



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, August 27, 2015

Time: 5:00 PM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Pledge of Allegiance
2. Silent Invocation
3. Roll Call

B. DISCUSSION/ACTION

4. Consideration of Minutes
5. Case No. 15-52000001
UPDATE TO APPROVED FINAL PLAT AND PLANS/Pinnacle II Subdivision
East of Williamson Blvd., north of Sterling Chase Subdivision

An update on the minor changes to the Pinnacle, Phase II Subdivision Final Plat and Plans approved in 2006.

Staff Contact: Tim Burman 506-5675/tburman@port-orange.org

6. Case No. 15-25000002
LDC TEXT AMENDMENT/Medical Marijuana Related Uses

Amendment to Chapters 2, 12, 17, and 18 of the Land Development Code (LDC) related to medical marijuana. The proposed amendments include adding definitions related to medical marijuana; adding parking ratio for medical marijuana uses; adding medical marijuana dispensaries as a Special Exception use in the Community Commercial zoning district; adding medical marijuana cultivation and medical marijuana processing facilities as Special Exception uses in the Commercial Industrial and Light Industrial zoning districts; and establishing special development requirements for these Special Exception uses.

Staff Contact: Penelope Cruz 506-5671/pcruz@port-orange.org

C. OTHER BUSINESS

7. Development Activity Report
8. Commissioner Comments
9. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **PLANNING COMMISSION** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

PLANNING COMMISSION MEETING MINUTES
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
COUNCIL CHAMBERS
JULY 23, 2015

THE REGULAR MEETING OF THE PLANNING COMMISSION of the City of Port Orange was called to order by Chairman Frank Crooks at 5:00 p.m.

Pledge of Allegiance

Silent Prayer

ROLL CALL: Present: Chairman Frank Crooks
Commissioner Michael Arminio
Commissioner John Junco
Commissioner Sonya Laney
Commissioner Richard Barker
Commissioner Thomas Jordan
Commissioner Lance Green

Also Present: Matthew Jones, Assistant City Attorney
Tim Burman, Planner
Kenny Ho, Community Development Engineer
Theresa Gutierrez, Deputy City Clerk

CONSIDERATION OF MINUTES

Motion made by Commissioner Arminio, seconded by Commissioner Junco, to approve the minutes of June 25, 2015. Motion carried 7 – 0 upon roll call vote.

5. Case No. 15-90000002
VARIANCE/5216 Riverside Drive

A request for a variance from Chapter 18, Section 4(b)(5.5) of the Land Development Code (LDC) to allow a 2-foot rear building setback in lieu of the required 5-foot side building setback required by the LDC. If the variance is approved, the property owners are proposing to construct a garage apartment.

Staff Contact: Tim Burman 386-506-5675/tburman@port-orange.org

Commissioner Barker said that he met with the homeowner and the contractor.

Chairman Crooks, Commissioner Barker, and Commissioner Arminio all said they had went to the property beforehand.

Tim Burman, Planner, said this is a request for a variance from the Land Development Code (LDC) to reduce the side building setback from 5 feet to 2 feet. The property owner purchased the property back in 2014 with intent to restore the existing home and eventually construct a new garage behind the house with an apartment. According to the applicant, the major reason for the variance request is due to the location of the existing driveway and the house. The applicant is seeking to have the garage in line with the existing driveway to help maneuver into the garage. Based on the findings of the report, Staff recommends denial of the variance request from Chapter 18, Section 4(b)(5.5) LDC to allow a 2-foot side-building setback in lieu of the 5-foot setback required by the LDC.

Commissioner Jordan asked if the building proposed can be built on the property with the 5-foot setback. Mr. Burman said yes. Additional trees may need to be removed for the building to be constructed.

Commissioner Laney asked what the financial ramifications and/or obligations that the property owner would have to do if the 5-foot setback was approved with the trees being removed. She asked if there are any mitigation obligations needing to be met. Mr. Burman said there are a significant amount of trees. The property owner would be required to pull a tree permit and remove the trees on their own.

Commissioner Green expressed concern for the natural flow of water. He asked if there was a change of grade permit ever pulled on the property. Mr. Burman said yes. There was a recent change of grade permit pulled for the back part of the property.

James S. Morris, P.A., applicant, introduced himself to the Commissioners. Discussion was held regarding the natural flow of water. Mr. Morris said Staff advised that they would need to angle the driveway so the drainage will go to the east. Mr. Morris said they were able to move the driveway over far enough from the property lines to meet requirements of the setbacks from the property line. Mr. Morris is requesting the variance for the garage to be able to have cars go in on the western and eastern side so the traffic flows through. According to the applicant, the setback has no harm to the impact of the property.

Commissioner Green asked if the lot is unified. Mr. Morris said yes. The red outline on the map that was provided in the agenda packet indicates the unified lot.

Commissioner Junco asked about the asphalt driveway. He wants to know if it is the same layout that exists or if it was altered. Mr. Morris said it has not changed. Commissioner Junco does not believe the driveway is centered with the building.

Richard Clay, Architect, introduced himself to the Commissioners. He said the existing driveway will satisfy the needs of the new garage. They have aligned the opening to accommodate the present driveway. Mr. Clay said there will be no problems.

Commissioner Barker asked about the existing slab and if it can be built on the slab as it stands now. Mr. Morris said yes. Commissioner Barker believes the whole structure needs to be moved over. He does not find a hardship with this variance request.

Motion made by Commissioner Arminio, seconded by Commissioner Jordan, to approve case no. 15-90000002.

Commissioner Green does not see the structure 2 feet off the property. He does not see any restraints that keep the building moving 2 or 3 feet because the lot is 600 feet long. He does not believe this is fair to the neighbor with the building being 2 feet off the property line. He questioned the maintenance portion of the building.

Commissioner Laney said she does not have a problem with the variance request.

Commissioner Barker does not believe this is a hardship case.

Commissioner Jordan cannot find anything to justify approving the variance request.

Commissioner Arminio agreed with Commissioner Jordan.

Bill Armstrong, citizen, said the trees are valuable trees. He does not want to see the two (2) oak trees taken down.

Motion failed 2 – 5 upon roll call vote with Chairman Crooks, Commissioner Barker, Commissioner Green, Commissioner Junco, and Commissioner Jordan voting no.

C. OTHER BUSINESS

6. Development Activity Report

No discussion was held regarding the Development Activity Report.

7. Commissioner Comments

Discussion was held regarding the size of the new Goodwill sign.

Commissioner Jordan asked when the Ridgewood paving will be complete. Kenny Ho, Community Development Engineer, introduced himself to the Commissioners. Mr. Ho said the paving should be completed in September.

8. Staff Comments

There were none.

D. PUBLIC COMMENTS

There were none.

E. ADJOURNMENT: 6:16 p.m.

Chairman Frank Crooks



STAFF REPORT

PINNACLE PHASE II SUBDIVISION PLAT AND PLANS CASE NO. 15-52000001

REQUEST:	Update on minor changes to the Pinnacle, Phase II Subdivision Plat and Plans
LOCATION:	East of the Pinnacle, Phase I Subdivision
OWNER/APPLICANT:	JPSP Investments, Inc.
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Tim Burman, Planning Manager (386) 506-5675
PLANNING COMMISSION:	August 25, 2015

In 2006, the City Council approved the Final Plat and Plans for a 29.7 acre subdivision. The subdivision consisted of 67 individual single-family lots, new private rights-of-way, a portion of Martin Road, and common area for open space, conservation, and stormwater retention. The property owner intends to record the plat and begin construction of single-family homes on the lots in late 2015.

The property owner has requested minor changes to the plat approved by City Council in 2006. According to the Land Development Code, minor changes to a plat that has not been recorded must be reviewed through the same process as the original review of the plat. Therefore, the proposed minor changes to the plat and plans will need to be reviewed by the Planning Commission and reviewed and approved by City Council before they can be recorded.

The plat and plans were modified to comply with the new St. Johns River Water Management District (SJRWMD) stormwater pre-treatment regulations. To meet the new requirements, property previously shown as residential lots has been redesigned as area for stormwater treatment. The minor changes to the plat and plans are as follows:

1. Removed 4 lots shown on the 2006 plat and plans (Lots 104, 105, 114, and 130) to add dry detention areas to comply with the new SJRWMD regulations;
2. Modified the size of the wet detention areas to comply with the new SJRWMD regulations; and
3. Added one lot (Lot 127) on the east side of Victory Lane, near the end of the cul-de-sac. The modifications result in the net loss of 3 single-family lots and this phase now consists of 64 individual single-family lots.

RECOMMENDATION:

Approval of the proposed minor changes to the Pinnacle, Phase II Plat and Plans approved by City Council in 2006.

ATTACHMENT:

1. Exhibit "A" – Location Map
2. Exhibit "B" – Updated Pinnacle, Phase II Subdivision Final Plat and Plans



A PORTION OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33
EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA

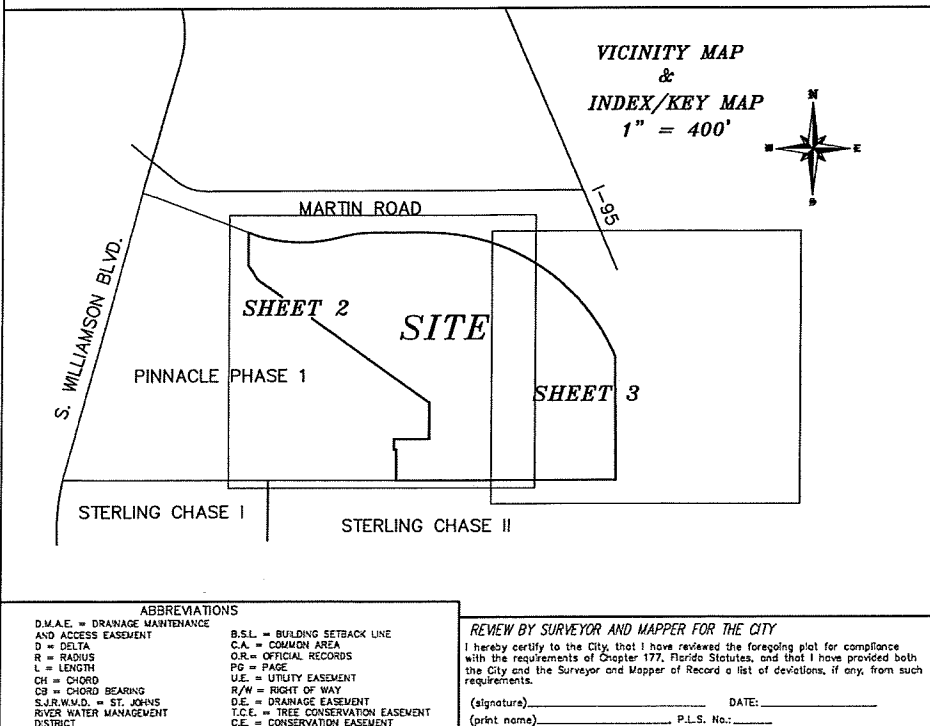
- GENERAL NOTES**
1. Monumentation
 - Denotes Permanent Reference Monument found
 - ✕✕ concrete monument stamped "PRU LB3019"
 - ◆ Denotes Permanent Reference Monument set
 - ✕✕ concrete monument stamped "PRU LB3019"
 - Denotes Permanent Control Point set
 - Metals disk stamped "PCP LB3019".
 - 1 Denote point of curvature.
 2. Dimensions shown are in feet and decimals thereof.
 3. All lines adjacent to curves are radial unless otherwise noted.
(NR) = Denotes a line not radial relative to adjacent curve.
 4. Accuracy
 - The boundary linear error of closure does not exceed 1:10,000.
 - The boundary angular error of closure does not exceed 15 seconds multiplied by the square root of the number of angles turned.
 5. Bearings shown here on are relative to assumed datum and based record plot with the bearing on the north line of Sterling Chase P.U.D., Phase II, recorded in Map Book 10. Page 102-122, being N89°59'22"W.
- NOTE: All measurements refer to horizontal plane in accordance with the definition of the U.S. survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the 39.37/72=3.280833333333333 equation for conversion from a U.S. foot to meters.
7. Hereby this is recorded in its graphic form is the official depiction of the unadjudged lands described herein, and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat.
 8. There may be additional restrictions that are not recorded on this plat that may be found in the Public Records of Volusia County, Florida.
 9. This plat is subject to all easements of record and reservations of easements, including but not limited to drainage and utility easements dedicated herein which shall be located as shown on each other sheet related to the plat.
- Front lot line(s) and front tract line(s) (street frontage): 12.00 feet wide
9. Utilities include but are not limited to sanitary sewer, potable water, reclaimed water, storm drainage, electric, telephone, cable television, security, and natural gas.
 10. Utility easements provided on this plat include easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility.
 11. All other easements be subordinate to any conservation easements dedicated herein. There shall be no removal or disturbance of any vegetation within such conservation easements as herein proposed, until the construction of a conservation easement must be reviewed and approved by the City of Port Orange and any other authority having jurisdiction over the conservation easement.
- 12. Minimum Building Setbacks**
- | | |
|--|----------------------------|
| Front: | 25' |
| Rear - Lots 79-85, 108-112, 45' (25' Upland buffer plus 20' Upland buffer setback) | |
| 115-121, & 123-129 | |
| Rear - Remaining lots: | 20' |
| Side: | 25' |
| Side Corner: | 20' |
| Rear yard swimming pool: | 3' from upland buffer |
| Lots 79-85, 108-112, 115-121, & 123-129 | |
| Remaining lots: | 5' from rear property line |
| Rear yard pool enclosure: | 5' from upland buffer |
| Lots 79-85, 108-112, 115-121, & 123-129 | |
| Remaining lots: | 5' from rear property line |
| Maximum Building Coverage: | 60% |
| Minimum Open Space: | 30% of Lot |

13. The common areas granted to the Pineclaw of Port Orange Homeowners Association, Inc. by this plat shall be subject to easements as shown or described on the Declaration of Covenants, Restrictions and Easements for Pineclaw Phase 2. The granting of such common areas is not intended to grant any right to the general public.
14. The Pineclaw of Port Orange Homeowners Association, Inc. shall be responsible for the operation and maintenance of the drainage system serving the area within the boundaries of this plat, as depicted on the Plat of the Water Management District for the Development of the City of Port Orange, Florida. Should the association fail to perform the maintenance of the drainage and stormwater management system, the City of Port Orange may, at its sole cost of such maintenance, repair, and replacement, as deemed by the City to be necessary in the event of termination, dissolution or final liquidation of the Association, the responsibility for the maintenance and cost of such water or stormwater management system will be transferred to and accepted by an entity which complies with Section 404-42.027, F.A.C., and be approved by the St. Johns River Water Management District prior to termination, dissolution or liquidation.
15. The Pineclaw of Port Orange Homeowners Association, Inc. shall be responsible for maintaining all signs, fens, landscaping and irrigation in this plat, including the entrance to all official Records.
16. The Pineclaw of Port Orange Homeowners Association, Inc. shall be responsible for maintaining all roads, drives, sidewalks, parking, fitness trails, and other improvements located in the easements, roads or drives within this plat, including the entrance to all official Records.
17. The Articles of Incorporation for the Pineclaw of Port Orange Homeowners Association, Inc. dated August 19, 2008, are recorded in Official Records 45 through 50 of the Public Records of Volusia County, Florida. The Declaration of Covenants, Restrictions and Easements for Pineclaw are recorded in Official Records 45 through 50 of the Public Records of Volusia County, Florida, as amended by Official Records 48 through 50 through _____.
18. This plat subject to certain covenants and restrictions created by The Water Management District for the Development of the United States Government Agreement, recorded in Official Records Book 5088, Page 3609, public records of Volusia County, Florida.
19. Tree Conservation Easement as defined on this plat is for the express purpose of the preservation and longevity of the trees therein. Actions taken by the landowner to remove, damage, or otherwise harm trees herein are prohibited without the express permission of the City of Port Orange and/or the St. Johns River Water Management District. Nothing herein shall, however, be construed to prevent natural vegetation within the easement area from being cleared by hand to provide a nest, planting opportunities, or other actions which shall be construed to prevent the placement of soil, irrigation and landscape plants or to prevent normal low maintenance such as mowing, edging and weeding not harmful to the health of the trees. Any action proposed for removal of trees for proposed construction or other use within a conservation easement must be reviewed and approved by the City of Port Orange and any other authority having jurisdiction over the conservation easement.
20. Prior to transfer of any lot or other property encumbered by conservation easement in favor of St. Johns River Water Management District prior to August 1, 2010, the owner of said property shall file with the City, St. Johns Public Records of Volusia County, Florida, the Pineclaw of Port Orange Homeowners Association, Inc. and the residential lot property owner, a deed and assignment of interest in the property in accordance with the requirements of Section 404-1.612, Florida Administrative Code.
21. All requirements of the City of Port Orange for common open space for Pineclaw Phase I (Phase II have been satisfied) under the Development of the United States Government (Grant Concept) Plan (Official Records Book 5088, page 3609, at page 3627), et al.), provided the right to use property lying north of this plat. However, the Developer agrees to include the following for purposes of calculations:

A PORTION OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST,
VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF STERLING CHASE P.U.D., PHASE II AS RECORDED IN MAP BOOK 44, PAGES 120- 122, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THENCE RUN N89°59'32"W ALONG THE NORTH BOUNDARY OF SAID STERLING CHASE P.U.D., PHASE II, A DISTANCE OF 1022.40 FEET; THENCE N00°00'28"E, DEPARTING SAID NORTH BOUNDARY, 145.00 FEET; THENCE N89°59'32"W, A DISTANCE OF 11.22 FEET; THENCE N00°00'28"E, A DISTANCE OF 50.00 FEET; THENCE S89°59'32"E, A DISTANCE OF 161.71 FEET; THENCE N00°00'23"W, A DISTANCE OF 169.98 FEET; THENCE N54°27'07"W, A DISTANCE OF 989.31 FEET; THENCE N54°30'08"W, A DISTANCE OF 44.91 FEET; THENCE S89°59'32"E, A DISTANCE OF 35.92 FEET; THENCE N00°00'23"W, A DISTANCE OF 151.40 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF MARTIN ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 6379, PAGE 15, SAID PUBLIC RECORDS, AND THE BEGINNING OF A NON TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 700.00 FEET, A CENTRAL ANGLE OF 36°18'17", AND A CHORD BEARING OF S87°09'40"E; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY RIGHT OF WAY LINE, 443.03'08"W, A DISTANCE OF 44.91 FEET TO THE BEGINNING OF A NON TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF 151°42'3", AND A CHORD BEARING OF N82°18'23"E; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY RIGHT OF WAY LINE, 159.59 FEET; THENCE N89°55'35"E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 248.77 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 950.00 FEET, AND A CENTRAL ANGLE OF 65°10'58"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY RIGHT OF WAY LINE, 108.77 FEET; THENCE S24°53'27"E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 31.92 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA; THENCE S00°25'12"E, ALONG SAID EAST LINE, 578.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 29.706 ACRES, MORE OR LESS.



MAP BOOK _____ PAGE

KNOW ALL MEN BY THESE PRESENTS, THAT JSP INVESTMENTS LLC, A FLORIDA LIMITED LIABILITY COMPANY, BEING THE OWNER IN FEE SIMPLE OF THE LANDS SHOWN AND DESCRIBED HEREON AS BEING TRACTS 1 AND 2, BEING PART OF THE LANDS OF THE CITY OF PORT ORANGE, IN FLORIDA, HEREBY DEDICATES THE SAID LANDS AND PLAT FOR THE USES AND PURPOSES HEREON EXPRESSED, ACCESS EASEMENTS ON AND ACROSS ALL PRIVATE ROADS ARE HEREBY GRANTED TO THE CITY OF PORT ORANGE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, ORANGE, FLORIDA FOR EMERGENCY VEHICLES AND GOVERNMENT SERVICES, UTILITY EASEMENTS ACROSS, ON, OVER, THROUGH, AND UNDER ALL PRIVATE ROADS ARE HEREBY GRANTED TO THE CITY OF PORT ORANGE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITIES, ALL POTABLE WATER, RECLAIMED WATER, AND SANITARY SEWER MAINS CONSTRUCTED WITHIN THE AREA ENCOMPASSED WITHIN THE PLAT ARE DEDICATED TO THE CITY OF PORT ORANGE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITIES, EASEMENTS, AND CONSERVATION EASEMENTS, INCLUDING TREE CONSERVATION EASEMENTS, SHOWN OR DESCRIBED ON THE PLAT ARE, UNLESS OTHERWISE INDICATED, CITY OF PORT ORANGE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, ORANGE, FLORIDA, ARE GRANTED TO THE CITY OF PORT ORANGE, FLORIDA FOR THE INGRESS AND EGRESS OF EMERGENCY VEHICLES AND GOVERNMENT SERVICES, ALL DRAINAGE EASEMENTS SHOWN OR DESCRIBED ON THE PLAT ARE ALSO, UNLESS OTHERWISE INDICATED, GRANTED TO THE CITY OF PORT ORANGE, FLORIDA, FOR THE PURPOSES DESCRIBED IN THE GENERAL NOTES. TRACT 1 AS PRIVATE ROADS VICTORY LANE, WINGATE TRAIL AND JUSTICE COURT, AND TRACTS 1 AND 2 AS COMMON AREAS ARE HEREBY GRANTED TO THE PINNACLE OF FLORIDA, INC. FOR THE PURPOSES OF THE DEVELOPMENT AND CONSTRUCTION OF THE SUBDIVISION PLANS APPROVED BY THE CITY OF PORT ORANGE, FLORIDA.

IN WITNESS WHEREOF, VISCUM & ASSOCIATES, INC. HAS CAUSED THESE PRESENTS TO BE SIGNED, SEALED AND ATTESTED TO, BY THE PERSONS NAMED BELOW.

THIS _____ DAY OF _____, 20____

SIGNED AND SEALED IN THE PRESENCE OF:

PRINTED NAME: _____

PRINTED NAME: _____

PRINTED NAME: _____

PRINTED NAME: _____

PRINTED NAME: _____

PRINTED NAME: _____

STATE OF FLORIDA, COUNTY OF VOLUSIA
THIS IS TO CERTIFY THAT, ON _____ 20____
BEFORE ME, AN OFFICER DULY AUTHORIZED TO TAKE ACKNOWLEDGMENTS IN THE
FOREGOING COUNTY AFORESAID, PERSONALLY APPEARED _____
and _____ and _____ RESPECTIVELY
OF JSP INVESTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, EXECUTED THE
FOREGOING DECLARATION AND GENERALLY ACKNOWLEDGED THE EXECUTION
THEREOF FOR AND ON BEHALF OF SAID CORPORATION.
THEY (ARE) _____ (ARE NOT) _____ KNOWN TO ME OR
HAVE PRODUCED _____ AS IDENTIFICATION,
IN WITNESS WHEREOF, I HAVE HEREUNTO _____
SET MY HAND AND SEAL ON THE ABOVE DATE. _____ SEAL

NOTARY PUBLIC
STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES: _____
TITLE/RANK: _____
COMMISSION NUMBER: _____

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being a licensed and registered Surveyor and Engineer, does hereby certify that the plat shown and described herein, entitled PINNACLE PHASE 2 was prepared under my direction and supervision, that the plat complies with all of the survey requirements of Chapter 177, Florida Statutes, and that all monumentation shown herein or required per Chapter 177, Florida Statutes, has been properly placed.

(signature) _____ DATE: _____
J.E.ZAPERT, P.L.S. NO. 4046

SLIGER & ASSOCIATES, INC. CERTIFICATE OF AUTHORIZATION NO.: LB3019
3921 NOVA ROAD
PORT ORANGE, FLORIDA 32127

PREPARED BY: J.Z. ZAPERT FSM #1646

SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

3921 NOVA ROAD
PORT ORANGE, FL 32127
(386) 761-5385

www.sligerassociates.com

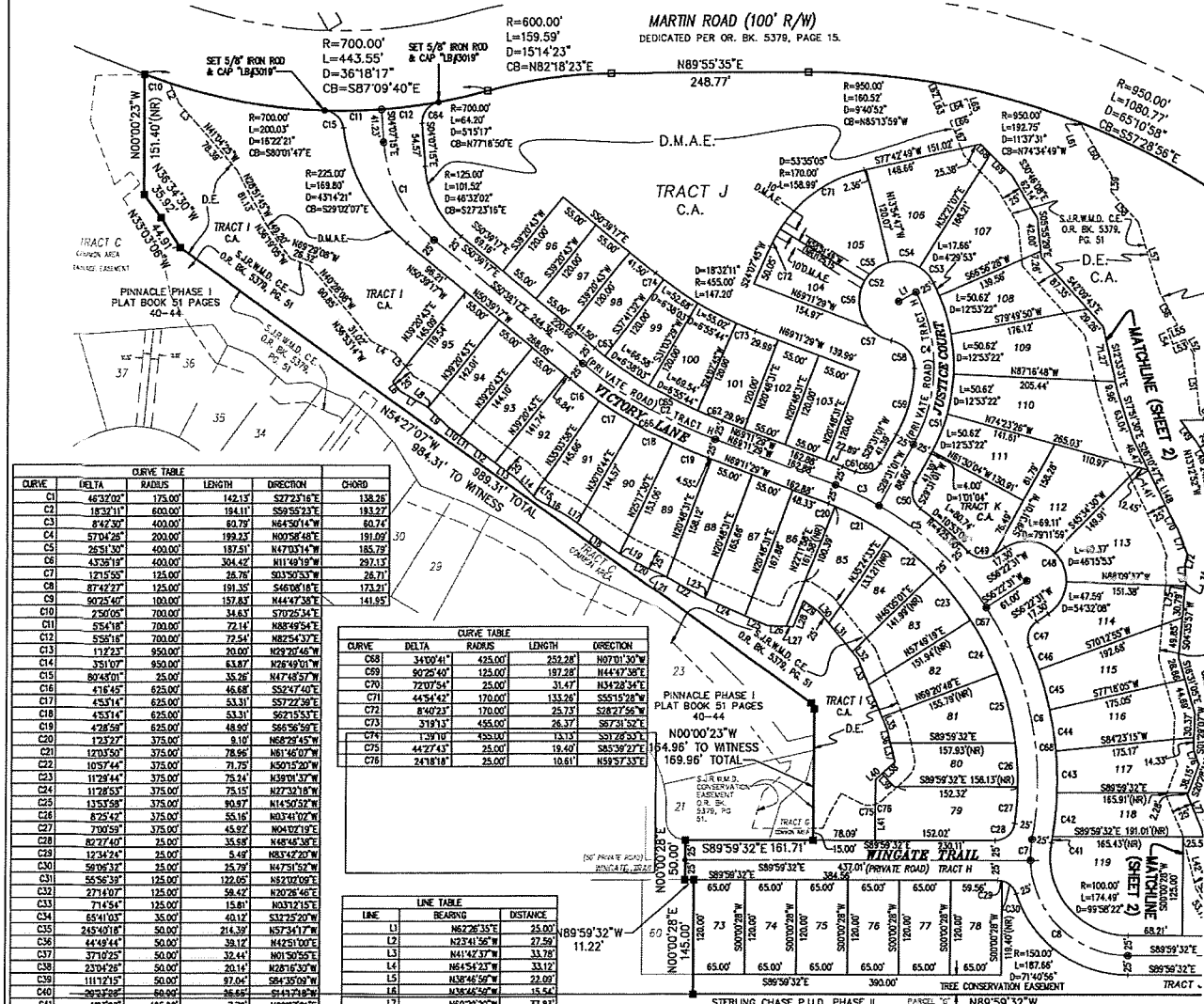
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SHEET 1 OF 3

PINNACLE PHASE II

A PORTION OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33
EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA

MAP BOOK PAGE



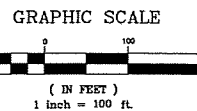
CURVE	DELTA	RADIUS	LENGTH	DIRECTION	CHORD
C1	46.3202°	175.00'	142.13'	S27°23'18"E	138.26'
C2	18.2311°	800.00'	194.11'	S89°55'23"E	183.27'
C3	84.232°	400.00'	82.72'	N45°43'04"W	80.72'
C4	57.0428°	200.00'	199.23'	N00°58'48"E	191.02'
C5	26.5130°	400.00'	187.51'	N47°03'14"W	185.78'
C6	43.3818°	400.00'	304.42'	N11°49'18"W	297.13'
C7	121.555°	125.00'	26.76'	S03°50'33"W	26.71'
C8	87.4227°	125.00'	191.35'	S46°08'18"E	173.21'
C9	90.2540°	180.00'	157.83'	N44°47'38"E	141.95'
C10	250.05°	700.00'	34.63'	S70°25'34"E	
C11	55.418°	700.00'	72.14'	N88°48'54"E	
C12	55.618°	700.00'	72.54'	N82°54'37"E	
C13	11.723°	850.00'	20.00'	N89°27'45"W	
C14	35.107°	850.00'	63.87'	N28°49'01"W	
C15	80.4501°	25.00'	35.26'	N47°48'57"W	
C16	418.45°	625.00'	46.68'	S52°47'40"E	
C17	45.314°	625.00'	53.31'	S57°22'39"E	
C18	45.314°	625.00'	53.31'	S57°22'39"E	
C19	42.582°	625.00'	48.92'	S66°38'50"E	
C20	123.22°	375.00'	8.10'	N66°28'45"W	
C21	120.350°	375.00'	78.96'	N61°46'07"W	
C22	105.744°	375.00'	71.75'	N65°10'20"W	
C23	105.744°	375.00'	71.75'	N65°10'20"W	
C24	112.853°	375.00'	75.15'	N27°33'18"W	
C25	115.538°	375.00'	90.97'	N14°50'52"W	
C26	82.542°	375.00'	55.16'	N03°41'07"W	
C27	70.595°	375.00'	45.92'	N04°07'19"E	
C28	82.740°	25.00'	35.88'	N45°48'38"E	
C29	123.22°	25.00'	4.42'	N83°42'20"W	
C30	56.063°	25.00'	25.79'	N43°51'52"W	
C31	56.563°	125.00'	122.05'	N83°00'09"E	
C32	271.407°	125.00'	59.42'	N20°28'46"E	
C33	71.541°	125.00'	15.81'	N03°12'15"E	
C34	65.4103°	35.00'	49.12'	S12°27'20"E	
C35	245.4018°	50.00'	214.39'	N57°34'17"W	
C36	44.944°	50.00'	39.12'	N42°51'00"E	
C37	371.025°	50.00'	32.44'	N01°50'55"E	
C38	23.0428°	50.00'	28.14'	N28°18'30"W	
C39	111.712°	50.00'	97.04'	S84°39'09"W	
C40	26.3228°	60.00'	26.65'	S44°34'48"W	
C41	130.00°	425.00'	7.78'	N09°27'21"E	
C42	72.702°	425.00'	55.47'	N05°19'20"E	
C43	73.504°	425.00'	55.61'	N02°03'58"W	
C44	73.504°	425.00'	55.56'	N02°09'20"W	
C45	73.504°	425.00'	55.56'	N02°09'20"W	
C46	41.446°	425.00'	31.50'	N21°54'28"W	
C47	86.7421°	25.00'	35.05'	S16°10'20"W	
C48	180.000°	50.00'	157.08'	N33°37'20"W	
C49	86.7421°	25.00'	35.05'	S16°10'20"W	
C50	83.3714°	25.00'	36.49'	S12°17'36"E	
C51	57.0428°	225.00'	224.13'	N00°58'48"E	
C52	232.0936°	50.00'	202.80'	S36°21'45"W	
C53	30.0528°	50.00'	26.26'	N47°38'09"W	
C54	46.1853°	50.00'	40.17'	N02°46'50"W	
C55	44.5703°	50.00'	39.23'	S33°36'42"W	
C56	72.0441°	50.00'	62.80'	S04°54'01"E	
C57	38.4635°	50.00'	33.84'	S60°19'48"E	
C58	87.4845°	35.00'	49.37'	N39°18'42"W	
C59	22.2520°	175.00'	88.81'	N15°18'21"E	
C60	63.3714°	25.00'	36.49'	S12°17'36"E	
C61	219.44°	425.00'	17.27'	N68°01'37"W	
C62	31.913°	575.00'	33.32'	S27°31'50"E	
C63	139.110°	575.00'	16.96'	S31°28'53"E	
C64	84.9344°	15.00'	36.48'	S37°54'37"W	
C65	18.3211°	575.00'	168.03'	S59°55'23"E	
C66	18.3211°	625.00'	202.20'	S58°55'23"E	
C67	76.4417°	375.00'	502.25'	N30°49'20"W	

CURVE	DELTA	RADIUS	LENGTH	DIRECTION
C68	34.0041°	425.00'	232.28'	N07°01'30"W
C69	90.2540°	125.00'	197.28'	N44°47'38"E
C70	72.0754°	25.00'	31.47'	N34°28'34"E
C71	44.5442°	170.00'	133.26'	S55°15'02"W
C72	8.10223°	170.00'	25.73'	S27°22'56"E
C73	31.913°	455.00'	26.37'	S67°31'32"E
C74	1.2910°	455.00'	13.13'	S51°28'33"E
C75	44.2743°	25.00'	19.40'	S85°39'22"E
C76	24.1818°	25.00'	10.61'	N59°57'33"E

LINE	BEARING	DISTANCE
L1	N62°28'33"E	25.00'
L2	N27°41'56"W	27.59'
L3	N41°42'37"W	33.18'
L4	N65°54'27"W	33.12'
L5	N38°45'58"W	22.08'
L6	N38°45'58"W	15.54'
L7	N60°28'20"W	37.83'
L8	N46°26'05"W	35.52'
L9	N32°02'05"W	35.00'
L10	N32°02'05"W	20.10'
L11	N52°02'05"W	14.99'
L12	N53°31'05"W	40.07'
L13	N53°31'05"W	33.46'
L14	N41°17'56"W	31.12'
L15	N41°17'56"W	5.47'
L16	N61°05'13"W	45.71'
L17	N54°56'34"W	14.73'
L18	N54°56'34"W	66.53'
L19	N54°56'34"W	3.56'
L20	N63°11'22"W	58.87'
L21	N61°17'44"W	3.37'
L22	N61°17'44"W	54.56'
L23	N65°52'58"W	0.96'
L24	N65°52'58"W	55.94'
L25	N65°52'58"W	30.45'
L26	N87°06'05"W	24.26'
L27	N87°06'05"W	8.60'
L28	S27°18'11"W	34.73'
L29	N55°28'57"W	23.27'
L30	N40°00'27"W	19.85'
L31	N40°00'27"W	46.63'
L32	N40°00'27"W	10.78'
L33	N23°21'13"W	35.42'
L34	N23°21'13"W	44.17'
L35	N33°11'12"W	16.72'
L36	N13°17'50"W	15.99'
L37	N13°17'50"W	25.01'
L38	N47°48'24"E	20.89'
L39	N47°48'24"E	22.44'
L40	N47°48'24"E	11.80'
L41	S20°28'28"W	75.13'

L42	S14°26'12"E	66.27'
L43	N27°56'12"W	10.96'
L44	N03°55'10"W	35.10'
L45	N03°55'10"W	2.32'
L46	N27°41'56"W	29.65'
L47	N27°41'56"W	15.15'
L48	N30°31'38"W	34.95'
L49	N36°21'18"W	35.63'
L50	N36°21'18"W	11.36'
L51	N05°33'30"W	73.61'
L52	N28°40'51"W	21.11'
L53	S69°07'35"W	16.62'
L54	S29°52'25"E	20.00'
L55	S69°07'35"W	13.88'
L56	N28°40'51"W	47.34'
L57	N18°38'37"W	11.15'
L58	N41°57'28"W	52.42'
L59	N02°28'26"E	20.54'
L60	N31°32'58"W	70.91'
L61	N17°31'05"W	5.61'
L62	S20°28'28"W	18.00'
L63	S20°28'28"W	14.13'
L64	N72°07'55"E	30.51'
L65	N17°09'05"W	20.00'
L66	S72°50'55"E	29.02'
L67	S27°17'44"E	37.11'
L68	S45°03'59"E	17.52'
L69	S45°03'59"E	38.70'
L70	S18°54'32"E	23.63'
L71	S20°28'28"W	32.62'
L72	S17°30'27"W	14.92'
L73	S24°53'46"E	17.54'

L74	S20°28'28"W	5.24'
L75	S20°28'28"W	8.17'
L76	S20°28'28"W	20.91'
L77	S23°17'55"E	45.73'



ABBREVIATIONS
D.M.A.E. = DRAINAGE MAINTENANCE AND ACCESS EASEMENT
D = DELTA
R = RADIUS
L = LENGTH
CB = CHORD BEARING
S.R.W.M.D. = ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
B.S.L. = BUILDING SETBACK LINE
C.A. = COMMON AREA
O.R. = OFFICIAL RECORDS
PG = PAGE
U.E. = UTILITY EASEMENT
R.W. = RIGHT OF WAY
D.E. = DRAINAGE EASEMENT
T.C.E. = TREE CONSERVATION EASEMENT
C.E. = CONSERVATION EASEMENT

- GENERAL NOTES
1. Monumentation
 ■ - Denotes Permanent Reference Monument found
 4x4 concrete monument stamped "PRU LB3019"
 ○ - Denotes Permanent Reference Monument set
 4x4 concrete monument stamped "PRU LB3019"
 ● - Denotes Permanent Control Point set
 Metal disk stamped "PCR LB3019"
 1 - Denotes point of curvature.
 2. Dimensions shown are in feet and decimals thereof.
 3. All lines adjacent to curves are radial unless otherwise noted.
 (NR) - Denotes a line not radial relative to adjacent curve.
 4. Accuracy
 The boundary linear error of closure does not exceed 1:10,000.
 The boundary angular error of closure does not exceed 15 seconds multiplied by the square root of the number of angles turned.
 5. Bearings shown here on are relative to assumed datum and based record plot with the bearing on the north line of Sterling Chase P.U.D., Phase II, recorded in Map Book 44, Pages 102-122, being N89°59'32"W.
 6. NOTE: All measurements refer to horizontal plane in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the 39.37/12-3.2808333333333333 equation for conversion from a U.S. foot to meters.
 7. Notice: This plot as recorded in its graphic form is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plot.
 There may be additional restrictions that are not recorded on this plot that may be found in the Public Records of Volusia County, Florida.
 8. This plot is subject to all easements of record and reservations of easements, including but not limited to drainage and utility easements dedicated herein which shall be located as follows except as otherwise noted on the plot:
 Front lot line(s) and front Tract line(s) (street frontage): 12.00 feet wide
 9. Utilities include but are not limited to: sanitary sewer, potable water, reclaimed water, storm drainage, electric, telephone, cable television, security, and natural gas.
 10. Utility easements provided on this plot include easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility.
 11. All other easements are subordinate to any conservation easements dedicated herein. There shall be no removal or disturbance of any vegetation within such conservation easements. Any proposed construction or other use within a conservation easement must be reviewed and approved by the City of Port Orange and any other authority having jurisdiction over the conservation easement.
 12. Minimum Building Setbacks
 Front: 25'
 Rear: Lots 78-85, 108-112, 115-121 & 123-129 45' (25' Upland buffer plus 20' Upland buffer setback)
 Rear: Remaining lots: 20'
 Side: 7.5'
 Side Corner: 20'
 Rear yard swimming pools: 3' from upland buffer
 Lots 78-85, 108-112, 115-121, & 123-129
 Rear yard pool enclosure: 0' from upland buffer
 Lots 78-85, 108-112, 115-121, & 123-129
 Remaining lots: 5' from rear property line
 Minimum Building Coverage: 60%
 Minimum Open Space: 30% of Lot

13. The common area created by the Pinnacle of Port Orange Homeowners Association, Inc. by this plot shall be subject to easements as shown or described herein or granted in accordance with the Declaration of Covenants, Restrictions and Easements for Pinnacle Phase II. The granting of such common areas is not intended to grant any right to the general public.
14. The Pinnacle of Port Orange Homeowners Association, Inc. shall be responsible for the operation and maintenance of the drainage system serving the area within the boundaries of this plot, as depicted on the Stormwater Management Plan approved for this development by the City of Port Orange, Florida. Should the association fail to perform the maintenance of the drainage and stormwater management systems, the City of Port Orange shall be entitled to enter upon the common areas and designated easement areas to perform maintenance, repair or replace the facilities; and, shall have the right to lien all owners' record in the Pinnacle Phase I property for the cost of such maintenance, repair, and replacement, as deemed by the City to be necessary. In the event of termination, dissolution or final liquidation of the Association, the responsibility for the operation and maintenance of the surface water or stormwater management system will be transferred to and accepted by an entity which complies with Section 400-42.027, F.A.C., and be approved by the St. Johns River Water Management District prior to such termination, dissolution or liquidation.
15. The Pinnacle of Port Orange Homeowners Association, Inc. shall be responsible for maintaining all signs, trees, landscaping and irrigation in common areas and private roads.
16. The Pinnacle of Port Orange Homeowners Association, Inc. shall be responsible for maintaining all roads, drives, sidewalks, parking, fitness trails, and other improvements located in the easements, roads and drives within this plot, including the entrance walls and gateposts.
17. The Articles of Incorporation for the Pinnacle of Port Orange Homeowners Association, Inc. are recorded in Official Records Book 5379, Pages 45 through 50 of the Public Records of Volusia County, Florida. The Declaration of Covenants, Restrictions and Easements for Pinnacle are recorded in Official Records Book 5379, Pages 21 through 44, of the Public Records of Volusia County, Florida, as amended by Official Records Book _____ Pages _____ through _____.
18. This plot subject to certain covenants and restrictions created by The Pinnacle Planned Unit Development A Residential PUD Master Development Agreement, recorded in Official Records Book 5088, Page 3609, public records of Volusia County, Florida.
19. Tree Conservation Easement as defined on this plot is for the express purpose of the preservation and longevity of the trees therein. Actions detrimental to tree health and survival within the boundaries of the easement are prohibited without the express permission of the City of Port Orange and any other authority having jurisdiction over the conservation easement. Nothing herein shall, however, be construed to prevent natural vegetation within the easement area from being cleared by hand to provide a neat, manicured appearance. In addition, nothing herein shall be construed to prevent the placement of sod, irrigation and landscape plants or to prevent normal lawn maintenance such as mowing, edging and weeding not harmful to the objective of tree preservation within the easement area. Any proposed construction or other use within a conservation easement must be reviewed and approved by the City of Port Orange and any other authority having jurisdiction over the conservation easement.
20. Prior to transfer of any lot or other property encumbered by conservation easement in favor of St. Johns River Water Management District (SRWMD), dated August 6, 2004, recorded at Official Records Book 5379, Page 51, Public Records of Volusia County, Florida, the Pinnacle of Port Orange Homeowners Association, Inc. and the residential lot property owner, successors and assigns, shall provide notice to SRWMD in accordance with the requirements of Section 400-1.612, Florida Administrative Code.
21. All requirements of the City of Port Orange for common open space for Pinnacle PUD - Phase II have been satisfied within the boundaries of this plot. The Master Development Agreement Concept Plan (Official Records Book 5088, page 3609, at page 3627, et seq.) provided the right to use property lying north of Martin Road; however, the Developer did not elect to include that property for purposes of common open space allocations.



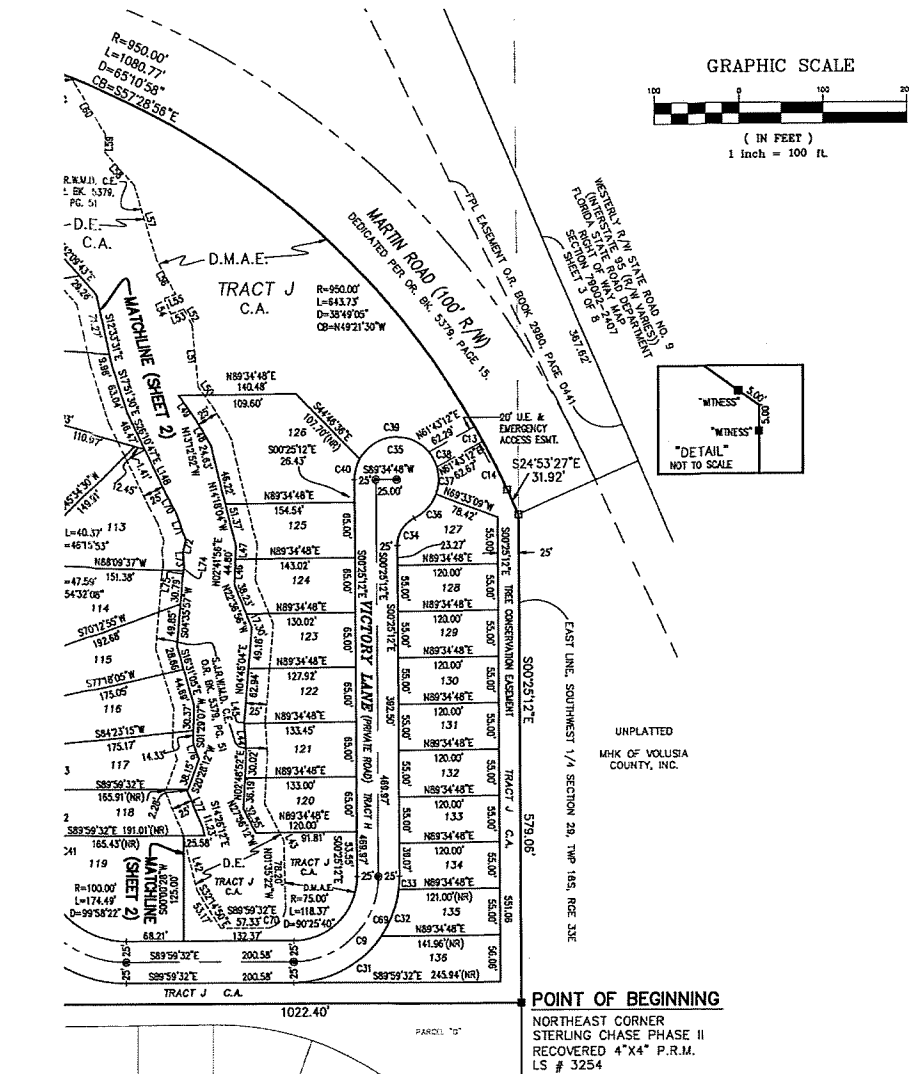
PREPARED BY: J.E. ZAPERT PSN #0406
SLIGER & ASSOCIATES, INC.
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3921 NOVA ROAD
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SHEET 2 OF 3

PINNACLE PHASE II

A PORTION OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33
EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA

MAP BOOK PAGE



LINE	BEARING	DISTANCE
L1	N62°26'33"E	25.00'
L2	N23°41'56"W	27.50'
L3	N14°47'37"W	33.12'
L4	N58°45'59"W	27.00'
L5	N38°45'59"W	15.54'
L6	N50°29'20"W	37.83'
L7	N49°26'05"W	2.53'
L8	N45°26'05"W	35.00'
L9	N52°07'05"W	20.10'
L10	N52°07'05"W	14.99'
L11	N53°31'05"W	40.07'
L12	N53°31'05"W	33.45'
L13	N44°17'55"W	31.12'
L14	N44°17'55"W	5.47'
L15	N81°05'11"W	45.71'
L16	N54°55'34"W	16.73'
L17	N54°55'34"W	66.53'
L18	N54°55'34"W	3.59'
L19	N53°42'22"W	58.87'
L20	N61°17'44"W	3.37'
L21	N81°17'44"W	54.55'
L22	N56°22'42"W	0.85'
L23	N65°24'54"W	55.04'
L24	N56°24'54"W	20.43'
L25	N87°05'05"W	24.26'
L26	N87°05'05"W	8.60'
L27	S22°18'11"W	34.73'
L28	N55°26'53"W	23.27'
L29	S40°22'17"W	19.25'
L30	N40°07'27"W	46.63'
L31	N40°07'27"W	10.78'
L32	N23°21'13"W	15.47'
L33	N23°21'13"W	44.17'
L34	N23°21'13"W	18.72'
L35	N13°17'50"W	15.59'
L36	N47°48'24"E	20.89'
L37	N47°48'24"E	22.44'
L38	N47°48'24"E	11.60'
L39	N47°48'24"E	78.13'
L40	N47°48'24"E	56.22'
L41	N27°56'14"W	10.99'
L42	N03°55'10"W	35.10'
L43	N02°41'58"E	2.74'
L44	N02°41'58"E	15.10'
L45	N30°31'58"W	34.65'
L46	N30°31'58"W	35.63'
L47	N30°31'58"W	11.36'
L48	N30°31'58"W	23.61'
L49	N30°31'58"W	16.62'
L50	N30°31'58"W	20.00'
L51	N30°31'58"W	13.68'
L52	N30°31'58"W	72.24'
L53	N30°31'58"W	91.15'
L54	N30°31'58"W	52.42'
L55	N30°31'58"W	20.54'
L56	N30°31'58"W	70.81'
L57	N30°31'58"W	5.61'
L58	N30°31'58"W	18.03'
L59	N30°31'58"W	14.13'
L60	N30°31'58"W	30.51'
L61	N30°31'58"W	20.00'
L62	N30°31'58"W	28.07'
L63	N30°31'58"W	32.11'
L64	N30°31'58"W	17.57'
L65	N30°31'58"W	38.70'
L66	N30°31'58"W	23.67'
L67	N30°31'58"W	31.62'
L68	N30°31'58"W	17.57'
L69	N30°31'58"W	38.70'
L70	N30°31'58"W	23.67'
L71	N30°31'58"W	31.62'
L72	N30°31'58"W	17.57'
L73	N30°31'58"W	38.70'
L74	N30°31'58"W	23.67'
L75	N30°31'58"W	31.62'
L76	N30°31'58"W	17.57'
L77	N30°31'58"W	38.70'

CURVE	DELTA	RADIUS	LENGTH	DIRECTION	CHORD
C1	45°32'02"	75.00'	142.15'	S27°22'18"E	138.26'
C2	18°32'11"	600.00'	184.11'	S50°05'23"E	183.27'
C3	84°30'26"	400.00'	60.73'	N64°50'14"W	60.74'
C4	37°04'26"	200.00'	199.23'	N00°38'48"E	191.09'
C5	25°51'26"	400.00'	187.51'	N47°03'14"W	185.79'
C6	43°36'19"	400.00'	304.42'	N11°45'19"W	292.13'
C7	12°15'50"	150.00'	26.70'	S03°50'33"E	26.71'
C8	87°42'27"	125.00'	191.35'	S45°08'18"E	173.21'
C9	90°25'40"	100.00'	157.83'	N44°47'35"E	141.85'
C10	75°05'00"	700.00'	34.63'	S70°25'31"E	
C11	53°45'18"	700.00'	72.14'	N84°49'54"E	
C12	53°45'18"	700.00'	72.14'	N84°54'37"E	
C13	11°23'23"	950.00'	20.00'	N28°20'46"W	
C14	351°07'01"	950.00'	63.87'	N28°49'01"W	
C15	87°48'01"	25.00'	35.25'	N47°48'57"W	
C16	41°45'45"	625.00'	46.69'	S52°47'40"E	
C17	43°51'14"	625.00'	53.31'	S57°22'39"E	
C18	43°51'14"	625.00'	53.31'	S52°15'53"E	
C19	42°58'59"	625.00'	48.90'	S66°56'59"W	
C20	123°27'37"	375.00'	9.10'	N68°28'45"W	
C21	17°03'50"	375.00'	78.95'	N61°48'07"W	
C22	105°14'44"	375.00'	71.25'	N50°15'20"W	
C23	11°29'44"	375.00'	75.24'	N38°01'37"W	
C24	11°28'53"	375.00'	75.15'	N27°32'18"W	
C25	135°35'58"	375.00'	90.87'	N14°50'52"W	
C26	82°42'42"	375.00'	55.16'	N63°41'02"W	
C27	70°29'59"	375.00'	45.92'	N04°02'19"E	
C28	82°27'40"	25.00'	35.96'	N48°46'38"E	
C29	12°34'24"	25.00'	5.49'	N83°42'20"W	
C30	59°06'32"	25.00'	25.79'	N47°31'52"W	

C63	139°10'	575.00'	16.59'	S51°28'53"E
C64	84°03'44"	25.00'	36.68'	S37°53'37"W
C65	183°37'11"	575.00'	186.03'	S59°55'23"E
C66	182°41'11"	575.00'	202.20'	S59°55'23"E
C67	184°41'17"	575.00'	50.25'	N34°49'20"W
C68	34°00'41"	425.00'	252.28'	N07°00'30"W
C69	90°25'40"	125.00'	197.28'	N44°47'35"E
C70	72°07'54"	25.00'	31.47'	N47°48'57"W
C71	44°54'42"	170.00'	133.26'	S53°15'28"E
C72	84°03'44"	120.00'	24.73'	S38°25'05"E
C73	319°13'	455.00'	26.37'	S67°31'52"E
C74	139°10'	455.00'	11.13'	S51°28'53"E
C75	44°27'43"	25.00'	19.40'	S65°29'27"E
C76	241°18'	25.00'	16.61'	N59°57'33"E

ABBREVIATIONS

D.M.A.E. = DRAINAGE MAINTENANCE AND ACCESS EASEMENT
D = DELTA
R = RADIUS
L = LENGTH
CH = CHORD
CB = CHORD BEARING
S.J.R.W.M.D. = ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
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T.C.E. = TREE CONSERVATION EASEMENT
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GENERAL NOTES

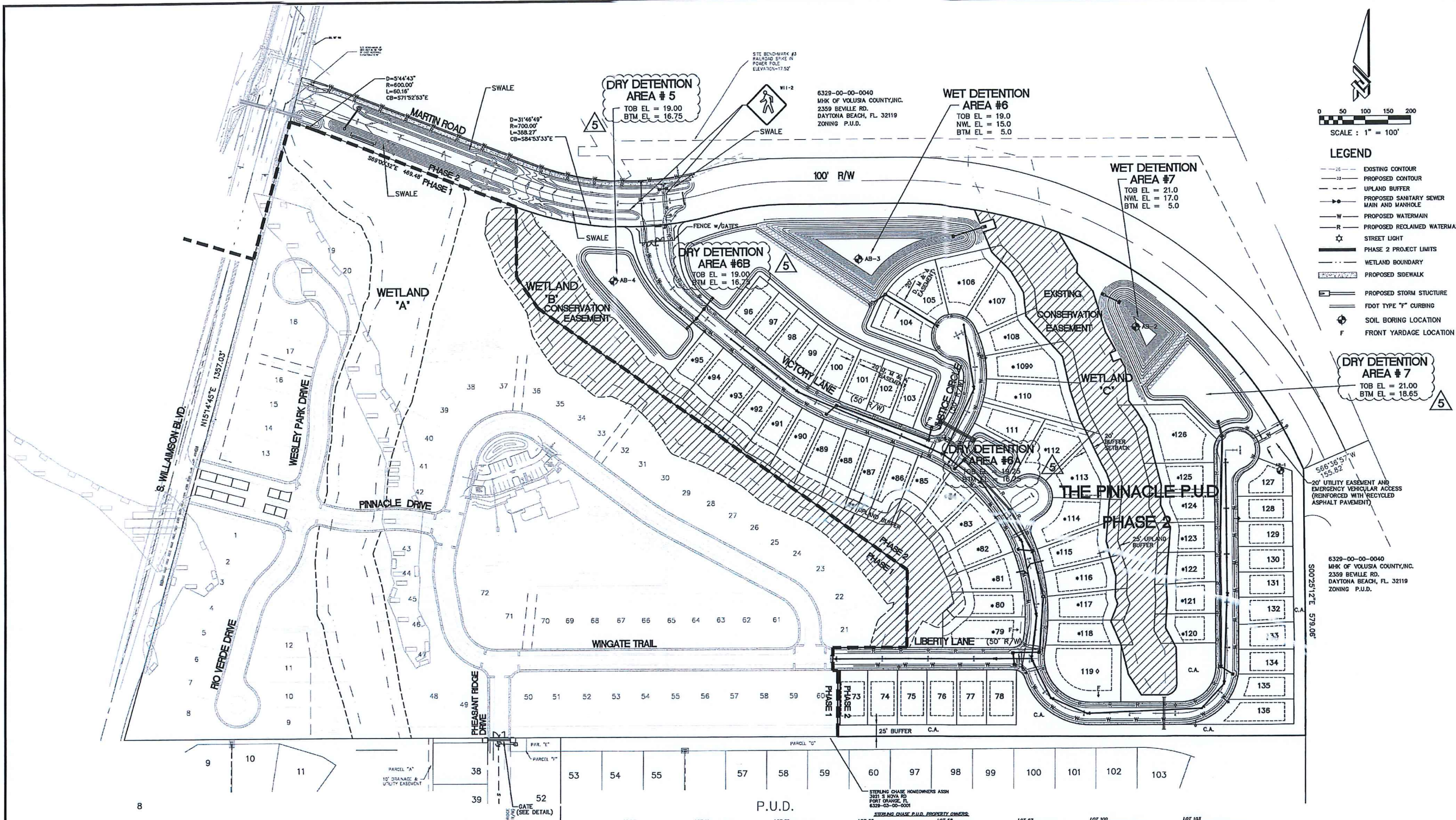
1. Monumentation
 - - Denotes Permanent Reference Monument found
 - 4x4 concrete monument stamped "PRU LB3019"
 - - Denotes Permanent Reference Monument set
 - 4x4 concrete monument stamped "PRU LB3019"
 - - Denotes Permanent Control Point set
 - Met disk stamped "PCP LB3019"
 - 1 - Denotes point of curvature.
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(NR) - Denotes a line not radial relative to adjacent curve.
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 - The boundary linear error of closure does not exceed 1:10,000.
 - The boundary angular error of closure does not exceed 15 seconds multiplied by the square root of the number of angles turned.
5. Bearings shown here on are relative to assumed datum and based record plot with the bearing on the north line of Sterling Chase P.U.D., Phase II, recorded in Map Book 44, Pages 102-122, being N89°39'32"W.
6. NOTE: All measurements refer to horizontal plane in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the 59.37/12-3.2808333333333333 equation for conversion from a U.S. foot to meters.
7. Notice: This plot as recorded in its graphic form is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plot. There may be additional restrictions that are not recorded on this plot that may be found in the Public Records of Volusia County, Florida.
8. This plot is subject to all easements of record and reservations of easements, including but not limited to drainage and utility easements dedicated hereon which shall be located as follows except as otherwise noted on the plot:
Front lot line(s) and front Tract line(s) (street frontage): 12.00 feet wide
9. Utilities include but are not limited to sanitary sewer, potable water, reclaimed water, storm drainage, electric, telephone, cable television, security, and natural gas.
10. Utility easements provided on this plot include easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility.
11. All other easements are subordinate to any conservation easements dedicated hereon. There shall be no removal or disturbance of any vegetation within such conservation easements. Any proposed construction or other use within a conservation easement must be reviewed and approved by the City of Port Orange and any other authority having jurisdiction over the conservation easement.
12. Minimum Building Setbacks

Front:	25'
Rear:	5' (25' Upland buffer plus 20' Upland buffer setback)
115-121, & 123-129	20'
Side:	20'
Use CORNER:	20'
Rear yard easement:	5' from upland buffer
Lot 79-85, 108-112, 115-121, & 123-129	22.44'
Remainder lots:	5' from rear property line
Rear yard pool enclosure:	5' from rear property line
Lot 79-85, 108-112, 115-121, & 123-129	5' from rear property line
Remainder lots:	5' from rear property line
Maximum Building Coverage:	60%
Minimum Open Space:	30% of Lot
13. The common areas granted to the Pinnacle of Port Orange Homeowners Association, Inc. by this plot shall be subject to easements as shown or described hereon or granted in accordance with the Declaration of Covenants, Restrictions and Easements for Pinnacle Phase II. The granting of such common areas is not intended to grant any right to the general public.
14. The Pinnacle of Port Orange Homeowners Association, Inc. shall be responsible for the operation and maintenance of the drainage system serving the area within the boundaries of this plot, as depicted on the Stormwater Management Plan approved for this Development by the City of Port Orange, Florida. Should the association fail to perform the maintenance of the drainage and stormwater management systems, the City of Port Orange shall be entitled to enter upon the common areas and designated easement areas to perform maintenance, repair or replace the facilities; and shall have the right to lien all owners of record in the Pinnacle Phase I property for the cost of such maintenance, repair, and replacement, as deemed by the City to be necessary. In the event of termination, dissolution or final liquidation of the Association, the responsibility for the operation and maintenance of the surface water or stormwater management system will be transferred to and accepted by an entity which complies with Section 40C-42.027, F.A.C., and be approved by the St. Johns River Water Management District prior to such termination, dissolution or liquidation.
15. The Pinnacle of Port Orange Homeowners Association, Inc. shall be responsible for maintaining all signs, trees, landscaping and irrigation in common areas and private roads.
16. The Pinnacle of Port Orange Homeowners Association, Inc. shall be responsible for maintaining all roads, drives, sidewalks, porches, fitness trails, and other improvements located in the easements, roads and drives within this plot, including the entrance walls and guardhouse.
17. The Articles of Incorporation for the Pinnacle of Port Orange Homeowners Association, Inc. are recorded in Official Records Book 5378, Pages 45 through 50 of the Public Records of Volusia County, Florida. The Declaration of Covenants, Restrictions and Easements for Pinnacle are recorded in Official Records Book 5378, Pages 21 through 44, of the Public Records of Volusia County, Florida, as amended by Official Records Book _____ Pages _____ through _____.
18. This plot subject to certain covenants and restrictions created by The Pinnacle Planned Unit Development A Residential PUD Master Development Agreement, recorded in Official Records Book 5088, Page 3508, public records of Volusia County, Florida.
19. Tree Conservation Easement as defined on this plot is for the express purpose of the preservation and longevity of the trees therein. Actions detrimental to tree health and survival within the boundaries of the easement are prohibited without the express permission of the City of Port Orange and any other authority having jurisdiction over the conservation easement. Nothing herein shall, however, be construed to prevent natural vegetation within the easement area from being cleared by hand to provide a neat, maintained appearance. In addition, nothing herein shall be construed to prevent the placement of sod, irrigation and landscape plants or to prevent normal lawn maintenance such as mowing, edging and weeding not harmful to the objective of tree preservation within the easement area. Any proposed construction or other use within a conservation easement must be reviewed and approved by the City of Port Orange and any other authority having jurisdiction over the conservation easement.
20. Prior to transfer of any lot or other property encumbered by conservation easement in favor of St. Johns River Water Management District (SJRWMD), dated August 5, 2004, recorded at Official Records Book 5378, Page 51, Public Records of Volusia County, Florida, the Pinnacle of Port Orange Homeowners Association, Inc. and the residential lot property owner, successors and assigns, shall provide notice to SJRWMD in accordance with the requirements of Section 40C-1.612, Florida Administrative Code.
21. All requirements of the City of Port Orange for common open space for Pinnacle PUD - Phase II have been satisfied with the boundaries of this plot. The Master Development Agreement Concept Plan (Official Records Book 5088, page 3505, at page 3627, et seq) provided the right to use property lying north of Martin Road; however, the Developer did not intend to include that property for purposes of common open space calculations.

SHEET 3 OF 3



PREPARED BY: J.R. ZAPERT PSM #1046
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Lot	Building Envelope (Based on Setbacks)	Total Lot Area	Building Coverage (%)	Lot	Building Envelope (Based on Setbacks)	Total Lot Area	Building Coverage (%)
73	3,750	7,600	48%	99	3,258	7,155	45%
74	3,750	7,600	48%	100	3,419	7,473	46%
75	3,750	7,600	48%	101	3,365	7,360	46%
76	3,750	7,600	48%	102	3,000	6,600	45%
77	3,750	7,600	48%	103	3,000	6,600	45%
78	3,750	7,600	48%	104	3,954	8,498	47%
79	4,954	12,135	41%	105	5,578	10,725	52%
80	3,454	8,815	39%	106	7,240	13,492	54%
81	4,373	9,759	45%	107	5,855	14,233	41%
82	3,944	9,211	43%	108	3,913	10,428	38%
83	3,574	8,824	41%	109	8,649	14,078	47%
84	3,107	8,142	38%	110	8,445	17,535	48%
85	2,853	8,457	34%	111	4,339	8,858	49%
86	3,102	9,281	33%	112	5,974	11,598	52%
87	3,869	9,172	42%	113	6,354	15,438	41%
88	3,660	8,907	41%	114	6,041	13,111	46%
89	3,722	8,246	40%	115	6,041	11,424	44%
90	3,407	8,858	39%	116	5,070	11,253	45%
91	3,249	8,511	38%	117	4,816	10,642	43%
92	3,068	8,370	37%	118	4,155	9,778	43%
93	2,921	7,868	37%	119	10,178	18,855	54%
94	2,950	7,902	37%	120	2,950	8,506	35%
95	3,005	7,994	38%	121	3,102	8,602	36%
96	3,000	6,600	45%	122	3,038	8,511	36%
97	3,000	6,600	45%	123	2,753	8,195	34%
98	3,081	6,761	46%	124	3,443	8,120	36%

- SETBACK NOTES:**
1. REAR YARD POOL AND ENCLOSURE SETBACKS ARE AS FOLLOWS:
 - LOTS 73-75, 96-100, 104-105, 127-136; SWIMMING POOLS AND SCREENED POOL ENCLOSURES - 5' FROM REAR PROPERTY LINE;
 - LOTS 76-95, 106-126; SCREENED POOL ENCLOSURE - 0' FROM UPLAND BUFFER;
 - SWIMMING POOL - 3' FROM UPLAND BUFFER;
 - LOTS 101-103, 110; SCREENED POOL ENCLOSURE - 5' FROM SIDE/REAR PROPERTY LINES;
 - SWIMMING POOL - 8' FROM SIDE/REAR PROPERTY LINES.
 2. SIDE YARD ACCESSORY STRUCTURES SHALL BE STAGGERED (OFFSET) BETWEEN TWO ADJACENT LOTS A MINIMUM OF 10' MEASURED PARALLEL WITH THE COMMON LOT LINE.
 3. A 45 FOOT REAR YARD SETBACK IS REQUIRED FOR LOTS ADJUTING WETLANDS. THIS SETBACK IS COMPOSED OF A 20' UPLAND BUFFER PLUS A 20' SETBACK FROM THE UPLAND BUFFER. APPLICABLE LOTS ARE INDICATED WITH AN ASTERISK (*).

MINIMUM BUILDING SETBACKS:

FRONT: 25'
REAR: 25'
SIDE: 5'
SIDE CORNER: 5'
WETLAND BUILDING COVERAGE: 60%
MINIMUM OPEN SPACE: 30% OF LOT

TYPICAL LOT DIMENSIONING AND SETBACK DETAIL

NOTE: SEE NOTE #1 REGARDING THE ADDITIONAL LOT RESTRICTIONS ON LOTS 11 AND 120.

- NOTES:**
1. THE MAXIMUM BUILDING COVERAGE PER LOT IS NOT TO EXCEED 60% OF THE TOTAL LOT AREA. THE BUILDER WHO DESIGNS THE BUILDING SIZE IS TO ENSURE THAT THIS LOT COVERAGE DOES NOT EXCEED 60% (0).
 2. CORNER LOTS ARE REQUIRED TO BE 15X WIDER THAN THE MINIMUM WIDTH FOR NON-CORNER LOTS. EACH BUILDING SHALL BE POSITIONED SO THAT THE "FRONT" MAINTAINS THE ABOVE MENTIONED STANDARD.
 3. C.A. (COMMON AREA) AS REQUIRED IN MDA SECTION 14.
 4. CUL-DE-SACS TO BE CONSTRUCTED TO SAME STANDARDS AS PHASE 1, WHICH HAS BEEN PREVIOUSLY APPROVED BY THE CITY AND CONSTRUCTED.
 5. PINNACLE PUD PHASE 2 HAS AN EXISTING STORMWATER PERMIT, NO. 40-127-00089-1, DATED JAN. 30, 2004; COMPLIANCE TO ALL CONDITIONS MUST BE MET.



ZEV COHEN & ASSOCIATES, INC.
CIVIL ENGINEERS • LANDSCAPE ARCHITECTS
PLANNERS • TRANSPORTATION • ENVIRONMENTAL
WWW.ZEVCOHEN.COM

PROJECT NO: 01051
ISSUE DATE: 8/18/05
CHECKED BY: MDD/CB
DESIGNED BY: DMV

FILE LOCATION
15-2

SHEET 03 OF 26

**THE PINNACLE PUD
PHASE 2
FINAL ENGINEERING PLANS
COMPOSITE DEVELOPMENT PLAN**

CITY OF PORT ORANGE
VOLUSIA COUNTY, FLORIDA

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STAFF REPORT

LDC Amendment/Medical Marijuana Related Uses

Case No. 15-25000002

REQUEST:

To amend Chapter 2 of the Land Development Code (LDC) to add definitions related to medical marijuana; amend Chapter 12 to add parking requirements for medical marijuana related uses; amend Chapter 16 to add marijuana related uses to the list of prohibited home occupations; amend Chapter 17 of the LDC to add medical marijuana dispensaries as a Special Exception use in the Community Commercial zoning district; to add medical marijuana cultivation and medical marijuana processing facilities as Special Exception uses in the Commercial Industrial and Light Industrial zoning districts; and amend Chapter 18 of the LDC to add special requirements for these Special Exception uses.

STAFF RECOMMENDATION:

Approval

STAFF CONTACT:

Penelope Cruz, Principal Planner (386) 506-5671

PLANNING COMMISSION DATE: August 27, 2015

BACKGROUND:

In June 2014, the Compassionate Medical Cannabis Act of 2014 (CMCA) was signed into law by the Governor. The Florida Department of Health (DOH) has been charged with adopting rules necessary to implement the CMCA. On January 1, 2015, the CMCA authorized Florida licensed medical doctors and Florida licensed osteopathic physicians to order low-THC cannabis to patients suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms. The CMCA also authorizes the establishment of five dispensing organizations to ensure reasonable statewide accessibility and availability necessary for patients registered in the compassionate use registry.

In November 2014, the Florida Right to Medical Marijuana Initiative Amendment did not obtain the required 60% supermajority vote for an amendment to pass (reaching 57.62%). However, this proposed constitutional amendment is expected to be on the November 2016 ballot. With the CMCA in place and in anticipation of the Florida Right to Medical Marijuana Initiative Amendment possibly passing in 2016, cities around Florida are addressing medical marijuana related uses in their zoning regulations.

The proposed constitutional amendment would allow the medical use of marijuana for individuals with debilitating diseases as determined by a licensed Florida physician. It would also create entities called "Medical Marijuana Treatment Centers" which are authorized to acquire, cultivate, possess, process (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transport, sell,

distribute, dispense, or administer marijuana, products containing marijuana, related supplies, and educational materials to qualified patients or their personal caregivers who are registered by the DOH. In addition, the amendment would authorize individuals known as "personal caregivers" to assist "qualifying patients" with their medical marijuana treatment and a personal caregiver could assist up to five (5) people at one time. If that caregiver is an employee of a hospice provider, nursing or medical facility, they may assist more than five (5) people at one time, with no limit.

DISCUSSION:

The City's Land Development Code (LDC) does not contain definitions or comprehensive regulations for the uses associated with medical marijuana because prior to the potential for the legalization of medical marijuana these were not lawful uses. In October 2014, the City Council passed a 365-day moratorium on uses related to medical marijuana in order to provide time to develop appropriate regulations.

If the Florida Right to Medical Marijuana Initiative Amendment is approved in 2016, it is unclear what regulations will be imposed by the DOH or by the legislature and if local governments will be pre-empted by state law in their ability to create local legislation to implement appropriate zoning regulations. Local ordinances adopted prior to adoption of State regulations may need to be amended to comply with State law or could potentially be grandfathered-in.

Proposed Amendment:

The proposed LDC amendments include:

- a) clearly defining medical marijuana cultivation, medical marijuana dispensaries, and medical marijuana processing facilities;
- b) adding medical marijuana dispensaries as a Special Exception use in the Community Commercial (CC) zoning district;
- c) adding medical marijuana cultivation and medical marijuana processing facilities as Special Exception uses within the Commercial Industrial (CI) and Light Industrial (LI) zoning districts;
- d) adding medical marijuana related uses to the list of prohibited home occupations; and
- e) adding parking requirements for medical marijuana related uses.

Proposed Definitions

Medical marijuana cultivation. A facility that is operated by an individual, organization or business holding all necessary licenses and permits from which marijuana is produced, propagated, compounded, cultivated, planted, tended, grown, cared for or harvested in any soil or hydroponic medium.

Medical marijuana dispensary. A facility that is operated by an individual, organization or business holding all necessary licenses and permits from which marijuana or marijuana-based products are purchased, possessed, dispensed, or administered for medical purposes as identified by a valid prescription and operated in accordance with all federal, state, and local laws.

Medical marijuana processing facility. A facility that is operated by an individual, organization or business holding all necessary licenses and permits from which marijuana, marijuana-based products, or marijuana plants are prepared, converted or processed, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging of the substance or labeling or relabeling of its container.

Special Exception Proposed Requirements

According to the LDC, a Special Exception is a use that would not be appropriate without restriction, but if controlled as to number, area, location or relation to the surrounding area, would promote the public health, safety, and general welfare. All requests for Special Exception uses must be reviewed by the Planning Commission and approved by the City Council.

All Special Exception uses must address a set of standard review criteria (traffic generation, parking, landscaping, etc.; see Exhibit A) along with use specific criteria. Staff has reviewed various publications such as *Planning for Marijuana: The Cannabis Conundrum* (Journal of the American Planning Association, 2014), *The Legalization of Marijuana in Colorado: The Impact* (Rocky Mountain HIDTA, 2013), White Paper on Marijuana Dispensaries (California Police Chiefs Association's Task Force on Marijuana Dispensaries, 2009), and various regulatory ordinances from cities in Florida and throughout the United States.

Staff is proposing additional requirements for medical marijuana related uses based on the various publications and regulatory ordinances researched. These requirements, such as separation requirements, are also generally similar to the other special exception uses, such as, bars, lounges, night clubs and adult entertainment already established in the LDC. Some of the requirements apply to all three of the medical marijuana related use categories, while others apply only to dispensaries. The proposed requirements are intended to prevent the accumulation of these uses in a concentrated area and limit potential negative impacts to surrounding businesses and residential properties. The intent of the proposed regulations is to ensure that public health, safety, and general welfare are protected.

1. Posting signs prohibiting loitering on the property (applies to dispensary)

One of the issues associated with medical marijuana dispensaries in states that allow use of medical marijuana is customers loitering in parking lots for periods of time longer than reasonably required and inconveniencing visitors of other uses within a multitenant building or site. This rule would require "No Loitering" signs to be posted on the exterior of the building or tenant space where medical marijuana dispensaries are located in order to promote safety of persons or property in the vicinity, maintain efficient and safe traffic circulation, and maintain access to other tenant spaces in a multi-tenant building.

2. *No on-premise sales (applies to cultivation and processing facility)*

On-premise sales is considered a retail use which is permitted in commercial zoning districts, not in the industrial zoning districts.

3. *No on premise consumption, unless administered by a licensed physician (applies to all)*

As with other prescription drugs, marijuana consumption can cause harmful side-effects. Marijuana being consumed on-premise poses a significant threat to the health, safety and welfare of those individuals in the immediate surroundings (if consumed by ignition) and the patient consuming the drug. Prohibiting on-premise consumption will protect the general public and marijuana based company employees from the potentially harmful side-effects of the drug, and will also prevent patients and other effected persons from operating vehicles while under the influence of marijuana.

4. *No on-premise consumption of alcohol (applies to dispensary)*

Marijuana has been legalized only for the narrow medical purpose of treating certain designated illnesses. Thus, marijuana dispensaries must maintain the appearance of a professional clinical setting to avoid deterring patients who have a legitimate medical necessity from patronizing dispensary location. Also, the combination of prescription drugs and alcohol could present significant traffic safety concerns for patients commuting to and from the dispensary. Prohibiting the on-premise consumption of alcohol will ensure that dispensaries maintain a clinical and professional appearance while also serving to deter the dangerous combination of prescription drugs and alcohol which could adversely impact the safety of patients and others.

5. *1,000-foot separation from a school, house of worship, day care facility, public park, drug treatment facility, half-way house, or another medical marijuana related use (applies to all)*

Separation from schools, houses of worship, public parks, and similar uses is the most common criterion listed in the LDC for Special Exception uses. A separation distance from another similar use is intended to prevent the accumulation of these uses in a concentrated area and limit potential negative impacts to surrounding businesses and residential properties. Separation distances from schools, houses of worship, and public parks are intended to limit potential negative impacts to surrounding businesses and residential properties for the health, safety and welfare of the general public.

6. *Hours of operation limited from 7:00 a.m. to 9:00 p.m. (applies to dispensary)*

Limiting the hours of operation is intended to limit potential negative impacts to surrounding businesses and residential properties. Many medical offices, medical retail stores and specialty pharmacies such as Florida Health Care Plans

Pharmacies, Avella Specialty Pharmacy (Lake Mary), and Walgreens Specialty Pharmacy (Oviedo, Orlando) are closed around 6 p.m.

7. *No delivery to patients (applies to all).*

Due to the product being sold and the potential for substantial amounts of cash that would be on hand, the proposed business shall not be located in any temporary or portable structure and there shall be no mobile facilities or delivery permitted to patients to help deter crime, limit potential negative impacts to surrounding businesses and residential properties, and for the health, safety and welfare of the general public.

8. *Site must be lighted so that all areas are clearly visible at all times during business hours (applies to all)*

Due to the product being sold and the amount of cash on hand in medical marijuana dispensaries and treatment centers, and the amount of product being housed in cultivation centers and manufacturing facilities, site lighting can help deter crime and provide security for employees and patrons.

9. *Display state registration and all required licenses, the name of the owner responsible for compliance with state and city law (applies to all)*

Proposed medical marijuana related uses must be validly registered with the State of Florida, if required. Any required registration must be prominently displayed in a public area near the main entrance, including copies of all state licenses, city licenses, and local business tax receipt, and the name of the owner (and designated physician for dispensaries) responsible for compliance with state and city law. This will clearly identify the business as a legitimate business approved by the City and assist in the enforcement of the adopted regulations and all applicable laws.

10. *Compliance with other laws (applies to all)*

To address federal and state laws that are beyond the purview of local zoning regulations.

RECOMMENDATION:

Approval of the amendments to Chapter 2, 12, 16, 17, and 18 of the Land Development Code regarding to uses related to medical marijuana.

ATTACHMENTS:

Exhibit A – Standard Review Criteria for Special Exceptions

Exhibit B – Proposed LDC Amendment (~~striketrough~~/underline format)

Exhibit A – Standard Review Criteria for Special Exceptions

Chapter 18 - CONDITIONAL USES, SPECIAL EXCEPTIONS AND PERMITTED USES WITH SPECIAL DEVELOPMENT REQUIREMENTS

Section 2: - Special exceptions.

(d) Special requirements and conditions.

(1) *Conditions and safeguards.* In granting any special exception, the planning commission may recommend and the city council may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of this chapter and the code in general. Such conditions may include time limits for the initiation of the special exception use, specific minimum or maximum limits to regular code requirements, or any other conditions reasonably related to the requirements and criteria of this chapter.

(2) *Review criteria.* When reviewing an application for a special exception, the planning commission and city council shall consider the following requirements and criteria:

- (a) Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety;
- (b) Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district;
- (c) Required yards, screening or buffering, and landscaping shall be consistent with the district in general and the specific needs of the abutting land uses;
- (d) Architectural and signage treatments shall comply with the general provisions applicable to permitted uses in the district, to the greatest extent possible, and be sensitive to surrounding development; and
- (e) Size, location or number of special exception uses in an area shall be limited so as to maintain the overall character of the district as intended by this code.

Exhibit B

Words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text.

Chapter 2 DEFINITIONS AND INTERPRETATIONS

Section 2: Definitions.

Marijuana. Any form or variant or species of the cannabis plant including but not limited to cannabis sativa L., C. ruderalis, C. indica and its constituent cannabinoids, such as tetrahydrocannabinol (THC) and cannabidiol (CBD) commonly referred to as marijuana.

Medical marijuana. Marijuana used or intended to be used for a medical purpose that is currently legal to possess, or may become legal to possess in the State of Florida.

Medical marijuana cultivation. A facility that is operated by an individual, organization or business holding all necessary licenses and permits from which marijuana is produced, propagated, compounded, cultivated, planted, tended, grown, cared for or harvested in any soil or hydroponic medium.

Medical marijuana dispensary. A facility that is operated by an individual, organization or business holding all necessary licenses and permits from which marijuana or marijuana-based products are purchased, possessed, dispensed, or administered for medical purposes as identified by a valid prescription and operated in accordance with all federal, state, and local laws.

Medical marijuana processing facility. A facility that is operated by an individual, organization or business holding all necessary licenses and permits from which marijuana, marijuana-based products, or marijuana plants are prepared, converted or processed, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging of the substance or labeling or relabeling of its container.

Chapter 12 - ROADS AND VEHICULAR USE AREAS

Section 4: - Parking.

(b) Required off-street parking spaces.

(6) Matrix.

Use	Minimum Off-Street Parking Requirement	Ratio of Full Size/ Compact Spaces	Required Bicycle Spaces
Retail:			
	<u>Medical marijuana dispensary</u>	1 space/200 square feet	<u>.05 per required parking space</u>
Industrial			
	<u>Medical marijuana cultivation</u>	<u>1 space/1,000 square feet of area devoted to marijuana is produced, propagated, compounded, cultivated, planted, tended, grown, cared for or harvested</u>	<u>0</u>
	<u>Medical marijuana processing facility</u>	<u>1 space/600 square feet of gross floor area devoted to processing, plus the required parking for square footage devoted to other uses</u>	<u>0</u>

Chapter 16 MISCELLANEOUS REGULATIONS

Section 2: Home occupations.

(c) *Prohibited home occupations.*

(13) Cultivation, processing or dispensing of marijuana or marijuana-based products.

(1314) Any use not specifically permitted by chapter 16, section 2(b) above.

Chapter 17 ZONING DISTRICT REGULATIONS

Section 21: - Community commercial (CC) district.

(c) *Special exception uses* (chapter 18, section 3).

- (1) Bars, lounges, and night clubs (subsection 3).
- (2) Fortune tellers, astrologers, and palm readers (subsection 6).
- (3) Game/recreation facilities (subsection 7).
- (4) Guyed and lattice communication towers.
- (5) Marina, recreational (subsection 9.6).
- (6) Medical marijuana dispensary (subsection 9.8).
- (67) Mini-warehouses (subsection 10).
- (78) Motor vehicle and boat storage facilities (subsection 12).

Section 23: - Commercial industrial (CI) district.

(d) *Special exception uses* (chapter 18, section 3).

- (1) Guyed and lattice communication towers.
- (2) Medical marijuana cultivation (subsection 9.7).
- (3) Medical marijuana processing facility (subsection 9.7).
- (24) Used motor vehicle parts yards (subsection 23).

Section 24: - Light industrial (LI) district.

(d) Special exception uses (chapter 18, section 3).

(1) Marina, commercial/industrial (subsection 9.5).

(2) Medical marijuana cultivation (subsection 9.7).

(3) Medical marijuana processing facility (subsection 9.7).

(24) Truck stops (subsection 21).

Chapter 18 CONDITIONAL USES, SPECIAL EXCEPTIONS AND PERMITTED USES WITH SPECIAL DEVELOPMENT REQUIREMENTS

Section 3: Special requirements for special exception uses.

(b) *Special requirements.*

(9.7) Medical Marijuana Cultivation or Medical Marijuana Processing Facility (CI, LI).

- (a) On-premise sales. Sales, distribution, dispensing, or administration of medical marijuana or marijuana-based products shall be prohibited on the premises. The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking area(s), sidewalks, landscape buffers or other immediate surroundings.
- (b) On-premise consumption. No marijuana or marijuana-based products shall be smoked, ingested, or otherwise consumed on the premises. The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking area(s), sidewalks, landscape buffers or other immediate surroundings.
- (c) Separation distances. The proposed site shall be at least 1,000 feet from the nearest pre-existing school, house of worship, day care facility, public park, drug treatment facility, half-way house, medical marijuana dispensary, or another medical marijuana cultivation or medical marijuana manufacturing facility, measured lot line to building.
- (d) The proposed business shall not be located in any temporary or portable structure and there shall be no mobile facilities or delivery permitted to patients.
- (e) Site lighting. The entire exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times during business hours.
- (f) Display of state registration. Any medical marijuana cultivation center or medical marijuana processing facility shall be validly registered with the State of Florida, if required, and shall prominently display in a public area near its main entrance copies of all state licenses, city licenses, and local business tax receipt, and the name of the owner responsible for compliance with state and city law.
- (g) Compliance with other laws. All medical marijuana cultivation centers or medical marijuana processing facilities shall at all times be in compliance with all federal, state and local laws and regulations.

(9.8) Medical Marijuana Dispensary (CC).

- (a) Loitering. A medical marijuana dispensary shall provide adequate seating for its patients and business invitees and shall not allow patients or business invitees to stand, sit (including in a parked car), or gather or loiter outside of the building where the dispensary operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive, transact business and depart. The medical marijuana dispensary shall post conspicuous signs on all exterior sides of the building or tenant space that no loitering is allowed on the property.
- (b) On-premise consumption. No marijuana or marijuana-based products shall be smoked, ingested, or otherwise consumed on the premises, unless administered by a licensed

physician. The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking area(s), sidewalks, landscape buffers or other immediate surroundings.

- (c) *Alcohol and controlled substances.* No alcohol or other controlled substances (other than those types of marijuana approved for sale by the state Department of Health) shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided on the premises. The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking area(s), sidewalks, landscape buffers or other immediate surroundings of the medical marijuana dispensary.
- (d) *Separation distances.* The proposed site shall be at least 1,000 feet from the nearest pre-existing school, house of worship, day care facility, public park, drug treatment facility, half-way house, medical marijuana cultivation center, medical marijuana processing facility, or another medical marijuana dispensary, measured lot line to building.
- (e) *Hours of operation.* A medical marijuana dispensary may only operate Monday through Friday and only between the hours of 7:00 a.m. and 9:00 p.m.
- (f) The proposed business shall not be located in any temporary or portable structure and there shall be no mobile facilities or delivery permitted to patients.
- (g) *Site lighting.* The entire exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times during business hours.
- (h) *Display of state registration.* Any medical marijuana dispensary shall be validly registered with the State of Florida, if required, and shall prominently display in a public area near its main entrance copies of all state licenses, city licenses, and local business tax receipt, and the name of the owner and designated physician responsible for compliance with state and city law.
- (i) *Compliance with other laws.* All medical marijuana dispensaries shall at all times be in compliance with all federal, state and local laws and regulations.

CITY OF PORT ORANGE MONTHLY DEVELOPMENT ACTIVITY REPORT



Rossi's Side Street Café – 910 Village Tr.

CITY COUNCIL

allen green, mayor
drew bastian, vice mayor
bob ford, councilman
donald burnette, councilman
scott stiltner, councilman
michael h. johansson, city manager

PLANNING COMMISSION

frank crooks, chairperson
sonya laney, vice chairperson
michael arminio, commissioner
richard barker, commissioner
lance green, commissioner
thomas jordan, commissioner
john junco, commissioner

JULY 2015

RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT PROJECTS

JULY 2015

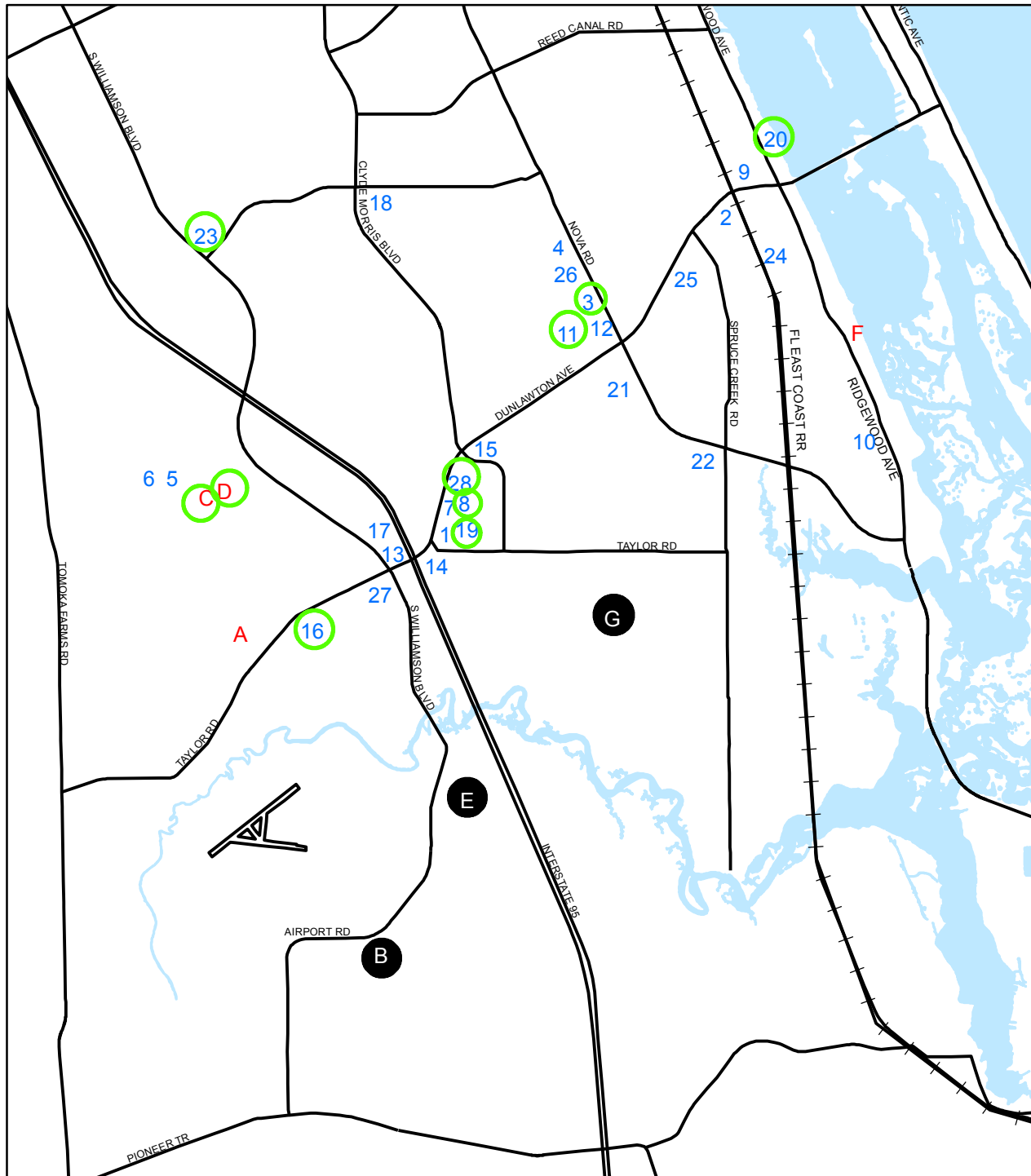
Residential

- A Crane Lakes PUD
- B Golf Homes at Cypress Head
- C Hawks Preserve, Phase I
- D Hawks Preserve, Phase II
- E The Pinnacle PUD, Phase II
- F Riverbank Properties
- G Serenity Hills PUD

Non-Residential

- 1 Altamira Shopping Village
- 2 Atlantic Marine
- 3 Autozone
- 4 Circle K #8088 (Herbert/Nova)
- 5 Coraci Sports Park, Phase 2
- 6 Coraci Sports Park - Pop Warner Field
- 7 Dunlawton Commons
- 8 Dunlawton Yorktowne - Unit 5
- 9 First United Methodist Church
- 10 Florida Truck Sales
- 11 FPL Magnolia Substation
- 12 The Half Wall
- 13 Heartland Dental
- 14 Mellow Mushroom
- 15 Murphy Oil
- 16 Our Savior's Lutheran Church
- 17 Panda Express
- 18 Palmetto Pointe Marketplace PCD
- Walmart Neighborhood Market grocery store
- 19 Port Orange Goodwill
- 20 Riverwalk Park, Phases 1A & 1B
- 21 Rossi Side Street Cafe
- 22 Spruce Creek Center
- 23 Town Park PCD
- 24 Virginia Industrial Park
- 25 Vystar Credit Union
- 26 Waffle House - Nova Rd.
- 27 Waffle House - Taylor Rd.
- 28 Wawa Dunlawton-Yorktowne

● New Project ○ Change In Status



RESIDENTIAL DEVELOPMENT PROJECTS

July 2015

 = addition to the development activity report

 = change of status to a particular project

MAP ID	Project	Location	Description	Status								Comments
				Under staff review	D. O. issued	Pre-con held	ABC completed	Const. Permit issued	Under construction	Final inspection	C.O. issued	
A	Crane Lakes PUD	1780 Taylor Rd.	Annexation, FLU Amendment, and MDA amendment to develop 8 new mobile home lots, second driveway, service area, storage area, and recreation area	X								DRC held 7/08/15
B	Golf Homes at Cypress Head / site plan	S. side of Airport Rd. between Cypress Head and Waters Edge	52 townhomes on ±6.62 acres	X								DRC held 8/12/15
C	Hawks Preserve, Phase I / subdivision (fka Port Orange Plantation, Phase IV A & B)	E. side of Coraci Blvd, N. of Town West Blvd.	119 single-family lots on ±57 acres	X	X							DO issued 8/17/15
D	Hawks Preserve, Phase II, subdivision (fka Port Orange Plantation, Phase IV D & E)	E. side of Coraci Blvd, N. of Town West Blvd.	75 single-family lots on ±23 acres	X	X							DO issued 8/17/15
E	The Pinnacle PUD, Phase II / D.O. modification	E. side of Airport Rd. / W. of I-95, S. of Martin Dairy Rd.	64 single-family lots on ±29.72 acres	X								DRD held 8/12/15
F	Riverbank Properties, replat	NE corner of Katherine St. and Palmetto St.	3 single-family lots on 0.72 acres	X	X							On hold
G	Serenity Hills PUD / rezoning, MDA and CDP	E. side of Hensel Rd. between Taylor Rd. and Central Park Blvd.	125 single-family lots on ±82 acres	X								DRC held 8/12/15

Case No./
Planner

15-10000001
15-20000001
15-40000001
PGC

15-80000009
GKP

14-50000006
PGC

14-50000007
PGC

15-52000001
DP

13-50000001
TPB

15-65000001
TPB

NON-RESIDENTIAL DEVELOPMENT PROJECTS

July 2015

 = addition to the development activity report = change of status to a particular project

MAP ID	Project	Location	Description	Status								Comments	Case No./ Planner
				Under staff review	D. O. issued	Pre-con meeting	ABC permit completed	Const. Permit issued	Under construction	Final inspection	C. O. issued		
1	Altamira Shopping Village	Commercial Subdivision Replat	1790 Dunlawton Ave.	5-lot commercial subdivision replat of +/- 27 acres	X							On hold	14-50000001 TPB
		Crosby Property / site plan	1736 Dunlawton Ave.	4,500 SF retail building on 1.24 acres with associated site improvements	X							On hold	14-80000014 TPB
2	Atlantic Marine / site plan		619, 621, 627, & 631 Lemon St. 630 & 632 Ruth St.	16,910 SF building for boat sales and boat repair and areas for outdoor boat storage for Atlantic Marine along with associated site and off-site improvements	X	X						DO Issued 3/26/15	14-80000006 TPB
3	Autozone / new construction		3750 Nova Rd.	8,000 SF building addition along with associated site improvements on 3.14 acres	X	X	X	X	X	X	X	1st Final inspection held 8/05/15	14-80000003 BP #14-3196 PGC
4	Circle K #8088 / new construction		3664 Nova Rd.	Demolition of existing gas station and construction of a new 4,400 SF convenience store and 16 fueling station positions under a canopy with associated site improvements on 1.99 acres	X							D.O. pending recording of S.I.A. and unity of title	15-80000003 BP #15-2369 GKP
5	Coraci Sports Park, Phase 2 (multi-purpose field) / site plan modification		5200 Coraci Blvd.	Development of a 2nd multi-purpose recreation field including modification of a stormwater retention pond on ±2 acres	X	X	X	X	X	X		Under construction	14-82000004 GKP
6	Coraci Sports Park, Pop Warner field / site plan modification		5200 Coraci Blvd.	Modifications to an existing football field including the construction of permanent grandstands with press box, storage facilities, restrooms, shelter pavilions, and associated site improvements	X	X						D.O. issued 7/20/15	15-82000002 GKP
7	Dunlawton Commons / site plan		1760 Dunlawton Ave.	10,123 SF multi-tenant building with associated site improvements on 1.52 acres	X	X	X	X	X			Building permit under review; site under construction	14-80000012 BP #15-2937 GKP
8	Dunlawton Yorktowne - Unit 5 / site plan modification		1770 Dunlawton Ave.	Modifications to an existing stormwater retention system on 4.4 acres	X	X	X	X	X	X	X	Complete	14-82000009 TPB
9	First United Methodist Church / site plan modification		305 Dunlawton Ave.	Paving of an existing grass parking lot and associated landscaping and stormwater retention improvements	X	X	X	X	X			Under construction	15-82000001 TPB

NON-RESIDENTIAL DEVELOPMENT PROJECTS

July 2015

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MAP ID	Project	Location	Description	Status								Comments	Case No./ Planner
				Under staff review	D. O. issued	Pre-con meeting	ABC permit completed	Const. Permit issued	Under construction	Final inspection	C. O. issued		
10	Florida Truck Sales / redevelopment	5536 Ridgewood Ave.	Redevelopment of a 0.68 acre commercial property into a car/truck sales lot with associated site improvements	X	X	X	X	X	X			Under construction	15-80000006 PGC
11	FPL Magnolia Substation / site plan & site plan modification	3760 Nova Rd.	Construction of an electrical substation with associated infrastructure improvements on a 4-acre portion of a 40.75 acre parcel.	X	X	X	X	X	X	X		Final inspection held 8/05/15	09-80000003 13-82000004 TPB
12	The Half Wall / new construction	3770 Nova Rd.	7,090 SF stand-alone restaurant with associated site improvements on 0.78 acres	X	X	X	X	X	X			Under construction	15-80000004 BP #15-1834 GKP
13	Heartland Dental / new construction	5445 S. Williamson Blvd.	3,215 SF dental office with associated site improvements on 1.08 acres	X	X	X	X	X	X			Under construction	14-80000015 BP #15-0291 PGC
14	Mellow Mushroom / new construction	5790 Journey's End Way	6,484 SF restaurant with associated site improvements on 1.48 acres	X	X	X	X	X	X			Under construction	14-80000005 BP #14-4641 PGC
15	Murphy Oil / new construction	Subdivision	A replat to subdivide 0.97 acres from a 21.86 acre parent tract to create a new outparcel for a fueling station	X	X							D.O. issued 5/19/15	14-50000004 PGC
		Site Plan	1,200 SF gas station with 12 fueling stations and associated site improvements on 0.97 acres	X								D.O. pending recording of replat	14-80000008 PGC
16	Our Savior's Lutheran Church / site plan modification	1715 Taylor Rd.	4,481 SF classroom building addition to an existing church with associated site improvements	X	X	X	X	X	X	X		Final inspection 8/21/15	14-82000007 BP #15-0432 GKP
17	Panda Express / new construction	5441 S. Williamson Blvd.	2,691 SF restaurant with drive-thru with associated site improvements on 1.07 acres	X	X	X	X	X	X			Under construction	15-80000002 BP #15-0518 PGC
18	Palmetto Pointe Marketplace PCD (Walmart Neighborhood Market grocery store) / new construction	Subdivision Plat & Plans	Subdivision of ±17.7 acres into 6 lots and 5 tracts	X	X							Approved on 2nd reading at CC 6/16/15	14-50000003 TPB
		Site Plan	42,000 square foot grocery store and 9,600 square foot commercial multi-tenant building with associated site and off-site improvements on 17.7 acres	X								On hold; Pending approval of recording of the Plat	14-80000007 TPB

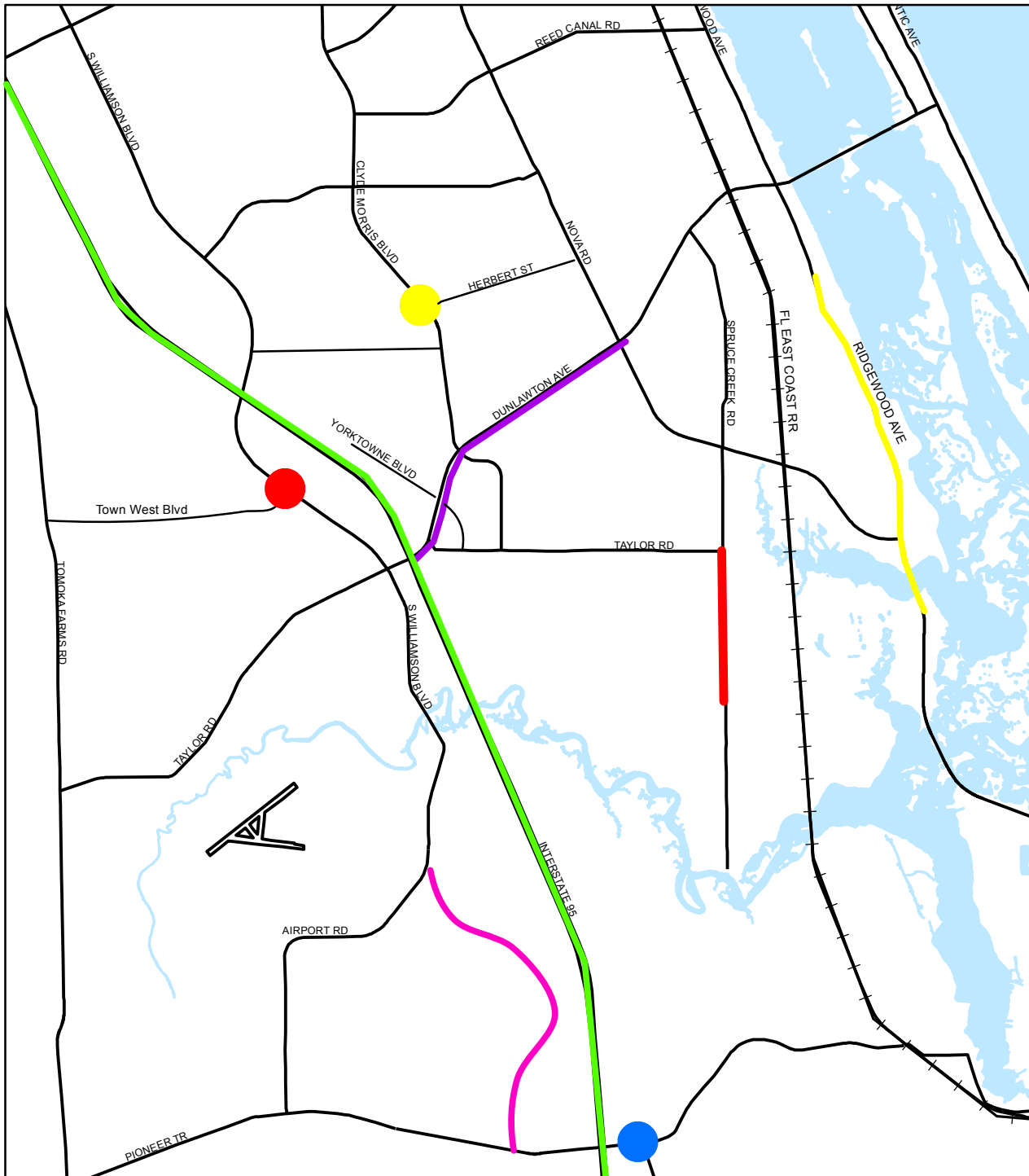
NON-RESIDENTIAL DEVELOPMENT PROJECTS

July 2015

 = addition to the development activity report

= change of status to a particular project

MAP ID	Project		Location	Description	Status								Comments	Case No./ Planner
					Under staff review	D. O. issued	Pre-con meeting	ABC permit completed	Const. Permit issued	Under construction	Final inspection	C. O. issued		
19	Port Orange Goodwill / new construction		1752 Dunlawton Ave.	22,342 SF retail building with associated site improvements on 2.94 acres	X	X	X	X	X	X	X	X	Complete	14-80000011 BP #14-5118 GKP
20	Riverwalk Park / new construction	Phase 1A	3431 Ridgewood Ave.	Kayak/canoe launch, trail, over-water boardwalk, restroom/trailhead and bridge, along with associated site improvements	X	X	X	X	X	X			Under construction	15-80000001 PGC
		Phase 1B		Playground, splash park, picnic facilities, pavilions, shade structures, additional restrooms, concession building, portion of the boardwalk, event lawn, parking, and the southern portion of the 12' wide trailway, along with associated site improvements	X								Under review	15-80000005 PGC
21	Rossi Side Street Café / new construction		910 Village Tr.	2,450 SF restaurant with associated site improvements on 0.73 acres	X	X	X	X	X	X			Under construction	14-80000013 BP #14-4852 DP
22	Spruce Creek Center / site plan modification		4020 Nova Rd.	Modifications to a parking lot for an existing shopping center with associated site improvements on 3.99 acres	X	X							DO issued 3/30/15	14-82000008 GKP
23	Town Park PCD / MDA & CDP Amendment		4015 S. Williamson Blvd.	2nd Amendment to the Town Park PCD. Amending the master development agreement and conceptual development plan to allow an <u>ALF, medical offices, and retail uses</u>	X	-	-	-	-	-	-	-	Approved on 2nd Reading at CC 8/04/15	15-40000001 GKP
24	Virginia Industrial Park / new construction		515 Virginia Ave.	7 building office/warehouse complex with associated site improvements	X	X	X	X	X	X	X		Final site inspection held 6/29/15	01-80000019 TPB
25	Vystar Credit Union / new construction		750 Dunlawton Ave	4,500 SF bank with 5 drive-thru lanes on 2.5 acres with associated on-site and off-site improvements	X	X							DO issued 3/20/15	14-80000010 DP
26	Waffle House Nova Rd. / new construction		3740 Nova Rd.	1,875 SF restaurant with associated site improvements on 0.80 acres	X								SDRC held 7/08/15	15-80000007 GKP
27	Waffle House Taylor Rd. / new construction		1633 A Taylor Rd.	1,875 SF restaurant with associated site improvements on 0.92 acres	X								1st Resubmittal under review	15-80000008 GKP
28	Wawa Dunlawton-Yorktowne / new construction		1740 Dunlawton Ave.	6,119 SF convenience store with 16 fueling station dispensers with associated site improvements on 1.85 acres	X	X	X	X	X	X	X	X	Complete	14-80000004 BP #14-2969 GKP



ROADWAY DEVELOPMENT PROJECTS

JULY 2015

- Dunlawton Avenue Resurfacing
- Herbert Street Turn Lane
- I-95 Widening
- Pioneer Trail at Turnbull Bay Road
- Ridge Wood Avenue Resurfacing
- Spruce Creek Road Sidewalk
- Town West Blvd. / Williamson Blvd. Signal
- S. Williamson Blvd. Extension

Project	Description	Jurisdiction	Status
Dunlawton Avenue (SR 421)	Resurfacing SR421 from Nova Road to I-95	FDOT	Substantially complete
Herbert Street Turn Lane	Add right turn lane WB at Clyde Morris Blvd.	City/TPO	Scheduled for construction in FY15
I-95 Widening	Construction to widen I-95 from SR44 to I-4/SR400 from 4 lanes to 6 lanes	FDOT	Under construction
Pioneer Trail at Turnbull Bay Road	Intersection improvement	Volusia County/TPO	Project out to bid. Scheduled for construction FY16
Ridgewood Avenue (US1)	Resurfacing US1 from Fleming Street to south of Rose Bay Bridge	FDOT	Under construction
Spruce Creek Road Sidewalk	Construct an 8'-wide sidewalk on the west side of Spruce Creek Rd. from Taylor Rd. to Central Park Blvd.	City/TPO	Under construction
Town West Blvd./Williamson Blvd. Signal	Installation of a 4-way traffic signal	City/Volusia County	Under construction
S. Williamson Blvd. Extension	Extension of Williamson Blvd. as a 4-lane divided roadway from Airport Rd. to Pioneer Trail	Developer/Volusia County	Pre-con held 7/22/15; Notice to proceed issued 8/15