



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT  
PLANNING AND DEVELOPMENT SERVICES DIVISION  
CURRENT PLANNING ACTIVITY**  
123 W. Indiana Avenue, DeLand, FL 32720  
(386) 736-5959

**PLDRC HEARING:** April 11, 2017 - Planning and Land Development Regulation Commission (PLDRC)

**CASE NO:** Z-17-029

**SUBJECT:** Rezoning from R-3 Urban Single-Family Residential and R-4 Urban Single-Family Residential to R-4 Urban Single-Family Residential

**LOCATION:** 107 Heron Dunes Drive, Ormond Beach

**APPLICANT:** Vincent & Effie Ritacco, owners

**OWNER:** Same

**STAFF:** Scott Ashley, AICP, Senior Zoning Manager

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## **I. SUMMARY OF REQUEST**

The applicant's property is an 8,960 square foot lot in the Ormond-by-the-Sea area. It is split zoned with the R-3 and R-4 zoning classifications. The request is to apply the R-4 zoning classification to the entire lot area. This application addresses a nonconforming zoning condition, and will enable development of the property without having to meet a setback requirement from an internal zoning classification boundary. The property is located in the Ormond-by-the-Sea area.

Staff Recommendation: Forward to the county council with a recommendation of approval.

## II. SITE INFORMATION

1. Location: North side of Heron Dunes Drive approximately 100 feet east of its intersection with John Anderson Drive, Ormond Beach.
2. Parcel No: 3208-02-00-0430
3. Property Size: 8,960 ± square feet
4. County Council District: 3
5. Zoning: R-3 Urban Single-Family Residential and R-4 Urban Single-Family Residential Classification
6. FLU Designation: Urban Low Intensity (ULI) and Urban Medium Intensity (UMI).
7. ECO Map: No
8. NRMA Overlay: No
9. Adjacent Zoning and Land Use:

Direction	Zoning	Future Land Use	Existing Use
North	R-3 and R-4	ULI and UMI	Single-family dwelling
East	R-4	UMI	Single-family dwelling
South	R-3 and R-4	ULI and UMI	Single-family dwelling
West	R-3	ULI	Single-family dwelling

### 10. Location Maps



**LOCATION/ZONING MAP**



**AERIAL MAP**

### III. BACKGROUND

The subject property is situated on the east side of John Anderson Drive, which is a major north-south roadway in the North Peninsula area known as Ormond-by-the-Sea. The community of Ormond-by-the-Sea is a suburbanized area of unincorporated Volusia County situated on a peninsula between the Atlantic Ocean and the Halifax River. Generally, the community is a concentration of low and medium density single-family subdivisions, and a mixture of medium and high intensity/density multi-family developments along the Ocean Shore Boulevard corridor.

Immediate development consists of single-family dwellings situated to the north, south and east in the Pelican Dunes Subdivision. The 51-lot subdivision extends from John Anderson Drive to within 140 feet of Ocean Shore Boulevard. Pelican Dunes is nearly built-out. The R-3 zoning classification is situated along both sides of the John Anderson Drive corridor, while R-4 zoning classification extends eastward to Ocean Shore Boulevard. Most of the subdivision lots exceed the minimum 75-foot lot width and 7,500 square foot lot area requirements of the R-4 classification, however, only those lots fronting on John Anderson Drive meet the R-3 classification minimum lot size requirement.

The property is overlaid with the R-3 and R-4 zoning classifications. According Section 72-136(10) of the zoning ordinance, where boundaries, other than Resource Corridor boundaries, split existing lots, parcels or other tracts of land, the minimum yard and other requirements of the respective zoning classifications shall be measured from the classification boundary. Based on the lot size, meeting an internal and external building setback will make lot development impossible given the small size of the lot. Rezoning to a single zoning classification will enable the lot to be developed.

### IV. REVIEW CRITERIA AND ANALYSIS

REZONING CRITERIA - Section 72-414(e) of the zoning code includes the following criteria the Commission and Council shall consider during the review of a rezoning application:

***(1) Whether it is consistent with all adopted elements of the comprehensive plan.***

The property has ULI and UMI future land use designations in place with adoption of the 1990 Future Land Use Map. R-3 and R-4 classifications are compatible with the ULI designation. However, only the R-4 zoned area is consistent with the 1990 adopted comprehensive plan because the potential density allowance of the R-4 is consistent with the mandated UMI density range.

The Comprehensive Plan does not contain specific policies relating to the particular requested rezoning application. The single-family dwelling use is consistent with both urban land use designations. The Growth and Resource Management staff will administratively shift the Urban Medium Intensity land use designation to fully cover the subject property with a single land use designation necessary to accommodate the applicant's proposed rezoning.

The proposed R-4 zoning is consistent with the adopted UMI future land use designation.

**(2) *Its impact upon the environment or natural resources.***

Approval of the requested rezoning will not affect the environment, as the property is not situated in an area requiring special environmental review, is not in a 100-year floodplain, nor does it contain soils that are poor for development.

**(3) *Its impact upon the economy of any affected area.***

This requested change in zoning will have no impact upon the economy of the affected area. This lot is part of a platted subdivision approved for single-family use and is compatible with the zoning and use of the surrounding area.

**(4) *Notwithstanding the provisions of division 14 of the Land Development Code [article III], its impact upon necessary governmental services such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste or transportation systems.***

This rezoning should have minimal impact on governmental services as the impact has already been reviewed when the subdivision was approved in the middle 1990's.

**(5) *Any changes in circumstances or conditions affecting the area.***

There have been no significant changes to the area.

**(6) *Any mistakes in the original classification.***

There are no mistakes in the property's zoning classification as the R-3 and R-4 zoning boundary have been in place since 1980, before approval of the Pelican Dunes subdivision.

**(7) *Its effect upon the use or value of the affected area.***

The zoning amendment should have no effect on the use and value of the single-family zoned area.

**(8) *Its impact upon the public health, welfare, safety, or morals.***

This rezoning will not negatively impact the public health, welfare, safety or morals of the citizens of Volusia County.

**V. STAFF RECOMMENDATION**

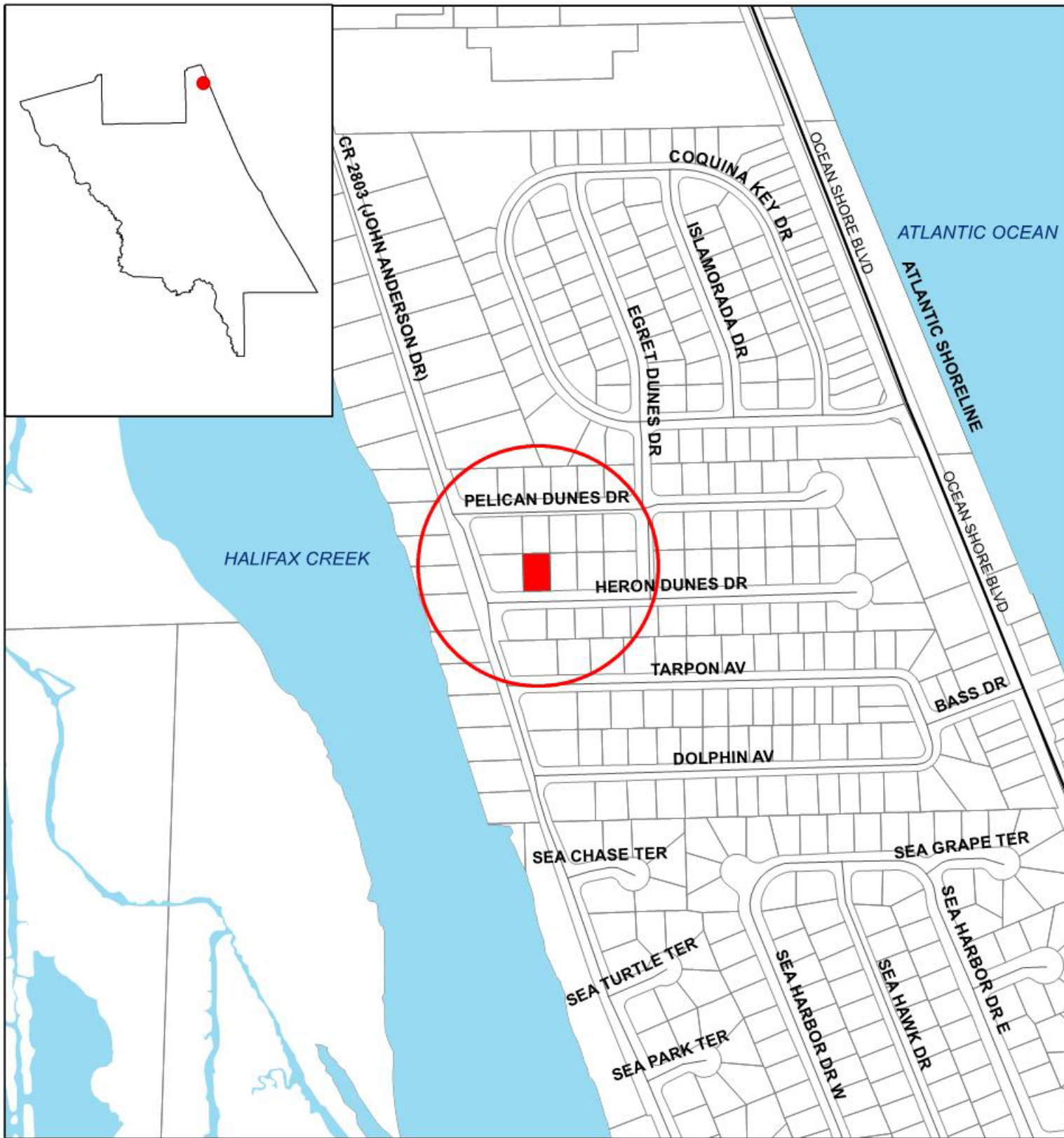
Staff finds the requested rezoning meets the specified criteria for considering a rezoning application. Therefore, staff recommends that the PLDRC forward this request for rezoning from R-3 Urban Single-Family Residential and R-4 Urban Single-Family Residential to R-4 Urban Single-Family Residential to the county council with a recommendation of approval.

## **VI. AUTHORITY AND PROCEDURE**

Pursuant to Section 72-414, the County Council shall hold a public hearing after due public notice on all recommendations from the commission. It may accept, reject, modify, return, or seek additional information on those recommendations. No approval of a rezoning application shall be made unless, upon motion, four members of the county council concur. The county council will thereafter forward its decision to the applicant.

Any new information presented at the planning and land development regulation commission for any application will be grounds to continue an application to the next planning and land development regulation commission. Applicants shall inform and provide staff with the new information prior to the planning and land development regulation commission.

Any new information presented at the county council meeting not previously presented to the planning and land development regulation commission for any application will be grounds to return an application to the planning and land development regulation commission for further review. Applicants shall inform and provide staff with the new information prior to the council meeting.



**REQUEST AREA LOCATION**

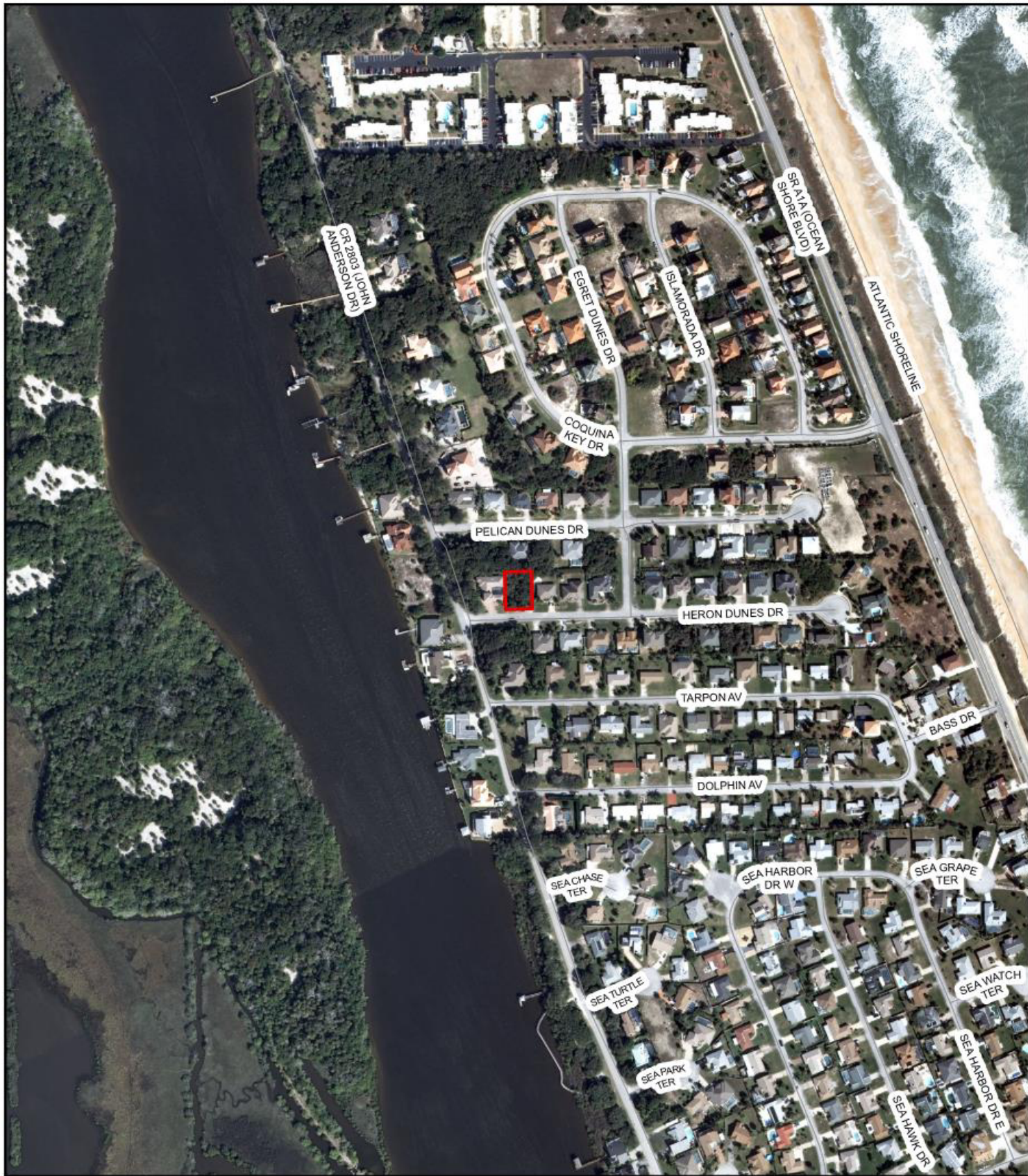


**FROM: R-3/R-4  
TO: R-4**

1" = 400'

**REZONING  
CASE NUMBER  
Z-17-029**





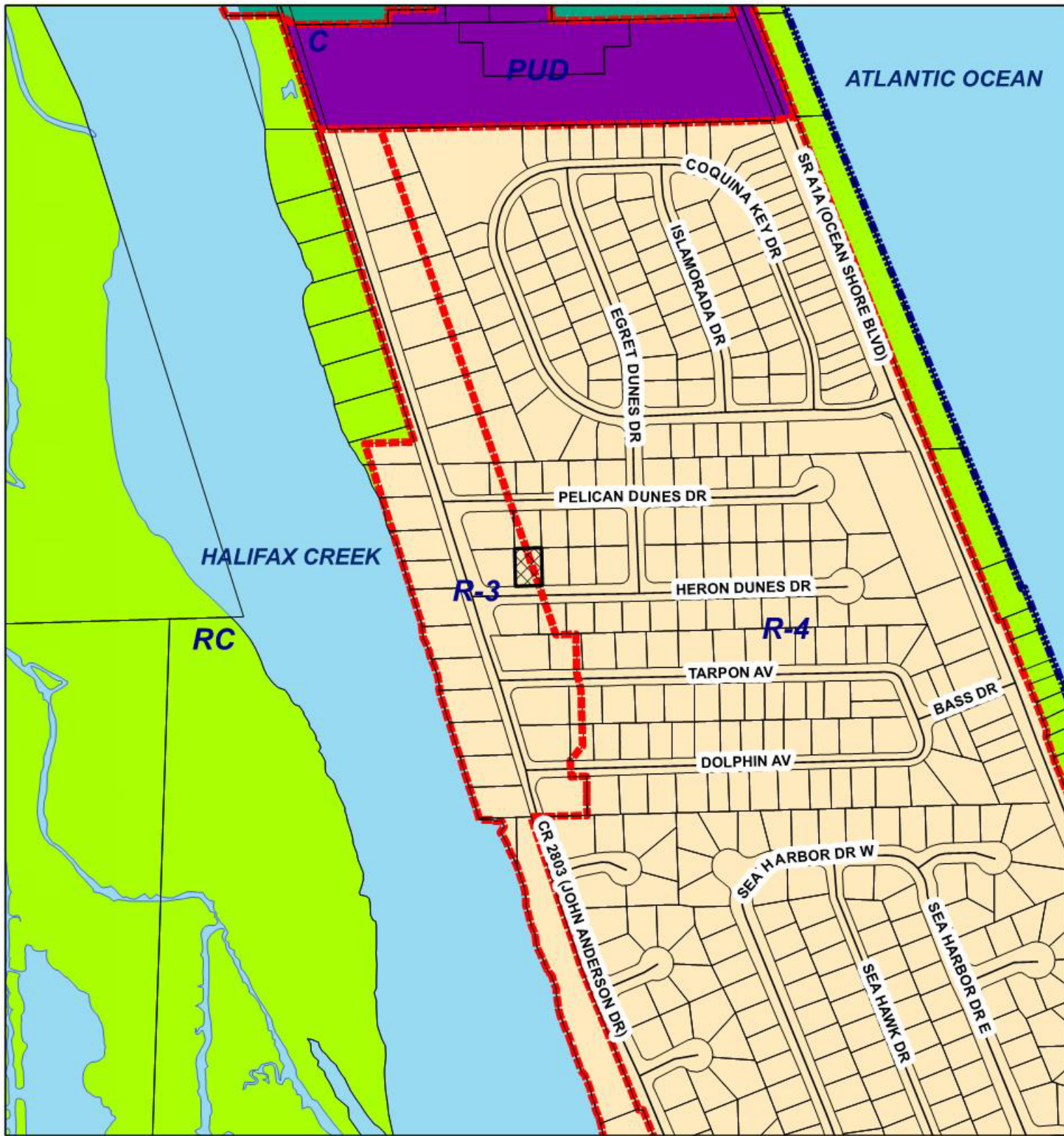
**AERIAL 2015**

**FROM: R-3/R-4  
TO : R-4**

**1"= 400'**

**REZONING  
Z-17-029**

**REQUEST AREA**



**ZONING CLASSIFICATION**

- CONSERVATION
- PLANNED UNIT DEVELOPMENT
- RESIDENTIAL
- RESOURCE CORRIDOR
- REQUEST AREA

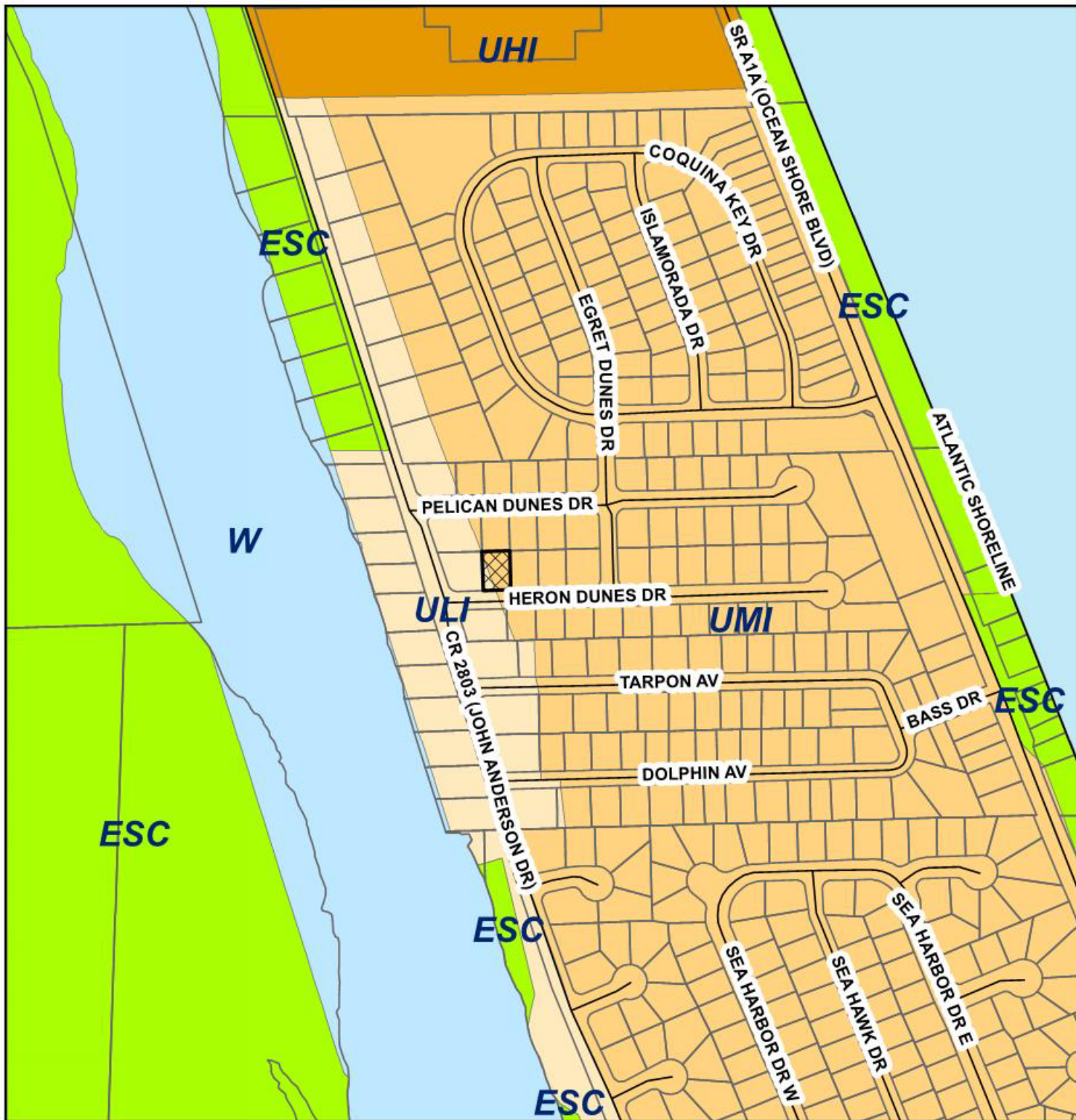
1" = 400'



**REZONING CASE NUMBER**

**FROM: R-3/R-4  
TO: R-4**

**Z-17-029**



**FUTURE LAND USE DESIGNATION**

- AGRICULTURE RESOURCE
- FORESTRY RESOURCE
- ENVIRONMENTAL SYSTEMS CORRIDOR
- RURAL

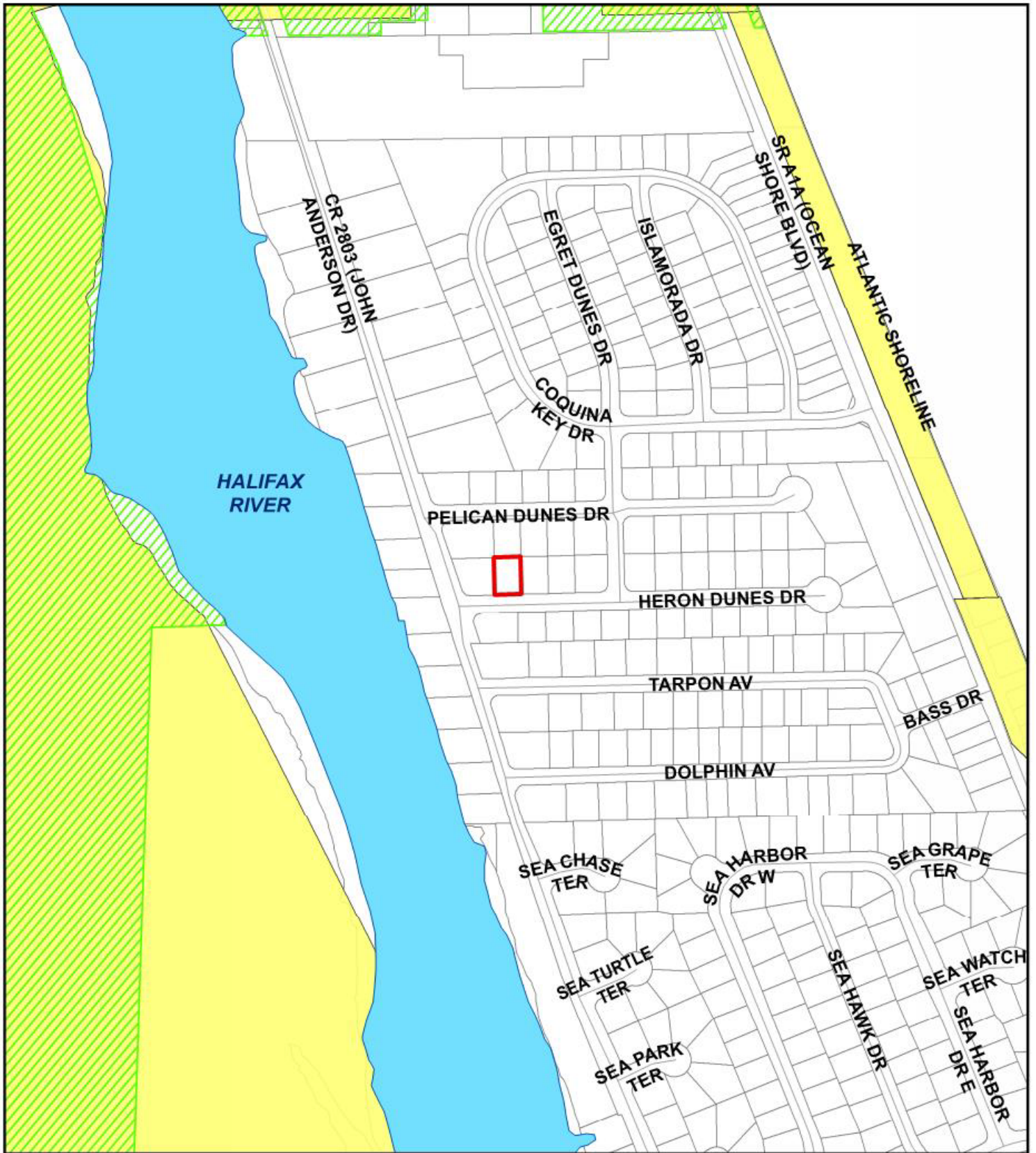
REQUEST AREA

1" = 400'



**REZONING CASE NUMBER**  
**Z-17-029**

**FROM: R-3/R-4**  
**TO: R-4**



**ECO/NRMA**

1" = 400'

**REZONING**



ECO



NRMA

**Z-17-029**

**FROM: A-1, FR & RC  
TO: P, & RC**



**REQUEST AREA**