



Volusia Growth Management Commission

TO: Volusia County Units of Local Government

FROM: Gerald T. Brandon, VGMC Chairman

DATE: November 17, 2016

RE: City of Orange City Mixed Use District – VGMC PD Review Requirement

As you may be aware, through conditions of prior VGMC approval, the City of Orange City is required to submit proposed planned developments within their Mixed Use (MU) future land use designation to the VGMC for review to determine consistency in accordance with the criteria established in Section 90-37 of the Volusia County Code.

The City of Orange City recently submitted a request to the VGMC for the purpose of determining the plausibility of eliminating this requirement, along with materials in support of their request. Since this request would ultimately require a comp plan amendment, including VGMC review and public hearing, we felt it would be prudent to engage all other units of local government in advance of a formal submittal to identify any questions, comments or concerns you may have.

Attached you will find the City's request and accompanying materials, along with a current future land use map and memorandum prepared by VGMC's planning staff. We would appreciate you reviewing these materials and forwarding your comments to the VGMC office, vgmc@volusia.org, no later than Friday, December 30, 2016.

If you have any questions, please feel free to contact me through the VGMC office @ 386-947-1875. Thank you in advance for your assistance.

Distribution to Units of Local Government:

Richard Walton, City of Daytona Beach
Stewart Cruz, City of Daytona Beach Shores
Matt Boerger, City of DeBary
Mike Holmes, City of DeLand
Chris Bowley, City of Deltona
Darren Lear, City of Edgewater
Thomas Harowski, City of Holly Hill
Jason Yarborough, City of Lake Helen
Amye King, City of New Smyrna Beach
Beth Lemke, City of Oak Hill (Planning Consultant)
Becky Mendez, City of Orange City
Ric Goss, City of Ormond Beach
Mark Karet, Town of Pierson (Planning Consultant)
Aref Joulani, Town of Ponce Inlet
Penelope Cruz, City of Port Orange
John Dillard, City of South Daytona
Palmer Panton, County of Volusia
Saralee Morrissey, Volusia County School Board

Memorandum

DATE: November 2, 2016 **PROJECT NO.:** 20140535
TO: Gerald Brandon, VGMC Chairman
FROM: Chris Dougherty, AICP, VGMC Planner
CC: Merry Chris Smith, Operations Manager
Heather Ramos, VGMC Legal Counsel
SUBJECT: Orange City Mixed Use Request to Revisit Conditions of Approval

The purpose of this memorandum is to provide background information and a proposed course of action to address a request by the City of Orange City to revisit conditions of certification approval applied to the City's Mixed Use (MX) future land use designation. Due to this request falling outside the specific plan amendment review process in accordance with Sections 90-34.1 and 90-35 of the VGMC Consistency Certification Rules, VGMC staff has determined that the best course of action would be to include adjacent units of local government in the review of the request.

A public hearing in front of the VGMC will be required to remove or adjust previously adopted conditions of approval. However, we would like to respectfully request that each unit of local government review the package submitted by Orange City to the VGMC and provide comments within one (1) month of receipt of this request. Subsequent to review and comment of the proposed request, the VGMC recommends hosting a public workshop with Orange City and units of local government to discuss the request in an informal public forum.

Background

In 1989, Orange City established the Mixed Use (MX) future land use category and began designating lands MX on the City's Future Land Use Map (FLUM). Due to the prevalence of the land use on the future land use map (see attached map), relative flexible nature of the MX land use category (see table below), the maximum development potential, and the potential for significant adverse impacts on transportation and infrastructure facilities on adjacent jurisdictions, multiple conditions of approval were applied to the proposed amendments. Of those conditions, one carried forward to Resolution 2006-06, which requires VGMC review of all Planned Unit Development (PUD) zoning applications that are required within the MX land use category.

Providing for the review of the PUD allows the VGMC to better evaluate the potential impacts on adjacent units of local government. The VGMC is tasked with reviewing comprehensive plan amendments to determine the potential for adverse impacts on adjacent units of local governments based on the maximum buildout scenario of the proposed future land use designation. Because the MX land use category allows a wide range of uses and densities and intensities, understanding the potential impacts is difficult, if not impossible.

Currently, the Mixed Use (MX) land use category (FLUE Policy 5.1.1) allows the following mix of densities and intensities.

Land Uses	Minimum Percentage¹	Maximum Percentage¹	Maximum Density/Intensity
Single Family Residential	20.0	50.0	2.0 to 5.0 du/ac
Multi-Family Residential	20.0	50.0	5.0 to 18.0 du/ac
Commercial, Industrial and Office	35.0	65.0	0.50 FAR
Institutional/Civic Use	15.0	45.0	0.35 FAR

¹Mixed-use percentages apply to the entire mixed-use area.

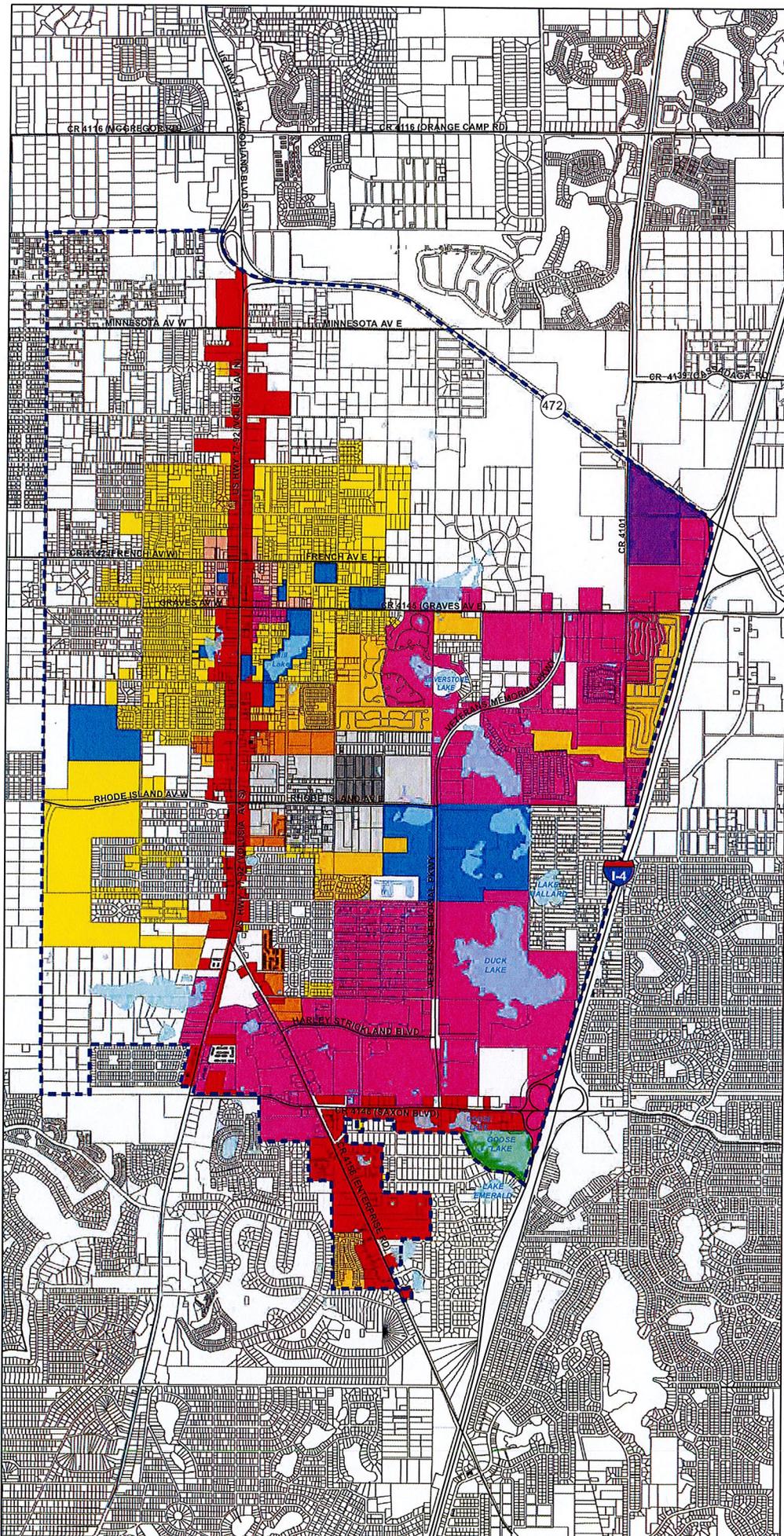
- dwelling units per acre (du/ac)
- floor area ratio (FAR)

Attachments:

- Orange City Request Package
- Orange City Future Land Use Map



Orange City Future Land Use Map



Legend

- Parcel
 - Hydrology
 - Thoroughfare
 - Designated Planning Area Boundary
- Future Land Use**
- CG - Commercial General
 - CS - Conservation
 - GU/IS - Public/Governmental & Institutional
 - RH - Residential High
 - RL - Residential Low
 - RM - Residential Medium
 - IH - Industrial Heavy
 - IL - Industrial Limited
 - MX - Mixed Used
 - MXAC - Mixed Used Activity Center
 - OT - Office Transitional





Orange City Development Services Department

205 East Graves Avenue, Orange City, Florida 32763-5213

Phone 386 775-5418 • Fax 386 775-5420

E-mail: bmendez@ourorangecity.com

August 16, 2016

Chris Dougherty, AICP
Littlejohn Company
1615 Edgewater Drive, Suite 200
Orlando, FL 32804

RE: VGMC certification requirements for Orange City

Chris,

We would like to thank you, Jim Wachtel, Heather Ramos and Jim Sellen for the time spent with Dale Arrington and me on July 25, 2016, in discussing the impacts that VGMC Resolution No. 2006-06 has had on the City of Orange City during the past decade. We appreciate both your willingness to consider, and the effort that will be involved in analyzing, whether this VGMC resolution can be eliminated or amended in light of changes to both the Volusia County and Orange City code relating to traffic impact analysis; changes in state law relating to concurrency; and most importantly, amendment to the Orange City Comprehensive Plan.

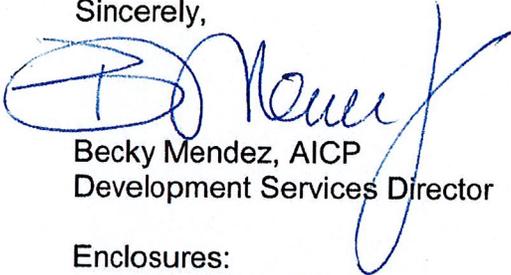
The purpose of the meeting was to determine the plausibility of eliminating VGMC review of Planned Unit Development (PUD) rezonings within the City's Mixed Use (MX) future land use designation, because:

- The City has sufficient comprehensive plan policies and land development code regulations to ensure new development within the MX designation will be processed as a PUD rezoning (attached as **Support Doc 1**).
- The City adopted the Transportation Planning Organization (TPO) Transportation Impact Analysis Methodology via City Resolution No. 569-09 in 2009 (attached as **Support Doc 2**).
- The State of Florida designated Orange City as a Dense Urban Land Area (DULA) and a Transportation Concurrency Exception Area (TCEA) in 2011.
- The City adopted a Mobility Plan in accordance with f.s. 163.3180 (5) (a)4 in 2011 via our EAR-Based amendments, which VGMC certified as consistent (attached as **Support Doc 3**).
- VGMC Resolution No 2013-02 acknowledged satisfaction of Condition 2.B.3 of Resolution 2006-06 (attached as **Support Doc 4**).
- VGMC 2016 rule changes encourage review efficiency and to date no Orange City PUD rezoning has been challenged or found inconsistent.

Truly, the request to eliminate the requirement for all City PUD rezonings to be reviewed by VGMC is simply a paperwork reduction act because of the new measures the City has enacted in transportation planning and concurrency management processes. Although, we understand the original purpose and intent of the 2006 certification requirement, we now request VGMC staff determine that VGMC Resolution No. 2006-06 is no longer necessary, as the City has adopted plan policies, land development regulations and procedures to ensure that any PUD rezoning would not adversely impact adjacent jurisdictions based on the criteria of consistency as established in the Volusia County Code.

Please review the submitted information and call me to discuss if you have any further questions. We are hoping to establish a work plan by the end of the year, so we would appreciate hearing from you by the end of September. Once again, thank you for your consideration.

Sincerely,



Becky Mendez, AICP
Development Services Director

Enclosures:

Support Doc 1- City comprehensive plan polices and Land Development Regulations
Support Doc 2- City Resolution No 569-09
Support Doc 3- Mobility Plan summary and Ord 456 support documents
Support Doc 4- VGMC meeting minutes
VGMC Resolution No 2006-06 for reference

c.c.: Dale Arrington, City Manager
James Wachtel, VGMC Chair
Heather Ramos, VGMC legal counsel
Merry Chris Smith, VGMC Coordinator
Clay Ervin, County Growth and Resource Management Director
Jon Cheney, County Traffic Engineer

ORANGE CITY FUTURE LAND USE ELEMENT POLICIES as of August 9, 2016

Policy 1.1.9

The City shall require developments within the mixed-use and mixed-use activity center future land use designations to be approved as planned unit developments to ensure that all developments within said designations are designed to:

- A. Promote quality development;
- B. Provide for well landscaped, scenic development;
- C. Promote visual aesthetics through harmonious design and coordination of uses, structures, buildings, signage, lighting, parking, and the like;
- D. Provide internal and external site mobility that enhance public safety, roadway capacity, and vehicular and non-vehicular movement functions, and reduce vehicle use and therefore reduce greenhouse gas emissions;
- E. Mitigate any adverse impacts on surrounding properties; and
- F. Comply with the mixed-use and mixed-use activity center future land use designation guidelines and percentage, density, and intensity as specified in Tables 2-2 and 2-3 respectively.

Policy 5.1.1

Designate the following types of non-residential future land use areas and establish guidelines and standards within the LDC, Ordinance No. 157, as to the type, character and scale of development permitted in these designated non-residential areas:

Commercial General – It is the intent of the commercial general (CG) future land use designation to include a large variety of retail, commercial, financial, professional service, multi-family and related uses; planned commercial centers and community and regional serving shopping centers. Commercial general uses other than multi-family shall not exceed a FAR of 0.25. Multi-family uses shall not exceed a density of 12 units per acre and shall be approved as a conditional use to insure consistency with the Comprehensive Plan and compliance with all applicable provisions of the City's LDC, Ordinance No. 157.

Mixed-Use – It is the intent of the mixed-use (MX) future land use designation to plan for a flexible, innovative mix of land uses that provide a variety of activities to the public. MX allows a mix of light industrial, office, commercial, residential and institutional uses proximate to one another, or even within the same building. Determination of appropriate land use types, densities and intensities shall be based upon compatibility with adjacent and surrounding projects; need for transition between projects and ability to maintain established levels of service and mobility standards adopted in the Comprehensive Plan. MX shall be allowed only in areas where utilities and transportation system capabilities are adequate to support the uses. Only areas that are designated as MX on the Future Land Use Map and unincorporated areas within the City's DPA generally located west of I-4 and south of S.R. 472 as delineated on the Future Land Use Map shall be considered appropriate for MX developments. Projects located within the areas designated as MX shall be reviewed, approved and rezoned to/and developed as

planned unit developments that comply with all applicable requirements of the City's LDC, Ordinance No. 157. Land uses within the MX future land use designation shall comply with the percentages and densities/intensities specified in Table 2-2.

**TABLE 2-2
MIXED-USE LAND USE PERCENTAGES
AND DENSITY/INTENSITY**

Land Uses	Minimum Percentage ¹	Maximum Percentage ¹	Maximum Density/Intensity
Single Family Residential	20.0	50.0	2.0 to 5.0 dwelling units per acre (du/ac)
Multi-Family Residential	20.0	50.0	5.0 to 18.0 dwelling units per acre (du/ac)
Commercial, Industrial and Office	35.0	65.0	0.50 floor area ratio (FAR)
Institutional/Civic Use	15.0	45.0	0.35 FAR

¹Mixed-use percentages apply to the entire mixed-use area.

The following guidelines should be utilized in creating the urban development pattern within the MX and mixed-use activity center (MXAC) areas. These guidelines are neither intended to be rigid requirements nor prescribe what will occur at specific locations, but serve as tools to be used by the City in partnership with landowners, land planners, architects and developers to guide the mixed-use area design pattern.

- A. Accommodate a minimum population that will support economically viable neighborhoods with shopping, work place and leisure areas.
- B. Minimum residential densities should promote goods and services within walking distance of most residents while at the same time guaranteeing local business owners a local consumer market.
- C. Create an internal balance of housing, retail, jobs and services with a diverse mix of commercial, office, light industrial, institutional, recreational, entertainment, open space and residential uses. In response to the market place, the mixed-use area may not contain every type of use indicated, but it should contain a residential component and commercial areas primarily of retail uses, office areas and public spaces.
- D. Provide identifiable commercial areas that provide a positive pedestrian shopping experience. The ground floor uses should be retail, restaurants, personal services, business services and entertainment. Above ground floor uses may be office and if the market conditions are appropriate, residences above ground floor uses should be encouraged.
- E. The commercial areas should have the highest level of site design and architecture.
- F. The commercial areas should have one primary main shopping street with attractive walkways and a continuous street front experience to maximize the pedestrian environment and afford opportunities for increased retailing. Anchor tenants should be located at the periphery of the main

- shopping street to encourage the movement of shoppers by the smaller shops.
- G. The commercial areas should be designed to incorporate a square, plaza or similar area as a gathering place for residents and shoppers, both day and evenings. The area should be a major focal element and include places for strolling, sitting, music concerts, art shows and other promotional or cultural and holiday events.
 - H. The office areas should be located near the commercial areas as part of an integrated street pattern. If an architectural theme is established for the commercial areas, office architecture should follow the same architectural theme.
 - I. The residential areas may include residences above ground floor shops and residential neighborhoods surrounding the commercial and office areas.
 - J. Design a hierarchy of interconnected streets for different traffic characteristics that balances the needs of all users; promotes efficient movement for all modes of transportation, including pedestrians, and bicyclists and transit where appropriate; disperses vehicle traffic; connects streets with one another and is terminated by other streets. Special consideration should be given to street layout to minimize through traffic and the potential for inappropriate vehicle speeds.
 - K. Short blocks are encouraged with square dimensions but rectangular blocks may be acceptable to create interesting opportunities for small plazas, parks and interesting buildings or to respond to environmental conditions.
 - L. The streetscape should consist of sidewalks and amenities such as street trees and street furniture. Pedestrian friendly activities should be encouraged by providing wide and attractive sidewalks on both sides of the street, on-street parking, and an appealing streetscape.
 - M. Provide convenient and adequate parking for businesses and residents while minimizing its visual impacts. A master shared parking plan should be prepared that deals with employee parking, short and long term patron parking, errand parking and service parking.
 - N. Building design should maintain a high level of architectural interest through the use of building massing, building placement, materials and features, which creates pedestrian scaled street frontages. Doorways, windows, and other openings in the façade of a building should be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.
 - O. Provide for a variety of public open space areas in the form of parks, accessible squares and plazas, open space facilities and pedestrian amenities that can be used by residents and visitors on a daily basis.
 - P. Neighborhood parks should be provided, to the maximum extent feasible, and be internally located and surrounded by streets with residences facing the park.

- Q. Encourage the provision of a variety of building sites for cultural facilities, assembly halls and community meeting places, places of worship, day care, and the like, that occupy prominent places in the area and are planned in coordination with public open spaces.

Mixed-Use Activity Center – It is the intent of the mixed-use activity center (MXAC) future land use designation to plan for and create a town center that will become the identifying focus of the City’s mixed-use area. The MXAC includes community wide and/or regional commercial activities intended to serve the commercial retail and service needs of the projected southwest Volusia County regional population within Orange City’s primary market area as described in the Introduction section of this Element. Planned, integrated development is required to promote synergy between the commercial uses and different allowable land uses that may include multi-family residential, office, light industrial, institutional and civic. **Therefore, projects located within the areas designated as MXAC shall be developed as planned unit developments that comply with all applicable requirements of the City’s LDC, Ordinance No. 157.**

Additionally, the MXAC promotes efficiency of the transportation and mobility system by consolidating trips, accommodating all users and discouraging unabated sprawl of commercial activities. Ingress and egress to the MXAC as well as a safe and efficient internal vehicle/pedestrian transportation system shall be planned in a comprehensive manner in order to facilitate efficient vehicle and pedestrian movement. The mixed-use guidelines shall be used where applicable and to the maximum extent feasible. Land uses within the MXAC future land use designation may consist of a mix of uses and shall comply with the percentages and density/intensity specified in Table 2-3.

**TABLE 2-3
MIXED-USE ACTIVITY CENTER LAND USE
PERCENTAGES AND DENSITY/INTENSITY**

Land Uses	Minimum Percentage¹	Maximum Percentage¹	Maximum Density/Intensity
Multi-Family Residential	0.0	35.0	5.0 to 40.0 dwelling units/acre
Commercial, Office and Light Industrial	35.0	100.0	3.0 floor area ratio (FAR) without structured parking, 6.0 FAR with structured parking.
Institutional/Civic Use	0.0	30.0	0.50 FAR

¹Mixed-use percentages apply to the entire mixed-use activity center area.

ORANGE CITY LAND DEVELOPMENT CODE as of August 9, 2016

8.6.1 SCHEDULE OF ZONING DISTRICT PERMITTED AND CONDITIONAL USES

Type of Use	Zoning District													
P - Permitted use except MX-2 zoning district wherein all uses shall be approved as PUD rezoning														
C - Conditional use														
	RR	R-1	R-2	R-3	MH-1	OT	MX-1	MX-2	CG-1	CG-2	CR	I-1	I-2	PUD
RESIDENTIAL USES														
Single-family dwelling	P	P	P	P		P	P	**	C	C	P			*
Two-family dwelling, duplex			P	P			P	**	C	C				*
Multiple family dwelling			P	P			P	**	C	C				*
Accessory dwelling, including garage apartment and guest cottage	P	P	P	P		C	P	**						*
Accessory dwelling unit to a permitted business							C	**	C	C				*
Mobile home dwelling unit					P			**						*
Boarding house						C	C	**	C					*
Foster group home				C		C	C	**	C					*
Home office	P7	P7	P7	P7	P7	P7	P7	**	P7	P7				*
Home occupation	C8	C8	C8	C8		C8	C8	**	P8	P8				*
Bed and breakfast homestay	C	C	C	C		C	C	**						*
Tourist/travel court						C***								
Child care center								**	P	P				*
Family day care home	P	P	P	P	P	P	P	**						*
Assistant living facility (ALF)				C9		C9	C9	**	C9	C9				*
Zero lot line or cluster subdivision		C5	C5					**						*
COMMERCIAL USES														
Private club								**	P	P	C			*
Dental laboratory						C	P	**	P	P				*
Medical laboratory								**	P	P				*
Emergency care facility or outpatient clinic							C	**	C	P				*
Financial institutions, including commercial banks and savings and loans							C	**	P	P		P		*
Corporate offices								**	P	P		P	P	*
Professional office					P11	C	P	**	P	P		P	P	*
Business office						C	P	**	P	P		P	P	*
Studio for instructions in art, music						C	P	**	P	P	C	P		*
Package store (unless an automobile-oriented use, then a conditional use)								**	C	P				*
Funeral home, mortuary							P	**	P	P				*
Nursing or extended care facility				C		C	C	**	C	P				*
Retail sales and services (unless an automobile-oriented use, then a conditional use)					P11	C	P	**	P	P				*
Recreation and entertainment establishment, such as bowling alley, miniature golf course, billiard parlor								**	C	P	P			*

Fitness center or health spa									C	**	P	P	C	P		*
Retail sales of building, home and garden supplies, and like uses (but not including on-site manufacturing of products sold)										**	P	P		P		*
Plant nursery and sales, including incidental sales of garden supplies and equipment										**	P	P		P		*
Taxi service										**	C	P		P		*
Courier/delivery service										**	C	P		P		*
Veterinary hospitals with boarding of animals in a completely enclosed building										**	P	P		P		*
Kennel										**		C		P	P	*
Restaurant, type A (unless automobile-oriented use, then a conditional use)									P	**	P	P		C		*
Restaurant, type B (unless an automobile-oriented use, then a conditional use)										**	C	P				*
Bar, cocktail lounge or saloon										**	C	P				*
Hotel, motel									C	**	C	P				*
Motion picture theater										**		P				*
Sales, rentals and incidental servicing of new and used automobiles, motorcycles, trucks and tractors, recreational, farm and garden equipment, boats, mobile homes and like uses (but not including salvage yards and junkyards)										**		C				*
Car wash										**		C		P	P	*
Car detailing										**		C		P	P	*
Vehicle repair station, type A (entirely within a building)										**		P10		P10	P10	*
Vehicle repair station, type B (entirely within a building)										**				P10	P10	*
Business warehouse										**	C	C		P	P	*
Sales of automotive parts and equipment entirely within a building, including installation										**	C	P		P		*
Data Processing									P	**	P	P		P	P	*
INDUSTRIAL USES																
Laboratories, research and/or testing										**	C	P		P	P	*
Laundries and linen services, not including laundromat										**				P	P	*
Wholesale building materials storage and sales										**				P	P	*
Bus garages and repair shops										**				P	P	*
Contractor's shop, storage and equipment yard										**				P	P	*
Distribution and storage facilities, including wholesalers, storage warehouses, trucking terminals, and the like										**				P	P	*
Distribution centers										**	C	C		P	P	*
Essential services	P	P	P	P	P	P	P	P		**	P	P		P	P	*
Feed and seed processing and storage										**				P	P	*

Fruit and vegetable handlers or processors						**			P	P	*
Helipads						**		C	P	P	*
Agricultural or farm implement manufacturers						**				P	*
Aircraft and aircraft part						**				P	*
Aluminum extrusion manufacturers						**				P	*
Automobile, truck, truck-trailer, motor-cycle, mobile home, manufactured dwelling, recreational vehicle and bicycle manufacturers						**				P	*
Bakery products manufacturers						**			P	P	*
Bedding manufacturers						**			P	P	*
Beverage manufacturers						**			P	P	*
Boat manufacturers.						**				P	*
Bolt, nut, screw, washer and rivet manufacturers						**				P	*
Box and crate manufacturers						**			P	P	*
Building components manufacturers						**				P	*
Business equipment manufacturers						**			P	P	*
Culvert manufacturers						**				P	*
Chewing gum manufacturers						**			P	P	*
Cosmetic and toiletry manufacturers						**			P	P	*
Creamery and dairy operations						**			P	P	*
Dairy products manufacturers						**			P	P	*
Electrical component manufacturers						**			P	P	*
Food products manufacturers						**			P	P	*
Furniture manufacturers						**			P	P	*
Heating, air conditioning, ventilation, stove and refrigeration manufacturers						**				P	*
Iron ornamental manufacturers						**			P	P	*
Planing and millwork manufacturers						**		C	P	P	*
Plumbing supply manufacturers						**			P	P	*
Sheet metal products manufacturers						**		C	P	P	*
Trailer, carriage and wagon manufacturers						**				P	*
Wood product manufacturers						**		C	P	P	*
Computer and office equipment						**	C	C	P	P	*
Mini-warehouses						**	C	C	P	P	*
Restaurants Type A and B, when contained within principal industrial buildings						**	C	P	P	P	*
Sign and paint shop						**		C	P	P	*
Tool, die and gauge shops						**			P	P	*
Durable and non-durable goods distribution						**		C	P	P	*
Electronic equipment						**		C	P	P	*
Instruments (measuring, analyzing and controlling)						**		C	P	P	*
Optical equipment						**		C	P	P	*
Photographic equipment and supplies						**		C	P	P	*

Precision instruments and machinery							**		C		P	P	*
Research and technology uses							**		C		P	P	*
Moving and storage companies							**		C		P	P	*
Printing and publishing and related facilities							**		C		P	P	*
Truck or freight transfer terminals							**				P	P	*
Truck, automobile, boat, mobile recreational vehicle and shelter, motorcycle and trailer storage							**		C		P	P	*
Warehouses							**				P	P	*
Welding or soldering shops							**				P	P	*
Wholesale houses and distributors							**		C		P	P	*
Yards of general contractors engaged in building or heavy construction							**		C		P	P	*
Utilities substations, sewage treatment plants, water storage facilities and the like	C	C	C	C	C	C	**	C	C		C	C	*
Bulk outdoor storage, but not including storage of flammable materials							**					C	*
Excavation of mineral resources							**					C	*
Communication tower and antennas (refer to section 8.7.20. of this chapter)							**				C	C	*
Machinery and machine shops							**				P	P	*
Pest exterminators							**	C	P		P	P	*
Pain management clinic											P	P	
Establishments, offering onsite internet or computer access, or phone card sales, the primary activity or business of which is the sale of internet, computer or phone access or time for compensation or value whether for profit or not; including game rooms, arcades, internet cafes, sweepstake redemption centers, or establishments using slot machine like equipment. Allowable hours of operations shall only be from ten o'clock (10:00) a.m. to ten o'clock (10:00) p.m. In addition, the sale of computer access, for the use of sweepstakes, or phone card activities as an accessory or ancillary use is also prohibited in all zoning districts except in the I-2 zoning district												P	
A recovered materials processing facility for the receiving and processing (recycling) of non-hazardous household waste characterized as recoverable material and not inclusive of solid waste subject to permit from the Florida Department of Environmental Protection (FDEP).													****12
A recovered materials processing facility for the receiving and processing (recycling) of													****13



Orange City Zoning Map

Legend

- Hydrology
- City Limit

Orange City Zoning (Zoning Class)

- PUD Planned Unit Development
- RR Rural Residential
- R-1 Low Density Residential
- R-2 Medium Density Residential
- R-3 High Density Residential
- MH-1 Mobile Home Park
- OT Office Transitional (Residential)
- MX-1 Mixed Use Urban
- MX-2 Mixed Use Suburban
- CG-1 General Commercial Restricted
- CG-2 General Commercial
- I-1 Light Industrial
- I-2 Heavy Industrial
- CR Commercial Recreation

Planned Unit Developments

Map Notation	Name
1	Coggin
2	Mainstreet Bank
3	Liberty Square Townhomes
4	Liberty Square Commercial
5	LBB Medical
6	Villa Tuscanry Assisted Living Facility
7	John Knox Village Oak Park
8	John Knox Village Assisted Living Facilities
9	Integra Landings Phase 1 & 2
10	GEL Recycling
11	Hospice
12	West Volusia Towne Center
13	West Volusia Retail Center
14	Saxon Crossings
15	Orange City Towne Center
16	Villa Grande Apts
17	Center for Advanced Health
18	Treemonte Center
19	Miller Landing
20	University High School
21	Sparkman Ridge Residential Subdivision
22	River Springs Middle School



1 inch = 650 feet

RESOLUTION NO. 826-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, SUPPORTING VOLUSIA COUNTY APPLICATION TO THE TRANSPORTION PLANNING ORGANIZATION FOR STATE FUNDING OF AN ADAPTIVE TRAFFIC SIGNAL TECHNOLOGY PROJECT FOR SAXON BOULEVARD.

WHEREAS, Orange City's continued growth and prosperity depends on a transportation system that can safely and efficiently move an ever greater volume of people and goods; and

WHEREAS, there are limited opportunities for building new roads in densely developed, urbanized areas while further expanding existing arterials may not be cost feasible in terms of right-of-way and can be contrary to community interests; and

WHEREAS, to meet these challenges, more emphasis is being placed on other solutions such as transit, non-motorized transportation and the use of transportation system management and operations strategies to optimize utilization of existing arterials; and

WHEREAS, traffic signals play a critical role in moving vehicles on arterials while also providing for the safety of pedestrians and bicyclists; and

WHEREAS, advances in traffic signal technology and related traffic management practices have been shown to improve utilization of urban arterials and reduce travel time delays, which is the goal of an effective transportation system management and operations program; and

WHEREAS, one such advance has been made with adaptive traffic signal technology which results in traffic signals being operated based on information from roadside devices whose effectiveness can be confirmed with probe vehicle technology such as electronic toll transponders or Bluetooth-enabled devices within vehicles; and

WHEREAS, there are a number of prospective arterials in the county that are considered to be promising corridors for possible projects such as US 17-92, SR 40/Granada Avenue, SR 421/Dunlawton, SR 44 (NSB), LPGA Boulevard and Saxon Boulevard; and

WHEREAS, the River to Sea Transportation Planning Organization (R2CTPO) has called for projects utilizing federal and state funding, which are highly competitive and applications selected for funding must be well-defined, have a broad base of support and hold promise for delivering positive results;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:

Section 1. That Orange City is in full support of the county submitting a R2CTPO adaptive traffic signal technology project to obtain federal or state funding for the Saxon Blvd corridor from Market Place to Normandy Blvd.

ROLL CALL VOTE AS FOLLOWS:

Gary A Blair, Vice Mayor	<u>yes</u>	O. William Crippen	<u>yes</u>
Ron Saylor	<u>yes</u>	Tom Abraham	<u>yes</u>
Michael G. Wright	<u>yes</u>	Anthony Pupello	<u>yes</u>
Tom Laputka, Mayor	<u>yes</u>		

PASSED and ADOPTED this 22nd day of March, 2016.

ATTEST:

Deborah J. Renner

Deborah J. Renner, CMC, City Clerk

AUTHENTICATED:

Tom Laputka

Tom Laputka, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr.

William E. Reischmann, Jr., City Attorney

MOBILITY PLAN

Introduction

In accordance with subsection 163.3180(5)(a), Florida Statutes, where the Legislature found that the unintended result of concurrency requirements for transportation facilities often discouraged urban infill development and redevelopment, which conflicted with the goals and policies of the state comprehensive plan: the City of Orange City was designated as a Dense Urban Land Area (DULA) and a Transportation Concurrency Exception Area (TCEA).

To comply with subsection 163.3180(5)(a)4, the City shall by July 9, 2011, adopt into their comprehensive plan land use and transportation strategies to support and fund mobility strategies to address the needs of mobility within the TCEA. This strategy, known as the Mobility Plan, has been developed and is addressed primarily in the City's Transportation Element in Goal 1 and the Capital Improvement Element Objective 1.6, but also in policies found in the Future Land Use, Intergovernmental, and Definitions Elements.

The mobility plan must demonstrate how strategies will support the purpose of the Transportation Concurrency Exception Area (such as enabling redevelopment and infill development, by preventing urban sprawl) and how mobility within the designated area will be provided. The City's Mobility Plan is multi faceted and addresses urban design, appropriate land use mixes (including density and intensity) and network connectivity needed to promote urban infill, redevelopment/revitalization. Transportation facilities are multi-jurisdictional and the Plan ensures adequate means of on-going communication on mobility projects with neighboring jurisdictions and partners to achieve a unified approach to mobility management.

As part of the Mobility Plan the City shall coordinate with responsible local, regional, and State authorities and private utility companies, as appropriate, for the coordination of mobility strategies to ensure consistency and long term sustainability. This approach to transportation planning recognizes the links between transportation, economic development, land use and urban design. The City strives to continue to improve transportation mobility and quality of life for residents through roadway, sidewalk, trails and transit facility improvements.

The City is working on planning efforts to promote redevelopment activities along the US 17-92 corridor, including examining the possibility of starting a Community Redevelopment Agency (CRA) throughout the City. A key principle will be the creation of a pedestrian-friendly environment where residents and visitors have a range of travel choices. Pedestrian and transit-oriented development is anticipated to emerge within the US 17-92 corridor as the City looks to update design elements to improve the building massing and form of the area.

Challenges within transportation choices continue to face the City in those non-auto connections between the activity centers and neighborhoods through local and regional bicycle, pedestrian, and transit systems.

The City's transportation system provides mobility and accessibility to residents and visitors alike so that they can utilize the City's social, economic, and recreational resources. In this sense, the transportation system is not an "end in itself", but only a means to accomplish other tasks. Thus, the transportation system needs to support surrounding land uses and enhance their development. Accordingly, the transportation system must adapt, as the City continues to develop economically and socially.

Employment Centers

The City of Orange City is principally retail based and has a strong medical base that serves the southwest Volusia area. Additionally, residents commute to jobs in the Orlando metropolitan area. As the City continues to grow and evolve with a more diverse economic base, the transportation system must adapt from providing the means for City residents to reach jobs out of the City to providing the means for workers from the City or outside the City to access activity centers or job centers within the community.

Transportation needs:

- **City residents:** Job opportunities closer to home could reduce their commute. The transportation system previously collected commuters from a variety of residential areas spread throughout the region and delivered them to concentrated employment centers outside the City. Currently streets are the primary means to meet the commuting needs of residents; future commuting patterns will require a more multimodal network that offers more accessibility.
- **Commuters to the City:** The City attracts workers from outside its jurisdiction. Improving the connections from adjacent communities to employment centers will grow in importance as businesses continue to grow.
- **Transportation disadvantaged:** The expense of owning and operating a private vehicle is beyond the economic means of many residents and others residents may have developmental limitations that prevent their use of a car. As the City looks to expand transportation options, all users must be considered in a multi-modal system.

A MULTIMODAL FOCUS

The transportation system of the City brings together people and goods, accommodates traffic passing through the City, and provides the mobility and accessibility that allows residents to participate in the community's social and economic activities. Historically, the City's transportation system has been dominated by a single transportation mode - the private automobile. Public transit has played a relatively minor role, and walking and biking played purely recreational roles. The City will progress towards residential and retail based community to a more economically self-sufficient community in the future. As this occurs a wider choice of transportation options will be needed to maintain economic and population growth.

The Comprehensive Plan establishes a transportation vision for the City of Orange City that includes a limited number of mobility options. The City's Mobility Plan now focuses the vision for the City on a full range of choices for all modes of transportation and looks for future connections to transit including commuter rail, express bus, and as land use intensifies the potential for transit circulator services connecting to commuter rail.

This Mobility Plan and the Comprehensive Plan focuses the City's efforts on continuing to develop an effective multi-modal transportation system. These Plans are consistent with the Regional Growth Vision, "How Shall We Grow?" that identified a regional vision based on land use patterns supported by multiple transportation. As the goals of the Plan are realized, employment opportunities will grow within the City, residents will travel shorter distances to work, mixed use redevelopment and continued population growth will increase residential densities within concentrated mixed use centers. Neighborhoods will strengthen and develop identities. These trends all lead from long distance vehicular trips from low-density suburbs to regional employment centers and toward shorter distance connections to local jobs and daily needs. As the City's economy, land use, and mobility needs transition and mature, the

transportation system will transition to a more balanced multi-modal approach. The City in its core downtown area is fortunate to have a gridded road network that lends itself to traffic dispersal and a good bicycle and pedestrian environment. This foundation will be built upon as the city continues its development.

The City's transportation system must not only service the local needs of residents, but those visitors as well. The development of a balanced, integrated, and sustainable transportation system adds value to the community by providing alternative modes of moving people and goods, providing accessibility to markets, and providing economic returns. A concentration of transportation improvements in the urban area helps prevent urban sprawl, while the provision of open space and the protection of environmentally significant features in the increasingly dense urban area maintain the access to natural areas.

Mobility focuses on the needs of all users of the transportation network. Thus must contemplate all modes. The networks of users is made up of not just traditional modes, consisting of automotive, transit, bicycle and pedestrian, but also land use solutions that lower vehicle miles traveled. Additionally, the mobility plan looks at ways through design elements of facilities and through policies to encourage employers and residents to modify behaviors through Transportation Demand Management. Finally as infrastructure costs continue to increase and revenues decline maximizing the use of existing facilities through the use of technology and other controls is inherent in ensuring long term sustainability in the Plan.

Roadway System

Arterial and collector roadways are assigned to the State, County and City systems as indicated in *Exhibit: Roadway Maintenance Responsibilities*. The remaining miles of local and unclassified roadways are assigned to the City Street System.

Arterial and collector roadways are typically four or more lanes wide and reflect the higher traffic volumes. Congestion on main arteries in the City such as Saxon Boulevard or US 17-92 at times causes traffic to be diverted to other arterial and collector roadways which, which in turn, become more congested.

The City currently maintains about 66 miles of roadways. Approximately 56 miles are paved while the remaining 10 miles are unpaved. Approximately 2 signalized intersections are maintained by Orange City.

Transit System

Express bus service currently operates along Interstate 4, providing weekday roundtrip service between the Orange City Park and Ride and Downtown Orlando. In addition, Votran provides service in Orange City along Saxon Avenue and US 17-92. There are four routes that currently provide service. Route 20, 21, 22 and 23. Route 20 runs between DeLand and Orange City and has a 60 minute headway on the US 17-92 corridor, Route 21 and 22 between Deltona and Orange City on Enterprise and has a 120 minute headway, Route 23 between DeBary, Orange City and Deltona and has a 60 minute.

The Florida Department of Transportation, in partnership with Seminole, Orange, Osceola and Volusia counties and the City of Orlando, has committed to a 61-mile commuter rail system known as SunRail that operates along the CSX rail corridor, just west of the City. The first phase (31 miles connecting DeBary and Orlando) is to be put into service in 2013. Ultimately, the

Commuter Rail system will extend from DeLand in Volusia County to Poinciana in Osceola County. Sun Rail will provide an alternate for commuters in City of Orange City to US 17-92 and Interstate 4 to employment centers to the south in the Orlando metropolitan area. Future service in Orange City is not currently contemplated by the SunRail system, but it is a strategy of the mobility system as the City strives to enhance rail service to provide access in both the short range goals to provide access to the currently planned stations for both residents and activity center uses and to provide new service at a potential new midpoint station that could more directly enhance Orange City's mobility needs.

Bicycle and Pedestrian System

In 2003, the City created a bicycle and pedestrian plan for the center core of the City. The plan focuses on providing linking bike trails, paved shoulders, bike paths, and sidewalks and filling in missing gaps in the existing downtown area. The gridded network of the downtown of the historic area is fairly walkable and receives a "somewhat walkable" rating from the website www.walkscore.com. The existing bicycle and pedestrian facilities within the City can be seen on the figure titled Mobility Features.

The newer development along Saxon Avenue and Harley Strickland Avenue were designed in a way to accommodate vehicular trips first and bicycle and pedestrian trips are not integrated into the site plans. This is a result of suburban style codes. As a result, Land Development Code changes will be needed in order to more fully integrate multi-modal site plans.

As the City continues to grow, making connections that ensures that the City makes bicycle and pedestrian connections both for transportation and mobility not solely for recreation choices will become imperative. This is important to promote a healthy lifestyle and should be designed in manner that maximizes the transportation system and is safe for all users.

Land Use as a Function of Transportation

Compact, higher density development patterns shorten the distance people must travel to reach work, shopping, or other points of interest. As a City develops and urbanizes into a Dense Urban Land Area automotive trips can be reduced on area roadway facilities. This may seem counterintuitive but case studies have found that for each time a neighborhood doubles in compactness, the number of vehicular trips made is reduced by 20% to 30%. One reason for this is that a compact development pattern allows for area residents to walk or bicycle to destinations which they may not have been able to in a less compact environment. Additionally, more compact, higher density communities supply potential transit ridership that can support more frequent transit service and a greater variety of routes. Resulting in more transportation options, less time on the road, and reduced traffic congestion. At the same time, well-designed density and compact development can contribute to vibrant, economically healthy neighborhoods, and to centers that offer a variety of goods and services, social gathering places, recreation/entertainment opportunities and attractive character.

Mobility is enhanced when land use provides for increased density and intensity in nodes or centers, mixed-use development that permits residences within walking distance of commercial services and other attractions and allows for incentives for infill redevelopment along existing corridors. Site design of development has tended to focus on efficient vehicle circulation while neglecting pedestrian, bicycle and transit circulation. The Mobility Plan focuses on all users of the site to ensure that travel distances and times for pedestrian, bicycle or transit trips are considered throughout the entire process.

A continuous network of streets and sidewalks providing direct connections between destinations, and short blocks allowing more frequent street crossing to destinations, will minimize walking or cycling distances. In addition, measures that create a safe, comfortable, convenient environment will encourage pedestrian, bicycle and transit travel. Examples of measures include weather protection, lighting, separation from vehicle traffic, bus shelters and seating, bicycle racks, and attractive streetscape. These features can result in the number of people who choose to walk, bike or ride transit.

Land use enhancements can improve the overall air quality as well. When adding trips on already congested facilities through infill development, as compared to traditional "greenfield" development, greenhouse gas emissions are lowered by approximately 52% according to studies conducted by the EPA.

The City of Orange City has focused most of the past ten years on "greenfield" development and while there is still vacant acreage available, there is a need for infill and redevelopment in the City's core. This area is reflected along the US 17-92 corridor where redevelopment and infill development opportunities will accommodate additional population and employment growth in the future. Redevelopment typically proceeds at a slower rate than "greenfield" development, so the rate of overall development in this area of the City will be slower in this corridor than the eastern area of the City and along the Veterans Memorial Parkway.

Population continues to increase, albeit more slowly than the years of rapid development of the large tracts near Interstate-4. Redevelopment of small or odd-sized "infill" parcels in urban areas, platted subdivisions in multiple ownership, and the revitalization of declining neighborhoods and transportation corridors such as US 17-92 will be the City's next challenge.

Infill development and redevelopment requires a plan that is flexible, and recognizes the complex nature of the needs. It requires sound policies and innovative programs that will enhance economic development, reverse decline and remove blight, while protecting adjacent uses through design standards. The City's redevelopment strategy will not only enhance economic development objectives but also mobility enhancements. Enabling infill development and redevelopment supports both the "Centers" and "Corridors" themes of the Central Florida Regional Growth Vision, as well as the principles of that Vision.

Appropriate Transportation Facilities

The City has adopted a goal of providing an effective, convenient, and economically feasible transportation system. To assess progress toward this goal, the Comprehensive Plan has established specific measurable objectives, and the City's regulations, investments, and incentives are focused on attaining the adopted goal.

In addition to conventional methods of measurement, the City will continue to employ a variety of techniques and procedures.

- The City will continue addressing traffic safety through accident analysis.
- The City will work with our partners on special area and corridor transportation studies in order to refine the data reported in the Plan and to evaluate alternative transportation improvements, such as the use of Intelligent Transportation Systems (ITS).

- The City will conduct detailed studies of specific roadway segments as needed as a means of evaluating the success of mobility strategies and transportation systems management options for improvement of roadway corridor usage.
- The City will implement through the Comprehensive Plan quality/level of service measures for transit service, pedestrian improvements and bicycle improvements. These quality standards are intended not as capacity targets that must be achieved in order to allow development to proceed, or as a basis for denying approval of a development that is otherwise consistent with the Comprehensive Plan. The quality/level of service measures provide the following: a set of guidelines for the City to use during facility and budget planning; a set of yardsticks to evaluate degree of improvement in mobility, and a basis for determining the fair share of a development's contribution toward achieving mobility and reduction of greenhouse gases. The City will continue to evaluate these quality standards and strategies during annual budget review, and propose revisions where needed.

New Definitions for Plan

Complete Street

A public right-of-way that serves as a mobility corridor to accommodate all travelers, including bicyclists, motorists, pedestrians and public transit riders. At a minimum, complete streets: include separate bicycle and pedestrian facilities; safely and efficiently accommodate transit users, bicyclists, pedestrians and motorists; and provide easy and safe access to adjacent land uses in a manner that does not create obstacles for pedestrians and bicyclists. Complete streets may also include: audible pedestrian signals; bus and carpool lanes where feasible; transit shelters; marked and signalized crosswalks; medians for pedestrian crossings; shared driveways to minimize curbcuts; shade features; street lighting; traffic calming features; and transit and pedestrian priority signalization.

Crime Prevention Through Environmental Design (CPTED)

The proper design and effective use of the built environment to reduce both the fear and incidence of crime and the improvement of quality of life. CPTED addresses crime problems through controlling the environment by the use of the placement and design or physical features to maximize visibility, including building orientation, windows, entrances and exits, parking lots, walkways, guard gates, landscape trees and shrubs, fences or walls, signage and any other physical obstruction. Additionally it includes the use of sidewalks, pavement, lighting and landscaping control access to clearly guide the public to and from entrances and exits. Also, it is the use of fences, walls or landscaping to prevent and/or discourage public access to or from dark and/or unmonitored areas which is reinforced by the use of pavement treatments, landscaping, art, signage, screening and fences to define and outline ownership or property.

Dense Urban Land Area

A city which has an average of at least 1,000 people per square mile of land area. The Office of Economic and Demographic Research (Office) within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions qualify as dense urban land areas by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and latest available population estimates determined pursuant to section 186.901, Florida Statutes. If any local government has had an annexation, contraction or new incorporation, the Office shall determine the population density using the new jurisdictional boundaries as recorded in accordance with section 171.091, Florida Statutes.

Transportation Concurrency Exception Area (TCEA):

A specified geographic area delineated in a local comprehensive plan within which, under limited circumstances, exceptions to the transportation concurrency requirement are allowed to reduce the adverse impact transportation concurrency may have on urban infill development and redevelopment, and the achievement of other goals and policies of the state comprehensive plan, such as promoting public transportation. The exceptions apply to all land uses within the designated areas. When a local government designates a TCEA, data and analysis must support the designation, and guidelines and/or objectives and policies within the plan must specify how transportation needs will be met. Programs may include improvements to public transportation, transportation demand management programs, transportation system management programs.

Transportation Demand Management (TDM)

A program that improves the operation of a transportation system by reducing demand on that system, through the use of low cost alternatives as telecommuting, ridesharing, transit system improvements, staggered work hours, improved bicycle transport, flex time and parking management. TDM measures improve the efficiency of existing transportation facilities by changing demand patterns, rather than by capital improvements.

Urban Open Space

Open space areas located within urban developments that contain features to support pedestrian use of a development, (such as shade trees, shaded pedestrian and bicycle paths, decorative paving on pedestrian ways that are grade-separated from roadways, sculpture gardens, plazas with seating and interactive fountains); and that serve to connect structures within a the mixed use, multi-use or high intensity development to each other and to outside mobility features that may be exterior to a development, such pedestrian features such as sidewalks, trails and transit facilities. Additionally, urban open space can be areas that serve a portion of a mixed use or high density/high intensity development, and are intended as amenities primarily for that portion of the development. Examples include features such as green roofs/rooftop gardens; rooftop swimming pools and spas; green areas within the interior of a building (such as a plant conservatory) and passive recreational areas, outdoor eating areas.

Future Land Use Element

Policy 1.1.8

Provide for safe and conveniently located, on-site mobility that considers site access, vehicular and pedestrian-oriented businesses and services circulation and parking, On-Site standards shall encourage a variety of transportation choices such as small stores and be transit stops, appropriate in scale and character to serve existing neighborhoods and surrounding area.

Policy 1.1.9

The City shall require developments within the mixed-use and mixed-use activity center future land use designations to be approved as planned unit developments to ensure that all developments within said designations are designed to:

- A. Promote quality development;
- B. Provide for well landscaped, scenic development;
- C. Promote visual aesthetics through harmonious design and coordination of uses, structures, buildings, signage, lighting, parking, and the like;

D. Provide ~~traffic circulation patterns~~ internal and external site mobility that enhances public safety, ~~roadway capacity, and vehicular and non-vehicular movement functions,~~ and reduces single occupant vehicle use;

E. Mitigate any adverse impacts on surrounding properties; and

F. Comply with the mixed-use and mixed-use activity center future land use designation guidelines and percentage, density, and intensity as specified in Tables 2-2 and 2-3 respectively.

Policy 1.1.12

Internal consistency among all elements of the City's Comprehensive Plan shall be determined as part of the evaluation of all amendments to any Plan element. Among other considerations, the Future Land Use Map shall not be amended ~~to provide for additional residential, commercial, and industrial areas~~ unless roads mobility, potable water, sanitary sewer, solid waste, drainage, and parks and recreation facilities needed to serve the area are included in the Plan, and the associated funding programs are demonstrated to be viable as not to reduce the adopted level of service standards as appropriate.

Policy 2.2.2

The City shall maintain and enforce guidelines and standards to regulate the frequency, location, and spacing of access drives to/from adjacent roads and streets consistent with the mobility goals of the facility.

Goal 5

Promote an efficient pattern of ~~commercial land use and development of~~ non-polluting commercial, office and industrial land uses that will promote employment.

Objective 5.1

Allocate sufficient land area to accommodate new ~~commercial~~ a mixture of land uses that promote employment.

Policy 5.1.1

Designate the following types of ~~commercial~~ non-residential future land use areas and establish guidelines and standards within the LDC, Ordinance No. 157, as to the type, character and scale of development permitted in these designated ~~commercial~~ non-residential areas:

Commercial General – It is the intent of the commercial general (CG) future land use designation to include a large variety of retail, commercial, financial, professional service, multi-family and related uses; planned commercial centers and community and regional serving shopping centers. Commercial general uses other than multi-family shall not exceed a FAR of 0.25. Multi-family uses shall not exceed a density of 12 units per acre and shall be approved as a conditional use to insure consistency with the Comprehensive Plan and compliance with all applicable provisions of the City's LDC, Ordinance No. 157.

Mixed-Use – It is the intent of the mixed-use (MX) future land use designation to plan for a flexible, innovative mix of land uses that provide a variety of activities to the public. MX allows a mix of light industrial, office, commercial, residential and institutional uses proximate to one another, or even within the same building. Determination of appropriate land use types, densities and intensities shall be based upon compatibility with adjacent and

surrounding projects; need for transition between projects and ability to maintain established levels of service and mobility standards adopted in the Comprehensive Plan. MX shall be allowed only in areas where utilities and transportation system capabilities are adequate to support the uses. Only areas that are designated as MX on the Future Land Use Map and unincorporated areas within the City's DPA generally located west of I-4 and south of S.R. 472 as delineated on the Future Land Use Map shall be considered appropriate for MX developments. Projects located within the areas designated as MX shall be ~~reviewed, approved and rezoned to~~ and developed as planned unit developments that comply with all applicable requirements of the City's LDC, Ordinance No. 157. Land uses within the MX future land use designation shall comply with the percentages and densities/intensities specified in Table 2-2.

**TABLE 2-2
MIXED-USE LAND USE PERCENTAGES**

AND DENSITY/INTENSITY Land Uses	Minimum Percentage¹	Maximum Percentage¹	Maximum Density/Intensity
Single Family Residential	20.0	50.0	2.0 to 5.0 dwelling units per acre (du/ac)
Multi-Family Residential	20.0	50.0	5.0 to 18.0 dwelling units per acre (du/ac)
Commercial, Industrial and Office	35.0	65.0	0.50 floor area ratio (FAR)
Institutional/Civic Use	15.0	45.0	0.35 FAR

The following guidelines should be utilized in creating the urban development pattern within the MX and mixed-use activity center (MXAC) areas. These guidelines are neither intended to be rigid requirements nor prescribe what will occur at specific locations, but serve as tools to be used by the City in partnership with landowners, land planners, architects and developers to guide the mixed-use area design pattern.

- A. Accommodate a minimum population that will support economically viable neighborhoods with shopping, work place and leisure areas.
- B. Minimum residential densities should promote goods and services within walking distance of most residents while at the same time guaranteeing local business owners a local consumer market.
- C. Create an internal balance of housing, retail, jobs and services with a diverse mix of commercial, office, light industrial, institutional, recreation-al, entertainment, open space and residential uses. In response to the market place, the mixed-use area may not contain every type of use indicated, but it should contain a residential component and commercial areas primarily of retail uses, office uses areas and public spaces.
- D. Provide identifiable commercial areas that provide a positive pedestrian shopping experience. The ground floor uses should be retail, restaurants, personal services, business services and entertainment. Above ground floor uses may be office and if the market conditions are appropriate, residences above ground floor uses should be encouraged.

- E. The commercial areas should have the highest level of site design and architecture.
- F. The commercial areas should have one primary main shopping street with attractive walkways and a continuous street front experience to maximize the pedestrian environment and afford opportunities for increased retailing. Anchor tenants should be located at the periphery of the main shopping street to encourage the movement of shoppers by the smaller shops.
- G. The commercial areas should be designed to incorporate a square, plaza or similar area as a gathering place for residents and shoppers, both day and evenings. The area should be a major focal element and include places for strolling, sitting, music concerts, art shows and other promotional or cultural and holiday events.
- H. The office areas should be located near the commercial areas as part of an integrated street pattern. If an architectural theme is established for the commercial areas, office architecture should follow the same architectural theme.
- I. The residential areas may include residences above ground floor shops and residential neighborhoods surrounding the commercial and office areas.
- J. Design a hierarchy of interconnected streets for different traffic characteristics that balances the needs of all users; promotes efficient movement for all modes of transportation, including pedestrians, ~~and~~ bicyclists and transit where appropriate; disperses vehicle traffic; connects streets with one another and is terminated by other streets. Special consideration should be given to street layout to minimize through traffic and the potential for inappropriate vehicle speeds.
- K. Short blocks are encouraged with square dimensions but rectangular blocks may be acceptable to create interesting opportunities for small plazas, parks and interesting buildings or to respond to environmental conditions.
- L. The streetscape should consist of sidewalks and amenities such as street trees and street furniture. Pedestrian friendly activities should be encouraged by providing wide and attractive sidewalks on both sides of the street, on-street parking, and an appealing streetscape.
- M. Provide convenient and adequate parking for businesses and residents while minimizing its visual impacts. ~~Parking should be plentiful, secure, close to shopping and free or inexpensive. The on-street parking should be widely available and~~ A master shared parking plan should be prepared that deals with employee parking, short and long term patron parking, errand parking and service parking.
- N. Building design should maintain a high level of architectural interest through the use of building massing, building placement, materials and features, which creates pedestrian scaled street frontages. Doorways, windows, and other openings in the façade of a building should be proportioned to reflect pedestrian scale and movement, and to encourage interest at the street level.
- O. Provide for a variety of public open space areas in the form of parks, accessible squares and plazas, open space facilities and pedestrian amenities that can be used by residents and visitors on a daily basis.
- P. Neighborhood parks should be provided, to the maximum extent feasible, and be internally located and surrounded by streets with residences facing the park.
- Q. Encourage the provision of a variety of building sites for cultural facilities, assembly halls and community meeting places, places of worship, day care, and

the like, that occupy prominent places in the area and are planned in coordination with public open spaces.

Mixed-Use Activity Center – It is the intent of the mixed-use activity center (MXAC) future land use designation to plan for and create a town center that will become the identifying focus of the City’s mixed-use area. The MXAC includes community wide and/or regional commercial activities intended to serve the commercial retail and service needs of the projected southwest Volusia County regional population within Orange City’s primary market area as described in the Introduction section of this Element. Planned, integrated development is required to promote synergy between the commercial uses and different allowable land uses that may include multi-family residential, office, light industrial, institutional and civic. Therefore, projects located within the areas designated as MXAC shall be rezoned to and developed as planned unit developments that comply with all applicable requirements of the City’s LDC, Ordinance No. 157.

Additionally, the MXAC promotes efficiency of the transportation and mobility system by consolidating trips, accommodating all users, and discouraging unabated sprawl of commercial activities. Ingress and egress to the MXAC as well as a safe and efficient internal vehicle/pedestrian transportation system shall be planned in a comprehensive manner in order to facilitate efficient vehicle and pedestrian movements. The mixed-use guidelines shall be used where applicable and to the maximum extent feasible. Land uses within the MXAC future land use designation may consist of either all ~~commercial~~ non-residential uses or a mix of uses and shall comply with the percentages and density/intensity specified in Table 2-3.

**TABLE 2-3
MIXED-USE ACTIVITY CENTER LAND USE**

PERCENTAGES AND DENSITY/INTENSITY Land Uses	Minimum Percentage¹	Maximum Percentage¹	Maximum Density/Intensity
Multi-Family Residential	0.0	35.0	5.0 to 40.0 dwelling units/acre
Commercial, Office and Light Industrial	35.0	100.0	3.0 floor area ratio (FAR) without structured parking, 6.0 FAR with structured parking.
Institutional/Civic Use	0.0	30.0	0.50 FAR

Policy 5.1.2

Require ~~commercial~~ non-residential general future land use designated areas to be located along arterial or collector roads as identified in the Transportation Element.

Policy 5.1.6

The City shall promote ~~commercial~~ developments that qualify as major employment generators.

Policy 8.1.2

Continue efforts to ~~prepare~~ implement the 2006 a-specific bicycle/pedestrian network plan for the traditional historic district by 2005.

Goal 10

The City shall encourage the redevelopment in the US 17-92 maintain and enhance neighborhood viability, discourage urban sprawl, prevent strip development and support the Central Florida Regional Growth Vision, How Shall We Grow.

Objective 10.1.

The City shall encourage infill and development opportunities along the US 17-92 Corridor and revise the Land Development Code as needed, to encourage infill development and redevelopment through measures which may include, but are not limited to, those measures listed in the Policies below.

Policy 10.1.1

The City shall work to establish a Community Redevelopment Area along the US 17-92 corridor in order to provide standards for infill development and redevelopment in a manner that will facilitate development, while maintaining compatibility with adjacent development. Standards shall be established to address, but not be limited to: building façades, pedestrian, bicycle and vehicular access, stormwater management, energy efficient land use patterns, flexible open space requirements and innovative buffering alternatives setback standards, criteria for use when lot shape or size introduces limitations and building heights. The City shall require a binding site plan to ensure compatibility.

Policy 10.1.2

For proposed infill or redevelopment projects, the Land Development Code (LDC) shall be amended by March 2012 to include urban open space design standards that are appropriate for constrained site areas with urban intensities of development. The design standards shall be performance standards based upon, consistent with, supportive of and shall implement the meaningful and predictable criteria contained in the definition of 'Urban Open Space' within the definitions and in this Policy as follows:

URBAN OPEN SPACE

Defined in two ways:

(1) Functional open space areas located within urban developments that are connected and not isolated; that contain features to support pedestrian use of a development, (such as shade trees, shaded pedestrian and bicycle paths, decorative paving on pedestrian ways that are grade-separated from roadways, sculpture gardens, plazas with seating and interactive fountains); and that serve to connect structures within a the mixed use, multi-use or high intensity development to each other and to outside mobility features that may be exterior to a development, such pedestrian features such as sidewalks, trails and transit facilities. Urban open space also includes: natural preserve areas intended primarily to preserve environmental features that can be observed via elevated walkways but are not intended for recreational use; and open green areas containing native vegetation and serving as part of onsite stormwater retention facilities.

(2) Open space areas that serve a portion of a mixed use or high density/high intensity development, and are intended as amenities primarily for that portion of the development. Examples include features such as green roofs/rooftop gardens; rooftop swimming pools and

spas; green areas within the interior of a building (such as a plant conservatory) and passive recreational areas, outdoor eating areas and outdoor exercise areas reserved for residents and/or employees of a particular building or portion of a development.

Where infill or redevelopment projects with significant size constraints are proposed adjacent to existing residential neighborhoods, special buffering design standards shall be implemented, including, but not limited to the list below, and shall be contained within the Land Development Code (LDC) to ensure compatibility with surrounding uses. These design standards shall provide for increased landscaping and fence or wall requirements in exchange for smaller bufferyard widths. The additional design features provide for compatibility standards to be applied in such situations may include, but are not limited to:

- Low intensity lighting, directed away from residential properties
- Architectural designs resembling, or compatible with, residential uses
- Limited hours of operation
- Restrictions on doors or windows on building sides facing residential uses
- Ratio of building setback to height of not less than 1:1.

Redevelopment design standards shall also address additional concerns as follows:

- A. Where feasible, redevelopment projects shall incorporate water conservation measures that reduce water consumption, including but not limited to use of Florida native vegetation, reuse water, drip irrigation, etc.
- B. Through special design principles such as Crime Prevention Through Environmental Design (CPTED), development sites, including buildings, landscaping, and overall layout, shall be arranged to reduce opportunities for crime by creating public spaces observable by multiple 'sets of eyes', channeling activity to areas in public view, and fostering a sense of community.
- C. Developments shall be designed to be transit-ready, whether current service is available or not. Internal mobility corridors shall be complete streets. Vehicular entry to a development via connections to arterial roads shall be held to a minimum. Developments along major transit corridors shall provide external transit shelters and sidewalks that link to internal pedestrian and bicycle paths within the development. Cross access points to neighboring developments, including pedestrian and bicycle access, shall be provided wherever possible.
- D. All developments shall include areas set aside for landscaping, open space, preservation of existing Florida friendly trees and vegetation, wetlands, passive recreation for residents and/or employees, and other amenities that create a sense of place, naturally sequester carbon dioxide and reduce the heat island effect. Related amenities that are encouraged include green roofs, green walls, indoor planting areas, and outdoor Florida friendly vegetated planting beds.
- E. In addition to features that create an attractive, inviting place to live, shop, work and play, the development shall incorporate design features that reduce the threat of crime. These features include choices in lighting, fencing, landscaping, building design and site design that avoid creating dark hidden areas, and the location of pathways and public gathering places within view of a building's interior. These features work together to build

a sense of community and ownership that discourages criminal activity and fosters a safe environment for the legitimate users of a site to live, work, shop and play.

- F. Parking in redevelopment areas and in areas designed for transit oriented design may be provided through the use of shared parking, valet parking, on-street parking, or remote parking where applicable. A parking study shall be prepared by a qualified design professional to support parking reductions and shall part of a developer's agreement.
- G. The City Engineer may accept "green infrastructure" for stormwater credits in site plans including Low Impact Development (LID) standards, permeable paving materials, green roofs, roof rainwater collection and infiltration to reduce development costs related to construction and to manage stormwater in a way that mimics natural stormwater management.

Policy 10.1.3

The Land Development Code (LDC) will be amended by March 2012 to provide flexibility in the placement of buildings and setbacks for the purpose of preserving and enhancing existing large canopy trees and natural vegetation, and when applicable, the Code shall:

- Permit the use of existing native vegetation in required landscape buffers, and
- Preserve desirable trees and other existing native vegetation during and after site development, and .

In addition, the City shall create flexible land development code provisions for on-site parking lot landscaping and parking standards that encourage the preservation of existing large canopy trees, emphasize pedestrian safety, the use of Crime Prevention Through Environmental Design (CPTED) principles, and improve access to any nearby transit stops.

Transportation Element

INTRODUCTION

The City of Orange City seeks to develop, improve and maintain a multi-modal transportation system of arterial and collector roads and local streets necessary to provide access and efficient traffic transportation service to community residents and businesses and to help guide future development. The arterial and collector roads in Orange City serve heavy volumes of non-local traffic and their improvement and maintenance is considered to be largely the responsibility of state and county governments. The City will do its part to protect the integrity of the arterial and collector road system by regulating managing roadside development, encouraging the use of frontage roads where practicable, and promoting other modes of transportation.

In accordance with subsection 163.3180(5)(a), Florida Statutes, where the Legislature found that the unintended result of concurrency requirements for transportation facilities often discouraged urban infill development and redevelopment, which conflicted with the goals and policies of the state comprehensive plan: the City of Orange City was designated as a Dense Urban Land Area (DULA) and a Transportation Concurrency Exception Area (TCEA).

To comply with subsection 163.3180(5)(a)4, the City shall by July 9, 2011, adopt into their comprehensive plan land use and transportation strategies to support and fund mobility strategies to address the needs of mobility within the TCEA. This strategy, known as the

Mobility Plan, has been developed and is addressed primarily in the City's Transportation Element in Goal 1, but also in policies found in the Future Land Use, Intergovernmental, Capital Improvements, Monitoring and Evaluation, Administration and Definitions Elements.

Mobility focuses on the needs of all users of the transportation network. Thus must contemplate all modes. The networks of users is made up of not just traditional modes, consisting of automotive, transit, bicycle and pedestrian, but also land use solutions that lower vehicle miles traveled. Additionally, the mobility plan looks at ways through design elements of facilities and through policies to encourage employers and residents to modify behaviors through Transportation Demand Management. Finally as infrastructure costs continue to increase and revenues decline maximizing the use of existing facilities through the use of technology and other controls is inherent in ensuring long term sustainability in the Plan.

Goal 1

A street multi-modal transportation network which that is safe, convenient, and efficient, and ensures that current and future land uses are served, shall be available to all residents and visitors of Orange City.

Objective 1.1

The City shall establish and utilize mobility strategies and quality/level of service standards for transportation. The overall Mobility Strategy transitions the City from an emphasis on a single mode of transportation, to a multi-modal system that enables residents, workers and visitors to access destinations via more than one mode of travel. Quality/level of service standards shall be set for the provision of a multi-modal transportation system (including pedestrian and bicycle facilities, fixed route mass transit, as well as the County Road System and State Highway System). These quality/level of service standards will guide the City's capital and operating expenditures on mobility toward achieving the stated goal of mobility through implementation of the following policies.

~~Improve and maintain roads and streets in accordance with the County's and State's transportation plans and the City's Five-Year Capital Improvement Program to serve existing and projected development and to provide for adequate traffic circulation and flow.~~

Policy 1.1.1

~~The City shall establish the following peak hour level of service (LOS) standards for State maintained roadways within the City.~~

State Law requires that planning for a local government Transportation Concurrency Exception Area (TCEA) must consider and mitigate possible impacts upon the State's Strategic Intermodal System (SIS), to ensure that operation of the SIS is not negatively affected. The mobility strategy for the City's TCEA emphasizes incentives to attract riders to multiple modes of travel other than the SIS system, including Sun Rail, the VOTRAN routes that serve the TCEA, and pedestrian and bicycle paths. Quality/level of service standards have been defined for those modes to serve as guides in determining capital and operating expenses; annual evaluation of expenses will also provide an opportunity to determine if alternate modes are increasing in ridership. The City shall continue to coordinate its efforts with FDOT to ensure the optimal operation of both the mobility strategies and the SIS facilities.

FDOT Roadway Classification	Acceptable LOS Standard
Limited Access Highway SIS FIHS	C-(D)-D
Controlled Access Highway SIS FIHS	C-D
Roadways Adjacent to Exclusive Transit Facilities (SIS)	E
Other Multilane – Non FIHS	D-E
Two-lane – Non HIHS	D-E

Source: Rule 14-94.003, Florida Administrative Code

Policy 1.1.2

Florida Statutes require the inclusion of local roadway Level of Service standards within local comprehensive plans, even within a Transportation Concurrency Exception Area (TCEA), when roadway level of service is not the measure by which development is approved. The City shall establish the following peak hour LOS standards for County maintained roadways within the City for monitoring purposes, in order to identify areas where multi-modal improvements are needed, and not for development approvals based on roadway capacity. If the multimodal improvements needed require roadway improvements, first emphasis shall be upon intersection improvements to improve safety and reduce conflicts between modes; signalization/Transportation Demand Management improvements (especially those providing transit and pedestrian priority signalization); bicycle facility improvements, and pedestrian crosswalk/median improvements.

Functional Classification	Acceptable LOS Standard
Arterial	E
Collector	E

Policy 1.1.3

The City shall coordinate with Volusia County, the Florida Department of Transportation (FDOT), the Volusia County Metropolitan Planning Organization (MPO), VOTRAN, and the East Central Florida Regional Planning Council (ECFRPC) regarding the development implementation of a the City's mobility plan, and may allow development to exceed LOS standards along backlogged and constrained thoroughfares, consistent with policy 1.1.7 of this Element.

Policy 1.1.4

The City designates shall coordinate with the FDOT, Volusia County, Volusia County MPO and the ECFRPC to request that the U.S.17/92 be designated as a policy constrained roadway thoroughfare from Enterprise Road to Orange City's north city limits. A Policy constrained roadway is defined a facility to which adding two or more through lanes to meet current or future traffic needs is not possible primarily occur when decisions are made not to expand a road based on environmental, historical, archeological, aesthetic or social impact considerations.

Policy 1.1.5

Florida Statutes require the inclusion of local roadway Level of Service standards within local comprehensive plans, even within a Transportation Concurrency Exception Area (TCEA), when roadway level of service is not the measure by which development is approved. The City shall

establish the following peak hour LOS standards for City maintained roadways within the City for monitoring purposes, in order to identify areas where multi-modal improvements are needed, and not for development approvals based on roadway capacity. If the multimodal improvements needed require roadway improvements, first emphasis shall be upon intersection improvements to improve safety and reduce conflicts between modes; signalization/Transportation Demand Management improvements (especially those providing transit and pedestrian priority signalization); bicycle facility improvements, and pedestrian crosswalk/median improvements.

City Roadway	County Functional Classification	Acceptable LOS Standard
Leavitt Avenue	Collector	E
East Rhode Island Avenue from Veterans Memorial Boulevard Parkway to US 17/92	Arterial	E
Harley Strickland Boulevard	Collector	E
Wisconsin Avenue	Collector	E
West Blue Springs	Collector	E

Policy 1.1.6

The City shall coordinate and cooperate with Volusia County's efforts to monitor and evaluate LOS ~~problems~~ safety, congestion and mobility issues on the countywide network of thoroughfare system corridors within Orange City.

Policy 1.1.7

The City shall utilize a corridor method of analysis when appropriate to ensure that an adequate transportation system is maintained. Corridors that will be considered in the analysis shall be based on the criteria listed below:

- A. Roadway facilities that are within a project's impact area. The impact area is defined by a one (1) mile radius around the project site and shall include all roadway segments where the project's pm peak hour trips are greater than or equal to 3% of the roadway adopted level of service volume.
- B. Functionally classified parallel roadway facilities that are adjacent to the impacted roadway;
- C. Parallel roadway facilities that function in a similar manner to the impacted roadway;
- D. Roadway facilities that are designated or classified as at least a collector;
- E. Roadways that serve as connectors between the corridors shall operate at an adequate Level of Service and shall be no more than two (2) miles apart; and

Policy 1.1.7

Mobility quality/level of service standards shall be used to achieve and maintain mobility, to reduce greenhouse gases, and to assist in determining a fair share that a development should contribute to the achievement of the overall mobility strategy. Quality/level of service standards are not intended to be used to deny approval of a development that is otherwise consistent with the goals of the City's Comprehensive Plan. The Quality/Level of Service standard for transit shall be "frequency of service" (headway). Future headway would be triggered as need arises, the basis for need is determined be boardings/alightings, capacity of transit vehicle, calls/demand for service and others.

<u>VOTRAN Route</u>	<u>Existing Headway</u>	<u>Future Headway</u>
<u>Route 20</u>	<u>60</u>	<u>30</u>
<u>Route 21</u>	<u>120</u>	<u>100</u>
<u>Route 22</u>	<u>120</u>	<u>100</u>
<u>Route 23</u>	<u>60</u>	<u>30</u>
<u>Route 200*</u>	<u>30</u>	<u>15</u>

*Departs/Arrives only 3 times starting at 6:00 AM and at 5:05 PM. Future standards may be enhanced by increasing the number of departures or headways.

Policy 1.1.8

The Pedestrian Quality/Level of Service standards shall be the presence of pedestrian path/sidewalk within ¼ mile of transit stops, within ¼ mile of mixed development/redevelopment land uses, and connecting abutting neighborhoods near parks and schools. Need shall be identified ensuring development review of projects that generate new transit and pedestrian trips. Projects to address gaps shall be identified as part of capital improvements programming evaluation and during development review for new and redeveloping projects.

Policy 1.1.9

Annually, the City shall use ridership, revenue miles of service data reported by transit service providers and estimates of functional population within the transit service area to determine the degree of achievement of the City's mobility strategy to shift trips to multiple modes of transportation. Data will also be analyzed on ridership of bicyclists, possible impacts on the Strategic Intermodal System (SIS) and to determine the degree of reduction of greenhouse gases. Findings will be made as to degree of achievement and the need, if any, to alter the quality/level of service or to increase or alter the capital improvement plan.

Policy 1.1.10

The City, in coordination with the County, the Volusia TPO, and the VGMC, may authorize refined methodologies and techniques to be used in the review and evaluation of development proposals for the determination of the ability of the County's mobility strategy to succeed within specified Mobility Areas, given the trips to be generated by the proposed development or redevelopment. Acceptable methodologies and techniques may include, but are not limited to:

- Multi-modal analysis
- Vehicle miles traveled from center of proposed development/redevelopment to nearest transit centers, major employer, major retail center and City park
- Trip generation studies and greenhouse gas generation
- Traffic studies, including impacts on Strategic Intermodal System (SIS) Facilities
- Trip characteristics studies
- Travel time/speed/delay studies
- Passer-by and internal trip analysis, including internal trip capture for mixed use projects
- Person trip analysis
- Planning level models
- Traffic operation models
- Intersection analysis
- Corridor/subarea analysis
- Impact on SIS facilities

Policy 1.1.11

The City shall develop special area plans, as needed, for areas of special concern, in coordination with regional partners. The City through the adopted multi-modal transportation quality/level of service standards or alternative level of service standards methods of analyzing results shall recognize in special area plans the following:

- Improvements in overall operation of the roadway system outweigh localized deficiencies, and
- Improvements in the overall multi-modal mobility transportation system outweigh periodic congestions deficiencies on individual roadways in the roadway system, and
- Improvements in the overall urban environment (including reduction of vehicle miles travelled, greenhouse gas production, revitalization of declining areas and creation of vibrant, safe areas to live, work, shop and play) outweigh periodic congestions deficiencies in the roadway transportation system.
- These multimodal quality/level of service standards shall address accessibility for vehicular traffic, pedestrians, cyclists, transit and other modes, and shall be used as guidelines for public expenditure, to determine if mobility strategies are succeeding, and to determine possible fair share contributions for developments.

Objective 1.2

The City shall coordinate its ~~traffic-circulation~~ mobility and land use planning and decision making on an ongoing basis with plans of Volusia County, the MPO, the FDOT, other public agencies, and local governments having authority for planning, developing, and operating transportation systems and facilities in or affecting Orange City. Coordination shall include attendance at regularly scheduled meetings of the MPO and participation in Volusia County impact fee zone meetings and County road program workshops.

Policy 1.4.5

The City shall continue to support the construction of the commuter rail approved by the Volusia County Council on July 31, 2007.

Policy 1.4.6

The City shall protect the character of neighborhoods through the use of design standards on roadways in a context sensitive manner to ensure protection of neighborhood character. A context sensitive facility considers abutting land uses as well as engineering requirements in determining roadway features such as lighting, sidewalks, bicycle lanes, and drainage.

Policy 1.4.7

The City shall follow these design standards:

- A. Arterials and collectors shall be designed holistically as "Complete Streets", considering the pavement, bikeways, crosswalks, sidewalks, curb cuts, curbs and gutters (or other stormwater management system), lighting, signalization (including possible transit and pedestrian priority signalization), signage, transit stops if any, street trees that provide shade and landscape or other public open space areas.
- B. On-street parking will be encouraged for local streets and specified areas.
- C. Streets shall be designed wherever possible to accommodate a mix of travel modes including vehicles, bicycles, public transit and pedestrians, in support of the Central Florida Regional Growth Vision principle of providing a variety of transportation choices.

- D. Neighborhood streets shall be designed where safe and feasible to connect to adjacent activities, including public schools, parks, and neighborhood-serving businesses, with streets that do not encourage cut-through traffic.

Goal 2

Support the expansion of the SunRail commuter rail system in Orange City.

Objective 2.1

Support commuter rail through establishment of the SunRail station and implementation of future land use categories that allow mixed use and transit oriented design and development.

Policy 2.1.1

Encourage travel on the Sun Rail system.

Policy 2.1.2

Provide for land development regulations for applications that are supportive of transit oriented design and that accommodate all modes by May 2012, that include but are not limited to the following:

- A. All projects that add a to the mobility network must provide a circulation plan that identifies key mobility features as part of the site plan review process, mobility features should include external connections and accommodate all modes.
- B. Vehicular parking plans for all applications within an ½ mile of an identified SunRail station that ensure that parking is accommodated in a manner that enhances the pedestrian environment.
- C. Ensure that trees, sidewalks, and buildings are arranged in a manner that supports the creation of a safe and well-defined mobility environment.
- D. To support a multi-modal environment, utility lines shall be underground from the building to the property line. Utility lines within the right-of-way shall be placed underground or relocated to the rear of the site to the maximum extent practicable.
- E. Provide for complete street design that separates a designed area for the placement of street furniture including but not limited to seating, street lights, waste receptacles, fire hydrants, traffic signs, vending boxes, bus benches/shelters, bicycle racks, public utility equipment such as electric transformers and water meters, in a manner that does not obstruct pedestrian access or motorist visibility.

Policy 2.1.3

The City shall continue to support the construction of the commuter rail approved by the Volusia County Council on July 31, 2007.

Intergovernmental Coordination Element

Policy 1.1.3

Provide for on-going coordination with Volusia County and FDOT relative to ~~level-of-service~~ (LOS) mobility issues and capital improvement needs for areas within and adjacent to Orange City.

Objective 1.3

The City shall assist Volusia County and FDOT in establishing, maintaining and updating of level of service standards for roadways, water, wastewater, solid waste and drainage. Assistance shall include regular meetings, provision of traffic data, population projections and funding information on an annual basis or as requested. Assistance may also include participation in any regional or countywide efforts. The City shall coordinate with the County, DeBary, DeLand and Deltona in the ongoing development, monitoring and implementation of mobility strategies.

Policy 1.3.3

Assist Volusia County and FDOT concerning the roadway transportation systems and means for future funding. Assistance shall include attendance at meetings, participation in county funding discussions and for roadway budgeting and collection of traffic data for pending developments to ensure that roadway LOS system enhancements are consistent and compatible with the land use.

Capital Improvement Element

Objective 1.1:

Land use decisions within the City will be based on the provision of service at adopted LOS or mobility strategy, existing and projected fiscal capacity, and the five-year schedule of capital improvements and capacity additions herein, and as amended.

Policy 1.1.1:

The City's adopted development review procedures and the land development regulations ensure that development proposals comply with City's concurrency management requirements with attention to the adopted level of service standards, existing levels of service, and where appropriate, the time frame for implementation of additional facility improvements. With respect to mobility within the DULA/TCEA, the City shall through its development review procedures evaluate the quality/level of service standards and identify necessary enhancements for mobility as identified in this Element. Identified improvements shall be included in capital or operating budgets and within the Capital Improvements Element in the annual update.

OBJECTIVE 1.6:

Facility funding for a TCEA is required by Florida Statutes, the facilities and funding necessary to achieve the purposes of the TCEA must be reflected in a financially feasible capital improvement plan. The plan associated with the initial establishment of the TCEA is contained in the following policies.

Policy 1.6.1:

Identification of Transportation Improvements. The City shall identify and update annually a list of short-term (5:year), and long-term (plan horizon) mobility improvements.

Policy 1.6.2:

Implementation Plan Coordination. The City shall continue its commitment and will work with Volusia County, FDOT, VOTRAN, and the Volusia TPO for the timely implementation of all programmed improvements as may be identified in the TCEA Implementation Plan.

Policy 1.6.3:

The City shall continue to coordinate with Volusia County, the FDOT, and Volusia TPO to attempt to secure funding for planned, but unfunded improvements as may be identified in the TCEA Implementation Plan.

Policy 1.6.4:

The City shall promote local, state, or other funding for traffic operations improvements with particular emphasis on developed or planned roadways within the TCEA.

Policy 1.6.5:

The City shall coordinate with FDOT and Volusia County regarding intelligent transportation systems (ITS), including computerized signalization and optimal signal timing and progression.

Policy 1.6.6:

A transportation concurrency exception for individual projects within the TCEA shall be granted only if the following criteria are met:

- A. The development or redevelopment project shall be required to meet the following development performance criteria based on the development's (including all phases) trip generation and proportionate impact on adjacent roadways. Performance criteria and/or proposed mitigation will be funded from a variety of public and private sources.
- B. The developer may sign a development agreement or contract with the City for the provision of the required standards. The choice of standards shall be subject to final approval by the City during the site plan approval process. The standards chosen shall relate to the particular site and transportation conditions where the development is located. The developer may choose to provide one or more standards off-site with the City's approval. In recognition of the varying costs associated with the standards, the City shall have the discretion to count some individual standards, based on cost estimates provided by the developer and verified by the City, as meeting multiple standards.

C. TCEA Performance Standards:

<u>Criteria Level</u>	<u>New PM Peak Trips</u>	<u>Required Number of Mobility Standards</u>
<u>Level 1</u>	<u>Less than 25</u>	<u>At least 1 standard. If a standard from the Enhancement Group is selected, at least two standards are required.</u>
<u>Level 2</u>	<u>25 -250</u>	<u>At least 2 standards. No more than one standard can be selected from the Enhancement Group or from the Innovation Group.</u>
<u>Level 3</u>	<u>251-500</u>	<u>At least 3 standards. No more than one standard can be selected from the Enhancement Group or from the Innovation Group.</u>
<u>Level 4</u>	<u>Over 501</u>	<u>At least four standards. No more than one standard can be selected from the Enhancement Group or from the Innovation Group.</u>

- D. A transportation impact analysis is required for any project that generates more than 50 net new PM peak hour trips.
- E. The table below includes a listing of acceptable performance standards, categorized by groups. Each group consists of related performance standards, indicated by a number. For example, performance standard number three under the Enhancement Group involves widening existing sidewalks to increase pedestrian mobility and safety. The performance standards are characterized by the group name.
- F. The table below includes a listing of acceptable performance standards, categorized by groups. Each group consists of related performance standards, indicated by a number. For example, performance standard number three under the Enhancement Group involves widening existing sidewalks to increase pedestrian mobility and safety. The performance standards are characterized by the group name.
- G. Though the importance of each performance standard cannot be disputed, the level of financial investment does vary by group. Consequently, the number of standards which must be met by small developments (less than 50 daily trips) is increased by one if the Enhancement Group is selected. In this case, an additional performance standard is added to ensure some level of equity when selecting performance standards. Also, limitations are placed on the number of performance standard selections from the Enhancement Group and the Innovation Group to promote operational, capacity-related, and innovative improvements.

- H. Additionally, any development consisting of, or occupying a facility with provisions for 50 or more employees is required to participate in a Transportation Demand Management (TDM) program. The TDM program must be outlined in writing to the City not longer than 30 days from Certificate of Occupancy.
- I. Performance Standards by Group:

Number	Performance Standard
Operational Group	
<u>1</u>	<u>Business operations are not conducted in the peak hour and/or will not generate traffic during the peak hour.</u>
<u>2</u>	<u>Construction of bus turn-out facilities.</u>
<u>3</u>	<u>Use of joint driveways and/or cross-access to reduce curb cuts.</u>
<u>4</u>	<u>Intersection and/or signalization modifications to improve roadway operation and safety.</u>
<u>5</u>	<u>Intersection and/or signalization modifications to improve transit operations and Number Performance Standard safety.</u>
<u>6</u>	<u>Addition of dedicated turn lanes onto and out of the development.</u>
<u>7</u>	<u>Contribute to the operation of transit route for an established period of time setforth in the development agreement.</u>
Capacity Group	
<u>1</u>	<u>Payments to the City which will either increase existing transit service frequency or add additional transit service</u>
<u>2</u>	<u>Construction of new road facilities that provide alternate routes to reduce congestion.</u>
<u>3</u>	<u>Addition of lanes on existing road facilities, where acceptable to the City, County and/or FDOT, as relevant.</u>
<u>4</u>	<u>Provision of transit pass programs provided to residents and/or employees of the development. The transit passes must be negotiated as part of an agreement with VOTRAN or the City.</u>
<u>5</u>	<u>Other acceptable roadway, pedestrian, or bicycle improvements as mutually agreed to by the City and Owner/Developer.</u>
Enhancement Group	
<u>1</u>	<u>Construction of new public sidewalks along all street frontages where they do not currently exist.</u>
<u>2</u>	<u>Widening of existing public sidewalks to increase pedestrian mobility and safety.</u>
<u>3</u>	<u>Funding of streetscaping/landscaping (including pedestrian-scale lighting, where relevant) on public right-of-ways or medians, as coordinated with the City.</u>
<u>4</u>	<u>Provision of shading through awnings or canopies over public sidewalk areas to promote pedestrian traffic and provide protection from the weather so that walking is encouraged. The awning or canopy shall provide pedestrian shading for a significant length of the public sidewalk in front of the proposed or existing building.</u>
<u>5</u>	<u>Clustering and design of the development for maximum density, or use of maximum FAR, at the site which preserves open space, and reduces the need for development of vacant lands, enhances multi-modal opportunities, and provides transit-oriented densities or intensities.</u>
<u>6</u>	<u>Provision of additional bicycle parking facilities located in the TCEA</u>

	<u>area.</u>
<u>7</u>	<u>Provision of additional bicycle parking facilities located in the TCEA area.</u>
Innovation Group	
<u>1</u>	<u>An innovative transportation-related modification or standard submitted by the developer where acceptable to and approved by the City.</u>
<u>2</u>	<u>Provision of ride sharing or van pooling programs.</u>
<u>3</u>	<u>Participation in a transportation demand management (TDM) program that provides funding or incentives for transportation modes other than the single occupant vehicle. Such demand management programs shall provide annual reports of operations to the City indicating successes in reducing single occupant vehicle trips.</u>

¹ Transit operations may be selected more than once and would be coordinated with the Voltran, Volusia County and FDOT

Policy 1.6.8:

The City shall implement the following mobility strategies which are provided to illustrate the City's commitment to maintaining mobility with its TCEA. While the projects are not capital improvements, each one is an initiative that will support multimodal transportation and establish programs to maximize the effectiveness of the existing transportation network. Within each program or policy, the City will develop and implement a variety of initiatives as determined appropriate and feasible for the City.

Capital Improvements Element Support Documentation

I. INTRODUCTION

The primary purpose of the Capital Improvements Element (CIE) is to identify the capital improvements that are needed to implement the Comprehensive Plan (Plan) and ensure that the City's adopted Level of Service (LOS) Standards are achieved and maintained for concurrency related facilities (transportation, sanitary sewer, potable water, solid waste, stormwater, parks and recreation, and school facilities). The necessary future capital improvements are tied together through the CIE by including said improvements in the City's Five-Year Capital Improvements Program (CIP).

The CIE also has a key relationship to the Plan, which is strengthened through the "concurrency" requirement stipulated in the Florida Statutes. This requirement, simply stated, says that facilities and services must be available at their adopted LOS and mobility standard concurrent with the impacts of development.

II. LOS Standards

LOS and mobility standards establish a minimum level at which the services and facilities identified in the Plan will be provided. Therefore, the LOS and mobility standards set a level for the provision and maintenance of sufficient capacity to accommodate demand resulting from development within the City. Further, the "concurrency" requirement mandates that the permitting of future development is contingent on the maintenance of the LOS and mobility standards contained in the Plan. The City's adopted LOS and mobility standards are presented in Table 1.

Table 1 LOS Standards

Transportation:	Peak Hour LOS
State Arterials:	
US 17/92 (Principal)	E D
SR 472 (Minor)	E D
County Arterials:	
Enterprise Road	E
East Graves Avenue	E
Saxon Boulevard	E
West Rhode Island Avenue (except City Section listed below)	E
North Kentucky Avenue/Veterans Memorial Parkway	E
County Collectors:	
West Blue Springs Avenue	E
North Kentucky Avenue	E
West French Avenue	E

Transportation (cont.):

Peak Hour LOS

City Arterials:

East Rhode Island Avenue from Veterans Memorial Parkway to US 17/92	E
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City Collectors:

Leavitt Avenue	E
Harley Strickland Boulevard	E
Wisconsin Avenue	E
West Blue Springs	E

Sanitary, Sewer:

284 gallons per day per equivalent residential connection
.08 gallons per day per acre for industrial/commercial/institutional uses

Potable Water:

300 gallons per day per equivalent residential connection
1,500 gallons per day per acre for commercial/industrial/institutional
uses and 500 gallons per minute fire flow

Solid Waste:

6 lb. per capita per day

Stormwater:

All land use and development approval decisions which impact water resources in Orange City shall conform to the Volusia County comprehensive surface and groundwater basin management plan when said plan is completed and adopted by Volusia County and the City Council. Its recommendations will be used for all land use and development approval decisions which impact water resources. Until that time, the City shall comply with the following performance standards of Section 72-779 of the Volusia County Land Development Code (LDC), Chapter 72, Article III, as ~~amended~~ existed in December 2010, and as may be amended from time to time, provided said standards are more stringent than the City's standards:

A. The City shall require that developments of less than 1 acre, with less than 5,000 square feet of impervious area, or an impervious area less than 25 percent of the total lot area, shall meet the performance and design standards of Section 72-779 of the Volusia County Land Development Code (LDC), Chapter 72, Article III, as ~~amended~~ existed in December 2010, and as may be amended from time to time.

B. The City shall require development of any lot area that consists of 5,000 or more square feet of impervious area; or, the impervious area is 25 percent or more of the total lot area; or, the lot area of the proposed

development is 1 acre or larger regardless of the impervious areas shall meet additional performance standards of Section 72-779 of the Volusia County Land Development Code (LDC), Chapter 72, Article III, as ~~amended~~ existed in December 2010, and as may be amended from time to time.

Parks and Recreation:

Community Park = Four acres per 1,000 population.

Neighborhood Park = Two acres per 1,000 population.

The City shall utilize the existing LOS for recreation facilities, contained in Table 6-4 of the Plan's Support Document, as guidelines in developing future park sites.

Schools: LOS standards are included in the School Element.

III. CAPITAL IMPROVEMENT REQUIREMENTS

The purpose of this section is to set forth the capital improvement requirements that are to be funded and the sources of revenue available to finance them. Chapter 9J-5, F.A.C, stipulates that only those improvements necessary within a five year period need to be addressed. Therefore, the capital improvements are confined to Fiscal Years 2010/2015.

Facilities

Transportation

Volusia County's proposed FY 10/11 to FY 14/15 Five-Year Road Program includes thoroughfare roadway facility improvements that have been identified as necessary to increase roadway capacities. These roadway improvements include the following:

- Saxon Boulevard safety upgrade from I-4 to Enterprise Road.
(construction scheduled in FY 10/11)
- Two lane East Rhode Island Avenue extension east from Veterans Memorial Parkway to Normandy Boulevard. (ROW acquisition scheduled in FY 10/11)

Volusia County has moved three thoroughfare roadway facility improvements out of the five-year plan and into the sixth year. Therefore the following three projects are funded for the FY 14/15. These three roadway improvements include the following:

- Graves Avenue/Kentucky Avenue intersection improvement.
(construction scheduled in FY 15/16)
- Four lane Kentucky Avenue from Graves Avenue to SR 472.
(construction scheduled in FY 15/16)
- Realign and four lane Veterans Memorial Parkway to Kentucky Avenue.
(construction scheduled in FY 15/16)

Volusia County has moved two thoroughfare roadway facility improvements out of the five-year plan and scheduled them for potential future funding. These two roadway improvements include the following:

- Two lane Rhode Island Avenue extension east from Veterans Memorial Parkway to Normandy Boulevard. (unfunded and unscheduled construction)
- Two lane Westside Parkway from Don Smith Boulevard to Rhode Island Avenue. (unfunded and unscheduled construction)

These improvements are the fiscal responsibility of Volusia County and have been identified within the County's CIP. The City's CIE Policy 1.1.7 adopts these improvements by reference.

The Florida Department of Transportation's Five-Year Road Program (FY 10/15) includes improvements (six lanes) to Interstate 4 from State Road 44 to Interstate 95. CIE Policy 1.1.8 adopts these improvements by reference.

The City has not identified any City thoroughfare road projects that are required to maintain the City's road LOS standards. Therefore, the City's Five-Year CIP does not contain any City thoroughfare road improvements.

De Minimis Records Report

Policy 1.5.12 of the CIE requires a De Minimis Records Report be included with the annual CIE update on all de minimis developments. During the 09/10 fiscal year, the City issued certificates of occupancy for 13 dwelling units. All thirteen were single family dwelling units. According to Policy 1.5.11 of the CIE, an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway.

De Minimis Records Report	
Single family dwelling units	13
Total	13

Sanitary Sewer

Wastewater service is provided to the City through a wholesale service agreement with Volusia County. The County's current treatment plant capacity is 1.8 million GPD. The County has indicated there will be enough capacity to accommodate Orange City wastewater flows in the future. Orange City's sanitary sewer projects consist of two force main projects and a lift station.

Potable Water

In order to maintain potable water adopted LOS standards, during Fiscal Year 2009/10 the City upgraded its water storage capacity. This improvement was necessary to ensure that adequate capacity is available to serve any new future development. In addition, the City has earmarked funds for alternative water supply planning, design and construction.

Stormwater

The City has identified stormwater improvement projects along roads that will be resurfaced in FY 10/11 through FY 14/15 and a stormwater reuse project as part of the West Rhode Island Avenue force main project.

Solid Waste

There are no solid waste projects proposed in the Five-Year CIP.

Parks and Recreation

Effective in April 2010, BEBR's estimated population for Orange City was 10,599. The City's adopted LOS standard for parks is 2 acres per 1,000 residents for neighborhood parks and 4 acres per 1,000 residents for community parks. A comparison of this LOS standard to the existing park acreage listed in Tables 2 and 3 indicates that said acreage meets and exceeds the City's minimum park and recreation LOS standards. Currently, there is a surplus of 4.6 acres of neighborhood park land and a surplus of 19.7 acres of community park land as indicated in Table 1 below.

Table 1 – Park and Recreation LOS Summary

Park Type	LOS	Acres Required	Acres Provided	Surplus Acres	Meets LOS
Neighborhood	2 acres per 1,000 population	21.2	25.0	3.8	Yes
Community	4 acres per 1,000 population	42.4	60.5	18.1	Yes
Total		63.6	85.5	21.9	Yes

Table 2 – Community Park Inventory

Name	Jurisdiction	Acres	Type	Facilities
Veterans Memorial Park	Orange City	2.00	Community	Playground Picnic Pavilion (2) w/ BBQ grill Exercise Trail (recycled rubber) Splash Pad
Feiser Park	Orange City	1.90	Community	Parking for Mill Lake Park and events at Veterans Memorial Park.
Mill Lake Park	Orange City	20.00	Community	Picnic Area Nature Walk Lake (large) Basketball Court Play Area w/ Jungle Gym
Shuffleboard Park	Orange City	1.60	Community	Shuffleboard Courts (16) Restrooms (2) Clubhouse (small meeting facility) Wava's Senior Facility (3,000 SF)

Valentine Park	Orange City	35.00	Community	Restrooms (3) Playground Picnic Pavilions (3) Baseball Fields (3) (lighted) Softball Field (lighted) Soccer and Multi-use Field Volleyball Court Nature Trail Football Field Tennis Court (2) (lighted) Basketball Court (lighted) Concession stand w/ meeting facility
	Sub-Total	60.50	Community	

Table 3 – Neighborhood Park Inventory

Name	Jurisdiction	Acres	Type	Facilities
Dickinson Park	Orange City	0.90	Neighborhood	Gazebo w/ event stage Water Fountain (2) Benches (10)
Orange City Elementary	School District	4.00	Neighborhood	Playground (large) Basketball Court Baseball field
Coleman Park	Orange City	2.50	Neighborhood	Playground with play equipment Picnic Pavilion Basketball Court Softball Practice Field
Marshall Park	Orange City	3.30	Neighborhood	Picnic Pavilion Pavilion w/ Water faucet Nature Trail w/ Boardwalk Water body (small)
Graves Avenue Park	Orange City	0.50	Neighborhood	Vacant land - Not developed
Blue Springs Villas Subdivision	Homeowners Association	1.00	Neighborhood	Gazebo Playground with play equipment
Fawn Ridge Subdivision	Homeowners Association	1.50	Neighborhood	Gazebo Playground with play equipment Tables
Oakhurst Subdivision	Homeowners Association	3.00	Neighborhood	Picnic area Nature Trail Playground with play equipment
Sherwood Oaks Subdivision	Homeowners Association	0.40	Neighborhood	Nature Trail
Orange Tree Village Mobile Home Park	Mobile Home Park Owner	0.90	Neighborhood	Clubhouse with parking Swimming Pool
Country Village Mobile Home Park	Mobile Home Park Owner	1.60	Neighborhood	Club House Activity Center (large) Swimming Pool Shuffleboard Court (2) Recreation Center (small)
Pine Forest Mobile Home Park	Mobile Home Park Owner	0.55	Neighborhood	Clubhouse Swimming Pool
Orange City Mobile Home Park	Mobile Home Park Owner	0.10	Neighborhood	Club House
Orange City	Mobile Home	0.55	Neighborhood	Swimming Pool

RV Park	Park Owner			Miniature Golf Shuffleboard Court (4) Bocci Court
Land O' Lakes Mobile Home Park	Mobile Home Park Owner	0.10	Neighborhood	Club House Shuffleboard Court (2) Horseshoe
Grandeville Apartments	Apartment Complex Owner	0.20	Neighborhood	Clubhouse Swimming Pool Nature trail
Villa Grande Apartments	Apartment Complex Owner	0.50	Neighborhood	Clubhouse Swimming Pool Fitness trail
Braemoor Dunes Apartments	Apartment Complex Owner	0.20	Neighborhood	Playground with play equipment
Saxon Trace Apartments	Apartment Complex Owner	0.75	Neighborhood	Clubhouse Swimming Pool Exercise room and walking trail
Integra Landings Apartments	Apartment Complex Owner	1.00	Neighborhood	Clubhouse Swimming Pool Fitness and Exercise center Walking Trail
Greenleaf Garden Apartments	Apartment Complex Owner	0.10	Neighborhood	Playground with play equipment Picnic Area
Water Oak Apartments	Apartment Complex Owner	0.10	Neighborhood	Clubhouse
Enterprise Cove Condos	Condo Owners Association	0.65	Neighborhood	Clubhouse Swimming Pool Fitness and Exercise center Walking Trail
John Knox Village	Assisted Living Owner	0.20	Neighborhood	Shuffleboard Court (6) Swimming Pool Golf (2 greens) Golf (driving nets) Bocci Court (2)
Breezewood Condos	Condo Owners Association	0.40	Neighborhood	Clubhouse Swimming Pool Shuffleboard Court (2)
Table 2 And 3	Grand Total	85.50	Community	and Neighborhood

In addition to the City's 85.50 recreational acres, Bennett Memorial Park is a developed Volusia County regional park consisting of approximately 55 acres of active recreation facilities. The County also owns an additional 130 vacant adjacent acres proposed for recreational use. Both properties are located within Orange City's jurisdiction. Including Bennett Memorial Park, the City has a total park land area of 270.5 acres, which equates to 37.7 acres per 1,000 residents.

The City included two park projects in its Five-Year CIP that are proposed to be funded with two FRDAP park related grants and an ECHO grant. The FRDAP grants are to be used for facility improvements to both Fieser and Veterans Memorial Parks. On June 3, 2009, the FDEP advised the City that the two FRDAP grants would not be funded that

fiscal year. At the City's request, the FDEP rolled the application over to the next grant cycle. FDEP has recommended that the two FRDAP grants (ranked as 22 and 49) be funded in FY 10/11. Currently, the City is still awaiting formal notification from FDEP.

Public Schools

Chapter 163, F.S. requires LOS standards for school facilities and the establishment of a financially feasible public school five-year capital facilities program. Policy 2.5.3 of the Public School Element adopts by reference the School Board's five-year capital facilities program.

Budgeting Policies and Procedures

Orange City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into two categories: governmental funds and proprietary funds. A brief description of each of these fund types and individual funds follows:

There are three different types of funds – the General Fund, Special Revenue Funds, and Enterprise Funds.

The General Fund is the general operating fund of the City. This fund is used to account for all financial resources except for those which are required to be accounted for in another fund. For the City, large shares of the City's capital purchases are accounted for through the General Fund.

Special Revenue Funds are used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specific purposes. The City has four Special Revenue Funds, which are the Impact Fee Fund, the Solid Waste Fund, Sparkman SAD Fund, and the Forfeiture Fund.

The City maintains one Enterprise Fund. The City uses the Enterprise Fund to account for its water and sewer operations.

Financial Feasibility

Capital projects within the Five-Year CIP for which a level of service standard has been adopted must be financially feasible. Therefore, the financial feasibility determination is limited to the water and sewer, road and drainage and park projects.

Water and Sewer Projects

Water and sewer projects are scheduled in FY 10/11 with a committed funding source consisting of impact fees, enterprise funds, and an alternative water supply fund. Table 4 provides an impact fee balance calculation that ensures adequate funds are available to fund the projected improvements in the Five-Year CIP and Table 5 provides the enterprise funds budgeted for FY 10/11.

**Table 4
Impact Cash Flow FY 10/11 and 11/12**

Beginning Balance 10/1/10		\$36,010
Projected Impact Revenues		
FY 09/10	RaceTrac (water only)	1,500
	Total Revenue/Cash	37,510
Projected Impact Expenditures		
FY 10/11	East Rhode Island Ave	27,000
	Total Expenditure	27,000
Projected Impact Balance 9/30/11		\$10,510
Projected Impact Revenues		
FY 11/12	Harty	180,000
	Sparkman Ridge	720,000
	Total Revenue/Cash	910,510
Projected Impact Expenditures		
FY 11/12	Carpenter (water/sewer)	900,000
	Total Expenditure	900,000
Projected Impact Balance 9/30/11		\$10,510

* Carpenter water and sewer provides link for stormwater-to-reuse project by providing a connection point at West Blue Springs Ave.

**Table 5
Enterprise Fund Construction Fund Detail
Fiscal Year 10/11**

Account No.	Description	Adopted FY 10/11	Projected FY 11/12
40.343.6567.300	Transfer from operating	130,000	765,750
Total	Sources	\$130,000	\$765,750
40.533.6569.710	Distribution Improvements	130,000	765,750
Total	Uses	\$130,000	\$765,750

Road and Drainage

Road and Drainage projects are scheduled in all five years of the Five-Year CIP with committed and planned general funds. Committed general funds for FY's 10/11, 11/12 and 12/13 represent only a total of \$280,000 of general fund revenues. Table 6 provides a projection for the general fund revenues from FY 10/11 to FY 11/12.

Table 6
Projected General Fund Revenues

FY 10/11	\$ 7,478,508
FY 11/12	\$ 7,263,913
FY 12/13	\$ 7,445,511

Source: City of Orange City Finance Department

Road and stormwater projects in FY's 13/14 and 14/15 consist of a total of \$306,500 that will be funded with planned general fund revenues.

Parks and Recreation

Park projects are planned in FY's 11/12 and 12/13. These projects will be funded with an ECHO grant and two FRDAP grants. If these grants are not awarded to the City, the City will consider alternative funding mechanisms such as impact fees, project phasing and/or delaying the projects until the funding is obtained.

These combined grants amount to \$1,300,000 with the ECHO grant estimated at \$1,075,000 and two FRDAP grants estimated at \$225,000 (\$112,500 per each FRDAP Grant).

Volusia Growth Management Commission

**MEETING MINUTES FOR
REGULAR MEETING HELD
Wednesday, August 28, 2013**

City of Daytona Beach
Commission Chambers
301 S. Ridgewood Avenue
Daytona Beach, FL

MEMBERS PRESENT

Gerald Brandon, Chairman
Jack Hayman, Vice Chairman
James Wachtel, Secretary
Richard Walton
Jack Lenzen
Roger Sonnenfeld
Kenneth Bohannon
Robert Storke
Don Romanik
Debbie Connors
Richard Kane
Kenneth Kuhar
Douglas deLeon

REPRESENTING

Ormond Beach
Edgewater
Volusia County
Daytona Beach
DeBary
Lake Helen
New Smyrna Beach
Orange City
Ponce Inlet
Port Orange
South Daytona
Volusia County
Volusia County

MEMBERS NOT PRESENT

Sandy Lou Gallagher
John Heaphy

Deltona
Holly Hill

NON-VOTING MEMBERS

Sara Lee Morrissey (not present)
Cathy Foerster (not present)

Volusia Co. School Board
SJRWMD

OTHERS PRESENT

Paul Chipok, GrayRobinson, General Counsel
Merry Chris Smith, VGMC Coordinator

CALL TO ORDER

VGMC Chairman Gerald Brandon called the meeting to order at 7:05 p.m.

ROLL CALL

Roll call was taken and it was determined there was a quorum present.

Chairman Brandon welcomed new commission member Douglas deLeon representing Volusia County. In addition, he announced three recent member reappointments: John Heaphy, City of Holly Hill; Sandy Gallagher, City of Deltona; and himself representing the City of Ormond Beach. Mr. Brandon also stated that Michael Halpin resigned from the Commission when his term expired on June 30, 2013.

CITIZEN COMMENTS

There were no citizens present who wished to speak.

APPROVAL OF MINUTES

Kenneth Bohannon made a motion to approve the minutes of the regular meeting held on March 27, 2013 as presented; seconded by Debbie Connors. The motion carried unanimously.

PUBLIC HEARING

- 1) Consideration of Resolution 2013-02, City of Orange City, acknowledging satisfaction of Condition 2.B.3 of Resolution 2006-06:

Paul Chipok, VGMC General Counsel, addressed the commission. Mr. Chipok explained that in 2006, the VGMC approved an application with the condition that an interlocal agreement between Orange City and Volusia County be entered into to address transportation impacts. Since that time, he stated the Southwest Volusia cities completed the Southwest Volusia Transportation Study. As a result of the study, the Volusia Transportation Impact Analysis (TIA) Guidelines were created and the City of Orange City has incorporated those guidelines into their Transportation Element as policies 1.71 and 1.74 of their comprehensive plan. In addition, through Resolution, the City has adopted the Volusia Transportation Planning Organization's TIA guidelines recognizing standard methodologies. With these actions, Mr. Chipok stated the issue of how to address the transportation impacts has been completed without the need for an interlocal agreement.

Mr. Chipok stated that staff feels the interlocal agreement is no longer necessary. He added that since the City of Orange City incorporated the policies in their comprehensive plan, they must recognize those policies and cannot remove them without an amendment to their comprehensive plan which would have to come back before the VGMC. Mr. Chipok stated staff recommends Resolution #2013-02, recognizing that Condition 2.B.3 of Resolution 2006-06 has been satisfied, be adopted by the VGMC. He also pointed out that Alison Stettner, Orange City Development Services Director, was present to address any questions the commission may have.

Kenneth Bohannon made a motion to approve Resolution #2013-02 as written and proposed; seconded by Robert Storke. Motion carried unanimously.

REPORTS FROM LEGAL COUNSEL

Mr. Chipok discussed recent activities relating to Farnton. He explained that amendments were previously processed which clarified timelines relating to the Farnton Master DRI. In furtherance of that, Mr. Chipok stated Farnton has moved forward with a Farnton Master DRI Agreement, adding this is a process agreement and not a substantive agreement. The Agreement establishes the ground rules on how they will go through the DRI system and what they will need to include in their application. Mr. Chipok stated the documentation has been reviewed by Jim Sellen and he agrees that is the proper methodology to be used for the future application. In addition, he stated through conditions of the prior VGMC approval relating to Farnton, the DRI application will come back before the VGMC for review which will occur at a future date. In the meantime, he stated the process agreement requires the signature of the VGMC Chairman, the Volusia County Council, the Regional Planning Council and Farnton. Mr. Chipok stated the Chairman will be executing the agreement and it will be forwarded on for other required signatures.

Commissioner Walton asked if there are any entitlements allowed while the DRI is being prepared. Mr. Chipok stated this is strictly a processing agreement, not a development order, and the agreement grants them no entitlements. Mr. Chipok's legal update was concluded.

Commissioner Wachtel stated that a question came up in the earlier Budget Committee meeting relating to future projects, such as the Speedway and Hard Rock in Daytona Beach, and if they will involve comprehensive plan amendments requiring VGMC review. Mr. Chipok responded that the original budget estimates submitted by staff are based on historical averages, and the current budget should be sufficient for an uptake of several projects in a particular jurisdiction. Commissioner Walton stated that all the projects mentioned by Mr. Wachtel have been approved under the current comprehensive plan. He then spoke about an amendment that is expected to come forward on the west side of Clyde Morris Boulevard across from the hospital.

REPORTS OF COMMISSION COORDINATOR

Ms. Smith provided an update to the pending case log since its distribution with the agenda package. She noted that the City of Edgewater large scale application (#13-031) has been letter certified, and that no objections or comments had been received to date for the City of DeLand (#13-032) and City of Ormond Beach (#13-033) applications. In addition, she stated four new additional applications have been received.

REPORTS OF COMMISSION CHAIRMAN

Chairman Brandon reported that he had met with Jim Sellen recently and that Jim has proposed making presentation to the VGMC on water issues affecting the County that will likely come before the commission in the future. Mr. Brandon stated the presentation would be in the form of

15-20 minute presentations over three meetings. Mr. Hayman commented that he totally endorses the presentations and stated this is one of the most important issues that the County has to address. He also discussed previous impacts and efforts to address water issues, as well as the need for the VGMC to understand the impact on consistency. There was a general consensus of the commission for Mr. Sellen to present to the commission on this issue. Chairman Brandon asked Ms. Smith to notify Mr. Sellen.

REPORTS OF COMMITTEES

POP Committee Report: Jack Hayman, Chairman of the POP Committee, stated the committee had met immediately prior to the regular meeting. He reported the committee had approved minutes from the previous committee meeting, and also would be recommending approval of both the GrayRobinson & VHB MillerSellen 2013-14 contracts which are scheduled for consideration by the commission under New Business.

Mr. Hayman reported that the committee also discussed the VGMC Coordinator job description & title, and the concern the committee has that this position does not currently receive benefits such as paid personal leave time and health insurance. Mr. Hayman stated the committee agreed the position should be granted personal leave time consistent with the policies of Volusia County, which is also in line with other government agencies. With the tenure of the current Coordinator, this would amount to 114 hours annually. He stated the committee looked at the status of the position dating back to 1996 when this position was provided paid leave time, health insurance, retirement and other benefits. Presently, he stated the only benefits provided to this position are paid holidays as established by Volusia County policy, as well as one floating holiday per year. Mr. Hayman stated at the request of the commission several years ago, Volusia County handles the payroll and worker's compensation premiums for this position. Other than that, there is no other compensation for health insurance, retirement, etc. as enjoyed by other full-time/part-time government employees.

Mr. Hayman stated the POP Committee agreed that he should move forward working with legal counsel to devise a plan of action to address the lack of health insurance and retirement benefits for this position. In addition, he stated the committee is recommending the commission approve changing the position title to Operations Manager, and also approve paid personal leave time totaling 114 hours annually effective October 1, 2013. The recommendation from POP comes in the form of a motion and a second for consideration by the commission.

Commissioner Bohannon stated he would like to see the entire compensation package before voting. Mr. Hayman responded that the POP Committee is asking for approval of a portion of the benefits, to include 114 hours of annual paid personal leave and a change in the position title to Operations Manager. The other benefits, such as health insurance and retirement, need to be further evaluated to determine what is available through the County. Mr. Bohannon stated he understands, however, he would like to see the compensation package come forward in whole, not in separate parts. Mr. Hayman stated this would likely be the only time they would see it fragmented this way, and asked for the support of the commission.

Mr. Wachtel asked for further explanation as to how the 114 hours of paid leave time was arrived at. Chairman Brandon stated according to the Volusia County Employee Handbook, a part-time employee with Ms. Smith's longevity would be entitled to 114 hours. Mr. Brandon also confirmed that paid leave time includes both vacation and sick time. Commissioner Sonnenfeld asked for confirmation that current County policies provide paid personal leave for part time employees. Mr. Brandon responded affirmatively, adding that he felt this benefit is long overdue. Mr. Bohannon raised a question relating to the accrual of leave and also when the remainder of the compensation package would come before the commission. Mr. Brandon stated the accrual would begin October 1, 2013. Mr. Hayman stated it would likely be at least November before the remainder of the compensation package would be ready.

Mr. Chipok addressed the commission concerning the current status of the position. Mr. Bohannon suggested preparing a contract and compensation package for consideration in totality. Mr. Brandon stated the POP committee is recommending moving forward with the change in title and paid personal leave at this time, and then look further into other benefits such as health insurance and retirement.

Commissioner Kane raised a question relating to coverage at the VGMC office when the Coordinator is on leave time. Mr. Hayman stated that issue was also raised by the POP Committee and they will be looking to further address that. Overall, Mr. Hayman stated this is a comprehensive matter that will ultimately come together as one package, and asked for the commission's support in approving the title change and paid personal leave tonight.

Commissioner Wachtel stated that additional funding for paid leave time has not been addressed and recommended the matter be deferred until we have the opportunity to visit with the County to address how to best implement the benefits.

Chairman Brandon called the question to the motion to change the position title to Operations Manager and approve 114 hours of paid personal leave effective October 1, 2013. Motion carried by a 10-3 vote; Commissioners Bohannon, Sonnenfeld and Wachtel voted in opposition.

Mr. Hayman thanked the commission for their support of the POP Committee recommendation. He also stated the concerns raised have been noted and will be addressed when the remainder of the package comes back before the commission.

Budget Report: Jim Wachtel, Chairman of the Budget Committee, reported the committee met immediately prior to the regular meeting. Mr. Wachtel discussed the current fiscal YTD budget expenses, stating that our overall expenses are well below the approved budget which concludes on September 30, 2013.

With respect to the proposed 2013-14 budget which was approved by the VGMC and submitted to the County earlier in the year, Mr. Wachtel stated the County staff made changes to the budget. Specifically, he stated the personnel services budget was increased slightly based upon the County's calculations, they cut the \$25,000 litigation contingency as they have done in the past, and they also cut the contract services budget by \$9,000 (4%). Mr. Wachtel explained it

was unclear as to how the County arrived at the \$9,000 decrease in contract services. He stated the Budget Committee felt there were two options: 1) Go back to the County and request the \$9,000 be added back into the budget; or 2) Reduce the budgeted amounts for VGMC consultant staff by 4%. Mr. Wachtel stated in recent years the VGMC consultant staff expenses have been significantly lower than what has been budgeted, and the Budget Committee is recommending the VGMC accept the County recommended budget and work with the consultants to proportionately reduce their budget/purchase orders for the 2013-14 fiscal year. Commissioner Connors pointed out that \$7,200 of the total contract services budget is for member travel reimbursements.

Mr. Wachtel stated there was also discussion at the Budget Committee meeting regarding the course of action the commission would need to take if there is a shortfall of budgeted funds for contract services. He explained the commission could look to shift funds within the approved budget, or if necessary, go back to the County and request additional funding.

Several members of the commission expressed concern that County staff provided no rationale for the \$9,000 reduction, adding that the commission has been very prudent with expenses over the years.

Mr. Wachtel reiterated the recommendation from the Budget Committee was to accept the County staff recommended budget which serves as a motion and a second. Mr. Hayman commented that he would support the motion, but felt there may be a need for additional funding based upon projects that may come before the VGMC during the 2013-14 fiscal year. Chairman Brandon called the question, and the motion to accept the 2013-14 budget as recommended by County staff carried unanimously.

NEW BUSINESS

Consideration award of contract to Miller Legg for consultant planning services:

Mr. Hayman recognized Barry Wilcox, Planning Manager with Miller Legg in the audience. He stated that Mr. Wilcox worked closely with the POP Committee to stay within budget and at a rate of \$115 per hour. Mr. Hayman stated the committee negotiated an agreement with Miller Legg and it comes before the commission in the form of a motion and second with a recommendation of approval.

Based upon the earlier discussion and action of the commission with respect to the reduced contract services budget, Mr. Wachtel stated the numbers within the proposed contract will need to be adjusted to reflect the budget change.

Mr. Chipok addressed the commission and stated the figures included in the contract(s) are budget estimates. He suggested the commission take the proportionate amount of reduction and deduct it from the three staff contracts for the 2013-14 purchase orders. He further suggested a letter go back to the consultants with the approved contracts which outlines the individual consultant budget based upon the County recommendation. Mr. Wachtel stated the ceiling

amount of budget contained in the staff contract(s) should be consistent with the purchase order(s).

Commissioner Romanik pointed out that the GrayRobinson contract letter does not include a budget amount. Mr. Chipok responded that an earlier budget estimate was provided to the VGMC for use in preparing the proposed 2013-14 budget, and the contract letter scheduled for consideration by the commission tonight describes the scope of services they will provide.

Commissioner Bohannon asked for clarification relating to the POP recommendation. Mr. Hayman stated the POP recommendation is to approve the agreement with Miller Legg for contract planning services for the 2013-14 fiscal year. Discussion ensued pertaining to the proper procedure to approve the agreement with the change in the budgeted/ceiling amount contained in the agreement. It was agreed that the commission needed to vote on the original motion and second from POP to approve the agreement with Miller Legg as presented, and in order to make the change in the ceiling amount contained in the agreement based upon the reduced recommended budget, a new motion and second would be necessary.

Chairman Brandon called the question on the motion and second from POP to approve the agreement with Miller Legg as presented in the agenda package. The motion failed.

Kenneth Bohannon made a motion to approve the agreement with Miller Legg for contract planning services for the 2013-14 fiscal year with a 4% reduction in the ceiling amount. Robert Storke seconded the motion. Ms. Smith pointed out that the County Council will not be taking final action on the budget until late September and the approved budget could change. Mr. Chipok suggested the motion could be amended to approve the agreement with a 4% reduction in the ceiling amount per the County's budget recommendation, subject to further amendment pending final approval of the budget by the Volusia County Council. Mr. Bohannon amended the motion as stated by Mr. Chipok. Mr. Storke accepted the amended motion.

Mr. Hayman stated he would not be supporting the motion. He stated the POP Committee negotiated the agreement based upon the scope of services and estimate of needs. Mr. Hayman further commented on the 4% budget reduction made by County staff without explanation or justification. Commissioner Kane pointed out that earlier in the meeting, the commission voted to accept the budget recommendation of County staff. Commissioner Walton suggested the commission may want to also recommend that Mr. Hayman have a conversation with the appropriate County staff relating to the budget reduction and future impacts. Commissioner Sonnenfeld commented that the commission voluntarily reduced the contract services budget by 10% in the previous fiscal year.

Chairman Brandon called the question to the motion and second to approve the agreement with Miller Legg for contract planning services for the 2013-14 fiscal year with a 4% reduction in the ceiling amount per the County's budget recommendation, subject to further amendment pending final approval of the budget by the Volusia County Council. Motion carried by a 12-1 vote; Commissioner Hayman voted in opposition.

Consideration of 2013-14 GrayRobinson Legal Contract:

Mr. Chipok pointed out that the legal contract does not include a budget/ceiling.

The POP Committee recommended approval of the 2013-14 GrayRobinson contract as submitted which serves as a motion and second. The motion carried unanimously.

Consideration of 2013-14 VHB MillerSellen Planning Contract:

The POP Committee recommended approval of the 2013-14 VHB MillerSellen planning contract as presented which serves as a motion and second. Commissioner Storke pointed out that the contract includes a budget/ceiling amount. Commissioner Kane pointed out that paragraph 24 of the Terms and Conditions of Agreement states the agreement will be governed by the Commonwealth of Massachusetts and it should be the State of Florida.

The motion to approve the 2013-14 VHB MillerSellen planning contract as presented failed with the majority of members voting in opposition.

Kenneth Bohannon made a motion to approve the 2013-14 VHB MillerSellen contract with a 4% reduction in the ceiling amount per the County's budget recommendation, subject to further amendment pending final approval of the budget by the Volusia County Council, and changing paragraph 24 of the Terms and Conditions of Agreement to reflect that the agreement will be governed by the State of Florida. Debbie Connors seconded the motion.

Commissioner Kane commented on paragraph 12 relating to the indemnification of liability concerning asbestos and other hazardous substances. Mr. Chipok stated the scope of services provided by VHB is for reviewing comprehensive plan amendments and there is no physical work involved. He added these are generic terms used by VHB. Mr. Kane also raised a question relating to the hourly rate schedule which goes as high as \$300/hour. Several members pointed out page two of the contract identifies the hourly rate for VGMC to be \$115 and any higher billing rate requires prior authorization. Mr. Chipok added that the provisions in the first part of the contract are specific to the VGMC and override the general part II provisions.

The motion to approve the 2013-14 VHB MillerSellen contract with a 4% reduction in the ceiling amount per the County's budget recommendation, subject to further amendment pending final approval of the budget by the Volusia County Council, and changing paragraph 24 of the Terms and Conditions of Agreement to reflect that the agreement will be governed by the State of Florida carried unanimously.

OTHER BUSINESS AND REQUESTS OF COMMISSION MEMBERS

Commissioner Wachtel extended appreciation for the services the consultant staff has provided over the years and apologized for the situation which arose as a result of the budget reduction recommendation by County staff.

Chairman Brandon thanked the committees and staff for the work they have done.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:30 p.m.



Attest: Secretary



Chairman

RESOLUTION 2006-06

A RESOLUTION OF THE VOLUSIA GROWTH MANAGEMENT COMMISSION; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; CERTIFYING THE APPLICATION SUBMITTED BY THE CITY OF ORANGE CITY, FLORIDA, AS CONSISTENT; PROVIDING CONDITIONS TO CERTIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE VOLUSIA GROWTH MANAGEMENT COMMISSION:

SECTION 1. FINDINGS. The Volusia Growth Management Commission (Commission and/or VGMC) hereby makes the following findings of fact:

(1) On November 22, 2005, the VGMC received a Large-Scale Comprehensive Plan Amendment Application for Consistency Certification from the City of Orange City. The application consisted of modifications to the City's Comprehensive Plan's Future Land Use Map.

(2) The complete application submitted by the City of Orange City, assigned VGMC Application No. 2005-075, the VGMC Staff Report for Case No. 2005-075 dated August 23, 2006, including the Staff Report Exhibits 1 through 9, are on file and are available to the public at the Volusia Growth Management Commission Office located at 140 S. Beach Street, #305, Daytona Beach, Florida, 32114. Within the VGMC Staff Report, the following exhibits are referenced:

- VGMC Exhibit 1:** Orange City's Existing and Proposed Future Land Use Maps
- VGMC Exhibit 2:** First Request for Additional Information (RAI), dated December 22, 2005, with Volusia County's comments and the City's response
- VGMC Exhibit 3:** Second RAI, dated February 3, 2006 and the City's response
- VGMC Exhibit 4:** Meeting correspondence and agenda dated February 23, 2005
- VGMC Exhibit 5:** Meeting Summary, dated May 5, 2006
- VGMC Exhibit 6:** Letter to Orange City regarding lack of information dated June 7, 2006
- VGMC Exhibit 7:** Bill Reischmann's reply to VGMC staffs inquiry dated June 20, 2006
- VGMC Exhibit 8:** Conditions of Request for Continuance dated July 3, 2006
- VGMC Exhibit 9:** Vacant 100-acres Map

(3) A similar request to this proposed amendment was submitted by Orange City to the Commission on June 24, 2004. The request (Application No. 04-18) was subsequently withdrawn by Orange City prior to the November 2, 2005, VGMC hearing. Per Article II, Section 90-42 of VGMC Code, "No local government shall have the right to file an application for certification pursuant to section 90-35 if the same plan, element, or plan amendment for which certification is applied has been the subject of an application before the commission within a period of 12 months prior to the filing of the application." Subject to this requirement, this proposed request is being reviewed as a new and completely separate application for certification. As such, all materials

provided to the Commission in the previous submittal (Application No. 04-18), as well as details agreed upon in discussions regarding said application, do not apply to the current application for certification.

(4) The application package submitted to VGMC contains a single amendment proposing a change to the Future Land Use Map (FLUM) designation of approximately 481 acres of property within Orange City.

(5) Included in this total are 276 acres of property with existing City FLUM designations. The entirety of this acreage is to be designated Mixed-Use (MX). Should the proposed amendments be certified, the result would be an additional 419 acres of Mixed Use (MX) designated properties within Orange City. A synopsis of this proposed change can be found in the table below.

Properties with existing City FLUM designations		
From	To	Acreage
Residential Low (0-4 du/ac)	Mixed Use	148.3
Residential Medium (5-8 du/ac)	Mixed Use	95.4
Residential High (9-12 du/ac)	Mixed Use	8.8
Commercial Neighborhood (.25 FAR)	Mixed Use	9.3
Commercial General (.25 FAR)	Mixed Use	14.3
Total		276.1

(6) The remaining 205 acres are newly annexed properties which currently have a Volusia County FLUM designation. These properties are proposed to be changed to 31 acres of Commercial General, 6 acres of Residential High, 21 acres of Residential Low, 5 acres of Industrial Limited and 142 acres of Mixed Use. A synopsis of those proposed changes can be found in the following table:

Annexed properties FLUM designations		
From	To	Acreage
Parks and Recreation (0 du/ac) (0 FAR)	Residential Low (0-4 du/ac)	6.9
Urban Low Intensity (.2-4 du/ac)	Residential Low (0-4 du/ac)	14
Urban Low Intensity (.2-4 du/ac)	Mixed Use	133.3
Urban Low Intensity (.2-4 du/ac)	Industrial Limited (.30 FAR)	5.1
Urban Low Intensity (.2-4 du/ac)	Commercial General (.25 FAR)	.2
Urban High Intensity (8.1-20 du/ac)	Residential High (9-12 du/ac)	5.8
Urban High Intensity (8.1-20 du/ac)	Commercial General (.25 FAR)	3.9
Commercial (.25 FAR)	Commercial General (.25 FAR)	26.9
CDP (zoning district)	Mixed Use	9.5
Total		205.4

(7) On or about December 20, 2005, during the review period, comments regarding the proposed amendment were submitted to the VGMC by Volusia County. These comments were included as part of the first RAI issued by the VGMC to clarify omissions in the original submittal enabling the continued review of Orange City's Application No. 05-75.

(8) Both Volusia County's comments and the VGMC's first RAI were submitted to Orange City on December 22, 2005. On January 24, 2006, the VGMC received the City's response to the RAI, dated January 23, 2006. VGMC's RAI with the County's comments and the City's response are attached to the Staff Report as Exhibit 2.

(9) On February 3, 2006, the VGMC issued a second RAI to obtain additional clarification of the amendment application as well as the City's response to the first RAI. The City's Attorney, William Reischmann, responded to the second RAI on February 9, 2006. In his response, Mr. Reischmann stated that Orange City had fully complied with the first Request for Additional Information and therefore refused to recognize the most recent request as valid. He also stated that the City would welcome the opportunity to meet with VGMC staff and to address any concerns as was proposed in the second Request for Additional Information. The VGMC's second RAI and Mr. Reischmann's response are attached to the Staff Report as Exhibit 3.

(10) On February 16, 2006, a meeting was scheduled for February 27, 2006, to discuss VGMC staff concerns regarding omissions and errors in both the original application and subsequent Requests for Additional Information. An agenda containing specific questions and points of clarification was forwarded to Orange City by the Commission on February 23, 2006. The meeting request and respective agenda are attached to the Staff Report as Exhibit 4.

(11) On February 27, 2006, the VGMC's professional staff met with Orange City staff, consultants, and legal council to discuss the items contained in the aforementioned agenda. The attending representatives from the City stated they would proceed with adoption hearings for the amendments contained in Orange City's VGMC Application No. 05-75 with disregard for VGMC certification.

(12) With no additional information forthcoming from the City, VGMC planning staff submitted a staff report recommending denial of the proposed amendment at the March 22, 2006, hearing. Based upon their recommendation, a request for a 60-day continuance of the application was submitted by the City on March 20, 2006. In their request for continuance, the City cited their need to work with VGMC staff and its legal counsel to resolve VGMC's need for additional information for a review of the City's pending application.

(13) On May 3, 2006, a working meeting regarding Orange City's VGMC Application No. 05-009 was held at the offices of Stenstrom, McIntosh, Colbert, Whigham, Reischmann, & Partlow, P.A. At that time specific materials needed for the accurate analysis of the proposed amendment were requested by VGMC staff. In addition, options for conditions for the certification of the proposed amendment were

discussed. The details of this meeting are contained in a summary attached to the Staff Report as Exhibit 5.

(14) On June 7, 2006, a letter was sent by VGMC staff to Orange City inquiring as to the lack of correspondence and failure by the City to supply necessary information as requested at the May 3, 2006 meeting. The June 7, 2006, letter is attached to the Staff Report as Exhibit 6.

(15) On June 20, 2006, a letter was sent by Orange City's legal staff stating that the City would not provide additional information necessary to review of the proposed amendment as agreed upon at the May 3, 2006 meeting. This June 20, 2006, letter is attached to the Staff Report as Exhibit 7.

(16) Based upon the City's failure to provide any of the requested materials within the 60-day continuance period, VGMC planners once again submitted a staff report recommending denial of the proposed amendment at the June 28, 2006, hearing due to insufficient information.

(17) At the June 28, 2006, VGMC hearing, Orange City requested a continuance of the application until the next VGMC hearing scheduled August 23, 2006. A summary of the conditions of continuance as approved by the VGMC are attached to the Staff Report as Exhibit 8. At the June 28, 2006, hearing it was agreed that only the 100 vacant acres, as described in the City's application, would be analyzed for transportation impacts. A map of the 100 vacant acres is attached to the Staff Report as Exhibit 9

(18) Utilizing all the information submitted by the applicant, the VGMC used the following factors as stated in Volusia County Code Section 90-37.c to determine whether the proposed plan amendments adversely affect intergovernmental cooperation and coordination. These factors are:

- (1) *The extent to which the plan, element, or plan amendment provides for areawide or central utility service solutions;*
- (2) *The extent to which the plan, element, or plan amendment provides for areawide or regional transportation solutions;*
- (3) *The extent to which the plan, element, or plan amendment causes or may reasonably be anticipated to cause significant adverse impacts on infrastructure beyond the boundaries of one jurisdiction;*
- (4) *The extent to which the plan, element, or plan amendment causes or may reasonably be anticipated to cause significant adverse impacts on natural resources which extend beyond the boundaries of one jurisdiction;*
- (5) *The extent to which the plan, element, or plan amendment provides for the coordination of the timing and location of capital improvements in a manner to reduce duplication and competition; and*

(6) *The existence of an agreement among all substantially affected local governments, substantially affected parties (if any) and the applicant, which provides for all said governments' consent to the application. If the commission determines that such an agreement exists for any given application, then it shall be rebuttably presumed that said application does not adversely affect intergovernmental cooperation and coordination.*

(19) Per Section 90-37.d, Volusia County Code, "For purposes of determining consistency under this section,...the plan amendment and the comprehensive plans against which it is compared and analyzed shall be construed as a whole and no specific goal and policy shall be construed or applied in isolation from the other goals and policies in the plans."

(20) If the proposed amendments are certified, VGMC calculates the net increase in development entitlements as found in the tables below.

Properties with Existing City FLUM Designations						
From		To		Acreage	Net Increase	
Residential	Non-Residential	Residential	Non-Residential		Residential (DU)	Non-residential (sq. ft.)
593	0	742	0	148.3	148	0
1,250	0	1,876	0	104.2	625	0
0	257,004	0	514,008	23.6	0	257,004
Totals					774	257,004

Annexed Properties						
From		To		Acreage	Net Increase	
Residential	Non-Residential	Residential	Non-Residential		Residential (DU)	Non-residential (sq. ft.)
0	0	28	0	6.9	28	0
56	0	56		14.0	0	0
533	0	667	0	133.3	133	0
20	0	0	66,647	5.1	-20	66,647
1	0	0	2,178	0.2	-1	2,178
116	0	70	0	5.8	-46	0
78	0	0	42,471	3.9	-78	42,471
0	292,941	0	292,941	26.9	0	0
0	0	0	0	9.5	0	0
Totals					15	111,296

Total Net Increase in Development Entitlements	
Residential Dwelling Units	Non-residential Sq. Ft.
789	368,300

(21) If certified, the proposed FLUM amendments would result in a net entitlement increase of 789 residential dwelling units and 368,300 square feet of non-residential uses. These entitlements fall just short of the adopted Development of Regional Impact (DRI) thresholds as required in Section 380.0651 of the Florida Statutes.

(22) As specified in the Future Land Use Element of Orange City's Comprehensive Plan, the MX designation shall be allowed only where utilities and transportation system capabilities are adequate to support the uses. New development occurring within the areas designated as MX shall be reviewed and rezoned as a Planned Unit Development (PUD) that complies with all applicable requirements of the City's Land Development Code. Land uses within the City's Mixed Use area shall comply with the percentages and densities/intensities specified in the following table, included in the City's Future Land Use Element:

MIXED-USE LAND USE PERCENTAGES AND DENSITY/INTENSITY

Land Use	Minimum Percentage*	Maximum Percentage*	Maximum Density/Intensity
Single Family-Residential	20%	50%	2.05 to 5.0 du/ac
Multi-Family Residential	20%	50%	5.08 to 18 du/ac
Commercial, Industrial and Office	35%	65%	0.50 FAR
Institutional/Civic Use	15%	45%	0.35 FAR

*These mixed uses apply to the entire Mixed Use area, rather than on a parcel-by-parcel basis.

(23) Should the proposed amendments be certified, the result would be an additional 419 acres of MX designated properties within Orange City. Based on previous VGMC Resolutions, all PUDs within the MX district must be submitted to the VGMC for consistency review. This requirement allows VGMC and all adjacent jurisdictions the additional opportunity to review development/re-development of the MX portions of an amendment for specific impacts at the time of rezoning.

(24) Since the potential for Orange City's proposed Future Land Use Map amendments to negatively impact Volusia County's road network has become the primary concern associated with this application, VGMC Consistency Criteria 2 & 3, which read as follows, were the focus of the VGMC review.

Criteria 2: The extent to which the plan, element, or plan amendment provides for area wide or regional transportation solutions;

Criteria 3: The extent to which the plan, element, or plan amendment causes or may reasonably be anticipated to cause significant adverse impacts on infrastructure beyond the boundaries of one jurisdiction;

(25) Utilizing all the information submitted by the applicant, the VGMC used the above criteria, as stated in Volusia County Code Section 90-37(c), to determine whether the proposed future land use map amendment adversely affects intergovernmental cooperation and coordination. Upon analysis, it was determined that the proposed

amendment is inconsistent with criteria 2 & 3 as cited in Volusia County Code Section 90-37(c).

(26) Orange City and Volusia County Transportation Planning staff met to discuss transportation study methodology and potential solutions to the aforementioned issues. As a result of these meetings, the following transportation impact analysis methodology criteria were established:

(a) It was agreed that the City had resolved the Florida Department of Transportation (FDOT) concerns along US 17/92, SR 472, and Interstate 4. Given this finding, the City's transportation analysis will focus on the County/City transportation network.

(b) A transportation analysis of the proposed amendment's one hundred (100) vacant acres, as described in the City's application, will be done under three (3) scenarios. They are as follows:

(i) 100 acres – Commercial/Retail (0.5 FAR) [DCA worst case – highest used

(ii) 100 acres – Commercial/Retail (0.25 FAR) [City worst case – historical FAR

(iii) 100 acres – Mixed Use

- Parcels A+B+C (67 acres) @ Commercial/Retail (0.25 FAR)
- Parcel D (1.7 acres) @ multi-family (proposed Liberty Square)
- Parcels E+F (30.6 acres) @ single family residential

(c) Entitlements for the existing FLUM designation will be subtracted from the entitlements for the proposed FLUM designation to determine net increase in trips. Only new trips will be analyzed on the transportation network. This is similar to FDOT methodology.

(d) The City's traffic engineer will incorporate vested trips for the Victoria Park DRI and SWAC DRI (Phase I only 45,500 trips).

(e) Planning horizon will be both 2010 (City comprehensive plan) and 2014 (Department of Community Affairs).

(f) Historical traffic counts and growth rates were provided to the City by the County. It was agreed that the City's transportation engineer will use 2004 AADT as the start year. Also, it was determined that a 2.0% minimum growth rate would be used on all transportation networks.

SECTION 2. CONCLUSIONS OF LAW AND CERTIFICATION OF INCONSISTENCY.

A. Volusia County Code, Section 90-37(e), states that "The Commission may deny certification where any applicant has failed to establish, by a preponderance of the evidence, its entitlement under this ordinance to the certificate." Based on the lack of consistency with VGMC criteria item (2), the Volusia Growth Management Commission concludes that the amendment, as proposed, is not consistent with the plans of affected jurisdictions, and further concludes that the proposed plan amendment would adversely impact adjacent jurisdictions based on the criteria of consistency as established in Volusia County Code. Such a conclusion results in a recommendation of denial.

B. However, there are conditions that may be placed upon the certification of this amendment, such that Application (VGMC No. 2005-075) and the comprehensive plan amendment contained therein can be conditionally certified consistent. The Volusia Growth Management Commission therefore elects to approve VGMC Application No. 2005-075, with conditions as follows:

1. Adoption of the proposed amendment shall require any future development under the Mixed Use (MX) FLUM designation to be processed as a Planned Development and include details regarding the proposed use on the subject property. The proposed Planned Development will be subject to review by both the VGMC and Volusia County as required by VGMC Resolution 89-04 and 89-05.

2. As adopted in the Orange City Comprehensive Plan, the following table detailing the mixture and distribution of land uses with the Mixed Use (MX) FLUM designation shall be implemented and all property proposed to be MX as part of this application shall be included as part of the City's application of this table, as it relates to all properties within the City of Orange City designated as MX:

MIXED-USE LAND USE PERCENTAGES AND DENSITY/INTENSITY

Land Use	Minimum Percentage*	Maximum Percentage*	Maximum Density/Intensity
Single Family-Residential	20%	50%	2.05 to 5.0 du/ac
Multi-Family Residential	20%	50%	5.08 to 18 du/ac
Commercial, Industrial and Office	35%	65%	0.50 FAR
Institutional/Civic Use	15%	45%	0.35 FAR

*These mixed uses apply to the entire Mixed Use area, rather than on a parcel-by-parcel basis.

3. Within one (1) year from the date of adoption of this Resolution, Orange City shall enter into an interlocal agreement with Volusia County to identify appropriate transportation review methodologies and necessary financially feasible funding strategies for roadway improvements where Orange City's developments are anticipated to significantly and adversely impact County and State roadways. The determination of financial feasibility for any necessary funding strategies shall be as provided in Sections 163.3177(2) and (3), Florida Statutes. An executed copy of the interlocal agreement shall be submitted to the VGMC to document compliance with this condition.

4. Within one (1) year from the date of adoption of this Resolution, Orange City will implement a concurrency management system to track approved development trips on Federal, State, County, and City roadways to ensure Level of Service standards do not significantly degrade below their adopted Level of Service standard.

5. Approved development trips on Federal, State, and County roads will be provided to the surrounding local jurisdictions and the Volusia County MPO, if requested.

C. Any proposed changes or amendments to Orange City's Comprehensive Plan in response to a FDCA Notice of Intent to Find in Compliance must be resubmitted as an application for Plan Amendment to the Volusia Growth Management Commission.

D. Failure to comply with any of the conditions of Certification shall result in an automatic revocation of this certification, thereby rendering the City's Comprehensive Plan unenforceable.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

RESOLVED this 23rd day of August, 2006.

VOLUSIA GROWTH MANAGEMENT COMMISSION

By: Gerald Brandon
Gerald Brandon, Chairman

ATTEST:

Joan Lee
Joan Lee, Secretary

FILED WITH THE SECRETARY THIS 23rd DAY OF AUGUST, 2006.

Merry Chris Smith
Merry Chris Smith, VGMC Coordinator

VGMC ROLL CALL VOTE

Date: 8/23/06

MOTION made by Joan Spinney to approve Resolution 2006-06 as amended; seconded by James Kerr.

	Member	City Population	Weighted Percentage	Present	Vote	
					Yes	No
DAYTONA BEACH	Vacant	65,088	13.21%	--	--	
DB SHORES	Robert Pascoe	4,661	0.95%	Y	X	
DeBARY	Jay Erndl	18,222	3.70%	Y	X	
DeLAND	Vacant	25,055	5.09%	N	--	
DELTONA	Rebecca Mendez	82,973	16.84%	N	--	
EDGEWATER	Karen Hall	21,156	4.29%	Y	X	
HOLLY HILL	John Heaphy	12,620	2.56%	Y	X	
LAKE HELEN	Ed Blackman	2,847	0.58%	N	--	
NEW SMYRNA	Sally MacKay	22,025	4.47%	Y	X	
OAK HILL	Vacant	1,922	0.39%	N	--	
ORANGE CITY	James Kerr	8,854	1.80%	Y	X	
ORMOND BEACH	Gerald Brandon	39,753	8.06%	Y	X	
PIERSON	Vacant	2,633	0.53%	N	--	
PONCE INLET	Ann Caneer	3,247	0.66%	Y	X	
PORT ORANGE	Donna Steinebach	54,630	11.09%	N	--	
SOUTH DAYTONA	Joan Spinney	13,955	2.83%	Y	X	
UNINCORPORATED AREA*		113,061	22.95%*			
	Suzanne Steiner		4.59%	Y	X	
	Joan Lee		4.59%	Y	X	
	Rachel Sieg		4.59%	Y	X	
	Tony Cole		4.59%	Y	X	
	Douglas Weaver		4.59%	Y	X	
TOTAL:		492,702	100.0%	52.27%	52.27%	0%

Affirmative votes required: 8
 Total weighted vote required: 26.19%

RESULT: Motion carried unanimously representing 52.27% of the weighted vote.