Special Magistrate
Wednesday, February 26, 2025 at 2:00 PM

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

1. CALL TO ORDER

2. APPROVAL OF MINUTES

2.A Consider the adoption of the Special Magistrate Meeting Minutes held on January 22, 2025.

3. SWEARING OF CITY STAFF, RESPONDENTS AND WITNESSES

4. OLD BUSINESS

4.A CCSM-0256-2024- 30 CUNNINGHAM DR.; OWNER: AARON JOSEPH LINGO AND SKYE VERANA ZAMBRANO; OFFICER: JOHN PARKS

4.B CCSM-0581-2023-536 N. DIXIE FREEWAY; OWNER: CRYPTOCURRENCY MINING INC; OFFICE: JASON YATES

4.C CCSM-0258-2024- 824 DOWNING ST; OWNER: CASEY JON STAPPENBECK; OFFICER: HERMAN TRAUTWEIN

4.D CCSM-0418-2024- 120 MURRAY ST.: OWNER: LONI JOY SHUTLER AND JIM H LOVING; OFFICER: JOHN PARKS

4.E CCSM-0474-2024-804 HOPE AVE.; OWNER: DOUGLAS AND JENNIFER

OVERHISER; OFFICER: BARBARA BOBELAK

5. NEW BUSINESS

5.A CCSM-0535-2024- 780 PINE SHORES CIR; OWNER: HINTON PROPERTIES INC; OFFICER: HERMAN TRAUTWEIN

5.B CCSM-0543-2024- 1515 LIVE OAK ST; OWNER: PAGAN GROUP LLC; OFFICER: JOHN PARKS

5.C CCSM-0407-2024- 1409 HILL ST.; OWNER: 1409 HILL ST LLC.; OFFICER: HERMAN TRAUTWEIN

5.D CCSM-0608-2024- 2016 WOODLAND AVE; OWNER: ROBERT JARVIS, JR.; OFFICER: HERMAN TRAUTWEIN

5.E CCSM-0038-2025-401 BOUCHELLE DR.; OWNER: BOUCHELLE 401 DEVELOPMENT LLC; OFFICER: HERMAN TRAUTWEIN

5.F CCSM-0042-2025- 405 BOUCHELLE DR; OWNER: BOUCHELLE 405 DEVELOPMENT LLC: OFFICER: HERMAN TRAUTWEIN

5.G CCSM-0045-2025- 445 BOUCHELLE DR; OWNER: BOUCHELLE ISLAND V CONDOMINIUM ASSOCIATION INC; OFFICER: HERMAN TRAUTWEIN

5.H CCSM-0046-2025- 446 BOUCHELLE DR; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC; OFFICER: HERMAN TRAUTWEIN

5.I CCSM-0047-2025- 448 BOUCHELLE DR; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC; OFFICER: HERMAN TRAUTWEIN

5.J CCSM-0048-2025- 449 BOUCHELLE DR; OWNER: BOUCHELLE ISLAND XIV CONDOMINIUM ASSOCIATION, INC.; OFFICER: HERMAN TRAUTWEIN

5.K CCSM-0050-2025- 462 BOUCHELLE DR; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION, INC.; OFFICER: HERMAN TRAUTWEIN

5.L CCSM-0051-2025- 464 BOUCHELLE DR; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCATION; OFFICER: HERMAN TRAUTWEIN

5.M CCSM-0052-2025- 466 BOUCHELLE DR; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC.; OFFICER: HERMAN TRAUTWEIN

5.N CCSM-0053-2025- 3700 S. ATLANTIC AVE; OWNER: MARINERS COVE CONDO ASSOC; OFFICER: HERMAN TRAUTWEIN

5.O CCSM-0878-2024- 3491 MEDICI BLVD; OWNER: GEOSAM CAPITAL US (VENETIAN BAY) LP; OFFICER: BARBARA BOBELAK

5.P CCSM- 0879-2024- CASELLO- TRACT P; OWNER: GEOSAM CAPITAL US (VENETIAN BAY) LP; OFFICER: BARBARA BOBELAK

5.Q CCSM-0880-2024 215 N. AIRPORT RD. (TRACT G); OWNER: GEOSAM CAPITAL US (VENETIAN BAY) LP; OFFICER: BARBARA BOBELAK

6. REPEAT BUSINESS

7. LIEN AMNESTY APPLICATION

8. STAFF REPORT

9. 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 - CODE COMPLIANCE

CONSIDER THE ADOPTION OF THE SPECIAL MAGISTRATE MEETING MINUTES HELD ON JANUARY 22, 2025.

February 26, 2025

Background:
A Special Magistrate Board Meeting was held on January 22, 2025. Meeting Minutes are attached for your review and adoption consideration.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

NSB CCSM January 2025 Minutes..rtf

Special Magistrate
Wednesday, January 22, 2025, at 2:00 PM

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

1. CALL TO ORDER

Having been duly advertised as required by law, the regular meeting of the Code Compliance Special Magistrate of the City of New Smyrna Beach, Florida, was held on Wednesday, January 22, 2025, at the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida 32168.

Special Magistrate Jessica Gow called the hearing to order at 2:33 PM and reviewed the procedures for the hearing.

2. APPROVAL OF MINUTES

The Special Magistrate approved minutes from the November 13, 2024, meeting. She continued to explain the process for the meeting, advised of the appeal process and asked if there are any questions. There were none.

3. SWEARING OF CITY STAFF, RESPONDENTS AND WITNESSES

Board Secretary Teresa Merck administered the oath to the following City Staff and property representatives/owners: Barbara Bobelak, Beverly Abrahamson, Steve Woodworth, and Richard Perham.

4. OLD BUSINESS

None.

5. NEW BUSINESS

5.A CCSM-0280-2024- 2506 MILTON AVE, OWNER: RICHARD PERHAM, OFFICER: BARBARA BOBELAK

Officer Bobelak presenting.

The property owner, Richard Perham, was present to comment.

On April 15, 2024, Code Compliance received a complaint regarding construction of a garage with no permit posted on site.

On April 15, 2024, an inspection was conducted, Officer Bobelak checked the permitting system for a permit and no permit was found on file. The property was found to be in violation of Sec. 26-171. (a) Permits required.

On April 30, 2024, a Notice of Violation was posted on the property with an initial compliance date of April 29, 2024. A copy was also mailed certified mail to the property owner on April 15, 2024, and was signed for and accepted on April 27, 2024.

On April 30, 2024, the property owner came into City Hall to discuss the Notice of Violation stating that he would need more time to get a permit. He discussed the permit with the Building Department, and they stated he would need engineered drawings for the garage. He also spoke to Stephanie Doster, Planning, regarding a variance for the structure. After discussing with Mr. Perham, Officer Bobelak extended the compliance date to review his options and work on permits and a variance if needed. Mr. Perham kept Officer Bobelak updated for several months trying to get an engineer to work on drawings for him and he also had some family business to take care of out-of-state.

On January 7, 2025, a Notice of Hearing was posted on the property and certified mail was sent. Certified mail was in transit.

On January 22, 2025, a follow-up inspection showed the property to remain in violation of City Code Sec. 26-171. (a) Permits Required. The structure remains on the property and no permit application has been submitted.

It is Officer Bobelak's recommendation that the Special Magistrate find Richard Perham and/or entity in violation of Sec. 26-171. (a) Permits required and give until March 19, 2025, to bring the property into full compliance. If the owner does not come into

compliance, it's Officer Bobelak's recommendation to impose a fine at a subsequent hearing in the amount of $50 per day until the property is brought into full compliance, with a fine not to exceed $10,000.00

The Special Magistrate found the property in violation based on the testimony of the Code Inspector and gave until March 19, 2025, to comply. In the event the respondents do not comply, a fine of $50.00 per day per violation may be imposed at the next hearing on March 26, 2025.

It is the respondent's responsibility to notify Code Compliance for an inspection to determine compliance. The respondent may appeal this decision within 30 days. A repeat of this violation within five years may be subject to a fine of up to $500 per day.

5.B WITHDRAWN- CCSM-0326-2024- 2508 MILTON AVE, OWNER: JOSHUA D. & RENEE L. ROBINSON, OFFICER: BARBARA BOBELAK

5.C CCSM-0474-2024 - 804 HOPE AVE; OWNER: DOUGLAS AND JENNIFER OVERHISER; OFFICER: BARBARA BOBELAK

Officer Barbara Bobelak presenting.

The owner was not present to comment.

On June 7, 2024, Code Compliance received information regarding ownership change with paperwork from the closing stating that the new owner agreed to resolve the violation for pavers installed without a permit.

On June 7, 2024, a check of the permitting system showed an expired permit from the previous owner's contractor, and the property was found to be in violation of City Code Sec. 26-171. (a) - Permits Required.

On June 10, 2024, a Notice of Violation was posted on the property with an initial compliance date of June 21, 2024. A copy was also mailed certified mail on June 7, 2024, to the property owner and was signed for and accepted on June 10, 2024.

Mr. Overhiser, property owner, contacted Officer Bobelak to discuss the violation stating that he is working on permitting to resolve the violation. He contacted a contractor to assist with bringing his property into compliance and submitted an itemized list showing the work to be done.

On January 7, 2025, the Notice of Hearing was posted on the property and certified mail was delivered on January 3, 2025.

On January 7, 2025, a follow-up inspection showed the property remains in violation, the permit has not been issued, the items listed on the scope of work appear to still be on the property. Officer Bobelak has had no recent contact with the property owner or the contractor. There have been no responses to the recent emails sent to the contractor.

It is Officer Bobelak's recommendation that the Special Magistrate find Douglas and Jennifer Overhiser, and/or entity, in violation of City Code Sec. 26-171. (a) Permits Required, and give until February 19, 2025, to bring the property into full compliance. If the owner does not come into compliance, it's the Staff's recommendation to impose a fine at the hearing on February 26, 2025, in the amount of $50/day until the property is brought into full compliance, with a fine not to exceed $10,000.00

It is the respondent's responsibility to notify Code Compliance for an inspection to determine compliance. The respondent may appeal this decision within 30 days. A repeat of this violation within five years may be subject to a fine of up to $500 per day.

6. REPEAT BUSINESS

7. LIEN AMNESTY APPLICATION

8. STAFF REPORT

9. ADJOURNMENT

As there was no further business to discuss, Special Magistrate declared the meeting adjourned at: 2:50 PM.

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 - CODE COMPLIANCE

CCSM-0256-2024- 30 CUNNINGHAM DR.; OWNER: AARON JOSEPH LINGO AND SKYE VERANA ZAMBRANO; OFFICER: JOHN PARKS

February 26, 2025

Background:

Violation of City Code Sec. 26-171. (a) - Permits Required; Sec. 26-172. - Penalties for work commencing before permit issuance.

Compliance Date: June 14, 2024

Method of Service: Property posted June 3, 2024; Certified mail delivered and signed for on June 11, 2024.

Findings:

Property was found in Violation of Sec. 26-171 (a) - Permits Required by the Special Magistrate on August 28, 2024.

New Compliance Date: September 20, 2024.

Recommended fine: $50.00 per day for each day the violations exist.

Method of Service: Property was posted on August 30, 2024; Certified mail was sent on August 29, 2024.

On September 25, 2024, the Special Magistrate continued the case to the November 13, 2024, hearing. The order was posted on the property on September 30, 2024 and mailed certified mail to the property owner and was returned to sender.

On November 13, 2024, the Special Magistrate continued the case to the February 26, 2025, hearing. The Order was posted on the property on November 20, 2024 and certified mail was delivered and signed for on November 18, 2024.

The Notice of hearing was posted on the property on February 5, 2025; certified mail was sent on February 5, 2025 and accepted on February 7, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0256-2024 30 Cunningham.pdf

CE-0256-2024 30 Cunningham Dr
CODE CASE DETAILED REPORT FOR CITY OF NEW SMYRNA BEACH

Case Type:	Code Enforcement	**Project:**		**Opened Date:**	04/08/2024
Status:	In Progress	**District:**	New Smyrna Beach	**Closed Date:**	NOT CLOSED
Assigned To:	John Parks	**Description:**	Observed front decking without a permit.		

Parcel: 740601001110 Main	**Address:** 30 Cunningham Dr Main New Smyrna Beach, FL 32168	**Zone:** R-2 (SINGLE FAMILY RESIDENTIAL)

Owner

Aaron Lingo

30 Cunningham Dr
New Smyrna Beach, FL 32168

Home: 3868522122

Business: (386) 299-0889

Note	Created By	Date and Time Created
1. On 04/08/24, I observed decking construction on the front of the house. A check of the permit system found no permit in the system. Photo was taken and placed in the file.	John Parks	4/8/2024 3:28 pm
2. On 04/09/24, I posted a Stop Work Order at the property for doing work without a permit. While posting the order I was able to observe that the interior of the house has been demoed down to the studs. Additionally, there appeared to be new windows and doors. Photos were taken and placed in the file. A check of the permit system revealed that the driveway permit was outstanding and has not been issued.	John Parks	4/9/2024 10:02 am

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3781619 **Parcel ID: 740601001110**
LINGO AARON JOSEPH **30 CUNNINGHAM DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	3781619
Parcel ID:	740601001110
Township-Range-Section:	17 - 34 - 06
Subdivision-Block-Lot:	01 - 00 - 1110
Owner(s):	LINGO AARON JOSEPH - JT - Joint Tenancy with Right of Survivors
	ZAMBRANO SKYE VERANA - JT - Joint Tenancy with Right of Surviv
Mailing Address On File:	30 CUNNINGHAM DR
	NEW SMYRNA BEACH FL 32168
Physical Address:	30 CUNNINGHAM DR, NEW SMYRNA BEACH 32168
Property Use:	0100 - SINGLE FAMILY
Tax District:	601-NEW SMYRNA BEACH
2023 Final Millage Rate:	17.0554
Neighborhood:	4608
Subdivision Name:	INLET SHORES
Homestead Property:	Yes

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$393,437	$250,800	$25,000	$225,800	1.5000	$338.70
0012	DISCRETIONARY	$393,437	$250,800	$25,000	$225,800	0.7480	$168.90
0011	REQ LOCAL EFFORT	$393,437	$250,800	$25,000	$225,800	3.1610	$713.75
0050	GENERAL FUND	$393,437	$250,800	$50,000	$200,800	3.3958	$681.88
0055	LIBRARY	$393,437	$250,800	$50,000	$200,800	0.4209	$84.52
0520	MOSQUITO CONTROL	$393,437	$250,800	$50,000	$200,800	0.1781	$35.76
0530	PONCE INLET PORT AUTHORITY	$393,437	$250,800	$50,000	$200,800	0.0692	$13.90
0053	PUBLIC SAFETY FUND	$393,437	$250,800	$50,000	$200,800	1.4541	$291.98
0058	VOLUSIA ECHO	$393,437	$250,800	$50,000	$200,800	0.2000	$40.16
0057	VOLUSIA FOREVER	$393,437	$250,800	$50,000	$200,800	0.2000	$40.16
0065	FLORIDA INLAND NAVIGATION DISTRICT	$393,437	$250,800	$50,000	$200,800	0.0288	$5.78
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$393,437	$250,800	$50,000	$200,800	0.8162	$163.89
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$393,437	$250,800	$50,000	$200,800	0.1793	$36.00
0271	NEW SMYRNA BCH I&S 2005	$393,437	$250,800	$50,000	$200,800	0.1900	$38.15
0272	NEW SMYRNA BCH I&S 2018	$393,437	$250,800	$50,000	$200,800	0.0990	$19.88
0270	NEW SMYRNA BEACH	$393,437	$250,800	$50,000	$200,800	4.4150	$886.53
						17.0554	$3,559.95

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	1	$95.00	$101.00
			$101.00

Estimated Ad Valorem Tax:	$3,559.95
Estimated Non-Ad Valorem Tax:	$101.00
Estimated Taxes:	**$3,660.95**
Estimated Tax Amount without SOH:	$6,811.23

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2023	$90,000	$280,450	$370,450	$243,495	$50,000	$193,495	$126,955
2022	$70,875	$228,802	$299,677	$236,403	$50,000	$186,403	$63,274
2021	$39,750	$189,767	$229,517	$229,517	$50,000	$179,517	$0
2020	$39,750	$161,078	$200,828	$200,828	$0	$200,828	$0
2019	$39,750	$140,035	$179,785	$116,309	$50,000	$66,309	$63,476
2018	$37,500	$118,981	$156,481	$114,140	$50,000	$64,140	$42,341
2017	$37,500	$124,458	$161,958	$111,792	$50,000	$61,792	$50,166
2016	$37,500	$130,451	$167,951	$109,493	$50,000	$59,493	$58,458
2015	$37,500	$118,178	$155,678	$108,732	$50,000	$58,732	$46,946

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

LOT 111 INLET SHORES SUB MB 23 PG 156 PER OR 3775 PG 2417 PER OR 7871 PG 4985

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL 32168
386-410-2870

Violation Notice

Case Number: **CE-0256-2024**
Case Type: **Code Enforcement**
Date Case Established: **04/08/2024**
Compliance Deadline: **06/14/2024**

Owner: AARON JOSEPH LINGO & SKYE VERANA ZAMBRANO

Mailing Address

AARON LINGO
SKYE VERANA ZAMBRANO
30 Cunningham Dr
New Smyrna beach, FL 32168

Notice of Violation for the following location:

Address	**Parcel**
30 CUNNINGHAM DR NEW SMYRNA BEACH, FL 32168	**740601001110**

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.
Corrective Action: Obtain after fact permits for Porch, Decking, Doors, Windows, Interior remodeling and all other permit required improvements and repairs to the property for which a permit has not been issued.
Compliance Date: 06/14/2024

Violation: Sec. 26-172. - Penalties for work commencing before permit issuance.
Any person who commences any work on a building or structure or electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 200 percent of the normal permit fee plus $50.00; except that during or following a natural disaster such as a hurricane, tornado, or sever windstorm, the penalty shall be 200 percent of the normal permit fee plus $100.00. The penalty shall be in lieu of the penalty imposed by section 104.7.2 of the 2007 Florida Building Code adopted in section 26-36. (Ord. No. 49-97, § 1,

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0256-2024**

Case Type: **Code Enforcement**

Date Case Established: **04/08/2024**

Compliance Deadline: **06/14/2024**

10-28-1997; Ord. No. 88-07, § 8, 9-11-2007; Ord. No. 28-09,§ 3, 8-25-2009)
Corrective Action: Fees imposed for after fact permits.
Compliance Date: 06/14/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:
(✓) Post 9489 0090 0027 6145 9455 92
( ) Hand Delivery

Sincerely,

John Parks
Code Compliance Officer
Phone: (386) 410-2877
Email: jparks@cityofnsb.com

5/31/24

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

AARON LINGO
30 Cunningham dr
New Smyrna beach, FL
32168

CASE NO. CE-0256-2024
30 CUNNINGHAM DR
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **August 28, 2024 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

AARON LINGO
30 Cunningham dr
New Smyrna beach, FL
32168

CASE NO. CE-0256-2024
30 CUNNINGHAM DR
NEW SMYRNA BEACH, FL
32168

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number: 9489009000276145945592
(✓) Post
( ) Hand Delivery

John Parks
Code Compliance Officer
Phone: (386) 410-2877
Email: jparks@cityofnsb.com
5/31/2024

UNITED STATES POSTAL SERVICE

July 30, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6145 9455 92**.

Item Details

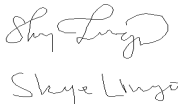
Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	June 11, 2024, 1:05 pm
Location:	NEW SMYRNA BEACH, FL 32168
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1lb, 13.3oz

Recipient Signature

Signature of Recipient:



30 CUNNINGHAM DI

NEW SMYRNA BEACH, FL 32168-5906

Address of Recipient:

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004


Network: Jun 3, 2024 at 10:06:34 AM EDT
Local: Jun 3, 2024 at 10:06:34 AM EDT
N 29° 3' 25.091", W 80° 55' 52.981"
30 Cunningham Dr
New Smyrna Beach FL 32168
United States

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

City of New Smyrna Beach, Florida, a municipal corporation,
Petitioner,

CASE NO.: CCSM-0256-2024

VS.

AARON JOSEPH LINGO
SKYE VERANA ZAMBRANO,
Respondent(s)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This case was heard on **August 28, 2024**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ✓ did ____ did not attend the hearing. The Special Magistrate, having heard testimony, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The property which is the subject of this Code Compliance action is located at

   Address: 30 CUNNINGHAM DR, NEW SMYRNA BEACH 32168
   Parcel: 740601001110
   Legal description: LOT 111 INLET SHORES SUB MB 23 PG 156 PER OR 3775 PG 2417 PER OR 7871 PG 4985

2. The property was first inspected by a Code Compliance Officer on **April 8, 2024**. At the time of inspection, the Code Compliance Officer found the property to be in violation of the City of New Smyrna Beach Code of Ordinances.

3. The Respondent(s) was/were served a Notice of Violation on **May 31, 2024** identifying the specific violation(s). The violation(s) was/were to be corrected by **June 14, 2024**. The Code Compliance Officer reinspected the property on **August 21, 0224** and determined that the violation(s) was/were not corrected.

4. Based on the evidence presented at the hearing, it is determined that the following violation(s) exist on the property:

Sec. 26-171. (a) Permits required

IT IS THEREUPON ORDERED that:

A. Respondent(s) shall bring the property into compliance with the code provisions cited above by 1 p.m. **September 30, 2024**, and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**. If the Special Magistrate finds that the violation(s) was/were not corrected by the date set forth above, a fine of **$50.00 per day for each section of code that remains in violation** shall be imposed.

B. **NEXT HEARING DATE:** This case shall be reviewed by the Special Magistrate at a public hearing on **September 25, 2024**, at **2:00 p.m.**, in the City Chambers, 214 Sams Ave., New Smyrna Beach, FL. The Special Magistrate will consider setting a fine and lien on the above case at this Public Hearing.

This Order may be appealed to the Circuit Court within 30 days of its execution.

DONE AND ORDERED on **August 28, 2024**.

NOTARY PUBLIC STATE OF FLORIDA
CYNTHIA LANGDON
MY COMMISSION # HH 470361
EXPIRES: February 19, 2028

Catherine Reischmann
Special Magistrate

ATTEST:

Cynthia Langdon
Code Compliance Clerk

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 30 Cunningham Dr, New Smyrna Beach, FL 32168 by:

(_√_) Certified Mail, Return Receipt Requested, Receipt # 9489 0090 0027 6603 5980 49

(_√_) Post

(___) Hand Delivery

By: Cindy Langdon, Code Compliance Clerk
Date: August 29, 2024


Network: Aug 30, 2024 at 3:37:12 PM EDT
Local: Aug 30, 2024 at 3:37:12 PM EDT
N 29° 3' 25.115", W 80° 55' 53.472"
30 Cunningham Dr
New Smyrna Beach FL 32168
United States

Code Compliance
CITY OF NEW SMYRNA BEACH
210 Sams Avenue • New Smyrna Beach, Florida 32168-7040

UNCLAIMED

UNITED STATES POSTAL SERVICE CERTIFIED MAIL®

9489 0090 0027 6603 5980 49

Label 690-PB, Oct 2015
Pitney Bowes

US POSTAGE PITNEY BOWES
ZIP 32168 $ 008.16⁰
02 4W
0000380734 AUG 29 2024

1st NOTICE 9/4
2nd NOTICE 9/20
RETURNED 9/25

Aaron Joseph Lingo
Skye Verana Zambrano
30 Cunningham Dr
New Smyrn

NIXIE 339 DE 1 0009/29/24
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 32168704010 *0374-01652-30-45

32168>7040

SPECIAL MAGISTRATE
IN AND FOR THE CITY OF NEW SMYRNA BEACH

CITY OF NEW SMYRNA BEACH, FLORIDA, a municipal corporation,
Petitioner,

CASE NO.: **CCSM-0256-2024**

VS

AARON JOSEPH LINGO
SKYE VERANA ZAMBRANO,
Respondents/Owners.

ORDER CONTINUING HEARING

This case was heard on **September 25, 2024**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ____did ✓did not attend the hearing.

The Code Compliance Special Magistrate hereby continues the hearing on the above captioned case until **November 13, 2024** at the City Chambers, 214 Sams Ave, New Smyrna Beach, FL 32168 at 2:00 PM.

Address: 30 CUNNINGHAM DR, NEW SMYRNA BEACH 32168
Parcel: 740601001110
Legal description: LOT 111 INLET SHORES SUB MB 23 PG 156 PER OR 3775 PG 2417 PER OR 7871 PG 4985

DONE AND ORDERED this **25th** day of **September 2024**.

NOTARY PUBLIC STATE OF FLORIDA
CYNTHIA LANGDON
MY COMMISSION # HH 470361
EXPIRES: February 19, 2028

Catherine Reischmann
Special Magistrate

ATTEST:
Cynthia Langdon
Code Compliance Clerk

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 30 Cunningham Dr, New Smyrna Beach, FL 32168 by:

(_V_) Certified Mail, Return Receipt Requested, Receipt #: 9489 0090 0027 6603 5984 07
(_V_) Post
(___) Hand Delivery

Signature: Cindy Langdon
Title: Code Compliance
Date: September 26, 2024

Network: Sep 30, 2024 at 10:13:51 AM EDT
Local: Sep 30, 2024 at 10:13:51 AM EDT
N 29° 3' 24.830", W 80° 55' 52.987"
30 Cunningham Dr
New Smyrna Beach FL 32168
United States



SPECIAL MAGISTRATE
IN AND FOR THE CITY OF NEW SMYRNA BEACH

CITY OF NEW SMYRNA BEACH, FLORIDA, a municipal corporation,
Petitioner,

CASE NO.: CCSM-0156-2024

V:

AARON JOSEPH LINGO
SKYE VEYANA ZAMBRANO,
Respondents/Owners.

ORDER CONTINUING HEARING

This case was heard on **September 25, 2024**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ___ did ___ did not attend the hearing.

The Code Compliance Special Magistrate hereby continues the hearing on the above captioned case until **November 13, 2024** at the City Chambers, 214 Sams Ave, New Smyrna Beach, FL 32168 at 2:00 PM.

Address: 30 CUNNINGHAM DR, NEW SMYRNA BEACH 32168
Parcel: 7406010011O
Legal description: LOT 113 INLET SHORES SUB MB 23 PG 356 PER OR 3775 PG 2417 PER OR 7871 PG 4365

DONE AND ORDERED this 25th day of September 2024.

ATTEST:

Catherine Ashchenazi
Special Magistrate

Cynthia Langdon
Code Compliance Clerk

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 30 Cunningham Dr, New Smyrna Beach, FL 32168 by:

[✓] Certified Mail, Return Receipt Requested, Receipt # 9589 0290 0027 5603 5584 27
[✓] Post
[ ] Hand Delivery

Signature: Cindy Langdon
Title: Code Compliance
Date: September 30, 2024

Page 1 of 1

New Smyrna Beach Code Compliance 210 Sams Ave New Smyrna Beach, FL 32168 Tel: 386.410.3010 30 Cunningham Dr Case



CITY OF NEW SMYRNA BEACH
210 Sams Avenue • New Smyrna Beach, Florida 32168-704
Code Compliance

UNCLAIMED

UNITED STATES POSTAL SERVICE CERTIFIED MAIL®

9489 0090 0027 6603 5984 07

ORLANDO FL 32
26 SEP 2024 PM 2 L

Label 890-PB, Oct. 2015
Pitney Bowes

US POSTAGE PITNEY BOWES
ZIP 32168 $ 008.16⁰
02 4W
0000380734 SEP 25 2024

AARON JOSEPH LINGO
SKYE VERANA ZAMBRANO
30 Cunningh
New Smyrna

1st NOTICE

NIXIE 339 DE 1 0010/30/24
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 32168704010 *0274-00730-26-42

Network:Nov 20, 2024 at 7:30:16 AM EST
Local:Nov 20, 2024 at 7:30:16 AM EST
N 29° 3' 25.130", W 80° 55' 53.221"
30 Cunningham Dr
New Smyrna Beach FL 32168
United States

SPECIAL MAGISTRATE
IN AND FOR THE CITY OF NEW SMYRNA BEACH

CITY OF NEW SMYRNA BEACH, FLORIDA, a municipal corporation,
Petitioner,

CASE NO.: CCSM-0256-2024

VS

AARON JOSEPH LINGO
SKYE VERANA ZAMBRANO,
Respondents/Owners.

ORDER CONTINUING HEARING

This case was heard on **November 13, 2024**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ____ did __✓__ did not attend the hearing.

The Code Compliance Special Magistrate hereby continues the hearing on the above captioned case until **February, 2025** at the City Chambers, 214 Sams Ave, New Smyrna Beach, FL 32168. Notice of Hearing to follow.

Address: 30 CUNNINGHAM DR, NEW SMYRNA BEACH 32168
Parcel: 740601001110
Legal description: LOT 111 INLET SHORES SUB MB 23 PG 156 PER OR 3775 PG 2417 PER OR 7871 PG 4985

DONE AND ORDERED this 13th day of **November, 2024.**

TERESA MERCK
MY COMMISSION # HH 524618
EXPIRES: October 28, 2028

ATTEST:
Catherine Reischmann
Special Magistrate

Teresa Merck
Code Compliance Clerk

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 30 Cunningham Dr, New Smyrna Beach, FL 32168 by:
(_✓_) Certified Mail, Return Receipt Requested, Receipt #: 9214-8901-9403-5383-2903-23
(_✓_) Post
(___) Hand Delivery

Signature: Teresa Merck
Title: Code Compliance
Date: November 14, 2024

Page 1 of 1

New Smyrna Beach Code Compliance, 210 Sams Ave., New Smyrna Beach, FL 32168 Tel. 386.410.3870 30 Cunningham Dr 0258

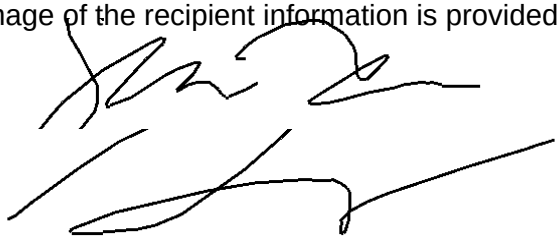
UNITED STATES POSTAL SERVICE

Date Produced: 11/19/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8388 2903 23. Our records indicate that this item was delivered on 11/18/2024 at 12:15 p.m. in NEW SMYRNA BEACH, FL 32168. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

AARON JOSEPH LINGO
SKYE VERANA ZAMBRANO
30 CUNNINGHAM DR
NEW SMYRNA FL 32168-5906

Customer Reference Number: C5456481.33076849

2

UNITED STATES POSTAL SERVICE®

Return address:

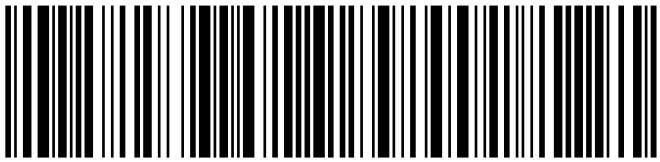
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

AARON JOSEPH LINGO
SKYE VERANA ZAMBRANO
30 CUNNINGHAM DR
NEW SMYRNA FL 32168-5906

MAILING DATE: 11/14/2024
DELIVERY DATE: 11/18/2024

USPS CERTIFIED MAIL



9214 8901 9403 8388 2903 23

USPS Tracking Label Number: 9214 8901 9403 8388 2903 23

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	11/14/2024 15:17
DELIVERED LEFT WITH INDIVIDUAL	NEW SMYRNA BEACH,FL 32168	11/18/2024 12:15

CASE #: CCSM-0256-2024

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

AARON LINGO
30 Cunningham Dr.
New Smyrna Beach, FL 32168

CASE NO. CE-0256-2024
30 CUNNINGHAM DR
NEW SMYRNA BEACH, FL 32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

AARON LINGO
30 Cunningham Dr
New Smyrna beach, FL 32168

CASE NO. CE-0256-2024
30 CUNNINGHAM DR
NEW SMYRNA BEACH, FL 32168

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8399 6752 63

(✓) Post

( ) Hand Delivery

Teresa Merck

Teresa Merck
Administ Specialist

John Parks
Code Compliance Officer
Phone: (386) 410-2877
Email: jparks@cityofnsb.com
2/5/2025

Network:Feb 5, 2025 at 2:52:31 PM EST
Local:Feb 5, 2025 at 2:52:31 PM EST
N 29° 3' 24.918", W 80° 55' 53.574"
30 Cunningham Dr
New Smyrna Beach FL 32168
United States

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

AARON LYNCH
30 Cunningham Dr.
New Smyrna Beach, FL 32168

CASE NO. CF-0058-2024
30 CUNNINGHAM DR
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the *New Smyrna Beach City Code* as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of *New Smyrna Beach*, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-3630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

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UNITED STATES POSTAL SERVICE

Date Produced: 02/10/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8399 6752 63. Our records indicate that this item was delivered on 02/07/2025 at 11:06 a.m. in NEW SMYRNA BEACH, FL 32168. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

AARON LINGO
30 CUNNINGHAM DR
NEW SMYRNA FL 32168-5906

Customer Reference Number: C5635254.34214905

2

UNITED STATES POSTAL SERVICE®

Return address:

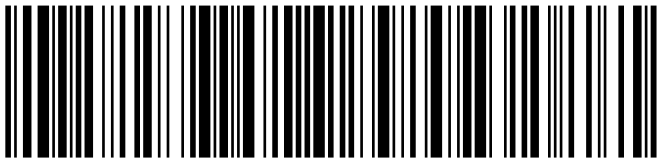
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

AARON LINGO
30 CUNNINGHAM DR
NEW SMYRNA FL 32168-5906

MAILING DATE: 02/05/2025
DELIVERY DATE: 02/07/2025

USPS CERTIFIED MAIL



9214 8901 9403 8399 6752 63

USPS Tracking Label Number: 9214 8901 9403 8399 6752 63

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	02/05/2025 08:32
DELIVERED LEFT WITH INDIVIDUAL	NEW SMYRNA BEACH,FL 32168	02/07/2025 11:06

CASE #: 0256-2024 30 CUNNINGHAM DR


Network:Apr 9, 2024 at 9:24:23 AM EDT
Local:Apr 9, 2024 at 9:24:23 AM EDT
N 29° 3' 24.977", W 80° 55' 53.394"
30 Cunningham Dr
New Smyrna Beach FL 32168
United States


Network:Apr 9, 2024 at 9:24:26 AM EDT
Local:Apr 9, 2024 at 9:24:26 AM EDT
N 29° 3' 24.977", W 80° 55' 53.394"
30 Cunningham Dr
New Smyrna Beach FL 32168
United States
STOP WORK NOTICE
City of New Smyrna Beach
OFFICE OF BUILDING & INSPECTIONS
410-2860
DO NOT REMOVE THIS NOTICE
This one has been inspected and is not approved
No Permit
General Construction
Land Clearing
Stormwater Management
Importing Fill
Tree Removal
Unlicensed Contractor
Other
Location
Date
Comments


Network:Apr 9, 2024 at 9:25:03 AM EDT
Local:Apr 9, 2024 at 9:25:03 AM EDT
N 29° 3' 24.977", W 80° 55' 53.394"
30 Cunningham Dr
New Smyrna Beach FL 32168
United States

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0581-2023-536 N. DIXIE FREEWAY; OWNER: CRYPTOCURRENCY MINING INC; OFFICE: JASON YATES

February 26, 2025

Background:

Violation of City Code LDR Sec. 504.01- General Zoning Regulations; Sec. LDR Sec. 504.02 Regulation by Zoning District; Sec. 74-146 Local Business Tax

Compliance Date: August 23, 2023

Method of Service: Property posted July 27, 2023; certified mail accepted July 31, 2023. Case continued
Notice of Hearing for July 17, 2024 sent certified mail and signed for on June 21, 2024.

Findings:
At a hearing on July 17, 2024, the Special Magistrate found the owner/property in violation of:
LDR Sec. 504.02 Regulation by Zoning District
Sec. 74-146 Local Business Tax for the following businesses:
(To be potentially corrected with further evidence at a subsequent hearing)

Corporate Kits, Inc P22000094010
Crown Jewel Tech, Inc P22000014701
NSB Watch, Inc P22000094008
NSB Watch G22000048964
Prompt Engineering, Inc P23000028521
Prompt Engineering, Inc G23000041680
Atlantic Stamp & Kit G18000034650
Dwight & M.H. Jackson G18000038816
Corp USA G18000038819
Rank & Rent, Inc. G23000074189
Sip Happens Coffee Co. G23000013172
Cryptocurrency Mining, Inc. G23000034499
Cryptocurrency Mining, Inc. G220000123808
Mark's Corpex G18000038820

Recommended fine: a one-time fine of $250.00 for each business for violation of Sec. 74-146- Local Business Tax and $50 per day for violation of LDR Sec. 504.02- Regulation by

Zoning District.

New Compliance Date: August 16, 2024
Notice of Hearing: August 28, 2024 signed for on July 22, 2024.
August hearing continued to October; October hearing continued to January;
January hearing continued to February due to "Change of Use" document needed.
Property posted on January 17, 2025; Certified mail signed for on January 29, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0581-2023 536 N Dixie Freeway.pdf

CODE CASE DETAILED REPORT CE-0581-2023
FOR CITY OF NEW SMYRNA BEACH

Case Type:	Code Enforcement	**Project:**		**Opened Date:**	07/06/2023
Status:	In Progress	**District:**	New Smyrna Beach	**Closed Date:**	NOT CLOSED
Assigned To:	Jason Yates	**Description:**	No Business License Tax Receipts		

Parcel: 744130040112 Main	**Address:** 536 N Dixie Freeway Main New Smyrna Beach, FL 32168 538 N Dixie Freeway New Smyrna Beach, FL 32168	**Zone:** B-3 (HIGHWAY SERVICE BUSINESS)

Note	Created By	Date and Time Created
1. Email sent to Angie to inform her of the BTR Application process from Kathleen in response to the email I sent on 7/7/2023 regarding no applications had been started after Jason and I contacted the property owner several weeks ago.	Barbara Bobelak	7/11/2023 10:49 am
2. To date (07-26-2023) no BTR has been applied for. None of the businesses at that parcel have reached out to the Building Dept to get a business tax receipt. Because of this, I will be issuing a Notice of Violation. The violations will include the lack of a BTR for multiple businesses and the sales of automobiles, which is not allowed by the zoning regulations put into place by the City.	Jason Yates	7/26/2023 10:18 am
3. I discovered that on 07/28/2023 a BTR was applied for and the fees have been paid. I'm waiting for the BTR inspection to be scheduled and completed before I close this case. Case continues	Jason Yates	8/3/2023 8:11 am

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3876962 **Parcel ID: 744130040112**
CRYPTOCURRENCY MINING INC **536 N DIXIE FREEWAY, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	3876962
Parcel ID:	744130040112
Township-Range-Section:	17 - 34 - 41
Subdivision-Block-Lot:	30 - 04 - 0112
Owner(s):	CRYPTOCURRENCY MINING INC - FS - Fee Simple - 100%
Mailing Address On File:	536 N DIXIE FWY NEW SMYRNA BEACH FL 32168
Physical Address:	536 N DIXIE FREEWAY, NEW SMYRNA BEACH 32168
Property Use:	1100 - STORES 1 STORY
Tax District:	601-NEW SMYRNA BEACH
2022 Final Millage Rate:	16.8612
Neighborhood:	7467
Business Name:	
Subdivision Name:	
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$210,625	$210,103	$0	$210,625	1.5000	$315.94
0012	DISCRETIONARY	$210,625	$210,103	$0	$210,625	0.7480	$157.55
0011	REQ LOCAL EFFORT	$210,625	$210,103	$0	$210,625	3.2340	$681.16
0050	GENERAL FUND	$210,625	$210,103	$522	$210,103	4.8499	$1,018.98
0055	LIBRARY	$210,625	$210,103	$522	$210,103	0.4635	$97.38
0520	MOSQUITO CONTROL	$210,625	$210,103	$522	$210,103	0.1781	$37.42
0530	PONCE INLET PORT AUTHORITY	$210,625	$210,103	$522	$210,103	0.0760	$15.97
0053	PUBLIC SAFETY FUND	$210,625	$210,103	$522	$210,103	0.0000	$0.00
0058	VOLUSIA ECHO	$210,625	$210,103	$522	$210,103	0.2000	$42.02
0057	VOLUSIA FOREVER	$210,625	$210,103	$522	$210,103	0.2000	$42.02
0065	FLORIDA INLAND NAVIGATION DISTRICT	$210,625	$210,103	$522	$210,103	0.0320	$6.72
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$210,625	$210,103	$522	$210,103	0.9017	$189.45
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$210,625	$210,103	$522	$210,103	0.1974	$41.47
0271	NEW SMYRNA BCH I&S 2005	$210,625	$210,103	$522	$210,103	0.2176	$45.72
0272	NEW SMYRNA BCH I&S 2018	$210,625	$210,103	$522	$210,103	0.1130	$23.74
0270	NEW SMYRNA BEACH	$210,625	$210,103	$522	$210,103	3.9500	$829.91
						16.8612	$3,545.45

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	2	$95.00	$196.00
			$196.00

Estimated Ad Valorem Tax:	$3,545.45
Estimated Non-Ad Valorem Tax:	$196.00
Estimated Taxes:	**$3,741.45**
Estimated Tax Amount without SOH:	$3,747.39

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2022	$95,544	$95,459	$191,003	$191,003	$0	$191,003	$0
2021	$92,890	$86,669	$179,559	$179,559	$0	$179,559	$0
2020	$79,620	$92,770	$172,390	$172,390	$0	$172,390	$0
2019	$72,985	$87,343	$160,328	$160,328	$0	$160,328	$0
2018	$69,668	$86,335	$156,003	$156,003	$0	$156,003	$0
2017	$69,668	$78,651	$148,319	$148,319	$0	$148,319	$0
2016	$69,668	$68,033	$137,701	$137,701	$0	$137,701	$0
2015	$69,668	$64,203	$133,871	$133,871	$0	$133,871	$0
2014	$69,668	$62,671	$132,339	$132,339	$0	$132,339	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

E 1/2 OF S 1/4 OF LOT 11 & N 45 FT OF S 95 FT OF W 156.2 FT OF E 161.2 FT EXC RD BLK 4 DOUGHERTYS NEW SMYRNA DB M PG 701 MB 12 PGS 120 PER OR 5466 PG 3285 PER OR 6235 PG 3675 & PER OR 6768 PG 3547 PER OR 8080 PG 0885

536 N. Dixie Freeway pictometry



536 N DIXIE FWY NEW SMYRNA BEACH, FL 32168

Sponsored Links

Images Auto Spa

Quality Car Detailing S

We only use the Highest-Quality clea
polishing products to gently detail yc

There are 5 companies that have an address matching 536 N Dixie Fwy New Smyrna Beach, FL 32168.

The companies are Nsb Watch, Corporate Kits Inc, Nsb Watch Inc, Sip Happens Coffee Co, and Prompt Engineering Inc.

Website Dir

NSB WATCH
FLORIDA ASSUMED NAME
WRITE REVIEW

Address:	536 N Dixie Fwy New Smyrna Beach, FL 32168
Address Types:	Principal
Registered Agent:	
Filing Date:	April 18, 2022
File Number:	G22000048964

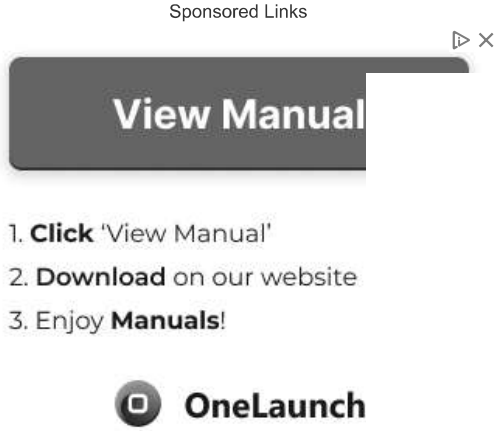
Contact Us About The Company Profile For Nsb Watch

CORPORATE KITS, INC.
FLORIDA DOMESTIC PROFIT CORPORATION
WRITE REVIEW

Address:	536 N Dixie Fwy New Smyrna Beach, FL 32168
Address Types:	Mailing and Registered Agent
Registered Agent:	Green Angela M
Filing Date:	January 01, 2023
File Number:	P22000094010

Contact Us About The Company Profile For Corporate Kits, Inc.

Sponsored Links



NSB WATCH, INC.
FLORIDA DOMESTIC PROFIT CORPORATION
WRITE REVIEW

Address:	536 N Dixie Fwy New Smyrna Beach, FL 32168
Address Types:	Mailing and Registered Agent
Registered Agent:	Green Angela M
Filing Date:	January 01, 2023
File Number:	P22000094008

Contact Us About The Company Profile For Nsb Watch, Inc.

SIP HAPPENS COFFEE CO.
FLORIDA ASSUMED NAME
WRITE REVIEW

Address:	536 N Dixie Fwy New Smyrna Beach, FL 32168
Address Types:	Principal
Registered Agent:	
Filing Date:	January 27, 2023
File Number:	G23000013172

Contact Us About The Company Profile For Sip Happens Coffee Co.

PROMPT ENGINEERING, INC.
FLORIDA ASSUMED NAME
WRITE REVIEW

Address:	536 N Dixie Fwy New Smyrna Beach, FL 32168
Address Types:	Principal
Registered Agent:	
Filing Date:	March 31, 2023
File Number:	G23000041680

Contact Us About The Company Profile For Prompt Engineering, Inc.

ADDITIONAL LINKS

Search All Addresses

(Displaying 5 matches)

The information on this page is being provided for the purpose of informing the public about a matter of genuine public interest.

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City of New Smyrna Beach, Code Enforcement

Code Enforcement (386) 410-2870 / Animal Control (386) 424-2000 / Email: code@cityofnsb.com

~~246 Industrial Park Ave.~~, New Smyrna Beach, FL 32168

210 SAMS AVE **NOTICE OF VIOLATION**

A violation of the New Smyrna Beach **City Code** exists at the following property:

Date: 07/27/2023

[X] CESM [ ] CEB

Case Number: CE-0581-2023

Address: 536 N. DIXIE FREEWAY

Parcel ID#: 744130040112

Owner/Agent/Tenant: CRYPTOCURRENCY MINING INC

Owner Address: 536 N. DIXIE FREEWAY NEW SMYRNA BEACH FL 32168

REASON FOR VISIT:	CORRECTIVE ACTION:
[ ] Sec. 26-171. Building Permit	Obtain:
[ ] Sec. 26-902. Registration of Vacant Real Properties	
[ ] Sec. 26-914. (1) Structural Elements	Repair:
[ ] Sec. 26-914. (2) Exterior Surfaces	Repair:
[ ] Sec. 26-914. (3) Protections of exterior surfaces	Repair:
[ ] Sec. 26-914. (4) Windows & doors	Repair:
[ ] Sec. 26-914. (5) Exterior Attachments	Repair:
[ ] Sec. 26-914. (6) Accessory improvements.	Repair/Replace:
[ ] Sec. 26-914. (8) Landscaping	Maintain:
[ ] Sec. 26-914. (9) Trash & Debris	Remove:
[ ] Sec. 26-914. (11) Swimming pools	Maintain:
[ ] Sec. 26-914. (13) Outdoor Storage	Maintain/Remove:
[ ] Sec. 38-72. Noise, Unnecessary/Excessive	
[ ] Sec. 66-32. Placement of Containers	Waste Containers (trash & recycle) must be stored out of public view.
[ ] Sec. 70-5. Objects and obstructions in public rights-of-way.	Remove:
[ ] Sec. 70-38. Obstruction and Encroachment	Remove:
[X] Sec. 74-146. Local Business Tax	Obtain: BUSINESS TAX RECEIPT
[X] LDR Sec. 504.01 General Zoning Regulations	NOT ZONED FOR SALES OF VEHICLES
[X] LDR Sec. 504.02 Regulation by Zoning District	
[ ] LDR Sec. 604.12. Signs/Banners	Maintain/Remove:
[ ] LDR Sec. 604.051 Tree Preservation	Obtain Permit:
[ ] LDR Sec. 801.01 Prohibited uses within the City Limits (E)	Incidental Structures: Remove:
[ ] LDR Sec. 802.03 Commercial Vehicle(s)	Remove:
[ ] LDR Sec. 802.04 Recreational Equipment	Remove:
[ ] LDR Sec. 802.06 Recreational Equipment	No living, sleeping, or housekeeping in recreational vehicles.
[ ] LDR Sec. 802.07 Trailer Storage	Remove:
[ ] IPMC 302.8 Motor Vehicles	Must be operable, have current tags or stored in enclosed structure.

[ ] IPMC 304.3 Premises Identification: Numbers must be on front of structure, visible from street, 4 inches in height, contrasting color.

Additional Information: BUSINESS TAX RECEIPTS ARE NEEDED FOR THE MULTIPLE ONLINE AND PHYSICAL BUSINESSES AT THIS PARCEL

PLEASE SEE ENCLOSED DOCUMENTS

You will have until AUGUST 11TH 2023 to correct the violation(s).

Your cooperation in having the conditions described above corrected within the stated time listed above is required in order to avoid further action by the City. In the event you do not comply with the requirements of this notice, the City will pursue any and all of the following actions:

- The City may cause the necessary work to be accomplished with cost and expense of the work becoming a charge and lien against the property, and/or:
- Present the matter to the Code Enforcement Board or Code Enforcement Special Magistrate. The Board and Magistrate are empowered to impose fines at the rate of up to $250.00 for each day that any violations continue to exist beyond the date established for compliance. Fines become liens upon real property of the violator.

YOU ARE HEREBY notified that a first hearing will be held on the 23TH day of AUGUST 2023, at 2^00 ~~a.m.~~/p.m. at City Hall, ~~210 Sams Avenue~~, City Commission Chambers, New Smyrna Beach, FL 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code. *214 SAMS AVENUE

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Board, with respect to any matter considered at the hearing, you will need a record of the proceedings, and for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. §286.0105, Fla. Stat.

If the violation is corrected and then recurs or if the violation is not corrected by the time specified for the correction by the code inspector, the case may be presented to the Code Enforcement Board or Special Magistrate even if the violation has been corrected prior to the hearing.

Signature: JASON YATES Title: Code Enforcement Officer Date: 07/27/2023

Served: [ ] Post [ ] Hand Delivered [ ] First Class [X] Certified Mail 9489 0090 0027 6393 0454 40

White – Office Yellow – Certified Mail Pink – Post Gold – City Hall

The location change for

Code Compliance Board
and
Special Magistrate Hearing

Case: _CE-0581-2023_

The new location is:

New City Commission Chambers

214 Sams Ave.

New Smyrna Beach, FL 32168

See your Notice of Violation for the hearing date and time.

Sec. 74-146. - Local business tax imposed.

There is imposed upon each and every business, profession and occupation having an effective place of business within the city a local business tax and upon each person owning, managing or engaging in any business, profession or occupation according to the schedule of taxes contained in this article; however, the tax imposed upon professions in this article shall be construed to mean that every individual shall pay the tax provided for, whether such individual is practicing by himself or in partnership or association or employed by another.

(Code 1975, § 16-13; Ord. No. 21-12, § 1, 2-28-2012)

504.00. - District regulations and requirements.

504.01. *General regulations.*

A. No building, structure, or land, shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

B. Uses not designated as permitted by right or subject to additional conditions in a district shall be prohibited from that district. Special exceptions are permitted subject to additional regulations imposed. The special exceptions may be approved only by the city commission following proper application as described within this LDR. Additional uses may be added to this LDR by amendment.

C. In any business district, more than one structure housing a permitted principal use may be erected on a single commercial lot, provided that yard and other requirements of this LDR shall be met for each structure and the total lot.

D. The maximum density on a residential project shall be computed by multiplying the Net Acreage of the site, as defined in Section 201.00, by the number of allowable units per acre. In addition, on sites containing wetlands, the total number of allowable residential units on a project may be increased by one dwelling unit per 10 acres of wetlands.

E. Where the density calculation results in a fraction that is 0.50 or greater, the number is rounded up (e.g. 12.6 = 13 units). Fractions lower than 0.50 are rounded down (e.g. 12.4 = 12 units).

F. The density calculation described above provides the maximum number of dwelling units that may be built on a site. However, the development is not guaranteed to attain that maximum density. The application of other development standards may substantially decrease the lot yield for a specific site.

G. No yard or lot existing at the time of passage of this LDR shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this LDR shall meet at least the minimum requirements established by this LDR.

H. No part of a yard, or other open space, or off-street parking or loading space required about or in conjunction with any building for the purpose of complying with this LDR shall be included as part of a yard, open space, or off street parking or loading space similarly required for any other building.

I.

All buildings shall be placed on lots or mobile homes on lots or spaces, in a manner that provides safe and convenient access for servicing, fire protection and required off-street parking.

J. The height limitations contained in the schedule of district regulations do not apply to spires, belfries, cupola, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

K. Lots platted or created prior to the effective date of this LDR having less width, depth and area than required in their zoning district but having no less than 90 percent of the width, depth and area shall be considered conforming with the requirements of this LDR.

L. Any lot platted or created prior to the effective date of this LDR which meets two of the three size requirements of width, depth and area and which meet no less than 85 percent of the third requirement shall be considered a nonconforming lot but shall be considered buildable.

M. The number of residential and hotel/motel units and the percentage of building coverage and impervious lot coverage allowed on oceanfront property shall be calculated by using only the land zoned for residential or hotel/motel use. The applicant must demonstrate, by evidence of clear title, that the upland property is under its control and has not been dedicated or reserved for a public use including, but not limited to, recreational, right-of-way or park use; is not submerged by ocean, natural lake, natural pond or other natural waters, and is not subject to a deed restriction.

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

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

East of the Intracoastal Waterway and south of Third Avenue Zoning districts: R-2A

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

O. Front yard setbacks shall be calculated from the future right-of-way line as indicated in the Traffic Circulation Element, Table III-2, for property located along the rights-of-way listed in Table III-2 of the comprehensive plan or the setback required in the respective district, whichever is greater.

P. No single-family residential lot may contain more than one principal structure and no residential lot may contain more than one principal use.

Q. Walkways on private property that are five feet in width or less may be located as close as one foot from side and rear property lines, such that there is no dedicated drainage easement present or negative impacts to drainage.

R.

It is the responsibility of the property owner, renter, lessee, or agent, adjacent to the right-of-way to maintain all areas within the right-of-way which do not contain the road, curb, or sidewalk to maintain the sod or other approved materials approved by the city engineer.

S. Reserved. [2]

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

A-1, PRIME AGRICULTURE DISTRICT

Intent. The purpose and intent of the A-1, Prime Agriculture District is to preserve valuable agricultural land for intensive agricultural uses, and to protect land best suited for agricultural uses from the encroachment of incompatible land uses.

Permitted principal uses and structures. In the A-1, Prime Agriculture District, no land shall be used except for the following uses and their customary accessory uses or structures:

Agriculture, except for those permitted special exceptions listed hereunder, all agricultural pursuits, including the processing, packaging, storage and sale of agricultural products raised on the premises

Animal hospitals, veterinary clinics

Essential utility services

Fire stations

Humane society/animal shelters

Kennels

Parks and recreation areas

Pisciculture

Riding stables

Single-family standard or manufactured dwelling

Conditional uses:

Wedding venues subject to the following conditions:

(1) Applicants shall be limited to homestead resident(s) living on the premises.

(2) The property shall be at least 5 acres in size.

(3) Overnight stays or camping activities shall be prohibited.

Maximum building length and width. Building facades parallel to the street upon which the building fronts or parallel to a waterfront shall not exceed 150 feet. No building constructed after the effective date of the LDR shall have a dimension that exceeds 200 feet.

Minimum building separation. Where two or more multifamily dwellings, single-family dwellings attached or detached, duplexes, apartments, condominiums, or townhouses are built on one parcel, there shall be a separation of at least 20 feet between the buildings plus 1.5 additional feet for each five feet of building height over 20 feet. When buildings vary in height, said distance is to be based on the highest building. (For example: The distance between a 20-foot-tall building and a 25-foot-tall building shall be 21.5 feet.)

Minimum requirements for townhouses and townhouse lots.

All lots shall be adjacent to a public right-of-way or common area.

Lots shall have a minimum width of 20 feet where a living unit is to be located.

Lot frontage along a right-of-way or common area shall be a minimum of ten feet.

Front setbacks shall be 20 feet or as required per [sub]section 504.01M. of this LDR.

Side setbacks shall be zero feet.

Rear setbacks shall be 20 feet except if there is a landscaped common area behind the townhome and there is a minimum distance of 20 feet from the project boundary line and the dwelling unit or accessory structures.

B-3, HIGHWAY SERVICE BUSINESS DISTRICT

Intent. The B-3, Highway Service Business District is intended for application along highways carrying large volumes of traffic where establishments may locate to serve large sections of the city and the persons traveling in vehicles.

Permitted uses.

Adult congregate living facility

Ambulance service

Animal clinics (outpatient care only and no overnight boarding)

Attached dwellings

Bakeries

Banks

Boat, motor, and boat trailer sales and service

Bowling alley

Business and communications systems

Bus station

Car rental and leasing

Carwashes

Club, semi-public

College level and adult educational facilities

Convenience stores with gas pumps

Financial services

Funeral homes

Furniture showrooms

Government buildings and offices

Grocery stores

Hospitals

Mobile home sales

Multi-family dwelling units

Offices, general, professional and real estate

Offices, medical

Parking lots

Pawn shops

Personal enrichment establishments

Personal services

Pet grooming

Pet shop

Restaurants, types "A," "B," "C," and "D"

Retail sales and services

Service stations, types "A" and "B"

Sport facilities

Taverns

Taxicab stands

Theaters

Transient lodging:

- "Transient lodging rooms, standard," as defined by this LDR, shall be a maximum of 500 square feet.
- "Transient lodging rooms, deluxe," as defined by this LDR, shall be a maximum of 750 square feet.
- The maximum room size does not include any balcony, porch or deck area connected to the unit.
- No more than 30 percent of the units may be deluxe.

Truck and trailer rentals (for properties in the district that front along U.S. Highway 1 and meet the conditions in [sub]section 801.18)

Permitted accessory uses. Any accessory use customarily incidental to a permitted principal use.

Conditional uses.

Pharmacies, only on parcels adjacent to Dixie Freeway (US1).

Special exceptions.

Automobile Sales, Recreation Vehicle Sales, and Trailer Sales New and Used including all vehicles with two wheels or more subject to the following conditions:

1. Windows shall maintain a minimum transparent area of 65%.
2. Sales display area is required to provide a lighting plan that meets Section 604.13.
3. If temporary shell parking lot is proposed, City Commission approval is required by separate application.
4. Site plan shall be submitted as per Article XI of the City Land Development Regulation to City Planning Director for review.
5. Must meet all other City Land Development Regulations.

Building material sales and/or building material yards, provided all building materials that are stored shall be buffered by a screen designed to block the view of the building materials. The screen may include fences, walls, or vegetative landscaping. Building materials shall not

UNITED STATES POSTAL SERVICE

August 4, 2023

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6393 0454 40**.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	July 31, 2023, 12:00 pm
Location:	NEW SMYRNA BEACH, FL 32168
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	2lb, 10.8oz

Recipient Signature

Signature of Recipient:



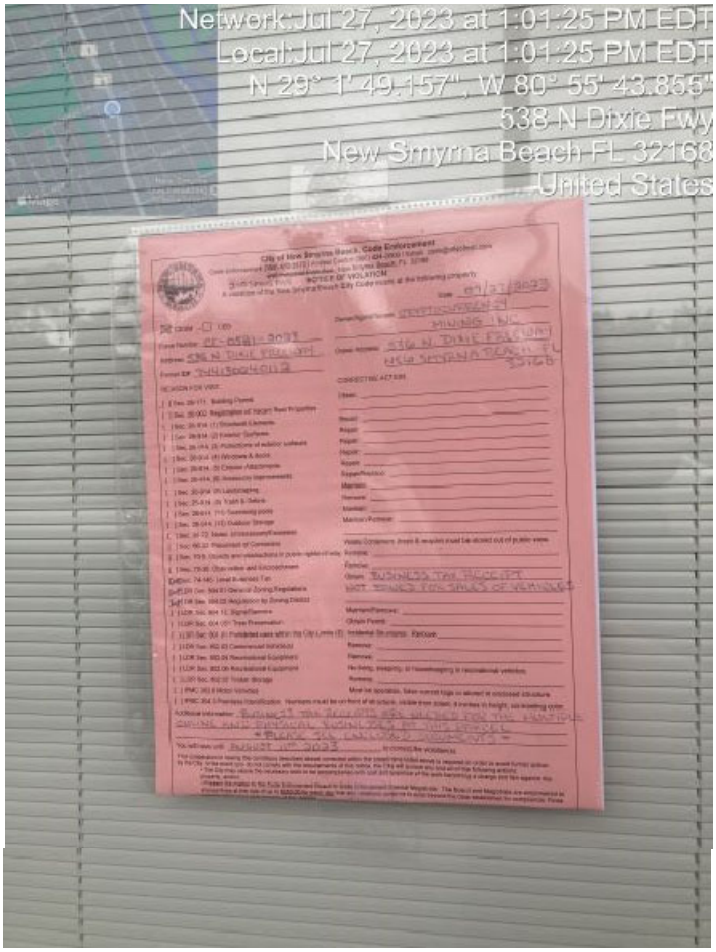
Address of Recipient:



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004


Network:Jul 27, 2023 at 1:01:25 PM EDT
Local:Jul 27, 2023 at 1:01:25 PM EDT
N 29° 1' 49.157", W 80° 55' 43.855"
538 N Dixie Fwy
New Smyrna Beach FL 32168
United States


Network:Jul 27, 2023 at 1:01:29 PM EDT
Local:Jul 27, 2023 at 1:01:29 PM EDT
N 29° 1' 49.258", W 80° 55' 43.499"
538 N Dixie Fwy
New Smyrna Beach FL 32168
United States
536
No Soliciting

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

CRYPTOCURRENCY MINING INC
536 N DIXIE FWY
NEW SMYRNA BEACH FL 32168

CASE NO. CCSM-0581-2023
536 N DIXIE FREEWAY

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **Wednesday, July 17, 2024, 2024, at 2:00 p.m.**, in the City Hall Annex, 214 Sams Ave, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5,000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of this action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. §286.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this Notice of Hearing was served on the party(ies) at the address above by:

(√) Certified Mail, Return Receipt Requested Receipt Number: 9489 0090 0027 6513 1456 54
(√) Post
(__) Hand Delivery

Cindy Langdon

Signature: Cindy Langdon
Title: Code Compliance Clerk
Date: June 19, 2024

Enc: Notice of Violation

UNITED STATES POSTAL SERVICE

July 29, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6513 1456 54**.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	June 21, 2024, 12:32 pm
Location:	NEW SMYRNA BEACH, FL 32168
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

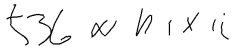
Weight:	13.0oz

Recipient Signature

Signature of Recipient:



Address of Recipient:



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

City of New Smyrna Beach, Florida, a municipal corporation,
Petitioner,

CASE NO.: CCSM-0581-2023

VS.

CRYPTOCURRENCY MINING INC,
Respondent(s)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This case was heard on **July 17, 2024**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ___x_ did ____ did not attend the hearing. The Special Magistrate, having heard testimony, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The property which is the subject of this Code Compliance action is located at

Address: 536 N DIXIE FREEWAY, NEW SMYRNA BEACH 32168
Parcel: 744130040112
Legal description: E 1/2 OF S 1/4 OF LOT 11 & N 45 FT OF S 95 FT OF W 156.2 FT OF E 161.2 FT EXC RD BLK 4 DOUGHERTYS NEW SMYRNA DB M PG 701 MB 12 PGS 120 PER OR 5466 PG 3285 PER OR 6235 PG 3675 & PER OR 6768 PG 3547 PER OR 8080 PG 0885

2. The property was first inspected by a Code Compliance Officer on **July 26, 2023**. At the time of inspection, the Code Compliance Officer found the property to be in violation of the City of New Smyrna Beach Code of Ordinances.

3. The Respondent(s) was/were served a Notice of Violation on **July 27, 2023** identifying the specific violation(s). The violation(s) was/were to be corrected by **August 23, 2023**. The Code Compliance Officer reinspected the property on **July 18, 2024** and determined that the violation(s) was/were not corrected.

4. Based on the evidence presented at the hearing, it is determined that the following violation(s) exist on the property:

LDR Sec. 504.02 Regulation by Zoning District
Sec. 74-146 Local Business Tax for the following businesses:
To be potentially corrected with further evidence at a subsequent hearing.

Corporate Kits, Inc P22000094010
Crown Jewel Tech, Inc P22000014701
NSB Watch, Inc P22000094008
NSB Watch G22000048964
Prompt Engineering, Inc P23000028521
Prompt Engineering, Inc G23000041680
Atlantic Stamp & Kit G18000034650
Dwight & M.H. Jackson G18000038816
Corp USA G18000038819
Rank & Rent, Inc. G23000074189
Sip Happens Coffee Co. G23000013172
Cryptocurrency Mining, Inc. G23000034499
Cryptocurrency Mining, Inc. G220000123808
Mark's Corpex G18000038820

IT IS THEREUPON ORDERED that:

A. Respondent(s) shall bring the property into compliance with the code provisions cited above by 1 p.m. **August 16, 2024**, and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE.** If the Special Magistrate finds that the violation(s) was/were not corrected by the date set forth above, a one-time fine of **$250.00 for each business for violation of Sec. 74-146 and $50 per day for violation of LDR Sec. 504.02** shall be imposed.

B. **NEXT HEARING DATE:** This case shall be reviewed by the Special Magistrate at a public hearing on **August 28, 2024**, at **2:00 p.m.**, in the City Chambers, 214 Sams Ave., New Smyrna Beach, FL. The Special Magistrate will consider setting a fine and lien on the above case at this Public Hearing.

This Order may be appealed to the Circuit Court within 30 days of its execution.

NOTARY PUBLIC STATE OF FLORIDA
CYNTHIA LANGDON
MY COMMISSION # HH 470361
EXPIRES: February 19, 2028

DONE AND ORDERED on **July 17, 2024**.

Catherine Reischmann
Special Magistrate

ATTEST:
Cynthia Langdon
Code Compliance Clerk

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 536 N Dixie Freeway, New Smyrna Beach, FL 32168 by:

(_√_) Certified Mail, Return Receipt Requested, Receipt # 9489 0090 0027 6513 1457 46
(_√_) Post
(___) Hand Delivery

By: Cindy Langdon, Code Compliance Clerk
Date: July 18, 2024

UNITED STATES POSTAL SERVICE

July 29, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6513 1457 46**.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	July 22, 2024, 12:33 pm
Location:	NEW SMYRNA BEACH, FL 32168
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	13.1oz

Recipient Signature

Signature of Recipient:



Address of Recipient:



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

SPECIAL MAGISTRATE
IN AND FOR THE CITY OF NEW SMYRNA BEACH

CITY OF NEW SMYRNA BEACH, FLORIDA, a municipal corporation,
Petitioner,

CASE NO.: **CCSM-0581-2023**

VS

CRYPTOCURRENCY MINING INC,
Respondents/Owners.

ORDER CONTINUING HEARING

This case was heard on **August 28, 2024**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ____did ✓did not attend the hearing.

The Code Compliance Special Magistrate hereby continues the hearing on the above captioned case until **October 23, 2024** at the City Chambers, 214 Sams Ave, New Smyrna Beach, FL 32168 at 2:00 PM.

Address: 536 N DIXIE FREEWAY, NEW SMYRNA BEACH 32168
Parcel: 744130040112
Legal description: E 1/2 OF S 1/4 OF LOT 11 & N 45 FT OF S 95 FT OF W 156.2 FT OF E 161.2 FT EXC RD BLK 4 DOUGHERTYS NEW SMYRNA DB M PG 701 MB 12 PGS 120 PER OR 5466 PG 3285 PER OR 6235 PG 3675 & PER OR 6768 PG 3547 PER OR 8080 PG 0885

DONE AND ORDERED this **28th** day of **August 2024**.

NOTARY PUBLIC STATE OF FLORIDA
CYNTHIA LANGDON
MY COMMISSION # HH 470361
EXPIRES: February 19, 2028

Catherine Reischmann
Special Magistrate

ATTEST:
Cynthia Langdon
Code Compliance Clerk

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 536 N DIXIE FWY, NEW SMYRNA BEACH FL 32168 by:

(_V_) Certified Mail, Return Receipt Requested, Receipt #: 9489 0090 0027 6603 5980 70
(_V_) Post
(___) Hand Delivery

Signature: Cindy Langdon
Title: Code Compliance
Date: August 29, 2024

UNITED STATES POSTAL SERVICE

October 1, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6603 5980 70**.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	September 3, 2024, 1:22 pm
Location:	NEW SMYRNA BEACH, FL 32168
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	12.9oz

Recipient Signature

Signature of Recipient: covid covid

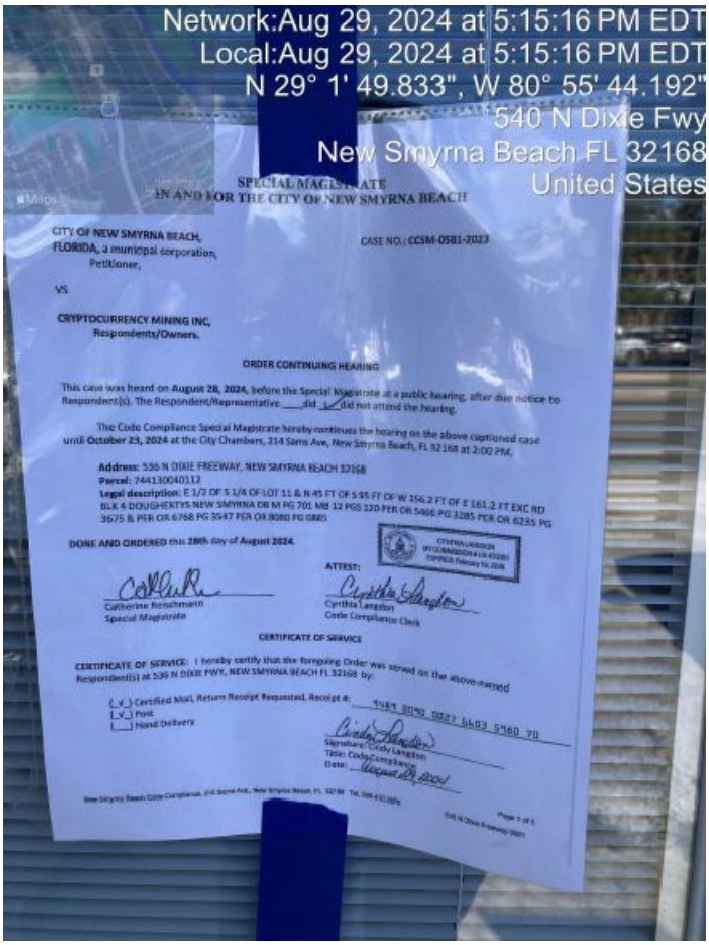
Address of Recipient: 536 1/2 N DIXIE FWY, NEW SMYRNA BEACH, FL 32168

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004


Network:Aug 29, 2024 at 5:15:14 PM EDT
Local:Aug 29, 2024 at 5:15:14 PM EDT
N 29° 1' 49.833", W 80° 55' 44.192"
540 N Dixie Fwy
New Smyrna Beach FL 32168
United States
Crown Jewel


Network:Aug 29, 2024 at 5:15:16 PM EDT
Local:Aug 29, 2024 at 5:15:16 PM EDT
N 29° 1' 49.833", W 80° 55' 44.192"
540 N Dixie Fwy
New Smyrna Beach FL 32168
United States
SPECIAL MAGISTRATE
IN AND FOR THE CITY OF NEW SMYRNA BEACH
CITY OF NEW SMYRNA BEACH, FLORIDA, a municipal corporation, Petitioner,
CASE NO.: CCSM-0581-2023
VS
CRYPTOCURRENCY MINING INC, Respondents/Owners.
ORDER CONTINUING HEARING
This case was heard on August 28, 2024, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ___did ✓ did not attend the hearing.
The Code Compliance Special Magistrate hereby continues the hearing on the above captioned case until October 23, 2024 at the City Chambers, 214 Sams Ave, New Smyrna Beach, FL 32168 at 2:00 PM.
Address: 535 N DIXIE FREEWAY, NEW SMYRNA BEACH 32168
Parcel: 744130040112
Legal description: E 1/2 OF S 1/4 OF LOT 11 & N 45 FT OF S 85 FT OF W 156.2 FT OF E 161.2 FT EXC RD BLK 4 DOUGHERTYS NEW SMYRNA OR M PG 701 MB 12 PGS 120 PER OR 5466 PG 3285 PER OR 6235 PG 3675 & PER OR 6768 PG 3547 PER OR 8080 PG 0885
DONE AND ORDERED this 28th day of August 2024.
ATTEST:
Catherine Reischmann
Special Magistrate
Cynthia Langston
Code Compliance Clerk
CERTIFICATE OF SERVICE
CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 535 N DIXIE FWY, NEW SMYRNA BEACH FL 32168 by:
(✓) Certified Mail, Return Receipt Requested, Receipt #: 9589 0710 5270 1603 5960 70
(✓) Post
( ) Hand Delivery
Signature: Cindy Langston
Title: Code Compliance
Date: August 28, 2024


Network:Jul 27, 2023 at 1:01:35 PM EDT
Local:Jul 27, 2023 at 1:01:35 PM EDT
N 29° 1' 49.258", W 80° 55' 43.499"
538 N Dixie Fwy
New Smyrna Beach FL 32168
United States

SPECIAL MAGISTRATE
IN AND FOR THE CITY OF NEW SMYRNA BEACH

CITY OF NEW SMYRNA BEACH, FLORIDA, a municipal corporation,
Petitioner,

CASE NO.: **CCSM-0581-2023**

VS

CRYPTOCURRENCY MINING INC,
Respondents/Owners.

ORDER CONTINUING HEARING

This case was heard on **October 23, 2024**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ____did ___✓__did not attend the hearing.

The Code Compliance Special Magistrate hereby continues the hearing on the above captioned case until **January 16, 2025** at the City Chambers, 214 Sams Ave, New Smyrna Beach, FL 32168 at 4:30 PM.

Address: 536 N DIXIE FREEWAY, NEW SMYRNA BEACH 32168
Parcel: 744130040112
Legal description: E 1/2 OF S 1/4 OF LOT 11 & N 45 FT OF S 95 FT OF W 156.2 FT OF E 161.2 FT EXC RD BLK 4 DOUGHERTYS NEW SMYRNA DB M PG 701 MB 12 PGS 120 PER OR 5466 PG 3285 PER OR 6235 PG 3675 & PER OR 6768 PG 3547 PER OR 8080 PG 0885

DONE AND ORDERED this **23rd day of October 2024**.

NOTARY PUBLIC STATE OF FLORIDA
CYNTHIA LANGDON
MY COMMISSION # HH 470361
EXPIRES: February 19, 2028

Catherine Reischmann
Special Magistrate

ATTEST:
Cynthia Langdon
Code Compliance Clerk

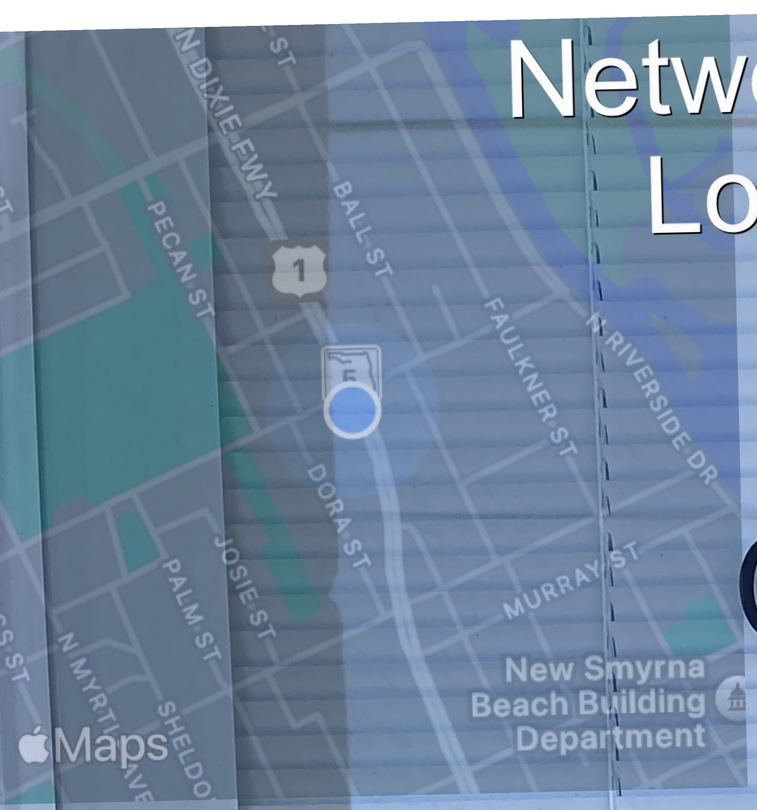
CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 536 N Dixie Fwy., New Smyrna Beach FL 32168 by:

(_V_) Certified Mail, Return Receipt Requested, Receipt #: 9489 0090 0027 6603 5803 96
(_V_) Post
(___) Hand Delivery

Signature: Teresa Merck
Title: Code Compliance
Date: October 23, 2024

Network:Oct 24, 2024 at 10:59:37 AM EDT
Local:Oct 24, 2024 at 10:59:37 AM EDT
N 29° 1' 50.020", W 80° 55' 43.898"
538 N Dixie Fwy
New Smyrna Beach FL 32168
United States



Crown Jewel

New Smyrna

Tech

[redacted]

SPECIAL MAGISTRATE
IN AND FOR THE CITY OF NEW SMYRNA BEACH

CITY OF NEW SMYRNA BEACH, FLORIDA, a municipal corporation,
Petitioner,

VS

CRYPTOCURRENCY MINING INC,
Respondents/Owners.

CASE NO.: **CCSM-0581-2023**

ORDER CONTINUING HEARING

This case was heard on **October 23, 2024**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ____did __✓__did not attend the hearing.

The Code Compliance Special Magistrate hereby continues the hearing on the above captioned case until **January 16, 2025** at the City Chambers, 214 Sams Ave, New Smyrna Beach, FL 32168 at 4:30 PM.

Address: 536 N DIXIE FREEWAY, NEW SMYRNA BEACH 32168
Parcel: 744130040112
Legal description: E 1/2 OF S 1/4 OF LOT 11 & N 45 FT OF S 95 FT OF W 156.2 FT OF E 161.2 FT EXC RD BLK 4 DOUGHERTYS NEW SMYRNA DB M PG 701 MB 12 PGS 120 PER OR 5466 PG 3285 PER OR 6235 PG 3675 & PER OR 6768 PG 3547 PER OR 8080 PG 0885

CYNTHIA LANGDON
MY COMMISSION # HH 470361
EXPIRES: February 19, 2028

DONE AND ORDERED this 23rd day of October 2024.

Catherine Reischmann
Special Magistrate

ATTEST:
Cynthia Langdon
Code Compliance Clerk

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 536 N Dixie Fwy., New Smyrna Beach FL 32168 by:

(_V_) Certified Mail, Return Receipt Requested, Receipt #: 9489 0090 0027 6603 5803 96
(_V_) Post
(___) Hand Delivery

Signature: Teresa Merck
Title: Code Compliance
Date: October 23, 2024

Page 1 of 1

New Smyrna Beach Code Compliance, 210 Sams Ave., New Smyrna Beach, FL 32168 Tel. 386.410.2870 536 N. Dixie Freeway 0581

[redacted]

UNITED STATES POSTAL SERVICE

December 30, 2024

Dear TERESA Merck:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6603 5803 96**.

Item Details

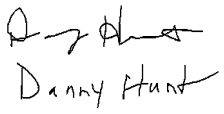
Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	October 28, 2024, 9:29 am
Location:	NEW SMYRNA BEACH, FL 32168
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	12.8oz

Recipient Signature

Signature of Recipient:



Address of Recipient:

536 N DIXIE FWY

NEW SMYRNA BEACH, FL 32168-6708

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004


Jun 14, 2023 at 12:44:10 PM
540 N Dixie Fwy
New Smyrna Beach FL 32168
United States


Jun 14, 2023 at 12:44:17 PM
540 N Dixie Fwy
New Smyrna Beach FL 32168
United States


Jun 14, 2023 at 12:44:26 PM
540 N Dixie Fwy
New Smyrna Beach FL 32168
United States


Jun 14, 2023 at 12:44:43 PM
540 N Dixie Fwy
New Smyrna Beach FL 32168
United States

CITIZENS CODE COMPLIANCE BOARD
IN AND FOR THE CITY OF NEW SMYRNA BEACH

CITY OF NEW SMYRNA BEACH,
FLORIDA, a municipal corporation,
Petitioner,

VS

CASE NO.: CCB-0581-2023

CRYPTOCURRENCY MINING INC,
Respondents/Owners.
_____/

ORDER CONTINUING HEARING

This case was heard on **January 16, 2025**, before the Code Compliance Board at a public hearing, after due notice to Respondent(s). The Respondent/representative _____did _____did not attend the hearing.

The Citizens Code Compliance Board hereby continues the hearing on the above captioned case until Wednesday, **February 26, 2025**, at the City Hall Annex, 214 Sams Avenue, New Smyrna Beach, FL 32168 at 2:00 PM in front of the Special Magistrate.

Address: 536 N DIXIE FREEWAY, NEW SMYRNA BEACH 32168
Parcel: 744130040112
Legal Description: E 1/2 OF S 1/4 OF LOT 11 & N 45 FT OF S 95 FT OF W 156.2 FT OF E 161.2 FT EXC RD BLK 4 DOUGHERTYS NEW SMYRNA DB M PG 701 MB 12 PGS 120 PER OR 5466 PG 3285 PER OR 6235 PG 3675 & PER OR 6768 PG 3547 PER OR 8080 PG 0885

DONE AND ORDERED this 16th day of January 2025.

ATTEST:

Chairperson: Dan Copfer
Code Compliance Board

Clerk: Teresa Merck
Code Compliance Board Clerk

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 536 N DIXIE FREEWAY, NEW SMYRNA BEACH 32168 by:

(_√_) Certified Mail, Return Receipt Requested, Receipt #9214 8901 9403 8396 8932 71

(_√ _) Post

(___) Hand Delivery

Signature: Teresa Merck
Title: Code Compliance Board Clerk
Date: January 17, 2025

Network:Jan 17, 2025 at 4:24:30 PM EST
Local:Jan 17, 2025 at 4:24:30 PM EST
N 29° 1' 49.406", W 80° 55' 43.234"
574–582 N Dixie Fwy
New Smyrna Beach FL 32168
United States



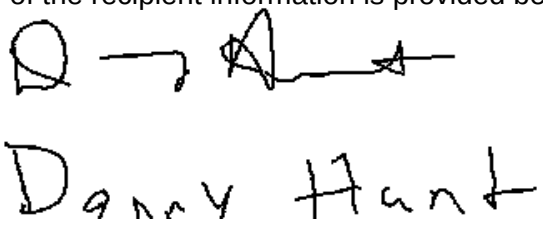
UNITED STATES POSTAL SERVICE

Date Produced: 01/30/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8396 8932 71. Our records indicate that this item was delivered on 01/29/2025 at 09:34 a.m. in NEW SMYRNA BEACH, FL 32168. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

536 N DIXIE FWY
NEW SMYRNA, FL 32168-6708

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

CRYPTOCURRENCY MINING INC
536 N DIXIE FWY
NEW SMYRNA FL 32168-6708

Customer Reference Number: C5592484.33952969

2

UNITED STATES POSTAL SERVICE®

Return address:

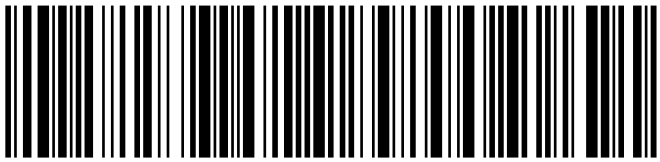
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

CRYPTOCURRENCY MINING INC
536 N DIXIE FWY
NEW SMYRNA FL 32168-6708

MAILING DATE: 01/17/2025
DELIVERY DATE: 01/29/2025

USPS CERTIFIED MAIL



9214 8901 9403 8396 8932 71

USPS Tracking Label Number: 9214 8901 9403 8396 8932 71

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/17/2025 10:38
NO AUTHORIZED RECIPIENT AVAILABLE	NEW SMYRNA BEACH,FL 32168	01/21/2025 13:43
REMINDER TO SCHEDULE REDELIVERY	NEW SMYRNA BEACH,FL 32168	01/27/2025 03:10
DELIVERED INDIVIDUAL PICKED UP AT PO	NEW SMYRNA BEACH,FL 32168	01/29/2025 09:34

CASE #: 0581-2023 536 N DIXIE FWY JP

Sunbiz.org DIVISION of CORPORATIONS an official State of Florida website

536 n dixie
Search

Entity Name List

Corporate Name	Document Number	Status	Street Address
CORPORATE KITS, INC.	P22000094010	Active	536 N DIXIE FWY
CROWN JEWEL TECH, INC.	P22000014701	Active	536 N Dixie Fwy
NSB WATCH, INC.	P22000094008	Active	536 N DIXIE FWY
PROMPT ENGINEERING, INC.	P23000028521	Active	536 N DIXIE FWY



Filing History

Fictitious Name Detail

Fictitious Name

ATLANTIC STAMP & KIT

Filing Information

Registration Number	G18000034650
Status	ACTIVE
Filed Date	03/14/2018
Expiration Date	12/31/2028
Current Owners	1
County	VOLUSIA
Total Pages	2
Events Filed	1
FEI/EIN Number	NONE

Mailing Address

536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168

Owner Information

CROWN JEWEL TECH
536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168
FEI/EIN Number: 88-1201180
Document Number: P22000014701

Document Images

03/14/2018 -- Fictitious Name Filing — View image in PDF format

02/27/2023 -- Fictitious Name Renewal Filing — View image in PDF format

Filing History

Sunbiz.org DIVISION of CORPORATIONS an official State of Florida website

Filing History

Fictitious Name Detail

Fictitious Name

DWIGHT & M.H. JACKSON

Filing Information

Registration Number	G18000038816
Status	ACTIVE
Filed Date	03/23/2018
Expiration Date	12/31/2028
Current Owners	1
County	MULTIPLE
Total Pages	2
Events Filed	1
FEI/EIN Number	NONE

Mailing Address

536 N DIXIE FWY
#113
NEW SMYRNA BEACH, FL 32168

Owner Information

CROWN JEWEL TECH, INC.
536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168
FEI/EIN Number: 88-1201180
Document Number: P22000014701

Document Images

03/23/2018 -- Fictitious Name Filing — View image in PDF format

02/27/2023 -- Fictitious Name Renewal Filing — View image in PDF format

Filing History



Filing History

Fictitious Name Detail

Fictitious Name

CORP USA

Filing Information

Registration Number	G18000038819
Status	ACTIVE
Filed Date	03/23/2018
Expiration Date	12/31/2028
Current Owners	1
County	MULTIPLE
Total Pages	2
Events Filed	1
FEI/EIN Number	NONE

Mailing Address

536 N DIXIE FWY
#113
NEW SMYRNA BEACH, FL 32168

Owner Information

CROWN JEWEL TECH, INC.
536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168
FEI/EIN Number: 88-1201180
Document Number: P22000014701

Document Images

03/23/2018 -- Fictitious Name Filing — View image in PDF format

02/27/2023 -- Fictitious Name Renewal Filing — View image in PDF format

Filing History



No Filing History

Fictitious Name Detail

Fictitious Name

PROMPT ENGINEERING, INC.

Filing Information

Registration Number	G23000041680
Status	ACTIVE
Filed Date	03/31/2023
Expiration Date	12/31/2028
Current Owners	1
County	MULTIPLE
Total Pages	1
Events Filed	NONE
FEI/EIN Number	NONE

Mailing Address

536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168

Owner Information

CROWN JEWEL TECH, INC.
536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168
FEI/EIN Number: 88-1201180
Document Number: P22000014701

Document Images

03/31/2023 -- Fictitious Name Filing View image in PDF format

No Filing History



No Filing History

Fictitious Name Detail

Fictitious Name

RANK & RENT, INC.

Filing Information

Registration Number	G23000074189
Status	ACTIVE
Filed Date	06/20/2023
Expiration Date	12/31/2028
Current Owners	1
County	VOLUSIA
Total Pages	1
Events Filed	NONE
FEI/EIN Number	NONE

Mailing Address

536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168

Owner Information

CROWN JEWEL TECH, INC.
536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168
FEI/EIN Number: 88-1201180
Document Number: P22000014701

Document Images

06/20/2023 -- Fictitious Name Filing View image in PDF format

No Filing History



No Filing History

Fictitious Name Detail

Fictitious Name

SIP HAPPENS COFFEE CO.

Filing Information

Registration Number	G23000013172
Status	ACTIVE
Filed Date	01/27/2023
Expiration Date	12/31/2028
Current Owners	1
County	VOLUSIA
Total Pages	1
Events Filed	NONE
FEI/EIN Number	NONE

Mailing Address

536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168

Owner Information

CROWN JEWEL TECH INC
536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168
FEI/EIN Number: 88-1201180
Document Number: P22000014701

Document Images

01/27/2023 -- Fictitious Name Filing View image in PDF format

No Filing History



No Filing History

Fictitious Name Detail

Fictitious Name

NSB WATCH

Filing Information

Registration Number	G22000048964
Status	ACTIVE
Filed Date	04/18/2022
Expiration Date	12/31/2027
Current Owners	1
County	VOLUSIA
Total Pages	1
Events Filed	NONE
FEI/EIN Number	NONE

Mailing Address

536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168

Owner Information

CROWN JEWEL TECH, INC.
536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168
FEI/EIN Number: 88-1201180
Document Number: P22000014701

Document Images

04/18/2022 -- Fictitious Name Filing View image in PDF format

No Filing History



No Filing History

Fictitious Name Detail

Fictitious Name

CRYPTOCURRENCY MINING, INC.

Filing Information

Registration Number	G23000034499
Status	ACTIVE
Filed Date	03/15/2023
Expiration Date	12/31/2028
Current Owners	1
County	MULTIPLE
Total Pages	1
Events Filed	NONE
FEI/EIN Number	NONE

Mailing Address

1331 SAXON DR
STE 113
NEW SMYRNA BEACH, FL 32168

Owner Information

CROWN JEWEL TECH, INC.
536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168
FEI/EIN Number: 88-1201180
Document Number: P22000014701

Document Images

03/15/2023 -- Fictitious Name Filing View image in PDF format

No Filing History

Sunbiz.org DIVISION of CORPORATIONS an official State of Florida website

Filing History

Fictitious Name Detail

Fictitious Name

MARK'S CORPEX

Filing Information

Registration Number	G18000038820
Status	ACTIVE
Filed Date	03/23/2018
Expiration Date	12/31/2028
Current Owners	1
County	MULTIPLE
Total Pages	2
Events Filed	1
FEI/EIN Number	NONE

Mailing Address

536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168

Owner Information

CROWN JEWEL TECH, INC.
536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168
FEI/EIN Number: 88-1201180
Document Number: P22000014701

Document Images

03/23/2018 -- Fictitious Name Filing — View image in PDF format

02/27/2023 -- Fictitious Name Renewal Filing — View image in PDF format

Filing History



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Fictitious Name Search
Submit

No Filing History

Fictitious Name Detail

Fictitious Name

CRYPTOCURRENCY MINING, INC.

Filing Information

Registration Number	G22000123808
Status	ACTIVE
Filed Date	10/03/2022
Expiration Date	12/31/2027
Current Owners	1
County	MULTIPLE
Total Pages	1
Events Filed	NONE
FEI/EIN Number	NONE

Mailing Address

536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168

Owner Information

CROWN JEWEL TECH, INC.
536 N DIXIE FWY
NEW SMYRNA BEACH, FL 32168
FEI/EIN Number: N/A
Document Number: P22000014701

Document Images

10/03/2022 -- Fictitious Name Filing View image in PDF format

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No Filing History

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0258-2024- 824 DOWNING ST; OWNER: CASEY JON STAPPENBECK; OFFICER: HERMAN TRAUTWEIN

February 26, 2025

Background:

Violation of City Code Sec. 26-171. (a) - Permits Required

Compliance Date: May 1, 2024

Method of Service: Property posted on April 17, 2024; Certified mail signed for on April 19, 2024

Findings:
Found in violation of Sec. 26-171. (a) - Permits Required
New Compliance date: July 10, 2024
Recommended fine: $50.00 per day
Method of service: Property posted on May 30, 2024; Certified mail signed for on June 18, 2024.

July hearing continued until September; September hearing continued until November; November hearing continued to February 26, 2025.
Method of Service: Property posted on February 5th, 2025; Certified mail sent on February 5, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0258-2024 824 Downing St.pdf

CE-0258-2024 – 824 DOWNING STREET
CODE CASE DETAILED REPORT FOR CITY OF NEW SMYRNA BEACH

Case Type:	Code Enforcement	**Project:**	SPECIAL MAGISTRATE	**Opened Date:**	04/09/2024
Status:	In Progress	**District:**	New Smyrna Beach	**Closed Date:**	NOT CLOSED
Assigned To:	Herman Trautwein	**Description:**	Barn at the back of the property converted into 2 living units. Plumbing, electric and outside staircase added without permit.		

Parcel: 741906000500 Main	**Address:** 824 Downing St Main New Smyrna Beach, FL 32168	**Zone:** R-5 (MULTI-FAMILY RESIDENTIAL)

Tenant	**Complainant**
Casey Stappenbeck	Justice Smith
824 Downing St New Smyrna Beach, FL 32168	4017 Luan Dr Orlando, FL 32808
Mobile: 585 330-1923	Mobile: 4072992260

Note	**Created By**	**Date and Time Created**
1. Under the summary tab previous cases are listed.	Barbara Bobelak	4/9/2024 11:47 am
2. Assigned to: Herman Trautwein	Barbara Bobelak	4/9/2024 11:48 am

Activity Type	**Activity Number**	**Activity Name**	**User**	**Created On**
Email	ACT-002877-2024	complaint	Cynthia Langdon	04/09/2024

Langdon, Cindy

From: noreply@civicplus.com
Sent: Thursday, March 21, 2024 9:01 AM
To: Code Enforcement
Subject: Online Form Submittal: Contact Code Compliance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

Contact Code Compliance

Please use this form to request an inspection at a location in the City of New Smyrna Beach. Fields with an asterisk next to them are required. The Florida Legislature in 2021 passed Senate Bill 60, which amended Florida Statute 125.69 (4)(b), Florida Statute 162.06 (1)(b), and Florida Statute 162.21 (3)(b). Effective July 1, 2021, Florida Statute prohibits Code Compliance officers from investigating anonymous tips unless the violation presents an imminent threat to public health, safety, welfare, or the imminent destruction of habitat or sensitive resource.

Please provide your name and contact information.

First Name	Justice
Last Name	Smith
Street Address	4017 luan dr
City	Orlando
State	Fl
Zip Code	32808
Phone Number	4072992206
Reply E-mail	cobraunderpsi@yahoo.com

Please provide information about the incident you would like us to investigate.

Street Address	824 downing st
Incident Description	The barn at the back of the property was convertted to a upstairs and downstairs rental units which has a tenant living in downstairs by the name of Andy. The owner installed plumbing, electrical and outside stairwell on his own without any inspections or code.

Name of Property Owner or Tenant (if known)	Casey J Stappenbeck
File Upload	IMG_20240321_072107.jpg

Email not displaying correctly? View it in your browser.



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3810694 **Parcel ID: 741906000500**
STAPPENBECK CASEY JON **824 DOWNING ST, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	3810694
Parcel ID:	741906000500
Township-Range-Section:	17 - 34 - 19
Subdivision-Block-Lot:	06 - 00 - 0500
Owner(s):	STAPPENBECK CASEY JON - LE - Life Estate - 100%
Mailing Address On File:	791 W 7TH ST NEW SMYRNA BEACH FL 32168
Physical Address:	824 DOWNING ST, NEW SMYRNA BEACH 32168
Property Use:	0100 - SINGLE FAMILY
Tax District:	601-NEW SMYRNA BEACH
2023 Final Millage Rate:	17.0554
Neighborhood:	4066
Subdivision Name:	PARKSIDE
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$140,617	$140,617	$0	$140,617	1.5000	$210.93
0012	DISCRETIONARY	$140,617	$140,617	$0	$140,617	0.7480	$105.18
0011	REQ LOCAL EFFORT	$140,617	$140,617	$0	$140,617	3.1610	$444.49
0050	GENERAL FUND	$140,617	$140,617	$0	$140,617	3.3958	$477.51
0053	LAW ENFORCEMENT FUND	$140,617	$140,617	$0	$140,617	1.4541	$204.47
0055	LIBRARY	$140,617	$140,617	$0	$140,617	0.4209	$59.19
0520	MOSQUITO CONTROL	$140,617	$140,617	$0	$140,617	0.1781	$25.04
0530	PONCE INLET PORT AUTHORITY	$140,617	$140,617	$0	$140,617	0.0692	$9.73
0058	VOLUSIA ECHO	$140,617	$140,617	$0	$140,617	0.2000	$28.12
0057	VOLUSIA FOREVER	$140,617	$140,617	$0	$140,617	0.2000	$28.12
0065	FLORIDA INLAND NAVIGATION DISTRICT	$140,617	$140,617	$0	$140,617	0.0288	$4.05
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$140,617	$140,617	$0	$140,617	0.8162	$114.77
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$140,617	$140,617	$0	$140,617	0.1793	$25.21
0271	NEW SMYRNA BCH I&S 2005	$140,617	$140,617	$0	$140,617	0.1900	$26.72
0272	NEW SMYRNA BCH I&S 2018	$140,617	$140,617	$0	$140,617	0.0990	$13.92
0270	NEW SMYRNA BEACH	$140,617	$140,617	$0	$140,617	4.4150	$620.82
						17.0554	$2,398.28

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	1	$95.00	$101.00
			$101.00

Estimated Ad Valorem Tax:	$2,398.28
Estimated Non-Ad Valorem Tax:	$101.00
Estimated Taxes:	**$2,499.28**
Estimated Tax Amount without SOH:	$2,499.28

AltKey: 3810694 **Parcel ID: 741906000500**

STAPPENBECK CASEY JON **824 DOWNING ST, NEW SMYRNA BEACH, FL**

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2023	$18,000	$127,855	$145,855	$145,855	$0	$145,855	$0
2022	$19,125	$123,331	$142,456	$96,504	$50,000	$46,504	$45,952
2021	$19,125	$84,860	$103,985	$93,693	$50,000	$43,693	$10,292
2020	$19,125	$73,274	$92,399	$92,399	$50,000	$42,399	$0
2019	$20,250	$73,975	$94,225	$94,225	$0	$94,225	$0
2018	$13,725	$76,604	$90,329	$50,182	$25,182	$25,000	$40,147
2017	$13,050	$67,618	$80,668	$49,150	$25,000	$24,150	$31,518
2016	$12,150	$58,838	$70,988	$48,139	$25,000	$23,139	$22,849
2015	$12,150	$45,489	$57,639	$47,804	$25,000	$22,804	$9,835

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

LOT 50 PARKSIDE NEW SMYRNA PER OR 3756 PG 1726 PER OR 6651 PG 2684 PER OR 7570 PG 4043 PER OR 7662 PG 1873 PER OR 7684 PG 4791 PER OR 7799 PG 4392

City of New Smyrna Beach
Code Compliance

Code Compliance

210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0258-2024**
Case Type: **Code Enforcement**
Date Case Established: **04/09/2024**
Compliance Deadline: **05/01/2024**

Owner: CASEY STAPPENBECK

Mailing Address

CASEY STAPPENBECK
824 Downing ST
New Smyrna Beach, FL 32168

Notice of Violation for the following location:

Address	Parcel
824 DOWNING ST NEW SMYRNA BEACH, FL 32168	**741906000500**

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.
Corrective Action: Obtain permits for all unpermitted work at the NSB Building Dept. Ph: 386-410-2860 or online at https://www.cityofnsb.com/
Compliance Date: 05/01/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

City of New Smyrna Beach
Code Compliance

Code Compliance

210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0258-2024**
Case Type: **Code Enforcement**
Date Case Established: **04/09/2024**
Compliance Deadline: **05/01/2024**

(✓) Certified Mail, Return Receipt Requested Receipt Number:9489009000276512774435
9489 0090 0027 6512 7744 35
(✓) Post
( ) Hand Delivery

Sincerely,

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

4/17/24

CC:
CASEY JON STAPPENBECK
791 W 7TH ST
NEW SMYRNA BEACH, FL 32168

Certified mail: 9489009000276512774411
9489 0090 0027 6512 7744 11

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

CASEY STAPPENBECK
824 Downing ST
New Smyrna Beach, FL
32168

CASE NO. CE-0258-2024
824 DOWNING ST
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **May 29, 2024, at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

CASEY STAPPENBECK
824 Downing ST
New Smyrna Beach, FL
32168

CASE NO. CE-0258-2024
824 DOWNING ST
NEW SMYRNA BEACH, FL
32168

accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested, Receipt Number:9489009000276512774435

(✓) Post

( ) Hand Delivery

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
4/17/2024

CC:

Casey Jon Stappenbeck
791 W. 7th St
New Smyrna Beach, FL 32168

Certified mail: 9489009000276512774411

UNITED STATES POSTAL SERVICE

April 30, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6512 7744 11**.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	April 19, 2024, 12:17 pm
Location:	NEW SMYRNA BEACH, FL 32168
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1lb, 14.1oz

Recipient Signature

Signature of Recipient:

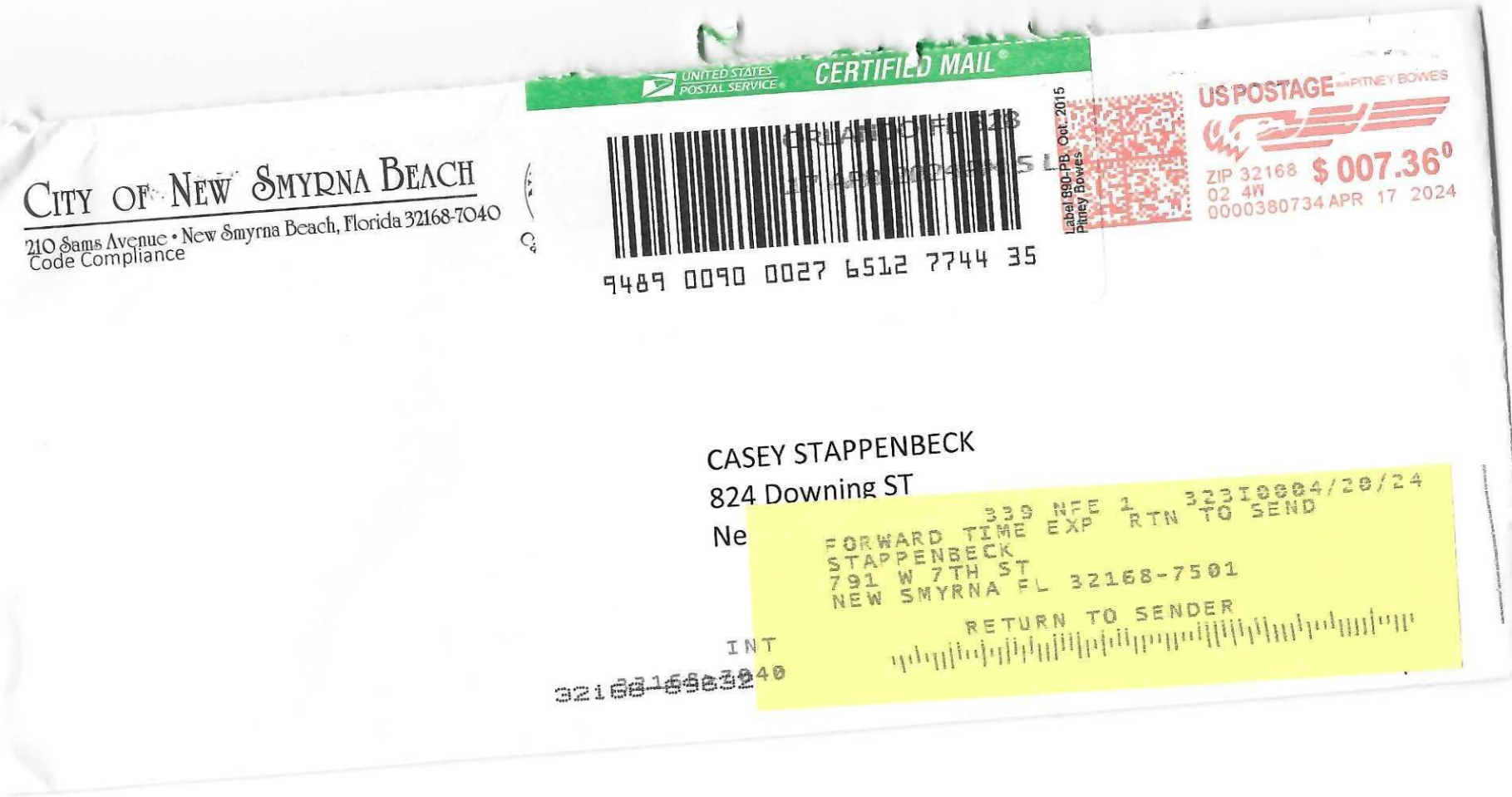


Address of Recipient: 791 W 7TH ST, NEW SMYRNA BEACH, FL 32168

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004


CITY OF NEW SMYRNA BEACH
210 Sams Avenue • New Smyrna Beach, Florida 32168-7040
Code Compliance
UNITED STATES POSTAL SERVICE
CERTIFIED MAIL
9489 0090 0027 6512 7744 35
Label 800-PB, Oct. 2015
Pitney Bowes
US POSTAGE PITNEY BOWES
ZIP 32168 $ 007.36⁰
02 4W
0000380734 APR 17 2024
CASEY STAPPENBECK
824 Downing ST
FORWARD TIME EXP RTN TO SEND
STAPPENBECK
791 W 7TH ST
NEW SMYRNA FL 32168-7501
RETURN TO SENDER
INT


Apr 17, 2024, 11:26 AM

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

City of New Smyrna Beach, Florida, a municipal corporation,
Petitioner,

CASE NO.: CCSM-0258-2024

VS.

CASEY JON STAPPENBECK,
Respondent(s)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This case was heard on **May 29, 2024**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ✓ did ____ did not attend the hearing. The Special Magistrate, having heard testimony, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The property which is the subject of this Code Compliance action is located at

   Address: 824 DOWNING ST, NEW SMYRNA BEACH 32168
   Parcel: 741906000500
   Legal description: LOT 50 PARKSIDE NEW SMYRNA PER OR 3756 PG 1726 PER OR 6651 PG 2684 PER OR 7570 PG 4043 PER OR 7662 PG 1873 PER OR 7684 PG 4791 PER OR 7799 PG 4392

2. The property was first inspected by a Code Compliance Officer on **April 16, 2024**. At the time of inspection, the Code Compliance Officer found the property to be in violation of the City of New Smyrna Beach Code of Ordinances.

3. The Respondent(s) was/were served a Notice of Violation on **April 17, 2024** identifying the specific violation(s). The violation(s) was/were to be corrected by **May 1, 2024**. The Code Compliance Officer reinspected the property on **May 18, 2024** and determined that the violation(s) was/were not corrected.

4. Based on the evidence presented at the hearing, it is determined that the following violation(s) exist on the property:

Sec. 26 171. Permits Required

IT IS THEREUPON ORDERED that:

July 10, 2024

A. Respondent(s) shall bring the property into compliance with the code provisions cited above by 1 p.m. ~~**June 14,**~~ **2024**, and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**. If the Special Magistrate finds that the violation(s) was/were not corrected by the date set forth above, a fine of **$50.00 per day** shall be imposed.

B. **NEXT HEARING DATE:** This case shall be reviewed by the Special Magistrate at a public hearing on **July 17, 2024**, at **2:00 p.m.**, in the City Chambers, 214 Sams Ave., New Smyrna Beach, FL. The Special Magistrate will consider setting a fine and lien on the above case at this Public Hearing.

This Order may be appealed to the Circuit Court within 30 days of its execution.

DONE AND ORDERED on **May 29, 2024**.

NOTARY PUBLIC STATE OF FLORIDA
CYNTHIA LANGDON
MY COMMISSION # HH 470361
EXPIRES: February 19, 2028

Catherine Reischmann
Special Magistrate

ATTEST:

Cynthia Langdon
Code Compliance Clerk

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 791 W 7th St, New Smyrna Beach FL 32168 by:

(_√_) Certified Mail, Return Receipt Requested, Receipt #

(_√_) Post 9489 0090 0027 6513 1455 55

(___) Hand Delivery

By: Cindy Langdon, Code Compliance Clerk
Date: May 30, 2024

UNITED STATES POSTAL SERVICE

June 19, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6513 1455 55**.

Item Details

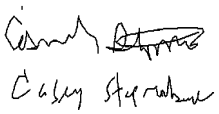
Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	June 18, 2024, 12:41 pm
Location:	NEW SMYRNA BEACH, FL 32168
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

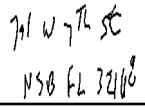
Weight:	12.8oz

Recipient Signature

Signature of Recipient:



Address of Recipient:



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004


824
May 30, 2024, 11:16 AM

SPECIAL MAGISTRATE
IN AND FOR THE CITY OF NEW SMYRNA BEACH

CITY OF NEW SMYRNA BEACH, FLORIDA, a municipal corporation,
Petitioner,

CASE NO.: **CCSM-0258-2024**

VS

CASEY JON STAPPENBECK,
Respondents/Owners.

ORDER CONTINUING HEARING

This case was heard on **July 17, 2024**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ✓ did ____did not attend the hearing.

The Code Compliance Special Magistrate hereby continues the hearing on the above captioned case until **September 25, 2024** at the City Chambers, 214 Sams Ave, New Smyrna Beach, FL 32168 at 2:00 PM with a new compliance date of **September 13, 2024**.

Address: 824 DOWNING ST, NEW SMYRNA BEACH 32168
Parcel: 741906000500
Legal description: LOT 50 PARKSIDE NEW SMYRNA PER OR 3756 PG 1726 PER OR 6651 PG 2684 PER OR 7570 PG 4043 PER OR 7662 PG 1873 PER OR 7684 PG 4791 PER OR 7799 PG 4392

DONE AND ORDERED this **17th** day of **July 2024**.

NOTARY PUBLIC STATE OF FLORIDA
CYNTHIA LANGDON
MY COMMISSION # HH 470361
EXPIRES: February 19, 2028

Catherine Reischmann
Special Magistrate

ATTEST:
Cynthia Langdon
Code Compliance Clerk

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 791 W 7th St, New Smyrna Beach, FL 32168 by:

(_√_) Certified Mail, Return Receipt Requested, Receipt #: 9489 0090 0027 6513 1457 08
(_√_) Post
(___) Hand Delivery

Signature: Cindy Langdon
Title: Code Compliance
Date: July 18, 2024

UNITED STATES POSTAL SERVICE

August 14, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6513 1457 08**.

Item Details

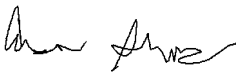
Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	July 24, 2024, 10:52 am
Location:	NEW SMYRNA BEACH, FL 32168
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	12.9oz

Recipient Signature

Signature of Recipient:



Address of Recipient:

791 W 7TH ST

NEW SMYRNA BEACH, FL 32168-7581

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004


824
Jul 23, 2024, 10:01 AM

SPECIAL MAGISTRATE
IN AND FOR THE CITY OF NEW SMYRNA BEACH

CITY OF NEW SMYRNA BEACH, FLORIDA, a municipal corporation,
Petitioner,

CASE NO.: **CCSM-0258-2024**

VS

CASEY JON STAPPENBECK,
Respondents/Owners.

ORDER CONTINUING HEARING

This case was heard on **September 25, 2024**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ____did ___✓__did not attend the hearing.

The Code Compliance Special Magistrate hereby continues the hearing on the above captioned case until **November 13, 2024** at the City Chambers, 214 Sams Ave, New Smyrna Beach, FL 32168 at 2:00 PM.

Address of property: 824 DOWNING ST, NEW SMYRNA BEACH 32168
Parcel Number: 741906000500
Legal description of property: LOT 50 PARKSIDE NEW SMYRNA PER OR 3756 PG 1726 PER OR 6651 PG 2684 PER OR 7570 PG 4043 PER OR 7662 PG 1873 PER OR 7684 PG 4791 PER OR 7799 PG 4392

DONE AND ORDERED this **25th** day of **September 2024**.

NOTARY PUBLIC STATE OF FLORIDA
CYNTHIA LANGDON
MY COMMISSION # HH 470361
EXPIRES: February 19, 2028

Catherine Reischmann
Special Magistrate

ATTEST:
Cynthia Langdon
Code Compliance Clerk

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 791 W 7th St, New Smyrna Beach, FL 32168 by:

(_√_) Certified Mail, Return Receipt Requested, Receipt #: 9489 0090 0027 6603 5983 77
(_√_) Post
(___) Hand Delivery

Signature: Cindy Langdon
Title: Code Compliance
Date: September 26, 2024


824
824
Sep 30, 2024, 10:35 AM

SPECIAL MAGISTRATE
IN AND FOR THE CITY OF NEW SMYRNA BEACH

CITY OF NEW SMYRNA BEACH, FLORIDA, a municipal corporation,
Petitioner,

CASE NO.: **CCSM-0258-2024**

VS

CASEY JON STAPPENBECK,
Respondents/Owners.

ORDER CONTINUING HEARING

This case was heard on **November 13, 2024**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ____did ___✓__did not attend the hearing.

The Code Compliance Special Magistrate hereby continues the hearing on the above captioned case until **February, 2025** at the City Chambers, 214 Sams Ave, New Smyrna Beach, FL 32168. Notice of Hearing to follow.

Address of property: 824 DOWNING ST, NEW SMYRNA BEACH 32168
Parcel Number: 741906000500
Legal description of property: LOT 50 PARKSIDE NEW SMYRNA PER OR 3756 PG 1726 PER OR 6651 PG 2684 PER OR 7570 PG 4043 PER OR 7662 PG 1873 PER OR 7684 PG 4791 PER OR 7799 PG 4392

NOTARY PUBLIC STATE OF FLORIDA
TERESA MERCK
MY COMMISSION # HH 604610
EXPIRES: October 20, 2028

DONE AND ORDERED this **13th** day of **November 2024**.

Catherine Reischmann
Special Magistrate

ATTEST:
Teresa Merck
Code Compliance Clerk

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 791 W 7th St, New Smyrna Beach, FL 32168 by:

(_v_) Certified Mail, Return Receipt Requested, Receipt #: 9214-8901-9403-8388-2898-60
(_v_) Post
(___) Hand Delivery

Signature: Teresa Merck
Title: Code Compliance
Date: November 14, 2024

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: **CE-0258-2024**

Violation Notice

Case Type: **Code Enforcement**

Date Case Established: **04/09/2024**

Compliance Deadline: **05/01/2024**

Owner: CASEY STAPPENBECK

Mailing Address

CASEY STAPPENBECK
824 Downing ST
New Smyrna Beach, FL 32168

Notice of Violation for the following location:

Address	Parcel
824 DOWNING ST NEW SMYRNA BEACH, FL 32168	**741906000500**

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.

Corrective Action: Obtain permits for all unpermitted work at the NSB Building Dept. Ph: 386-410-2860 or online at https://www.cityofnsb.com/

Compliance Date: 05/01/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8399 6888 74
(✓) Post
( ) Hand Delivery

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: **CE-0258-2024**

Violation Notice

Case Type: **Code Enforcement**

Date Case Established: **04/09/2024**

Compliance Deadline: **05/01/2024**

Sincerely,

Teresa Merck

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

2/5/25

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

CASEY STAPPENBECK
824 Downing ST
New Smyrna Beach, FL 32168

CASE NO. CE-0258-2024
824 DOWNING ST
NEW SMYRNA BEACH, FL 32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025, at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

CASEY STAPPENBECK
824 Downing ST
New Smyrna Beach, FL 32168

CASE NO. CE-0258-2024
824 DOWNING ST
NEW SMYRNA BEACH, FL 32168

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8399 6888 74

(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
2/5/2025


124
February 5, 2025 at 9:54:26 AM EST


Apr 17, 2024, 10:03 AM


Apr 17, 2024, 10:04 AM

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0418-2024- 120 MURRAY ST.: OWNER: LONI JOY SHUTLER AND JIM H LOVING; OFFICER: JOHN PARKS

February 26, 2025

Background:

Violation of City Code Sec. 26-171. (a) Permits Required

Compliance Date: July 19, 2024

Method of Service: Property posted July 3, 2024; Certified mail signed for on July 8, 2024

Findings:
Found in violation of Sec. 26-171. (a) Permits Required
New compliance date: October 11, 2024
Recommend fine: $50.00 per day for each section of code that remains in violation
Method of service: Property posted on September 27, 2024; Certified mail sent on September 26, 2024 and was returned/unable to forward on October 28, 2024.
October hearing continued until November; November hearing continued until February 2025.
Property posted on February 5, 2025; Certified mail sent February 5, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0418-2024 120 Murray St.pdf

CE-0418-2024 120 Murray St
CODE CASE DETAILED REPORT FOR CITY OF NEW SMYRNA BEACH

Case Type:	Code Enforcement	**Project:**		**Opened Date:**	05/20/2024
Status:	In Progress	**District:**	New Smyrna Beach	**Closed Date:**	NOT CLOSED
Assigned To:	John Parks	**Description:**	Report of short term rental		

Parcel: 744132010020 Main	**Address:** 120 Murray St Main New Smyrna Beach, FL 32168	**Zone:** R-4 (MULTI-FAMILY RESIDENTIAL)

Owner

Jim H Loving & Loni J Shutler

2731 Poppyseed Ct
Clearwater, FL 33761

Home: (727) 871-9934

Business: (727) 871-9934

Mobile: (727) 871-9934

Complainant

Marilyn Babela

111 Murray St
New Smyrna Beach, FL 32168

Note	Created By	Date and Time Created
1. On 05/20/24, I received a complaint concerning the property being used for short term rental.	John Parks	5/20/2024 7:29 am

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3877951 **Parcel ID: 744132010020**
SHUTLER LONI JOY **120 MURRAY ST, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	3877951
Parcel ID:	744132010020
Township-Range-Section:	17 - 34 - 41
Subdivision-Block-Lot:	32 - 01 - 0020
Owner(s):	SHUTLER LONI JOY - TE - Tenancy in the Entirety - 100% LOVING JIM H - TE - Tenancy in the Entirety - 100%
Mailing Address On File:	2731 POPPYSEED CT CLEARWATER FL 33761
Physical Address:	120 MURRAY ST, NEW SMYRNA BEACH 32168
Property Use:	0100 - SINGLE FAMILY
Tax District:	601-NEW SMYRNA BEACH
2023 Final Millage Rate:	17.0554
Neighborhood:	4622
Subdivision Name:	
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$180,374	$180,374	$0	$180,374	1.5000	$270.56
0012	DISCRETIONARY	$180,374	$180,374	$0	$180,374	0.7480	$134.92
0011	REQ LOCAL EFFORT	$180,374	$180,374	$0	$180,374	3.1610	$570.16
0050	GENERAL FUND	$180,374	$180,374	$0	$180,374	3.3958	$612.51
0053	LAW ENFORCEMENT FUND	$180,374	$180,374	$0	$180,374	1.4541	$262.28
0055	LIBRARY	$180,374	$180,374	$0	$180,374	0.4209	$75.92
0520	MOSQUITO CONTROL	$180,374	$180,374	$0	$180,374	0.1781	$32.12
0530	PONCE INLET PORT AUTHORITY	$180,374	$180,374	$0	$180,374	0.0692	$12.48
0058	VOLUSIA ECHO	$180,374	$180,374	$0	$180,374	0.2000	$36.07
0057	VOLUSIA FOREVER	$180,374	$180,374	$0	$180,374	0.2000	$36.07
0065	FLORIDA INLAND NAVIGATION DISTRICT	$180,374	$180,374	$0	$180,374	0.0288	$5.19
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$180,374	$180,374	$0	$180,374	0.8162	$147.22
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$180,374	$180,374	$0	$180,374	0.1793	$32.34
0271	NEW SMYRNA BCH I&S 2005	$180,374	$180,374	$0	$180,374	0.1900	$34.27
0272	NEW SMYRNA BCH I&S 2018	$180,374	$180,374	$0	$180,374	0.0990	$17.86
0270	NEW SMYRNA BEACH	$180,374	$180,374	$0	$180,374	4.4150	$796.35
						17.0554	$3,076.35

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	1	$95.00	$101.00
			$101.00

Estimated Ad Valorem Tax:	$3,076.35
Estimated Non-Ad Valorem Tax:	$101.00
Estimated Taxes:	**$3,177.35**
Estimated Tax Amount without SOH:	$3,177.35

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2023	$107,059	$76,413	$183,472	$172,734	$0	$172,734	$0
2022	$107,059	$70,897	$177,956	$157,031	$0	$157,031	$0
2021	$82,688	$60,067	$142,755	$142,755	$0	$142,755	$0
2020	$82,688	$34,879	$117,567	$80,848	$0	$80,848	$0
2019	$39,168	$44,092	$83,260	$73,498	$0	$73,498	$0
2018	$39,168	$36,709	$75,877	$66,816	$0	$66,816	$0
2017	$27,418	$35,478	$63,067	$60,742	$0	$60,742	$0
2016	$27,589	$32,690	$60,279	$55,220	$0	$55,220	$0
2015	$23,937	$29,170	$53,107	$50,200	$0	$50,200	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

N 67.5 FT OF W 67.5 FT OF BLK 1 AKA N 67.5 FT OF LOT 2 BLK 1 PITZER & NELSONS SUB BLK 1 HILLMANS NEW SMYRNA MB 12 PG 63 PER OR 5215 PG 1735 PER OR 6888 PG 4941 PER OR 7816 PG 1968 PER OR 7819 PG 3811 PER OR 7834 PGS 3322-3324

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0418-2024**

Case Type: **Code Enforcement**

Date Case Established: **05/20/2024**

Compliance Deadline: **07/19/2024**

Owner: JIM H LOVING & LONI J SHUTLER

Mailing Address

JIM H LOVING & LONI J SHUTLER
2731 POPPYSEED CT
CLEARWATER, FL 33761

Notice of Violation for the following location:

Address

120 MURRAY ST
NEW SMYRNA BEACH, FL 32168

Parcel

744132010020

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.
Corrective Action: Obtain permit for shell work and resolve Impervious Coverage issues.
Compliance Date: 07/19/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0418-2024**

Case Type: **Code Enforcement**

Date Case Established: **05/20/2024**

Compliance Deadline: **07/19/2024**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:
(✓) Post 9489 0090 0027 6145 9456 91
( ) Hand Delivery

Sincerely,

John Parks
Code Compliance Officer
Phone: (386) 410-2877
Email: jparks@cityofnsb.com

7/3/24

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

JIM H LOVING & LONI J SHUTLER
2731 POPPYSEED CT
CLEARWATER, FL 33761

CASE NO. CE-0418-2024
120 MURRAY ST
NEW SMYRNA BEACH, FL 32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **September 25, 2024 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

JIM H LOVING & LONI J SHUTLER
2731 POPPYSEED CT
CLEARWATER, FL 33761

CASE NO. CE-0418-2024
120 MURRAY ST
NEW SMYRNA BEACH, FL 32168

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number: 9489009000276145945691
(✓) Post
( ) Hand Delivery

John Parks
Code Compliance Officer
Phone: (386) 410-2877
Email: jparks@cityofnsb.com
7/3/2024

UNITED STATES POSTAL SERVICE

September 6, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6145 9456 91**.

Item Details

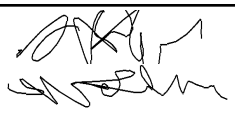
Status:	Delivered, Left with Individual
Status Date / Time:	July 8, 2024, 1:29 pm
Location:	CLEARWATER, FL 33761
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1lb, 13.2oz

Recipient Signature

Signature of Recipient:



Address of Recipient:

2731 POPPYSEED CT,
CLEARWATER, FL 33761

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004


Network: Jul 3, 2024 at 1:53:57 PM EDT
Local: Jul 3, 2024 at 1:53:57 PM EDT
N 29° 1' 43.209", W 80° 55' 27.543"
120 Murray St
New Smyrna Beach FL 32168
United States

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

City of New Smyrna Beach, Florida, a municipal corporation,
Petitioner,

CASE NO.: CCSM-0418-2024

VS.

LONI JOY SHUTLER
JIM H LOVING,
Respondent(s)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This case was heard on **September 25, 2024**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ____did ✓did not attend the hearing. The Special Magistrate, having heard testimony, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The property which is the subject of this Code Compliance action is located at

Address: 120 MURRAY ST, NEW SMYRNA BEACH 32168
Parcel: 744132010020
Legal description: N 67.5 FT OF W 67.5 FT OF BLK 1 AKA N 67.5 FT OF LOT 2 BLK 1 PITZER & NELSONS
SUB BLK 1 HILLMANS NEW SMYRNA MB 12 PG 63 PER OR 5215 PG 1735 PER OR 6888 PG 4941 PER OR 7816 PG 1968 PER OR 7819 PG 3811 PER OR 7834 PGS 3322-3324

2. The property was first inspected by a Code Compliance Officer on **May 23, 2024**. At the time of inspection, the Code Compliance Officer found the property to be in violation of the City of New Smyrna Beach Code of Ordinances.

3. The Respondent(s) was/were served a Notice of Violation on **July 3, 2024** identifying the specific violation(s). The violation(s) was/were to be corrected by **July 19, 2024**. The Code Compliance Officer reinspected the property on **September 11, 2024** and determined that the violation(s) was/were not corrected.

4. Based on the evidence presented at the hearing, it is determined that the following violation(s) exist on the property:

Sec. 26-171. (a) Permits Required

IT IS THEREUPON ORDERED that:

A. Respondent(s) shall bring the property into compliance with the code provisions cited above by 1 p.m. **October 11, 2024**, and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**. If the Special Magistrate finds that the violation(s) was/were not corrected by the date set forth above, a fine of **$50.00 per day for each section of code that remains in violation** shall be imposed.

B. **NEXT HEARING DATE:** This case shall be reviewed by the Special Magistrate at a public hearing on **October 23, 2024**, at **2:00 p.m.**, in the City Chambers, 214 Sams Ave., New Smyrna Beach, FL. The Special Magistrate will consider setting a fine and lien on the above case at this Public Hearing.

This Order may be appealed to the Circuit Court within 30 days of its execution.

DONE AND ORDERED on **September 25, 2024**.

NOTARY PUBLIC STATE OF FLORIDA
CYNTHIA LANGDON
MY COMMISSION # HH 470361
EXPIRES: February 19, 2028

Catherine Reischmann
Special Magistrate

ATTEST:

Cynthia Langdon
Code Compliance Clerk

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 2731 Poppyseed Ct, Clearwater FL 33761 by:

(_√_) Certified Mail, Return Receipt Requested, Receipt # 9489 0090 0027 6603 5984 45

(_√_) Post

(___) Hand Delivery

By: Cindy Langdon, Code Compliance Clerk
Date: September 26, 2024


Network: Sep 27, 2024 at 9:59:13 AM EDT
Local: Sep 27, 2024 at 9:59:13 AM EDT
N 29° 1' 43.049", W 80° 55' 27.520"
120 Murray St
New Smyrna Beach FL 32168
United States



CITY OF NEW SMYRNA BEACH
210 Sams Avenue • New Smyrna Beach, Florida 32168-70
Code Compliance

UNITED STATES POSTAL SERVICE CERTIFIED MAIL®
ORLANDO FL 328
26 SEP 2024 PM 6 L
9489 0090 0027 6603 5984 45
Label 890-PB, Oct. 2015 Pitney Bowes

US POSTAGE PITNEY BOWES
ZIP 32168 $ 008.16⁰
02 4W
0000380734 SEP 25 2024

8:00 a.m. / Ron
9-28

LONI JOY SHUTLER
JIM H LOVING
2731 Poppyseed Ct
Clearwater FL 3

UNCLAIMED

NIXIE 331 DE 1 0010/20/24
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 32168709499 *0674-02511-26-42

UNC
3764402504

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: **CE-0418-2024**

Violation Notice

Case Type: **Code Enforcement**
Date Case Established: **05/20/2024**
Compliance Deadline: **07/19/2024**

Owner: JIM H LOVING & LONI J SHUTLER

Mailing Address

JIM H LOVING & LONI J SHUTLER
2731 POPPYSEED CT
CLEARWATER, FL 33761

Notice of Violation for the following location:

Address	Parcel
120 MURRAY ST NEW SMYRNA BEACH, FL 32168	**744132010020**

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.

Corrective Action: Obtain permit for shell work and resolve Impervious Coverage issues.
Compliance Date: 07/19/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8399 6956 67:
(✓) Post
(Hand Delivery

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: **CE-0418-2024**

Violation Notice

Case Type: **Code Enforcement**

Date Case Established: **05/20/2024**

Compliance Deadline: **07/19/2024**

Sincerely,

Teresa Merck

Teresa Merck
Administrative Specialist

John Parks
Code Compliance Officer
Phone: (386) 410-2877
Email: jparks@cityofnsb.com

2/5/25

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

JIM H LOVING & LONI J SHUTLER
2731 POPPYSEED CT
CLEARWATER, FL 33761

CASE NO. CE-0418-2024
120 MURRAY ST
NEW SMYRNA BEACH, FL 32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025, at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

JIM H LOVING & LONI J SHUTLER
2731 POPPYSEED CT
CLEARWATER, FL 33761

CASE NO. CE-0418-2024
120 MURRAY ST
NEW SMYRNA BEACH, FL 32168

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8399 6956 67

(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

John Parks
Code Compliance Officer
Phone: (386) 410-2877
Email: jparks@cityofnsb.com
2/5/2025

Network:Feb 5, 2025 at 2:44:09 PM EST
Local:Feb 5, 2025 at 2:44:09 PM EST
N 29° 1' 43.507", W 80° 55' 27.977"
115 Murray St
New Smyrna Beach FL 32168
United States

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

JIM H LOVING & LONI J
SHUTLER
2731 POPPYSEED CT
CLEARWATER, FL 33761

CASE NO. CE-0418-2024
120 MURRAY ST
NEW SMYRNA BEACH, FL
32168

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The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.


Network: May 23, 2024 at 1:27:08 PM EDT
Local: May 23, 2024 at 1:27:08 PM EDT
N 29° 1' 43.598", W 80° 55' 27.453"
120 Murray St
New Smyrna Beach FL 32168
United States

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0474-2024-804 HOPE AVE.; OWNER: DOUGLAS AND JENNIFER OVERHISER; OFFICER: BARBARA BOBELAK

February 26, 2025

Background:

Violation of City Code Sec. 26-171. (a) - Permits Required; Sec. 26-172.- Penalties for work commencing before permit issuance

Compliance Date: June 21, 2024

Method of Service: Property posted June 10, 2024; Certified mail signed for on June 10, 2024.
July hearing moved to September; September moved to January 2025.
Method of Service: Property posted on January 7, 2025; Certified mail sent January 3, 2025.

Findings:
Found in violation of Sec. 26-171. (a) - Permits Required
New Compliance date: February 19, 2025
Recommended fine: $50.00 per day for each section of code that remains in violation
Method of Service: Property posted January 24, 2025; Certified mail sent January 23, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0474-2024- 804 Hope Ave.pdf

CE-0474-2024 – 804 HOPE AVENUE
CODE CASE DETAILED REPORT FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Barbara Bobelak
Project:
District: New Smyrna Beach
Description: Expired engineering permit ENG-00142-2024 for pavers no final inspection; new owner
Opened Date: 06/07/2024
Closed Date: NOT CLOSED

Parcel: 741601030270 Main
Address: 804 Hope Av Main
New Smyrna Beach, FL 32169
Zone: R-3 (SINGLE FAMILY RESIDENTIAL)

Owner

Douglas Overhiser

804 Hope Ave
New Smyrna Beach, FL 32169

Business: (815) 608-6305

Mobile: (815) 608-6305

Note	Created By	Date and Time Created
1. New owner information received from Debbora Benner, previous owner. Previous NOV-NOH was issued to Ms. Benner. New owner was made aware of the code violation in the closing paperwork.	Barbara Bobelak	6/7/2024 7:55 am
2. Creating new notices due to no action has been taken by the new owner.	Barbara Bobelak	6/7/2024 7:58 am

Activity Type	Activity Number	Activity Name	User	Created On
Compliance Officer Initiated	INT-003102-2024	NOV-NOH	Barbara Bobelak	06/07/2024
Email	ACT-003100-2024	Complaint	Barbara Bobelak	06/07/2024
Notice of Violation Letter Sent	NOV-003101-2024	Certified Mail sent	Barbara Bobelak	06/07/2024

Violation Code: Sec. 26-171. (a)
Violation Status: In Violation
Citation Issue Date: 06/07/2024
Compliance Date: 06/21/2024
Resolved Date:
Code Description: Permits Required
Corrective Action: Obtain a new Engineering permit for paver work completed under permit BLDR-05499-2022 that was replaced with permit ENG-00142-2024. Contact the Building Dept. at 386-410-2860.

Violation Code: Sec. 26-172.
Violation Status: In Violation
Citation Issue Date: 06/07/2024
Compliance Date: 06/21/2024
Resolved Date:
Code Description: Penalties for work commencing before permit issuance.
Corrective Action: Additional fees may be applied.

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3794885 **Parcel ID: 741601030270**
OVERHISER DOUGLAS S **804 HOPE AVE, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	3794885
Parcel ID:	741601030270
Township-Range-Section:	17 - 34 - 16
Subdivision-Block-Lot:	01 - 03 - 0270
Owner(s):	OVERHISER DOUGLAS S - TE - Tenancy in the Entirety - 100% OVERHISER JENNIFER A - TE - Tenancy in the Entirety - 100%
Mailing Address On File:	804 HOPE AVE NEW SMYRNA BEACH FL 32169 2814
Physical Address:	804 HOPE AVE, NEW SMYRNA BEACH 32169
Property Use:	0100 - SINGLE FAMILY
Tax District:	601-NEW SMYRNA BEACH
2023 Final Millage Rate:	17.0554
Neighborhood:	4840
Subdivision Name:	
Homestead Property:	Yes

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$775,729	$407,185	$30,000	$377,185	1.5000	$565.78
0012	DISCRETIONARY	$775,729	$407,185	$30,000	$377,185	0.7480	$282.13
0011	REQ LOCAL EFFORT	$775,729	$407,185	$30,000	$377,185	3.1610	$1,192.28
0050	GENERAL FUND	$775,729	$407,185	$55,000	$352,185	3.3958	$1,195.95
0053	LAW ENFORCEMENT FUND	$775,729	$407,185	$55,000	$352,185	1.4541	$512.11
0055	LIBRARY	$775,729	$407,185	$55,000	$352,185	0.4209	$148.23
0520	MOSQUITO CONTROL	$775,729	$407,185	$55,000	$352,185	0.1781	$62.72
0530	PONCE INLET PORT AUTHORITY	$775,729	$407,185	$55,000	$352,185	0.0692	$24.37
0058	VOLUSIA ECHO	$775,729	$407,185	$55,000	$352,185	0.2000	$70.44
0057	VOLUSIA FOREVER	$775,729	$407,185	$55,000	$352,185	0.2000	$70.44
0065	FLORIDA INLAND NAVIGATION DISTRICT	$775,729	$407,185	$55,000	$352,185	0.0288	$10.14
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$775,729	$407,185	$55,000	$352,185	0.8162	$287.45
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$775,729	$407,185	$55,000	$352,185	0.1793	$63.15
0271	NEW SMYRNA BCH I&S 2005	$775,729	$407,185	$55,000	$352,185	0.1900	$66.92
0272	NEW SMYRNA BCH I&S 2018	$775,729	$407,185	$55,000	$352,185	0.0990	$34.87
0270	NEW SMYRNA BEACH	$775,729	$407,185	$55,000	$352,185	4.4150	$1,554.90
						17.0554	$6,141.88

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	1	$95.00	$101.00
			$101.00

Estimated Ad Valorem Tax:	$6,141.88
Estimated Non-Ad Valorem Tax:	$101.00
Estimated Taxes:	**$6,242.88**
Estimated Tax Amount without SOH:	$13,331.37

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2023	$520,150	$256,846	$776,996	$395,325	$55,000	$340,325	$381,671
2022	$277,750	$201,989	$479,739	$383,811	$50,500	$333,311	$95,928
2021	$186,850	$219,336	$406,186	$372,632	$50,500	$322,132	$33,554
2020	$160,590	$213,264	$373,854	$367,487	$50,500	$316,987	$6,367
2019	$177,735	$181,490	$359,225	$359,225	$50,500	$308,725	$0
2018	$159,375	$162,981	$322,356	$322,356	$0	$322,356	$0
2017	$159,375	$188,232	$346,928	$346,928	$0	$346,928	$0
2016	$152,348	$148,754	$301,102	$171,540	$50,000	$121,540	$129,562
2015	$86,331	$149,511	$235,842	$170,348	$50,000	$120,348	$65,494

Sales History

NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description and/or recorded and indexed with the Clerk of the Court. Follow this link to search all documents by owner's name.

Book/Page	Inst #	Sale Date	Deed Type	Q/U	V/I	Sale Price
8545 / 0414	2024075068	03/13/2024	WD-WARRANTY DEED	QUALIFIED	Improved	$835,000
7544 / 0638	2018095521	05/07/2018	WD-WARRANTY DEED		Improved	$419,000
6483 / 1467	2010102715	04/28/2010	WD-WARRANTY DEED	QUALIFIED	Improved	$186,500
6440 / 0670	2010014952	01/25/2010	CT-CERTIFICATE OF TITLE	UNQUALIFIED	Improved	$100
1885 / 0524		02/15/1977	WD-WARRANTY DEED	UNQUALIFIED	Improved	$27,000

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

16-17-34 LOT 27 BLK C HORTON SHORES SUB MB 10 PG 42 PER OR 1885 PG 0524 PER OR 6440 PG 0670 PER OR 6483 PG 1467 PER UNREC D/C PER OR 7262 PG 1424 PER OR 7544 PG 0638 PER OR 8545 PG 0414

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0474-2024**

Case Type: **Code Enforcement**

Date Case Established: **06/07/2024**

Compliance Deadline: **06/21/2024**

Owner: Douglas S. & Jennifer A. Overhiser

Mailing Address

Douglas S. & Jennifer A. Overhiser
804 Hope Ave
New Smyrna Beach, FL 32169

Notice of Violation for the following location:

Address

804 HOPE AV
NEW SMYRNA BEACH, FL 32169

Parcel

741601030270

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.

Corrective Action: Obtain a new Engineering permit for paver work completed under permit BLDR-05499-2022 that was replaced with permit ENG-00142-2024. Contact the Building Dept. at 386-410-2860.
Compliance Date: 06/21/2024

Violation: Sec. 26-172. - Penalties for work commencing before permit issuance.
Any person who commences any work on a building or structure or electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 200 percent of the normal permit fee plus $50.00; except that during or following a natural disaster such as a hurricane, tornado, or sever windstorm, the penalty shall be 200 percent of the normal permit fee plus $100.00. The penalty shall be in lieu of the penalty imposed by section 104.7.2 of the 2007 Florida Building Code adopted in section 26-36.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0474-2024**
Case Type: **Code Enforcement**
Date Case Established: **06/07/2024**
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(Ord. No. 49-97, § 1, 10-28-1997; Ord. No. 88-07, § 8, 9-11-2007; Ord. No. 28-09,§ 3, 8-25-2009)

Corrective Action: Additional fees may be applied.
Compliance Date: 06/21/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number: 9489 0090 0027 6512 8113 76
(✓) Post
( ) Hand Delivery

Sincerely,

Barbara Bobelak

Barbara Bobelak
Code Compliance Supervisor
Phone: (386) 410-2871
Email: bbobelak@cityofnsb.com

Date: 6/7/2024

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

DOUGLAS OVERHISER
804 Hope Ave
New Smyrna Beach, FL
32169

CASE NO. CE-0474-2024
804 HOPE AV
NEW SMYRNA BEACH, FL
32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **July 17, 2024 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

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SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

DOUGLAS OVERHISER
804 Hope Ave
New Smyrna Beach, FL
32169

CASE NO. CE-0474-2024
804 HOPE AV
NEW SMYRNA BEACH, FL
32169

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RECORD IS REQUIRED TO APPEAL

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CERTIFICATE OF SERVICE

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(✓) Certified Mail, Return Receipt Requested Receipt Number: 9489009000276512811376
(✓) Post
( ) Hand Delivery

Barbara Bobelak

Barbara Bobelak
Code Compliance Supervisor
Phone: (386) 410-2871
Email: bbobelak@cityofnsb.com
6/7/2024

Network:Jun 10, 2024 at 1:52:44 PM EDT
Local:Jun 10, 2024 at 1:52:44 PM EDT

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Owner: Douglas S. & Jennifer A. Overhiser
Mailing Address
Douglas S. & Jennifer A. Overhiser
804 Hope Ave
New Smyrna Beach, FL 32169

Notice of Violation for the following location:
Address
804 HOPE AV
NEW SMYRNA BEACH, FL 32169

Parcel
7416010130270

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.

Corrective Action: Obtain a new Engineering permit for paver work completed under permit BLDR-05490-2022 that was replaced with permit ENG-00142-2024. Contact the Building Dept. at 386-410-2860.

Compliance Date: 06/21/2024

Violation: Sec. 26-172. - Penalties for work commencing before permit issuance.
Any person who commences any work on a building or structure or electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 200 percent of the normal permit fee plus $50.00; except that during or following a natural disaster such as a hurricane, tornado, or sever windstorm, the penalty shall be 200 percent of the normal permit fee plus $100.00. The penalty shall be in lieu of the penalty imposed by section 104.7.2 of the 2007 Florida Building Code adopted in section 26-36.

UNITED STATES POSTAL SERVICE

June 20, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6512 8113 76**.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	June 10, 2024, 3:02 pm
Location:	NEW SMYRNA BEACH, FL 32169
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1lb, 2.7oz

Recipient Signature

Signature of Recipient:



Address of Recipient: 804 HOPE AVE, NEW SMYRNA BEACH, FL 32169

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

DOUGLAS OVERHISER
804 Hope Ave
New Smyrna Beach, FL
32169

CASE NO. CE-0474-2024
804 HOPE AV
NEW SMYRNA BEACH, FL
32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **January 22, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

DOUGLAS OVERHISER
804 Hope Ave
New Smyrna Beach, FL
32169

CASE NO. CE-0474-2024
804 HOPE AV
NEW SMYRNA BEACH, FL
32169

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number: 9214 8901 9403 8394 6765 55

(✓) Post

( ) Hand Delivery

Sincerely:

Teresa Merck
Administrative Specialist

Barbara Bobelak
Code Compliance Supervisor
Phone: (386) 410-2871
Email: bbobelak@cityofnsb.com
1/3/2025

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0474-2024**

Case Type: **Code Enforcement**

Date Case Established: **06/07/2024**

Compliance Deadline: **06/21/2024**

Owner: Douglas S. & Jennifer A. Overhiser

Mailing Address

Douglas S. & Jennifer A. Overhiser
804 Hope Ave
New Smyrna Beach, FL 32169

Notice of Violation for the following location:

Address

804 HOPE AV
NEW SMYRNA BEACH, FL 32169

Parcel

741601030270

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.

Corrective Action: Obtain a new Engineering permit for paver work completed under permit BLDR-05499-2022 that was replaced with permit ENG-00142-2024. Contact the Building Dept. at 386-410-2860.
Compliance Date: 06/21/2024

Violation: Sec. 26-172. - Penalties for work commencing before permit issuance.
Any person who commences any work on a building or structure or electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 200 percent of the normal permit fee plus $50.00; except that during or following a natural disaster such as a hurricane, tornado, or sever windstorm, the penalty shall be 200 percent of the normal permit fee plus $100.00. The penalty shall be in lieu of the penalty imposed by section 104.7.2 of the 2007 Florida Building Code adopted in section 26-36.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0474-2024**
Case Type: **Code Enforcement**
Date Case Established: **06/07/2024**
Compliance Deadline: **06/21/2024**

(Ord. No. 49-97, § 1, 10-28-1997; Ord. No. 88-07, § 8, 9-11-2007; Ord. No. 28-09,§ 3, 8-25-2009)

Corrective Action: Additional fees may be applied.
Compliance Date: 06/21/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number: 9489 0090 0027 6512 8113 76
(✓) Post
( ) Hand Delivery

Sincerely,

Barbara Bobelak

Barbara Bobelak
Code Compliance Supervisor
Phone: (386) 410-2871
Email: bbobelak@cityofnsb.com

Date: 6/7/2024

Network:Jan 7, 2025 at 7:55:41 AM EST
Local:Jan 7, 2025 at 7:55:41 AM EST
N 29° 2' 1.445", W 80° 53' 45.201"
808 Hope Ave
New Smyrna Beach FL 32169
United States

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: CE-0474-2024
Case Type: Code Enforcement
Date Case Established: 06/07/2024
Compliance Deadline: 06/21/2024

Owner: Douglas S. & Jennifer A. Overhiser

Mailing Address

Douglas S. & Jennifer A. Overhiser
804 Hope Ave
New Smyrna Beach, FL 32169

Notice of Violation for the following location:

Address	Parcel
804 HOPE AV NEW SMYRNA BEACH, FL 32169	741601030270

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.

Corrective Action: Obtain a new Engineering permit for paver work completed under permit BLDR-05499-2022 that was replaced with permit ENG-00142-2024. Contact the Building Dept. at 386-410-2860.
Compliance Date: 06/21/2024

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Any person who commences any work on a building or structure or electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 200 percent of the normal permit fee plus $50.00; except that during or following a natural disaster such as a hurricane, tornado, or sever windstorm, the penalty shall be 200 percent of the normal permit fee plus $100.00. The penalty shall be in lieu of the penalty imposed by section 104.7.2 of the 2007 Florida Building Code adopted in section 26-36.

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

City of New Smyrna Beach, Florida, a municipal corporation,
Petitioner,

CASE NO.: CCSM-0474-2024

VS.

Jennifer and Douglas Overhiser,
Respondent(s)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This case was heard on **January 22, 2025**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ____did __X__did not attend the hearing. The Special Magistrate, having heard testimony, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The property which is the subject of this Code Compliance action is located at

   Address: 804 HOPE AVE, NEW SMYRNA BEACH 32169
   Parcel: 741601030270
   Legal description: 16-17-34 LOT 27 BLK C HORTON SHORES SUB MB 10 PG 42 PER OR 1885 PG 0524 PER OR 6440 PG 0670 PER OR 6483 PG 1467 PER UNREC D/C PER OR 7262 PG 1424 PER OR 7544 PG 0638 PER OR 8545 PG 0414 https://

2. The property was first inspected by a Code Compliance Officer on **June 7, 2024.** At the time of inspection, the Code Compliance Officer found the property to be in violation of the City of New Smyrna Beach Code of Ordinances.

3. The Respondent(s) was/were served a Notice of Violation on **June 10, 2024,** identifying the specific violation(s). The violation(s) was/were to be corrected by **June 21, 2024**. The Code Compliance Officer reinspected the property on **January 22, 2025,** and determined that the violation(s) was/were not corrected.

4. Based on the evidence presented at the hearing, it is determined that the following violation(s) exist on the property:

Violation: Sec. 26-171. (a) - Permits Required

IT IS THEREUPON ORDERED that:

A. Respondent(s) shall bring the property into compliance with the code provisions cited above by 1 p.m. **February 19, 2025**, and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**. If the Special Magistrate finds that the violation(s) was/were not corrected by the date set forth above, a fine of **$50.00 per day for each section of code that remains in violation** shall be imposed.

B. **NEXT HEARING DATE:** This case shall be reviewed by the Special Magistrate at a public hearing on **February 26, 2025**, at **2:00 p.m.**, in the City Chambers, 214 Sams Ave., New Smyrna Beach, FL. The Special Magistrate will consider setting a fine and lien on the above case at this Public Hearing.

This Order may be appealed to the Circuit Court within 30 days of its execution.

TERESA MERCK
MY COMMISSION # HH 604610
EXPIRES: October 20, 2028

DONE AND ORDERED on **January 22, 2025**.

Jessica Gow
Special Magistrate

ATTEST:

Teresa Merck
Code Compliance Clerk

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 804 HOPE AVE, NEW SMYRNA BEACH 32169 by:

(_√_) Certified Mail, Return Receipt Requested, Receipt #9214 8901 9403 8397 5496 10

(_√_) Post

(___) Hand Delivery

By: Teresa Merck, Code Compliance Clerk
Date: January 23, 2025

Network:Jan 24, 2025 at 2:03:48 PM EST
Local:Jan 24, 2025 at 2:03:48 PM EST
N 29° 2' 1.240", W 80° 53' 46.022"
804 Hope Ave
New Smyrna Beach FL 32169
United States

Network:Jan 24, 2025 at 2:03:42 PM EST
Local:Jan 24, 2025 at 2:03:42 PM EST
N 29° 2' 1.240", W 80° 53' 46.022"
804 Hope Ave
New Smyrna Beach FL 32169
United States



SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

City of New Smyrna Beach, Florida, a municipal corporation,
Petitioner,

VS.

Jennifer and Douglas Overhiser,
Respondent(s)

CASE NO.: CCSM-0474-2024

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This case was heard on **January 22, 2025**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ____did __X__did not attend the hearing. The Special Magistrate, having heard testimony, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The property which is the subject of this Code Compliance action is located at

   Address: 804 HOPE AVE, NEW SMYRNA BEACH 32169
   Parcel: 741601030270
   Legal description: 16-17-34 LOT 27 BLK C HORTON SHORES SUB MB 10 PG 42 PER OR 1885 PG 0524 PER OR 6440 PG 0670 PER OR 6483 PG 1467 PER UNREC D/C PER OR 7262 PG 1424 PER OR 7544 PG 0638 PER OR 8545 PG 0414 https://

2. The property was first inspected by a Code Compliance Officer on **June 7, 2024**. At the time of inspection, the Code Compliance Officer found the property to be in violation of the City of New Smyrna Beach Code of Ordinances.

3. The Respondent(s) was/were served a Notice of Violation on **June 10, 2024,** identifying the specific violation(s). The violation(s) was/were to be corrected by **June 21, 2024**. The Code Compliance Officer reinspected the property on **January 22, 2025,** and determined that the violation(s) was/were not corrected.

4. Based on the evidence presented at the hearing, it is determined that the following violation(s) exist on the property:

   Violation: Sec. 26-171. (a) - Permits Required

IT IS THEREUPON ORDERED that:

Overhirer

Landscaping Solutions of Florida LLC
2578 Enterprise Rd Unit#109
Orange City Fl, 32763
Cell (386) 588-1424

LANDSCAPING SOLUTIONS OF FLORIDA, LLC

Honesty = Integrity

Date: 5/14/2024
Expiration Date: 90 days

[Project]	To:	
Rock & Cleanup		[Name] Doug Overhirer [Company] [Street Address] 804 Hope Ave [City, ST, Zip Code] New Smyrna Bch, Fl. [Phone] 815-608-6305 [Email]

Presented by: Mark Cirou

Terms: Valid for 90 days

Deposit: *ALL deposits are Nonrefundable*

Deposit Type:

Date: 5/14/2024

Check# 1590

Deposit Amount: 3,020.00

Zelle

Cash

Qty	Description	Unit Price	Line Total
4	Ton of 1 to 3 inch Grey 57 Granite Rock installed 1 foot Down Both Sides of home & tapering from 5 feet in 2 Certain areas in back Yard (317 SQ ft), with Weedliner underneath	520.E.	2,080.00
-	Remove 1 foot of Pavers down Both Sides of home in back Yard & including out to 5 feet in 2 Certain areas of back yard tappered down		1,850.00
-	Pull Permit		650.00
1	Additional ton of 1 to 3 inch 57 Granite Rock		520.00
1	ton of crushed Coquina Shell Rock		520.00
	- Rake Back Existing rock & Shell & add Weed Liner underneath		600.00
6	Trim 6 Queen Palms Front & Back Yard	30.E.	180.00

Scheduled dates to be completed: 6/17, 18, & 19 - 2024

Note: The scheduled dates for the work to be completed is contingent upon whether or not the weather permits. Specifically, rain or storms.

- All work is guaranteed.
- Price includes material and labor.
- All deposits are non-refundable.

Total Amount:		$ 6,040.00
Deposit Date: 5/14/2024	Ck# Zelle Cash	$ 3,020.00

6 Trim Cable Palms in front Yard 30.E. $180.00

Honesty = Integrity

Total Due upon Completion Date: 6/8/2024 **NOTE: Final balance is DUE UPON COMPLETION of services. If final payment is not received within 24 hours after the job/services has been completed, a 10% late fee will be added to the final payment amount per day until final balance is received. Final Payments can not be mailed.**	**Ck#** **Zelle** **Cash**	$1020.00

I/We (hereinafter "Customer") agree that Customer pays for all costs and attorney's fees for any action arising out of or relating to the work/payment outlined above; Customer waives all rights relating to venue and agrees that any legal action arising out of or relating to the work/payment above shall be brought in Volusia County, Western Division, Florida; and Customer agrees that any amounts left owing after the due dates listed above shall accrue interest at the maximum amount allowable by Florida Statute.

Service work performed by: Landscaping Solutions of Fl LLC

Customer Signature: _____ **Date:** 5 / 14 / 24

All invoices are due on receipt of Invoice date. Please make all checks payable to Landscaping Solutions of Florida.

AR Contact: Mark Cirou | LandscapingSolutionsFloridaLLC@gmail.com / Cell: (386) 588-1424

- Trim Podocarpus Palm in front Yard, Areca Palms, & trim Podocarpus hedge

dana@overhiser.org

Landscaping Solutions of Florida LLC
2578 Enterprise Rd Unit#109
Orange City Fl, 32763
Cell (386) 588-1424

LANDSCAPING SOLUTIONS OF FLORIDA, LLC

Honesty = Integrity

Date: 7/3 /2024
Expiration Date: 90 days

[Project]	To:	
Paver Removal & Rocks		[Name] Doug Overhiser [Company] [Street Address] 804 Hope Dye [City, ST, Zip Code] New Smyrna Bch, FL. [Phone] 815-608-6305 [Email]

Presented by: Mark Cirou

Terms: Valid for 90 days

Deposit: ***ALL deposits are Nonrefundable***

Deposit Type:

Date: 7/3/2024

Check# 1700

Deposit Amount: ~~$~~ 3,000.00

Zelle

Cash

Qty	Description	Unit Price	Line Total
483 + 250 = 733	Additional 483 SQ ft of Pavers to be removed from property for a total removal of ~~800~~ 1050 SQ ft of Pavers		$3,200.00
6	Ton of 1 to 3 inch Grey 57 rock Granite to apply to areas where Pavers are being removed with Weed liner underneath	520.E.	$3,120.00
1	remove Queen Palm in back Yard & Grind Stump		$450.00
1	repair hinge on right side Gate for proper Motion		$125.00
	TOTAL SQ footage of Paver being removed is 800 SQ ft		

Scheduled dates to be completed: 7/15 - 7/18 - 2024

Note: The scheduled dates for the work to be completed is contingent upon whether or not the weather permits. Specifically, rain or storms.

- All work is guaranteed.
- Price includes material and labor.
- All deposits are non-refundable.

Total Amount:		$ 6,895.00
Deposit Date: 7/3/2024	Ck# 1700 Zelle Cash	$ ~~3,000.00~~ 3,000.00

Honesty = Integrity

Total Due upon Completion Date: 7/18/2024		
NOTE: Final balance is DUE UPON COMPLETION of services. If final payment is not received within 24 hours after the job/services has been completed, a 10% late fee will be added to the final payment amount per day until final balance is received. Final Payments can not be mailed.	Ck# Zelle Cash	$ 3,894.00

I/We (hereinafter "Customer") agree that Customer pays for all costs and attorney's fees for any action arising out of or relating to the work/payment outlined above; Customer waives all rights relating to venue and agrees that any legal action arising out of or relating to the work/payment above shall be brought in Volusia County, Western Division, Florida; and Customer agrees that any amounts left owing after the due dates listed above shall accrue interest at the maximum amount allowable by Florida Statute.

Service work performed by: Landscaping Solutions of Fl LLC

Customer Signature: _____ **Date:** 7/3/24

All invoices are due on receipt of Invoice date. Please make all checks payable to Landscaping Solutions of Florida.

AR Contact: Mark Cirou | LandscapingSolutionsFloridaLLC@gmail.com / Cell: (386) 588-1424


Network time is not synchronized
Local:Jan 7, 2025 at 7:55:44 AM EST
N 29° 2' 1.219", W 80° 53' 45.806"
804 Hope Ave
New Smyrna Beach FL 32169
United States

Network:Jan 7, 2025 at 7:55:49 AM EST
Local:Jan 7, 2025 at 7:55:49 AM EST
N 29° 2' 1.526", W 80° 53' 46.026"
804 Hope Ave
New Smyrna Beach FL 32169
United States

Network: Jan 7, 2025 at 7:56:05 AM EST
Local: Jan 7, 2025 at 7:56:05 AM EST
N 29° 2' 1.198", W 80° 53' 46.096"
804 Hope Ave
New Smyrna Beach FL 32169
United States

Network:Jan 7, 2025 at 7:56:08 AM EST
Local:Jan 7, 2025 at 7:56:08 AM EST
N 29° 2' 1.198", W 80° 53' 46.096"
804 Hope Ave
New Smyrna Beach FL 32169
United States

Network:Jun 10, 2024 at 1:52:54 PM EDT
Local:Jun 10, 2024 at 1:52:54 PM EDT

Network:Jun 10, 2024 at 1:53:20 PM EDT
Local:Jun 10, 2024 at 1:53:20 PM EDT

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0535-2024- 780 PINE SHORES CIR; OWNER: HINTON PROPERTIES INC; OFFICER: HERMAN TRAUTWEIN

February 26, 2025

Background:

Violation of City Code Sec. 26-171. (a) - Permits Required

Compliance Date: July 17, 2024

Method of Service: Property posted July 2, 2024; Certified mail signed for on July 5, 2024.
Officer moved case to February 26, 2025.
Method of service: Property posted on January 30, 2025; Certified mail signed for February 3, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

5A-CCSM-0535-2024 780 Pine Shores Cir.pdf

CODE CASE DETAILED REPORT CE-0535-2024
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Built dock without a permit. Cutting down mangroves.
Opened Date: 06/27/2024
Closed Date: NOT CLOSED

Parcel: 731319000410 Main **Address:** 780 Pine Shores Cir
New Smyrna Beach, FL 32168 Main **Zone:** R-3A (SINGLE FAMILY DETACHED & ATTACHED RESIDENTIAL*)

Complainant
Lauren Sullivan
110 Dee St
New Smyrna Beach, FL 32168
Home: (303) 807-5624

Owner
Hinton Properties Inc
John T Hinton Jr
949 Beville Rd
South Daytona, FL 32119
Home: 3867602776
Business: 3864289740
Mobile: 3865474019

Note	Created By	Date and Time Created
1. No permits on file for construction of a dock. I cannot tell from the photo if these are mangroves or not it is a possibility. If you need any help with this let me know.	Barbara Bobelak	6/28/2024 11:52 am
2. Assigned to: Herman Trautwein	Barbara Bobelak	6/28/2024 11:53 am
3. This was not 778 Pine Shores but it was 780 Pine Shores Cir. No permits on file for construction of a dock. House is for rent. Current BTR ok. Did not see any mangroves that were cut.	Herman Trautwein	7/2/2024 12:29 pm
4. Posted NOV/ NOH / Took Pic	Herman Trautwein	7/2/2024 12:54 pm
5. The owner - Mr. Hinton 386-547-4019 called and stated that he will do what it takes to comply with what the city needs. I advised him that I spoke with the building dept. (Danielle Larkowski) and he should call or make an appointment to meet with her or the permitting office as to what is needed. He later texted me FS 403.813 that states he is allowed an exception for his dock (due to posing a non-navigational hazard). He stated he still has to file for the exemption with DEP, and then take this to NSB for the permit.	Herman Trautwein	7/15/2024 3:30 pm
6. The owner - Mr. Hinton 386-547-4019 called and stated that he will do what it takes to comply with what the city needs. He stated that he will email me what he has from DEP for gaining the exemption. He stated that this will take approx. 120 days. I advised him that as long as he is working towards compliance the City will try very hard to work with him. Awaiting email.	Herman Trautwein	8/8/2024 3:15 pm
7. Rec email w/ Dock App from DEP from owner. - Will request a lengthy extension at CCSM ------ (120 days processing time at DEP)	Herman Trautwein	8/9/2024 11:58 am
8. MOVING TO THE JANUARY 2025 HEARING	Herman Trautwein	8/13/2024 3:22 pm
9. Talked to owner - still in progress- HAS NOT been to hearing yet. May move to Feb (because of Special Magistrate issue)	Herman Trautwein	11/12/2024 9:09 am
10. Owner email - Fri 12/6/2024 4:31 PM - Appears to have exemption from FLA DEP. Will close case after discussing / approval with CE Supervisor. See Exemption letter in "files"	Herman Trautwein	12/10/2024 7:52 am
11. Owner must take exemption to City Building Dept and obtain permit. Discussed with owner.	Herman Trautwein	12/11/2024 8:43 am
12. HOME OWNER WAS INFORMED HE WILL NEED A CONTRACTOR TO FILE AN NOC	Laura Roach	1/3/2025 12:24 pm

DUE TO THE PROPERTY BEING OWNED UNDER INCORPORATED.

13. Rec email from owner who was upset about the permitting process - See email in file 01-27-2025 From Mr Hinton Re 780 Pine Shores. Also, see response email : 01-28-2025 to Mr Hinton RE 780 Pine Shores. I advised the case is scheduled for the Feb 26th 2025 CCSM Hearing.	Herman Trautwein	1/28/2025	9:12 am
14. Rec email from owner : See email titled : 01-28-2025 follow up from Mr Hinton Re 780 Pine Shore. In case file.	Herman Trautwein	1/28/2025	3:39 pm

Activity Type	Activity Number	Activity Name	User	Created On
Email	ACT-003180-2024	Complaint	Cynthia Langdon	06/27/2024
Notice of Violation Letter Sent	NOV-003202-2024		Herman Trautwein	07/02/2024

Violation Code: Sec. 26-171. (a)
Code Description: Permits Required

Violation Status: In Violation

Citation Issue Date: 07/02/2024
Compliance Date: 07/17/2024
Resolved Date:

Corrective Action: Dock built with no permit. Obtain permit for dock. Contact NSB Building Dept. 386-410-2860 or apply for permit online at www.cityofnsb.com

CE-0535-2024 – 778 PINE SHORES CIRCLE
CODE CASE DETAILED REPORT FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: **Herman Trautwein**
Project:
District: New Smyrna Beach
Description: Built dock without a permit. Cutting down mangroves.
Opened Date: 06/27/2024
Closed Date: NOT CLOSED

Parcel:	**Address:**	**Zone:**
731319000400 Main	778 Pine Shores Cir Main New Smyrna Beach, FL 32168	R-3A (SINGLE FAMILY DETACHED & ATTACHED RESIDENTIAL*)

Complainant

Lauren Sullivan

110 Dee St
New Smyrna Beach, FL 32168

Home: (303) 807-5624

Owner

Hp Investment Group Inc
Debbie Paschall

Po Box 520385
Longwood, FL 32752

Business: (407) 834-1325

Mobile: (321) 439-0753

Note	**Created By**	**Date and Time Created**
1. No permits on file for construction of a dock. I'm cannot tell from the photo if these are mangroves or not it is a possibility. If you neceed any help with this let me know.	Barbara Bobelak	6/28/2024 11:52 am
2. Assigned to: Herman Trautwein	Barbara Bobelak	6/28/2024 11:53 am

Activity Type	**Activity Number**	**Activity Name**	**User**	**Created On**
Email	ACT-003180-2024	Complaint	Cynthia Langdon	06/27/2024

Langdon, Cindy

From: noreply@civicplus.com
Sent: Wednesday, June 26, 2024 10:00 AM
To: Code Enforcement
Subject: Online Form Submittal: Contact Code Compliance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

Contact Code Compliance

Please use this form to request an inspection at a location in the City of New Smyrna Beach. Fields with an asterisk next to them are required. The Florida Legislature in 2021 passed Senate Bill 60, which amended Florida Statute 125.69 (4)(b), Florida Statute 162.06 (1)(b), and Florida Statute 162.21 (3)(b). Effective July 1, 2021, Florida Statute prohibits Code Compliance officers from investigating anonymous tips unless the violation presents an imminent threat to public health, safety, welfare, or the imminent destruction of habitat or sensitive resource.

Please provide your name and contact information.

First Name	Lauren
Last Name	Sullivan
Street Address	110 Dee St
City	New Smyrna Beach
State	FL
Zip Code	32168
Phone Number	3038075624
Reply E-mail	LTSullivan16@gmail.com

Please provide information about the incident you would like us to investigate.

Street Address	778 Pine Shores Cir
Incident Description	Dock built on canal without permit. Mangroves cut and destroyed on several occasions for the dock to be built/repaired and maintained. Many mangroves were cut down yesterday(you can see some of the cut mangroves trimmings

	from yesterday in the provided photo.) I believe this is a small conservation area that is being destroyed.
Name of Property Owner or Tenant (if known)	*Field not completed.*
File Upload	IMG_8537.jpeg

Email not displaying correctly? View it in your browser.



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 4891391 **Parcel ID: 731319000410**
HINTON PROPERTIES INC **780 PINE SHORES CIR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	4891391
Parcel ID:	731319000410
Township-Range-Section:	17 - 33 - 13
Subdivision-Block-Lot:	19 - 00 - 0410
Owner(s):	HINTON PROPERTIES INC - FS - Fee Simple - 100%
Mailing Address On File:	949 BEVILLE RD SOUTH DAYTONA FL 32119
Physical Address:	780 PINE SHORES CIR, NEW SMYRNA BEACH 32168
Property Use:	0100 - SINGLE FAMILY
Tax District:	601-NEW SMYRNA BEACH
2023 Final Millage Rate:	17.0554
Neighborhood:	4042
Subdivision Name:	PINE ISLAND PHASE 2
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$294,623	$291,834	$0	$294,623	1.5000	$441.93
0012	DISCRETIONARY	$294,623	$291,834	$0	$294,623	0.7480	$220.38
0011	REQ LOCAL EFFORT	$294,623	$291,834	$0	$294,623	3.1610	$931.30
0050	GENERAL FUND	$294,623	$291,834	$2,789	$291,834	3.3958	$991.01
0053	LAW ENFORCEMENT FUND	$294,623	$291,834	$2,789	$291,834	1.4541	$424.36
0055	LIBRARY	$294,623	$291,834	$2,789	$291,834	0.4209	$122.83
0520	MOSQUITO CONTROL	$294,623	$291,834	$2,789	$291,834	0.1781	$51.98
0530	PONCE INLET PORT AUTHORITY	$294,623	$291,834	$2,789	$291,834	0.0692	$20.19
0058	VOLUSIA ECHO	$294,623	$291,834	$2,789	$291,834	0.2000	$58.37
0057	VOLUSIA FOREVER	$294,623	$291,834	$2,789	$291,834	0.2000	$58.37
0065	FLORIDA INLAND NAVIGATION DISTRICT	$294,623	$291,834	$2,789	$291,834	0.0288	$8.40
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$294,623	$291,834	$2,789	$291,834	0.8162	$238.19
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$294,623	$291,834	$2,789	$291,834	0.1793	$52.33
0271	NEW SMYRNA BCH I&S 2005	$294,623	$291,834	$2,789	$291,834	0.1900	$55.45
0272	NEW SMYRNA BCH I&S 2018	$294,623	$291,834	$2,789	$291,834	0.0990	$28.89
0270	NEW SMYRNA BEACH	$294,623	$291,834	$2,789	$291,834	4.4150	$1,288.45
						17.0554	$4,992.43

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	1	$95.00	$101.00
			$101.00

Estimated Ad Valorem Tax:	$4,992.43
Estimated Non-Ad Valorem Tax:	$101.00
Estimated Taxes:	**$5,093.43**
Estimated Tax Amount without SOH:	$5,125.91

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2023	$42,196	$133,866	$176,062	$176,062	$0	$176,062	$0
2022	$57,540	$231,045	$288,585	$131,568	$50,500	$81,068	$157,017
2021	$37,309	$162,574	$199,883	$127,736	$50,500	$77,236	$72,147
2020	$37,309	$149,889	$187,198	$125,972	$50,500	$75,472	$61,226
2019	$31,781	$142,516	$174,297	$123,140	$50,500	$72,640	$51,157
2018	$31,781	$135,072	$166,853	$120,844	$50,500	$70,344	$46,009
2017	$38,690	$127,975	$166,551	$118,358	$50,500	$67,858	$48,193
2016	$28,932	$111,146	$140,078	$115,924	$50,500	$65,424	$24,154
2015	$23,210	$104,781	$127,991	$115,118	$50,500	$64,618	$12,873

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

LOT 41 PINE ISLAND PHASE 2 MB 41 PGS 84-85 INC PER OR 4774 PG 2120 PER OR 5936 PG 4510 PER OR 8334 PG 4439

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0535-2024**

Case Type: **Code Enforcement**

Date Case Established: **06/27/2024**

Compliance Deadline: **07/17/2024**

Owner: JOHN T HINTON JR

Mailing Address

JOHN T HINTON JR
949 BEVILLE RD
SOUTH DAYTONA, FL 32119

Notice of Violation for the following location:

Address

780 PINE SHORES CIR
NEW SMYRNA BEACH, FL 32168

Parcel

731319000410

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.
Corrective Action: Dock built with no permit. Obtain permit for dock. Contact NSB Building Dept. 386-410-2860 or apply for permit online at www.cityofnsb.com
Compliance Date: 07/17/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0535-2024**

Case Type: **Code Enforcement**

Date Case Established: **06/27/2024**

Compliance Deadline: **07/17/2024**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9489009000276512774367
9489 0090 0027 6512 7743 67

(✓) Post

( ) Hand Delivery

Sincerely,

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

7/2/24

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

JOHN T HINTON JR
949 BEVILLE RD
SOUTH DAYTONA, FL
32119

CASE NO. CE-0535-2024
780 PINE SHORES CIR
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **August 28, 2024 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

JOHN T HINTON JR
949 BEVILLE RD
SOUTH DAYTONA, FL
32119

CASE NO. CE-0535-2024
780 PINE SHORES CIR
NEW SMYRNA BEACH, FL
32168

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number: 948900900027651277436 7

(✓) Post

( ) Hand Delivery

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
7/2/2024

UNITED STATES POSTAL SERVICE

July 30, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6512 7743 67**.

Item Details

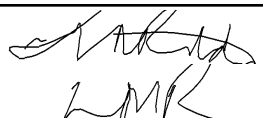
Status:	Delivered, Left with Individual
Status Date / Time:	July 5, 2024, 12:41 pm
Location:	DAYTONA BEACH, FL 32119
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1lb, 15.8oz

Recipient Signature

Signature of Recipient:



Address of Recipient:



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004


FOR
RENT
Jul 2, 2024, 1:20 PM

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: **CE-0535-2024**

Violation Notice

Case Type: **Code Enforcement**
Date Case Established: **06/27/2024**
Compliance Deadline: **07/17/2024**

Owner: JOHN T HINTON JR

Mailing Address

JOHN T HINTON JR
949 BEVILLE RD
SOUTH DAYTONA, FL 32119

Notice of Violation for the following location:

Address	Parcel
780 PINE SHORES CIR NEW SMYRNA BEACH, FL 32168	**731319000410**

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.

Corrective Action: Dock built with no permit. Obtain permit for dock. Contact NSB Building Dept. 386-410-2860 or apply for permit online at www.cityofnsb.com

Compliance Date: 07/17/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8399 0890 15
(✓) Post
( ) Hand Delivery

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: **CE-0535-2024**

Violation Notice

Case Type: **Code Enforcement**

Date Case Established: **06/27/2024**

Compliance Deadline: **07/17/2024**

Sincerely,

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/30/25

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

JOHN T HINTON JR
949 BEVILLE RD
SOUTH DAYTONA, FL
32119

CASE NO. CE-0535-2024
780 PINE SHORES CIR
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

JOHN T HINTON JR
949 BEVILLE RD
SOUTH DAYTONA, FL
32119

CASE NO. CE-0535-2024
780 PINE SHORES CIR
NEW SMYRNA BEACH, FL
32168

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8399 0890 15

(✓) Post

(Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/30/2025



January 30, 2025 at 10:41:44 AM EST

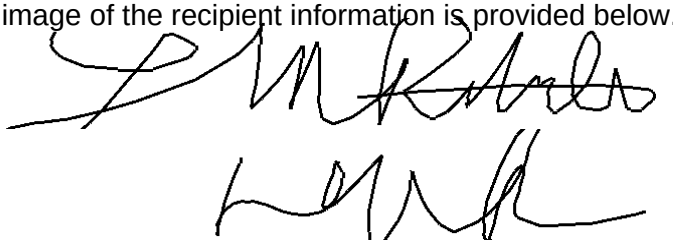
UNITED STATES POSTAL SERVICE

Date Produced: 02/04/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8399 0890 15. Our records indicate that this item was delivered on 02/03/2025 at 12:40 p.m. in DAYTONA BEACH, FL 32119. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

JOHN T HINTON JR
949 BEVILLE RD
SOUTH DAYTONA, FL 32119

Customer Reference Number: C5621830.34142753

2

UNITED STATES POSTAL SERVICE®

Return address:

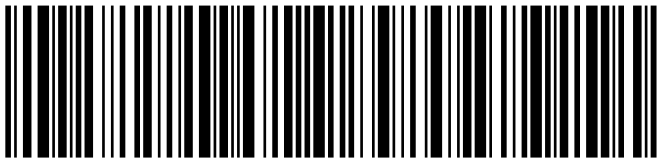
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

JOHN T HINTON JR
949 BEVILLE RD
SOUTH DAYTONA, FL 32119

MAILING DATE: 01/30/2025
DELIVERY DATE: 02/03/2025

USPS CERTIFIED MAIL



9214 8901 9403 8399 0890 15

USPS Tracking Label Number: 9214 8901 9403 8399 0890 15

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/30/2025 11:17
DELIVERED LEFT WITH INDIVIDUAL	DAYTONA BEACH,FL 32119	02/03/2025 12:40

CASE #: 0535-2024 780 PINE SHORES HT


Jul 2, 2024, 11:02 AM


Jul 2, 2024, 11:02 AM


Jul 15, 2024, 3:11 PM


Jul 15, 2024, 3:11 PM


Jul 15, 2024, 3:10 PM


Jul 2, 2024, 11:05 AM

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Re: 780 Pine Shore

JH

John Hinton<deermeat308@gmail.com>

To: Trautwein, Herman

Mon 1/27/2025 4:49 PM

You replied on Tue 1/28/2025 8:48 AM

CAUTION: EXTERNAL EMAIL

Herman,
I texted you 30 or 40 properties all around me at 780 Pineshores. Can you please research as you did with my property and see if they have the city permit for all of these walkways and docks they all have. I can check with DEP for you and see if they have the exemption permit like you had me get too . I just don't understand why if neighbors called you and said I was cutting a bunch of Mangroves and you respond and see I was just clearing the Brazilian Peppers which are an invasive species and you see us repairing walkway. After I sent you pictures you agreed I didn't need a permit because it was less than a thousand dollar repair and it was obvious the dock was already there and you can see the difference in the new boards we put on and the older dock. At that point I had done nothing wrong no violation so why can't you just drop it. If you felt the need to check on my walkway can you please make sure I'm not the only one being singled out over this please? They are trying to make it so complicated that I won't even be able to do it .
John Hinton

> On Jul 15, 2024, at 9:24 AM, Trautwein, Herman <htrautwein@cityofnsb.com> wrote:
>
> Thank you for the pictures. Go to NSB building dept. and speak with a permit tech or building official as to what will satisfy the city, concerning the permit. Print and take these pictures with you.
>
> Regards,
>
> Herman
> Trautwein
>
> Code Compliance Officer
> City of New Smyrna Beach
> 210 Sams Ave.
> New Smyrna Beach, FL 32168
> Office Main (386) 410-2870
> Desk (386) 410-2872
> City Cell (386) 410-9305
> htrautwein@cityofnsb.com
>
>
> -----Original Message-----
> From: John Hinton <deermeat308@gmail.com>
> Sent: Monday, July 15, 2024 8:47 AM
> To: Trautwein, Herman <htrautwein@cityofnsb.com>
> Subject: 780 Pine Shore
>
> CAUTION: EXTERNAL EMAIL
>
>
> Herman, I will send pics
> John Hinton
>
>

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

RE: 780 Pine Shore

01-16-2023 P....jpg 01-22-2...aiser.jpg

TH

Trautwein, Herman

To: John Hinton <deermeat308@gmail.com>

Cc: Bobelak, Barbara

Reply | Reply all | Forward

Tue 1/28/2025 8:48 AM





2 attachments (669 KB) Save all to OneDrive - City of New Smyrna Beach Save All Attachments

Mr. Hinton,
I was off yesterday and received your text and email today as I am back to work. Maybe there is a misunderstanding about the complaint. The complaint was a dock built without a permit and mangroves being cut and destroyed. I advised you that there is no permit for the dock and for you to go to our building department where you were advised that you must obtain a DEP approval prior to getting a NSB permit. The DEP approval is not a NSB permit, it is required to get the NSB permit. As far as the repair or construction of the dock goes, this is something you need to show the NSB Building Department. There are pictures from the Volusia property appraiser's website showing that a dock was constructed between 01-16-2023 and 01-22-2024, pictures are enclosed. I advise you to follow the NSB Building Departments guidance on obtaining a NSB permit for the dock. This case is scheduled for the February 26th, 2025, Special Magistrate Hearing and I encourage you to be in attendance to state your position on the matter.

As far as the properties that you texted me, there is a formal process for making a complaint to the NSB Code Compliance Office. You may go online at the www.cityofnsb.com website or directly to: https://www.cityofnsb.com/74/Code-Compliance and submit a complaint. It will be reviewed and may be assigned to a Code Compliance Officer. You may also call 386-410-2870 Code Compliance Main line or my Supervisor Barbara Bobelak 386-410-2871. All complaints are subject to open records requests and Effective July 1, 2021, Florida Statute prohibits Code Compliance officers from investigating anonymous tips, so you must submit your complaint to our office through our process and put your name and information on the complaint.

Regards,
Herman
Trautwein
Code
Compliance Officer
City of New Smyrna Beach
210 Sams Ave.
New Smyrna Beach, FL 32168
Office Main (386) 410-2870
Desk (386) 410-2872
City Cell (386) 410-9305
htrautwein@cityofnsb.com

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0543-2024- 1515 LIVE OAK ST; OWNER: PAGAN GROUP LLC; OFFICER: JOHN PARKS

February 26, 2025

Background:

Violation of City Code Sec. 26-171. (a) - Permits Required

Compliance Date: September 13, 2024

Method of Service: Property posted on August 30, 2024; Certified mail signed for at two addresses on September 3, 2024.

October hearing moved to November; November hearing moved to February 26, 2025. Method of Service: Property posted on February 5, 2025; Certified mail sent on February 5, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0543-2024 1515 Live Oak St.pdf

CE-0543-2024 – 1515 LIVE OAK STREET
CODE CASE DETAILED REPORT FOR CITY OF NEW SMYRNA BEACH

Case Type:	Code Enforcement	**Project:**		**Opened Date:**	06/28/2024
Status:	In Progress	**District:**	New Smyrna Beach	**Closed Date:**	NOT CLOSED
Assigned To:	John Parks	**Description:**	work without a permit - see Mindy's email		

Parcel: 744901070130 Main	**Address:** 1515 Live Oak St Main New Smyrna Beach, FL 32168	**Zone:** R-2 (SINGLE FAMILY RESIDENTIAL)

Complainant

City Of New Smyrna Beach
Mindy Bodien

214 Sams Ave
New Smyrna Beach, FL 32168

Business: (386) 410-2860

Owner

Pagan Group Llc

134 Honor Way
Winter Springs, FL 32708

Mobile: 4074028942

Note	Created By	Date and Time Created
1. Contractor cancelled permit due to someone else going in and doing work before his permit was issued. See Email from Mindy Bodien, Zoning Tech.	Barbara Bobelak	6/28/2024 12:47 pm
2. Steve Woodworth would like a Stop Work Order posted.	Barbara Bobelak	6/28/2024 12:48 pm
3. Assigned to: John Parks	Barbara Bobelak	6/28/2024 12:49 pm

Activity Type	Activity Number	Activity Name	User	Created On
Email	ACT-003188-2024	Complaint	Cynthia Langdon	06/28/2024

Langdon, Cindy

From: Bodien, Mindy
Sent: Thursday, June 27, 2024 2:18 PM
To: Code Enforcement; Bobelak, Barbara
Subject: 1515 LIVE OAK ST
Attachments: 1515 live oak nsb.pdf

Importance: High

BLDR-00875-2024
Contractor submitted for permit and but was missing some items and it was not in review yet. On 6/21/24 contractor sent in a cancellation form. We sent an inspector out on 06/25/24 to verify no work had been performed. The inspector took pictures and stated that work had started. I sent the contractor an email stating we would not be able to grant the cancellation due to this.

Contractor came in today (6/27/24) and states that he did not start any of the work that has been performed on site. He is not sure if it was the homeowner or the previous contractor. Deputy Building Official, Steve W., says we can grant refund and we will notify Code Compliance to issue Stop Work Order.

I have attached the photos, but will have to send in 2 emails.

Mindy Bodien
Zoning & Permit Technician
Development Services
Building Department
City of New Smyrna Beach
214 Sams Ave.
New Smyrna Beach, FL 32168
Phone: (386) 410-2862
Mbodien@cityofnsb.com











Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3886623 **Parcel ID: 744901070130**
PAGAN GROUP LLC **1515 LIVE OAK ST, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	3886623
Parcel ID:	744901070130
Township-Range-Section:	17 - 34 - 49
Subdivision-Block-Lot:	01 - 07 - 0130
Owner(s):	PAGAN GROUP LLC - FS - Fee Simple - 100%
Mailing Address On File:	1152 DUNCAN DR WINTER SPRINGS FL 32708 4308
Physical Address:	1515 LIVE OAK ST, NEW SMYRNA BEACH 32168
Property Use:	0100 - SINGLE FAMILY
Tax District:	601-NEW SMYRNA BEACH
2023 Final Millage Rate:	17.0554
Neighborhood:	4628
Subdivision Name:	
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$331,432	$331,432	$0	$331,432	1.5000	$497.15
0012	DISCRETIONARY	$331,432	$331,432	$0	$331,432	0.7480	$247.91
0011	REQ LOCAL EFFORT	$331,432	$331,432	$0	$331,432	3.1610	$1,047.66
0050	GENERAL FUND	$331,432	$331,432	$0	$331,432	3.3958	$1,125.48
0053	LAW ENFORCEMENT FUND	$331,432	$331,432	$0	$331,432	1.4541	$481.94
0055	LIBRARY	$331,432	$331,432	$0	$331,432	0.4209	$139.50
0520	MOSQUITO CONTROL	$331,432	$331,432	$0	$331,432	0.1781	$59.03
0530	PONCE INLET PORT AUTHORITY	$331,432	$331,432	$0	$331,432	0.0692	$22.94
0058	VOLUSIA ECHO	$331,432	$331,432	$0	$331,432	0.2000	$66.29
0057	VOLUSIA FOREVER	$331,432	$331,432	$0	$331,432	0.2000	$66.29
0065	FLORIDA INLAND NAVIGATION DISTRICT	$331,432	$331,432	$0	$331,432	0.0288	$9.55
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$331,432	$331,432	$0	$331,432	0.8162	$270.51
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$331,432	$331,432	$0	$331,432	0.1793	$59.43
0271	NEW SMYRNA BCH I&S 2005	$331,432	$331,432	$0	$331,432	0.1900	$62.97
0272	NEW SMYRNA BCH I&S 2018	$331,432	$331,432	$0	$331,432	0.0990	$32.81
0270	NEW SMYRNA BEACH	$331,432	$331,432	$0	$331,432	4.4150	$1,463.27
						17.0554	$5,652.71

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	1	$95.00	$101.00
			$101.00

Estimated Ad Valorem Tax:	$5,652.71
Estimated Non-Ad Valorem Tax:	$101.00
Estimated Taxes:	**$5,753.71**
Estimated Tax Amount without SOH:	$5,753.71

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2023	$236,250	$135,542	$371,792	$268,590	$0	$268,590	$0
2022	$236,250	$119,947	$356,197	$244,173	$0	$244,173	$0
2021	$163,125	$93,640	$256,765	$221,975	$0	$221,975	$0
2020	$127,500	$120,638	$248,138	$201,795	$0	$201,795	$0
2019	$78,750	$121,140	$199,890	$183,450	$0	$183,450	$0
2018	$78,750	$107,314	$186,064	$166,773	$0	$166,773	$0
2017	$90,000	$88,386	$178,386	$151,612	$0	$151,612	$0
2016	$89,250	$77,864	$167,114	$137,829	$0	$137,829	$0
2015	$89,250	$71,119	$160,369	$125,299	$0	$125,299	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

LOT 13 & S 25 FT OF LOT 14 BLK 7 PICKETT GRANT NEW SMYRNA MB 1 PG 106 PER OR 4855 PGS 1280-1281 PER UNREC D/C PER OR 8398 PG 3310 PER OR 8398 PG 3314 PER OR 8554 PG 0928

Detail by Entity Name

Florida Limited Liability Company
PAGAN GROUP, LLC

Filing Information

Document Number	L22000073096
FEI/EIN Number	30-1316900
Date Filed	02/14/2022
Effective Date	02/13/2022
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	09/02/2022
Event Effective Date	NONE

Principal Address

1152 DUNCAN DR
WINTER SPRINGS, FL 32708

Mailing Address

1152 DUNCAN DR
WINTER SPRINGS, FL 32708

Registered Agent Name & Address

PAGAN, ENRIQUE
134 HONOR WAY
WINTER SPRINGS, FL 32708

Authorized Person(s) Detail

Name & Address

Title MGR

PAGAN, ENRIQUE
134 HONOR WAY
WINTER SPRINGS, FL 32708

Title MGR

PAGAN, LUIS M.

1152 DUNCAN DR
WINTER SPRINGS, FL 32708

Annual Reports

Report Year	Filed Date
2023	01/11/2023
2024	04/25/2024

Document Images

04/25/2024 -- ANNUAL REPORT	View image in PDF format
01/11/2023 -- ANNUAL REPORT	View image in PDF format
09/02/2022 -- LC Amendment	View image in PDF format
02/14/2022 -- Florida Limited Liability	View image in PDF format

Florida Department of State, Division of Corporations

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0543-2024**

Case Type: **Code Enforcement**

Date Case Established: **06/28/2024**

Compliance Deadline: **09/13/2024**

Owner: PAGAN GROUP LLC

Mailing Address

PAGAN GROUP LLC
1152 DUNCAN DR
WINTER SPRINGS, FL 32708

ENRIQUE PAGAN – Registered Agent
134 HONOR WAY
WINTER SPRINGS, FL 32708

Notice of Violation for the following location:

Address

1515 LIVE OAK ST
NEW SMYRNA BEACH, FL 32168

Parcel

744901070130

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.
Corrective Action: Obtain permits for remodeling/ renovation of property and all permits required for work that has already taken place for which no permit was issued.
Compliance Date: 09/13/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0543-2024**

Case Type: **Code Enforcement**

Date Case Established: **06/28/2024**

Compliance Deadline: **09/13/2024**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:
(✓) Post 9489 0090 0027 6145 9460 01 OWNER
( ) Hand Delivery 9489 0090 0027 6145 9459 98 REG. AGENT

Sincerely,

John Parks
Code Compliance Officer
Phone: (386) 410-2877
Email: jparks@cityofnsb.com

8/29/24

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

PAGAN GROUP LLC
134 HONOR WAY
WINTER SPRINGS, FL
32708

CASE NO. CE-0543-2024
1515 LIVE OAK ST
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **October 23, 2024 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

PAGAN GROUP LLC
134 HONOR WAY
WINTER SPRINGS, FL
32708

CASE NO. CE-0543-2024
1515 LIVE OAK ST
NEW SMYRNA BEACH, FL
32168

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:
(✓) Post
(Hand Delivery

Owner 94890090002761459460001
Registered Agent 94890090002761459459998

John Parks
Code Compliance Officer
Phone: (386) 410-2877
Email: jparks@cityofnsb.com
8/29/2024

UNITED STATES POSTAL SERVICE

October 3, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6145 9460 01**.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	September 3, 2024, 3:04 pm
Location:	WINTER SPRINGS, FL 32708
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1lb, 14.6oz

Recipient Signature

Signature of Recipient:



Address of Recipient: 1152 DUNCAN DR, WINTER SPRINGS, FL 32708

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

UNITED STATES POSTAL SERVICE

October 3, 2024

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Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1lb, 14.6oz

Recipient Signature

Signature of Recipient:



Address of Recipient: 1152 DUNCAN DR, WINTER SPRINGS, FL 32708

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

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Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

UNITED STATES POSTAL SERVICE

October 3, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6145 9459 98**.

Item Details

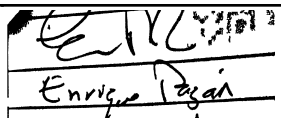
Status:	Delivered, Left with Individual
Status Date / Time:	September 3, 2024, 11:49 am
Location:	WINTER SPRINGS, FL 32708
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

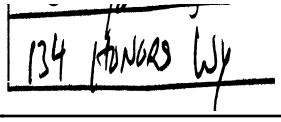
Weight:	1lb, 13.9oz

Recipient Signature

Signature of Recipient:



Address of Recipient:



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Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004


STOP WORK NOTICE
Network: Aug 30, 2024 at 2:03:16 PM EDT
Local: Aug 30, 2024 at 2:03:16 PM EDT
N 29° 0' 26.634", W 80° 54' 57.517"
1510 Live Oak St
New Smyrna Beach FL 32168
United States

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: **CE-0543-2024**

Violation Notice

Case Type: Code Enforcement
Date Case Established: 06/28/2024
Compliance Deadline: 09/13/2024

Owner: PAGAN GROUP LLC

Mailing Address

PAGAN GROUP LLC
134 HONOR WAY
WINTER SPRINGS, FL 32708

Notice of Violation for the following location:

Address	Parcel
1515 LIVE OAK ST NEW SMYRNA BEACH, FL 32168	**744901070130**

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.

Corrective Action: Obtain permits for remodeling/ renovation of property and all permits required for work that has already taken place for which no permit was issued.

Compliance Date: 09/13/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number 9214 8901 9403 8399 6994 05
(✓) Post
(Hand Delivery

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: CE-0543-2024
Case Type: Code Enforcement
Date Case Established: 06/28/2024
Compliance Deadline: 09/13/2024

Sincerely,

Teresa Merck
Administrative Specialist

John Parks
Code Compliance Officer
Phone: (386) 410-2877
Email: jparks@cityofnsb.com

2/5/2025

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

PAGAN GROUP LLC
134 HONOR WAY
WINTER SPRINGS, FL 32708

CASE NO. CE-0543-2024
1515 LIVE OAK ST
NEW SMYRNA BEACH, FL 32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

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NOTICE TO PERSONS WITH DISABILITIES

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SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

PAGAN GROUP LLC
134 HONOR WAY
WINTER SPRINGS, FL 32708

CASE NO. CE-0543-2024
1515 LIVE OAK ST
NEW SMYRNA BEACH, FL 32168

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In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

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I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number 9214 8901 9403 8399 6994 05

(✓) Post

(Hand Delivery

Teresa Merck
Administrative Specialist

John Parks
Code Compliance Officer
Phone: (386) 410-2877
Email: jparks@cityofnsb.com
2/5/2025

Network time is not synchronized
Local:Feb 5, 2025 at 1:48:12 PM EST
N 29° 0' 27.631", W 80° 54' 56.522"
1515 Live Oak St
New Smyrna Beach FL 32168
United States

STOP WORK NOTICE
City of New Smyrna Beach
OFFICE OF BUILDING & INSPECTIONS
410-2860
DO NOT REMOVE THIS NOTICE
site has been inspected and is not approved
No Permit
General Construction
Land Clearing
Storm Water Management
Importing Fill
Tree Removal
Unlicensed Contractor
Other
INSPECTOR DATE
DETACH and BRING THIS PORTION OF CARD WITH YOU
TO THE BUILDING & INSPECTIONS OFFICE
INSPECTOR
(PHONE) 410-2820

Violation Notice

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

PAGAN GROUP LLC
134 HONOR WAY
WINTER SPRINGS, FL 32708

CASE NO. CE-0543-2024
1515 LIVE OAK ST
NEW SMYRNA BEACH, FL
32168

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NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

cc: Enrique Pagan, 134 Honor Way, Winter Springs, FL 32708
9489 0090 0027 6603 5802 04

New Smyrna Beach Code Compliance, 210 Sams Ave, New Smyrna Beach, FL 32168 Tel: 386-410-2870

gone to the BEACH

1515

UNITED STATES POSTAL SERVICE®

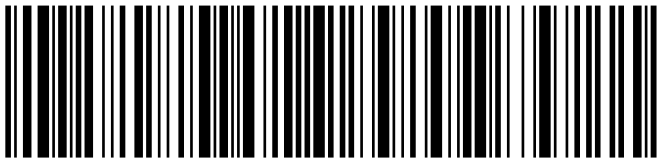
Return address:

CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

PAGAN GROUP LLC
134 HONOR WAY
WINTER SPRINGS, FL 32708

USPS CERTIFIED MAIL



9214 8901 9403 8399 6994 05

USPS Tracking Label Number: 9214 8901 9403 8399 6994 05

USPS Event	Postal Facility	Date/Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	02/05/2025 08:32
ORIGIN ACCEPTANCE	NEW SMYRNA BEACH,FL 32168	02/05/2025 21:45
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	02/05/2025 23:00
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	02/06/2025 22:39
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	02/07/2025 02:52
NO AUTHORIZED RECIPIENT AVAILABLE	WINTER SPRINGS,FL 32708	02/07/2025 09:27


Network: Jun 29, 2024 at 10:49:00 AM EDT
Local: Jun 29, 2024 at 10:49:00 AM EDT
N 29° 0' 27.472", W 80° 54' 56.465"
1515 Live Oak St
New Smyrna Beach FL 32168
United States


Network: Jun 29, 2024 at 10:48:32 AM EDT
Local: Jun 29, 2024 at 10:48:32 AM EDT
N 29° 0' 27.472", W 80° 54' 56.465"
1515 Live Oak St
New Smyrna Beach FL 32168
United States


Network: Jun 29, 2024 at 10:48:29 AM EDT
Local: Jun 29, 2024 at 10:48:29 AM EDT
1515 Live Oak S
New Smyrna Beach FL 32168
United States


STOP WORK NOTICE
New Smyrna Beach FL 32168
United States

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0407-2024- 1409 HILL ST.; OWNER: 1409 HILL ST LLC.; OFFICER: HERMAN TRAUTWEIN

February 26, 2025

Background:

Violation of City Code Sec. 26-914. (6) - Accessory Improvements

Compliance Date: August 16, 2024

Method of Service: Property posted May 29, 2024; Certified mail signed for on June 1, 2024.

August hearing moved to November due to 90 day extension; November hearing moved to February 26, 2025 to allow more time to comply with our Building department. Method of Service: Property posted on January 30, 2025; Certified mail signed for February 3, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0407-2024 1409 Hill St.pdf

CE-0407-2024 – 1409 HILL STREET
CODE CASE DETAILED REPORT FOR CITY OF NEW SMYRNA BEACH

Case Type:	Code Enforcement	**Project:**		**Opened Date:**	05/16/2024
Status:	In Progress	**District:**	New Smyrna Beach	**Closed Date:**	NOT CLOSED
Assigned To:	Herman Trautwein	**Description:**	Collapsing wall		

Parcel: 741504050050 Main	**Address:** 1409 Hill St Main New Smyrna Beach, FL 32169	**Zone:** B-4(4) (OCEAN COMMERCIAL)

Owner

1409 Hill Street Llc

400 Blvd Of The Americas, Ste 303-1
Lakewood, NJ 08701

Complainant

Lisa Martin

618 S Pine St
New Smyrna Beach, FL 32169

Business: 2679872092

Note	Created By	Date and Time Created
1. Address of wall was not given, from the description of the area I believe the address assigned is correct. Please verify. See attached photo.	Barbara Bobelak	5/16/2024 1:12 pm
2. Assigned to: Herman Trautwein	Barbara Bobelak	5/16/2024 1:12 pm

Activity Type	Activity Number	Activity Name	User	Created On
Email	ACT-003008-2024	Complaint	Barbara Bobelak	05/16/2024

Langdon, Cindy

From: Martin, Lisa
Sent: Wednesday, May 15, 2024 6:39 PM
To: Bobelak, Barbara
Cc: Resheidat, Khalid
Subject: Rumbling wall
Attachments: IMG_0766.jpg; IMG_0765.jpg; IMG_0764.jpg

Southern neighbor of Best Western.

Lisa Martin
Zone 2 Commissioner
City of New Smyrna Beach
386-690-3100 (cell/text)




PRIVATE
PROPERTY
NO TRESPASSING



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3791045 **Parcel ID: 741504050050**
1409 HILL STREET LLC **1409 HILL ST, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	3791045
Parcel ID:	741504050050
Township-Range-Section:	17 - 34 - 15
Subdivision-Block-Lot:	04 - 05 - 0050
Owner(s):	1409 HILL STREET LLC - FS - Fee Simple - 100%
Mailing Address On File:	400 BLVD OF THE AMERICAS STE 303-1 LAKEWOOD NJ 08701
Physical Address:	1409 HILL ST, NEW SMYRNA BEACH 32169
Property Use:	0100 - SINGLE FAMILY
Tax District:	601-NEW SMYRNA BEACH
2023 Final Millage Rate:	17.0554
Neighborhood:	4960
Subdivision Name:	
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$1,276,392	$1,176,370	$0	$1,276,392	1.5000	$1,914.59
0012	DISCRETIONARY	$1,276,392	$1,176,370	$0	$1,276,392	0.7480	$954.74
0011	REQ LOCAL EFFORT	$1,276,392	$1,176,370	$0	$1,276,392	3.1610	$4,034.68
0050	GENERAL FUND	$1,276,392	$1,176,370	$100,022	$1,176,370	3.3958	$3,994.72
0053	LAW ENFORCEMENT FUND	$1,276,392	$1,176,370	$100,022	$1,176,370	1.4541	$1,710.56
0055	LIBRARY	$1,276,392	$1,176,370	$100,022	$1,176,370	0.4209	$495.13
0520	MOSQUITO CONTROL	$1,276,392	$1,176,370	$100,022	$1,176,370	0.1781	$209.51
0530	PONCE INLET PORT AUTHORITY	$1,276,392	$1,176,370	$100,022	$1,176,370	0.0692	$81.40
0058	VOLUSIA ECHO	$1,276,392	$1,176,370	$100,022	$1,176,370	0.2000	$235.27
0057	VOLUSIA FOREVER	$1,276,392	$1,176,370	$100,022	$1,176,370	0.2000	$235.27
0065	FLORIDA INLAND NAVIGATION DISTRICT	$1,276,392	$1,176,370	$100,022	$1,176,370	0.0288	$33.88
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$1,276,392	$1,176,370	$100,022	$1,176,370	0.8162	$960.15
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$1,276,392	$1,176,370	$100,022	$1,176,370	0.1793	$210.92
0271	NEW SMYRNA BCH I&S 2005	$1,276,392	$1,176,370	$100,022	$1,176,370	0.1900	$223.51
0272	NEW SMYRNA BCH I&S 2018	$1,276,392	$1,176,370	$100,022	$1,176,370	0.0990	$116.46
0270	NEW SMYRNA BEACH	$1,276,392	$1,176,370	$100,022	$1,176,370	4.4150	$5,193.67
						17.0554	$20,604.48

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	1	$95.00	$101.00
			$101.00

Estimated Ad Valorem Tax:	$20,604.48
Estimated Non-Ad Valorem Tax:	$101.00
Estimated Taxes:	**$20,705.48**
Estimated Tax Amount without SOH:	$21,870.38

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2023	$652,163	$417,264	$1,069,427	$1,069,427	$0	$1,069,427	$0
2022	$546,975	$319,129	$866,104	$841,712	$0	$841,712	$0
2021	$496,485	$268,708	$765,193	$765,193	$0	$765,193	$0
2020	$496,485	$216,512	$712,997	$712,997	$0	$712,997	$0
2019	$471,240	$213,991	$685,231	$681,627	$0	$681,627	$0
2018	$431,690	$220,209	$651,899	$619,661	$0	$619,661	$0
2017	$415,280	$221,932	$635,815	$563,328	$0	$563,328	$0
2016	$413,883	$140,434	$554,317	$512,116	$0	$512,116	$0
2015	$304,647	$160,913	$465,560	$465,560	$0	$465,560	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

LOT 5 BLK 5 CORONADO BEACH PER OR 5653 PG 911 PER OR 7613 PG 1859 PER OR 8285 PG 4059

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0407-2024**

Case Type: **Code Enforcement**

Date Case Established: **05/16/2024**

Compliance Deadline: **08/16/2024**

Owner: 1409 HILL STREET LLC

Mailing Address

1409 HILL STREET LLC
400 Blvd of the Americas Ste 303-1
Lakewood, NJ 08701

Notice of Violation for the following location:

Address

1409 HILL ST
NEW SMYRNA BEACH, FL 32169

Parcel

741504050050

Violation: Sec. 26-914.(6) - Accessory Improvements
All accessory improvements located on a property, including but not limited to walkways, driveways, parking areas, storm drains, parking bumpers, steps, handrails, guardrails, signs, lighting fixtures, poles, fences, walls, tanks, antennae and all other freestanding or made structures shall be in good repair.

Corrective Action: Seawall in disrepair. Obtain all permits needed to repair or replace the seawall. Contact NSB Building Dept. for questions 386-410-2860. Inform NSB Code compliance of progress. 386-410-2872.

Compliance Date: 08/16/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0407-2024**

Case Type: **Code Enforcement**

Date Case Established: **05/16/2024**

Compliance Deadline: **08/16/2024**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9489 0090 0027 6512 7744 04

(✓) Post

9489 0090 0027 6512 7744 04

( ) Hand Delivery

Sincerely,

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

5/29/24

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

1409 HILL STREET LLC
400 Blvd of the
Americas Ste 303-1
Lakewood, NJ 08701

CASE NO. CE-0407-2024
1409 HILL ST
NEW SMYRNA BEACH, FL
32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **August 28, 2024, at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

1409 HILL STREET LLC
400 Blvd of the
Americas Ste 303-1
Lakewood, NJ 08701

CASE NO. CE-0407-2024
1409 HILL ST
NEW SMYRNA BEACH, FL
32169

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number: **9489 0090 0027 6512 7744 04**
(✓) Post
( ) Hand Delivery

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
5/29/2024

UNITED STATES POSTAL SERVICE

July 30, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6512 7744 04**.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	June 1, 2024, 1:15 pm
Location:	LAKEWOOD, NJ 08701
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	2lb, 0.3oz

Recipient Signature

Signature of Recipient:



Address of Recipient:



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004


1409
May 29, 2024, 9:04 AM

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

1409 HILL STREET LLC
400 BLVD OF THE AMERICAS STE 303-1
LAKEWOOD NJ 08701

CASE NO. CCSM-0407-2024
1409 HILL ST

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **Wednesday, November 13, 2024, at 2:00 p.m.**, in the City Hall Annex, 214 Sams Ave, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5,000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of this action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. §286.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this Notice of Hearing was served on the party(ies) at the address above by:
(√) Certified Mail, Return Receipt Requested Receipt Number:
(√) Post 9489 0090 0027 6513 1459 99
(__) Hand Delivery

Cindy Langdon

Signature: Cindy Langdon
Title: Code Compliance Clerk
Date: August 14, 2024

Enc: Notice of Violation

UNITED STATES POSTAL SERVICE

October 29, 2024

Dear Teresa Merck:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6513 1459 99**.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	August 19, 2024, 7:02 pm
Location:	LAKEWOOD, NJ 08701
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1lb, 8.6oz

Recipient Signature

Signature of Recipient:



Address of Recipient:



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004


1409
Aug 19, 2024, 2:41 PM
250

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

1409 HILL STREET LLC
695 Cross St.
Ste 281
Lakewood, NJ 08701

CASE NO. CE-0407-2024
1409 HILL ST
NEW SMYRNA BEACH, FL
32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

1409 HILL STREET LLC
400 Blvd of the Americas
Ste 303-1
Lakewood, NJ 08701

CASE NO. CE-0407-2024
1409 HILL ST
NEW SMYRNA BEACH, FL
32169

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:

(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/30/2025

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: **CE-0407-2024**

Violation Notice

Case Type: **Code Enforcement**
Date Case Established: **05/16/2024**
Compliance Deadline: **08/16/2024**

Owner: 1409 Hill St LLC

Mailing Address

1409 Hill St LLC
695 Cross ST 281
Lakewood, NJ 08701-4471

Notice of Violation for the following location:

Address	Parcel
1409 HILL ST NEW SMYRNA BEACH, FL 32169	**741504050050**

Violation: Sec. 26-914.(6) - Accessory Improvements
All accessory improvements located on a property, including but not limited to walkways, driveways, parking areas, storm drains, parking bumpers, steps, handrails, guardrails, signs, lighting fixtures, poles, fences, walls, tanks, antennae and all other freestanding or made structures shall be in good repair.

Corrective Action: Seawall in disrepair. Obtain all permits needed to repair or replace the seawall. Contact NSB Building Dept. for questions 386-410-2860. Inform NSB Code compliance of progress. 386-410-2872.

Compliance Date: 08/16/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8399 1114 26
(✓) Post
( ) Hand Delivery

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0407-2024**
Case Type: **Code Enforcement**
Date Case Established: **05/16/2024**
Compliance Deadline: **08/16/2024**

Sincerely,

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/30/25


1409
BEWARE
of DOG
January 30, 2025 at 2:03:55 PM EST

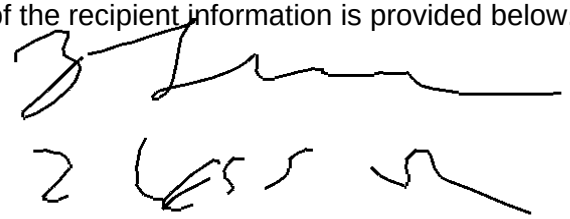
UNITED STATES POSTAL SERVICE

Date Produced: 02/04/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8399 1114 26. Our records indicate that this item was delivered on 02/03/2025 at 11:00 a.m. in LAKEWOOD, NJ 08701. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

1409 HILL STREET LLC
695 CROSS ST
STE 281
LAKEWOOD NJ 08701-4471

Customer Reference Number: C5621830.34142754

2

UNITED STATES POSTAL SERVICE®

Return address:

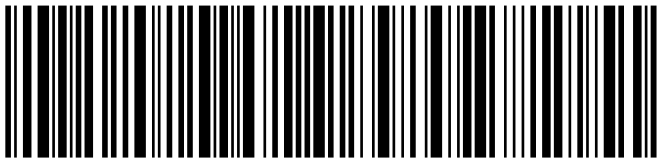
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

1409 HILL STREET LLC
695 CROSS ST
STE 281
LAKEWOOD NJ 08701-4471

MAILING DATE: 01/30/2025
DELIVERY DATE: 02/03/2025

USPS CERTIFIED MAIL



9214 8901 9403 8399 1114 26

USPS Tracking Label Number: 9214 8901 9403 8399 1114 26

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/30/2025 11:17
DELIVERED LEFT WITH INDIVIDUAL	LAKEWOOD,NJ 08701	02/03/2025 11:00

CASE #: 0407-2024 1409 HILL ST HT


PRIVATE
PROPERTY
NO TRESPASSING
May 28, 2024, 3:06 PM


May 28, 2024, 3:05 PM


May 28, 2024, 3:05 PM


May 28, 2024, 3:04 PM


May 28, 2024, 3:04 PM


1409
VISSANI
May 28, 2024, 2:57 PM


Aug 8, 2024, 10:45 AM
261


Aug 8, 2024, 10:43 AM
262


1409
BEWARE
of DOG
January 30, 2025 at 2:04:21 PM EST

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0608-2024- 2016 WOODLAND AVE; OWNER: ROBERT JARVIS, JR.; OFFICER: HERMAN TRAUTWEIN

February 26, 2025

Background:

Violation of City codes: LDR 802.02 - Storage on Residential Lots Automotive Vehicles; lDR 802.06 - Living in Recreational Equipment; Sec. 26-914. (11) - Swimming Pools; Sec. 26-914. (13) - Outdoor Storage; Sec. 26-914. (2) - Exterior Surfaces; Sec. 26-914. (3) - Protection of Exterior Surfaces; Sec. 26-914. (4) - Exterior Windows and Doors; Sec 914. (5) - Exterior Attachments; Sec. 26-914. (6) - Accessory Improvements; Sec. 26-914. (7) - Unoccupied Structure Security; Sec. 26-914. (8) Landscaping; Sec. 26-914. (9) - Trash and Debrish;

Compliance date: September 3, 2024
Method of Service: Property posted on August 14, 2024; Certified mail signed for on August 22, 2024

Case moved to February 26, 2025 due to owner being hospitalized.
Method of Service: Property posted on January 30, 2025; Certified mail signed for on February 3, 2025.

Fiscal Analysis:

None

Strategic Plan Item:

No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0608-2024 2016 Woodland Ave.pdf

CE-0608-2024 – 2016 WOODLAND AVENUE
CODE CASE DETAILED REPORT FOR CITY OF NEW SMYRNA BEACH

Case Type:	Code Enforcement	**Project:**	**CODE BOARD**	**Opened Date:**	07/30/2024
Status:	In Progress	**District:**	New Smyrna Beach	**Closed Date:**	NOT CLOSED
Assigned To:	Herman Trautwein	**Description:**	junk in yard, dilapidated structure		

Parcel: 732411000010 Main	**Address:** 2016 Woodland Av Main New Smyrna Beach, FL 32168	**Zone:** R-2 (SINGLE FAMILY RESIDENTIAL)

Owner

Robert Jarvis

2016 Woodland Av
New Smyrna Beach, FL 32168

Complainant

Michael & Penny Hall

2020 Woodland Ave
New Smyrna Beach, FL 32168

Mobile: 3866903107

Note	Created By	Date and Time Created
1. Complainant called to see what progress has been made on the case. She will call back next week for an update. (8/12 or later)	Cynthia Langdon	8/6/2024 9:02 am
2. I'm not sure who she spoke to regarding this property. I went back through my notes and did not find anything related to this address.	Barbara Bobelak	8/8/2024 11:52 am
3. Assigned to: Herman Trautwein	Barbara Bobelak	8/8/2024 11:53 am

Activity Type	Activity Number	Activity Name	User	Created On
Phone Call	PC-003280-2024	Complaint	Cynthia Langdon	07/30/2024

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3716043 **Parcel ID: 732411000010**
JARVIS ROBERT F JR **2016 WOODLAND AVE, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	3716043
Parcel ID:	732411000010
Township-Range-Section:	17 - 33 - 24
Subdivision-Block-Lot:	11 - 00 - 0010
Owner(s):	JARVIS ROBERT F JR - FS - Fee Simple - 100%
Mailing Address On File:	2016 WOODLAND AVE NEW SMYRNA BEACH FL 32168
Physical Address:	2016 WOODLAND AVE, NEW SMYRNA BEACH 32168
Property Use:	0100 - SINGLE FAMILY
Tax District:	601-NEW SMYRNA BEACH
2023 Final Millage Rate:	17.0554
Neighborhood:	4048
Subdivision Name:	CORA A ROSS
Homestead Property:	Yes

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$173,298	$75,204	$30,000	$45,204	1.5000	$67.81
0012	DISCRETIONARY	$173,298	$75,204	$30,000	$45,204	0.7480	$33.81
0011	REQ LOCAL EFFORT	$173,298	$75,204	$30,000	$45,204	3.1610	$142.89
0050	GENERAL FUND	$173,298	$75,204	$55,000	$20,204	3.3958	$68.61
0053	LAW ENFORCEMENT FUND	$173,298	$75,204	$55,000	$20,204	1.4541	$29.38
0055	LIBRARY	$173,298	$75,204	$55,000	$20,204	0.4209	$8.50
0520	MOSQUITO CONTROL	$173,298	$75,204	$55,000	$20,204	0.1781	$3.60
0530	PONCE INLET PORT AUTHORITY	$173,298	$75,204	$55,000	$20,204	0.0692	$1.40
0058	VOLUSIA ECHO	$173,298	$75,204	$55,000	$20,204	0.2000	$4.04
0057	VOLUSIA FOREVER	$173,298	$75,204	$55,000	$20,204	0.2000	$4.04
0065	FLORIDA INLAND NAVIGATION DISTRICT	$173,298	$75,204	$55,000	$20,204	0.0288	$0.58
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$173,298	$75,204	$55,000	$20,204	0.8162	$16.49
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$173,298	$75,204	$55,000	$20,204	0.1793	$3.62
0271	NEW SMYRNA BCH I&S 2005	$173,298	$75,204	$55,000	$20,204	0.1900	$3.84
0272	NEW SMYRNA BCH I&S 2018	$173,298	$75,204	$55,000	$20,204	0.0990	$2.00
0270	NEW SMYRNA BEACH	$173,298	$75,204	$55,000	$20,204	4.4150	$89.20
						17.0554	$479.81

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	1	$104.00	$104.00
			$104.00

Estimated Ad Valorem Tax:	$479.81
Estimated Non-Ad Valorem Tax:	$104.00
Estimated Taxes:	**$583.81**
Estimated Tax Amount without SOH:	$3,059.67

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2023	$47,891	$120,515	$168,406	$73,014	$53,014	$20,000	$95,392
2022	$51,278	$110,276	$161,554	$70,887	$46,387	$24,500	$90,667
2021	$26,606	$89,583	$116,189	$68,822	$44,322	$24,500	$47,367
2020	$36,281	$74,315	$110,596	$67,872	$43,372	$24,500	$42,724
2019	$22,950	$73,421	$96,371	$66,346	$41,846	$24,500	$30,025
2018	$15,683	$82,687	$98,370	$65,109	$40,609	$24,500	$33,261
2017	$15,683	$66,958	$82,665	$63,770	$39,270	$24,500	$18,895
2016	$18,772	$52,604	$71,376	$62,458	$37,958	$24,500	$8,918
2015	$16,091	$53,498	$69,589	$62,024	$37,524	$24,500	$7,565

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

24 17 33 LOT 1 & E 25 FT OF LOT 2 CORA A ROSS SUB & N 1/2 VACATED ROAD ADJ PER OR 3636 PG 1238 PER OR 6945 PG 0001

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0608-2024**

Case Type: **Code Enforcement**

Date Case Established: **07/30/2024**

Compliance Deadline: **09/03/2024**

Owner: Robert Jarvis

Mailing Address

Robert Jarvis
2016 WOODLAND AV
NEW SMYRNA BEACH, FL 32168

Notice of Violation for the following location:

Address

2016 WOODLAND AV
NEW SMYRNA BEACH, FL 32168

Parcel

732411000010

Violation: LDR 802.02. - Storage on Residential Lots Automotive Vehicles
Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
Corrective Action: All vehicles and RV's outside on property must have a current tag and be in accordance with city code.
Compliance Date: 09/03/2024

Violation: LDR 802.06. - Living in Recreational Equipment
No major recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
Corrective Action: Cease living in the RV.
Compliance Date: 09/03/2024

Violation: Sec. 26-914.(11) - Swimming Pools
Any swimming pool or spa shall be properly maintained and kept in working order so the water remains clear, free of pollutants and debris, and does not become a breeding place for

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210 Sams Ave

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mosquitoes and other insects. Any pool or spa not maintained in this manner shall be drained and kept dry. Properties with pools or spas shall comply with the minimum security fencing requirements of the city.

Corrective Action: Above ground swimming pool is in disrepair. Remove pool that is a breeding ground for mosquitos.
Compliance Date: 09/03/2024

Violation: Sec. 26-914.(13) - Outdoor Storage
Outdoor storage of materials of value shall not be permitted to be located between the street and the building nor closer than three feet to any side or rear lot line. Materials of value shall be stored in a safe and sanitary manner, shall not be scattered about and shall not have openings nor be stacked in a manner which may provide harborage for vermin. The setback requirements contained herein are in addition to any other setback requirements required under the city.

Corrective Action: All outdoor storage must be done in accordance with city code.
Compliance Date: 09/03/2024

Violation: Sec. 26-914.(2) - Exterior Surfaces
All exterior finish surfaces shall be weather tight and in good repair and shall not have any holes, cracks or deterioration that allows water or vermin to reach any basic structural element or to enter the interior of any building.

Corrective Action: Repair and cracks, holes or deterioration or rotted wood in accordance with city code.
Compliance Date: 09/03/2024

Violation: Sec. 26-914.(3) - Protection of Exterior Surfaces
All exterior surfaces of a building or structure that may deteriorate from exposure to weather shall be protected from the weather by a properly applied weather-resistant paint, stain or other

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386-410-2870

Violation Notice

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Date Case Established: **07/30/2024**
Compliance Deadline: **09/03/2024**

waterproof finish. Primers shall be properly covered with a water-resistant finish coating.
Corrective Action: Apply weather-resistant paint, stain, or other waterproof finish to any area in accordance with city code.
Compliance Date: 09/03/2024

Violation: Sec. 26-914.(4) - Exterior Windows & Doors
All exterior windows and doors shall be weather tight and in good repair, intact and functioning as originally intended and designed, or shall be secured against weather by boarding which is painted a color matching that of the adjacent exterior siding. Boarding shall be done in a manner and with materials as specified in this Code. All exterior openings suitable for human or animal entry shall be secured by use of exterior grade plywood, of at least three-eighths-inch thickness, cut to the size of the opening and secured by use of Phillips-headed, minimum two inches long screws on all first story or ground accessible points of entry. The use of 16d common nails is permitted on entry points being secured above the first story or where not accessible from ground level. Boards shall be placed over all points of entry.
Corrective Action: Repair and paint in accordance with city code.
Compliance Date: 09/03/2024

Violation: Sec. 26-914.(5) - Exterior Attachments
Exterior attachments to basic structural elements, including but not limited to gutters, down spouts, screening, vents, antennae, tanks, awnings, canopies, marquees, signs, lighting fixtures, handrails, guardrails and utility connections shall be in good repair.
Corrective Action: Exterior attachments to basic structural elements must be good repair per city code.
Compliance Date: 09/03/2024

Violation: Sec. 26-914.(6) - Accessory Improvements
All accessory improvements located on a property, including but not limited to walkways,

driveways, parking areas, storm drains, parking bumpers, steps, handrails, guardrails, signs, lighting fixtures, poles, fences, walls, tanks, antennae and all other freestanding or made structures shall be in good repair.
Corrective Action: All accessory improvements located on a property must be in good repair in accordance with city code.
Compliance Date: 09/03/2024

Violation: Sec. 26-914.(7) - Unoccupied Structure Security
An unoccupied or vacant building, structure or any part thereof shall be kept secured by the owner against unauthorized entry and water damage. Securing shall be done in a manner and procedure as set forth in this article. All exterior openings suitable for human or animal entry shall be secured by use of exterior grade plywood, of at least three-eighths-inch thickness, cut to the size of the opening and secured by use of Phillips-headed, minimum two-inch long screws on all first story or ground accessible points of entry. The use of 16d common nails is permitted only on entry points being secured above the first story or where not accessible from ground level. Boards shall be placed over all points of entry.
Corrective Action: An unoccupied or vacant building, structure or any part thereof shall be kept secured by the owner against unauthorized entry and water damage in accordance with city code. Property owner may choose to obtain a permit to demolish the rear structure that is falling down.
Compliance Date: 09/03/2024

Violation: Sec. 26-914.(8) - Landscaping
Maintain all yards and landscaping by watering, cutting, pruning, and mowing all lawns and vegetation. Yards and lawns shall be kept free of weeds.
Corrective Action: Maintain all yards and landscaping in accordance with city code.
Compliance Date: 09/03/2024

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0608-2024**

Case Type: **Code Enforcement**

Date Case Established: **07/30/2024**

Compliance Deadline: **09/03/2024**

Violation: Sec. 26-914.(9) - Trash & Debris
The property shall be kept free of trash and debris. Trash and debris shall be removed from the property within seven days of placement on the property.
Corrective Action: Remove any trash and debris in accordance with city code.
Compliance Date: 09/03/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9489009000276513146620
(✓) Post
( ) Hand Delivery

9489 0090 0027 6513 1466 20

Sincerely,

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
8/19/24

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

Robert Jarvis
2016 WOODLAND AV
NEW SMYRNA BEACH,
FL 32168

CASE NO. CE-0608-2024
2016 WOODLAND AV
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **September 25, 2024, at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

Robert Jarvis
2016 WOODLAND AV
NEW SMYRNA BEACH,
FL 32168

CASE NO. CE-0608-2024
2016 WOODLAND AV
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32168

accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested-Receipt Number: 9489009000276513146620
(✓) Post
( ) Hand Delivery

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
8/19/2024

UNITED STATES POSTAL SERVICE

October 3, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6513 1466 20**.

Item Details

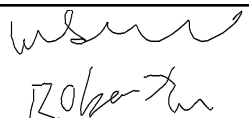
Status:	Delivered, Left with Individual
Status Date / Time:	August 22, 2024, 2:11 pm
Location:	NEW SMYRNA BEACH, FL 32168
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	3lb, 2.9oz

Recipient Signature

Signature of Recipient:

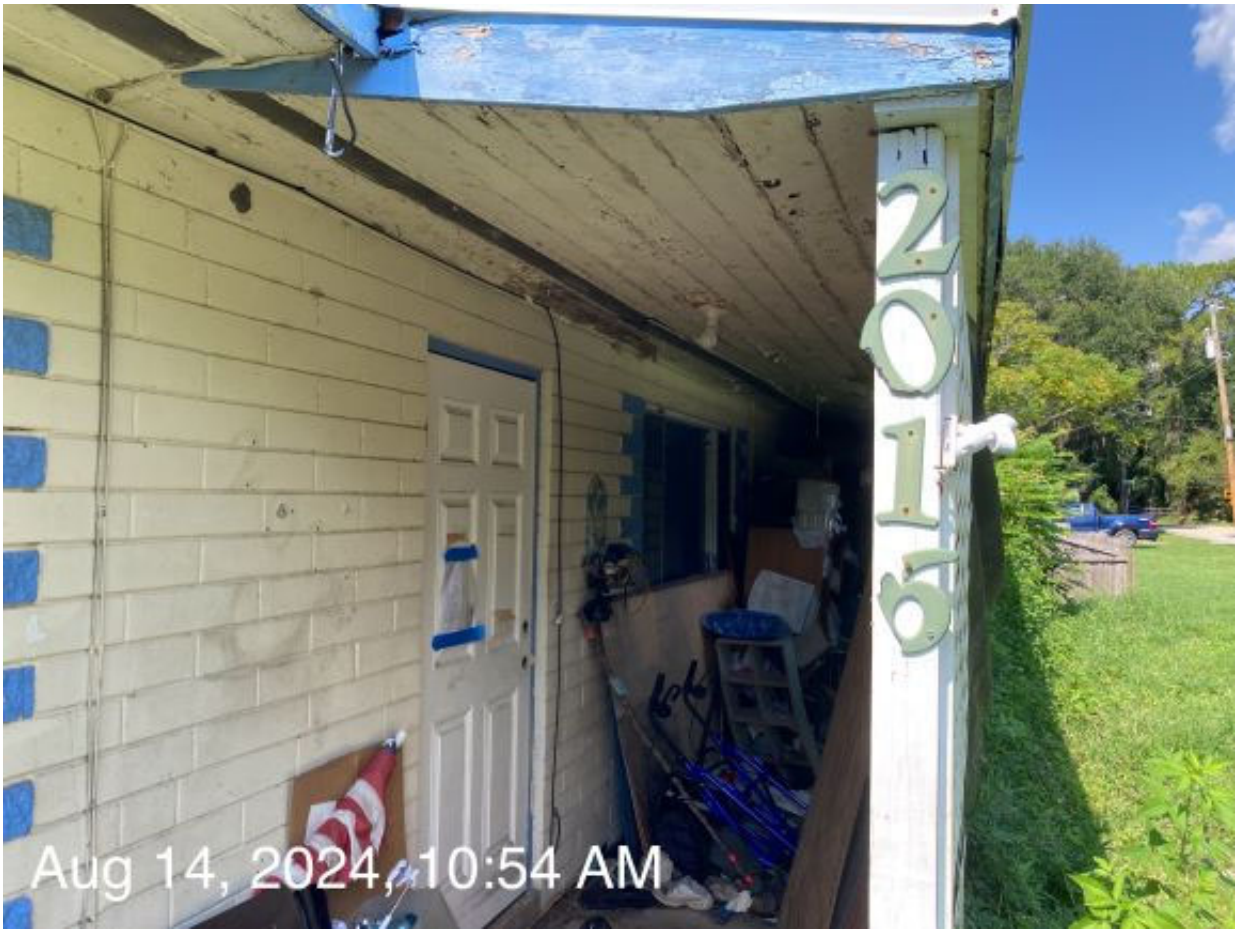


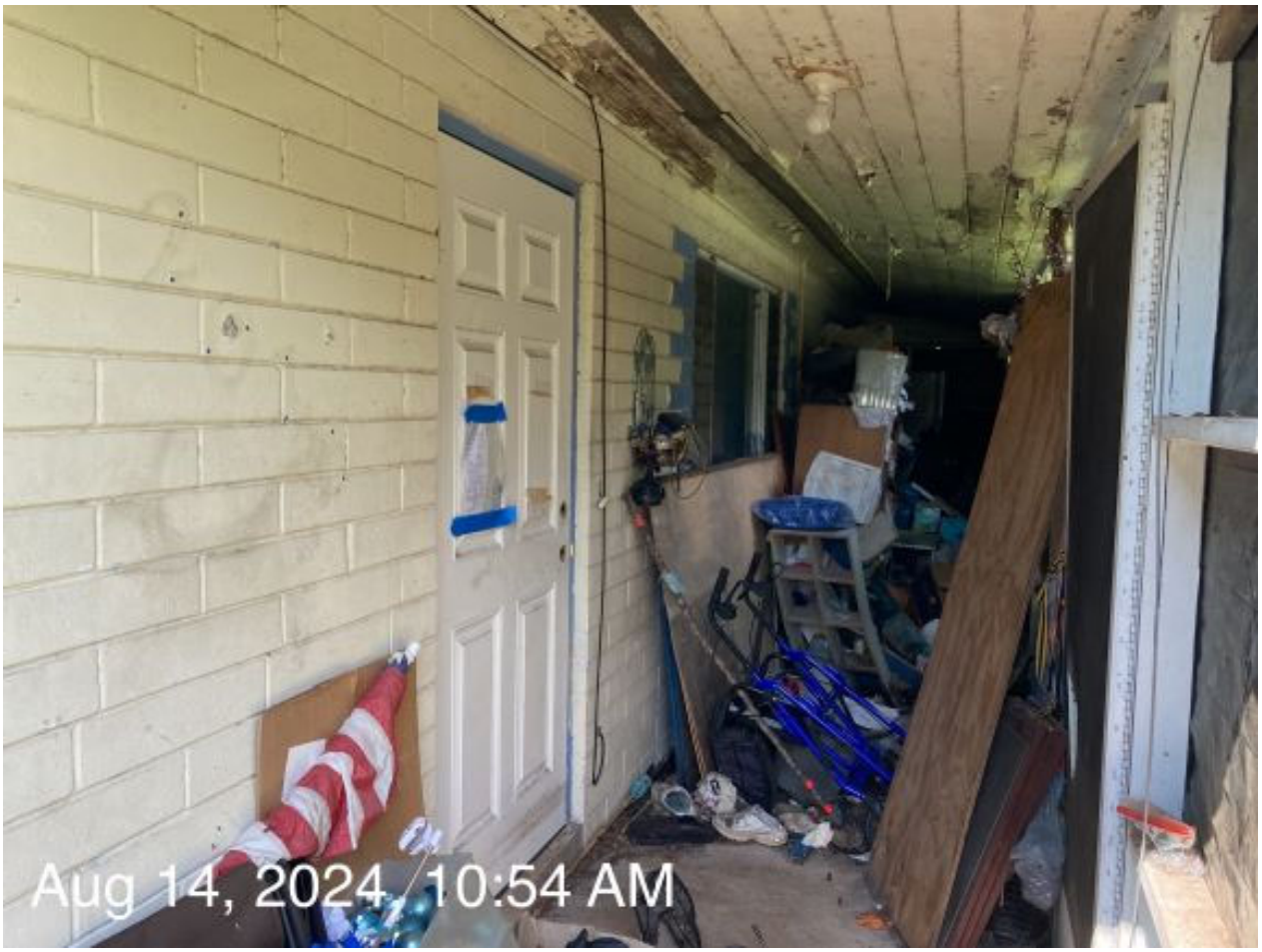
Address of Recipient: 2016 WOODLAND AVE, NEW SMYRNA BEACH, FL 32168

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004


2015
Aug 14, 2024, 10:54 AM


Aug 14, 2024, 10:54 AM

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

ROBERT F JARVIS JR
2016 WOODLAND AVE
NEW SMYRNA BEACH FL 32168

CASE NO. CCSM-0608-2024
2016 WOODLAND AVE

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **Wednesday, October 23, 2024, at 2:00 p.m.**, in the City Hall Annex, 214 Sams Ave, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5,000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of this action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. §286.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this Notice of Hearing was served on the party(ies) at the address above by:

(√) Certified Mail, Return Receipt Requested Receipt Number: 9489 0090 0027 6603 5980 32
(√) Post
(__) Hand Delivery

Cindy Langdon

Signature: Cindy Langdon
Title: Code Compliance Clerk
Date: August 20, 2024

Enc: Notice of Violation

UNITED STATES POSTAL SERVICE

October 3, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6603 5980 32**.

Item Details

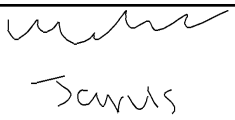
Status:	Delivered, Left with Individual
Status Date / Time:	August 23, 2024, 2:31 pm
Location:	NEW SMYRNA BEACH, FL 32168
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	2lb, 9.4oz

Recipient Signature

Signature of Recipient:



Address of Recipient: 2016 WOODLAND AVE, NEW SMYRNA BEACH, FL 32168

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: **CE-0608-2024**

Violation Notice

Case Type: **Code Enforcement**

Date Case Established: **07/30/2024**

Compliance Deadline: **09/03/2024**

Owner: Robert Jarvis

Mailing Address

Robert Jarvis
2016 WOODLAND AV
NEW SMYRNA BEACH, FL 32168

Notice of Violation for the following location:

Address	Parcel
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Corrective Action: All vehicles and RV's outside on property must have a current tag and be in accordance with city code.

Compliance Date: 09/03/2024

Violation: Sec. 26-914.(11) - Swimming Pools
Any swimming pool or spa shall be properly maintained and kept in working order so the water remains clear, free of pollutants and debris, and does not become a breeding place for mosquitoes and other insects. Any pool or spa not maintained in this manner shall be drained and kept dry. Properties with pools or spas shall comply with the minimum security fencing requirements of the city.

Corrective Action: Above ground swimming pool is in disrepair. Remove pool that is a breeding ground for mosquitos.

Compliance Date: 09/03/2024

Violation: Sec. 26-914.(13) - Outdoor Storage
Outdoor storage of materials of value shall not be permitted to be located between the street and the building nor closer than three feet to any side or rear lot line. Materials of value shall be stored in a safe and sanitary manner, shall not be scattered about and shall not have openings nor be stacked in a manner which may provide harborage for vermin. The setback requirements

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Date Case Established: 07/30/2024
Compliance Deadline: 09/03/2024

contained herein are in addition to any other setback requirements required under the city.

Corrective Action: All outdoor storage must be done in accordance with city code.

Compliance Date: 09/03/2024

Violation: Sec. 26-914.(2) - Exterior Surfaces

All exterior finish surfaces shall be weather tight and in good repair and shall not have any holes, cracks or deterioration that allows water or vermin to reach any basic structural element or to enter the interior of any building.

Corrective Action: Repair and cracks, holes or deterioration or rotted wood in accordance with city code.

Compliance Date: 09/03/2024

Violation: Sec. 26-914.(3) - Protection of Exterior Surfaces

All exterior surfaces of a building or structure that may deteriorate from exposure to weather shall be protected from the weather by a properly applied weather-resistant paint, stain or other waterproof finish. Primers shall be properly covered with a water-resistant finish coating.

Corrective Action: Apply weather-resistant paint, stain or other waterproof finish to any area in accordance with city code.

Compliance Date: 09/03/2024

Violation: Sec. 26-914.(4) - Exterior Windows & Doors

All exterior windows and doors shall be weather tight and in good repair, intact and functioning as originally intended and designed, or shall be secured against weather by boarding which is painted a color matching that of the adjacent exterior siding. Boarding shall be done in a manner and with materials as specified in this Code. All exterior openings suitable for human or animal entry shall be secured by use of exterior grade plywood, of at least three-eighths-inch thickness, cut to the size of the opening and secured by use of Phillips-headed, minimum two inches long screws on all first story or ground accessible points of entry. The use of 16d common nails is permitted on entry points being secured above the first story or where not accessible from ground level. Boards shall be placed over all points of entry.

Corrective Action: Repair and paint in accordance with city code.

Compliance Date: 09/03/2024

Violation: Sec. 26-914.(5) - Exterior Attachments

Exterior attachments to basic structural elements, including but not limited to gutters, down spouts, screening, vents, antennae, tanks, awnings, canopies, marquees, signs, lighting fixtures, handrails, guardrails and utility connections shall be in good repair.

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: **CE-0608-2024**

Violation Notice

Case Type: Code Enforcement
Date Case Established: 07/30/2024
Compliance Deadline: 09/03/2024

Corrective Action: Exterior attachments to basic structural elements must be good repair per city code.

Compliance Date: 09/03/2024

Violation: Sec. 26-914.(6) - Accessory Improvements
All accessory improvements located on a property, including but not limited to walkways, driveways, parking areas, storm drains, parking bumpers, steps, handrails, guardrails, signs, lighting fixtures, poles, fences, walls, tanks, antennae and all other freestanding or made structures shall be in good repair.

Corrective Action: All accessory improvements located on a property must be in good repair in accordance with city code.

Compliance Date: 09/03/2024

Violation: Sec. 26-914.(7) - Unoccupied Structure Security
An unoccupied or vacant building, structure or any part thereof shall be kept secured by the owner against unauthorized entry and water damage. Securing shall be done in a manner and procedure as set forth in this article. All exterior openings suitable for human or animal entry shall be secured by use of exterior grade plywood, of at least three-eighths-inch thickness, cut to the size of the opening and secured by use of Phillips-headed, minimum two-inch long screws on all first story or ground accessible points of entry. The use of 16d common nails is permitted only on entry points being secured above the first story or where not accessible from ground level. Boards shall be placed over all points of entry.

Corrective Action: An unoccupied or vacant building, structure or any part thereof shall be kept secured by the owner against unauthorized entry and water damage in accordance with city code. Property owner may choose to obtain a permit to demolish the rear structure that is falling down.

Compliance Date: 09/03/2024

Violation: Sec. 26-914.(8) - Landscaping
Maintain all yards and landscaping by watering, cutting, pruning, and mowing all lawns and vegetation. Yards and lawns shall be kept free of weeds.

Corrective Action: Maintain all yards and landscaping in accordance with city code.

Compliance Date: 09/03/2024

Violation: Sec. 26-914.(9) - Trash & Debris
The property shall be kept free of trash and debris. Trash and debris shall be removed from the property within seven days of placement on the property.

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0608-2024**
Case Type: **Code Enforcement**
Date Case Established: **07/30/2024**
Compliance Deadline: **09/03/2024**

Corrective Action: Remove any trash and debris in accordance with city code.
Compliance Date: 09/03/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number: 9214 8901 9403 8399 1390 48
(✓) Post
(Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/30/25

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

Robert Jarvis
2016 WOODLAND AV
NEW SMYRNA BEACH, FL
32168

CASE NO. CE-0608-2024
2016 WOODLAND AV
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

Robert Jarvis
2016 WOODLAND AV
NEW SMYRNA BEACH, FL
32168

CASE NO. CE-0608-2024
2016 WOODLAND AV
NEW SMYRNA BEACH, FL
32168

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8399 1390 48

(✓) Post

(Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/30/2025


January 30, 2025 at 1:43:51 PM EST

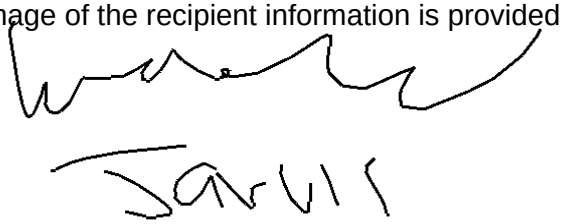
UNITED STATES POSTAL SERVICE

Date Produced: 02/04/2025

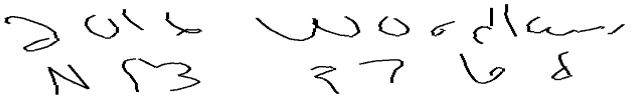
ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8399 1390 48. Our records indicate that this item was delivered on 02/03/2025 at 04:14 p.m. in NEW SMYRNA BEACH, FL 32168. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

ROBERT JARVIS
2016 WOODLAND AVE
NEW SMYRNA FL 32168-8028

Customer Reference Number: C5621830.34142755

UNITED STATES POSTAL SERVICE®

Return address:

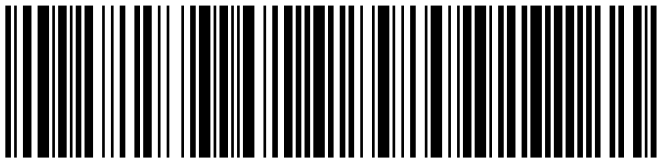
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

ROBERT JARVIS
2016 WOODLAND AVE
NEW SMYRNA FL 32168-8028

MAILING DATE: 01/30/2025
DELIVERY DATE: 02/03/2025

USPS CERTIFIED MAIL

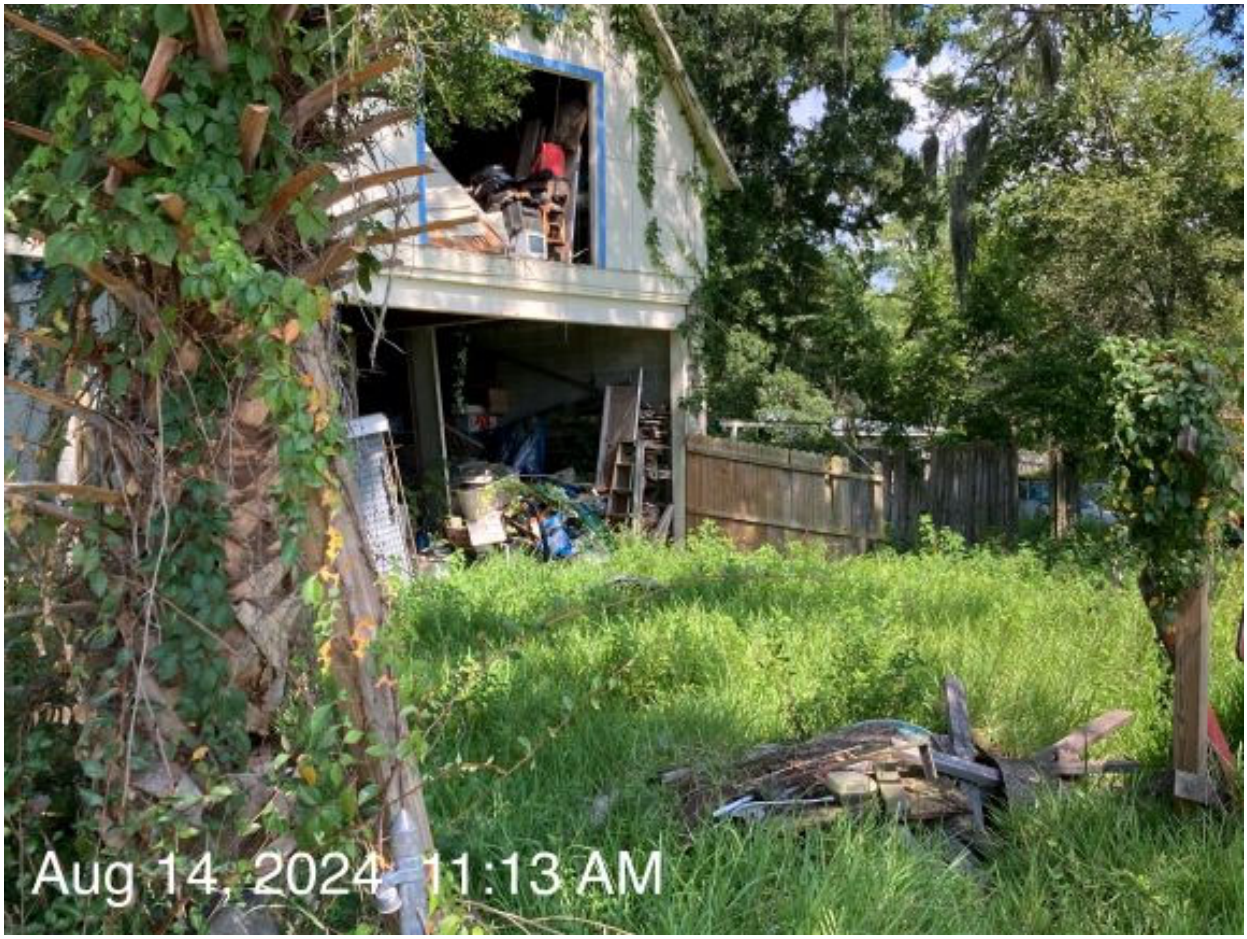


9214 8901 9403 8399 1390 48

USPS Tracking Label Number: 9214 8901 9403 8399 1390 48

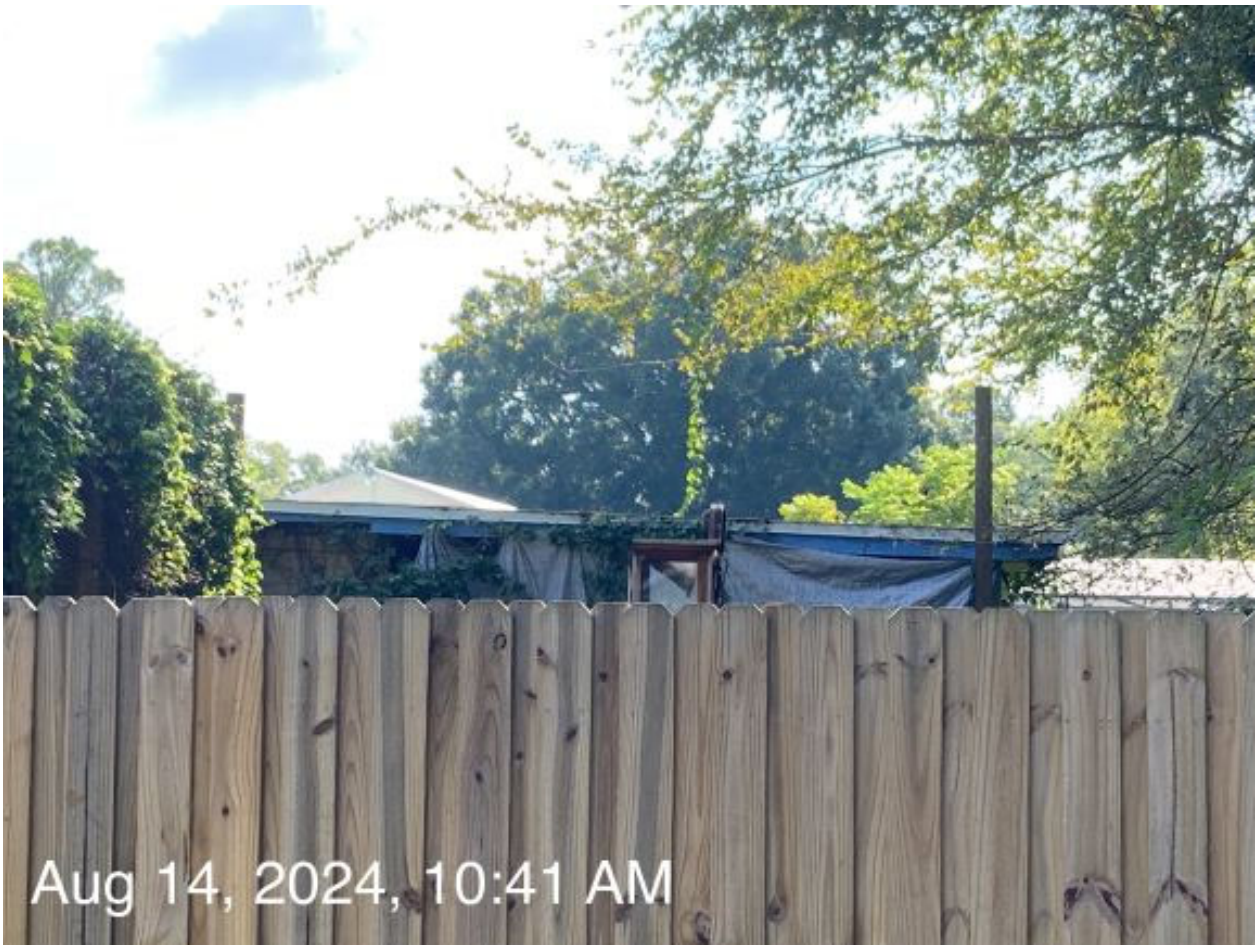
USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/30/2025 11:17
DELIVERED LEFT WITH INDIVIDUAL	NEW SMYRNA BEACH,FL 32168	02/03/2025 16:14

CASE #: 0608-2024 2016 WOODLAND AV HT


Aug 14, 2024, 11:13 AM


Aug 14, 2024, 11:15 AM


Aug 14, 2024, 11:13 AM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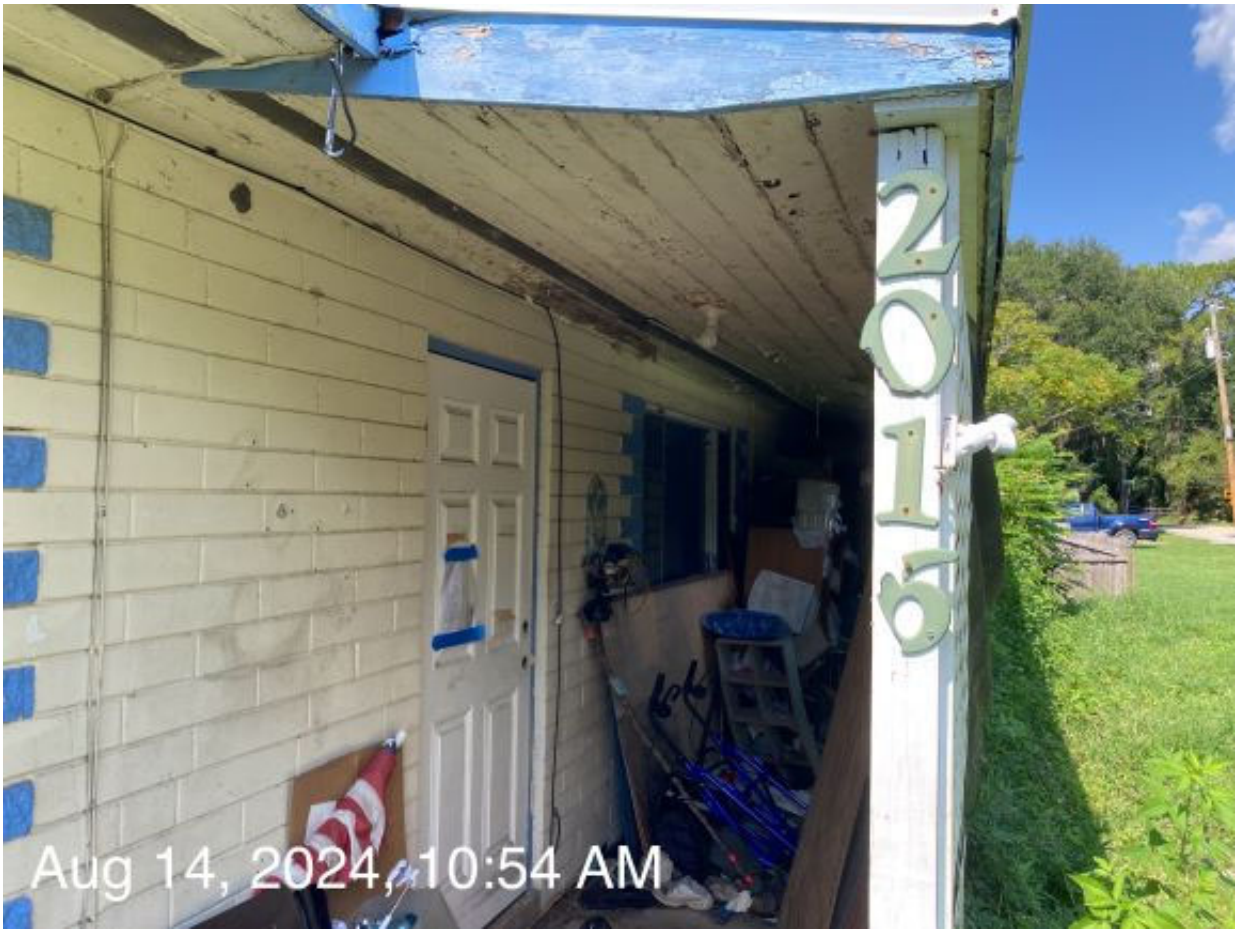
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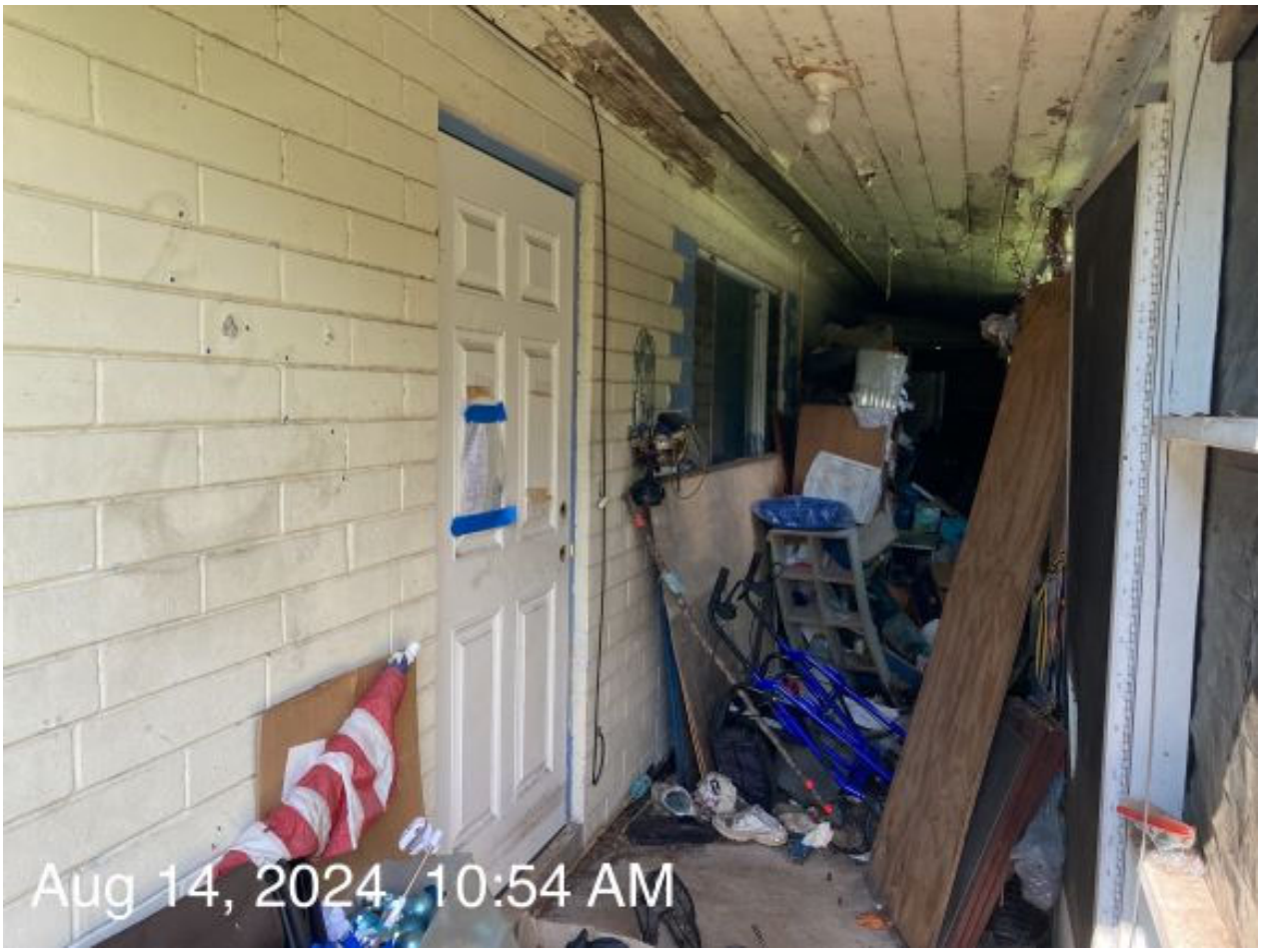
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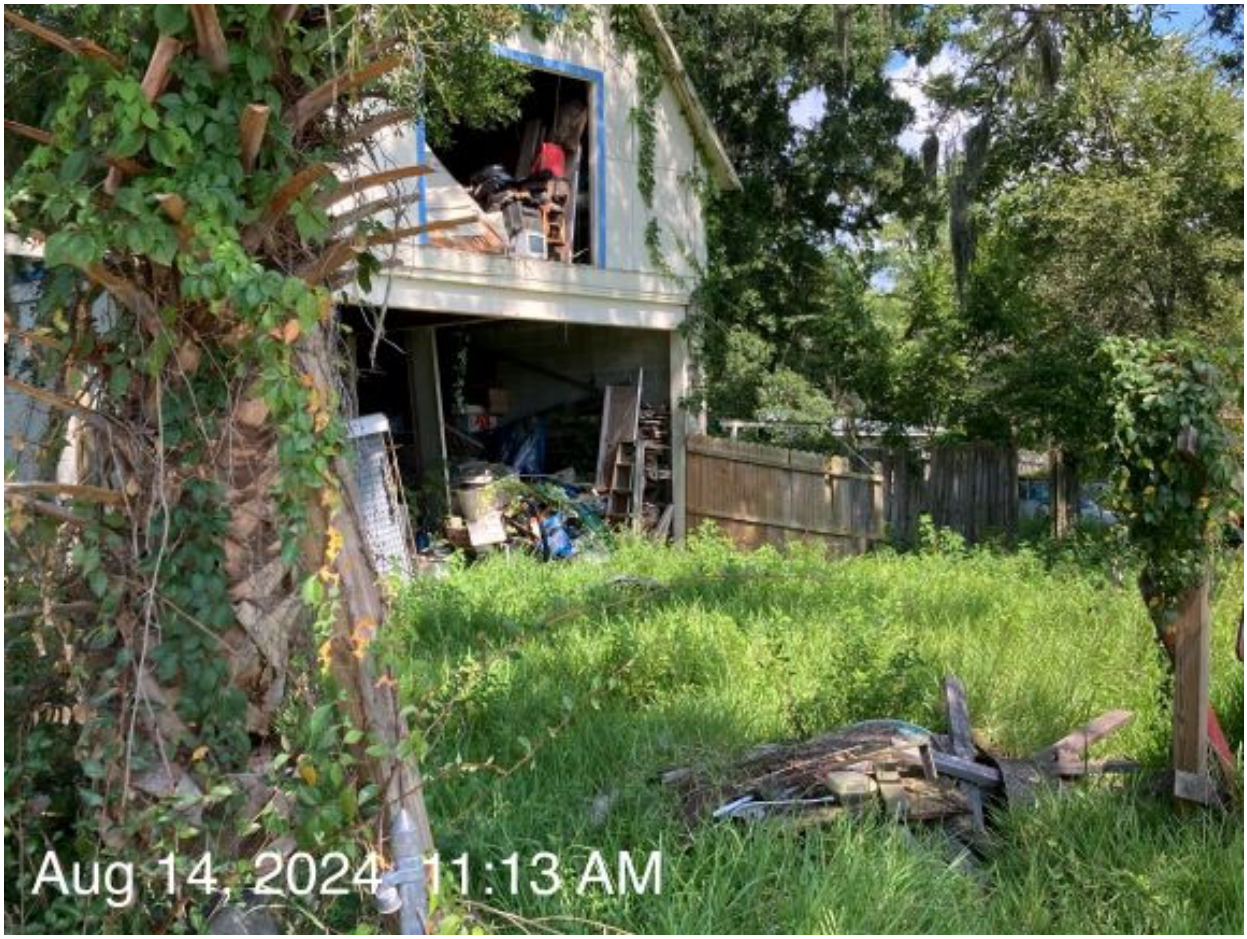
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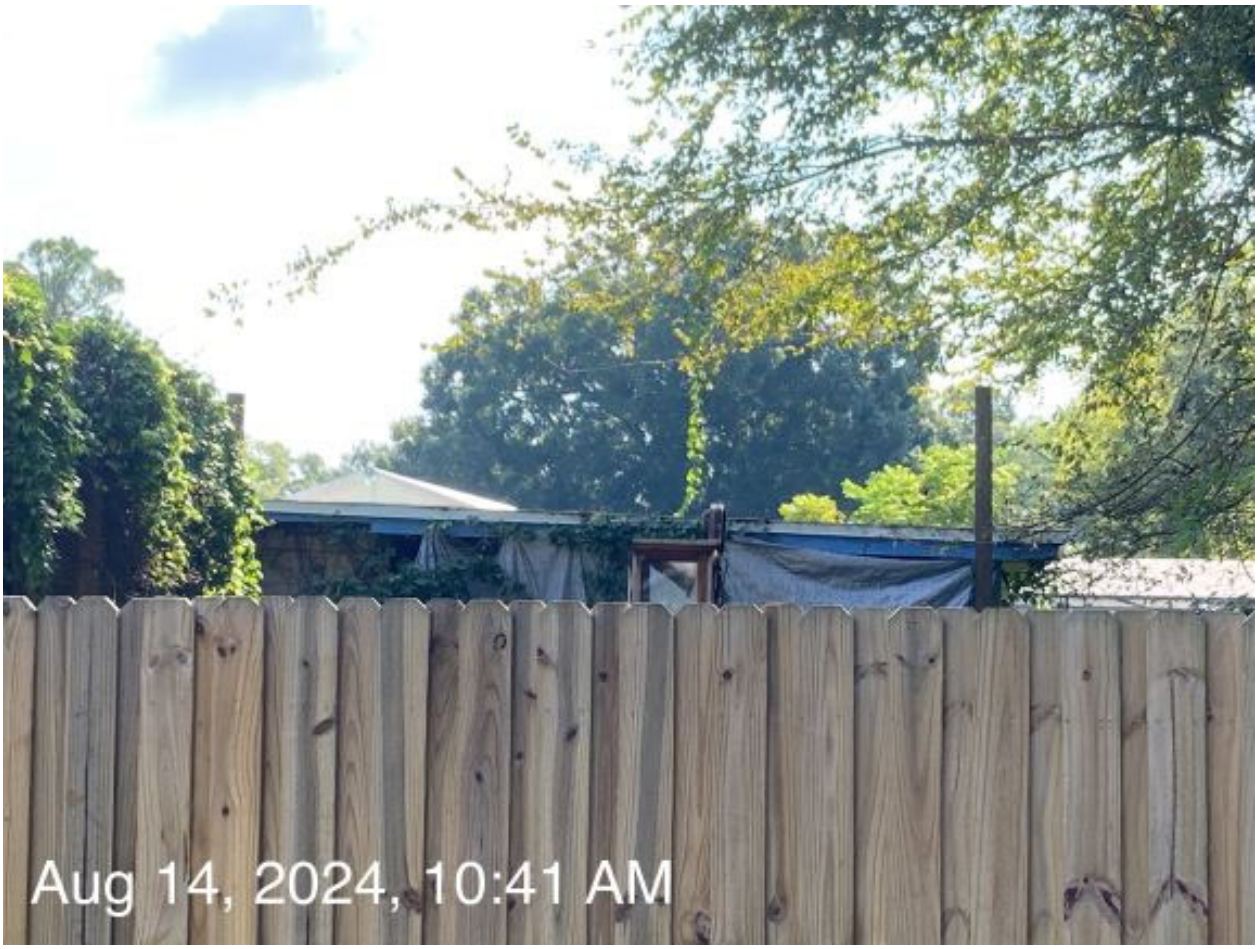
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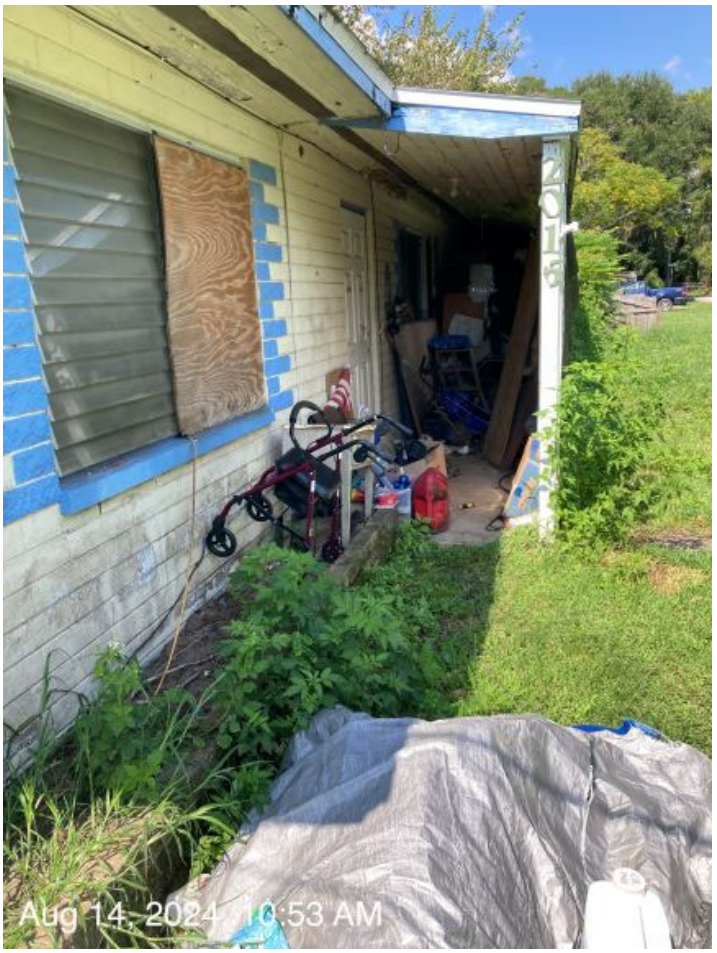
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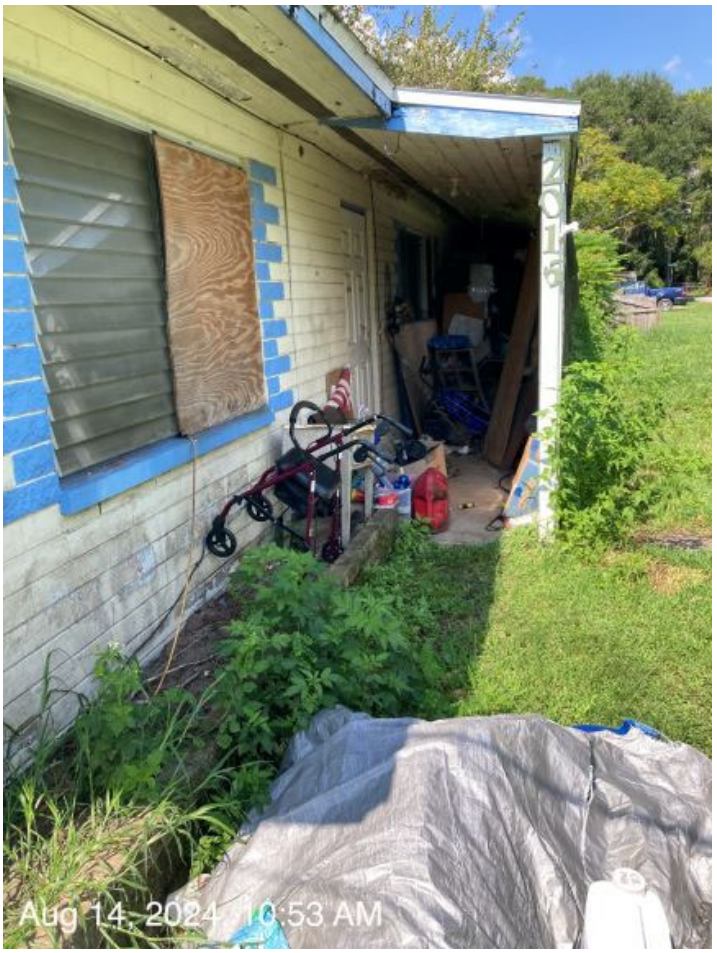
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Aug 14, 2024, 10:40 AM


Aug 14, 2024, 10:38 AM


Aug 14, 2024, 10:37 AM


MYFLORIDA.COM
09-24
SUNSHINE STATE
Aug 14, 2024, 10:36 AM


Aug 14, 2024, 10:36 AM


Aug 14, 2024, 10:33 AM


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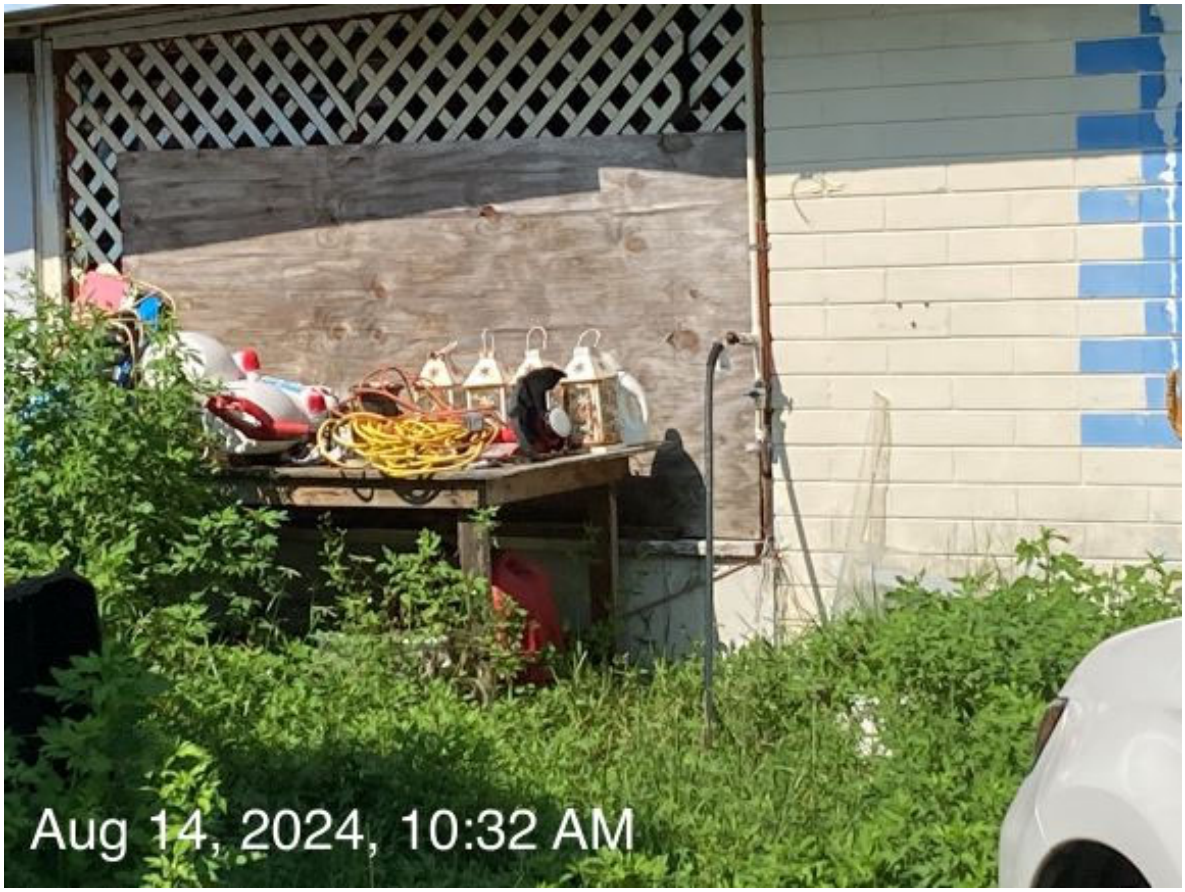
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Aug 14, 2024, 10:32 AM


Aug 14, 2024, 10:31 AM


Aug 14, 2024, 10:31 AM


Aug 14, 2024, 10:30 AM

January 15, 2025 at 2:44:28 PM EST


2015
January 15, 2025 at 2:44:52 PM EST


January 15, 2025 at 2:45:04 PM EST

January 15, 2025 at 2:45:17 PM EST


January 15, 2025 at 2:45:27 PM EST


January 15, 2025 at 2:45:37 PM EST


FOOD & PH
January 15, 2025 at 2:45:48 PM EST

January 15, 2025 at 2:46:00 PM EST


2015
chewy
chewy
January 15, 2025 at 2:46:54 PM EST


January 30, 2025 at 1:43:31 PM EST


January 30, 2025 at 1:43:51 PM EST


January 30, 2025 at 1:42:51 PM EST


January 30, 2025 at 1:42:44 PM EST

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0038-2025-401 BOUCHELLE DR.; OWNER: BOUCHELLE 401 DEVELOPMENT LLC; OFFICER: HERMAN TRAUTWEIN

February 26, 2025

Background:

Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025; Certified mail sent on January 24, 2025 and returned to sender, forward time expired.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

5E CCSM-0038-2025 401 Bouchelle Dr.pdf

CODE CASE DETAILED REPORT CE-0038-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire Code Violations
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741700001340 Main
Address: 401 Bouchelle Dr Main
New Smyrna Beach, FL 32169
Zone: R-4 (MULTI-FAMILY RESIDENTIAL)

Manager	Manager
Bouchelle 401 Development Llc	Bouchelle 401 Development Llc
Joseph Dimucci	Joseph Dimucci
51 Dunlawton Ave	285 W Dundee Rd
Port Orange, FL 32128	Palatine, IL 60067

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25 and is awaiting his fire report.	Herman Trautwein	1/21/2025 12:19 pm

Violation Code: Sec. 42-13.
Violation Status: In Violation
Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Code Description: Violations; code enforcement; hazard abatement.
Resolved Date:
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Bouchelle Island Code enforcement needed

GF Godawa, Fred
To: Trautwein, Herman

Reply | Reply all | Forward

Thu 1/16/2025 12:34 PM

You forwarded this message on Thu 1/16/2025 3:57 PM

I've completed and sent out to all property managers all the inspection and reinspection dates for their properties. I informed them that they are being sent to code. Some are trying to get them done but they had since June of 2024. Steve does not want me to waste anymore time and neither do I . I have given notice on several occasions via phone, face to face, inspection reports and emails.

They are:

- **401**
- **404**
- **405**
- **430**
- **444**
- **445**
- **446**
- **448**
- **449**
- **454**
- **462**
- **464**
- **466**

I will send to the latest reinspection report of each address. Thank you,

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 6566739 **Parcel ID: 741700001340**
BOUCHELLE 401 DEVELOPMENT LLC **401 BOUCHELLE DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	6566739
Parcel ID:	741700001340
Township-Range-Section:	17 - 34 - 17
Subdivision-Block-Lot:	00 - 00 - 1340
Owner(s):	BOUCHELLE 401 DEVELOPMENT LLC - FS - Fee Simple - 100%
Mailing Address On File:	285 W DUNDEE RD PALATINE IL 60067
Physical Address:	401 BOUCHELLE DR, NEW SMYRNA BEACH 32169
Property Use:	0300 - MFR >10 UNITS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	7008
Subdivision Name:	
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$1,595,696	$1,397,400	$0	$1,595,696	1.5000	$2,393.54
0012	DISCRETIONARY	$1,595,696	$1,397,400	$0	$1,595,696	0.7480	$1,193.58
0011	REQ LOCAL EFFORT	$1,595,696	$1,397,400	$0	$1,595,696	3.0370	$4,846.13
0050	GENERAL FUND	$1,595,696	$1,397,400	$198,296	$1,397,400	3.2007	$4,472.66
0053	LAW ENFORCEMENT FUND	$1,595,696	$1,397,400	$198,296	$1,397,400	1.5994	$2,235.00
0055	LIBRARY	$1,595,696	$1,397,400	$198,296	$1,397,400	0.3891	$543.73
0520	MOSQUITO CONTROL	$1,595,696	$1,397,400	$198,296	$1,397,400	0.1647	$230.15
0530	PONCE INLET PORT AUTHORITY	$1,595,696	$1,397,400	$198,296	$1,397,400	0.0692	$96.70
0058	VOLUSIA ECHO	$1,595,696	$1,397,400	$198,296	$1,397,400	0.2000	$279.48
0057	VOLUSIA FOREVER	$1,595,696	$1,397,400	$198,296	$1,397,400	0.2000	$279.48
0065	FLORIDA INLAND NAVIGATION DISTRICT	$1,595,696	$1,397,400	$198,296	$1,397,400	0.0288	$40.25
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$1,595,696	$1,397,400	$198,296	$1,397,400	0.7506	$1,048.89
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$1,595,696	$1,397,400	$198,296	$1,397,400	0.1793	$250.55
0271	NEW SMYRNA BCH I&S 2005	$1,595,696	$1,397,400	$198,296	$1,397,400	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$1,595,696	$1,397,400	$198,296	$1,397,400	0.0895	$125.07
0270	NEW SMYRNA BEACH	$1,595,696	$1,397,400	$198,296	$1,397,400	4.6370	$6,479.74
						16.7933	$24,514.95

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	12	$104.00	$1,248.00
			$1,248.00

Estimated Ad Valorem Tax:	$24,514.95
Estimated Non-Ad Valorem Tax:	$1,248.00
Estimated Taxes:	**$25,762.95**
Estimated Tax Amount without SOH:	$28,045.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$180,000	$1,449,808	$1,629,808	$1,270,364	$0	$1,270,364	$0
2023	$144,000	$1,054,728	$1,198,728	$1,154,876	$0	$1,154,876	$0
2022	$144,000	$1,033,360	$1,177,360	$1,049,887	$0	$1,049,887	$0
2021	$132,000	$822,443	$954,443	$954,443	$0	$954,443	$0
2020	$132,000	$773,985	$905,985	$905,985	$0	$905,985	$0
2019	$120,000	$748,022	$868,022	$868,022	$0	$868,022	$0
2018	$108,000	$755,817	$863,817	$863,817	$0	$863,817	$0
2017	$96,000	$737,289	$833,289	$833,289	$0	$833,289	$0
2016	$96,000	$707,462	$803,462	$803,462	$0	$803,462	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

BLDG 134 BOUCHELLE ISLAND PER OR 5736 PG 3111

Detail by Entity Name

Florida Limited Liability Company
BOUCHELLE 401 DEVELOPMENT LLC

Filing Information

Document Number	L04000093619
FEI/EIN Number	20-2140871
Date Filed	12/28/2004
State	FL
Status	ACTIVE

Principal Address

51 Dunlawton Ave.
Port Orange, FL 32127

Changed: 03/12/2022

Mailing Address

285 WEST DUNDEE ROAD
PALATINE, IL 60074

Registered Agent Name & Address

DiMucci, Joseph A
51 DUNLAWTON AVE.
PORT ORANGE, FL 32128

Name Changed: 03/12/2022

Address Changed: 02/19/2011

Authorized Person(s) Detail

Name & Address

Title MGRM

ANTHONY P. DIMUCCI DYNASTY TRUST
285 WEST DUNDEE ROAD
PALATINE, IL 60074

Title MGR

JOSEPH DIMUCCI REVOCABLE TRUST
285 WEST DUNDEE ROAD
PALATINE, IL 60074

Annual Reports

Report Year	Filed Date
2022	03/12/2022
2023	02/24/2023
2024	01/30/2024

Document Images

01/30/2024 -- ANNUAL REPORT	View image in PDF format
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Florida Department of State, Division of Corporations

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0038-2025**

Case Type: **Code Enforcement**

Date Case Established: **01/21/2025**

Compliance Deadline: **02/11/2025**

Owner: BOUCHELLE 401 DEVELOPMENT LLC

Mailing Address

BOUCHELLE 401 DEVELOPMENT LLC
285 W DUNDEE RD
PALATINE, IL 60067

Notice of Violation for the following location:

Address

401 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

Parcel

741700001340

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0038-2025**

Case Type: **Code Enforcement**

Date Case Established: **01/21/2025**

Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 9622 59
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/2025

CC: ADDITIONAL ADDRESS- 9214 8901 9403 8397 9631 71
Joseph DiMucci
51 Dunlawton Ave
Port Orange FL 32128

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE 401 DEVELOPMENT LLC
285 W DUNDEE RD
PALATINE, IL 60067

CASE NO. CE-0038-2025
401 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025, at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE 401 DEVELOPMENT LLC
285 W DUNDEE RD
PALATINE, IL 60067

CASE NO. CE-0038-2025
401 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 9622 59

(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

CC: ADDITIONAL ADDRESS- 9214 8901 9403 8397 9631 71
Joseph DiMucci
51 Dunlawton Ave
Port Orange FL 32128

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	401 Bouchelle Drive	**Inspection Date:**	7/23/2024, 8/12/2024, 11/14/2024, 1/15/2025
Address:	401 Bouchelle Drive	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	201704769
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741700001340		

Insp. Result	Location	Code Set	Code
N/A	Floor 1	FL NFPA 01 2021 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required
Violation	Floor 1	FL NFPA 01 2021 Chapter 14 Means of Egress	14.14.1.5.1 - Exit Access Shall Be Marked

Reinspection #1 Inspector Comments: Property manager working on exit sighs for 401, 403, 405.

Reinspection #2 Inspector Comments: Property manager working on exit sighs for 401, 403, 405 as of 8-12-24. Returned Nov. 14, 2024. No progress has been made.

Access to exits shall be marked by approved, readily visible signs in all cases where the exit or way to reach the exit is not readily apparent to the occupants. [***101***:7.10.1.5.1]

Reinspection #3 Inspector Comments: Exits signs are installed but not illuminated.

Access to exits shall be marked by approved, readily visible signs in all cases where the exit or way to reach the exit is not readily apparent to the occupants. [***101***:7.10.1.5.1]

Inspector Comments: Met with Jim Cederberg (rental manager) on July 23, 2024 to go over what need to be corrected.
Inspector Comments - Reinspection #3: Lights were installed but not illuminated.

Initial inspection date: 07/23/24
First reinspection date: 08/12/24
Second reinspection date: 11/14/24
Third reinspection date: 01/15/25

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a)*).

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:



Fred Godawa
7/23/2024

Inspector:



Fred Godawa
11/14/2024

Inspector:



Fred Godawa
1/15/2025

Inspector:



Fred Godawa
8/12/2024

Ref: 9362

401

101
102
103
104
105
106
201
202

January 25, 2025 at 8:52:06 AM EST

CERTIFIED MAIL

ORLANDO FL 328
M 2 L

Code Department
City of New Smyrna Beach
210 Sams Ave Fl 1
New Smryna Beach FL 32168

USPS CERTIFIED MAIL

quadient
FIRST-CLASS MAIL
IMI
$008.16 9
01/24/2025 ZIP 32168
043M31259290

US POSTAGE

JOSEPH DIMUCCI
51 DUNLAWTON AVE
PORT ORANGE FL 32127-4611

339 N7E 1 124C0201/31/25
FORWARD TIME EXP RTN TO SEND
DIMUCCI COMPANIES
285 W DUNDEE RD
PALATINE IL 60074-2699

RETURN TO SENDER

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0042-2025- 405 BOUCHELLE DR; OWNER: BOUCHELLE 405 DEVELOPMENT LLC: OFFICER: HERMAN TRAUTWEIN

February 26, 2025

Background:

Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025; Certified mail sent January 24, 2025 and returned to sender; forward time expired.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0042-2025 405 BOUCHELLE DR.pdf

CODE CASE DETAILED REPORT CE-0042-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire code violation(s)
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741700001300 Main **Address:** 405 Bouchelle Dr Main
New Smyrna Beach, FL 32169
Zone: R-4 (MULTI-FAMILY RESIDENTIAL)

Owner
Bouchelle 405 Development Llc
285 W Dundee Rd
Palatine, IL 60067

Manager
Bouchelle 405 Development Llc
285 W Dundee Rd
Palatine, IL 60067

Manager
Bouchelle 401 Development Llc
Joseph Dimucci
51 Dunlawton Ave
Port Orange, FL 32128

Owner
Bouchelle 401 Development Llc
Joseph Dimucci
51 Dunlawton Ave
Port Orange, FL 32128

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25 and is awaiting his fire report.	Herman Trautwein	1/21/2025 12:29 pm

Violation Code: Sec. 42-13.
Violations; code enforcement; hazard abatement.
Code Description:

Violation Status: In Violation

Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Resolved Date:

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Bouchelle Island Code enforcement needed

GF Godawa, Fred

To: Trautwein, Herman

Reply | Reply all | Forward

Thu 1/16/2025 12:34 PM

You forwarded this message on Thu 1/16/2025 3:57 PM

I've completed and sent out to all property managers all the inspection and reinspection dates for their properties. I informed them that they are being sent to code. Some are trying to get them done but they had since June of 2024. Steve does not want me to waste anymore time and neither do I . I have given notice on several occasions via phone, face to face, inspection reports and emails.

They are:

- **401**
- **404**
- **405**
- **430**
- **444**
- **445**
- **446**
- **448**
- **449**
- **454**
- **462**
- **464**
- **466**

I will send to the latest reinspection report of each address. Thank you,

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 6566721 **Parcel ID: 741700001300**
BOUCHELLE 405 DEVELOPMENT LLC **405 BOUCHELLE DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	6566721
Parcel ID:	741700001300
Township-Range-Section:	17 - 34 - 17
Subdivision-Block-Lot:	00 - 00 - 1300
Owner(s):	BOUCHELLE 405 DEVELOPMENT LLC - FS - Fee Simple - 100%
Mailing Address On File:	285 W DUNDEE RD PALATINE IL 60067
Physical Address:	405 BOUCHELLE DR, NEW SMYRNA BEACH 32169
Property Use:	0300 - MFR >10 UNITS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	7008
Subdivision Name:	
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$1,596,566	$1,397,400	$0	$1,596,566	1.5000	$2,394.85
0012	DISCRETIONARY	$1,596,566	$1,397,400	$0	$1,596,566	0.7480	$1,194.23
0011	REQ LOCAL EFFORT	$1,596,566	$1,397,400	$0	$1,596,566	3.0370	$4,848.77
0050	GENERAL FUND	$1,596,566	$1,397,400	$199,166	$1,397,400	3.2007	$4,472.66
0053	LAW ENFORCEMENT FUND	$1,596,566	$1,397,400	$199,166	$1,397,400	1.5994	$2,235.00
0055	LIBRARY	$1,596,566	$1,397,400	$199,166	$1,397,400	0.3891	$543.73
0520	MOSQUITO CONTROL	$1,596,566	$1,397,400	$199,166	$1,397,400	0.1647	$230.15
0530	PONCE INLET PORT AUTHORITY	$1,596,566	$1,397,400	$199,166	$1,397,400	0.0692	$96.70
0058	VOLUSIA ECHO	$1,596,566	$1,397,400	$199,166	$1,397,400	0.2000	$279.48
0057	VOLUSIA FOREVER	$1,596,566	$1,397,400	$199,166	$1,397,400	0.2000	$279.48
0065	FLORIDA INLAND NAVIGATION DISTRICT	$1,596,566	$1,397,400	$199,166	$1,397,400	0.0288	$40.25
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$1,596,566	$1,397,400	$199,166	$1,397,400	0.7506	$1,048.89
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$1,596,566	$1,397,400	$199,166	$1,397,400	0.1793	$250.55
0271	NEW SMYRNA BCH I&S 2005	$1,596,566	$1,397,400	$199,166	$1,397,400	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$1,596,566	$1,397,400	$199,166	$1,397,400	0.0895	$125.07
0270	NEW SMYRNA BEACH	$1,596,566	$1,397,400	$199,166	$1,397,400	4.6370	$6,479.74
						16.7933	$24,519.55

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	12	$104.00	$1,248.00
			$1,248.00

Estimated Ad Valorem Tax:	$24,519.55
Estimated Non-Ad Valorem Tax:	$1,248.00
Estimated Taxes:	**$25,767.55**
Estimated Tax Amount without SOH:	$28,059.61

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$180,000	$1,450,699	$1,630,699	$1,270,364	$0	$1,270,364	$0
2023	$144,000	$1,054,728	$1,198,728	$1,154,876	$0	$1,154,876	$0
2022	$144,000	$1,033,360	$1,177,360	$1,049,887	$0	$1,049,887	$0
2021	$132,000	$822,443	$954,443	$954,443	$0	$954,443	$0
2020	$132,000	$773,985	$905,985	$905,985	$0	$905,985	$0
2019	$120,000	$748,022	$868,022	$868,022	$0	$868,022	$0
2018	$108,000	$755,817	$863,817	$863,817	$0	$863,817	$0
2017	$96,000	$737,289	$833,289	$833,289	$0	$833,289	$0
2016	$96,000	$707,462	$803,462	$803,462	$0	$803,462	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

BLDG 130 BOUCHELLE ISLAND PER OR 5736 PG 3109

Detail by Entity Name

Florida Limited Liability Company
BOUCHELLE 405 DEVELOPMENT LLC

Filing Information

Document Number	L04000093617
FEI/EIN Number	20-2141000
Date Filed	12/28/2004
State	FL
Status	ACTIVE

Principal Address

51 Dunlawton Ave.
Port Orange, FL 32127

Changed: 03/12/2022

Mailing Address

285 WEST DUNDEE ROAD
PALATINE, IL 60074

Registered Agent Name & Address

DiMucci, Joseph A
51 DUNLAWTON AVE.
PORT ORANGE, FL 32128

Name Changed: 03/12/2022

Address Changed: 02/19/2011

Authorized Person(s) Detail

Name & Address

Title MGRM

ANTHONY P. DIMUCCI DYNASTY TRUST
285 WEST DUNDEE ROAD
PALATINE, IL 60074

Title MGR

JOSEPH DIMUCCI REVOCABLE TRUST
285 WEST DUNDEE ROAD
PALATINE, IL 60074

Annual Reports

Report Year	Filed Date
2022	03/12/2022
2023	02/24/2023
2024	01/30/2024

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Florida Department of State, Division of Corporations

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0042-2025**

Case Type: **Code Enforcement**

Date Case Established: **01/21/2025**

Compliance Deadline: **02/11/2025**

Owner: BOUCHELLE 405 DEVELOPMENT LLC

Mailing Address

BOUCHELLE 405 DEVELOPMENT LLC
285 W DUNDEE RD
PALATINE, IL 60067

Notice of Violation for the following location:

Address

405 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

Parcel

741700001300

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(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0042-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8889 17
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/2025

C.C. to additional address: 9214 8901 9403 8397 8895 49
BOUCHELLE 405 DEVELOPMENT LLC
Joseph DiMucci- Registered Agent
51 Dunlawton Ave.
Port Orange, FL 32128

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE 405 DEVELOPMENT LLC
285 W DUNDEE RD
PALATINE, IL 60067

CASE NO. CE-0042-2025
405 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE 405 DEVELOPMENT LLC
285 W DUNDEE RD
PALATINE, IL 60067

CASE NO. CE-0042-2025
405 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8889 17

(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

C.C. to additional address: 9214 8901 9403 8397 8895 49
BOUCHELLE 405 DEVELOPMENT LLC
Joseph DiMucci- Registered Agent
51 Dunlawton Ave., Port Orange, FL 32128

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	405 Bouchelle Drive	**Inspection Date:**	5/24/2024, 6/24/2024, 7/12/2024, 7/23/2024, 11/14/2024, 1/15/2025
Address:	405 Bouchelle Drive	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	201704766
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741700001300		

Insp. Result	Location	Code Set	Code
N/A	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.1.8 - Fire Protection System Operable and Maintained

Inspector Comments:
HAZARD: FACP needs serviced
CORRECTION: have FCAP serviced by a licensed contractor

Reinspection #4 Inspector Comments:
All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.

✔ ***Corrected on 11/14/2024***

Violation	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.3.1.2 - Existing Elevators - Firefighter Emergency Operations

Inspector Comments:
HAZARD: elevator not working
CORRECTION: have elevator serviced by a licensed contractor

Reinspection #1 Inspector Comments:
HAZARD: elevator not working
CORRECTION: have elevator serviced by a licensed contractor
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #4 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #5 Inspector Comments:
HAZARD: elevator not working
CORRECTION: have elevator serviced by a licensed contractor All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Violation	Floor 1 2nd floor	FL NFPA 01 2018 Chapter 14 Means of Egress	14.12.1.2 - Continuous Illumination of the Means of Egress

Inspector Comments:
[MISSING] HAZARD: One of more emergency lighting units in the areas indicated are damaged or missing.

ACTION REQUIRED: Repair or replace defective or missing emergency lighting units.

Reinspection #1 Inspector Comments:
Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

Reinspection #4 Inspector Comments: [FAILED TEST] HAZARD: One or more emergency lighting units failed to test in the areas indicated.

ACTION REQUIRED: Repair or replace faulty emergency lighting units.
Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

Reinspection #5 Inspector Comments: [FAILED TEST] HAZARD: One or more emergency lighting units failed to test in the areas indicated.

ACTION REQUIRED: Repair or replace faulty emergency lighting units.Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

Exits signs on 2nd floor.

Inspector Comments:
Inspector Comments - Reinspection #3: Met with Jim Cederberg to dicuss violations.
Inspector Comments - Reinspection #5: Initial inspection date: 05/24/24
First reinspection date: 06/24/24
Second reinspection date: 07/12/24
Third reinspection date: 07/23/24
Fourth reinspection date: 11/14/24
Fifth reinspection date: 01/15/25

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a))*.

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:


Fred Godawa
6/24/2024

Inspector:


Fred Godawa
11/14/2024

Inspector:


Fred Godawa
7/12/2024

Inspector:


Fred Godawa

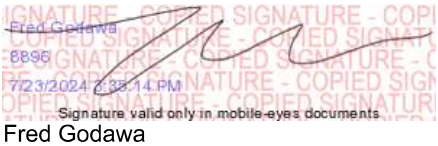
5/24/2024

Inspector:



Fred Godawa
1/15/2025

Inspector:



Fred Godawa
7/23/2024

Ref: 8896

Unabated Fire Code Violations from Previous Inspections

In addition to the violations cited during this inspection, the below violations remain unabated from previous inspection activities at this Occupancy. Your prompt attention in addressing the below violations is anticipated.

Violations Cited on 1/15/2025; Inspection Type(s): Enforcement Inspection (Ref: 11043)

#	Location	Code Set	Code
	Floor 1 FACP	FL NFPA 01 2021	13.7.1.4.2* - Excerpt: [To ensure operational integrity, the fire alarm...]

Inspector Comments:

To ensure operational integrity, the fire alarm system shall have an approved maintenance and testing program complying with the applicable requirements of *NFPA 70* and *NFPA 72*. [***101***:9.6.1.5]


405
ELECTRICAL MACHINERY
AUTHORIZED
PERSONNEL ONLY
January 25, 2025 at 8:55:18 AM EST

CERTIFIED MAIL

ORLANDO FL 328
PM 3 L

quadient
FIRST-CLASS MAIL
IMI
$008.44 0
01/24/2025 ZIP 32168
043M31259290

US POSTAGE

USPS CERTIFIED MAIL

9214 8901 9403 8397 8895 49

Code Department
City of New Smyrna Beach
210 Sams Ave Fl 1
New Smryna Beach FL 32168

BOUCHELLE 405 DEVELOPMENT LLC
JOSEPH DIMUCCI- REGISTERED AGENT
51 DUNLAWTON AVE
PORT ORANGE FL 32127-4611

32168>7640
32127-4611

339 N7E 1 124C0201/31/25
FORWARD TIME EXP RTN TO SEND
DIMUCCI COMPANIES
285 W DUNDEE RD
PALATINE IL 60074-2699

RETURN TO SENDER

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0045-2025- 445 BOUCHELLE DR; OWNER: BOUCHELLE ISLAND V CONDOMINIUM ASSOCIATION INC; OFFICER: HERMAN TRAUTWEIN

February 26, 2025

Background:

Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025; Certified mail signed for on January 27, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0045-2025 445 Bouchelle Dr.pdf

CODE CASE DETAILED REPORT CE-0045-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire code(s) violation
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741715530001 Main
Address: 445 Bouchelle Dr Main
New Smyrna Beach, FL 32169
Zone: R-4 (MULTI-FAMILY RESIDENTIAL)

Manager

Bouchelle Island V Condominium
Association Inc
Po Box 1687 210 Sams Avenue
New Smyrna Beach, FL 32170

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25 and is awaiting his fire report.	Herman Trautwein	1/21/2025 1:16 pm

Violation Code: Sec. 42-13.
Violations; code enforcement; hazard abatement.
Code Description:

Violation Status: In Violation

Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Resolved Date:

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Bouchelle Island Code enforcement needed

GF Godawa, Fred
To: Trautwein, Herman

Reply | Reply all | Forward

Thu 1/16/2025 12:34 PM

You forwarded this message on Thu 1/16/2025 3:57 PM

I've completed and sent out to all property managers all the inspection and reinspection dates for their properties. I informed them that they are being sent to code. Some are trying to get them done but they had since June of 2024. Steve does not want me to waste anymore time and neither do I . I have given notice on several occasions via phone, face to face, inspection reports and emails.

They are:

- **401**
- **404**
- **405**
- **430**
- **444**
- **445**
- **446**
- **448**
- **449**
- **454**
- **462**
- **464**
- **466**

I will send to the latest reinspection report of each address. Thank you,

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 8007856 **Parcel ID: 741715530001**
BOUCHELLE ISLAND V CONDOMINIUM **445 BOUCHELLE DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	8007856
Parcel ID:	741715530001
Township-Range-Section:	17 - 34 - 17
Subdivision-Block-Lot:	15 - 53 - 0001
Owner(s):	BOUCHELLE ISLAND V CONDOMINIUM - FS - Fee Simple - 100% ASSOCIATION INC - FS - Fee Simple - 100%
Mailing Address On File:	C/O SOUTH ATLANTIC COMMUNITIES 2422 S ATLANTIC AVE DAYTONA BEACH SHORES FL 32118
Physical Address:	445 BOUCHELLE DR, NEW SMYRNA BEACH 32169
Property Use:	0900 - RES COMMON ELEMENTS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	0387
Subdivision Name:	BOUCHELLE ISLAND CONDO V BLDG 153
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$0	$0	$0	$0	1.5000	$0.00
0012	DISCRETIONARY	$0	$0	$0	$0	0.7480	$0.00
0011	REQ LOCAL EFFORT	$0	$0	$0	$0	3.0370	$0.00
0050	GENERAL FUND	$0	$0	$0	$0	3.2007	$0.00
0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
0055	LIBRARY	$0	$0	$0	$0	0.3891	$0.00
0520	MOSQUITO CONTROL	$0	$0	$0	$0	0.1647	$0.00
0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

16-17-34 COMMON AREA BLDG 153 BOUCHELLE ISLAND V CONDO PER OR 3708 PG 4059

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0045-2025**

Case Type: **Code Enforcement**

Date Case Established: **01/21/2025**

Compliance Deadline: **02/11/2025**

Owner: BOUCHELLE ISLAND V CONDOMINIUM - C/O South Atlantic Communities

Mailing Address

BOUCHELLE ISLAND V CONDOMINIUM - C/O South Atlantic Communities
2422 S ATLANTIC AVE
Daytona Beach Shores, FL 32118

Notice of Violation for the following location:

Address	Parcel
445 BOUCHELLE DR NEW SMYRNA BEACH, FL 32169	**741715530001**

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0045-2025**

Case Type: **Code Enforcement**

Date Case Established: **01/21/2025**

Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8803 24
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/25

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND V CONDOMINIUM - C/O South Atlantic Communities
2422 S ATLANTIC AVE
Daytona Beach Shores, FL 32118

CASE NO. CE-0045-2025
445 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND V CONDOMINIUM - C/O South Atlantic Communities
2422 S ATLANTIC AVE
Daytona Beach Shores, FL 32118

CASE NO. CE-0045-2025
445 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

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(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	445 Bouchelle Drive	**Inspection Date:**	5/24/2024, 6/24/2024, 7/12/2024, 7/25/2024, 11/13/2024, 1/16/2025
Address:	445 Bouchelle Drive	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741715530001		

Insp. Result	Location	Code Set	Code
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.1.2 - Fire Protection System Testing and Maintenance: Property Owner Responsibility

Inspector Comments:
[ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

Reinspection #1 Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #3 Inspector Comments:
[GENERATOR ANNUAL] [ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing report for the building emergency generator system.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #4 Inspector Comments: [SPRINKLER 5-YEAR] The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

HAZARD: No test reports were available for the most recent 5-year inspection of the fire sprinkler system.

ACTION REQUIRED: Submit copies of the following documentation to the fire marshal's office:

1. Most recent (within 5 years) 5-YEAR inspection of the building fire sprinkler system
2. Documentation of all repairs to the fire sprinkler system to correct deficiencies found in the inspection reports.

No current information found on system.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #5 Inspector Comments:
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

✔ ***Corrected on 1/16/2025***

Insp. Result	Location	Code Set	Code
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.7.1.4.2 - Fire Alarm System Shall Be Tested and Maintained

Inspector Comments:
[HAZARD: The annual inspection report for the building fire alarm system shows system deficiencies that are not resolved.

ACTION REQUIRED: Contact a licensed fire protection technician to address all outstanding deficiencies of the building fire alarm system. Submit documentation of all repairs to the fire marshal's office.HAZARD: The required annual inspection of the building fire alarm system has not been performed.

ACTION REQUIRED: Contact your fire alarm system service provider and have the required annual NFPA 72 service and testing performed.HAZARD: The required annual inspection of the building fire alarm system has not been performed.

ACTION REQUIRED: Contact your fire alarm system service provider and have the required annual NFPA 72 service and testing performed.

Reinspection #1 Inspector Comments:
HAZARD: The required annual inspection of the building fire alarm system has not been performed.

ACTION REQUIRED: Contact your fire alarm system service provider and have the required annual NFPA 72 service and testing performed.

Reinspection #2 Inspector Comments:
To ensure operational integrity, the fire alarm system shall have an approved maintenance and testing program complying with the applicable requirements of NFPA 70 and NFPA 72. [101:9.6.1.4]

Reinspection #3 Inspector Comments:
HAZARD: The required annual inspection of the building fire alarm system has not been performed.

ACTION REQUIRED: Contact your fire alarm system service provider and have the required annual NFPA 72 service and testing performed.
To ensure operational integrity, the fire alarm system shall have an approved maintenance and testing program complying with the applicable requirements of NFPA 70 and NFPA 72. [101:9.6.1.4]

Reinspection #4 Inspector Comments: HAZARD: The required annual inspection of the building fire alarm system has not been performed.

ACTION REQUIRED: Contact your fire alarm system service provider and have the required annual NFPA 72 service and testing performed.
To ensure operational integrity, the fire alarm system shall have an approved maintenance and testing program complying with the applicable requirements of NFPA 70 and NFPA 72. [101:9.6.1.4]

Reinspection #5 Inspector Comments:
[HAZARD: The annual inspection report for the building fire alarm system shows system deficiencies that are not resolved.

ACTION REQUIRED: Contact a licensed fire protection technician to address all outstanding deficiencies of the building fire alarm system. Submit documentation of all repairs to the fire marshal's office.HAZARD: The required annual inspection of the building fire alarm system has not been performed.

ACTION REQUIRED: Contact your fire alarm system service provider and have the required annual NFPA 72 service and testing performed.HAZARD: The required annual inspection of the building fire alarm system has not been performed.

ACTION REQUIRED: Contact your fire alarm system service provider and have the required annual NFPA 72 service and testing performed.

Violation | Floor 1 | FL NFPA 01 2018 Chapter 14 Means of Egress | 14.12.1.2 - Continuous Illumination of the Means of Egress

Inspector Comments: [FAILED TEST] HAZARD: One or more emergency lighting units failed to test in the areas indicated.

ACTION REQUIRED: Repair or replace faulty emergency lighting units.[MISSING] HAZARD: One of more emergency lighting units in the areas indicated are damaged or missing.

ACTION REQUIRED: Repair or replace defective or missing emergency lighting units.

Reinspection #1 Inspector Comments:
[MISSING] HAZARD: One of more emergency lighting units in the areas indicated are damaged or missing.

ACTION REQUIRED: Repair or replace defective or missing emergency lighting units.

Location: 3rd floor west stairwell-no lights when pushing the test button.
2nd floor - east stairwell (see attached photo)
Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

Reinspection #2 Inspector Comments:
Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

Reinspection #3 Inspector Comments:
[FAILED TEST] HAZARD: One or more emergency lighting units failed to test in the areas indicated.

ACTION REQUIRED: Repair or replace faulty emergency lighting units.

Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

Reinspection #4 Inspector Comments: [FAILED TEST] HAZARD: One or more emergency lighting units failed to test in the areas indicated.

ACTION REQUIRED: Repair or replace faulty emergency lighting units.

1st floor west stairwell - half of the bulb not illuminating.
2nd floor - next to unit 202. Right bulb, top half of light not illuminating.
3rd floor- west stairwell light not illuminating.
Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

Reinspection #5 Inspector Comments:
Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

✔ ***Corrected on 1/16/2025***

N/A	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required

---

Inspector Comments:
Inspector Comments - Reinspection #3: Referred to code information for citation and appearance before special majesty.
Inspector Comments - Reinspection #4: Updated contact information. Also left voicemail with Jill (386-236-0474) stating the violation found durning the re-inspection.
Inspector Comments - Reinspection #5: Initial inspection date: 05/24/24
First reinspection date: 06/24/24
Second reinspection date: 07/12/24
Third reinspection date: 07/25/24
Fourth reinspection date: 11/13/24
Fifth reinspection date: 01/16/25

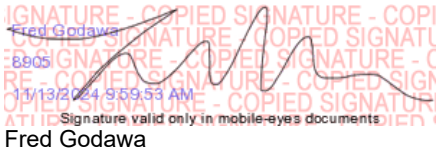
Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a)*).

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:


Fred Godawa
11/13/2024

Inspector:


Fred Godawa
7/12/2024

Inspector:

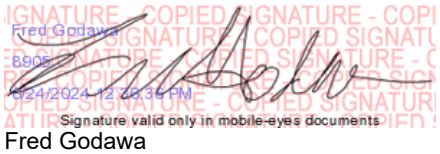

Fred Godawa
5/24/2024

Inspector:



Fred Godawa
1/16/2025

Inspector:



Fred Godawa
6/24/2024

Ref: 8905


445
January 25, 2025 at 9:08:17 AM EST

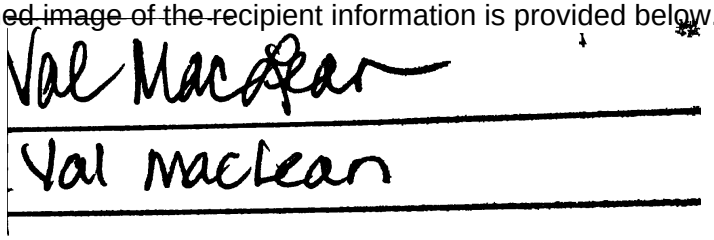
UNITED STATES POSTAL SERVICE

Date Produced: 01/28/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8397 8803 24. Our records indicate that this item was delivered on 01/27/2025 at 10:37 a.m. in DAYTONA BEACH, FL 32118. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

BOUCHELLE ISLAND V CONDOMINIUM
C/O: SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118-5451

Customer Reference Number: C5606396.34044405

UNITED STATES POSTAL SERVICE®

Return address:

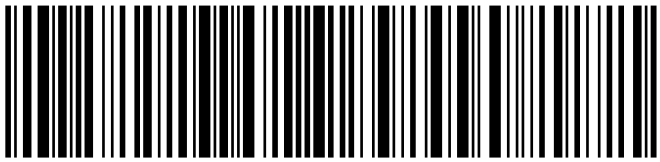
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

BOUCHELLE ISLAND V CONDOMINIUM
C/O: SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SHORES FL 32118-5451

MAILING DATE: 01/24/2025
DELIVERY DATE: 01/27/2025

USPS CERTIFIED MAIL



9214 8901 9403 8397 8803 24

USPS Tracking Label Number: 9214 8901 9403 8397 8803 24

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/24/2025 09:52
DELIVERED LEFT WITH INDIVIDUAL	DAYTONA BEACH,FL 32118	01/27/2025 10:37

CASE #: 0045-2025 445 BOUCHELLE DR

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0046-2025- 446 BOUCHELLE DR; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC; OFFICER: HERMAN TRAUTWEIN

February 26, 2025

Background:

Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025; Certified mail sent January 24, 2025 and signed for on January 27, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0046-2025 446 Bouchelle Dr.pdf

CODE CASE DETAILED REPORT CE-0046-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire code violation(s)
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741715450001 Main
Address: 446 Bouchelle Dr Main
New Smyrna Beach, FL 32169
Zone: R-4 (MULTI-FAMILY RESIDENTIAL)

Manager

Bouchelle Island I Condominium
Association Inc
1100 Ocean Shore Blvd
Ormond Beach, FL 32176
Business: 3862958630
Mobile: 3865628575

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25 and is awaiting his fire report.	Herman Trautwein	1/21/2025 1:24 pm

Violation Code: Sec. 42-13.
Violations; code enforcement; hazard abatement.
Code Description:

Violation Status: In Violation

Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Resolved Date:

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Bouchelle Island Code enforcement needed

GF Godawa, Fred
To: Trautwein, Herman

Reply | Reply all | Forward
Thu 1/16/2025 12:34 PM

You forwarded this message on Thu 1/16/2025 3:57 PM

I've completed and sent out to all property managers all the inspection and reinspection dates for their properties. I informed them that they are being sent to code. Some are trying to get them done but they had since June of 2024. Steve does not want me to waste anymore time and neither do I . I have given notice on several occasions via phone, face to face, inspection reports and emails.

They are:

- **401**
- **404**
- **405**
- **430**
- **444**
- **445**
- **446**
- **448**
- **449**
- **454**
- **462**
- **464**
- **466**

I will send to the latest reinspection report of each address. Thank you,

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 8007838 **Parcel ID: 741715450001**
BOUCHELLE ISLAND I CONDOMINIUM **446 BOUCHELLE DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	8007838
Parcel ID:	741715450001
Township-Range-Section:	17 - 34 - 17
Subdivision-Block-Lot:	15 - 45 - 0001
Owner(s):	BOUCHELLE ISLAND I CONDOMINIUM - FS - Fee Simple - 100% ASSOCIATION INC - FS - Fee Simple - 100%
Mailing Address On File:	C/O SOUTH ATLANTIC COMMUNITIES 2422 S ATLANTIC AVE DAYTONA BEACH SHORES FL 32118
Physical Address:	446 BOUCHELLE DR, NEW SMYRNA BEACH 32169
Property Use:	0900 - RES COMMON ELEMENTS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	0387
Subdivision Name:	BOUCHELLE ISLAND CONDO I BLDG 145
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$0	$0	$0	$0	1.5000	$0.00
0012	DISCRETIONARY	$0	$0	$0	$0	0.7480	$0.00
0011	REQ LOCAL EFFORT	$0	$0	$0	$0	3.0370	$0.00
0050	GENERAL FUND	$0	$0	$0	$0	3.2007	$0.00
0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
0055	LIBRARY	$0	$0	$0	$0	0.3891	$0.00
0520	MOSQUITO CONTROL	$0	$0	$0	$0	0.1647	$0.00
0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

16-17-34 COMMON AREA BLDG 145 BOUCHELLE ISLAND CONDO I PER OR 3095 PG 0161

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0046-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

Owner: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - C/O South Atlantic Communities

Mailing Address

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - C/O South Atlantic Communities
2422 S ATLANTIC AVE
Daytona Beach Shores, FL 32118

Notice of Violation for the following location:

Address

446 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

Parcel

741715450001

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0046-2025**

Case Type: **Code Enforcement**

Date Case Established: **01/21/2025**

Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8687 97
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/25

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - C/O South Atlantic Communities
2422 S ATLANTIC AVE
Daytona Beach Shores, FL 32118

CASE NO. CE-0046-2025
446 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - C/O South Atlantic Communities
2422 S ATLANTIC AVE
Daytona Beach Shores, FL 32118

CASE NO. CE-0046-2025
446 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8687 97

(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	446 Bouchelle Drive	**Inspection Date:**	5/16/2024, 6/17/2024, 7/25/2024, 11/13/2024, 1/16/2025
Address:	446 Bouchelle Drive	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741715450001		

Insp. Result	Location	Code Set	Code
N/A	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.1.8 - Fire Protection System Operable and Maintained

Inspector Comments:
HAZARD: Fire alarm in trouble mode. Audio and visual signal.

Reinspection #1 Inspector Comments:
All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.

Reinspection #2 Inspector Comments:
All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.

Reinspection #3 Inspector Comments: Alarm panel still shows trouble mode. Sounds like there is a short in the system.
All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.

✔ ***Corrected on 1/16/2025***

Insp. Result	Location	Code Set	Code
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.6.4.3.2.1 - Extinguisher Annually Tested

Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Reinspection #1 Inspector Comments:
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #2 Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Reinspection #3 Inspector Comments: [DOCUMENTATION] HAZARD: No documentation was available for the annual servicing of the building fire extinguishers.

ACTION REQUIRED: Submit documentation of the annual servicing of the building fire extinguishers.[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Last fire extinguisher inspection 2022. East stairwell 1st floor between units 105 and 104
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #4 Inspector Comments: [DOCUMENTATION] HAZARD: No documentation was available for the annual servicing of the building fire extinguishers.

ACTION REQUIRED: Submit documentation of the annual servicing of the building fire extinguishers.[ANNUAL INSPECTION]
HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Last fire extinguisher inspection 2022. East stairwell 1st floor between units 105 and 104An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Violation	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.3.1.2 - Existing Elevators - Firefighter Emergency Operations

Inspector Comments:
HAZARD: no elevator key in the Knox box

Reinspection #1 Inspector Comments: No elevator key in know box on re-inspection.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #2 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #3 Inspector Comments: No elevator key in Knox box
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #4 Inspector Comments: Elevator company working on elevator. Still need key for fire operations of elevator.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.1.2 - Fire Protection System Testing and Maintenance: Property Owner Responsibility

Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

Reinspection #1 Inspector Comments:
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #2 Inspector Comments:
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #3 Inspector Comments: [ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

Red tag on system. See photo for detail.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #4 Inspector Comments: The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Inspector Comments:

Inspector Comments - Reinspection #2: Referred to code information for citation and appearance before special majesty. Talked to Jill about trouble signal on alarm panel. They are working on it to get it repaired.
Inspector Comments - Reinspection #4: Initial inspection date: 05/16/24
First reinspection date: 06/17/24
Second reinspection date: 07/25/24
Third reinspection date: 11/13/24
Fourth reinspection date: 01/16/25

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a)*).

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

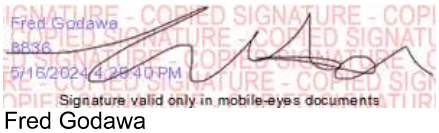
Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:



Fred Godawa
11/13/2024

Inspector:



Fred Godawa
5/16/2024

Inspector:



Fred Godawa
1/16/2025

Ref: 8836

Unabated Fire Code Violations from Previous Inspections

In addition to the violations cited during this inspection, the below violations remain unabated from previous inspection activities at this Occupancy. Your prompt attention in addressing the below violations is anticipated.

Violations Cited on 10/14/2024; Inspection Type(s): Alarm System (Ref: 10122)

#	Location	Code Set	Code
	Floor 1	Contractor System Inspections	A.20 - Critical

Inspector Comments: Fire alarm panel in trouble mode. Need to be on fire watch until repairs are complete and report sent to the fire marshal's portal. One or more critical defiencies were found.

Violations Cited on 10/14/2024; Inspection Type(s): Fire Watch (Ref: 10121)

#	Location	Code Set	Code
	Floor 1 Fire alarm system	FL NFPA 01 2021	13.1.11 - System Impairment: Fire Watch Required

Inspector Comments:

In the event of a failure of a fire protection system or an excessive number of accidental activations, the AHJ shall be permitted to require an approved fire watch until the system is repaired.

HAZARD: fire alarm system is out of service.

CORRECTION: Fire watch is required until system is restored.


446
F.A.C.P.
INSIDE
January 25, 2025 at 9:05:36 AM EST

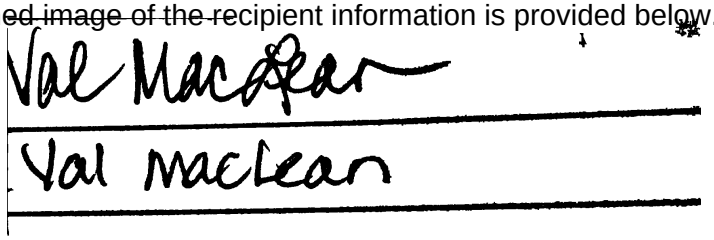
UNITED STATES POSTAL SERVICE

Date Produced: 01/28/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8397 8687 97. Our records indicate that this item was delivered on 01/27/2025 at 10:36 a.m. in DAYTONA BEACH, FL 32118. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC
C/O SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SHORES, FL 32118

Customer Reference Number: C5606396.34044404

UNITED STATES POSTAL SERVICE®

Return address:

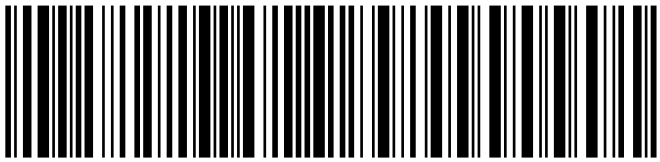
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION IN
C/O SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SHORES, FL 32118

MAILING DATE: 01/24/2025
DELIVERY DATE: 01/27/2025

USPS CERTIFIED MAIL



9214 8901 9403 8397 8687 97

USPS Tracking Label Number: 9214 8901 9403 8397 8687 97

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/24/2025 09:52
DELIVERED LEFT WITH INDIVIDUAL	DAYTONA BEACH,FL 32118	01/27/2025 10:36

CASE #: 0046-2025 446 BOUCHELLE DR

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0047-2025- 448 BOUCHELLE DR; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC; OFFICER: HERMAN TRAUTWEIN

February 26, 2025

Background:

Violation of City Code Sec. 42-13. - Violations: code enforcement; hazard abatement

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025; Certified mail sent January 24, 2025 and returned to sender, unable to forward.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0047-2025 448 Bouchelle Dr.pdf

CODE CASE DETAILED REPORT CE-0047-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire code violation(s)
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741715390001 Main
Address: 448 Bouchelle Dr Main
New Smyrna Beach, FL 32169
Zone: R-4 (MULTI-FAMILY RESIDENTIAL)

Manager

Bouchelle Island I Condominium
Association Inc
1100 Ocean Shore Blvd
Ormond Beach, FL 32176
Business: 3862958630
Mobile: 3865628575

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25 and is awaiting his fire report.	Herman Trautwein	1/21/2025 1:31 pm

Violation Code: Sec. 42-13.
Violations; code enforcement; hazard abatement.
Code Description:
Violation Status: In Violation
Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Resolved Date:

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Bouchelle Island Code enforcement needed

GF Godawa, Fred

To: Trautwein, Herman

Reply | Reply all | Forward

Thu 1/16/2025 12:34 PM

You forwarded this message on Thu 1/16/2025 3:57 PM

I've completed and sent out to all property managers all the inspection and reinspection dates for their properties. I informed them that they are being sent to code. Some are trying to get them done but they had since June of 2024. Steve does not want me to waste anymore time and neither do I . I have given notice on several occasions via phone, face to face, inspection reports and emails.

They are:

- **401**
- **404**
- **405**
- **430**
- **444**
- **445**
- **446**
- **448**
- **449**
- **454**
- **462**
- **464**
- **466**

I will send to the latest reinspection report of each address. Thank you,

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 8007837 **Parcel ID: 741715390001**
BOUCHELLE ISLAND I CONDOMINIUM **448 BOUCHELLE DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	8007837
Parcel ID:	741715390001
Township-Range-Section:	17 - 34 - 17
Subdivision-Block-Lot:	15 - 39 - 0001
Owner(s):	BOUCHELLE ISLAND I CONDOMINIUM - FS - Fee Simple - 100% ASSOCIATION INC - FS - Fee Simple - 100%
Mailing Address On File:	INTRACOASTAL BOOKKEEPING & MANAGEMENT 1100 OCEAN SHORE BLVD STE 7 ORMOND BEACH FL 32176
Physical Address:	448 BOUCHELLE DR, NEW SMYRNA BEACH 32169
Property Use:	0900 - RES COMMON ELEMENTS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	0387
Subdivision Name:	BOUCHELLE ISLAND CONDO I BLDG 139
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$0	$0	$0	$0	1.5000	$0.00
0012	DISCRETIONARY	$0	$0	$0	$0	0.7480	$0.00
0011	REQ LOCAL EFFORT	$0	$0	$0	$0	3.0370	$0.00
0050	GENERAL FUND	$0	$0	$0	$0	3.2007	$0.00
0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
0055	LIBRARY	$0	$0	$0	$0	0.3891	$0.00
0520	MOSQUITO CONTROL	$0	$0	$0	$0	0.1647	$0.00
0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

16-17-34 COMMON AREA BLDG 139 BOUCHELLE ISLAND CONDO I PER OR 3095 PG 0161

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0047-2025**

Case Type: **Code Enforcement**

Date Case Established: **01/21/2025**

Compliance Deadline: **02/11/2025**

Owner: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management

Mailing Address

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

Notice of Violation for the following location:

Address	**Parcel**
448 BOUCHELLE DR NEW SMYRNA BEACH, FL 32169	**741715390001**

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0047-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8611 25
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/25

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

CASE NO. CE-0047-2025
448 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025, at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

CASE NO. CE-0047-2025
448 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

CASE NO. CE-0047-2025
448 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8611 25

(✓) Post

( )Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	448 Bouchelle Drive	**Inspection Date:**	5/16/2024, 6/18/2024, 7/25/2024, 11/13/2024, 1/10/2025, 1/16/2025
Address:	448 Bouchelle Drive	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741715390001		

Insp. Result	Location	Code Set	Code
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.1.2 - Fire Protection System Testing and Maintenance: Property Owner Responsibility

Inspector Comments:
[SPRINKLER ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing report for the building fire sprinkler system Documentation of the remediation of ALL deficiencies noted on the inspection report shall also be submitted.

Reinspection #1 Inspector Comments:
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #2 Inspector Comments: Per inspection tag - corroded/painted head
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #3 Inspector Comments: [ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

SYSYEM HAS A RED TAG. SEE PHOTOS FOR DETAILS. SYSTEM NEEDS TO BE SERVICED.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #4 Inspector Comments:
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Insp. Result	Location	Code Set	Code
Violation	Floor 1	FL NFPA 01 2018 Chapter 14 Means of Egress	14.12.1.2 - Continuous Illumination of the Means of Egress

Inspector Comments:
[FAILED TEST] HAZARD: One or more emergency lighting units failed to test in the areas indicated.

ACTION REQUIRED: Repair or replace faulty emergency lighting units.

✓ ***Corrected on 6/18/2024***

Insp. Result	Location	Code Set	Code
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.6.4.3.2.1 - Extinguisher Annually Tested

Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Reinspection #1 Inspector Comments:
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #3 Inspector Comments: Same code

✔ ***Corrected on 7/25/2024***

Reinspection #4 Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Reinspection #5 Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Last serviced in 2022.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #6 Inspector Comments: Last serviced 2022

Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.7.1.4.2 - Fire Alarm System Shall Be Tested and Maintained

Inspector Comments:
HAZARD: The required annual inspection of the building fire alarm system has not been performed.

ACTION REQUIRED: Contact your fire alarm system service provider and have the required annual NFPA 72 service and testing performed.

✔ ***Corrected on 7/25/2024***

Violation	Floor 1	FL NFPA 01 2018 Chapter 4 General Requirements	4.1.3.2.2.5 - Building Signage & Lighting (see photo 1.1, 1.2, 1.3)

Inspector Comments:
Hazard: FDC sign cannot be seen from road.
Correction: remove vegetation in front of FDC sign.

✔ ***Corrected on 6/18/2024***

Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.6.4.3.2.1 - Extinguisher Annually Tested

Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Reinspection #1 Inspector Comments:
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #3 Inspector Comments: Same code

✔ ***Corrected on 7/25/2024***

Reinspection #4 Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Reinspection #5 Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Last serviced in 2022.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #6 Inspector Comments: Last serviced 2022

Violation	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.3.1.2 - Existing Elevators - Firefighter Emergency Operations

Inspector Comments:

HAZARD: fire service elevator key not located in Knox box
CORRECTION: locate key and notify fire marshal office so key can be placed in Knox box.

Reinspection #2 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #3 Inspector Comments: No elevator key in Knox box. Please contact elevator vendor to get a key. Once key is obtained, call fire marshals office so key can be placed in Knox box.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #4 Inspector Comments:
HAZARD: fire service elevator key not located in Knox box
CORRECTION: locate key and notify fire marshal office so key can be placed in Knox box. All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Same keys works both the outside and inside of the elevator.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #5 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

✔ ***Corrected on 1/16/2025***

N/A	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required
Violation	Floor 1 3rd floor westside of building	FL NFPA 01 2018 Chapter 14 Means of Egress	14.12.1.2 - Continuous Illumination of the Means of Egress

Inspector Comments: [FAILED TEST] HAZARD: One or more emergency lighting units failed to test in the areas indicated.

ACTION REQUIRED: Repair or replace faulty emergency lighting units.

✔ ***Corrected on 6/18/2024***

Inspector Comments:
Inspector Comments - Reinspection #2: Referred to code information for citation and appearance before special majesty.
Inspector Comments - Reinspection #5: Initial inspection date: 05/16/24
First reinspection date: 06/18/24
Second reinspection date: 07/25/24
Third reinspection date: 11/13/24
Fourth reinspection date: 1/10/25
Fifth reinspection date: 1/16/25

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

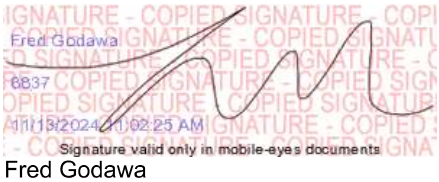
A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a)*).

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:



Fred Godawa
11/13/2024

Inspector:



Fred Godawa
5/16/2024

Inspector:



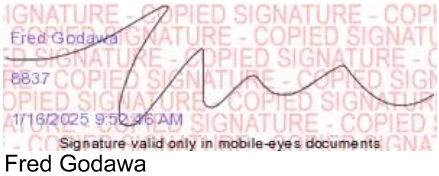
Fred Godawa
6/18/2024

Inspector:



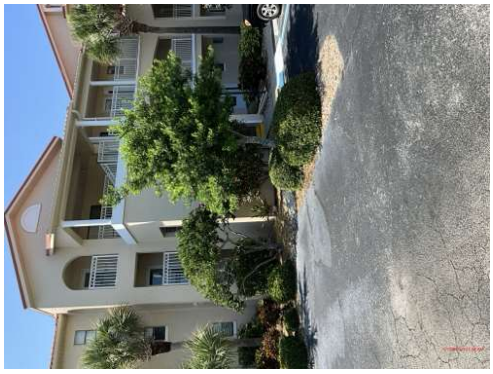
Fred Godawa
1/10/2025

Inspector:

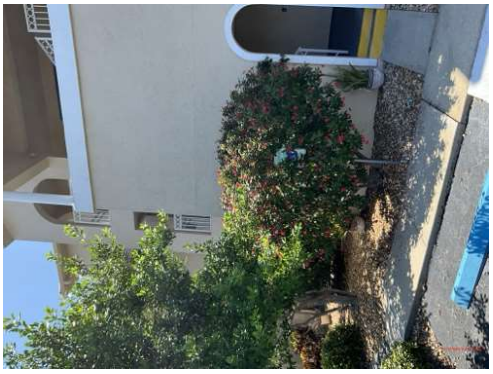


Fred Godawa
1/16/2025

1.1 -
4.1.3.2.2.5.



1.2 -
4.1.3.2.2.5.



1.3 -
4.1.3.2.2.5.



Ref: 8837


448
F.A.C.P.
INSIDE
January 25, 2025 at 9:12:50 AM EST



CERTIFIED MAIL

Code Department
City of New Smyrna Beach
210 Sams Ave Fl 1
New Smryna Beach FL 32168

USPS CERTIFIED MAIL

9214 8901 9403 8397 8611 25

ORLANDO FL 328
24 JAN 2025 PM 2 L

quadient
FIRST-CLASS MAIL
IMI
$008.44 0
01/24/2025 ZIP 32168
043M31259290

US POSTAGE

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC
INTERCOASTAL BOOKKEEPING & MANAGEMENT
STE 7
1100 OCEAN SHORE BLVD
ORMOND BEACH FL 32176-3739

32176-3739
32168>7040

NIXIE 339 FE 1 0002/02/25
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 32168704010 *0274-01684-24-45

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0048-2025- 449 BOUCHELLE DR; OWNER: BOUCHELLE ISLAND XIV CONDOMINIUM ASSOCIATION, INC.; OFFICER: HERMAN TRAUTWEIN

February 26, 2025

Background:

Violation of City Code Sec. 42-13. - Violations: code enforcement; hazard abatement

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025; Certified mail sent January 24, 2025 and returned to sender; unable to forward.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0048-2025 449 Bouchelle Dr.pdf

CODE CASE DETAILED REPORT CE-0048-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire code violation(s)
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741715440001 Main
Address: 449 Bouchelle Dr Main
New Smyrna Beach, FL 32169
Zone: R-4 (MULTI-FAMILY RESIDENTIAL)

Manager

Bouchelle Island Xiv Condominium
Association Inc
507-C Herbert St
Port Orange, FL 32129
Mobile: 8184552025

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25 and is awaiting his fire report.	Herman Trautwein	1/21/2025 1:36 pm

Violation Code: Sec. 42-13.
Violations; code enforcement; hazard abatement.
Code Description:
Violation Status: In Violation
Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Resolved Date:

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Bouchelle Island Code enforcement needed

GF Godawa, Fred
To: Trautwein, Herman

Reply | Reply all | Forward
Thu 1/16/2025 12:34 PM

You forwarded this message on Thu 1/16/2025 3:57 PM

I've completed and sent out to all property managers all the inspection and reinspection dates for their properties. I informed them that they are being sent to code. Some are trying to get them done but they had since June of 2024. Steve does not want me to waste anymore time and neither do I . I have given notice on several occasions via phone, face to face, inspection reports and emails.

They are:

- **401**
- **404**
- **405**
- **430**
- **444**
- **445**
- **446**
- **448**
- **449**
- **454**
- **462**
- **464**
- **466**

I will send to the latest reinspection report of each address. Thank you,

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 8007855 **Parcel ID: 741715440001**
BOUCHELLE ISLAND XIV CONDOMINIUM 449 BOUCHELLE DR, NEW SMYRNA BEACH, FL

Parcel Summary

Alternate Key:	8007855
Parcel ID:	741715440001
Township-Range-Section:	17 - 34 - 17
Subdivision-Block-Lot:	15 - 44 - 0001
Owner(s):	BOUCHELLE ISLAND XIV CONDOMINIUM - FS - Fee Simple - 100% ASSOCIATION INC - FS - Fee Simple - 100%
Mailing Address On File:	ATLANTIC COMM ASSOC MGMT & ACCTNG INC 507-C HERBERT ST PORT ORANGE FL 32129
Physical Address:	449 BOUCHELLE DR, NEW SMYRNA BEACH 32169
Property Use:	0900 - RES COMMON ELEMENTS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	0387
Subdivision Name:	BOUCHELLE ISLAND CONDO XIV BLDG 144
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$0	$0	$0	$0	1.5000	$0.00
0012	DISCRETIONARY	$0	$0	$0	$0	0.7480	$0.00
0011	REQ LOCAL EFFORT	$0	$0	$0	$0	3.0370	$0.00
0050	GENERAL FUND	$0	$0	$0	$0	3.2007	$0.00
0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
0055	LIBRARY	$0	$0	$0	$0	0.3891	$0.00
0520	MOSQUITO CONTROL	$0	$0	$0	$0	0.1647	$0.00
0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

16-17-44 BLDG 144 BOUCHELLE ISLAND XIV CONDO PER OR 3938 PG 2286

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0048-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

Owner: BOUCHELLE ISLAND XIV CONDOMINIUM ASSOCIATION INC

Mailing Address

BOUCHELLE ISLAND XIV CONDOMINIUM ASSOCIATION INC
507-C HERBERT ST
PORT ORANGE, FL 32129

Notice of Violation for the following location:

Address	Parcel
449 BOUCHELLE DR NEW SMYRNA BEACH, FL 32169	**741715440001**

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0048-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number: 9214 8901 9403 8397 8567 70
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/25

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND XIV CONDOMINIUM ASSOCIATION INC
507-C HERBERT ST
PORT ORANGE, FL 32129

CASE NO. CE-0048-2025
449 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND XIV CONDOMINIUM ASSOCIATION INC
507-C HERBERT ST
PORT ORANGE, FL 32129

CASE NO. CE-0048-2025
449 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8567 70

(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	449 Bouchelle Drive	**Inspection Date:**	5/30/2024, 7/29/2024, 9/24/2024, 11/14/2024, 1/15/2025
Address:	449 Bouchelle Drive	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	
Suite:		**Inspected By:**	Don Wiech dwiech@cityofnsb.com
Parcel/Tax ID #:	741715440001		

Insp. Result	Location	Code Set	Code
N/A	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required
Violation	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.3.1.2 - Existing Elevators - Firefighter Emergency Operations (see photo 1.1)

Inspector Comments:
HAZARD: fire service mode key switch not working.
CORRECTION: have elevator serviced by licensed company

Reinspection #1 Inspector Comments:
HAZARD: fire service mode key switch not working.
CORRECTION: have elevator serviced by licensed company

Reinspection #2 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #3 Inspector Comments: Keys that are in the Knox box fir the elevator will not operate the elevator. Need to call elevator company to get a new key. Once key is obtained, call the fire marshals office so key can be placed in Knox box.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #4 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Violation	Floor 1	FL NFPA 01 2018 Chapter 4 General Requirements	4.5.8.6 - Fire Safety Testing & Maintenance (see photo 2.1)

Inspector Comments:
HAZARD: fire sprinkler system is not working
CORRECTION: have sprinkler system repaired by licensed company

Reinspection #1 Inspector Comments:
HAZARD: fire sprinkler system is not working
CORRECTION: have sprinkler system repaired by licensed company

Reinspection #2 Inspector Comments:

✓ ***Corrected on 9/24/2024***

Violation	Floor 1	FL NFPA 01 2018 Chapter 14 Means of Egress	14.12.1.2 - Continuous Illumination of the Means of Egress

Inspector Comments:
HAZARD: One or more emergency lighting units failed to test.
ACTION REQUIRED: Repair or replace faulty emergency lighting units.

Reinspection #1 Inspector Comments:
HAZARD: One or more emergency lighting units failed to test.
ACTION REQUIRED: Repair or replace faulty emergency lighting units.

Reinspection #2 Inspector Comments:

Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

HAZARD: One or more emergency lighting units failed to test.
ACTION REQUIRED: Repair or replace faulty emergency lighting units.

Reinspection #3 Inspector Comments: [FAILED TEST] HAZARD: One or more emergency lighting units failed to test in the areas indicated.

ACTION REQUIRED: Repair or replace faulty emergency lighting units.

In front of unit 202

In front of unit 301
Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

Reinspection #4 Inspector Comments:
HAZARD: One or more emergency lighting units failed to test.
ACTION REQUIRED: Repair or replace faulty emergency lighting units.
Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

Violation	Floor 1	FL NFPA 01 2018 Chapter 14 Means of Egress	14.14.5.2.1 - Exit Signage: Continuous Illumination

Inspector Comments:
HAZARD: Numerous exit signs throughout the structure failed to illuminate when tested..
ACTION REQUIRED: Repair or replace all faulty exit signs. Exit signs shall be illuminated at all times, and have a means of battery backup. Signs shall remain illuminated when the "test" button is pressed.

Reinspection #1 Inspector Comments:
HAZARD: Numerous exit signs throughout the structure failed to illuminate when tested..
ACTION REQUIRED: Repair or replace all faulty exit signs. Exit signs shall be illuminated at all times, and have a means of battery backup. Signs shall remain illuminated when the "test" button is pressed.

Reinspection #2 Inspector Comments:
Every sign required to be illuminated by 14.14.6.3, 14.14.7, and 14.14.8.1 shall be continuously illuminated as required under the provisions of Section 14.12, unless otherwise provided in 14.14.5.2.2. [101:7.10.5.2.1]

HAZARD: Numerous exit signs throughout the structure failed to illuminate when tested..
ACTION REQUIRED: Repair or replace all faulty exit signs. Exit signs shall be illuminated at all times, and have a means of battery backup. Signs shall remain illuminated when the "test" button is pressed.

Reinspection #3 Inspector Comments: [MULTIPLE NOT ILLUMINATED] HAZARD: Numerous exit signs throughout the structure are not illuminated.

ACTION REQUIRED: Repair or replace all faulty exit signs. Exit signs shall be illuminated at all times, and have a means of battery backup. Signs shall remain illuminated when the "test" button is pressed.

2nd floor both ends

Front of unit 301

Every sign required to be illuminated by 14.14.6.3, 14.14.7, and 14.14.8.1 shall be continuously illuminated as required under the provisions of Section 14.12, unless otherwise provided in 14.14.5.2.2. [101:7.10.5.2.1]

Reinspection #4 Inspector Comments:
HAZARD: Numerous exit signs throughout the structure failed to illuminate when tested..
ACTION REQUIRED: Repair or replace all faulty exit signs. Exit signs shall be illuminated at all times, and have a means of battery backup. Signs shall remain illuminated when the "test" button is pressed.
Every sign required to be illuminated by 14.14.6.3, 14.14.7, and 14.14.8.1 shall be continuously illuminated as required under the provisions of Section 14.12, unless otherwise provided in 14.14.5.2.2. [101:7.10.5.2.1]

Violation	Floor 1 outside meters	FL NFPA 01 2018 Chapter 11 Building Services	11.1.7.3.1 - Electrical Disconnect Identified

Inspector Comments:
HAZARD: Electrical disconnects not properly marked for emergency personnel.
ACTION REQUIRED: Install approved signage to indicate the location of electrical shutoffs as noted.

Reinspection #1 Inspector Comments:
HAZARD: Electrical disconnects not properly marked for emergency personnel.
ACTION REQUIRED: Install approved signage to indicate the location of electrical shutoffs as noted.

Reinspection #2 Inspector Comments: [SHUTOFFS]

HAZARD: Electrical disconnects not properly marked for emergency personnel.

ACTION REQUIRED: Install approved signage to indicate the location of electrical shutoffs as noted.
Each disconnecting means shall be legibly marked to indicate its purpose unless located and arranged so the purpose is evident.

The marking shall be of sufficient durability to withstand the environment involved. [70:110.22(A)]

Reinspection #3 Inspector Comments: [SHUTOFFS]

HAZARD: Electrical disconnects not properly marked for emergency personnel.

ACTION REQUIRED: Install approved signage to indicate the location of electrical shutoffs as noted for each unit.

Looks like unit numbers were painted over.
Each disconnecting means shall be legibly marked to indicate its purpose unless located and arranged so the purpose is evident. The marking shall be of sufficient durability to withstand the environment involved. [70:110.22(A)]

Reinspection #4 Inspector Comments: HAZARD: Electrical disconnects not properly marked for emergency personnel.ACTION REQUIRED: Install approved signage to indicate the location of electrical shutoffs as noted.
Each disconnecting means shall be legibly marked to indicate its purpose unless located and arranged so the purpose is evident. The marking shall be of sufficient durability to withstand the environment involved. [70:110.22(A)]

Inspector Comments: Permit was approved by the fire marshal on June 28, 2024 for the installation of new water supply to the FDC.
Inspector Comments - Reinspection #4: Initial inspection date: 05/30/24
First reinspection date: 07/29/24
Second reinspection date: 09/24/24
Third reinspection date: 11/14/24
Fourth reinspection date: 01/15/24

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a)*).

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

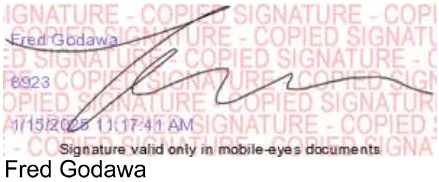
Inspector:
Fred Godawa
8823
11/14/2024 10:53:07 AM
Signature valid only in mobile-eyes documents
Fred Godawa
11/14/2024

Inspector:
Don Wiech
8823
5/30/2024 2:41:49 PM
Signature valid only in mobile-eyes documents
Don Wiech
5/30/2024

Inspector:
Don Wiech
8823
7/29/2024 2:01:09 PM
Signature valid only in mobile-eyes documents
Don Wiech
7/29/2024

Inspector:
Fred Godawa
8823
9/24/2024 3:28:11 PM
Signature valid only in mobile-eyes documents
Fred Godawa
9/24/2024

Inspector:



Fred Godawa
1/15/2025

1.1 -
11.3.1.2.



Ref: 8923

2.1 -
4.5.8.6.




449
January 25, 2025 at 9:14:57 AM EST



CERTIFIED MAIL

ORLANDO FL 328
PM 2 L

Code Department
City of New Smyrna Beach
210 Sams Ave Fl 1
New Smryna Beach FL 32168

USPS CERTIFIED MAIL

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FIRST-CLASS MAIL
IMI
$008.44
01/24/2025 ZIP 32168
043M31259290

US POSTAGE

BOUCHELLE ISLAND XIV CONDOMINIUM ASSOCIATI
507 HERBERT ST
SUITE C
PORT ORANGE FL 32129-3845

NIXIE 339 FE 1 0002/01/25
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 32168704010 *0274-00498-24-45

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0050-2025- 462 BOUCHELLE DR; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION, INC.; OFFICER: HERMAN TRAUTWEIN

February 26, 2025

Background:

Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025; Certified mail sent January 24, 2025 and returned to sender; unable to forward.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0050-2025 462 Bouchelle Dr.pdf

CODE CASE DETAILED REPORT CE-0050-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire code violation(s)
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741715050001 Main
Address: 462 Bouchelle Dr Main
New Smyrna Beach, FL 32169
Zone: R-4 (MULTI-FAMILY RESIDENTIAL)

Manager

Bouchelle Island I Condominium
Association Inc
1100 Ocean Shore Blvd
Ormond Beach, FL 32176
Business: 3862958630
Mobile: 3865628575

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25.	Herman Trautwein	1/21/2025 1:45 pm

Violation Code: Sec. 42-13.
Violation Status: In Violation
Citation Issue Date: 01/21/2025
Code Description: Violations; code enforcement; hazard abatement.
Compliance Date: 02/11/2025
Resolved Date:
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Bouchelle Island Code enforcement needed

GF Godawa, Fred

To: Trautwein, Herman

Reply | Reply all | Forward

Thu 1/16/2025 12:34 PM

You forwarded this message on Thu 1/16/2025 3:57 PM

I've completed and sent out to all property managers all the inspection and reinspection dates for their properties. I informed them that they are being sent to code. Some are trying to get them done but they had since June of 2024. Steve does not want me to waste anymore time and neither do I . I have given notice on several occasions via phone, face to face, inspection reports and emails.

They are:

- **401**
- **404**
- **405**
- **430**
- **444**
- **445**
- **446**
- **448**
- **449**
- **454**
- **462**
- **464**
- **466**

I will send to the latest reinspection report of each address. Thank you,

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 8007830 **Parcel ID: 741715050001**
BOUCHELLE ISLAND I CONDOMINIUM **462 BOUCHELLE DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	8007830
Parcel ID:	741715050001
Township-Range-Section:	17 - 34 - 17
Subdivision-Block-Lot:	15 - 05 - 0001
Owner(s):	BOUCHELLE ISLAND I CONDOMINIUM - FS - Fee Simple - 100% ASSOCIATION INC - FS - Fee Simple - 100%
Mailing Address On File:	INTRACOASTAL BOOKKEEPING & MANAGEMENT 1100 OCEAN SHORE BLVD STE 7 ORMOND BEACH FL 32176
Physical Address:	462 BOUCHELLE DR, NEW SMYRNA BEACH 32169
Property Use:	0900 - RES COMMON ELEMENTS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	0387
Subdivision Name:	BOUCHELLE ISLAND CONDO I BLDG 105
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$0	$0	$0	$0	1.5000	$0.00
0012	DISCRETIONARY	$0	$0	$0	$0	0.7480	$0.00
0011	REQ LOCAL EFFORT	$0	$0	$0	$0	3.0370	$0.00
0050	GENERAL FUND	$0	$0	$0	$0	3.2007	$0.00
0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
0055	LIBRARY	$0	$0	$0	$0	0.3891	$0.00
0520	MOSQUITO CONTROL	$0	$0	$0	$0	0.1647	$0.00
0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0

AltKey: 8007830 **Parcel ID: 741715050001**

BOUCHELLE ISLAND I CONDOMINIUM **462 BOUCHELLE DR, NEW SMYRNA BEACH, FL**

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

COMMON AREA BLDG 105 BOUCHELLE ISLAND CONDO PER OR 3095 PG 0161

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL 32168
386-410-2870

Violation Notice

Case Number: **CE-0050-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

Owner: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management

Mailing Address

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

Notice of Violation for the following location:

Address	Parcel
462 BOUCHELLE DR NEW SMYRNA BEACH, FL 32169	**741715050001**

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0050-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8424 14
(✓) Post
( ) Hand Delivery

Sincerely,
Teresa Merck
Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/25

violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

CASE NO. CE-0050-2025
462 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

CASE NO. CE-0050-2025
462 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

CASE NO. CE-0050-2025
462 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8424 14

(✓) Post

( ) Hand Delivery

Teresa Merck

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	462 Bouchelle Drive	**Inspection Date:**	1/16/2025
Address:	462 Bouchelle Drive	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741715050001		

Insp. Result	Location	Code Set	Code
N/A	Floor 1	FL NFPA 01 2021 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required
Violation	Floor 1	FL NFPA 01 2021 Chapter 11 Building Services	11.3.1.2 - Existing Elevators - Firefighter Emergency Operations (see photo 1.1)
	Inspector Comments: No elevator key in Knox box. Call fire marshal office when key is obtained so it can be placed in the Knox box. All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, *Safety Code for Existing Elevators and Escalators*. [***101***:9.4.3.2]		
Violation	Floor 1	FL NFPA 01 2021 Chapter 13 Fire Protection Systems	13.1.8 - Fire Protection System Operable and Maintained (see photo 2.1)
	Inspector Comments: All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.		
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.6.4.3.2.1 - Extinguisher Annually Tested (see photo 3.1)
	Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months. ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.		

Inspector Comments: Initial inspection date: 05/21/24
First reinspection date: 06/21/24
Second reinspection date: 01/16/24

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

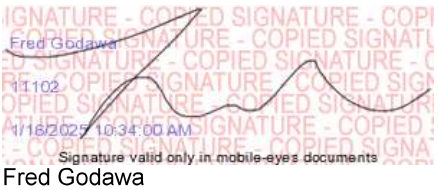
A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a))*.

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:



Fred Godawa
1/16/2025

1.1 - 11.3.1.2.



2.1 - 13.1.8.



3.1 - 13.6.4.3.2.1.



Ref: 11102



January 25, 2025 at 9:23:37 AM EST

CERTIFIED MAIL

ORLANDO FL 328
24 JAN 2025 PM 2 L

USPS CERTIFIED MAIL

Code Department
City of New Smyrna Beach
210 Sams Ave Fl 1
New Smryna Beach FL 32168

9214 8901 9403 8307 8424 44

quadient
FIRST-CLASS MAIL
IMI
$008.44 9
01/24/2025 ZIP 32168
043M31259290

US POSTAGE

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC
INTERCOASTAL BOOKKEEPING & MANAGEMENT
1100 OCEAN SHORE BLVD
SUITE 7
ORMOND BEACH FL 32176-3739

32176-37350
32168>7040

NIXIE 339 FE 1 0002/02/25
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 32168704010 *0274-01175-24-45

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0051-2025- 464 BOUCHELLE DR; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCATION; OFFICER: HERMAN TRAUTWEIN

February 26, 2025

Background:

Violation of City Code Sec. 42-13. – Violations; code enforcement; hazard abatement

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025; Certified mail sent January 24, 2025, and signed for on January 27, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0051-2025 464 Bouchelle Dr.pdf

CODE CASE DETAILED REPORT CE-0051-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire code violation(s)
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741715030001 Main
Address: 464 Bouchelle Dr Main
New Smyrna Beach, FL 32169
Zone: R-4 (MULTI-FAMILY RESIDENTIAL)

Manager

Bouchelle Island I Condominium
Association Inc
1100 Ocean Shore Blvd
Ormond Beach, FL 32176
Business: 3862958630
Mobile: 3865628575

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25 and is awaiting his fire report.	Herman Trautwein	1/21/2025 1:53 pm

Violation Code: Sec. 42-13.
Violations; code enforcement; hazard abatement.
Code Description:
Violation Status: In Violation
Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Resolved Date:

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Bouchelle Island Code enforcement needed

GF Godawa, Fred

To: Trautwein, Herman

Reply | Reply all | Forward

Thu 1/16/2025 12:34 PM

You forwarded this message on Thu 1/16/2025 3:57 PM

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I will send to the latest reinspection report of each address. Thank you,

Fred Godawa
Fire Inspector FM-52
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Office: 386-424-2128
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fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 8007829 **Parcel ID: 741715030001**
BOUCHELLE ISLAND I CONDOMINIUM **464 BOUCHELLE DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	8007829
Parcel ID:	741715030001
Township-Range-Section:	17 - 34 - 17
Subdivision-Block-Lot:	15 - 03 - 0001
Owner(s):	BOUCHELLE ISLAND I CONDOMINIUM - FS - Fee Simple - 100% ASSOCIATION - FS - Fee Simple - 100%
Mailing Address On File:	C/O SOUTH ATLANTIC COMMUNITIES 2422 S ATLANTIC AVE DAYTONA BEACH SHORES FL 32118
Physical Address:	464 BOUCHELLE DR, NEW SMYRNA BEACH 32169
Property Use:	0900 - RES COMMON ELEMENTS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	0387
Subdivision Name:	BOUCHELLE ISLAND CONDO I BLDG 103
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
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0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
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0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

COMMON AREA BLDG 103 BOUCHELLE ISLAND I CONDO PER OR 3095 PG 0161



Detail by Entity Name

Florida Not For Profit Corporation
BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION, INC.

Filing Information

Document Number	N24722
FEI/EIN Number	59-2870387
Date Filed	02/08/1988
State	FL
Status	ACTIVE

Principal Address

817 N. DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Changed: 02/07/2023

Mailing Address

C/O SOUTH ATLANTIC COMMUNITIES
817 N. DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Changed: 02/07/2023

Registered Agent Name & Address

SOUTH ATLANTIC COMMUNITIES
817 N DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Name Changed: 03/29/2022

Address Changed: 01/24/2024

Officer/Director Detail

Name & Address

Title Treasurer

TORRES, EDWARD
C/O SOUTH ATLANTIC COMMUNITIES
817 N DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Title Secretary

Dreger, Michelle
C/O SOUTH ATLANTIC COMMUNITIES
817 N DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Title Director

McLean, Ron
C/O SOUTH ATLANTIC COMMUNITIES
817 N DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Title Director

PESTINE, SHELDON
C/O SOUTH ATLANTIC COMMUNITIES
817 N DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Title President

REIKER, JUDY
C/O SOUTH ATLANTIC COMMUNITIES
817 N DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Title VP

BELLANTONI, ROCCO
C/O SOUTH ATLANTIC COMMUNITIES
817 N DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Annual Reports

Report Year	Filed Date
2022	03/29/2022
2023	02/07/2023
2024	01/24/2024

Document Images

01/24/2024 -- ANNUAL REPORT	View image in PDF format
02/07/2023 -- ANNUAL REPORT	View image in PDF format
03/29/2022 -- ANNUAL REPORT	View image in PDF format
03/31/2021 -- AMENDED ANNUAL REPORT	View image in PDF format
01/25/2021 -- ANNUAL REPORT	View image in PDF format
04/10/2020 -- ANNUAL REPORT	View image in PDF format
03/25/2019 -- ANNUAL REPORT	View image in PDF format

02/22/2018 -- ANNUAL REPORT	View image in PDF format
02/19/2017 -- ANNUAL REPORT	View image in PDF format
04/15/2016 -- ANNUAL REPORT	View image in PDF format
02/16/2015 -- ANNUAL REPORT	View image in PDF format
03/10/2014 -- ANNUAL REPORT	View image in PDF format
03/07/2013 -- ANNUAL REPORT	View image in PDF format
04/02/2012 -- ANNUAL REPORT	View image in PDF format
03/17/2011 -- ANNUAL REPORT	View image in PDF format
08/11/2010 -- Reg. Agent Change	View image in PDF format
04/07/2010 -- ANNUAL REPORT	View image in PDF format
01/26/2009 -- ANNUAL REPORT	View image in PDF format
03/26/2008 -- ANNUAL REPORT	View image in PDF format
05/01/2007 -- ANNUAL REPORT	View image in PDF format
03/24/2006 -- ANNUAL REPORT	View image in PDF format
03/17/2005 -- ANNUAL REPORT	View image in PDF format
06/01/2004 -- ANNUAL REPORT	View image in PDF format
04/16/2003 -- ANNUAL REPORT	View image in PDF format
04/09/2002 -- ANNUAL REPORT	View image in PDF format
04/26/2001 -- ANNUAL REPORT	View image in PDF format
05/11/2000 -- ANNUAL REPORT	View image in PDF format
05/24/1999 -- Reg. Agent Change	View image in PDF format
03/30/1999 -- ANNUAL REPORT	View image in PDF format
03/06/1998 -- ANNUAL REPORT	View image in PDF format
01/31/1997 -- ANNUAL REPORT	View image in PDF format
03/22/1996 -- ANNUAL REPORT	View image in PDF format
03/22/1995 -- ANNUAL REPORT	View image in PDF format

Florida Department of State, Division of Corporations

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0051-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

Owner: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - C/O South Atlantic Communities

Mailing Address

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - C/O South Atlantic Communities
2422 S ATLANTIC AVE
Daytona Beach Shores, FL 32118

Notice of Violation for the following location:

Address	Parcel
464 BOUCHELLE DR NEW SMYRNA BEACH, FL 32169	**741715030001**

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0051-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8380 97
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/2025

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - C/O South Atlantic Communities
2422 S ATLANTIC AVE
Daytona Beach Shores, FL 32118

CASE NO. CE-0051-2025
464 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - C/O South Atlantic Communities
2422 S ATLANTIC AVE
Daytona Beach Shores, FL 32118

CASE NO. CE-0051-2025
464 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8380 97

(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	464 Bouchelle Drive	**Inspection Date:**	5/22/2024, 6/24/2024, 7/25/2024, 8/1/2024, 11/13/2024, 1/16/2025
Address:	464 Bouchelle Drive	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741715030001		

Insp. Result	Location	Code Set	Code
N/A	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.6.4.3.2.1 - Extinguisher Annually Tested

Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.:

Reinspection #1 Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #2 Inspector Comments:
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #3 Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #4 Inspector Comments:
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

✔ ***Corrected on 11/13/2024***

Violation	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.3.1.2 - Existing Elevators - Firefighter Emergency Operations

Inspector Comments:
HAZARD: no elevator key in Knox box.
CORRECTION: locate elevator key and call fire marsh office to have key placed in Knox box

Reinspection #1 Inspector Comments:
HAZARD: no elevator key in Knox box.
CORRECTION: locate elevator key and call fire marsh office to have key placed in Knox.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #2 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #3 Inspector Comments:
HAZARD: no elevator key in Knox box.
CORRECTION: locate elevator key and call fire marsh office to have key placed in Knox.All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #4 Inspector Comments: HAZARD: no elevator key in Knox box.

CORRECTION: contact elevator vendor and obtain key. Call fire marshals office to place key in Knox box.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #5 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.1.2 - Fire Protection System Testing and Maintenance: Property Owner Responsibility

Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

Reinspection #1 Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #2 Inspector Comments: Per red service tag - corroded or painted heads

Reinspection #3 Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years. Painted heads or corroded heads.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #4 Inspector Comments: [ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

Red tag on system. See photo
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #5 Inspector Comments:

[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Violation	Floor 1	FL NFPA 01 2018 Chapter 14 Means of Egress	14.14.5.2.1 - Exit Signage: Continuous Illumination

Inspector Comments:
[MULTIPLE NOT ILLUMINATED] HAZARD: Numerous exit signs throughout the structure are not illuminated.

ACTION REQUIRED: Repair or replace all faulty exit signs. Exit signs shall be illuminated at all times, and have a means of battery backup. Signs shall remain illuminated when the "test" button is pressed.

Reinspection #1 Inspector Comments:
[MULTIPLE NOT ILLUMINATED] HAZARD: Numerous exit signs throughout the structure are not illuminated.

ACTION REQUIRED: Repair or replace all faulty exit signs. Exit signs shall be illuminated at all times, and have a means of battery backup. Signs shall remain illuminated when the "test" button is pressed.

Exit light second floor- not working in test mode- front of unit 205
Every sign required to be illuminated by 14.14.6.3, 14.14.7, and 14.14.8.1 shall be continuously illuminated as required under the provisions of Section 14.12, unless otherwise provided in 14.14.5.2.2. [101:7.10.5.2.1]

✔ ***Corrected on 7/25/2024***

Violation	Floor 1	FL NFPA 01 2018 Chapter 14 Means of Egress	14.12.1.2 - Continuous Illumination of the Means of Egress

Inspector Comments:
[FAILED TEST] HAZARD: One or more emergency lighting units failed to test in the areas indicated.

ACTION REQUIRED: Repair or replace faulty emergency lighting units.

Reinspection #1 Inspector Comments:
Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

✔ ***Corrected on 6/24/2024***

Inspector Comments:
Inspector Comments - Reinspection #2: Spoke to building captain and placed her contact information in the system. Some repairs have been made or in the process. Other violations noted to captain. Referred to code information for citation and appearance before special majesty.
Inspector Comments - Reinspection #3: Referred to code enforcement for citation and appearance before special majesty.
Inspector Comments - Reinspection #5: Initial inspection date: 05/22/24
First reinspection date: 06/24/24
Second reinspection date: 7/25/24
Third reinspection date: 08/01/24
Fourth reinspection date: 11/13/24
Fifth reinspection date: 01/16/25

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

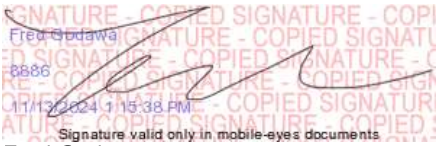
A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a)*).

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:



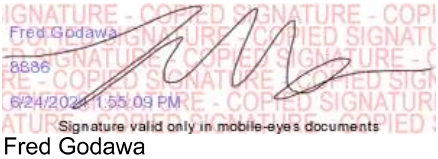
Fred Godawa
11/13/2024

Inspector:



Fred Godawa
1/16/2025

Inspector:



Fred Godawa
6/24/2024

Inspector:



Fred Godawa
5/22/2024

Inspector:



Fred Godawa
8/1/2024

Inspector:



Fred Godawa
7/25/2024

Ref: 8886


464
P.A.C.P.
INSIDE
January 25, 2025 at 9:28:11 AM EST

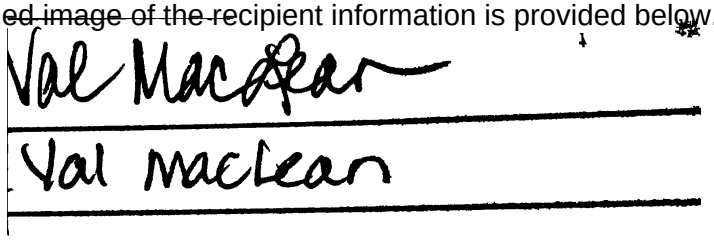
UNITED STATES POSTAL SERVICE

Date Produced: 01/28/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8397 8380 97. Our records indicate that this item was delivered on 01/27/2025 at 10:36 a.m. in DAYTONA BEACH, FL 32118. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC
C/O: SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SH FL 32118-5451

Customer Reference Number: C5606396.34044399

UNITED STATES POSTAL SERVICE®

Return address:

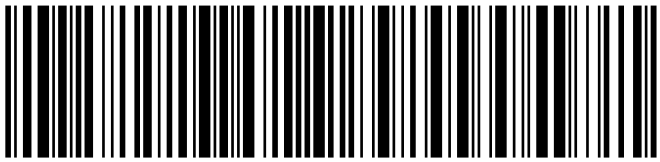
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION IN
C/O: SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SH FL 32118-5451

MAILING DATE: 01/24/2025
DELIVERY DATE: 01/27/2025

USPS CERTIFIED MAIL



9214 8901 9403 8397 8380 97

USPS Tracking Label Number: 9214 8901 9403 8397 8380 97

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/24/2025 09:52
ORIGIN ACCEPTANCE	NEW SMYRNA BEACH,FL 32168	01/24/2025 22:56
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	01/25/2025 00:11
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	01/25/2025 09:19
DELIVERED LEFT WITH INDIVIDUAL	DAYTONA BEACH,FL 32118	01/27/2025 10:36

CASE #: 0051-2024 464 BOUCHELLE DR

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0052-2025- 466 BOUCHELLE DR; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC.; OFFICER: HERMAN TRAUTWEIN

February 26, 2025

Background:

Violation of City Code Sec. 42-13. – Violations; code enforcement; hazard abatement

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025; Certified mail sent January 24, 2025, and Refused; Returned to sender.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0052-2025 466 Bouchelle Dr.pdf

CODE CASE DETAILED REPORT CE-0052-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire code violation(s)
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741715020001 Main
Address: 466 Bouchelle Dr Main
New Smyrna Beach, FL 32169
Zone: R-4 (MULTI-FAMILY RESIDENTIAL)

Manager

Bouchelle Island I Condominium
Association Inc
1100 Ocean Shore Blvd
Ormond Beach, FL 32176
Business: 3862958630
Mobile: 3865628575

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25 and is awaiting his fire report.	Herman Trautwein	1/21/2025 1:58 pm

Violation Code: Sec. 42-13.
Violations; code enforcement; hazard abatement.
Code Description:
Violation Status: In Violation
Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Resolved Date:

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Bouchelle Island Code enforcement needed

GF Godawa, Fred
To: Trautwein, Herman

Reply | Reply all | Forward

Thu 1/16/2025 12:34 PM

You forwarded this message on Thu 1/16/2025 3:57 PM

I've completed and sent out to all property managers all the inspection and reinspection dates for their properties. I informed them that they are being sent to code. Some are trying to get them done but they had since June of 2024. Steve does not want me to waste anymore time and neither do I . I have given notice on several occasions via phone, face to face, inspection reports and emails.

They are:

- **401**
- **404**
- **405**
- **430**
- **444**
- **445**
- **446**
- **448**
- **449**
- **454**
- **462**
- **464**
- **466**

I will send to the latest reinspection report of each address. Thank you,

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 8007853 **Parcel ID: 741715020001**
BOUCHELLE ISLAND I CONDOMINIUM **466 BOUCHELLE DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	8007853
Parcel ID:	741715020001
Township-Range-Section:	17 - 34 - 17
Subdivision-Block-Lot:	15 - 02 - 0001
Owner(s):	BOUCHELLE ISLAND I CONDOMINIUM - FS - Fee Simple - 100% ASSOCIATION INC - FS - Fee Simple - 100%
Mailing Address On File:	INTRACOASTAL BOOKKEEPING & MANAGEMENT PO BOX 1527 ORMOND BEACH FL 32175
Physical Address:	466 BOUCHELLE DR, NEW SMYRNA BEACH 32169
Property Use:	0900 - RES COMMON ELEMENTS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	0387
Subdivision Name:	BOUCHELLE ISLAND CONDO I BLDG 102
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$0	$0	$0	$0	1.5000	$0.00
0012	DISCRETIONARY	$0	$0	$0	$0	0.7480	$0.00
0011	REQ LOCAL EFFORT	$0	$0	$0	$0	3.0370	$0.00
0050	GENERAL FUND	$0	$0	$0	$0	3.2007	$0.00
0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
0055	LIBRARY	$0	$0	$0	$0	0.3891	$0.00
0520	MOSQUITO CONTROL	$0	$0	$0	$0	0.1647	$0.00
0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

16-17-34 COMMON AREA BLDG 102 BOUCHELLE ISLAND I CONDO PER OR 3095 PG 161

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0052-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

Owner: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - INTRACOASTAL BOOKKEEPING & MANAGEMENT

Mailing Address

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - INTRACOASTAL BOOKKEEPING & MANAGEMENT
PO BOX 1527
ORMOND BEACH, FL 32175

Notice of Violation for the following location:

Address	Parcel
466 BOUCHELLE DR NEW SMYRNA BEACH, FL 32169	**741715020001**

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0052-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8339 17
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/2025

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - INTRACOASTAL BOOKKEEPING & MANAGEMENT
PO BOX 1527
ORMOND BEACH, FL 32175

CASE NO. CE-0052-2025
466 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - INTRACOASTAL BOOKKEEPING & MANAGEMENT
PO BOX 1527
ORMOND BEACH, FL 32175

CASE NO. CE-0052-2025
466 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - INTRACOASTAL BOOKKEEPING & MANAGEMENT
PO BOX 1527
ORMOND BEACH, FL 32175

CASE NO. CE-0052-2025
466 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8339 17

(✓) Post

( )Hand Delivery

Teresa Merck

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	466 Bouchelle Drive	**Inspection Date:**	5/22/2024, 6/24/2024, 7/25/2024, 8/1/2024, 11/13/2024, 1/10/2025, 1/16/2025
Address:	466 Bouchelle Drive	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741715020001		

Insp. Result	Location	Code Set	Code
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.6.4.3.2.1 - Extinguisher Annually Tested

Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Reinspection #1 Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #2 Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #3 Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #4 Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Covers mission on several fire extinguishers cabinets since last inspection due to hurricanes.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #5 Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months. Last date serviced 7/22

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #6 Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.1.2 - Fire Protection System Testing and Maintenance: Property Owner Responsibility

Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

Reinspection #1 Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #2 Inspector Comments: Per red tag- painted or corroded sprinkler heads.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #3 Inspector Comments: [ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM. Corroded heads or painted heads.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #4 Inspector Comments: [ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

Red tag on system. System needs to be serviced. Critical.

Alarm panel corrected on 7-8-24. Standpipe still has violations.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #5 Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #6 Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

Violation	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.3.1.2 - Existing Elevators - Firefighter Emergency Operations

Inspector Comments:
HAZARD: no elevator key in the Knox box
CORRECTION: locate elevator key and call fire marshal office to have key placed in Knox box.

Reinspection #1 Inspector Comments:
HAZARD: no elevator key in the Knox box
CORRECTION: locate elevator key and call fire marshal office to have key placed in Knox box.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #2 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #3 Inspector Comments:
HAZARD: no elevator key in the Knox box

CORRECTION: locate elevator key and call fire marshal office to have key placed in Knox box. All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #4 Inspector Comments: Hazard: Key to elevator missing in Knox box.

CORRECTION: obtain key to elevator and call fire marshals office to place key in Knox box.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #5 Inspector Comments:
HAZARD: no elevator key in the Knox box
CORRECTION: locate elevator key and call fire marshal office to have key placed in Knox box.

Key that was received today 1-10-25 doesn't not operated elevator controls for the fire department .
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #6 Inspector Comments:
HAZARD: no elevator key in the Knox box
CORRECTION: locate elevator key and call fire marshal office to have key placed in Knox box. All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Violation	Floor 1	FL NFPA 01 2018 Chapter 14 Means of Egress	14.14.5.2.1 - Exit Signage: Continuous Illumination

Inspector Comments:
[MULTIPLE NOT ILLUMINATED] HAZARD: Numerous exit signs throughout the structure are not illuminated.

ACTION REQUIRED: Repair or replace all faulty exit signs. Exit signs shall be illuminated at all times, and have a means of battery backup. Signs shall remain illuminated when the "test" button is pressed.

✔ ***Corrected on 6/24/2024***

N/A	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required

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Inspector Comments:
Inspector Comments - Reinspection #2: Referred to code information for citation and appearance before special majesty.
Inspector Comments - Reinspection #6: Initial inspection date: 05/22/24
First reinspection date: 06/24/24
Second reinspection date: 07/25/24
Third reinspection date: 08/01/24
Fourth reinspection date: 11/13/24

Fifth reinspection date: 01/10/25
Sixth reinspection date: 01/16/25

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a))*.

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:


Fred Godawa
6/24/2024

Inspector:


Fred Godawa
11/13/2024

Inspector:

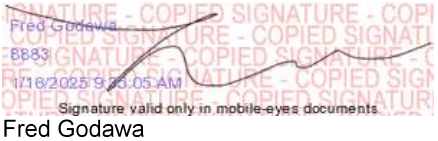

Fred Godawa
5/22/2024

Inspector:


Fred Godawa
8/1/2024

Inspector:


Fred Godawa
1/10/2025

Inspector:


Fred Godawa
1/16/2025

Inspector:


Fred Godawa
7/25/2024

Ref: 8883


466
F.A.C.P.
INSIDE
January 25, 2025 at 9:33:52 AM EST

CERTIFIED MAIL

ORLANDO FL 328
24 JAN 2025 PM 2 L

Code Department
City of New Smyrna Beach
210 Sams Ave Fl 1
New Smryna Beach FL 32168

USPS CERTIFIED MAIL

quadient
FIRST-CLASS MAIL
IMI
$008.44
01/24/2025 ZIP 32168
043M31259290

US POSTAGE

Refused

BOUCHELLE ISLAND I
CONDOMINIUM ASSOCIATION INC
INTRACOASTAL BOOKKEPING & MANAGEMENT
PO BOX 1527
ORMOND BEACH FL 32175-1527

32175-1527
32168>7040

NIXIE 339 DE 1 0002/02/25
RETURN TO SENDER
REFUSED
UNABLE TO FORWARD
BC: 32168704010 *0274-02737-24-45

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0053-2025- 3700 S. ATLANTIC AVE; OWNER: MARINERS COVE CONDO ASSOC; OFFICER: HERMAN TRAUTWEIN

February 26, 2025

Background:

Violation of City Code Sec. 42-13. – Violations; code enforcement; hazard abatement

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025; Certified mail sent January 24, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0053-2025 3700 S. Atlantic Ave.pdf

CODE CASE DETAILED REPORT CE-0053-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire code violation(s)
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741507000001 Main
Address: 3700 S Atlantic Av Main
New Smyrna Beach, FL 32169
Zone: R-5 (MULTI-FAMILY RESIDENTIAL)

Manager
Mariners Cove Condo
3700 S Atlanitc Ave
New Smyrna Beach, FL 32169

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25 and is awaiting his fire report.	Herman Trautwein	1/21/2025 2:06 pm

Violation Code: Sec. 42-13.
Violations; code enforcement; hazard abatement.
Code Description:
Violation Status: In Violation
Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Resolved Date:

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | ...

Code Enforcement

GF

Godawa, Fred

To: Trautwein, Herman

Thu 1/16/2025 4:10 PM

Has not made any effort on correcting violations. I sent you the report.

Mariner's Cove Condominiums
BLDG Mariner's Cove Condominiums
3700 South Atlantic Avenue
New Smyrna Beach, FL 32169

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Reply | Forward

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 6038091 **Parcel ID: 741507000001**
MARINERS COVE CONDO ASSOC **3700 S ATLANTIC AVE, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	6038091
Parcel ID:	741507000001
Township-Range-Section:	17 - 34 - 15
Subdivision-Block-Lot:	07 - 00 - 0001
Owner(s):	MARINERS COVE CONDO ASSOC - FS - Fee Simple - 100%
Mailing Address On File:	3700 S ATLANTIC AVE NEW SMYRNA BEACH FL 32169
Physical Address:	3700 S ATLANTIC AVE, NEW SMYRNA BEACH 32169
Property Use:	0900 - RES COMMON ELEMENTS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	0346
Subdivision Name:	MARINERS COVE CONDO
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$0	$0	$0	$0	1.5000	$0.00
0012	DISCRETIONARY	$0	$0	$0	$0	0.7480	$0.00
0011	REQ LOCAL EFFORT	$0	$0	$0	$0	3.0370	$0.00
0050	GENERAL FUND	$0	$0	$0	$0	3.2007	$0.00
0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
0055	LIBRARY	$0	$0	$0	$0	0.3891	$0.00
0520	MOSQUITO CONTROL	$0	$0	$0	$0	0.1647	$0.00
0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0
2019	$1	$0	$1	$1	$0	$1	$0
2018	$1	$0	$1	$1	$0	$1	$0
2017	$1	$0	$1	$1	$0	$1	$0
2016	$1	$0	$1	$1	$0	$1	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

22-17-34 COMMON AREA MARINERS COVE CONDO MB 34 PG 135-139A & PER OR 1893/1731 PER OR 8303 PG 1540

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0053-2025**

Case Type: **Code Enforcement**

Date Case Established: **01/21/2025**

Compliance Deadline: **02/11/2025**

Owner: MARINERS COVE CONDO

Mailing Address

MARINERS COVE CONDO
3700 S ATLANITC AVE
NEW SMYRNA BEACH, FL 32169

Notice of Violation for the following location:

Address

3700 S ATLANTIC AV
NEW SMYRNA BEACH, FL 32169

Parcel

741507000001

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0053-2025**

Case Type: **Code Enforcement**

Date Case Established: **01/21/2025**

Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/2025

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

MARINERS COVE CONDO
3700 S ATLANITC AVE
NEW SMYRNA BEACH, FL 32169

CASE NO. CE-0053-2025
3700 S ATLANTIC AV
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025, at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

MARINERS COVE CONDO
3700 S ATLANITC AVE
NEW SMYRNA BEACH, FL 32169

CASE NO. CE-0053-2025
3700 S ATLANTIC AV
NEW SMYRNA BEACH, FL 32169

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 9698 52

(✓) Post

( ) Hand Delivery

Teresa Merck

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	Mariner's Cove Condominiums	**Inspection Date:**	10/22/2024, 12/12/2024, 1/16/2025
Address:	3700 South Atlantic Avenue	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741507000001		

Insp. Result	Location	Code Set	Code
Pass	Floor 1	FL NFPA 01 2021 Chapter 10 General Safety Requirements	10.19.3.1 - Excerpt: [Storage shall be maintained 2 ft (0.61 m) or mo...]

Inspector Comments: Found some storage items close to being in violation. This is just an explanation of code.

Storage shall be maintained 2 ft (0.61 m) or more from the ceiling in nonsprinklered areas of buildings.

Violation	Floor 1	FL NFPA 01 2021 Chapter 11 Building Services	11.3.1.2 - Existing Elevators - Firefighter Emergency Operations

Inspector Comments: Elevator key needs to be placed in the Knox box by fire inspector when box is installed.

All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, *Safety Code for Existing Elevators and Escalators*. [***101***:9.4.3.2]

Reinspection #1 Inspector Comments: Elevator key needs to be placed in the Knox box by fire inspector when box is installed. All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101:9.4.3.2]

Reinspection #2 Inspector Comments: Elevator key needs to be placed in the Knox box by fire inspector when box is installed. All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101:9.4.3.2]

Violation	Floor 1	FL NFPA 01 2021 Chapter 11 Building Services	11.6.1.2 - Laundry & Trash Chute Fire Door (see photo 1.1)

Inspector Comments: [TRASH CHUTE] HAZARD: Trash chute does not self-close and latch.

ACTION REQUIRED: Have the trash chute opening covered or replaced by a qualified technician. System is no longer in use. All trash chute doors have been permanently closed.

Reinspection #1 Inspector Comments: Unable to inspect due to not have a Knox box with keys. [TRASH CHUTE] HAZARD: Trash chute does not self-close and latch.

ACTION REQUIRED: Have the trash chute opening covered or replaced by a qualified technician. System is no longer in use. All trash chute doors have been permanently closed.

Reinspection #2 Inspector Comments: [TRASH CHUTE] HAZARD: Trash chute does not self-close and latch.

ACTION REQUIRED: Have the trash chute opening covered or replaced by a qualified technician. System is no longer in use. All trash chute doors have been permanently closed.

Violation	Floor 1	FL NFPA 01 2021 Chapter 12 Features of Fire Protection	12.3.3.1 - Fire Resistive Construction Maintained (see photo 2.1, 2.2)

Inspector Comments: Have open closed with fire resistant material.

Required fire-resistive construction, including fire barriers, fire walls, exterior walls due to location on property, fire-resistive requirements based on type of construction, draft-stop partitions, and roof coverings, shall be maintained and shall be properly repaired, restored, or replaced where damaged, altered, breached, penetrated, removed, or improperly installed.

Reinspection #1 Inspector Comments: Have open closed with fire resistant material. Required fire-resistive construction, including fire barriers, fire walls, exterior walls due to location on property, fire-resistive requirements based on type of construction, draft-stop partitions, and roof coverings, shall be maintained and shall be properly repaired, restored, or replaced where damaged, altered, breached, penetrated, removed, or improperly installed. Mail room.

Required fire-resistive construction, including fire barriers, fire walls, exterior walls due to location on property, fire-resistive requirements based on type of construction, draft-stop partitions, and roof coverings, shall be maintained and shall be properly repaired, restored, or replaced where damaged, altered, breached, penetrated, removed, or improperly installed.

Reinspection #2 Inspector Comments: Have open closed with fire resistant material. Required fire-resistive construction, including fire barriers, fire walls, exterior walls due to location on property, fire-resistive requirements based on type of construction, draft-stop partitions, and roof coverings, shall be maintained and shall be properly repaired, restored, or replaced where damaged, altered, breached, penetrated, removed, or improperly installed.

Violation	Floor 1	FL NFPA 01 2021 Chapter 13 Fire Protection Systems	13.1.8 - Fire Protection System Operable and Maintained (see photo 3.1)

Inspector Comments: HAZARD: standpipe and hose cabinets need to be inspected and certified.

CORRECTION: Standpipe system need to be inspected by a certified standpipe company.

All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.

Reinspection #1 Inspector Comments: HAZARD: standpipe and hose cabinets need to be inspected and certified.

CORRECTION: Standpipe system need to be inspected by a certified standpipe company. All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.

Standpipe needs to be maintained and certified. Hose for the cabinets are not needed, but if hose is removed; pipes need to have caps.

All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.

Reinspection #2 Inspector Comments: HAZARD: standpipe and hose cabinets need to be inspected and certified.

CORRECTION: Standpipe system need to be inspected by a certified standpipe company. All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.

Violation	Floor 1	FL NFPA 01 2021 Chapter 18 Fire Department Access and Water Supply	18.2.2.1 - Key Box Required (see photo 4.1)

Inspector Comments: REQUIRED: Purchase a Knox Box lock box and install it within five (5) feet of the main entrance door. The box shall be installed five (5) feet above finished grade. To purchase the Knox Box, follow these steps:1. Go to www.knoxbox.com and select the "BUY" tab in the upper right corner of the screen.2. Select "Florida" and "New Smyrna Beach FD" (Do NOT select the Residential Home Boxes page).3. Select "Commercial Knox Boxes"4. Choose "Knox Box 3200 Series" and pick the options you would like. Once the Knox Box is ordered, it will arrive without keys inside and the box will be unlocked. Install the box as directed and then notify our office to respond and place your keys inside.

The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security. The access box(es) shall be of an approved type listed in accordance with UL 1037.

Reinspection #1 Inspector Comments: REQUIRED: Purchase a Knox Box lock box and install it within five (5) feet of the main entrance door. The box shall be installed five (5) feet above finished grade. To purchase the Knox Box, follow these steps:1. Go to www.knoxbox.com and select the "BUY" tab in the upper right corner of the screen.2. Select "Florida" and "New Smyrna Beach FD" (Do NOT select the Residential Home Boxes page).3. Select "Commercial Knox Boxes"4. Choose "Knox Box 3200 Series" and pick the options you would like. Once the Knox Box is ordered, it will arrive without keys inside and the box will be unlocked. Install the box as directed and then notify our office to respond and place your keys inside.The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security. The access box(es) shall be of an approved type listed in accordance with UL 1037.

The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security. The access box(es) shall be of an approved type listed in accordance with UL 1037.

Reinspection #2 Inspector Comments: REQUIRED: Purchase a Knox Box lock box and install it within five (5) feet of the main entrance door. The box shall be installed five (5) feet above finished grade. To purchase the Knox Box, follow these steps:1. Go to www.knoxbox.com and select the "BUY" tab in the upper right corner of the screen.2. Select "Florida" and "New Smyrna Beach FD" (Do NOT select the Residential Home Boxes page).3. Select "Commercial Knox Boxes"4. Choose "Knox Box 3200 Series" and pick the options you would like. Once the Knox Box is ordered, it will arrive without keys inside and the box will be unlocked. Install the box as directed and then notify our office to respond and place your keys inside.The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security. The access box(es) shall be of an approved type listed in accordance with UL 1037.

Violation	Floor 1	FL NFPA 01 2021 Chapter 18 Fire Department Access and Water Supply	18.2.2.3 - Lock Box Keys Up to Date

Inspector Comments: ACTION REQUIRED: Please provide CURRENT hard keys to all areas requested. As a minimum, keys to all fire sprinkler riser rooms, electrical and mechanical rooms, storage rooms, elevator operation and equipment rooms as well as the main entrance door are required as applicable. If the building is equipped with master keyed locks, a building master or

grand master key is also requested. Card keys or access codes may also be supplied but a hard key shall be primary means of access.

Reinspection #1 Inspector Comments: ACTION REQUIRED: Please provide CURRENT hard keys to all areas requested. As a minimum, keys to all fire sprinkler riser rooms, electrical and mechanical rooms, storage rooms, elevator operation and equipment rooms as well as the main entrance door are required as applicable. If the building is equipped with master keyed locks, a building master or grand master key is also requested. Card keys or access codes may also be supplied but a hard key shall be primary means of access.

Reinspection #2 Inspector Comments: ACTION REQUIRED: Please provide CURRENT hard keys to all areas requested. As a minimum, keys to all fire sprinkler riser rooms, electrical and mechanical rooms, storage rooms, elevator operation and equipment rooms as well as the main entrance door are required as applicable. If the building is equipped with master keyed locks, a building master or grand master key is also requested. Card keys or access codes may also be supplied but a hard key shall be primary means of access.

N/A	Floor 1	FL NFPA 01 2021 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required
Violation	Floor 1	FL NFPA 01 2021 Chapter 14 Means of Egress	14.6.3* - Usable Space. (see photo 5.1, 5.2)

Inspector Comments: HAZARD: spray foam (combustible)used to silence noise when using the stairs.

CORRECTION: place non-combustible 1 hour rating fire resistant material over spray foam.

Enclosed, usable spaces, within exit enclosures shall be prohibited, including under stairs, unless otherwise permitted by 14.6.3.2. [***101***:7.2.2.5.3]

Reinspection #1 Inspector Comments: HAZARD: spray foam (combustible)used to silence noise when using the stairs.

CORRECTION: place non-combustible 1 hour rating fire resistant material over spray foam. Enclosed, usable spaces, within exit enclosures shall be prohibited, including under stairs, unless otherwise permitted by 14.6.3.2. [101:7.2.2.5.3]

Enclosed, usable spaces, within exit enclosures shall be prohibited, including under stairs, unless otherwise permitted by 14.6.3.2. [***101***:7.2.2.5.3]

Reinspection #2 Inspector Comments: HAZARD: spray foam (combustible)used to silence noise when using the stairs.

CORRECTION: place non-combustible 1 hour rating fire resistant material over spray foam. Enclosed, usable spaces, within exit enclosures shall be prohibited, including under stairs, unless otherwise permitted by 14.6.3.2. [101:7.2.2.5.3]

Inspector Comments:
Inspector Comments - Reinspection #2: Initial inspection date: 10/22/24
First reinspection date: 12/12/24
Second reinspection date: 01/16/24

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a)*).

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:



Fred Godawa
1/16/2025

Inspector:



Fred Godawa
10/22/2024

Inspector:



Fred Godawa
12/12/2024

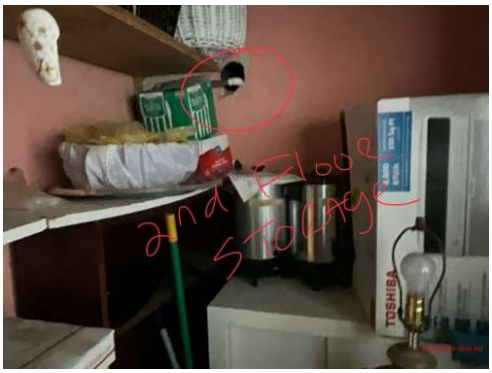
1.1 - 11.6.1.2.



2.1 - 12.3.3.1.



2.2 - 12.3.3.1.



3.1 - 13.1.8.



4.1 - 18.2.2.1.



5.1 - 14.6.3*.



5.2 - 14.6.3*.



Ref: 10234


WARNING
THESE PREMISES
ARE UNDER
24 HOUR VIDEO
SURVEILLANCE
Mariner
Cove
January 25, 2025 at 9:50:26 AM EST

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0878-2024- 3491 MEDICI BLVD; OWNER: GEOSAM CAPITAL US (VENETIAN BAY) LP; OFFICER: BARBARA BOBELAK

February 26, 2025

Background:

Violation: Paid parking operation within the Venetian Bay Planned Unit Development (PUD) Village Center that is not a permitted or accessory use.

VENETIAN BAY VILLAGE, VILLAGE PLANNED DEVELOPOMENT PLANNED UNIT DEVELOPMENT (VPD-PUD) AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA) ORDINANCE #109-5

Compliance Date: January 24, 2025

Method of Service: Property posted on January 3, 2025; Certified mail sent January 3, 2025 and signed for on January 6, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

5O CCSM-0878-2024 3491 Medici Blvd-Tract T.pdf
Pg. 1 to 50 Ven Bay Amended & Restated MDA - Rec 2016 as 13 th Amendment.pdf
Pg. 51-92 Ven Bay Amended & Restated MDA - Rec 2016 as 13 th Amendment.pdf

CE-0878-2024 – 3491 MEDICI BLVD (TRACT T)
CODE CASE DETAILED REPORT FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Barbara Bobelak

Project:
District: New Smyrna Beach
Description: Paid parking area established without the required change to the PUD. Paid parking is not a permitted use within the PUD.

Opened Date: 12/11/2024
Closed Date: NOT CLOSED

Parcel:	**Address:**	**Zone:**
730701000004 Main	3491 Medici Blvd Main New Smyrna Beach, FL 32168	PUD (PLANNED UNIT DEVELOPMENT)

Complainant

City Of New Smyrna Beach
Shane Corbin

Business: 3864102836

Owner

Geosam Capital Us (Venetian Bay) Lp
Mac Hagan

424 Luna Bella Ln, STE 122
New Smyrna Beach, FL 32168

Mobile: 3863667510

Note	Created By	Date and Time Created
1. Assigned to: Barbara Bobelak	Barbara Bobelak	12/11/2024 12:10 pm
2. Using this as violation of city code VENETIAN BAY VILLAGE, VILLAGE PLANNED DEVELOPOMENT PLANNED UNIT DEVELOPMENT (VPD-PUD) AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA) ORDINANCE #109-5	Barbara Bobelak	12/16/2024 8:32 am

Activity Type	Activity Number	Activity Name	User	Created On
Phone Call	PC-003579-2024	Complaint from other department	Barbara Bobelak	12/11/2024

Bobelak, Barbara

From: Corbin, Shane
Sent: Monday, October 7, 2024 3:54 PM
To: Bobelak, Barbara
Subject: RE: Proper signage

Legal said its not our issue to enforce.

Thanks,
Shane

From: Bobelak, Barbara <bbobelak@cityofnsb.com>
Sent: Monday, October 7, 2024 2:24 PM
To: Corbin, Shane <SCorbin@cityofnsb.com>
Subject: RE: Proper signage

Shane,

I have not dealt with this issue. The only parking signs we have dealt with are for valet parking. I can check with Parking Enforcement to see if they have dealt with this in the past.

Barb

From: Corbin, Shane <SCorbin@cityofnsb.com>
Sent: Monday, September 30, 2024 3:48 PM
To: Bobelak, Barbara <bbobelak@cityofnsb.com>
Subject: FW: Proper signage

Have you ever dealt with this issue?

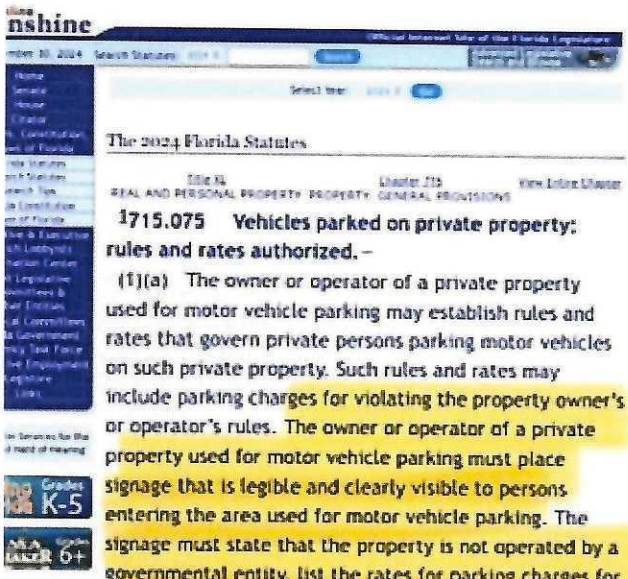
Shane

From: Katie Liller <thespaatvenetianbay@gmail.com>
Sent: Monday, September 30, 2024 3:44 PM
To: Cowper, Kevin <kcowper@cityofnsb.com>; Cleveland, Fred <mayor@cityofnsb.com>; Corbin, Shane <SCorbin@cityofnsb.com>; McGuirk, Jason <jmcguirk@cityofnsb.com>; Hartman, Randy <rhartman@cityofnsb.com>
Cc: Ken Garguilo <kengar1@gmail.com>
Subject: Proper signage

CAUTION: EXTERNAL EMAIL

City officials,
Tomorrow GEOSAM is starting their paid parking program. I would like to point out that there there is zero signage that shows their rules, fines, contact info and or parking agreement. I believe this needs to be posted in order to legally start charging for parking. Can the city come and inspect to make sure they are following state guidelines? I never got a response from anyone from my last email and am still hoping to hear back from someone.

Statutes & Constitution :View Statutes : Online Sunshine
leg.state.fl.us



The 2024 Florida Statutes

REAL AND PERSONAL PROPERTY PROPERTY GENERAL PROVISIONS

715.075 Vehicles parked on private property; rules and rates authorized.–

(1)(a) The owner or operator of a private property used for motor vehicle parking may establish rules and rates that govern private persons parking motor vehicles on such private property. Such rules and rates may include parking charges for violating the property owner's or operator's rules. The owner or operator of a private property used for motor vehicle parking must place signage that is legible and clearly visible to persons entering the area used for motor vehicle parking. The signage must state that the property is not operated by a governmental entity, list the rates for parking charges for violating the rules of the property owner or operator, provide a working phone number and an e-mail address to receive inquiries and complaints, and provide notice of the grace period and appeal process provided by this section. Such signage may be regulated by the county or municipality in which the property is located.

(b) An invoice for parking charges issued under this section must include the following statement in uppercase type:

THIS INVOICE IS PRIVATELY ISSUED, IS NOT ISSUED BY A GOVERNMENTAL AUTHORITY, AND IS NOT SUBJECT TO CRIMINAL PENALTIES.

(c) An invoice for parking charges issued for violating the rules of the property owner or operator of a private property used for motor vehicle parking must be placed on the motor vehicle in a prominent location or mailed within 5 business days of the violation. The owner or operator of a private property used for motor vehicle parking may not assess a late fee until expiration of the 15-day period following the denial of any appeal filed pursuant to paragraph (d) or for a period of at least 30

Katie Liller
The Spa at Venetian Bay

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 6938351 **Parcel ID: 730701000004**
GEOSAM CAPITAL US (VENETIAN BAY) LP 3491 MEDICI BLVD, NEW SMYRNA BEACH, FL

Parcel Summary

Alternate Key:	6938351
Parcel ID:	730701000004
Township-Range-Section:	17 - 33 - 07
Subdivision-Block-Lot:	01 - 00 - 0004
Owner(s):	GEOSAM CAPITAL US (VENETIAN BAY) LP - FS - Fee Simple - 100
Mailing Address On File:	1275 W GRANADA BLVD SUITE 3B ORMOND BEACH FL 32174
Physical Address:	3491 MEDICI BLVD, NEW SMYRNA BEACH 32168
Property Use:	1000 - VACANT COMM
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	7455
Subdivision Name:	VENETIAN BAY PH 1B UT 1
Homestead Property:	No

AltKey: 6938351 **Parcel ID: 730701000004**

GEOSAM CAPITAL US (VENETIAN BAY) LP 3491 MEDICI BLVD, NEW SMYRNA BEACH, FL

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$0	$0	$0	$0	1.5000	$0.00
0012	DISCRETIONARY	$0	$0	$0	$0	0.7480	$0.00
0011	REQ LOCAL EFFORT	$0	$0	$0	$0	3.0370	$0.00
0050	GENERAL FUND	$0	$0	$0	$0	3.2007	$0.00
0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
0055	LIBRARY	$0	$0	$0	$0	0.3891	$0.00
0520	MOSQUITO CONTROL	$0	$0	$0	$0	0.1647	$0.00
0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

AltKey: 6938351 **Parcel ID: 730701000004**

GEOSAM CAPITAL US (VENETIAN BAY) LP 3491 MEDICI BLVD, NEW SMYRNA BEACH, FL

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0
2019	$1	$0	$1	$1	$0	$1	$0
2018	$1	$0	$1	$1	$0	$1	$0
2017	$1	$0	$1	$1	$0	$1	$0
2016	$1	$0	$1	$1	$0	$1	$0

AltKey: 6938351 **Parcel ID: 730701000004**

GEOSAM CAPITAL US (VENETIAN BAY) LP 3491 MEDICI BLVD, NEW SMYRNA BEACH, FL

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

TRACT T VENETIAN BAY PHASE 1B UNIT 1 MB 52 PGS 71-91 PER OR 6766 PG 3360 PER OR 6766 PG 3366

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL 32168
386-410-2870

Case Number: CE-0878-2024
Case Type: Code Enforcement
Date Case Established: 12/16/2024
Compliance Deadline: 01/24/2025

Violation Notice

Owner: GEOSAM CAPITAL US (VENETIAN BAY) LP

Mailing Address

GEOSAM CAPITAL US (VENETIAN BAY) LP
1275 W. GRANADA BLVD SUITE 3B
ORMOND BEACH, FL 32174

GEOSAM CAPITAL GROUP
2170 SATELLITE BLVD., SUITE 425
DULUTH, GA 30097-6270

Notice of Violation for the following location:

Address

3491 MEDICI BLVD
NEW SMYRNA BEACH, FL 32168

Parcel

730701000004

Violation: Paid parking operation within the Venetian Bay Planned Unit Development (PUD) Village Center that is not a permitted or accessory use.

VENETIAN BAY VILLAGE, VILLAGE PLANNED DEVELOPOMENT PLANNED UNIT DEVELOPMENT (VPD-PUD) AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA) ORDINANCE #109-5

COMPOSITE EXHIBIT "B" LAND USE ZONE STANDARDS

B. STOREFRONT COMMERCIAL (SFC):

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL 32168
386-410-2870

Case Number: CE-0878-2024
Case Type: Code Enforcement
Date Case Established: 12/16/2024
Compliance Deadline: 01/24/2025

Violation Notice

1. Intent: The Storefront Commercial land use zone is intended to be applied in the initial VPD-PUD unless it is designed to be expanded into one contiguous VPD-PUD and shall provide much of the retail and other commercial needs of the village. The zone requires a fine grain of pedestrian oriented development and a high degree of urban design based upon traditional downtown storefronts.

   Refer to Appendix F "Design Standards Graphics": Typical Main Street Ambiance and Desirable Streetscape and Building scale.

2. Sub-Districts Permitted: The Storefront Commercial District shall only be permitted within the centrally located Village Center (VC) Sub-District.

3. Development Standards:
   a. Permitted and Accessory Uses:
      - Retail Sales and Service
      - Outdoor Retail Sales and Service
      - Hotel and Time Share
      - General Office
      - Professional Office
      - Personal Service
      - Restaurants (no drive through)
      - Sidewalk Cafes with tables and menu
      - Residential units located above ground floor commercial
      - Helipad Use (ground not rooftop)

      - Civic and Recreation

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL 32168
386-410-2870

Case Number: CE-0878-2024
Case Type: Code Enforcement
Date Case Established: 12/16/2024
Compliance Deadline: 01/24/2025

Violation Notice

- Drive through facilities for banks, savings and loans, institutional uses located at the rear of a building in a parking lot and accessed by service streets, or parking lots.
- Any use typically incidental to a principal use permitted by right when conducted as an accessory to such a principal use. Outdoor display shall be allowed. "Sidewalk tables" and temporary signage shall not be considered a sign.
- Gas pumps located away from the main pedestrian commercial streets.

b. Prohibited Uses:

- Any use not permitted shall be prohibited unless it is determined to be essentially the same as a permitted use.
- Drive through facilities for all restaurants, automobile, truck, RV, and boat dealerships and similar uses with large vehicular display areas.

See Map of Tract T Attached

Corrective Action: Cease and desist the paid parking activity. An amendment to the current PUD that adds paid parking to the list of permitted and accessory uses is needed for the activity to be eligible for a Business Tax Receipt (BTR). A BTR is required for all paid parking lots per Sec. 74-147 of the city's code of ordinances. Contact the Planning Department for information on the PUD amendment application at (386) 410 2835.

Requested Compliance Date: 01/24/2025

Respondent(s) shall bring the property into compliance with the code provisions cited

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL 32168
386-410-2870

Case Number: CE-0878-2024
Case Type: Code Enforcement
Date Case Established: 12/16/2024
Compliance Deadline: 01/24/2025

Violation Notice

above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:
1275 W. GRANADA BLVD SUITE 3B- 9214 8901 9403 8394 6407 85
2170 SATELLITE BLVD., SUITE 425- 9214 8901 9403 8394 6408 84
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck

Teresa Merck
Code Compliance Clerk
Date: 1/03/2025

Contact: Barbara Bobelak
Code Compliance Supervisor
Phone: (386) 410-2871
Email: bbobelak@cityofnsb.com

SPECIAL MAGISTRATE
City of New Smyrna Beach

Notice of Hearing

GEOSAM CAPITAL US (VENETIAN BAY) LP
424 LUNA BELLA LN STE 122
NEW SMYRNA BEACH, FL 32168

CASE NO. CE-0878-2024
3491 MEDICI BLVD
NEW SMYRNA BEACH, FL

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **Wednesday, February 26th, 2025**, at 2:00 pm in the City Commission Chambers, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5,000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of this action at the City Clerks Office, City of New

SPECIAL MAGISTRATE
City of New Smyrna Beach

Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Enforcement Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. §286.0105, Fla. Stat.

SPECIAL MAGISTRATE
City of New Smyrna Beach

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this Notice of Hearing was served on the party(ies) at the address as described above by:

(√) Certified Mail, Return Receipt Requested Receipt Number: See below
(√) Post
( ) Hand Delivery

Teresa Merck
Code Compliance Clerk

Contact: Barbara Bobelak
Code Compliance Supervisor
Phone: (386) 10-2871
Email:bbobelak@cityofnsb.com
01/03/2025

GEOSAM CAPITAL US (VENETIAN BAY) LP- 9214 8901 9403 8394 6407 85
1275 W. GRANADA BLVD SUITE 3B
ORMOND BEACH, FL 32174

GEOSAM CAPITAL GROUP- 9214 8901 9403 8394 6408 84
2170 SATELLITE BLVD., SUITE 425
DULUTH, GA 30097-6270

TRACT T
PARCEL ID: 7307-01-00-0004



Network:Jan 3, 2025 at 11:20:49 AM EST
Local:Jan 3, 2025 at 11:20:49 AM EST
N 29° 2' 4.194", W 81° 1' 51.684"
3478–3498 Medici Blvd
New Smyrna Beach FL 32168
United States

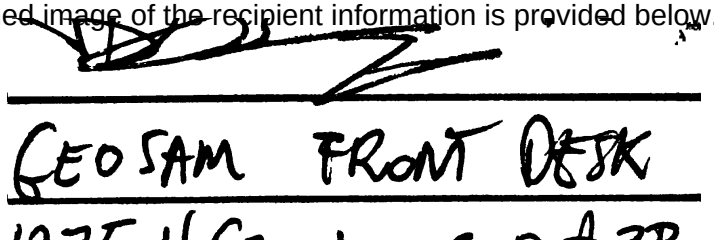
UNITED STATES POSTAL SERVICE

Date Produced: 01/07/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8394 6407 85. Our records indicate that this item was delivered on 01/06/2025 at 03:58 p.m. in ORMOND BEACH, FL 32174. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

GEOSAM CAPITAL US (VENETIAN BAY) LP-
STE 3B
1275 W GRANADA BLVD
ORMOND BEACH FL 32174-8105

Customer Reference Number: C5556661.33705498

2

UNITED STATES POSTAL SERVICE®

Return address:

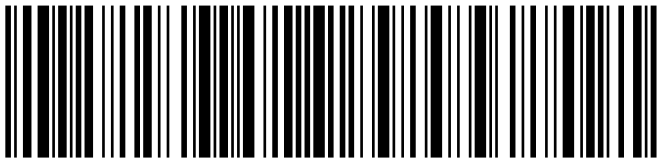
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

GEOSAM CAPITAL US (VENETIAN BAY) LP-
STE 3B
1275 W GRANADA BLVD
ORMOND BEACH FL 32174-8105

MAILING DATE: 01/03/2025
DELIVERY DATE: 01/06/2025

USPS CERTIFIED MAIL



9214 8901 9403 8394 6407 85

USPS Tracking Label Number: 9214 8901 9403 8394 6407 85

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/03/2025 08:12
DELIVERED LEFT WITH INDIVIDUAL	ORMOND BEACH,FL 32174	01/06/2025 15:58

CASE #: CE-0878;0879;0880

01/04/2016 11:38 AM
Instrument# 2016-000411 # 1
Book: 7202
Page: 3017

Document Prepared By:
James Stowers, Esquire
424 Luna Bella Lane, Suite 135
New Smyrna Beach, FL 32168

Return recorded document to:
City of New Smyrna Beach Records Clerk
210 Sams Avenue
New Smyrna Beach, FL 32168

VENETIAN BAY VILLAGE, VILLAGE PLANNED DEVELOPMENT- PLANNED UNIT DEVELOPMENT (VPD-PUD) AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA)

ORDINANCE # 109-15

WHEREAS, the CITY OF NEW SMYRNA BEACH, a Florida municipal corporation (the "City") and Venetian Bay of New Smyrna Beach, L.L.C., a Florida limited liability company (the "Original Developer") and Montgomery Woods, Inc., a Florida corporation and CGR Corporation of Central Florida, a Florida corporation (the "Original Owner"), previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of the development agreement entitled "Venetian Bay Village, Village Planned Development – Planned Unit Development (VPD-PUD) Master Development Agreement (MDA)", recorded in Official Records Book 4942, Page 668, Public Records of Volusia County, Florida(hereinafter referred to as the "VPD-PUD Agreement"), relating to property described therein (hereinafter referred to as the "Property"); and

WHEREAS, the City approved the modification of the VPD-PUD by First Amendment recorded May 11, 2005 in Official Records Book 5551, Page 296, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Second Amendment recorded May 11, 2005 in Official Records Book 5551, Page 310, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Fifth Amendment (the Third and Fourth Amendments were not found of record) recorded August 31, 2007 in Official Records Book 6119, Page 2554, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Sixth Amendment recorded August 31, 2007 in Official Records Book 6119, Page 2569, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Seventh Amendment recorded August 31, 2007 in Official Records Book 6119, Page 2565, Public Records of Volusia

County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Eighth Amendment recorded March 14, 2008 in Official Records Book 6205, Page 2496, Public Records of Volusia County Florida; and

WHEREAS, the City approved a minor modification of the VPD-PUD by letter dated June 13, 2008 which amended streetlight spacing in the VPD-PUD (Section 21.9); and

WHEREAS, the City approved the modification of the VPD-PUD by Ninth Amendment recorded June 10, 2009 in Official Records Book 6362, Page 3117, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Tenth Amendment recorded October 8, 2010 in Official Records Book 6524, Page 1, Public Records of Volusia County Florida; and

WHEREAS, the City approved a minor modification of the VPD-PUD by letter dated January 3, 2011 which amended and clarified maximum allowed fence heights in the VPD-PUD (Composite Exhibit "B"); and

WHEREAS, the City approved the modification of the VPD-PUD by Eleventh Amendment recorded May 29, 2014 in Official Records Book 6993, Page 4439, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Twelfth Amendment on June 9, 2015, Ordinance No. 46-15: Venetian Bay PUD – 12th Amendment; and

WHEREAS, GEOSAM CAPITAL US (VENETIAN BAY) LP, a Delaware limited partnership (the "Developer"), is the successor in interest to the Property; and

WHEREAS, the City and Developer wish to amend and restate the VPD-PUD Agreement in order to incorporate previously approved amendments to the same within one document as well as modify the VPD-PUD Agreement as detailed herein.

NOW, THEREFORE, the parties agree as follows:

The City of New Smyrna Beach, a Florida municipal corporation (the "City"), and Geosam Capital US (Venetian Bay), LP, a Delaware limited liability partnership (the "Developer" and "Owner") hereby covenant and agree, and bind their successors and assigns as follows for the purpose of implementing development of the property described on Exhibit "A" subject to this Agreement with exhibits including the Schematic Development Plan (SDP) as the Venetian Bay Planned Unit Development (Venetian Bay-VPD-PUD) as required by the City Comprehensive Land

Use Plan enacted by New Smyrna Beach, Fla., Ordinance 6-90 (July 6, 1990), and the amendments thereto; and, the Comprehensive Plan Amendment for West New Smyrna Beach which was enacted by City New Smyrna Beach, Fla., Ordinance 64-98 (June 16, 1999).

1.0 Property.

1.1 The Property which is subject to this agreement is described on the attached Exhibit "A" which is by reference incorporated herein.

2.0 Property Ownership.

2.1 The Property consisting of approximately one thousand four hundred ten (1,410) acres is owned by Owner as it pertains to undeveloped lots and as the successor in interest to the Property..

2.5 Term.

The term of this agreement shall be for twenty five years expiring on August 21, 2027.

3.0 Comprehensive Plan Consistency.

3.1 This agreement is consistent with the City of New Smyrna Beach Comprehensive Plan.

3.2 The parties agree that the intent of this agreement is to provide development standards which allow the design and construction of multiple private development projects in the Venetian Bay Village VPD-PUD which will result in a neighborhood based village development that complies with the City's CLUP requirements.

4.0 VPD-PUD Plan

This agreement is a composite of the following documents, drawings and exhibits which shall be read or reviewed together in order to establish the requirements, purpose and intent of the Plan. The documents, drawing and exhibits which collectively shall be referred to and applied as the Plan are the instruments listed in 4.1 through 4.7 which are by reference incorporated herein.

4.1 Venetian Bay Village Planned Unit Development (VPD-PUD) Master Development Agreement (MDA).

4.2 Legal Description which is attached hereto as Exhibit "A".

4.3 Land Use Zone Standards which are attached hereto as Composite Exhibit "B".

4.4 Conceptual Development Plan (CDP) which is attached hereto as Exhibit "C".

4.5 Schematic Development Plan (SDP) which is attached hereto as Composite Exhibit "D".

4.6 Roadway Cross Sections which is attached hereto as Composite Exhibit "E".

4.7 Design Standards Graphic which are attached hereto as Composite Exhibit "F".

5.0 Definition of Terms.

5.1 Best Development Practices. The terms *best development practices* and all references *best practices* shall refer to those development practices described in: Reid Ewing, *Best Development Practices, Doing the Right Thing and Making Money at the Same Time* (May 1995).

5.2 City. The City of New Smyrna Beach, a Florida municipal corporation.

5.3 Common Facility. A common facility shall be any facility designated as such by Developer and agreed to by Owner. Such facilities should include the following facilities, which may be, but shall not be required to be, common facilities:

(1) Stormwater treatment facilities built pursuant to permits issued by the City of New Smyrna Beach and the St. Johns River Water Management District (SJRWMD).

(2) Pedestrian, bike and cart paths not dedicated to a governmental entity.

(3) VPD-PUD perimeter edges and buffers or landscaping around interior development within the Venetian Bay-PUD.

(4) Common open space not dedicated to a governmental entity.

(5) Common recreation facilities not dedicated to a governmental entity.

(6) Such other facilities or areas as Developer and Owner may designate.

5.4 Convenience Commercial (CC). A commercial area not exceeding two (2) acres in size exclusive of stormwater retention facilities, and providing a maximum of fifteen thousand (15,000) square feet of gross leasable area. CC areas are located on the perimeter of the Village for the purpose of providing convenience commercial land use as permitted by the City's Land Development Regulations.

5.5 Day Care Center. Shall mean both Adult Day Care Center and Day Care Center as defined in the City of New Smyrna Beach's Land Development Regulations, Article II.

5.6 Developer. Johnson Development of Volusia County, Inc., a Florida corporation, its successors and/or assigns.

5.7 House of Worship. A body of persons associated together for the purpose of maintaining religious worship, and/or the building in which persons habitually assemble for religious purposes and public worship, including customary accessory uses.

5.8 Land Development Regulations (LDR) means the Land Development Regulations for the City of New Smyrna Beach adopted by New Smyrna Beach, Fla. Ordinance 1-91 (January 22, 1991) and amendments thereto.

5.9 Master Development Agreement (MDA). The written text of the Venetian Bay-PUD Agreement setting forth the obligations of the parties to the Agreement.

5.10 Medical Facility. A facility primarily used for medical uses as defined in the City's Land Development Regulations under Article II, Definitions for Hospital, Intermediate Care Facility and Office Building, Medical/dental/psychology/psychiatry. May also mean any secondary use associated with each of the uses listed above from the City's LDR. (i.e. Urgent Care Facility)

5.11 Neighborhood Facility. A facility, improvement or area of land which only serves a particular subdivision, portion of a subdistrict or a subdistrict and is designated by the Developer and Owner as a Neighborhood Facility.

5.12 Plan. The combination of the Agreement and SDP and other exhibits referenced in the Agreement which shall be read jointly to determine the requirements for development of the Venetian Bay-PUD.

5.13 Property Owners' Association (POA). A Florida non-profit corporation created by Developer, Owner or Developer and Owner for the purpose of maintaining, repairing and replacing improvements which Developer, Owner or Developer and Owner have conveyed to the POA. It is anticipated that the Venetian Bay-PUD will employ the Venetian Bay Master Property Owners' Association (VBMPOA) to manage Venetian Bay-PUD common facilities and various individual property subdivision or sub-district property owner associations which shall be referred to as [Sub-district or Subdivision] Property Owners' Association ([Subdivision or Sub-district] POA). The VBPOA and various POA's shall be entitled to exercise all power and authority granted to them by their incorporator and such additional power as the Developer may consent to being exercised by the POA. The transition of control over the VBPOA and the various sub-district or subdivision POA's from the Developer to the members of the VBPOA and to the members of the various sub-district or subdivision POA's shall occur as mandated in the governing documents for the various associations and as required by applicable Florida law, including but not limited to Chapters 718 and 720 Florida Statutes.

5.14 Residential (RES). A housing type constructed for the purpose of providing space for human habitation. A RES unit may be, but shall not be limited to, a unit of single family, multi-family, townhouse or accessory unit housing.

5.15 Schematic Development Plan (SDP). The plan which graphically illustrates the proposed layout of the village development.

5.16 Storefront Commercial (SFC). A business located within the Village Center (VC) to provide retail, personal, professional and business services.

5.17 Village. The development approved by the City pursuant to a Venetian Bay VPD-PUD Agreement between the City and the Developer/Owner of the land. A village is a combination of VC, VUN and VBPN sub-districts as approved by the City.

5.18 Village Best Practices Neighborhood (VBPN). The VBPN's are development types within the Venetian Bay VPD-PUD that are most remote from the Village Center (VC). The VBPN's may utilize conventional subdivision designs and typical suburban subdivision densities but they are required to meet "Best Practices" standards and they do not qualify for additional residential "bonus units".

5.19 Village Center (VC). The area designated on the schematic development plan as the urban center of the village approved by the Venetian Bay VPD-PUD. The VC shall provide a combination of storefront commercial office open space and community facilities and residential use. The VC area qualifies for additional residential "bonus units" as allowed by City policy.

5.20 Village Planned Development-Planned Unit Development (VPD-PUD). The development proposed by developer/owner and approved by the City as a development consistent with the City's "West New Smyrna" Comprehensive Plan Amendment. Venetian Bay VPD-PUD development shall be located in an urban overlay zone approved by the City and it shall be created by a Planned Unit Development Agreement which utilizes a written Master Planned Unit Development (PUD) Development Agreement (MDA) with appendices and exhibits and schematic development plan.

5.21 Village Urban Neighborhood (VUN). The VUN's are located in relatively close proximity to the VC. The VUN's are concentrically arranged around or near the VC and utilize traditional urban design characteristics and densities. VUN's qualify for placement of additional residential "bonus units" as allowed by City policy.

6.0 Venetian Bay VPD-PUD

6.1 Sub-districts and Related Land Use. The Village development authorized by the Venetian Bay VPD-PUD is comprised of three sub-districts, which are in turn composed of various land uses. The sub-districts and land uses are as follows:

Table 1

6.2 **Sub-district**	**(Land Use) Permitted Uses**
Village Center (VC)*	**Residential (RES)** **Storefront Commercial (SFC)**
Village Urban Neighborhood (VUN) *	**Residential (RES)**
Village Best Practice Neighborhood (VBPN)*	**Residential (RES)** **Convenience Commercial (CC)**

* All village districts (VBPN, VUN and VC) shall allow WB (water body), OS (open space), CIV (civic), REC (recreation), and PK (park) land use designations.

6.3 Sub-district Regulations

6.3.1 The permitted uses in all of the sub-districts are permitted to have accessory uses as allowed to that used by the City's adopted Land Development Regulations (LDR).

6.3.2 The requirements for each sub-district are set out in Exhibit "B", Land Use Zone Standards, which is attached hereto and incorporated herein by reference.

6.3.3 Parcel 3, as illustrated by Exhibit "C", the Concept Map, may utilize the street layout as shown, but porches meeting the minimum standards (RES 3B) on all houses, high backed curbs on all streets, full street tree requirements for the VUN, and a linear park along the south edge of the parcel shall be provided.

7.0 Permitted Mix of Land Use.

Table 2
VPD MIX OF LAND USE ZONES

		Land Area Standard VPD Minimum	Maximum Ratio	
1.	Open Space	50%	N/A	
2.	Recreation	3%	8%	200 sfla/du
3.	Residential All Zones	32%	45%	1.5 du/ac Max
4.	Commercial All Zones	N/A	10%	20 sfba/du
5.	Civic	2%	5%	300 sfla/du

[1] "sfla" indicates square feet of land area.
[2] "sfba" indicates square feet of building area.
[3] "1.5 du/ac" indicates gross project density (e.g. 1.5 units x overall project acreage= total allowable number of non-bonus residential units.

8.0 Village Center (VC) Focus Commitment

8.1 Venetian Bay is a new community. It is required that an urban core be developed as part of the new community. The development in the Village Urban Neighborhood (VUN) and Village Best Practices Neighborhood (VBPN) shall be limited by the rate of development occurring in the Village Center (VC). The property subject to this agreement shall be developed in a manner to ensure that sixty (60%) percent of the Venetian Bay development shall be located in the Village Center and Village Urban Neighborhoods (VUN).

8.2 The development under this agreement shall comply with the requirements of this section by providing the following minimum or maximum (as indicated) gross densities of residential development in the sub districts:

Village Center (VC)	4.0 du/ac minimum
Village Urban Neighborhood (VUN)	2.7 du/ac minimum
Village Best Practices Neighborhood (VBPN)	1 du/ac maximum

(Note: *du/ac* means dwelling units per acre.)

8.3 Residential density within the subdistricts shall be computed on the basis of the gross acreage within the subdistrict. This method of calculating density shall be in lieu of the method of calculating density as provided in the City's Land Development Regulations.

8.4 Storefront Commercial (SFC) uses shall be provided in the Village Center based on an assumed demand per residential unit located in the Venetian Bay-PUD as follows:

Retail/Office/Service/Commercial	20 square feet per dwelling unit

If less than 75% of retail/office/service/commercial development (non-residential) in the PUD is occupied at the time additional commercial space is required to be constructed under the terms of this agreement, then any requirement to construct additional retail/office/service/commercial

development may be delayed until such time as said commercial/office occupancy reaches 75%. If 75% occupancy is not achieved prior to the last Certificate of Occupancy for Venetian Bay being issued, the Developer shall identify where commercial sites will be provided in the future and such sites shall be noted on the City's Future Land Use Map as reserved for commercial or mixed use development. Any residential development on those sites shall be designed in such a manner as to permit conversion of at least the ground floor to non-residential use in the future. Non-residential development shall occur in the Village Center.

9.0 Phasing of Development.

9.1 Development of the Property shall be permitted as indicated on the Phasing Schedule which is part of this section. The specific site plan or plat for the Property, or portion thereof, shall be prepared, reviewed and approved as required by the standard procedures applied by the Land Development Regulation's to a site plan or plat. This Agreement shall not modify or supersede the Land Development Regulations site plan and plat standards and requirements. Public utilities for the Property or portion thereof, shall be obtained from the New Smyrna Beach Utilities Commission and shall be built to City's Land Development Regulations standards. The overall installation of public utilities shall be consistent with a Master Utility Plan and Schematic Design approved by the City and providing for connection to adjacent property owners at their expense. If available, Developer and Owner will provide re-use water within the VPD-PUD by connecting to re-use water lines provided at the property lines by the Utilities Commission, City of New Smyrna Beach.

9.2 The purpose of the Plan is to create a viable VC and VUN to serve as the urban core of the village. Accordingly, the phasing schedule for the Venetian Bay PUD development under this agreement is performance based with all performance to occur within the term of the Plan. Development of the sub-districts shall be based on non-bonus units totaling ~~1,823~~ 2,063. The units shall be permitted to occur or be limited as follows:

Table 3

Phasing Schedule

Phase	VPD % Units	VBPN Allowed	VC/VUN Required
1	10	182 (10%)	0 (0%)

2	40	365 (20%)	365 (20%)
3	70	547 (30%)	729 (40%)
4	100	825 (40%)*	1,238(60%)*

* Phase 4 unit figures updated to account for modification of overall unit figure in 2015 from 1,823 residential units to 2,063 residential units.

9.3 Any density bonuses requested to exceed the overall 1.5 unit per acre allowable density, as provided for herein to encourage affordable housing and specifically desired unit types may be achieved as follows:

9.3.1 *Accessory Units:* Accessory units to single-family residences are permitted within the VUN and VC sub-districts and are not to be counted against the density limit.

9.3.2 *Storefront and Convenience Commercial Stacked Units:* Residential units provided above storefronts shall not be counted against the density limit. Additionally, for every above ground floor unit provided, an additional unit shall be permitted within the VC or VUN Sub-Districts.

9.3.3 Bonus residential units shall not count toward the total number of residential units permitted within the VUN before additional construction of VC required improvements set out in Paragraphs 8.3 and 8.4.

9.4 Intentionally deleted.

9.5 VC Implementation. VC improvements as set out in 9.5.1 through 9.5.6 will be required upon the sale of fifty (50%) percent of the non-bonus residential units to residential occupants as identified through the periodic reporting set forth in the monitoring program (paid for by the Developer and Owner) required by Section 9.8. The required improvements are:

9.5.1 Construction of Venetian Bay Boulevard from Pioneer Trail to the VC.

9.5.2 At least one (1) VC block containing a minimum of twenty-five (25%) percent of SFC lots required for the VC pursuant to the Schematic Development Plan (SDP).

9.5.3 A public common area of at least one-half (1/2) acre in area.

9.5.4 A SFC shop building containing at least five thousand (5,000) square feet of space.

9.5.5 The pedestrian, bike and cart pathway system from Pioneer Trail shall be connected to the VC.

9.5.6 Designation of a civic site to provide a location for a community building which, at the option of Developer and Owner, may be privately owned.

9.6 Additional storefront construction in the VC shall be provided:

9.6.1 If the pace of construction of residential units exceeds 20% per year of permitted non-bonus residential units, SFC, over and above the initial five thousand (5,000) square feet required by Section 9.5.4, shall be provided within a year of the issuance of certificates of occupancy for 1000 residential units; or

9.6.2 If the pace of construction of the permitted non-bonus residential units is below 20% per year, SFC, over and above the initial five thousand (5,000) square feet required by Section 9.5.4 may be provided within a year of the issuance of certificates of occupancy for 1200 residential units.

9.7 Intentionally deleted.

9.8 Monitoring Report. The VPD-PUD requires (see Section 9.1) that VC and VUN development commence after a certain number if VBPN units are conveyed to end users. The City has an interest in assuring that the ratio of VBPN units to VC and VUN requirements is met. To that end, Developer and Owner or its assigns shall prepare and submit to the City monitoring reports demonstrating compliance with the terms of the VPD-PUD. The monitoring reports shall be submitted to the City with the submission requesting approval of the various plats that will subdivide the property. At a minimum, the monitoring reports shall provide:

(a) The total number and type of residential units conveyed by Developer and Owner or its assigns.

(b) The total quantities of commercial and office space provided in the VC and VUN neighborhoods.

(c) Owner or its assigns statement and demonstration of compliance with the ratios required in Section 9.2.

In response to the monitoring report, the City shall review the report and determine what action, if any, should be required of Developer and Owner or its assigns to cause compliance with Section 9.1.

10.0 Affordable Housing Commitment.

10.1 The Developer Bay is committed to providing affordable housing at Venetian Bay. To this end, the VPD-PUD allows "life-cycle housing" in a range of housing types including, but not limited to zero lot line, duplex, townhouse and accessory (to single family) living units. In order to specifically demonstrate the commitment to affordable housing the Developer and Owner agree to:

10.1.1 Energy conservation pursuant to Reid Ewing, *Best Development Practices, Doing the Right Thing and Making Money at the Same Time* (May 1995).

10.1.2 Provide High Density Housing within the VC sub-district of a minimum of 100 units of high-density residential exceeding twelve (12) units per acre.

11.0 Density Limitation Commitment and Bonus Request.

11.1 The Developer and Owner commit to a net project density, which shall not exceed one and one-half (1.5) non-bonus housing units per acre. Based on the Property having an original area of one thousand four hundred ten (1,410) acres the total "non-bonus" housing units allowed to the Venetian Bay-PUD would equal one thousand eight hundred seventy-five (2,115) units. The Developer and Owner hereby agree that the total number of "non-bonus" housing units shall not exceed two thousand sixty-three (2,063) units. Units will be allocated to the VC, VUN, and VBPN sub-districts as detailed by the SDP.

11.2 Developer and Owner hereby elect to exercise their right to "bonus" housing units in the VC and VUN sub-districts. Accordingly, Developer and Owner shall be permitted to develop, at their sole option, any or all of the following "bonus" RES units.

11.2.1 An Adult Living Facility (ALF) of up to fifty (50) beds. The ALF shall be located in the VC.

11.2.2 Walk-Up Residential Units constructed as part of a second, third or fourth floor above the SFC space located in the VC subdistrict.

11.2.3 An Adult Living Facility (ALF) of up to fifty (50) beds. The ALF shall be located in a VUN subdistrict.

11.2.4 Accessory living units as part of single-family living units located on an individual single-family lot in the VC or VUN subdistrict.

12.0 Model Homes and Sales Office

12.1 Model home construction prior to plat recording shall only be allowed upon compliance with the following requirements:

12.1.1 Provision for fire protection, including testing and approval of the water system by the Florida Department of Environmental Protection (FDEP), if on-site hydrants are required to service the area where the proposed models will be constructed.

12.1.2 Construction of access roads to the model home sites prior to building permit issuance, to the extent necessary to allow sufficient access by city inspection vehicles.

12.1.3 Permanent utility connections cannot be made until the sanitary sewer system has been completed and certified to FDEP.

12.1.4 Additional requirements, restrictions, and conditions may be imposed by the administrative official to address specific site or project concerns.

12.2 Two (2) types of sales offices shall be permitted within any new subdivision.

12.2.1 *Model Homes* A model home may be used as a sales office until such time as the last lot is developed within the subdivision.

12.2.2 *Temporary offices.* Temporary structures, such as trailers, recreational vehicles, and the like, may be permitted as a temporary sales office. Such temporary sales office shall only be permitted for an interim period not to exceed three (3) years or until such time that commercial space is made available within the planned Venetian Bay Town Center, whichever occurs first. Following relocation of the sales offices to the Venetian Bay Town Center, the temporary structures may be occupied by other non-residential uses allowed in Composite Exhibit "B", Section C3.

12.2.3 *Permit Required.* For both subsections 12.2.1 and 12.2.2 above, building permits are required. A final building inspection to insure conformance with the building and life safety codes shall be required for any model home prior to occupation.

12.2.4 *Parking.* Parking at the model home/sales office shall be on the street and in the residential driveway. These parking requirements shall be in lieu of the parking requirements set forth in the City's Land Development Regulations.

13.0 Signage.

13.1 Signage Design. The design intent of signage is to ensure adequate means of communication through signage while maintaining the attractive visual appearance within Venetian Bay. Signage should help establish the planned suburban and urban characters of Venetian Bay in a

manner, which promotes low profile signage of high quality design. Signage shall meet the following requirements:

a. *Thoroughfare Gateway Signage and Entrance Features:* Signage located at the primary entrances to Venetian Bay (SR 44 & Pioneer Trail) shall have a maximum height of 15' with a maximum signage area of 160 square feet (s.f.). A maximum of two gateway signs shall be permitted for each of the two primary entrances. An entrance feature may be designed in conjunction with the entrance signage or it may occur separately. The entrance feature shall have a maximum height of 35'. One ground sign may be located on the west side of Airport Road at the primary entrances so long as the sign is limited to a maximum height of 8' and a maximum copy area of 64 square feet (s.f.). These ground signs shall feature the business occupants within the centrally located Village Center.

b. *Village Best Practice (VBPN) Neighborhood Signage:* Signage located at the entrances to VBPN neighborhoods shall have a maximum height of 12' and a maximum signage area of 100 square feet (s.f.). Signage located on golf course property that fronts along SR 44 shall have a maximum height of 12' and a maximum signage area of 120 square feet (s.f.) and shall be limited to a maximum of one VBPN sign along SR 44. Additionally, this sign shall be a monument sign designed to conform to the general architectural style within the development, and shall not include electronic message center signs.

c. *Village Urban Neighborhood (VUN) Signage:* Signage located at the entrances to VUN neighborhoods shall have a maximum height of 8' and a maximum signage area of 50 square feet (s.f.).

d. *Village Center (VC) Residential Signage:* Signage located at the entrances to VC neighborhoods shall have a maximum height of 6' and a maximum signage area of 20 square feet (s.f.).

e. *Village Center (VC) Commercial Signage:* Signage located within the VC commercial areas shall be submitted for approval by the New Smyrna Beach Planning Department.

f. *Convenience Commercial (CC) Signage*: Signage located at CC sites shall follow signage regulations for properties in the Corridor Overlay Zone (COZ), as outlined in the City of New Smyrna Beach's Land Development Regulations.

13.2 **Dual Signage**: A maximum of two (2) signs meeting the requirements listed above shall be permitted per subdivision entranceway. If only one sign is used the total

square footage allowance for both signs may be utilized within the copy area of the single sign.

13.3 Signage Area: Signage area shall be calculated using the actual text and if applicable logo graphics area only. Walls or architectural effects shall not count toward the signage area restriction but shall meet the height restrictions set forth above.

13.4 Billboard Signs: Billboard signage is strictly prohibited.

13.5 Entrance Feature: Walls, Architectural icons, water features, landforms, landscaping or other effects which announce and signify arrival.

14.0 Covenants, Restrictions and Property owner Associations.

14.1 Covenants and restrictions to govern architectural controls within the VPD-PUD shall be consistent with this agreement and submitted to the City for review and approval prior to recording of the Plat. Upon approval, the covenants and restrictions shall be recorded in the Public Records of Volusia County, Florida. The Developer shall, subject to Owner's review and approval, create a Florida non-profit corporation which shall be the VENETIAN BAY MASTER PROPERTY OWNERS' ASSOCIATION (VBMPOA) to enforce the master covenants and restrictions, to conduct architectural review and approval of buildings planned for construction in the VPD-PUD, and to assure continued compliance with covenants and restrictions imposed by the various permitting agencies, including but not limited to, the St. Johns River Water Management District (SJRWMD), the U.S. Fish and Wildlife Service (USFWS), the Army Corp of Engineers (ACOE) and the Florida Department of Environmental Protection (FDEP).

14.2 The Developer and Owner may, at its option, create neighborhood or subdivision property owners associations (POA's) for the purpose of maintaining private, non-common facilities within the subdivision described by the covenants and restrictions created and recorded by Developer. As an example, if Developer elected to create a gated subdivision within the VBPN with private streets, the gated area, streets and street lights as well as all facilities particular to the subdivision which would only serve a particular subdivision and thus be "non-common" facilities the Developer could opt to create a subdivision POA to care for and maintain the "non-common" facilities particular to a subdivision.

15.0 Recreation and Open Space.

15.1 Open Space: Required open space for the project shall include environmentally sensitive areas, natural and man-made lakes, required upland buffers, natural areas used as edges, scenic setbacks used as edges, parks and recreation areas, golf courses and area-wide trail corridors, but not building setbacks and shall account for a minimum of 50% of the VPD land area.

15.2 Public Realm: Required open space for public uses and gathering places such as parks of all types (active, passive and resource based), and village or neighborhood squares, greens or commons, but not village edges, trails, wetlands, or environmental systems corridors, shall account for between a minimum 3% and a maximum 8% of the VPD area.

15.3 Edges: Edge areas shall be provided as required by the SDP and they shall be a part of a network of connecting open space corridors and major roads that buffer the VPD and its neighborhoods from incompatible uses and to help create community and neighborhood identity.

15.4 Village Center Park: The Developer and Owner shall provide a community park or multiple community parks with a total minimum acreage of two (2) acres.

16.0 Civic Use Commitment.

16.1 Lands, designated for civic use are lands that may be owned publicly or privately but they shall be designated to serve the community by providing a designated site or sites as follows:

16.1.1 A public realm civic community site or combination of sites with an area of three hundred (300) square feet of land area multiplied by the total number of non-bonus residential units in the VPD-PUD. It is anticipated that the public realm community site or sites will be a VPD-PUD common facility; **or**

16.1.2 A useable twenty (20) acre site which shall be located in the VC or a VUN sub district to serve an educational or governmental purpose. The Developer and Owner shall maintain ownership of the site until there is an agreed upon consideration for conveyance of the site to an educational or governmental entity. Prior to conveyance, Developer or Owner shall place covenants and restrictions which will cause the buildings or other structures to be located on the site to conform to the VPD-PUD design guidelines. If the designated site has not been acquired or identified on a short range (5 year) program by an educational or governmental entity prior to expiration of the eleventh (11th) year of the term of this Agreement, Developer may elect, at its sole discretion, to develop the site for a RES or SFC use as shown on the SDP. Prior to exercising its elective right to the site the Developer, or its successors or assigns, shall provide the City six (6) months advance notice of the election to utilize the site.

16.1.3 A village meeting hall/community center located within the VC sub-district and accessible from adjacent developments within and without the VPD-PUD shall be located as part of the VC sub-district. The village meeting hall/community center shall be built by Developer and Owner and it may be counted toward completion of Developer's requirement toward the option of provision of public realm civic community sites established by Paragraph

16.1.1. Developer shall have the option of charging for utilization of the village meeting hall/community center.

17.0 VPD Edge.

17.1 A village edge, as illustrated by the SDP, shall be maintained as part of Venetian Bay-VPD-PUD plan. The configuration of the village edge may be modified, if approved by the City, upon agreement of the parties having an interest in the title to the land abutting the edge.

17.2 The village edge may be comprised of, but shall not be limited to:

17.2.1 Environmental Systems Corridors (ESC's) as designated and characterized by the Volusia County Comprehensive Plan.

17.2.2 Perimeter public roadways such as State Road (SR) 44 and Pioneer Trail including the associated fifty (50') scenic setbacks from the referenced roads.

17.2.3 Water bodies, natural creeks or man-made water conveyance improvements.

17.2.4 Sub district or subdivision edges which may be common or non-common facilities maintained by a POA.

18.0 Environmental Systems Corridors.

18.1 These corridors are generally established in the Comprehensive Plan and shall include fifteen (15%) percent tree protection requirement and wetlands and upland habitat at a size that is conducive to limited development of trails and passive recreation, and enhancement of wildlife corridors. These corridors shall meet the following requirements:

18.1.1 The corridor shall include a minimum twenty-five (25') foot upland buffer.

18.1.2 Any crossings of roads and utilities shall be located, designed and constructed to minimize impacts.

18.1.3 A conservation easement over the Environmental Systems Corridors shall be established prior to or in conjunction with approval of the first site plan or subdivision plat within the VPD. The conservation easement shall allow passive recreation to occur within and on the Environmental Systems Corridor.

19.0 Natural and man-made Water Bodies.

19.1 Lakes including man-made lakes, which also serve a water retention function, shall be considered community amenities and meet the following requirements:

19.1.1 The water body should have an area of over one (1) acre

19.1.2 The water body should be incorporated into the design of pedestrian and bike paths, and parks with frontage open to the public and fronting the street system and within the VC sub district shall have a minimum of seventy-five (75') foot frontage.

19.1.3 Man-made lakes and ponds shall be designed to mimic natural water bodies so as to look as natural as possible.

19.2 Compliance with Volusia County's Tree Protection Standards.

Notwithstanding any provision in this agreement to the contrary, all development on the property subject to this agreement shall comply with Chapter 50, Division 4, *Trees,* of the Volusia County Code of Ordinances, related to tree protection standards within municipalities in Volusia County, Florida.

20.0 Wetlands.

20.1 Wetlands may be preserved and enhanced by linkages to create passive recreational opportunities or they may be removed or altered and the removal or alteration shall be mitigated as required by the permit authorizing the removal or mitigation. If a wetland is preserved, a minimum twenty-five (25') feet upland buffer shall be provided around the perimeter of the preserved wetland. In the event the LDR provisions related to minimum upland buffers are modified to permit an average upland buffer, that provision shall supersede the minimum upland buffer referenced herein. Public access to the wetland, if provided, shall be carefully designed to protect wetlands and wildlife. Wildlife corridors shall be provided to connect high quality habitat.

21.0 Roadway and Path Circulation System.

21.1 The SDP identifies a system of interconnected roadways and paths. The purpose of the roadways and paths is to allow circulation of vehicular, pedestrian and bicycle traffic including golf carts and electric vehicles, internally and externally, to the Venetian Bay-VPD-PUD. However, the street which serves the storefronts in the VC area may, at the option of Developer or any successor POA's, be closed to vehicular traffic for a period of time the Developer or POA may deem appropriate.

21.2 Developer and Owner shall be entitled to all impact fee and mitigation credit (if any), which may be occasioned, by Developer's creation, conveyance or designation of a roadway or pathway.

21.3 Venetian Bay Boulevard is illustrated with right of way and phasing indicated on the SDP. Venetian Bay Boulevard is laid out to conform to the corridor alignment designation presently

being sought by the City. Pending resolution of issues with Volusia County relating to right of way alignment, Developer and Owner intend to create Venetian Bay Boulevard as a public road and to receive impact fee credit for construction of the road and conveyance of right of way consistent with County standards.

21.4 Developer and Owner agrees to construct Venetian Bay Boulevard to the VC subdistrict as required in Paragraph 9.5 and Paragraph 9.7 herein. The extension of Venetian Bay south to SR 44 shall occur as required in Paragraph 9.7.

21.5 Vistas: Streets shall be configured to maximize scenic views including natural areas, water bodies, public amenities, focal elements and civic/land mark buildings. The SDP shall designate these features and lots for future civic uses to be located at the terminus of a street.

21.6 Street Connectivity: A hybrid (a blend of the traditional grid system and the curvilinear street system) street system is encouraged within the VPD with greater emphasis on the traditional grid design and neighborhood interconnectivity in the VUN and VC. Connectivity between VPD projects within the village shall be required and specific connections are illustrated.

21.7 Streets located within the Venetian Bay shall be organized into a hierarchy as identified in 21.7.1 through 21.7.7 and as illustrated on the SDP. The roadways shall utilize the cross sections illustrated by Composite Exhibit E.

21.7.1 Major Collector Boulevard

21.7.2 Minor Collector Boulevard or Road

21.7.3 Neighborhood Circulator Street

21.7.4 Neighborhood Local Street

21.7.5 Village Commercial Street

21.7.6 Rear Lane Alley

21.7.7 Village Pathway

21.8 Public Realm Traffic Calming: Traffic Calming devices shall be identified, located and described as a part of the schematic plan submittal, meeting the performance standards as follows:

21.8.1 *On Street Parking:* Provide on all neighborhood and village center streets per cross sections.

21.8.2 *Short Blocks:* Blocks within the VC and VUN Sub-districts shall be shortened.

21.8.3 *T-Intersections:* Shall be utilized in conjunction with squares and greens to truncate village and neighborhood circulator or local roads.

21.8.4 *Traditional Design Elements:* Street width reduction, curbs/grass/strips/street trees/pedestrian lighting, median plantings shall be utilized.

21.8.5 *Speed Limits:* Within the VPD, posted speed limits and design speeds shall be reduced below normally allowed speeds as follows:

- *Major Collector Boulevard Roads:* 35 mph and 45 mph
- *Minor Collector Roads:* 35 mph and 45 mph
- *Neighborhood Circulator Boulevard:* 25 mph and 35 mph
- *Neighborhood Local Roads:* 25 mph and 30 mph
- *Village Center Commercial Roads:* 20 mph and 25 mph

21.8.6 *Squares Green and Roundabouts:* Shall be required in the VUN Sub-district in accordance with sub-district standards and may be required in other sub-districts where the City makes a determination that through traffic should be deterred.

21.8.7 *Focal Elements:* A minimum of one (1) visually outstanding focal element (consisting of either landscaping, an architectural/site feature or recreation amenity shall be sited within squares, greens and roundabouts used to calm traffic.

21.8.8 *Arterial Road Scenic Setbacks:* Fifty (50') foot scenic setbacks shall be established to maintain a village character through the West New Smyrna Neighborhood along arterial roadways. Preservation of existing, good quality vegetation is encouraged, but landscaping enhancements to create buffers and aesthetically pleasing views, sites and entrance features shall also be required.

21.8.9 *Cul-de-sac Length:* Cul-de-sacs may not be permitted to exceed the maximum length of one thousand (1,000') feet allowed by the Land Development Regulations provided, however, a secondary emergency access with stabilized surface as approved by the City may be provided as a

secondary emergency access point. The secondary emergency access pathway may utilize hedge materials, "knock down" gates or other visual barriers as approved by the City. The stabilized surface may be landscaped but the compaction rate of the ground underlying the landscaping area shall be sufficient to support the weight of emergency vehicles including fire trucks.

21.8.10 *Existing Roadway Network:* Developer recognizes that the efficient use of the existing roadway network within the VPD-PUD can conserve resources and fully utilize the as-built infrastructure. Accordingly, provided Developer receives the necessary approvals from both the City of New Smyrna Beach and the St. Johns River Water Management District, additional residential lots may be platted along existing residential areas where the roadway network is already built to accommodate the use (i.e., residential lots are already constructed either on the same side of the street or opposite side of the street).

21.9 Street lighting shall be installed along the various roadway types pursuant to a lighting plan submitted by Developer and Owner and conforming to the minimum standards set out in 21.9.1 through 21.9.5. Lighting fixtures shall be compatible with the design theme of the development or specific neighborhood they are provided for.

21.9.1 Collector and neighborhood streets shall have lighting spaced in a staggered, alternating pattern with lights approximately three hundred (300') feet apart on center (e.g., lights on the same side of the street will be approximately six hundred (600') feet apart. Lighting standards shall be a minimum height of fourteen (14') feet.

21.9.2 Village Center streets shall have lighting spaced in a staggered, alternating pattern with lights approximately forty (40') feet apart on center (e.g., lights on the same side of the street will be approximately eighty (80') feet apart). Lighting standards shall be a minimum height of fourteen (14') feet.

21.9.3 Pathways, where they are not adequately lit by adjacent collector, neighborhood or village center lighting standards, shall be lit by walk lights which shall have a maximum height of twelve (12') feet and they shall be spaced a maximum of one hundred (100') feet apart, in a staggered alternating pattern. The walk lights may all be placed on one side of the pathway and may be reduced to a minimum height of four (4') feet. Spacing of walk lights below the twelve (12') foot height maximum shall be determined at the time of plat or site plan review and approval.

21.9.4 *Lighting Design:* Lighting fixtures shall be compatible and consistent with the architectural style of the sub district in which they are placed.

21.9.5 *Spacing Adjustments:* Minor adjustments for spacing are permitted to accommodate driveways and other features.

22.0 Public Realm Street Trees

22.1 Incorporation: Trees shall be incorporated into the design of each street built within the Venetian Bay-VPD-PUD.

22.2 Street Tree Design: Street trees shall form a continuous, predictable border, reinforcing the function of a street as a public space and meet the following standards:

22.2.1 *General:* Trees shall be incorporated into every street, planted in straight lines, between the sidewalk and the curb.

22.2.2 *Tree Types:* Durable trees, such as Oaks, shall be predominantly used. Only one type of tree shall be placed on both sides of residential streets, in one block.

22.2.3 *Collector Streets:* Plant street trees in staggered rows, at a maximum of fifty (50') foot intervals on center.

22.2.4 *Neighborhood Circulator and Local Streets:* Plant street trees at a maximum of forty (40') foot intervals on center on both sides of the street.

22.2.5 *Village Center Commercial Streets:* Plant street trees at thirty (30') to forty (40') feet on center on each side of the street. Palms may be used in lieu of trees at the same spacing along the Village Center Commercial Street only.

22.2.6 *Size:* Street trees shall be a minimum of three (3") inch calipers (six (6") inches above ground) with a six (6') feet clear trunk and an eight (8') feet spread when planted. Container grown live oak trees may be used to replace the standard tree requirement provided the following minimum specifications are met; Tree shall have a minimum size of ten to twelve (10'-12') feet height with four to five (4'-5') foot spread and a minimum two (2") inch caliper in a 30 gallon container.

22.2.7 *Spacing Adjustments:* Adjustments for spacing are permitted to deal with driveways and other features within the subdivision that interrupt the spacing pattern.

23.0 Storm water Management Standards

23.1 Design Standards: The VPD-PUD shall be served by a well-designed, master storm water management system as follows:

23.1.1 *Concept:* The design concept is to utilize and enhance natural drainage systems, simulate natural systems in man-made structures, and utilize the following guidelines:

23.1.2 *Integration:* Integrate the man-made system into natural systems.

23.1.3 *Plantings:* Plant littoral zones with wetland vegetation where it will significantly improve the aesthetics of the project.

23.1.4 *Water Detention:* Storm water facilities shall be designed as wet detention where site conditions allow.

23.2 Master Plan: A Master Stormwater Management Plan shall be submitted with the Schematic Plan meeting City and St. John River Water Management District requirements. Minimum stormwater design shall be for a one hundred (100) year three (3) day storm event.

25.0 Effective Date.

This agreement shall become effective upon execution by the parties and recording in the public records of Volusia County, Florida.

26.0 Amendments.

26.1 Substantive amendments to this agreement shall not be effective unless in writing and signed by the respective parties to this agreement. The owners of all property to which an amendment applies shall be authorized to execute an amendment to this agreement on the Developer's behalf; provided, however, that if the amendment involves more than one (1) lot or parcel and a property owner's association having jurisdiction over the lot is established in accord with this agreement, the association must also execute such amendment for it to be effective. Before amendment of this agreement, the City shall conduct public hearings as required by the City's Land Development Regulations for a zoning amendment.

26.2 Minor deviations to the approved agreement shall be permitted subject to staff review and without public hearing. A minor deviation shall be a deviation from the Plan which has no substantive effect on the overall goals, purpose and objectives of the Plan. Generally, a minor deviation would be a change which is (a) not in conflict with the requirements of the Plan or any exhibit adopted as part of the Plan or (b) not in conflict with any City ordinance or regulation not superseded by the terms of the

Plan and exhibits adopted as a part of the Plan. Examples of a minor deviation would include, but not be limited to, the following changes:

i. Changes in the alignment of a road or path to accommodate sound planning and engineering principles.

ii. Realignment of a VPD-PUD edge to accommodate site constraints or sound planning and engineering principles.

iii. Reallocation of use or unit density within VC, VUN or VBPN neighborhoods but without increasing the allowable commercial square footage or residential density for a particular commercial use or residential unit type.

iv. Other changes which are similar to the changes described above as to their lack of substantive impact on the goals, purpose and objective of the Plan.

26.3 The City's Planning Director shall determine whether a proposed deviation from the plan is minor or substantive change. If the Planning Director determines the proposed deviation is minor, the Planning Director shall authorize the deviation by approving it in writing. The approval may be in the form of a letter. If the deviation is substantive, the procedure set out in Paragraph 26.1 above shall be followed in order for the change to be approved.

27.0 Conformance With The Laws.

The Developer and Owner agree:

A. To develop the property according to all VPD-PUD regulations of the City to the extent those regulations are not inconsistent with the Plan for the property.

B. To provide agreements, contracts, deed restrictions, and sureties and other documents required by the City Legal Department for completion of the development or approved development phases, and for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at public expense, and that the Developer and Owner's successors in title will be bound by the Developer and Owner's commitments made in this Agreement.

C. To comply with all city codes and ordinances.

28.0 Enforceability.

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or otherwise unenforceable, such holding shall not affect the validity of enforceability of any other provision of this Agreement unless the holding so states.

29.0 Prior Agreements.

This Agreement represents the complete understandings by and between the parties with respect to the development and continued use of the Property. Any and all prior agreements between the parties with respect to any subject comprehended by this Agreement are hereby voided and superseded by this Agreement.

30.0 Agreement To Run With The Land.

The terms and provisions of this Agreement shall run with the land and inure to the benefit and burden of the Developer, the Owner and their successors and assigns.

31.0 Interpretation.

31.1 This Agreement shall be interpreted to fulfill its purpose and intent. The parties agree that all parties have participated in the drafting of this Agreement. Therefore, the rule of construing ambiguities of an agreement against the drafter of the document shall not apply.

31.2 In the event of a conflict between the text of this Agreement and the exhibits adopted as a part of the Plan, the most restrictive requirement, as established by either the Agreement or Exhibits shall apply.

31.3 Words or terms used in the text of this Agreement shall be given the meaning set out by the definitions set out in Section 5.0 of this Agreement. If a word or term is not defined in Section 5.0 of this Agreement and the word or term is defined by the Land Development Regulations the meaning given to the word or term by the Land Development Regulations shall apply. Words or terms not defined by this Agreement or the Land Development Regulations shall be given their plain and ordinary meaning.

IN WITNESS WHEREOF, the parties hereto attached their hands and seals this 18th day of December, 2015.

Signed, sealed and delivered
In the presence of:

THE CITY OF NEW SMYRNA BEACH, FLORIDA, a Florida municipal corporation

Claudia Rogers
Witness 1

By: James W. Hathaway, Mayor

Print Name of Witness 1
Claudia Rogers

Attest:

Witness 2
Barbara Billings

By: Johnny Bledsoe, City Clerk

Print Name of Witness 2
Barbara Billings

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 11 day of December, 2015, by **JAMES W. HATHAWAY** and **JOHNNY BLEDSOE, Mayor** and **City Clerk**, respectively, of The City of New Smyrna Beach, Florida, a Florida Municipal Corporation, on behalf of the City. They are personally known to me and did not take an oath.

(Seal)

TAMMY M. KOSOROK
Commission # EE 847188
Expires February 25, 2017
Bonded Thru Troy Fain Insurance [redacted]

Tammy M Kosorok
Notary Public

APPROVED AS TO FORM AND CORRECTNESS
As attested to

By: City Attorney, Frank B. Gummey, III

Dated: 12/18/15

Signed, sealed and delivered in presence of:

DEVELOPER AND OWNER:
GEOSAM CAPITAL US (VENETIAN BAY) LP, a Delaware limited partnership

By: **Geosam Capital US GP, LLC, a Delaware limited liability company, its General Partner**

By: _____

Witness 1

Amber Coleman
Print Name of Witness 1

Witness 2

Print Name of Witness 2
MARIA J. D'ALESSANDRO

Martin Pham, Manager

Date: 11-23-15

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 23rd day of Nov, 2015, by Martin Pham as Manager of Geosam Capital US GP LLC, a Delaware limited liability company and General Partner of Geosam Capital US (Venetian Bay) LP, a Delaware limited partnership. He is personally known to me or has produced _____ as identification and did not take an oath.

Notary: Type, Print or Stamp Name
My commission expires:

TONYA GANDY
MY COMMISSION # FF 036583
EXPIRES: July 16, 2017
Bonded Thru Notary Public Underwriters

Exhibit A
Legal Description

DESCRIPTION (OVERALL) VENETIAN BAY (SPRUCE CREEK RANCH)

A parcel of land in Sections 17 and 20, Township 17 South, Range 33 East, being described as follows: Commence at the Northerly right of way line of State Road 44 and the West line of said Section 20 as monumented, as a point of reference, run thence N88°34'27"E along the aforesaid right of way line, a distance of 860.15 feet to the Point of Beginning; thence continue N88°34'27"E along said right of way line, a distance of 1924.27 feet; thence N08°38'27"E, a distance of 708.32 feet; thence N09°47'57"E a distance of 1550 feet; thence N09°32'27"E a distance of 1021.78 feet; thence N09°09'27"E a distance of 1009.67 feet; thence N16°08'27"E a distance of 1293.77 feet; thence N16°36'57"E a distance of 134.76 feet; thence N20°10'57"E a distance of 426.66 feet; thence N16°43'27"E a distance of 727.93 feet; thence N77°43'06"W a distance of 4557.14 feet to the West line of Section 17, Township 17 South, Range 33 East, said point being South of the Northwest corner of said Section 17, a distance of 127.42 feet; thence S01°26'42"E a distance of 1272.52 feet along said West line of Section 17; thence S65°18'21"E a distance of 1863.95 feet; thence S06°33'27"W a distance of 5705.39 feet to the Point of Beginning.

AND:

A portion of Sections 6, 7 and 18, Township 17 South; Range 33 East and lying Southerly of Pioneer Trail, also known as State Road #40-A and County Road #4118, all being more particularly described as follows: As a point of reference begin at the Northwest corner of Section 7, Township 17 South; Range 33 East; thence N00°43'12"W along the west line of said Section 6, a distance of 1000.60 feet to the southerly R/W line of Pioneer Trail a 66 foot R/W as now laid out; thence N83°19'34"E along said R/W, a distance of 631.11 feet to the PC of a curve, thence Northeasterly along a curve being concave southerly said curve having a central angle of 10°47'25", a radius of 1522.98 feet, an arc length of 286.82 feet to the PT of said curve; thence S85°53'01"E along the tangent of the previously described curve, a distance of 521.18 feet; thence S85°08'24"E, along said R/W, a distance of 203.61 feet; thence S83°44'30"E, along said R/W, a distance of 210.66 feet; thence S82°28'25"E along said R/W, a distance of 208.34 feet; thence S80°22'38"E along said R/W, a distance of 240.39 feet; thence leaving said R/W, S00°24'31"E, a distance of 920.13 feet to the South line of said Section 6; thence S01°18'04"E, a distance of 2119.27 feet to the centerline of an existing drainage canal; thence S80°06'10"E along said centerline, a distance of 901.27 feet; thence S82°01'07"E along said centerline of drainage canal, a distance of 866.37 feet; thence S80°38'22"E, along said centerline of existing drainage canal, a distance of 1225.40 feet to the east line of said Section 7; thence leaving said centerline of existing drainage canal S01°29'28"E along said East line, a distance of 2666.74 feet to the southeast corner of said Section 7; thence S01°27'00"E along the east line of said Section 18, a distance of 1399.94 feet to the Northerly line of the Mary O'Reilly property; thence N65°18'40"W a distance of 475.86 feet to the Westerly line of the Mary O'Reilly property; thence S16°26'36"E, along said westerly line of the Mary O'Reilly property, a distance of 1499.91 feet to the south line of the North 2 of said Section 18; thence S89°18'02"W, along the said south line of the North 2 of said Section 18, a distance of 5234.73 feet to the west line of said Section 18; thence N01°04'16"W, along the westerly line of said Sections 18 and 7, a distance of 7948.58 feet to the Point of Beginning.

Subject to a 100 foot drainage easement described as that property lying within 50 feet northerly and 50 feet southerly of the centerline of the existing drainage canal extending from a point on the east line of said Section 7 near the East 2 Section corner and traversing northwesterly through Section 7 to a point on the west line of Section 7 approximately 800 feet north of the West 1/4 section corner.

More particularly described as follows:

BEGIN AT THE NORTHWEST CORNER OF SAID SECTION 7, ALSO BEING THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE N00□53'04"W ALONG THE WEST LINE OF SAID SECTION 6 A DISTANCE OF 1000.37 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF PIONEER TRAIL; THENCE

N83□19'37"E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 634.21 FEET TO A POINT OF CURVATURE ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1522.98 FEET, A CHORD BEARING OF N[redacted]E, A CHORD DISTANCE OF 286.39 FEET, RUN THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 10□47'25", A DISTANCE OF 286.82 FEET TO THE POINT OF TANGENCY; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING FIVE COURSES (1) THENCE S85□52'58"E A DISTANCE OF 521.18 FEET; (2) THENCE S85□08'21"E A DISTANCE OF 203.61 FEET; (3) THENCE S83□44'27"E A DISTANCE OF 210.66 FEET; (4) THENCE S82□28'22"E A DISTANCE OF 208.34 FEET; (5) THENCE S80□22'35"E A DISTANCE OF 240.39 FEET; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE RUN S00□24'31"E A DISTANCE OF 919.61 FEET; THENCE S01□18'06"E A DISTANCE OF 2119.75 FEET; THENCE S80□06'02"E A DISTANCE OF 901.25 FEET; THENCE S82□01'14"E A DISTANCE OF 866.36 FEET; THENCE S80□30'04"E A DISTANCE OF 1224.30 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 7; THENCE S01□27'53"E ALONG SAID EAST LINE A DISTANCE OF 26.70 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 7; THENCE S01□28'01"E ALONG SAID EAST LINE A DISTANCE OF 2640.04 FEET TO THE NORTHEAST CORNER OF SAID SECTION 18; THENCE S01□20'33"E ALONG THE EAST LINE OF SAID SECTION 18 A DISTANCE OF 127.41 FEET; THENCE DEPARTING SAID EAST LINE RUN S77□42'19"E A DISTANCE OF 4556.64 FEET; THENCE S16□42'14"W A DISTANCE OF 727.93 FEET; THENCE S20□10'55"W A DISTANCE OF 426.68 FEET; THENCE S16□42'23"W A DISTANCE OF 134.74 FEET; THENCE S16□09'35"W A DISTANCE OF 1294.77 FEET; THENCE S09□08'54"W A DISTANCE OF 1008.72 FEET; THENCE S09□34'30"W A DISTANCE OF 1021.87 FEET; THENCE S09□49'35"W A DISTANCE OF 1550.17 FEET; THENCE S08□38'25"W A DISTANCE OF 639.98 FEET TO A POINT ON THE NEW NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 44 AS RECORDED IN OFFICIAL RECORDS BOOK 3998, PAGE 3768, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE N87□06'45"W ALONG SAID NEW NORTH RIGHT-OF-WAY LINE A DISTANCE OF 179.15 FEET; THENCE CONTINUE ALONG SAID NEW NORTH RIGHT-OF-WAY LINE S88□35'50"W A DISTANCE OF 1746.46 FEET; THENCE DEPARTING SAID NEW NORTH RIGHT-OF-WAY LINE RUN N06□34'50"E A DISTANCE OF 5624.01 FEET; THENCE N65□17'39"W A DISTANCE OF 1864.09 FEET; THENCE N65□15'57"W A DISTANCE OF 475.94 FEET; THENCE S16□25'02"E A DISTANCE OF 1500.02 FEET TO A POINT ON THE EAST-WEST CENTER OF SECTION LINE OF SAID SECTION 18, BEING 39.07 FEET WEST OF THE EAST 1/4 CORNER OF SAID SECTION 18; THENCE S89□19'14"W ALONG SAID EAST-WEST CENTER OF SECTION LINE A DISTANCE OF 5231.54 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 18; THENCE N01□04'47"W ALONG SAID WEST LINE A DISTANCE OF 2658.03 FEET TO THE NORTHWEST CORNER OF SAID SECTION 18 ALSO BEING THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE N01□04'09"W ALONG SAID WEST LINE A DISTANCE OF 2644.12 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 7; THENCE CONTINUING ALONG SAID WEST LINE RUN N01□03'07"W A DISTANCE OF 2647.03 FEET TO THE POINT OF BEGINNING.

CONTAINS 54,389,693 SQUARE FEET OR [redacted] ACRES MORE OR LESS

AND TOGETHER WITH:

Commence at the Northwest corner of Section 17, Township 17 South, Range 33 East, Volusia County, Florida; run thence South 01 degrees 20 minutes 33 seconds East along the West line of said Section 17, a distance of 127.41 feet; thence South 77 degrees 42 minutes 19 seconds East a distance of 4556.64 feet: thence South 16 degrees 42 minutes 14 seconds West a distance of 727.93 feet; thence South 20 degrees 10 minutes 55 seconds West a distance of 426.68 feet; thence South 16 degrees 42 minutes 23 seconds West a distance of 134.74 feet; thence South 16 degrees 09 minutes 35 seconds West a distance of 342.86 feet for a point of beginning; thence South 72 degrees 19 minutes 51 minutes East a distance of 1112.31 feet; thence South 13 degrees 08 minutes 29 seconds West a distance of 1571.16 feet; thence South 00 degrees 00 minutes 00 seconds West a distance of 1391.08 feet to a point of curvature on a curve concave Northeasterly, having a radius of 1739.52 feet, a chord bearing of South 17 degrees 39 minutes 27 seconds East, a chord distance of 998.45 feet, run thence Southeasterly along the arc of said curve, through a central angle of

33 degrees 21 minutes 21 seconds, a distance of 1012.69 feet; thence South 42 degrees 20 minutes 58 seconds East a distance of 438.86 feet; thence South 32 degrees 50 minutes 01 seconds West a distance of 563.31 feet to a point on the North right of way line of State Road 44; thence South 87 degrees 35 minutes 54 seconds West along said North right of way line, a distance of 231.55 feet; thence South 87 degrees 50 minutes 04 seconds West along said North right of way line a distance of 1500.13 feet; thence South 88 degrees 35 minutes 54 seconds West along said North right of way line a distance of 200.00 feet; thence North 87 degrees 06 minutes 46 seconds West along said North right of way line a distance of 21.36 feet; thence departing said North right of way line run North 08 degrees 38 minutes 25 seconds East a distance of 639.98 feet; thence North 09 degrees 49 minutes 35 seconds East a distance of 1550,17 feet; thence North 09 degrees 34 minutes 30 seconds East a distance of 1021.87 feet: thence North 09 degrees 08 minutes 54 seconds East a distance of 1008.72 feet; thence North 16
degrees 09 minutes 35 seconds East a distance of 951.92 feet to the point of beginning.

COMPOSITE EXHIBIT "B"
LAND USE ZONE STANDARDS

A. RESIDENTIAL (RES):

1. Intent: The intent of the residential land use zone is to provide for a diversity of housing types and price ranges including all types of detached and multifamily housing.

2. Overall Development Standards

a. Permitted and Accessory Uses:

- Single family housing including zero lot line and normal accessory uses.
- Multiple family buildings with two (2) or more units, including apartments, condominiums, townhouses, duplexes and customarily allowed accessory uses
- Home Offices
- Assisted Living Units
- Civic including religious institutions, Recreation and Open Space Uses
- One (1) stand-alone RV/boat storage parking facility; provided it does not abut residential lots and meets all buffer, screening, and landscaping provisions contained herein.

3. Detached Unit Development Standards:

a. Private Realm Façades: The design concept is to reinforce the public realm by "Framing the Street". The principal orientation of the front façade of all primary buildings shall be parallel, or nearly parallel, to the street on which they front and meet the following requirements.

i. **Primary Entrance:** The front facing façade shall contain the primary entrance and face the street except as specifically provided for herein.

ii. **Façade Design:**

- **Front façade:** Shall not consist of an unobstructed blank wall and along street frontages, housing facades shall be varied and articulated to provide visual interest.
- **Articulation Devices:** May include color, texture, arcades, bays, windows, balconies, porches, roof treatment (hip and gable are preferred) and other architectural treatment.
- **Significant Structures:** Structures located on corner lots are considered to be significant buildings and shall not create a blank-wall effect on its exterior side yard.

b. Private Realm Porches: The design concept is to permit porches to create a buffer and human scale layer between the sidewalk and the house, provide a social edge to a private dwelling in which people can choose to see or be seen along neighborhood streets, and to merge the public realm and the private realm. Where porches are provided the design standards below shall apply.

i. **Size:** Porches shall have a minimum depth of seven feet (7'), with a minimum length of the lesser of the primary structure front façade or ten (10') feet.

ii. **Elevation:** Porches and first floor elevations shall be a minimum of sixteen (16") inches above the finished grade of the lot as measured along the front elevation.

iii. **Entrance:** The porch shall provide space for the primary entrance to the house, and be covered by a roof.

iv. **Porch Steps:** Steps to the front porch shall be at least six (6') feet in width and be aesthetically enhanced.

v. **Setbacks:** Porches may intrude into setback, but shall maintain a minimum front setback of ten (10') feet and side setback of seven (7') feet.

vi. **Corner lots:** Porches shall wrap around the exterior side of the significant structure for a minimum of seven (7') feet.

vii. **Enclosure:** Porches shall not be enclosed but shall have roofs integral to the house.

viii. **Covered Balconies or Balustrade Area:** May be used to meet the porch requirement if they meet the dimensional requirements of the porch

c. Private Realm Garages: The design concept is to reduce reliance on and impact of automobiles by reducing the physical prominence of garages and improving the pedestrian environment as follows:

i. **Architectural Design:**

- **Compatibility:** Garages shall be of the same architectural form, style and materials as the primary structure.
- **Visual Impact:** Architectural devices should be used to reduce the visual impact of garage doors.

ii. **Location Design:**

- **Lots Under 50' in Width:** Garages shall be accessed from a rear alley easement or parking may be provided through an alternative plan such as parking pods.
- **Lots Under 55' in Width:** Garages may be accessed from the front, but shall be located to the rear of the primary structure and may be free standing or attached.

- **Lots 55' or Wider**: May have garages located to the front of the house under the following conditions:
  - The garage has a side entry court (oriented toward the side yard) and covers not more than 48 percent of the front façade providing the architectural treatment of the garage is at the same level of detail and quality as the primary façade.
  - The garage may face the front, provided it is set back fifteen (15) feet from the front façade, not including porches and bays.

d. Private Realm Landscaping: The design concept is that tree placement on the lot must complement the public realm street trees at maturity, avoid conflict with utilities and work with porch locations.

i. **Irrigation:** Each residence shall be provided an automatic irrigation system designed to use reuse water, where made available by the utilities commission, to provide 100% ground coverage, and to meet peak moisture demands of all plant material. (Turf and scrub areas shall be irrigated separately) Xeriscape and water conservation method may be used to reduce the 100% requirements in rear yards only.

ii. **Lot Requirement:** Each residence's front yard must contain one (1) shade tree with a two (2.5") inch caliper except as follows:
- **Front Facing Garage Requirement:** One (1) additional, two (2") inch caliper tree shall be located between the driveway and the nearest side yard to help screen the garage.
- **Lots less than 55' in width:** May delete the shade tree requirement in exchange for providing hedges along the side lot lines on the front yard.

iii. **Property lines:** May be clearly defined by hedges, fences, or garden walls. To develop hedges, the builder shall use large shrubs that will mature into the appropriate size. See fencing below.

e. Private Realm Fences or Hedges: The design concept is to permit private property lines to be clearly defined by garden walls, fences or hedges. Fencing and hedging in the front yard shall indicate a separate public realm from the private realm, but not create a barrier to interaction between pedestrian and homeowners

i. **Design Concept:** Walls, Hedges and fences shall be considered an extension of the architecture of the residence and shall screen trash containers.

ii. **Front Yard Requirements:** Hedges, fences or walls that define the transition from the public street to the private front yard space, may be provided in front yards if they meet the following conditions:

- They shall be limited to a maximum of four (4') feet in height and be a minimum of fifty (50%) percent solid.
- A waiver may be granted to the height restriction based upon a review of fencing and compatible architecture on a block front basis.
- Entrances, gates, and corners should be articulated with decorative post treatment, which may exceed the four (4') feet height limitation.

iii. **Additional Requirements:** Non-front yard fences, as detailed below, are permitted on all residential lots within the VPD-PUD, subject to the following restrictions:

- Fence materials shall be white vinyl, white PVC, white wrought iron, black wrought iron or as outlined below.
- Perimeter fences must be installed either on the property line or three (3) feet inside of the property line.
- Fences shall be allowed on all lots as, or part of, a pool enclosure.
- Fences uses as pool enclosures may be white vinyl or PVC, wrought iron or similar styled manufactured in aluminum, either in white or black.
- Solid fences above four (4) feet are not allowed in rear yards. Rear yard fences may be solid up to four (4) feet in height. An additional two (2) feet of height may be added provided that no more than 25% of the additional two feet is solid.
- Except in extraordinary circumstances, solid privacy fences up to six (6) feet in height are only allowed from the front plane of the primary structure to the rear plan of the primary structure.
- Walls may be used in lieu of fences under the following conditions:
  a. Walls must be the same finish and color as the exterior of the residence and must have a decorative cap.
  b. Solid walls may be six (6) feet in height in side yards only.
  c. Solid walls may be four (4) feet in rear yards with an additional two (2) feet allowed with wrought iron or similar materials and the additional two (2) feet

must be a maximum of twenty-five percent (25%) solid.

No fence or wall shall be constructed as to interfere with the drainage pattern in the area.

f. Private Realm Driveways: The design concept is to permit drive- ways to accommodate the garage but shall not impose barriers between the private realm and public realm as follows:

i. **Driveway Design:** Driveways shall be a minimum of ten (10) feet wide at the curb and continue to the garage meeting the following:
- **Turnarounds:** Driveways shall contain turnarounds where possible.
- **Common Driveways:** Are permitted
- **Materials:** Driveways shall be constructed of concrete or concrete paving blocks, bricks or asphalt.

ii. **Circular Driveways:** Are permitted in the VUN Sub-District.

g. Screen Enclosures: Screen enclosures for pools, decks, or other areas shall be allowed and shall be considered to be an accessory structure to a home and not part of the primary structure of the building it is attached to. This provision shall apply to all residential uses and districts.

4. Single Family & Two-Family Lot and Building Guidelines: Modifications may be permitted where alternative development practices are shown to achieve the West New Smyrna Beach Neighborhood policies of the Comprehensive Plan and the intent of the VPD-PUD. Any such modifications shall be identified in the VPD-PUD Agreement.

a. Minimum Lot Area:	5,500 s.f., for single family 4,400 s.f., for zero lot line
b. Minimum Lot Width and Frontage:	50' for single family 40' for zero lot line
c. Minimum lot depth:	130' without Alleys, 120' with Alleys
d. Maximum lot combination:	3
e. Maximum % of lot combinations:	50%
f. Minimum living Area:	1000 S.F. for primary unit 450 S.F. for accessory unit

g. **Maximum Impervious Coverage:** 65% (area of a porch is not included)
h. **Maximum Building Height:** 3 stories and 40'
i. **Maximum Number of Dwelling Units per lot:** 1 excluding accessory units

j. **Minimum Building setbacks:**

i. **Front:** 17.5' to 22.5' build-to range. Porches may be no closer than 10'.
ii. **Street Side:** 15'
iii. **Interior Side:** 5' on each side for single family
0' and 10' for zero lot line
iv. **Rear:** 25' for primary structure, 5' for a garage or accessory structure

5. Multi-Family Development Standards:

a. Density (adjusted gross): This zone is intended to provide for multi-family housing at an adjusted gross density of no greater than eighteen (18) units per acre.

b. Private Realm Façade: The design concept is to reinforce the public realm by AFraming the Street. These multiple family buildings shall support the public realm design, be close to the street and meet the following requirements.

i. **Framing the Street:** The principal orientation of the front façade of primary buildings shall be parallel, or nearly parallel, to the street on which they front with parking hidden behind or to the side. Buildings internal to the site should be organized around open space.
ii. **Primary Entrance:** Building entrances, front porches, windows to major rooms, and front doors shall be oriented to the street or parking court.
iii. **Facade Design:** The buildings shall be designed to reduce the monolithic nature of the structure. The front door shall be a prominent and welcoming feature on the front façade. Blank wall conditions facing the street are not allowed.
iv. **Articulation Devices:** Roof forms, balconies, covered entities, and facades shall accentuate smaller unit massing. Three -story housing should include one (1) and two (2) story units at ends and corners.

c. Private Realm Porches: The design concept is to permit porches to create a buffer and human scale layer between the sidewalk and the project, provide a social edge to a private unit in which people can choose to see or be seen along neighborhood streets, and to merge the public realm and the private realm. Where porches are provided the design standards below shall apply.

i. **Size:** Porches shall have a minimum depth of seven feet (7'), with a minimum length of ten (10') feet.

ii. **Elevation:** Porches and first floor elevations shall be a minimum of sixteen (16") inches above the finished grade of the lot as measured along the front elevation.

iii. **Entrance:** The porch shall provide space for the primary entrance to the unit or multiple unit structure, and be covered by a roof.

d. Private Realm Landscaping: The design concept is to utilize private landscaping to support the public realm landscaping in terms of location, size and quality of materials.

i. **Building Perimeter Landscape:** Perimeter areas adjacent to arterial roads shall be heavily screened. Perimeter areas that face residential streets shall not have hedge or shrub planting over four (4) feet in height.

ii. **Parking Landscape:** Canopy shade trees shall occur throughout the parking lot. Landscape islands should align with paths in the common open space to create pedestrian links through parking lots. Shrub masses shall be used along the perimeter of all parking lots to enclose the space and screen views to vehicles from surrounding drives and adjoining parcels. Parking islands may include shrubs, ground cover, loose granular material or tree grates. Parking islands shall be at least nine (9') feet wide to allow a single tree planted in the center to stay clear of open car doors.

iii. **Recreation Facility Landscape:** Recreation facilities shall be associated with common open space areas to provide for social gatherings. Landscape materials shall be used to screen above grade utilities and pool equipment from recreational areas and adjoining units.

iv. **Buffers/Screening Materials:** Landscape screens shall consist of layered masses of opaque shrubs, the tallest of which is of sufficient height to block the undesirable view or noise. Where space is tight, a single dense hedge can be used.

6. Multifamily Lot and Building Guidelines: Modifications may be permitted where alternative development practices are shown to achieve the West New Smyrna Beach Neighborhood policies of the Comprehensive Plan and the intent of the VPD-PUD. Any such modifications shall be identified in the VPD-PUD Agreement.

a. Maximum Lot Area: 1 blocks meeting development block standards within the VC and VUN Sub-Districts.

b. Minimum Lot Area: 13,000 s.f. for apartments
2,600 s.f. for townhouse

	7,500 s.f. for duplex
c. Minimum Lot Width and Frontage:	100' for apartments 20' for townhouse 60' for duplex
d. Minimum Floor Area:	500 s.f. for primary unit 400 s.f. for accessory unit
f. Maximum Lot Coverage:	65% (area of porch is not included)
g. Maximum Building Height:	four (4) stories and 60 feet

h. Minimum Building Setbacks:

i. **Front:** 10' to 20' build-to range primary structure.
ii. **Street Side:** 10' plus 2' for every floor over 2 stories.
iii. **Interior Side:** 10' plus 2' for every floor over two stories for apartments. 5' plus 2' for every floor over 2 stories for duplexes
iv. **Rear:** 25 feet for primary structure, 5 feet for a garage or other accessory structure.

B. STOREFRONT COMMERCIAL (SFC):

1. Intent: The Storefront Commercial land use zone is intended to be applied in the initial VPD-PUD unless it is designed to be expanded into one contiguous VPD-PUD and shall provide much of the retail and other commercial needs of the village. The zone requires a fine grain of pedestrian oriented development and a high degree of urban design based upon traditional downtown storefronts.

Refer to Appendix F "Design Standards Graphics": Typical Main Street Ambiance and Desirable Streetscape and Building scale

2. Sub-Districts Permitted: The Storefront Commercial District shall only be permitted within the centrally located Village Center (VC) Sub-District.

3. Development Standards:

a. Permitted and Accessory Uses:

- Retail Sales and Service
- Outdoor Retail Sales and Service

- ☐ Hotel and Time Share
- ☐ General Office
- ☐ Professional Office
- ☐ Personal Service
- ☐ Restaurants (no drive through)
- ☐ Sidewalk Cafes with tables and menu
- ☐ Residential units located above ground floor commercial
- ☐ Helipad Use (Ground not rooftop)
- ☐ Civic and Recreation
- ☐ Drive through facilities for banks, savings and loans, institutional uses located at the rear of a building in a parking lot and accessed by service streets or parking lots.
- ☐ Any use typically incidental to a principal use permitted by right when conducted as an accessory to such a principal use. Outdoor display shall be allowed. "Sidewalk tables" and temporary signage shall not be included to determine total allowable signage Menu display shall not be considered a sign.
- ☐ Gas pumps located away from the main pedestrian commercial streets.

b. Prohibited Uses:

- ☐ Any use not permitted shall be prohibited unless it is determined to be essentially the same as a permitted use.
- ☐ Drive through facilities for all restaurants
- ☐ Automobile, truck, RV, and boat dealerships and similar uses with large vehicular display areas

c. Private Realm Commercial Storefront Façades: The design concept is to reinforce the public realm by "Framing the Street". The principal orientation of the front façade of all primary buildings shall be parallel, or nearly parallel, to the street on which they front and meet the following requirements.

i. Main Building Façades shall face the primary street except the main building façade may be perpendicular to the street if located on a courtyard or plaza and architecturally related to the street or the Main Building Façade may face a significant body of water within the development provided the façade is served by a pedestrian walkway

of at least fifteen (15') feet in width giving pedestrian access to the body of water and the facade.

ii. All facades facing village commercial streets shall conform to the build to line. Minor deviations of up to twenty (20') feet for up to twenty (20%) of a block front may be permitted and shall be identified on the preliminary plat

iii. Main entrances shall face the street, square or court yard/plaza.

iv. Buildings on corner lots shall be architecturally related to the secondary street.

d. Commercial Storefront Façade Components: The basic commercial storefront façade shall consist of four (4) parts as follows:

i. **The Storefront:** The lower façade with entrance and display windows.

ii. **The Expression Line**: Delineates the transition between storefronts and from the upper façade above. The expression line shall either be a cornice, molding extending a minimum of three (3) inches, or offset in the plane of the surface of the building wall a minimum of three (3) inches.

iii. **The Upper Façade Area:** Contains the horizontal area utilized for wall signage, canopies or awnings and windows if it is a multistoried building.

iv. **The Cornice:** The architectural feature at that tops the building. The cornice shall reflect the style of the building.

Refer to Composite Exhibit F – "Design Standards Graphics" Storefront Design Illustrations, which establish a graphic representation of the architectural components of a historic storefront and desirable and undesirable characteristics of a storefront. Variations to these design standards and standards under f. below may be approved by the City to accommodate a true Mediterranean theme based upon meeting the intent of the standards and approval of Design Book of sketches and illustrations to be provided in the PUD Agreement.

f. Storefront Architecture:

i. **Design Concept:** Architectural style, building colors, sign location and size shall be coordinated with the characteristics of adjacent buildings and storefronts in the same building.

ii. **Cornice and Expression Lines:** A 20' to 25' high cornice line and an expression line deep enough to create a shadow line shall be established for all buildings except freestanding office buildings.

iii. **Continuation of Horizontal Lines:** Such as building trim, cornice lines or decoration is encouraged from one building to the next.

Refer to Composite Exhibit F- Illustrations of cornice and expression lines and desirable and undesirable applications.

iv. **Windows:** Shall face the street and a punched window expression is encouraged. Large expanses of glass curtain walls are discouraged and street side windowless walls are prohibited.

- **Bulkheads/Kneewalls and Kick Plates:** Shall be required.
- **Framing:** Windows shall be framed
- **Shutters:** Shall be prohibited on the first floor.

v. **Roof Pitch:** Varied roof pitches will be permitted in lieu of the traditional cornice line, as long as it fits with the adjacent buildings architectural style and/or historic old Florida architecture.

- **Porticos and arcades:** May be permitted if the sidewalks are of sufficient width and pedestrian flow is accommodated.

Refer to Composite Exhibit F- "Appropriate Facades and Roof Pitches"

iv. **Awnings:** shall be used to be architecturally coherent with the building involving height, size, materials and color as follows:

- **Materials:** Fabric awnings, such as canvas, vinyl coated canvas or acrylic are encouraged. Metal awnings may be used, but limited to enhance main entrances and porticoes
- **Design:** Awnings should not be of radically uneven or unusual shapes. Awnings shall not cover the piers or the space between the second story windows and cornice. Awnings covering second story windows shall either conform to the size of the individual windows or complement the first floor awning in terms of size, materials, height, color etc.
- **Colors:** Awning color shall complement the buildings color scheme. Electric or garish colors are prohibited.

Refer to Composite Exhibit F- "Desirable and Undesirable Awnings" and "Typical Awnings", respectively.

vii. **Wall and Awning Signage:**

- **Materials and Composition:** Shall be compatible to the architecture, materials and composition of the building.
- **Design:** Size, shape, color and location of a sign shall complement the building façade and should never be so large

as to overpower the building.

- Individual storefront signs should be compatible with other storefronts on the same building in terms of size design and placement.
- **Building Elements Preserved:** Windows, cornices or decorative details shall not be obscured.
- **Prohibitions and Waivers:** Signage above the expression line shall be prohibited except:
- Wall mounted hanging signs that are highly decorative and complement the building façade
- Small window signs
- Signs that identify a building, incorporated in the cornice detail

Refer to Composite Exhibit F- "Desirable and Undesirable Signs"

g. Maximum Building Width: Building site may extend up to a full block, but to the greatest extent possible, single buildings with a single entrance should not exceed 200'.

5. Lot and Building Guidelines: Modifications may be permitted where alternative development practices are shown to achieve the West New Smyrna Beach Neighborhood policies of the Comprehensive Plan and the intent of the VPD. Any such modifications shall be identified in the PUD Agreement.

a. Minimum Lot Widths: 20'

1. Maximum retail (ground) Floor Areas:

i. **All except grocery stores** 10,000 S.F
ii. **Corner lot store** 15,000 S.F.
iii. **Grocery Stores** 60,000S.F.

2. Minimum Setbacks for Commercial Storefront Projects (Includes retail, office, civic uses)

i. **Minimum front build-to-line,** 80% of block up to 10' for 20% of block.
ii. **Minimum side setback...**0'
iii. **Minimum rear setback...**0'
iv. **Minimum for parking lots...**5'

3. Encroachments

i. **Design Concept:** Balconies, awnings, covered entries, arcades; roof overhangs may encroach into the public sidewalk zone.

ii. **Clearance:** Encroachments must be a minimum height of eight feet from the sidewalk.
iii. **Stoops:** Shall not encroach on public sidewalks.
iv. **Doors:** Shall not encroach on public sidewalks.

4. **Maximum lot coverage:**
i. **Maximum impervious surface area**: 100%
ii. **Master Storm water Retention System:** Shall be required to accommodate multiple ownerships where lot coverage makes on site retention impractical.
iii. **Maximum Building Height:** 4 stories and 60'

C. CONVENIENCE COMMERCIAL (CC):

1. Intent: The convenience commercial land use zone is intended to be applied in the Initial VPD, serve very limited commercial needs of Village residents and to be restricted in size, permitted uses and location so as not to compete with the village center-storefront commercial uses.

2. Sub-Districts Permitted: The commercial land use zone shall only be permitted within the Village Best Practices Neighborhood (VBPN) Sub-Districts, located on Major Collector Boulevard entrances to the VPD from east-west arterial roads.

3. Development Standards:

a. Permitted and Accessory Uses:

- Convenience Commercial development with a maximum site size of two (2) acres containing a maximum of fifteen thousand (15,000) square feet of the following uses:
  - Convenience Stores/Retail Sales and Service with gas pumps and car washes (South Convenience Commercial location only)
  - Restaurants with drive-through
  - Banks, savings and loans with drive-through
  - Office, General or Government, Professional, Business or Personal Service
  - House of Worship
  - Day Care Center (child or adult)
  - Medical Facility
  - Medical Office
- Any use typically incidental to a principal use when conducted as an accessory use to the principal use.
- All uses listed shall follow setback requirements as set forth in this PUD Agreement, this section, "Lot and Building Guidelines".

b. Prohibited Uses:

- Any use not permitted shall be prohibited unless it is determined to be essentially the same as a permitted use.

c. Location Requirements: This land use zone may only be applied to sites meeting the following conditions:

i. The sites may be located in only one quadrant of the intersection of a VPD Major Collector road and an east-west arterial road.

d. Unified Development Requirement: Development within the CC land use zones shall be designed meeting site plan requirements for a unified development.

e. Site Design: Buildings shall address the public right-of-way and provide higher architectural standards for those buildings facades that are visible from the street.

i. Primary Façade: All buildings shall be oriented to face the arterial road and this side of the building will be defined Athe primary façade.

ii. Primary Customer Entrance: Shall be within the primary facade unless the building is considered to have two primary facades; the façade that faces the public right-of-way and the façade that incorporates the customer service entrance.

iii. Corner Lots: Buildings located on corner lots shall have two primary façades unless the building is angled so that the primary façade is oriented to the intersection and thus has one primary facade.

iv. Off-Street Parking/Sidewalk Design: Shall meet the requirements of the City and the following:

- **Interior Parking Areas:** Landscaped areas shall be provided to define logical areas for pedestrian and vehicular circulation.
- **Consistent Angles:** All spaces in a parking lot shall use the same angle of parking excepting parking spaces along the perimeter.
- **Sidewalks:** Site development plans shall include sidewalks, pedestrian ways, linkages and paths connecting public sidewalks and pathways to building entrances, designed to the same standards as public sidewalks.
- **Pedestrian Separation:** Pedestrian walkways through parking lots shall be separated, preferably buffered with landscaping, from vehicle lanes. Walkways shall be constructed to standard sidewalk height such that the pedestrian walkway is higher than the vehicle travel lane.
- **Site Vehicular Access:** The main site vehicular access shall be from the major collector road. Direct access to the exterior arterial roads shall be limited to right in/right out accesses as approved by the Florida Department of Transportation

(FDOT) for State Road 44 or the County of Volusia for Pioneer Trail.

v. **Accessory Structures:** Accessory structures shall be located behind the front building line of the primary structure and shall be constructed of the same materials as the primary structure.

vi. **Landscaped Buffer Areas:** As defined by the Land Development Regulations for a width of twenty-five feet (25') shall be provided abutting residential areas.

h. Building Design: The appearance of site and structures shall be coordinated for the purpose of creating a pleasing and harmonious overall environment.

i. **Compatibility:** Building materials, plant materials, lighting and other building and site improvements shall:

- Be internally consistent with the design theme of the VPD project.
- Be compatible with the landscaping materials and lighting fixtures in the adjacent VPD Major Collector Boulevard.

ii. **Awnings or Ornamental Features and Signs:** shall be designed in a manner harmonious with the building design including appropriate scale, shape, and pattern as follows:

- **Materials:** Fabric awnings are encouraged but metal awnings may be used to enhance main entrances.
- **Architectural Integration:** Shall be designed with the architecture of the building and shall not cover or hide architectural features

iii. **Scale:** Buildings shall have architectural features that provide visual interest from the perspective of the pedestrian.

iv. **Facades:** Shall be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls and be consistent with any village design elements.

- **Articulation:** Shall be accomplished by varying the building's height and width so that it appears to be divided into distinct massing elements and provide details that can be perceived at the scale of the pedestrian.
- **Primary Facades:** All primary facades of a building shall be designed with consistent architectural style, detail, trim features, and roof treatments.
- **Walls:** The exterior façade of the wall shall be designed consistently with the primary façade.

v. **Building Materials:**

- **Primary Facades:** The use of a certain materials on primary facades is restricted as follows:

- Metal panels shall not cover more than fifty (50) percent of any primary façade.
- Smooth-faced concrete on a primary façade shall have stucco or other decorative finish. Unfinished, standard concrete blocks shall not be permitted.
- **Walls:** Shall be finished as the primary façade.

vi. **Garage/Roll-Up Doors:** Shall not be permitted as a part of the primary façade of a building. Garage or roll-up doors, if necessary as a part of the use of the building(s), shall be designed to be on the side or rear of the building(s).

vii. **Roof Design:** To add visual interest, reduce massing and screen rooftop equipment. Hip and gable roofs are allowed mansard and gambrel roofs are prohibited. Flat roofs are permitted with a three (3) dimensional cornice treatment as described below.

- **Rooftop equipment:** shall be concealed from eye-level view from public right-of-way and from the ground level of any adjacent properties.
- **General Application:** Both single and multiple-tenant buildings and projects are required to have variations in the roof lines, and roof features that are consistent with the building's mass and scale. In addition, roofs shall meet at least two (2) of the following requirements

☐ **Decorative parapet.**

☐ **A three-dimensional cornice treatment**, a minimum of twelve (12) inches high with a minimum of three changes in the relief or thickness.

☐ **Overhanging Eaves:** that extends at least three (3) feet beyond the supporting walls, with a minimum facia of six (6) inches deep.

☐ **Three or more planes per primary façade.**

Refer to Appendix C, Exhibit # 11 Roof Options.

4. Lot and Building Guidelines: Modifications may be permitted where alternative development practices are shown to achieve the West New Smyrna Beach Neighborhood policies of the Comprehensive Plan and the intent of the VPD and its VC sub-district. Any such modifications shall be identified in the PUD Agreement.

a. Minimum Lot Size: .5 acre

b. Maximum Lot Size: 2 acres

c. Maximum Gross Leasable Square Feet: 15,000 s.f.

d. Minimum Yard Size:

i. **Front Yard:** Buildings at 70'. Perimeter sidewalks and parking lots may abut the required scenic setback of the arterial roads.
ii. **Side yard:** 25 feet
iii. **Rear yard:** 25 feet

e. Maximum Principal Building Height: 40 feet
f. Maximum Building Coverage: 35%
g. Maximum Impervious Lot Coverage: 75%

1. VILLAGE CENTER (VC) SUB-DISTRICT

A. SUB-DISTRICT INTENT: The intent is to require development of a Village Center within the Initial VPD that may be expanded into a directly adjacent contiguous VPD that is a pedestrian oriented and accessible, mixed use shopping district. It will serve the entire Village including contiguous developments, with a mix of uses that will help to create a vibrant sustainable community. The Village Center shall be centrally located adjacent to a major collector road and shall contain a minimum of sixty (60) acres.

Further, the intent of the Village Center District is to encourage a fine grain of architecture, site planning and development. Street oriented retail and restaurants, professional office and apartments above are oriented around the village commercial streets.

B. APPLICATION: The VC Sub-District shall be delineated on the Schematic Plan. The sub-district shall be generally located in the center of the village adjacent to the major collector road to serve the surrounding neighborhoods and may include lands on both sides of the major collector road.

C. UNIFIED DEVELOPMENT PLAN: A Preliminary Subdivision Plat shall be required for the entire Village Center prior to any site development approval within the Village Center.

D. LAND USE ZONES PERMITTED: The following land use zones shall apply within the VC Sub-District.

1. **RESIDENTIAL (RES)**
2. **STOREFRONT COMMERCIAL (SFC)**

E. RES MINIMUM AVERAGE RESIDENTIAL DENSITY: In order to create a true village center focus, a minimum average density of four (4) dwelling units per acre shall be achieved

within the VC-Sub-District tract. The schematic plan shall identify parcels to be developed as RES and specify the adjusted gross densities for these parcels. The combined adjusted gross densities for all of the RES parcels shall achieve the total units required in the entire sub-district. Modifications may be made over time to respond to market conditions, but the minimum average density shall be maintained.

F. LAND USE MIX: The following table provides the minimum/maximum standards that establish the mix use character of the Village Center Sub-District.

Table IV
VC MIX OF LAND USE

	Land Area Minimum/Maximum Ratios		
VC Total		**60 acres**	
1. Village Square		**2 acres**	
2. Residential	**45%**	**65%**	**4 du/ac. min. avg.**
3. Storefront Commercial (Retail/Office/Service/ Commercial)	**10%**	**30%**	**20 Bldg. sf/du***
4. Civic	**10%**	**None**	
5. Conservation/open Space		**5%**	

G. DEVELOPMENT BLOCK STANDARDS: Small block sizes in the core shall be used to create a more intimate pedestrian scale as follows:

1. Block Size Range: 300' x 300' to 400' x 400' for primarily SFC development, but may be up to 500' by 500' for primarily RES development.

2. Block Size Waivers: Size may be adjusted to protect environmental assets or respond to site limitations.

H. INTERNAL LAND USE COMPATIBILITY:

1. **Land Use Zone Changes on Main Commercial Streets:** Should occur at mid-blocks or shall occur from block to block, and shall not occur at the

center line of village commercial streets.

2. **Scale:** Buildings on both sides of the street should be designed with similar height, bulk and yard standards.

I. **PUBLIC REALM RECREATION:**

1. Village Square: The village square shall be designed as gathering places for residents and shoppers, both day and evenings. The square will include places for strolling, sitting, music concerts, art shows and other promotional or cultural and holiday events and meet the following requirements.

a. Each VC Sub-District shall provide a village square or park containing a minimum of two (2) acres.
b. The lots surrounding the square shall serve as a focal point for the social life of the village by providing such uses as a village convenience store, church, grocery store, daycare center, etc.
c. The square shall contain a fountain, plaza, significant tree, and structure to serve as a focal element.

2. **Water Bodies:** Water bodies of over one (1) acre shall be incorporated into the design of pedestrian and bike paths, and parks with a minimum of 75% of frontage open to the public and fronting the street system.

J. **PUBLIC REALM CIVIC:** The required community center shall be provided in the village center and located at the terminus of a village commercial street. It is encourage that a site be made available for a church.

K. **PARKING:** The City's Zoning Ordinance regulates parking except as provided herein:

1. **Master Shared Parking Plan (MSPP):** Shared parking is required and a MSPP shall be provided for the proposed storefront development meeting the requirements contained herein. The MSPP concept shall be submitted as a part of the schematic plan and described in the PUD agreement. The required preliminary plat shall identify the shared parking sites/lots.

2. **Parking Requirement Determination:** The mixed-use characteristic of the VC-Sub-District and connectivity requirements permits a twenty-five (25%) percent reduction in the required number of parking spaces. Individual mixed-use projects may be granted an additional reduction if supported by standards from a recognized technical publication or a

detailed analysis prepared by a professional traffic engineer.

3. **On Street Parking:** Shall be provided on all streets within the district and may be used to meet parking requirements if incorporated into the MSPP.

4. **Parking Lots:** Every attempt shall be made to minimize the size and impact of parking lots, which shall be generally located behind or on the side of buildings addressing the higher order street and meet the following standards.

   a. **Parking lots to the side of buildings:** Shall be restricted to a maximum width of sixty-five (65') feet of pavement and should be designed to access rear parking areas.

   b. **Peripheral Parking lots:** Parking lots located at the edge of the Village Center district within five hundred (500) feet of the primary users are permitted.

   c. **Landscaping:** Parking lots must comply with the City's Landscape ordinance and the following:
      i. **Streetscape Compatibility:** Shall be compatible with the public realm landscape design standards contained herein.
      ii. **Screening:** Parking lots shall be screened from streets with a 2' to 4' high wall or hedge.

L. CIRCULATION:

1. **Street Layout:** The village center street system shall be a traditional grid and create regular blocks unless prohibited by natural conditions. Cul-de-sacs may be permitted only where natural conditions and major storm water facilities permit no other design solution.

2. **Curb Detail:** The six (6") inch, non-mountable, high backed typed curb shall be required.

3. **Curb Cuts/Access:**

   a. Curb cuts shall not be allowed on or across from the village square.
   b. Curb cuts are not permitted for storefront and civic uses except to access alleys, permitted parking lots or loading areas.
   c. Curb cuts for free standing office and commercial projects shall be the minimum necessary to safely serve the project.

M. ADJUSTMENTS TO RES LAND USE ZONE STANDARDS: Performance and design standards for the RES Land Use Zone are not universally applicable to the VC Sub-District. The following standards shall control within this sub-district.

1. Permitted and Accessory Uses:

- Accessory Offices
- Accessory units (attached or above garage) under the following conditions:
  - ☐ Units must have a separate access.
  - ☐ Sufficient off Street Parking is required.
  - ☐ Owner occupancy is required for rental to non-family.
- Carriage House units, defined as above garage dwelling units not associated with townhomes or single-family housing, located above garages associated with multi-family buildings shall be permitted units.

2. Detached Residential Unit Standards:

Private Realm Porches: Shall be required for all detached residential units.

i. Set backs: Porches may intrude into setback, but shall maintain a minimum front setback of three (3') feet and a side setback of five (5') feet.

ii. Corner lots: Porches may wrap around the exterior side of the primary structure for a minimum of five (5') feet.

Private Realm Facades: The front façade shall be continued in its major features, around all visibly exposed (from the public realm) sides of a building including style details color and materials and meet the following requirements:

- The same front facades may not be repeated more than six (6) times, within one block, for both sides of the street.
- The same front facades shall be separated by at least three (3) houses with different facades.
- Houses with the same façade shall not be located across the street from one another, and to the extent possible, owners should not walk out the front door and see their same façade.

Private Realm Garages: Lots exceeding fifty-five (55') in width shall be required to provide a minimum of fifty percent (50%) of garages located to the rear of primary structure on each block front and shall be indicated on the subdivision plat. The minimum percentage of units

with garages located to the rear of the primary structure may be reduced to twenty-five (25%) percent in a sub-division if the minimum number of units with qualified porches is increased by fifty (50%) percent.

3. **Detached Residential Unit Lot and Building guidelines:**

a. **Maximum lot area:** 11,500 s.f.
Minimum lot area: 3,500 s.f.

b. **Build to line:** 10' to 12' and porches may be three (3') feet from the property line

c. **Minimum lot width and frontage:** 35' for single family
35' for zero lot line

d. **Minimum lot depth:** 110' without Alleys; 100' with Alleys

e. **Minimum Building setbacks:**
i. Front: 10' to 12' for primary structure (not including porch)
ii. Street Side: 10'
iii. Interior Side: 2.5' on each side for single family
iv. Rear: 20' for primary structure with or without attached garage; 5' for separate garage or other accessory structure

4. **Multi-Family Development Standards**

a. **Private Realm Apartment Porches:** Multi-Family apartments and condominiums shall provide architecturally defined entries that may include features such as an entry porch, railings, steps, or roof.

b. **Private Realm Townhouse Porches:** A minimum of fifty (50%) percent of the town house and all duplex buildings shall have front porches.

c. **Attached Units:** Town house buildings shall be attached with not less than three (3) attached units except that lots located at the end of a block may be permitted with at least two (2) attached units.

d. **First Floor Elevation:** Townhouse and duplexes shall have a first floor elevation a minimum of sixteen (16") inches above finished sidewalk grade In order to reinforce the public realm by "Framing the Street," multi-family apartments or condominiums within the VC may be constructed at sidewalk grade.

e. **Site Plan Design;**
i. Design of multi-family projects shall be consistent with the pedestrian scale and character of the sub-district.
ii. A consistent front build to line shall define the public realm.

iii. Parking lots shall be generally located internal to the site and alley access to parking lots should be provided.
iv. A formal building arrangement organized around open space is preferred.
v. A variety of home sizes and building types should be provided in a block face.

5. **Multi-Family Lot and Building Guidelines:**

a. **Minimum front build-to-line:**
Townhouse: 5' to 15' and porches may be 3' from the property line
Multi-family apartments and condominiums: 0'

b. **Minimum Lot Area:** 2,200 s.f. for townhouse

c. **Minimum Lot Depth:** 110' without Alleys; 100' with Alleys

d. **Minimum Building setbacks:**

i. Front:	10' for townhouse; 3' for porch 0' for multi-family apartments and condominiums
ii. Side:	0' for multi-family
iii. Rear:	20' for townhouse primary structure with or without attached garage; 5' for separate garage or other accessory structure 0' for multi-family apartments and condominiums
iv. Parking lots:	5' for multi-family apartments and condominiums

e. Multi-Family Apartment and Condominium Encroachments

i. Design Concept:	Balconies, awnings, covered entries, arcades, and roof overhangs may encroach into the public sidewalk zone.
ii. Clearance:	Encroachments must be a minimum height of eight feet from the sidewalk.
iii. Stoops:	Shall not encroach on public sidewalks.
iv. Doors:	Shall not encroach on public sidewalks.

f. Maximum lot coverage – multi-family:

i. Maximum impervious surface area: 100%

ii. Master Stormwater Retention System: Shall be required to accommodate multiple ownerships where lot coverage makes on site retention impractical.

VII. VILLAGE URBAN NEIGHBORHOOD (VUN) SUB-DISTRICT

A. SUB-DISTRICT INTENT: It is the intent of this sub-district to require development of urban neighborhoods that surround and are in walking distance to the village center. The neighborhoods shall be pedestrian oriented and physically recognizable as a unique neighborhood.

B. APPLICATION: The actual boundaries of the sub-district may vary to respond to site characteristics and the need to create urban neighborhoods. The sub-district area shall contain approximately 1000 acres after multiple ownerships are combined and shall be limited in size and shape to encourage visitors to walk or bicycle to the village center. Thus, eighty- five (85%) percent of the units within the VUN Sub-District shall be within three thousand feet (3000') of the VC Sub-District.

C. LAND USE ZONE PERMITTED: This Sub-District is restricted to the RES Land Use Zone.

D. MINIMUM AVERAGE RESIDENTIAL DENSITY: In order to achieve more intense urban densities within urban neighborhoods and support the village center, a minimum average density of two and seven tenths (2.7) units per acre shall be achieved within the sub-district area.

E. URBAN NEIGHBORHOOD DESIGN:

1. **Size:** Urban neighborhoods within the VUN-Sub-District shall range in size from twenty (20) to one hundred and twenty five (125) acres in size.

2. **Shape:** The neighborhood shall allow residents to walk, within 1320 feet or less, to the centrally located neighborhood square or park. Eighty-five (85%) of the housing units within the neighborhood shall meet this requirement.

3. **Public Realm Neighborhood Park:** The City will determine the size of the park site based on a ratio of two hundred and twenty five (225) square feet per house-hold within the neighborhood. The park shall have a minimum size of one half (1/2) acre and be designed as follows:

   a. The park shall be internally located and surrounded by streets with

residences facing the park unless located on a lake or ESC.

b. No off street parking shall be provided.

c. Non-mountable curbs shall bound Park space adjacent to streets.

d. The space shall provide for sun shade and seating

e. A focal element such as a significant tree, fountain, plaza, or play equipment shall be provided.

4. Urban Neighborhood Edges: An edge area of a minimum of one hundred feet (100') shall be provided between urban neighborhoods. Edge requirements shall be waived in the following areas:

a. VC and VUN Sub-Districts Boundaries.

b. Water Bodies/Open Space: Water bodies with a width equal to or exceeding the edge dimension.

c. Neighborhood Design: Where trees, landscaped screens, and streets shall be provided as an edge between very distinct neighborhoods having different housing types/sizes/prices, landscape treatments, street layouts etc.

d. Unusual Circumstances: Where the applicant demonstrates that the edge area will be incompatible with good design concepts and other standards herein.

e. Major or minor collector boulevards

5. Range of Housing: The urban neighborhoods shall offer a range of housing:

a. Types: Shall include but not be limited to single family, zero lot line, townhouse, multifamily and accessory units.

b. Vary Bedrooms: Offer housing with a variety of bedrooms in each block.

c. Price Range and Size: Offer housing of different prices and sizes within the same block.

F. VUN DEVELOPMENT BLOCKS:

1. Lengths: Average block lengths, as measured from a street crossing or alley intersection, shall be as follows:

a. For Lot- Widths Block- Lengths

Below 60' (average)	300'
60' to 85'	600'
86' to 100'	1000'

2. **Waivers:** Block lengths may be increased if the applicant satisfies the following criteria:

   a. To preserve ecologically significant vegetative communities.
   b. Where civic spaces or roundabouts are provided as focal points, at the end of a block.
   c. Where topography and street angles are used to interrupt a continuous streetscape.

G. CIRCULATION:

1. **Layout:** A hybrid system based on the traditional grid but using curvilinear design is permitted, but neighborhoods should have multiple entrances and excellent access to the village center. Cul-de-sacs may be permitted only where natural conditions or major storm water facilities permit no other design solution.

2. **Curbs:** The applicant shall provide non-mountable, high backed curbs on streets that have the following conditions: follows:
   a. Streets that front on neighborhood squares or parks.
   b. Streets that contain lots of fifty feet (50') in width or less where alleys are required.
   c. Neighborhood streets from the neighborhood entrance for 1000 feet or through the traffic calming device required below.

3. **Curb Cuts/Access:**
   a. Curb cuts shall not be allowed on or across from the neighborhood park.

4. **Traffic Calming:**
   a. **Public Realm Squares, Greens or Roundabouts:** Shall be used to truncate the street system, calm traffic, discourage through traffic on neighborhood streets and shall be located at the first cross street intersection or within 1000 feet of a neighborhood entrance.

H. ADJUSTMENTS TO RES LAND USE ZONE STANDARDS: Performance and design standards for the RES Land Use Zone are not universally applicable to the VUN Sub-District. The following standards shall control within this sub-district.

1. **Permitted and Accessory Uses:**

- Accessory Offices
- Accessory units (attached or above garage) under the following conditions:
  - ☐ It must have a separate access.
  - ☐ Sufficient off Street Parking is required
  - ☐ Owner occupancy is required for rental to non-family.
- One (1) stand-alone RV/boat storage parking facility under the following conditions:
  - ☐ It shall have a single gated access off Monaco Blvd.
  - ☐ It shall not abut residential lots.
  - ☐ It shall have a minimum buffer width of seven (7) feet along the street or water retention areas, and twenty-five (25) feet along the west property line.
  - ☐ Landscaping shall consist of 60% shrubs, 20% tree coverage, and 20% ground coverage. Note, however, that the interior of the parking facility shall not include any trees.
  - ☐ Landscape screens shall consist of layered masses of opaque shrubs, the tallest of which is of sufficient height to block the storage parking facility; where space is tight, a single dense hedge can be used.

2. **Detached Residential Unit Standards:**
   a. **Private Realm Porches:** Porches shall be required for a minimum of twenty five percent (25%) of the single family and zero lot line units within any block and shall be indicated on subdivision plat.
   b. **Private Realm Garages:** Lots exceeding fifty-five feet (55') in width shall be required to provide a minimum of fifty percent (50%) of garages located to the rear of primary structure on each block front and shall be indicated on the subdivision plat.
   c. **Private Realm Façades:**
      i. The same front facades may not be repeated more than two (2) times, within one block, for both sides of the street.
      ii. The same front facades shall be separated by at least three (3) houses with different facades.
      iii. Houses with the same façade shall not be located across the street from one another, and to the extent possible, owners should not walk out the front door and see their same façade.
      iv. Along street frontages, housing facades shall be varied and articulated to provide visual interest. Articulation devices may include color, texture, arcades, bays, windows, roof, balconies, porches and other architectural treatment.
      v. The façade of the main body of the house shall not exceed forty (40') feet, except for wings or L's, which are set back from the front façade.
      vi. Houses located on corner lots are considered to be significant buildings and shall not create a blank-wall effect on its side yard because this side façade is as important as front facades, and must:
         - Either not exceed one story and utilize articulation devices on the side façade, or
         - If two (2) stories or over, a porch must wrap around the side façade for a length of seven (7) feet, or utilize other articulation devices such as pergolas, cupolas, and belvederes to give architectural emphasis.
      vii. First floor elevations must be a minimum of sixteen (16") inches above the grade of the front yard,

3. **Multi-Family Development Standards**
   a. **Façade/Porches:** Multi-Family apartments and condominiums shall provide first floor entries framed with an entry porch, architecturally defined by railings, steps and roof.
   b. **Porches:** A minimum of twenty five (25%) percent of the town house and all duplex buildings shall have front porches.

c. **Attached Units:** Town house buildings shall be attached with not less than five (5) attached units except that lots located at the end of a block may be permitted with at least two (2) attached units.

d. **First Floor Elevation:** Townhouse, duplex and apartments shall have a first floor elevation a minimum of twelve (12") inches above finished sidewalk grade.

e. **Site Design:**

i. Design of apartment projects shall be consistent with the pedestrian scale and character of the sub-district.

ii. A consistent front build to line shall define the public realm.

iii. Parking lots shall be generally located internal to the site and alley access to parking lots should be provided.

iv. A formal building arrangement organized around open space is preferred.

v. Provide a variety of home sizes and building types in a block face.

VIII. VILLAGE BEST PRACTICES NEIGHBORHOOD SUB-DISTRICT STANDARDS (VBPN)

A. SUB-DISTRICT INTENT: It is the intent of this sub-district to require development of less intense suburban neighborhoods that are located most distant from the village center. Suburban neighborhoods are based on the development practices in the book Best Practices. The neighborhoods within this sub-district are permitted to be more conventional, requiring small cluster developments that have some neighborhood characteristics and are sufficiently fine grain to insure walkability.

Additionally, the VBPN Sub-District is anticipated to experience significant development prior to the VC Sub-District because of its external location and shall provide limited convenience commercial uses at Major Collector Boulevard entrances to the VPD.

B. APPLICABLITY: The VBPN Sub-District shall be delineated on the Schematic Plan. The area to which the sub-district is applied includes the portions of the VPD that are outside of the VUN Sub-District. **C. LAND USE ZONE PERMITTED:**

1. **Residential (RES)**
2. **Convenience Commercial (CC)**

D. MAXIMUM AVERAGE DENSITY: The residential density within the sub-district has been restricted in order to force higher density development to be located closer to the village center. Within this sub-district the maximum average gross density is one (1) unit per acre.

E. SUBURBAN NEIGHBORHOOD DESIGN:

1. **Size:** Suburban neighborhoods within the sub-district are small cluster subdivisions that range in size from ten (10) to fifty (50) acres and provide some neighborhood characteristics.

2. **Neighborhood Park:** The City shall determine the size of the neighborhood park based upon a ratio of two hundred twenty five (225) square feet per house-hold with a minimum size of one quarter (1/4) acre, located anywhere within the neighborhood and may be a square, pocket park, green, tot lot or recreational center and be designed as follow:
   - **a.** The park shall be bordered on at least one side by a street.
   - **b.** No parking shall be provided
   - **c.** The park should contain focal elements such as trees, fountains, plazas and equipment and at a minimum shade trees and seating.

3. **Urban Neighborhood Edges:** The applicant shall provide an edge area of a minimum of fifty (50') feet, on seventy-five (75%) percent of the perimeter of suburban neighborhoods. Waivers may be granted as follows:
   - **a. Water Bodies/Open Space:** Water bodies or open space with a width equal to or exceeding the edge dimension.
   - **b. Neighborhood Design:** Where trees, landscaped screens, and streets are to be provided as an edge between fine grained development with distinct neighborhoods having different housing types, landscape treatments, street layouts etc.
   - **c. Unusual Circumstances:** Where the applicant demonstrates that the edge area will be incompatible with good design concepts and other standards herein
   - **d. Major and Minor Boulevards.**

4. **Range of Housing:** A cluster subdivision may consist of the same housing type. Product types shall vary from neighborhoods to neighborhood. The applicants approach to providing a range of housing type sizes and price ranges shall be described in the PUD agreement.

5. **Multiple Family Development Standards:** Exceptions to the multiple family public realm façade standards are permitted and shall be identified in the PUD Agreement.

6. **Country Club Residential Development Standards:**
   - **a. Attached Units:** Townhouse buildings shall be attached with not

less than three (3) attached units except that lots located at the end of a block may be permitted with at least two (2) attached units. The overall units for the Country Club Residential may be up to one hundred twenty (120) residential units.

b. **Detached Units:** Single-family and zero lot line residential may also be permitted.

c. **Site Plan Design:**

i. A consistent front build to line shall define the public realm.

ii. A formal building arrangement organized around open space is preferred.

7. **Country Club Residential Building Guidelines:**

a. **Minimum Lot Area:** 2,200 s.f. for townhouse
4,000 s.f. single family or zero lot line

b. **Minimum Lot Depth:** 105' without Alleys; 100' with Alleys

c. **Minimum Lot Width:** 22 ft. for townhouse
40 ft. for single family or zero lot line

c. **Minimum Building setbacks:**

i. Front: 15' *; 3' for porches or pergolas **

ii. Side: 5'

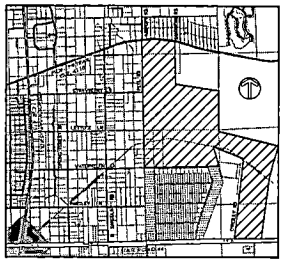
iii. Rear: 20'

* In the event residential units have rear alley access and frontage facing the golf course, the golf course frontage may be defined as the front yard and may have a 10' front yard setback.

** Front entry garages may be permitted in the Country Club Residential neighborhood; however, the garages incorporated into the primary structures shall be situated behind the front porch or a pergola located in front of the primary structure. The porch or pergola shall have a depth of at least seven (7) feet.

F. CIRCULATION:

1. **Street Layout:** A conventional street layout is permitted using cul-de-sacs and loop streets, but neighborhoods are encouraged to provide connections to other neighborhoods.



LOCATION MAP
1" = 4000'

VENETIAN Bay™

NewSmyrnaBeach, Florida

LAND USE TABULATION

TOTAL SITE AREA	= 1250 ACRES (±)
CONSERVATION AREA	= 378 ACRES
OPEN SPACE AREA	= 625 ACRES (50%)
CONVENIENCE COMMERCIAL AREA	= 8 ACRESS
SCHOOL SITE	= 20 ACRES
TOWN CENTER	= 30 ACRES
TOTAL RESIDENTIAL (SEE BELOW)	= 472 ACRES
TOTAL UNITS (SEE BELOW)	= 1716
PROPOSED DENSITY	1.5 UNITS/ACRE

PARCEL	AREA	UNITS	DENSITY
PARCEL 1	40 ACRES	80	2.0
PARCEL 2	73 ACRES	146	2.0
PARCEL 3	34 ACRES	136	4.0
PARCEL 4	55 ACRES	220	4.0
PARCEL 5	78 ACRES	234	3.0
PARCEL 6	41 ACRES	164	4.0
PARCEL 7	10 ACRES	40	4.0
PARCEL 8	6 ACRES	24	4.0
PARCEL 9	70 ACRES	280	4.0
PARCEL 10	42 ACRES	164	4.0
PARCEL 11	27 ACRES	108	4.0
PARCEL 12	15 ACRES	120	8.0
	470 ACRES	1716	

ATTACHED FOR REFERENCE ONLY:

LAYOUT HAS BEEN UPDATED SINCE THIS ORIGINAL MASTER PLAN

0 500 750 1000
SCALE : 1" = 500'

REV.	DATE	DESCRIPTION	BY
		REVISIONS	

VENETIAN BAY
CONCEPTUAL
CONCEPTUAL MASTER PLAN
NEW SMYRNA BEACH, FLORIDA

ZEV COHEN & ASSOCIATES, INC
55 Seton Trail, Ormond Beach, Florida, 32176
(386) 677-2482 FAX 677-2505
ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS
LC 820
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PROJECT NO:	00039	DATE PREPARED:	MAY 10, 2002
DESIGNED BY:	FM	DRAFTED BY:	TCB
CHECKED BY:	FM		
SCALE:	1"=500'	SHEET:	8 OF 8

FILE NAME: (DOCUMENT TARGET)

44-1
FILE LOCATION

COMPOSITE
EXHIBIT "C"
1 of 1

Instrument# 2016-000411 # 63
Book: 7202
Page: 3079

Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida

SCHEMATIC DEVELOPMENT PLANS

OWNER: GEOSAM CAPITAL US LP
424 LUNA BELLA LANE
SUITE 135
NEW SMYRNA BEACH, FL 32168
CONTACT: JAMES STOWERS
(386) 428-8448

PLANNING: ENGINEERING ZEV COHEN & ASSOC., INC.
55 SETON TRAIL
ORMOND BEACH, FL., 32176
CONTACT: PAUL MOMBERGER
(386) 677-2482
(386) 677-2505 (FAX)

ENVIRONMENTAL: BOOKER GREY ENVIRONMENTAL
534 W. BRIGHTON AVE.
ORANGE CITY, FL 32803
CONTACT: CLEEVE BOOKER
(386) 775-2463

SURVEYOR: ACCURIGHT
2012 E ROBINSON ST.
ORLANDO, FL 32803
(407) [redacted]

SHEET LEGEND

SHEET 1: COVER
SHEET 2: SCHEMATIC DISTRICT PLAN
SHEET 3: SCHEMATIC LAND USE PLAN
SHEET 4: SCHEMATIC ROAD HIERARCHY PLAN
SHEET 5: SCHEMATIC PATHWAYS PLAN
SHEET 6: SCHEMATIC UTILITIES & STORMWATER PLAN
SHEET 7: SCHEMATIC VILLAGE CENTER ENLARGMENT
SHEET 8: CONCEPTUAL MASTER PLAN (FOR REFERENCE ONLY)

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3.	03/25/04	REVISED PER STAFF COMMENTS	PM/NC
2.	02/24/04	REVISED FOR SCHOOL SITE & LOT RECONFIGURATIONS	PM/NC
1.	05/14/03	REVISED PER OWNER MODIFICATIONS	PM/NC

REVISIONS

VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
SCHEMATIC DEVELOPMENT PLANS
CITY OF NEW SMYRNA BEACH VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
55 Seton Trail, Ormond Beach, Florida, 32176
[redacted]
ENGINEERS [redacted] LANDSCAPE ARCHITECTS
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DESIGNED BY: PM/SW	DRAFTED BY: TB/NC	CHECKED BY: PM/WDD	44-1 FILE LOCATION
SCALE: 1" = 500'	SHEET: 1 OF 8		

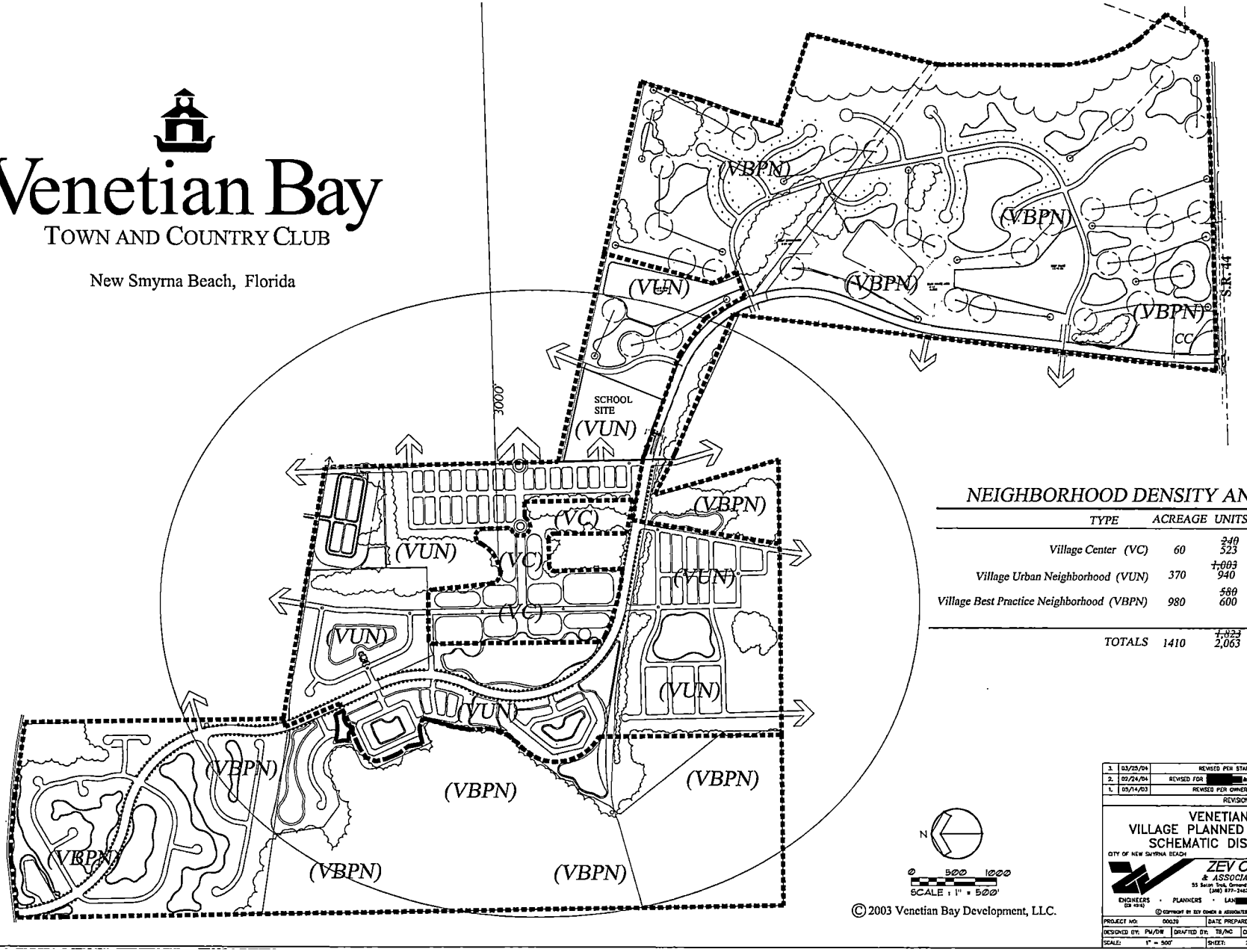
COMPOSITE
EXHIBIT "D"
1 of 7

Instrument# 2016-000411 # 64
Book: 7202
Page: 3080

Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida



NEIGHBORHOOD DENSITY ANALYSIS

TYPE	ACREAGE	UNITS	DENSITY
Village Center (VC)	60	~~240~~ 523	4.0 (MIN.)
Village Urban Neighborhood (VUN)	370	~~1,003~~ 940	2.7 (MIN.)
Village Best Practice Neighborhood (VBPN)	980	~~580~~ 600	~~0.6~~ 1.0 (MAX.)
TOTALS	1410	~~1,823~~ 2,063	~~1.3~~ 1.5

N

0 500 1000

SCALE : 1" = 500'

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3.	03/25/04	REVISED PER STAFF COMMENTS	PM/MC
2.	02/24/04	REVISED FOR [redacted] & LOT [redacted]	PM/MC
1.	05/14/03	REVISED PER OWNER MODIFICATIONS	PM/MC

REVISIONS

VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
SCHEMATIC DISTRICT PLAN

CITY OF NEW SMYRNA BEACH — VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
55 Seton Trail, Ormond Beach, Florida, 32176
(386) 677-2482 FAX 677-2509

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FILE NAME: 00039PD2
WDT: 00039PD2

44-1
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COMPOSITE
EXHIBIT "D"
2 of 7

Instrument# 2016-000411 # 65
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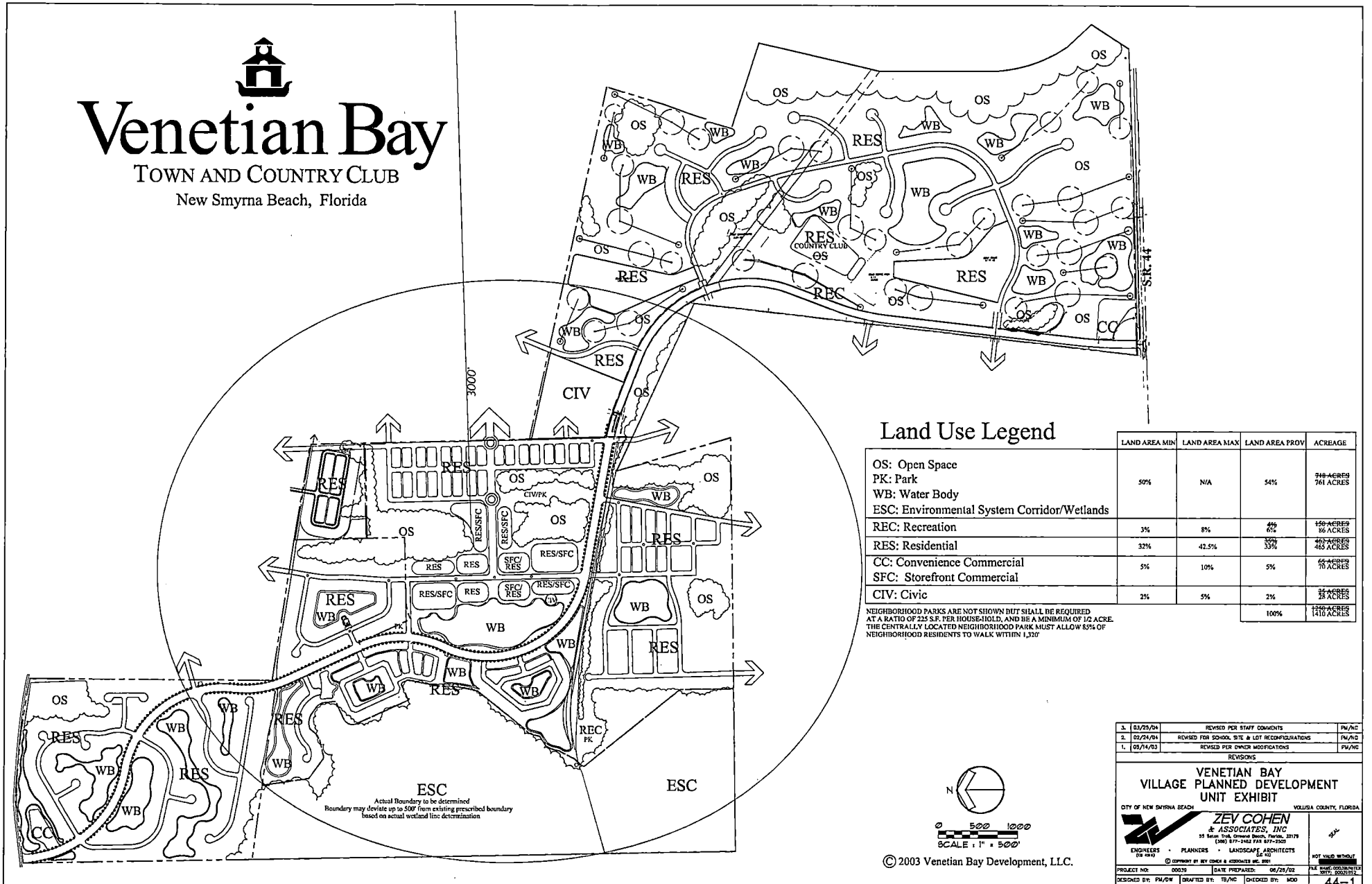
Page: 3081

Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida



Land Use Legend

	LAND AREA MIN	LAND AREA MAX	LAND AREA PROV	ACREAGE
OS: Open Space PK: Park WB: Water Body ESC: Environmental System Corridor/Wetlands	50%	N/A	54%	~~748 ACRES~~ 761 ACRES
REC: Recreation	3%	8%	~~4%~~ 6%	~~150 ACRES~~ 86 ACRES
RES: Residential	32%	42.5%	~~50%~~ 33%	~~467 ACRES~~ 465 ACRES
CC: Convenience Commercial SFC: Storefront Commercial	5%	10%	5%	~~65 ACRES~~ 70 ACRES
CIV: Civic	2%	5%	2%	~~24 ACRES~~ 28 ACRES
			100%	~~1250 ACRES~~ 1410 ACRES

NEIGHBORHOOD PARKS ARE NOT SHOWN BUT SHALL BE REQUIRED AT A RATIO OF 225 S.F. PER HOUSE-HOLD, AND BE A MINIMUM OF 1/2 ACRE. THE CENTRALLY LOCATED NEIGHBORHOOD PARK MUST ALLOW 85% OF NEIGHBORHOOD RESIDENTS TO WALK WITHIN 1,320'

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3.	03/25/04	REVISED PER STAFF COMMENTS	PM/NC
2.	02/24/04	REVISED FOR SCHOOL SITE & LOT RECONFIGURATIONS	PM/NC
1.	09/14/03	REVISED PER OWNER MODIFICATIONS	PM/NC

REVISIONS

VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
UNIT EXHIBIT

CITY OF NEW SMYRNA BEACH — VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
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ENGINEERS (EB 4943) · PLANNERS · LANDSCAPE ARCHITECTS (LC 43)

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44-1
FILE LOCATION

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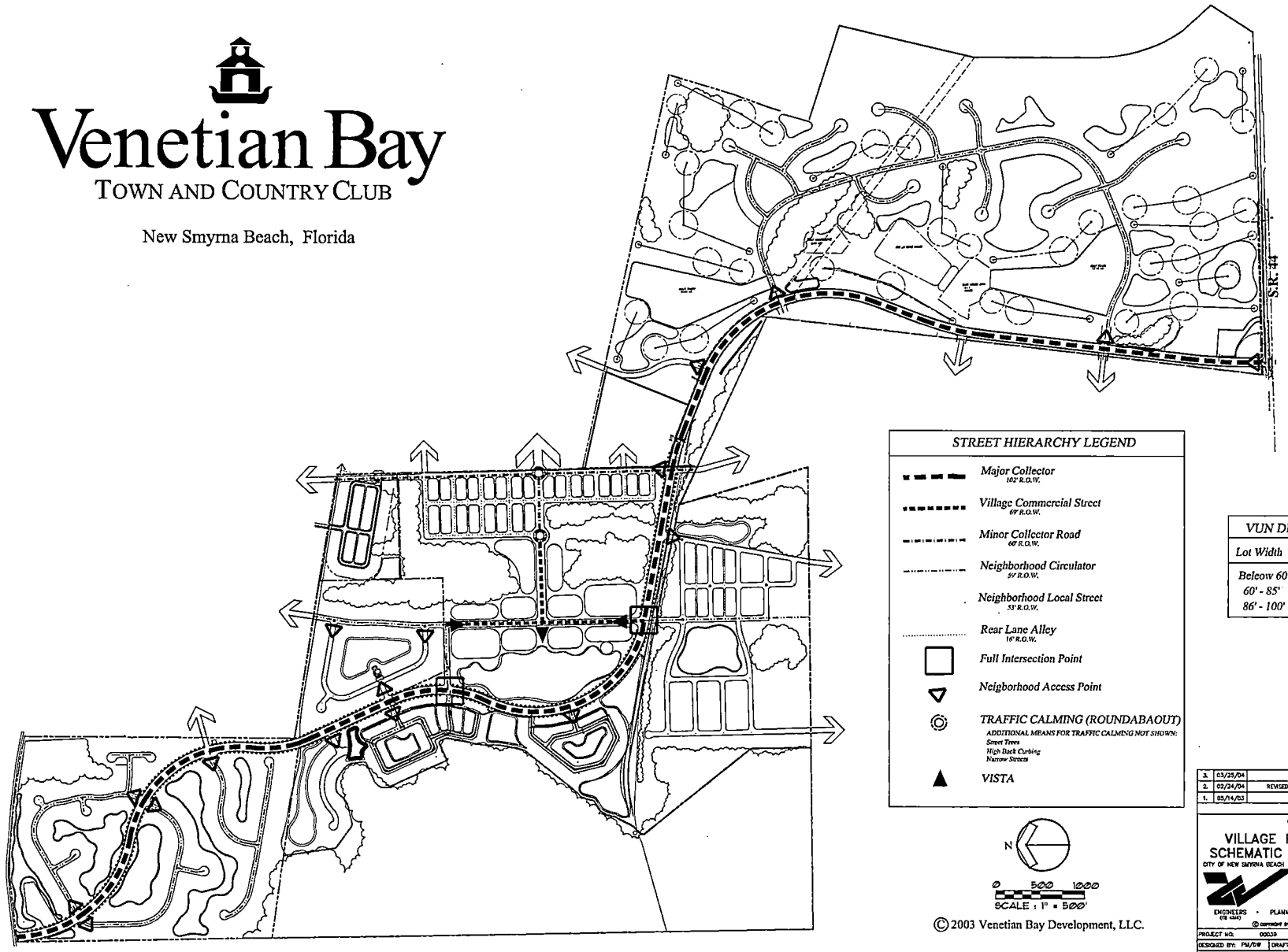
EXHIBIT "D"
3 of 7

Instrument# 2016-000411 # 66
Book: 7202
Page: 3082

Venetian Bay

Town and Country Club

New Smyrna Beach, Florida



STREET HIERARCHY LEGEND

- Major Collector — 102' R.O.W.
- Village Commercial Street — 69' R.O.W.
- Minor Collector Road — 60' R.O.W.
- Neighborhood Circulator — 50' R.O.W.
- Neighborhood Local Street — 53' R.O.W.
- Rear Lane Alley — 16' R.O.W.
- Full Intersection Point
- Neigborhood Access Point
- TRAFFIC CALMING (ROUNDABAOUT)
  - ADDITIONAL MEANS FOR TRAFFIC CALMING NOT SHOWN:
  - Street Trees
  - High Back Curbing
  - Narrow Streets
- VISTA

VUN DEVELOPMENT BLOCKS

Lot Width	Max. Block Lengths
Beleow 60'	300'
60' - 85'	600'
86' - 100'	1000'

N

0 500 1000

SCALE : 1" = 500'

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3.	03/25/04	REVISED PER STAFF COMMENTS	PM/NC
2.	02/24/04	REVISED FOR SCHOOL SITE & LOT RECONFIGURATIONS	PM/NC
1.	05/14/03	REVISED PER OWNER MODIFICATIONS	PM/NC

REVISIONS

VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
SCHEMATIC STREET HIERARCHY PLAN

CITY OF NEW SMYRNA BEACH VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
69 Seton Trail, Ormond Beach, Florida, 32176
(386) 677-7483 FAX 677-2505
ENGINEERS (FL & GA) · PLANNERS · LANDSCAPE ARCHITECTS (LA 59)

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PROJECT NO.	00039	DATE PREPARED:	05/31/02	FILE NAME: 00039HP PHT1, 00039ST2	
DESIGNED BY:	PM/DW	DRAFTED BY:	TD/NC	CHECKED BY:	MDD
SCALE:	1" = 500'	SHEET:	4	OF	8

44-1
FILE LOCATION

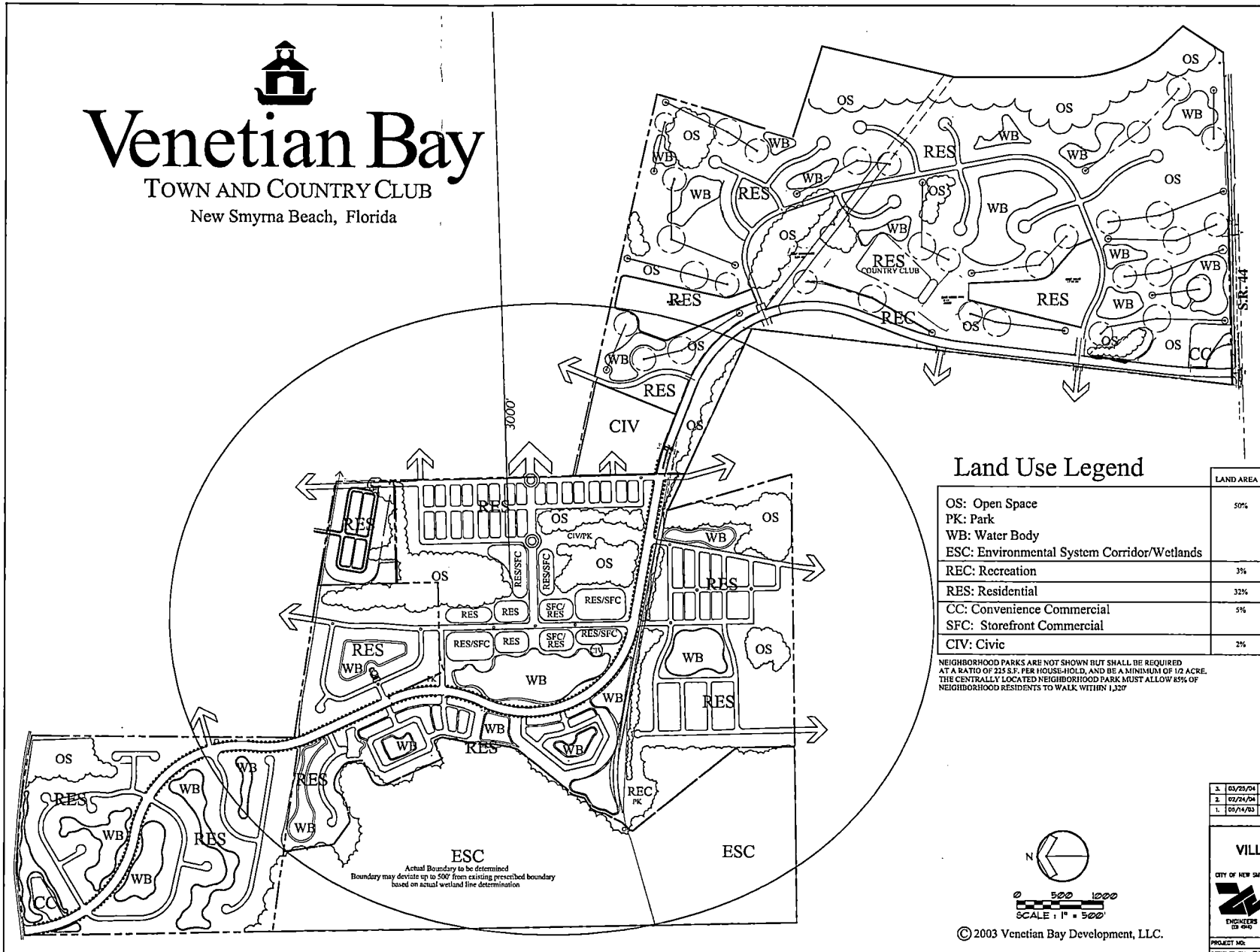
COMPOSITE
EXHIBIT "D"
4 of 7

Instrument# 2016-000411 # 67
Book: 7202
Page: 3083

Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida



Land Use Legend

	LAND AREA MIN	LAND AREA MAX	LAND AREA PROV	ACREAGE
OS: Open Space PK: Park WB: Water Body ESC: Environmental System Corridor/Wetlands	50%	N/A	54%	761 ACRES
REC: Recreation	3%	8%	6%	86 ACRES
RES: Residential	32%	42.5%	33%	465 ACRES
CC: Convenience Commercial SFC: Storefront Commercial	5%	10%	5%	70 ACRES
CIV: Civic	2%	5%	2%	28 ACRES
			100%	1410 ACRES

NEIGHBORHOOD PARKS ARE NOT SHOWN BUT SHALL BE REQUIRED AT A RATIO OF 225 S.F. PER HOUSE-HOLD, AND BE A MINIMUM OF 1/2 ACRE. THE CENTRALLY LOCATED NEIGHBORHOOD PARK MUST ALLOW 85% OF NEIGHBORHOOD RESIDENTS TO WALK WITHIN 1,320'

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3.	03/25/04	REVISED PER STAFF COMMENTS	FM/NC
2.	02/24/04	REVISED FOR SCHOOL SITE & LOT RECONFIGURATIONS	FM/NC
1.	09/14/03	REVISED PER OWNER MODIFICATIONS	FM/NC

REVISIONS

VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
UNIT EXHIBIT

CITY OF NEW SMYRNA BEACH — VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
33 Sabal Trail, Ormond Beach, Florida, 32176
(386) 677-2483 FAX 677-2503
ENGINEERS (EB 4940) · LANDSCAPE ARCHITECTS (LC 42)
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PROJECT NO:	00039	DATE PREPARED:	08/28/02
DESIGNED BY:	FM/DW	DRAFTED BY:	TB/NC
CHECKED BY:	MDD		
SCALE:	1" = 500'	SHEET:	3 OF 8

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FILE NAME: DOCUMENT1 XREF: 00039EX3

44-1
FILE LOCATION

COMPOSITE
EXHIBIT "D"
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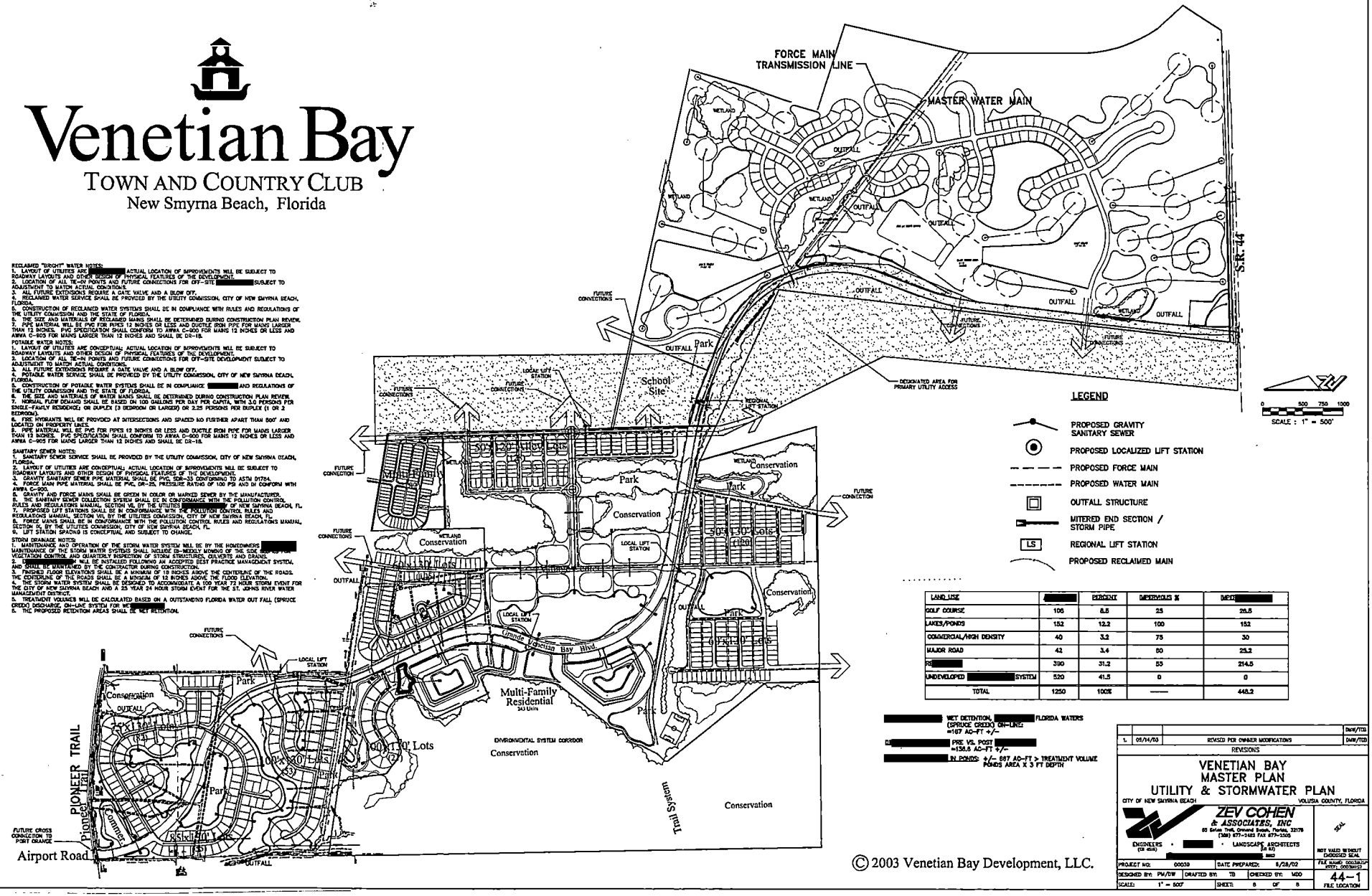
Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida



RECLAIMED "BRIGHT" WATER NOTES:
1. LAYOUT OF UTILITIES ARE [redacted] ACTUAL LOCATION OF IMPROVEMENTS WILL BE SUBJECT TO ROADWAY LAYOUTS AND OTHER DESIGN OF PHYSICAL FEATURES OF THE DEVELOPMENT.
2. LOCATION OF ALL TIE-IN POINTS AND FUTURE CONNECTIONS FOR OFF-SITE [redacted] SUBJECT TO ADJUSTMENT TO MATCH ACTUAL CONDITIONS.
3. ALL FUTURE EXTENSIONS REQUIRE A GATE VALVE AND A BLOW OFF.
4. RECLAIMED WATER SERVICE SHALL BE PROVIDED BY THE UTILITY COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA.
5. CONSTRUCTION OF RECLAIMED WATER SYSTEMS SHALL BE IN COMPLIANCE WITH RULES AND REGULATIONS OF THE UTILITY COMMISSION AND THE STATE OF FLORIDA.
6. THE SIZE AND MATERIALS OF RECLAIMED MAINS SHALL BE DETERMINED DURING CONSTRUCTION PLAN REVIEW.
7. PIPE MATERIAL WILL BE PVC FOR PIPES 12 INCHES OR LESS AND DUCTILE IRON PIPE FOR MAINS LARGER THAN 12 INCHES. PVC SPECIFICATION SHALL CONFORM TO AWWA C-900 FOR MAINS 12 INCHES OR LESS AND AWWA C-905 FOR MAINS LARGER THAN 12 INCHES AND SHALL BE DR-18.

POTABLE WATER NOTES:
1. LAYOUT OF UTILITIES ARE CONCEPTUAL; ACTUAL LOCATION OF IMPROVEMENTS WILL BE SUBJECT TO ROADWAY LAYOUTS AND OTHER DESIGN OF PHYSICAL FEATURES OF THE DEVELOPMENT.
2. LOCATION OF ALL TIE-IN POINTS AND FUTURE CONNECTIONS FOR OFF-SITE DEVELOPMENT SUBJECT TO ADJUSTMENT TO MATCH ACTUAL CONDITIONS.
3. ALL FUTURE EXTENSIONS REQUIRE A GATE VALVE AND A BLOW OFF.
4. POTABLE WATER SERVICE SHALL BE PROVIDED BY THE UTILITY COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA.
5. CONSTRUCTION OF POTABLE WATER SYSTEMS SHALL BE IN COMPLIANCE [redacted] AND REGULATIONS OF THE UTILITY COMMISSION AND THE STATE OF FLORIDA.
6. THE SIZE AND MATERIALS OF WATER MAINS SHALL BE DETERMINED DURING CONSTRUCTION PLAN REVIEW.
7. NORMAL FLOW DEMAND SHALL BE BASED ON 100 GALLONS PER DAY PER CAPITA, WITH 3.0 PERSONS PER SINGLE-FAMILY RESIDENCE; OR DUPLEX (3 BEDROOM OR LARGER) OR 2.25 PERSONS PER DUPLEX (1 OR 2 BEDROOM).
8. FIRE HYDRANTS WILL BE PROVIDED AT INTERSECTIONS AND SPACED NO FURTHER APART THAN 800' AND LOCATED ON PROPERTY LINES.
9. PIPE MATERIAL WILL BE PVC FOR PIPES 12 INCHES OR LESS AND DUCTILE IRON PIPE FOR MAINS LARGER THAN 12 INCHES. PVC SPECIFICATION SHALL CONFORM TO AWWA C-900 FOR MAINS 12 INCHES OR LESS AND AWWA C-905 FOR MAINS LARGER THAN 12 INCHES AND SHALL BE DR-18.

SANITARY SEWER NOTES:
1. SANITARY SEWER SERVICE SHALL BE PROVIDED BY THE UTILITY COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA.
2. LAYOUT OF UTILITIES ARE CONCEPTUAL; ACTUAL LOCATION OF IMPROVEMENTS WILL BE SUBJECT TO ROADWAY LAYOUTS AND OTHER DESIGN OF PHYSICAL FEATURES OF THE DEVELOPMENT.
3. GRAVITY SANITARY SEWER PIPE MATERIAL SHALL BE PVC, SDR-35 CONFORMING TO ASTM D1784.
4. FORCE MAIN PIPE MATERIAL SHALL BE PVC, DR-25, PRESSURE RATING OF 100 PSI AND DI CONFORM WITH AWWA C-900.
5. GRAVITY AND FORCE MAINS SHALL BE GREEN IN COLOR OR MARKED SEWER BY THE MANUFACTURER.
6. THE SANITARY SEWER COLLECTION SYSTEM SHALL BE IN CONFORMANCE WITH THE POLLUTION CONTROL RULES AND REGULATIONS MANUAL, SECTION VII, BY THE UTILITIES [redacted] OF NEW SMYRNA BEACH, FL.
7. PROPOSED LIFT STATIONS SHALL BE IN CONFORMANCE WITH THE POLLUTION CONTROL RULES AND REGULATIONS MANUAL, SECTION VII, BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FL.
8. FORCE MAINS SHALL BE IN CONFORMANCE WITH THE POLLUTION CONTROL RULES AND REGULATIONS MANUAL, SECTION IX, BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FL.
9. LIFT STATION SPACING IS CONCEPTUAL AND SUBJECT TO CHANGE.

STORM DRAINAGE NOTES:
1. MAINTENANCE AND OPERATION OF THE STORM WATER SYSTEM WILL BE BY THE HOMEOWNERS [redacted] MAINTENANCE OF THE STORM WATER SYSTEM SHALL INCLUDE ON-GOING MOWING OF THE SIDE [redacted] VEGETATION CONTROL AND QUARTERLY INSPECTION OF STORM STRUCTURES, CULVERTS AND DRAINS.
2. [redacted] WILL BE INSTALLED FOLLOWING AN ACCEPTED BEST PRACTICE MANAGEMENT SYSTEM, AND SHALL BE MAINTAINED BY THE CONTRACTOR DURING CONSTRUCTION.
3. FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 18 INCHES ABOVE THE CENTERLINE OF THE ROADS. THE CENTERLINE OF THE ROADS SHALL BE A MINIMUM OF 12 INCHES ABOVE THE FLOOD ELEVATION.
4. THE STORM WATER SYSTEM SHALL BE DESIGNED TO ACCOMMODATE A 100 YEAR 72 HOUR STORM EVENT FOR THE CITY OF NEW SMYRNA BEACH AND A 25 YEAR 24 HOUR STORM EVENT FOR THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT.
5. TREATMENT VOLUMES WILL BE CALCULATED BASED ON A OUTSTANDING FLORIDA WATER OUT FALL (SPRUCE CREEK) DISCHARGE, ON-LINE SYSTEM FOR WE[redacted]
6. THE PROPOSED RETENTION AREAS SHALL BE WET RETENTION.

LAND USE	[redacted]	PERCENT	IMPERVIOUS %	IMPE[redacted]
GOLF COURSE	106	8.5	25	26.5
LAKES/PONDS	152	12.2	100	152
COMMERCIAL/HIGH DENSITY	40	3.2	75	30
MAJOR ROAD	42	3.4	80	25.2
[redacted]	390	31.2	55	214.5
UNDEVELOPED [redacted] SYSTEM	520	41.5	0	0
TOTAL	1250	100%	—	448.2

[redacted] WET DETENTION, [redacted] FLORIDA WATERS (SPRUCE CREEK) ON-LINE: =167 AC-FT +/-
[redacted] PRE VS. POST =126.6 AC-FT +/-
[redacted] IN PONDS: +/- 887 AC-FT > TREATMENT VOLUME PONDS AREA X 3 FT DEPTH

			DWN/TCD
1.	05/14/03	REVISED PER OWNER MODIFICATIONS	DWN/TCD

REVISIONS

VENETIAN BAY
MASTER PLAN
UTILITY & STORMWATER PLAN
CITY OF NEW SMYRNA BEACH — VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
ENGINEERS [redacted] LANDSCAPE ARCHITECTS [redacted]

PROJECT NO: 00039 | DATE PREPARED: 6/28/02
DESIGNED BY: PW/DW | DRAFTED BY: TD | CHECKED BY: MDD
SCALE: 1" = 500' | SHEET: 6 OF 9
FILE NAME: 00039EXP1 (EXT. 00039ST2)
44-1 FILE LOCATION

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COMPOSITE
EXHIBIT "D"
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Instrument# 2016-000411 # 69
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Venetian Bay

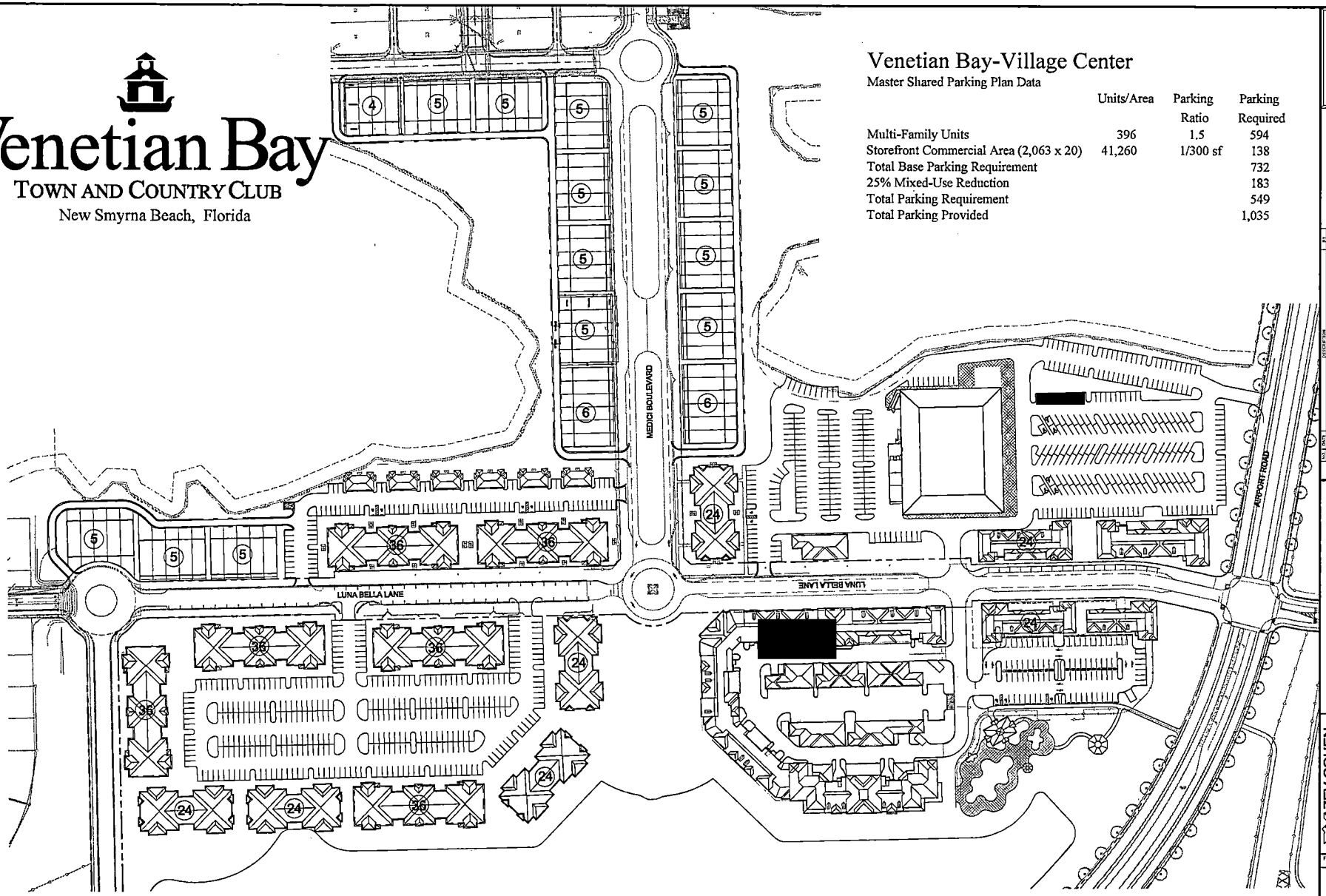
TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida

Venetian Bay-Village Center

Master Shared Parking Plan Data

	Units/Area	Parking Ratio	Parking Required
Multi-Family Units	396	1.5	594
Storefront Commercial Area (2,063 x 20)	41,260	1/300 sf	138
Total Base Parking Requirement			732
25% Mixed-Use Reduction			183
Total Parking Requirement			549
Total Parking Provided			1,035



VENETIAN BAY
SCHEMATIC
VILLAGE CENTER ENLARGEMENT
VOLUSIA COUNTY, FLORIDA
CITY OF NEW SMYRNA BEACH

ZEV COHEN & ASSOCIATES, INC.
CIVIL ENGINEERS · LANDSCAPE ARCHITECTS
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SCALE 1"TO 80'
SHEET C1 OF 1

COMPOSITE
EXHIBIT "D"
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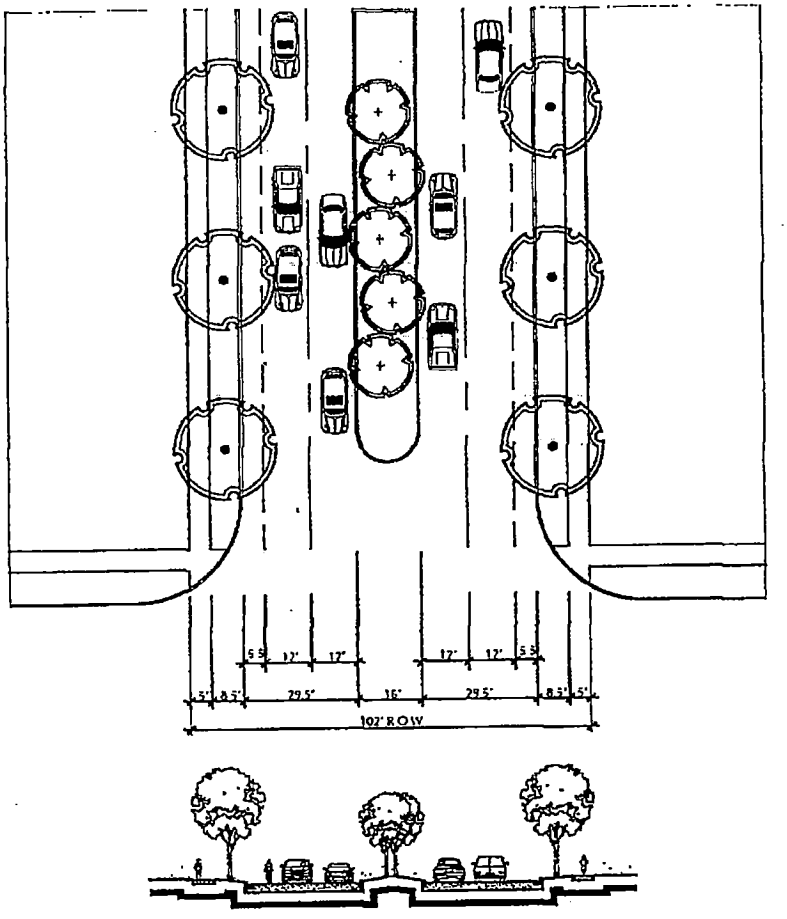
ROADWAY CROSS SECTIONS

MAJOR COLLECTOR BOULEVARD



Major Collector Boulevard
N.T.S.

R.O.W. WIDTH	102'	MEDIAN WIDTH	16'
FACE OF CURB TO FACE OF CURB	29.5' (both sides)	SIDEWALK WIDTH	5'
TRAFFIC LANES	N/A	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12'	BIKE LANES	YES, 5.5' (includes gutter)
PARKING	NO	STRIPING	YES
PARKING WIDTH	N/A	STREET TREE SPACING	50'
DESIGN SPEED	45 MPH	LIGHTING	100' ALTERNATING
POSTED SPEED	35 MPH		15' HEIGHT
PARKWAY WIDTH	8.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

COMPOSITE
EXHIBIT "E"
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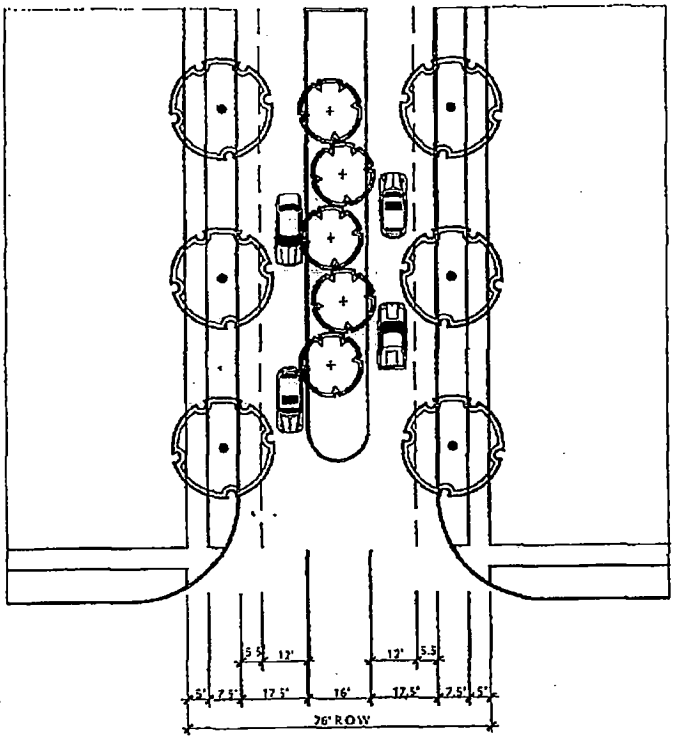
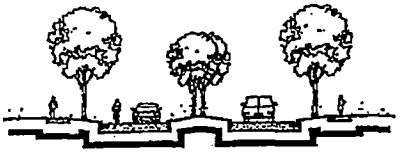
ROADWAY TYPICAL SECTIONS

MINOR COLLECTOR BOULEVARD



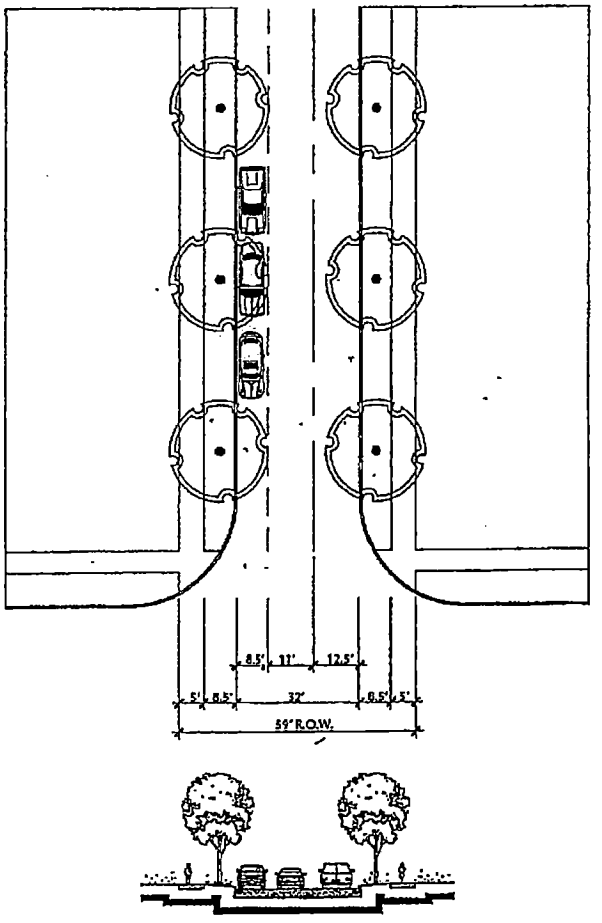


Minor Collector Boulevard
N.T.S.

R.O.W. WIDTH	76'	MEDIAN WIDTH	16'
FACE OF CURB TO FACE OF CURB	17.5' (both sides)	SIDEWALK WIDTH	5'
TRAFFIC LANES	N/A	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12'	BIKE LANES	YES, 5.5' (includes gutter)
PARKING	NO	STRIPING	YES
PARKING WIDTH	N/A	STREET TREE SPACING	50'
DESIGN SPEED	45 MPH	LIGHTING	100' ALTERNATING
POSTED SPEED	35 MPH		15' HEIGHT
PARKWAY WIDTH	7.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

ROADWAY CROSS SECTIONS

NEIGHBORHOOD CIRCULATOR STREET

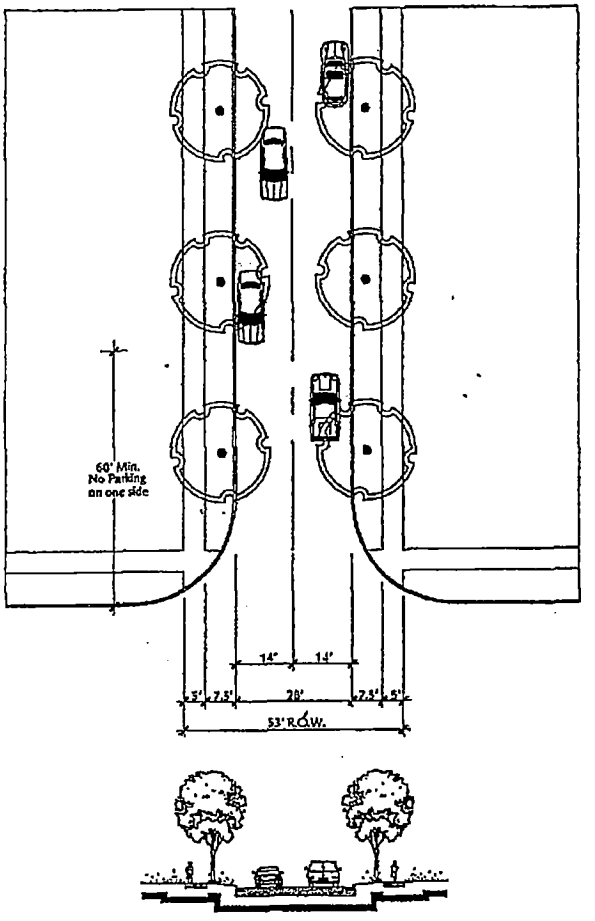


Neighborhood Circulator
N.T.S.

R.O.W. WIDTH	59'	MEDIAN WIDTH	N/A
FACE OF CURB TO FACE OF CURB	32' (includes gutters)	SIDEWALK WIDTH	5'
TRAFFIC LANES	TWO WAY	CURB RADIUS	25'
TRAFFIC LANE WIDTH	11'	BIKE LANES	NO
PARKING	ONE	STRIPING	NO
PARKING WIDTH	8.5' (includes gutter)	STREET TREE SPACING	40'
DESIGN SPEED	35 MPH	LIGHTING	100' ALTERNATING 14' HEIGHT
POSTED SPEED	25 MPH		
PARKWAY WIDTH	8.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

ROADWAY CROSS SECTIONS

NEIGHBORHOOD LOCAL STREET



Neighborhood Local
N.T.S.

R.O.W. WIDTH	53'	MEDIAN WIDTH	N/A
FACE OF CURB TO FACE OF CURB	28' (includes gutters)	SIDEWALK WIDTH	5'
TRAFFIC LANES	TWO WAY	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12.5' (includes gutters)	BIKE LANES	NO
PARKING	BOTH SIDES	STRIPING	NO
PARKING WIDTH	N/A	STREET TREE SPACING	30' TO 40'
DESIGN SPEED	30 MPH	LIGHTING	100' ALTERNATING
POSTED SPEED	25 MPH		14' HEIGHT
PARKWAY WIDTH	7.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

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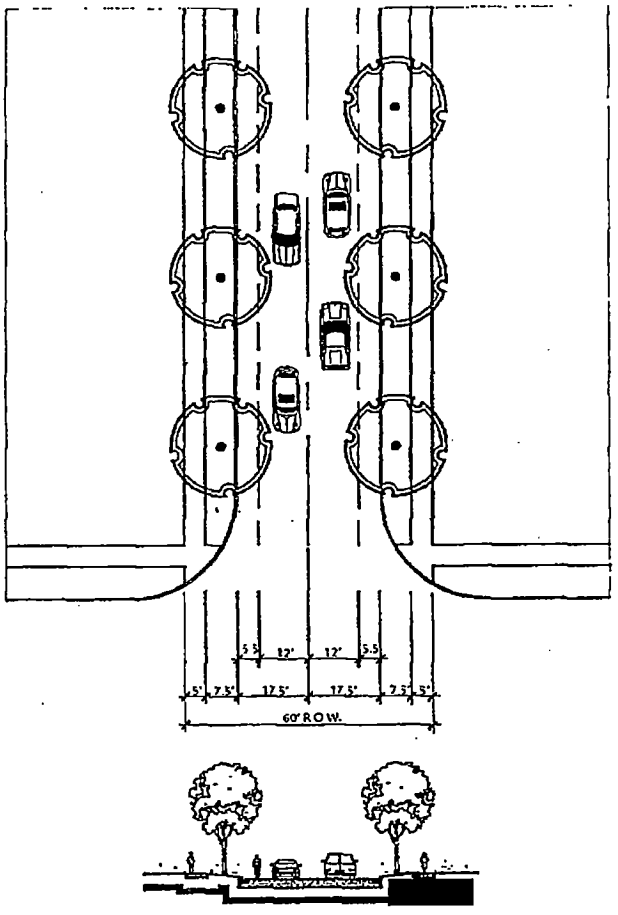
ROADWAY CROSS SECTIONS

MINOR COLLECTOR ROAD



Minor Collector Boulevard
N.T.S.

R.O.W. WIDTH	60'	MEDIAN WIDTH	N / A
FACE OF CURB TO FACE OF CURB	35'	SIDEWALK WIDTH	5'
TRAFFIC LANES	2	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12'	BIKE LANES	YES, 5.5' (includes gutter)
PARKING	NO	STRIPING	YES
PARKING WIDTH	N / A	STREET TREE SPACING	50'
DESIGN SPEED	45 MPH	LIGHTING	100' ALTERNATING
POSTED SPEED	35 MPH		15' HEIGHT
PARKWAY WIDTH	7.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

COMPOSITE
EXHIBIT "E"
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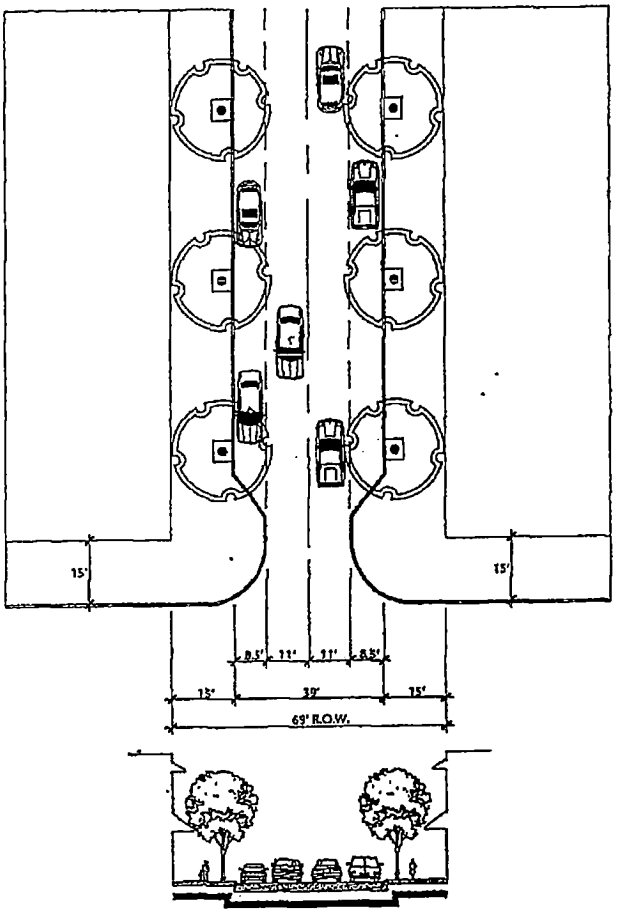
ROADWAY CROSS SECTIONS

VILLAGE COMMERCIAL STREET



Village Center Commercial
N.T.S.

R.O.W. WIDTH	69'	MEDIAN WIDTH	N/A
FACE OF CURB TO FACE OF CURB	39'	SIDEWALK WIDTH	15'
TRAFFIC LANES	TWO WAY	CURB RADIUS	25'
TRAFFIC LANE WIDTH	11'	BIKE LANES	NO
PARKING LANES	TWO	STRIPING	YES
PARKING LANE WIDTH	8.5' (includes gutter)	STREET TREE SPACING	30' - 40'
DESIGN SPEED	25 MPH	LIGHTING	60' - 80' ALTERNATING 14' HEIGHT
POSTED SPEED	20 MPH		
PARKWAY WIDTH	N/A	TREE OFFSET FROM BACK OF CURB	3' MIN.

COMPOSITE
EXHIBIT "E"
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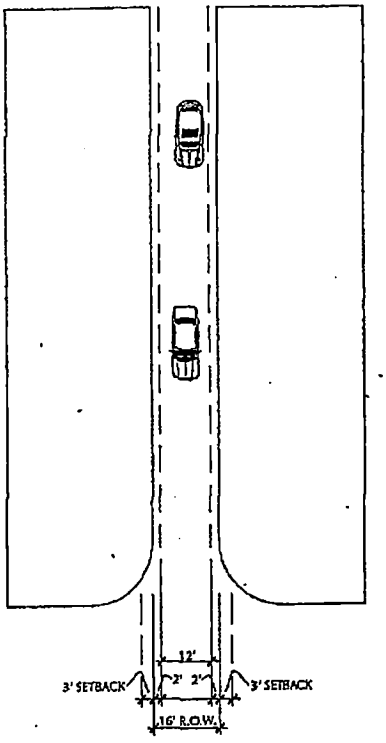
ROADWAY CROSS SECTIONS

REAR LANE - ALLEY



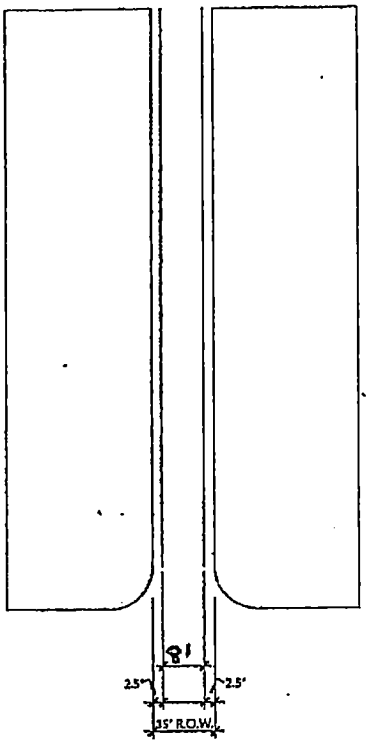


Rear Lane - Alley (One-way)
N.T.S.

R.O.W. EASEMENT WIDTH	16'	MEDIAN WIDTH	N/A
ROADWAY WIDTH	12'	SIDEWALK WIDTH	N/A
TRAFFIC LANES	ONE WAY	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12'	BIKE LANES	NO
PARKING	NO	STRIPING	NO
PARKING WIDTH	N/A	STREET TREE SPACING	N/A
DESIGN SPEED	5 MPH	LIGHTING	14' HEIGHT AT BLOCK ENDS
POSTED SPEED	N/A		
PARKWAY WIDTH	N/A		

ROADWAY CROSS SECTIONS

VILLAGE PATHWAY





Village Pathway
1" = 40'

R.O.W. WIDTH	15'	MEDIAN WIDTH	N/A
PATHWAY WIDTH	8'	SIDEWALK WIDTH	N/A
TRAFFIC LANES	N/A	CURB RADIUS	10'
TRAFFIC LANE WIDTH	N/A	BIKE LANES	NO
PARKING LANES	N/A	STRIPING	NO
PARKING LANE WIDTH	N/A	STREET TREE SPACING	N/A
DESIGN SPEED	N/A	LIGHTING	N/A
PARKWAY WIDTH	2.5'		

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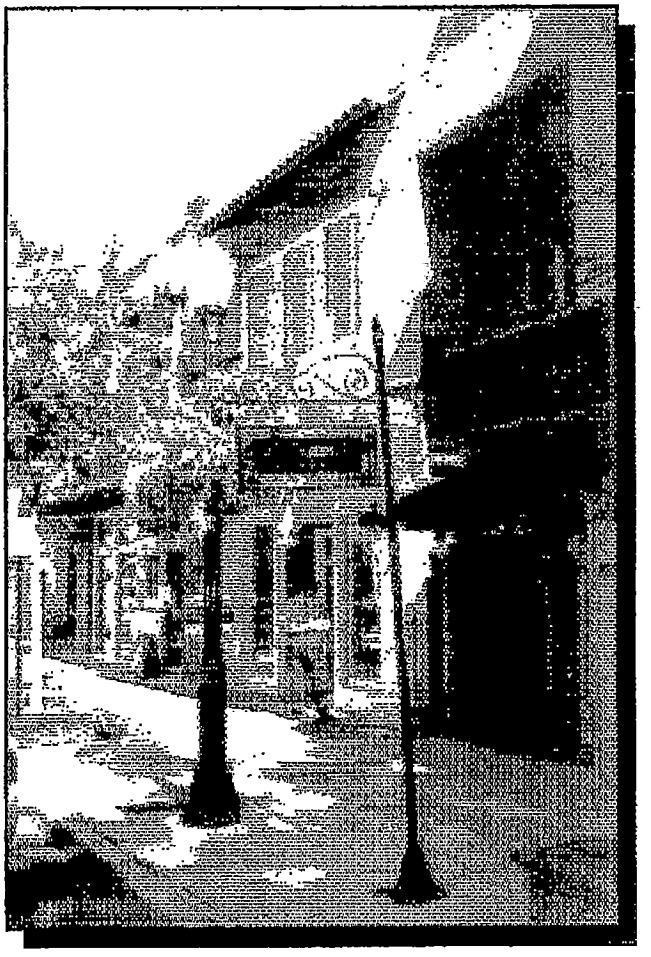
DESIGN STANDARDS GRAPHICS

TYPICAL MAIN STREET AMBIANCE



STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #1

COMPOSITE
EXHIBIT "F"
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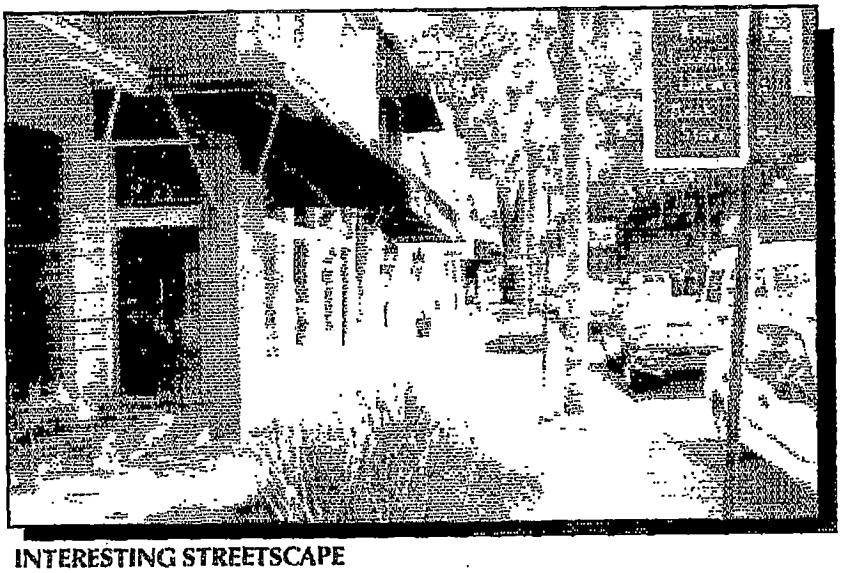
DESIGN STANDARDS GRAPHICS

DESIREABLE STREETSCAPE & BUILDING SCALE





INTERESTING STREETSCAPE

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #2 COMPOSITE

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Book: 7202
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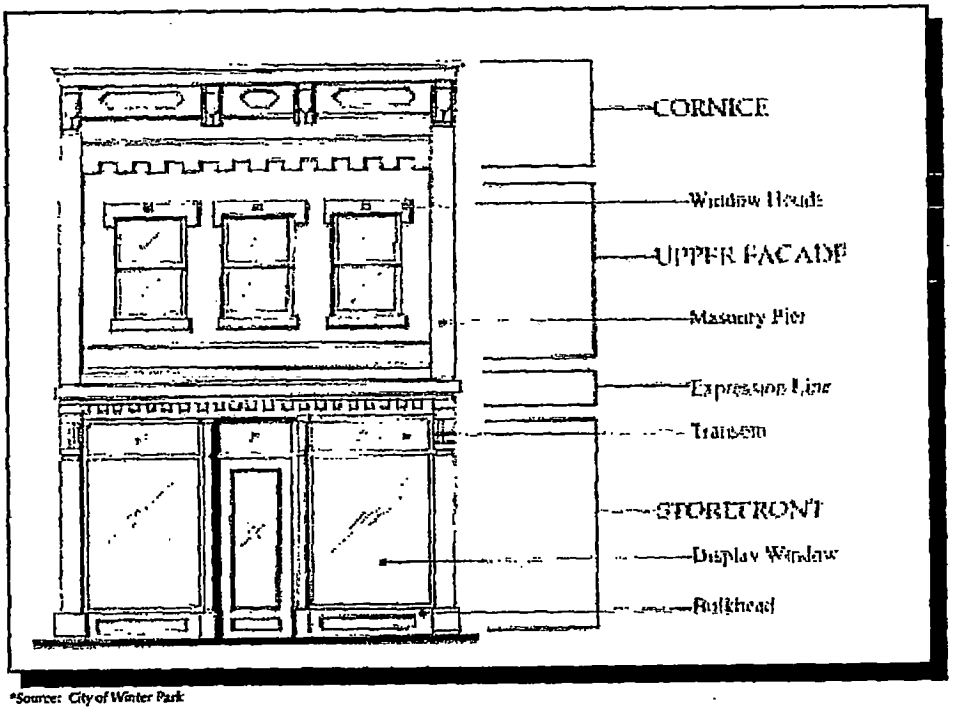
DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE



*Source: City of Winter Park

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #3

COMPOSITE
EXHIBIT "F"
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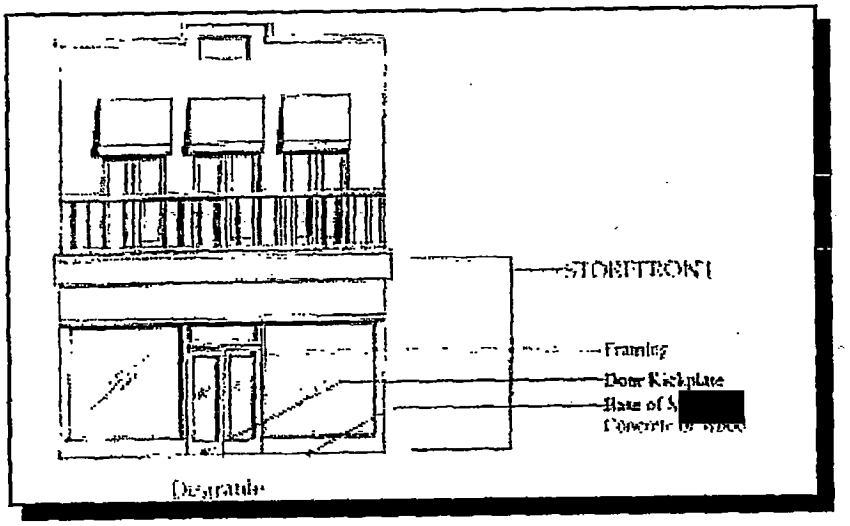
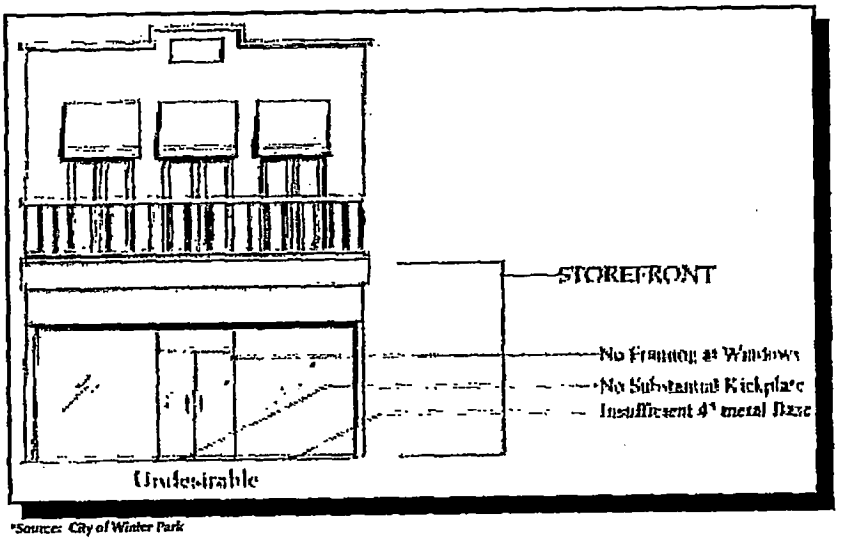
DESIGN STANDARDS GRAPHICS

CHARACTERISTICS OF STOREFRONT



*Source: City of Winter Park



*Source: City of Winter Park

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #4

COMPOSITE
EXHIBIT "F"
Page 4 of 15

DESIGN STANDARDS GRAPHICS

STOREFRONT CORNICE AND EXPRESSION LINE CHARACTERISTICS

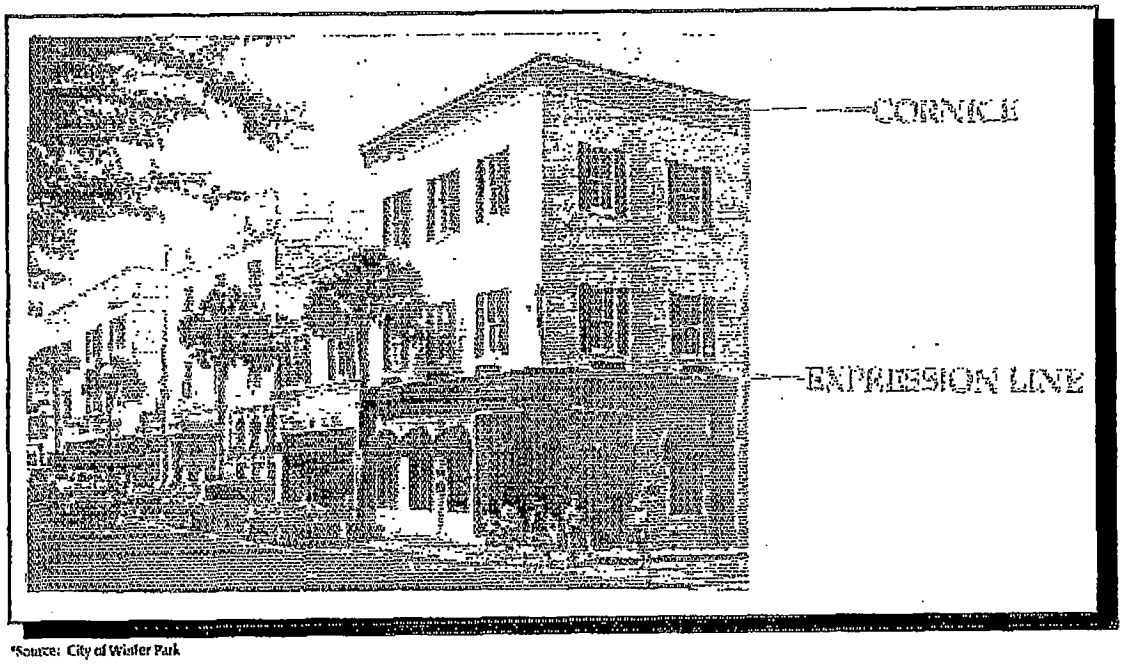
Expression Line

The Expression Line is the architectural feature on the façade, which delineates the transition between the ground floor fevel and the upper façade. This detail reinforces the pedestrian scale and traditional composition of the architecture.

An Expression Line shall be either a cornice or molding extending a minimum of three inches, or offset in the surface plan of the building wall of a minimum of three inches.

Cornice

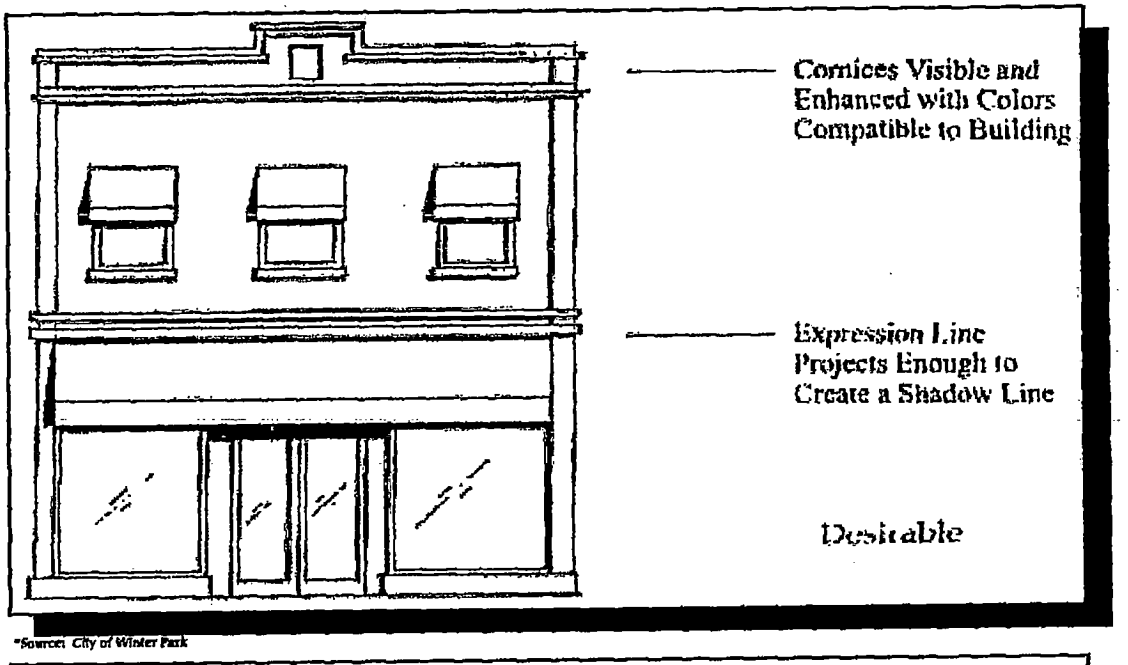
The cornice, which is the top architectural feature of the building, generally reflects the style of the building. In many cases the cornices have historical as well as architectural significance and therefore should be preserved as a contributing element to the appeal of the building. As a result, this cornice should not be covered within incompatible material, veneers or signs, building owners and tenants are encouraged, when possible, to expose the cornice façade in order to achieve these goals.



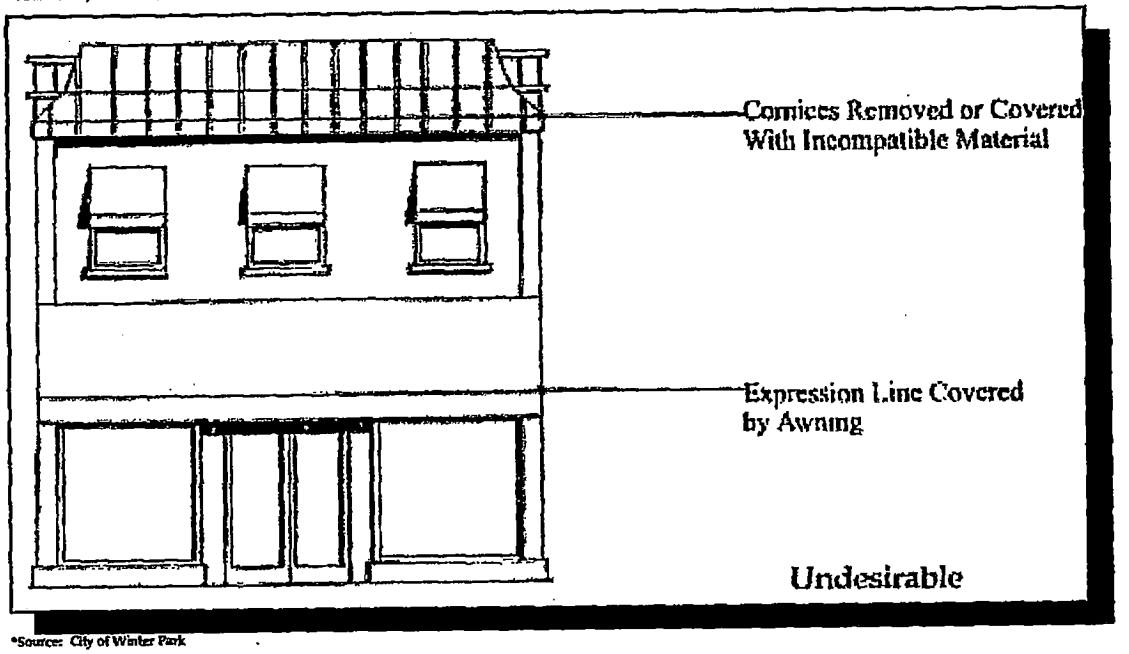
*Source: City of Winter Park

DESIGN STANDARDS GRAPHICS

STOREFRONT CORNICE AND EXPRESSION LINE CHARACTERISTICS



*Source: City of Winter Park



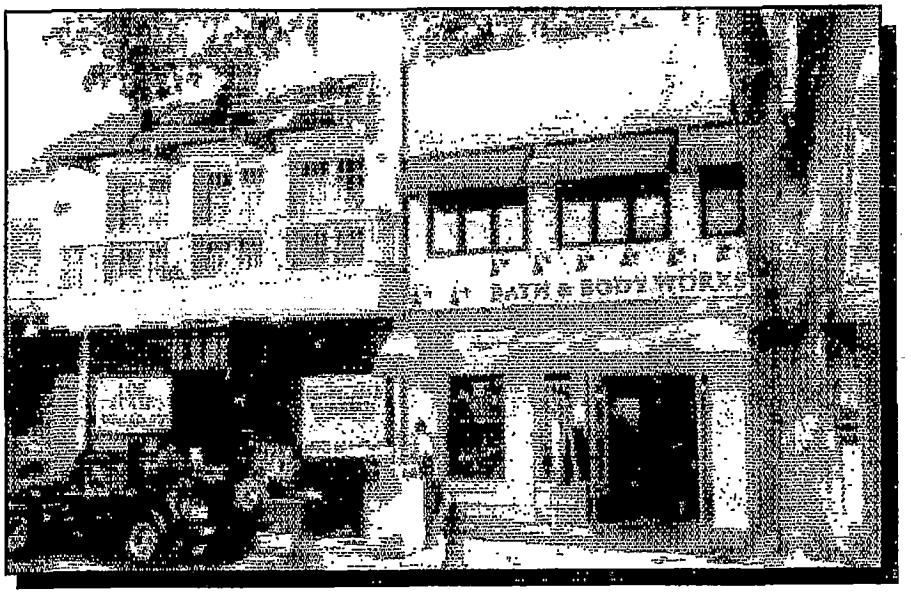
*Source: City of Winter Park

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #6

DESIGN STANDARDSGRAPHICS

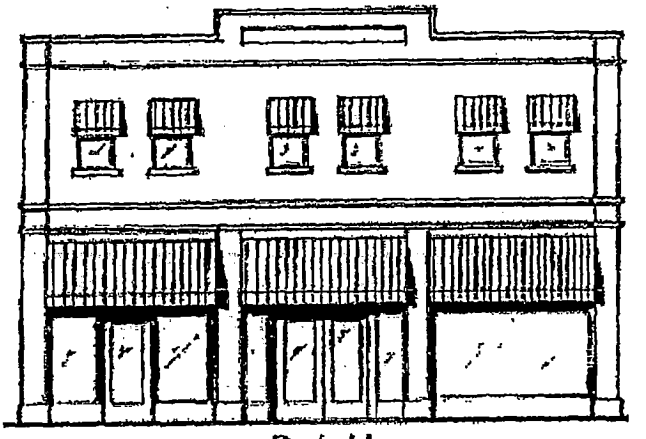
EXAMPLES OF APPROPRIATE FACADES AND ROOF PITCHES





DESIGN STANDARDS GRAPHICS

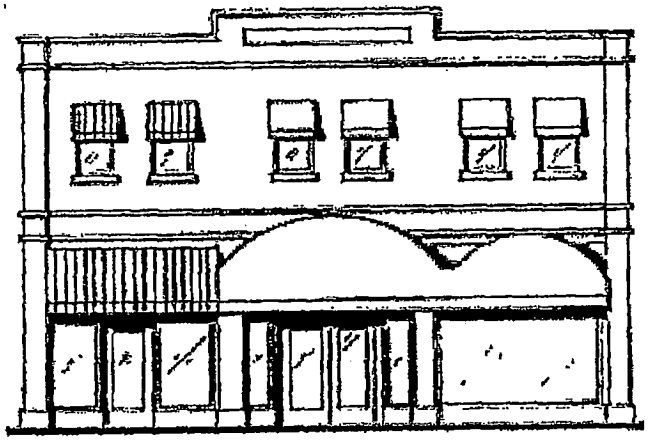
AWNING CHARACTERISTICS



Desirable

Second Story Awnings Coordinate with Ground Floor Storefront Awnings

Awnings Uniform in Height, Size, Materials and color



Undesirable

Second Story Awnings are not Coordinated with Storefront Awnings

Awning Covers Area between Second Story Window and Cornice

Awnings are Uneven, Inappropriate Shapes and Sizes

*Source: City of Winter Park

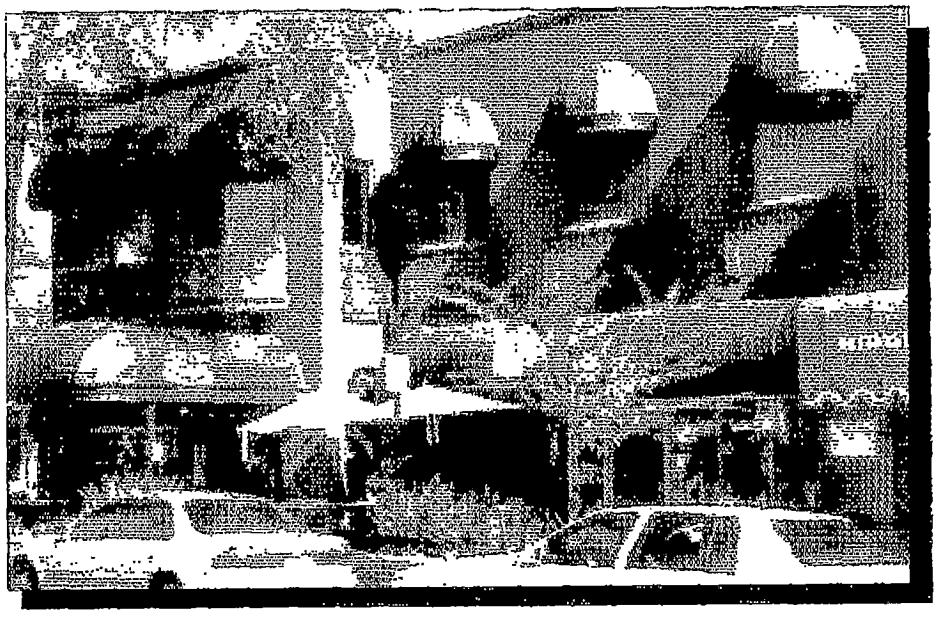
STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #8 COMPOSITE
EXHIBIT "F"
Page 8 of 15

DESIGN STANDARDS GRAPHICS

TYPICAL AWNING CHARACTERISTICS





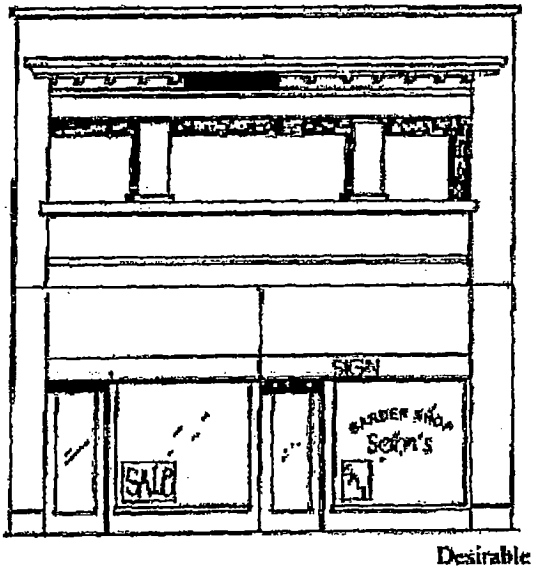
STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #9

COMPOSITE
EXHIBIT "F"
Page 9 of 15

DESIGN STANDARDS GRAPHICS

STOREFRONT SIGN CHARACTERISTICS



Desirable

Signs are Coordinated in Size and Placement with Building and Adjacent Storefront



Awning Sign Covers Masonry Pier

Sale Sign too Large for Storefront and Poorly Placed in Display Window

Undesirable Not Permitted

*Source: City of Winter Park

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #10

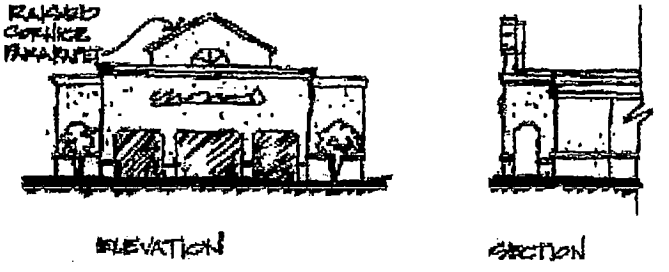
COMPOSITE
EXHIBIT "F"
Page 10 of 15

Instrument# 2016-000411 # 88
Book: 7202
Page: 3104

DESIGN STANDARDS GRAPHICS

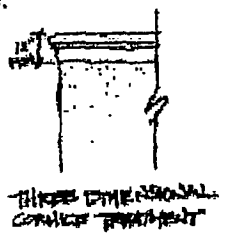
ROOF OPTIONS

A. Decorative parapets.



RAISED CORNICE PARAPET

B. Three dimensional cornice.

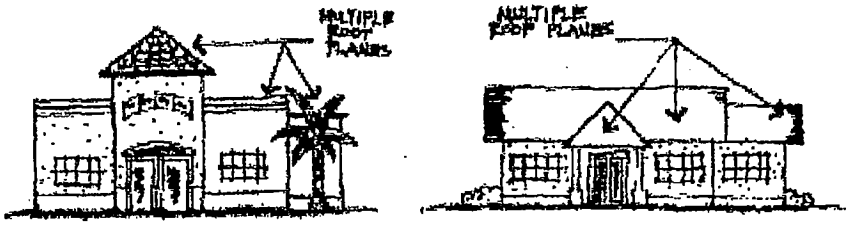


C. Overhanging eaves that extend at least three (3) feet beyond the supporting walls, with a minimum facia of six (6) inches deep.



OVERHANG

D. Three or more planes per primary facade.



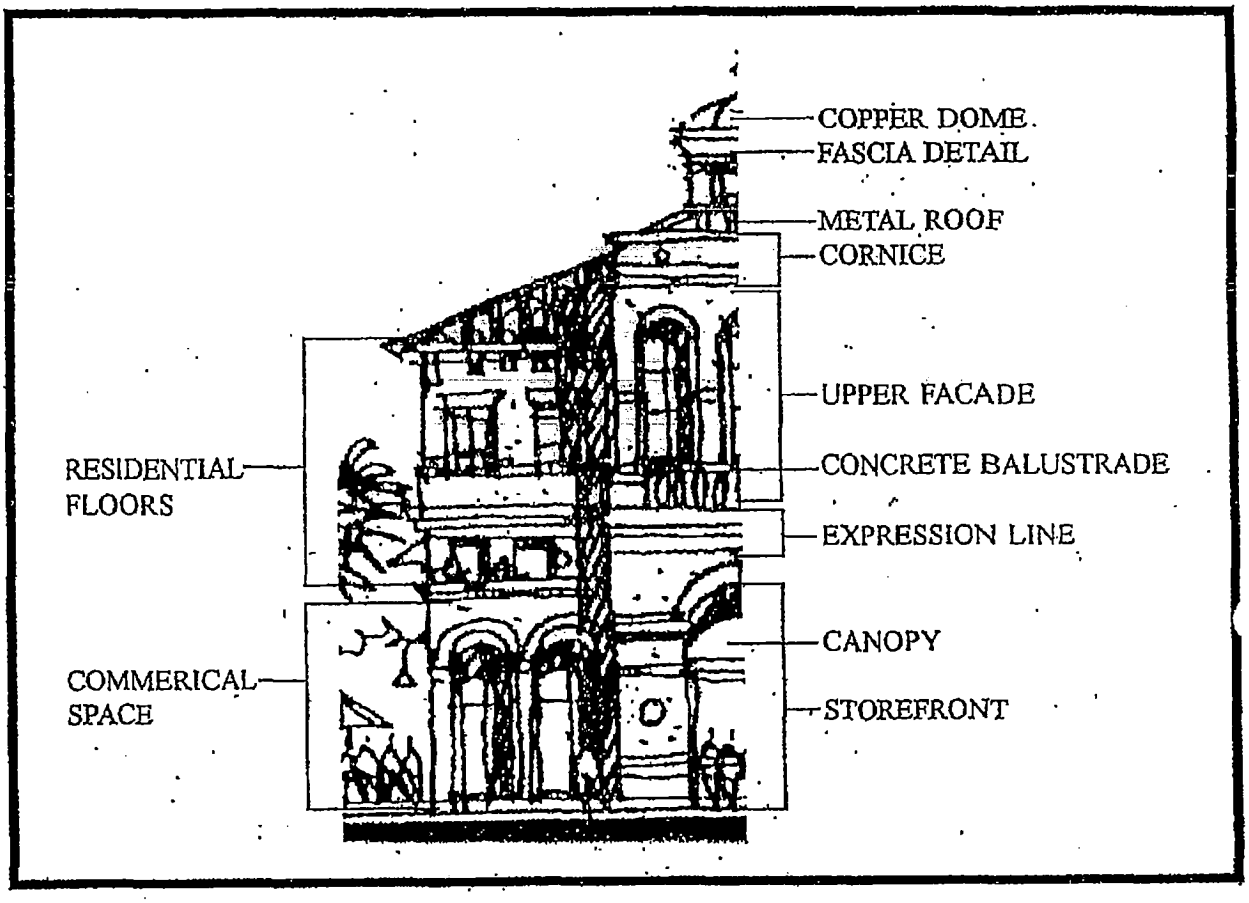
CONVENIENCE COMMERCIAL (CC) LANDUSE ZONE

EXHIBIT #11

COMPOSITE
EXHIBIT "F"
Page 11 of 15

DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE
ALTERNATE MEDITERRANEAN SCHEME



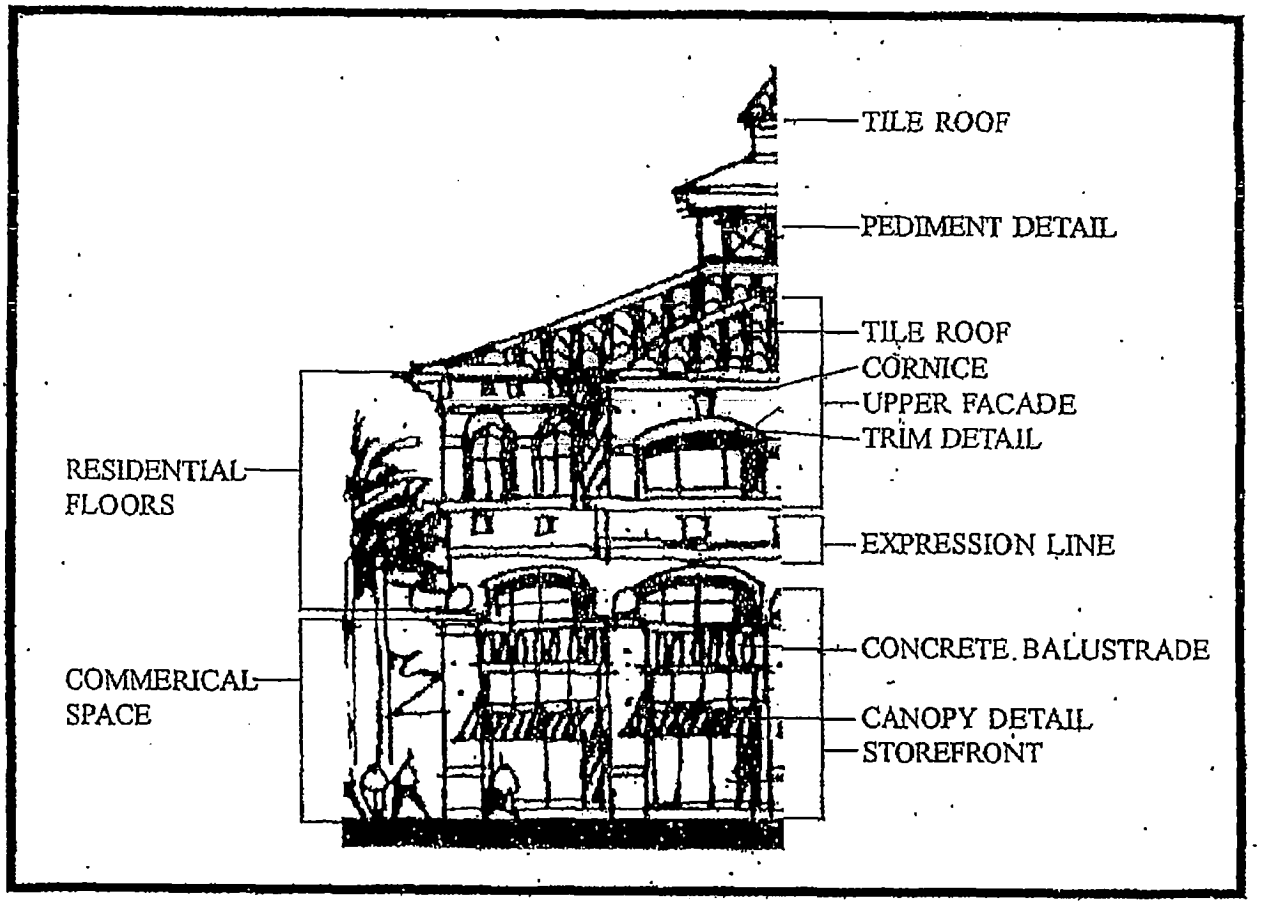
STOREFRONT COMMERICAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUBDISTRICT – EXHIBIT # 1

COMPOSITE
EXHIBIT "F"
Page 12 of 15

DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE
ALTERNATE MEDITERRANEAN SCHEME



STOREFRONT COMMERICAL (SFC) LANDUSE ZONE

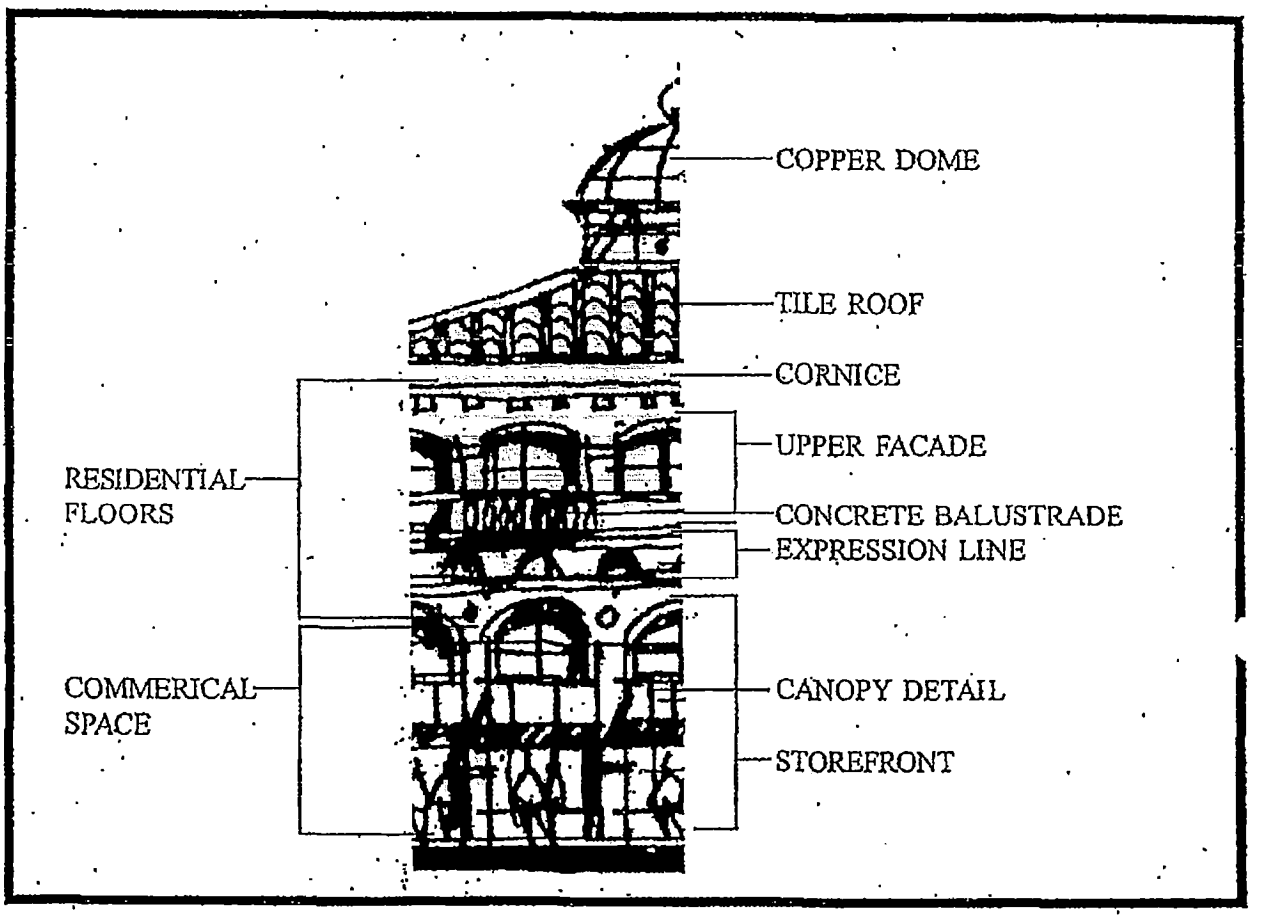
VILLAGE CENTER SUBDISTRICT – EXHIBIT # 2

Composite
Exhibit "F"
Page 13 of 15

Instrument# 2016-000411 # 91
Book: 7202
Page: 3107

DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE
ALTERNATE MEDITERRANEAN SCHEME



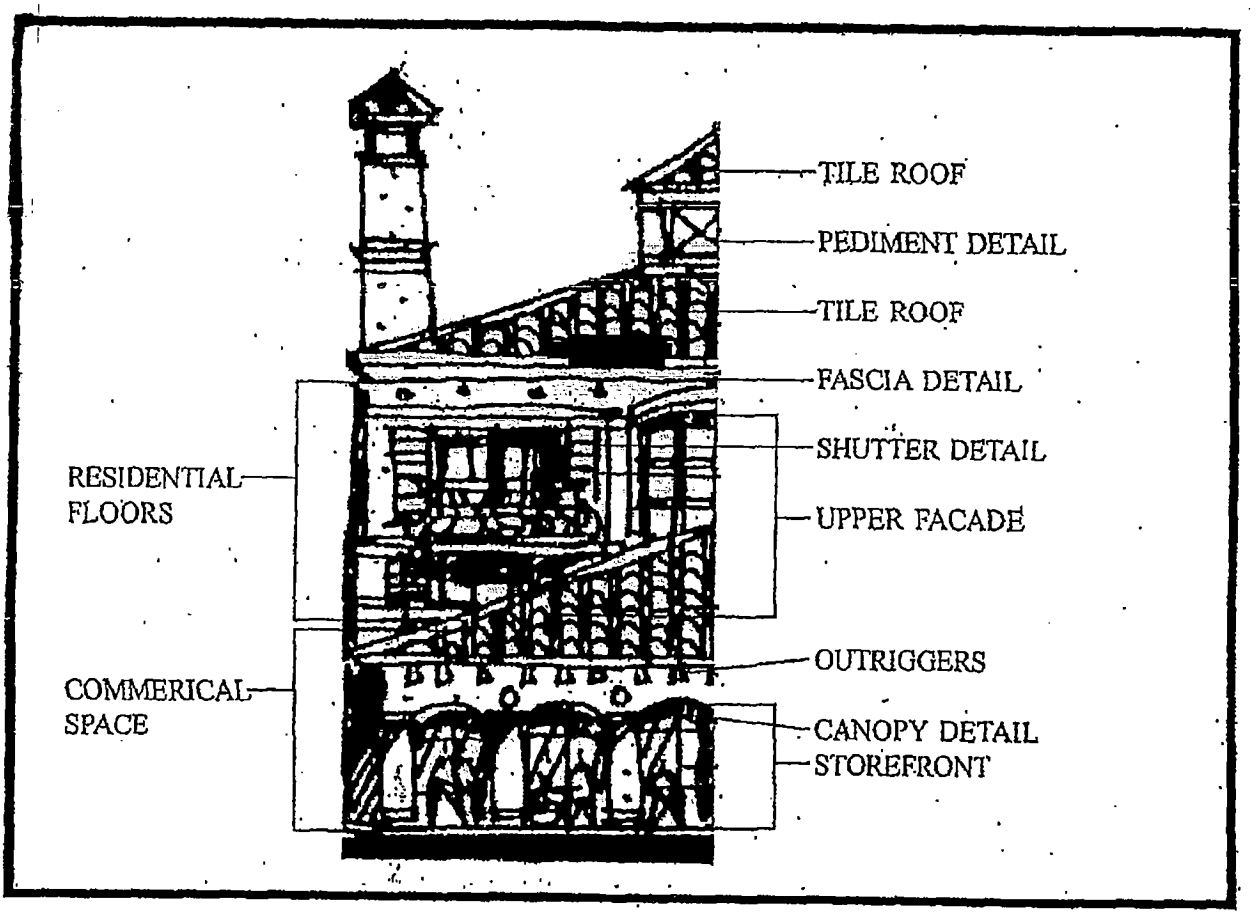
STOREFRONT COMMERICAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUBDISTRICT – EXHIBIT # 3

Instrument# 2016-000411 # 92
Book: 7202
Page: 3108
Diane M. Matousek
Volusia County, Clerk of Court

DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE
ALTERNATE MEDITERRANEAN SCHEME



STOREFRONT COMMERICAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUBDISTRICT – EXHIBIT # 4

Composite
Exhibit "F"
Page 15 of 15

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM- 0879-2024- CASELLO- TRACT P; OWNER: GEOSAM CAPITAL US (VENETIAN BAY) LP; OFFICER: BARBARA BOBELAK

February 26, 2025

Background:

Violation: Paid parking operation within the Venetian Bay Planned Unit Development (PUD) Village Center that is not a permitted or accessory use.

VENETIAN BAY VILLAGE, VILLAGE PLANNED DEVELOPOMENT PLANNED UNIT DEVELOPMENT (VPD-PUD) AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA) ORDINANCE #109-5

Compliance Date: January 24, 2025

Method of Service: Property posted on January 3, 2025; Certified mail sent January 3, 2025 and signed for on January 6, 2025 at one address and on January 7, 2025 at another.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

5P CCSM- 0879-2024 Casello Tract P 0879.pdf
Pg. 1 to 50 Ven Bay Amended & Restated MDA - Rec 2016 as 13 th Amendment.pdf
Pg. 51-92 Ven Bay Amended & Restated MDA - Rec 2016 as 13 th Amendment.pdf

CODE CASE DETAILED REPORT CE-0879-2024
FOR CITY OF NEW SMYRNA BEACH

Case Type:	Code Enforcement	**Project:**		**Opened Date:**	12/11/2024
Status:	In Progress	**District:**	New Smyrna Beach	**Closed Date:**	NOT CLOSED
Assigned To:	Barbara Bobelak	**Description:**	Paid parking area established without the required change to the PUD. Paid parking is not a permitted use within the PUD.		

Parcel: 730709000001 Main	**Address:**	**Zone:** PUD (PLANNED UNIT DEVELOPMENT)

Complainant

City Of New Smyrna Beach
Shane Corbin

Business: 3864102836

Owner

Geosam Capital Us (Venetian Bay) Lp
Mac Hagan

424 Luna Bella Ln, STE 122
New Smyrna Beach, FL 32168

Mobile: 3863667510

Note	Created By	Date and Time Created
1. Assigned to: Barbara Bobelak	Barbara Bobelak	12/11/2024 1:13 pm
2. Using this as violation of city code VENETIAN BAY VILLAGE, VILLAGE PLANNED DEVELOPOMENT PLANNED UNIT DEVELOPMENT (VPD-PUD) AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA) ORDINANCE #109-5	Barbara Bobelak	12/16/2024 10:06 am

Activity Type	Activity Number	Activity Name	User	Created On
Notice of Violation Letter Sent	NOV-003595-2024	Certified Mail sent	Barbara Bobelak	12/27/2024
Phone Call	PC-003580-2024	Complaint	Barbara Bobelak	12/11/2024

Bobelak, Barbara

From: Corbin, Shane
Sent: Monday, October 7, 2024 3:54 PM
To: Bobelak, Barbara
Subject: RE: Proper signage

Legal said its not our issue to enforce.

Thanks,
Shane

From: Bobelak, Barbara <bbobelak@cityofnsb.com>
Sent: Monday, October 7, 2024 2:24 PM
To: Corbin, Shane <SCorbin@cityofnsb.com>
Subject: RE: Proper signage

Shane,

I have not dealt with this issue. The only parking signs we have dealt with are for valet parking. I can check with Parking Enforcement to see if they have dealt with this in the past.

Barb

From: Corbin, Shane <SCorbin@cityofnsb.com>
Sent: Monday, September 30, 2024 3:48 PM
To: Bobelak, Barbara <bbobelak@cityofnsb.com>
Subject: FW: Proper signage

Have you ever dealt with this issue?

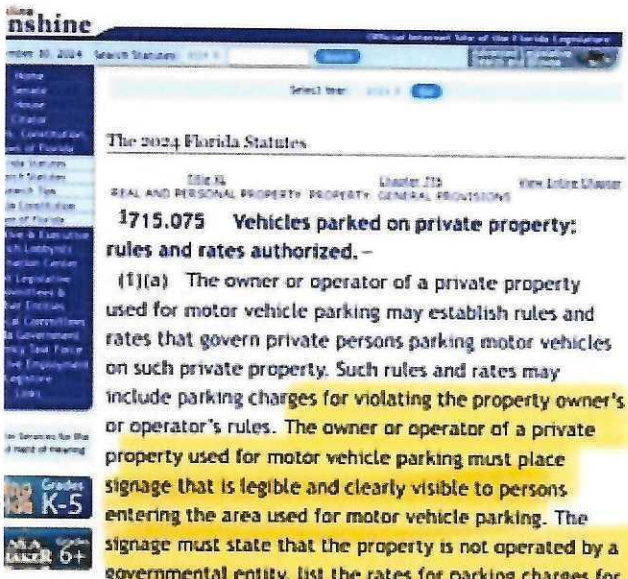
Shane

From: Katie Liller <thespaatvenetianbay@gmail.com>
Sent: Monday, September 30, 2024 3:44 PM
To: Cowper, Kevin <kcowper@cityofnsb.com>; Cleveland, Fred <mayor@cityofnsb.com>; Corbin, Shane <SCorbin@cityofnsb.com>; McGuirk, Jason <jmcguirk@cityofnsb.com>; Hartman, Randy <rhartman@cityofnsb.com>
Cc: Ken Garguilo <kengar1@gmail.com>
Subject: Proper signage

CAUTION: EXTERNAL EMAIL

City officials,
Tomorrow GEOSAM is starting their paid parking program. I would like to point out that there there is zero signage that shows their rules, fines, contact info and or parking agreement. I believe this needs to be posted in order to legally start charging for parking. Can the city come and inspect to make sure they are following state guidelines? I never got a response from anyone from my last email and am still hoping to hear back from someone.

Statutes & Constitution :View Statutes : Online Sunshine
leg.state.fl.us



The 2024 Florida Statutes

Title XL REAL AND PERSONAL PROPERTY PROPERTY GENERAL PROVISIONS — Chapter 715 — View Entire Chapter

715.075 Vehicles parked on private property; rules and rates authorized.—

(1)(a) The owner or operator of a private property used for motor vehicle parking may establish rules and rates that govern private persons parking motor vehicles on such private property. Such rules and rates may include parking charges for violating the property owner's or operator's rules. The owner or operator of a private property used for motor vehicle parking must place signage that is legible and clearly visible to persons entering the area used for motor vehicle parking. The signage must state that the property is not operated by a governmental entity, list the rates for parking charges for violating the rules of the property owner or operator, provide a working phone number and an e-mail address to receive inquiries and complaints, and provide notice of the grace period and appeal process provided by this section. Such signage may be regulated by the county or municipality in which the property is located.

(b) An invoice for parking charges issued under this section must include the following statement in uppercase type:

THIS INVOICE IS PRIVATELY ISSUED, IS NOT ISSUED BY A GOVERNMENTAL AUTHORITY, AND IS NOT SUBJECT TO CRIMINAL PENALTIES.

(c) An invoice for parking charges issued for violating the rules of the property owner or operator of a private property used for motor vehicle parking must be placed on the motor vehicle in a prominent location or mailed within 5 business days of the violation. The owner or operator of a private property used for motor vehicle parking may not assess a late fee until expiration of the 15-day period following the denial of any appeal filed pursuant to paragraph (d) or for a period of at least 30

Katie Liller
The Spa at Venetian Bay

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 7801604 **Parcel ID: 730709000001**
GEOSAM CAPITAL US (VENETIAN BAY) LP **CASELLO DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	7801604
Parcel ID:	730709000001
Township-Range-Section:	17 - 33 - 07
Subdivision-Block-Lot:	09 - 00 - 0001
Owner(s):	GEOSAM CAPITAL US (VENETIAN BAY) LP - FS - Fee Simple - 100
Mailing Address On File:	1275 W GRANADA BLVD SUITE 3B ORMOND BEACH FL 32174
Physical Address:	CASELLO DR, NEW SMYRNA BEACH 32168
Property Use:	1000 - VACANT COMM
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	7455
Subdivision Name:	VENETIAN BAY PH 1B UT 2 TRACT E PT RPLT
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$0	$0	$0	$0	1.5000	$0.00
0012	DISCRETIONARY	$0	$0	$0	$0	0.7480	$0.00
0011	REQ LOCAL EFFORT	$0	$0	$0	$0	3.0370	$0.00
0050	GENERAL FUND	$0	$0	$0	$0	3.2007	$0.00
0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
0055	LIBRARY	$0	$0	$0	$0	0.3891	$0.00
0520	MOSQUITO CONTROL	$0	$0	$0	$0	0.1647	$0.00
0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0
2019	$1	$0	$1	$1	$0	$1	$0
2018	$1	$0	$1	$1	$0	$1	$0
2017	$1	$0	$1	$1	$0	$1	$0
2016	$1	$0	$1	$1	$0	$1	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

07 17 33 PRIVATE ROAD TRACT P VENETIAN BAY PHASE 1B UNIT 2 TRACT E PARTIAL REPLAT MB 57 PGS 26-27

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL 32168
386-410-2870

Case Number: CE-0879-2024
Case Type: Code Enforcement
Date Case Established: 12/16/2024
Compliance Deadline: 01/24/2025

Violation Notice

Owner: GEOSAM CAPITAL US (VENETIAN BAY) LP

Mailing Address

GEOSAM CAPITAL US (VENETIAN BAY) LP
1275 W. GRANADA BLVD SUITE 3B
ORMOND BEACH, FL 32174

GEOSAM CAPITAL GROUP
2170 SATELLITE BLVD., SUITE 425
DULUTH, GA 30097-6270

Notice of Violation for the following location:

Address	**Parcel**
CASELLO DRIVE (VACANT COMM) NEW SMYRNA BEACH, FL 32168	**730709000001**

Violation: Paid parking operation within the Venetian Bay Planned Unit Development (PUD) Village Center that is not a permitted or accessory use.

VENETIAN BAY VILLAGE, VILLAGE PLANNED DEVELOPOMENT PLANNED UNIT DEVELOPMENT (VPD-PUD) AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA) ORDINANCE #109-5

COMPOSITE EXHIBIT "B" LAND USE ZONE STANDARDS

B. STOREFRONT COMMERCIAL (SFC):

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL 32168
386-410-2870

Case Number: CE-0879-2024
Case Type: Code Enforcement
Date Case Established: 12/16/2024
Compliance Deadline: 01/24/2025

Violation Notice

1. Intent: The Storefront Commercial land use zone is intended to be applied in the initial VPD-PUD unless it is designed to be expanded into one contiguous VPD-PUD and shall provide much of the retail and other commercial needs of the village. The zone requires a fine grain of pedestrian oriented development and a high degree of urban design based upon traditional downtown storefronts.

   Refer to Appendix F "Design Standards Graphics": Typical Main Street Ambiance and Desirable Streetscape and Building scale.

2. Sub-Districts Permitted: The Storefront Commercial District shall only be permitted within the centrally located Village Center (VC) Sub-District.

3. Development Standards:
   a. Permitted and Accessory Uses:
      - Retail Sales and Service
      - Outdoor Retail Sales and Service
      - Hotel and Time Share
      - General Office
      - Professional Office
      - Personal Service
      - Restaurants (no drive through)
      - Sidewalk Cafes with tables and menu
      - Residential units located above ground floor commercial
      - Helipad Use (ground not rooftop)

      - Civic and Recreation

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL 32168
386-410-2870

Case Number: CE-0879-2024
Case Type: Code Enforcement
Date Case Established: 12/16/2024
Compliance Deadline: 01/24/2025

Violation Notice

- Drive through facilities for banks, savings and loans, institutional uses located at the rear of a building in a parking lot and accessed by service streets, or parking lots.
- Any use typically incidental to a principal use permitted by right when conducted as an accessory to such a principal use. Outdoor display shall be allowed. "Sidewalk tables" and temporary signage shall not be considered a sign.
- Gas pumps located away from the main pedestrian commercial streets.

b. Prohibited Uses:

- Any use not permitted shall be prohibited unless it is determined to be essentially the same as a permitted use.
- Drive through facilities for all restaurants, automobile, truck, RV, and boat dealerships and similar uses with large vehicular display areas.

See Map of Tract P Attached

Corrective Action: Cease and desist the paid parking activity. An amendment to the current PUD that adds paid parking to the list of permitted and accessory uses is needed for the activity to be eligible for a Business Tax Receipt (BTR). A BTR is required for all paid parking lots per Sec. 74-147 of the city's code of ordinances. Contact the Planning Department for information on the PUD amendment application at (386) 410 2835.

Requested Compliance Date: 01/24/2025

Respondent(s) shall bring the property into compliance with the code provisions cited

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL 32168
386-410-2870

Case Number: CE-0879-2024
Case Type: Code Enforcement
Date Case Established: 12/16/2024
Compliance Deadline: 01/24/2025

Violation Notice

above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:
1275 W. GRANADA BLVD SUITE 3B- 9214 8901 9403 8394 6407 85
2170 SATELLITE BLVD., SUITE 425- 9214 8901 9403 8394 6408 84
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck

Teresa Merck
Code Compliance Clerk
Date: 01/03/2025

Contact: Barbara Bobelak
Code Compliance Supervisor
Phone: (386) 410-2871
Email: bbobelak@cityofnsb.com

SPECIAL MAGISTRATE
City of New Smyrna Beach

Notice of Hearing

GEOSAM CAPITAL US (VENETIAN BAY) LP
424 LUNA BELLA LN STE 122
NEW SMYRNA BEACH, FL 32168

CASE NO. CE-0-2024
Casello Dr.- Parcel- 30701000001
New Smyrna Beach, FL

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **Wednesday, February 26th, 2025**, at 2:00 pm in the City Commission Chambers, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5,000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of this action at the City Clerks Office, City of New

Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Enforcement Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. §286.0105, Fla. Stat.

SPECIAL MAGISTRATE
City of New Smyrna Beach

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this Notice of Hearing was served on the party(ies) at the address as described above by:

(√) Certified Mail, Return Receipt Requested Receipt Number: See below
(√) Post
( ) Hand Delivery

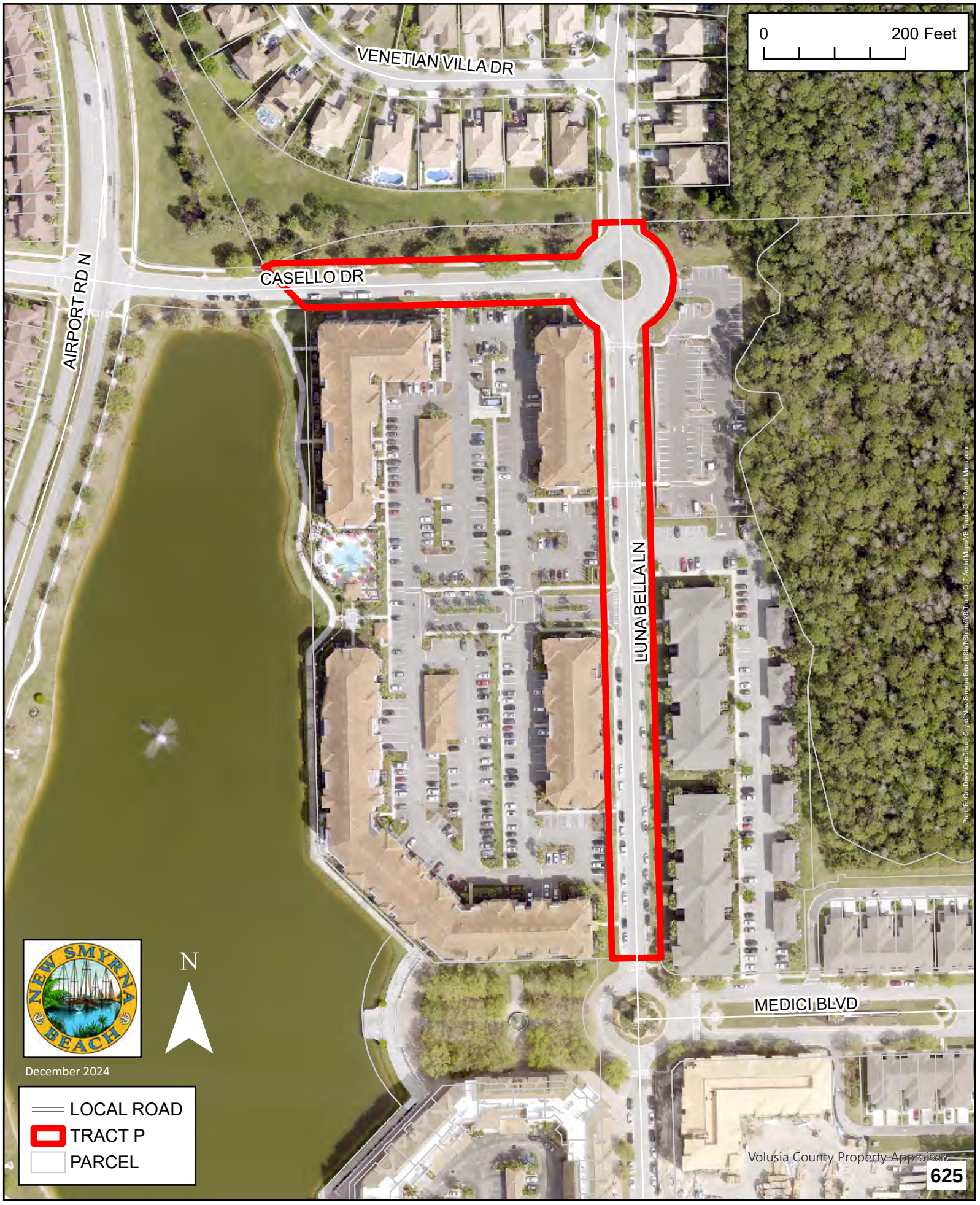
Teresa Merck
Code Compliance Clerk

Contact: Barbara Bobelak
Code Compliance Supervisor
Phone: (386) 10-2871
Email:bbobelak@cityofnsb.com
01/03/2025

GEOSAM CAPITAL US (VENETIAN BAY) LP-9214 8901 9403 8394 6407 85
1275 W. GRANADA BLVD SUITE 3B
ORMOND BEACH, FL 32174

GEOSAM CAPITAL GROUP- 9214 8901 9403 8394 6408 84
2170 SATELLITE BLVD., SUITE 425
DULUTH, GA 30097-6270

TRACT P
PARCEL ID: 7307-09-00-0001



Network:Jan 3, 2025 at 11:26:36 AM EST
Local:Jan 3, 2025 at 11:26:36 AM EST
N 29° 2' 13.160", W 81° 1' 53.712"
434 Luna Bella Ln
New Smyrna Beach FL 32168
United States

HONK

NO APP | EXPRESS CHECKOUT

PAY HERE

SCAN ME

Open camera & point at QR code

Tap link to pay

Text 54490 to 75498
Tap link to pay

Authorized parking only. Any vehicle ticketed or towed is at the owner's expense.

Get the HonkMobile App

ZONE 54490

POWERED BY HONK

PARKING CONTRACT
PRIVATE PROPERTY

By parking or exceeding the 15-minute grace period, you agree to the contract below. **Exit without parking if you do not agree to all terms.**

NON-COMPLIANCE CHARGE UP TO $125

1.You, on behalf of yourself and the vehicle owner (Owner), enter this contract (Contract) for parking with Parking & Transportation Compliance Inc. (PTC). PTC provides private parking enforcement services and is not a governmental entity. Contact PTC at: (833) 351-3655 or info@parkingandtransportationcompliance.com.

2. IF YOU DO NOT PARK, YOU HAVE A 15-MINUTE GRACE PERIOD BEFORE INCURRING CHARGES.

3. FAILURE TO PAY, REGISTER, VALIDATE, ACCURATELY ENTER A LICENSE PLATE, OR OTHER TRESPASS OR RULE VIOLATION MAY RESULT IN A NOTICE OF NON-COMPLIANCE CHARGE OF $45 - $125 (CHARGE), TOWING, OR BOOTING. UNPAID CHARGES MAY BE SUBJECT TO LATE FEES AFTER 30 DAYS, ASSIGNED TO DEBT COLLECTORS, OR LITIGATED. YOU, FOR YOURSELF AND OWNER, GRANT PTC PERMISSION TO OBTAIN INFORMATION TO IDENTIFY VEHICLE OWNER FOR ENFORCEMENT. REPEAT OFFENSES MAY RESULT IN ADDITIONAL CHARGES.

4.APPEAL: A Charge may be disputed within 15 days of windshield placement or date mailed. PTC may withdraw the Charge or respond within 5 business days. Within 10 days of receiving PTC's response, you may appeal. If the Appeal is approved, the Charge is dismissed. If the Appeal is denied, you must pay the Charge. All Appeal decisions are final. **APPEALS WILL BE DETERMINED BY A NEUTRAL THIRD-PARTY ADJUDICATOR, EFFECTIVE ARBITRATION. PARTIES SHALL INITIALLY SPLIT THE FEE TO FILE AN APPEAL, WITH THE LOSING PARTY BEARING THE ADJUDICATOR'S COSTS.**

5.ARBITRATION: Except for Appealed Charges, **ANY DISPUTE** between you or the Owner and PTC arising from or relating to this Contract, the lot, or PTC, including disputes over arbitrability or the scope, validity, and enforceability of this Contract, **SHALL BE RESOLVED EXCLUSIVELY BY BINDING ARBITRATION ON AN INDIVIDUAL BASIS.** The arbitration shall be administered by JAMS under its Comprehensive Arbitration Rules & Procedures and the Expedited Procedures. JAMS Mass Arbitration Procedures and Guidelines will apply if 10 or more similar Demands for Arbitration are filed against PTC. JAMS Rules are available at www.jamsadr.com. The Arbitrator shall award fees and costs to the prevailing party as permitted. This Contract is governed by the Federal Arbitration Act. If a suit qualifies for small claims court, either party may compel resolution of a dispute in small claims or an equivalent court on an individual basis only. **YOU AND THE OWNER INTENTIONALLY AND VOLUNTARILY WAIVE RIGHTS TO (1) HAVE A JURY TRIAL; AND (2) PARTICIPATE IN A CLASS ACTION OR CLASS ARBITRATION.**

6.ACCESS IS MONITORED BY LICENSE PLATE RECOGNITION TECHNOLOGY THAT RECORDS AND IDENTIFIES THE VEHICLE AND LICENSE PLATE. CAMERAS **ARE NOT** MONITORED.

DANGER
ELECTRICAL MACHINERY
AUTHORIZED
PERSONNEL ONLY

STORAGE
ELEVATOR MACHINERY

Violation Notice

626

Network: Jan 3, 2025 at 11:26:42 AM EST
Local: Jan 3, 2025 at 11:26:42 AM EST
N 29° 2' 13.160", W 81° 1' 53.712"
434 Luna Bella Ln
New Smyrna Beach FL 32168
United States

3. FAILURE TO PAY, REGISTER, VALIDATE, ACCURATELY ENTER A LICENSE PLATE, OR OTHER TRESPASS OR RULE VIOLATION MAY RESULT IN A NOTICE OF NON-COMPLIANCE CHARGE OF $75 - $125 (CHARGE), TOWING, OR BOOTING. UNPAID CHARGES MAY BE SUBJECT TO LATE FEES AFTER 30 DAYS ASSIGNED TO COLLECTORS, OR LITIGATED. YOU, FOR YOURSELF AND OWNER, GRANT PTC PERMISSION TO OBTAIN INFORMATION TO IDENTIFY VEHICLE OWNER FOR ENFORCEMENT. REPEAT OFFENSES MAY RESULT IN ADDITIONAL CHARGES.

4.APPEAL: A Charge may be disputed within 45 days of windshield placement or date mailed. PTC may withdraw the Charge or respond within 5 business days. Within 10 days of receiving PTC's response, you may appeal. If the Appeal is approved, the Charge is dismissed. If the Appeal is denied, you must pay the Charge. All appeal decisions are final. **APPEALS WILL BE DETERMINED BY A NEUTRAL THIRD-PARTY ADJUDICATOR, EFFECTIVE ARBITRATION ALTERNATIVE. YOU WAIVE THE RIGHT TO FILE AN APPEAL, WITH THE LOSING PARTY BEARING THE ADJUDICATOR'S COSTS.**

5.ARBITRATION: Except for Appealed Charges, **ANY DISPUTE** between you or the Owner and PTC arising from or relating to this Contract, the lot, or PTC, including disputes over arbitrability or the scope, validity, and enforceability of this Contract, **SHALL BE RESOLVED EXCLUSIVELY BY BINDING ARBITRATION ON AN INDIVIDUAL BASIS.** The arbitration shall be administered by JAMS under its Comprehensive Arbitration Rules & Procedures and the Expedited Procedures. JAMS Mass Arbitration Procedures and Guidelines will apply if 10 or more similar Demands for Arbitration are filed against PTC. JAMS Rules are available at www.jamsadr.com. The Arbitrator shall award fees and costs to the prevailing party as permitted. This Contract is governed by the Federal Arbitration Act. If a suit qualifies for small claims court, either party may compel resolution of a dispute in small claims or an equivalent court on an individual basis only. **YOU AND THE OWNER INTENTIONALLY AND VOLUNTARILY WAIVE RIGHTS TO (1) HAVE A JURY TRIAL; AND (2) PARTICIPATE IN A CLASS ACTION OR CLASS ARBITRATION.**

6. ACCESS IS MONITORED BY LICENSE PLATE RECOGNITION TECHNOLOGY THAT RECORDS AND IDENTIFIES THE VEHICLE AND LICENSE PLATE. CAMERAS **ARE NOT** MONITORED.

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL 32168
386-410-2870

Case Number: CE-0879-2024
Case Type: Code Enforcement
Date Case Established: 12/16/2024
Compliance Deadline: 01/14/2025

Violation Notice

Owner: GEOSAM CAPITAL US (VENETIAN BAY) LP

Mailing Address

GEOSAM CAPITAL US (VENETIAN BAY) LP
1375 W. GRANADA BLVD SUITE 3B
ORMOND BEACH, FL 32174

GEOSAM CAPITAL GROUP
3170 SATELLITE BLVD., SUITE 425
DULUTH, GA 30097-6270

Notice of Violation for the following location:

Address: CASELLO DRIVE (VACANT COMM)
NEW SMYRNA BEACH, FL 32168

Parcel: 730709000001

Violation: Paid parking operation within the Venetian Bay Planned Unit Development (PUD) Village Center that is not a permitted or accessory use.

VENETIAN BAY VILLAGE, VILLAGE PLANNED DEVELOPMENT PLANNED UNIT DEVELOPMENT (VPD-PUD) AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA) ORDINANCE #09-5

COMPOSITE EXHIBIT "B" LAND USE ZONE STANDARDS

B. STOREFRONT COMMERCIAL (SFC):

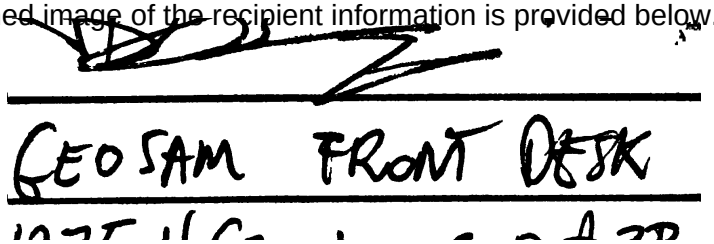
UNITED STATES POSTAL SERVICE

Date Produced: 01/07/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8394 6407 85. Our records indicate that this item was delivered on 01/06/2025 at 03:58 p.m. in ORMOND BEACH, FL 32174. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

GEOSAM CAPITAL US (VENETIAN BAY) LP-
STE 3B
1275 W GRANADA BLVD
ORMOND BEACH FL 32174-8105

Customer Reference Number: C5556661.33705498

2

UNITED STATES POSTAL SERVICE®

Return address:

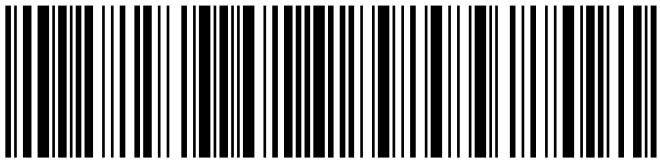
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

GEOSAM CAPITAL US (VENETIAN BAY) LP-
STE 3B
1275 W GRANADA BLVD
ORMOND BEACH FL 32174-8105

MAILING DATE: 01/03/2025
DELIVERY DATE: 01/06/2025

USPS CERTIFIED MAIL



9214 8901 9403 8394 6407 85

USPS Tracking Label Number: 9214 8901 9403 8394 6407 85

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/03/2025 08:12
DELIVERED LEFT WITH INDIVIDUAL	ORMOND BEACH,FL 32174	01/06/2025 15:58

CASE #: CE-0878;0879;0880

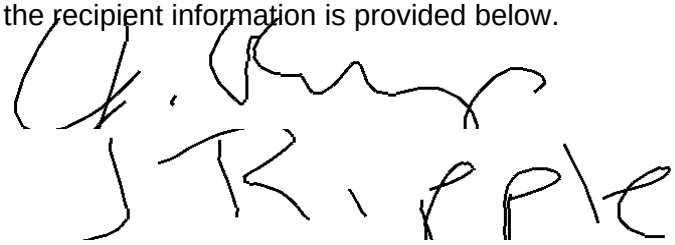
UNITED STATES POSTAL SERVICE

Date Produced: 01/08/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8394 6408 84. Our records indicate that this item was delivered on 01/07/2025 at 11:50 a.m. in DULUTH, GA 30097. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

GEOSAM CAPITAL GROUP-
STE 425
2170 SATELLITE BLVD
DULUTH GA 30097-6270

Customer Reference Number: C5556661.33705499

UNITED STATES POSTAL SERVICE®

Return address:

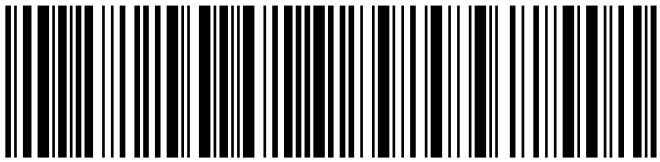
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

GEOSAM CAPITAL GROUP-
STE 425
2170 SATELLITE BLVD
DULUTH GA 30097-6270

MAILING DATE: 01/03/2025
DELIVERY DATE: 01/07/2025

USPS CERTIFIED MAIL



9214 8901 9403 8394 6408 84

USPS Tracking Label Number: 9214 8901 9403 8394 6408 84

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/03/2025 08:12
DELIVERED LEFT WITH INDIVIDUAL	DULUTH,GA 30097	01/07/2025 11:50

CASE #: CE-0878;0879;0880

01/04/2016 11:38 AM
Instrument# 2016-000411 # 1
Book: 7202
Page: 3017

Document Prepared By:
James Stowers, Esquire
424 Luna Bella Lane, Suite 135
New Smyrna Beach, FL 32168

Return recorded document to:
City of New Smyrna Beach Records Clerk
210 Sams Avenue
New Smyrna Beach, FL 32168

VENETIAN BAY VILLAGE, VILLAGE PLANNED DEVELOPMENT- PLANNED UNIT DEVELOPMENT (VPD-PUD) AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA)

ORDINANCE # 109-15

WHEREAS, the CITY OF NEW SMYRNA BEACH, a Florida municipal corporation (the "City") and Venetian Bay of New Smyrna Beach, L.L.C., a Florida limited liability company (the "Original Developer") and Montgomery Woods, Inc., a Florida corporation and CGR Corporation of Central Florida, a Florida corporation (the "Original Owner"), previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of the development agreement entitled "Venetian Bay Village, Village Planned Development – Planned Unit Development (VPD-PUD) Master Development Agreement (MDA)", recorded in Official Records Book 4942, Page 668, Public Records of Volusia County, Florida(hereinafter referred to as the "VPD-PUD Agreement"), relating to property described therein (hereinafter referred to as the "Property"); and

WHEREAS, the City approved the modification of the VPD-PUD by First Amendment recorded May 11, 2005 in Official Records Book 5551, Page 296, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Second Amendment recorded May 11, 2005 in Official Records Book 5551, Page 310, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Fifth Amendment (the Third and Fourth Amendments were not found of record) recorded August 31, 2007 in Official Records Book 6119, Page 2554, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Sixth Amendment recorded August 31, 2007 in Official Records Book 6119, Page 2569, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Seventh Amendment recorded August 31, 2007 in Official Records Book 6119, Page 2565, Public Records of Volusia

County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Eighth Amendment recorded March 14, 2008 in Official Records Book 6205, Page 2496, Public Records of Volusia County Florida; and

WHEREAS, the City approved a minor modification of the VPD-PUD by letter dated June 13, 2008 which amended streetlight spacing in the VPD-PUD (Section 21.9); and

WHEREAS, the City approved the modification of the VPD-PUD by Ninth Amendment recorded June 10, 2009 in Official Records Book 6362, Page 3117, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Tenth Amendment recorded October 8, 2010 in Official Records Book 6524, Page 1, Public Records of Volusia County Florida; and

WHEREAS, the City approved a minor modification of the VPD-PUD by letter dated January 3, 2011 which amended and clarified maximum allowed fence heights in the VPD-PUD (Composite Exhibit "B"); and

WHEREAS, the City approved the modification of the VPD-PUD by Eleventh Amendment recorded May 29, 2014 in Official Records Book 6993, Page 4439, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Twelfth Amendment on June 9, 2015, Ordinance No. 46-15: Venetian Bay PUD – 12th Amendment; and

WHEREAS, GEOSAM CAPITAL US (VENETIAN BAY) LP, a Delaware limited partnership (the "Developer"), is the successor in interest to the Property; and

WHEREAS, the City and Developer wish to amend and restate the VPD-PUD Agreement in order to incorporate previously approved amendments to the same within one document as well as modify the VPD-PUD Agreement as detailed herein.

NOW, THEREFORE, the parties agree as follows:

The City of New Smyrna Beach, a Florida municipal corporation (the "City"), and Geosam Capital US (Venetian Bay), LP, a Delaware limited liability partnership (the "Developer" and "Owner") hereby covenant and agree, and bind their successors and assigns as follows for the purpose of implementing development of the property described on Exhibit "A" subject to this Agreement with exhibits including the Schematic Development Plan (SDP) as the Venetian Bay Planned Unit Development (Venetian Bay-VPD-PUD) as required by the City Comprehensive Land

Use Plan enacted by New Smyrna Beach, Fla., Ordinance 6-90 (July 6, 1990), and the amendments thereto; and, the Comprehensive Plan Amendment for West New Smyrna Beach which was enacted by City New Smyrna Beach, Fla., Ordinance 64-98 (June 16, 1999).

1.0 Property.

1.1 The Property which is subject to this agreement is described on the attached Exhibit "A" which is by reference incorporated herein.

2.0 Property Ownership.

2.1 The Property consisting of approximately one thousand four hundred ten (1,410) acres is owned by Owner as it pertains to undeveloped lots and as the successor in interest to the Property..

2.5 Term.

The term of this agreement shall be for twenty five years expiring on August 21, 2027.

3.0 Comprehensive Plan Consistency.

3.1 This agreement is consistent with the City of New Smyrna Beach Comprehensive Plan.

3.2 The parties agree that the intent of this agreement is to provide development standards which allow the design and construction of multiple private development projects in the Venetian Bay Village VPD-PUD which will result in a neighborhood based village development that complies with the City's CLUP requirements.

4.0 VPD-PUD Plan

This agreement is a composite of the following documents, drawings and exhibits which shall be read or reviewed together in order to establish the requirements, purpose and intent of the Plan. The documents, drawing and exhibits which collectively shall be referred to and applied as the Plan are the instruments listed in 4.1 through 4.7 which are by reference incorporated herein.

4.1 Venetian Bay Village Planned Unit Development (VPD-PUD) Master Development Agreement (MDA).

4.2 Legal Description which is attached hereto as Exhibit "A".

4.3 Land Use Zone Standards which are attached hereto as Composite Exhibit "B".

4.4 Conceptual Development Plan (CDP) which is attached hereto as Exhibit "C".

4.5 Schematic Development Plan (SDP) which is attached hereto as Composite Exhibit "D".

4.6 Roadway Cross Sections which is attached hereto as Composite Exhibit "E".

4.7 Design Standards Graphic which are attached hereto as Composite Exhibit "F".

5.0 Definition of Terms.

5.1 Best Development Practices. The terms *best development practices* and all references *best practices* shall refer to those development practices described in: Reid Ewing, *Best Development Practices, Doing the Right Thing and Making Money at the Same Time* (May 1995).

5.2 City. The City of New Smyrna Beach, a Florida municipal corporation.

5.3 Common Facility. A common facility shall be any facility designated as such by Developer and agreed to by Owner. Such facilities should include the following facilities, which may be, but shall not be required to be, common facilities:

(1) Stormwater treatment facilities built pursuant to permits issued by the City of New Smyrna Beach and the St. Johns River Water Management District (SJRWMD).

(2) Pedestrian, bike and cart paths not dedicated to a governmental entity.

(3) VPD-PUD perimeter edges and buffers or landscaping around interior development within the Venetian Bay-PUD.

(4) Common open space not dedicated to a governmental entity.

(5) Common recreation facilities not dedicated to a governmental entity.

(6) Such other facilities or areas as Developer and Owner may designate.

5.4 Convenience Commercial (CC). A commercial area not exceeding two (2) acres in size exclusive of stormwater retention facilities, and providing a maximum of fifteen thousand (15,000) square feet of gross leasable area. CC areas are located on the perimeter of the Village for the purpose of providing convenience commercial land use as permitted by the City's Land Development Regulations.

5.5 Day Care Center. Shall mean both Adult Day Care Center and Day Care Center as defined in the City of New Smyrna Beach's Land Development Regulations, Article II.

5.6 Developer. Johnson Development of Volusia County, Inc., a Florida corporation, its successors and/or assigns.

5.7 House of Worship. A body of persons associated together for the purpose of maintaining religious worship, and/or the building in which persons habitually assemble for religious purposes and public worship, including customary accessory uses.

5.8 Land Development Regulations (LDR) means the Land Development Regulations for the City of New Smyrna Beach adopted by New Smyrna Beach, Fla. Ordinance 1-91 (January 22, 1991) and amendments thereto.

5.9 Master Development Agreement (MDA). The written text of the Venetian Bay-PUD Agreement setting forth the obligations of the parties to the Agreement.

5.10 Medical Facility. A facility primarily used for medical uses as defined in the City's Land Development Regulations under Article II, Definitions for Hospital, Intermediate Care Facility and Office Building, Medical/dental/psychology/psychiatry. May also mean any secondary use associated with each of the uses listed above from the City's LDR. (i.e. Urgent Care Facility)

5.11 Neighborhood Facility. A facility, improvement or area of land which only serves a particular subdivision, portion of a subdistrict or a subdistrict and is designated by the Developer and Owner as a Neighborhood Facility.

5.12 Plan. The combination of the Agreement and SDP and other exhibits referenced in the Agreement which shall be read jointly to determine the requirements for development of the Venetian Bay-PUD.

5.13 Property Owners' Association (POA). A Florida non-profit corporation created by Developer, Owner or Developer and Owner for the purpose of maintaining, repairing and replacing improvements which Developer, Owner or Developer and Owner have conveyed to the POA. It is anticipated that the Venetian Bay-PUD will employ the Venetian Bay Master Property Owners' Association (VBMPOA) to manage Venetian Bay-PUD common facilities and various individual property subdivision or sub-district property owner associations which shall be referred to as [Sub-district or Subdivision] Property Owners' Association ([Subdivision or Sub-district] POA). The VBPOA and various POA's shall be entitled to exercise all power and authority granted to them by their incorporator and such additional power as the Developer may consent to being exercised by the POA. The transition of control over the VBPOA and the various sub-district or subdivision POA's from the Developer to the members of the VBPOA and to the members of the various sub-district or subdivision POA's shall occur as mandated in the governing documents for the various associations and as required by applicable Florida law, including but not limited to Chapters 718 and 720 Florida Statutes.

5.14 Residential (RES). A housing type constructed for the purpose of providing space for human habitation. A RES unit may be, but shall not be limited to, a unit of single family, multi-family, townhouse or accessory unit housing.

5.15 Schematic Development Plan (SDP). The plan which graphically illustrates the proposed layout of the village development.

5.16 Storefront Commercial (SFC). A business located within the Village Center (VC) to provide retail, personal, professional and business services.

5.17 Village. The development approved by the City pursuant to a Venetian Bay VPD-PUD Agreement between the City and the Developer/Owner of the land. A village is a combination of VC, VUN and VBPN sub-districts as approved by the City.

5.18 Village Best Practices Neighborhood (VBPN). The VBPN's are development types within the Venetian Bay VPD-PUD that are most remote from the Village Center (VC). The VBPN's may utilize conventional subdivision designs and typical suburban subdivision densities but they are required to meet "Best Practices" standards and they do not qualify for additional residential "bonus units".

5.19 Village Center (VC). The area designated on the schematic development plan as the urban center of the village approved by the Venetian Bay VPD-PUD. The VC shall provide a combination of storefront commercial office open space and community facilities and residential use. The VC area qualifies for additional residential "bonus units" as allowed by City policy.

5.20 Village Planned Development-Planned Unit Development (VPD-PUD). The development proposed by developer/owner and approved by the City as a development consistent with the City's "West New Smyrna" Comprehensive Plan Amendment. Venetian Bay VPD-PUD development shall be located in an urban overlay zone approved by the City and it shall be created by a Planned Unit Development Agreement which utilizes a written Master Planned Unit Development (PUD) Development Agreement (MDA) with appendices and exhibits and schematic development plan.

5.21 Village Urban Neighborhood (VUN). The VUN's are located in relatively close proximity to the VC. The VUN's are concentrically arranged around or near the VC and utilize traditional urban design characteristics and densities. VUN's qualify for placement of additional residential "bonus units" as allowed by City policy.

6.0 Venetian Bay VPD-PUD

6.1 Sub-districts and Related Land Use. The Village development authorized by the Venetian Bay VPD-PUD is comprised of three sub-districts, which are in turn composed of various land uses. The sub-districts and land uses are as follows:

Table 1

6.2 **Sub-district**	**(Land Use) Permitted Uses**
Village Center (VC)*	**Residential (RES)** **Storefront Commercial (SFC)**
Village Urban Neighborhood (VUN) *	**Residential (RES)**
Village Best Practice Neighborhood (VBPN)*	**Residential (RES)** **Convenience Commercial (CC)**

* All village districts (VBPN, VUN and VC) shall allow WB (water body), OS (open space), CIV (civic), REC (recreation), and PK (park) land use designations.

6.3 Sub-district Regulations

6.3.1 The permitted uses in all of the sub-districts are permitted to have accessory uses as allowed to that used by the City's adopted Land Development Regulations (LDR).

6.3.2 The requirements for each sub-district are set out in Exhibit "B", Land Use Zone Standards, which is attached hereto and incorporated herein by reference.

6.3.3 Parcel 3, as illustrated by Exhibit "C", the Concept Map, may utilize the street layout as shown, but porches meeting the minimum standards (RES 3B) on all houses, high backed curbs on all streets, full street tree requirements for the VUN, and a linear park along the south edge of the parcel shall be provided.

7.0 Permitted Mix of Land Use.

Table 2
VPD MIX OF LAND USE ZONES

		Land Area Standard VPD Minimum	Maximum Ratio	
1.	Open Space	50%	N/A	
2.	Recreation	3%	8%	200 sfla/du
3.	Residential All Zones	32%	45%	1.5 du/ac Max
4.	Commercial All Zones	N/A	10%	20 sfba/du
5.	Civic	2%	5%	300 sfla/du

[1] "sfla" indicates square feet of land area.
[2] "sfba" indicates square feet of building area.
[3] "1.5 du/ac" indicates gross project density (e.g. 1.5 units x overall project acreage= total allowable number of non-bonus residential units.

8.0 Village Center (VC) Focus Commitment

8.1 Venetian Bay is a new community. It is required that an urban core be developed as part of the new community. The development in the Village Urban Neighborhood (VUN) and Village Best Practices Neighborhood (VBPN) shall be limited by the rate of development occurring in the Village Center (VC). The property subject to this agreement shall be developed in a manner to ensure that sixty (60%) percent of the Venetian Bay development shall be located in the Village Center and Village Urban Neighborhoods (VUN).

8.2 The development under this agreement shall comply with the requirements of this section by providing the following minimum or maximum (as indicated) gross densities of residential development in the sub districts:

Village Center (VC)	4.0 du/ac minimum
Village Urban Neighborhood (VUN)	2.7 du/ac minimum
Village Best Practices Neighborhood (VBPN)	1 du/ac maximum

(Note: *du/ac* means dwelling units per acre.)

8.3 Residential density within the subdistricts shall be computed on the basis of the gross acreage within the subdistrict. This method of calculating density shall be in lieu of the method of calculating density as provided in the City's Land Development Regulations.

8.4 Storefront Commercial (SFC) uses shall be provided in the Village Center based on an assumed demand per residential unit located in the Venetian Bay-PUD as follows:

Retail/Office/Service/Commercial	20 square feet per dwelling unit

If less than 75% of retail/office/service/commercial development (non-residential) in the PUD is occupied at the time additional commercial space is required to be constructed under the terms of this agreement, then any requirement to construct additional retail/office/service/commercial

development may be delayed until such time as said commercial/office occupancy reaches 75%. If 75% occupancy is not achieved prior to the last Certificate of Occupancy for Venetian Bay being issued, the Developer shall identify where commercial sites will be provided in the future and such sites shall be noted on the City's Future Land Use Map as reserved for commercial or mixed use development. Any residential development on those sites shall be designed in such a manner as to permit conversion of at least the ground floor to non-residential use in the future. Non-residential development shall occur in the Village Center.

9.0 Phasing of Development.

9.1 Development of the Property shall be permitted as indicated on the Phasing Schedule which is part of this section. The specific site plan or plat for the Property, or portion thereof, shall be prepared, reviewed and approved as required by the standard procedures applied by the Land Development Regulation's to a site plan or plat. This Agreement shall not modify or supersede the Land Development Regulations site plan and plat standards and requirements. Public utilities for the Property or portion thereof, shall be obtained from the New Smyrna Beach Utilities Commission and shall be built to City's Land Development Regulations standards. The overall installation of public utilities shall be consistent with a Master Utility Plan and Schematic Design approved by the City and providing for connection to adjacent property owners at their expense. If available, Developer and Owner will provide re-use water within the VPD-PUD by connecting to re-use water lines provided at the property lines by the Utilities Commission, City of New Smyrna Beach.

9.2 The purpose of the Plan is to create a viable VC and VUN to serve as the urban core of the village. Accordingly, the phasing schedule for the Venetian Bay PUD development under this agreement is performance based with all performance to occur within the term of the Plan. Development of the sub-districts shall be based on non-bonus units totaling ~~1,823~~ 2,063. The units shall be permitted to occur or be limited as follows:

Table 3

Phasing Schedule

Phase	VPD % Units	VBPN Allowed	VC/VUN Required
1	10	182 (10%)	0 (0%)

2	40	365 (20%)	365 (20%)
3	70	547 (30%)	729 (40%)
4	100	825 (40%)*	1,238(60%)*

* Phase 4 unit figures updated to account for modification of overall unit figure in 2015 from 1,823 residential units to 2,063 residential units.

9.3 Any density bonuses requested to exceed the overall 1.5 unit per acre allowable density, as provided for herein to encourage affordable housing and specifically desired unit types may be achieved as follows:

9.3.1 *Accessory Units:* Accessory units to single-family residences are permitted within the VUN and VC sub-districts and are not to be counted against the density limit.

9.3.2 *Storefront and Convenience Commercial Stacked Units:* Residential units provided above storefronts shall not be counted against the density limit. Additionally, for every above ground floor unit provided, an additional unit shall be permitted within the VC or VUN Sub-Districts.

9.3.3 Bonus residential units shall not count toward the total number of residential units permitted within the VUN before additional construction of VC required improvements set out in Paragraphs 8.3 and 8.4.

9.4 Intentionally deleted.

9.5 VC Implementation. VC improvements as set out in 9.5.1 through 9.5.6 will be required upon the sale of fifty (50%) percent of the non-bonus residential units to residential occupants as identified through the periodic reporting set forth in the monitoring program (paid for by the Developer and Owner) required by Section 9.8. The required improvements are:

9.5.1 Construction of Venetian Bay Boulevard from Pioneer Trail to the VC.

9.5.2 At least one (1) VC block containing a minimum of twenty-five (25%) percent of SFC lots required for the VC pursuant to the Schematic Development Plan (SDP).

9.5.3 A public common area of at least one-half (1/2) acre in area.

9.5.4 A SFC shop building containing at least five thousand (5,000) square feet of space.

9.5.5 The pedestrian, bike and cart pathway system from Pioneer Trail shall be connected to the VC.

9.5.6 Designation of a civic site to provide a location for a community building which, at the option of Developer and Owner, may be privately owned.

9.6 Additional storefront construction in the VC shall be provided:

9.6.1 If the pace of construction of residential units exceeds 20% per year of permitted non-bonus residential units, SFC, over and above the initial five thousand (5,000) square feet required by Section 9.5.4, shall be provided within a year of the issuance of certificates of occupancy for 1000 residential units; or

9.6.2 If the pace of construction of the permitted non-bonus residential units is below 20% per year, SFC, over and above the initial five thousand (5,000) square feet required by Section 9.5.4 may be provided within a year of the issuance of certificates of occupancy for 1200 residential units.

9.7 Intentionally deleted.

9.8 Monitoring Report. The VPD-PUD requires (see Section 9.1) that VC and VUN development commence after a certain number if VBPN units are conveyed to end users. The City has an interest in assuring that the ratio of VBPN units to VC and VUN requirements is met. To that end, Developer and Owner or its assigns shall prepare and submit to the City monitoring reports demonstrating compliance with the terms of the VPD-PUD. The monitoring reports shall be submitted to the City with the submission requesting approval of the various plats that will subdivide the property. At a minimum, the monitoring reports shall provide:

(a) The total number and type of residential units conveyed by Developer and Owner or its assigns.

(b) The total quantities of commercial and office space provided in the VC and VUN neighborhoods.

(c) Owner or its assigns statement and demonstration of compliance with the ratios required in Section 9.2.

In response to the monitoring report, the City shall review the report and determine what action, if any, should be required of Developer and Owner or its assigns to cause compliance with Section 9.1.

10.0 Affordable Housing Commitment.

10.1 The Developer Bay is committed to providing affordable housing at Venetian Bay. To this end, the VPD-PUD allows "life-cycle housing" in a range of housing types including, but not limited to zero lot line, duplex, townhouse and accessory (to single family) living units. In order to specifically demonstrate the commitment to affordable housing the Developer and Owner agree to:

10.1.1 Energy conservation pursuant to Reid Ewing, *Best Development Practices, Doing the Right Thing and Making Money at the Same Time* (May 1995).

10.1.2 Provide High Density Housing within the VC sub-district of a minimum of 100 units of high-density residential exceeding twelve (12) units per acre.

11.0 Density Limitation Commitment and Bonus Request.

11.1 The Developer and Owner commit to a net project density, which shall not exceed one and one-half (1.5) non-bonus housing units per acre. Based on the Property having an original area of one thousand four hundred ten (1,410) acres the total "non-bonus" housing units allowed to the Venetian Bay-PUD would equal one thousand eight hundred seventy-five (2,115) units. The Developer and Owner hereby agree that the total number of "non-bonus" housing units shall not exceed two thousand sixty-three (2,063) units. Units will be allocated to the VC, VUN, and VBPN sub-districts as detailed by the SDP.

11.2 Developer and Owner hereby elect to exercise their right to "bonus" housing units in the VC and VUN sub-districts. Accordingly, Developer and Owner shall be permitted to develop, at their sole option, any or all of the following "bonus" RES units.

11.2.1 An Adult Living Facility (ALF) of up to fifty (50) beds. The ALF shall be located in the VC.

11.2.2 Walk-Up Residential Units constructed as part of a second, third or fourth floor above the SFC space located in the VC subdistrict.

11.2.3 An Adult Living Facility (ALF) of up to fifty (50) beds. The ALF shall be located in a VUN subdistrict.

11.2.4 Accessory living units as part of single-family living units located on an individual single-family lot in the VC or VUN subdistrict.

12.0 Model Homes and Sales Office

12.1 Model home construction prior to plat recording shall only be allowed upon compliance with the following requirements:

12.1.1 Provision for fire protection, including testing and approval of the water system by the Florida Department of Environmental Protection (FDEP), if on-site hydrants are required to service the area where the proposed models will be constructed.

12.1.2 Construction of access roads to the model home sites prior to building permit issuance, to the extent necessary to allow sufficient access by city inspection vehicles.

12.1.3 Permanent utility connections cannot be made until the sanitary sewer system has been completed and certified to FDEP.

12.1.4 Additional requirements, restrictions, and conditions may be imposed by the administrative official to address specific site or project concerns.

12.2 Two (2) types of sales offices shall be permitted within any new subdivision.

12.2.1 *Model Homes* A model home may be used as a sales office until such time as the last lot is developed within the subdivision.

12.2.2 *Temporary offices.* Temporary structures, such as trailers, recreational vehicles, and the like, may be permitted as a temporary sales office. Such temporary sales office shall only be permitted for an interim period not to exceed three (3) years or until such time that commercial space is made available within the planned Venetian Bay Town Center, whichever occurs first. Following relocation of the sales offices to the Venetian Bay Town Center, the temporary structures may be occupied by other non-residential uses allowed in Composite Exhibit "B", Section C3.

12.2.3 *Permit Required.* For both subsections 12.2.1 and 12.2.2 above, building permits are required. A final building inspection to insure conformance with the building and life safety codes shall be required for any model home prior to occupation.

12.2.4 *Parking.* Parking at the model home/sales office shall be on the street and in the residential driveway. These parking requirements shall be in lieu of the parking requirements set forth in the City's Land Development Regulations.

13.0 Signage.

13.1 Signage Design. The design intent of signage is to ensure adequate means of communication through signage while maintaining the attractive visual appearance within Venetian Bay. Signage should help establish the planned suburban and urban characters of Venetian Bay in a

manner, which promotes low profile signage of high quality design. Signage shall meet the following requirements:

a. *Thoroughfare Gateway Signage and Entrance Features:* Signage located at the primary entrances to Venetian Bay (SR 44 & Pioneer Trail) shall have a maximum height of 15' with a maximum signage area of 160 square feet (s.f.). A maximum of two gateway signs shall be permitted for each of the two primary entrances. An entrance feature may be designed in conjunction with the entrance signage or it may occur separately. The entrance feature shall have a maximum height of 35'. One ground sign may be located on the west side of Airport Road at the primary entrances so long as the sign is limited to a maximum height of 8' and a maximum copy area of 64 square feet (s.f.). These ground signs shall feature the business occupants within the centrally located Village Center.

b. *Village Best Practice (VBPN) Neighborhood Signage:* Signage located at the entrances to VBPN neighborhoods shall have a maximum height of 12' and a maximum signage area of 100 square feet (s.f.). Signage located on golf course property that fronts along SR 44 shall have a maximum height of 12' and a maximum signage area of 120 square feet (s.f.) and shall be limited to a maximum of one VBPN sign along SR 44. Additionally, this sign shall be a monument sign designed to conform to the general architectural style within the development, and shall not include electronic message center signs.

c. *Village Urban Neighborhood (VUN) Signage:* Signage located at the entrances to VUN neighborhoods shall have a maximum height of 8' and a maximum signage area of 50 square feet (s.f.).

d. *Village Center (VC) Residential Signage:* Signage located at the entrances to VC neighborhoods shall have a maximum height of 6' and a maximum signage area of 20 square feet (s.f.).

e. *Village Center (VC) Commercial Signage:* Signage located within the VC commercial areas shall be submitted for approval by the New Smyrna Beach Planning Department.

f. *Convenience Commercial (CC) Signage*: Signage located at CC sites shall follow signage regulations for properties in the Corridor Overlay Zone (COZ), as outlined in the City of New Smyrna Beach's Land Development Regulations.

13.2 **Dual Signage**: A maximum of two (2) signs meeting the requirements listed above shall be permitted per subdivision entranceway. If only one sign is used the total

square footage allowance for both signs may be utilized within the copy area of the single sign.

13.3 Signage Area: Signage area shall be calculated using the actual text and if applicable logo graphics area only. Walls or architectural effects shall not count toward the signage area restriction but shall meet the height restrictions set forth above.

13.4 Billboard Signs: Billboard signage is strictly prohibited.

13.5 Entrance Feature: Walls, Architectural icons, water features, landforms, landscaping or other effects which announce and signify arrival.

14.0 Covenants, Restrictions and Property owner Associations.

14.1 Covenants and restrictions to govern architectural controls within the VPD-PUD shall be consistent with this agreement and submitted to the City for review and approval prior to recording of the Plat. Upon approval, the covenants and restrictions shall be recorded in the Public Records of Volusia County, Florida. The Developer shall, subject to Owner's review and approval, create a Florida non-profit corporation which shall be the VENETIAN BAY MASTER PROPERTY OWNERS' ASSOCIATION (VBMPOA) to enforce the master covenants and restrictions, to conduct architectural review and approval of buildings planned for construction in the VPD-PUD, and to assure continued compliance with covenants and restrictions imposed by the various permitting agencies, including but not limited to, the St. Johns River Water Management District (SJRWMD), the U.S. Fish and Wildlife Service (USFWS), the Army Corp of Engineers (ACOE) and the Florida Department of Environmental Protection (FDEP).

14.2 The Developer and Owner may, at its option, create neighborhood or subdivision property owners associations (POA's) for the purpose of maintaining private, non-common facilities within the subdivision described by the covenants and restrictions created and recorded by Developer. As an example, if Developer elected to create a gated subdivision within the VBPN with private streets, the gated area, streets and street lights as well as all facilities particular to the subdivision which would only serve a particular subdivision and thus be "non-common" facilities the Developer could opt to create a subdivision POA to care for and maintain the "non-common" facilities particular to a subdivision.

15.0 Recreation and Open Space.

15.1 Open Space: Required open space for the project shall include environmentally sensitive areas, natural and man-made lakes, required upland buffers, natural areas used as edges, scenic setbacks used as edges, parks and recreation areas, golf courses and area-wide trail corridors, but not building setbacks and shall account for a minimum of 50% of the VPD land area.

15.2 Public Realm: Required open space for public uses and gathering places such as parks of all types (active, passive and resource based), and village or neighborhood squares, greens or commons, but not village edges, trails, wetlands, or environmental systems corridors, shall account for between a minimum 3% and a maximum 8% of the VPD area.

15.3 Edges: Edge areas shall be provided as required by the SDP and they shall be a part of a network of connecting open space corridors and major roads that buffer the VPD and its neighborhoods from incompatible uses and to help create community and neighborhood identity.

15.4 Village Center Park: The Developer and Owner shall provide a community park or multiple community parks with a total minimum acreage of two (2) acres.

16.0 Civic Use Commitment.

16.1 Lands, designated for civic use are lands that may be owned publicly or privately but they shall be designated to serve the community by providing a designated site or sites as follows:

16.1.1 A public realm civic community site or combination of sites with an area of three hundred (300) square feet of land area multiplied by the total number of non-bonus residential units in the VPD-PUD. It is anticipated that the public realm community site or sites will be a VPD-PUD common facility; **or**

16.1.2 A useable twenty (20) acre site which shall be located in the VC or a VUN sub district to serve an educational or governmental purpose. The Developer and Owner shall maintain ownership of the site until there is an agreed upon consideration for conveyance of the site to an educational or governmental entity. Prior to conveyance, Developer or Owner shall place covenants and restrictions which will cause the buildings or other structures to be located on the site to conform to the VPD-PUD design guidelines. If the designated site has not been acquired or identified on a short range (5 year) program by an educational or governmental entity prior to expiration of the eleventh (11th) year of the term of this Agreement, Developer may elect, at its sole discretion, to develop the site for a RES or SFC use as shown on the SDP. Prior to exercising its elective right to the site the Developer, or its successors or assigns, shall provide the City six (6) months advance notice of the election to utilize the site.

16.1.3 A village meeting hall/community center located within the VC sub-district and accessible from adjacent developments within and without the VPD-PUD shall be located as part of the VC sub-district. The village meeting hall/community center shall be built by Developer and Owner and it may be counted toward completion of Developer's requirement toward the option of provision of public realm civic community sites established by Paragraph

16.1.1. Developer shall have the option of charging for utilization of the village meeting hall/community center.

17.0 VPD Edge.

17.1 A village edge, as illustrated by the SDP, shall be maintained as part of Venetian Bay-VPD-PUD plan. The configuration of the village edge may be modified, if approved by the City, upon agreement of the parties having an interest in the title to the land abutting the edge.

17.2 The village edge may be comprised of, but shall not be limited to:

17.2.1 Environmental Systems Corridors (ESC's) as designated and characterized by the Volusia County Comprehensive Plan.

17.2.2 Perimeter public roadways such as State Road (SR) 44 and Pioneer Trail including the associated fifty (50') scenic setbacks from the referenced roads.

17.2.3 Water bodies, natural creeks or man-made water conveyance improvements.

17.2.4 Sub district or subdivision edges which may be common or non-common facilities maintained by a POA.

18.0 Environmental Systems Corridors.

18.1 These corridors are generally established in the Comprehensive Plan and shall include fifteen (15%) percent tree protection requirement and wetlands and upland habitat at a size that is conducive to limited development of trails and passive recreation, and enhancement of wildlife corridors. These corridors shall meet the following requirements:

18.1.1 The corridor shall include a minimum twenty-five (25') foot upland buffer.

18.1.2 Any crossings of roads and utilities shall be located, designed and constructed to minimize impacts.

18.1.3 A conservation easement over the Environmental Systems Corridors shall be established prior to or in conjunction with approval of the first site plan or subdivision plat within the VPD. The conservation easement shall allow passive recreation to occur within and on the Environmental Systems Corridor.

19.0 Natural and man-made Water Bodies.

19.1 Lakes including man-made lakes, which also serve a water retention function, shall be considered community amenities and meet the following requirements:

19.1.1 The water body should have an area of over one (1) acre

19.1.2 The water body should be incorporated into the design of pedestrian and bike paths, and parks with frontage open to the public and fronting the street system and within the VC sub district shall have a minimum of seventy-five (75') foot frontage.

19.1.3 Man-made lakes and ponds shall be designed to mimic natural water bodies so as to look as natural as possible.

19.2 Compliance with Volusia County's Tree Protection Standards.

Notwithstanding any provision in this agreement to the contrary, all development on the property subject to this agreement shall comply with Chapter 50, Division 4, *Trees,* of the Volusia County Code of Ordinances, related to tree protection standards within municipalities in Volusia County, Florida.

20.0 Wetlands.

20.1 Wetlands may be preserved and enhanced by linkages to create passive recreational opportunities or they may be removed or altered and the removal or alteration shall be mitigated as required by the permit authorizing the removal or mitigation. If a wetland is preserved, a minimum twenty-five (25') feet upland buffer shall be provided around the perimeter of the preserved wetland. In the event the LDR provisions related to minimum upland buffers are modified to permit an average upland buffer, that provision shall supersede the minimum upland buffer referenced herein. Public access to the wetland, if provided, shall be carefully designed to protect wetlands and wildlife. Wildlife corridors shall be provided to connect high quality habitat.

21.0 Roadway and Path Circulation System.

21.1 The SDP identifies a system of interconnected roadways and paths. The purpose of the roadways and paths is to allow circulation of vehicular, pedestrian and bicycle traffic including golf carts and electric vehicles, internally and externally, to the Venetian Bay-VPD-PUD. However, the street which serves the storefronts in the VC area may, at the option of Developer or any successor POA's, be closed to vehicular traffic for a period of time the Developer or POA may deem appropriate.

21.2 Developer and Owner shall be entitled to all impact fee and mitigation credit (if any), which may be occasioned, by Developer's creation, conveyance or designation of a roadway or pathway.

21.3 Venetian Bay Boulevard is illustrated with right of way and phasing indicated on the SDP. Venetian Bay Boulevard is laid out to conform to the corridor alignment designation presently

being sought by the City. Pending resolution of issues with Volusia County relating to right of way alignment, Developer and Owner intend to create Venetian Bay Boulevard as a public road and to receive impact fee credit for construction of the road and conveyance of right of way consistent with County standards.

21.4 Developer and Owner agrees to construct Venetian Bay Boulevard to the VC subdistrict as required in Paragraph 9.5 and Paragraph 9.7 herein. The extension of Venetian Bay south to SR 44 shall occur as required in Paragraph 9.7.

21.5 Vistas: Streets shall be configured to maximize scenic views including natural areas, water bodies, public amenities, focal elements and civic/land mark buildings. The SDP shall designate these features and lots for future civic uses to be located at the terminus of a street.

21.6 Street Connectivity: A hybrid (a blend of the traditional grid system and the curvilinear street system) street system is encouraged within the VPD with greater emphasis on the traditional grid design and neighborhood interconnectivity in the VUN and VC. Connectivity between VPD projects within the village shall be required and specific connections are illustrated.

21.7 Streets located within the Venetian Bay shall be organized into a hierarchy as identified in 21.7.1 through 21.7.7 and as illustrated on the SDP. The roadways shall utilize the cross sections illustrated by Composite Exhibit E.

21.7.1 Major Collector Boulevard

21.7.2 Minor Collector Boulevard or Road

21.7.3 Neighborhood Circulator Street

21.7.4 Neighborhood Local Street

21.7.5 Village Commercial Street

21.7.6 Rear Lane Alley

21.7.7 Village Pathway

21.8 Public Realm Traffic Calming: Traffic Calming devices shall be identified, located and described as a part of the schematic plan submittal, meeting the performance standards as follows:

21.8.1 *On Street Parking:* Provide on all neighborhood and village center streets per cross sections.

21.8.2 *Short Blocks:* Blocks within the VC and VUN Sub-districts shall be shortened.

21.8.3 *T-Intersections:* Shall be utilized in conjunction with squares and greens to truncate village and neighborhood circulator or local roads.

21.8.4 *Traditional Design Elements:* Street width reduction, curbs/grass/strips/street trees/pedestrian lighting, median plantings shall be utilized.

21.8.5 *Speed Limits:* Within the VPD, posted speed limits and design speeds shall be reduced below normally allowed speeds as follows:

- *Major Collector Boulevard Roads:* 35 mph and 45 mph
- *Minor Collector Roads:* 35 mph and 45 mph
- *Neighborhood Circulator Boulevard:* 25 mph and 35 mph
- *Neighborhood Local Roads:* 25 mph and 30 mph
- *Village Center Commercial Roads:* 20 mph and 25 mph

21.8.6 *Squares Green and Roundabouts:* Shall be required in the VUN Sub-district in accordance with sub-district standards and may be required in other sub-districts where the City makes a determination that through traffic should be deterred.

21.8.7 *Focal Elements:* A minimum of one (1) visually outstanding focal element (consisting of either landscaping, an architectural/site feature or recreation amenity shall be sited within squares, greens and roundabouts used to calm traffic.

21.8.8 *Arterial Road Scenic Setbacks:* Fifty (50') foot scenic setbacks shall be established to maintain a village character through the West New Smyrna Neighborhood along arterial roadways. Preservation of existing, good quality vegetation is encouraged, but landscaping enhancements to create buffers and aesthetically pleasing views, sites and entrance features shall also be required.

21.8.9 *Cul-de-sac Length:* Cul-de-sacs may not be permitted to exceed the maximum length of one thousand (1,000') feet allowed by the Land Development Regulations provided, however, a secondary emergency access with stabilized surface as approved by the City may be provided as a

secondary emergency access point. The secondary emergency access pathway may utilize hedge materials, "knock down" gates or other visual barriers as approved by the City. The stabilized surface may be landscaped but the compaction rate of the ground underlying the landscaping area shall be sufficient to support the weight of emergency vehicles including fire trucks.

21.8.10 *Existing Roadway Network:* Developer recognizes that the efficient use of the existing roadway network within the VPD-PUD can conserve resources and fully utilize the as-built infrastructure. Accordingly, provided Developer receives the necessary approvals from both the City of New Smyrna Beach and the St. Johns River Water Management District, additional residential lots may be platted along existing residential areas where the roadway network is already built to accommodate the use (i.e., residential lots are already constructed either on the same side of the street or opposite side of the street).

21.9 Street lighting shall be installed along the various roadway types pursuant to a lighting plan submitted by Developer and Owner and conforming to the minimum standards set out in 21.9.1 through 21.9.5. Lighting fixtures shall be compatible with the design theme of the development or specific neighborhood they are provided for.

21.9.1 Collector and neighborhood streets shall have lighting spaced in a staggered, alternating pattern with lights approximately three hundred (300') feet apart on center (e.g., lights on the same side of the street will be approximately six hundred (600') feet apart. Lighting standards shall be a minimum height of fourteen (14') feet.

21.9.2 Village Center streets shall have lighting spaced in a staggered, alternating pattern with lights approximately forty (40') feet apart on center (e.g., lights on the same side of the street will be approximately eighty (80') feet apart). Lighting standards shall be a minimum height of fourteen (14') feet.

21.9.3 Pathways, where they are not adequately lit by adjacent collector, neighborhood or village center lighting standards, shall be lit by walk lights which shall have a maximum height of twelve (12') feet and they shall be spaced a maximum of one hundred (100') feet apart, in a staggered alternating pattern. The walk lights may all be placed on one side of the pathway and may be reduced to a minimum height of four (4') feet. Spacing of walk lights below the twelve (12') foot height maximum shall be determined at the time of plat or site plan review and approval.

21.9.4 *Lighting Design:* Lighting fixtures shall be compatible and consistent with the architectural style of the sub district in which they are placed.

21.9.5 *Spacing Adjustments:* Minor adjustments for spacing are permitted to accommodate driveways and other features.

22.0 Public Realm Street Trees

22.1 Incorporation: Trees shall be incorporated into the design of each street built within the Venetian Bay-VPD-PUD.

22.2 Street Tree Design: Street trees shall form a continuous, predictable border, reinforcing the function of a street as a public space and meet the following standards:

22.2.1 *General:* Trees shall be incorporated into every street, planted in straight lines, between the sidewalk and the curb.

22.2.2 *Tree Types:* Durable trees, such as Oaks, shall be predominantly used. Only one type of tree shall be placed on both sides of residential streets, in one block.

22.2.3 *Collector Streets:* Plant street trees in staggered rows, at a maximum of fifty (50') foot intervals on center.

22.2.4 *Neighborhood Circulator and Local Streets:* Plant street trees at a maximum of forty (40') foot intervals on center on both sides of the street.

22.2.5 *Village Center Commercial Streets:* Plant street trees at thirty (30') to forty (40') feet on center on each side of the street. Palms may be used in lieu of trees at the same spacing along the Village Center Commercial Street only.

22.2.6 *Size:* Street trees shall be a minimum of three (3") inch calipers (six (6") inches above ground) with a six (6') feet clear trunk and an eight (8') feet spread when planted. Container grown live oak trees may be used to replace the standard tree requirement provided the following minimum specifications are met; Tree shall have a minimum size of ten to twelve (10'-12') feet height with four to five (4'-5') foot spread and a minimum two (2") inch caliper in a 30 gallon container.

22.2.7 *Spacing Adjustments:* Adjustments for spacing are permitted to deal with driveways and other features within the subdivision that interrupt the spacing pattern.

23.0 Storm water Management Standards

23.1 Design Standards: The VPD-PUD shall be served by a well-designed, master storm water management system as follows:

23.1.1 *Concept:* The design concept is to utilize and enhance natural drainage systems, simulate natural systems in man-made structures, and utilize the following guidelines:

23.1.2 *Integration:* Integrate the man-made system into natural systems.

23.1.3 *Plantings:* Plant littoral zones with wetland vegetation where it will significantly improve the aesthetics of the project.

23.1.4 *Water Detention:* Storm water facilities shall be designed as wet detention where site conditions allow.

23.2 Master Plan: A Master Stormwater Management Plan shall be submitted with the Schematic Plan meeting City and St. John River Water Management District requirements. Minimum stormwater design shall be for a one hundred (100) year three (3) day storm event.

25.0 Effective Date.

This agreement shall become effective upon execution by the parties and recording in the public records of Volusia County, Florida.

26.0 Amendments.

26.1 Substantive amendments to this agreement shall not be effective unless in writing and signed by the respective parties to this agreement. The owners of all property to which an amendment applies shall be authorized to execute an amendment to this agreement on the Developer's behalf; provided, however, that if the amendment involves more than one (1) lot or parcel and a property owner's association having jurisdiction over the lot is established in accord with this agreement, the association must also execute such amendment for it to be effective. Before amendment of this agreement, the City shall conduct public hearings as required by the City's Land Development Regulations for a zoning amendment.

26.2 Minor deviations to the approved agreement shall be permitted subject to staff review and without public hearing. A minor deviation shall be a deviation from the Plan which has no substantive effect on the overall goals, purpose and objectives of the Plan. Generally, a minor deviation would be a change which is (a) not in conflict with the requirements of the Plan or any exhibit adopted as part of the Plan or (b) not in conflict with any City ordinance or regulation not superseded by the terms of the

Plan and exhibits adopted as a part of the Plan. Examples of a minor deviation would include, but not be limited to, the following changes:

i. Changes in the alignment of a road or path to accommodate sound planning and engineering principles.

ii. Realignment of a VPD-PUD edge to accommodate site constraints or sound planning and engineering principles.

iii. Reallocation of use or unit density within VC, VUN or VBPN neighborhoods but without increasing the allowable commercial square footage or residential density for a particular commercial use or residential unit type.

iv. Other changes which are similar to the changes described above as to their lack of substantive impact on the goals, purpose and objective of the Plan.

26.3 The City's Planning Director shall determine whether a proposed deviation from the plan is minor or substantive change. If the Planning Director determines the proposed deviation is minor, the Planning Director shall authorize the deviation by approving it in writing. The approval may be in the form of a letter. If the deviation is substantive, the procedure set out in Paragraph 26.1 above shall be followed in order for the change to be approved.

27.0 Conformance With The Laws.

The Developer and Owner agree:

A. To develop the property according to all VPD-PUD regulations of the City to the extent those regulations are not inconsistent with the Plan for the property.

B. To provide agreements, contracts, deed restrictions, and sureties and other documents required by the City Legal Department for completion of the development or approved development phases, and for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at public expense, and that the Developer and Owner's successors in title will be bound by the Developer and Owner's commitments made in this Agreement.

C. To comply with all city codes and ordinances.

28.0 Enforceability.

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or otherwise unenforceable, such holding shall not affect the validity of enforceability of any other provision of this Agreement unless the holding so states.

29.0 Prior Agreements.

This Agreement represents the complete understandings by and between the parties with respect to the development and continued use of the Property. Any and all prior agreements between the parties with respect to any subject comprehended by this Agreement are hereby voided and superseded by this Agreement.

30.0 Agreement To Run With The Land.

The terms and provisions of this Agreement shall run with the land and inure to the benefit and burden of the Developer, the Owner and their successors and assigns.

31.0 Interpretation.

31.1 This Agreement shall be interpreted to fulfill its purpose and intent. The parties agree that all parties have participated in the drafting of this Agreement. Therefore, the rule of construing ambiguities of an agreement against the drafter of the document shall not apply.

31.2 In the event of a conflict between the text of this Agreement and the exhibits adopted as a part of the Plan, the most restrictive requirement, as established by either the Agreement or Exhibits shall apply.

31.3 Words or terms used in the text of this Agreement shall be given the meaning set out by the definitions set out in Section 5.0 of this Agreement. If a word or term is not defined in Section 5.0 of this Agreement and the word or term is defined by the Land Development Regulations the meaning given to the word or term by the Land Development Regulations shall apply. Words or terms not defined by this Agreement or the Land Development Regulations shall be given their plain and ordinary meaning.

IN WITNESS WHEREOF, the parties hereto attached their hands and seals this 18th day of December, 2015.

Signed, sealed and delivered
In the presence of:

THE CITY OF NEW SMYRNA BEACH, FLORIDA, a Florida municipal corporation

Claudia Rogers
Witness 1

By: James W. Hathaway, Mayor

Print Name of Witness 1
Claudia Rogers

Attest:

Witness 2
Barbara Billings

By: Johnny Bledsoe, City Clerk

Print Name of Witness 2
Barbara Billings

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 11 day of December, 2015, by **JAMES W. HATHAWAY** and **JOHNNY BLEDSOE, Mayor** and **City Clerk**, respectively, of The City of New Smyrna Beach, Florida, a Florida Municipal Corporation, on behalf of the City. They are personally known to me and did not take an oath.

(Seal)

TAMMY M. KOSOROK
Commission # EE 847188
Expires February 25, 2017
Bonded Thru Troy Fain Insurance [redacted]

Tammy M Kosorok
Notary Public

APPROVED AS TO FORM AND CORRECTNESS
As attested to

By: City Attorney, Frank B. Gummey, III

Dated: 12/18/15

Signed, sealed and delivered in presence of:

DEVELOPER AND OWNER:
GEOSAM CAPITAL US (VENETIAN BAY) LP, a Delaware limited partnership

By: **Geosam Capital US GP, LLC, a Delaware limited liability company, its General Partner**

By: _____

Witness 1

Amber Coleman

Print Name of Witness 1

Witness 2

Print Name of Witness 2
MARIA J. D'ALESSANDRO

Martin Pham, Manager

Date: 11-23-15

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 23rd day of Nov, 2015, by Martin Pham as Manager of Geosam Capital US GP LLC, a Delaware limited liability company and General Partner of Geosam Capital US (Venetian Bay) LP, a Delaware limited partnership. He is personally known to me or has produced _____ as identification and did not take an oath.

Notary: Type, Print or Stamp Name
My commission expires:

TONYA GANDY
MY COMMISSION # FF 036583
EXPIRES: July 16, 2017
Bonded Thru Notary Public Underwriters

Exhibit A
Legal Description

DESCRIPTION (OVERALL) VENETIAN BAY (SPRUCE CREEK RANCH)

A parcel of land in Sections 17 and 20, Township 17 South, Range 33 East, being described as follows: Commence at the Northerly right of way line of State Road 44 and the West line of said Section 20 as monumented, as a point of reference, run thence N88°34'27"E along the aforesaid right of way line, a distance of 860.15 feet to the Point of Beginning; thence continue N88°34'27"E along said right of way line, a distance of 1924.27 feet; thence N08°38'27"E, a distance of 708.32 feet; thence N09°47'57"E a distance of 1550 feet; thence N09°32'27"E a distance of 1021.78 feet; thence N09°09'27"E a distance of 1009.67 feet; thence N16°08'27"E a distance of 1293.77 feet; thence N16°36'57"E a distance of 134.76 feet; thence N20°10'57"E a distance of 426.66 feet; thence N16°43'27"E a distance of 727.93 feet; thence N77°43'06"W a distance of 4557.14 feet to the West line of Section 17, Township 17 South, Range 33 East, said point being South of the Northwest corner of said Section 17, a distance of 127.42 feet; thence S01°26'42"E a distance of 1272.52 feet along said West line of Section 17; thence S65°18'21"E a distance of 1863.95 feet; thence S06°33'27"W a distance of 5705.39 feet to the Point of Beginning.

AND:

A portion of Sections 6, 7 and 18, Township 17 South; Range 33 East and lying Southerly of Pioneer Trail, also known as State Road #40-A and County Road #4118, all being more particularly described as follows: As a point of reference begin at the Northwest corner of Section 7, Township 17 South; Range 33 East; thence N00°43'12"W along the west line of said Section 6, a distance of 1000.60 feet to the southerly R/W line of Pioneer Trail a 66 foot R/W as now laid out; thence N83°19'34"E along said R/W, a distance of 631.11 feet to the PC of a curve, thence Northeasterly along a curve being concave southerly said curve having a central angle of 10°47'25", a radius of 1522.98 feet, an arc length of 286.82 feet to the PT of said curve; thence S85°53'01"E along the tangent of the previously described curve, a distance of 521.18 feet; thence S85°08'24"E, along said R/W, a distance of 203.61 feet; thence S83°44'30"E, along said R/W, a distance of 210.66 feet; thence S82°28'25"E along said R/W, a distance of 208.34 feet; thence S80°22'38"E along said R/W, a distance of 240.39 feet; thence leaving said R/W, S00°24'31"E, a distance of 920.13 feet to the South line of said Section 6; thence S01°18'04"E, a distance of 2119.27 feet to the centerline of an existing drainage canal; thence S80°06'10"E along said centerline, a distance of 901.27 feet; thence S82°01'07"E along said centerline of drainage canal, a distance of 866.37 feet; thence S80°38'22"E, along said centerline of existing drainage canal, a distance of 1225.40 feet to the east line of said Section 7; thence leaving said centerline of existing drainage canal S01°29'28"E along said East line, a distance of 2666.74 feet to the southeast corner of said Section 7; thence S01°27'00"E along the east line of said Section 18, a distance of 1399.94 feet to the Northerly line of the Mary O'Reilly property; thence N65°18'40"W a distance of 475.86 feet to the Westerly line of the Mary O'Reilly property; thence S16°26'36"E, along said westerly line of the Mary O'Reilly property, a distance of 1499.91 feet to the south line of the North 2 of said Section 18; thence S89°18'02"W, along the said south line of the North 2 of said Section 18, a distance of 5234.73 feet to the west line of said Section 18; thence N01°04'16"W, along the westerly line of said Sections 18 and 7, a distance of 7948.58 feet to the Point of Beginning.

Subject to a 100 foot drainage easement described as that property lying within 50 feet northerly and 50 feet southerly of the centerline of the existing drainage canal extending from a point on the east line of said Section 7 near the East 2 Section corner and traversing northwesterly through Section 7 to a point on the west line of Section 7 approximately 800 feet north of the West 1/4 section corner.

More particularly described as follows:

BEGIN AT THE NORTHWEST CORNER OF SAID SECTION 7, ALSO BEING THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE N00□53'04"W ALONG THE WEST LINE OF SAID SECTION 6 A DISTANCE OF 1000.37 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF PIONEER TRAIL; THENCE

N83□19'37"E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 634.21 FEET TO A POINT OF CURVATURE ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1522.98 FEET, A CHORD BEARING OF N[redacted]E, A CHORD DISTANCE OF 286.39 FEET, RUN THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 10□47'25", A DISTANCE OF 286.82 FEET TO THE POINT OF TANGENCY; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING FIVE COURSES (1) THENCE S85□52'58"E A DISTANCE OF 521.18 FEET; (2) THENCE S85□08'21"E A DISTANCE OF 203.61 FEET; (3) THENCE S83□44'27"E A DISTANCE OF 210.66 FEET; (4) THENCE S82□28'22"E A DISTANCE OF 208.34 FEET; (5) THENCE S80□22'35"E A DISTANCE OF 240.39 FEET; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE RUN S00□24'31"E A DISTANCE OF 919.61 FEET; THENCE S01□18'06"E A DISTANCE OF 2119.75 FEET; THENCE S80□06'02"E A DISTANCE OF 901.25 FEET; THENCE S82□01'14"E A DISTANCE OF 866.36 FEET; THENCE S80□30'04"E A DISTANCE OF 1224.30 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 7; THENCE S01□27'53"E ALONG SAID EAST LINE A DISTANCE OF 26.70 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 7; THENCE S01□28'01"E ALONG SAID EAST LINE A DISTANCE OF 2640.04 FEET TO THE NORTHEAST CORNER OF SAID SECTION 18; THENCE S01□20'33"E ALONG THE EAST LINE OF SAID SECTION 18 A DISTANCE OF 127.41 FEET; THENCE DEPARTING SAID EAST LINE RUN S77□42'19"E A DISTANCE OF 4556.64 FEET; THENCE S16□42'14"W A DISTANCE OF 727.93 FEET; THENCE S20□10'55"W A DISTANCE OF 426.68 FEET; THENCE S16□42'23"W A DISTANCE OF 134.74 FEET; THENCE S16□09'35"W A DISTANCE OF 1294.77 FEET; THENCE S09□08'54"W A DISTANCE OF 1008.72 FEET; THENCE S09□34'30"W A DISTANCE OF 1021.87 FEET; THENCE S09□49'35"W A DISTANCE OF 1550.17 FEET; THENCE S08□38'25"W A DISTANCE OF 639.98 FEET TO A POINT ON THE NEW NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 44 AS RECORDED IN OFFICIAL RECORDS BOOK 3998, PAGE 3768, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE N87□06'45"W ALONG SAID NEW NORTH RIGHT-OF-WAY LINE A DISTANCE OF 179.15 FEET; THENCE CONTINUE ALONG SAID NEW NORTH RIGHT-OF-WAY LINE S88□35'50"W A DISTANCE OF 1746.46 FEET; THENCE DEPARTING SAID NEW NORTH RIGHT-OF-WAY LINE RUN N06□34'50"E A DISTANCE OF 5624.01 FEET; THENCE N65□17'39"W A DISTANCE OF 1864.09 FEET; THENCE N65□15'57"W A DISTANCE OF 475.94 FEET; THENCE S16□25'02"E A DISTANCE OF 1500.02 FEET TO A POINT ON THE EAST-WEST CENTER OF SECTION LINE OF SAID SECTION 18, BEING 39.07 FEET WEST OF THE EAST 1/4 CORNER OF SAID SECTION 18; THENCE S89□19'14"W ALONG SAID EAST-WEST CENTER OF SECTION LINE A DISTANCE OF 5231.54 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 18; THENCE N01□04'47"W ALONG SAID WEST LINE A DISTANCE OF 2658.03 FEET TO THE NORTHWEST CORNER OF SAID SECTION 18 ALSO BEING THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE N01□04'09"W ALONG SAID WEST LINE A DISTANCE OF 2644.12 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 7; THENCE CONTINUING ALONG SAID WEST LINE RUN N01□03'07"W A DISTANCE OF 2647.03 FEET TO THE POINT OF BEGINNING.

CONTAINS 54,389,693 SQUARE FEET OR [redacted] ACRES MORE OR LESS

AND TOGETHER WITH:

Commence at the Northwest corner of Section 17, Township 17 South, Range 33 East, Volusia County, Florida; run thence South 01 degrees 20 minutes 33 seconds East along the West line of said Section 17, a distance of 127.41 feet; thence South 77 degrees 42 minutes 19 seconds East a distance of 4556.64 feet: thence South 16 degrees 42 minutes 14 seconds West a distance of 727.93 feet; thence South 20 degrees 10 minutes 55 seconds West a distance of 426.68 feet; thence South 16 degrees 42 minutes 23 seconds West a distance of 134.74 feet; thence South 16 degrees 09 minutes 35 seconds West a distance of 342.86 feet for a point of beginning; thence South 72 degrees 19 minutes 51 minutes East a distance of 1112.31 feet; thence South 13 degrees 08 minutes 29 seconds West a distance of 1571.16 feet; thence South 00 degrees 00 minutes 00 seconds West a distance of 1391.08 feet to a point of curvature on a curve concave Northeasterly, having a radius of 1739.52 feet, a chord bearing of South 17 degrees 39 minutes 27 seconds East, a chord distance of 998.45 feet, run thence Southeasterly along the arc of said curve, through a central angle of

33 degrees 21 minutes 21 seconds, a distance of 1012.69 feet; thence South 42 degrees 20 minutes 58 seconds East a distance of 438.86 feet; thence South 32 degrees 50 minutes 01 seconds West a distance of 563.31 feet to a point on the North right of way line of State Road 44; thence South 87 degrees 35 minutes 54 seconds West along said North right of way line, a distance of 231.55 feet; thence South 87 degrees 50 minutes 04 seconds West along said North right of way line a distance of 1500.13 feet; thence South 88 degrees 35 minutes 54 seconds West along said North right of way line a distance of 200.00 feet; thence North 87 degrees 06 minutes 46 seconds West along said North right of way line a distance of 21.36 feet; thence departing said North right of way line run North 08 degrees 38 minutes 25 seconds East a distance of 639.98 feet; thence North 09 degrees 49 minutes 35 seconds East a distance of 1550,17 feet; thence North 09 degrees 34 minutes 30 seconds East a distance of 1021.87 feet: thence North 09 degrees 08 minutes 54 seconds East a distance of 1008.72 feet; thence North 16
degrees 09 minutes 35 seconds East a distance of 951.92 feet to the point of beginning.

COMPOSITE EXHIBIT "B"
LAND USE ZONE STANDARDS

A. RESIDENTIAL (RES):

1. Intent: The intent of the residential land use zone is to provide for a diversity of housing types and price ranges including all types of detached and multifamily housing.

2. Overall Development Standards

a. Permitted and Accessory Uses:

- Single family housing including zero lot line and normal accessory uses.
- Multiple family buildings with two (2) or more units, including apartments, condominiums, townhouses, duplexes and customarily allowed accessory uses
- Home Offices
- Assisted Living Units
- Civic including religious institutions, Recreation and Open Space Uses
- One (1) stand-alone RV/boat storage parking facility; provided it does not abut residential lots and meets all buffer, screening, and landscaping provisions contained herein.

3. Detached Unit Development Standards:

a. Private Realm Façades: The design concept is to reinforce the public realm by "Framing the Street". The principal orientation of the front façade of all primary buildings shall be parallel, or nearly parallel, to the street on which they front and meet the following requirements.

i. **Primary Entrance:** The front facing façade shall contain the primary entrance and face the street except as specifically provided for herein.

ii. **Façade Design:**

- **Front façade:** Shall not consist of an unobstructed blank wall and along street frontages, housing facades shall be varied and articulated to provide visual interest.
- **Articulation Devices:** May include color, texture, arcades, bays, windows, balconies, porches, roof treatment (hip and gable are preferred) and other architectural treatment.
- **Significant Structures:** Structures located on corner lots are considered to be significant buildings and shall not create a blank-wall effect on its exterior side yard.

b. Private Realm Porches: The design concept is to permit porches to create a buffer and human scale layer between the sidewalk and the house, provide a social edge to a private dwelling in which people can choose to see or be seen along neighborhood streets, and to merge the public realm and the private realm. Where porches are provided the design standards below shall apply.

i. **Size:** Porches shall have a minimum depth of seven feet (7'), with a minimum length of the lesser of the primary structure front façade or ten (10') feet.

ii. **Elevation:** Porches and first floor elevations shall be a minimum of sixteen (16") inches above the finished grade of the lot as measured along the front elevation.

iii. **Entrance:** The porch shall provide space for the primary entrance to the house, and be covered by a roof.

iv. **Porch Steps:** Steps to the front porch shall be at least six (6') feet in width and be aesthetically enhanced.

v. **Setbacks:** Porches may intrude into setback, but shall maintain a minimum front setback of ten (10') feet and side setback of seven (7') feet.

vi. **Corner lots:** Porches shall wrap around the exterior side of the significant structure for a minimum of seven (7') feet.

vii. **Enclosure:** Porches shall not be enclosed but shall have roofs integral to the house.

viii. **Covered Balconies or Balustrade Area:** May be used to meet the porch requirement if they meet the dimensional requirements of the porch

c. Private Realm Garages: The design concept is to reduce reliance on and impact of automobiles by reducing the physical prominence of garages and improving the pedestrian environment as follows:

i. **Architectural Design:**

- **Compatibility:** Garages shall be of the same architectural form, style and materials as the primary structure.
- **Visual Impact:** Architectural devices should be used to reduce the visual impact of garage doors.

ii. **Location Design:**

- **Lots Under 50' in Width:** Garages shall be accessed from a rear alley easement or parking may be provided through an alternative plan such as parking pods.
- **Lots Under 55' in Width:** Garages may be accessed from the front, but shall be located to the rear of the primary structure and may be free standing or attached.

- **Lots 55' or Wider**: May have garages located to the front of the house under the following conditions:
  - The garage has a side entry court (oriented toward the side yard) and covers not more than 48 percent of the front façade providing the architectural treatment of the garage is at the same level of detail and quality as the primary façade.
  - The garage may face the front, provided it is set back fifteen (15) feet from the front façade, not including porches and bays.

d. Private Realm Landscaping: The design concept is that tree placement on the lot must complement the public realm street trees at maturity, avoid conflict with utilities and work with porch locations.

i. **Irrigation:** Each residence shall be provided an automatic irrigation system designed to use reuse water, where made available by the utilities commission, to provide 100% ground coverage, and to meet peak moisture demands of all plant material. (Turf and scrub areas shall be irrigated separately) Xeriscape and water conservation method may be used to reduce the 100% requirements in rear yards only.

ii. **Lot Requirement:** Each residence's front yard must contain one (1) shade tree with a two (2.5") inch caliper except as follows:
- **Front Facing Garage Requirement:** One (1) additional, two (2") inch caliper tree shall be located between the driveway and the nearest side yard to help screen the garage.
- **Lots less than 55' in width:** May delete the shade tree requirement in exchange for providing hedges along the side lot lines on the front yard.

iii. **Property lines:** May be clearly defined by hedges, fences, or garden walls. To develop hedges, the builder shall use large shrubs that will mature into the appropriate size. See fencing below.

e. Private Realm Fences or Hedges: The design concept is to permit private property lines to be clearly defined by garden walls, fences or hedges. Fencing and hedging in the front yard shall indicate a separate public realm from the private realm, but not create a barrier to interaction between pedestrian and homeowners

i. **Design Concept:** Walls, Hedges and fences shall be considered an extension of the architecture of the residence and shall screen trash containers.

ii. **Front Yard Requirements:** Hedges, fences or walls that define the transition from the public street to the private front yard space, may be provided in front yards if they meet the following conditions:

- They shall be limited to a maximum of four (4') feet in height and be a minimum of fifty (50%) percent solid.
- A waiver may be granted to the height restriction based upon a review of fencing and compatible architecture on a block front basis.
- Entrances, gates, and corners should be articulated with decorative post treatment, which may exceed the four (4') feet height limitation.

iii. **Additional Requirements:** Non-front yard fences, as detailed below, are permitted on all residential lots within the VPD-PUD, subject to the following restrictions:

- Fence materials shall be white vinyl, white PVC, white wrought iron, black wrought iron or as outlined below.
- Perimeter fences must be installed either on the property line or three (3) feet inside of the property line.
- Fences shall be allowed on all lots as, or part of, a pool enclosure.
- Fences uses as pool enclosures may be white vinyl or PVC, wrought iron or similar styled manufactured in aluminum, either in white or black.
- Solid fences above four (4) feet are not allowed in rear yards. Rear yard fences may be solid up to four (4) feet in height. An additional two (2) feet of height may be added provided that no more than 25% of the additional two feet is solid.
- Except in extraordinary circumstances, solid privacy fences up to six (6) feet in height are only allowed from the front plane of the primary structure to the rear plan of the primary structure.
- Walls may be used in lieu of fences under the following conditions:
  a. Walls must be the same finish and color as the exterior of the residence and must have a decorative cap.
  b. Solid walls may be six (6) feet in height in side yards only.
  c. Solid walls may be four (4) feet in rear yards with an additional two (2) feet allowed with wrought iron or similar materials and the additional two (2) feet

must be a maximum of twenty-five percent (25%) solid.

No fence or wall shall be constructed as to interfere with the drainage pattern in the area.

f. Private Realm Driveways: The design concept is to permit drive- ways to accommodate the garage but shall not impose barriers between the private realm and public realm as follows:

i. **Driveway Design:** Driveways shall be a minimum of ten (10) feet wide at the curb and continue to the garage meeting the following:
- **Turnarounds:** Driveways shall contain turnarounds where possible.
- **Common Driveways:** Are permitted
- **Materials:** Driveways shall be constructed of concrete or concrete paving blocks, bricks or asphalt.

ii. **Circular Driveways:** Are permitted in the VUN Sub-District.

g. Screen Enclosures: Screen enclosures for pools, decks, or other areas shall be allowed and shall be considered to be an accessory structure to a home and not part of the primary structure of the building it is attached to. This provision shall apply to all residential uses and districts.

4. Single Family & Two-Family Lot and Building Guidelines: Modifications may be permitted where alternative development practices are shown to achieve the West New Smyrna Beach Neighborhood policies of the Comprehensive Plan and the intent of the VPD-PUD. Any such modifications shall be identified in the VPD-PUD Agreement.

a. Minimum Lot Area:	5,500 s.f., for single family 4,400 s.f., for zero lot line
b. Minimum Lot Width and Frontage:	50' for single family 40' for zero lot line
c. Minimum lot depth:	130' without Alleys, 120' with Alleys
d. Maximum lot combination:	3
e. Maximum % of lot combinations:	50%
f. Minimum living Area:	1000 S.F. for primary unit 450 S.F. for accessory unit

g. **Maximum Impervious Coverage:** 65% (area of a porch is not included)
h. **Maximum Building Height:** 3 stories and 40'
i. **Maximum Number of Dwelling Units per lot:** 1 excluding accessory units

j. **Minimum Building setbacks:**

i. **Front:** 17.5' to 22.5' build-to range. Porches may be no closer than 10'.
ii. **Street Side:** 15'
iii. **Interior Side:** 5' on each side for single family
0' and 10' for zero lot line
iv. **Rear:** 25' for primary structure, 5' for a garage or accessory structure

5. Multi-Family Development Standards:

a. Density (adjusted gross): This zone is intended to provide for multi-family housing at an adjusted gross density of no greater than eighteen (18) units per acre.

b. Private Realm Façade: The design concept is to reinforce the public realm by AFraming the Street. These multiple family buildings shall support the public realm design, be close to the street and meet the following requirements.

i. **Framing the Street:** The principal orientation of the front façade of primary buildings shall be parallel, or nearly parallel, to the street on which they front with parking hidden behind or to the side. Buildings internal to the site should be organized around open space.
ii. **Primary Entrance:** Building entrances, front porches, windows to major rooms, and front doors shall be oriented to the street or parking court.
iii. **Facade Design:** The buildings shall be designed to reduce the monolithic nature of the structure. The front door shall be a prominent and welcoming feature on the front façade. Blank wall conditions facing the street are not allowed.
iv. **Articulation Devices:** Roof forms, balconies, covered entities, and facades shall accentuate smaller unit massing. Three -story housing should include one (1) and two (2) story units at ends and corners.

c. Private Realm Porches: The design concept is to permit porches to create a buffer and human scale layer between the sidewalk and the project, provide a social edge to a private unit in which people can choose to see or be seen along neighborhood streets, and to merge the public realm and the private realm. Where porches are provided the design standards below shall apply.

i. **Size:** Porches shall have a minimum depth of seven feet (7'), with a minimum length of ten (10') feet.

ii. **Elevation:** Porches and first floor elevations shall be a minimum of sixteen (16") inches above the finished grade of the lot as measured along the front elevation.

iii. **Entrance:** The porch shall provide space for the primary entrance to the unit or multiple unit structure, and be covered by a roof.

d. Private Realm Landscaping: The design concept is to utilize private landscaping to support the public realm landscaping in terms of location, size and quality of materials.

i. **Building Perimeter Landscape:** Perimeter areas adjacent to arterial roads shall be heavily screened. Perimeter areas that face residential streets shall not have hedge or shrub planting over four (4) feet in height.

ii. **Parking Landscape:** Canopy shade trees shall occur throughout the parking lot. Landscape islands should align with paths in the common open space to create pedestrian links through parking lots. Shrub masses shall be used along the perimeter of all parking lots to enclose the space and screen views to vehicles from surrounding drives and adjoining parcels. Parking islands may include shrubs, ground cover, loose granular material or tree grates. Parking islands shall be at least nine (9') feet wide to allow a single tree planted in the center to stay clear of open car doors.

iii. **Recreation Facility Landscape:** Recreation facilities shall be associated with common open space areas to provide for social gatherings. Landscape materials shall be used to screen above grade utilities and pool equipment from recreational areas and adjoining units.

iv. **Buffers/Screening Materials:** Landscape screens shall consist of layered masses of opaque shrubs, the tallest of which is of sufficient height to block the undesirable view or noise. Where space is tight, a single dense hedge can be used.

6. Multifamily Lot and Building Guidelines: Modifications may be permitted where alternative development practices are shown to achieve the West New Smyrna Beach Neighborhood policies of the Comprehensive Plan and the intent of the VPD-PUD. Any such modifications shall be identified in the VPD-PUD Agreement.

a. Maximum Lot Area: 1 blocks meeting development block standards within the VC and VUN Sub-Districts.

b. Minimum Lot Area: 13,000 s.f. for apartments
2,600 s.f. for townhouse

	7,500 s.f. for duplex
c. Minimum Lot Width and Frontage:	100' for apartments 20' for townhouse 60' for duplex
d. Minimum Floor Area:	500 s.f. for primary unit 400 s.f. for accessory unit
f. Maximum Lot Coverage:	65% (area of porch is not included)
g. Maximum Building Height:	four (4) stories and 60 feet

h. Minimum Building Setbacks:

i. **Front:** 10' to 20' build-to range primary structure.
ii. **Street Side:** 10' plus 2' for every floor over 2 stories.
iii. **Interior Side:** 10' plus 2' for every floor over two stories for apartments. 5' plus 2' for every floor over 2 stories for duplexes
iv. **Rear:** 25 feet for primary structure, 5 feet for a garage or other accessory structure.

B. STOREFRONT COMMERCIAL (SFC):

1. Intent: The Storefront Commercial land use zone is intended to be applied in the initial VPD-PUD unless it is designed to be expanded into one contiguous VPD-PUD and shall provide much of the retail and other commercial needs of the village. The zone requires a fine grain of pedestrian oriented development and a high degree of urban design based upon traditional downtown storefronts.

Refer to Appendix F "Design Standards Graphics": Typical Main Street Ambiance and Desirable Streetscape and Building scale

2. Sub-Districts Permitted: The Storefront Commercial District shall only be permitted within the centrally located Village Center (VC) Sub-District.

3. Development Standards:

a. Permitted and Accessory Uses:

- □ Retail Sales and Service
- □ Outdoor Retail Sales and Service

- ☐ Hotel and Time Share
- ☐ General Office
- ☐ Professional Office
- ☐ Personal Service
- ☐ Restaurants (no drive through)
- ☐ Sidewalk Cafes with tables and menu
- ☐ Residential units located above ground floor commercial
- ☐ Helipad Use (Ground not rooftop)
- ☐ Civic and Recreation
- ☐ Drive through facilities for banks, savings and loans, institutional uses located at the rear of a building in a parking lot and accessed by service streets or parking lots.
- ☐ Any use typically incidental to a principal use permitted by right when conducted as an accessory to such a principal use. Outdoor display shall be allowed. "Sidewalk tables" and temporary signage shall not be included to determine total allowable signage Menu display shall not be considered a sign.
- ☐ Gas pumps located away from the main pedestrian commercial streets.

b. Prohibited Uses:

- ☐ Any use not permitted shall be prohibited unless it is determined to be essentially the same as a permitted use.
- ☐ Drive through facilities for all restaurants
- ☐ Automobile, truck, RV, and boat dealerships and similar uses with large vehicular display areas

c. Private Realm Commercial Storefront Façades: The design concept is to reinforce the public realm by "Framing the Street". The principal orientation of the front façade of all primary buildings shall be parallel, or nearly parallel, to the street on which they front and meet the following requirements.

i. Main Building Façades shall face the primary street except the main building façade may be perpendicular to the street if located on a courtyard or plaza and architecturally related to the street or the Main Building Façade may face a significant body of water within the development provided the façade is served by a pedestrian walkway

of at least fifteen (15') feet in width giving pedestrian access to the body of water and the facade.

ii. All facades facing village commercial streets shall conform to the build to line. Minor deviations of up to twenty (20') feet for up to twenty (20%) of a block front may be permitted and shall be identified on the preliminary plat

iii. Main entrances shall face the street, square or court yard/plaza.

iv. Buildings on corner lots shall be architecturally related to the secondary street.

d. Commercial Storefront Façade Components: The basic commercial storefront façade shall consist of four (4) parts as follows:

i. **The Storefront:** The lower façade with entrance and display windows.

ii. **The Expression Line**: Delineates the transition between storefronts and from the upper façade above. The expression line shall either be a cornice, molding extending a minimum of three (3) inches, or offset in the plane of the surface of the building wall a minimum of three (3) inches.

iii. **The Upper Façade Area:** Contains the horizontal area utilized for wall signage, canopies or awnings and windows if it is a multistoried building.

iv. **The Cornice:** The architectural feature at that tops the building. The cornice shall reflect the style of the building.

Refer to Composite Exhibit F – "Design Standards Graphics" Storefront Design Illustrations, which establish a graphic representation of the architectural components of a historic storefront and desirable and undesirable characteristics of a storefront. Variations to these design standards and standards under f. below may be approved by the City to accommodate a true Mediterranean theme based upon meeting the intent of the standards and approval of Design Book of sketches and illustrations to be provided in the PUD Agreement.

f. Storefront Architecture:

i. **Design Concept:** Architectural style, building colors, sign location and size shall be coordinated with the characteristics of adjacent buildings and storefronts in the same building.

ii. **Cornice and Expression Lines:** A 20' to 25' high cornice line and an expression line deep enough to create a shadow line shall be established for all buildings except freestanding office buildings.

iii. **Continuation of Horizontal Lines:** Such as building trim, cornice lines or decoration is encouraged from one building to the next.

Refer to Composite Exhibit F- Illustrations of cornice and expression lines and desirable and undesirable applications.

iv. **Windows:** Shall face the street and a punched window expression is encouraged. Large expanses of glass curtain walls are discouraged and street side windowless walls are prohibited.

- **Bulkheads/Kneewalls and Kick Plates:** Shall be required.
- **Framing:** Windows shall be framed
- **Shutters:** Shall be prohibited on the first floor.

v. **Roof Pitch:** Varied roof pitches will be permitted in lieu of the traditional cornice line, as long as it fits with the adjacent buildings architectural style and/or historic old Florida architecture.

- **Porticos and arcades:** May be permitted if the sidewalks are of sufficient width and pedestrian flow is accommodated.

Refer to Composite Exhibit F- "Appropriate Facades and Roof Pitches"

iv. **Awnings:** shall be used to be architecturally coherent with the building involving height, size, materials and color as follows:

- **Materials:** Fabric awnings, such as canvas, vinyl coated canvas or acrylic are encouraged. Metal awnings may be used, but limited to enhance main entrances and porticoes
- **Design:** Awnings should not be of radically uneven or unusual shapes. Awnings shall not cover the piers or the space between the second story windows and cornice. Awnings covering second story windows shall either conform to the size of the individual windows or complement the first floor awning in terms of size, materials, height, color etc.
- **Colors:** Awning color shall complement the buildings color scheme. Electric or garish colors are prohibited.

Refer to Composite Exhibit F- "Desirable and Undesirable Awnings" and "Typical Awnings", respectively.

vii. **Wall and Awning Signage:**

- **Materials and Composition:** Shall be compatible to the architecture, materials and composition of the building.
- **Design:** Size, shape, color and location of a sign shall complement the building façade and should never be so large

as to overpower the building.

- Individual storefront signs should be compatible with other storefronts on the same building in terms of size design and placement.
- **Building Elements Preserved:** Windows, cornices or decorative details shall not be obscured.
- **Prohibitions and Waivers:** Signage above the expression line shall be prohibited except:
- Wall mounted hanging signs that are highly decorative and complement the building façade
- Small window signs
- Signs that identify a building, incorporated in the cornice detail

Refer to Composite Exhibit F- "Desirable and Undesirable Signs"

g. Maximum Building Width: Building site may extend up to a full block, but to the greatest extent possible, single buildings with a single entrance should not exceed 200'.

5. Lot and Building Guidelines: Modifications may be permitted where alternative development practices are shown to achieve the West New Smyrna Beach Neighborhood policies of the Comprehensive Plan and the intent of the VPD. Any such modifications shall be identified in the PUD Agreement.

a. Minimum Lot Widths: 20'

1. Maximum retail (ground) Floor Areas:

i. **All except grocery stores** 10,000 S.F
ii. **Corner lot store** 15,000 S.F.
iii. **Grocery Stores** 60,000S.F.

2. Minimum Setbacks for Commercial Storefront Projects (Includes retail, office, civic uses)

i. **Minimum front build-to-line,** 80% of block up to 10' for 20% of block.
ii. **Minimum side setback...**0'
iii. **Minimum rear setback...**0'
iv. **Minimum for parking lots...**5'

3. Encroachments

i. **Design Concept:** Balconies, awnings, covered entries, arcades; roof overhangs may encroach into the public sidewalk zone.

ii. **Clearance:** Encroachments must be a minimum height of eight feet from the sidewalk.
iii. **Stoops:** Shall not encroach on public sidewalks.
iv. **Doors:** Shall not encroach on public sidewalks.

4. **Maximum lot coverage:**
   i. **Maximum impervious surface area**: 100%
   ii. **Master Storm water Retention System:** Shall be required to accommodate multiple ownerships where lot coverage makes on site retention impractical.
   iii. **Maximum Building Height:** 4 stories and 60'

C. CONVENIENCE COMMERCIAL (CC):

1. Intent: The convenience commercial land use zone is intended to be applied in the Initial VPD, serve very limited commercial needs of Village residents and to be restricted in size, permitted uses and location so as not to compete with the village center-storefront commercial uses.

2. Sub-Districts Permitted: The commercial land use zone shall only be permitted within the Village Best Practices Neighborhood (VBPN) Sub-Districts, located on Major Collector Boulevard entrances to the VPD from east-west arterial roads.

3. Development Standards:

a. Permitted and Accessory Uses:

- ☐ Convenience Commercial development with a maximum site size of two (2) acres containing a maximum of fifteen thousand (15,000) square feet of the following uses:
  - Convenience Stores/Retail Sales and Service with gas pumps and car washes (South Convenience Commercial location only)
  - Restaurants with drive-through
  - Banks, savings and loans with drive-through
  - Office, General or Government, Professional, Business or Personal Service
  - House of Worship
  - Day Care Center (child or adult)
  - Medical Facility
  - Medical Office
- ☐ Any use typically incidental to a principal use when conducted as an accessory use to the principal use.
- ☐ All uses listed shall follow setback requirements as set forth in this PUD Agreement, this section, "Lot and Building Guidelines".

b. Prohibited Uses:

- Any use not permitted shall be prohibited unless it is determined to be essentially the same as a permitted use.

c. Location Requirements: This land use zone may only be applied to sites meeting the following conditions:

i. The sites may be located in only one quadrant of the intersection of a VPD Major Collector road and an east-west arterial road.

d. Unified Development Requirement: Development within the CC land use zones shall be designed meeting site plan requirements for a unified development.

e. Site Design: Buildings shall address the public right-of-way and provide higher architectural standards for those buildings facades that are visible from the street.

i. Primary Façade: All buildings shall be oriented to face the arterial road and this side of the building will be defined Athe primary façade.

ii. Primary Customer Entrance: Shall be within the primary facade unless the building is considered to have two primary facades; the façade that faces the public right-of-way and the façade that incorporates the customer service entrance.

iii. Corner Lots: Buildings located on corner lots shall have two primary façades unless the building is angled so that the primary façade is oriented to the intersection and thus has one primary facade.

iv. Off-Street Parking/Sidewalk Design: Shall meet the requirements of the City and the following:

- **Interior Parking Areas:** Landscaped areas shall be provided to define logical areas for pedestrian and vehicular circulation.
- **Consistent Angles:** All spaces in a parking lot shall use the same angle of parking excepting parking spaces along the perimeter.
- **Sidewalks:** Site development plans shall include sidewalks, pedestrian ways, linkages and paths connecting public sidewalks and pathways to building entrances, designed to the same standards as public sidewalks.
- **Pedestrian Separation:** Pedestrian walkways through parking lots shall be separated, preferably buffered with landscaping, from vehicle lanes. Walkways shall be constructed to standard sidewalk height such that the pedestrian walkway is higher than the vehicle travel lane.
- **Site Vehicular Access:** The main site vehicular access shall be from the major collector road. Direct access to the exterior arterial roads shall be limited to right in/right out accesses as approved by the Florida Department of Transportation

(FDOT) for State Road 44 or the County of Volusia for Pioneer Trail.

v. **Accessory Structures:** Accessory structures shall be located behind the front building line of the primary structure and shall be constructed of the same materials as the primary structure.

vi. **Landscaped Buffer Areas:** As defined by the Land Development Regulations for a width of twenty-five feet (25') shall be provided abutting residential areas.

h. Building Design: The appearance of site and structures shall be coordinated for the purpose of creating a pleasing and harmonious overall environment.

i. **Compatibility:** Building materials, plant materials, lighting and other building and site improvements shall:

- Be internally consistent with the design theme of the VPD project.
- Be compatible with the landscaping materials and lighting fixtures in the adjacent VPD Major Collector Boulevard.

ii. **Awnings or Ornamental Features and Signs:** shall be designed in a manner harmonious with the building design including appropriate scale, shape, and pattern as follows:

- **Materials:** Fabric awnings are encouraged but metal awnings may be used to enhance main entrances.
- **Architectural Integration:** Shall be designed with the architecture of the building and shall not cover or hide architectural features

iii. **Scale:** Buildings shall have architectural features that provide visual interest from the perspective of the pedestrian.

iv. **Facades:** Shall be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls and be consistent with any village design elements.

- **Articulation:** Shall be accomplished by varying the building's height and width so that it appears to be divided into distinct massing elements and provide details that can be perceived at the scale of the pedestrian.
- **Primary Facades:** All primary facades of a building shall be designed with consistent architectural style, detail, trim features, and roof treatments.
- **Walls:** The exterior façade of the wall shall be designed consistently with the primary façade.

v. **Building Materials:**

- **Primary Facades:** The use of a certain materials on primary facades is restricted as follows:

- Metal panels shall not cover more than fifty (50) percent of any primary façade.
- Smooth-faced concrete on a primary façade shall have stucco or other decorative finish. Unfinished, standard concrete blocks shall not be permitted.
- **Walls:** Shall be finished as the primary façade.

vi. **Garage/Roll-Up Doors:** Shall not be permitted as a part of the primary façade of a building. Garage or roll-up doors, if necessary as a part of the use of the building(s), shall be designed to be on the side or rear of the building(s).

vii. **Roof Design:** To add visual interest, reduce massing and screen rooftop equipment. Hip and gable roofs are allowed mansard and gambrel roofs are prohibited. Flat roofs are permitted with a three (3) dimensional cornice treatment as described below.

- **Rooftop equipment:** shall be concealed from eye-level view from public right-of-way and from the ground level of any adjacent properties.
- **General Application:** Both single and multiple-tenant buildings and projects are required to have variations in the roof lines, and roof features that are consistent with the building's mass and scale. In addition, roofs shall meet at least two (2) of the following requirements

☐ **Decorative parapet.**

☐ **A three-dimensional cornice treatment**, a minimum of twelve (12) inches high with a minimum of three changes in the relief or thickness.

☐ **Overhanging Eaves:** that extends at least three (3) feet beyond the supporting walls, with a minimum facia of six (6) inches deep.

☐ **Three or more planes per primary façade.**

Refer to Appendix C, Exhibit # 11 Roof Options.

4. Lot and Building Guidelines: Modifications may be permitted where alternative development practices are shown to achieve the West New Smyrna Beach Neighborhood policies of the Comprehensive Plan and the intent of the VPD and its VC sub-district. Any such modifications shall be identified in the PUD Agreement.

a. Minimum Lot Size: .5 acre

b. Maximum Lot Size: 2 acres

c. Maximum Gross Leasable Square Feet: 15,000 s.f.

d. Minimum Yard Size:

i. **Front Yard:** Buildings at 70'. Perimeter sidewalks and parking lots may abut the required scenic setback of the arterial roads.
ii. **Side yard:** 25 feet
iii. **Rear yard:** 25 feet

e. Maximum Principal Building Height: 40 feet
f. Maximum Building Coverage: 35%
g. Maximum Impervious Lot Coverage: 75%

1. VILLAGE CENTER (VC) SUB-DISTRICT

A. SUB-DISTRICT INTENT: The intent is to require development of a Village Center within the Initial VPD that may be expanded into a directly adjacent contiguous VPD that is a pedestrian oriented and accessible, mixed use shopping district. It will serve the entire Village including contiguous developments, with a mix of uses that will help to create a vibrant sustainable community. The Village Center shall be centrally located adjacent to a major collector road and shall contain a minimum of sixty (60) acres.

Further, the intent of the Village Center District is to encourage a fine grain of architecture, site planning and development. Street oriented retail and restaurants, professional office and apartments above are oriented around the village commercial streets.

B. APPLICATION: The VC Sub-District shall be delineated on the Schematic Plan. The sub-district shall be generally located in the center of the village adjacent to the major collector road to serve the surrounding neighborhoods and may include lands on both sides of the major collector road.

C. UNIFIED DEVELOPMENT PLAN: A Preliminary Subdivision Plat shall be required for the entire Village Center prior to any site development approval within the Village Center.

D. LAND USE ZONES PERMITTED: The following land use zones shall apply within the VC Sub-District.

1. RESIDENTIAL (RES)
2. STOREFRONT COMMERCIAL (SFC)

E. RES MINIMUM AVERAGE RESIDENTIAL DENSITY: In order to create a true village center focus, a minimum average density of four (4) dwelling units per acre shall be achieved

within the VC-Sub-District tract. The schematic plan shall identify parcels to be developed as RES and specify the adjusted gross densities for these parcels. The combined adjusted gross densities for all of the RES parcels shall achieve the total units required in the entire sub-district. Modifications may be made over time to respond to market conditions, but the minimum average density shall be maintained.

F. LAND USE MIX: The following table provides the minimum/maximum standards that establish the mix use character of the Village Center Sub-District.

Table IV
VC MIX OF LAND USE

	Land Area Minimum	Land Area Maximum	Ratios
VC Total		**60 acres**	
1. Village Square		**2 acres**	
2. Residential	**45%**	**65%**	**4 du/ac. min. avg.**
3. Storefront Commercial (Retail/Office/Service/ Commercial)	**10%**	**30%**	**20 Bldg. sf/du***
4. Civic	**10%**	**None**	
5. Conservation/open Space		**5%**	

G. DEVELOPMENT BLOCK STANDARDS: Small block sizes in the core shall be used to create a more intimate pedestrian scale as follows:

1. Block Size Range: 300' x 300' to 400' x 400' for primarily SFC development, but may be up to 500' by 500' for primarily RES development.

2. Block Size Waivers: Size may be adjusted to protect environmental assets or respond to site limitations.

H. INTERNAL LAND USE COMPATIBILITY:

1. **Land Use Zone Changes on Main Commercial Streets:** Should occur at mid-blocks or shall occur from block to block, and shall not occur at the

center line of village commercial streets.

2. **Scale:** Buildings on both sides of the street should be designed with similar height, bulk and yard standards.

I. **PUBLIC REALM RECREATION:**

1. Village Square: The village square shall be designed as gathering places for residents and shoppers, both day and evenings. The square will include places for strolling, sitting, music concerts, art shows and other promotional or cultural and holiday events and meet the following requirements.

a. Each VC Sub-District shall provide a village square or park containing a minimum of two (2) acres.
b. The lots surrounding the square shall serve as a focal point for the social life of the village by providing such uses as a village convenience store, church, grocery store, daycare center, etc.
c. The square shall contain a fountain, plaza, significant tree, and structure to serve as a focal element.

2. **Water Bodies:** Water bodies of over one (1) acre shall be incorporated into the design of pedestrian and bike paths, and parks with a minimum of 75% of frontage open to the public and fronting the street system.

J. **PUBLIC REALM CIVIC:** The required community center shall be provided in the village center and located at the terminus of a village commercial street. It is encourage that a site be made available for a church.

K. **PARKING:** The City's Zoning Ordinance regulates parking except as provided herein:

1. **Master Shared Parking Plan (MSPP):** Shared parking is required and a MSPP shall be provided for the proposed storefront development meeting the requirements contained herein. The MSPP concept shall be submitted as a part of the schematic plan and described in the PUD agreement. The required preliminary plat shall identify the shared parking sites/lots.

2. **Parking Requirement Determination:** The mixed-use characteristic of the VC-Sub-District and connectivity requirements permits a twenty-five (25%) percent reduction in the required number of parking spaces. Individual mixed-use projects may be granted an additional reduction if supported by standards from a recognized technical publication or a

detailed analysis prepared by a professional traffic engineer.

3. **On Street Parking:** Shall be provided on all streets within the district and may be used to meet parking requirements if incorporated into the MSPP.

4. **Parking Lots:** Every attempt shall be made to minimize the size and impact of parking lots, which shall be generally located behind or on the side of buildings addressing the higher order street and meet the following standards.

   a. **Parking lots to the side of buildings:** Shall be restricted to a maximum width of sixty-five (65') feet of pavement and should be designed to access rear parking areas.

   b. **Peripheral Parking lots:** Parking lots located at the edge of the Village Center district within five hundred (500) feet of the primary users are permitted.

   c. **Landscaping:** Parking lots must comply with the City's Landscape ordinance and the following:
      i. **Streetscape Compatibility:** Shall be compatible with the public realm landscape design standards contained herein.
      ii. **Screening:** Parking lots shall be screened from streets with a 2' to 4' high wall or hedge.

L. CIRCULATION:

1. **Street Layout:** The village center street system shall be a traditional grid and create regular blocks unless prohibited by natural conditions. Cul-de-sacs may be permitted only where natural conditions and major storm water facilities permit no other design solution.

2. **Curb Detail:** The six (6") inch, non-mountable, high backed typed curb shall be required.

3. **Curb Cuts/Access:**

   a. Curb cuts shall not be allowed on or across from the village square.
   b. Curb cuts are not permitted for storefront and civic uses except to access alleys, permitted parking lots or loading areas.
   c. Curb cuts for free standing office and commercial projects shall be the minimum necessary to safely serve the project.

M. ADJUSTMENTS TO RES LAND USE ZONE STANDARDS: Performance and design standards for the RES Land Use Zone are not universally applicable to the VC Sub-District. The following standards shall control within this sub-district.

1. Permitted and Accessory Uses:

- Accessory Offices
- Accessory units (attached or above garage) under the following conditions:
  - Units must have a separate access.
  - Sufficient off Street Parking is required.
  - Owner occupancy is required for rental to non-family.
- Carriage House units, defined as above garage dwelling units not associated with townhomes or single-family housing, located above garages associated with multi-family buildings shall be permitted units.

2. Detached Residential Unit Standards:

Private Realm Porches: Shall be required for all detached residential units.

i. Set backs: Porches may intrude into setback, but shall maintain a minimum front setback of three (3') feet and a side setback of five (5') feet.

ii. Corner lots: Porches may wrap around the exterior side of the primary structure for a minimum of five (5') feet.

Private Realm Facades: The front façade shall be continued in its major features, around all visibly exposed (from the public realm) sides of a building including style details color and materials and meet the following requirements:

- The same front facades may not be repeated more than six (6) times, within one block, for both sides of the street.
- The same front facades shall be separated by at least three (3) houses with different facades.
- Houses with the same façade shall not be located across the street from one another, and to the extent possible, owners should not walk out the front door and see their same façade.

Private Realm Garages: Lots exceeding fifty-five (55') in width shall be required to provide a minimum of fifty percent (50%) of garages located to the rear of primary structure on each block front and shall be indicated on the subdivision plat. The minimum percentage of units

with garages located to the rear of the primary structure may be reduced to twenty-five (25%) percent in a sub-division if the minimum number of units with qualified porches is increased by fifty (50%) percent.

3. **Detached Residential Unit Lot and Building guidelines:**

a. **Maximum lot area:** 11,500 s.f.
Minimum lot area: 3,500 s.f.
b. **Build to line:** 10' to 12' and porches may be three (3') feet from the property line
c. **Minimum lot width and frontage:** 35' for single family
35' for zero lot line
d. **Minimum lot depth:** 110' without Alleys; 100' with Alleys
e. **Minimum Building setbacks:**
i. Front: 10' to 12' for primary structure (not including porch)
ii. Street Side: 10'
iii. Interior Side: 2.5' on each side for single family
iv. Rear: 20' for primary structure with or without attached garage; 5' for separate garage or other accessory structure

4. **Multi-Family Development Standards**

a. **Private Realm Apartment Porches:** Multi-Family apartments and condominiums shall provide architecturally defined entries that may include features such as an entry porch, railings, steps, or roof.
b. **Private Realm Townhouse Porches:** A minimum of fifty (50%) percent of the town house and all duplex buildings shall have front porches.
c. **Attached Units:** Town house buildings shall be attached with not less than three (3) attached units except that lots located at the end of a block may be permitted with at least two (2) attached units.
d. **First Floor Elevation:** Townhouse and duplexes shall have a first floor elevation a minimum of sixteen (16") inches above finished sidewalk grade In order to reinforce the public realm by "Framing the Street," multi-family apartments or condominiums within the VC may be constructed at sidewalk grade.
e. **Site Plan Design;**
i. Design of multi-family projects shall be consistent with the pedestrian scale and character of the sub-district.
ii. A consistent front build to line shall define the public realm.

iii. Parking lots shall be generally located internal to the site and alley access to parking lots should be provided.
iv. A formal building arrangement organized around open space is preferred.
v. A variety of home sizes and building types should be provided in a block face.

5. **Multi-Family Lot and Building Guidelines:**

a. **Minimum front build-to-line:**
Townhouse: 5' to 15' and porches may be 3' from the property line
Multi-family apartments and condominiums: 0'

b. **Minimum Lot Area:** 2,200 s.f. for townhouse

c. **Minimum Lot Depth:** 110' without Alleys; 100' with Alleys

d. **Minimum Building setbacks:**

i. Front:	10' for townhouse; 3' for porch 0' for multi-family apartments and condominiums
ii. Side:	0' for multi-family
iii. Rear:	20' for townhouse primary structure with or without attached garage; 5' for separate garage or other accessory structure 0' for multi-family apartments and condominiums
iv. Parking lots:	5' for multi-family apartments and condominiums

e. Multi-Family Apartment and Condominium Encroachments

i. Design Concept:	Balconies, awnings, covered entries, arcades, and roof overhangs may encroach into the public sidewalk zone.
ii. Clearance:	Encroachments must be a minimum height of eight feet from the sidewalk.
iii. Stoops:	Shall not encroach on public sidewalks.
iv. Doors:	Shall not encroach on public sidewalks.

f. Maximum lot coverage – multi-family:

i. Maximum impervious surface area: 100%

ii. Master Stormwater Retention System: Shall be required to accommodate multiple ownerships where lot coverage makes on site retention impractical.

VII. VILLAGE URBAN NEIGHBORHOOD (VUN) SUB-DISTRICT

A. SUB-DISTRICT INTENT: It is the intent of this sub-district to require development of urban neighborhoods that surround and are in walking distance to the village center. The neighborhoods shall be pedestrian oriented and physically recognizable as a unique neighborhood.

B. APPLICATION: The actual boundaries of the sub-district may vary to respond to site characteristics and the need to create urban neighborhoods. The sub-district area shall contain approximately 1000 acres after multiple ownerships are combined and shall be limited in size and shape to encourage visitors to walk or bicycle to the village center. Thus, eighty- five (85%) percent of the units within the VUN Sub-District shall be within three thousand feet (3000') of the VC Sub-District.

C. LAND USE ZONE PERMITTED: This Sub-District is restricted to the RES Land Use Zone.

D. MINIMUM AVERAGE RESIDENTIAL DENSITY: In order to achieve more intense urban densities within urban neighborhoods and support the village center, a minimum average density of two and seven tenths (2.7) units per acre shall be achieved within the sub-district area.

E. URBAN NEIGHBORHOOD DESIGN:

1. **Size:** Urban neighborhoods within the VUN-Sub-District shall range in size from twenty (20) to one hundred and twenty five (125) acres in size.

2. **Shape:** The neighborhood shall allow residents to walk, within 1320 feet or less, to the centrally located neighborhood square or park. Eighty-five (85%) of the housing units within the neighborhood shall meet this requirement.

3. **Public Realm Neighborhood Park:** The City will determine the size of the park site based on a ratio of two hundred and twenty five (225) square feet per house-hold within the neighborhood. The park shall have a minimum size of one half (1/2) acre and be designed as follows:

   a. The park shall be internally located and surrounded by streets with

residences facing the park unless located on a lake or ESC.

b. No off street parking shall be provided.

c. Non-mountable curbs shall bound Park space adjacent to streets.

d. The space shall provide for sun shade and seating

e. A focal element such as a significant tree, fountain, plaza, or play equipment shall be provided.

4. Urban Neighborhood Edges: An edge area of a minimum of one hundred feet (100') shall be provided between urban neighborhoods. Edge requirements shall be waived in the following areas:

a. VC and VUN Sub-Districts Boundaries.

b. Water Bodies/Open Space: Water bodies with a width equal to or exceeding the edge dimension.

c. Neighborhood Design: Where trees, landscaped screens, and streets shall be provided as an edge between very distinct neighborhoods having different housing types/sizes/prices, landscape treatments, street layouts etc.

d. Unusual Circumstances: Where the applicant demonstrates that the edge area will be incompatible with good design concepts and other standards herein.

e. Major or minor collector boulevards

5. Range of Housing: The urban neighborhoods shall offer a range of housing:

a. Types: Shall include but not be limited to single family, zero lot line, townhouse, multifamily and accessory units.

b. Vary Bedrooms: Offer housing with a variety of bedrooms in each block.

c. Price Range and Size: Offer housing of different prices and sizes within the same block.

F. VUN DEVELOPMENT BLOCKS:

1. Lengths: Average block lengths, as measured from a street crossing or alley intersection, shall be as follows:

a. For Lot- Widths Block- Lengths

Below 60' (average)	300'
60' to 85'	600'
86' to 100'	1000'

2. **Waivers:** Block lengths may be increased if the applicant satisfies the following criteria:

   a. To preserve ecologically significant vegetative communities.
   b. Where civic spaces or roundabouts are provided as focal points, at the end of a block.
   c. Where topography and street angles are used to interrupt a continuous streetscape.

G. CIRCULATION:

1. **Layout:** A hybrid system based on the traditional grid but using curvilinear design is permitted, but neighborhoods should have multiple entrances and excellent access to the village center. Cul-de-sacs may be permitted only where natural conditions or major storm water facilities permit no other design solution.

2. **Curbs:** The applicant shall provide non-mountable, high backed curbs on streets that have the following conditions: follows:
   a. Streets that front on neighborhood squares or parks.
   b. Streets that contain lots of fifty feet (50') in width or less where alleys are required.
   c. Neighborhood streets from the neighborhood entrance for 1000 feet or through the traffic calming device required below.

3. **Curb Cuts/Access:**
   a. Curb cuts shall not be allowed on or across from the neighborhood park.

4. **Traffic Calming:**
   a. **Public Realm Squares, Greens or Roundabouts:** Shall be used to truncate the street system, calm traffic, discourage through traffic on neighborhood streets and shall be located at the first cross street intersection or within 1000 feet of a neighborhood entrance.

H. ADJUSTMENTS TO RES LAND USE ZONE STANDARDS: Performance and design standards for the RES Land Use Zone are not universally applicable to the VUN Sub-District. The following standards shall control within this sub-district.

1. **Permitted and Accessory Uses:**

- Accessory Offices
- Accessory units (attached or above garage) under the following conditions:
  - ☐ It must have a separate access.
  - ☐ Sufficient off Street Parking is required
  - ☐ Owner occupancy is required for rental to non-family.
- One (1) stand-alone RV/boat storage parking facility under the following conditions:
  - ☐ It shall have a single gated access off Monaco Blvd.
  - ☐ It shall not abut residential lots.
  - ☐ It shall have a minimum buffer width of seven (7) feet along the street or water retention areas, and twenty-five (25) feet along the west property line.
  - ☐ Landscaping shall consist of 60% shrubs, 20% tree coverage, and 20% ground coverage. Note, however, that the interior of the parking facility shall not include any trees.
  - ☐ Landscape screens shall consist of layered masses of opaque shrubs, the tallest of which is of sufficient height to block the storage parking facility; where space is tight, a single dense hedge can be used.

2. **Detached Residential Unit Standards:**
   a. **Private Realm Porches:** Porches shall be required for a minimum of twenty five percent (25%) of the single family and zero lot line units within any block and shall be indicated on subdivision plat.
   b. **Private Realm Garages:** Lots exceeding fifty-five feet (55') in width shall be required to provide a minimum of fifty percent (50%) of garages located to the rear of primary structure on each block front and shall be indicated on the subdivision plat.
   c. **Private Realm Façades:**
      i. The same front facades may not be repeated more than two (2) times, within one block, for both sides of the street.
      ii. The same front facades shall be separated by at least three (3) houses with different facades.
      iii. Houses with the same façade shall not be located across the street from one another, and to the extent possible, owners should not walk out the front door and see their same façade.
      iv. Along street frontages, housing facades shall be varied and articulated to provide visual interest. Articulation devices may include color, texture, arcades, bays, windows, roof, balconies, porches and other architectural treatment.
      v. The façade of the main body of the house shall not exceed forty (40') feet, except for wings or L's, which are set back from the front façade.
      vi. Houses located on corner lots are considered to be significant buildings and shall not create a blank-wall effect on its side yard because this side façade is as important as front facades, and must:
         - Either not exceed one story and utilize articulation devices on the side façade, or
         - If two (2) stories or over, a porch must wrap around the side façade for a length of seven (7) feet, or utilize other articulation devices such as pergolas, cupolas, and belvederes to give architectural emphasis.
      vii. First floor elevations must be a minimum of sixteen (16") inches above the grade of the front yard,

3. **Multi-Family Development Standards**
   a. **Façade/Porches:** Multi-Family apartments and condominiums shall provide first floor entries framed with an entry porch, architecturally defined by railings, steps and roof.
   b. **Porches:** A minimum of twenty five (25%) percent of the town house and all duplex buildings shall have front porches.

c. **Attached Units:** Town house buildings shall be attached with not less than five (5) attached units except that lots located at the end of a block may be permitted with at least two (2) attached units.

d. **First Floor Elevation:** Townhouse, duplex and apartments shall have a first floor elevation a minimum of twelve (12") inches above finished sidewalk grade.

e. **Site Design:**

i. Design of apartment projects shall be consistent with the pedestrian scale and character of the sub-district.

ii. A consistent front build to line shall define the public realm.

iii. Parking lots shall be generally located internal to the site and alley access to parking lots should be provided.

iv. A formal building arrangement organized around open space is preferred.

v. Provide a variety of home sizes and building types in a block face.

VIII. VILLAGE BEST PRACTICES NEIGHBORHOOD SUB-DISTRICT STANDARDS (VBPN)

A. SUB-DISTRICT INTENT: It is the intent of this sub-district to require development of less intense suburban neighborhoods that are located most distant from the village center. Suburban neighborhoods are based on the development practices in the book Best Practices. The neighborhoods within this sub-district are permitted to be more conventional, requiring small cluster developments that have some neighborhood characteristics and are sufficiently fine grain to insure walkability.

Additionally, the VBPN Sub-District is anticipated to experience significant development prior to the VC Sub-District because of its external location and shall provide limited convenience commercial uses at Major Collector Boulevard entrances to the VPD.

B. APPLICABLITY: The VBPN Sub-District shall be delineated on the Schematic Plan. The area to which the sub-district is applied includes the portions of the VPD that are outside of the VUN Sub-District. **C. LAND USE ZONE PERMITTED:**

1. **Residential (RES)**
2. **Convenience Commercial (CC)**

D. MAXIMUM AVERAGE DENSITY: The residential density within the sub-district has been restricted in order to force higher density development to be located closer to the village center. Within this sub-district the maximum average gross density is one (1) unit per acre.

E. SUBURBAN NEIGHBORHOOD DESIGN:

1. **Size:** Suburban neighborhoods within the sub-district are small cluster subdivisions that range in size from ten (10) to fifty (50) acres and provide some neighborhood characteristics.

2. **Neighborhood Park:** The City shall determine the size of the neighborhood park based upon a ratio of two hundred twenty five (225) square feet per house-hold with a minimum size of one quarter (1/4) acre, located anywhere within the neighborhood and may be a square, pocket park, green, tot lot or recreational center and be designed as follow:
   - **a.** The park shall be bordered on at least one side by a street.
   - **b.** No parking shall be provided
   - **c.** The park should contain focal elements such as trees, fountains, plazas and equipment and at a minimum shade trees and seating.

3. **Urban Neighborhood Edges:** The applicant shall provide an edge area of a minimum of fifty (50') feet, on seventy-five (75%) percent of the perimeter of suburban neighborhoods. Waivers may be granted as follows:
   - **a. Water Bodies/Open Space:** Water bodies or open space with a width equal to or exceeding the edge dimension.
   - **b. Neighborhood Design:** Where trees, landscaped screens, and streets are to be provided as an edge between fine grained development with distinct neighborhoods having different housing types, landscape treatments, street layouts etc.
   - **c. Unusual Circumstances:** Where the applicant demonstrates that the edge area will be incompatible with good design concepts and other standards herein
   - **d. Major and Minor Boulevards.**

4. **Range of Housing:** A cluster subdivision may consist of the same housing type. Product types shall vary from neighborhoods to neighborhood. The applicants approach to providing a range of housing type sizes and price ranges shall be described in the PUD agreement.

5. **Multiple Family Development Standards:** Exceptions to the multiple family public realm façade standards are permitted and shall be identified in the PUD Agreement.

6. **Country Club Residential Development Standards:**
   - **a. Attached Units:** Townhouse buildings shall be attached with not

less than three (3) attached units except that lots located at the end of a block may be permitted with at least two (2) attached units. The overall units for the Country Club Residential may be up to one hundred twenty (120) residential units.

b. **Detached Units:** Single-family and zero lot line residential may also be permitted.

c. **Site Plan Design:**

i. A consistent front build to line shall define the public realm.

ii. A formal building arrangement organized around open space is preferred.

7. **Country Club Residential Building Guidelines:**

a. **Minimum Lot Area:** 2,200 s.f. for townhouse
4,000 s.f. single family or zero lot line

b. **Minimum Lot Depth:** 105' without Alleys; 100' with Alleys

c. **Minimum Lot Width:** 22 ft. for townhouse
40 ft. for single family or zero lot line

c. **Minimum Building setbacks:**

i. Front: 15' *; 3' for porches or pergolas **

ii. Side: 5'

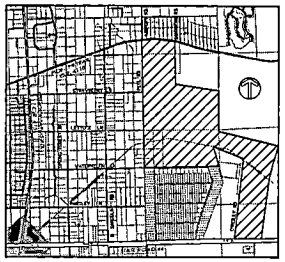
iii. Rear: 20'

* In the event residential units have rear alley access and frontage facing the golf course, the golf course frontage may be defined as the front yard and may have a 10' front yard setback.

** Front entry garages may be permitted in the Country Club Residential neighborhood; however, the garages incorporated into the primary structures shall be situated behind the front porch or a pergola located in front of the primary structure. The porch or pergola shall have a depth of at least seven (7) feet.

F. CIRCULATION:

1. **Street Layout:** A conventional street layout is permitted using cul-de-sacs and loop streets, but neighborhoods are encouraged to provide connections to other neighborhoods.



LOCATION MAP
1" = 4000'

VENETIAN Bay™

NewSmyrnaBeach, Florida

LAND USE TABULATION

TOTAL SITE AREA	= 1250 ACRES (±)
CONSERVATION AREA	= 378 ACRES
OPEN SPACE AREA	= 625 ACRES (50%)
CONVENIENCE COMMERCIAL AREA	= 8 ACRESS
SCHOOL SITE	= 20 ACRES
TOWN CENTER	= 30 ACRES
TOTAL RESIDENTIAL (SEE BELOW)	= 472 ACRES
TOTAL UNITS (SEE BELOW)	= 1716
PROPOSED DENSITY	1.5 UNITS/ACRE

PARCEL	AREA	UNITS	DENSITY
PARCEL 1	40 ACRES	80	2.0
PARCEL 2	73 ACRES	146	2.0
PARCEL 3	34 ACRES	136	4.0
PARCEL 4	55 ACRES	220	4.0
PARCEL 5	78 ACRES	234	3.0
PARCEL 6	41 ACRES	164	4.0
PARCEL 7	10 ACRES	40	4.0
PARCEL 8	6 ACRES	24	4.0
PARCEL 9	70 ACRES	280	4.0
PARCEL 10	42 ACRES	164	4.0
PARCEL 11	27 ACRES	108	4.0
PARCEL 12	15 ACRES	120	8.0
	470 ACRES	1716	

ATTACHED FOR REFERENCE ONLY:

LAYOUT HAS BEEN UPDATED SINCE THIS ORIGINAL MASTER PLAN

0 500 750 1000
SCALE : 1" = 500'

REV.	DATE	DESCRIPTION	BY
		REVISIONS	

VENETIAN BAY
CONCEPTUAL
CONCEPTUAL MASTER PLAN
NEW SMYRNA BEACH, FLORIDA

ZEV COHEN & ASSOCIATES, INC
55 Seton Trail, Ormond Beach, Florida, 32176
(386) 677-2482 FAX 677-2505
ENGINEERS (EB 4048) · PLANNERS · LANDSCAPE ARCHITECTS (LC 62)
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CHECKED BY:	FM		
SCALE:	1"=500'	SHEET:	8 OF 8

FILE NAME (DOCUMENT TYPE)

44-1
FILE LOCATION

COMPOSITE
EXHIBIT "C"
1 of 1

Instrument# 2016-000411 # 63
Book: 7202
Page: 3079

Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida

SCHEMATIC DEVELOPMENT PLANS

OWNER: GEOSAM CAPITAL US LP
424 LUNA BELLA LANE
SUITE 135
NEW SMYRNA BEACH, FL 32168
CONTACT: JAMES STOWERS
(386) 428-8448

PLANNING/ENGINEERING: ZEV COHEN & ASSOC., INC.
55 SETON TRAIL
ORMOND BEACH, FL., 32176
CONTACT: PAUL MOMBERGER
(386) 677-2482
(386) 677-2505 (FAX)

ENVIRONMENTAL: BOOKER GREY ENVIRONMENTAL
534 W. BRIGHTON AVE.
ORANGE CITY, FL 32803
CONTACT: CLEEVE BOOKER
(386) 775-2463

SURVEYOR: ACCURIGHT
2012 E ROBINSON ST.
ORLANDO, FL 32803
(407) [redacted]

SHEET LEGEND

SHEET 1: COVER
SHEET 2: SCHEMATIC DISTRICT PLAN
SHEET 3: SCHEMATIC LAND USE PLAN
SHEET 4: SCHEMATIC ROAD HIERARCHY PLAN
SHEET 5: SCHEMATIC PATHWAYS PLAN
SHEET 6: SCHEMATIC UTILITIES & STORMWATER PLAN
SHEET 7: SCHEMATIC VILLAGE CENTER ENLARGMENT
SHEET 8: CONCEPTUAL MASTER PLAN (FOR REFERENCE ONLY)

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3.	03/25/04	REVISED PER STAFF COMMENTS	PM/NC
2.	02/24/04	REVISED FOR SCHOOL SITE & LOT RECONFIGURATIONS	PM/NC
1.	05/14/03	REVISED PER OWNER MODIFICATIONS	PM/NC

REVISIONS

VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
SCHEMATIC DEVELOPMENT PLANS
CITY OF NEW SMYRNA BEACH — VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
55 Seton Trail, Ormond Beach, Florida, 32176
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SHEET:	1 OF 8		

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XREF: 00039P52

44-1
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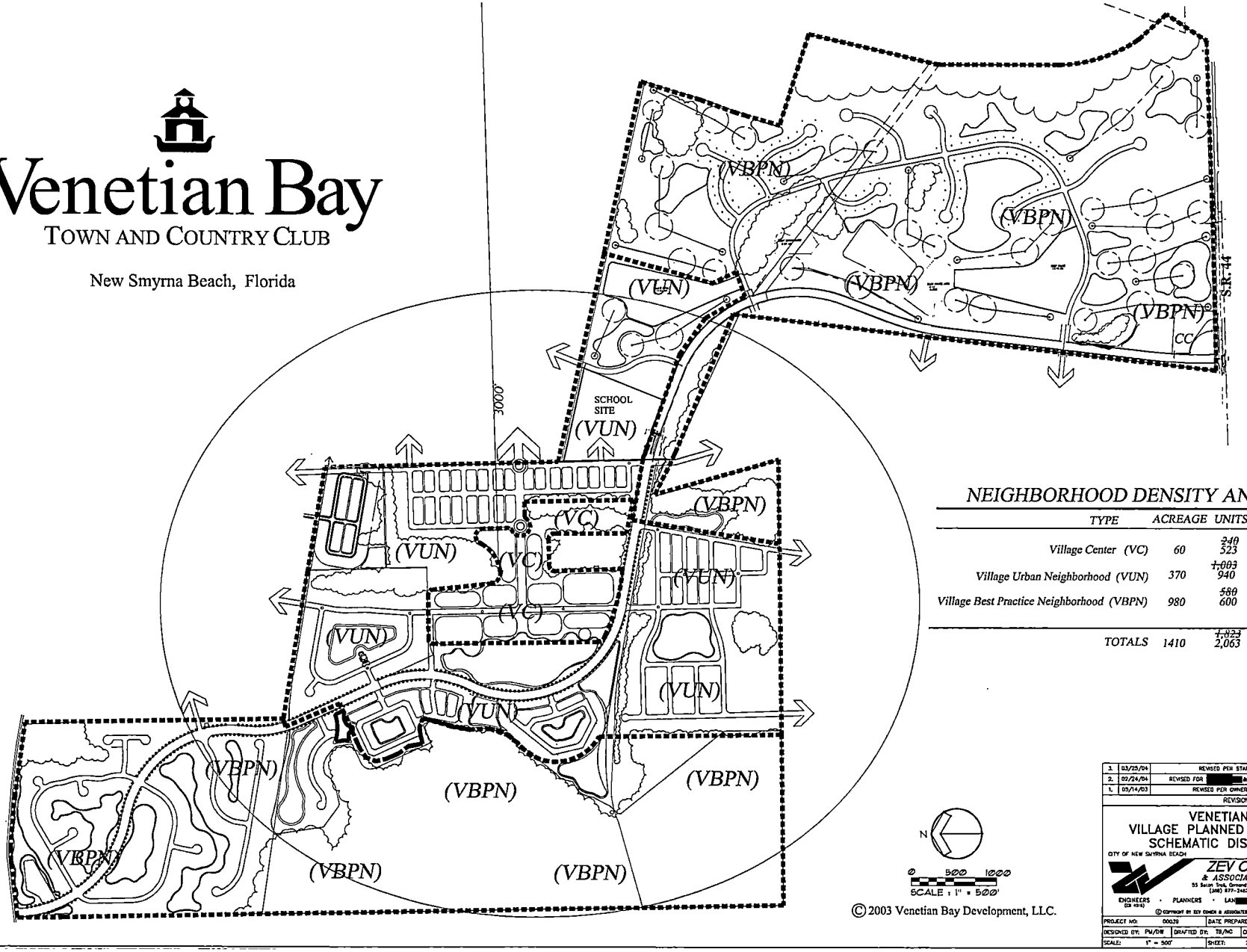
Book: 7202
Page: 3080

Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida



NEIGHBORHOOD DENSITY ANALYSIS

TYPE	ACREAGE	UNITS	DENSITY
Village Center (VC)	60	~~240~~ 523	4.0 (MIN.)
Village Urban Neighborhood (VUN)	370	~~1,003~~ 940	2.7 (MIN.)
Village Best Practice Neighborhood (VBPN)	980	~~580~~ 600	~~0.6~~ 1.0 (MAX.)
TOTALS	1410	~~1,823~~ 2,063	~~1.3~~ 1.5

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3.	03/25/04	REVISED PER STAFF COMMENTS	PM/MC
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1.	05/14/03	REVISED PER OWNER MODIFICATIONS	PM/MC

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VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
SCHEMATIC DISTRICT PLAN

CITY OF NEW SMYRNA BEACH — VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
55 Seton Trail, Ormond Beach, Florida, 32176
(386) 677-2482 FAX 677-2509
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FILE NAME: 00039PD2
XREF: 00039XR2

44-1
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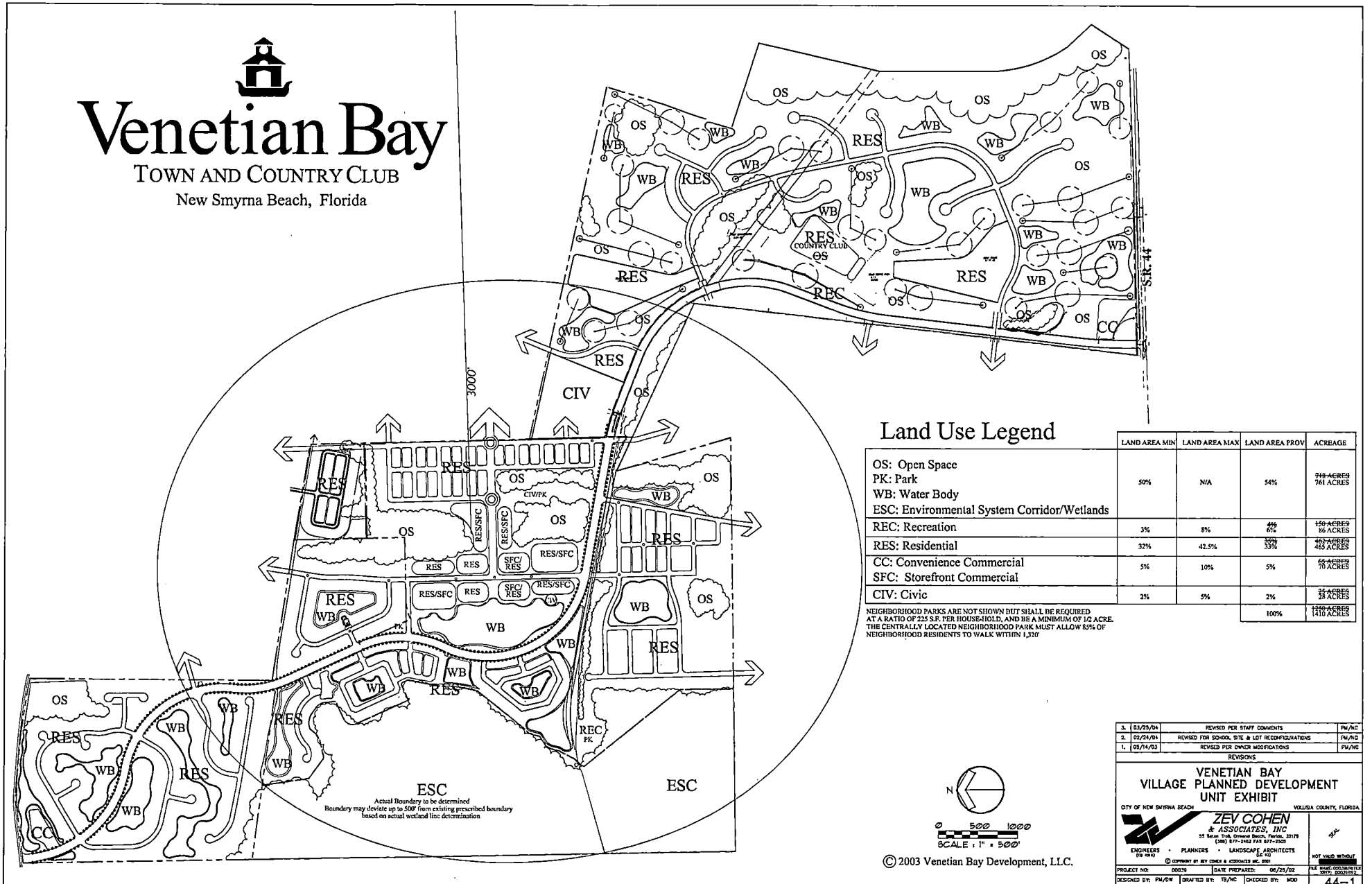
TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida



Land Use Legend

	LAND AREA MIN	LAND AREA MAX	LAND AREA PROV	ACREAGE
OS: Open Space PK: Park WB: Water Body ESC: Environmental System Corridor/Wetlands	50%	N/A	54%	~~748 ACRES~~ 761 ACRES
REC: Recreation	3%	8%	~~4%~~ 6%	~~150 ACRES~~ 86 ACRES
RES: Residential	32%	42.5%	~~50%~~ 33%	~~467 ACRES~~ 465 ACRES
CC: Convenience Commercial SFC: Storefront Commercial	5%	10%	5%	~~66 ACRES~~ 70 ACRES
CIV: Civic	2%	5%	2%	~~24 ACRES~~ 28 ACRES
			100%	~~1340 ACRES~~ 1410 ACRES

NEIGHBORHOOD PARKS ARE NOT SHOWN BUT SHALL BE REQUIRED AT A RATIO OF 225 S.F. PER HOUSEHOLD, AND BE A MINIMUM OF 1/2 ACRE. THE CENTRALLY LOCATED NEIGHBORHOOD PARK MUST ALLOW 85% OF NEIGHBORHOOD RESIDENTS TO WALK WITHIN 1,320'

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3.	03/25/04	REVISED PER STAFF COMMENTS	PM/NC
2.	02/24/04	REVISED FOR SCHOOL SITE & LOT RECONFIGURATIONS	PM/NC
1.	09/14/03	REVISED PER OWNER MODIFICATIONS	PM/NC

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VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
UNIT EXHIBIT

CITY OF NEW SMYRNA BEACH — VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
55 Seton Trail, Ormond Beach, Florida, 32176
(386) 677-2482 FAX 677-2503
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FILE NAME: 00039PHASE1 SHEET: 00039SP2

44-1
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EXHIBIT "D"
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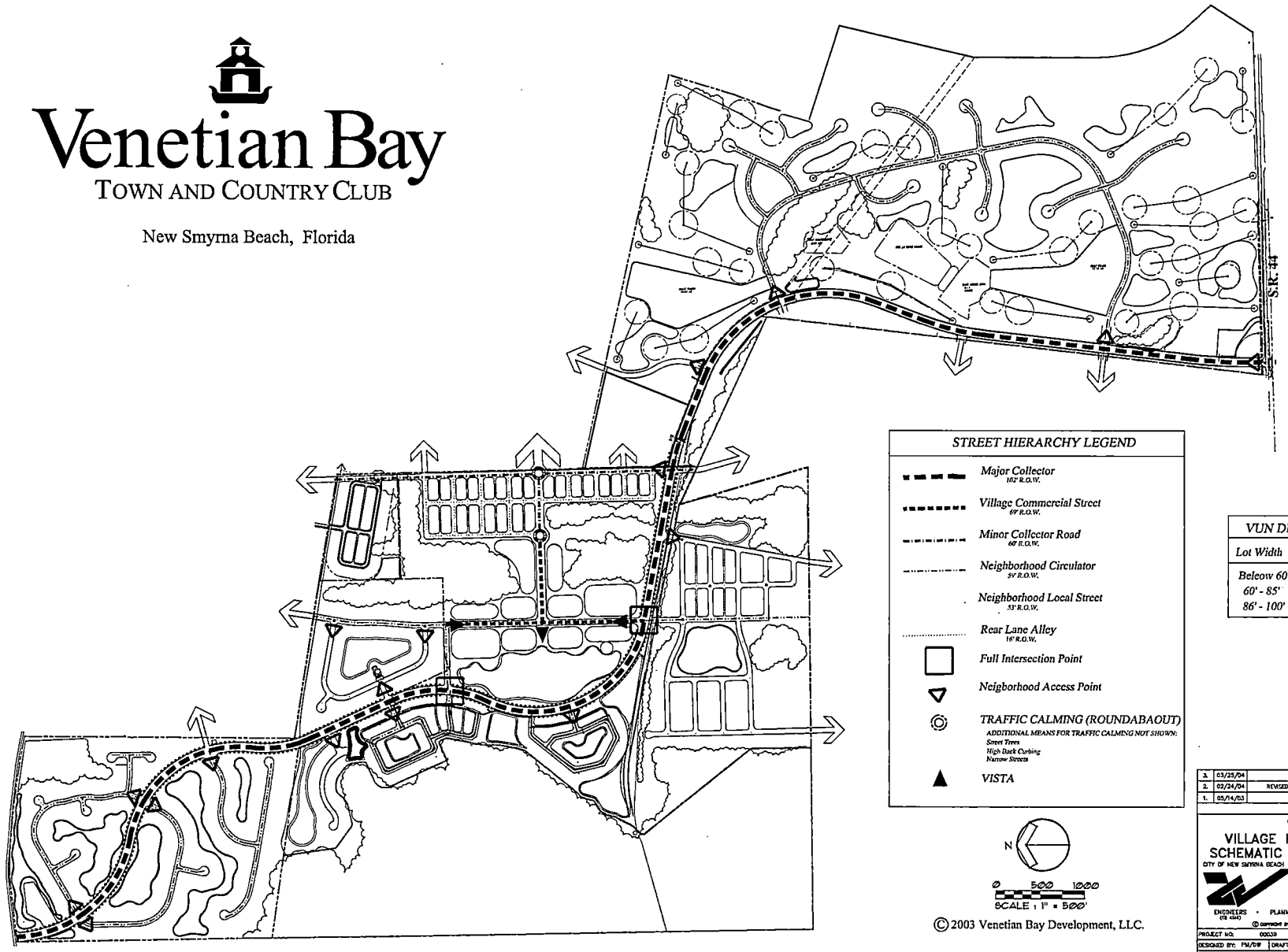
Instrument# 2016-000411 # 66
Book: 7202
Page: 3082

Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida



STREET HIERARCHY LEGEND

- Major Collector — 102' R.O.W.
- Village Commercial Street — 69' R.O.W.
- Minor Collector Road — 60' R.O.W.
- Neighborhood Circulator — 50' R.O.W.
- Neighborhood Local Street — 53' R.O.W.
- Rear Lane Alley — 16' R.O.W.
- Full Intersection Point
- Neigborhood Access Point
- TRAFFIC CALMING (ROUNDABAOUT)
  ADDITIONAL MEANS FOR TRAFFIC CALMING NOT SHOWN:
  Street Trees
  High Back Curbing
  Narrow Streets
- VISTA

VUN DEVELOPMENT BLOCKS

Lot Width	Max. Block Lengths
Beleow 60'	300'
60' - 85'	600'
86' - 100'	1000'

N

0 500 1000

SCALE : 1" = 500'

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3.	03/25/04	REVISED PER STAFF COMMENTS	PM/NC
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1.	05/14/03	REVISED PER OWNER MODIFICATIONS	PM/NC

REVISIONS

VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
SCHEMATIC STREET HIERARCHY PLAN

CITY OF NEW SMYRNA BEACH VOLUSIA COUNTY, FLORIDA

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4 of 7

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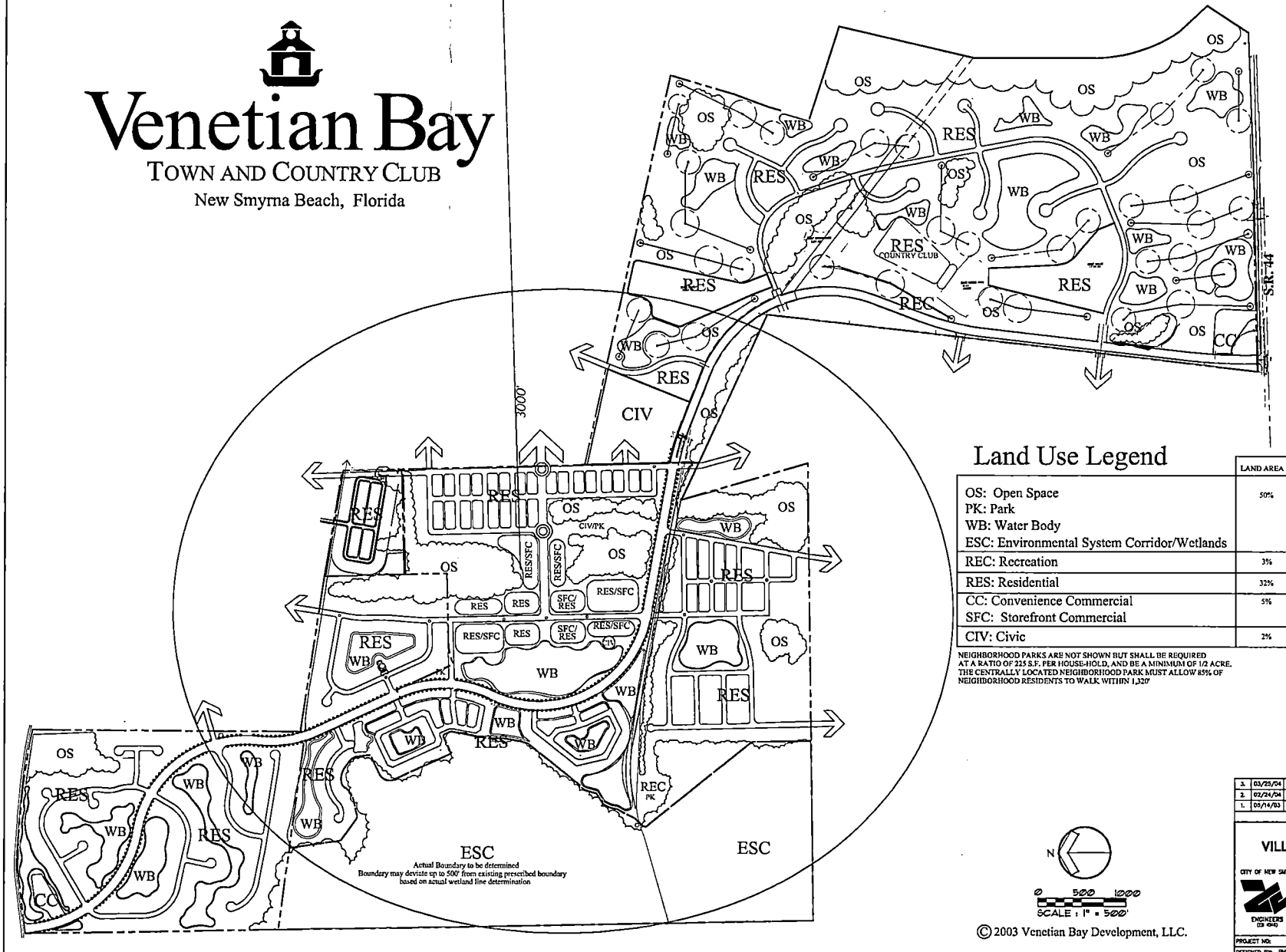
Book: 7202
Page: 3083

Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida



Land Use Legend

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N

0 500 1000

SCALE : 1" = 500'

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3.	03/25/04	REVISED PER STAFF COMMENTS	FM/NC
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1.	09/14/03	REVISED PER OWNER MODIFICATIONS	FM/NC

REVISIONS

VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
UNIT EXHIBIT

CITY OF NEW SMYRNA BEACH — VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
ENGINEERS · LANDSCAPE ARCHITECTS

PROJECT NO: 00039 | DATE PREPARED: 08/28/02 | FILE NAME: DOCUMENTS\00039\00039S2

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SCALE: 1" = 500' | SHEET: 3 OF 8

44-1
FILE LOCATION

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EXHIBIT "D"
5 of 7

Venetian Bay

TOWN AND COUNTRY CLUB

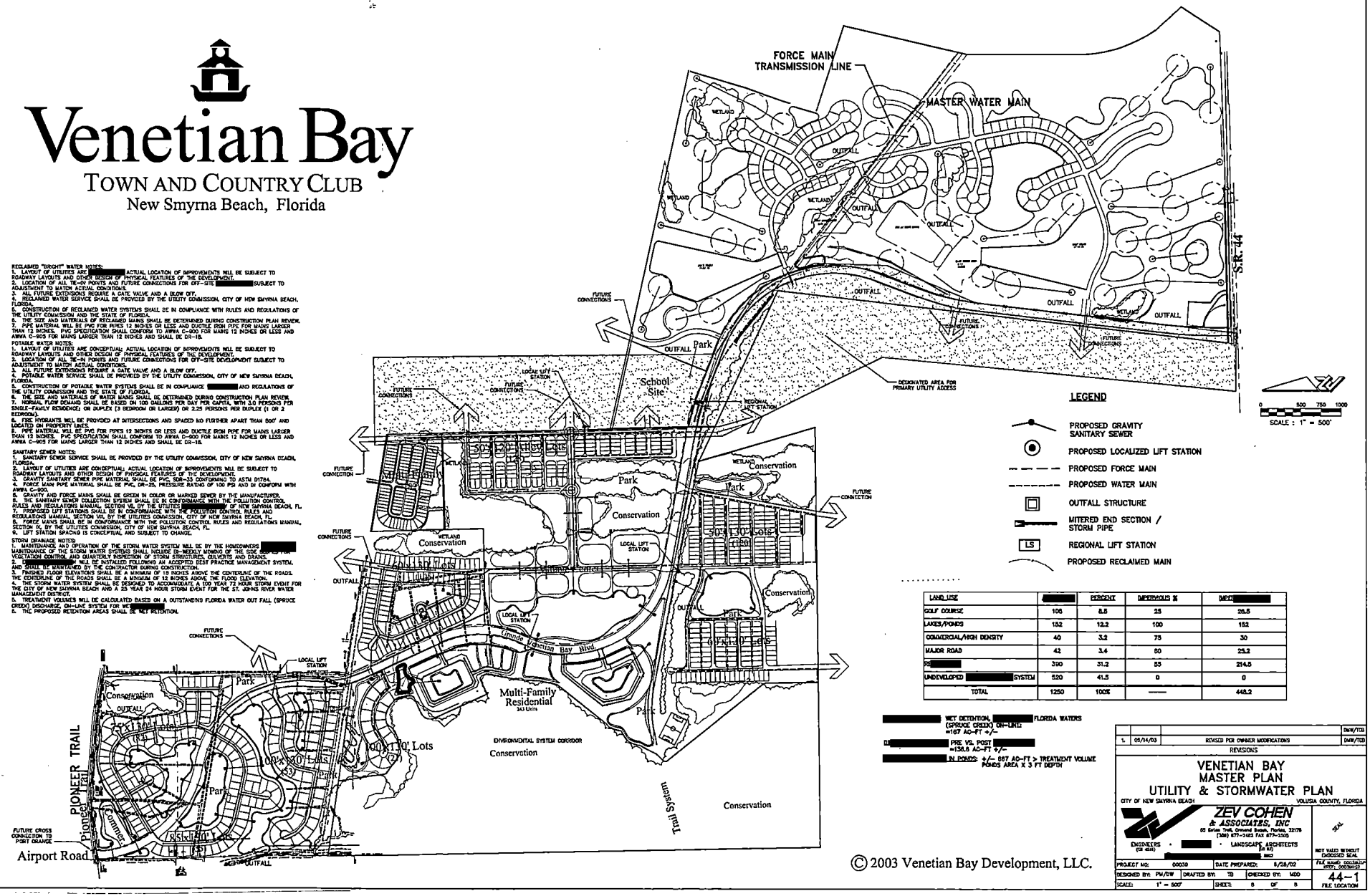
New Smyrna Beach, Florida

RECLAIMED "BRIGHT" WATER NOTES:
1. LAYOUT OF UTILITIES ARE [redacted] ACTUAL LOCATION OF IMPROVEMENTS WILL BE SUBJECT TO ROADWAY LAYOUTS AND OTHER DESIGN OF PHYSICAL FEATURES OF THE DEVELOPMENT.
2. LOCATION OF ALL TIE-IN POINTS AND FUTURE CONNECTIONS FOR OFF-SITE [redacted] SUBJECT TO ADJUSTMENT TO MATCH ACTUAL CONDITIONS.
3. ALL FUTURE EXTENSIONS REQUIRE A GATE VALVE AND A BLOW OFF.
4. RECLAIMED WATER SERVICE SHALL BE PROVIDED BY THE UTILITY COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA.
5. CONSTRUCTION OF RECLAIMED WATER SYSTEMS SHALL BE IN COMPLIANCE WITH RULES AND REGULATIONS OF THE UTILITY COMMISSION AND THE STATE OF FLORIDA.
6. THE SIZE AND MATERIALS OF RECLAIMED MAINS SHALL BE DETERMINED DURING CONSTRUCTION PLAN REVIEW.
7. PIPE MATERIAL WILL BE PVC FOR PIPES 12 INCHES OR LESS AND DUCTILE IRON PIPE FOR MAINS LARGER THAN 12 INCHES. PVC SPECIFICATION SHALL CONFORM TO AWWA C-900 FOR MAINS 12 INCHES OR LESS AND AWWA C-905 FOR MAINS LARGER THAN 12 INCHES AND SHALL BE DR-18.

POTABLE WATER NOTES:
1. LAYOUT OF UTILITIES ARE CONCEPTUAL; ACTUAL LOCATION OF IMPROVEMENTS WILL BE SUBJECT TO ROADWAY LAYOUTS AND OTHER DESIGN OF PHYSICAL FEATURES OF THE DEVELOPMENT.
2. LOCATION OF ALL TIE-IN POINTS AND FUTURE CONNECTIONS FOR OFF-SITE DEVELOPMENT SUBJECT TO ADJUSTMENT TO MATCH ACTUAL CONDITIONS.
3. ALL FUTURE EXTENSIONS REQUIRE A GATE VALVE AND A BLOW OFF.
4. POTABLE WATER SERVICE SHALL BE PROVIDED BY THE UTILITY COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA.
5. CONSTRUCTION OF POTABLE WATER SYSTEMS SHALL BE IN COMPLIANCE [redacted] AND REGULATIONS OF THE UTILITY COMMISSION AND THE STATE OF FLORIDA.
6. THE SIZE AND MATERIALS OF WATER MAINS SHALL BE DETERMINED DURING CONSTRUCTION PLAN REVIEW.
7. NORMAL FLOW DEMAND SHALL BE BASED ON 100 GALLONS PER DAY PER CAPITA, WITH 3.0 PERSONS PER SINGLE-FAMILY RESIDENCE; OR DUPLEX (3 BEDROOM OR LARGER) OR 2.25 PERSONS PER DUPLEX (1 OR 2 BEDROOM).
8. FIRE HYDRANTS WILL BE PROVIDED AT INTERSECTIONS AND SPACED NO FURTHER APART THAN 800' AND LOCATED ON PROPERTY LINES.
9. PIPE MATERIAL WILL BE PVC FOR PIPES 12 INCHES OR LESS AND DUCTILE IRON PIPE FOR MAINS LARGER THAN 12 INCHES. PVC SPECIFICATION SHALL CONFORM TO AWWA C-900 FOR MAINS 12 INCHES OR LESS AND AWWA C-905 FOR MAINS LARGER THAN 12 INCHES AND SHALL BE DR-18.

SANITARY SEWER NOTES:
1. SANITARY SEWER SERVICE SHALL BE PROVIDED BY THE UTILITY COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA.
2. LAYOUT OF UTILITIES ARE CONCEPTUAL; ACTUAL LOCATION OF IMPROVEMENTS WILL BE SUBJECT TO ROADWAY LAYOUTS AND OTHER DESIGN OF PHYSICAL FEATURES OF THE DEVELOPMENT.
3. GRAVITY SANITARY SEWER PIPE MATERIAL SHALL BE PVC, SDR-35 CONFORMING TO ASTM D1784.
4. FORCE MAIN PIPE MATERIAL SHALL BE PVC, DR-25, PRESSURE RATING OF 100 PSI AND DI CONFORM WITH AWWA C-900.
5. GRAVITY AND FORCE MAINS SHALL BE GREEN IN COLOR OR MARKED SEWER BY THE MANUFACTURER.
6. THE SANITARY SEWER COLLECTION SYSTEM SHALL BE IN CONFORMANCE WITH THE POLLUTION CONTROL RULES AND REGULATIONS MANUAL, SECTION VII, BY THE UTILITIES [redacted] OF NEW SMYRNA BEACH, FL.
7. PROPOSED LIFT STATIONS SHALL BE IN CONFORMANCE WITH THE POLLUTION CONTROL RULES AND REGULATIONS MANUAL, SECTION VII, BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FL.
8. FORCE MAINS SHALL BE IN CONFORMANCE WITH THE POLLUTION CONTROL RULES AND REGULATIONS MANUAL, SECTION VII, BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FL.
9. LIFT STATION SPACING IS CONCEPTUAL AND SUBJECT TO CHANGE.

STORM DRAINAGE NOTES:
1. MAINTENANCE AND OPERATION OF THE STORM WATER SYSTEM WILL BE BY THE HOMEOWNERS [redacted] MAINTENANCE OF THE STORM WATER SYSTEM SHALL INCLUDE ON-GOING MOWING OF THE SIDE [redacted] VEGETATION CONTROL AND QUARTERLY INSPECTION OF STORM STRUCTURES, CULVERTS AND DRAINS.
2. [redacted] WILL BE INSTALLED FOLLOWING AN ACCEPTED BEST PRACTICE MANAGEMENT SYSTEM, AND SHALL BE MAINTAINED BY THE CONTRACTOR DURING CONSTRUCTION.
3. FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 18 INCHES ABOVE THE CENTERLINE OF THE ROADS. THE CENTERLINE OF THE ROADS SHALL BE A MINIMUM OF 12 INCHES ABOVE THE FLOOD ELEVATION.
4. THE STORM WATER SYSTEM SHALL BE DESIGNED TO ACCOMMODATE A 100 YEAR 72 HOUR STORM EVENT FOR THE CITY OF NEW SMYRNA BEACH AND A 25 YEAR 24 HOUR STORM EVENT FOR THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT.
5. TREATMENT VOLUMES WILL BE CALCURATED BASED ON A OUTSTANDING FLORIDA WATER OUT FALL (SPRUCE CREEK) DISCHARGE, ON-LINE SYSTEM FOR WE[redacted]
6. THE PROPOSED RETENTION AREAS SHALL BE WET RETENTION.



LEGEND

- PROPOSED GRAVITY SANITARY SEWER
- PROPOSED LOCALIZED LIFT STATION
- PROPOSED FORCE MAIN
- PROPOSED WATER MAIN
- OUTFALL STRUCTURE
- MITERED END SECTION / STORM PIPE
- LS — REGIONAL LIFT STATION
- PROPOSED RECLAIMED MAIN

LAND USE	[redacted]	PERCENT	IMPERVIOUS %	IMPE[redacted]
GOLF COURSE	106	8.5	25	26.5
LAKES/PONDS	152	12.2	100	152
COMMERCIAL/HIGH DENSITY	40	3.2	75	30
MAJOR ROAD	42	3.4	80	25.2
RE[redacted]	390	31.2	55	214.5
UNDEVELOPED [redacted] SYSTEM	520	41.5	0	0
TOTAL	1250	100%	—	448.2

[redacted] WET DETENTION, [redacted] FLORIDA WATERS (SPRUCE CREEK) ON-LINE: =167 AC-FT +/-
[redacted] PRE VS. POST =126.6 AC-FT +/-
[redacted] IN PONDS: +/- 887 AC-FT > TREATMENT VOLUME PONDS AREA X 3 FT DEPTH

			DWN/TCD
1.	05/14/03	REVISED PER OWNER MODIFICATIONS	DWN/TCD

REVISIONS

VENETIAN BAY
MASTER PLAN
UTILITY & STORMWATER PLAN
CITY OF NEW SMYRNA BEACH — VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
ENGINEERS [redacted] LANDSCAPE ARCHITECTS [redacted]

NOT VALID WITHOUT EMBOSSED SEAL

PROJECT NO: 00039 | DATE PREPARED: 6/28/02 | FILE NAME: 00039MP2 | DISK: 00039MP2
DESIGNED BY: PW/DW | DRAFTED BY: TD | CHECKED BY: MDD
SCALE: 1" = 500' | SHEET: 6 OF 8

44-1
FILE LOCATION

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COMPOSITE
EXHIBIT "D"
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Venetian Bay

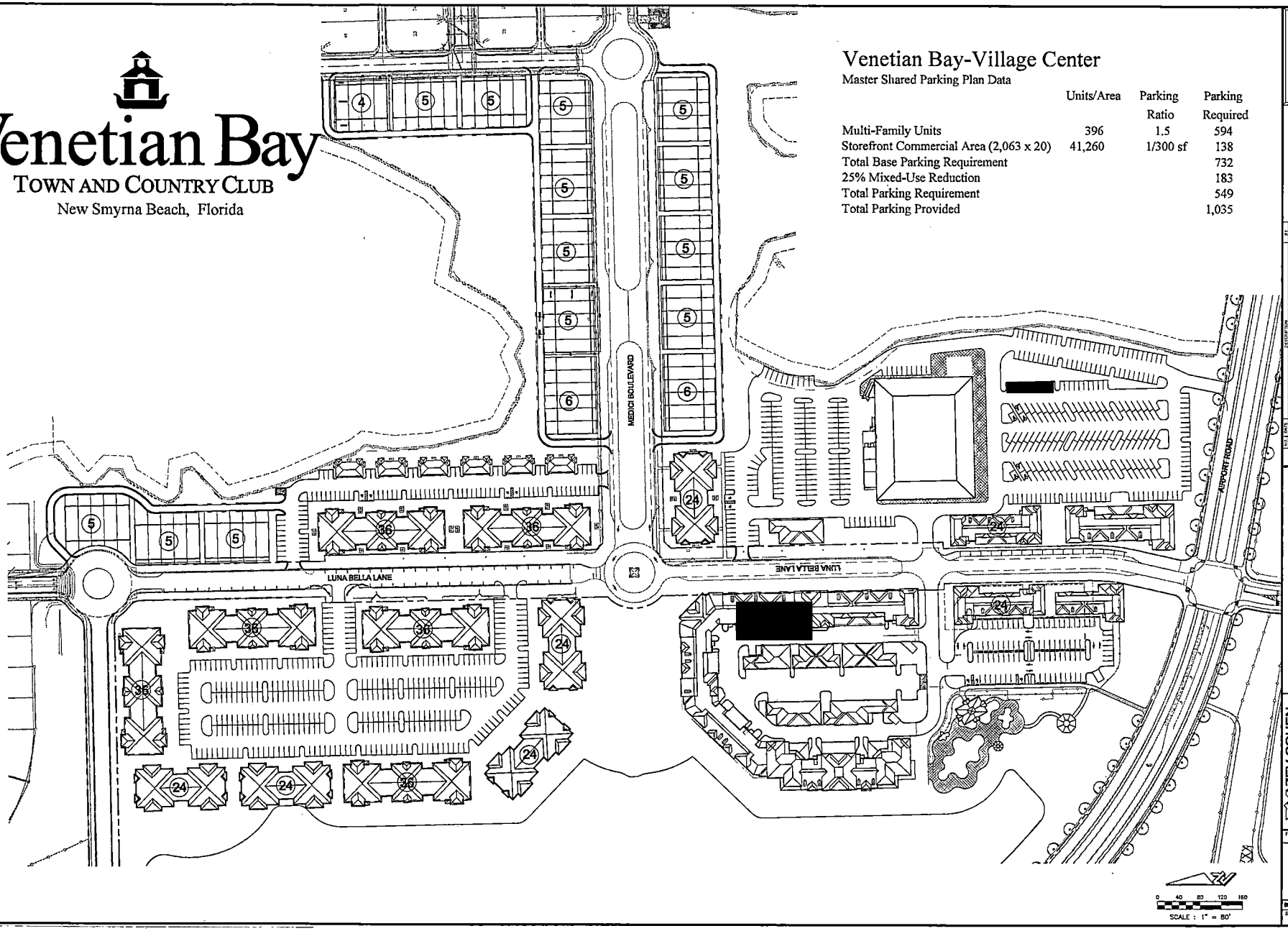
TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida

Venetian Bay-Village Center

Master Shared Parking Plan Data

	Units/Area	Parking Ratio	Parking Required
Multi-Family Units	396	1.5	594
Storefront Commercial Area (2,063 x 20)	41,260	1/300 sf	138
Total Base Parking Requirement			732
25% Mixed-Use Reduction			183
Total Parking Requirement			549
Total Parking Provided			1,035



VENETIAN BAY
SCHEMATIC
VILLAGE CENTER ENLARGEMENT
VOLUSIA COUNTY, FLORIDA
CITY OF NEW SMYRNA BEACH

ZEV COHEN & ASSOCIATES, INC.
CIVIL ENGINEERS · LANDSCAPE ARCHITECTS
PLANNERS · TRANSPORTATION · ENVIRONMENTAL
WWW.ZEVCOHEN.COM

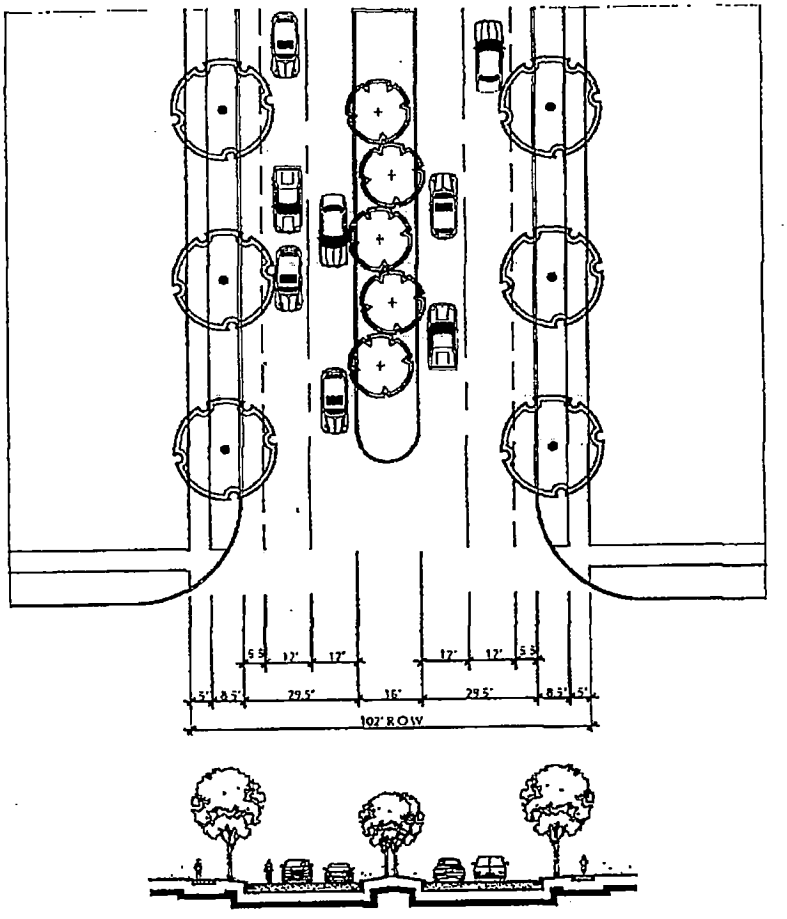
REVISIONS:

SCALE 1"TO 80'
SHEET C1 OF 1

COMPOSITE
EXHIBIT "D"
7 of 7

ROADWAY CROSS SECTIONS

MAJOR COLLECTOR BOULEVARD



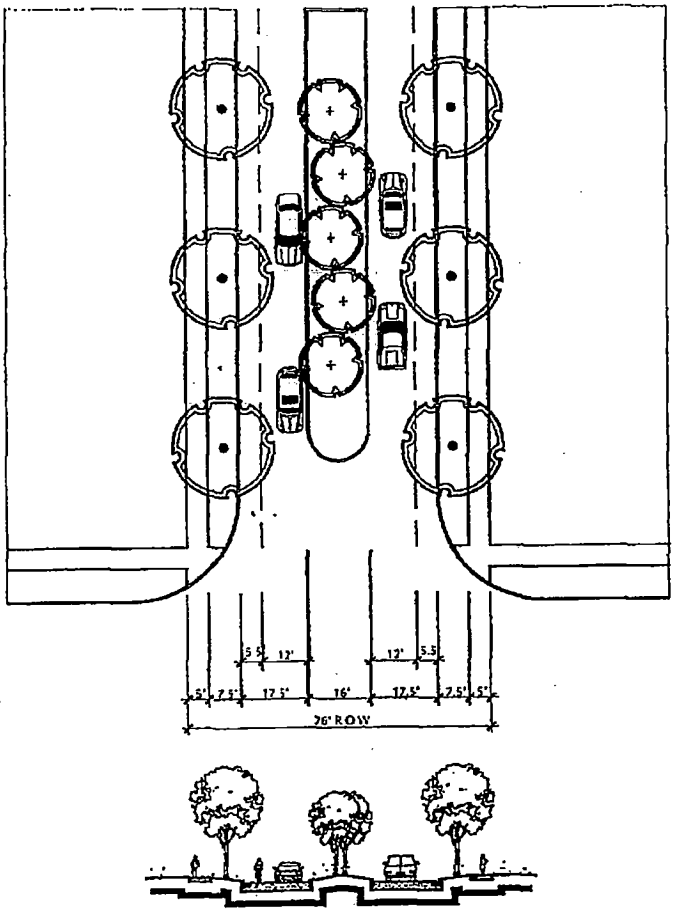
Major Collector Boulevard
N.T.S.

R.O.W. WIDTH	102'	MEDIAN WIDTH	16'
FACE OF CURB TO FACE OF CURB	29.5' (both sides)	SIDEWALK WIDTH	5'
TRAFFIC LANES	N/A	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12'	BIKE LANES	YES, 5.5' (includes gutter)
PARKING	NO	STRIPING	YES
PARKING WIDTH	N/A	STREET TREE SPACING	50'
DESIGN SPEED	45 MPH	LIGHTING	100' ALTERNATING
POSTED SPEED	35 MPH		15' HEIGHT
PARKWAY WIDTH	8.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

COMPOSITE
EXHIBIT "E"
1 OF 8

ROADWAY TYPICAL SECTIONS

MINOR COLLECTOR BOULEVARD



Minor Collector Boulevard
N.T.S.

R.O.W. WIDTH	76'	MEDIAN WIDTH	16'
FACE OF CURB TO FACE OF CURB	17.5' (both sides)	SIDEWALK WIDTH	5'
TRAFFIC LANES	N/A	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12'	BIKE LANES	YES, 5.5' (includes gutter)
PARKING	NO	STRIPING	YES
PARKING WIDTH	N/A	STREET TREE SPACING	50'
DESIGN SPEED	45 MPH	LIGHTING	100' ALTERNATING 15' HEIGHT
POSTED SPEED	35 MPH		
PARKWAY WIDTH	7.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

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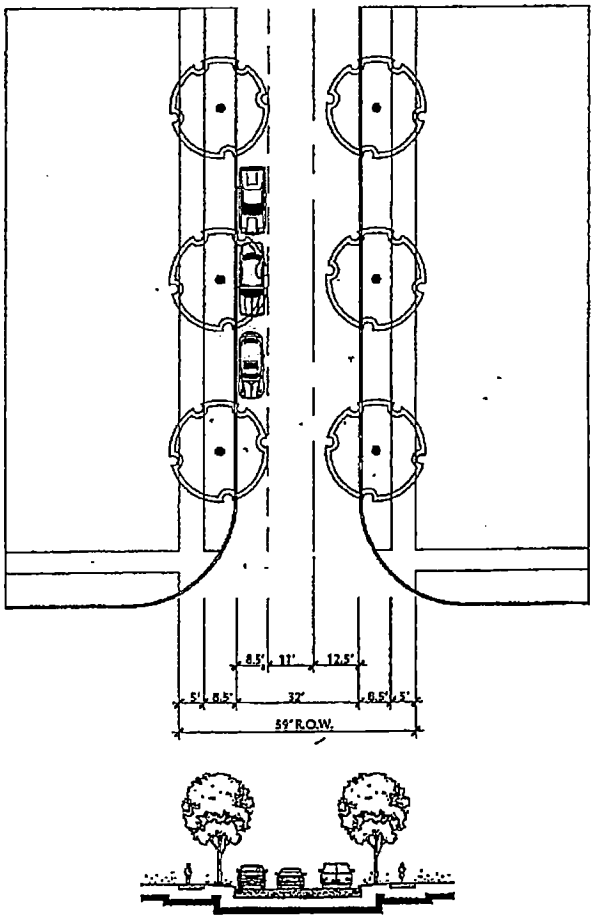
ROADWAY CROSS SECTIONS

NEIGHBORHOOD CIRCULATOR STREET

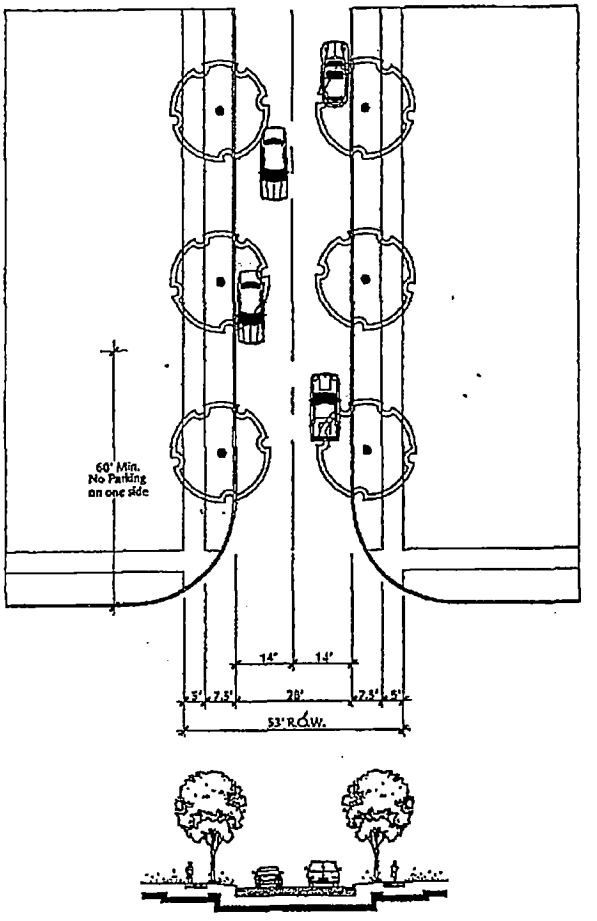


Neighborhood Circulator
N.T.S.

R.O.W. WIDTH	59'	MEDIAN WIDTH	N/A
FACE OF CURB TO FACE OF CURB	32' (includes gutters)	SIDEWALK WIDTH	5'
TRAFFIC LANES	TWO WAY	CURB RADIUS	25'
TRAFFIC LANE WIDTH	11'	BIKE LANES	NO
PARKING	ONE	STRIPING	NO
PARKING WIDTH	8.5' (includes gutter)	STREET TREE SPACING	40'
DESIGN SPEED	35 MPH	LIGHTING	100' ALTERNATING 14' HEIGHT
POSTED SPEED	25 MPH		
PARKWAY WIDTH	8.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

ROADWAY CROSS SECTIONS

NEIGHBORHOOD LOCAL STREET



Neighborhood Local
N.T.S.

R.O.W. WIDTH	53'	MEDIAN WIDTH	N/A
FACE OF CURB TO FACE OF CURB	28' (includes gutters)	SIDEWALK WIDTH	5'
TRAFFIC LANES	TWO WAY	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12.5' (includes gutters)	BIKE LANES	NO
PARKING	BOTH SIDES	STRIPING	NO
PARKING WIDTH	N/A	STREET TREE SPACING	30' TO 40'
DESIGN SPEED	30 MPH	LIGHTING	100' ALTERNATING
POSTED SPEED	25 MPH		14' HEIGHT
PARKWAY WIDTH	7.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

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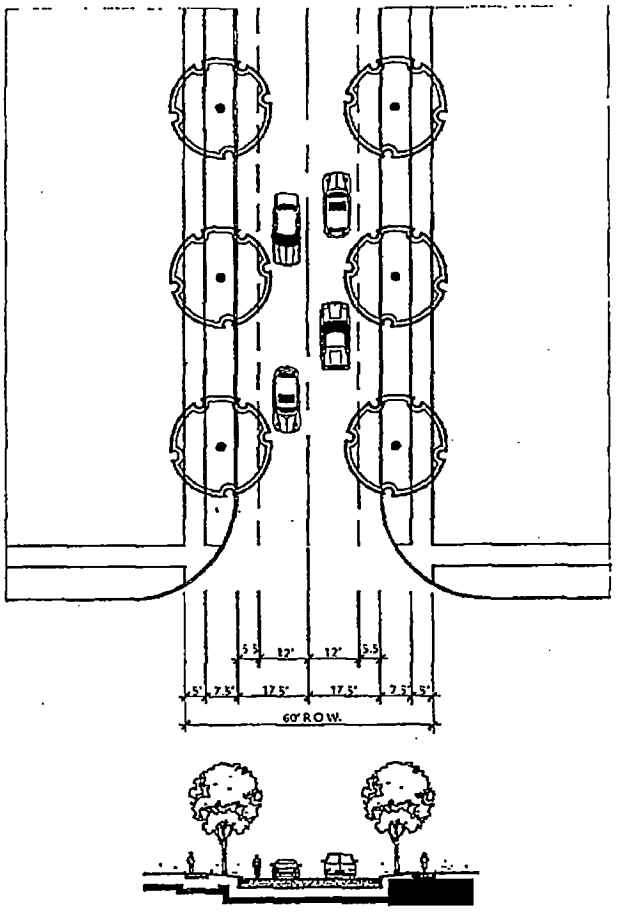
ROADWAY CROSS SECTIONS

MINOR COLLECTOR ROAD



Minor Collector Boulevard
N.T.S.

R.O.W. WIDTH	60'	MEDIAN WIDTH	N / A
FACE OF CURB TO FACE OF CURB	35'	SIDEWALK WIDTH	5'
TRAFFIC LANES	2	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12'	BIKE LANES	YES, 5.5' (includes gutter)
PARKING	NO	STRIPING	YES
PARKING WIDTH	N / A	STREET TREE SPACING	50'
DESIGN SPEED	45 MPH	LIGHTING	100' ALTERNATING
POSTED SPEED	35 MPH		15' HEIGHT
PARKWAY WIDTH	7.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

COMPOSITE
EXHIBIT "E"
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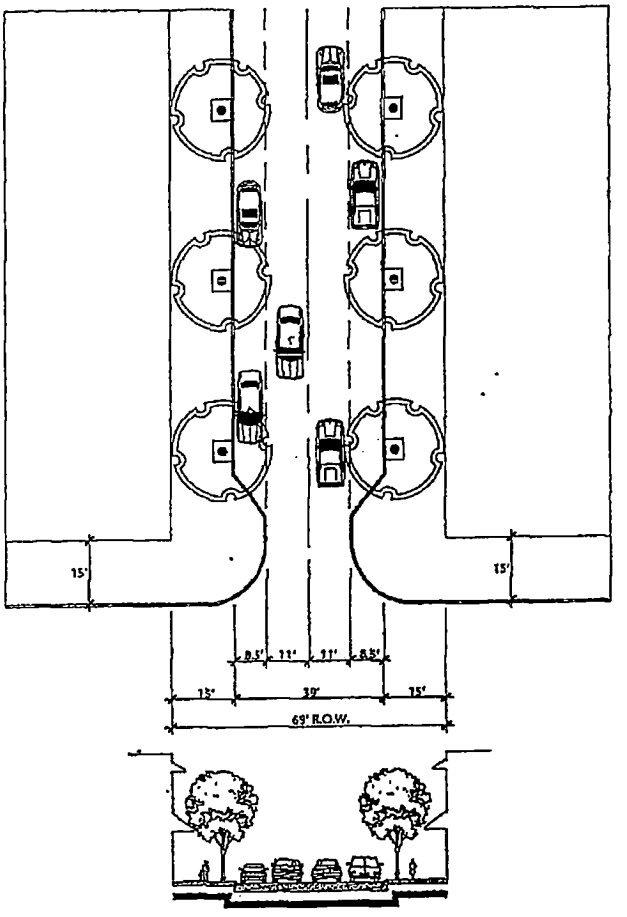
ROADWAY CROSS SECTIONS

VILLAGE COMMERCIAL STREET

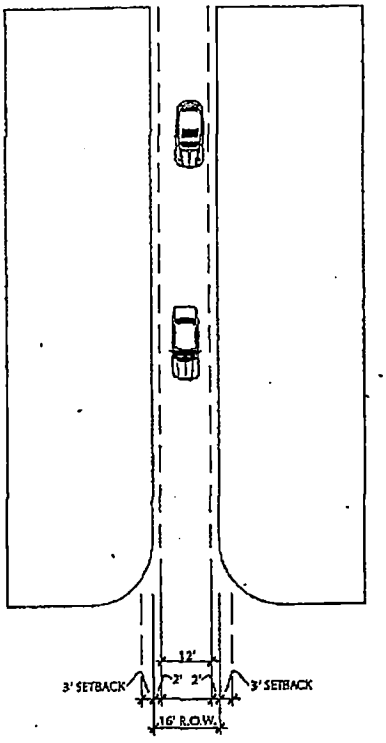


Village Center Commercial
N.T.S.

R.O.W. WIDTH	69'	MEDIAN WIDTH	N/A
FACE OF CURB TO FACE OF CURB	39'	SIDEWALK WIDTH	15'
TRAFFIC LANES	TWO WAY	CURB RADIUS	25'
TRAFFIC LANE WIDTH	11'	BIKE LANES	NO
PARKING LANES	TWO	STRIPING	YES
PARKING LANE WIDTH	8.5' (includes gutter)	STREET TREE SPACING	30' - 40'
DESIGN SPEED	25 MPH	LIGHTING	60' - 80' ALTERNATING 14' HEIGHT
POSTED SPEED	20 MPH		
PARKWAY WIDTH	N/A	TREE OFFSET FROM BACK OF CURB	3' MIN.

ROADWAY CROSS SECTIONS

REAR LANE - ALLEY



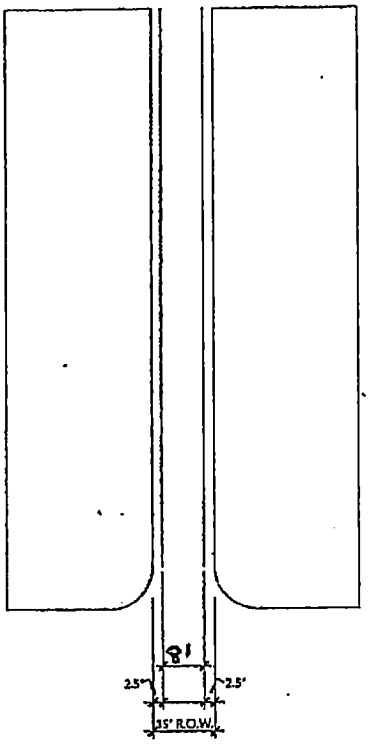


Rear Lane - Alley (One-way)
N.T.S.

R.O.W. EASEMENT WIDTH	16'	MEDIAN WIDTH	N/A
ROADWAY WIDTH	12'	SIDEWALK WIDTH	N/A
TRAFFIC LANES	ONE WAY	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12'	BIKE LANES	NO
PARKING	NO	STRIPING	NO
PARKING WIDTH	N/A	STREET TREE SPACING	N/A
DESIGN SPEED	5 MPH	LIGHTING	14' HEIGHT AT BLOCK ENDS
POSTED SPEED	N/A		
PARKWAY WIDTH	N/A		

ROADWAY CROSS SECTIONS

VILLAGE PATHWAY





Village Pathway
1" = 40'

R.O.W. WIDTH	15'	MEDIAN WIDTH	N/A
PATHWAY WIDTH	8'	SIDEWALK WIDTH	N/A
TRAFFIC LANES	N/A	CURB RADIUS	10'
TRAFFIC LANE WIDTH	N/A	BIKE LANES	NO
PARKING LANES	N/A	STRIPING	NO
PARKING LANE WIDTH	N/A	STREET TREE SPACING	N/A
DESIGN SPEED	N/A	LIGHTING	N/A
PARKWAY WIDTH	2.5'		

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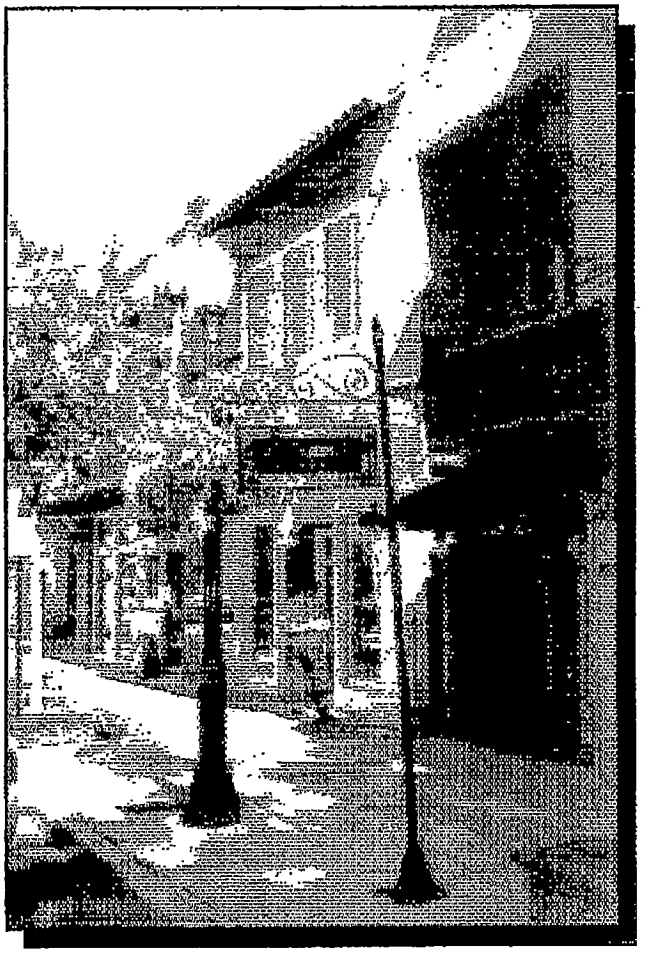
DESIGN STANDARDS GRAPHICS

TYPICAL MAIN STREET AMBIANCE



STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #1

COMPOSITE
EXHIBIT "F"
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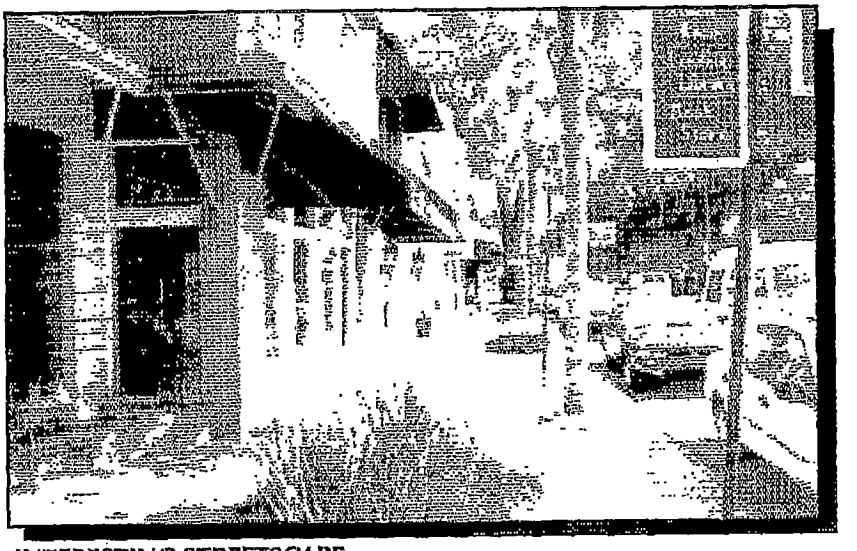
DESIGN STANDARDS GRAPHICS

DESIREABLE STREETSCAPE & BUILDING SCALE





INTERESTING STREETSCAPE

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #2 COMPOSITE

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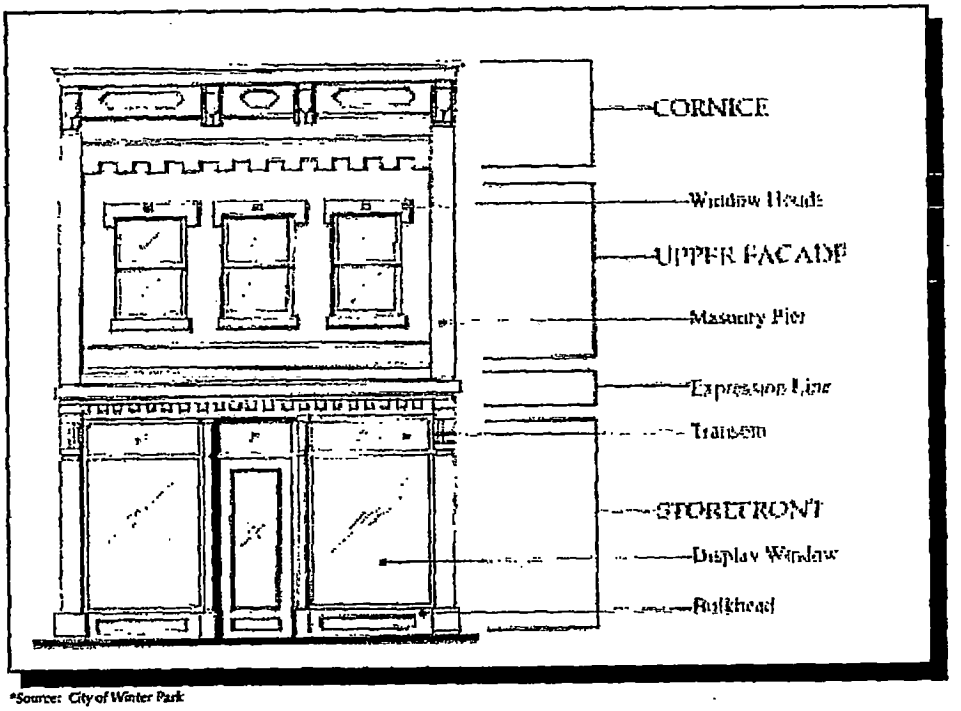
DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE



*Source: City of Winter Park

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #3

COMPOSITE
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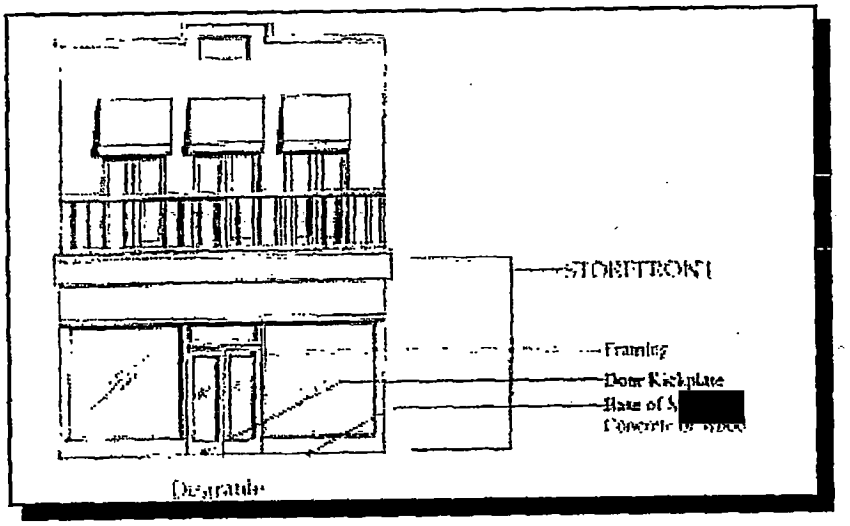
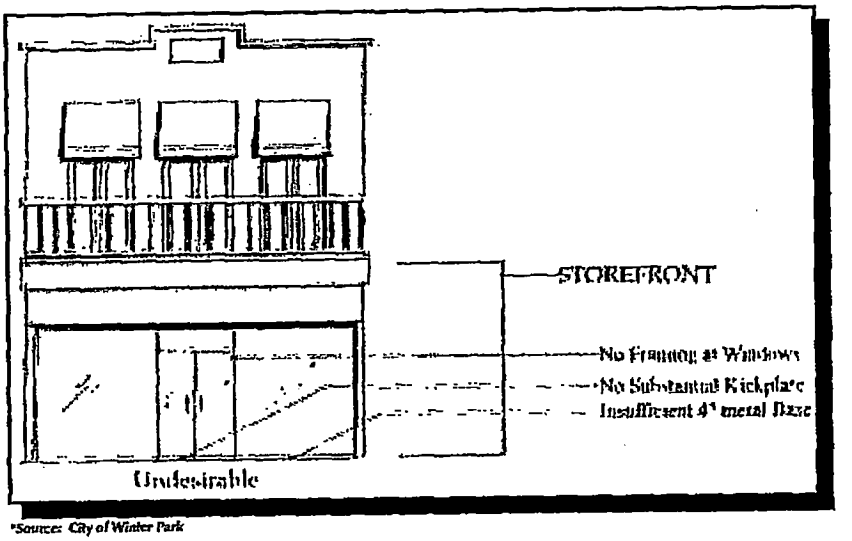
DESIGN STANDARDS GRAPHICS

CHARACTERISTICS OF STOREFRONT



*Source: City of Winter Park



*Source: City of Winter Park

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #4

COMPOSITE
EXHIBIT "F"
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DESIGN STANDARDS GRAPHICS

STOREFRONT CORNICE AND EXPRESSION LINE CHARACTERISTICS

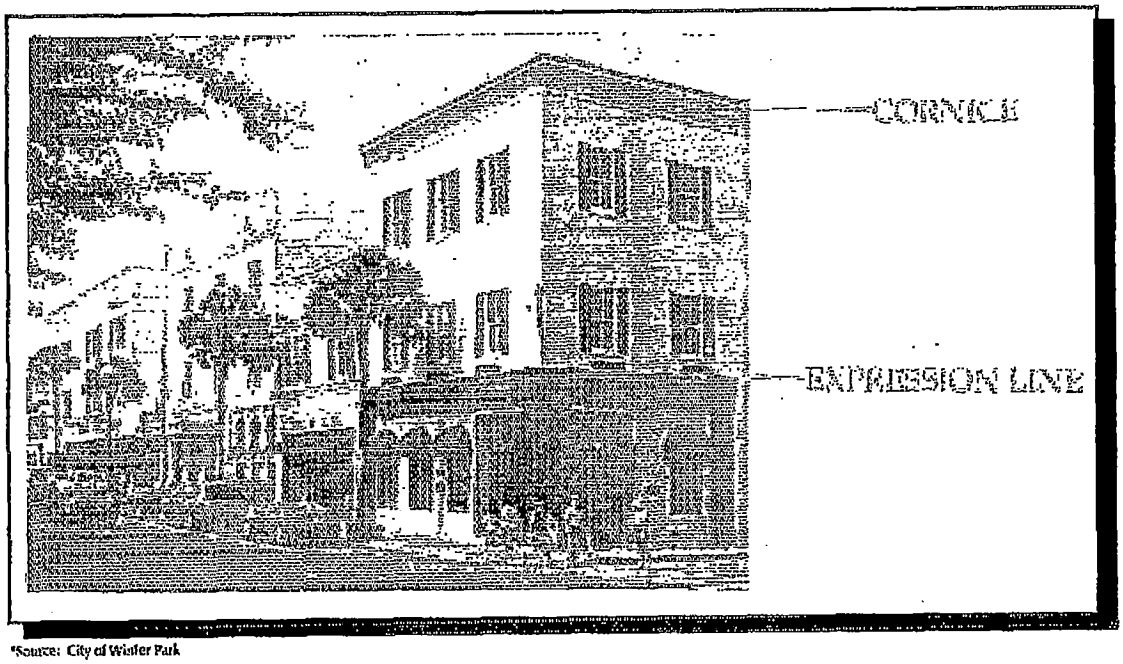
Expression Line

The Expression Line is the architectural feature on the façade, which delineates the transition between the ground floor fevel and the upper façade. This detail reinforces the pedestrian scale and traditional composition of the architecture.

An Expression Line shall be either a cornice or molding extending a minimum of three inches, or offset in the surface plan of the building wall of a minimum of three inches.

Cornice

The cornice, which is the top architectural feature of the building, generally reflects the style of the building. In many cases the cornices have historical as well as architectural significance and therefore should be preserved as a contributing element to the appeal of the building. As a result, this cornice should not be covered within incompatible material, veneers or signs, building owners and tenants are encouraged, when possible, to expose the cornice façade in order to achieve these goals.



*Source: City of Winter Park

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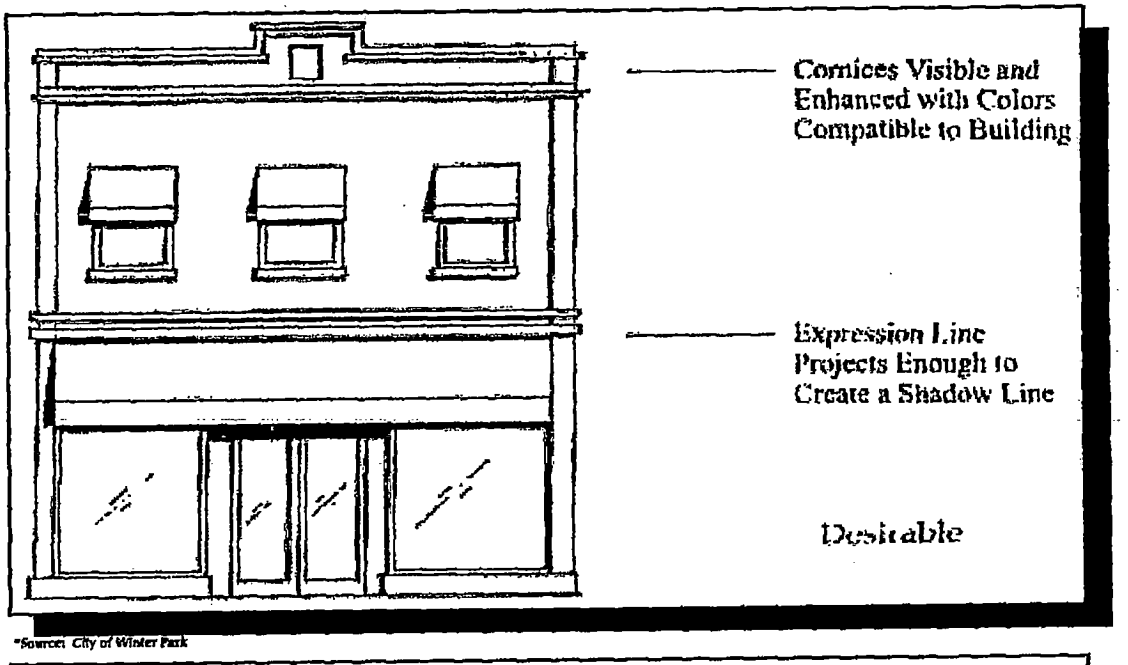
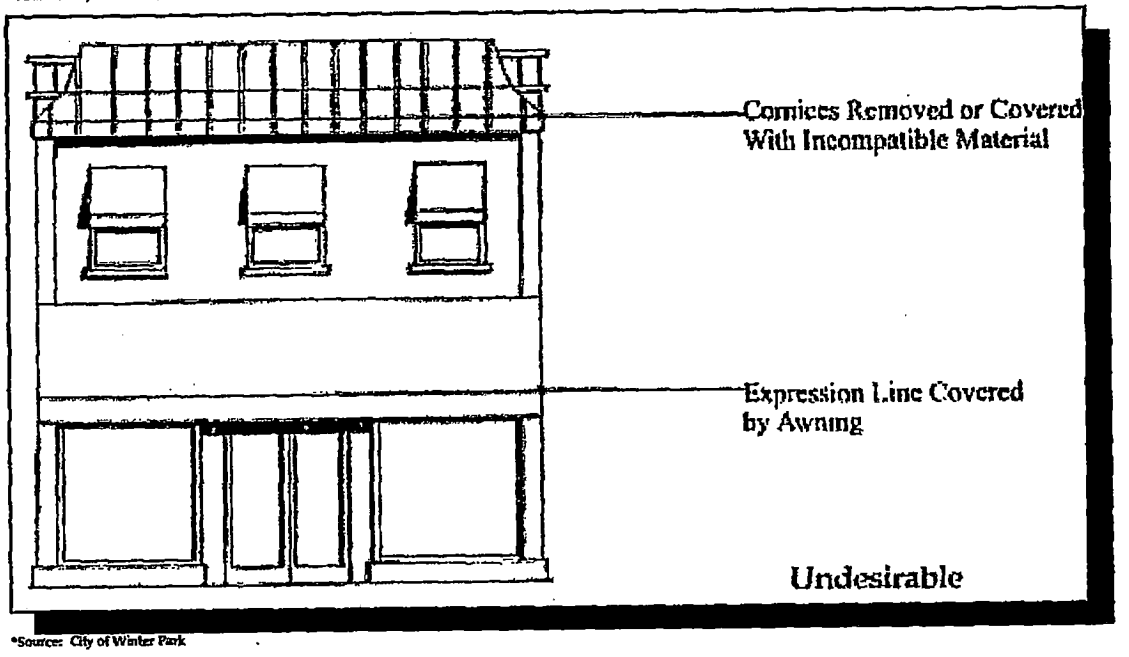
DESIGN STANDARDS GRAPHICS

STOREFRONT CORNICE AND EXPRESSION LINE CHARACTERISTICS



*Source: City of Winter Park



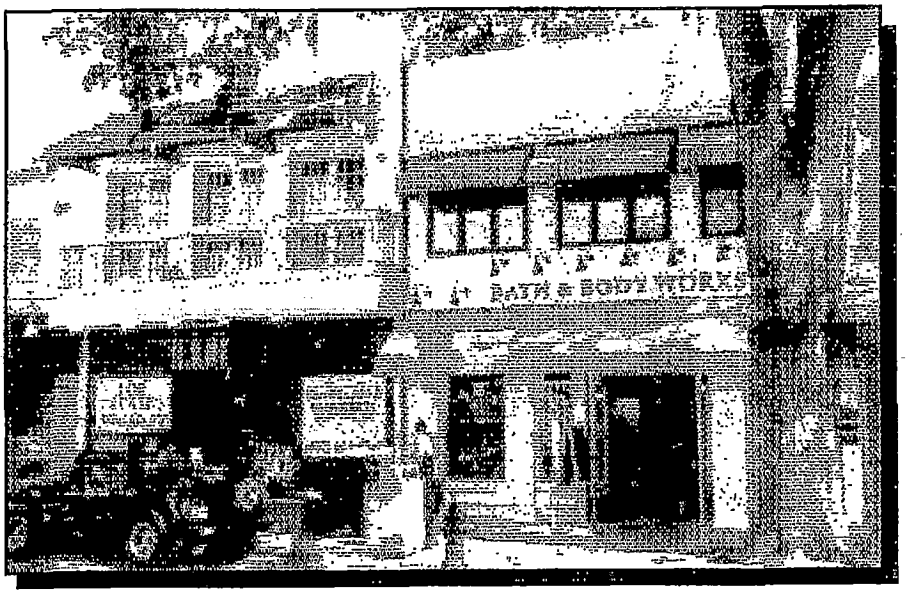
*Source: City of Winter Park

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #6

DESIGN STANDARDSGRAPHICS

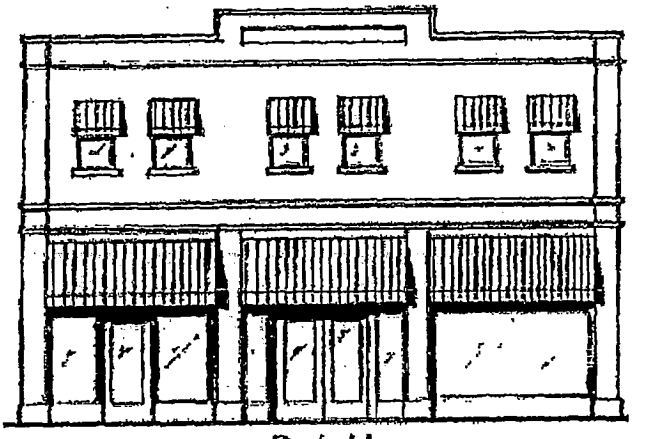
EXAMPLES OF APPROPRIATE FACADES AND ROOF PITCHES





DESIGN STANDARDS GRAPHICS

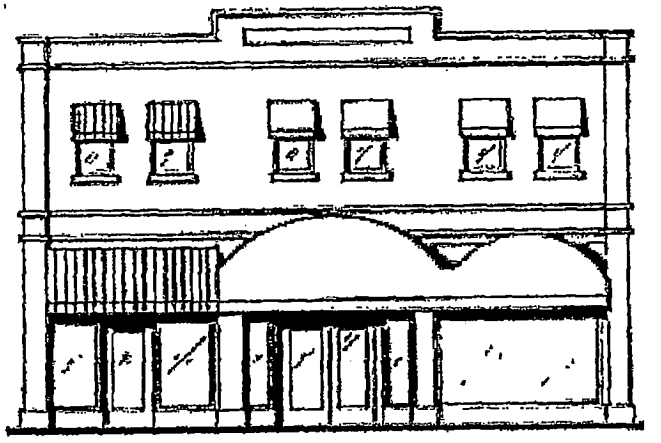
AWNING CHARACTERISTICS



Desirable

Second Story Awnings Coordinate with Ground Floor Storefront Awnings

Awnings Uniform in Height, Size, Materials and color



Undesirable

Second Story Awnings are not Coordinated with Storefront Awnings

Awning Covers Area between Second Story Window and Cornice

Awnings are Uneven, Inappropriate Shapes and Sizes

*Source: City of Winter Park

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #8 COMPOSITE
EXHIBIT "F"
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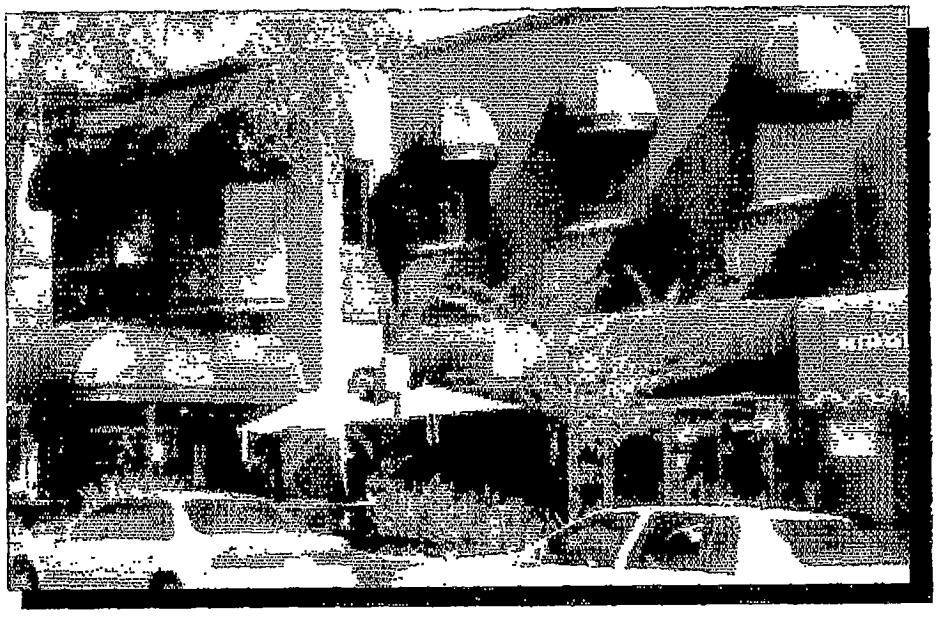
DESIGN STANDARDS GRAPHICS

TYPICAL AWNING CHARACTERISTICS



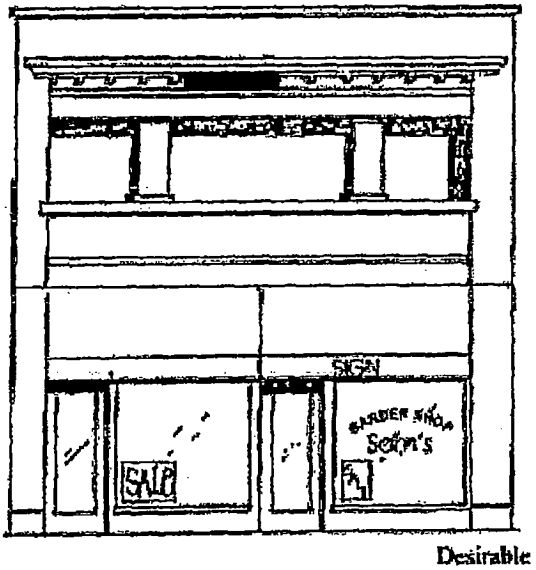


STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #9

DESIGN STANDARDS GRAPHICS

STOREFRONT SIGN CHARACTERISTICS



Desirable

Signs are Coordinated in Size and Placement with Building and Adjacent Storefront



Awning Sign Covers Masonry Pier

Sale Sign too Large for Storefront and Poorly Placed in Display Window

Undesirable Not Permitted

*Source: City of Winter Park

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #10

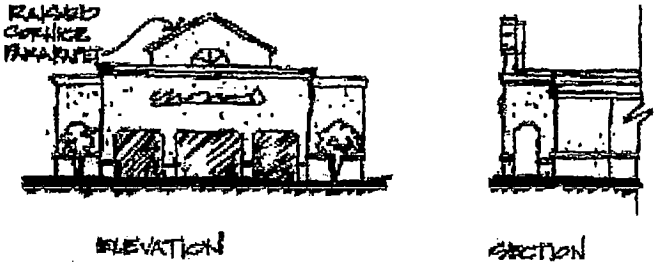
COMPOSITE
EXHIBIT "F"
Page 10 of 15

Instrument# 2016-000411 # 88
Book: 7202
Page: 3104

DESIGN STANDARDS GRAPHICS

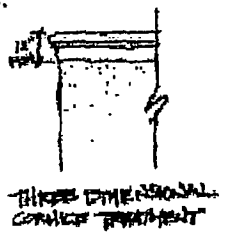
ROOF OPTIONS

A. Decorative parapets.

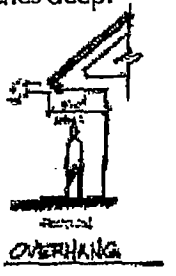


RAISED CORNICE PARAPET

B. Three dimensional cornice.

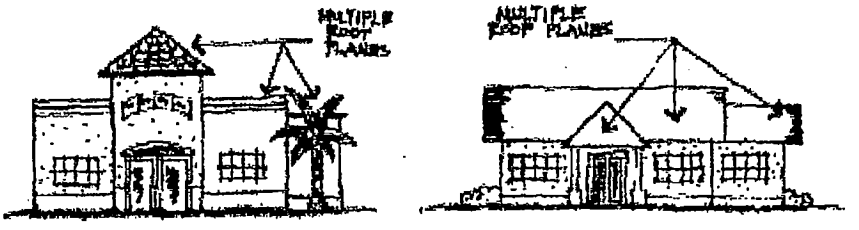


C. Overhanging eaves that extend at least three (3) feet beyond the supporting walls, with a minimum facia of six (6) inches deep.



OVERHANG

D. Three or more planes per primary facade.



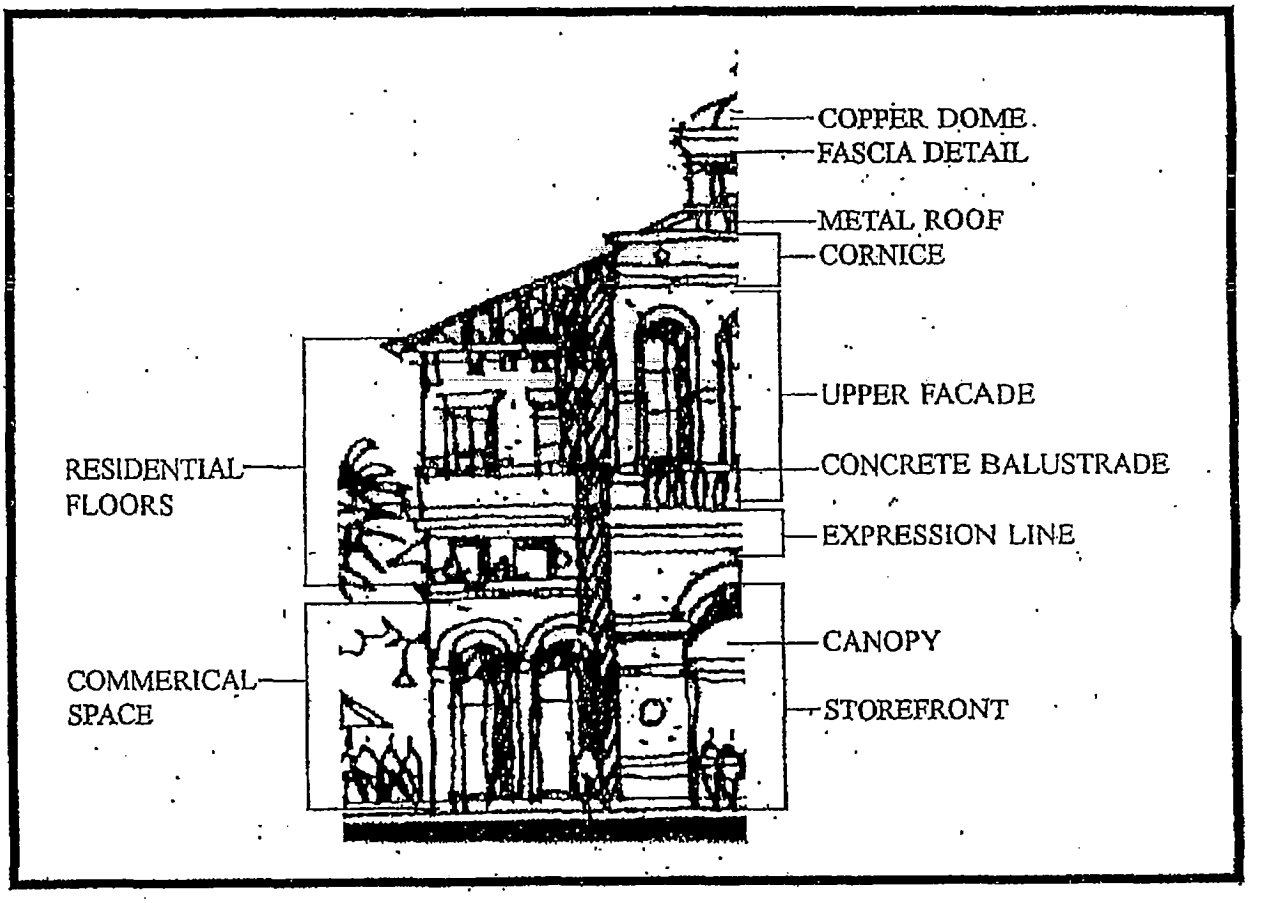
CONVENIENCE COMMERCIAL (CC) LANDUSE ZONE

EXHIBIT #11

COMPOSITE
EXHIBIT "F"
Page 11 of 15

DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE
ALTERNATE MEDITERRANEAN SCHEME



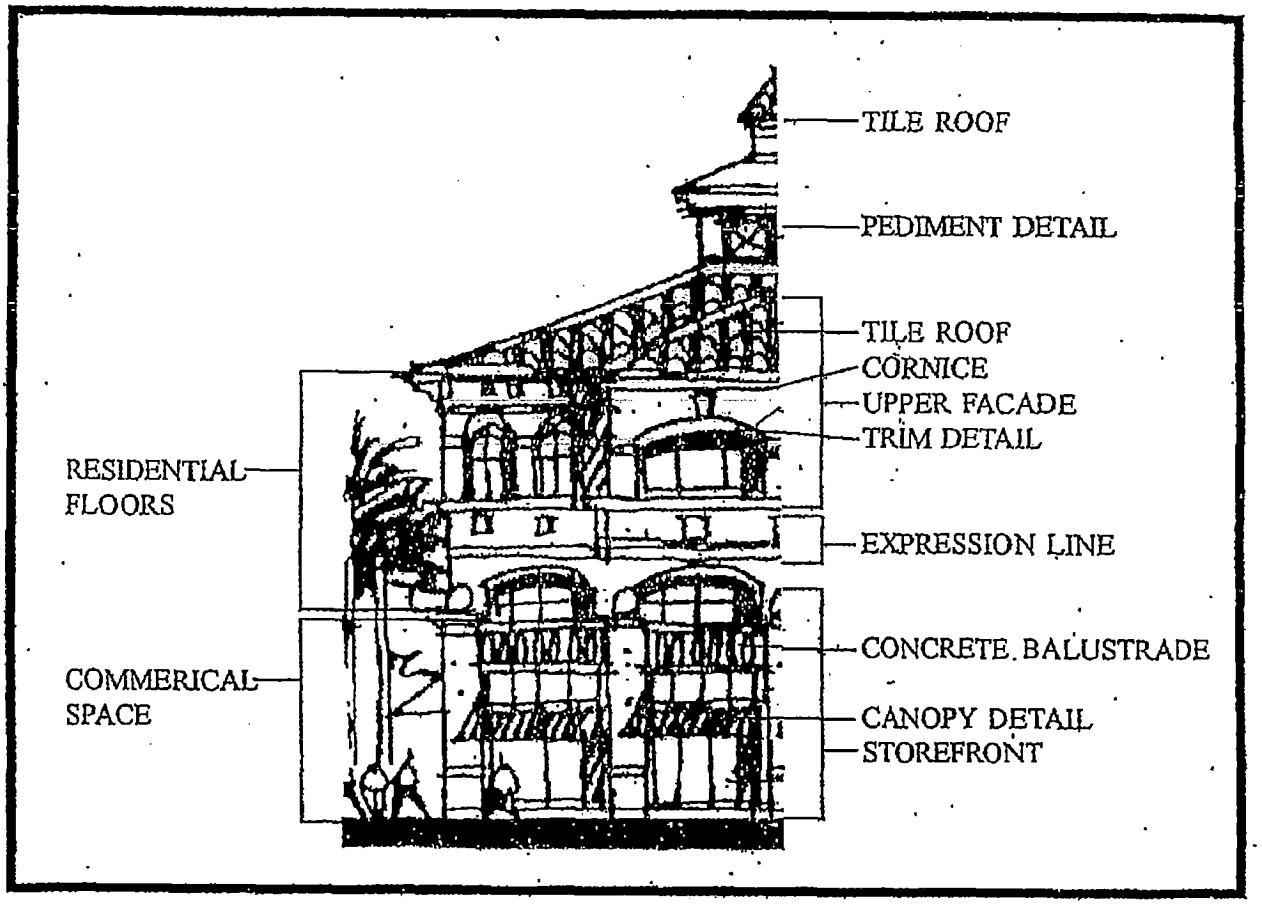
STOREFRONT COMMERICAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUBDISTRICT – EXHIBIT # 1

COMPOSITE
EXHIBIT "F"
Page 12 of 15

DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE
ALTERNATE MEDITERRANEAN SCHEME

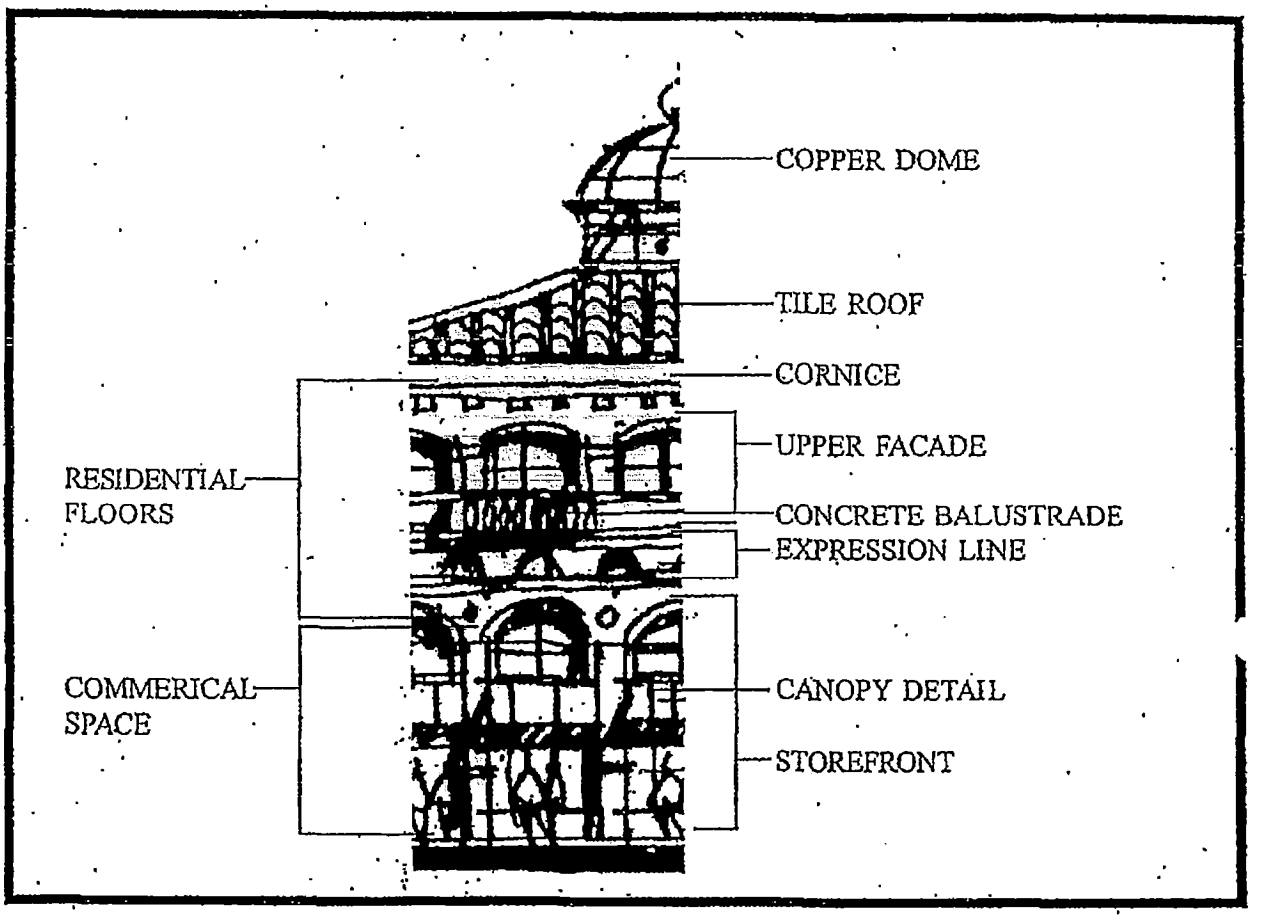


STOREFRONT COMMERICAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUBDISTRICT – EXHIBIT # 2

DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE
ALTERNATE MEDITERRANEAN SCHEME



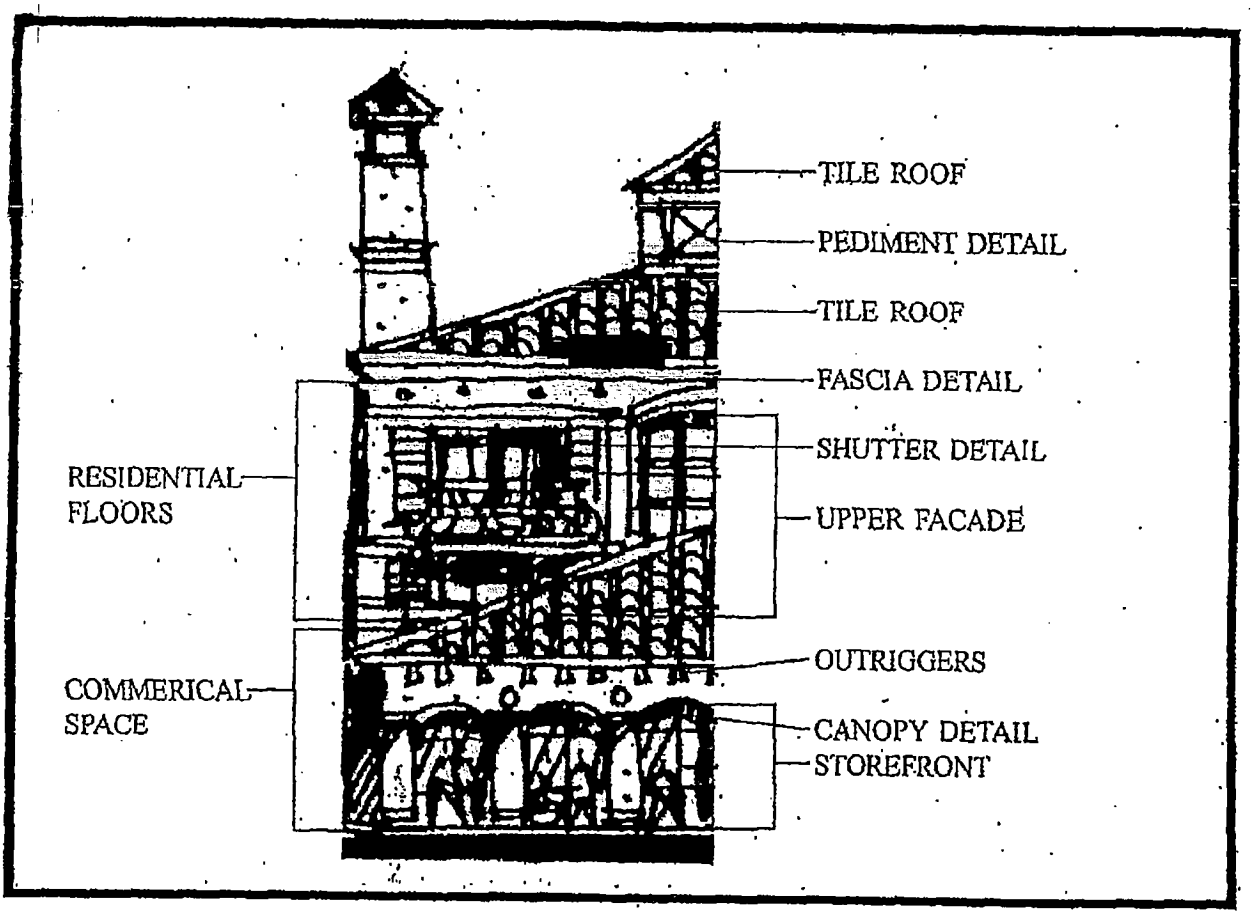
STOREFRONT COMMERICAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUBDISTRICT – EXHIBIT # 3

Instrument# 2016-000411 # 92
Book: 7202
Page: 3108
Diane M. Matousek
Volusia County, Clerk of Court

DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE
ALTERNATE MEDITERRANEAN SCHEME



STOREFRONT COMMERICAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUBDISTRICT – EXHIBIT # 4

Composite
Exhibit "F"
Page 15 of 15

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0880-2024 215 N. AIRPORT RD. (TRACT G); OWNER: GEOSAM CAPITAL US (VENETIAN BAY) LP; OFFICER: BARBARA BOBELAK

February 26, 2025

Background:

Violation: Paid parking operation within the Venetian Bay Planned Unit Development (PUD) Village Center that is not a permitted or accessory use.

VENETIAN BAY VILLAGE, VILLAGE PLANNED DEVELOPOMENT PLANNED UNIT DEVELOPMENT (VPD-PUD) AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA) ORDINANCE #109-5

Compliance Date: January 24, 2025

Method of Service: Property posted on January 3, 2025; Certified mail sent January 3, 2025 and signed for on January 6, 2025 at one location and January 7, 2025 at another location.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

5Q CCSM-0880-2024 215 N Airport Rd. Tract G.pdf
Pg. 1 to 50 Ven Bay Amended & Restated MDA - Rec 2016 as 13 th Amendment.pdf
Pg. 51-92 Ven Bay Amended & Restated MDA - Rec 2016 as 13 th Amendment.pdf

CODE CASE DETAILED REPORT CE-0880-2024
FOR CITY OF NEW SMYRNA BEACH

Case Type:	Code Enforcement	**Project:**		**Opened Date:**	12/11/2024
Status:	In Progress	**District:**	New Smyrna Beach	**Closed Date:**	NOT CLOSED
Assigned To:	Barbara Bobelak	**Description:**	Paid parking area established without the required change to the PUD. Paid parking is not a permitted use within the PUD.		

Parcel: 73070100000G Main	**Address:** 215 N Airport Rd Main New Smyrna Beach, FL 32168	**Zone:** PUD (PLANNED UNIT DEVELOPMENT)

Complainant

City Of New Smyrna Beach
Shane Corbin

Business: 3864102836

Owner

Geosam Capital Us (Venetian Bay) Lp
Mac Hagan

424 Luna Bella Ln, STE 122
New Smyrna Beach, FL 32168

Mobile: 3863667510

Note	Created By	Date and Time Created
1. Assigned to: Barbara Bobelak	Barbara Bobelak	12/11/2024 1:18 pm
2. Using this as violation of city code VENETIAN BAY VILLAGE, VILLAGE PLANNED DEVELOPOMENT PLANNED UNIT DEVELOPMENT (VPD-PUD) AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA) ORDINANCE #109-5	Barbara Bobelak	12/16/2024 10:06 am

Activity Type	Activity Number	Activity Name	User	Created On
Phone Call	PC-003581-2024	Complaint	Barbara Bobelak	12/11/2024

Bobelak, Barbara

From: Corbin, Shane
Sent: Monday, October 7, 2024 3:54 PM
To: Bobelak, Barbara
Subject: RE: Proper signage

Legal said its not our issue to enforce.

Thanks,
Shane

From: Bobelak, Barbara <bbobelak@cityofnsb.com>
Sent: Monday, October 7, 2024 2:24 PM
To: Corbin, Shane <SCorbin@cityofnsb.com>
Subject: RE: Proper signage

Shane,

I have not dealt with this issue. The only parking signs we have dealt with are for valet parking. I can check with Parking Enforcement to see if they have dealt with this in the past.

Barb

From: Corbin, Shane <SCorbin@cityofnsb.com>
Sent: Monday, September 30, 2024 3:48 PM
To: Bobelak, Barbara <bbobelak@cityofnsb.com>
Subject: FW: Proper signage

Have you ever dealt with this issue?

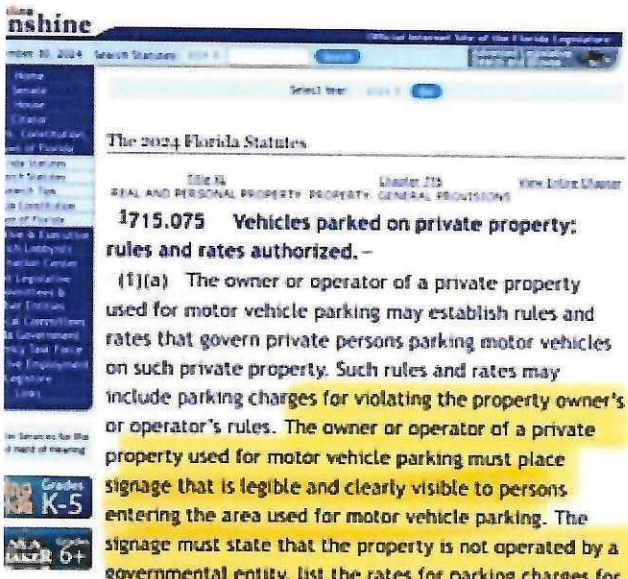
Shane

From: Katie Liller <thespaatvenetianbay@gmail.com>
Sent: Monday, September 30, 2024 3:44 PM
To: Cowper, Kevin <kcowper@cityofnsb.com>; Cleveland, Fred <mayor@cityofnsb.com>; Corbin, Shane <SCorbin@cityofnsb.com>; McGuirk, Jason <jmcguirk@cityofnsb.com>; Hartman, Randy <rhartman@cityofnsb.com>
Cc: Ken Garguilo <kengar1@gmail.com>
Subject: Proper signage

CAUTION: EXTERNAL EMAIL

City officials,
Tomorrow GEOSAM is starting their paid parking program. I would like to point out that there there is zero signage that shows their rules, fines, contact info and or parking agreement. I believe this needs to be posted in order to legally start charging for parking. Can the city come and inspect to make sure they are following state guidelines? I never got a response from anyone from my last email and am still hoping to hear back from someone.

Statutes & Constitution :View Statutes : Online Sunshine
leg.state.fl.us



The 2024 Florida Statutes

Title XL — Chapter 715 — View Entire Chapter
REAL AND PERSONAL PROPERTY: PROPERTY: GENERAL PROVISIONS

715.075 Vehicles parked on private property; rules and rates authorized.—

(1)(a) The owner or operator of a private property used for motor vehicle parking may establish rules and rates that govern private persons parking motor vehicles on such private property. Such rules and rates may include parking charges for violating the property owner's or operator's rules. The owner or operator of a private property used for motor vehicle parking must place signage that is legible and clearly visible to persons entering the area used for motor vehicle parking. The signage must state that the property is not operated by a governmental entity, list the rates for parking charges for violating the rules of the property owner or operator, provide a working phone number and an e-mail address to receive inquiries and complaints, and provide notice of the grace period and appeal process provided by this section. Such signage may be regulated by the county or municipality in which the property is located.

(b) An invoice for parking charges issued under this section must include the following statement in uppercase type:

THIS INVOICE IS PRIVATELY ISSUED, IS NOT ISSUED BY A GOVERNMENTAL AUTHORITY, AND IS NOT SUBJECT TO CRIMINAL PENALTIES.

(c) An invoice for parking charges issued for violating the rules of the property owner or operator of a private property used for motor vehicle parking must be placed on the motor vehicle in a prominent location or mailed within 5 business days of the violation. The owner or operator of a private property used for motor vehicle parking may not assess a late fee until expiration of the 15-day period following the denial of any appeal filed pursuant to paragraph (d) or for a period of at least 30

Katie Liller
The Spa at Venetian Bay

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 6552649 **Parcel ID: 73070100000G**
GEOSAM CAPITAL US (VENETIAN BAY) LP 215 N AIRPORT LN, NEW SMYRNA BEACH, FL

Parcel Summary

Alternate Key:	6552649
Parcel ID:	73070100000G
Township-Range-Section:	17 - 33 - 07
Subdivision-Block-Lot:	01 - 00 - 000G
Owner(s):	GEOSAM CAPITAL US (VENETIAN BAY) LP - FS - Fee Simple - 100
Mailing Address On File:	1275 W GRANADA BLVD SUITE 3B ORMOND BEACH FL 32174
Physical Address:	215 N AIRPORT LN, NEW SMYRNA BEACH 32168
Property Use:	7700 - CLB/LDG/UN HALL
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	7455
Subdivision Name:	VENETIAN BAY PH 1B UT 1
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$472,172	$472,172	$0	$472,172	1.5000	$708.26
0012	DISCRETIONARY	$472,172	$472,172	$0	$472,172	0.7480	$353.18
0011	REQ LOCAL EFFORT	$472,172	$472,172	$0	$472,172	3.0370	$1,433.99
0050	GENERAL FUND	$472,172	$472,172	$0	$472,172	3.2007	$1,511.28
0053	LAW ENFORCEMENT FUND	$472,172	$472,172	$0	$472,172	1.5994	$755.19
0055	LIBRARY	$472,172	$472,172	$0	$472,172	0.3891	$183.72
0520	MOSQUITO CONTROL	$472,172	$472,172	$0	$472,172	0.1647	$77.77
0530	PONCE INLET PORT AUTHORITY	$472,172	$472,172	$0	$472,172	0.0692	$32.67
0058	VOLUSIA ECHO	$472,172	$472,172	$0	$472,172	0.2000	$94.43
0057	VOLUSIA FOREVER	$472,172	$472,172	$0	$472,172	0.2000	$94.43
0065	FLORIDA INLAND NAVIGATION DISTRICT	$472,172	$472,172	$0	$472,172	0.0288	$13.60
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$472,172	$472,172	$0	$472,172	0.7506	$354.41
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$472,172	$472,172	$0	$472,172	0.1793	$84.66
0271	NEW SMYRNA BCH I&S 2005	$472,172	$472,172	$0	$472,172	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$472,172	$472,172	$0	$472,172	0.0895	$42.26
0270	NEW SMYRNA BEACH	$472,172	$472,172	$0	$472,172	4.6370	$2,189.46
						16.7933	$7,929.33

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	49	$104.00	$5,096.00
			$5,096.00

Estimated Ad Valorem Tax:	$7,929.33
Estimated Non-Ad Valorem Tax:	$5,096.00
Estimated Taxes:	**$13,025.33**
Estimated Tax Amount without SOH:	$13,025.33

AltKey: 6552649 **Parcel ID: 73070100000G**

GEOSAM CAPITAL US (VENETIAN BAY) LP 215 N AIRPORT LN, NEW SMYRNA BEACH, FL

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$469,683	$2,489	$472,172	$472,172	$0	$472,172	$0
2023	$457,941	$2,355	$460,296	$460,296	$0	$460,296	$0
2022	$457,941	$2,167	$460,108	$460,108	$0	$460,108	$0
2021	$437,098	$1,955	$439,053	$431,874	$0	$431,874	$0
2020	$437,098	$1,948	$439,046	$392,613	$0	$392,613	$0
2019	$425,285	$1,787	$427,072	$356,921	$0	$356,921	$0
2018	$62,021	$272,629	$334,650	$324,474	$0	$324,474	$0
2017	$62,021	$261,703	$323,724	$294,976	$0	$294,976	$0
2016	$56,705	$265,022	$321,727	$268,160	$0	$268,160	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

TRACT G VENETIAN BAY PHASE 1B-UNIT 1 MB 52 PGS 71-91 INC EXC IRREG PARCEL IN SECS 7 & 18 MEAS 423.86 FT ON E/L AND MEAS APPROX 182 FT ON N/L PER OR 6731 PG 1108 PER OR 6766 PG 3360 PER OR 6766 PG 3366

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL 32168
386-410-2870

Case Number: CE-0880-2024
Case Type: Code Enforcement
Date Case Established: 12/16/2024
Compliance Deadline: 01/24/2025

Violation Notice

Owner: GEOSAM CAPITAL US (VENETIAN BAY) LP

Mailing Address

GEOSAM CAPITAL US (VENETIAN BAY) LP
1275 W. GRANADA BLVD SUITE 3B
ORMOND BEACH, FL 32174

GEOSAM CAPITAL GROUP
2170 SATELLITE BLVD., SUITE 425
DULUTH, GA 30097-6270

Notice of Violation for the following location:

Address

215 N AIRPORT RD
NEW SMYRNA BEACH, FL 32168

Parcel

73070100000G

Violation: Paid parking operation within the Venetian Bay Planned Unit Development (PUD) Village Center that is not a permitted or accessory use.

VENETIAN BAY VILLAGE, VILLAGE PLANNED DEVELOPOMENT PLANNED UNIT DEVELOPMENT (VPD-PUD) AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA) ORDINANCE #109-5

COMPOSITE EXHIBIT "B" LAND USE ZONE STANDARDS

B. STOREFRONT COMMERCIAL (SFC):

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL 32168
386-410-2870

Case Number: CE-0880-2024
Case Type: Code Enforcement
Date Case Established: 12/16/2024
Compliance Deadline: 01/24/2025

Violation Notice

1. Intent: The Storefront Commercial land use zone is intended to be applied in the initial VPD-PUD unless it is designed to be expanded into one contiguous VPD-PUD and shall provide much of the retail and other commercial needs of the village. The zone requires a fine grain of pedestrian oriented development and a high degree of urban design based upon traditional downtown storefronts.

   Refer to Appendix F "Design Standards Graphics": Typical Main Street Ambiance and Desirable Streetscape and Building scale.

2. Sub-Districts Permitted: The Storefront Commercial District shall only be permitted within the centrally located Village Center (VC) Sub-District.

3. Development Standards:
   a. Permitted and Accessory Uses:
      - Retail Sales and Service
      - Outdoor Retail Sales and Service
      - Hotel and Time Share
      - General Office
      - Professional Office
      - Personal Service
      - Restaurants (no drive through)
      - Sidewalk Cafes with tables and menu
      - Residential units located above ground floor commercial
      - Helipad Use (ground not rooftop)

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL 32168
386-410-2870

Case Number: CE-0880-2024
Case Type: Code Enforcement
Date Case Established: 12/16/2024
Compliance Deadline: 01/24/2025

Violation Notice

- Civic and Recreation
- Drive through facilities for banks, savings and loans, institutional uses located at the rear of a building in a parking lot and accessed by service streets, or parking lots.
- Any use typically incidental to a principal use permitted by right when conducted as an accessory to such a principal use. Outdoor display shall be allowed. "Sidewalk tables" and temporary signage shall not be considered a sign.
- Gas pumps located away from the main pedestrian commercial streets.

b. Prohibited Uses:

- Any use not permitted shall be prohibited unless it is determined to be essentially the same as a permitted use.
- Drive through facilities for all restaurants, automobile, truck, RV, and boat dealerships and similar uses with large vehicular display areas.

See Map of Tract G Attached

Corrective Action: Cease and desist the paid parking activity. An amendment to the current PUD that adds paid parking to the list of permitted and accessory uses is needed for the activity to be eligible for a Business Tax Receipt (BTR). A BTR is required for all paid parking lots per Sec. 74-147 of the city's code of ordinances. Contact the Planning Department for information on the PUD amendment application at (386) 410 2835.

Requested Compliance Date: 01/24/2025

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL 32168
386-410-2870

Case Number: CE-0880-2024
Case Type: Code Enforcement
Date Case Established: 12/16/2024
Compliance Deadline: 01/24/2025

Violation Notice

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:
1275 W. GRANADA BLVD SUITE 3B- 9214 8901 9403 8394 6407 85
2170 SATELLITE BLVD., SUITE 425- 9214 8901 9403 8394 6408 84
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck

Teresa Merck
Code Compliance Clerk
Date: 01/03/2025

Contact: Barbara Bobelak
Code Compliance Supervisor
Phone: (386) 410-2871
Email: bbobelak@cityofnsb.com

SPECIAL MAGISTRATE
City of New Smyrna Beach

Notice of Hearing

GEOSAM CAPITAL US (VENETIAN BAY) LP
424 LUNA BELLA LN STE 122
NEW SMYRNA BEACH, FL 32168

CASE NO. CE-0880-2024
215 N. Airport Rd.
New Smyrna Beach, FL

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **Wednesday, February 26th, 2025**, at 2:00 pm in the City Commission Chambers, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5,000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of this action at the City Clerks Office, City of New

Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Enforcement Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. §286.0105, Fla. Stat.

SPECIAL MAGISTRATE
City of New Smyrna Beach

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this Notice of Hearing was served on the party(ies) at the address as described above by:

(√) Certified Mail, Return Receipt Requested Receipt Number: See below
(√) Post
( ) Hand Delivery

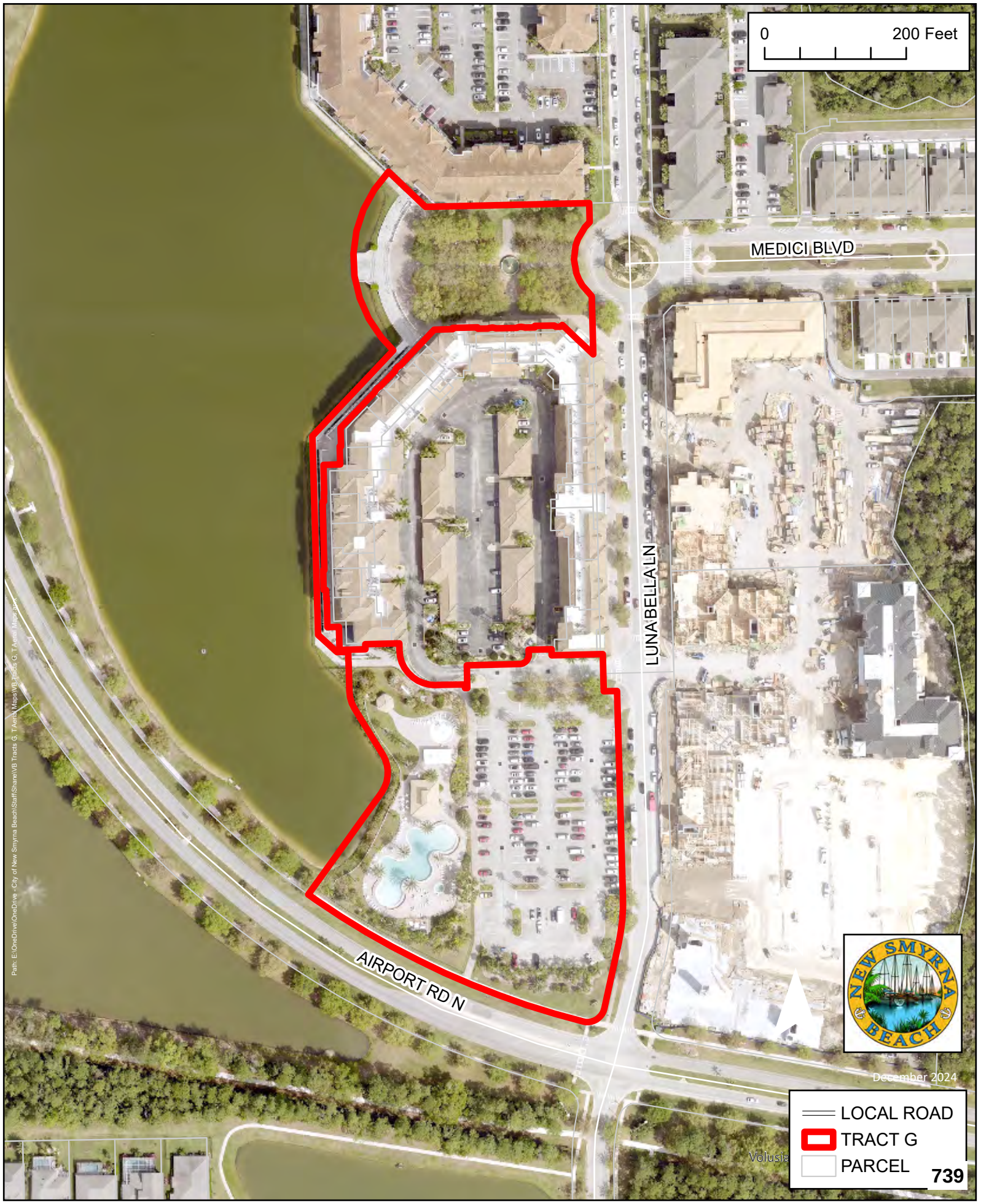
Teresa Merck
Code Compliance Clerk

Contact: Barbara Bobelak
Code Compliance Supervisor
Phone: (386) 10-2871
Email:bbobelak@cityofnsb.com
01/03/2025

GEOSAM CAPITAL US (VENETIAN BAY) LP- 9214 8901 9403 8394 6407 85
1275 W. GRANADA BLVD SUITE 3B
ORMOND BEACH, FL 32174

GEOSAM CAPITAL GROUP- 9214 8901 9403 8394 6408 84
2170 SATELLITE BLVD., SUITE 425
DULUTH, GA 30097-6270

TRACT G
PARCEL ID: 7307-01-00-000G



Network:Jan 3, 2025 at 11:17:32 AM EST
Local:Jan 3, 2025 at 11:17:32 AM EST
N 29° 1' 57.955", W 81° 1' 54.936"
410 Luna Bella Ln
New Smyrna Beach FL 32168
United States

PARKING CONTRACT
PRIVATE PROPERTY

By parking or exceeding the 15-minute grace period, you agree to the contract below. Exit without parking if you do not agree to all terms.

NON-COMPLIANCE CHARGE UP TO $125

1. You, on behalf of yourself and the vehicle owner (Owner), enter this contract (Contract) for parking with Professional Parking Management (PPM). PPM provides private parking enforcement services and is not a governmental entity. Contact PPM at: (844) 999-7275 or info@professionalparkingmgt.com.

2. IF YOU DO NOT PAY WITHIN 15-MINUTE GRACE PERIOD OR EXCEED CURRENT CHARGES.

3. FAILURE TO PAY, REGISTER, VALIDATE, ACCURATELY ENTER A LICENSE PLATE, OR OTHER TRESPASS OR RULE VIOLATION MAY RESULT IN A NOTICE OF NON-COMPLIANCE CHARGE OF $45 - $125 (CHARGE), TOWING, OR BOOTING. UNPAID CHARGES MAY BE SUBJECT TO LATE FEES AFTER 30 DAYS, ASSIGNED TO DEBT COLLECTORS, OR LITIGATED. YOU, FOR YOURSELF AND OWNER, GRANT PPM PERMISSION TO OBTAIN INFORMATION TO IDENTIFY VEHICLE OWNER FOR ENFORCEMENT. REPEAT OFFENSES MAY RESULT IN ADDITIONAL CHARGES.

4. **APPEAL**: A Charge may be disputed within 15 days of windshield placement or date mailed. PPM may withdraw the Charge or respond within 5 business days. Within 10 days of receiving PPM's response, you may appeal. If the Appeal is approved, the Charge is dismissed. If the Appeal is denied, you must pay the Charge. All Appeal decisions are final. **APPEALS WILL BE DETERMINED BY A NEUTRAL THIRD-PARTY ADJUDICATOR, EFFECTIVE ARBITRATION. PARTIES SHALL INITIALLY SPLIT THE FEE TO FILE AN APPEAL, WITH THE LOSING PARTY BEARING THE ADJUDICATOR'S COSTS.**

5. **ARBITRATION:** Except for Appealed Charges, **ANY DISPUTE** between you or the Owner and PPM arising from or relating to this Contract, the lot, or PPM, including disputes over arbitrability or the scope, validity, and enforceability of this Contract, **SHALL BE RESOLVED EXCLUSIVELY BY BINDING ARBITRATION ON AN INDIVIDUAL BASIS.** The arbitration shall be administered by JAMS under its Comprehensive Arbitration Rules & Procedures and the Expedited Procedures. JAMS Mass Arbitration Procedures and Guidelines will apply if 10 or more similar Demands for Arbitration are filed against PPM. JAMS Rules are available at www.jamsadr.com. The Arbitrator shall award fees and costs to the prevailing party as permitted. This Contract is governed by the Federal Arbitration Act. If a suit qualifies for small claims court, either party may compel resolution of a dispute in small claims or an equivalent court on an individual basis only. **YOU AND THE OWNER INTENTIONALLY AND VOLUNTARILY WAIVE RIGHTS TO (1) HAVE A JURY TRIAL; AND (2) PARTICIPATE IN A CLASS ACTION OR CLASS ARBITRATION.**

6. ACCESS IS MONITORED BY LICENSE PLATE RECOGNITION TECHNOLOGY THAT RECORDS AND IDENTIFIES THE VEHICLE AND LICENSE PLATE. CAMERAS **ARE NOT** MONITORED.

Violation Notice

DAYTONA

F150 XLT

Network:Jan 3, 2025 at 11:17:36 AM EST
Local:Jan 3, 2025 at 11:17:36 AM EST
N 29° 1' 57.955", W 81° 1' 54.936"
410 Luna Bella Ln
New Smyrna Beach FL 32168
United States

mailed. PPM may withdraw the Charge or respond within 5 business days. Within 10 days of receiving PPM's response, you may appeal. If the Appeal is approved, the Charge is dismissed. If the Appeal is denied, you must pay the Charge. All Appeal decisions are final. **APPEALS SHALL BE DETERMINED BY A NEUTRAL THIRD-PARTY ADJUDICATOR. EFFECTIVE ARBITRATION. PARTIES SHALL INITIALLY SPLIT THE FEE TO FILE AN APPEAL WITH THE PREVAILING PARTY BEARING THE ADJUDICATOR'S COSTS.**

5.ARBITRATION: Except for Appealed Charges, **ANY DISPUTE** between you or the Owner and PPM arising from or relating to this Contract, the location, PPM, including disputes over arbitrability or the scope, validity, and enforceability of this Contract, **SHALL BE RESOLVED EXCLUSIVELY BY BINDING ARBITRATION ON AN INDIVIDUAL BASIS.** The arbitration shall be administered by JAMS under its Comprehensive Arbitration Rules & Procedures and the Expedited Procedures and the JAMS Mass Arbitration Procedures and Guidelines will apply if 10 or more similar Demands for Arbitration are filed against PPM. JAMS Rules are available at www.jamsadr.com. The Arbitrator shall award fees and costs to the prevailing party as permitted. This Contract is governed by the Federal Arbitration Act. If a suit qualifies for small claims court, either party may compel resolution of a dispute in small claims or an equivalent court on an individual basis only. **YOU AND THE OWNER INTENTIONALLY AND VOLUNTARILY WAIVE RIGHTS TO (1) HAVE A JURY TRIAL; AND (2) PARTICIPATE IN A CLASS ACTION OR CLASS ARBITRATION.**

6. ACCESS IS MONITORED BY LICENSE PLATE RECOGNITION TECHNOLOGY THAT RECORDS AND IDENTIFIES THE VEHICLE AND LICENSE PLATE. CAMERAS **ARE NOT** MONITORED.

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL 32168
386-410-2870

Case Type: Code Enforcement
Date Case Established: 12/16/2024
Compliance Deadline: 01/24/2025

Violation Notice

Owner: GEOSAM CAPITAL US (VENETIAN BAY) LP

Mailing Address

GEOSAM CAPITAL US (VENETIAN BAY) LP
1275 W. GRANADA BLVD SUITE 38
ORMOND BEACH, FL 32174

GEOSAM CAPITAL GROUP
2170 SATELLITE BLVD., SUITE 425
DULUTH, GA 30097-6370

Notice of Violation for the following location:

Address
215 N AIRPORT RD
NEW SMYRNA BEACH, FL 32168

Parcel
730701000G0

Violation: Paid parking operations within the Venetian Bay Planned Unit Development (PUD) Village Center that is not a permitted or accessory use.

VENETIAN BAY VILLAGE, VILLAGE PLANNED DEVELOPMENT PLANNED UNIT DEVELOPMENT (VPD-PUD) AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MOA) ORDINANCE #109-5

COMPOSITE EXHIBIT "B" LAND USE ZONE STANDARDS

B. STOREFRONT COMMERCIAL (SFC):

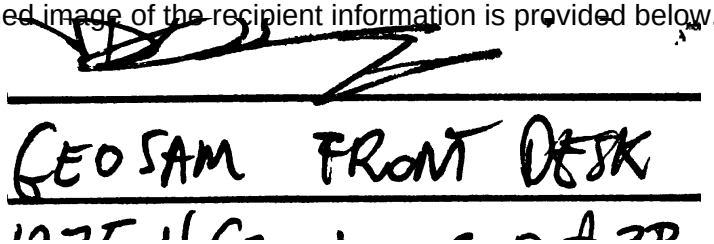
UNITED STATES POSTAL SERVICE

Date Produced: 01/07/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8394 6407 85. Our records indicate that this item was delivered on 01/06/2025 at 03:58 p.m. in ORMOND BEACH, FL 32174. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

GEOSAM CAPITAL US (VENETIAN BAY) LP-
STE 3B
1275 W GRANADA BLVD
ORMOND BEACH FL 32174-8105

Customer Reference Number: C5556661.33705498

2

UNITED STATES POSTAL SERVICE®

Return address:

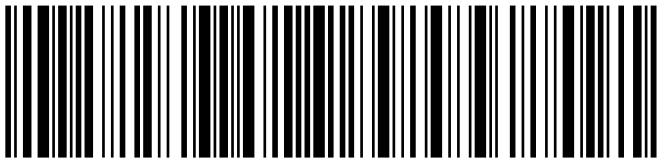
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

GEOSAM CAPITAL US (VENETIAN BAY) LP-
STE 3B
1275 W GRANADA BLVD
ORMOND BEACH FL 32174-8105

MAILING DATE: 01/03/2025
DELIVERY DATE: 01/06/2025

USPS CERTIFIED MAIL



9214 8901 9403 8394 6407 85

USPS Tracking Label Number: 9214 8901 9403 8394 6407 85

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/03/2025 08:12
DELIVERED LEFT WITH INDIVIDUAL	ORMOND BEACH,FL 32174	01/06/2025 15:58

CASE #: CE-0878;0879;0880

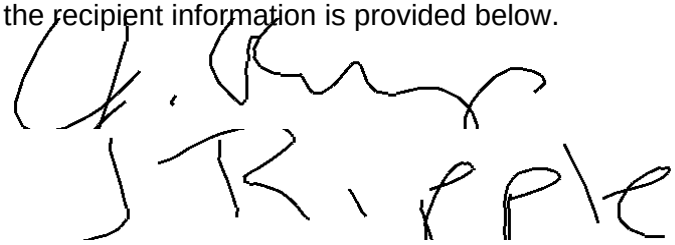
UNITED STATES POSTAL SERVICE

Date Produced: 01/08/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8394 6408 84. Our records indicate that this item was delivered on 01/07/2025 at 11:50 a.m. in DULUTH, GA 30097. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

GEOSAM CAPITAL GROUP-
STE 425
2170 SATELLITE BLVD
DULUTH GA 30097-6270

Customer Reference Number: C5556661.33705499

UNITED STATES POSTAL SERVICE®

Return address:

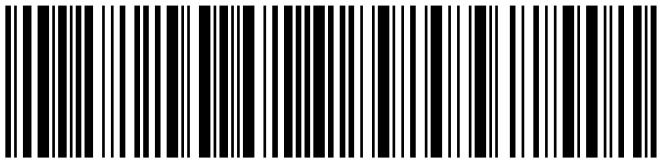
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

GEOSAM CAPITAL GROUP-
STE 425
2170 SATELLITE BLVD
DULUTH GA 30097-6270

MAILING DATE: 01/03/2025
DELIVERY DATE: 01/07/2025

USPS CERTIFIED MAIL



9214 8901 9403 8394 6408 84

USPS Tracking Label Number: 9214 8901 9403 8394 6408 84

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/03/2025 08:12
DELIVERED LEFT WITH INDIVIDUAL	DULUTH,GA 30097	01/07/2025 11:50

CASE #: CE-0878;0879;0880

01/04/2016 11:38 AM
Instrument# 2016-000411 # 1
Book: 7202
Page: 3017

Document Prepared By:
James Stowers, Esquire
424 Luna Bella Lane, Suite 135
New Smyrna Beach, FL 32168

Return recorded document to:
City of New Smyrna Beach Records Clerk
210 Sams Avenue
New Smyrna Beach, FL 32168

VENETIAN BAY VILLAGE, VILLAGE PLANNED DEVELOPMENT- PLANNED UNIT DEVELOPMENT (VPD-PUD) AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA)

ORDINANCE # 109-15

WHEREAS, the CITY OF NEW SMYRNA BEACH, a Florida municipal corporation (the "City") and Venetian Bay of New Smyrna Beach, L.L.C., a Florida limited liability company (the "Original Developer") and Montgomery Woods, Inc., a Florida corporation and CGR Corporation of Central Florida, a Florida corporation (the "Original Owner"), previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of the development agreement entitled "Venetian Bay Village, Village Planned Development – Planned Unit Development (VPD-PUD) Master Development Agreement (MDA)", recorded in Official Records Book 4942, Page 668, Public Records of Volusia County, Florida(hereinafter referred to as the "VPD-PUD Agreement"), relating to property described therein (hereinafter referred to as the "Property"); and

WHEREAS, the City approved the modification of the VPD-PUD by First Amendment recorded May 11, 2005 in Official Records Book 5551, Page 296, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Second Amendment recorded May 11, 2005 in Official Records Book 5551, Page 310, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Fifth Amendment (the Third and Fourth Amendments were not found of record) recorded August 31, 2007 in Official Records Book 6119, Page 2554, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Sixth Amendment recorded August 31, 2007 in Official Records Book 6119, Page 2569, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Seventh Amendment recorded August 31, 2007 in Official Records Book 6119, Page 2565, Public Records of Volusia

County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Eighth Amendment recorded March 14, 2008 in Official Records Book 6205, Page 2496, Public Records of Volusia County Florida; and

WHEREAS, the City approved a minor modification of the VPD-PUD by letter dated June 13, 2008 which amended streetlight spacing in the VPD-PUD (Section 21.9); and

WHEREAS, the City approved the modification of the VPD-PUD by Ninth Amendment recorded June 10, 2009 in Official Records Book 6362, Page 3117, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Tenth Amendment recorded October 8, 2010 in Official Records Book 6524, Page 1, Public Records of Volusia County Florida; and

WHEREAS, the City approved a minor modification of the VPD-PUD by letter dated January 3, 2011 which amended and clarified maximum allowed fence heights in the VPD-PUD (Composite Exhibit "B"); and

WHEREAS, the City approved the modification of the VPD-PUD by Eleventh Amendment recorded May 29, 2014 in Official Records Book 6993, Page 4439, Public Records of Volusia County Florida; and

WHEREAS, the City approved the modification of the VPD-PUD by Twelfth Amendment on June 9, 2015, Ordinance No. 46-15: Venetian Bay PUD – 12th Amendment; and

WHEREAS, GEOSAM CAPITAL US (VENETIAN BAY) LP, a Delaware limited partnership (the "Developer"), is the successor in interest to the Property; and

WHEREAS, the City and Developer wish to amend and restate the VPD-PUD Agreement in order to incorporate previously approved amendments to the same within one document as well as modify the VPD-PUD Agreement as detailed herein.

NOW, THEREFORE, the parties agree as follows:

The City of New Smyrna Beach, a Florida municipal corporation (the "City"), and Geosam Capital US (Venetian Bay), LP, a Delaware limited liability partnership (the "Developer" and "Owner") hereby covenant and agree, and bind their successors and assigns as follows for the purpose of implementing development of the property described on Exhibit "A" subject to this Agreement with exhibits including the Schematic Development Plan (SDP) as the Venetian Bay Planned Unit Development (Venetian Bay-VPD-PUD) as required by the City Comprehensive Land

Use Plan enacted by New Smyrna Beach, Fla., Ordinance 6-90 (July 6, 1990), and the amendments thereto; and, the Comprehensive Plan Amendment for West New Smyrna Beach which was enacted by City New Smyrna Beach, Fla., Ordinance 64-98 (June 16, 1999).

1.0 Property.

1.1 The Property which is subject to this agreement is described on the attached Exhibit "A" which is by reference incorporated herein.

2.0 Property Ownership.

2.1 The Property consisting of approximately one thousand four hundred ten (1,410) acres is owned by Owner as it pertains to undeveloped lots and as the successor in interest to the Property..

2.5 Term.

The term of this agreement shall be for twenty five years expiring on August 21, 2027.

3.0 Comprehensive Plan Consistency.

3.1 This agreement is consistent with the City of New Smyrna Beach Comprehensive Plan.

3.2 The parties agree that the intent of this agreement is to provide development standards which allow the design and construction of multiple private development projects in the Venetian Bay Village VPD-PUD which will result in a neighborhood based village development that complies with the City's CLUP requirements.

4.0 VPD-PUD Plan

This agreement is a composite of the following documents, drawings and exhibits which shall be read or reviewed together in order to establish the requirements, purpose and intent of the Plan. The documents, drawing and exhibits which collectively shall be referred to and applied as the Plan are the instruments listed in 4.1 through 4.7 which are by reference incorporated herein.

4.1 Venetian Bay Village Planned Unit Development (VPD-PUD) Master Development Agreement (MDA).

4.2 Legal Description which is attached hereto as Exhibit "A".

4.3 Land Use Zone Standards which are attached hereto as Composite Exhibit "B".

4.4 Conceptual Development Plan (CDP) which is attached hereto as Exhibit "C".

4.5 Schematic Development Plan (SDP) which is attached hereto as Composite Exhibit "D".

4.6 Roadway Cross Sections which is attached hereto as Composite Exhibit "E".

4.7 Design Standards Graphic which are attached hereto as Composite Exhibit "F".

5.0 Definition of Terms.

5.1 Best Development Practices. The terms *best development practices* and all references *best practices* shall refer to those development practices described in: Reid Ewing, *Best Development Practices, Doing the Right Thing and Making Money at the Same Time* (May 1995).

5.2 City. The City of New Smyrna Beach, a Florida municipal corporation.

5.3 Common Facility. A common facility shall be any facility designated as such by Developer and agreed to by Owner. Such facilities should include the following facilities, which may be, but shall not be required to be, common facilities:

(1) Stormwater treatment facilities built pursuant to permits issued by the City of New Smyrna Beach and the St. Johns River Water Management District (SJRWMD).

(2) Pedestrian, bike and cart paths not dedicated to a governmental entity.

(3) VPD-PUD perimeter edges and buffers or landscaping around interior development within the Venetian Bay-PUD.

(4) Common open space not dedicated to a governmental entity.

(5) Common recreation facilities not dedicated to a governmental entity.

(6) Such other facilities or areas as Developer and Owner may designate.

5.4 Convenience Commercial (CC). A commercial area not exceeding two (2) acres in size exclusive of stormwater retention facilities, and providing a maximum of fifteen thousand (15,000) square feet of gross leasable area. CC areas are located on the perimeter of the Village for the purpose of providing convenience commercial land use as permitted by the City's Land Development Regulations.

5.5 Day Care Center. Shall mean both Adult Day Care Center and Day Care Center as defined in the City of New Smyrna Beach's Land Development Regulations, Article II.

5.6 Developer. Johnson Development of Volusia County, Inc., a Florida corporation, its successors and/or assigns.

5.7 House of Worship. A body of persons associated together for the purpose of maintaining religious worship, and/or the building in which persons habitually assemble for religious purposes and public worship, including customary accessory uses.

5.8 Land Development Regulations (LDR) means the Land Development Regulations for the City of New Smyrna Beach adopted by New Smyrna Beach, Fla. Ordinance 1-91 (January 22, 1991) and amendments thereto.

5.9 Master Development Agreement (MDA). The written text of the Venetian Bay-PUD Agreement setting forth the obligations of the parties to the Agreement.

5.10 Medical Facility. A facility primarily used for medical uses as defined in the City's Land Development Regulations under Article II, Definitions for Hospital, Intermediate Care Facility and Office Building, Medical/dental/psychology/psychiatry. May also mean any secondary use associated with each of the uses listed above from the City's LDR. (i.e. Urgent Care Facility)

5.11 Neighborhood Facility. A facility, improvement or area of land which only serves a particular subdivision, portion of a subdistrict or a subdistrict and is designated by the Developer and Owner as a Neighborhood Facility.

5.12 Plan. The combination of the Agreement and SDP and other exhibits referenced in the Agreement which shall be read jointly to determine the requirements for development of the Venetian Bay-PUD.

5.13 Property Owners' Association (POA). A Florida non-profit corporation created by Developer, Owner or Developer and Owner for the purpose of maintaining, repairing and replacing improvements which Developer, Owner or Developer and Owner have conveyed to the POA. It is anticipated that the Venetian Bay-PUD will employ the Venetian Bay Master Property Owners' Association (VBMPOA) to manage Venetian Bay-PUD common facilities and various individual property subdivision or sub-district property owner associations which shall be referred to as [Sub-district or Subdivision] Property Owners' Association ([Subdivision or Sub-district] POA). The VBPOA and various POA's shall be entitled to exercise all power and authority granted to them by their incorporator and such additional power as the Developer may consent to being exercised by the POA. The transition of control over the VBPOA and the various sub-district or subdivision POA's from the Developer to the members of the VBPOA and to the members of the various sub-district or subdivision POA's shall occur as mandated in the governing documents for the various associations and as required by applicable Florida law, including but not limited to Chapters 718 and 720 Florida Statutes.

5.14 Residential (RES). A housing type constructed for the purpose of providing space for human habitation. A RES unit may be, but shall not be limited to, a unit of single family, multi-family, townhouse or accessory unit housing.

5.15 Schematic Development Plan (SDP). The plan which graphically illustrates the proposed layout of the village development.

5.16 Storefront Commercial (SFC). A business located within the Village Center (VC) to provide retail, personal, professional and business services.

5.17 Village. The development approved by the City pursuant to a Venetian Bay VPD-PUD Agreement between the City and the Developer/Owner of the land. A village is a combination of VC, VUN and VBPN sub-districts as approved by the City.

5.18 Village Best Practices Neighborhood (VBPN). The VBPN's are development types within the Venetian Bay VPD-PUD that are most remote from the Village Center (VC). The VBPN's may utilize conventional subdivision designs and typical suburban subdivision densities but they are required to meet "Best Practices" standards and they do not qualify for additional residential "bonus units".

5.19 Village Center (VC). The area designated on the schematic development plan as the urban center of the village approved by the Venetian Bay VPD-PUD. The VC shall provide a combination of storefront commercial office open space and community facilities and residential use. The VC area qualifies for additional residential "bonus units" as allowed by City policy.

5.20 Village Planned Development-Planned Unit Development (VPD-PUD). The development proposed by developer/owner and approved by the City as a development consistent with the City's "West New Smyrna" Comprehensive Plan Amendment. Venetian Bay VPD-PUD development shall be located in an urban overlay zone approved by the City and it shall be created by a Planned Unit Development Agreement which utilizes a written Master Planned Unit Development (PUD) Development Agreement (MDA) with appendices and exhibits and schematic development plan.

5.21 Village Urban Neighborhood (VUN). The VUN's are located in relatively close proximity to the VC. The VUN's are concentrically arranged around or near the VC and utilize traditional urban design characteristics and densities. VUN's qualify for placement of additional residential "bonus units" as allowed by City policy.

6.0 Venetian Bay VPD-PUD

6.1 Sub-districts and Related Land Use. The Village development authorized by the Venetian Bay VPD-PUD is comprised of three sub-districts, which are in turn composed of various land uses. The sub-districts and land uses are as follows:

Table 1

6.2 **Sub-district**	**(Land Use) Permitted Uses**
Village Center (VC)*	**Residential (RES)** **Storefront Commercial (SFC)**
Village Urban Neighborhood (VUN) *	**Residential (RES)**
Village Best Practice Neighborhood (VBPN)*	**Residential (RES)** **Convenience Commercial (CC)**

* All village districts (VBPN, VUN and VC) shall allow WB (water body), OS (open space), CIV (civic), REC (recreation), and PK (park) land use designations.

6.3 Sub-district Regulations

6.3.1 The permitted uses in all of the sub-districts are permitted to have accessory uses as allowed to that used by the City's adopted Land Development Regulations (LDR).

6.3.2 The requirements for each sub-district are set out in Exhibit "B", Land Use Zone Standards, which is attached hereto and incorporated herein by reference.

6.3.3 Parcel 3, as illustrated by Exhibit "C", the Concept Map, may utilize the street layout as shown, but porches meeting the minimum standards (RES 3B) on all houses, high backed curbs on all streets, full street tree requirements for the VUN, and a linear park along the south edge of the parcel shall be provided.

7.0 Permitted Mix of Land Use.

Table 2
VPD MIX OF LAND USE ZONES

		Land Area Standard VPD Minimum	Maximum Ratio	
1.	Open Space	50%	N/A	
2.	Recreation	3%	8%	200 sfla/du
3.	Residential All Zones	32%	45%	1.5 du/ac Max
4.	Commercial All Zones	N/A	10%	20 sfba/du
5.	Civic	2%	5%	300 sfla/du

[1] "sfla" indicates square feet of land area.
[2] "sfba" indicates square feet of building area.
[3] "1.5 du/ac" indicates gross project density (e.g. 1.5 units x overall project acreage= total allowable number of non-bonus residential units.

8.0 Village Center (VC) Focus Commitment

8.1 Venetian Bay is a new community. It is required that an urban core be developed as part of the new community. The development in the Village Urban Neighborhood (VUN) and Village Best Practices Neighborhood (VBPN) shall be limited by the rate of development occurring in the Village Center (VC). The property subject to this agreement shall be developed in a manner to ensure that sixty (60%) percent of the Venetian Bay development shall be located in the Village Center and Village Urban Neighborhoods (VUN).

8.2 The development under this agreement shall comply with the requirements of this section by providing the following minimum or maximum (as indicated) gross densities of residential development in the sub districts:

Village Center (VC)	4.0 du/ac minimum
Village Urban Neighborhood (VUN)	2.7 du/ac minimum
Village Best Practices Neighborhood (VBPN)	1 du/ac maximum

(Note: *du/ac* means dwelling units per acre.)

8.3 Residential density within the subdistricts shall be computed on the basis of the gross acreage within the subdistrict. This method of calculating density shall be in lieu of the method of calculating density as provided in the City's Land Development Regulations.

8.4 Storefront Commercial (SFC) uses shall be provided in the Village Center based on an assumed demand per residential unit located in the Venetian Bay-PUD as follows:

Retail/Office/Service/Commercial	20 square feet per dwelling unit

If less than 75% of retail/office/service/commercial development (non-residential) in the PUD is occupied at the time additional commercial space is required to be constructed under the terms of this agreement, then any requirement to construct additional retail/office/service/commercial

development may be delayed until such time as said commercial/office occupancy reaches 75%. If 75% occupancy is not achieved prior to the last Certificate of Occupancy for Venetian Bay being issued, the Developer shall identify where commercial sites will be provided in the future and such sites shall be noted on the City's Future Land Use Map as reserved for commercial or mixed use development. Any residential development on those sites shall be designed in such a manner as to permit conversion of at least the ground floor to non-residential use in the future. Non-residential development shall occur in the Village Center.

9.0 Phasing of Development.

9.1 Development of the Property shall be permitted as indicated on the Phasing Schedule which is part of this section. The specific site plan or plat for the Property, or portion thereof, shall be prepared, reviewed and approved as required by the standard procedures applied by the Land Development Regulation's to a site plan or plat. This Agreement shall not modify or supersede the Land Development Regulations site plan and plat standards and requirements. Public utilities for the Property or portion thereof, shall be obtained from the New Smyrna Beach Utilities Commission and shall be built to City's Land Development Regulations standards. The overall installation of public utilities shall be consistent with a Master Utility Plan and Schematic Design approved by the City and providing for connection to adjacent property owners at their expense. If available, Developer and Owner will provide re-use water within the VPD-PUD by connecting to re-use water lines provided at the property lines by the Utilities Commission, City of New Smyrna Beach.

9.2 The purpose of the Plan is to create a viable VC and VUN to serve as the urban core of the village. Accordingly, the phasing schedule for the Venetian Bay PUD development under this agreement is performance based with all performance to occur within the term of the Plan. Development of the sub-districts shall be based on non-bonus units totaling ~~1,823~~ 2,063. The units shall be permitted to occur or be limited as follows:

Table 3

Phasing Schedule

Phase	VPD % Units	VBPN Allowed	VC/VUN Required
1	10	182 (10%)	0 (0%)

2	40	365 (20%)	365 (20%)
3	70	547 (30%)	729 (40%)
4	100	825 (40%)*	1,238(60%)*

* Phase 4 unit figures updated to account for modification of overall unit figure in 2015 from 1,823 residential units to 2,063 residential units.

9.3 Any density bonuses requested to exceed the overall 1.5 unit per acre allowable density, as provided for herein to encourage affordable housing and specifically desired unit types may be achieved as follows:

9.3.1 *Accessory Units:* Accessory units to single-family residences are permitted within the VUN and VC sub-districts and are not to be counted against the density limit.

9.3.2 *Storefront and Convenience Commercial Stacked Units:* Residential units provided above storefronts shall not be counted against the density limit. Additionally, for every above ground floor unit provided, an additional unit shall be permitted within the VC or VUN Sub-Districts.

9.3.3 Bonus residential units shall not count toward the total number of residential units permitted within the VUN before additional construction of VC required improvements set out in Paragraphs 8.3 and 8.4.

9.4 Intentionally deleted.

9.5 VC Implementation. VC improvements as set out in 9.5.1 through 9.5.6 will be required upon the sale of fifty (50%) percent of the non-bonus residential units to residential occupants as identified through the periodic reporting set forth in the monitoring program (paid for by the Developer and Owner) required by Section 9.8. The required improvements are:

9.5.1 Construction of Venetian Bay Boulevard from Pioneer Trail to the VC.

9.5.2 At least one (1) VC block containing a minimum of twenty-five (25%) percent of SFC lots required for the VC pursuant to the Schematic Development Plan (SDP).

9.5.3 A public common area of at least one-half (1/2) acre in area.

9.5.4 A SFC shop building containing at least five thousand (5,000) square feet of space.

9.5.5 The pedestrian, bike and cart pathway system from Pioneer Trail shall be connected to the VC.

9.5.6 Designation of a civic site to provide a location for a community building which, at the option of Developer and Owner, may be privately owned.

9.6 Additional storefront construction in the VC shall be provided:

9.6.1 If the pace of construction of residential units exceeds 20% per year of permitted non-bonus residential units, SFC, over and above the initial five thousand (5,000) square feet required by Section 9.5.4, shall be provided within a year of the issuance of certificates of occupancy for 1000 residential units; or

9.6.2 If the pace of construction of the permitted non-bonus residential units is below 20% per year, SFC, over and above the initial five thousand (5,000) square feet required by Section 9.5.4 may be provided within a year of the issuance of certificates of occupancy for 1200 residential units.

9.7 Intentionally deleted.

9.8 Monitoring Report. The VPD-PUD requires (see Section 9.1) that VC and VUN development commence after a certain number if VBPN units are conveyed to end users. The City has an interest in assuring that the ratio of VBPN units to VC and VUN requirements is met. To that end, Developer and Owner or its assigns shall prepare and submit to the City monitoring reports demonstrating compliance with the terms of the VPD-PUD. The monitoring reports shall be submitted to the City with the submission requesting approval of the various plats that will subdivide the property. At a minimum, the monitoring reports shall provide:

(a) The total number and type of residential units conveyed by Developer and Owner or its assigns.

(b) The total quantities of commercial and office space provided in the VC and VUN neighborhoods.

(c) Owner or its assigns statement and demonstration of compliance with the ratios required in Section 9.2.

In response to the monitoring report, the City shall review the report and determine what action, if any, should be required of Developer and Owner or its assigns to cause compliance with Section 9.1.

10.0 Affordable Housing Commitment.

10.1 The Developer Bay is committed to providing affordable housing at Venetian Bay. To this end, the VPD-PUD allows "life-cycle housing" in a range of housing types including, but not limited to zero lot line, duplex, townhouse and accessory (to single family) living units. In order to specifically demonstrate the commitment to affordable housing the Developer and Owner agree to:

10.1.1 Energy conservation pursuant to Reid Ewing, *Best Development Practices, Doing the Right Thing and Making Money at the Same Time* (May 1995).

10.1.2 Provide High Density Housing within the VC sub-district of a minimum of 100 units of high-density residential exceeding twelve (12) units per acre.

11.0 Density Limitation Commitment and Bonus Request.

11.1 The Developer and Owner commit to a net project density, which shall not exceed one and one-half (1.5) non-bonus housing units per acre. Based on the Property having an original area of one thousand four hundred ten (1,410) acres the total "non-bonus" housing units allowed to the Venetian Bay-PUD would equal one thousand eight hundred seventy-five (2,115) units. The Developer and Owner hereby agree that the total number of "non-bonus" housing units shall not exceed two thousand sixty-three (2,063) units. Units will be allocated to the VC, VUN, and VBPN sub-districts as detailed by the SDP.

11.2 Developer and Owner hereby elect to exercise their right to "bonus" housing units in the VC and VUN sub-districts. Accordingly, Developer and Owner shall be permitted to develop, at their sole option, any or all of the following "bonus" RES units.

11.2.1 An Adult Living Facility (ALF) of up to fifty (50) beds. The ALF shall be located in the VC.

11.2.2 Walk-Up Residential Units constructed as part of a second, third or fourth floor above the SFC space located in the VC subdistrict.

11.2.3 An Adult Living Facility (ALF) of up to fifty (50) beds. The ALF shall be located in a VUN subdistrict.

11.2.4 Accessory living units as part of single-family living units located on an individual single-family lot in the VC or VUN subdistrict.

12.0 Model Homes and Sales Office

12.1 Model home construction prior to plat recording shall only be allowed upon compliance with the following requirements:

12.1.1 Provision for fire protection, including testing and approval of the water system by the Florida Department of Environmental Protection (FDEP), if on-site hydrants are required to service the area where the proposed models will be constructed.

12.1.2 Construction of access roads to the model home sites prior to building permit issuance, to the extent necessary to allow sufficient access by city inspection vehicles.

12.1.3 Permanent utility connections cannot be made until the sanitary sewer system has been completed and certified to FDEP.

12.1.4 Additional requirements, restrictions, and conditions may be imposed by the administrative official to address specific site or project concerns.

12.2 Two (2) types of sales offices shall be permitted within any new subdivision.

12.2.1 *Model Homes* A model home may be used as a sales office until such time as the last lot is developed within the subdivision.

12.2.2 *Temporary offices.* Temporary structures, such as trailers, recreational vehicles, and the like, may be permitted as a temporary sales office. Such temporary sales office shall only be permitted for an interim period not to exceed three (3) years or until such time that commercial space is made available within the planned Venetian Bay Town Center, whichever occurs first. Following relocation of the sales offices to the Venetian Bay Town Center, the temporary structures may be occupied by other non-residential uses allowed in Composite Exhibit "B", Section C3.

12.2.3 *Permit Required.* For both subsections 12.2.1 and 12.2.2 above, building permits are required. A final building inspection to insure conformance with the building and life safety codes shall be required for any model home prior to occupation.

12.2.4 *Parking.* Parking at the model home/sales office shall be on the street and in the residential driveway. These parking requirements shall be in lieu of the parking requirements set forth in the City's Land Development Regulations.

13.0 Signage.

13.1 Signage Design. The design intent of signage is to ensure adequate means of communication through signage while maintaining the attractive visual appearance within Venetian Bay. Signage should help establish the planned suburban and urban characters of Venetian Bay in a

manner, which promotes low profile signage of high quality design. Signage shall meet the following requirements:

a. *Thoroughfare Gateway Signage and Entrance Features:* Signage located at the primary entrances to Venetian Bay (SR 44 & Pioneer Trail) shall have a maximum height of 15' with a maximum signage area of 160 square feet (s.f.). A maximum of two gateway signs shall be permitted for each of the two primary entrances. An entrance feature may be designed in conjunction with the entrance signage or it may occur separately. The entrance feature shall have a maximum height of 35'. One ground sign may be located on the west side of Airport Road at the primary entrances so long as the sign is limited to a maximum height of 8' and a maximum copy area of 64 square feet (s.f.). These ground signs shall feature the business occupants within the centrally located Village Center.

b. *Village Best Practice (VBPN) Neighborhood Signage:* Signage located at the entrances to VBPN neighborhoods shall have a maximum height of 12' and a maximum signage area of 100 square feet (s.f.). Signage located on golf course property that fronts along SR 44 shall have a maximum height of 12' and a maximum signage area of 120 square feet (s.f.) and shall be limited to a maximum of one VBPN sign along SR 44. Additionally, this sign shall be a monument sign designed to conform to the general architectural style within the development, and shall not include electronic message center signs.

c. *Village Urban Neighborhood (VUN) Signage:* Signage located at the entrances to VUN neighborhoods shall have a maximum height of 8' and a maximum signage area of 50 square feet (s.f.).

d. *Village Center (VC) Residential Signage:* Signage located at the entrances to VC neighborhoods shall have a maximum height of 6' and a maximum signage area of 20 square feet (s.f.).

e. *Village Center (VC) Commercial Signage:* Signage located within the VC commercial areas shall be submitted for approval by the New Smyrna Beach Planning Department.

f. *Convenience Commercial (CC) Signage*: Signage located at CC sites shall follow signage regulations for properties in the Corridor Overlay Zone (COZ), as outlined in the City of New Smyrna Beach's Land Development Regulations.

13.2 **Dual Signage**: A maximum of two (2) signs meeting the requirements listed above shall be permitted per subdivision entranceway. If only one sign is used the total

square footage allowance for both signs may be utilized within the copy area of the single sign.

13.3 Signage Area: Signage area shall be calculated using the actual text and if applicable logo graphics area only. Walls or architectural effects shall not count toward the signage area restriction but shall meet the height restrictions set forth above.

13.4 Billboard Signs: Billboard signage is strictly prohibited.

13.5 Entrance Feature: Walls, Architectural icons, water features, landforms, landscaping or other effects which announce and signify arrival.

14.0 Covenants, Restrictions and Property owner Associations.

14.1 Covenants and restrictions to govern architectural controls within the VPD-PUD shall be consistent with this agreement and submitted to the City for review and approval prior to recording of the Plat. Upon approval, the covenants and restrictions shall be recorded in the Public Records of Volusia County, Florida. The Developer shall, subject to Owner's review and approval, create a Florida non-profit corporation which shall be the VENETIAN BAY MASTER PROPERTY OWNERS' ASSOCIATION (VBMPOA) to enforce the master covenants and restrictions, to conduct architectural review and approval of buildings planned for construction in the VPD-PUD, and to assure continued compliance with covenants and restrictions imposed by the various permitting agencies, including but not limited to, the St. Johns River Water Management District (SJRWMD), the U.S. Fish and Wildlife Service (USFWS), the Army Corp of Engineers (ACOE) and the Florida Department of Environmental Protection (FDEP).

14.2 The Developer and Owner may, at its option, create neighborhood or subdivision property owners associations (POA's) for the purpose of maintaining private, non-common facilities within the subdivision described by the covenants and restrictions created and recorded by Developer. As an example, if Developer elected to create a gated subdivision within the VBPN with private streets, the gated area, streets and street lights as well as all facilities particular to the subdivision which would only serve a particular subdivision and thus be "non-common" facilities the Developer could opt to create a subdivision POA to care for and maintain the "non-common" facilities particular to a subdivision.

15.0 Recreation and Open Space.

15.1 Open Space: Required open space for the project shall include environmentally sensitive areas, natural and man-made lakes, required upland buffers, natural areas used as edges, scenic setbacks used as edges, parks and recreation areas, golf courses and area-wide trail corridors, but not building setbacks and shall account for a minimum of 50% of the VPD land area.

15.2 Public Realm: Required open space for public uses and gathering places such as parks of all types (active, passive and resource based), and village or neighborhood squares, greens or commons, but not village edges, trails, wetlands, or environmental systems corridors, shall account for between a minimum 3% and a maximum 8% of the VPD area.

15.3 Edges: Edge areas shall be provided as required by the SDP and they shall be a part of a network of connecting open space corridors and major roads that buffer the VPD and its neighborhoods from incompatible uses and to help create community and neighborhood identity.

15.4 Village Center Park: The Developer and Owner shall provide a community park or multiple community parks with a total minimum acreage of two (2) acres.

16.0 Civic Use Commitment.

16.1 Lands, designated for civic use are lands that may be owned publicly or privately but they shall be designated to serve the community by providing a designated site or sites as follows:

16.1.1 A public realm civic community site or combination of sites with an area of three hundred (300) square feet of land area multiplied by the total number of non-bonus residential units in the VPD-PUD. It is anticipated that the public realm community site or sites will be a VPD-PUD common facility; **or**

16.1.2 A useable twenty (20) acre site which shall be located in the VC or a VUN sub district to serve an educational or governmental purpose. The Developer and Owner shall maintain ownership of the site until there is an agreed upon consideration for conveyance of the site to an educational or governmental entity. Prior to conveyance, Developer or Owner shall place covenants and restrictions which will cause the buildings or other structures to be located on the site to conform to the VPD-PUD design guidelines. If the designated site has not been acquired or identified on a short range (5 year) program by an educational or governmental entity prior to expiration of the eleventh (11th) year of the term of this Agreement, Developer may elect, at its sole discretion, to develop the site for a RES or SFC use as shown on the SDP. Prior to exercising its elective right to the site the Developer, or its successors or assigns, shall provide the City six (6) months advance notice of the election to utilize the site.

16.1.3 A village meeting hall/community center located within the VC sub-district and accessible from adjacent developments within and without the VPD-PUD shall be located as part of the VC sub-district. The village meeting hall/community center shall be built by Developer and Owner and it may be counted toward completion of Developer's requirement toward the option of provision of public realm civic community sites established by Paragraph

16.1.1. Developer shall have the option of charging for utilization of the village meeting hall/community center.

17.0 VPD Edge.

17.1 A village edge, as illustrated by the SDP, shall be maintained as part of Venetian Bay-VPD-PUD plan. The configuration of the village edge may be modified, if approved by the City, upon agreement of the parties having an interest in the title to the land abutting the edge.

17.2 The village edge may be comprised of, but shall not be limited to:

17.2.1 Environmental Systems Corridors (ESC's) as designated and characterized by the Volusia County Comprehensive Plan.

17.2.2 Perimeter public roadways such as State Road (SR) 44 and Pioneer Trail including the associated fifty (50') scenic setbacks from the referenced roads.

17.2.3 Water bodies, natural creeks or man-made water conveyance improvements.

17.2.4 Sub district or subdivision edges which may be common or non-common facilities maintained by a POA.

18.0 Environmental Systems Corridors.

18.1 These corridors are generally established in the Comprehensive Plan and shall include fifteen (15%) percent tree protection requirement and wetlands and upland habitat at a size that is conducive to limited development of trails and passive recreation, and enhancement of wildlife corridors. These corridors shall meet the following requirements:

18.1.1 The corridor shall include a minimum twenty-five (25') foot upland buffer.

18.1.2 Any crossings of roads and utilities shall be located, designed and constructed to minimize impacts.

18.1.3 A conservation easement over the Environmental Systems Corridors shall be established prior to or in conjunction with approval of the first site plan or subdivision plat within the VPD. The conservation easement shall allow passive recreation to occur within and on the Environmental Systems Corridor.

19.0 Natural and man-made Water Bodies.

19.1 Lakes including man-made lakes, which also serve a water retention function, shall be considered community amenities and meet the following requirements:

19.1.1 The water body should have an area of over one (1) acre

19.1.2 The water body should be incorporated into the design of pedestrian and bike paths, and parks with frontage open to the public and fronting the street system and within the VC sub district shall have a minimum of seventy-five (75') foot frontage.

19.1.3 Man-made lakes and ponds shall be designed to mimic natural water bodies so as to look as natural as possible.

19.2 Compliance with Volusia County's Tree Protection Standards.

Notwithstanding any provision in this agreement to the contrary, all development on the property subject to this agreement shall comply with Chapter 50, Division 4, *Trees,* of the Volusia County Code of Ordinances, related to tree protection standards within municipalities in Volusia County, Florida.

20.0 Wetlands.

20.1 Wetlands may be preserved and enhanced by linkages to create passive recreational opportunities or they may be removed or altered and the removal or alteration shall be mitigated as required by the permit authorizing the removal or mitigation. If a wetland is preserved, a minimum twenty-five (25') feet upland buffer shall be provided around the perimeter of the preserved wetland. In the event the LDR provisions related to minimum upland buffers are modified to permit an average upland buffer, that provision shall supersede the minimum upland buffer referenced herein. Public access to the wetland, if provided, shall be carefully designed to protect wetlands and wildlife. Wildlife corridors shall be provided to connect high quality habitat.

21.0 Roadway and Path Circulation System.

21.1 The SDP identifies a system of interconnected roadways and paths. The purpose of the roadways and paths is to allow circulation of vehicular, pedestrian and bicycle traffic including golf carts and electric vehicles, internally and externally, to the Venetian Bay-VPD-PUD. However, the street which serves the storefronts in the VC area may, at the option of Developer or any successor POA's, be closed to vehicular traffic for a period of time the Developer or POA may deem appropriate.

21.2 Developer and Owner shall be entitled to all impact fee and mitigation credit (if any), which may be occasioned, by Developer's creation, conveyance or designation of a roadway or pathway.

21.3 Venetian Bay Boulevard is illustrated with right of way and phasing indicated on the SDP. Venetian Bay Boulevard is laid out to conform to the corridor alignment designation presently

being sought by the City. Pending resolution of issues with Volusia County relating to right of way alignment, Developer and Owner intend to create Venetian Bay Boulevard as a public road and to receive impact fee credit for construction of the road and conveyance of right of way consistent with County standards.

21.4 Developer and Owner agrees to construct Venetian Bay Boulevard to the VC subdistrict as required in Paragraph 9.5 and Paragraph 9.7 herein. The extension of Venetian Bay south to SR 44 shall occur as required in Paragraph 9.7.

21.5 Vistas: Streets shall be configured to maximize scenic views including natural areas, water bodies, public amenities, focal elements and civic/land mark buildings. The SDP shall designate these features and lots for future civic uses to be located at the terminus of a street.

21.6 Street Connectivity: A hybrid (a blend of the traditional grid system and the curvilinear street system) street system is encouraged within the VPD with greater emphasis on the traditional grid design and neighborhood interconnectivity in the VUN and VC. Connectivity between VPD projects within the village shall be required and specific connections are illustrated.

21.7 Streets located within the Venetian Bay shall be organized into a hierarchy as identified in 21.7.1 through 21.7.7 and as illustrated on the SDP. The roadways shall utilize the cross sections illustrated by Composite Exhibit E.

21.7.1 Major Collector Boulevard

21.7.2 Minor Collector Boulevard or Road

21.7.3 Neighborhood Circulator Street

21.7.4 Neighborhood Local Street

21.7.5 Village Commercial Street

21.7.6 Rear Lane Alley

21.7.7 Village Pathway

21.8 Public Realm Traffic Calming: Traffic Calming devices shall be identified, located and described as a part of the schematic plan submittal, meeting the performance standards as follows:

21.8.1 *On Street Parking:* Provide on all neighborhood and village center streets per cross sections.

21.8.2 *Short Blocks:* Blocks within the VC and VUN Sub-districts shall be shortened.

21.8.3 *T-Intersections:* Shall be utilized in conjunction with squares and greens to truncate village and neighborhood circulator or local roads.

21.8.4 *Traditional Design Elements:* Street width reduction, curbs/grass/strips/street trees/pedestrian lighting, median plantings shall be utilized.

21.8.5 *Speed Limits:* Within the VPD, posted speed limits and design speeds shall be reduced below normally allowed speeds as follows:

- *Major Collector Boulevard Roads:* 35 mph and 45 mph
- *Minor Collector Roads:* 35 mph and 45 mph
- *Neighborhood Circulator Boulevard:* 25 mph and 35 mph
- *Neighborhood Local Roads:* 25 mph and 30 mph
- *Village Center Commercial Roads:* 20 mph and 25 mph

21.8.6 *Squares Green and Roundabouts:* Shall be required in the VUN Sub-district in accordance with sub-district standards and may be required in other sub-districts where the City makes a determination that through traffic should be deterred.

21.8.7 *Focal Elements:* A minimum of one (1) visually outstanding focal element (consisting of either landscaping, an architectural/site feature or recreation amenity shall be sited within squares, greens and roundabouts used to calm traffic.

21.8.8 *Arterial Road Scenic Setbacks:* Fifty (50') foot scenic setbacks shall be established to maintain a village character through the West New Smyrna Neighborhood along arterial roadways. Preservation of existing, good quality vegetation is encouraged, but landscaping enhancements to create buffers and aesthetically pleasing views, sites and entrance features shall also be required.

21.8.9 *Cul-de-sac Length:* Cul-de-sacs may not be permitted to exceed the maximum length of one thousand (1,000') feet allowed by the Land Development Regulations provided, however, a secondary emergency access with stabilized surface as approved by the City may be provided as a

secondary emergency access point. The secondary emergency access pathway may utilize hedge materials, "knock down" gates or other visual barriers as approved by the City. The stabilized surface may be landscaped but the compaction rate of the ground underlying the landscaping area shall be sufficient to support the weight of emergency vehicles including fire trucks.

21.8.10 *Existing Roadway Network:* Developer recognizes that the efficient use of the existing roadway network within the VPD-PUD can conserve resources and fully utilize the as-built infrastructure. Accordingly, provided Developer receives the necessary approvals from both the City of New Smyrna Beach and the St. Johns River Water Management District, additional residential lots may be platted along existing residential areas where the roadway network is already built to accommodate the use (i.e., residential lots are already constructed either on the same side of the street or opposite side of the street).

21.9 Street lighting shall be installed along the various roadway types pursuant to a lighting plan submitted by Developer and Owner and conforming to the minimum standards set out in 21.9.1 through 21.9.5. Lighting fixtures shall be compatible with the design theme of the development or specific neighborhood they are provided for.

21.9.1 Collector and neighborhood streets shall have lighting spaced in a staggered, alternating pattern with lights approximately three hundred (300') feet apart on center (e.g., lights on the same side of the street will be approximately six hundred (600') feet apart. Lighting standards shall be a minimum height of fourteen (14') feet.

21.9.2 Village Center streets shall have lighting spaced in a staggered, alternating pattern with lights approximately forty (40') feet apart on center (e.g., lights on the same side of the street will be approximately eighty (80') feet apart). Lighting standards shall be a minimum height of fourteen (14') feet.

21.9.3 Pathways, where they are not adequately lit by adjacent collector, neighborhood or village center lighting standards, shall be lit by walk lights which shall have a maximum height of twelve (12') feet and they shall be spaced a maximum of one hundred (100') feet apart, in a staggered alternating pattern. The walk lights may all be placed on one side of the pathway and may be reduced to a minimum height of four (4') feet. Spacing of walk lights below the twelve (12') foot height maximum shall be determined at the time of plat or site plan review and approval.

21.9.4 *Lighting Design:* Lighting fixtures shall be compatible and consistent with the architectural style of the sub district in which they are placed.

21.9.5 *Spacing Adjustments:* Minor adjustments for spacing are permitted to accommodate driveways and other features.

22.0 Public Realm Street Trees

22.1 Incorporation: Trees shall be incorporated into the design of each street built within the Venetian Bay-VPD-PUD.

22.2 Street Tree Design: Street trees shall form a continuous, predictable border, reinforcing the function of a street as a public space and meet the following standards:

22.2.1 *General:* Trees shall be incorporated into every street, planted in straight lines, between the sidewalk and the curb.

22.2.2 *Tree Types:* Durable trees, such as Oaks, shall be predominantly used. Only one type of tree shall be placed on both sides of residential streets, in one block.

22.2.3 *Collector Streets:* Plant street trees in staggered rows, at a maximum of fifty (50') foot intervals on center.

22.2.4 *Neighborhood Circulator and Local Streets:* Plant street trees at a maximum of forty (40') foot intervals on center on both sides of the street.

22.2.5 *Village Center Commercial Streets:* Plant street trees at thirty (30') to forty (40') feet on center on each side of the street. Palms may be used in lieu of trees at the same spacing along the Village Center Commercial Street only.

22.2.6 *Size:* Street trees shall be a minimum of three (3") inch calipers (six (6") inches above ground) with a six (6') feet clear trunk and an eight (8') feet spread when planted. Container grown live oak trees may be used to replace the standard tree requirement provided the following minimum specifications are met; Tree shall have a minimum size of ten to twelve (10'-12') feet height with four to five (4'-5') foot spread and a minimum two (2") inch caliper in a 30 gallon container.

22.2.7 *Spacing Adjustments:* Adjustments for spacing are permitted to deal with driveways and other features within the subdivision that interrupt the spacing pattern.

23.0 Storm water Management Standards

23.1 Design Standards: The VPD-PUD shall be served by a well-designed, master storm water management system as follows:

23.1.1 *Concept:* The design concept is to utilize and enhance natural drainage systems, simulate natural systems in man-made structures, and utilize the following guidelines:

23.1.2 *Integration:* Integrate the man-made system into natural systems.

23.1.3 *Plantings:* Plant littoral zones with wetland vegetation where it will significantly improve the aesthetics of the project.

23.1.4 *Water Detention:* Storm water facilities shall be designed as wet detention where site conditions allow.

23.2 Master Plan: A Master Stormwater Management Plan shall be submitted with the Schematic Plan meeting City and St. John River Water Management District requirements. Minimum stormwater design shall be for a one hundred (100) year three (3) day storm event.

25.0 Effective Date.

This agreement shall become effective upon execution by the parties and recording in the public records of Volusia County, Florida.

26.0 Amendments.

26.1 Substantive amendments to this agreement shall not be effective unless in writing and signed by the respective parties to this agreement. The owners of all property to which an amendment applies shall be authorized to execute an amendment to this agreement on the Developer's behalf; provided, however, that if the amendment involves more than one (1) lot or parcel and a property owner's association having jurisdiction over the lot is established in accord with this agreement, the association must also execute such amendment for it to be effective. Before amendment of this agreement, the City shall conduct public hearings as required by the City's Land Development Regulations for a zoning amendment.

26.2 Minor deviations to the approved agreement shall be permitted subject to staff review and without public hearing. A minor deviation shall be a deviation from the Plan which has no substantive effect on the overall goals, purpose and objectives of the Plan. Generally, a minor deviation would be a change which is (a) not in conflict with the requirements of the Plan or any exhibit adopted as part of the Plan or (b) not in conflict with any City ordinance or regulation not superseded by the terms of the

Plan and exhibits adopted as a part of the Plan. Examples of a minor deviation would include, but not be limited to, the following changes:

i. Changes in the alignment of a road or path to accommodate sound planning and engineering principles.

ii. Realignment of a VPD-PUD edge to accommodate site constraints or sound planning and engineering principles.

iii. Reallocation of use or unit density within VC, VUN or VBPN neighborhoods but without increasing the allowable commercial square footage or residential density for a particular commercial use or residential unit type.

iv. Other changes which are similar to the changes described above as to their lack of substantive impact on the goals, purpose and objective of the Plan.

26.3 The City's Planning Director shall determine whether a proposed deviation from the plan is minor or substantive change. If the Planning Director determines the proposed deviation is minor, the Planning Director shall authorize the deviation by approving it in writing. The approval may be in the form of a letter. If the deviation is substantive, the procedure set out in Paragraph 26.1 above shall be followed in order for the change to be approved.

27.0 Conformance With The Laws.

The Developer and Owner agree:

A. To develop the property according to all VPD-PUD regulations of the City to the extent those regulations are not inconsistent with the Plan for the property.

B. To provide agreements, contracts, deed restrictions, and sureties and other documents required by the City Legal Department for completion of the development or approved development phases, and for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at public expense, and that the Developer and Owner's successors in title will be bound by the Developer and Owner's commitments made in this Agreement.

C. To comply with all city codes and ordinances.

28.0 Enforceability.

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid or otherwise unenforceable, such holding shall not affect the validity of enforceability of any other provision of this Agreement unless the holding so states.

29.0 Prior Agreements.

This Agreement represents the complete understandings by and between the parties with respect to the development and continued use of the Property. Any and all prior agreements between the parties with respect to any subject comprehended by this Agreement are hereby voided and superseded by this Agreement.

30.0 Agreement To Run With The Land.

The terms and provisions of this Agreement shall run with the land and inure to the benefit and burden of the Developer, the Owner and their successors and assigns.

31.0 Interpretation.

31.1 This Agreement shall be interpreted to fulfill its purpose and intent. The parties agree that all parties have participated in the drafting of this Agreement. Therefore, the rule of construing ambiguities of an agreement against the drafter of the document shall not apply.

31.2 In the event of a conflict between the text of this Agreement and the exhibits adopted as a part of the Plan, the most restrictive requirement, as established by either the Agreement or Exhibits shall apply.

31.3 Words or terms used in the text of this Agreement shall be given the meaning set out by the definitions set out in Section 5.0 of this Agreement. If a word or term is not defined in Section 5.0 of this Agreement and the word or term is defined by the Land Development Regulations the meaning given to the word or term by the Land Development Regulations shall apply. Words or terms not defined by this Agreement or the Land Development Regulations shall be given their plain and ordinary meaning.

IN WITNESS WHEREOF, the parties hereto attached their hands and seals this 18th day of December, 2015.

Signed, sealed and delivered
In the presence of:

THE CITY OF NEW SMYRNA BEACH, FLORIDA, a Florida municipal corporation

Claudia Rogers
Witness 1

By: James W. Hathaway, Mayor

Print Name of Witness 1
Claudia Rogers

Attest:

Witness 2
Barbara Billings

By: Johnny Bledsoe, City Clerk

Print Name of Witness 2
Barbara Billings

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 11 day of December, 2015, by **JAMES W. HATHAWAY** and **JOHNNY BLEDSOE, Mayor** and **City Clerk**, respectively, of The City of New Smyrna Beach, Florida, a Florida Municipal Corporation, on behalf of the City. They are personally known to me and did not take an oath.

(Seal)

TAMMY M. KOSOROK
Commission # EE 847188
Expires February 25, 2017
Bonded Thru Troy Fain Insurance [redacted]

Tammy M Kosorok
Notary Public

APPROVED AS TO FORM AND CORRECTNESS
As attested to

By: _____
City Attorney, Frank B. Gummey, III

Dated: 12/18/15

Signed, sealed and delivered in presence of:

DEVELOPER AND OWNER:
GEOSAM CAPITAL US (VENETIAN BAY) LP, a Delaware limited partnership

By: **Geosam Capital US GP, LLC, a Delaware limited liability company, its General Partner**

By: _____

Witness 1

Amber Coleman
Print Name of Witness 1

Witness 2

Print Name of Witness 2
MARIA J. D'ALESSANDRO

Martin Pham, Manager

Date: 11-23-15

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 23rd day of Nov, 2015, by Martin Pham as Manager of Geosam Capital US GP LLC, a Delaware limited liability company and General Partner of Geosam Capital US (Venetian Bay) LP, a Delaware limited partnership. He is personally known to me or has produced _____ as identification and did not take an oath.

Notary: Type, Print or Stamp Name
My commission expires:

TONYA GANDY
MY COMMISSION # FF 036583
EXPIRES: July 16, 2017
Bonded Thru Notary Public Underwriters

Exhibit A
Legal Description

DESCRIPTION (OVERALL) VENETIAN BAY (SPRUCE CREEK RANCH)

A parcel of land in Sections 17 and 20, Township 17 South, Range 33 East, being described as follows: Commence at the Northerly right of way line of State Road 44 and the West line of said Section 20 as monumented, as a point of reference, run thence N88°34'27"E along the aforesaid right of way line, a distance of 860.15 feet to the Point of Beginning; thence continue N88°34'27"E along said right of way line, a distance of 1924.27 feet; thence N08°38'27"E, a distance of 708.32 feet; thence N09°47'57"E a distance of 1550 feet; thence N09°32'27"E a distance of 1021.78 feet; thence N09°09'27"E a distance of 1009.67 feet; thence N16°08'27"E a distance of 1293.77 feet; thence N16°36'57"E a distance of 134.76 feet; thence N20°10'57"E a distance of 426.66 feet; thence N16°43'27"E a distance of 727.93 feet; thence N77°43'06"W a distance of 4557.14 feet to the West line of Section 17, Township 17 South, Range 33 East, said point being South of the Northwest corner of said Section 17, a distance of 127.42 feet; thence S01°26'42"E a distance of 1272.52 feet along said West line of Section 17; thence S65°18'21"E a distance of 1863.95 feet; thence S06°33'27"W a distance of 5705.39 feet to the Point of Beginning.

AND:

A portion of Sections 6, 7 and 18, Township 17 South; Range 33 East and lying Southerly of Pioneer Trail, also known as State Road #40-A and County Road #4118, all being more particularly described as follows: As a point of reference begin at the Northwest corner of Section 7, Township 17 South; Range 33 East; thence N00°43'12"W along the west line of said Section 6, a distance of 1000.60 feet to the southerly R/W line of Pioneer Trail a 66 foot R/W as now laid out; thence N83°19'34"E along said R/W, a distance of 631.11 feet to the PC of a curve, thence Northeasterly along a curve being concave southerly said curve having a central angle of 10°47'25", a radius of 1522.98 feet, an arc length of 286.82 feet to the PT of said curve; thence S85°53'01"E along the tangent of the previously described curve, a distance of 521.18 feet; thence S85°08'24"E, along said R/W, a distance of 203.61 feet; thence S83°44'30"E, along said R/W, a distance of 210.66 feet; thence S82°28'25"E along said R/W, a distance of 208.34 feet; thence S80°22'38"E along said R/W, a distance of 240.39 feet; thence leaving said R/W, S00°24'31"E, a distance of 920.13 feet to the South line of said Section 6; thence S01°18'04"E, a distance of 2119.27 feet to the centerline of an existing drainage canal; thence S80°06'10"E along said centerline, a distance of 901.27 feet; thence S82°01'07"E along said centerline of drainage canal, a distance of 866.37 feet; thence S80°38'22"E, along said centerline of existing drainage canal, a distance of 1225.40 feet to the east line of said Section 7; thence leaving said centerline of existing drainage canal S01°29'28"E along said East line, a distance of 2666.74 feet to the southeast corner of said Section 7; thence S01°27'00"E along the east line of said Section 18, a distance of 1399.94 feet to the Northerly line of the Mary O'Reilly property; thence N65°18'40"W a distance of 475.86 feet to the Westerly line of the Mary O'Reilly property; thence S16°26'36"E, along said westerly line of the Mary O'Reilly property, a distance of 1499.91 feet to the south line of the North 2 of said Section 18; thence S89°18'02"W, along the said south line of the North 2 of said Section 18, a distance of 5234.73 feet to the west line of said Section 18; thence N01°04'16"W, along the westerly line of said Sections 18 and 7, a distance of 7948.58 feet to the Point of Beginning.

Subject to a 100 foot drainage easement described as that property lying within 50 feet northerly and 50 feet southerly of the centerline of the existing drainage canal extending from a point on the east line of said Section 7 near the East 2 Section corner and traversing northwesterly through Section 7 to a point on the west line of Section 7 approximately 800 feet north of the West 1/4 section corner.

More particularly described as follows:

BEGIN AT THE NORTHWEST CORNER OF SAID SECTION 7, ALSO BEING THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE N00□53'04"W ALONG THE WEST LINE OF SAID SECTION 6 A DISTANCE OF 1000.37 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF PIONEER TRAIL; THENCE

N83□19'37"E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 634.21 FEET TO A POINT OF CURVATURE ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1522.98 FEET, A CHORD BEARING OF N[redacted]E, A CHORD DISTANCE OF 286.39 FEET, RUN THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 10□47'25", A DISTANCE OF 286.82 FEET TO THE POINT OF TANGENCY; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING FIVE COURSES (1) THENCE S85□52'58"E A DISTANCE OF 521.18 FEET; (2) THENCE S85□08'21"E A DISTANCE OF 203.61 FEET; (3) THENCE S83□44'27"E A DISTANCE OF 210.66 FEET; (4) THENCE S82□28'22"E A DISTANCE OF 208.34 FEET; (5) THENCE S80□22'35"E A DISTANCE OF 240.39 FEET; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE RUN S00□24'31"E A DISTANCE OF 919.61 FEET; THENCE S01□18'06"E A DISTANCE OF 2119.75 FEET; THENCE S80□06'02"E A DISTANCE OF 901.25 FEET; THENCE S82□01'14"E A DISTANCE OF 866.36 FEET; THENCE S80□30'04"E A DISTANCE OF 1224.30 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 7; THENCE S01□27'53"E ALONG SAID EAST LINE A DISTANCE OF 26.70 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 7; THENCE S01□28'01"E ALONG SAID EAST LINE A DISTANCE OF 2640.04 FEET TO THE NORTHEAST CORNER OF SAID SECTION 18; THENCE S01□20'33"E ALONG THE EAST LINE OF SAID SECTION 18 A DISTANCE OF 127.41 FEET; THENCE DEPARTING SAID EAST LINE RUN S77□42'19"E A DISTANCE OF 4556.64 FEET; THENCE S16□42'14"W A DISTANCE OF 727.93 FEET; THENCE S20□10'55"W A DISTANCE OF 426.68 FEET; THENCE S16□42'23"W A DISTANCE OF 134.74 FEET; THENCE S16□09'35"W A DISTANCE OF 1294.77 FEET; THENCE S09□08'54"W A DISTANCE OF 1008.72 FEET; THENCE S09□34'30"W A DISTANCE OF 1021.87 FEET; THENCE S09□49'35"W A DISTANCE OF 1550.17 FEET; THENCE S08□38'25"W A DISTANCE OF 639.98 FEET TO A POINT ON THE NEW NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 44 AS RECORDED IN OFFICIAL RECORDS BOOK 3998, PAGE 3768, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE N87□06'45"W ALONG SAID NEW NORTH RIGHT-OF-WAY LINE A DISTANCE OF 179.15 FEET; THENCE CONTINUE ALONG SAID NEW NORTH RIGHT-OF-WAY LINE S88□35'50"W A DISTANCE OF 1746.46 FEET; THENCE DEPARTING SAID NEW NORTH RIGHT-OF-WAY LINE RUN N06□34'50"E A DISTANCE OF 5624.01 FEET; THENCE N65□17'39"W A DISTANCE OF 1864.09 FEET; THENCE N65□15'57"W A DISTANCE OF 475.94 FEET; THENCE S16□25'02"E A DISTANCE OF 1500.02 FEET TO A POINT ON THE EAST-WEST CENTER OF SECTION LINE OF SAID SECTION 18, BEING 39.07 FEET WEST OF THE EAST 1/4 CORNER OF SAID SECTION 18; THENCE S89□19'14"W ALONG SAID EAST-WEST CENTER OF SECTION LINE A DISTANCE OF 5231.54 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 18; THENCE N01□04'47"W ALONG SAID WEST LINE A DISTANCE OF 2658.03 FEET TO THE NORTHWEST CORNER OF SAID SECTION 18 ALSO BEING THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE N01□04'09"W ALONG SAID WEST LINE A DISTANCE OF 2644.12 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 7; THENCE CONTINUING ALONG SAID WEST LINE RUN N01□03'07"W A DISTANCE OF 2647.03 FEET TO THE POINT OF BEGINNING.

CONTAINS 54,389,693 SQUARE FEET OR [redacted] ACRES MORE OR LESS

AND TOGETHER WITH:

Commence at the Northwest corner of Section 17, Township 17 South, Range 33 East, Volusia County, Florida; run thence South 01 degrees 20 minutes 33 seconds East along the West line of said Section 17, a distance of 127.41 feet; thence South 77 degrees 42 minutes 19 seconds East a distance of 4556.64 feet: thence South 16 degrees 42 minutes 14 seconds West a distance of 727.93 feet; thence South 20 degrees 10 minutes 55 seconds West a distance of 426.68 feet; thence South 16 degrees 42 minutes 23 seconds West a distance of 134.74 feet; thence South 16 degrees 09 minutes 35 seconds West a distance of 342.86 feet for a point of beginning; thence South 72 degrees 19 minutes 51 minutes East a distance of 1112.31 feet; thence South 13 degrees 08 minutes 29 seconds West a distance of 1571.16 feet; thence South 00 degrees 00 minutes 00 seconds West a distance of 1391.08 feet to a point of curvature on a curve concave Northeasterly, having a radius of 1739.52 feet, a chord bearing of South 17 degrees 39 minutes 27 seconds East, a chord distance of 998.45 feet, run thence Southeasterly along the arc of said curve, through a central angle of

33 degrees 21 minutes 21 seconds, a distance of 1012.69 feet; thence South 42 degrees 20 minutes 58 seconds East a distance of 438.86 feet; thence South 32 degrees 50 minutes 01 seconds West a distance of 563.31 feet to a point on the North right of way line of State Road 44; thence South 87 degrees 35 minutes 54 seconds West along said North right of way line, a distance of 231.55 feet; thence South 87 degrees 50 minutes 04 seconds West along said North right of way line a distance of 1500.13 feet; thence South 88 degrees 35 minutes 54 seconds West along said North right of way line a distance of 200.00 feet; thence North 87 degrees 06 minutes 46 seconds West along said North right of way line a distance of 21.36 feet; thence departing said North right of way line run North 08 degrees 38 minutes 25 seconds East a distance of 639.98 feet; thence North 09 degrees 49 minutes 35 seconds East a distance of 1550,17 feet; thence North 09 degrees 34 minutes 30 seconds East a distance of 1021.87 feet: thence North 09 degrees 08 minutes 54 seconds East a distance of 1008.72 feet; thence North 16
degrees 09 minutes 35 seconds East a distance of 951.92 feet to the point of beginning.

COMPOSITE EXHIBIT "B"
LAND USE ZONE STANDARDS

A. RESIDENTIAL (RES):

1. Intent: The intent of the residential land use zone is to provide for a diversity of housing types and price ranges including all types of detached and multifamily housing.

2. Overall Development Standards

a. Permitted and Accessory Uses:

- Single family housing including zero lot line and normal accessory uses.
- Multiple family buildings with two (2) or more units, including apartments, condominiums, townhouses, duplexes and customarily allowed accessory uses
- Home Offices
- Assisted Living Units
- Civic including religious institutions, Recreation and Open Space Uses
- One (1) stand-alone RV/boat storage parking facility; provided it does not abut residential lots and meets all buffer, screening, and landscaping provisions contained herein.

3. Detached Unit Development Standards:

a. Private Realm Façades: The design concept is to reinforce the public realm by "Framing the Street". The principal orientation of the front façade of all primary buildings shall be parallel, or nearly parallel, to the street on which they front and meet the following requirements.

i. **Primary Entrance:** The front facing façade shall contain the primary entrance and face the street except as specifically provided for herein.

ii. **Façade Design:**

- **Front façade:** Shall not consist of an unobstructed blank wall and along street frontages, housing facades shall be varied and articulated to provide visual interest.
- **Articulation Devices:** May include color, texture, arcades, bays, windows, balconies, porches, roof treatment (hip and gable are preferred) and other architectural treatment.
- **Significant Structures:** Structures located on corner lots are considered to be significant buildings and shall not create a blank-wall effect on its exterior side yard.

b. Private Realm Porches: The design concept is to permit porches to create a buffer and human scale layer between the sidewalk and the house, provide a social edge to a private dwelling in which people can choose to see or be seen along neighborhood streets, and to merge the public realm and the private realm. Where porches are provided the design standards below shall apply.

i. **Size:** Porches shall have a minimum depth of seven feet (7'), with a minimum length of the lesser of the primary structure front façade or ten (10') feet.

ii. **Elevation:** Porches and first floor elevations shall be a minimum of sixteen (16") inches above the finished grade of the lot as measured along the front elevation.

iii. **Entrance:** The porch shall provide space for the primary entrance to the house, and be covered by a roof.

iv. **Porch Steps:** Steps to the front porch shall be at least six (6') feet in width and be aesthetically enhanced.

v. **Setbacks:** Porches may intrude into setback, but shall maintain a minimum front setback of ten (10') feet and side setback of seven (7') feet.

vi. **Corner lots:** Porches shall wrap around the exterior side of the significant structure for a minimum of seven (7') feet.

vii. **Enclosure:** Porches shall not be enclosed but shall have roofs integral to the house.

viii. **Covered Balconies or Balustrade Area:** May be used to meet the porch requirement if they meet the dimensional requirements of the porch

c. Private Realm Garages: The design concept is to reduce reliance on and impact of automobiles by reducing the physical prominence of garages and improving the pedestrian environment as follows:

i. **Architectural Design:**

- **Compatibility:** Garages shall be of the same architectural form, style and materials as the primary structure.
- **Visual Impact:** Architectural devices should be used to reduce the visual impact of garage doors.

ii. **Location Design:**

- **Lots Under 50' in Width:** Garages shall be accessed from a rear alley easement or parking may be provided through an alternative plan such as parking pods.
- **Lots Under 55' in Width:** Garages may be accessed from the front, but shall be located to the rear of the primary structure and may be free standing or attached.

- **Lots 55' or Wider**: May have garages located to the front of the house under the following conditions:
  - The garage has a side entry court (oriented toward the side yard) and covers not more than 48 percent of the front façade providing the architectural treatment of the garage is at the same level of detail and quality as the primary façade.
  - The garage may face the front, provided it is set back fifteen (15) feet from the front façade, not including porches and bays.

d. Private Realm Landscaping: The design concept is that tree placement on the lot must complement the public realm street trees at maturity, avoid conflict with utilities and work with porch locations.

i. **Irrigation:** Each residence shall be provided an automatic irrigation system designed to use reuse water, where made available by the utilities commission, to provide 100% ground coverage, and to meet peak moisture demands of all plant material. (Turf and scrub areas shall be irrigated separately) Xeriscape and water conservation method may be used to reduce the 100% requirements in rear yards only.

ii. **Lot Requirement:** Each residence's front yard must contain one (1) shade tree with a two (2.5") inch caliper except as follows:
- **Front Facing Garage Requirement:** One (1) additional, two (2") inch caliper tree shall be located between the driveway and the nearest side yard to help screen the garage.
- **Lots less than 55' in width:** May delete the shade tree requirement in exchange for providing hedges along the side lot lines on the front yard.

iii. **Property lines:** May be clearly defined by hedges, fences, or garden walls. To develop hedges, the builder shall use large shrubs that will mature into the appropriate size. See fencing below.

e. Private Realm Fences or Hedges: The design concept is to permit private property lines to be clearly defined by garden walls, fences or hedges. Fencing and hedging in the front yard shall indicate a separate public realm from the private realm, but not create a barrier to interaction between pedestrian and homeowners

i. **Design Concept:** Walls, Hedges and fences shall be considered an extension of the architecture of the residence and shall screen trash containers.

ii. **Front Yard Requirements:** Hedges, fences or walls that define the transition from the public street to the private front yard space, may be provided in front yards if they meet the following conditions:

- They shall be limited to a maximum of four (4') feet in height and be a minimum of fifty (50%) percent solid.
- A waiver may be granted to the height restriction based upon a review of fencing and compatible architecture on a block front basis.
- Entrances, gates, and corners should be articulated with decorative post treatment, which may exceed the four (4') feet height limitation.

iii. **Additional Requirements:** Non-front yard fences, as detailed below, are permitted on all residential lots within the VPD-PUD, subject to the following restrictions:

- Fence materials shall be white vinyl, white PVC, white wrought iron, black wrought iron or as outlined below.
- Perimeter fences must be installed either on the property line or three (3) feet inside of the property line.
- Fences shall be allowed on all lots as, or part of, a pool enclosure.
- Fences uses as pool enclosures may be white vinyl or PVC, wrought iron or similar styled manufactured in aluminum, either in white or black.
- Solid fences above four (4) feet are not allowed in rear yards. Rear yard fences may be solid up to four (4) feet in height. An additional two (2) feet of height may be added provided that no more than 25% of the additional two feet is solid.
- Except in extraordinary circumstances, solid privacy fences up to six (6) feet in height are only allowed from the front plane of the primary structure to the rear plan of the primary structure.
- Walls may be used in lieu of fences under the following conditions:
  a. Walls must be the same finish and color as the exterior of the residence and must have a decorative cap.
  b. Solid walls may be six (6) feet in height in side yards only.
  c. Solid walls may be four (4) feet in rear yards with an additional two (2) feet allowed with wrought iron or similar materials and the additional two (2) feet

must be a maximum of twenty-five percent (25%) solid.

No fence or wall shall be constructed as to interfere with the drainage pattern in the area.

f. Private Realm Driveways: The design concept is to permit drive- ways to accommodate the garage but shall not impose barriers between the private realm and public realm as follows:

i. **Driveway Design:** Driveways shall be a minimum of ten (10) feet wide at the curb and continue to the garage meeting the following:
- **Turnarounds:** Driveways shall contain turnarounds where possible.
- **Common Driveways:** Are permitted
- **Materials:** Driveways shall be constructed of concrete or concrete paving blocks, bricks or asphalt.

ii. **Circular Driveways:** Are permitted in the VUN Sub-District.

g. Screen Enclosures: Screen enclosures for pools, decks, or other areas shall be allowed and shall be considered to be an accessory structure to a home and not part of the primary structure of the building it is attached to. This provision shall apply to all residential uses and districts.

4. Single Family & Two-Family Lot and Building Guidelines: Modifications may be permitted where alternative development practices are shown to achieve the West New Smyrna Beach Neighborhood policies of the Comprehensive Plan and the intent of the VPD-PUD. Any such modifications shall be identified in the VPD-PUD Agreement.

a. Minimum Lot Area:	5,500 s.f., for single family 4,400 s.f., for zero lot line
b. Minimum Lot Width and Frontage:	50' for single family 40' for zero lot line
c. Minimum lot depth:	130' without Alleys, 120' with Alleys
d. Maximum lot combination:	3
e. Maximum % of lot combinations:	50%
f. Minimum living Area:	1000 S.F. for primary unit 450 S.F. for accessory unit

g. **Maximum Impervious Coverage:** 65% (area of a porch is not included)
h. **Maximum Building Height:** 3 stories and 40'
i. **Maximum Number of Dwelling Units per lot:** 1 excluding accessory units

j. **Minimum Building setbacks:**

i. **Front:** 17.5' to 22.5' build-to range. Porches may be no closer than 10'.
ii. **Street Side:** 15'
iii. **Interior Side:** 5' on each side for single family
0' and 10' for zero lot line
iv. **Rear:** 25' for primary structure, 5' for a garage or accessory structure

5. Multi-Family Development Standards:

a. Density (adjusted gross): This zone is intended to provide for multi-family housing at an adjusted gross density of no greater than eighteen (18) units per acre.

b. Private Realm Façade: The design concept is to reinforce the public realm by AFraming the Street. These multiple family buildings shall support the public realm design, be close to the street and meet the following requirements.

i. **Framing the Street:** The principal orientation of the front façade of primary buildings shall be parallel, or nearly parallel, to the street on which they front with parking hidden behind or to the side. Buildings internal to the site should be organized around open space.
ii. **Primary Entrance:** Building entrances, front porches, windows to major rooms, and front doors shall be oriented to the street or parking court.
iii. **Facade Design:** The buildings shall be designed to reduce the monolithic nature of the structure. The front door shall be a prominent and welcoming feature on the front façade. Blank wall conditions facing the street are not allowed.
iv. **Articulation Devices:** Roof forms, balconies, covered entities, and facades shall accentuate smaller unit massing. Three -story housing should include one (1) and two (2) story units at ends and corners.

c. Private Realm Porches: The design concept is to permit porches to create a buffer and human scale layer between the sidewalk and the project, provide a social edge to a private unit in which people can choose to see or be seen along neighborhood streets, and to merge the public realm and the private realm. Where porches are provided the design standards below shall apply.

i. **Size:** Porches shall have a minimum depth of seven feet (7'), with a minimum length of ten (10') feet.

ii. **Elevation:** Porches and first floor elevations shall be a minimum of sixteen (16") inches above the finished grade of the lot as measured along the front elevation.

iii. **Entrance:** The porch shall provide space for the primary entrance to the unit or multiple unit structure, and be covered by a roof.

d. Private Realm Landscaping: The design concept is to utilize private landscaping to support the public realm landscaping in terms of location, size and quality of materials.

i. **Building Perimeter Landscape:** Perimeter areas adjacent to arterial roads shall be heavily screened. Perimeter areas that face residential streets shall not have hedge or shrub planting over four (4) feet in height.

ii. **Parking Landscape:** Canopy shade trees shall occur throughout the parking lot. Landscape islands should align with paths in the common open space to create pedestrian links through parking lots. Shrub masses shall be used along the perimeter of all parking lots to enclose the space and screen views to vehicles from surrounding drives and adjoining parcels. Parking islands may include shrubs, ground cover, loose granular material or tree grates. Parking islands shall be at least nine (9') feet wide to allow a single tree planted in the center to stay clear of open car doors.

iii. **Recreation Facility Landscape:** Recreation facilities shall be associated with common open space areas to provide for social gatherings. Landscape materials shall be used to screen above grade utilities and pool equipment from recreational areas and adjoining units.

iv. **Buffers/Screening Materials:** Landscape screens shall consist of layered masses of opaque shrubs, the tallest of which is of sufficient height to block the undesirable view or noise. Where space is tight, a single dense hedge can be used.

6. Multifamily Lot and Building Guidelines: Modifications may be permitted where alternative development practices are shown to achieve the West New Smyrna Beach Neighborhood policies of the Comprehensive Plan and the intent of the VPD-PUD. Any such modifications shall be identified in the VPD-PUD Agreement.

a. Maximum Lot Area: 1 blocks meeting development block standards within the VC and VUN Sub-Districts.

b. Minimum Lot Area: 13,000 s.f. for apartments
2,600 s.f. for townhouse

	7,500 s.f. for duplex
c. Minimum Lot Width and Frontage:	100' for apartments 20' for townhouse 60' for duplex
d. Minimum Floor Area:	500 s.f. for primary unit 400 s.f. for accessory unit
f. Maximum Lot Coverage:	65% (area of porch is not included)
g. Maximum Building Height:	four (4) stories and 60 feet

h. Minimum Building Setbacks:

i. **Front:** 10' to 20' build-to range primary structure.
ii. **Street Side:** 10' plus 2' for every floor over 2 stories.
iii. **Interior Side:** 10' plus 2' for every floor over two stories for apartments. 5' plus 2' for every floor over 2 stories for duplexes
iv. **Rear:** 25 feet for primary structure, 5 feet for a garage or other accessory structure.

B. STOREFRONT COMMERCIAL (SFC):

1. Intent: The Storefront Commercial land use zone is intended to be applied in the initial VPD-PUD unless it is designed to be expanded into one contiguous VPD-PUD and shall provide much of the retail and other commercial needs of the village. The zone requires a fine grain of pedestrian oriented development and a high degree of urban design based upon traditional downtown storefronts.

Refer to Appendix F "Design Standards Graphics": Typical Main Street Ambiance and Desirable Streetscape and Building scale

2. Sub-Districts Permitted: The Storefront Commercial District shall only be permitted within the centrally located Village Center (VC) Sub-District.

3. Development Standards:

a. Permitted and Accessory Uses:

- Retail Sales and Service
- Outdoor Retail Sales and Service

- ☐ Hotel and Time Share
- ☐ General Office
- ☐ Professional Office
- ☐ Personal Service
- ☐ Restaurants (no drive through)
- ☐ Sidewalk Cafes with tables and menu
- ☐ Residential units located above ground floor commercial
- ☐ Helipad Use (Ground not rooftop)
- ☐ Civic and Recreation
- ☐ Drive through facilities for banks, savings and loans, institutional uses located at the rear of a building in a parking lot and accessed by service streets or parking lots.
- ☐ Any use typically incidental to a principal use permitted by right when conducted as an accessory to such a principal use. Outdoor display shall be allowed. "Sidewalk tables" and temporary signage shall not be included to determine total allowable signage Menu display shall not be considered a sign.
- ☐ Gas pumps located away from the main pedestrian commercial streets.

b. Prohibited Uses:

- ☐ Any use not permitted shall be prohibited unless it is determined to be essentially the same as a permitted use.
- ☐ Drive through facilities for all restaurants
- ☐ Automobile, truck, RV, and boat dealerships and similar uses with large vehicular display areas

c. Private Realm Commercial Storefront Façades: The design concept is to reinforce the public realm by "Framing the Street". The principal orientation of the front façade of all primary buildings shall be parallel, or nearly parallel, to the street on which they front and meet the following requirements.

i. Main Building Façades shall face the primary street except the main building façade may be perpendicular to the street if located on a courtyard or plaza and architecturally related to the street or the Main Building Façade may face a significant body of water within the development provided the façade is served by a pedestrian walkway

of at least fifteen (15') feet in width giving pedestrian access to the body of water and the facade.

ii. All facades facing village commercial streets shall conform to the build to line. Minor deviations of up to twenty (20') feet for up to twenty (20%) of a block front may be permitted and shall be identified on the preliminary plat

iii. Main entrances shall face the street, square or court yard/plaza.

iv. Buildings on corner lots shall be architecturally related to the secondary street.

d. Commercial Storefront Façade Components: The basic commercial storefront façade shall consist of four (4) parts as follows:

i. **The Storefront:** The lower façade with entrance and display windows.

ii. **The Expression Line**: Delineates the transition between storefronts and from the upper façade above. The expression line shall either be a cornice, molding extending a minimum of three (3) inches, or offset in the plane of the surface of the building wall a minimum of three (3) inches.

iii. **The Upper Façade Area:** Contains the horizontal area utilized for wall signage, canopies or awnings and windows if it is a multistoried building.

iv. **The Cornice:** The architectural feature at that tops the building. The cornice shall reflect the style of the building.

Refer to Composite Exhibit F – "Design Standards Graphics" Storefront Design Illustrations, which establish a graphic representation of the architectural components of a historic storefront and desirable and undesirable characteristics of a storefront. Variations to these design standards and standards under f. below may be approved by the City to accommodate a true Mediterranean theme based upon meeting the intent of the standards and approval of Design Book of sketches and illustrations to be provided in the PUD Agreement.

f. Storefront Architecture:

i. **Design Concept:** Architectural style, building colors, sign location and size shall be coordinated with the characteristics of adjacent buildings and storefronts in the same building.

ii. **Cornice and Expression Lines:** A 20' to 25' high cornice line and an expression line deep enough to create a shadow line shall be established for all buildings except freestanding office buildings.

iii. **Continuation of Horizontal Lines:** Such as building trim, cornice lines or decoration is encouraged from one building to the next.

Refer to Composite Exhibit F- Illustrations of cornice and expression lines and desirable and undesirable applications.

iv. **Windows:** Shall face the street and a punched window expression is encouraged. Large expanses of glass curtain walls are discouraged and street side windowless walls are prohibited.

- **Bulkheads/Kneewalls and Kick Plates:** Shall be required.
- **Framing:** Windows shall be framed
- **Shutters:** Shall be prohibited on the first floor.

v. **Roof Pitch:** Varied roof pitches will be permitted in lieu of the traditional cornice line, as long as it fits with the adjacent buildings architectural style and/or historic old Florida architecture.

- **Porticos and arcades:** May be permitted if the sidewalks are of sufficient width and pedestrian flow is accommodated.

Refer to Composite Exhibit F- "Appropriate Facades and Roof Pitches"

iv. **Awnings:** shall be used to be architecturally coherent with the building involving height, size, materials and color as follows:

- **Materials:** Fabric awnings, such as canvas, vinyl coated canvas or acrylic are encouraged. Metal awnings may be used, but limited to enhance main entrances and porticoes
- **Design:** Awnings should not be of radically uneven or unusual shapes. Awnings shall not cover the piers or the space between the second story windows and cornice. Awnings covering second story windows shall either conform to the size of the individual windows or complement the first floor awning in terms of size, materials, height, color etc.
- **Colors:** Awning color shall complement the buildings color scheme. Electric or garish colors are prohibited.

Refer to Composite Exhibit F- "Desirable and Undesirable Awnings" and "Typical Awnings", respectively.

vii. **Wall and Awning Signage:**

- **Materials and Composition:** Shall be compatible to the architecture, materials and composition of the building.
- **Design:** Size, shape, color and location of a sign shall complement the building façade and should never be so large

as to overpower the building.

- Individual storefront signs should be compatible with other storefronts on the same building in terms of size design and placement.
- **Building Elements Preserved:** Windows, cornices or decorative details shall not be obscured.
- **Prohibitions and Waivers:** Signage above the expression line shall be prohibited except:
- Wall mounted hanging signs that are highly decorative and complement the building façade
- Small window signs
- Signs that identify a building, incorporated in the cornice detail

Refer to Composite Exhibit F- "Desirable and Undesirable Signs"

g. Maximum Building Width: Building site may extend up to a full block, but to the greatest extent possible, single buildings with a single entrance should not exceed 200'.

5. Lot and Building Guidelines: Modifications may be permitted where alternative development practices are shown to achieve the West New Smyrna Beach Neighborhood policies of the Comprehensive Plan and the intent of the VPD. Any such modifications shall be identified in the PUD Agreement.

a. Minimum Lot Widths: 20'

1. Maximum retail (ground) Floor Areas:

i. **All except grocery stores** 10,000 S.F
ii. **Corner lot store** 15,000 S.F.
iii. **Grocery Stores** 60,000S.F.

2. Minimum Setbacks for Commercial Storefront Projects (Includes retail, office, civic uses)

i. **Minimum front build-to-line,** 80% of block up to 10' for 20% of block.
ii. **Minimum side setback...**0'
iii. **Minimum rear setback...**0'
iv. **Minimum for parking lots...**5'

3. Encroachments

i. **Design Concept:** Balconies, awnings, covered entries, arcades; roof overhangs may encroach into the public sidewalk zone.

ii. **Clearance:** Encroachments must be a minimum height of eight feet from the sidewalk.
iii. **Stoops:** Shall not encroach on public sidewalks.
iv. **Doors:** Shall not encroach on public sidewalks.

4. **Maximum lot coverage:**
   i. **Maximum impervious surface area**: 100%
   ii. **Master Storm water Retention System:** Shall be required to accommodate multiple ownerships where lot coverage makes on site retention impractical.
   iii. **Maximum Building Height:** 4 stories and 60'

C. CONVENIENCE COMMERCIAL (CC):

1. Intent: The convenience commercial land use zone is intended to be applied in the Initial VPD, serve very limited commercial needs of Village residents and to be restricted in size, permitted uses and location so as not to compete with the village center-storefront commercial uses.

2. Sub-Districts Permitted: The commercial land use zone shall only be permitted within the Village Best Practices Neighborhood (VBPN) Sub-Districts, located on Major Collector Boulevard entrances to the VPD from east-west arterial roads.

3. Development Standards:

a. Permitted and Accessory Uses:

- ☐ Convenience Commercial development with a maximum site size of two (2) acres containing a maximum of fifteen thousand (15,000) square feet of the following uses:
  - Convenience Stores/Retail Sales and Service with gas pumps and car washes (South Convenience Commercial location only)
  - Restaurants with drive-through
  - Banks, savings and loans with drive-through
  - Office, General or Government, Professional, Business or Personal Service
  - House of Worship
  - Day Care Center (child or adult)
  - Medical Facility
  - Medical Office
- ☐ Any use typically incidental to a principal use when conducted as an accessory use to the principal use.
- ☐ All uses listed shall follow setback requirements as set forth in this PUD Agreement, this section, "Lot and Building Guidelines".

b. Prohibited Uses:

- Any use not permitted shall be prohibited unless it is determined to be essentially the same as a permitted use.

c. Location Requirements: This land use zone may only be applied to sites meeting the following conditions:

i. The sites may be located in only one quadrant of the intersection of a VPD Major Collector road and an east-west arterial road.

d. Unified Development Requirement: Development within the CC land use zones shall be designed meeting site plan requirements for a unified development.

e. Site Design: Buildings shall address the public right-of-way and provide higher architectural standards for those buildings facades that are visible from the street.

i. Primary Façade: All buildings shall be oriented to face the arterial road and this side of the building will be defined Athe primary façade.

ii. Primary Customer Entrance: Shall be within the primary facade unless the building is considered to have two primary facades; the façade that faces the public right-of-way and the façade that incorporates the customer service entrance.

iii. Corner Lots: Buildings located on corner lots shall have two primary façades unless the building is angled so that the primary façade is oriented to the intersection and thus has one primary facade.

iv. Off-Street Parking/Sidewalk Design: Shall meet the requirements of the City and the following:

- **Interior Parking Areas:** Landscaped areas shall be provided to define logical areas for pedestrian and vehicular circulation.
- **Consistent Angles:** All spaces in a parking lot shall use the same angle of parking excepting parking spaces along the perimeter.
- **Sidewalks:** Site development plans shall include sidewalks, pedestrian ways, linkages and paths connecting public sidewalks and pathways to building entrances, designed to the same standards as public sidewalks.
- **Pedestrian Separation:** Pedestrian walkways through parking lots shall be separated, preferably buffered with landscaping, from vehicle lanes. Walkways shall be constructed to standard sidewalk height such that the pedestrian walkway is higher than the vehicle travel lane.
- **Site Vehicular Access:** The main site vehicular access shall be from the major collector road. Direct access to the exterior arterial roads shall be limited to right in/right out accesses as approved by the Florida Department of Transportation

(FDOT) for State Road 44 or the County of Volusia for Pioneer Trail.

v. **Accessory Structures:** Accessory structures shall be located behind the front building line of the primary structure and shall be constructed of the same materials as the primary structure.

vi. **Landscaped Buffer Areas:** As defined by the Land Development Regulations for a width of twenty-five feet (25') shall be provided abutting residential areas.

h. Building Design: The appearance of site and structures shall be coordinated for the purpose of creating a pleasing and harmonious overall environment.

i. **Compatibility:** Building materials, plant materials, lighting and other building and site improvements shall:

- Be internally consistent with the design theme of the VPD project.
- Be compatible with the landscaping materials and lighting fixtures in the adjacent VPD Major Collector Boulevard.

ii. **Awnings or Ornamental Features and Signs:** shall be designed in a manner harmonious with the building design including appropriate scale, shape, and pattern as follows:

- **Materials:** Fabric awnings are encouraged but metal awnings may be used to enhance main entrances.
- **Architectural Integration:** Shall be designed with the architecture of the building and shall not cover or hide architectural features

iii. **Scale:** Buildings shall have architectural features that provide visual interest from the perspective of the pedestrian.

iv. **Facades:** Shall be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls and be consistent with any village design elements.

- **Articulation:** Shall be accomplished by varying the building's height and width so that it appears to be divided into distinct massing elements and provide details that can be perceived at the scale of the pedestrian.
- **Primary Facades:** All primary facades of a building shall be designed with consistent architectural style, detail, trim features, and roof treatments.
- **Walls:** The exterior façade of the wall shall be designed consistently with the primary façade.

v. **Building Materials:**

- **Primary Facades:** The use of a certain materials on primary facades is restricted as follows:

- Metal panels shall not cover more than fifty (50) percent of any primary façade.
- Smooth-faced concrete on a primary façade shall have stucco or other decorative finish. Unfinished, standard concrete blocks shall not be permitted.
- **Walls:** Shall be finished as the primary façade.

vi. **Garage/Roll-Up Doors:** Shall not be permitted as a part of the primary façade of a building. Garage or roll-up doors, if necessary as a part of the use of the building(s), shall be designed to be on the side or rear of the building(s).

vii. **Roof Design:** To add visual interest, reduce massing and screen rooftop equipment. Hip and gable roofs are allowed mansard and gambrel roofs are prohibited. Flat roofs are permitted with a three (3) dimensional cornice treatment as described below.

- **Rooftop equipment:** shall be concealed from eye-level view from public right-of-way and from the ground level of any adjacent properties.
- **General Application:** Both single and multiple-tenant buildings and projects are required to have variations in the roof lines, and roof features that are consistent with the building's mass and scale. In addition, roofs shall meet at least two (2) of the following requirements

☐ **Decorative parapet.**

☐ **A three-dimensional cornice treatment**, a minimum of twelve (12) inches high with a minimum of three changes in the relief or thickness.

☐ **Overhanging Eaves:** that extends at least three (3) feet beyond the supporting walls, with a minimum facia of six (6) inches deep.

☐ **Three or more planes per primary façade.**

Refer to Appendix C, Exhibit # 11 Roof Options.

4. Lot and Building Guidelines: Modifications may be permitted where alternative development practices are shown to achieve the West New Smyrna Beach Neighborhood policies of the Comprehensive Plan and the intent of the VPD and its VC sub-district. Any such modifications shall be identified in the PUD Agreement.

a. Minimum Lot Size: .5 acre

b. Maximum Lot Size: 2 acres

c. Maximum Gross Leasable Square Feet: 15,000 s.f.

d. Minimum Yard Size:

i. **Front Yard:** Buildings at 70'. Perimeter sidewalks and parking lots may abut the required scenic setback of the arterial roads.
ii. **Side yard:** 25 feet
iii. **Rear yard:** 25 feet

e. Maximum Principal Building Height: 40 feet
f. Maximum Building Coverage: 35%
g. Maximum Impervious Lot Coverage: 75%

1. VILLAGE CENTER (VC) SUB-DISTRICT

A. SUB-DISTRICT INTENT: The intent is to require development of a Village Center within the Initial VPD that may be expanded into a directly adjacent contiguous VPD that is a pedestrian oriented and accessible, mixed use shopping district. It will serve the entire Village including contiguous developments, with a mix of uses that will help to create a vibrant sustainable community. The Village Center shall be centrally located adjacent to a major collector road and shall contain a minimum of sixty (60) acres.

Further, the intent of the Village Center District is to encourage a fine grain of architecture, site planning and development. Street oriented retail and restaurants, professional office and apartments above are oriented around the village commercial streets.

B. APPLICATION: The VC Sub-District shall be delineated on the Schematic Plan. The sub-district shall be generally located in the center of the village adjacent to the major collector road to serve the surrounding neighborhoods and may include lands on both sides of the major collector road.

C. UNIFIED DEVELOPMENT PLAN: A Preliminary Subdivision Plat shall be required for the entire Village Center prior to any site development approval within the Village Center.

D. LAND USE ZONES PERMITTED: The following land use zones shall apply within the VC Sub-District.

1. RESIDENTIAL (RES)
2. STOREFRONT COMMERCIAL (SFC)

E. RES MINIMUM AVERAGE RESIDENTIAL DENSITY: In order to create a true village center focus, a minimum average density of four (4) dwelling units per acre shall be achieved

within the VC-Sub-District tract. The schematic plan shall identify parcels to be developed as RES and specify the adjusted gross densities for these parcels. The combined adjusted gross densities for all of the RES parcels shall achieve the total units required in the entire sub-district. Modifications may be made over time to respond to market conditions, but the minimum average density shall be maintained.

F. LAND USE MIX: The following table provides the minimum/maximum standards that establish the mix use character of the Village Center Sub-District.

Table IV
VC MIX OF LAND USE

	Land Area Minimum	Land Area Maximum	Ratios
VC Total		**60 acres**	
1. Village Square		**2 acres**	
2. Residential	**45%**	**65%**	**4 du/ac. min. avg.**
3. Storefront Commercial (Retail/Office/Service/ Commercial)	**10%**	**30%**	**20 Bldg. sf/du***
4. Civic	**10%**	**None**	
5. Conservation/open Space		**5%**	

G. DEVELOPMENT BLOCK STANDARDS: Small block sizes in the core shall be used to create a more intimate pedestrian scale as follows:

1. Block Size Range: 300' x 300' to 400' x 400' for primarily SFC development, but may be up to 500' by 500' for primarily RES development.

2. Block Size Waivers: Size may be adjusted to protect environmental assets or respond to site limitations.

H. INTERNAL LAND USE COMPATIBILITY:

1. **Land Use Zone Changes on Main Commercial Streets:** Should occur at mid-blocks or shall occur from block to block, and shall not occur at the

center line of village commercial streets.

2. **Scale:** Buildings on both sides of the street should be designed with similar height, bulk and yard standards.

I. **PUBLIC REALM RECREATION:**

1. Village Square: The village square shall be designed as gathering places for residents and shoppers, both day and evenings. The square will include places for strolling, sitting, music concerts, art shows and other promotional or cultural and holiday events and meet the following requirements.

a. Each VC Sub-District shall provide a village square or park containing a minimum of two (2) acres.
b. The lots surrounding the square shall serve as a focal point for the social life of the village by providing such uses as a village convenience store, church, grocery store, daycare center, etc.
c. The square shall contain a fountain, plaza, significant tree, and structure to serve as a focal element.

2. **Water Bodies:** Water bodies of over one (1) acre shall be incorporated into the design of pedestrian and bike paths, and parks with a minimum of 75% of frontage open to the public and fronting the street system.

J. **PUBLIC REALM CIVIC:** The required community center shall be provided in the village center and located at the terminus of a village commercial street. It is encourage that a site be made available for a church.

K. **PARKING:** The City's Zoning Ordinance regulates parking except as provided herein:

1. **Master Shared Parking Plan (MSPP):** Shared parking is required and a MSPP shall be provided for the proposed storefront development meeting the requirements contained herein. The MSPP concept shall be submitted as a part of the schematic plan and described in the PUD agreement. The required preliminary plat shall identify the shared parking sites/lots.

2. **Parking Requirement Determination:** The mixed-use characteristic of the VC-Sub-District and connectivity requirements permits a twenty-five (25%) percent reduction in the required number of parking spaces. Individual mixed-use projects may be granted an additional reduction if supported by standards from a recognized technical publication or a

detailed analysis prepared by a professional traffic engineer.

3. **On Street Parking:** Shall be provided on all streets within the district and may be used to meet parking requirements if incorporated into the MSPP.

4. **Parking Lots:** Every attempt shall be made to minimize the size and impact of parking lots, which shall be generally located behind or on the side of buildings addressing the higher order street and meet the following standards.

   a. **Parking lots to the side of buildings:** Shall be restricted to a maximum width of sixty-five (65') feet of pavement and should be designed to access rear parking areas.

   b. **Peripheral Parking lots:** Parking lots located at the edge of the Village Center district within five hundred (500) feet of the primary users are permitted.

   c. **Landscaping:** Parking lots must comply with the City's Landscape ordinance and the following:
      i. **Streetscape Compatibility:** Shall be compatible with the public realm landscape design standards contained herein.
      ii. **Screening:** Parking lots shall be screened from streets with a 2' to 4' high wall or hedge.

L. CIRCULATION:

1. **Street Layout:** The village center street system shall be a traditional grid and create regular blocks unless prohibited by natural conditions. Cul-de-sacs may be permitted only where natural conditions and major storm water facilities permit no other design solution.

2. **Curb Detail:** The six (6") inch, non-mountable, high backed typed curb shall be required.

3. **Curb Cuts/Access:**

   a. Curb cuts shall not be allowed on or across from the village square.
   b. Curb cuts are not permitted for storefront and civic uses except to access alleys, permitted parking lots or loading areas.
   c. Curb cuts for free standing office and commercial projects shall be the minimum necessary to safely serve the project.

M. ADJUSTMENTS TO RES LAND USE ZONE STANDARDS: Performance and design standards for the RES Land Use Zone are not universally applicable to the VC Sub-District. The following standards shall control within this sub-district.

1. Permitted and Accessory Uses:

- Accessory Offices
- Accessory units (attached or above garage) under the following conditions:
  - ☐ Units must have a separate access.
  - ☐ Sufficient off Street Parking is required.
  - ☐ Owner occupancy is required for rental to non-family.
- Carriage House units, defined as above garage dwelling units not associated with townhomes or single-family housing, located above garages associated with multi-family buildings shall be permitted units.

2. Detached Residential Unit Standards:

Private Realm Porches: Shall be required for all detached residential units.

i. Set backs: Porches may intrude into setback, but shall maintain a minimum front setback of three (3') feet and a side setback of five (5') feet.

ii. Corner lots: Porches may wrap around the exterior side of the primary structure for a minimum of five (5') feet.

Private Realm Facades: The front façade shall be continued in its major features, around all visibly exposed (from the public realm) sides of a building including style details color and materials and meet the following requirements:

- The same front facades may not be repeated more than six (6) times, within one block, for both sides of the street.
- The same front facades shall be separated by at least three (3) houses with different facades.
- Houses with the same façade shall not be located across the street from one another, and to the extent possible, owners should not walk out the front door and see their same façade.

Private Realm Garages: Lots exceeding fifty-five (55') in width shall be required to provide a minimum of fifty percent (50%) of garages located to the rear of primary structure on each block front and shall be indicated on the subdivision plat. The minimum percentage of units

with garages located to the rear of the primary structure may be reduced to twenty-five (25%) percent in a sub-division if the minimum number of units with qualified porches is increased by fifty (50%) percent.

3. **Detached Residential Unit Lot and Building guidelines:**

a. **Maximum lot area:** 11,500 s.f.
Minimum lot area: 3,500 s.f.

b. **Build to line:** 10' to 12' and porches may be three (3') feet from the property line

c. **Minimum lot width and frontage:** 35' for single family
35' for zero lot line

d. **Minimum lot depth:** 110' without Alleys; 100' with Alleys

e. **Minimum Building setbacks:**
i. Front: 10' to 12' for primary structure (not including porch)
ii. Street Side: 10'
iii. Interior Side: 2.5' on each side for single family
iv. Rear: 20' for primary structure with or without attached garage; 5' for separate garage or other accessory structure

4. **Multi-Family Development Standards**

a. **Private Realm Apartment Porches:** Multi-Family apartments and condominiums shall provide architecturally defined entries that may include features such as an entry porch, railings, steps, or roof.

b. **Private Realm Townhouse Porches:** A minimum of fifty (50%) percent of the town house and all duplex buildings shall have front porches.

c. **Attached Units:** Town house buildings shall be attached with not less than three (3) attached units except that lots located at the end of a block may be permitted with at least two (2) attached units.

d. **First Floor Elevation:** Townhouse and duplexes shall have a first floor elevation a minimum of sixteen (16") inches above finished sidewalk grade In order to reinforce the public realm by "Framing the Street," multi-family apartments or condominiums within the VC may be constructed at sidewalk grade.

e. **Site Plan Design;**
i. Design of multi-family projects shall be consistent with the pedestrian scale and character of the sub-district.
ii. A consistent front build to line shall define the public realm.

iii. Parking lots shall be generally located internal to the site and alley access to parking lots should be provided.
iv. A formal building arrangement organized around open space is preferred.
v. A variety of home sizes and building types should be provided in a block face.

5. Multi-Family Lot and Building Guidelines:

a. Minimum front build-to-line:
Townhouse: 5' to 15' and porches may be 3' from the property line
Multi-family apartments and condominiums: 0'

b. Minimum Lot Area: 2,200 s.f. for townhouse

c. Minimum Lot Depth: 110' without Alleys; 100' with Alleys

d. Minimum Building setbacks:

i. Front:	10' for townhouse; 3' for porch 0' for multi-family apartments and condominiums
ii. Side:	0' for multi-family
iii. Rear:	20' for townhouse primary structure with or without attached garage; 5' for separate garage or other accessory structure 0' for multi-family apartments and condominiums
iv. Parking lots:	5' for multi-family apartments and condominiums

e. Multi-Family Apartment and Condominium Encroachments

i. Design Concept:	Balconies, awnings, covered entries, arcades, and roof overhangs may encroach into the public sidewalk zone.
ii. Clearance:	Encroachments must be a minimum height of eight feet from the sidewalk.
iii. Stoops:	Shall not encroach on public sidewalks.
iv. Doors:	Shall not encroach on public sidewalks.

f. Maximum lot coverage – multi-family:

i. Maximum impervious surface area: 100%

ii. Master Stormwater Retention System: Shall be required to accommodate multiple ownerships where lot coverage makes on site retention impractical.

VII. VILLAGE URBAN NEIGHBORHOOD (VUN) SUB-DISTRICT

A. SUB-DISTRICT INTENT: It is the intent of this sub-district to require development of urban neighborhoods that surround and are in walking distance to the village center. The neighborhoods shall be pedestrian oriented and physically recognizable as a unique neighborhood.

B. APPLICATION: The actual boundaries of the sub-district may vary to respond to site characteristics and the need to create urban neighborhoods. The sub-district area shall contain approximately 1000 acres after multiple ownerships are combined and shall be limited in size and shape to encourage visitors to walk or bicycle to the village center. Thus, eighty- five (85%) percent of the units within the VUN Sub-District shall be within three thousand feet (3000') of the VC Sub-District.

C. LAND USE ZONE PERMITTED: This Sub-District is restricted to the RES Land Use Zone.

D. MINIMUM AVERAGE RESIDENTIAL DENSITY: In order to achieve more intense urban densities within urban neighborhoods and support the village center, a minimum average density of two and seven tenths (2.7) units per acre shall be achieved within the sub-district area.

E. URBAN NEIGHBORHOOD DESIGN:

1. **Size:** Urban neighborhoods within the VUN-Sub-District shall range in size from twenty (20) to one hundred and twenty five (125) acres in size.

2. **Shape:** The neighborhood shall allow residents to walk, within 1320 feet or less, to the centrally located neighborhood square or park. Eighty-five (85%) of the housing units within the neighborhood shall meet this requirement.

3. **Public Realm Neighborhood Park:** The City will determine the size of the park site based on a ratio of two hundred and twenty five (225) square feet per house-hold within the neighborhood. The park shall have a minimum size of one half (1/2) acre and be designed as follows:

   a. The park shall be internally located and surrounded by streets with

residences facing the park unless located on a lake or ESC.

b. No off street parking shall be provided.

c. Non-mountable curbs shall bound Park space adjacent to streets.

d. The space shall provide for sun shade and seating

e. A focal element such as a significant tree, fountain, plaza, or play equipment shall be provided.

4. Urban Neighborhood Edges: An edge area of a minimum of one hundred feet (100') shall be provided between urban neighborhoods. Edge requirements shall be waived in the following areas:

a. VC and VUN Sub-Districts Boundaries.

b. Water Bodies/Open Space: Water bodies with a width equal to or exceeding the edge dimension.

c. Neighborhood Design: Where trees, landscaped screens, and streets shall be provided as an edge between very distinct neighborhoods having different housing types/sizes/prices, landscape treatments, street layouts etc.

d. Unusual Circumstances: Where the applicant demonstrates that the edge area will be incompatible with good design concepts and other standards herein.

e. Major or minor collector boulevards

5. Range of Housing: The urban neighborhoods shall offer a range of housing:

a. Types: Shall include but not be limited to single family, zero lot line, townhouse, multifamily and accessory units.

b. Vary Bedrooms: Offer housing with a variety of bedrooms in each block.

c. Price Range and Size: Offer housing of different prices and sizes within the same block.

F. VUN DEVELOPMENT BLOCKS:

1. Lengths: Average block lengths, as measured from a street crossing or alley intersection, shall be as follows:

a. For Lot- Widths Block- Lengths

Below 60' (average)	300'
60' to 85'	600'
86' to 100'	1000'

2. **Waivers:** Block lengths may be increased if the applicant satisfies the following criteria:

   a. To preserve ecologically significant vegetative communities.
   b. Where civic spaces or roundabouts are provided as focal points, at the end of a block.
   c. Where topography and street angles are used to interrupt a continuous streetscape.

G. CIRCULATION:

1. **Layout:** A hybrid system based on the traditional grid but using curvilinear design is permitted, but neighborhoods should have multiple entrances and excellent access to the village center. Cul-de-sacs may be permitted only where natural conditions or major storm water facilities permit no other design solution.

2. **Curbs:** The applicant shall provide non-mountable, high backed curbs on streets that have the following conditions: follows:
   a. Streets that front on neighborhood squares or parks.
   b. Streets that contain lots of fifty feet (50') in width or less where alleys are required.
   c. Neighborhood streets from the neighborhood entrance for 1000 feet or through the traffic calming device required below.

3. **Curb Cuts/Access:**
   a. Curb cuts shall not be allowed on or across from the neighborhood park.

4. **Traffic Calming:**
   a. **Public Realm Squares, Greens or Roundabouts:** Shall be used to truncate the street system, calm traffic, discourage through traffic on neighborhood streets and shall be located at the first cross street intersection or within 1000 feet of a neighborhood entrance.

H. ADJUSTMENTS TO RES LAND USE ZONE STANDARDS: Performance and design standards for the RES Land Use Zone are not universally applicable to the VUN Sub-District. The following standards shall control within this sub-district.

1. **Permitted and Accessory Uses:**

- Accessory Offices
- Accessory units (attached or above garage) under the following conditions:
  - ☐ It must have a separate access.
  - ☐ Sufficient off Street Parking is required
  - ☐ Owner occupancy is required for rental to non-family.
- One (1) stand-alone RV/boat storage parking facility under the following conditions:
  - ☐ It shall have a single gated access off Monaco Blvd.
  - ☐ It shall not abut residential lots.
  - ☐ It shall have a minimum buffer width of seven (7) feet along the street or water retention areas, and twenty-five (25) feet along the west property line.
  - ☐ Landscaping shall consist of 60% shrubs, 20% tree coverage, and 20% ground coverage. Note, however, that the interior of the parking facility shall not include any trees.
  - ☐ Landscape screens shall consist of layered masses of opaque shrubs, the tallest of which is of sufficient height to block the storage parking facility; where space is tight, a single dense hedge can be used.

2. **Detached Residential Unit Standards:**
   a. **Private Realm Porches:** Porches shall be required for a minimum of twenty five percent (25%) of the single family and zero lot line units within any block and shall be indicated on subdivision plat.
   b. **Private Realm Garages:** Lots exceeding fifty-five feet (55') in width shall be required to provide a minimum of fifty percent (50%) of garages located to the rear of primary structure on each block front and shall be indicated on the subdivision plat.
   c. **Private Realm Façades:**
      i. The same front facades may not be repeated more than two (2) times, within one block, for both sides of the street.
      ii. The same front facades shall be separated by at least three (3) houses with different facades.
      iii. Houses with the same façade shall not be located across the street from one another, and to the extent possible, owners should not walk out the front door and see their same façade.
      iv. Along street frontages, housing facades shall be varied and articulated to provide visual interest. Articulation devices may include color, texture, arcades, bays, windows, roof, balconies, porches and other architectural treatment.
      v. The façade of the main body of the house shall not exceed forty (40') feet, except for wings or L's, which are set back from the front façade.
      vi. Houses located on corner lots are considered to be significant buildings and shall not create a blank-wall effect on its side yard because this side façade is as important as front facades, and must:
         - Either not exceed one story and utilize articulation devices on the side façade, or
         - If two (2) stories or over, a porch must wrap around the side façade for a length of seven (7) feet, or utilize other articulation devices such as pergolas, cupolas, and belvederes to give architectural emphasis.
      vii. First floor elevations must be a minimum of sixteen (16") inches above the grade of the front yard,

3. **Multi-Family Development Standards**
   a. **Façade/Porches:** Multi-Family apartments and condominiums shall provide first floor entries framed with an entry porch, architecturally defined by railings, steps and roof.
   b. **Porches:** A minimum of twenty five (25%) percent of the town house and all duplex buildings shall have front porches.

c. **Attached Units:** Town house buildings shall be attached with not less than five (5) attached units except that lots located at the end of a block may be permitted with at least two (2) attached units.

d. **First Floor Elevation:** Townhouse, duplex and apartments shall have a first floor elevation a minimum of twelve (12") inches above finished sidewalk grade.

e. **Site Design:**

i. Design of apartment projects shall be consistent with the pedestrian scale and character of the sub-district.

ii. A consistent front build to line shall define the public realm.

iii. Parking lots shall be generally located internal to the site and alley access to parking lots should be provided.

iv. A formal building arrangement organized around open space is preferred.

v. Provide a variety of home sizes and building types in a block face.

VIII. VILLAGE BEST PRACTICES NEIGHBORHOOD SUB-DISTRICT STANDARDS (VBPN)

A. SUB-DISTRICT INTENT: It is the intent of this sub-district to require development of less intense suburban neighborhoods that are located most distant from the village center. Suburban neighborhoods are based on the development practices in the book Best Practices. The neighborhoods within this sub-district are permitted to be more conventional, requiring small cluster developments that have some neighborhood characteristics and are sufficiently fine grain to insure walkability.

Additionally, the VBPN Sub-District is anticipated to experience significant development prior to the VC Sub-District because of its external location and shall provide limited convenience commercial uses at Major Collector Boulevard entrances to the VPD.

B. APPLICABLITY: The VBPN Sub-District shall be delineated on the Schematic Plan. The area to which the sub-district is applied includes the portions of the VPD that are outside of the VUN Sub-District. **C. LAND USE ZONE PERMITTED:**

1. **Residential (RES)**
2. **Convenience Commercial (CC)**

D. MAXIMUM AVERAGE DENSITY: The residential density within the sub-district has been restricted in order to force higher density development to be located closer to the village center. Within this sub-district the maximum average gross density is one (1) unit per acre.

E. SUBURBAN NEIGHBORHOOD DESIGN:

1. **Size:** Suburban neighborhoods within the sub-district are small cluster subdivisions that range in size from ten (10) to fifty (50) acres and provide some neighborhood characteristics.

2. **Neighborhood Park:** The City shall determine the size of the neighborhood park based upon a ratio of two hundred twenty five (225) square feet per house-hold with a minimum size of one quarter (1/4) acre, located anywhere within the neighborhood and may be a square, pocket park, green, tot lot or recreational center and be designed as follow:
   - **a.** The park shall be bordered on at least one side by a street.
   - **b.** No parking shall be provided
   - **c.** The park should contain focal elements such as trees, fountains, plazas and equipment and at a minimum shade trees and seating.

3. **Urban Neighborhood Edges:** The applicant shall provide an edge area of a minimum of fifty (50') feet, on seventy-five (75%) percent of the perimeter of suburban neighborhoods. Waivers may be granted as follows:
   - **a. Water Bodies/Open Space:** Water bodies or open space with a width equal to or exceeding the edge dimension.
   - **b. Neighborhood Design:** Where trees, landscaped screens, and streets are to be provided as an edge between fine grained development with distinct neighborhoods having different housing types, landscape treatments, street layouts etc.
   - **c. Unusual Circumstances:** Where the applicant demonstrates that the edge area will be incompatible with good design concepts and other standards herein
   - **d. Major and Minor Boulevards.**

4. **Range of Housing:** A cluster subdivision may consist of the same housing type. Product types shall vary from neighborhoods to neighborhood. The applicants approach to providing a range of housing type sizes and price ranges shall be described in the PUD agreement.

5. **Multiple Family Development Standards:** Exceptions to the multiple family public realm façade standards are permitted and shall be identified in the PUD Agreement.

6. **Country Club Residential Development Standards:**
   - **a. Attached Units:** Townhouse buildings shall be attached with not

less than three (3) attached units except that lots located at the end of a block may be permitted with at least two (2) attached units. The overall units for the Country Club Residential may be up to one hundred twenty (120) residential units.

b. **Detached Units:** Single-family and zero lot line residential may also be permitted.

c. **Site Plan Design:**

i. A consistent front build to line shall define the public realm.

ii. A formal building arrangement organized around open space is preferred.

7. **Country Club Residential Building Guidelines:**

a. **Minimum Lot Area:** 2,200 s.f. for townhouse
4,000 s.f. single family or zero lot line

b. **Minimum Lot Depth:** 105' without Alleys; 100' with Alleys

c. **Minimum Lot Width:** 22 ft. for townhouse
40 ft. for single family or zero lot line

c. **Minimum Building setbacks:**

i. Front: 15' *; 3' for porches or pergolas **

ii. Side: 5'

iii. Rear: 20'

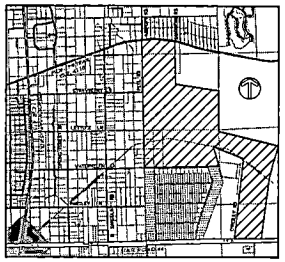
* In the event residential units have rear alley access and frontage facing the golf course, the golf course frontage may be defined as the front yard and may have a 10' front yard setback.

** Front entry garages may be permitted in the Country Club Residential neighborhood; however, the garages incorporated into the primary structures shall be situated behind the front porch or a pergola located in front of the primary structure. The porch or pergola shall have a depth of at least seven (7) feet.

F. CIRCULATION:

1. **Street Layout:** A conventional street layout is permitted using cul-de-sacs and loop streets, but neighborhoods are encouraged to provide connections to other neighborhoods.

Instrument# 2016-000411 # 62
Book: 7202
Page: 3078



LOCATION MAP
1" = 4000'

VENETIAN Bay™

NewSmyrnaBeach, Florida

LAND USE TABULATION

TOTAL SITE AREA	= 1250 ACRES (±)
CONSERVATION AREA	= 378 ACRES
OPEN SPACE AREA	= 625 ACRES (50%)
CONVENIENCE COMMERCIAL AREA	= 8 ACRESS
SCHOOL SITE	= 20 ACRES
TOWN CENTER	= 30 ACRES
TOTAL RESIDENTIAL (SEE BELOW)	= 472 ACRES
TOTAL UNITS (SEE BELOW)	= 1716
PROPOSED DENSITY	1.5 UNITS/ACRE

PARCEL	AREA	UNITS	DENSITY
PARCEL 1	40 ACRES	80	2.0
PARCEL 2	73 ACRES	146	2.0
PARCEL 3	34 ACRES	136	4.0
PARCEL 4	55 ACRES	220	4.0
PARCEL 5	78 ACRES	234	3.0
PARCEL 6	41 ACRES	164	4.0
PARCEL 7	10 ACRES	40	4.0
PARCEL 8	6 ACRES	24	4.0
PARCEL 9	70 ACRES	280	4.0
PARCEL 10	42 ACRES	164	4.0
PARCEL 11	27 ACRES	108	4.0
PARCEL 12	15 ACRES	120	8.0
	470 ACRES	1716	

ATTACHED FOR REFERENCE ONLY:

LAYOUT HAS BEEN UPDATED SINCE THIS ORIGINAL MASTER PLAN

0 500 750 1000
SCALE : 1" = 500'

REV.	DATE	DESCRIPTION	BY
		REVISIONS	

VENETIAN BAY
CONCEPTUAL
CONCEPTUAL MASTER PLAN
NEW SMYRNA BEACH, FLORIDA

ZEV COHEN & ASSOCIATES, INC
55 Seton Trail, Ormond Beach, Florida, 32176
(386) 677-2482 FAX 677-2505
ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS
LC 820
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PROJECT NO:	00039	DATE PREPARED:	MAY 10, 2002
DESIGNED BY:	FM	DRAFTED BY:	TCB
CHECKED BY:	FM	SCALE:	1"=500'
SHEET:	8 OF 8	FILE LOCATION	44-1

COMPOSITE
EXHIBIT "C"
1 of 1

Instrument# 2016-000411 # 63
Book: 7202
Page: 3079

Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida

SCHEMATIC DEVELOPMENT PLANS

OWNER: GEOSAM CAPITAL US LP
424 LUNA BELLA LANE
SUITE 135
NEW SMYRNA BEACH, FL 32168
CONTACT: JAMES STOWERS
(386) 428-8448

PLANNING: ENGINEERING ZEV COHEN & ASSOC., INC.
55 SETON TRAIL
ORMOND BEACH, FL., 32176
CONTACT: PAUL MOMBERGER
(386) 677-2482
(386) 677-2505 (FAX)

ENVIRONMENTAL: BOOKER GREY ENVIRONMENTAL
534 W. BRIGHTON AVE.
ORANGE CITY, FL 32803
CONTACT: CLEEVE BOOKER
(386) 775-2463

SURVEYOR: ACCURIGHT
2012 E ROBINSON ST.
ORLANDO, FL 32803
(407) [redacted]

SHEET LEGEND

SHEET 1: COVER
SHEET 2: SCHEMATIC DISTRICT PLAN
SHEET 3: SCHEMATIC LAND USE PLAN
SHEET 4: SCHEMATIC ROAD HIERARCHY PLAN
SHEET 5: SCHEMATIC PATHWAYS PLAN
SHEET 6: SCHEMATIC UTILITIES & STORMWATER PLAN
SHEET 7: SCHEMATIC VILLAGE CENTER ENLARGMENT
SHEET 8: CONCEPTUAL MASTER PLAN (FOR REFERENCE ONLY)

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3.	03/25/04	REVISED PER STAFF COMMENTS	PM/NC
2.	02/24/04	REVISED FOR SCHOOL SITE & LOT RECONFIGURATIONS	PM/NC
1.	05/14/03	REVISED PER OWNER MODIFICATIONS	PM/NC

REVISIONS

VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
SCHEMATIC DEVELOPMENT PLANS
CITY OF NEW SMYRNA BEACH VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
55 Seton Trail, Ormond Beach, Florida, 32176
[redacted]
ENGINEERS [redacted] LANDSCAPE ARCHITECTS
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CHECKED BY:	PM/WDD	SCALE:	1" = 500'
SHEET:	1 OF 8		

FILE NAME: 00039SCV
XREF: 00039P52

44-1
FILE LOCATION

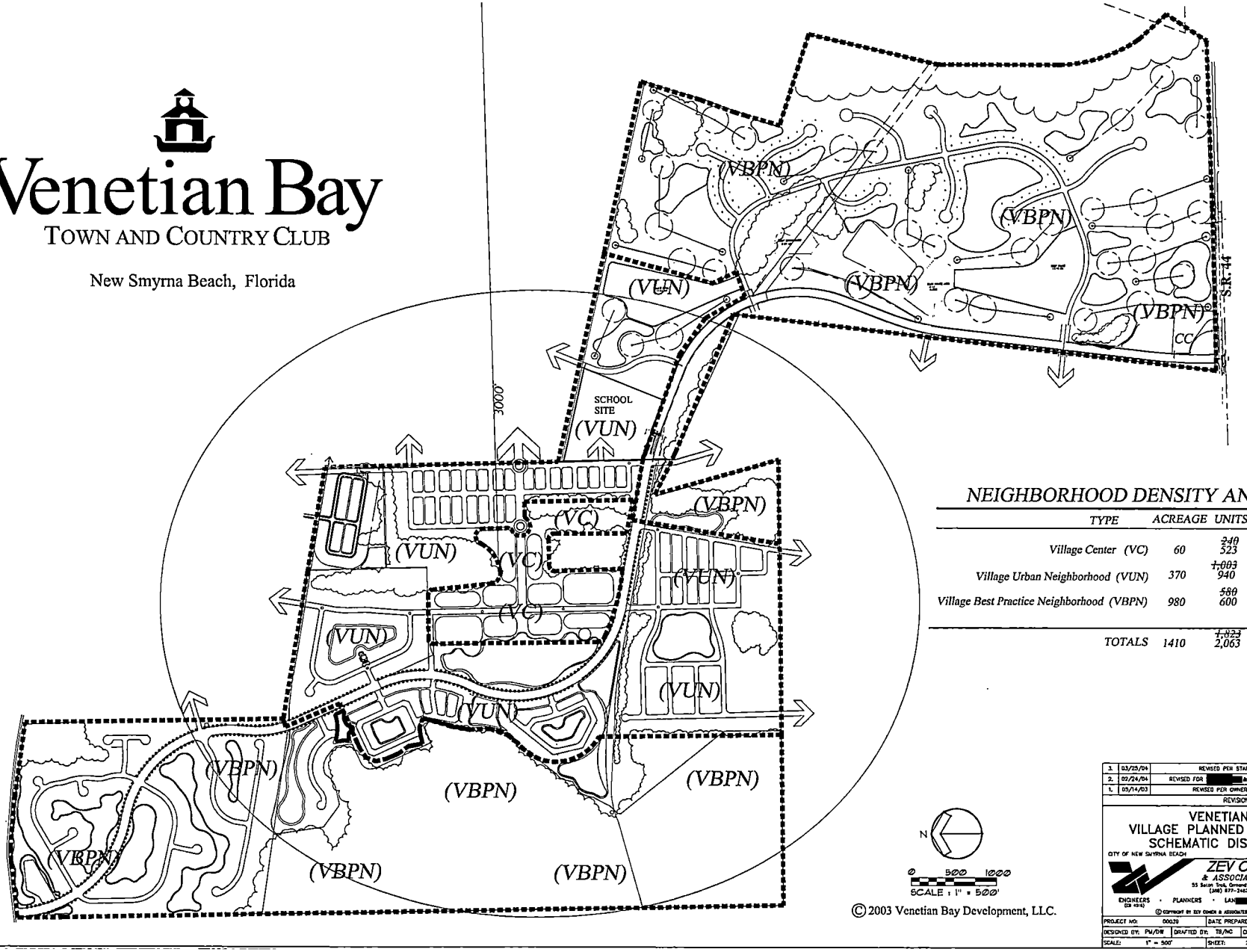
COMPOSITE
EXHIBIT "D"
1 of 7

Instrument# 2016-000411 # 64
Book: 7202
Page: 3080

Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida



NEIGHBORHOOD DENSITY ANALYSIS

TYPE	ACREAGE	UNITS	DENSITY
Village Center (VC)	60	~~240~~ 523	4.0 (MIN.)
Village Urban Neighborhood (VUN)	370	~~1,003~~ 940	2.7 (MIN.)
Village Best Practice Neighborhood (VBPN)	980	~~580~~ 600	~~0.6~~ 1.0 (MAX.)
TOTALS	1410	~~1,823~~ 2,063	~~1.3~~ 1.5

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3.	03/25/04	REVISED PER STAFF COMMENTS	PM/MC
2.	02/24/04	REVISED FOR [redacted] & LOT [redacted]	PM/MC
1.	05/14/03	REVISED PER OWNER MODIFICATIONS	PM/MC

REVISIONS

VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
SCHEMATIC DISTRICT PLAN

CITY OF NEW SMYRNA BEACH — VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
55 Seton Trail, Ormond Beach, Florida, 32176
(386) 677-2482 FAX 677-2509
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CHECKED BY:	MDD		
SCALE:	1" = 500'	SHEET:	2 OF 8

FILE NAME: 00039PD2
JOB: 00039PD2

44-1
FILE LOCATION

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EXHIBIT "D"
2 of 7

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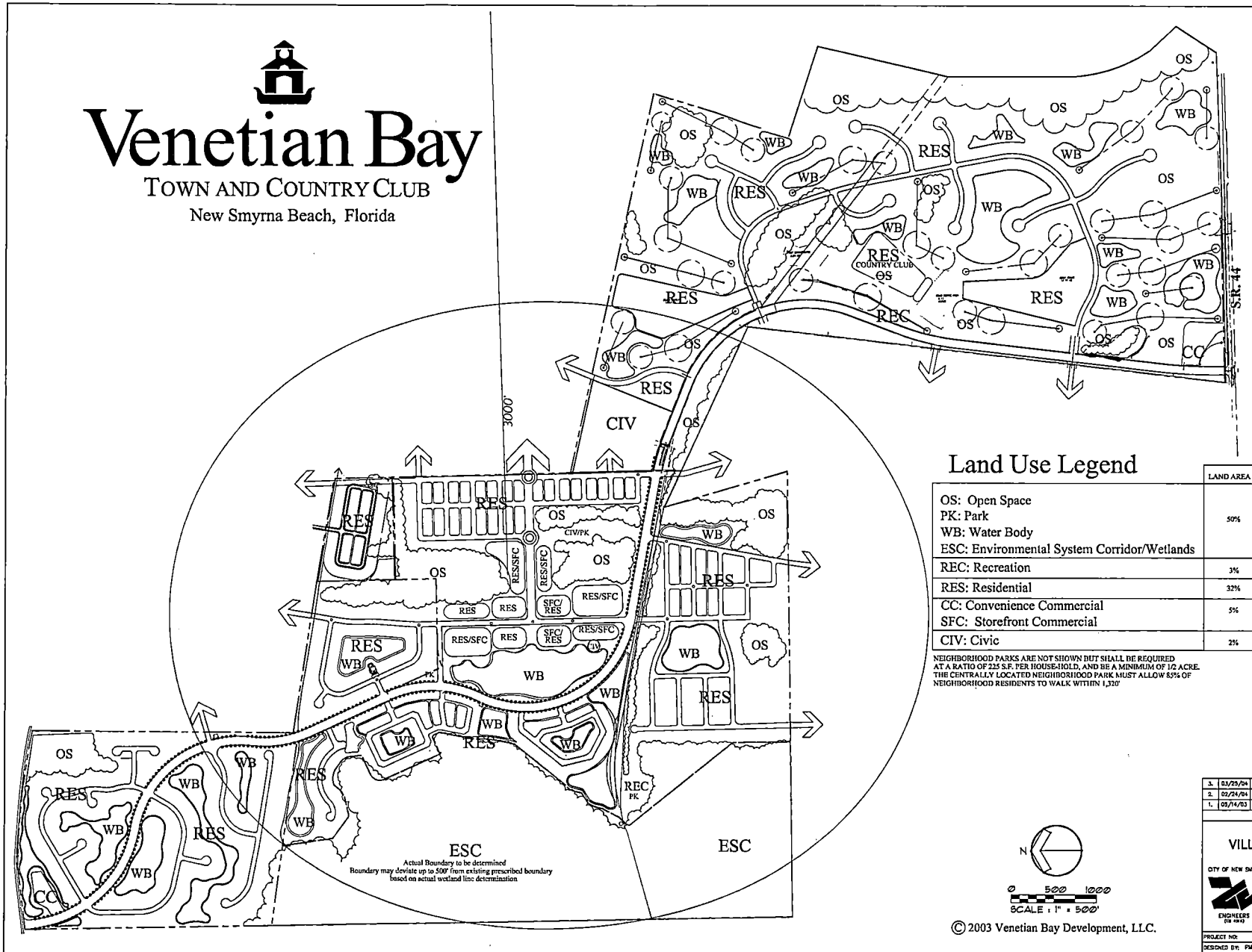
Book: 7202
Page: 3081

Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida



Land Use Legend

	LAND AREA MIN	LAND AREA MAX	LAND AREA PROV	ACREAGE
OS: Open Space PK: Park WB: Water Body ESC: Environmental System Corridor/Wetlands	50%	N/A	54%	~~748 ACRES~~ 761 ACRES
REC: Recreation	3%	8%	~~4%~~ 6%	~~150 ACRES~~ 86 ACRES
RES: Residential	32%	42.5%	~~50%~~ 33%	~~467 ACRES~~ 465 ACRES
CC: Convenience Commercial SFC: Storefront Commercial	5%	10%	5%	~~65 ACRES~~ 70 ACRES
CIV: Civic	2%	5%	2%	~~24 ACRES~~ 28 ACRES
			100%	~~1310 ACRES~~ 1410 ACRES

NEIGHBORHOOD PARKS ARE NOT SHOWN BUT SHALL BE REQUIRED AT A RATIO OF 225 S.F. PER HOUSEHOLD, AND BE A MINIMUM OF 1/2 ACRE. THE CENTRALLY LOCATED NEIGHBORHOOD PARK MUST ALLOW 85% OF NEIGHBORHOOD RESIDENTS TO WALK WITHIN 1,320'

N

0 500 1000

SCALE : 1" = 500'

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3.	03/25/04	REVISED PER STAFF COMMENTS	PM/NC
2.	02/24/04	REVISED FOR SCHOOL SITE & LOT RECONFIGURATIONS	PM/NC
1.	09/14/03	REVISED PER OWNER MODIFICATIONS	PM/NC

REVISIONS

VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
UNIT EXHIBIT

CITY OF NEW SMYRNA BEACH — VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
55 Seton Trail, Ormond Beach, Florida, 32176
(386) 677-2482 FAX 677-2503
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(LC #43)

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SCALE:	1" = 500'	SHEET:	3 OF 8

FILE NAME: 00039PHASE1 SHEET: 00039352

44-1
FILE LOCATION

COMPOSITE
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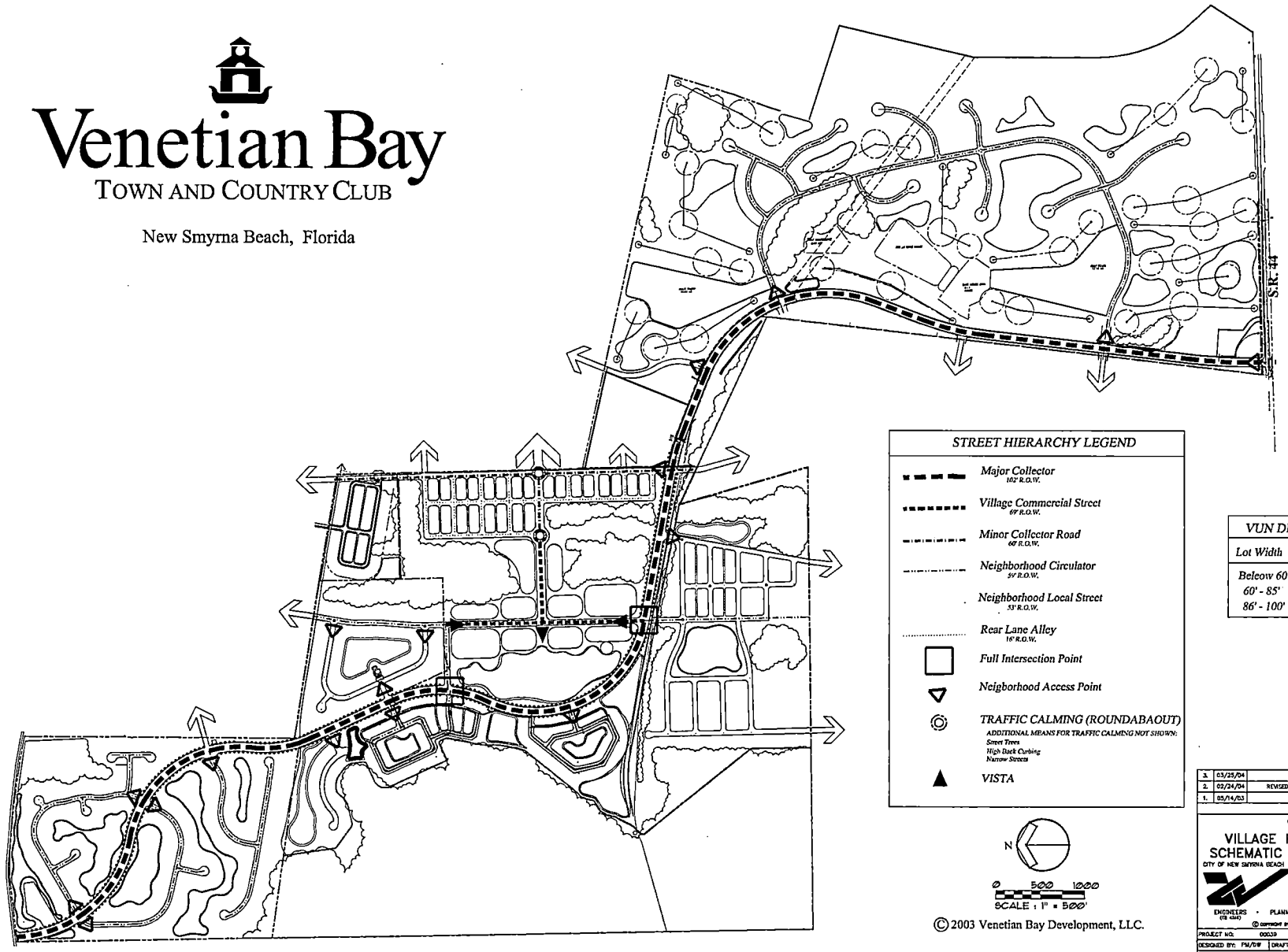
Instrument# 2016-000411 # 66
Book: 7202
Page: 3082

Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida



STREET HIERARCHY LEGEND

- Major Collector — 102' R.O.W.
- Village Commercial Street — 69' R.O.W.
- Minor Collector Road — 60' R.O.W.
- Neighborhood Circulator — 50' R.O.W.
- Neighborhood Local Street — 53' R.O.W.
- Rear Lane Alley — 16' R.O.W.
- Full Intersection Point
- Neigborhood Access Point
- TRAFFIC CALMING (ROUNDABAOUT)
  ADDITIONAL MEANS FOR TRAFFIC CALMING NOT SHOWN:
  Street Trees
  High Back Curbing
  Narrow Streets
- VISTA

VUN DEVELOPMENT BLOCKS

Lot Width	Max. Block Lengths
Beleow 60'	300'
60' - 85'	600'
86' - 100'	1000'

N

0 500 1000

SCALE : 1" = 500'

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3.	03/25/04	REVISED PER STAFF COMMENTS	PM/MC
2.	02/24/04	REVISED FOR SCHOOL SITE & LOT RECONFIGURATIONS	PM/MC
1.	05/14/03	REVISED PER OWNER MODIFICATIONS	PM/MC

REVISIONS

VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
SCHEMATIC STREET HIERARCHY PLAN

CITY OF NEW SMYRNA BEACH VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
69 Sotea Trail, Ormond Beach, Florida, 32176
(386) 677-7483 FAX 677-2505
ENGINEERS (CA 6366) · PLANNERS · LANDSCAPE ARCHITECTS (LA 59)

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44-1
FILE LOCATION

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4 of 7

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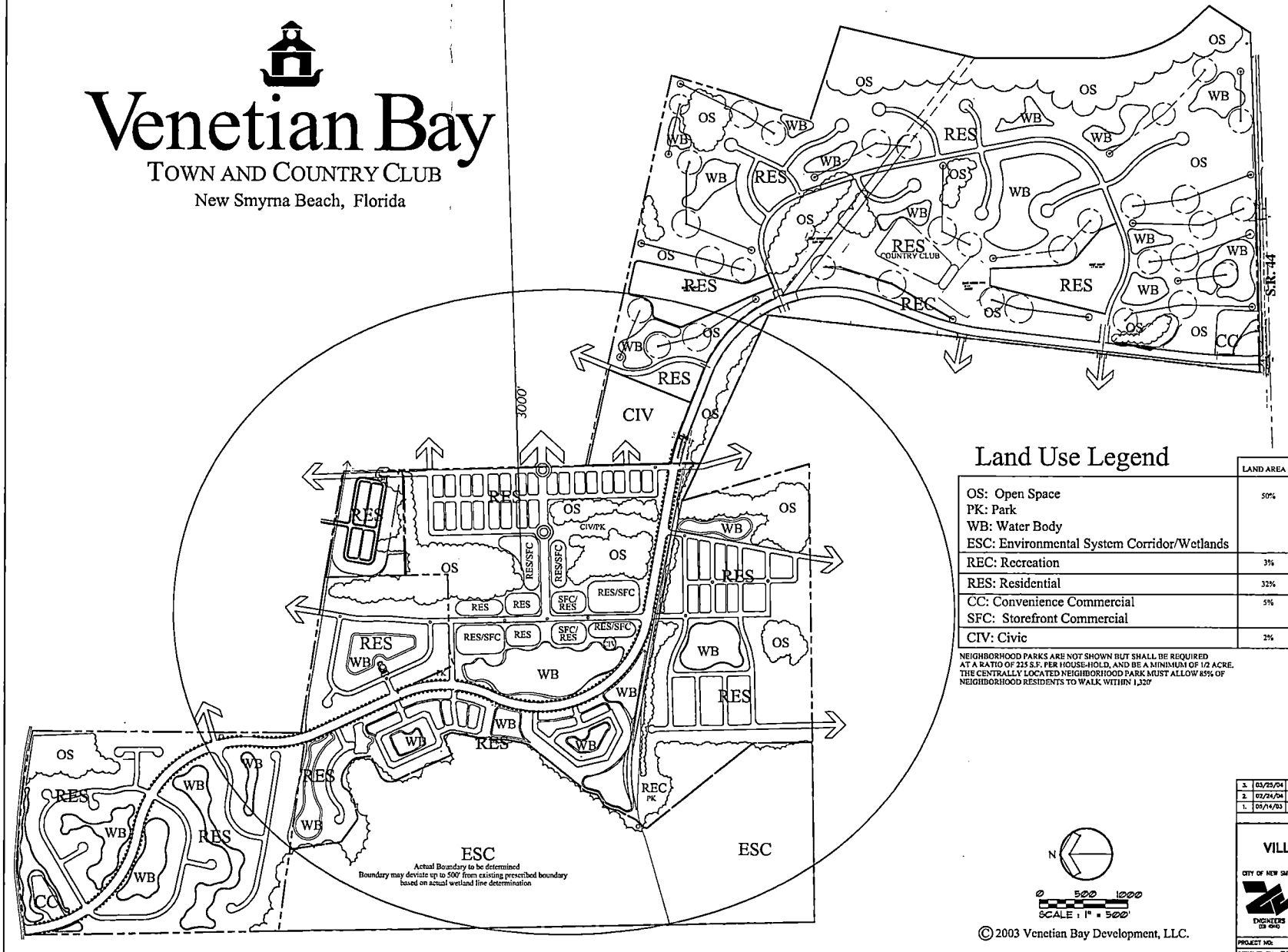
Book: 7202
Page: 3083

Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida



Land Use Legend

	LAND AREA MIN	LAND AREA MAX	LAND AREA PROV	ACREAGE
OS: Open Space PK: Park WB: Water Body ESC: Environmental System Corridor/Wetlands	50%	N/A	54%	761 ACRES
REC: Recreation	3%	8%	6%	86 ACRES
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CIV: Civic	2%	5%	2%	28 ACRES
			100%	1410 ACRES

NEIGHBORHOOD PARKS ARE NOT SHOWN BUT SHALL BE REQUIRED AT A RATIO OF 225 S.F. PER HOUSE-HOLD, AND BE A MINIMUM OF 1/2 ACRE. THE CENTRALLY LOCATED NEIGHBORHOOD PARK MUST ALLOW 85% OF NEIGHBORHOOD RESIDENTS TO WALK WITHIN 1,320'

N

0 500 1000

SCALE : 1" = 500'

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3.	03/25/04	REVISED PER STAFF COMMENTS	FM/NC
2.	02/24/04	REVISED FOR SCHOOL SITE & LOT RECONFIGURATIONS	FM/NC
1.	09/14/03	REVISED PER OWNER MODIFICATIONS	FM/NC

REVISIONS

VENETIAN BAY
VILLAGE PLANNED DEVELOPMENT
UNIT EXHIBIT

CITY OF NEW SMYRNA BEACH — VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
33 Seton Trail, Ormond Beach, Florida, 32176
(386) 677-2483 FAX 677-2503
ENGINEERS (EB 4940) · LANDSCAPE ARCHITECTS (LC 42)

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SCALE:	1" = 500'	SHEET:	3 OF 8

FILE NAME: DOCUMENT NOT: 000399.3

44-1
FILE LOCATION

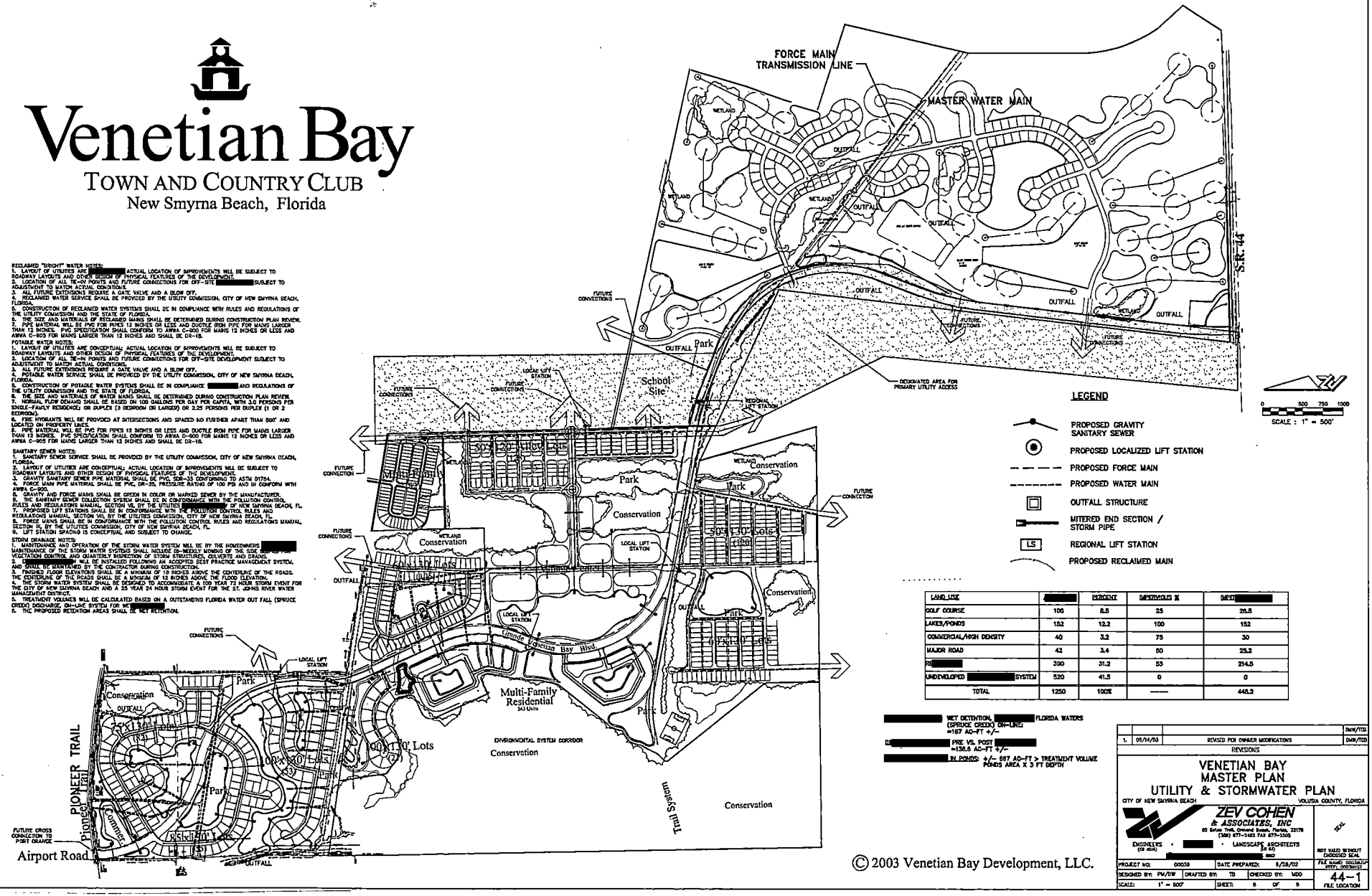
COMPOSITE
EXHIBIT "D"
5 of 7

Instrument# 2016-000411 # 68
Book: 7202
Page: 3084

Venetian Bay

TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida



RECLAIMED "BRIGHT" WATER NOTES:
1. LAYOUT OF UTILITIES ARE [redacted] ACTUAL LOCATION OF IMPROVEMENTS WILL BE SUBJECT TO ROADWAY LAYOUTS AND OTHER DESIGN OF PHYSICAL FEATURES OF THE DEVELOPMENT.
2. LOCATION OF ALL TIE-IN POINTS AND FUTURE CONNECTIONS FOR OFF-SITE [redacted] SUBJECT TO ADJUSTMENT TO MATCH ACTUAL CONDITIONS.
3. ALL FUTURE EXTENSIONS REQUIRE A GATE VALVE AND A BLOW OFF.
4. RECLAIMED WATER SERVICE SHALL BE PROVIDED BY THE UTILITY COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA.
5. CONSTRUCTION OF RECLAIMED WATER SYSTEMS SHALL BE IN COMPLIANCE WITH RULES AND REGULATIONS OF THE UTILITY COMMISSION AND THE STATE OF FLORIDA.
6. THE SIZE AND MATERIALS OF RECLAIMED MAINS SHALL BE DETERMINED DURING CONSTRUCTION PLAN REVIEW.
7. PIPE MATERIAL WILL BE PVC FOR PIPES 12 INCHES OR LESS AND DUCTILE IRON PIPE FOR MAINS LARGER THAN 12 INCHES. PVC SPECIFICATION SHALL CONFORM TO AWWA C-900 FOR MAINS 12 INCHES OR LESS AND AWWA C-905 FOR MAINS LARGER THAN 12 INCHES AND SHALL BE DR-18.

POTABLE WATER NOTES:
1. LAYOUT OF UTILITIES ARE CONCEPTUAL; ACTUAL LOCATION OF IMPROVEMENTS WILL BE SUBJECT TO ROADWAY LAYOUTS AND OTHER DESIGN OF PHYSICAL FEATURES OF THE DEVELOPMENT.
2. LOCATION OF ALL TIE-IN POINTS AND FUTURE CONNECTIONS FOR OFF-SITE DEVELOPMENT SUBJECT TO ADJUSTMENT TO MATCH ACTUAL CONDITIONS.
3. ALL FUTURE EXTENSIONS REQUIRE A GATE VALVE AND A BLOW OFF.
4. POTABLE WATER SERVICE SHALL BE PROVIDED BY THE UTILITY COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA.
5. CONSTRUCTION OF POTABLE WATER SYSTEMS SHALL BE IN COMPLIANCE [redacted] AND REGULATIONS OF THE UTILITY COMMISSION AND THE STATE OF FLORIDA.
6. THE SIZE AND MATERIALS OF WATER MAINS SHALL BE DETERMINED DURING CONSTRUCTION PLAN REVIEW.
7. NORMAL FLOW DEMAND SHALL BE BASED ON 100 GALLONS PER DAY PER CAPITA, WITH 3.0 PERSONS PER SINGLE-FAMILY RESIDENCE; OR DUPLEX (3 BEDROOM OR LARGER) OR 2.25 PERSONS PER DUPLEX (1 OR 2 BEDROOM).
8. FIRE HYDRANTS WILL BE PROVIDED AT INTERSECTIONS AND SPACED NO FURTHER APART THAN 800' AND LOCATED ON PROPERTY LINES.
9. PIPE MATERIAL WILL BE PVC FOR PIPES 12 INCHES OR LESS AND DUCTILE IRON PIPE FOR MAINS LARGER THAN 12 INCHES. PVC SPECIFICATION SHALL CONFORM TO AWWA C-900 FOR MAINS 12 INCHES OR LESS AND AWWA C-905 FOR MAINS LARGER THAN 12 INCHES AND SHALL BE DR-18.

SANITARY SEWER NOTES:
1. SANITARY SEWER SERVICE SHALL BE PROVIDED BY THE UTILITY COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA.
2. LAYOUT OF UTILITIES ARE CONCEPTUAL; ACTUAL LOCATION OF IMPROVEMENTS WILL BE SUBJECT TO ROADWAY LAYOUTS AND OTHER DESIGN OF PHYSICAL FEATURES OF THE DEVELOPMENT.
3. GRAVITY SANITARY SEWER PIPE MATERIAL SHALL BE PVC, SDR-35 CONFORMING TO ASTM D1784.
4. FORCE MAIN PIPE MATERIAL SHALL BE PVC, DR-25, PRESSURE RATING OF 100 PSI AND DI CONFORM WITH AWWA C-900.
5. GRAVITY AND FORCE MAINS SHALL BE GREEN IN COLOR OR MARKED SEWER BY THE MANUFACTURER.
6. THE SANITARY SEWER COLLECTION SYSTEM SHALL BE IN CONFORMANCE WITH THE POLLUTION CONTROL RULES AND REGULATIONS MANUAL, SECTION VII, BY THE UTILITIES [redacted] OF NEW SMYRNA BEACH, FL.
7. PROPOSED LIFT STATIONS SHALL BE IN CONFORMANCE WITH THE POLLUTION CONTROL RULES AND REGULATIONS MANUAL, SECTION VII, BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FL.
8. FORCE MAINS SHALL BE IN CONFORMANCE WITH THE POLLUTION CONTROL RULES AND REGULATIONS MANUAL, SECTION IX, BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FL.
9. LIFT STATION SPACING IS CONCEPTUAL AND SUBJECT TO CHANGE.

STORM DRAINAGE NOTES:
1. MAINTENANCE AND OPERATION OF THE STORM WATER SYSTEM WILL BE BY THE HOMEOWNERS [redacted] MAINTENANCE OF THE STORM WATER SYSTEM SHALL INCLUDE ON-GOING MOWING OF THE SIDE [redacted] VEGETATION CONTROL AND QUARTERLY INSPECTION OF STORM STRUCTURES, CULVERTS AND DRAINS.
2. [redacted] WILL BE INSTALLED FOLLOWING AN ACCEPTED BEST PRACTICE MANAGEMENT SYSTEM, AND SHALL BE MAINTAINED BY THE CONTRACTOR DURING CONSTRUCTION.
3. FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 18 INCHES ABOVE THE CENTERLINE OF THE ROADS. THE CENTERLINE OF THE ROADS SHALL BE A MINIMUM OF 12 INCHES ABOVE THE FLOOD ELEVATION.
4. THE STORM WATER SYSTEM SHALL BE DESIGNED TO ACCOMMODATE A 100 YEAR 72 HOUR STORM EVENT FOR THE CITY OF NEW SMYRNA BEACH AND A 25 YEAR 24 HOUR STORM EVENT FOR THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT.
5. TREATMENT VOLUMES WILL BE CALCULATED BASED ON A OUTSTANDING FLORIDA WATER OUT FALL (SPRUCE CREEK) DISCHARGE, ON-LINE SYSTEM FOR WE[redacted]
6. THE PROPOSED RETENTION AREAS SHALL BE WET RETENTION.

LAND USE	[redacted]	PERCENT	IMPERVIOUS %	IMPE[redacted]
GOLF COURSE	106	8.5	25	26.5
LAKES/PONDS	152	12.2	100	152
COMMERCIAL/HIGH DENSITY	40	3.2	75	30
MAJOR ROAD	42	3.4	80	25.2
[redacted]	390	31.2	55	214.5
UNDEVELOPED [redacted] SYSTEM	520	41.5	0	0
TOTAL	1250	100%	—	448.2

[redacted] WET DETENTION, [redacted] FLORIDA WATERS (SPRUCE CREEK) ON-LINE: =167 AC-FT +/-
[redacted] PRE VS. POST =126.6 AC-FT +/-
[redacted] IN PONDS: +/- 887 AC-FT > TREATMENT VOLUME PONDS AREA X 3 FT DEPTH

			DWN/TCD
1.	05/14/03	REVISED PER OWNER MODIFICATIONS	DWN/TCD

REVISIONS

VENETIAN BAY
MASTER PLAN
UTILITY & STORMWATER PLAN
CITY OF NEW SMYRNA BEACH — VOLUSIA COUNTY, FLORIDA

ZEV COHEN & ASSOCIATES, INC
ENGINEERS [redacted] LANDSCAPE ARCHITECTS [redacted]

PROJECT NO:	00039	DATE PREPARED:	6/28/02
DESIGNED BY:	PW/DW	DRAFTED BY:	TD
CHECKED BY:	MDD		
SCALE:	1" = 500'	SHEET:	8 OF 8

NOT VALID WITHOUT RAISED SEAL
FILE NAME: 00039A02
ENTITY: 00039A02
44-1
FILE LOCATION

© 2003 Venetian Bay Development, LLC.

COMPOSITE
EXHIBIT "D"
6 of 7

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Page: 3085

Venetian Bay

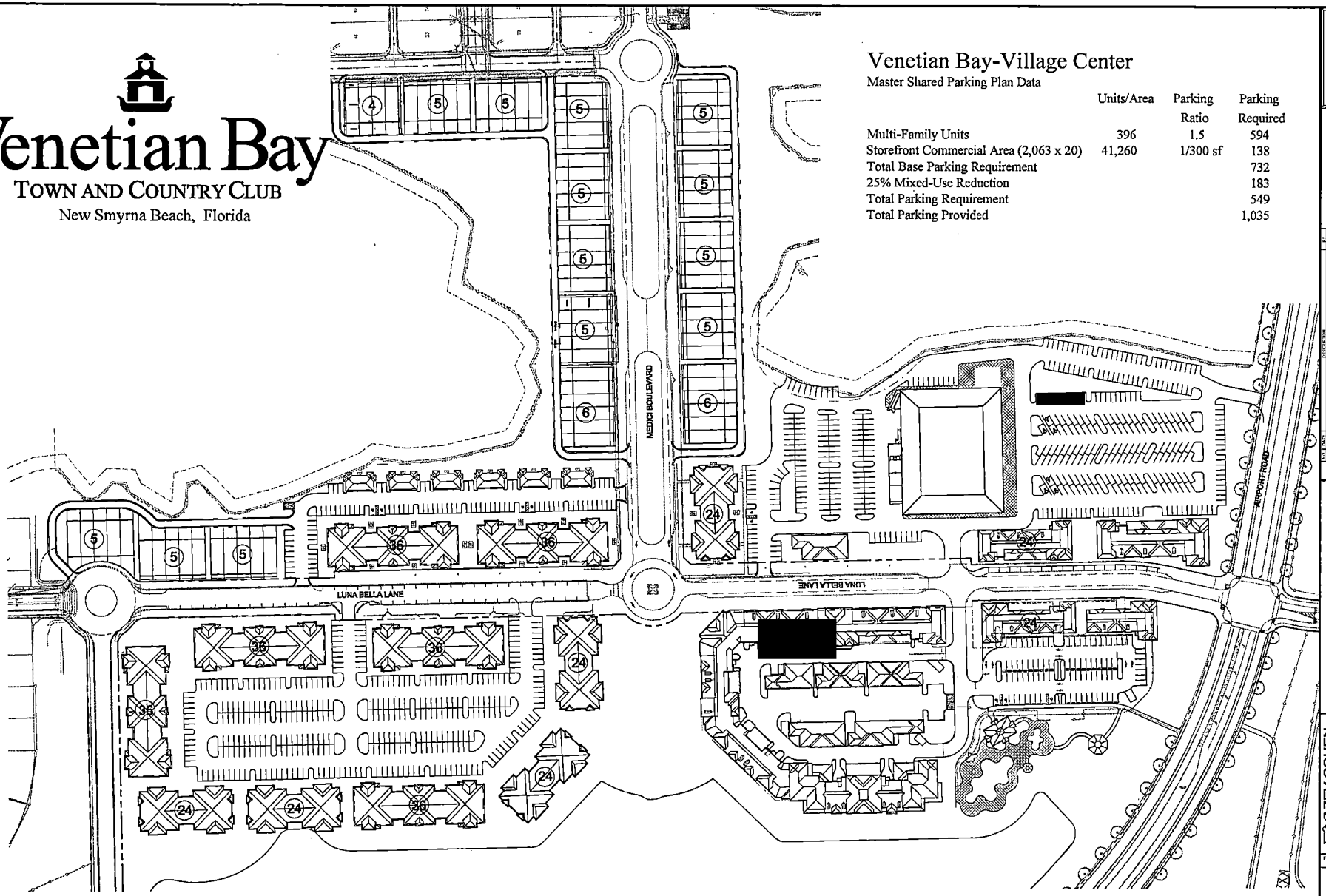
TOWN AND COUNTRY CLUB

New Smyrna Beach, Florida

Venetian Bay-Village Center

Master Shared Parking Plan Data

	Units/Area	Parking Ratio	Parking Required
Multi-Family Units	396	1.5	594
Storefront Commercial Area (2,063 x 20)	41,260	1/300 sf	138
Total Base Parking Requirement			732
25% Mixed-Use Reduction			183
Total Parking Requirement			549
Total Parking Provided			1,035



VENETIAN BAY
SCHEMATIC
VILLAGE CENTER ENLARGEMENT
VOLUSIA COUNTY, FLORIDA
CITY OF NEW SMYRNA BEACH

ZEV COHEN & ASSOCIATES, INC.
CIVIL ENGINEERS · LANDSCAPE ARCHITECTS
PLANNERS · TRANSPORTATION · ENVIRONMENTAL
WWW.ZEVCOHEN.COM

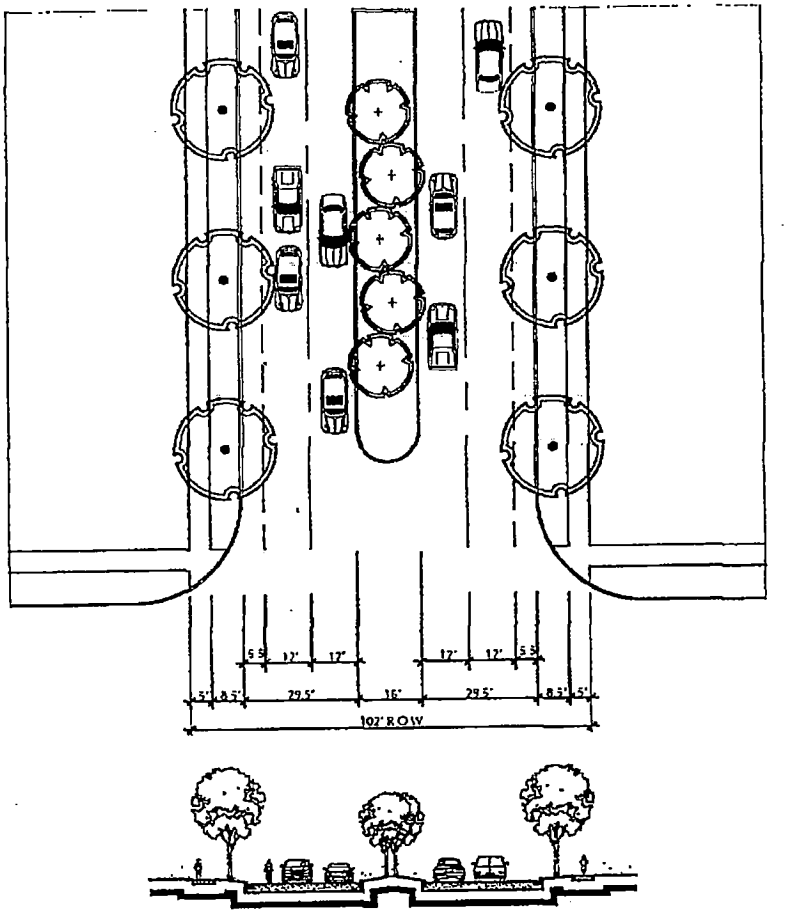
REVISIONS:

SCALE 1"TO 80'
SHEET C1 OF 1

COMPOSITE
EXHIBIT "D"
7 of 7

ROADWAY CROSS SECTIONS

MAJOR COLLECTOR BOULEVARD



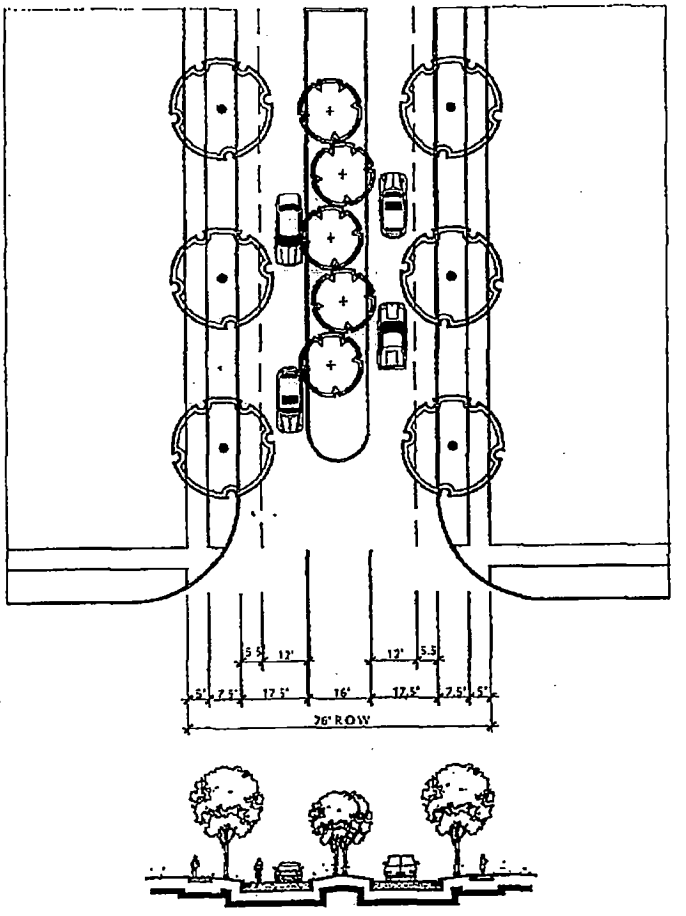
Major Collector Boulevard
N.T.S.

R.O.W. WIDTH	102'	MEDIAN WIDTH	16'
FACE OF CURB TO FACE OF CURB	29.5' (both sides)	SIDEWALK WIDTH	5'
TRAFFIC LANES	N/A	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12'	BIKE LANES	YES, 5.5' (includes gutter)
PARKING	NO	STRIPING	YES
PARKING WIDTH	N/A	STREET TREE SPACING	50'
DESIGN SPEED	45 MPH	LIGHTING	100' ALTERNATING
POSTED SPEED	35 MPH		15' HEIGHT
PARKWAY WIDTH	8.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

COMPOSITE
EXHIBIT "E"
1 OF 8

ROADWAY TYPICAL SECTIONS

MINOR COLLECTOR BOULEVARD



Minor Collector Boulevard
N.T.S.

R.O.W. WIDTH	76'	MEDIAN WIDTH	16'
FACE OF CURB TO FACE OF CURB	17.5' (both sides)	SIDEWALK WIDTH	5'
TRAFFIC LANES	N/A	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12'	BIKE LANES	YES, 5.5' (includes gutter)
PARKING	NO	STRIPING	YES
PARKING WIDTH	N/A	STREET TREE SPACING	50'
DESIGN SPEED	45 MPH	LIGHTING	100' ALTERNATING
POSTED SPEED	35 MPH		15' HEIGHT
PARKWAY WIDTH	7.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

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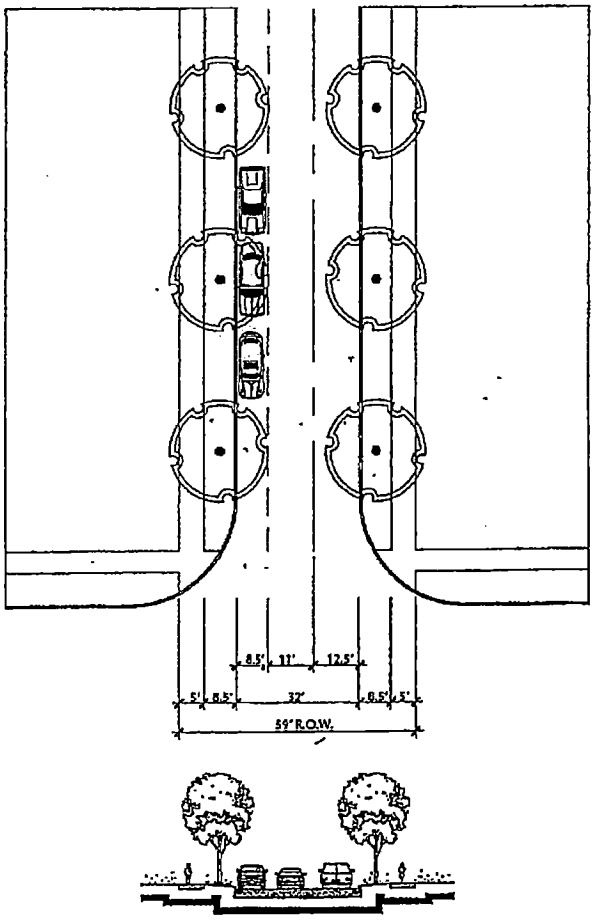
ROADWAY CROSS SECTIONS

NEIGHBORHOOD CIRCULATOR STREET

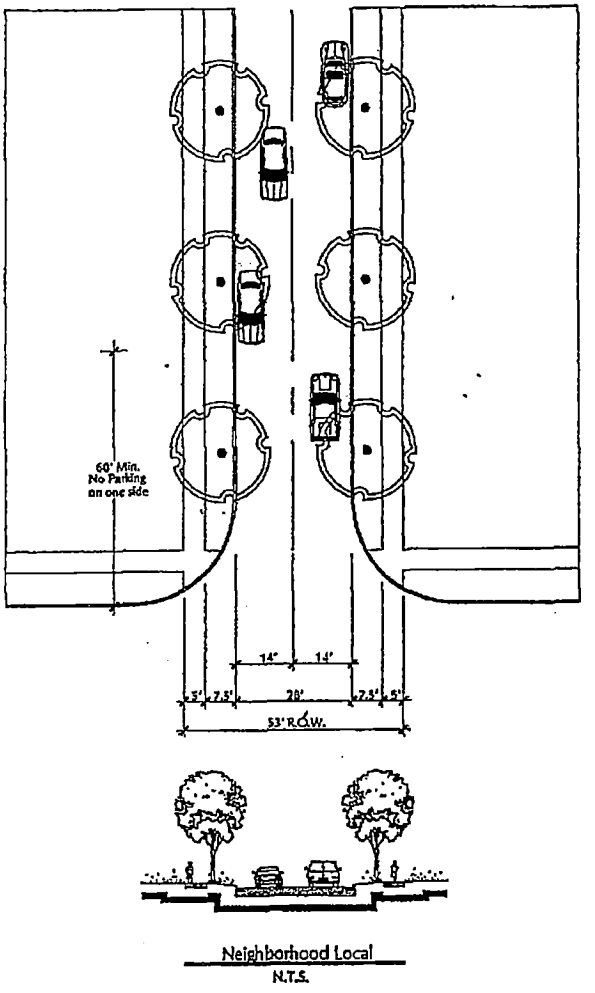


Neighborhood Circulator
N.T.S.

R.O.W. WIDTH	59'	MEDIAN WIDTH	N/A
FACE OF CURB TO FACE OF CURB	32' (includes gutters)	SIDEWALK WIDTH	5'
TRAFFIC LANES	TWO WAY	CURB RADIUS	25'
TRAFFIC LANE WIDTH	11'	BIKE LANES	NO
PARKING	ONE	STRIPING	NO
PARKING WIDTH	8.5' (includes gutter)	STREET TREE SPACING	40'
DESIGN SPEED	35 MPH	LIGHTING	100' ALTERNATING 14' HEIGHT
POSTED SPEED	25 MPH		
PARKWAY WIDTH	8.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

ROADWAY CROSS SECTIONS

NEIGHBORHOOD LOCAL STREET



Neighborhood Local
N.T.S.

R.O.W. WIDTH	53'	MEDIAN WIDTH	N/A
FACE OF CURB TO FACE OF CURB	28' (includes gutters)	SIDEWALK WIDTH	5'
TRAFFIC LANES	TWO WAY	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12.5' (includes gutters)	BIKE LANES	NO
PARKING	BOTH SIDES	STRIPING	NO
PARKING WIDTH	N/A	STREET TREE SPACING	30' TO 40'
DESIGN SPEED	30 MPH	LIGHTING	100' ALTERNATING
POSTED SPEED	25 MPH		14' HEIGHT
PARKWAY WIDTH	7.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

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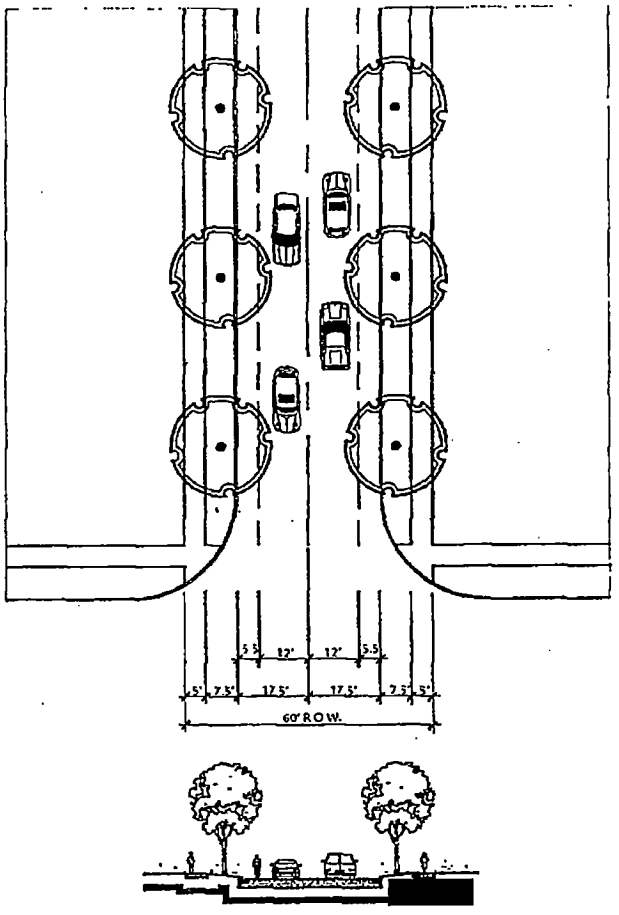
ROADWAY CROSS SECTIONS

MINOR COLLECTOR ROAD



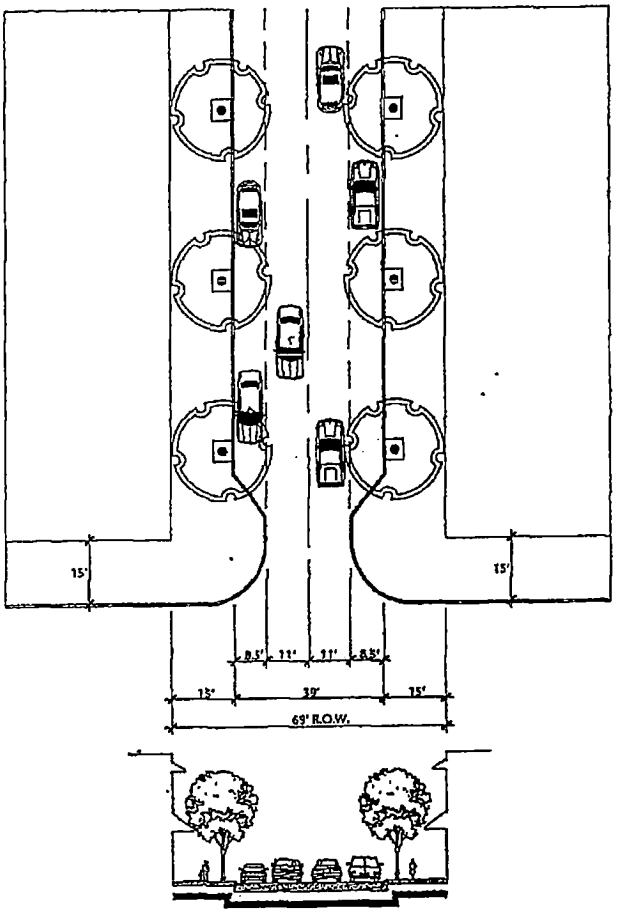
Minor Collector Boulevard
N.T.S.

R.O.W. WIDTH	60'	MEDIAN WIDTH	N / A
FACE OF CURB TO FACE OF CURB	35'	SIDEWALK WIDTH	5'
TRAFFIC LANES	2	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12'	BIKE LANES	YES, 5.5' (includes gutter)
PARKING	NO	STRIPING	YES
PARKING WIDTH	N / A	STREET TREE SPACING	50'
DESIGN SPEED	45 MPH	LIGHTING	100' ALTERNATING
POSTED SPEED	35 MPH		15' HEIGHT
PARKWAY WIDTH	7.5' (includes curb)	TREE OFFSET FROM BACK OF CURB	4' MIN.

COMPOSITE
EXHIBIT "E"
5 OF 8

ROADWAY CROSS SECTIONS

VILLAGE COMMERCIAL STREET



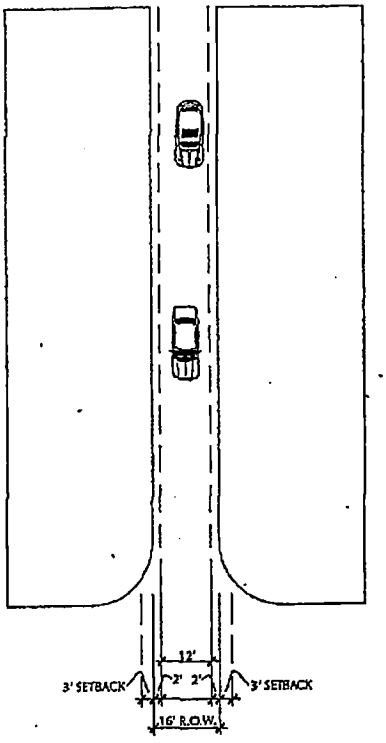
Village Center Commercial
N.T.S.

R.O.W. WIDTH	69'	MEDIAN WIDTH	N/A
FACE OF CURB TO FACE OF CURB	39'	SIDEWALK WIDTH	15'
TRAFFIC LANES	TWO WAY	CURB RADIUS	25'
TRAFFIC LANE WIDTH	11'	BIKE LANES	NO
PARKING LANES	TWO	STRIPING	YES
PARKING LANE WIDTH	8.5' (includes gutter)	STREET TREE SPACING	30' - 40'
DESIGN SPEED	25 MPH	LIGHTING	60' - 80' ALTERNATING 14' HEIGHT
POSTED SPEED	20 MPH		
PARKWAY WIDTH	N/A	TREE OFFSET FROM BACK OF CURB	3' MIN.

COMPOSITE
EXHIBIT "E"
6 OF 8

ROADWAY CROSS SECTIONS

REAR LANE - ALLEY





Rear Lane - Alley (One-way)
N.T.S.

R.O.W. EASEMENT WIDTH	16'	MEDIAN WIDTH	N/A
ROADWAY WIDTH	12'	SIDEWALK WIDTH	N/A
TRAFFIC LANES	ONE WAY	CURB RADIUS	25'
TRAFFIC LANE WIDTH	12'	BIKE LANES	NO
PARKING	NO	STRIPING	NO
PARKING WIDTH	N/A	STREET TREE SPACING	N/A
DESIGN SPEED	5 MPH	LIGHTING	14' HEIGHT AT BLOCK ENDS
POSTED SPEED	N/A		
PARKWAY WIDTH	N/A		

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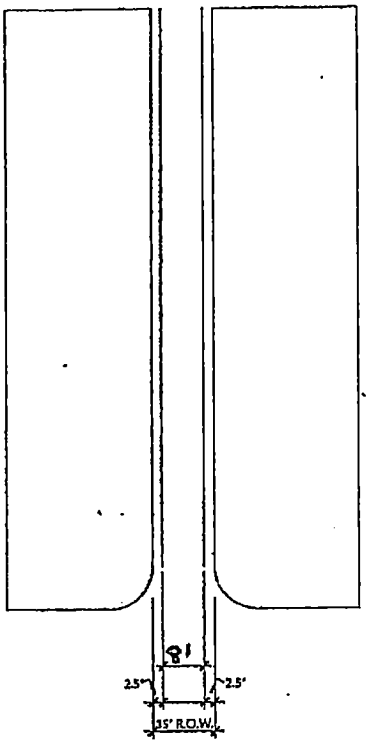
ROADWAY CROSS SECTIONS

VILLAGE PATHWAY





Village Pathway
1" = 40'

R.O.W. WIDTH	15'	MEDIAN WIDTH	N/A
PATHWAY WIDTH	8'	SIDEWALK WIDTH	N/A
TRAFFIC LANES	N/A	CURB RADIUS	10'
TRAFFIC LANE WIDTH	N/A	BIKE LANES	NO
PARKING LANES	N/A	STRIPING	NO
PARKING LANE WIDTH	N/A	STREET TREE SPACING	N/A
DESIGN SPEED	N/A	LIGHTING	N/A
PARKWAY WIDTH	2.5'		

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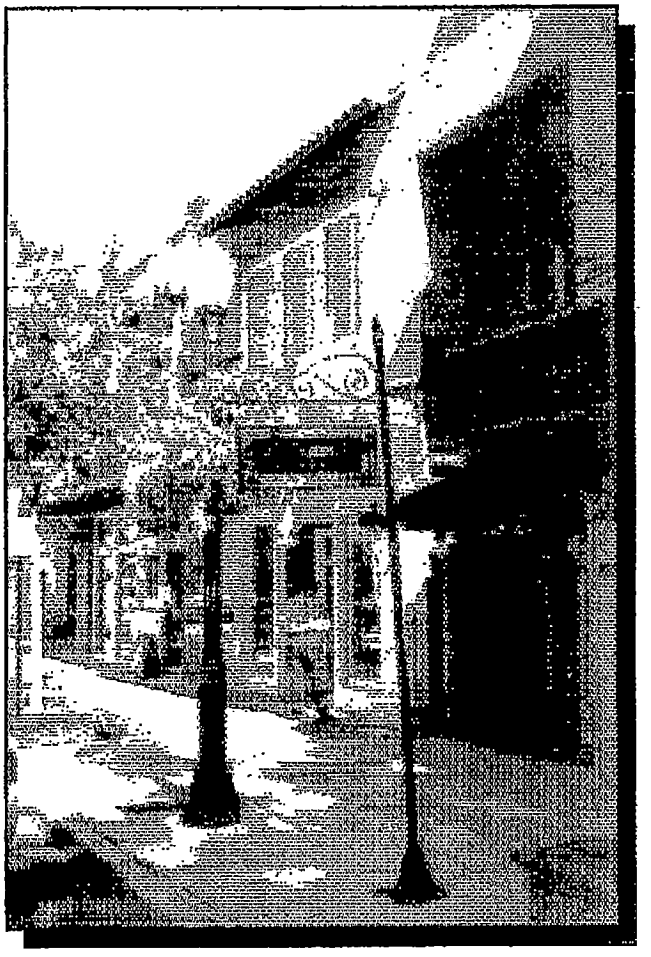
DESIGN STANDARDS GRAPHICS

TYPICAL MAIN STREET AMBIANCE



STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #1

COMPOSITE
EXHIBIT "F"
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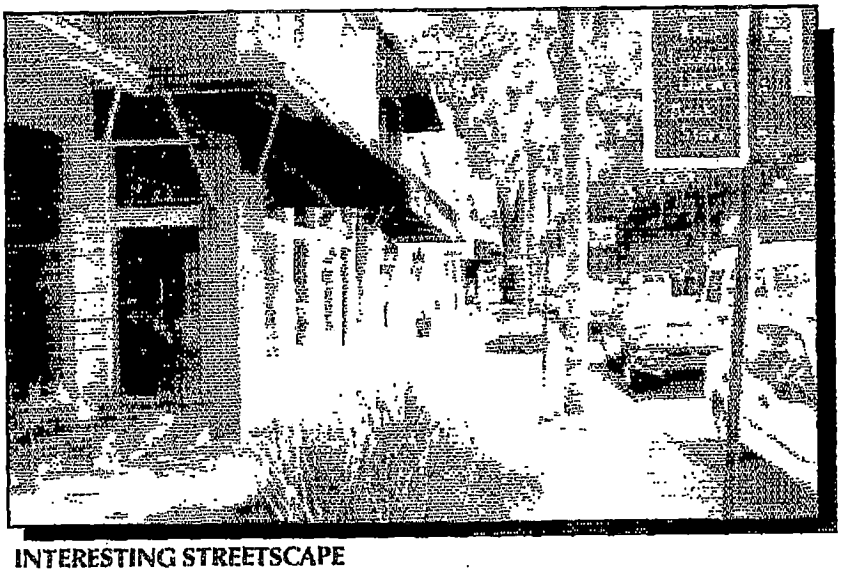
DESIGN STANDARDS GRAPHICS

DESIREABLE STREETSCAPE & BUILDING SCALE





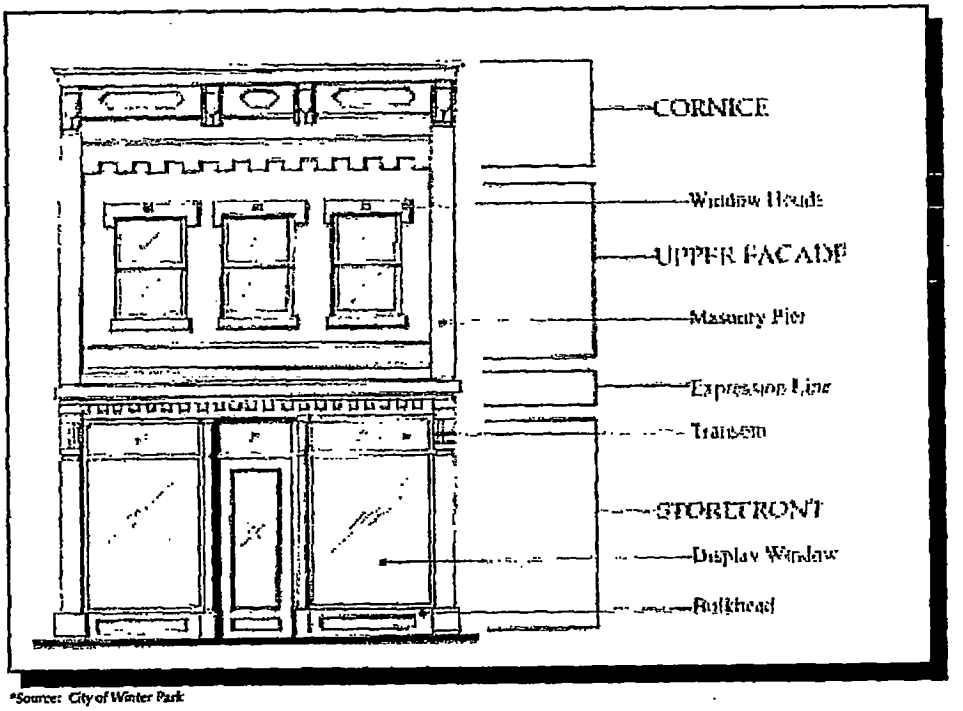
INTERESTING STREETSCAPE

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #2 COMPOSITE

DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE



*Source: City of Winter Park

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #3

COMPOSITE
EXHIBIT "F"
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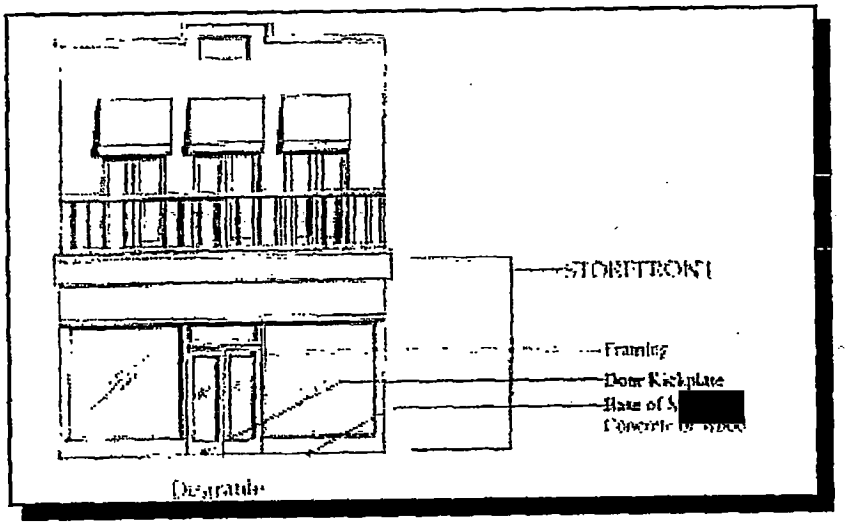
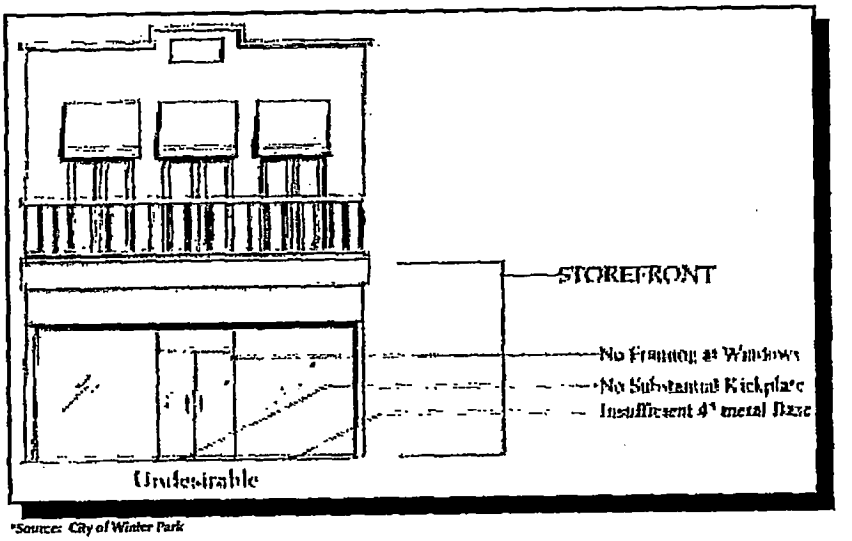
DESIGN STANDARDS GRAPHICS

CHARACTERISTICS OF STOREFRONT



*Source: City of Winter Park



*Source: City of Winter Park

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #4

COMPOSITE
EXHIBIT "F"
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DESIGN STANDARDS GRAPHICS

STOREFRONT CORNICE AND EXPRESSION LINE CHARACTERISTICS

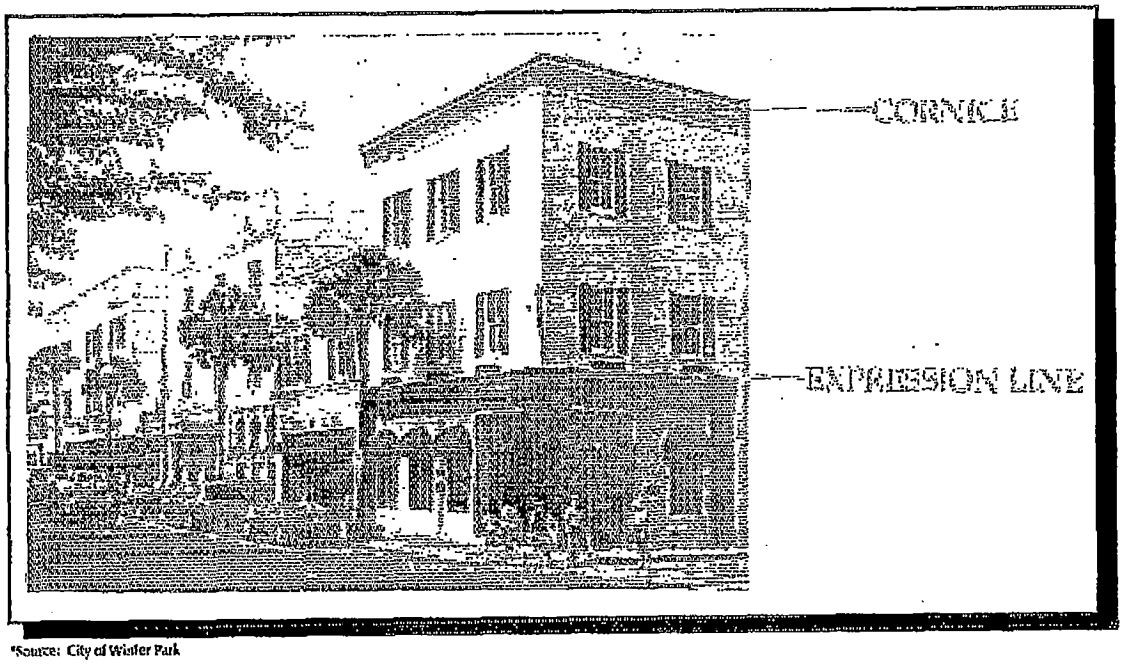
Expression Line

The Expression Line is the architectural feature on the façade, which delineates the transition between the ground floor fevel and the upper façade. This detail reinforces the pedestrian scale and traditional composition of the architecture.

An Expression Line shall be either a cornice or molding extending a minimum of three inches, or offset in the surface plan of the building wall of a minimum of three inches.

Cornice

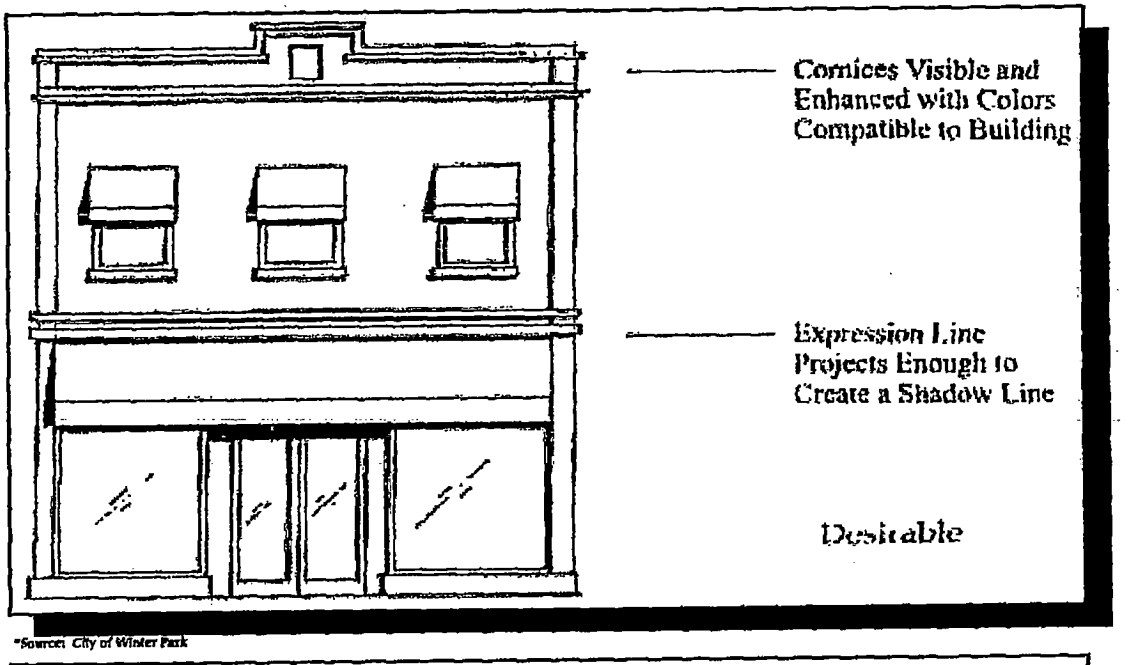
The cornice, which is the top architectural feature of the building, generally reflects the style of the building. In many cases the cornices have historical as well as architectural significance and therefore should be preserved as a contributing element to the appeal of the building. As a result, this cornice should not be covered within incompatible material, veneers or signs, building owners and tenants are encouraged, when possible, to expose the cornice façade in order to achieve these goals.



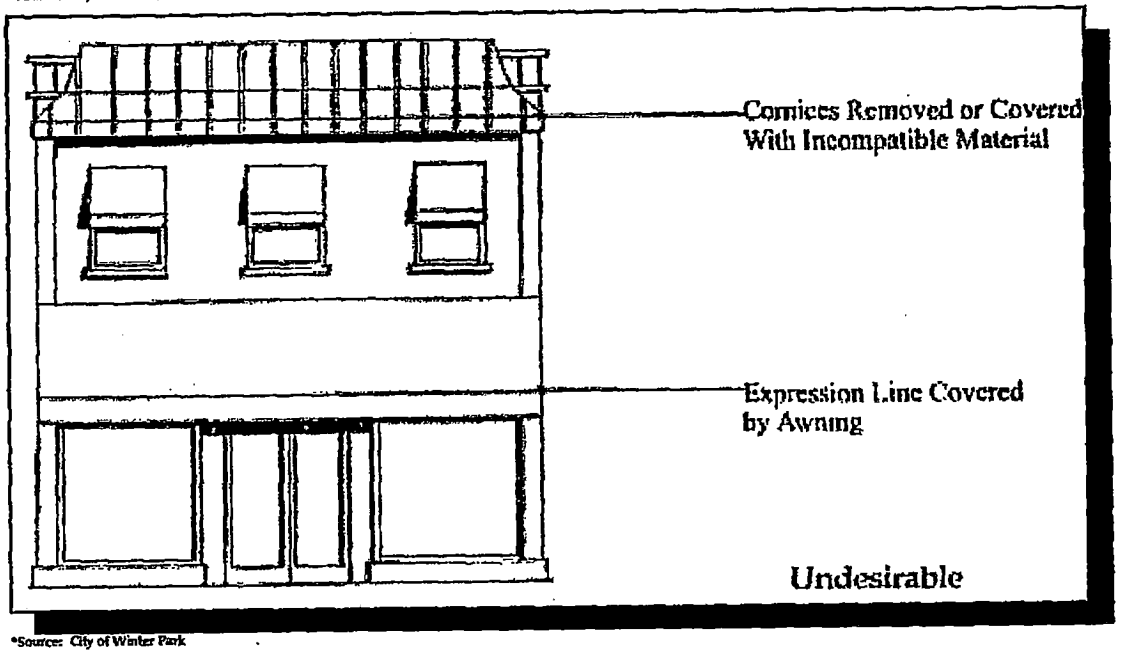
*Source: City of Winter Park

DESIGN STANDARDS GRAPHICS

STOREFRONT CORNICE AND EXPRESSION LINE CHARACTERISTICS



*Source: City of Winter Park



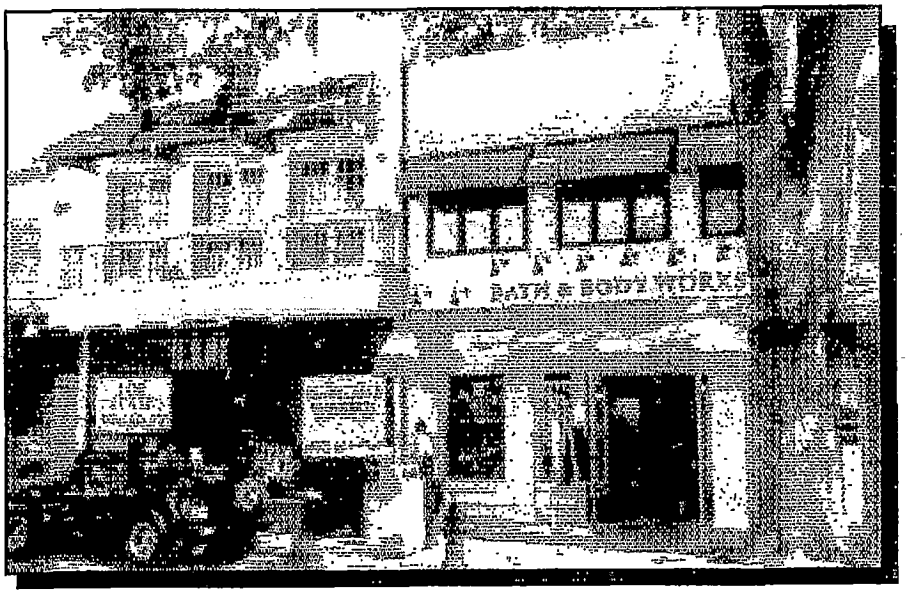
*Source: City of Winter Park

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #6

DESIGN STANDARDSGRAPHICS

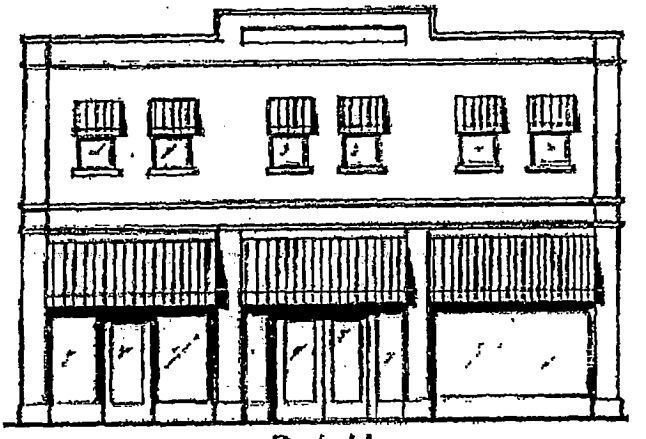
EXAMPLES OF APPROPRIATE FACADES AND ROOF PITCHES





DESIGN STANDARDS GRAPHICS

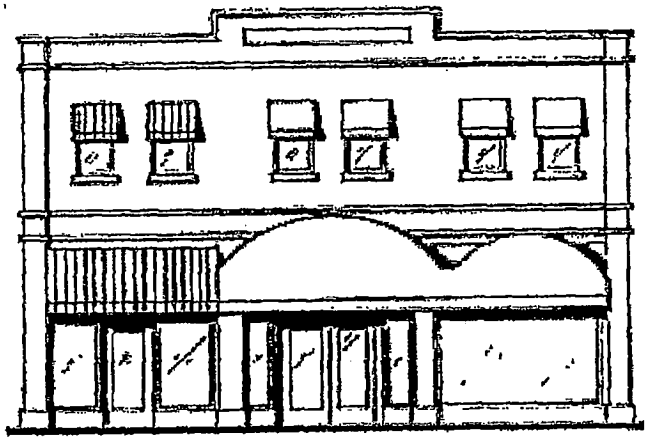
AWNING CHARACTERISTICS



Desirable

Second Story Awnings Coordinate with Ground Floor Storefront Awnings

Awnings Uniform in Height, Size, Materials and color



Undesirable

Second Story Awnings are not Coordinated with Storefront Awnings

Awning Covers Area between Second Story Window and Cornice

Awnings are Uneven, Inappropriate Shapes and Sizes

*Source: City of Winter Park

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #8

COMPOSITE
EXHIBIT "F"
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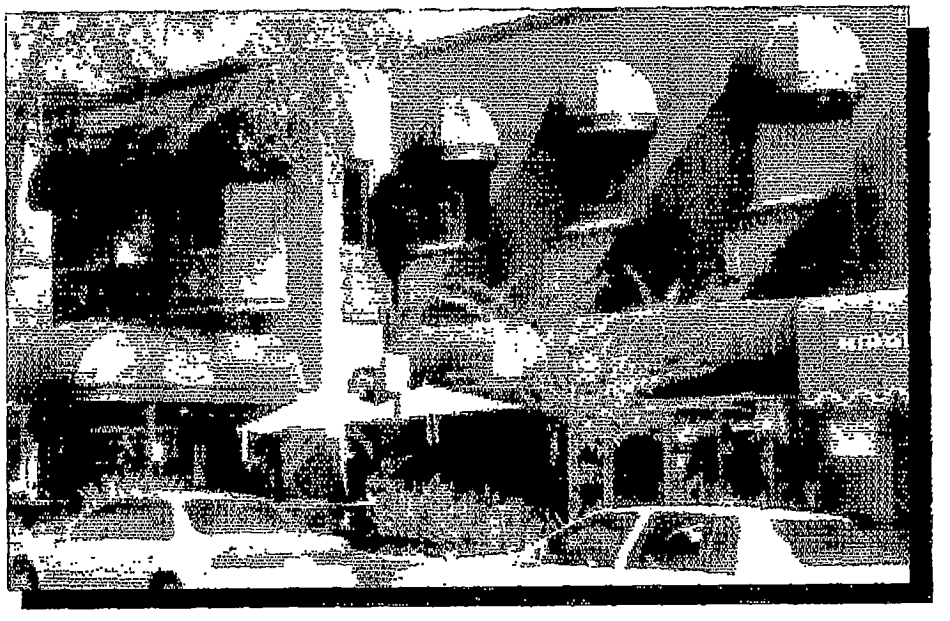
DESIGN STANDARDS GRAPHICS

TYPICAL AWNING CHARACTERISTICS



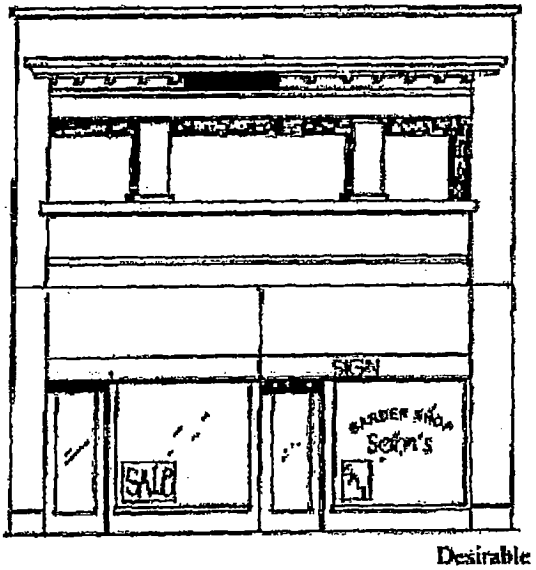


STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #9

DESIGN STANDARDS GRAPHICS

STOREFRONT SIGN CHARACTERISTICS



Desirable

Signs are Coordinated in Size and Placement with Building and Adjacent Storefront



Awning Sign Covers Masonry Pier

Sale Sign too Large for Storefront and Poorly Placed in Display Window

Undesirable Not Permitted

*Source: City of Winter Park

STOREFRONT COMMERCIAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUB-DISTRICT - EXHIBIT #10

COMPOSITE
EXHIBIT "F"
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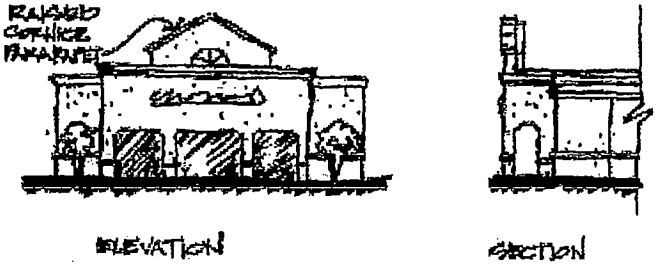
Book: 7202
Page: 3104

DESIGN STANDARDS GRAPHICS

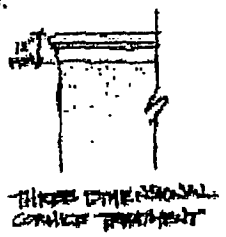
ROOF OPTIONS

A. Decorative parapets.

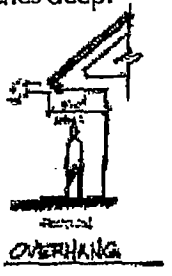


RAISED CORNICE PARAPET

B. Three dimensional cornice.

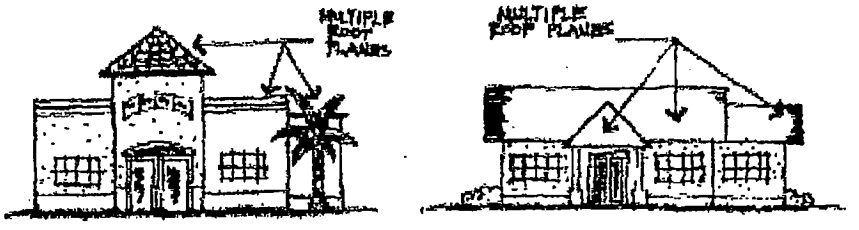


C. Overhanging eaves that extend at least three (3) feet beyond the supporting walls, with a minimum facia of six (6) inches deep.



OVERHANG

D. Three or more planes per primary facade.



CONVENIENCE COMMERCIAL (CC) LANDUSE ZONE

EXHIBIT #11

COMPOSITE
EXHIBIT "F"
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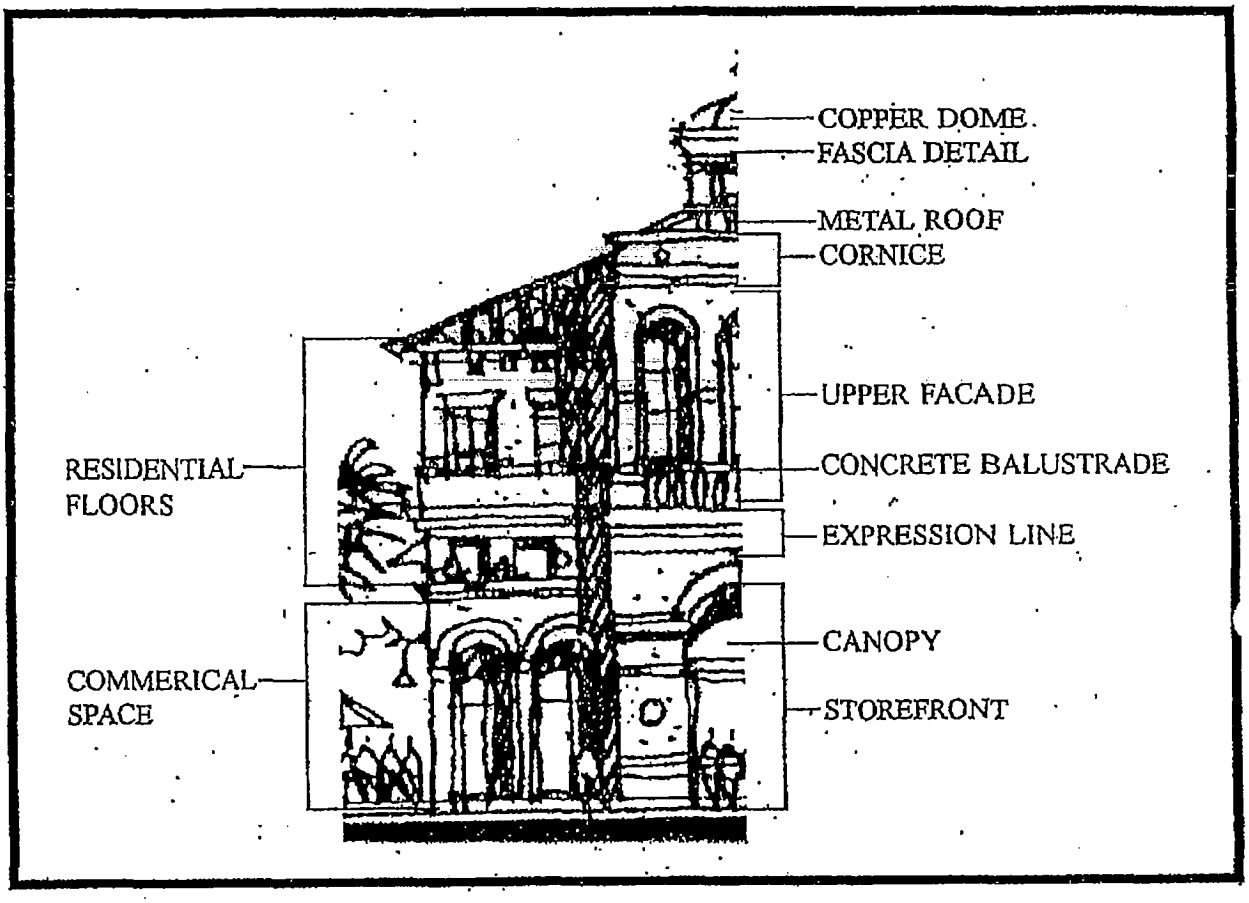
DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE
ALTERNATE MEDITERRANEAN SCHEME



STOREFRONT COMMERICAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUBDISTRICT – EXHIBIT # 1

COMPOSITE
EXHIBIT "F"
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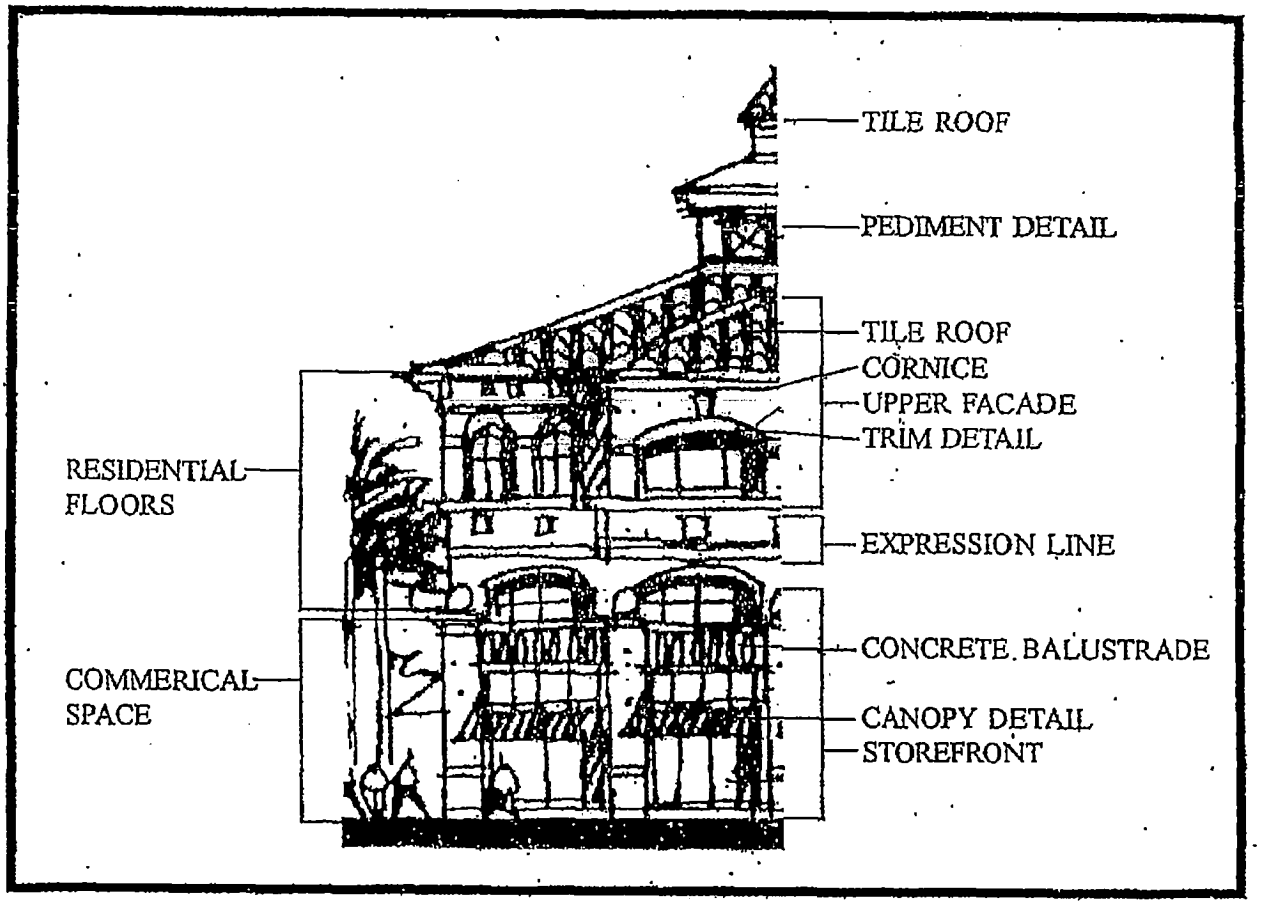
DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE
ALTERNATE MEDITERRANEAN SCHEME



STOREFRONT COMMERICAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUBDISTRICT – EXHIBIT # 2

Composite
Exhibit "F"
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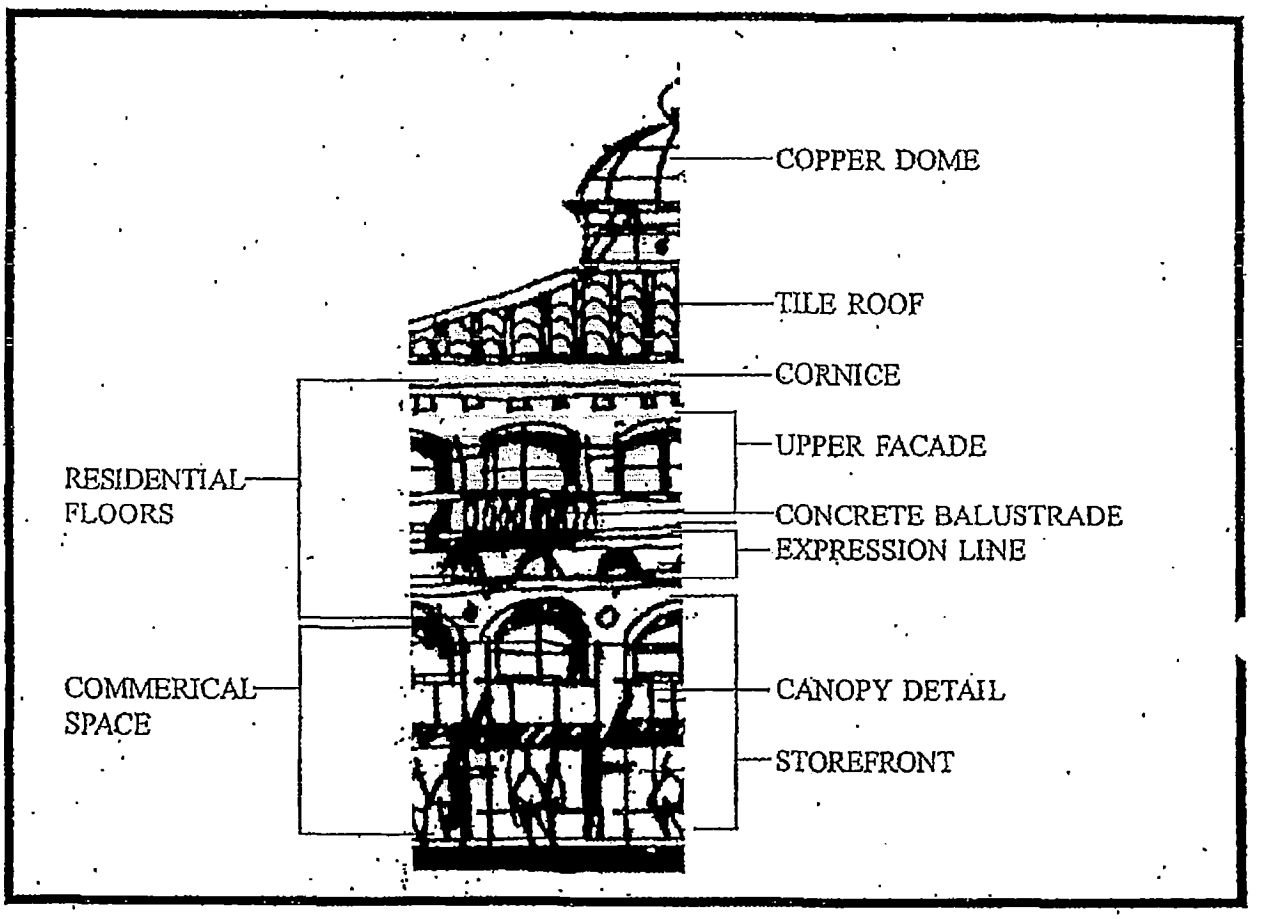
Instrument# 2016-000411 # 91
Book: 7202
Page: 3107

DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE
ALTERNATE MEDITERRANEAN SCHEME



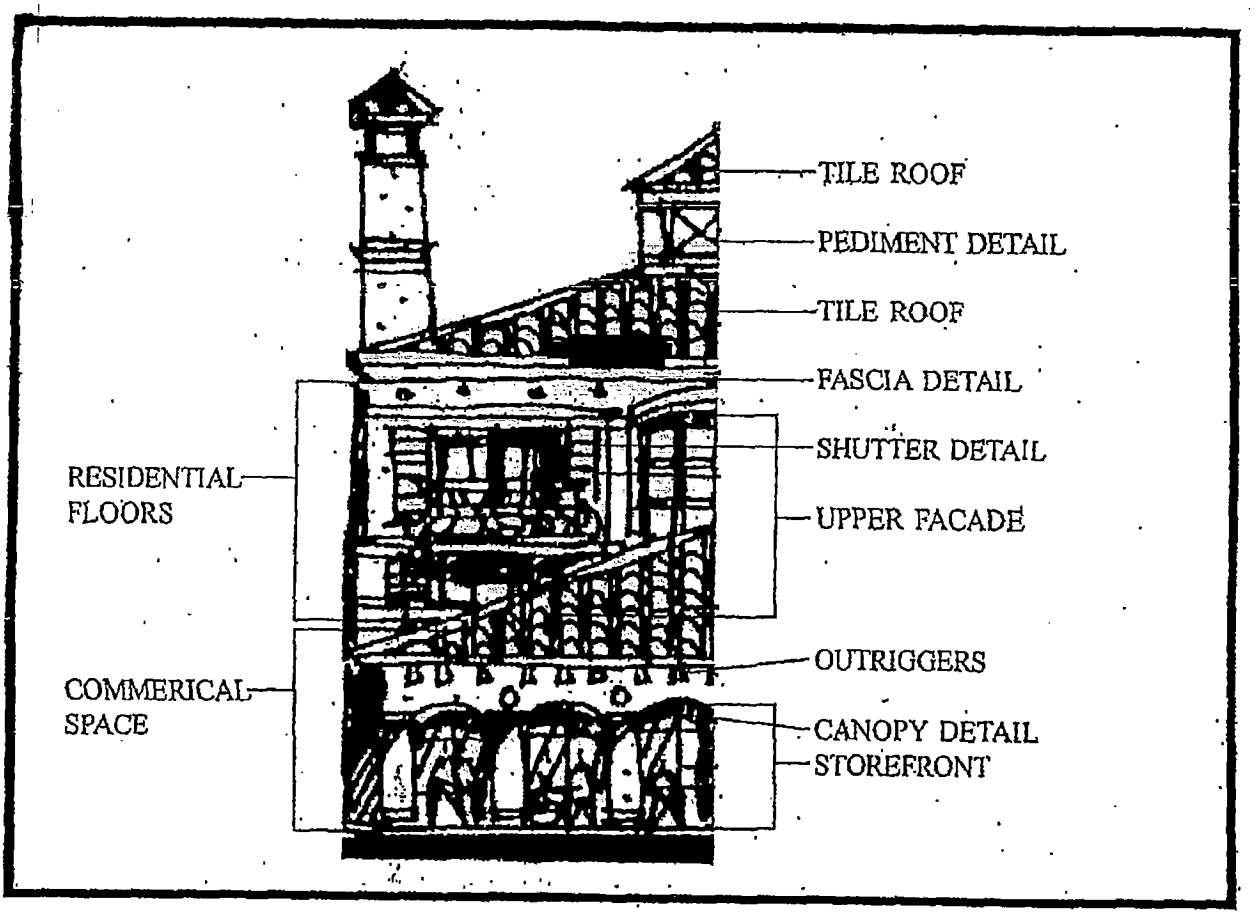
STOREFRONT COMMERICAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUBDISTRICT – EXHIBIT # 3

Instrument# 2016-000411 # 92
Book: 7202
Page: 3108
Diane M. Matousek
Volusia County, Clerk of Court

DESIGN STANDARDS GRAPHICS

COMMERCIAL STOREFRONT FACADE
ALTERNATE MEDITERRANEAN SCHEME



STOREFRONT COMMERICAL (SFC) LANDUSE ZONE

VILLAGE CENTER SUBDISTRICT – EXHIBIT # 4

Composite
Exhibit "F"
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