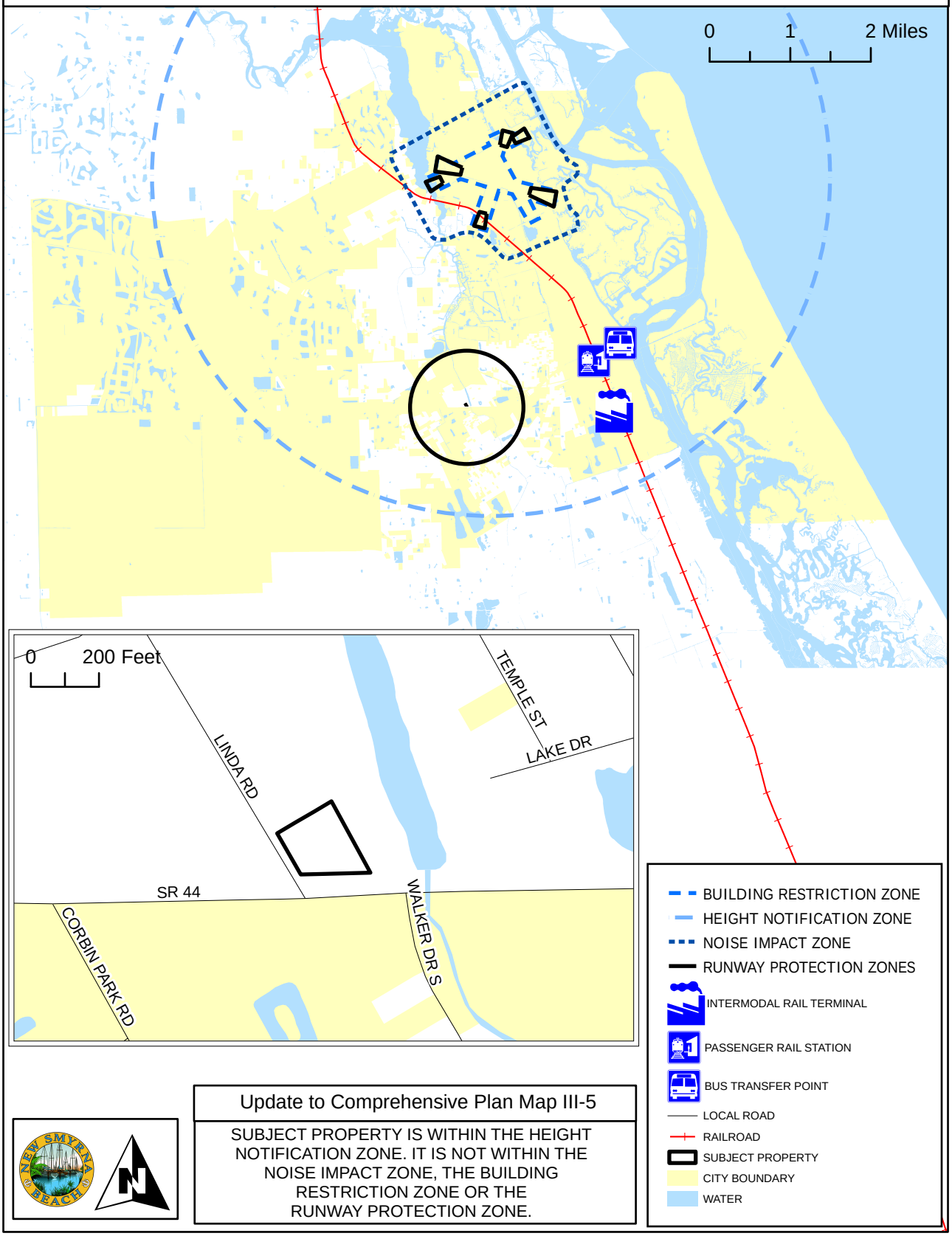


Update to Comprehensive Map VII-2

SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

AIRPORT RUNWAY PROTECTION ZONES

A-8-26

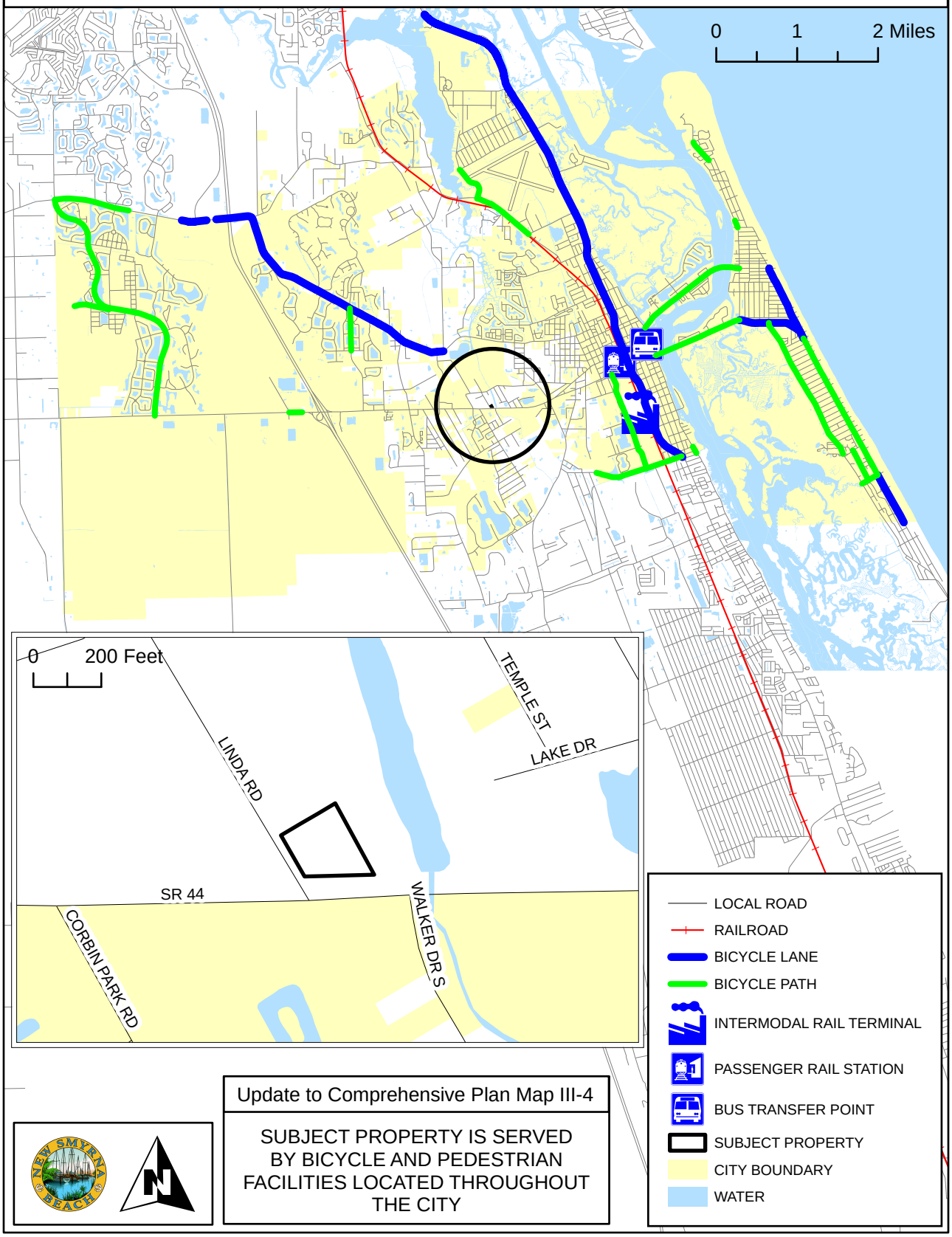


Update to Comprehensive Plan Map III-5

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-8-26

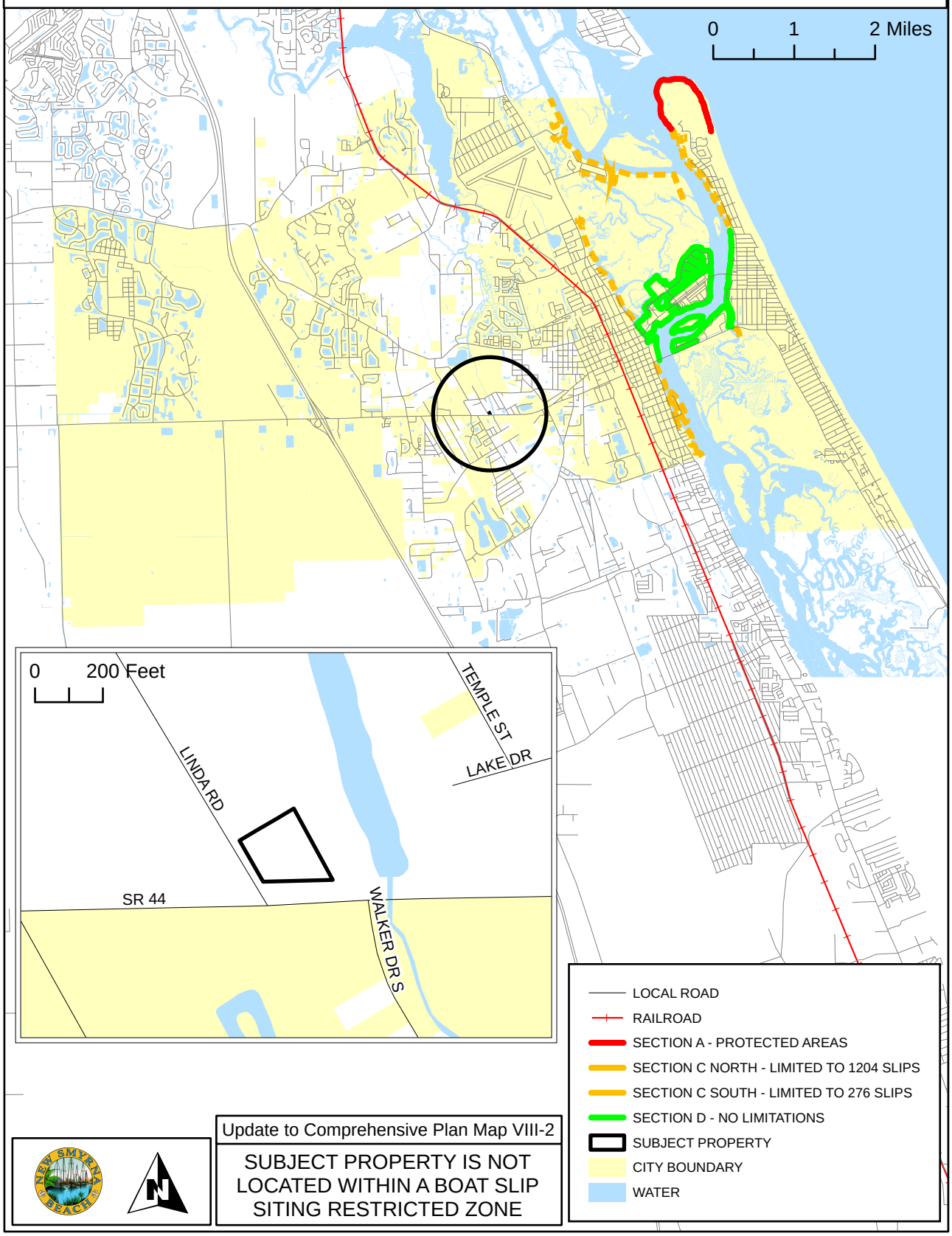


Update to Comprehensive Plan Map III-4

SUBJECT PROPERTY IS SERVED BY BICYCLE AND PEDESTRIAN FACILITIES LOCATED THROUGHOUT THE CITY

BOAT SLIP SITING

A-8-26

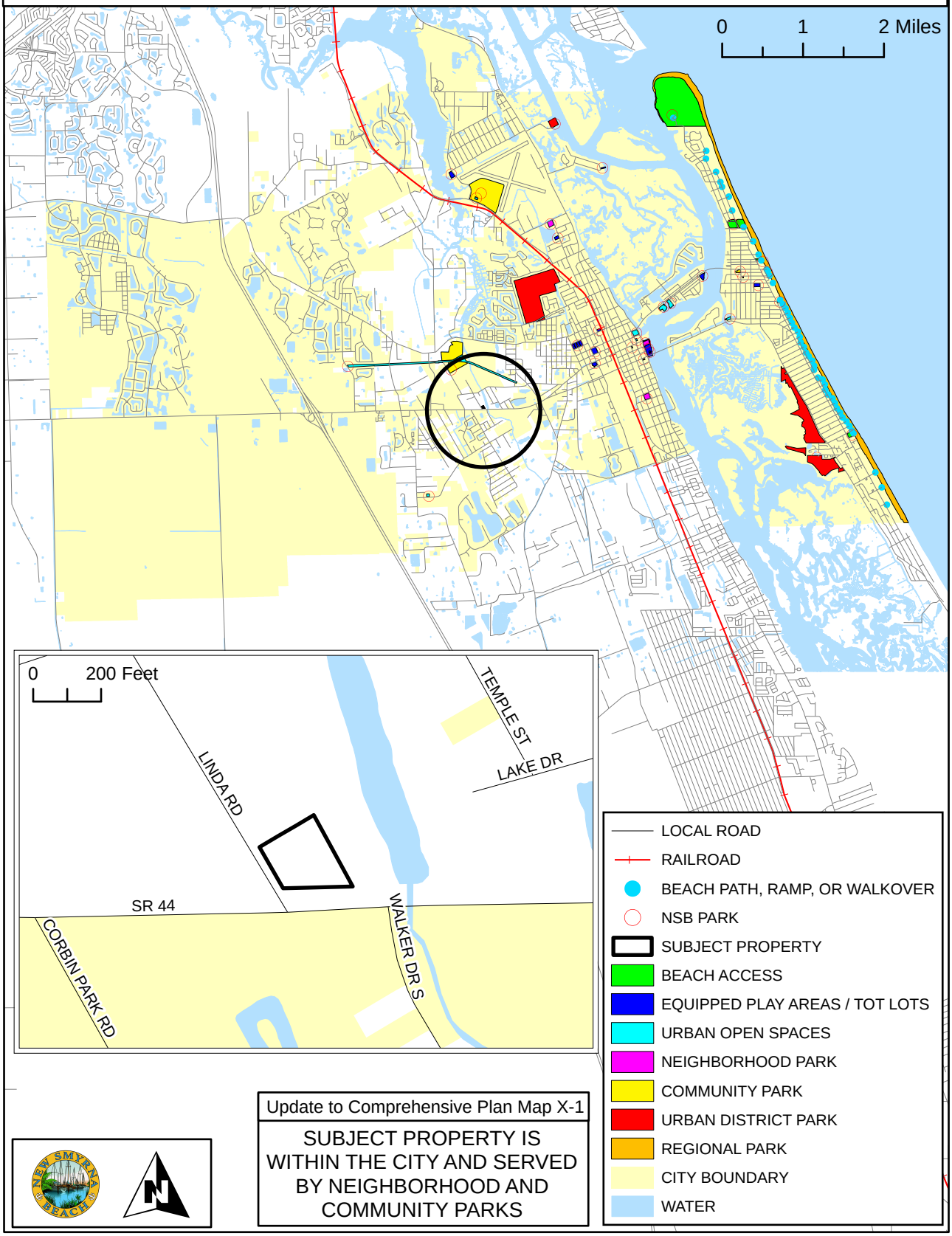


Update to Comprehensive Plan Map VIII-2

SUBJECT PROPERTY IS NOT LOCATED WITHIN A BOAT SLIP SITING RESTRICTED ZONE

CITY PARKS

A-8-26

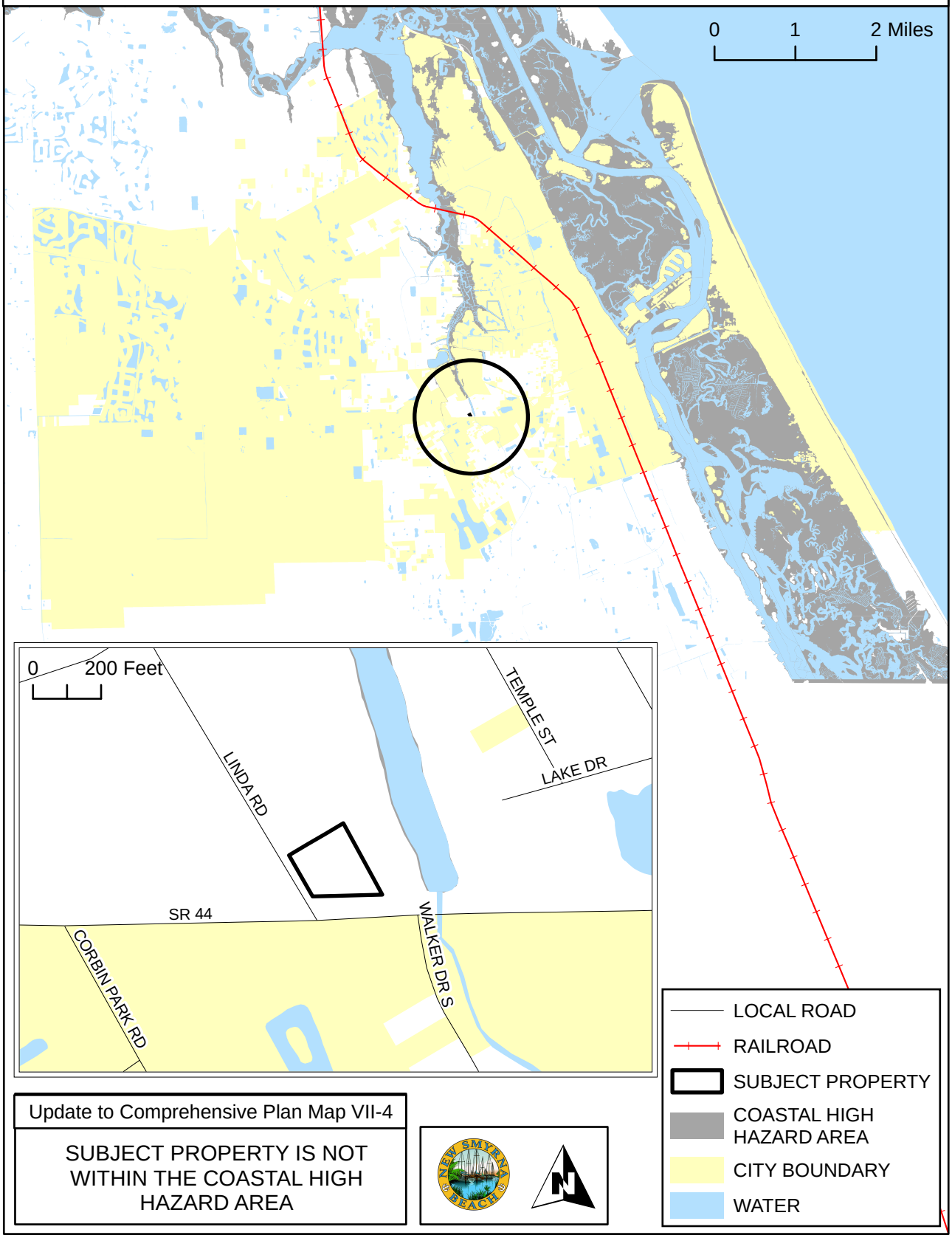


Update to Comprehensive Plan Map X-1

SUBJECT PROPERTY IS WITHIN THE CITY AND SERVED BY NEIGHBORHOOD AND COMMUNITY PARKS

COASTAL HIGH HAZARD AREAS

A-8-26

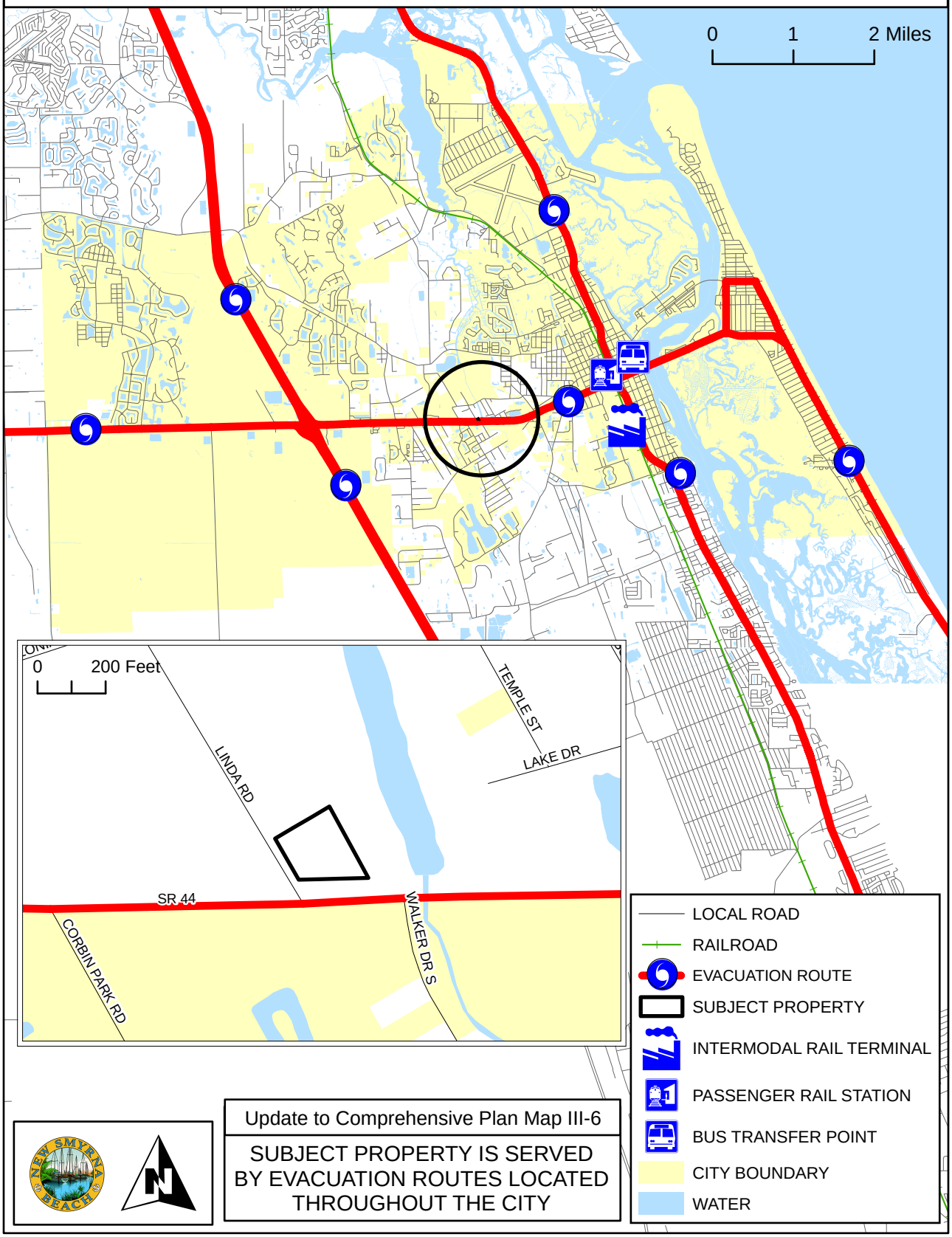


Update to Comprehensive Plan Map VII-4

SUBJECT PROPERTY IS NOT WITHIN THE COASTAL HIGH HAZARD AREA

EVACUATION ROUTES

A-8-26

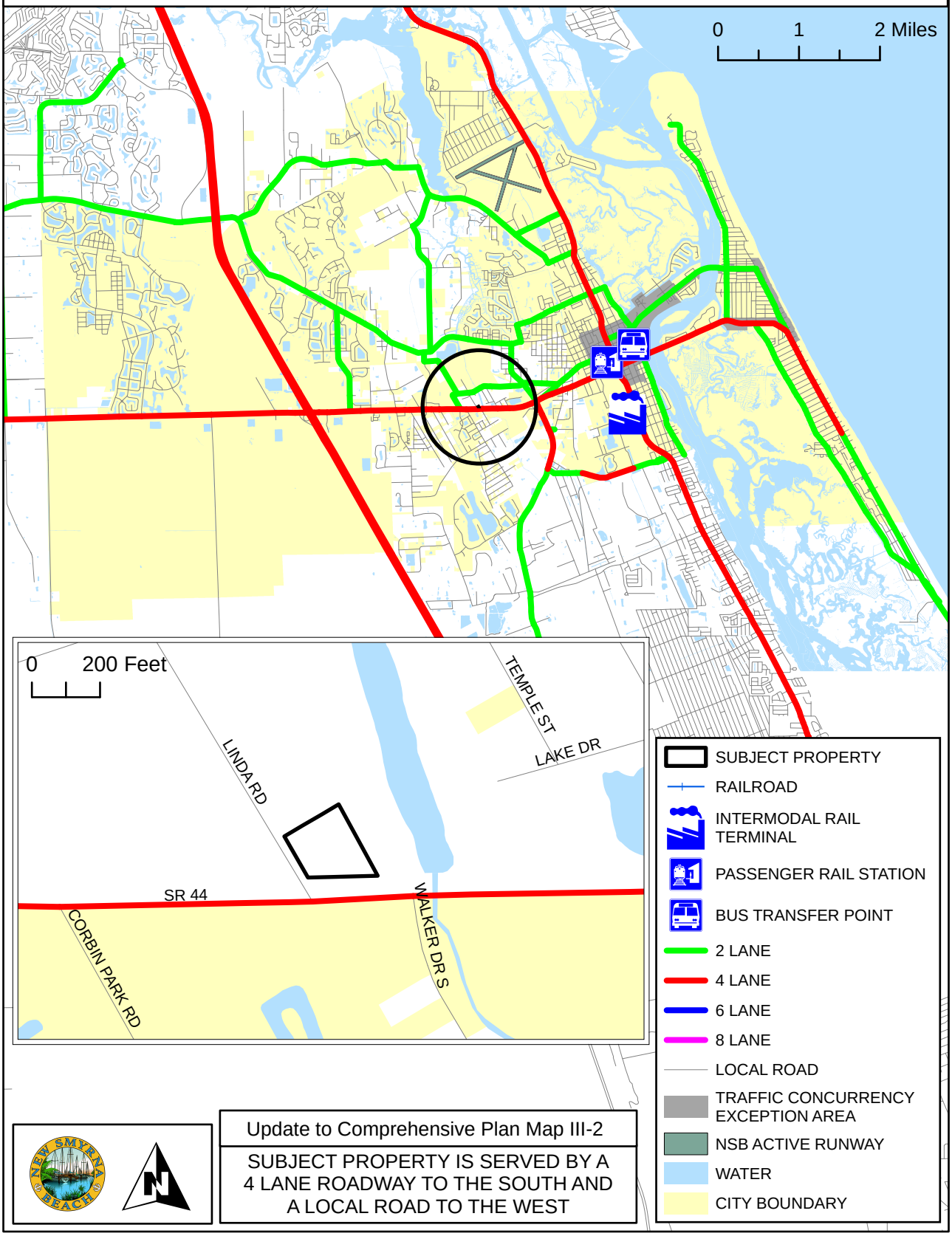


Update to Comprehensive Plan Map III-6

SUBJECT PROPERTY IS SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY

EXISTING TRAFFIC LANES - 2009

A-8-26

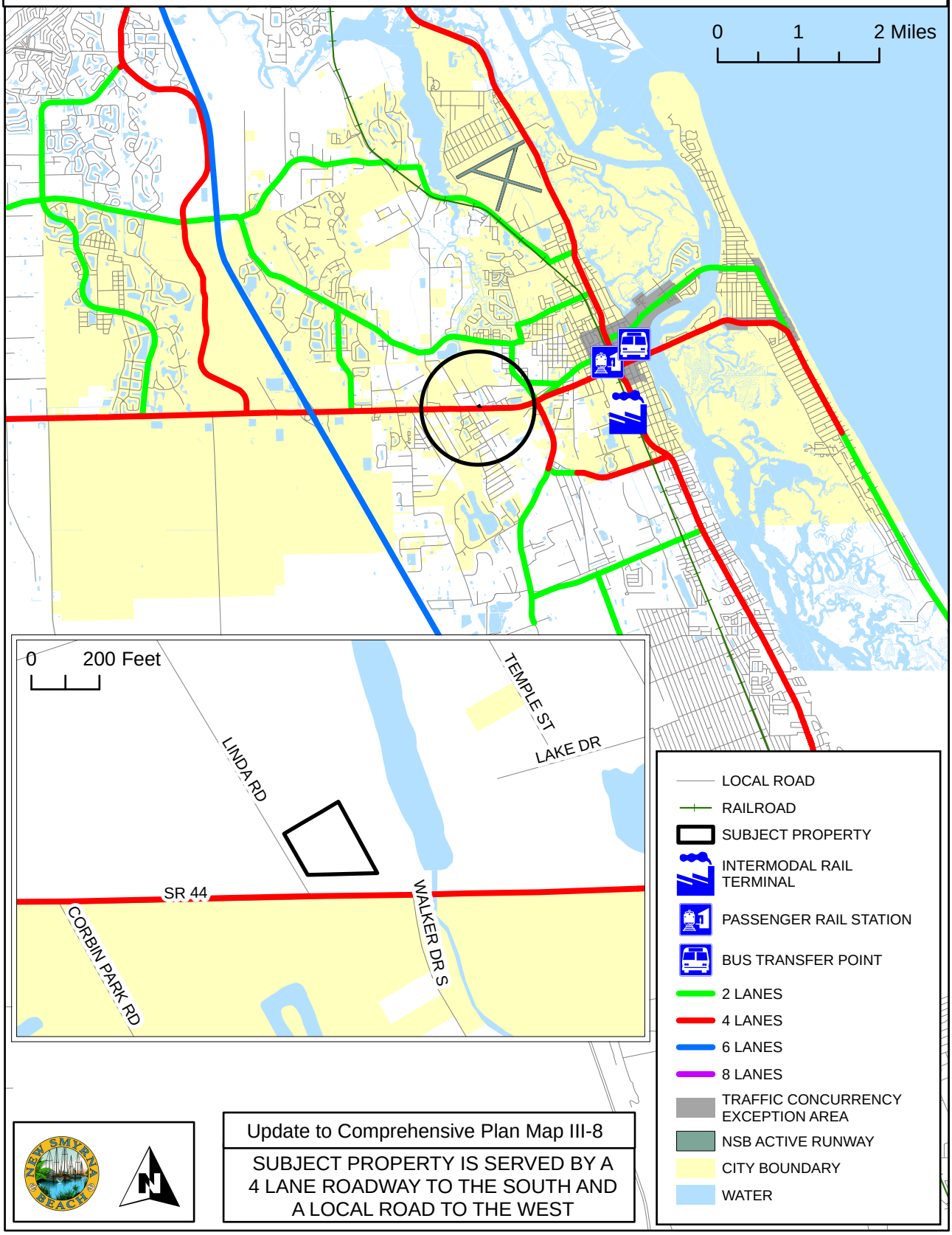


Update to Comprehensive Plan Map III-2

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE SOUTH AND A LOCAL ROAD TO THE WEST

NUMBER OF TRAFFIC LANES - 2025

A-8-26

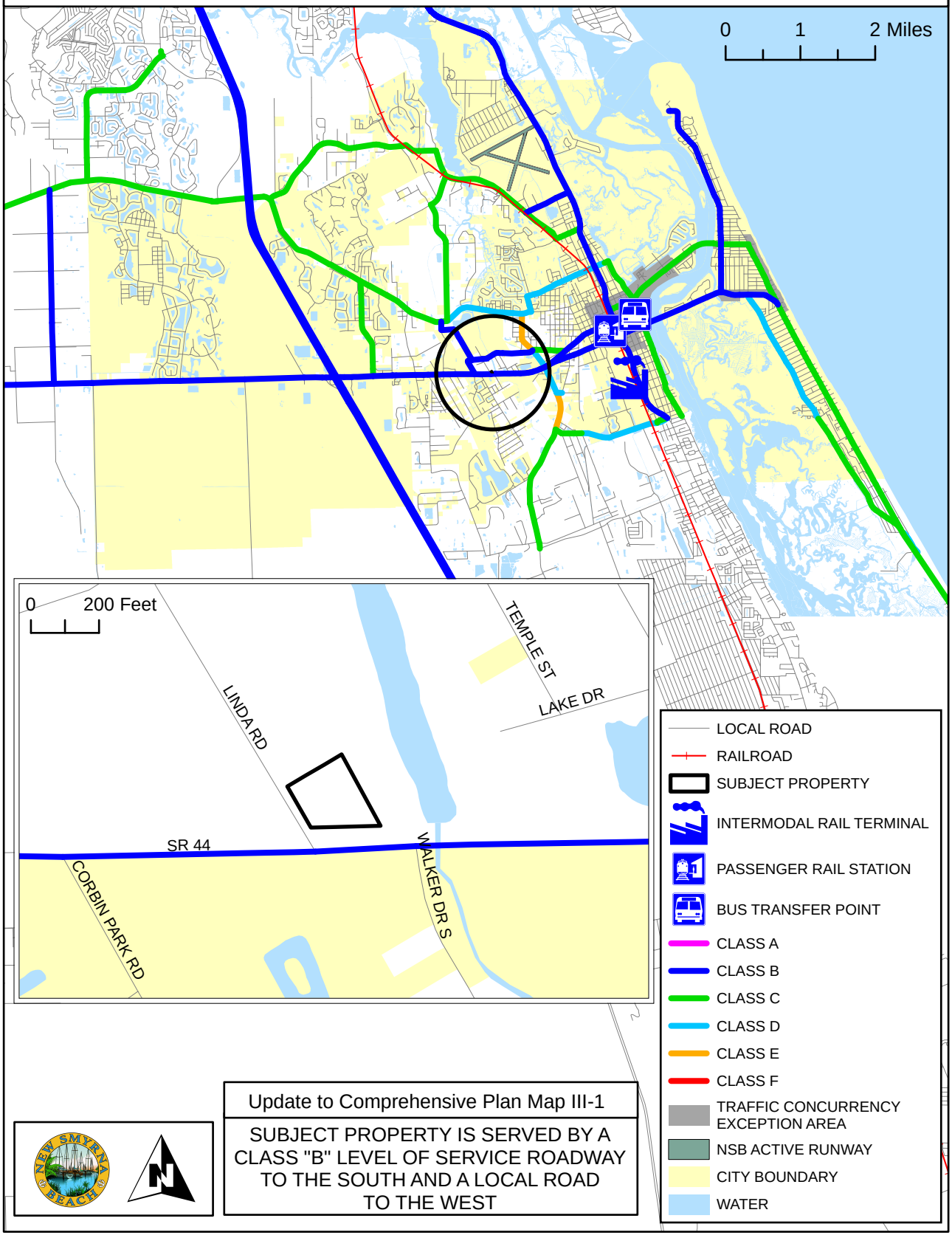


Update to Comprehensive Plan Map III-8

SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE SOUTH AND A LOCAL ROAD TO THE WEST

EXISTING LEVEL OF SERVICE - 2009

A-8-26

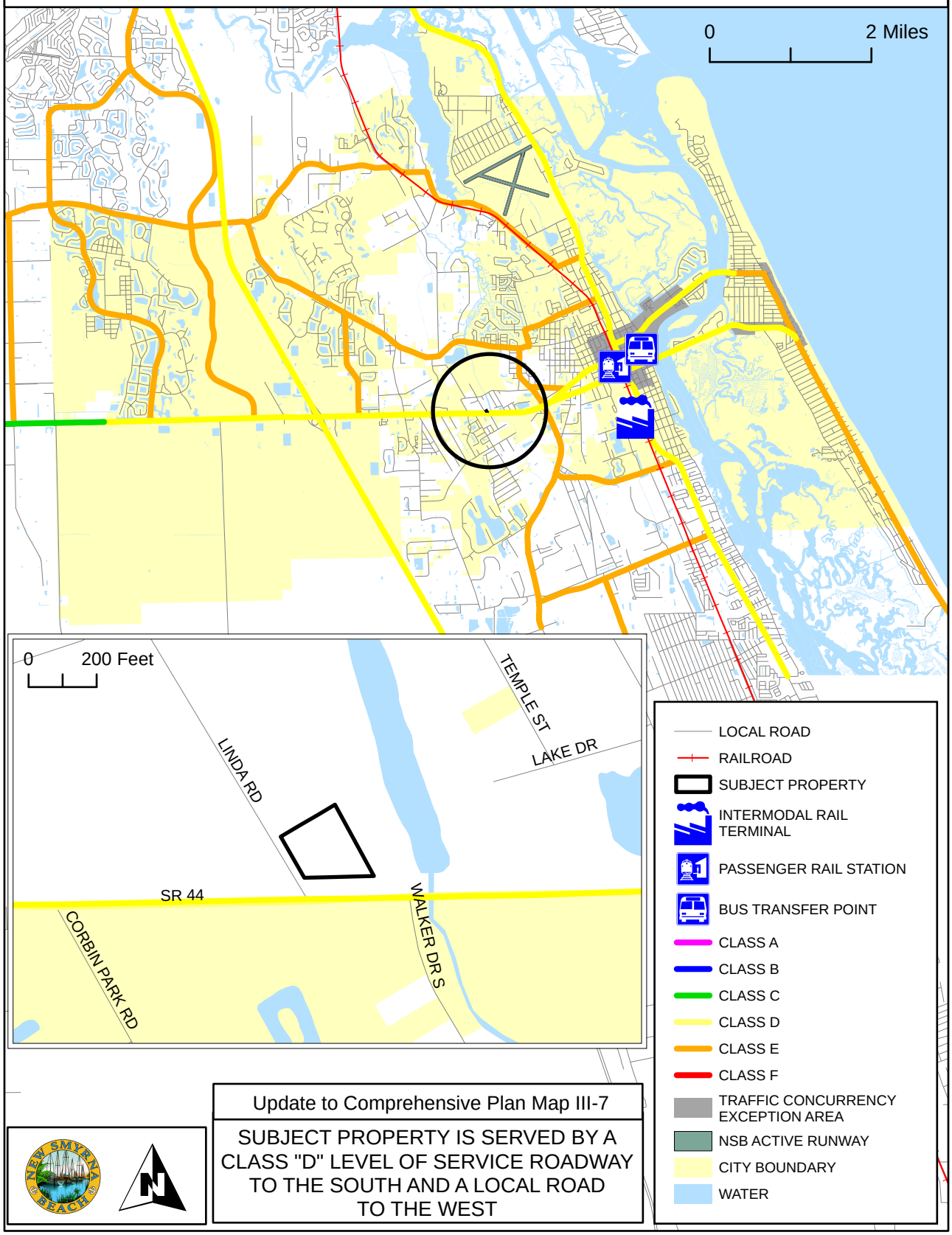


Update to Comprehensive Plan Map III-1

SUBJECT PROPERTY IS SERVED BY A CLASS "B" LEVEL OF SERVICE ROADWAY TO THE SOUTH AND A LOCAL ROAD TO THE WEST

LEVEL OF SERVICE - 2025

A-8-26

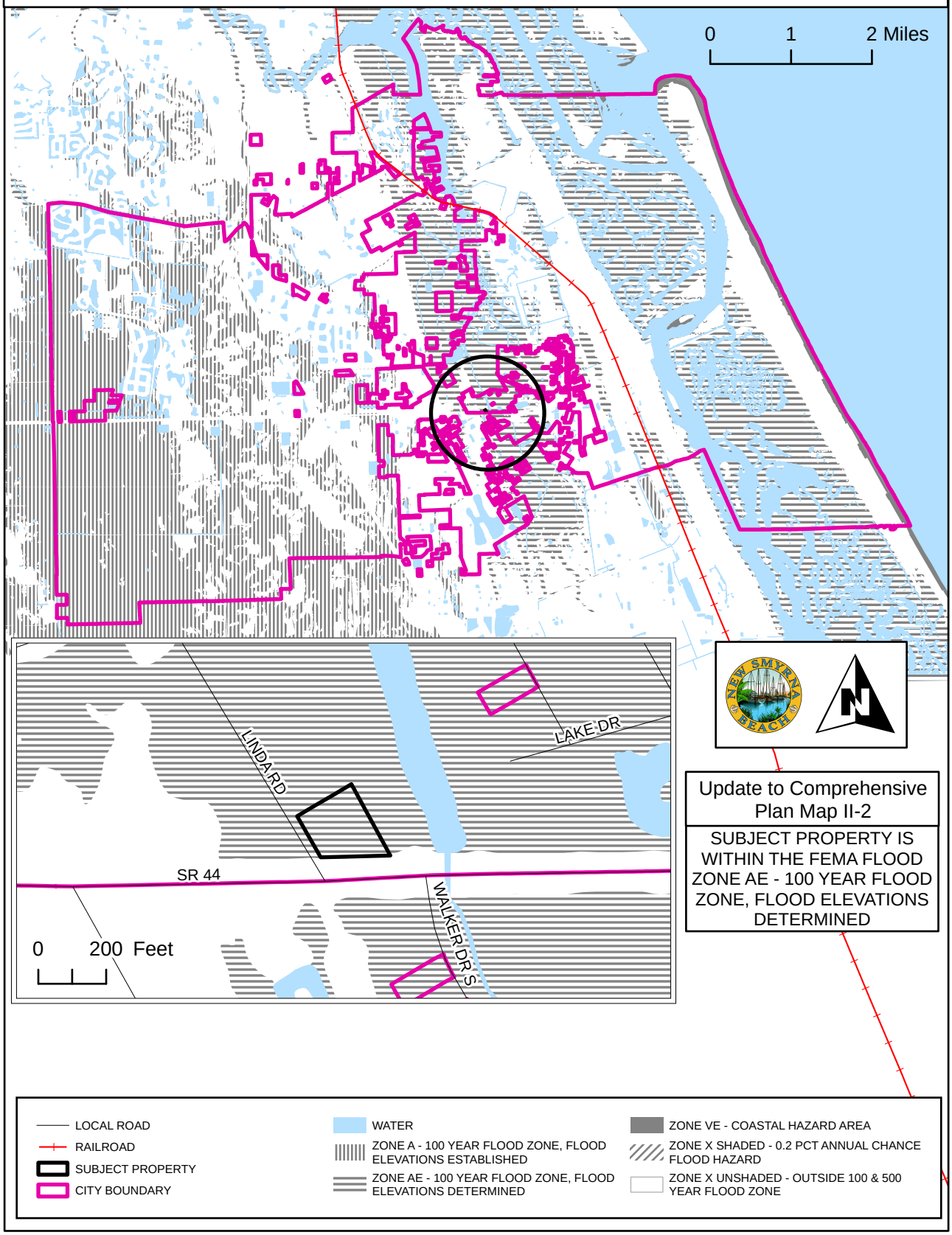


Update to Comprehensive Plan Map III-7

SUBJECT PROPERTY IS SERVED BY A CLASS "D" LEVEL OF SERVICE ROADWAY TO THE SOUTH AND A LOCAL ROAD TO THE WEST

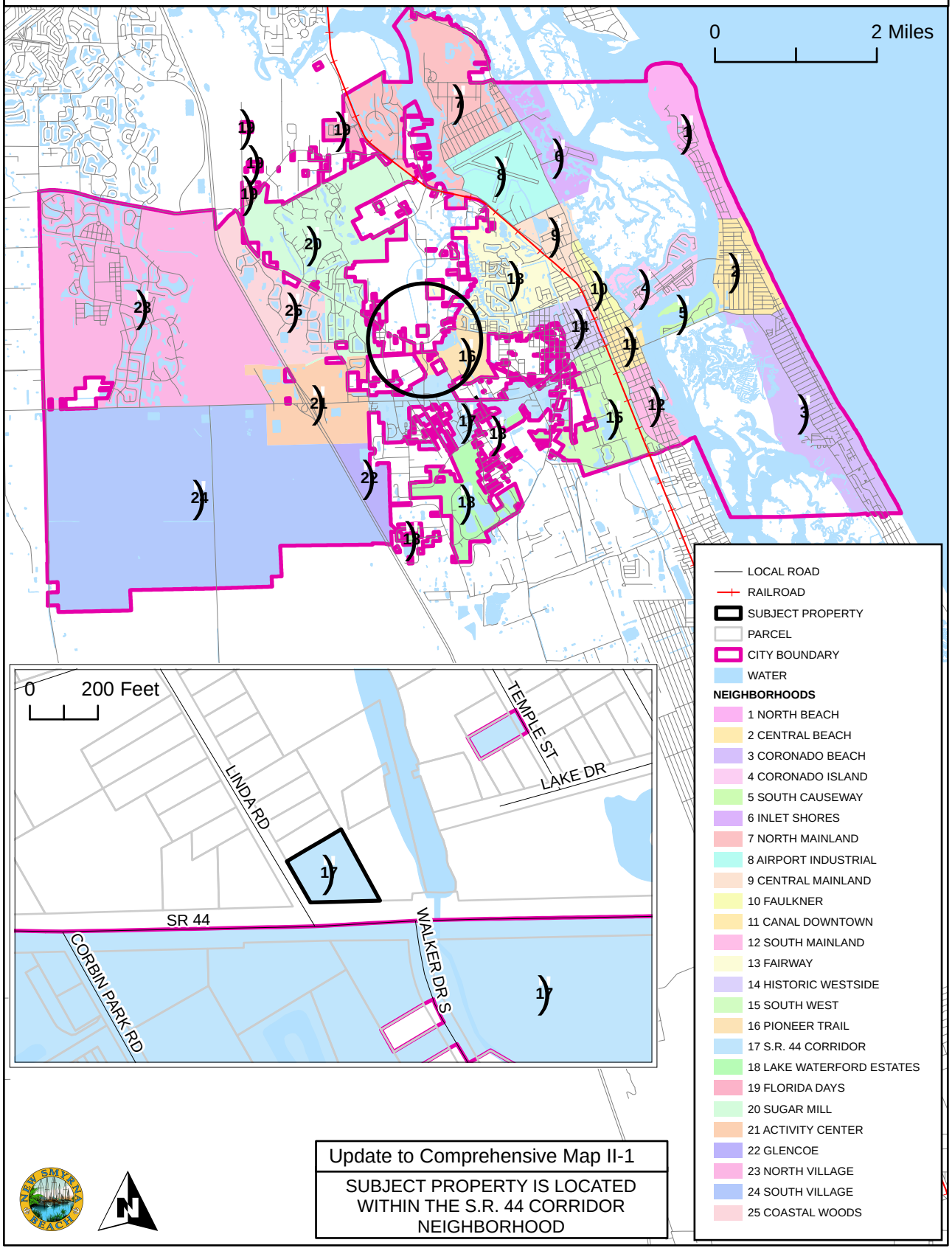
FLOOD PRONE AREAS

A-8-26



NEIGHBORHOODS

A-8-26

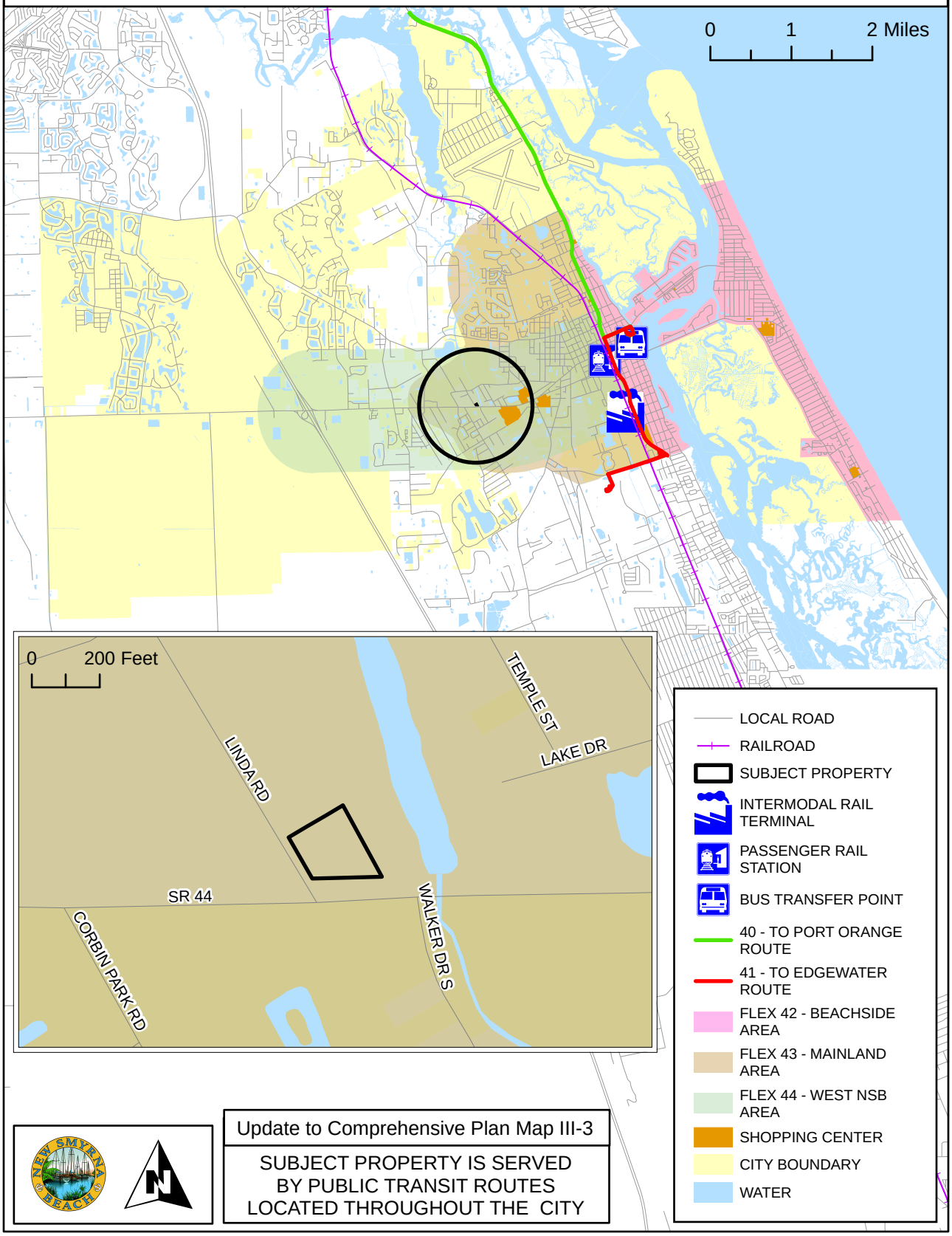


Update to Comprehensive Map II-1

SUBJECT PROPERTY IS LOCATED WITHIN THE S.R. 44 CORRIDOR NEIGHBORHOOD

PUBLIC TRANSIT ROUTES

A-8-26

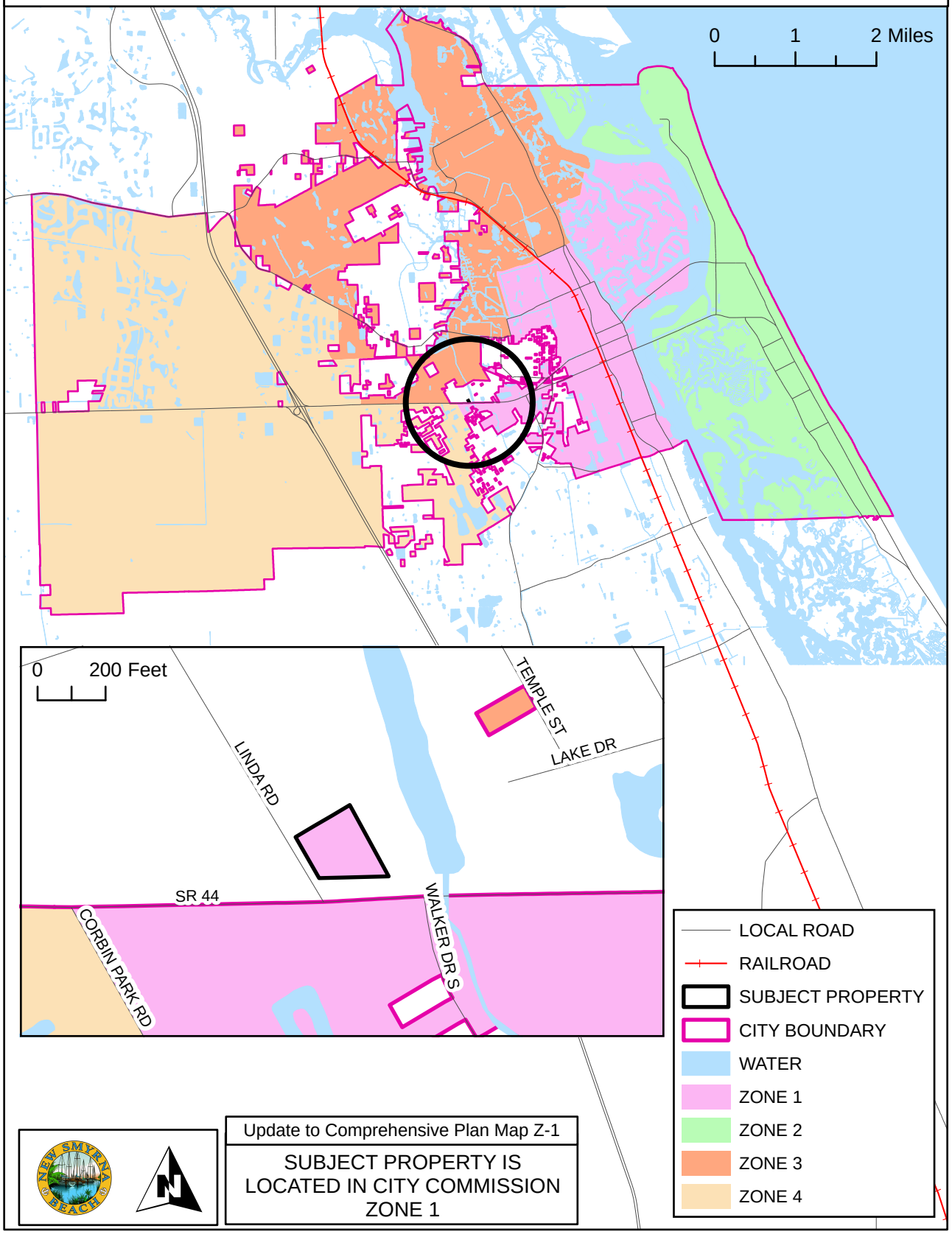


Update to Comprehensive Plan Map III-3

SUBJECT PROPERTY IS SERVED BY PUBLIC TRANSIT ROUTES LOCATED THROUGHOUT THE CITY

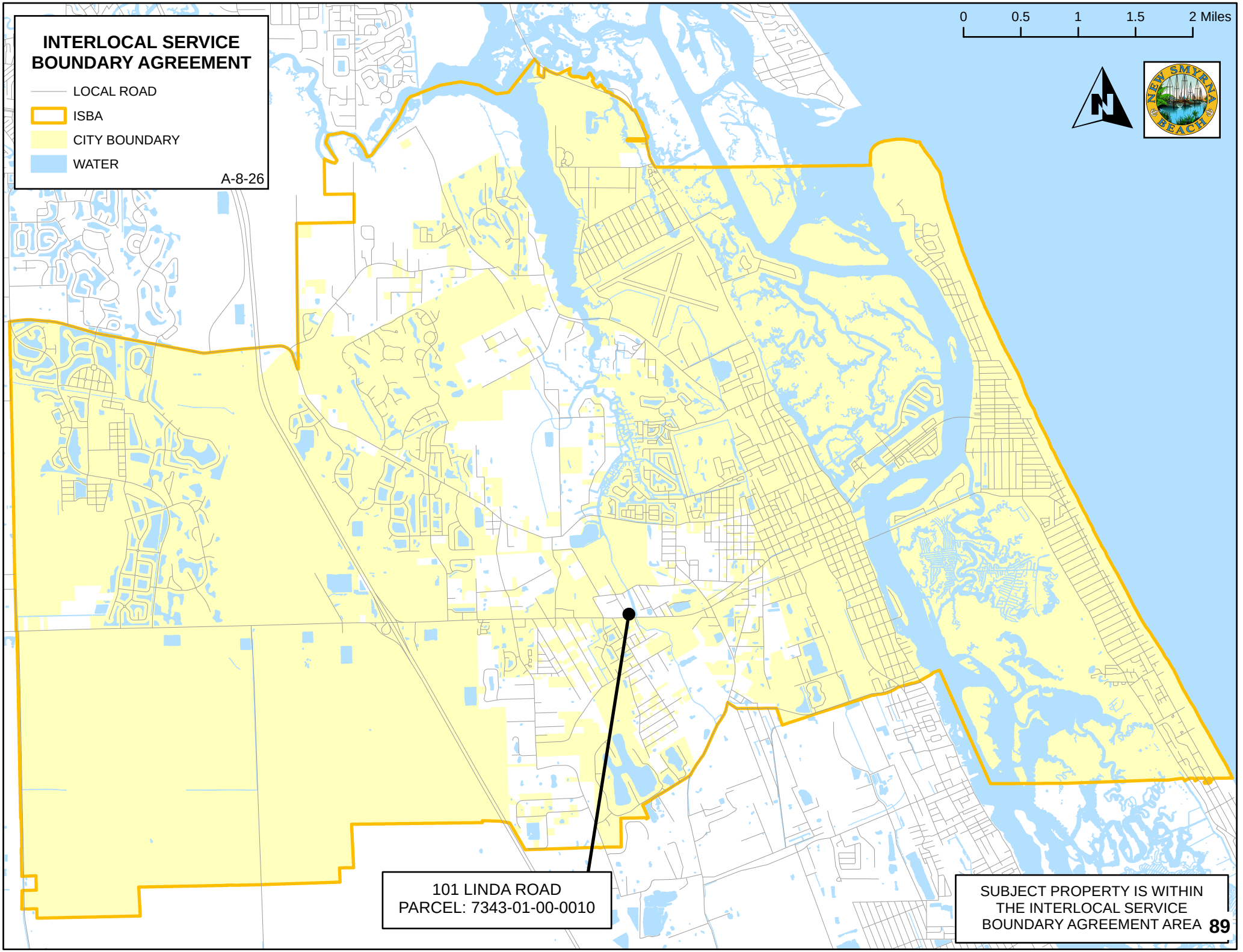
COMMISSION ZONES

A-8-26



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-8-26
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
101 LINDA ROAD
PARCEL: 7343-01-00-0010
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT AREA

LEGAL DESCRIPTION

Address:
101 Linda Road, New Smyrna Beach, Florida 32168

Parcel Number
7343-01-00-0010

AltKey Number:
3728912

Metes and Bounds by Professional Title Agency:
LOT 1, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 81 PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

EXCEPTING THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES: COMMENCE AT A POINT 155.39 FEET NORTH 29 DEGREES 50 MINUTES 50 SECONDS WEST FROM THE SOUTHEAST CORNER OF LOT 1, KENNEDY PARK, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 19, PAGE 282, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 23.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 70.15 FEET; THENCE RUN NORTH 1 DEGREE 23 MINUTES 35 WEST, A DISTANCE OF 50 FEET TO THE EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN NORTH 13 DEGREES 10 MINUTES 10 SECONDS EAST, A DISTANCE OF 32.98 FEET; THENCE RUN NORTH 15 DEGREES 01 MINUTES 27 SECONDS WEST, A DISTANCE OF 25.85 FEET; THENCE RUN NORTH 60 DEGREES 13 MINUTES 25 SECONDS EAST, A DISTANCE OF 30 FEET; THENCE RUN SOUTH 46 DEGREES 18 MINUTES 04 SECONDS EAST, A DISTANCE OF 26.08 FEET; THENCE RUN SOUTH 29 DEGREES 46 MINUTES 35 SECONDS EAST, A DISTANCE OF 48.69 FEET TO THE SAID EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN SOUTH 1 DEGREE 23 MINUTES 35 SECONDS EAST, A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.

AND LOTS 2 AND 3, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 81 PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
EXCEPTING FROM ALL OF THE ABOVE THAT PORTION OF SAID LOTS TAKEN FOR WIDENING OF STATE ROAD NO. 44.

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.: NS932605017

APN/Parcel ID(s): 7343-01-00-0010

WARRANTY DEED

THIS WARRANTY DEED dated July 9, 2026 by William H. Stagina, a married man, 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 101 Linda Road, 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 1, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 8, PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
EXCEPTING THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES: COMMENCE AT A POINT 155.39 FEET NORTH 29 DEGREES 50 MINUTES 50 SECONDS WEST FROM THE SOUTHEAST CORNER OF LOT 1, KENNEDY PARK, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 19, PAGE 282, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 23.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 70.15 FEET; THENCE RUN NORTH 1 DEGREE 23 MINUTES 35 WEST, A DISTANCE OF 50 FEET TO THE EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN NORTH 13 DEGREES 10 MINUTES 10 SECONDS EAST, A DISTANCE OF 32.98 FEET; THENCE RUN NORTH 15 DEGREES 01 MINUTES 27 SECONDS WEST, A DISTANCE OF 25.85 FEET; THENCE RUN NORTH 60 DEGREES 13 MINUTES 25 SECONDS EAST, A DISTANCE OF 30 FEET; THENCE RUN SOUTH 46 DEGREES 18 MINUTES 04 SECONDS EAST, A DISTANCE OF 26.08 FEET; THENCE RUN SOUTH 29 DEGREES 46 MINUTES 35 SECONDS EAST, A DISTANCE OF 48.69 FEET TO THE SAID EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN SOUTH 1 DEGREE 23 MINUTES 35 SECONDS EAST, A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.
AND LOTS 2 AND 3, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 8, PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA
EXCEPTING FROM ALL OF THE ABOVE THAT PORTION OF SAID LOTS TAKEN FOR WIDENING OF STATE ROAD NO. 44.

WARRANTY DEED
(continued)

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any member of the household of Grantor(s) reside thereon.

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, 2025.

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:

Lorraine E Banks
Witness Signature

Lorraine E Banks
Print Name

Address: 4044 Portland Ridge Pl
Florissant MO 63034

William H. Stagina
William H. Stagina

Address: 2721 Hillcroft Dr
Wildwood, MO 63005

Adonica Lanette Banks
Witness Signature

Adonica Lanette Banks
Print Name

Address: 1650 Beale ST
St Charles, MO 63303

State of ~~Florida~~ MO AMB
County of ~~Volusia~~ St louis AMB

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 29 day of ~~July~~ June, 2026, by William H. Stagina, to me known to be the person(s) described in or who has/have produced MO DL as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

Adonica Lanette Banks
NOTARY PUBLIC
My Commission Expires: 11/29/2028

ADONICA LANETTE BANKS
Notary Public - Notary Seal
St Charles County - State of Missouri
Commission Number 16400238
My Commission Expires Nov 29, 2028

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 64-26 Small Scale - 101 Linda Rd.

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 64-26 amends the City Comprehensive Plan to include the property annexed in Ordinance 63-26 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. 64-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH AMENDING THE COMPREHENSIVE PLAN; CHANGING THE FUTURE LAND USE DESIGNATION OF .8± ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF LINDA ROAD AND STATE ROAD 44, 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 .8± acres of property generally located on the northeast corner of Linda Road and State Road 44, from Volusia County *Urban Medium Intensity* to City *Conservation*; to amend City Neighborhood Map II-1 to show the subject property is located within S.R. 44 Corridor 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 south 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 south 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 south 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 south 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 soils with 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 September 14, 2026, 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 S. R. 44 Corridor 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 south 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 south 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 south 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 south 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 November 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: 10/19/2024

EXHIBIT "A"

EXISTING FUTURE LAND USE DESIGNATIONS

A-8-26

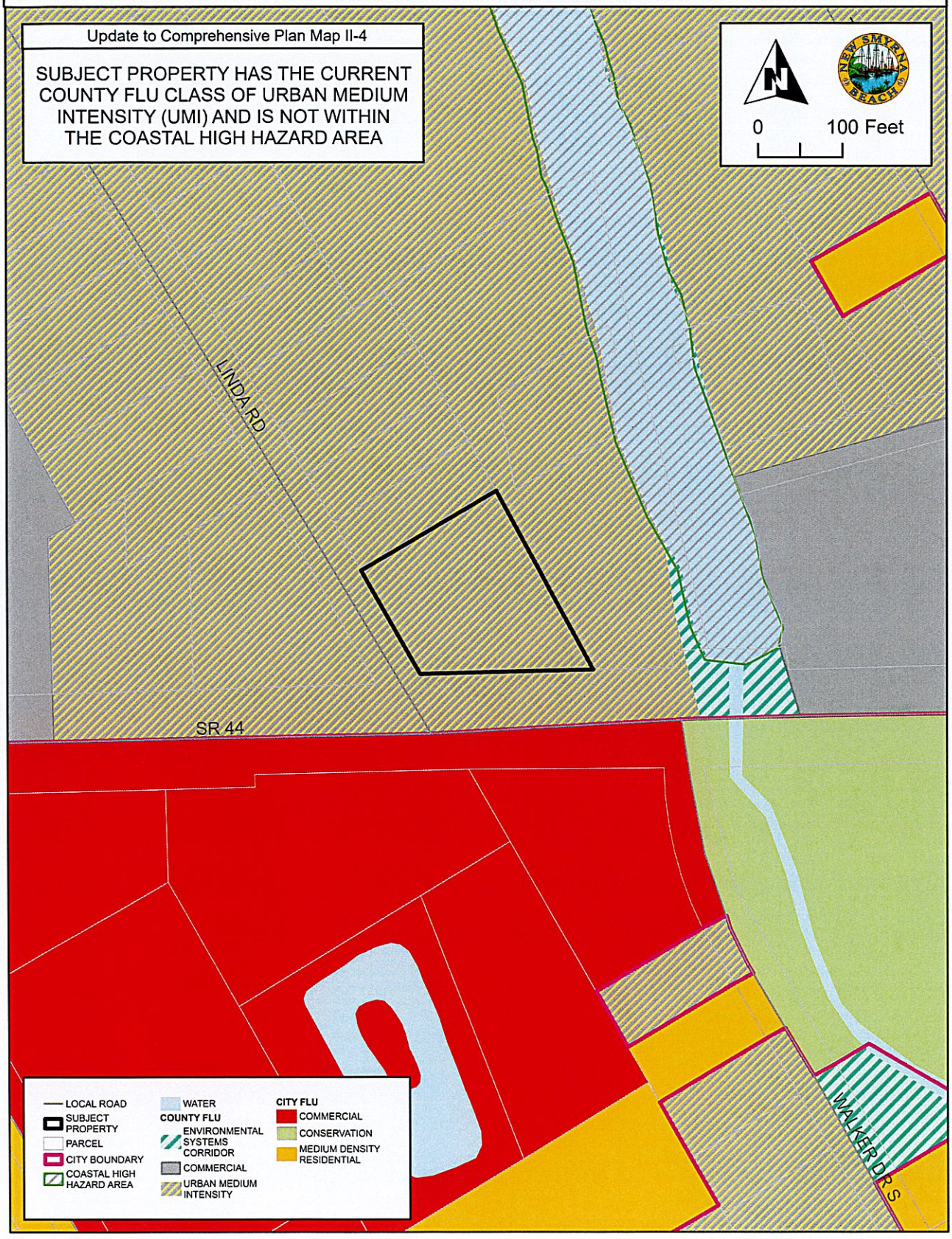


EXHIBIT "A"

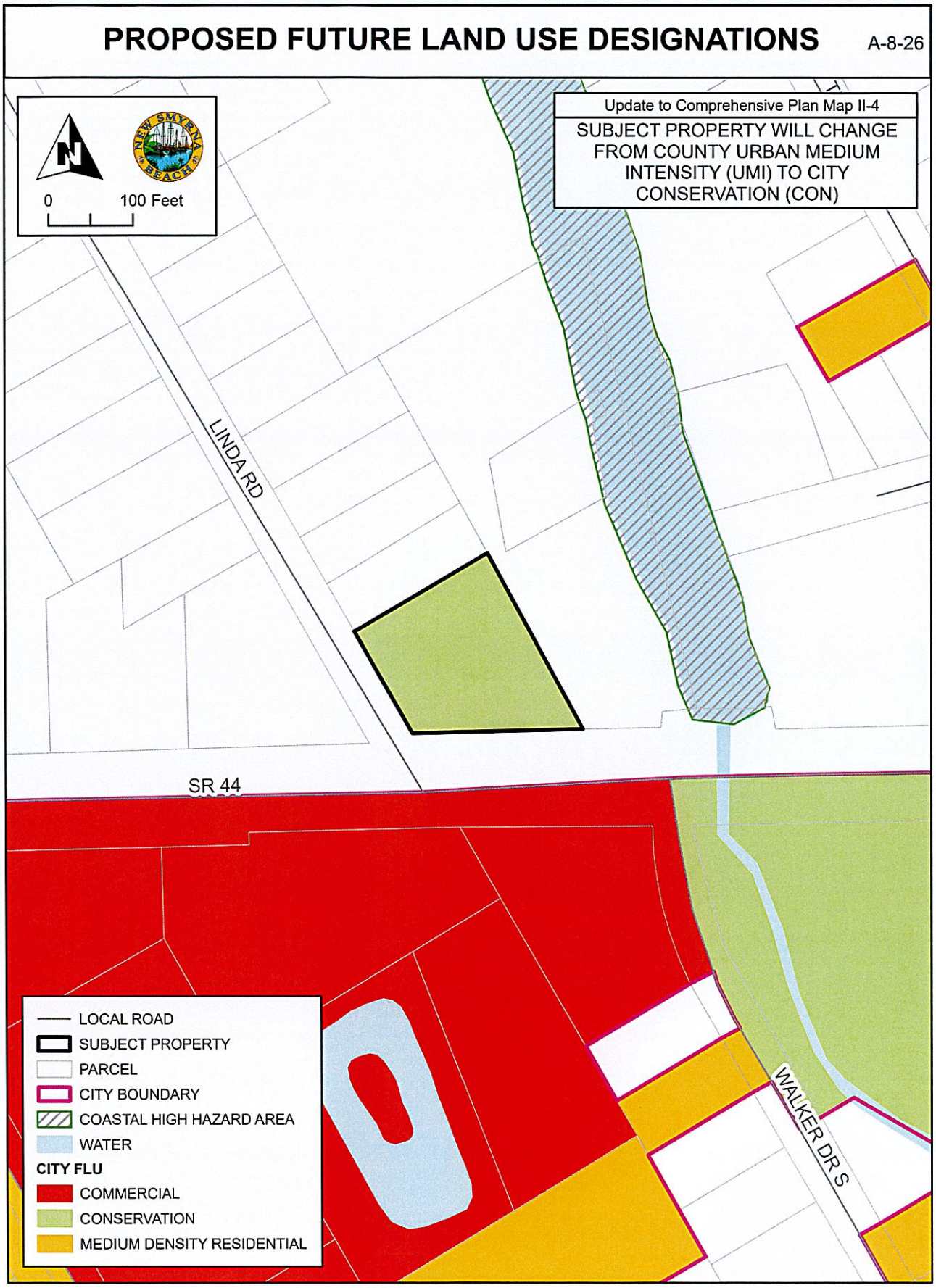

PROPOSED FUTURE LAND USE DESIGNATIONS
A-8-26
0
100 Feet
Update to Comprehensive Plan Map II-4
SUBJECT PROPERTY WILL CHANGE FROM COUNTY URBAN MEDIUM INTENSITY (UMI) TO CITY CONSERVATION (CON)
LINDA RD
SR 44
WALKER DR S
LOCAL ROAD
SUBJECT PROPERTY
PARCEL
CITY BOUNDARY
COASTAL HIGH HAZARD AREA
WATER
CITY FLU
COMMERCIAL
CONSERVATION
MEDIUM DENSITY RESIDENTIAL

EXHIBIT "B"

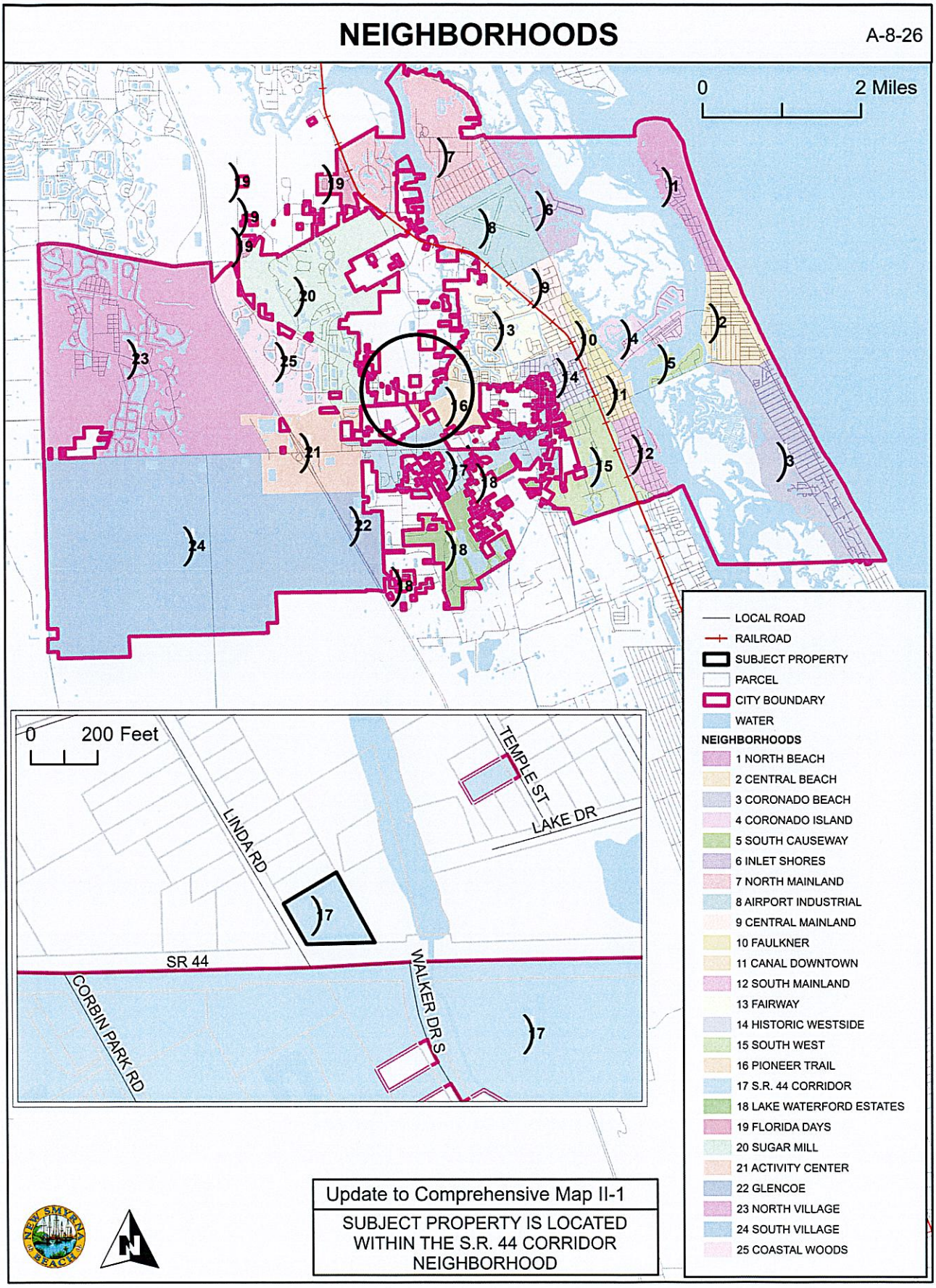

NEIGHBORHOODS
A-8-26
0
2 Miles
0
200 Feet
LINDA RD
TEMPLE ST
LAKE DR
SR 44
CORBIN PARK RD
WALKER DR S
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
PARCEL
CITY BOUNDARY
WATER
NEIGHBORHOODS
1 NORTH BEACH
2 CENTRAL BEACH
3 CORONADO BEACH
4 CORONADO ISLAND
5 SOUTH CAUSEWAY
6 INLET SHORES
7 NORTH MAINLAND
8 AIRPORT 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
Update to Comprehensive Map II-1
SUBJECT PROPERTY IS LOCATED WITHIN THE S.R. 44 CORRIDOR NEIGHBORHOOD

EXHIBIT "C"

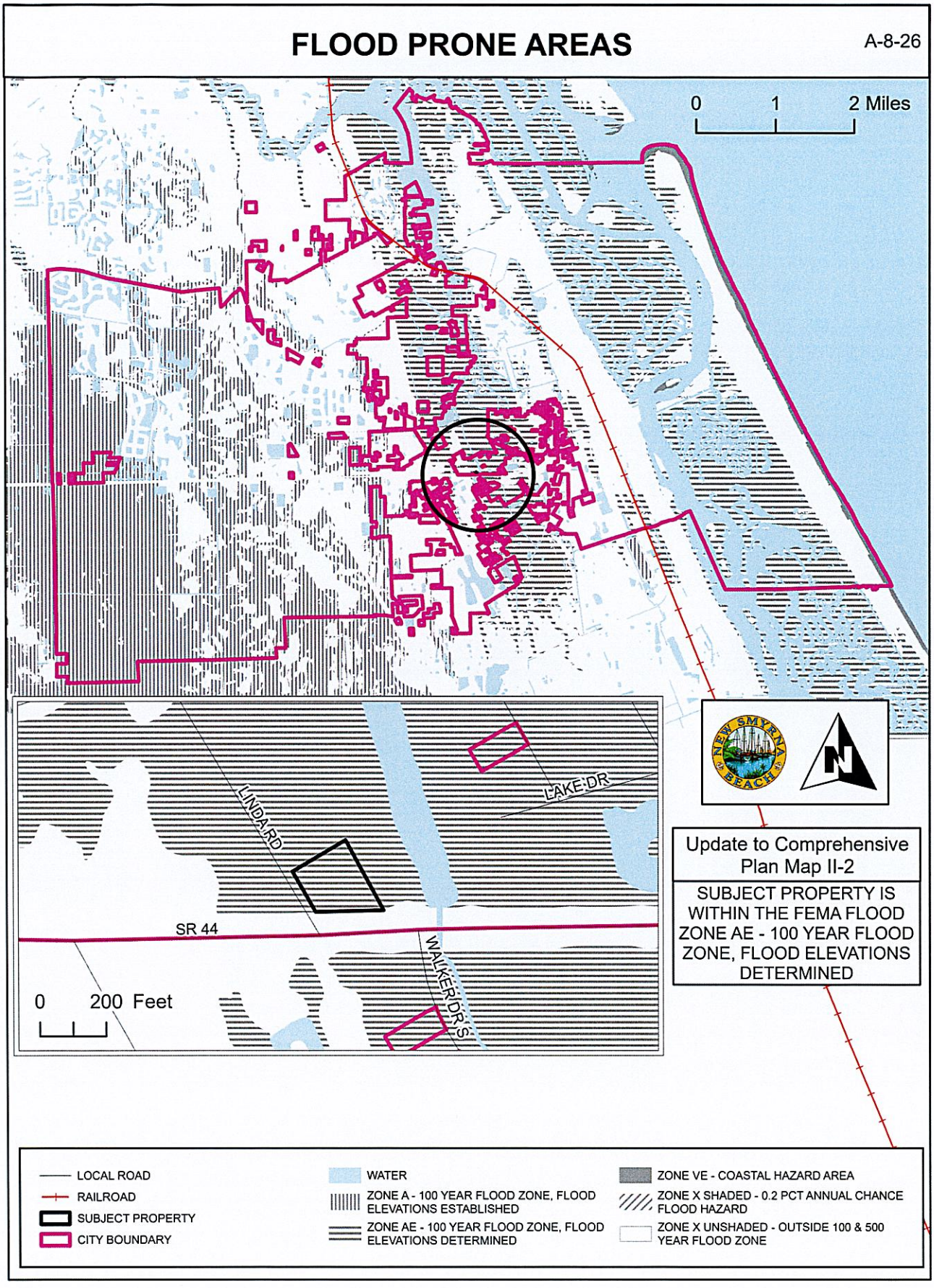

FLOOD PRONE AREAS
A-8-26
0 1 2 Miles
LINDA RD
LAKE DR
SR 44
WALKER DR S
0 200 Feet
Update to Comprehensive Plan Map II-2
SUBJECT PROPERTY IS WITHIN THE FEMA FLOOD ZONE AE - 100 YEAR FLOOD ZONE, FLOOD ELEVATIONS DETERMINED
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
CITY BOUNDARY
WATER
ZONE A - 100 YEAR FLOOD 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"

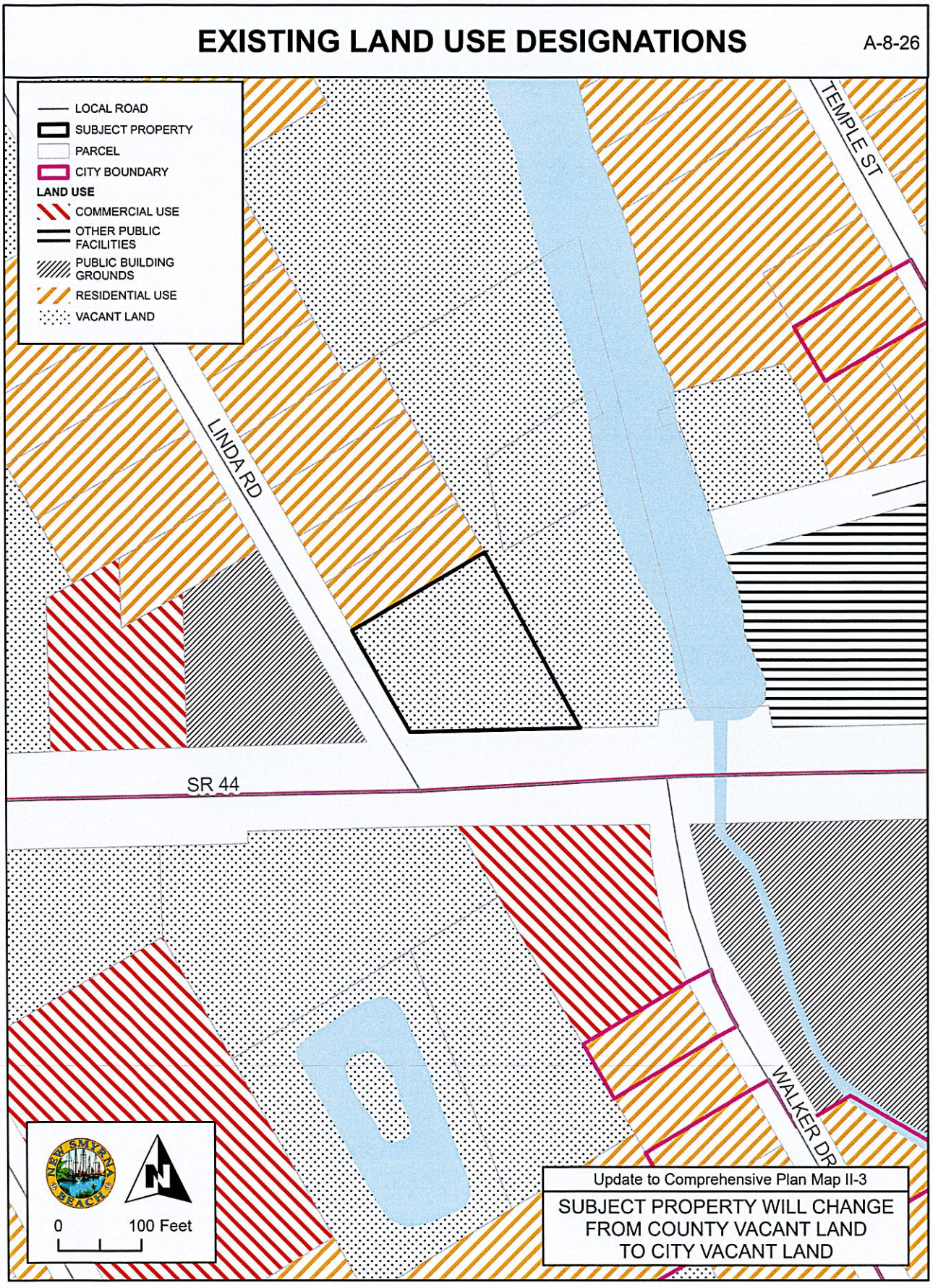

EXISTING LAND USE DESIGNATIONS
A-8-26
LOCAL ROAD
SUBJECT PROPERTY
PARCEL
CITY BOUNDARY
LAND USE
COMMERCIAL USE
OTHER PUBLIC FACILITIES
PUBLIC BUILDING GROUNDS
RESIDENTIAL USE
VACANT LAND
TEMPLE ST
LINDA RD
SR 44
WALKER DR
NEW SMYRNA BEACH
0
100 Feet
Update to Comprehensive Plan Map II-3
SUBJECT PROPERTY WILL CHANGE FROM COUNTY VACANT LAND TO CITY VACANT LAND

EXHIBIT "E"

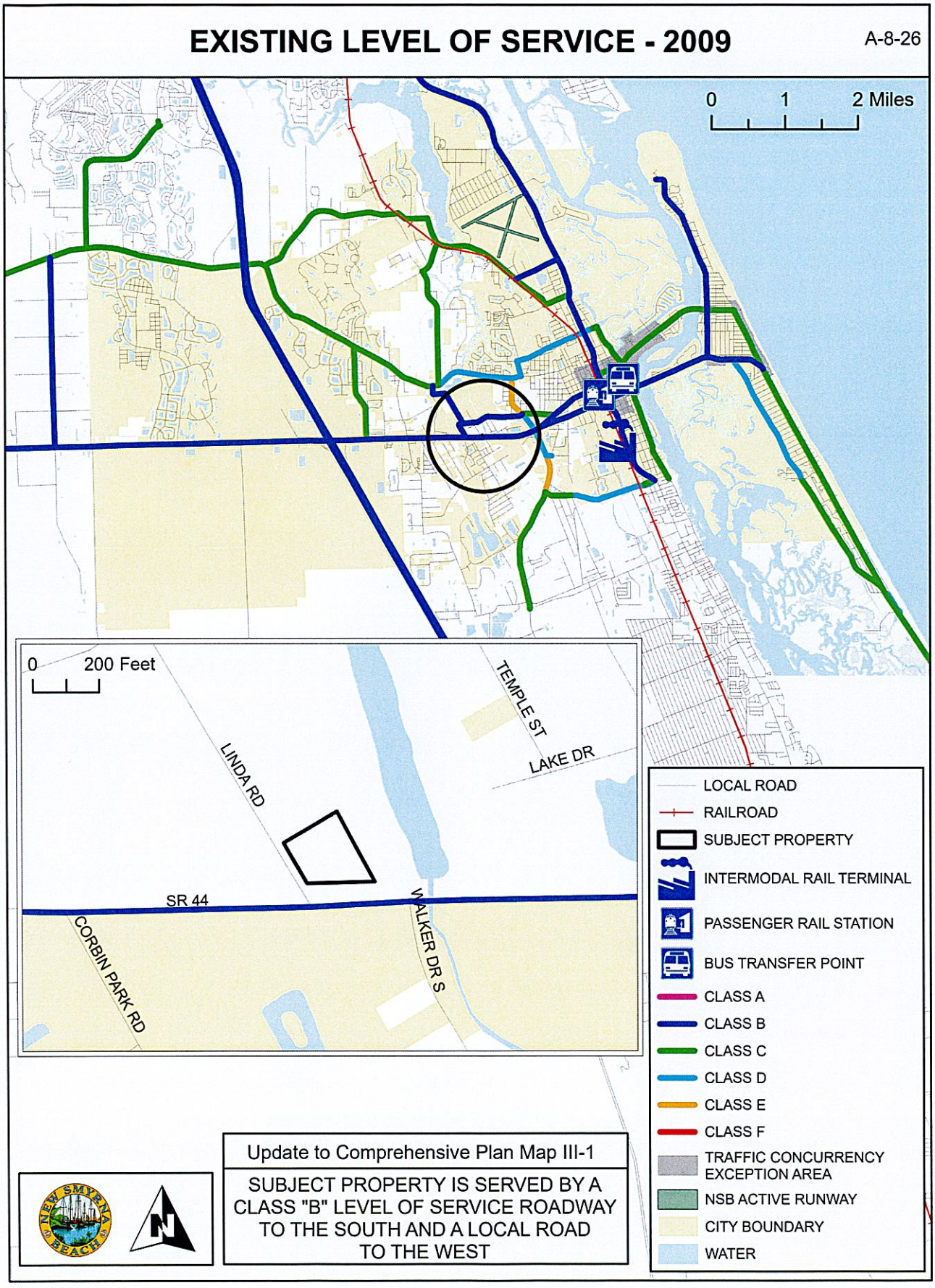

EXISTING LEVEL OF SERVICE - 2009
A-8-26
0 1 2 Miles
0 200 Feet
TEMPLE ST
LAKE DR
LINDA RD
SR 44
CORBIN PARK RD
WALKER DR S
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
CLASS A
CLASS B
CLASS C
CLASS D
CLASS E
CLASS F
TRAFFIC CONCURRENCY EXCEPTION 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 SOUTH AND A LOCAL ROAD TO THE WEST

EXHIBIT "F"

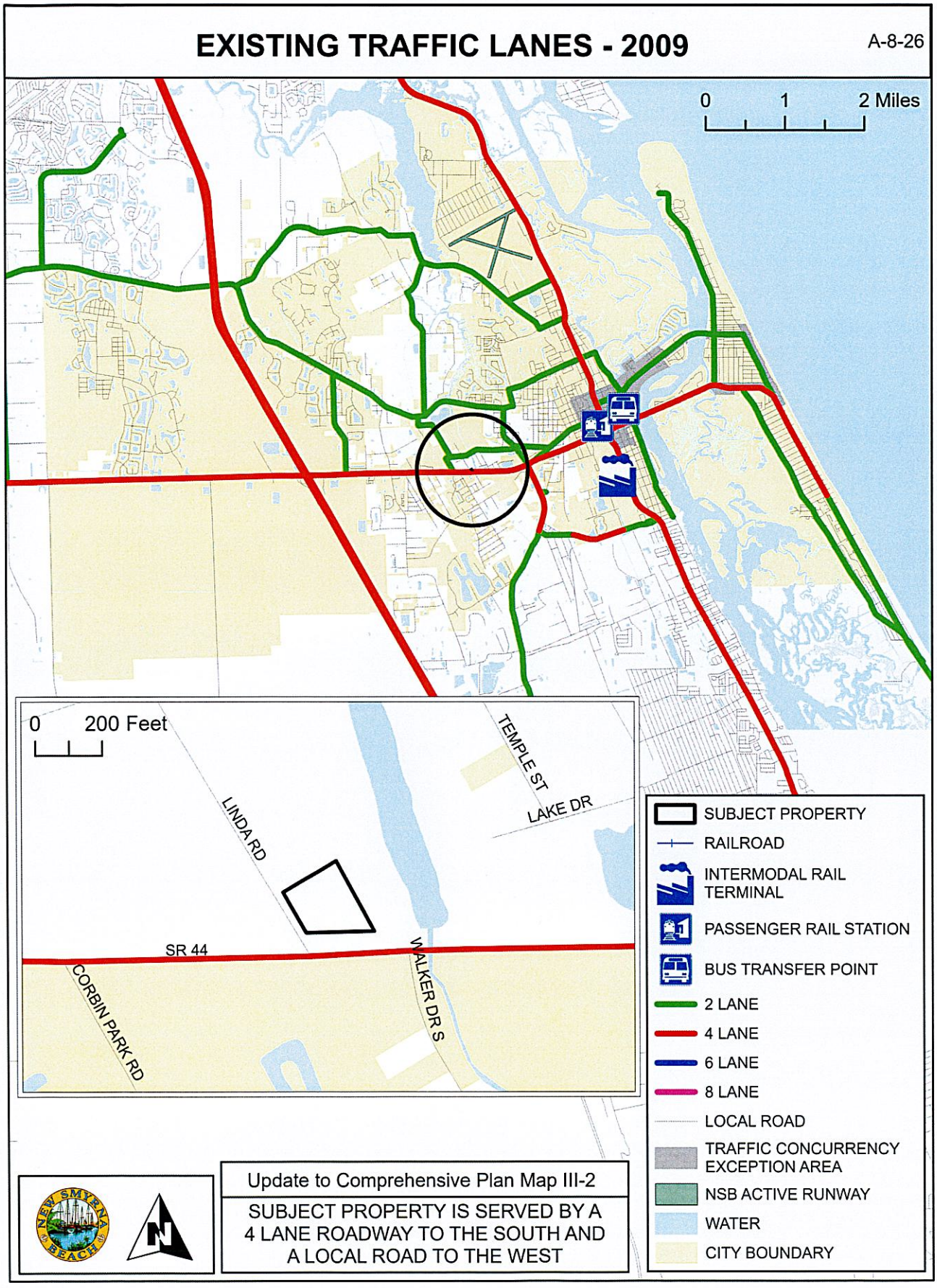

EXISTING TRAFFIC LANES - 2009
A-8-26
0 1 2 Miles
0 200 Feet
TEMPLE ST
LAKE DR
LINDA RD
SR 44
CORBIN PARK RD
WALKER DR S
SUBJECT PROPERTY
RAILROAD
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
2 LANE
4 LANE
6 LANE
8 LANE
LOCAL ROAD
TRAFFIC CONCURRENCY EXCEPTION AREA
NSB ACTIVE RUNWAY
WATER
CITY BOUNDARY
Update to Comprehensive Plan Map III-2
SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE SOUTH AND A LOCAL ROAD TO THE WEST

EXHIBIT "G"

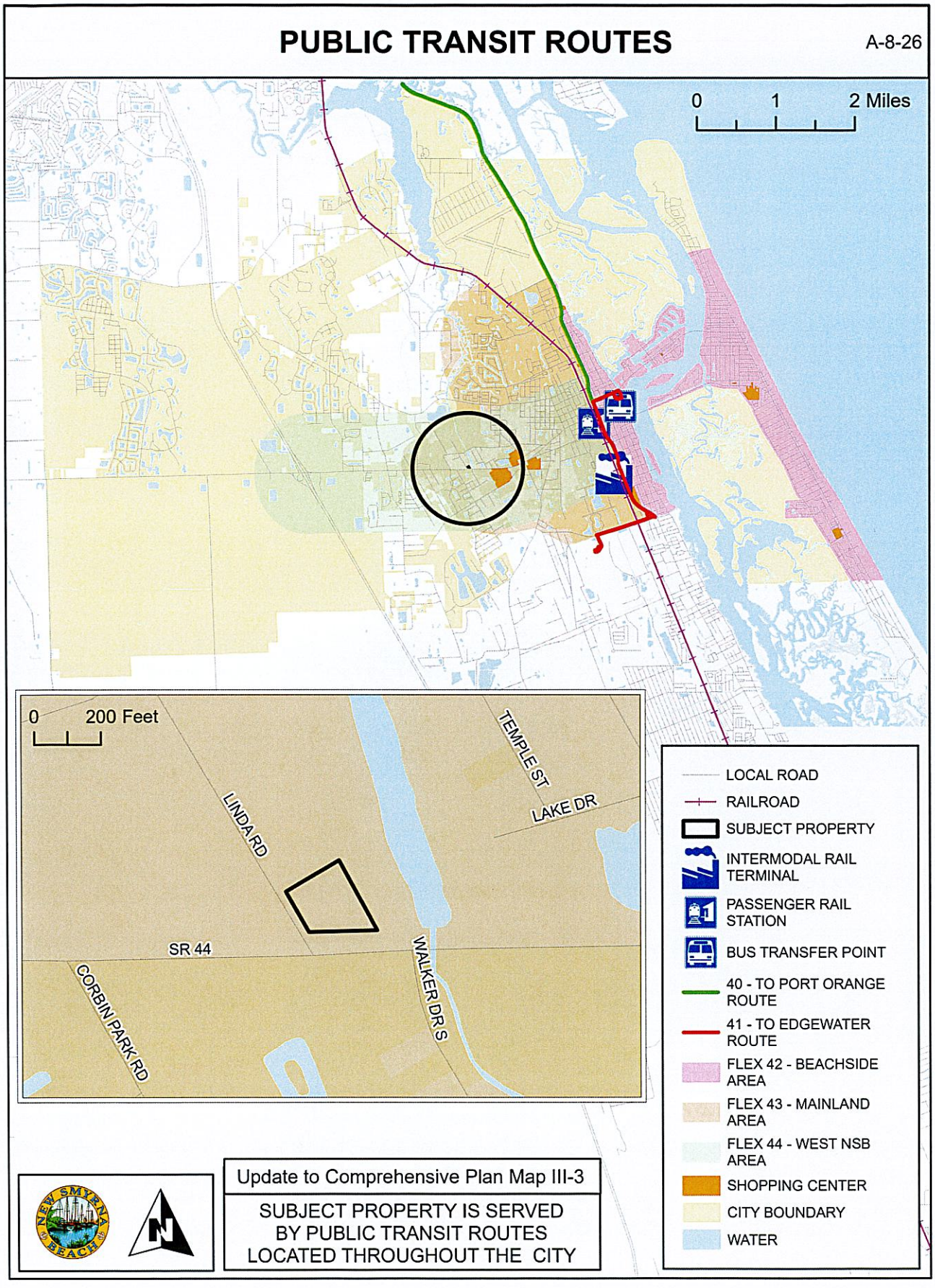

PUBLIC TRANSIT ROUTES
A-8-26
0 1 2 Miles
0 200 Feet
LINDA RD
TEMPLE ST
LAKE DR
SR 44
CORBIN PARK RD
WALKER DR S
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
40 - TO PORT ORANGE ROUTE
41 - TO EDGEWATER ROUTE
FLEX 42 - BEACHSIDE AREA
FLEX 43 - MAINLAND AREA
FLEX 44 - WEST NSB AREA
SHOPPING CENTER
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map III-3
SUBJECT PROPERTY IS SERVED BY PUBLIC TRANSIT ROUTES LOCATED THROUGHOUT THE CITY

EXHIBIT "H"

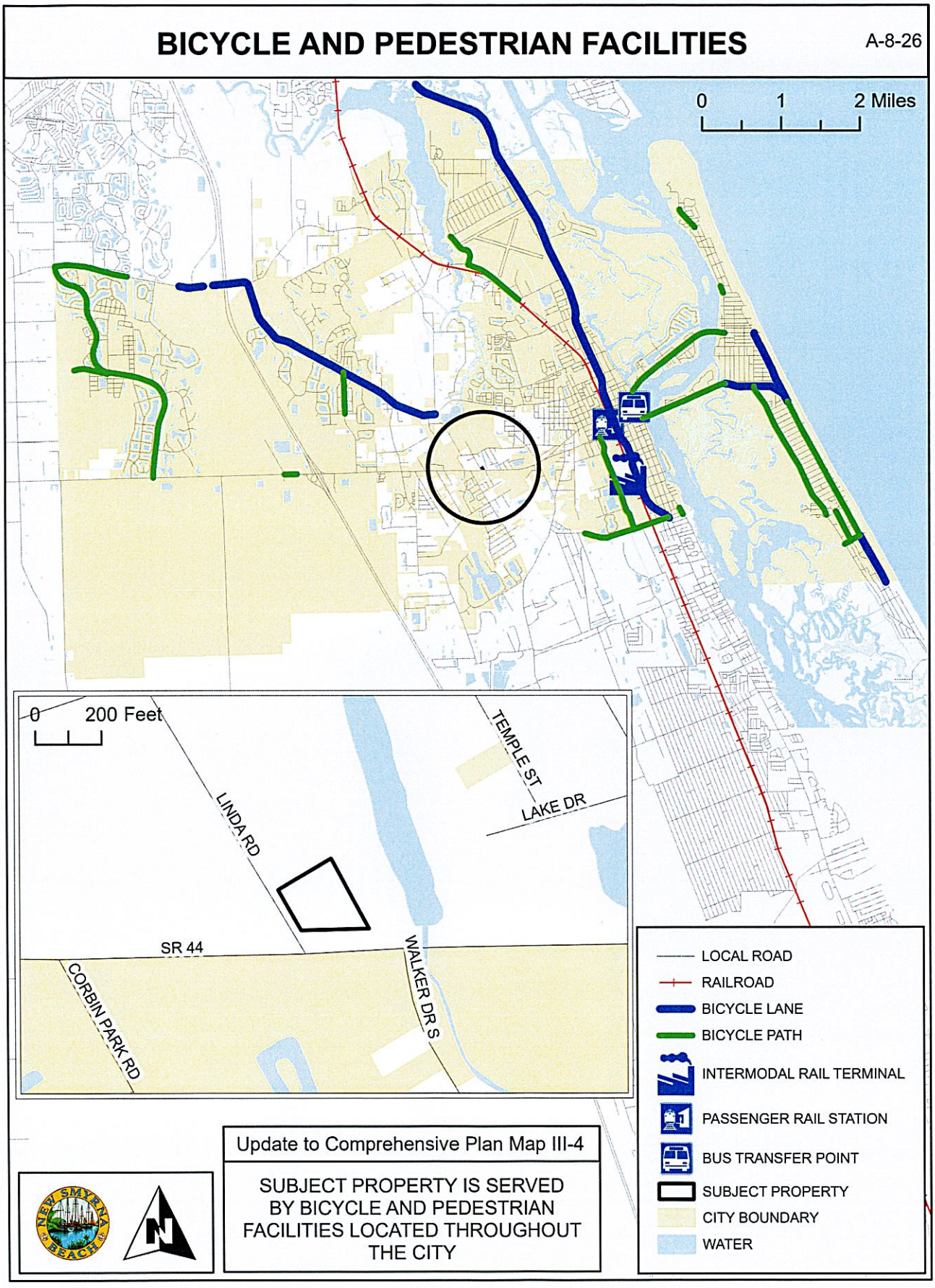

BICYCLE AND PEDESTRIAN FACILITIES
A-8-26
0 1 2 Miles
0 200 Feet
LINDA RD
TEMPLE ST
LAKE DR
SR 44
CORBIN PARK RD
WALKER DR S
LOCAL ROAD
RAILROAD
BICYCLE LANE
BICYCLE PATH
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
SUBJECT PROPERTY
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map III-4
SUBJECT PROPERTY IS SERVED BY BICYCLE AND PEDESTRIAN FACILITIES LOCATED THROUGHOUT THE CITY

EXHIBIT "I"

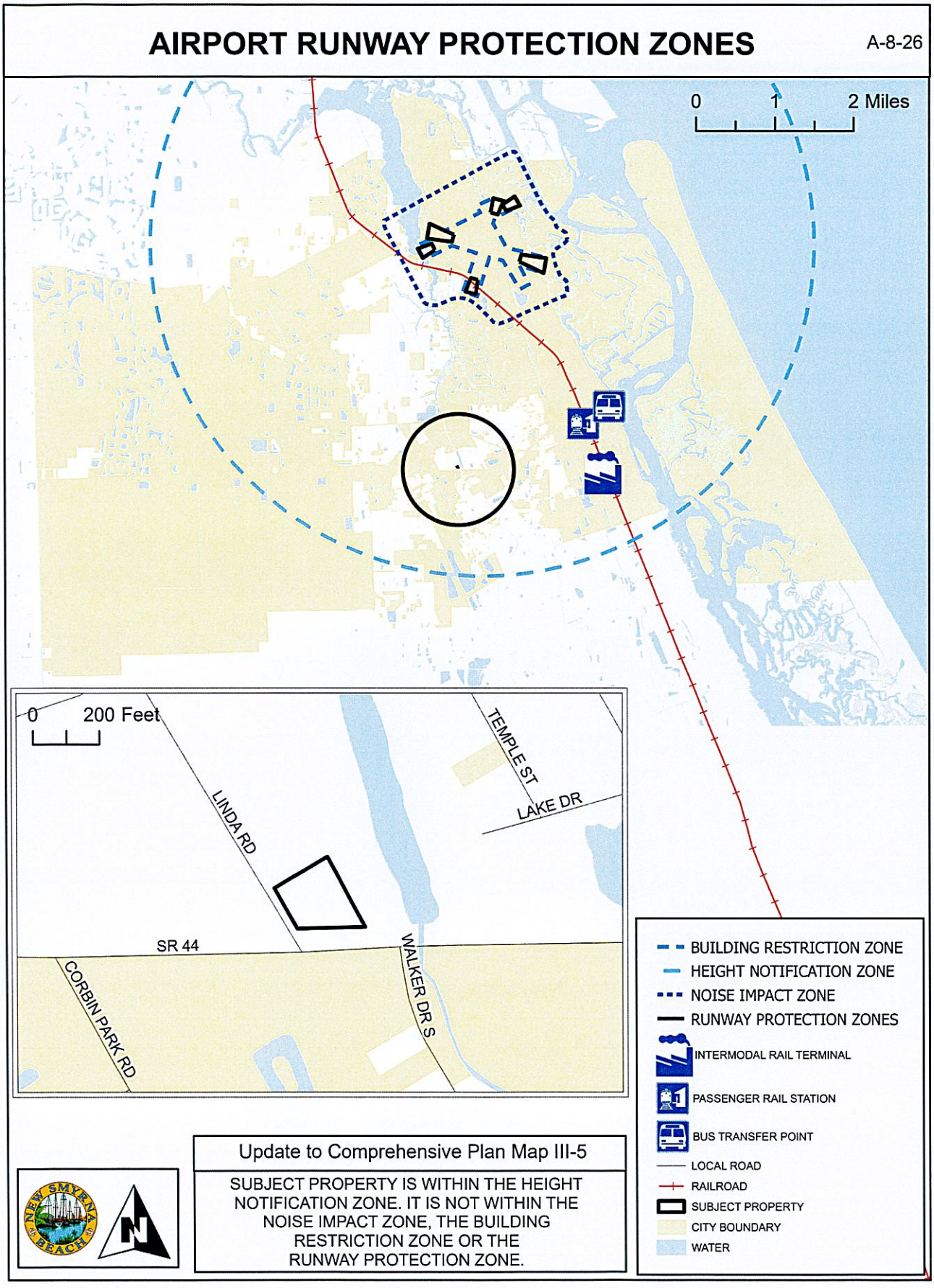

AIRPORT RUNWAY PROTECTION ZONES
A-8-26
0
1
2 Miles
0
200 Feet
LINDA RD
TEMPLE ST
LAKE DR
SR 44
CORBIN PARK RD
WALKER DR S
BUILDING RESTRICTION ZONE
HEIGHT NOTIFICATION ZONE
NOISE IMPACT ZONE
RUNWAY PROTECTION ZONES
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
CITY BOUNDARY
WATER
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"

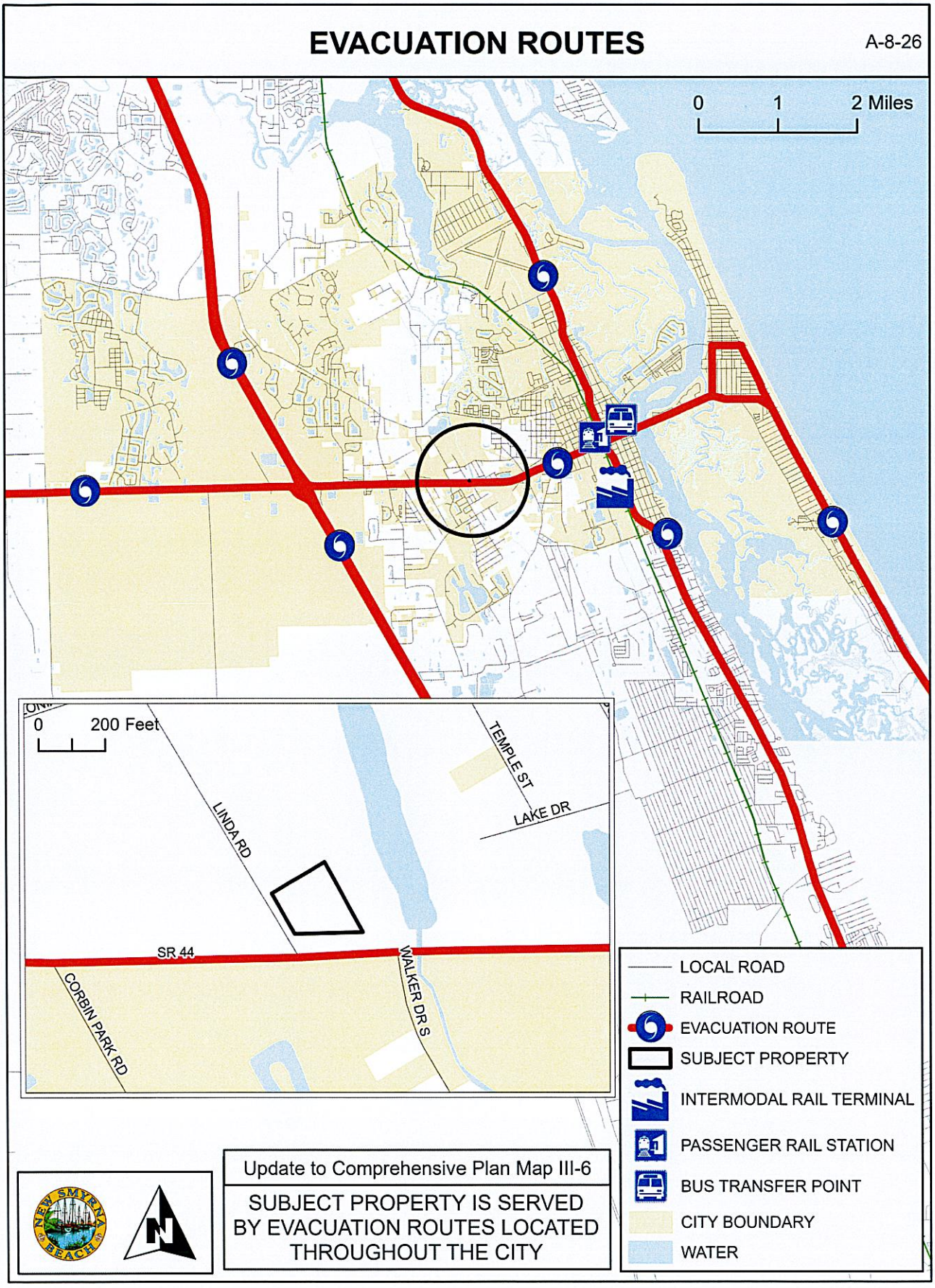

EVACUATION ROUTES
A-8-26
0 1 2 Miles
0 200 Feet
LINDA RD
TEMPLE ST
LAKE DR
SR 44
CORBIN PARK RD
WALKER DR S
LOCAL ROAD
RAILROAD
EVACUATION ROUTE
SUBJECT PROPERTY
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map III-6
SUBJECT PROPERTY IS SERVED BY EVACUATION ROUTES LOCATED THROUGHOUT THE CITY

EXHIBIT "K"

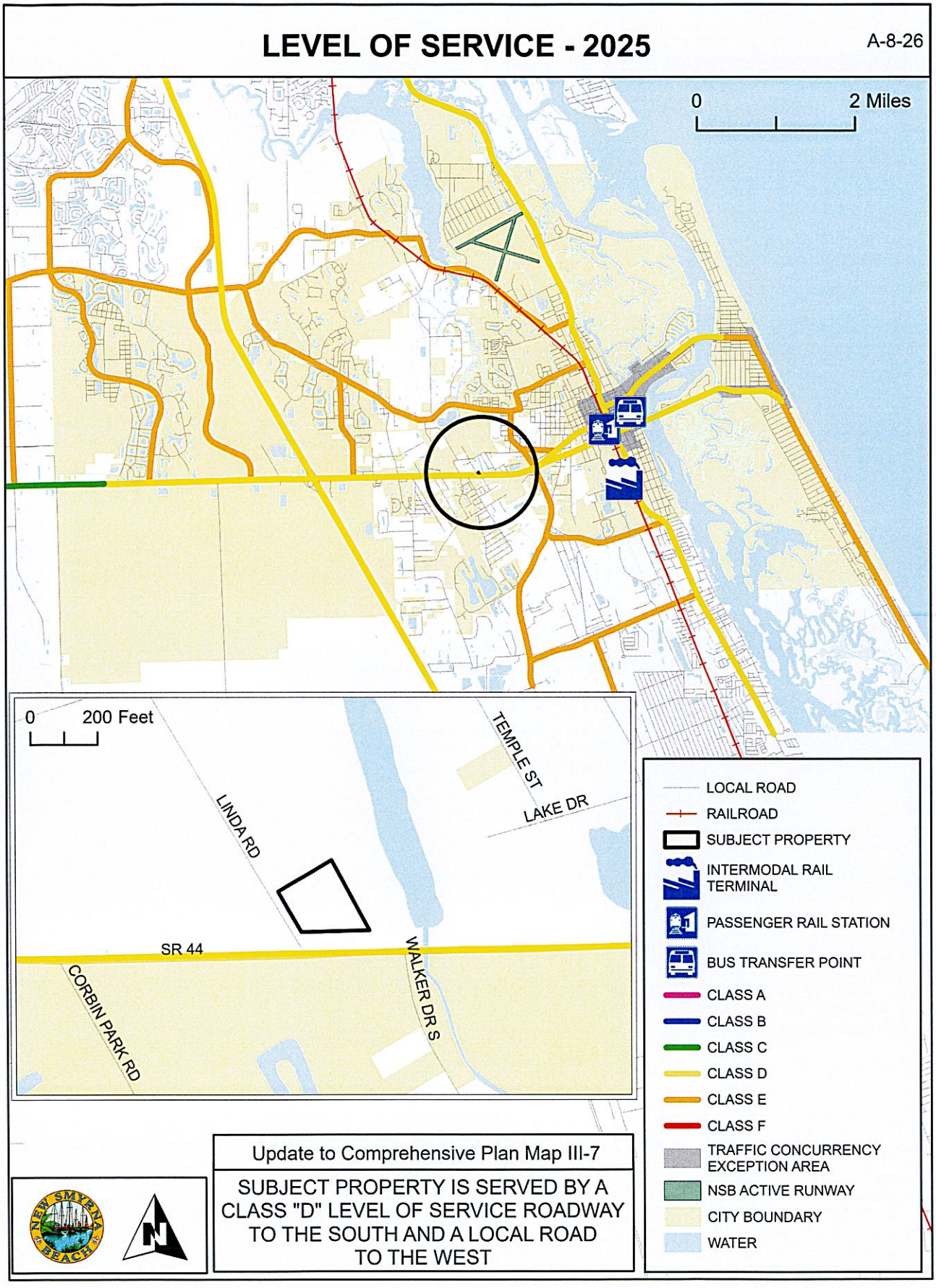

LEVEL OF SERVICE - 2025
A-8-26
0
2 Miles
A
0
200 Feet
TEMPLE ST
LAKE DR
LINDA RD
SR 44
CORBIN PARK RD
WALKER DR S
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
CLASS A
CLASS B
CLASS C
CLASS D
CLASS E
CLASS F
TRAFFIC CONCURRENCY EXCEPTION AREA
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 SOUTH AND A LOCAL ROAD TO THE WEST

EXHIBIT "L"

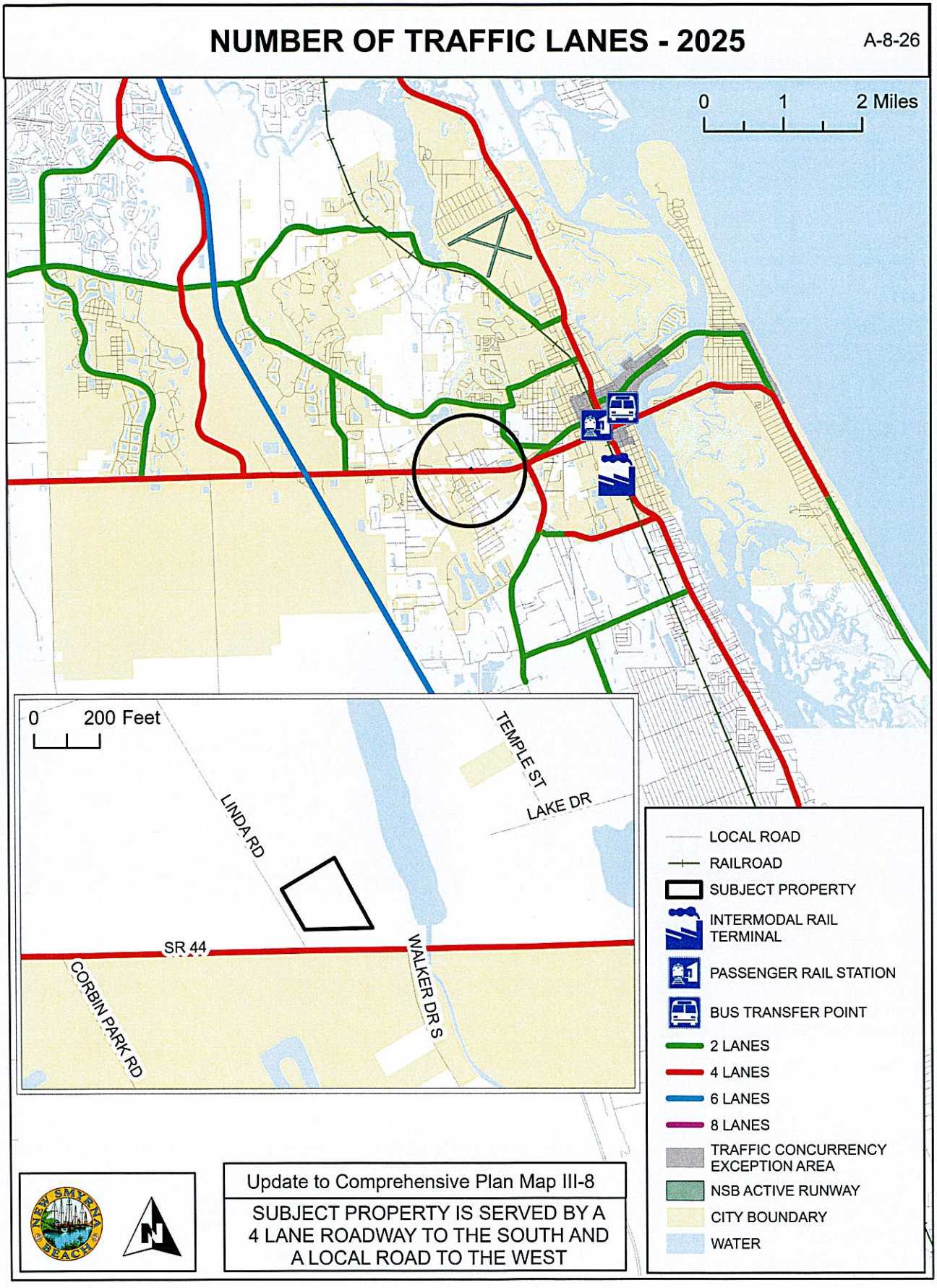
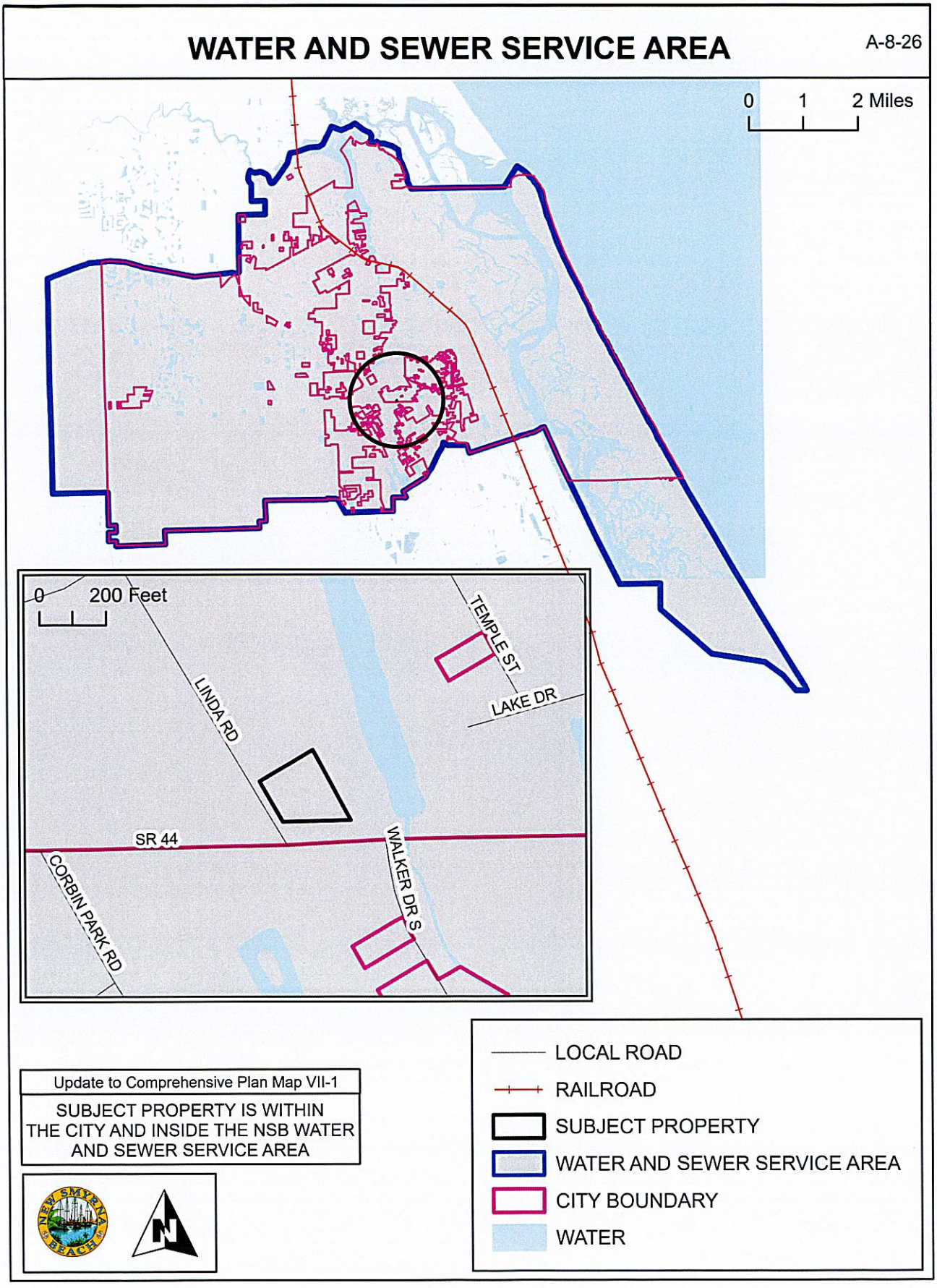

NUMBER OF TRAFFIC LANES - 2025
A-8-26
0 1 2 Miles
0 200 Feet
LINDA RD
TEMPLE ST
LAKE DR
SR 44
WALKER DR S
CORBIN PARK RD
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
INTERMODAL RAIL TERMINAL
PASSENGER RAIL STATION
BUS TRANSFER POINT
2 LANES
4 LANES
6 LANES
8 LANES
TRAFFIC CONCURRENCY EXCEPTION AREA
NSB ACTIVE RUNWAY
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map III-8
SUBJECT PROPERTY IS SERVED BY A 4 LANE ROADWAY TO THE SOUTH AND A LOCAL ROAD TO THE WEST

EXHIBIT "M"


WATER AND SEWER SERVICE AREA
A-8-26
0 1 2 Miles
0 200 Feet
LINDA RD
TEMPLE ST
LAKE DR
SR 44
CORBIN PARK RD
WALKER DR S
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

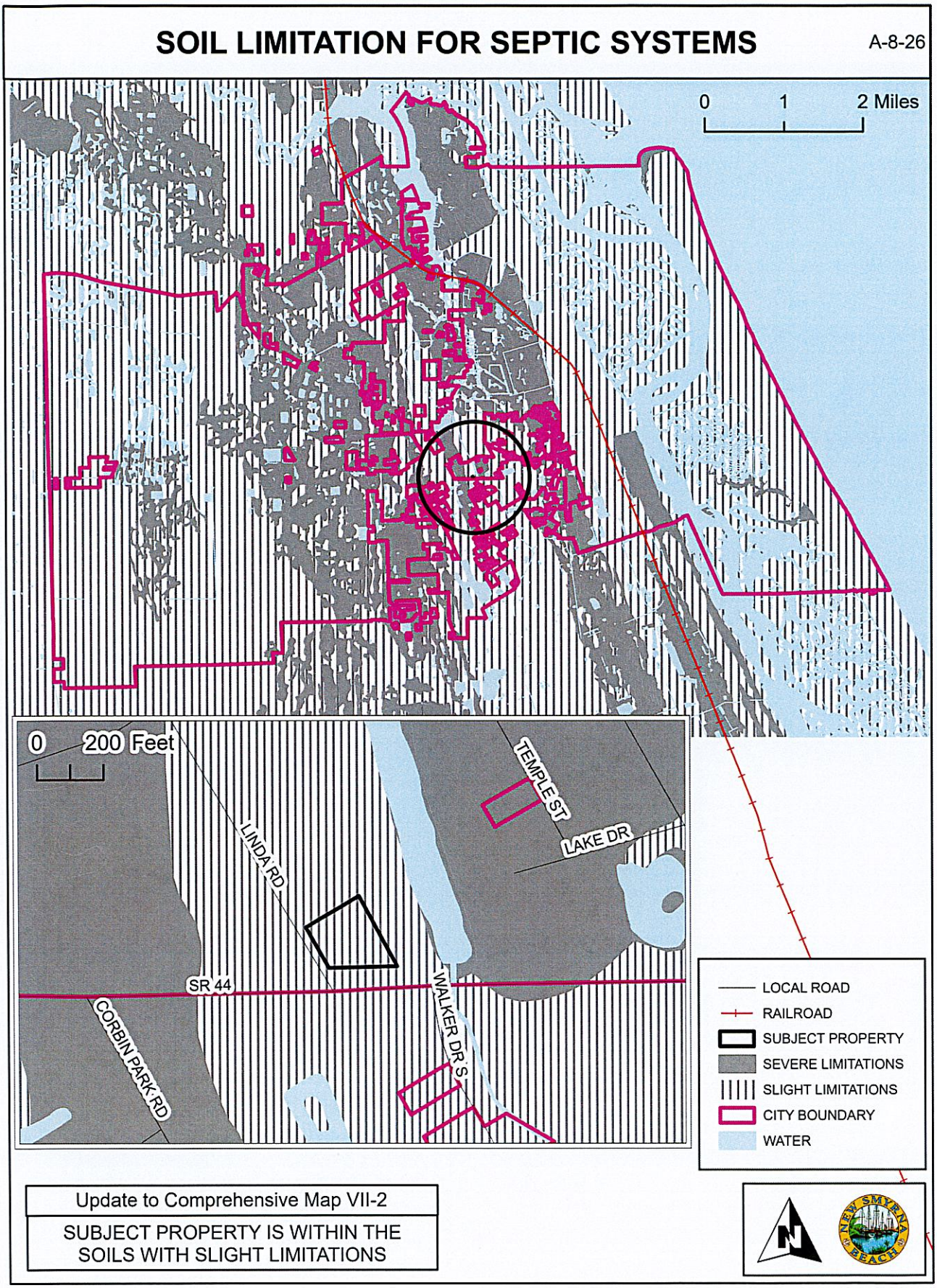

SOIL LIMITATION FOR SEPTIC SYSTEMS
A-8-26
0 1 2 Miles
0 200 Feet
TEMPLE ST
LAKE DR
LINDA RD
SR 44
CORBIN PARK RD
WALKER DR S
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
SEVERE LIMITATIONS
SLIGHT LIMITATIONS
CITY BOUNDARY
WATER
Update to Comprehensive Map VII-2
SUBJECT PROPERTY IS WITHIN THE SOILS WITH SLIGHT LIMITATIONS

EXHIBIT "O"

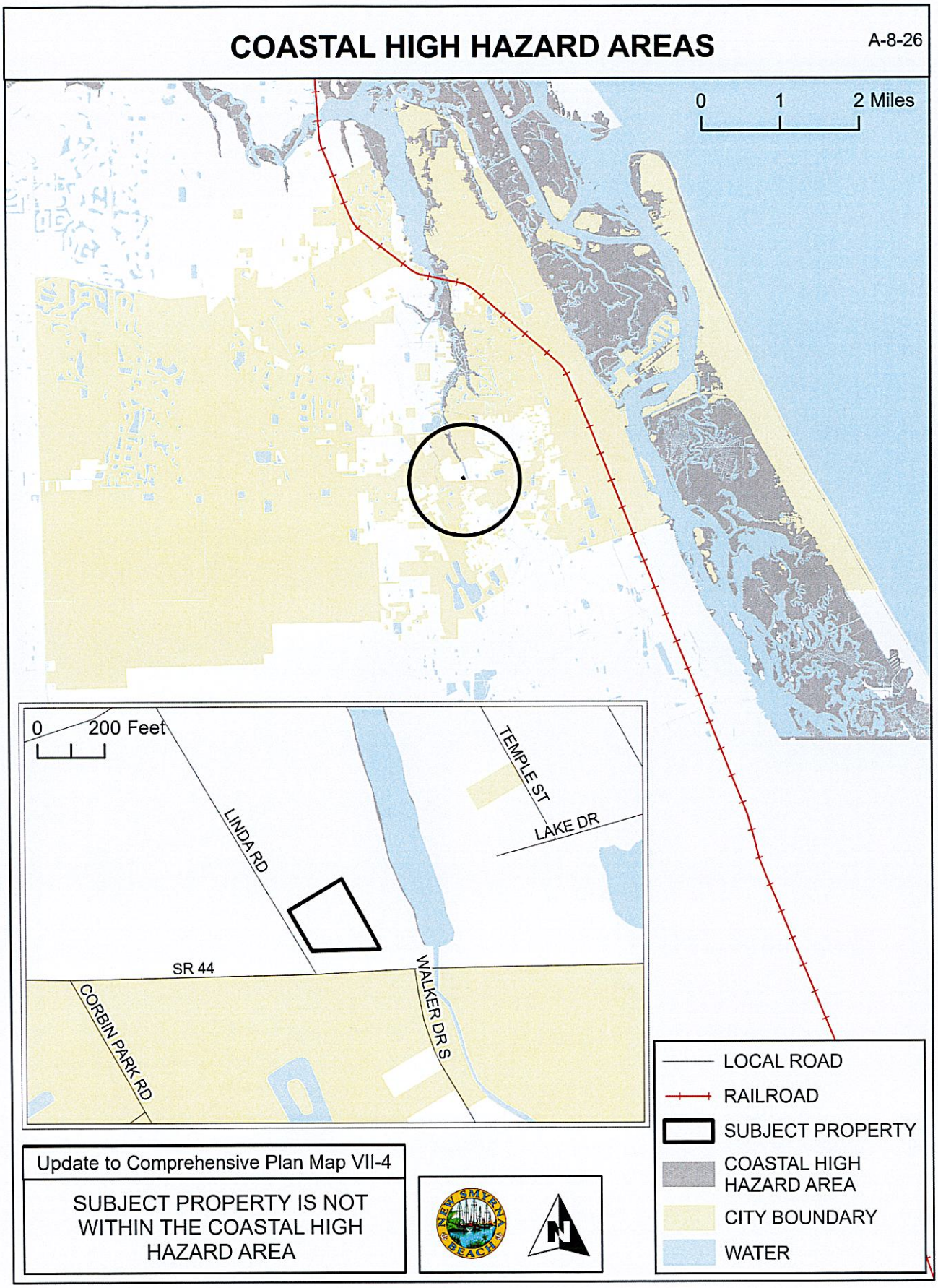

COASTAL HIGH HAZARD AREAS
A-8-26
0
1
2 Miles
0
200 Feet
LINDA RD
TEMPLE ST
LAKE DR
SR 44
CORBIN PARK RD
WALKER DR S
LOCAL ROAD
RAILROAD
SUBJECT PROPERTY
COASTAL HIGH HAZARD AREA
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map VII-4
SUBJECT PROPERTY IS NOT WITHIN THE COASTAL HIGH HAZARD AREA
NEW SMYRNA BEACH
N

EXHIBIT "P"

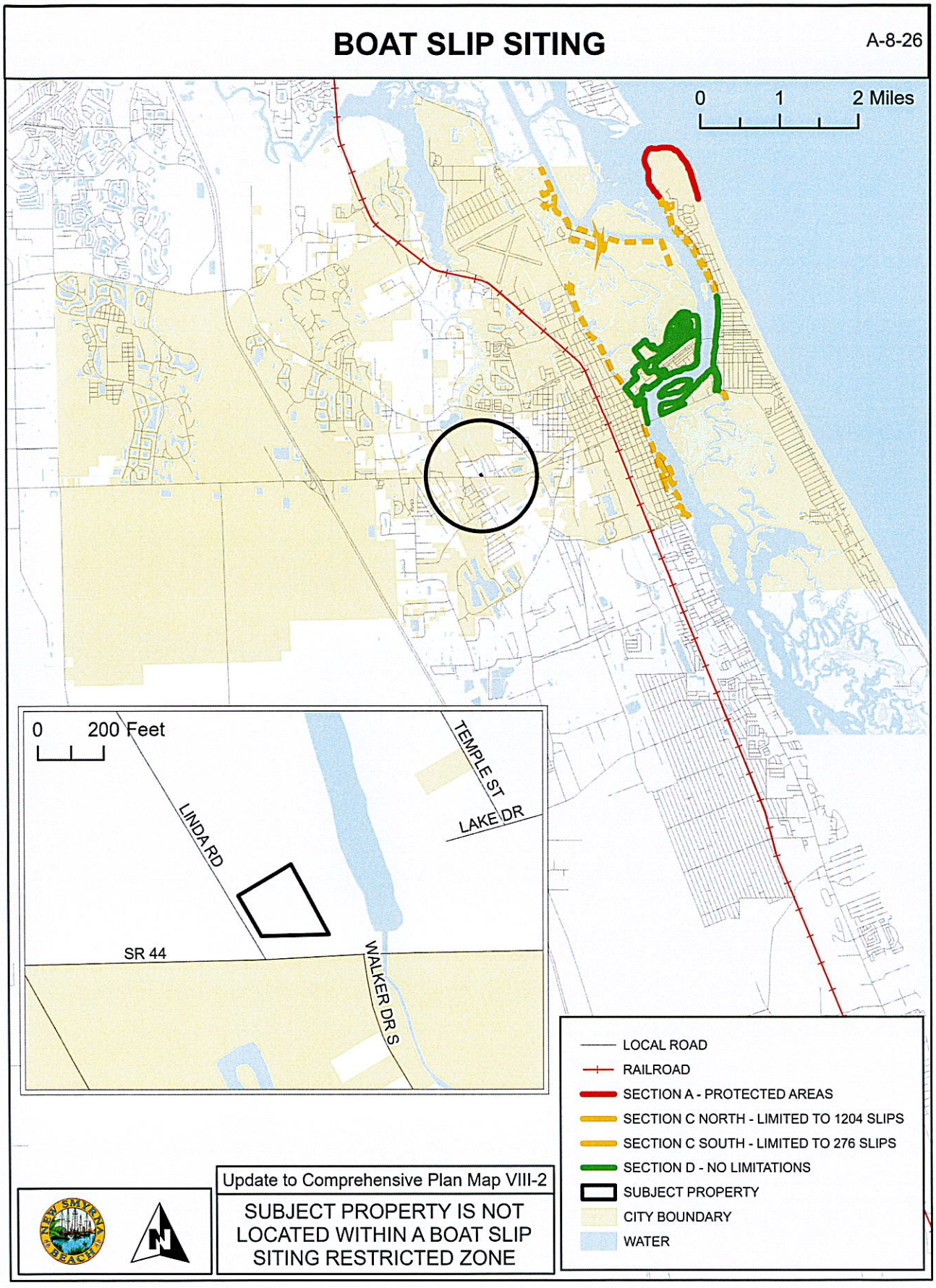

BOAT SLIP SITING
A-8-26
0 1 2 Miles
0 200 Feet
LINDA RD
TEMPLE ST
LAKE DR
SR 44
WALKER DR S
LOCAL ROAD
RAILROAD
SECTION A - PROTECTED AREAS
SECTION C NORTH - LIMITED TO 1204 SLIPS
SECTION C SOUTH - LIMITED TO 276 SLIPS
SECTION D - NO LIMITATIONS
SUBJECT PROPERTY
CITY BOUNDARY
WATER
Update to Comprehensive Plan Map VIII-2
SUBJECT PROPERTY IS NOT LOCATED WITHIN A BOAT SLIP SITING RESTRICTED ZONE

EXHIBIT "Q"

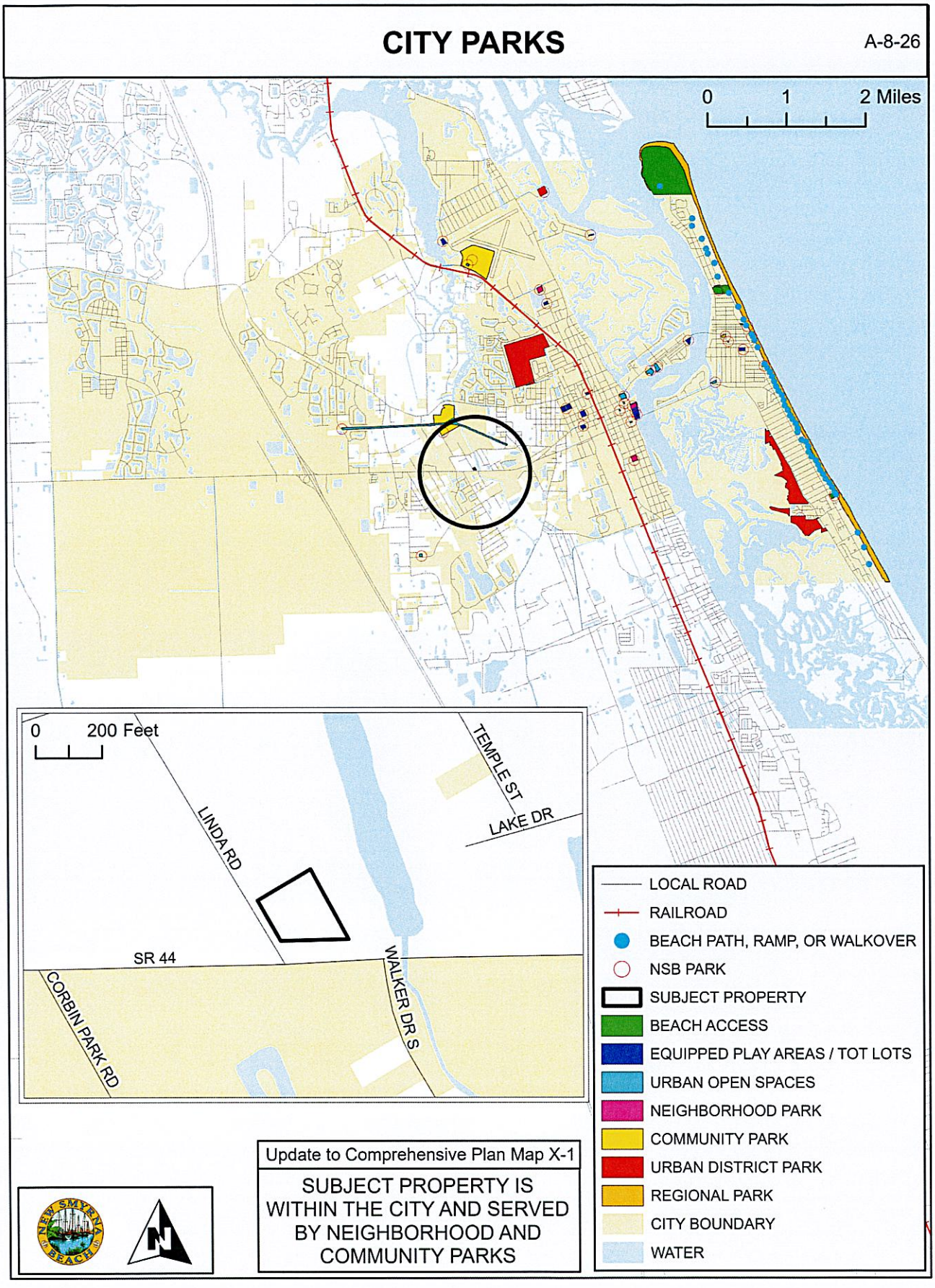
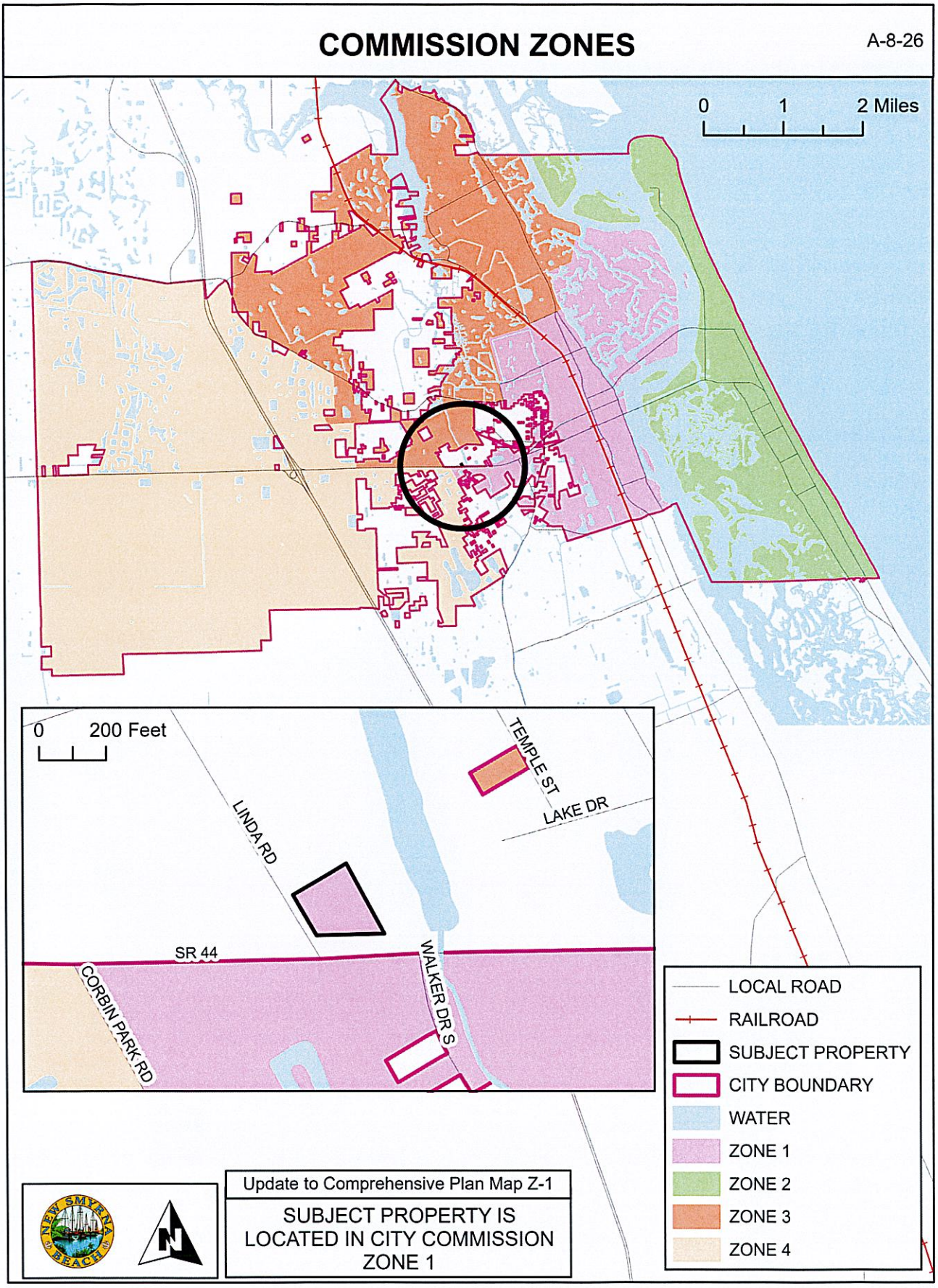

CITY PARKS
A-8-26
0 1 2 Miles
0 200 Feet
TEMPLE ST
LAKE DR
LINDA RD
SR 44
CORBIN PARK RD
WALKER DR S
LOCAL ROAD
RAILROAD
BEACH PATH, RAMP, OR WALKOVER
NSB PARK
SUBJECT PROPERTY
BEACH ACCESS
EQUIPPED PLAY AREAS / TOT LOTS
URBAN OPEN SPACES
NEIGHBORHOOD PARK
COMMUNITY PARK
URBAN DISTRICT PARK
REGIONAL PARK
CITY BOUNDARY
WATER
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-8-26
0 1 2 Miles
0 200 Feet
TEMPLE ST
LAKE DR
LINDA RD
SR 44
CORBIN PARK RD
WALKER DR S
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. 65-26: CONDUCT A SECOND READING AND PUBLIC HEARING, WHICH, IF ADOPTED, WOULD REZONE APPROXIMATELY 0.77 + ACRES OF CITY OWNED LAND TO CONSERVATION FOR A PARCEL LOCATED AT 101 LINDA ROAD AS PART OF AN OVERALL ANNEXATION APPLICATION.

November 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 of R-4, Urban Single Family Residential with a "A" attached for Airport Height Notification Zone.

- **To:** City zoning of Conservation with a "A" attached for Airport Height Notification Zone.

Site Information:

- **Size:** 0.77 ± acres.
- **Location:** Northeast corner of Linda Road and State Road 44.
- **Tax I.D. Number:** 7343-01-00-0010.

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 Linda Road 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 categories and designations. In this application, the land was purchased by the City of New Smyrna Beach as part of the Turnbull Creek Preservation and the FLU and zoning will be downgraded for preservation. 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 zoning designation, and a map of the proposed change is 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 September 14, 2026, 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 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 as part of an overall annexation application.

Fiscal Analysis:

N/A

Strategic Plan Item:

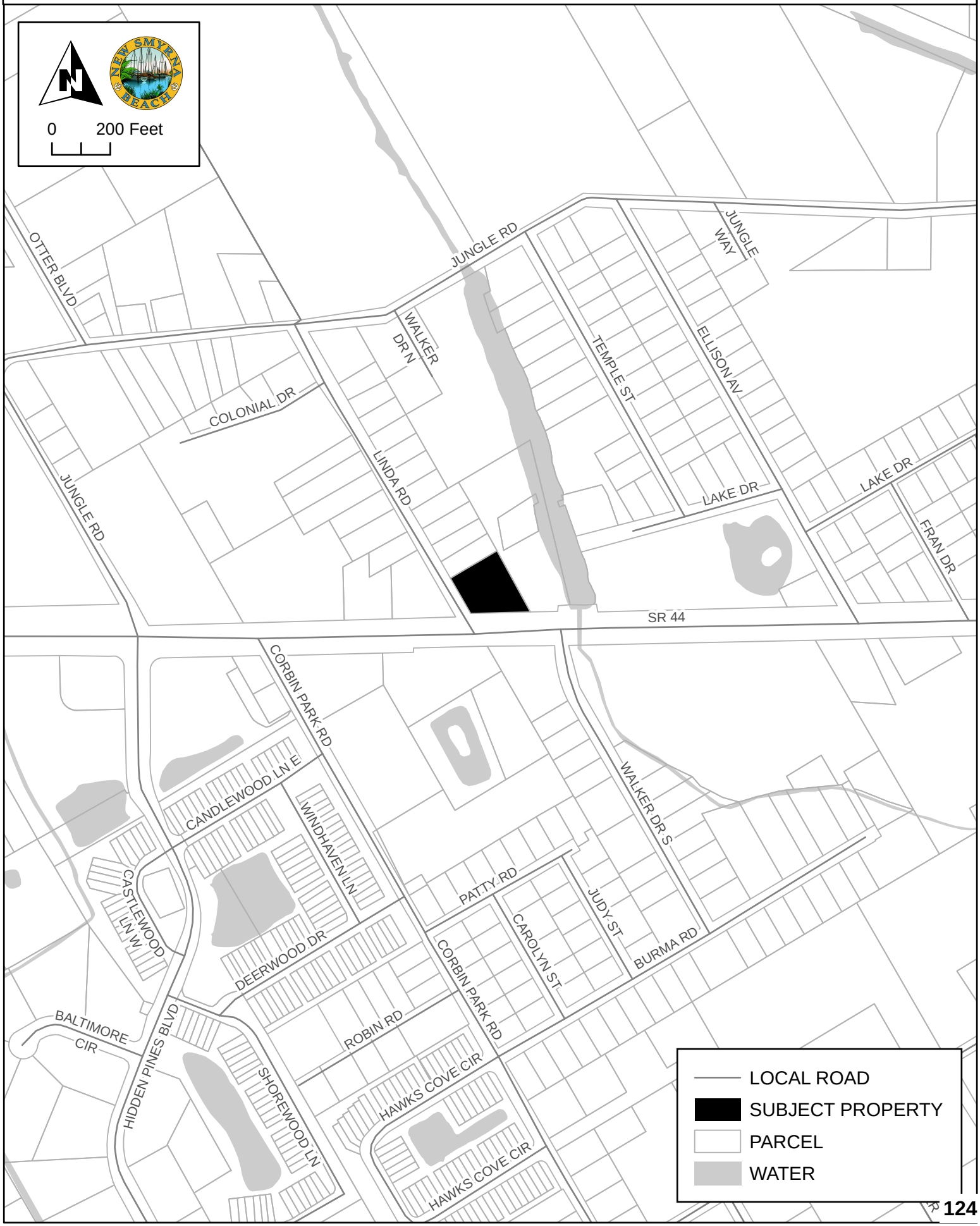
No

Staff Report Created By: Shane Corbin - Developmental Services Director

Attachments:

Exhibit A Location Map.pdf
Exhibit B Aerial Map.pdf
Exhibit C 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 65-26 101 Linda Rd (Rezoning).pdf
Ord 65-24 Rezoning 101 Linda Rd.pdf

A-8-26: 101 LINDA ROAD
PARCEL: 7343-01-00-0010 LOCATION MAP

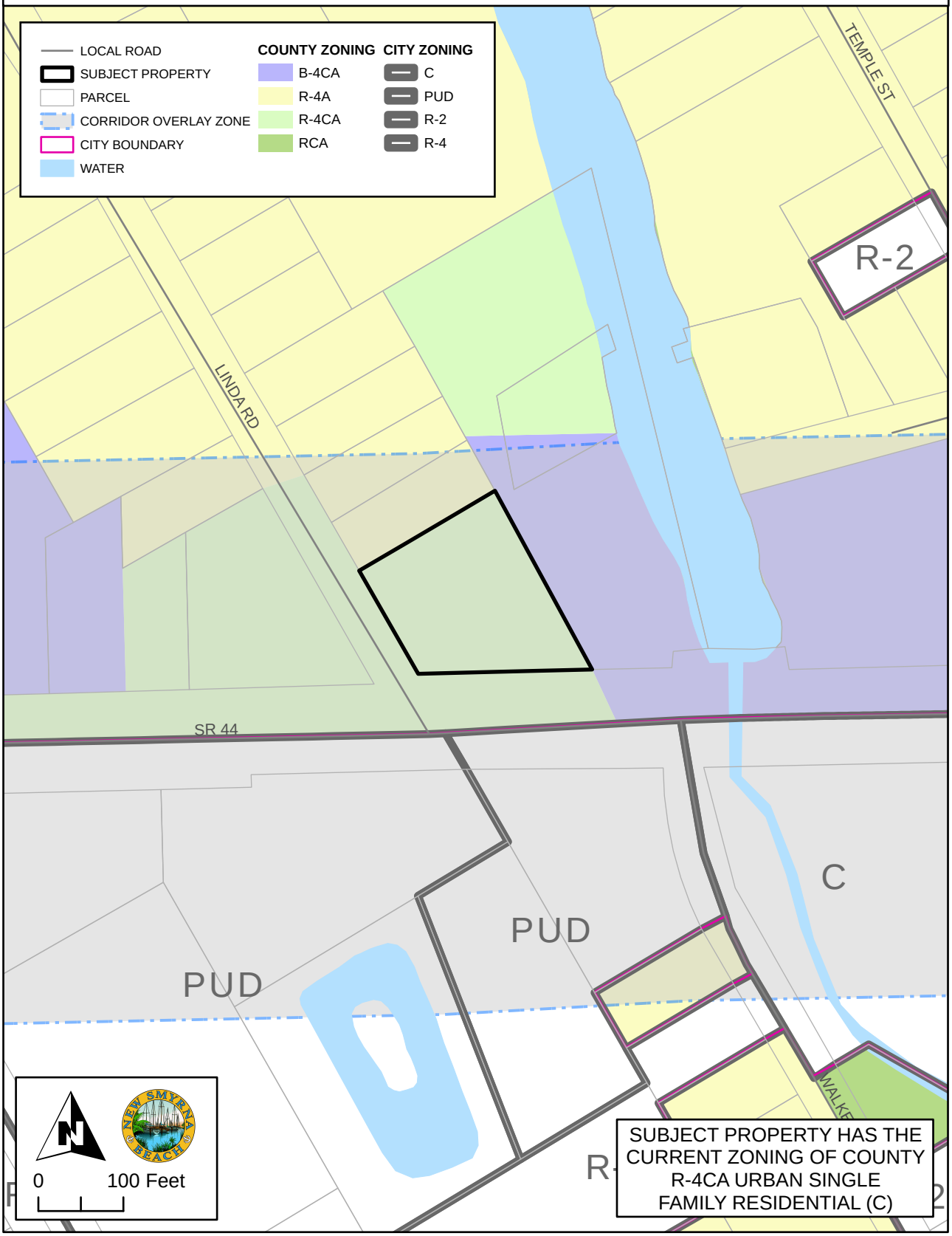


A-8-26: 101 LINDA ROAD
PARCEL: 7343-01-00-0010 AERIAL MAP



EXISTING ZONING

A-8-26



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 occupations, class A (refer to section 72-283).
Houses of worship.
Parks and recreational areas accessory to residential developments.
Public schools.
Publicly owned parks and recreational areas.
Publicly owned or regulated water supply wells.
Single-family standard or manufactured modular dwelling.

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.
Garage apartments.
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.

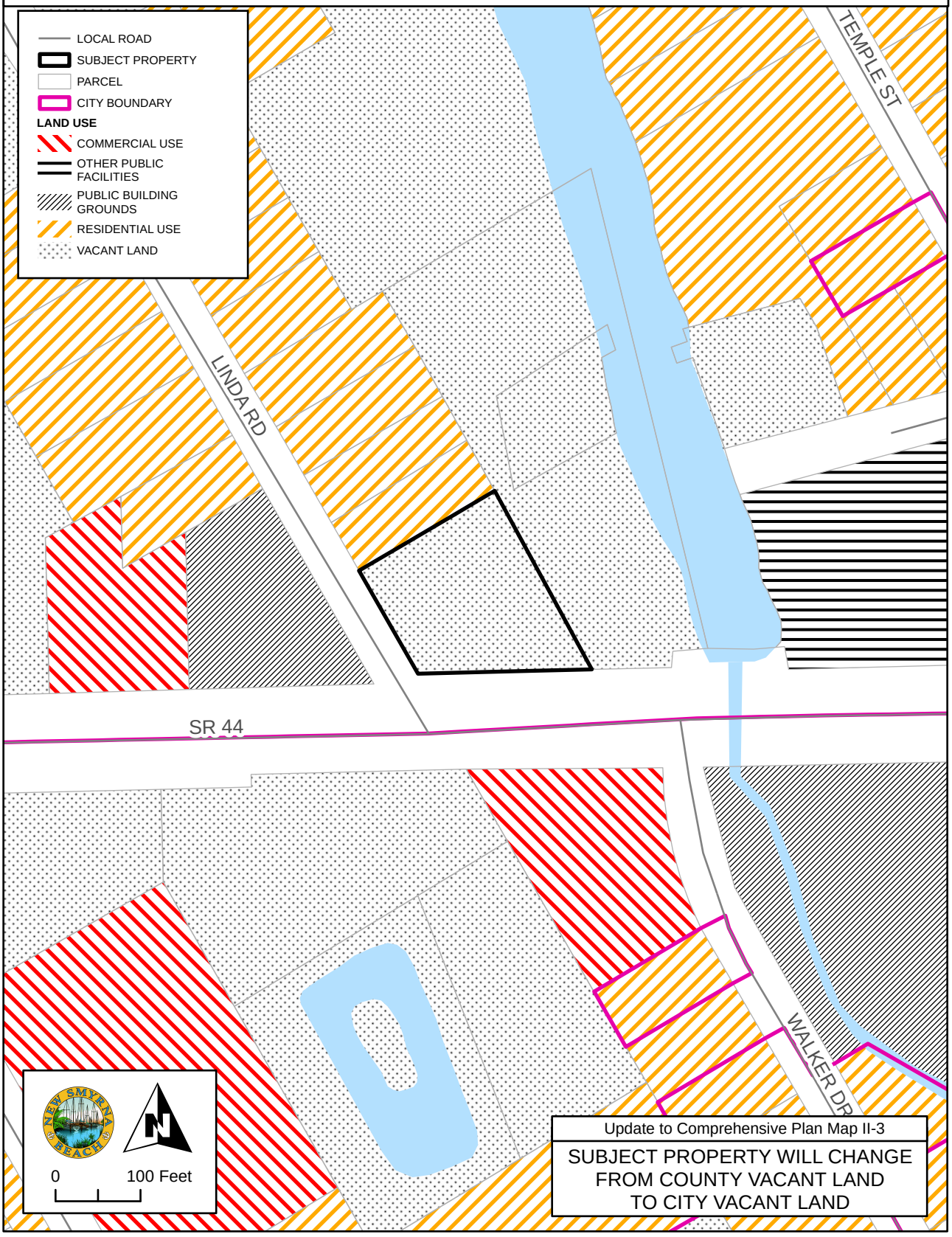
Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed 35 percent.

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-8-26



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.

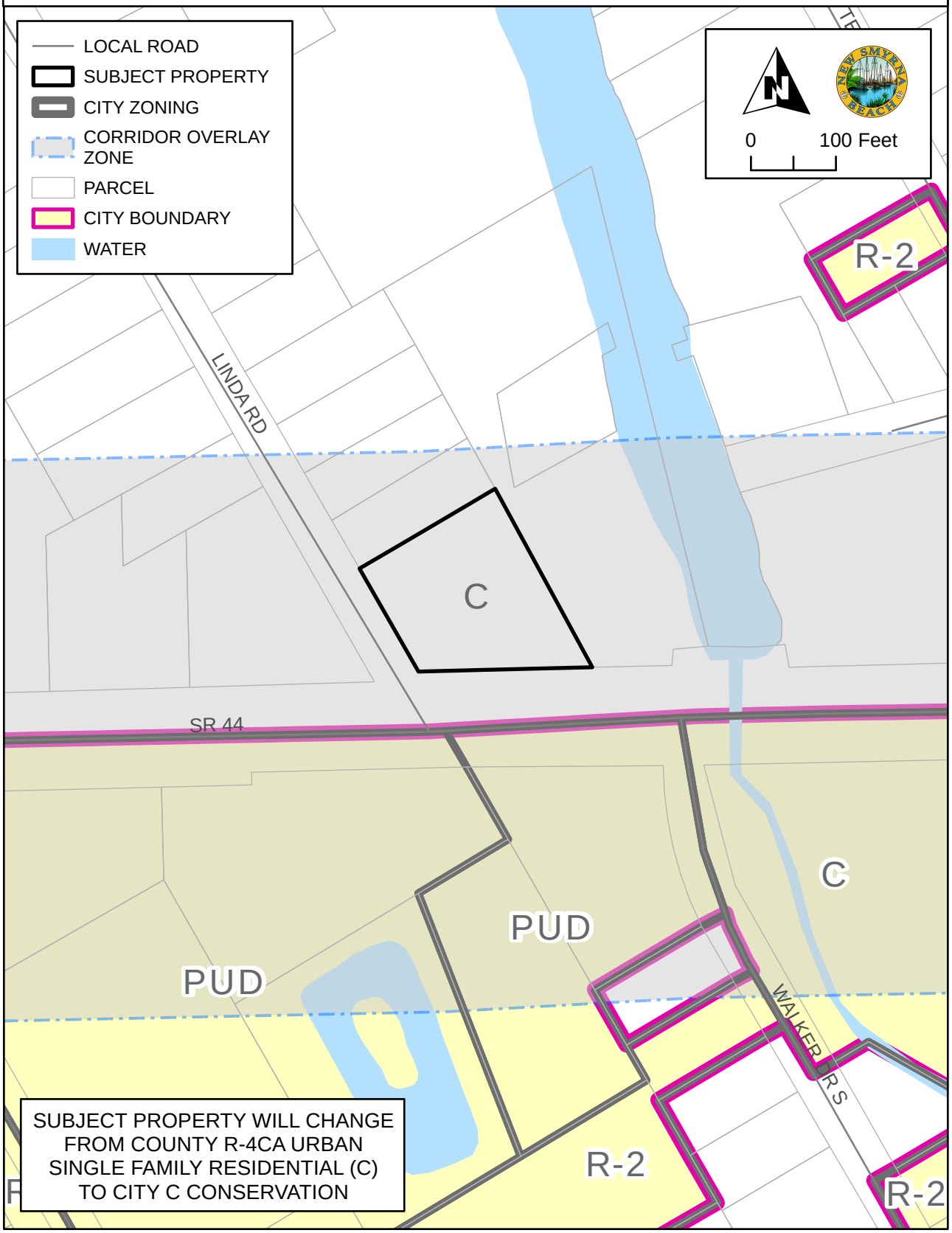
Visibility at intersections. Visibility at intersections shall be provided as required in this LDR.

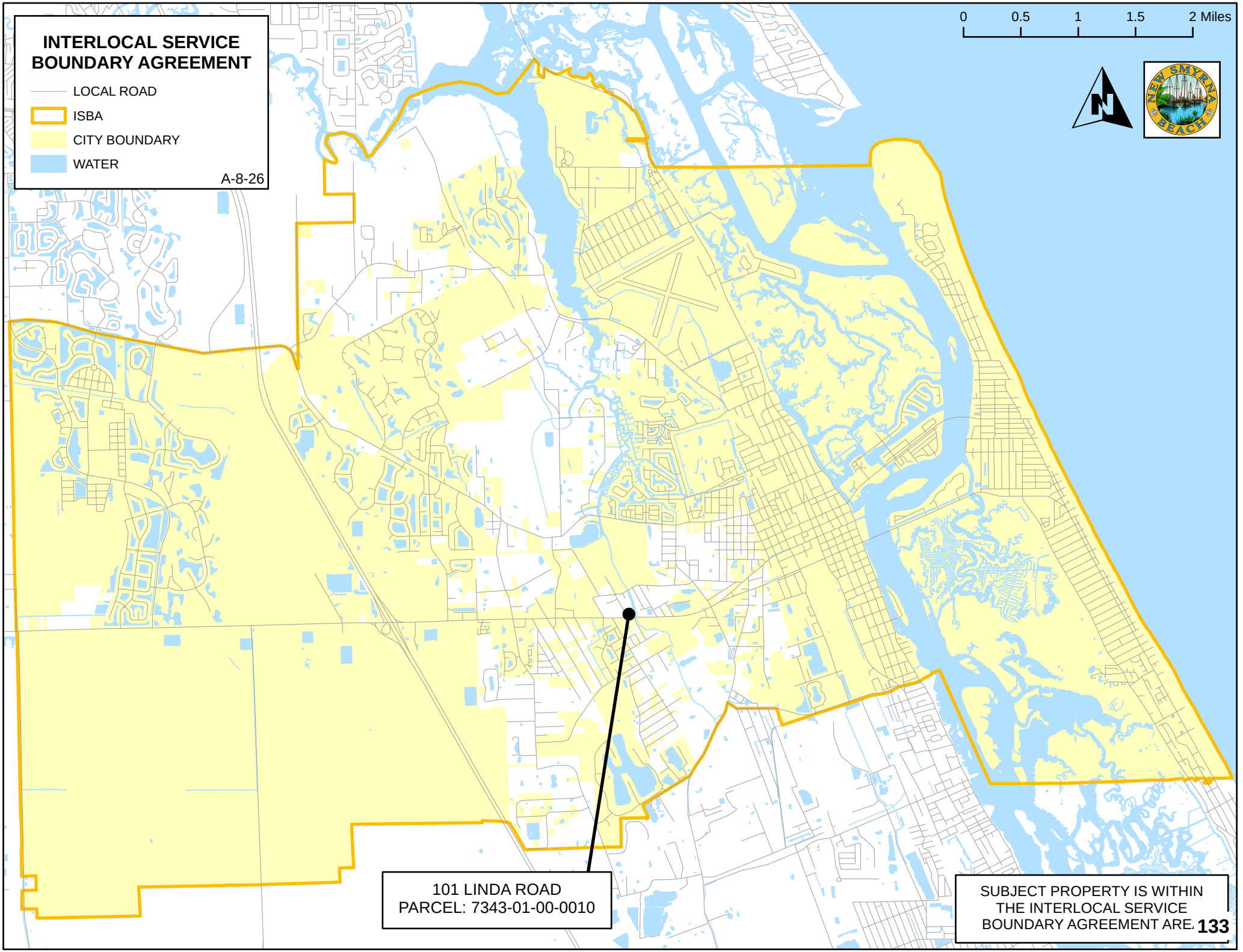
Off-street parking. Off-street parking shall be provided as required in this LDR.

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-8-26




INTERLOCAL SERVICE BOUNDARY AGREEMENT
LOCAL ROAD
ISBA
CITY BOUNDARY
WATER
A-8-26
0
0.5
1
1.5
2 Miles
NEW SMYRNA BEACH
101 LINDA ROAD
PARCEL: 7343-01-00-0010
SUBJECT PROPERTY IS WITHIN THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ARE.

LEGAL DESCRIPTION

Address:
101 Linda Road, New Smyrna Beach, Florida 32168

Parcel Number
7343-01-00-0010

AltKey Number:
3728912

Metes and Bounds by Professional Title Agency:
LOT 1, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 81 PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

EXCEPTING THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES: COMMENCE AT A POINT 155.39 FEET NORTH 29 DEGREES 50 MINUTES 50 SECONDS WEST FROM THE SOUTHEAST CORNER OF LOT 1, KENNEDY PARK, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 19, PAGE 282, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 23.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 70.15 FEET; THENCE RUN NORTH 1 DEGREE 23 MINUTES 35 WEST, A DISTANCE OF 50 FEET TO THE EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN NORTH 13 DEGREES 10 MINUTES 10 SECONDS EAST, A DISTANCE OF 32.98 FEET; THENCE RUN NORTH 15 DEGREES 01 MINUTES 27 SECONDS WEST, A DISTANCE OF 25.85 FEET; THENCE RUN NORTH 60 DEGREES 13 MINUTES 25 SECONDS EAST, A DISTANCE OF 30 FEET; THENCE RUN SOUTH 46 DEGREES 18 MINUTES 04 SECONDS EAST, A DISTANCE OF 26.08 FEET; THENCE RUN SOUTH 29 DEGREES 46 MINUTES 35 SECONDS EAST, A DISTANCE OF 48.69 FEET TO THE SAID EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN SOUTH 1 DEGREE 23 MINUTES 35 SECONDS EAST, A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.

AND LOTS 2 AND 3, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 81 PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
EXCEPTING FROM ALL OF THE ABOVE THAT PORTION OF SAID LOTS TAKEN FOR WIDENING OF STATE ROAD NO. 44.

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.: NS932605017

APN/Parcel ID(s): 7343-01-00-0010

WARRANTY DEED

THIS WARRANTY DEED dated July 9, 2026 by William H. Stagina, a married man, 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 101 Linda Road, 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 1, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 8, PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
EXCEPTING THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES: COMMENCE AT A POINT 155.39 FEET NORTH 29 DEGREES 50 MINUTES 50 SECONDS WEST FROM THE SOUTHEAST CORNER OF LOT 1, KENNEDY PARK, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 19, PAGE 282, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 23.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 70.15 FEET; THENCE RUN NORTH 1 DEGREE 23 MINUTES 35 WEST, A DISTANCE OF 50 FEET TO THE EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN NORTH 13 DEGREES 10 MINUTES 10 SECONDS EAST, A DISTANCE OF 32.98 FEET; THENCE RUN NORTH 15 DEGREES 01 MINUTES 27 SECONDS WEST, A DISTANCE OF 25.85 FEET; THENCE RUN NORTH 60 DEGREES 13 MINUTES 25 SECONDS EAST, A DISTANCE OF 30 FEET; THENCE RUN SOUTH 46 DEGREES 18 MINUTES 04 SECONDS EAST, A DISTANCE OF 26.08 FEET; THENCE RUN SOUTH 29 DEGREES 46 MINUTES 35 SECONDS EAST, A DISTANCE OF 48.69 FEET TO THE SAID EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN SOUTH 1 DEGREE 23 MINUTES 35 SECONDS EAST, A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.
AND LOTS 2 AND 3, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 8, PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA
EXCEPTING FROM ALL OF THE ABOVE THAT PORTION OF SAID LOTS TAKEN FOR WIDENING OF STATE ROAD NO. 44.

WARRANTY DEED
(continued)

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any member of the household of Grantor(s) reside thereon.

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, 2025.

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:

Lorraine E Banks
Witness Signature

Lorraine E Banks
Print Name

Address: 4044 Portland Ridge Pl
Florissant MO 63034

William H. Stagina
William H. Stagina

Address: 2721 Hillcroft Dr
Wildwood, MO 63005

Adonica Lanette Banks
Witness Signature

Adonica Lanette Banks
Print Name

Address: 1650 Beale ST
St Charles, MO 63303

State of ~~Florida~~ MO AMB
County of ~~Volusia~~ St louis AMB

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 29 day of ~~July~~ June, 2026, by William H. Stagina, to me known to be the person(s) described in or who has/have produced MO DL as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

Adonica Lanette Banks
NOTARY PUBLIC
My Commission Expires: 11/29/2028

ADONICA LANETTE BANKS
Notary Public - Notary Seal
St Charles County - State of Missouri
Commission Number 16400238
My Commission Expires Nov 29, 2028

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 65-26 Rezoning 101 Linda Rd.

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. 65-26 rezones the land annexed by Ordinance No. 63-26 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. 65-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH REZONING .8± ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF LINDA ROAD AND STATE ROAD 44, FROM VOLUSIA COUNTY *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 .8± acres of property generally located on the northeast corner of Linda Road and State Road 44, 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 September 14, 2026, 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 .8± acres of property generally located on the northeast corner of Linda Road and State Road 44, in the City of New Smyrna Beach, Florida, said properties more particularly described as follows:

7343-01-00-0010
101 Linda Road

LOT 1, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 81 PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

EXCEPTING THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES: COMMENCE AT A POINT 155.39 FEET NORTH 29 DEGREES 50 MINUTES 50 SECONDS WEST FROM THE SOUTHEAST CORNER OF LOT 1, KENNEDY PARK, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 19, PAGE 282, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN SOUTH 88

DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 23.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88 DEGREES 36 MINUTES 25 SECONDS WEST, A DISTANCE OF 70.15 FEET; THENCE RUN NORTH 1 DEGREE 23 MINUTES 35 WEST, A DISTANCE OF 50 FEET TO THE EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN NORTH 13 DEGREES 10 MINUTES 10 SECONDS EAST, A DISTANCE OF 32.98 FEET; THENCE RUN NORTH 15 DEGREES 01 MINUTES 27 SECONDS WEST, A DISTANCE OF 25.85 FEET; THENCE RUN NORTH 60 DEGREES 13 MINUTES 25 SECONDS EAST, A DISTANCE OF 30 FEET; THENCE RUN SOUTH 46 DEGREES 18 MINUTES 04 SECONDS EAST, A DISTANCE OF 26.08 FEET; THENCE RUN SOUTH 29 DEGREES 46 MINUTES 35 SECONDS EAST, A DISTANCE OF 48.69 FEET TO THE SAID EXISTING NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 44; THENCE RUN SOUTH 1 DEGREE 23 MINUTES 35 SECONDS EAST, A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.

AND LOTS 2 AND 3, ELLISON ACRES, ACCORDING TO THE MAP IN MAP BOOK 81 PAGE 224, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. EXCEPTING FROM ALL OF THE ABOVE THAT PORTION OF SAID LOTS TAKEN FOR WIDENING OF STATE ROAD NO. 44.

shall be and the same is hereby rezoned from Volusia County *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 November 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. 64-26, 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. 64-26, 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: 10/19/2026