



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, September 26,
2024

Time: 5:30 PM

Location: Council Chambers, City Hall
1000 City Center Circle
Port Orange

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call

B. DISCUSSION/ACTION

3. Consideration of Minutes - July 18, 2024
4. APPLICATION: Second Amendment to the Riveryard Master Development Agreement and Conceptual Development Plan
CASE NO.: PRZA-24-0006
APPLICANT: Bristol Port Orange Partners, LLC
STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675/tburman@port-orange.org

A request by the applicant to approve the Second Amendment to the Riveryard Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to clarify some development parameters such as a simplified list of permitted uses, revise the multi-family parking ratio, and update the CDP layout.

5. APPLICATION: First Amendment to Angler's Cove Planned Unit Development Master Development Agreement
CASE NO.: PRZA-24-0007
APPLICANT: City of Port Orange
STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675/tburman@port-orange.org

A request by the applicant on behalf of the owner for approval of the First Amendment to the Angler's Cove Planned Unit Development (PUD) Master Development Agreement (MDA) to allow for a screen room with 20 percent open screen area on Lot 4 (3657 Haller Point).

6. APPLICATION: LDC Amendment/Chapter 20
CASE NO.: DCAM-24-0001
APPLICANT: City of Port Orange

STAFF CONTACT: Tim Burman, Community Development Director, (386) 506-5675/tburman@port-orange.org

A request to approve amendments to Chapter 20 of the Land Development Code that include clarifications and minor changes that are simple clean-up items that make the development review process more efficient regarding targeted businesses.

C. OTHER BUSINESS

7. Commissioner Comments
8. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

NOTICES – PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.



FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE.



HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, 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, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JULY 18, 2024

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Chair Maria Mills-Benat at 5:30 p.m.

Pledge of Allegiance

Roll Call	Present:	Maria Mills-Benat, Chair Scott Steger Stan Schmidt Mark Bowling Lance Green Bo Bofamy Thomas Jordan, Vice Chair
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DISCUSSION/ACTION

3. Consideration of Minutes

Motion to approve the meeting minutes as presented from May 23, 2024 was made by Vice Chair Thomas Jordan and seconded by Commissioner Bo Bofamy. Motion carried unanimously by voice vote.

4. APPLICATION: MDA Amendment/First Amendment to the Riveryard Master Development Agreement (MDA)
CASE NO.: PRZA-24-0005
APPLICANT: Bristol Port Orange Partners, LLC
STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675/tburman@port-orange.org

A request by the applicant to approve the First Amendment to the Riveryard Master Development Agreement (MDA) to provide the framework to establish interim uses on the city-owned property in Riverwalk to activate the waterfront until construction of the permanent development project begins.

Motion to approve Case No. PRZA-24-0005 was made by Commissioner Stan Schmidt and seconded by Commissioner Lance Green.

Tim Burman, Community Development Director, provided details of the request and answered questions from the Commissioners.

Attorney Jessica Gow with Cobb Cole, on behalf of the applicant, spoke further about the timing of development, license agreements, interim uses, and concept plan. Attorney Gow answered questions from the Commissioners regarding liability and insurance.

Robert Reinhausen, resident, expressed his concerns that Bristol will extend their purchase date to the future and won't finance this project.

*Motion carried 6-1 by roll call vote with
Vice Chair Thomas Jordan voting no.*

OTHER BUSINESS

5. Commissioner Comments

There were none.

6. Staff Comments

Mr. Burman spoke about the closure of Fysh Bar & Grill and the restaurant becoming Tiki Docks.

PUBLIC COMMENTS

There were none.

ADJOURNMENT – 6:08 p.m.

Chair Maria Mills-Benat



STAFF REPORT

2nd Amendment to the Riveryard Master Development Agreement and Conceptual Development Plan Case No. PRZA-24-0006

REQUEST:	To approve the 2 nd Amendment to the Riveryard Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to clarify some development parameters, such as a simplified list of permitted uses, revise the multi-family parking ratio, and update the CDP layout.
LOCATION:	Northeast corner of Dunlawton Avenue and Ridgewood Avenue, the former Dave's Pest Control property, and the former ArtHaus property (Figure 1)
APPLICANT:	Bristol Port Orange Partners, LLC
PROPERTY OWNERS:	City of Port Orange and Port Orange Town Center; Community Redevelopment Agency; Bristol Port Orange Partners, LLC; Joan Sheridan Trust; JLS888 INC; Ralph & Tammy Heotzler
STAFF CONTACT:	Tim Burman, Community Development Director
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	September 26, 2024

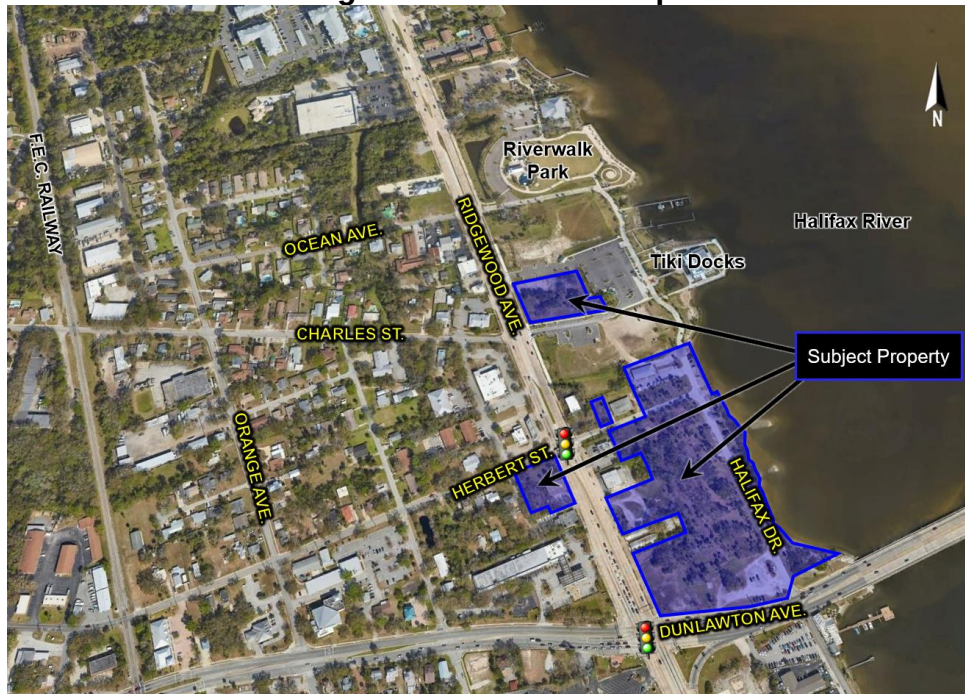
INTRODUCTION

In September 2023, the City Council and the Port Orange Town Center Community Redevelopment Agency approved the Riveryard Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Bristol Development Group's (Bristol) transformative mixed-use project located at the northeast corner of Dunlawton Avenue and Ridgewood Avenue, along the Halifax River (see Figure 1 – Page 2).

Over the last twelve months, Bristol has continued to make progress in critical areas, including preparing design plans (site plan, architectural drawings, and landscape plans), additional property acquisition, discussions with other permit agencies (FDOT, SJRWMD, DEP, etc.), preparing Economic Incentive Agreements with the City, refinement of construction estimates, and developing a plan to activate the waterfront with interim uses such as a food truck court, coffee shop, and recreation and entertainment amenities.

According to Bristol, information collected over the last year as they continued to develop their project led to some minor adjustments having to be made to the MDA and CDP. Since these adjustments pertained to text listed in the MDA and/or CDP, an amendment to the MDA and CDP was required to make these minor adjustments. The proposed amendment to the CDP does **not** change Bristol's overall mixed-use project as it will still include a waterfront park (performance pavilion, trails, swings/benches, etc.), riverfront bar/restaurant, ±30,000 square feet of commercial space, hotel (optional), multi-family building wrapped around a parking garage, festival street, public parking, private streets with on-street parking, associated infrastructure (water, sewer, lighting and drainage) improvements, and access from Dunlawton Avenue and Ridgewood Avenue via three private internal streets (Herbert Street, Halifax Drive, and Riveryard Drive).

Figure 1 – Location Map



DISCUSSION

The following minor adjustments and modifications are proposed to the amendment to the Riveryard MDA and CDP:

Site Layout

The revised CDP remains similar to the layout on the CDP approved in 2023. The revised CDP has more area set aside for commercial uses and public surface parking, less area for multi-family uses and parking (Table 1), and has shifted the intersection of Riveryard Drive and Ridgewood Avenue to the center of the development.

Table 1. Conceptual Development Plan Comparison

	2023 Plan (Acreage)	2024 Plan (Acreage)	Overall Change (Acreage)
Multifamily/Parking Garage/Courtyard	4.59	3.19	(1.40)
Commercial/Mixed-Use/Parking	2.59	3.77	1.18
Private R/W & On-Street Parking	2.38	2.53	0.15
Riverfront Park	1.45	1.52	0.07
Total Acreage	11.01	11.01	0.00

The modifications to the CDP do **not** change Bristol's overall mixed-use project as it will still include a waterfront park (performance pavilion, trails, swings/benches, etc.), riverfront bar/restaurant, ±30,000 square feet of commercial space, hotel (optional), multi-family building wrapped around a parking garage, festival street, public parking, private streets with on-street parking, associated infrastructure (water, sewer, and drainage) improvements, and access from Dunlawton Avenue and Ridgewood Avenue via three private internal streets (Herbert Street, Halifax Drive, and Riveryard Drive).

Figure 2. 2023 Conceptual Development Plan

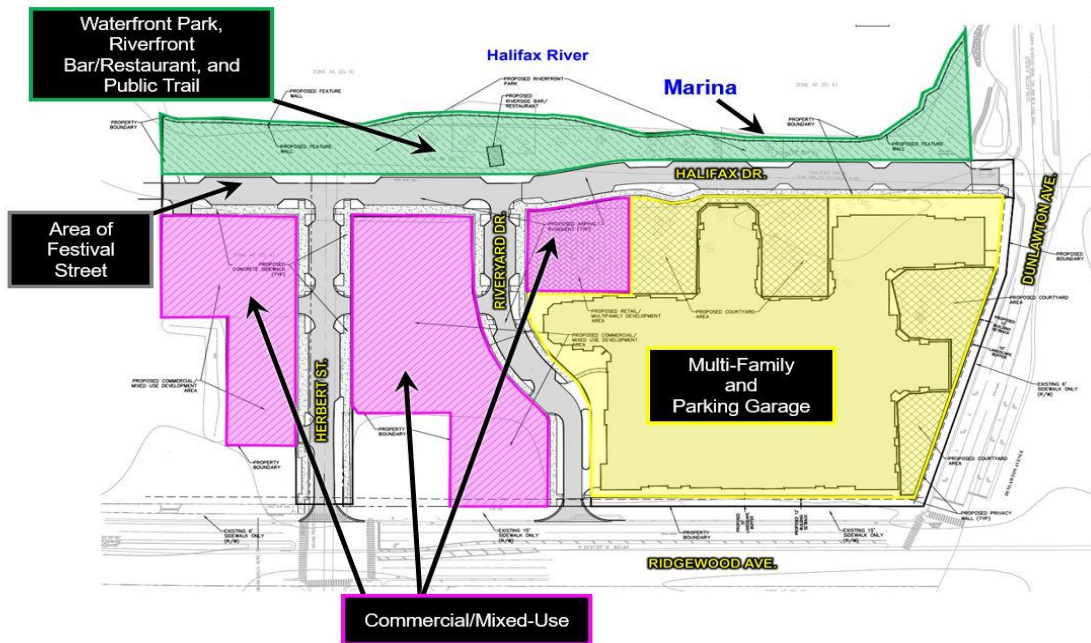
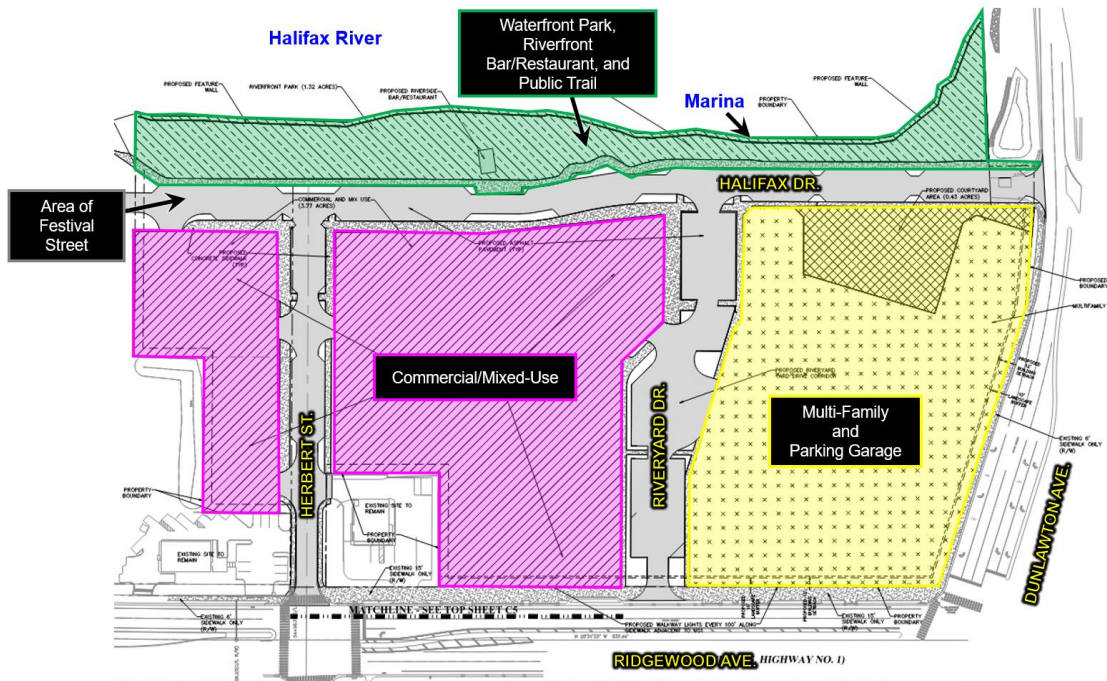


Figure 3. 2024 Conceptual Development Plan



Public Parking

The parking areas for the proposed development are shown on the CDP. According to the proposed amendment, the parking for the multi-family units will still be in a multi-level parking garage, and at least 300 parking spaces will be set aside for the public to access commercial uses, the waterfront park, and events on Festival Street. According to the MDA, the parking requirement for commercial uses is five spaces per 1,000 square feet. Providing 300 parking spaces for 30,000 square feet of commercial exceeds the required number of parking spaces by 150 spaces.

The current MDA states that public parking could also be provided in the lower parking garage levels, along with surface parking lots or on-street parking spaces. The proposed amendment does **not** reduce the number of public parking spaces the developer is required to provide, just that required public parking spaces will be provided in surface parking lots or on-street.

Multi-Family Parking Requirements

The current multi-family parking requirement in the MDA is 1.3 spaces per residential unit. The proposed amendment will revise the multi-family parking requirement from 1.3 to 1.25 spaces per residential unit.

According to Bristol, the proposed parking ratio will provide sufficient parking for a multi-family complex based on the traffic typically generated by a multi-family development within a mixed-use project. The Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th edition, indicates that the average parking ratio for a low/mid-rise apartment over a 24-hour period is between 1.10 and 1.37 spaces per residential unit. The proposed 1.25 parking spaces per residential unit is within the ITE-suggested range. According to Bristol, the proposed parking ratio has been used in other mixed-use projects they have developed and provides sufficient parking for the multi-family complex.

While the number of 1-bedroom units has yet to be finalized, Bristol anticipates that 60% to 62% of the multi-family units will be 1-bedroom units and 38% to 40% will be 2- and 3-bedroom units. According to Bristol, in their other multi-family projects, the 1-bedroom units are rented to single residents with one vehicle, and the occupants of the 2- and 3-bedroom units typically have two cars. Therefore, having more 1-bedroom units compared to the 2- and 3-bedroom units results in the need for fewer parking spaces per unit.

According to Bristol, the modified parking requirement is consistent with the December 2022 parking study prepared by Walker Consultants. In 2023 when the 1.3 parking space per multi-family unit was approved, the percentage of 1-bedroom units was anticipated to be 55% of the total multi-family units. With the expected increase in the percentage of 1-bedroom units (5% to 7%) and Bristol's experience in multi-family development, the requested parking requirement of 1.25 spaces per multi-family unit will be sufficient.

The current MDA allows a maximum of 460 residential units to be developed within the Riveryard project area. However, according to Bristol, the anticipated number of residential units to be constructed will be around 275. If approved, the revised parking requirement would result in a slight decrease in the number of spaces to be provided compared to the current parking requirement in the MDA.

Table 2. Parking Requirement Comparison

	Number of Residential Units	Required Spaces at 1.3 Parking Spaces per Residential Unit	Required Spaces at 1.25 Parking Spaces per Residential Unit	Difference Between 1.3 and 1.25 Parking Spaces per Residential Unit
Maximum Number of Residential Units Allowed	460	598	575	(23)
Projected Residential Units Allowed	275	357	344	(13)

Permitted Uses

The list of allowed uses within the portion of the Riveryard project area located east of Ridgewood Avenue has been revised to ensure that the commercial portion of the project is developed with experiential uses. The current MDA allows banks and office uses to be developed as part of the ground floor commercial uses. The proposed amendment removes bank as a permitted use, allows for ATM kiosks, and restricts office uses to the 2nd floor and above. The following table shows the current and proposed list of allowed uses for the Riveryard project area.

2023 Permitted Uses	2024 Permitted Uses
1. Bike, kayak & other recreational equipment rentals 2. Banks 3. Office (permitted on any floor) 4. Animal grooming and wellness 5. Game/recreation facilities 6. Health/exercise clubs 7. Brewery 8. Amphitheater 9. Multifamily dwellings and Townhomes 10. Food Truck Court/Parking – allowed in the area designated on the CDP as commercial, private roadway, and waterfront park. 11. Bars, lounges, and nightclubs 12. Hotel 13. Marina 14. Outdoor fruit and vegetable or craft market 15. Retail uses 16. Personal services 17. Restaurants 18. Public/civic facilities 19. Microbrewery 20. Craft food and beverage producer	1. Bike, kayak & other recreational equipment rentals <u>2. ATM kiosks</u> <u>3. Professional and medical offices (2nd floor and above only)</u> 4. Animal grooming or wellness 5. Game/recreation facilities 6. Health/exercise clubs 7. Brewery 8. Amphitheater 9. Multifamily dwellings and Townhomes 10. Food Truck Court/Parking – allowed in the area designated on the CDP as commercial, private roadway, and waterfront park. 11. Bars, lounges, and nightclubs 12. Hotel 13. Marina (marina which allows for overnight stay for up to seven (7) days) 14. Outdoor fruit and vegetable or craft market 15. Retail uses 16. Personal services 17. Restaurants 18. Public/civic facilities 19. Microbrewery 20. Craft food and beverage producer

The proposed uses are consistent with the Planned Community-Riverwalk Future Land Use designation, which states, “the area shall be a mixed-use entertainment location,” “promote river-based activities and events to attract citizens,” and “develop a unique riverfront location based on a healthy mix of entertainment, retail, office, and housing uses.” The proposed uses provide entertainment and a usable riverfront for residents of Port Orange and tourists.

The proposed permitted uses for the former ArtHaus property (3840 Ridgewood Avenue) include uses allowed in the Ridgewood Development (RD) zoning district and Riverwalk Overlay District (ROD), which allows for general retail, office, and restaurant uses.

Drive-Thru

The properties that make up the Riveryard project area are located in the Riverwalk Overlay District (ROD), and according to the ROD, a drive-thru facility can only be permitted if approved by the City Council as part of an MDA. The proposed amendment allows for one drive-thru at the former Dave’s Pest Control property (3641 Ridgewood Avenue) and one drive-thru at the former ArtHaus property (3840 Ridgewood Avenue). A drive-thru developed at either property will be required to comply with all development requirements in the LDC related to a drive-thru.

Figure 4. Properties A Drive-Thru Facility Is Proposed To Be Permitted



Figure 5. Example of Drive-Thru Architecturally Incorporated into a Commercial Building



Future Development on the Arthaus Property

The proposed amendment clarifies that future development of the former Arthaus property (3840 Ridgewood Avenue) located on the southwest corner of Herbert Street and Ridgewood Avenue shall be developed according to the dimensional criteria (setbacks, open space, building height, etc.) in the Land Development Code for the Ridgewood Development (RD) district and all site development requirements in the Land Development Code. The allowed uses in the Ridgewood Development (RD) zoning district and Riverwalk Overlay District (ROD) include general retail, office, and restaurant use. According to the applicant, there are no plans to develop this property at this time.

Timeframe

The proposed 2nd Amendment adds text that states if the Riverwalk Purchase & Sale Agreement between the City and Developer is not completed or is otherwise terminated, then the development rights granted pursuant to this Agreement shall lapse, except that any vested development rights shall be permitted to remain in place according to the Riveryard MDA and CDP, and associated amendments.

CONSISTENCY WITH COMPREHENSIVE PLAN

The subject property is designated Planned Community-Riverwalk on the City's Future Land Use (FLU) Map. The Planned Community-Riverwalk land use standards and the policies within the Port Orange Town Center (POTC) CRA Plan are to guide the development of a walkable development along the Halifax River that includes commercial, office, residential, civic, and entertainment uses. In 2023, the original MDA and CDP were found to be consistent with the intent of the Goals, Objects, and Policies of the Comprehensive Plan and CRA Plan, and the proposed amendment does not change the overall development framework and remains consistent with these plans.

PUBLIC NOTICE

A Public Notice sign was posted on the site on August 22, 2024. As of September 20, 2024, staff has not received any phone calls regarding the proposed Amendment.

RECOMMENDATION

Staff recommends approval of the 2nd Amendment to the Riveryard Master Development Agreement (MDA) and Conceptual Development Plan (CDP), subject to review and approval by the City Attorney's Office for legal form and content.

ATTACHMENT

Exhibit 1: 2nd Amendment to the Riveryard Master Development Agreement and Conceptual Development Plan

Document prepared by:
Jessica Gow, Esq.
Cobb Cole Law Firm
149 S. Ridgewood Ave., Ste. 700
Daytona Beach, FL 32114

EXHIBIT 1

Return recorded document to:
City of Port Orange Records Clerk
1000 City Center Circle
Port Orange, FL 32129

SECOND AMENDMENT TO RIVERYARD MASTER DEVELOPMENT AGREEMENT

The **CITY OF PORT ORANGE, FLORIDA**, a Florida municipal corporation, and **PORT ORANGE TOWN CENTER COMMUNITY REDEVELOPMENT AGENCY**, a special purpose district unit of government organized under Chapter 163, Part III, the Law of Florida, both located in Volusia County, Florida, (collectively "City"), Joan L. Sheridan, Trustee of the Joan L. Sheridan Revocable Trust, JLS888, Inc., Ralph & Tammy Heotzler and Bristol Port Orange Partners, LLC, a Florida limited liability company (collectively "Owners") and **BRISTOL PORT ORANGE PARTNERS, LLC**, a Florida limited liability company in its capacity as the developer of the Property ("Developer"), hereby agree and covenant, and bind their heirs, successors, and assigns, as follows:

WHEREAS, the property subject to this Second Amendment is the property more particularly described in Exhibit "A" to the MDA, said property being under the sole ownership of City and Owners and under contract (the "Riverwalk Purchase & Sale Agreement") for purchase by Developer; and

WHEREAS, the City and Owners previously entered into the Riveryard Master Development Agreement, adopted September 5, 2023, and recorded in Official Records Book 8457, Page 2924, Public Records of Volusia County, Florida ("MDA"), as amended by that certain First Amendment to Riveryard Master Development Agreement, adopted August 21, 2024, and recorded in Official records Book 8499, Page 2425, Public Records of Volusia County, Florida (the "First Amendment"); and

WHEREAS, the Developer is the contract purchaser of the property owned by the City and, as such, requests the City to further amend the MDA to modify certain development criteria and clarify phasing requirements for public uses within the City Property; and

WHEREAS, the City is willing to grant the Developer's request, subject to the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City and the Owners hereby agree to amend the MDA as follows:

1. The recitals provided above are recognized as true and correct representations and are incorporated herein.

2. The Conceptual Development Plan referenced in Sections 2. And 3.C. of the MDA which incorporate and refer to the Conceptual Development Plan as Exhibit “B” is hereby amended and replaced in its entirety with the amended Conceptual Development Plan marked as **Exhibit “Amended CDP”**, attached hereto and made a part hereof by this reference. Any references to the CDP or to Exhibit “B” shall mean the Exhibit “Amended CDP” attached hereto, unless otherwise further amended.
3. The Riveryard Architectural Styles Exhibit included as Exhibit “D” of the MDA is hereby amended and replaced in its entirety with the amended Riveryard Architectural Styles Exhibit marked as **Exhibit “Amended Riveryard Architectural Styles Exhibit”**, attached hereto and made a part hereof by this reference. Any references to the Riveryard Architectural Styles Exhibit or to Exhibit “D” shall mean the Exhibit “Amended Riveryard Architectural Styles Exhibit” attached hereto, unless otherwise further amended.
4. **Section 3 (D) of the MDA, Lot Development Criteria, is amended in part to read as follows: [additions shown in UNDERLINE, deletions shown in STRIKETHROUGH]**

D. LOT DEVELOPMENT CRITERIA. The following lot development criteria shall apply to the Property.

(1) Except as set forth in subsection (2), herein, ~~the~~ the following modified lot development criteria shall apply to commercial and multifamily development throughout the Property:

[remainder of subsection (1) is unchanged]

(2) The property located on the southwest corner of Herbert Street and Ridgewood Avenue (identified as Parcel 27 on Sheet C3 of the CDP and being Parcel No. 630311060021) shall be developed using the development dimensional criteria for the Ridgewood Development (RD) district.

5. **Section 5 of the MDA is amended in part to read as follows: [additions shown in UNDERLINE, deletions shown in STRIKETHROUGH]**

5. PERMITTED USES.

(a) ~~All uses permitted within the PC-R Mixed Use district shall be permitted, along with~~ The following uses are permitted within the Property:

Bike, kayak & other recreational equipment rentals
ATM kiosks

Professional and medical offices (2nd floor and above only)
Animal grooming or wellness
Game/recreation facilities
Health/exercise clubs
Brewery
Amphitheater
Multifamily dwellings and Townhomes
Food Truck Court/Parking – allowed in the area designated on the CDP as commercial, private roadway, and waterfront park.
Bars, lounges, and nightclubs
Hotel
Marina
Outdoor fruit and vegetable or craft market
Retail uses
Personal services
Restaurants
Public/civic facilities
Microbrewery
Craft food and beverage producer

Accessory and temporary uses are permitted within the site that are incidental to the principal uses outlined herein and are part of the scale or scope of everyday operations. Temporary uses, such as social programming, art displays, exercise classes, and similar activities targeted towards activation of the Property shall be permitted without the need for formal Special Event review by the City, so long as the event does not contemplate any of the following: (1) Affects the public roadway network and area(s) beyond the City of Port Orange; (2) Requires one or more public roadway closures; (3) Has hours of operation extending beyond 11:00 p.m.; or (4) Extends for a period over twenty-four hours.

In the areas illustrated on the CDP, temporary staging and parking shall be permitted as an interim use until redevelopment of the portion of the property used for such use.

The property identified as Parcels 19 and 20 on Sheet C3 of the CDP may include as part of the overall development one use with a drive thru.

The property located on the southwest corner of Herbert Street and Ridgewood Avenue (identified as Parcel 27 on Sheet C3 of the CDP) can be developed with the uses permitted in the Ridgewood Development (RD) district and not prohibited in Riverwalk Overlay District (ROD), as amended, except that as part of the overall development one use with a drive thru may be permitted.

[Subsections (b). through (e). remain unchanged]

6. **Section 6.D.(1)-(4) of the MDA is amended in part to read as follows: [additions shown in UNDERLINE, deletions shown in STRIKETHROUGH]**

D. PARKING. Parking shall be developed consistent with the LDC, except as modified herein.

(1) Multifamily development may include multi-level garages, one-car garages, two-car garages and surface parking and shall be developed at a minimum ratio of ~~1.3~~ 1.25 parking spaces per dwelling unit. Parking for multifamily residential uses may be provided through the use of tandem garage/parking spaces so long as the tandem spaces are assigned for the exclusive use of one residential unit.

(2) Commercial uses within the Property may be permitted at a ratio of 5 spaces per 1,000 square feet.

(3) No additional parking shall be required for Food Truck or Marina uses, as this use is intended to be supportive of other proposed uses and transitory in nature.

(4) Of the required parking provided for the Property, a minimum of ~~100 surface spaces and 200 garage spaces~~ 300 parking spaces will be set aside for use by the public, although such spaces shall count towards the minimum required parking standards for individual use types. ~~The Property shall be subject to the following modified standards for parking details:~~

[Remainder of Section Remains Unchanged]

7. **Section 12 of the MDA is amended in part to read as follows: [additions shown in UNDERLINE, deletions shown in STRIKETHROUGH]**

[Subsections A. through D. remain unchanged]

E. Furthermore, if the Riverwalk Purchase & Sale Agreement between the City and Developer is not completed or is otherwise terminated, then the development rights granted pursuant to this Agreement shall lapse except that any vested development rights shall be permitted to remain in place pursuant to the terms contained herein.

8. This Second Amendment shall be effective as of the date it is executed by all parties. The MDA, as previously enacted, shall remain in full force and effect except with the respect to those matters specifically amended by the First Amendment and this Second Amendment.
9. This Second Amendment shall be recorded in the Public Records of Volusia County, Florida, at the Developer's expense. The restrictions on use and development imposed by this Second Amendment shall be binding upon all successors in interest in the Property.

[REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

IN WITNESS WHEREOF, the parties hereto attached their hands and seals on the dates set forth below.

Signed, sealed and delivered in the presence of: **THE CITY OF PORT ORANGE, FLORIDA,
a Florida municipal corporation**

Witness 1

Print Name of Witness 1

By: _____

Donald O. Burnette, Mayor

Attest:

Witness 2

Print Name of Witness 2

By: _____

Robin L. Fenwick, MMC, City Clerk

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2024 by Donald O. Burnette, Mayor, and Robin L. Fenwick, City Clerk, both of The City of Port Orange, Florida, a chartered municipal corporation, on behalf of the City. They are personally known to me and did not take an oath.

Notary Public
Commission No: _____

Signed, sealed and delivered in the presence of: **Port Orange Town Center Community
Redevelopment Agency (“CRA”)**

Witness 1

Print Name of Witness 1

By: _____
Name:

Date: _____

Witness 2

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2024, by _____ of _____. He or she is ☐ personally known to me or ☐ produced as identification and did not take an oath.

Notary Public
Commission No. _____

Signed, sealed and delivered in the presence of: **Bristol Port Orange Partners, LLC**
(“Developer”)

Witness 1

Print Name of Witness 1

By: _____
Name:

Witness 2

Print Name of Witness 2

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 2024, by _____ of Bristol Port Orange Partners, LLC, referred to in this agreement as “Developer.” He or she is ☐ personally known to me or ☐ produced as identification and did not take an oath.

Notary Public
Commission No. _____

Approved as to legal form:

By: _____
Shannon K. Balmer, Senior Assistant City Attorney

EXHIBIT A

LEGAL DESCRIPTION:

A PORTION OF LOTS 1 THRU 9, INCLUDING RIPARIAN RIGHTS, BLOCK B, WILSON'S PORT ORANGE, AS RECORDED IN MAP BOOK 1, PAGE 154, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. LYING IN SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST.

TOGETHER WITH

LOTS 2 THRU 4, INCLUSIVE, AND INCLUDING RIPARIAN RIGHTS, DANIELS PORT ORANGE, AS RECORDED IN MAP BOOK 3, PAGE 29, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH

THE EAST 55 FEET OF THE WEST 155 FEET OF THE SOUTHERLY 100 FEET, EXCLUDING PART IN STREET, BLOCK "C" WILSON'S PORT ORANGE, ACCORDING TO THE PLAT OR MAP THEREOF AS RECORDED IN MAP BOOK 1, PAGE 154, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH

THE EAST 105 FEET OF THE WEST 260 FEET OF THE SOUTH 100 FEET, BLOCK "C", WILSON'S MAP OF PORT ORANGE, AS RECORDED IN MAP BOOK 1, PAGE 154 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH

A PORTION OF HERBERT STREET AND A PORTION OF HALIFAX DRIVE.

LESS AND EXCEPT

THE SOUTHERLY 60 FEET OF THE WESTERLY 140 FEET OF LOT 7, BLOCK B, WILSON'S PORT ORANGE, AS PER MAP IN MAP BOOK 1, PAGE 154, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LESS THAT PORTION DEEDED FOR STREET, AND THE WEST 140 FEET OF THE NORTH 15 FEET OF LOT 7 AND THE WEST 140 FEET OF LOT 8, ALL IN BLOCK B, WILSON'S SUBDIVISION OF PORT ORANGE, AS PER MAP IN MAP BOOK 1, PAGE 154, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPT THAT PORTION THEREOF DEEDED TO THE STATE OF FLORIDA FOR WIDENING OF THE PUBLIC HIGHWAY LOCATED THEREON.

ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF DUNLAWTON AVENUE(PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 79180-2514(R/W VARIES))AND THE EASTERLY RIGHT OF WAY LINE OF RIDGEWOOD AVENUE(U.S. HIGHWAY 1)(PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 7901-278(R/W VARIES)); THENCE ALONG THE SAID EASTERLY RIGHT OF WAY LINE N25°34'45"W, A DISTANCE OF 571.83 FEET TO THE SOUTH LINE OF LOT 7, WILSON'S PORT ORANGE, AS RECORDED IN MAP BOOK 1, PAGE 154, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG SAID SOUTH LINE N64°41'02"E, A DISTANCE OF 130.09 FEET TO THE EASTERLY LINE OF THE WESTERLY 140 FEET OF LOTS 7 AND 8, BLOCK B, SAID WILSON'S PORT ORANGE; THENCE ALONG SAID EASTERLY LINE N25°34'44"W, A DISTANCE OF 129.84 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HERBERT STREET (40' R/W); THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE; S64°43'17"W, A DISTANCE OF 127.53 FEET; THENCE DEPART SAID SOUTHERLY RIGHT OF WAY LINE N25°16'43"W, A DISTANCE OF 40.93 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF HERBERT STREET AND THE EASTERLY RIGHT OF WAY OF RIDGEWOOD AVENUE; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE N64°50'16"E, A DISTANCE OF 81.32 FEET TO THE EASTERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7289, PAGE 4214; THENCE ALONG SAID EASTERLY LINE N25°13'53"W, A DISTANCE OF 100.36 FEET TO THE SOUTHERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5560, PAGE 408; THENCE ALONG SAID SOUTHERLY LINE N64°49'06"E, A DISTANCE OF 178.01 FEET; THENCE CONTINUE ALONG SAID SOUTHERLY LINE N25°23'46"W, A DISTANCE OF 79.78 FEET; THENCE CONTINUE ALONG SAID SOUTHERLY LINE N64°50'19"E, A DISTANCE OF 280.63 FEET TO THE MEAN HIGH WATER LINE OF THE HALIFAX RIVER; THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING 22 COURSES S10°33'07"E, A DISTANCE OF 19.09 FEET; THENCE S25°04'17"E, A DISTANCE OF 55.64 FEET; THENCE S22°19'30"E, A DISTANCE OF 49.64 FEET; THENCE S23°46'14"E, A DISTANCE OF 56.19 FEET; THENCE S23°27'26"E, A DISTANCE OF 61.77 FEET; THENCE S39°20'50"E, A DISTANCE OF 56.57 FEET; THENCE S29°14'40"E, A DISTANCE OF 60.48 FEET; THENCE S22°31'59"E, A DISTANCE OF 107.97 FEET; THENCE S39°16'58"E, A DISTANCE OF 6.36 FEET; THENCE S18°04'06"E, A DISTANCE OF 28.61 FEET; THENCE S10°07'08"E, A DISTANCE OF 57.62 FEET; THENCE S04°56'16"E, A DISTANCE OF 18.59 FEET; THENCE S23°08'01"E, A DISTANCE OF 20.17 FEET; THENCE S30°00'12"E, A DISTANCE OF 50.08 FEET; THENCE S16°58'21"E, A DISTANCE OF 58.92 FEET; THENCE S24°26'08"E, A DISTANCE OF 49.65 FEET; THENCE S25°03'28"E, A DISTANCE OF 91.95 FEET; THENCE S34°44'03"E, A DISTANCE OF 24.18 FEET; THENCE S64°28'24"E, A DISTANCE OF 62.07 FEET; THENCE N78°45'07"E, A DISTANCE OF 20.50 FEET; THENCE S58°53'05"E, A DISTANCE OF 16.68 FEET; THENCE N84°53'44"E, A DISTANCE OF 48.98 FEET; THENCE S83°12'10"E, A DISTANCE OF 35.23 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF AFORESAID DUNLAWTON AVENUE; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE S61°59'36"W, A DISTANCE OF 224.18 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HALIFAX DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE S26°00'43"E, A DISTANCE OF 34.57 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF AFORESAID DUNLAWTON AVENUE; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE S02°22'59"W, A DISTANCE OF 16.76 FEET; THENCE CONTINUE ALONG SAID LINE

S69°26'15"W, A DISTANCE OF 107.40 FEET; THENCE CONTINUE ALONG SAID LINE S81°44'19"W, A DISTANCE OF 335.17 FEET TO THE POINT OF BEGINNING.

CONTAINING 480,471 SQUARE FEET, OR 11.030 ACRES MORE OR LESS.

PARCEL 1

LOTS 5 AND 6, EXCEPT THE EAST 216 FEET AND EXCEPT THE STREET (US HIGHWAY #1), BLOCK 2, PORT ORANGE HAND TRACT, THE SAID EAST 216 FEET BEING MEASURED ON THE NORTH LINE OF LOT 5, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 2, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL 2

REFER TO A POINT IN THE ORIGINAL EAST LINE OF RIDGEWOOD AVENUE, (US HIGHWAY #1, STATE ROAD NO. 5, A 66 FOOT RIGHT-OF-WAY), SAID POINT BEING THE INTERSECTION OF THE NORTH LINE OF U.S. GOVERNMENT LOT TWO (2), OF SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, ALSO BEING THE NORTH LINE OF LOT ONE (1), MRS DANIEL'S ADDITION TO PORT ORANGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 3, PAGE 29, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, WITH SAID ORIGINAL EAST RIGHT-OF-WAY; THENCE N89°14'45"E, FOR A DISTANCE OF 3.83 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY # 1 (STATE ROAD 5), NOW A 100 FOOT RIGHT-OF-WAY; THENCE S24°15'30"E ALONG THE EAST RIGHT-OF-WAY LINE NOW IN USE FOR A DISTANCE OF 150.42 FEET; THENCE DEPARTING AFORESAID RIGHT-OF-WAY N77°17'08"E, FOR A DISTANCE OF 338.08 FEET; THENCE N25°55'41"W FOR A DISTANCE OF 75.00 FEET TO THE NORTH LINE OF SAID U.S. GOVERNMENT LOT 2; THENCE S89°14'45"W ALONG SAID SOUTH LINE FOR A DISTANCE OF 358.83 FEET TO THE POINT OF BEGINNING.

ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF GOVERNMENT LOT 2, SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST AND THE ORIGINAL EASTERLY RIGHT OF WAY LINE OF RIDGEWOOD AVENUE, THENCE N89°07'57"E, A DISTANCE OF 3.31 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY # 1(STATE ROAD 5) (PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 7901-278 R/W VARIES)); THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE N22°52'00"W, A DISTANCE OF 46.18 FEET TO THE NORTHERLY LINE OF LOT 5, H.P. HAND TRACT, AS RECORDED IN MAP BOOK 2, PAGE 185 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ALSO BEING THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5560, PAGE 408; THENCE ALONG SAID NORTHERLY LINE N75°10'06"E, A DISTANCE OF 287.02 FEET TO THE BOUNDARY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5560, PAGE 408; THENCE ALONG SAID BOUNDARY LINE S25°16'47"E, A DISTANCE OF 123.07 FEET TO THE

SAID NORTHERLY LINE OF GOVERNMENT LOT 2; ALSO BEING THE NORTHERLY LINE OF LOT 1, DANIELS' ADDITION TO PORT ORANGE, AS RECORDED IN MAP BOOK 3, PAGE 29; THENCE ALONG SAID NORTHERLY LINE N89°12'09"E, A DISTANCE OF 45.83 FEET TO THE BOUNDARY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5560, PAGE 408; THENCE ALONG SAID BOUNDARY LINE S25°24'56"E, A DISTANCE OF 74.27 FEET TO THE BOUNDARY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5560, PAGE 408; THENCE ALONG SAID BOUNDARY LINE S77°29'15"W, A DISTANCE OF 340.70 FEET THE SAID EASTERLY RIGHT OF WAY LINE OF RIDGEWOOD AVENUE; THENCE ALONG THE SAID EASTERLY RIGHT OF WAY LINE N22°52'00"W, A DISTANCE OF 147.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 60796 SQUARE FEET, OR 1.396 ACRES MORE OR LESS.

TOGETHER WITH

LOT 1 & 2, AND THE NORTHERLY 21.25 FEET OF THE EASTERLY 136.8 FEET OF LOT 3, BLOCK F, EXCLUDING RIGHT-OF-WAY, WILSON'S PORT ORANGE, AS PER MAP IN MAP BOOK 1, PAGE 154, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

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LOT	PARCEL ID NO.	PARCEL ADDRESS	OWNER NAME/ADDRESS
1	6303-11-03-0040	115 HERBERT ST. PORT ORANGE, FL 32129	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
2	6303-11-03-0030	373 HALIFAX DR. PORT ORANGE, FL 32129	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
3	6303-11-03-0072	110 HERBERT PORT ORANGE, FL 32129	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
4	6303-11-03-0071	108 HERBERT PORT ORANGE, FL 32129	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
5	6303-11-03-0070	3814 HALIFAX DR. PORT ORANGE, FL 32129	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
6	6303-11-03-0061	3840 HALIFAX DR. PORT ORANGE, FL 32129	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
7	6303-11-03-0050	3858 HALIFAX DR. PORT ORANGE, FL 32129	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
8	6303-11-03-0030	3965 S RIDGEWOOD AVE. PORT ORANGE, FL 32129	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
9	6303-11-03-0022	3969 S RIDGEWOOD AVE. PORT ORANGE, FL 32127	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
10	6303-11-03-0014	3979 S RIDGEWOOD AVE. PORT ORANGE, FL 32127	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
11	6303-11-03-0031	3900 HALIFAX DR. PORT ORANGE, FL 32129	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
12	6303-11-03-0020	3920 HALIFAX DR. PORT ORANGE, FL 32129	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
13	6303-11-03-0032	HALIFAX DR. PORT ORANGE, FL 32129	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
14	6303-11-03-0090	3999 S RIDGEWOOD AVE. PORT ORANGE, FL 32127	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
15	6303-11-03-0012	DUNLAWTON AVE. PORT ORANGE, FL 32127	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
16	6303-11-03-0013	DUNLAWTON AVE. PORT ORANGE, FL 32127	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
17	6303-11-03-0011	109 DUNLAWTON AVE. PORT ORANGE, FL 32127	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
18	6303-11-03-0010	3966 HALIFAX DR. PORT ORANGE, FL 32127	CITY OF PORT ORANGE 100 CITY CENTER CIR. PORT ORANGE, FL 32129
19	6303-16-00-0014	RIDGEWOOD AVE. PORT ORANGE, FL 32129	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 3212
20	6303-10-02-0050	3641 RIDGEWOOD AVE. PORT ORANGE, FL 32129	CITY OF PORT ORANGE 1000 CITY CENTER CIR. PORT ORANGE, FL 32129
21	6303-11-02-0041	3925 RIDGEWOOD AVE. PORT ORANGE, FL 32129	BRISTOL PORT ORANGE PARTNERS, LLC 381 MALLORY STATION RD. STE. 204 FRANKLIN, TN 37067-B264
22	6303-11-02-0042	3921 RIDGEWOOD AVE. PORT ORANGE, FL 32129	RALPH & TAMMY HEOTZLER 3921 RIDGEWOOD, AVE. PORT ORANGE, FL 3212
23	6303-11-02-0060	3855 RIDGEWOOD AVE. PORT ORANGE, FL 32129	JLS888, INC. 3855 RIDGEWOOD, AVE. PORT ORANGE, FL 32,29
24	6303-11-03-0050	113 HERBERT STREET PORT ORANGE, FL 32129	JOAN L. SHERIDAN TRUSTEE 113 HERBERT STREET PORT ORANGE, FL 32129
27	6303-11-06-0021	113 HERBERT STREET PORT ORANGE, FL 32129	ART HANS GALLERY 3840 RIDGEWOOD AVE PORT ORANGE, FL 32129

PROJECT DESCRIPTION:

THIS PROJECT INCLUDES THE DEVELOPMENT OF A MIXED USE TOWN CENTER AND PARK. COMPLIANCE WITH THE LAND DEVELOPMENT CODE MAY NECESSITATE MODIFICATION OF THE CONCEPTUAL PLAN.

SITE INFORMATION:

SITE ADDRESS:	SOUTH RIDGEWOOD AVE., PORT ORANGE, FL
PROJECT AREA:	13.28 AC
AREA OWNED/CONTROLLED BY BRISTOL	11.91 AC
R/W OWNED BY THE CITY OF PORT ORANGE	1.37 AC
EXISTING ZONING:	PC-R AND RD
PROPOSED ZONING:	PC-R AND RD
PROPOSED OPEN SPACE:	1.45 AC
MAXIMUM OVERALL RESIDENTIAL DENSITY:	A MAXIMUM DENSITY OF 460 UNITS (37 UNITS/ACRE).
MINIMUM BUILDING SETBACKS:	
DUNLAWTON AVE.:	12 FT
RIDGEWOOD AVE.:	12 FT
EXTERNAL TO MASTER DEVELOPMENT:	5 FT
INTERNAL:	SEAWALL 5 FT, HALIFAX DRIVE 5 FT, HERBERT ST, 5 FT, ALL OTHERS 0 FT
PARCEL 27:	PER RD ZONING DISTRICT
REQUIRED LANDSCAPE BUFFER(S):	10 FT -- ALONG DUNLAWTON AVE. 10 FT -- ALONG RIDGEWOOD AVE. 5 FT -- ALL OTHER PERIMETERS
MINIMUM LIVING AREA/DWELLING UNIT:	500 SF
MINIMUM BUILDING LOT COVERAGE:	3,000 SF
MAXIMUM BUILDING HEIGHT:	105 FT, EXCLUDING ARCHITECTURAL EMBELLISHMENTS OR DESIGN ELEMENTS
PARCEL 27:	PER RD ZONING DISTRICT
MAXIMUM FENCE HEIGHT:	8 FT, (SUCH HEIGHT SHALL NOT INCLUDE THE PORTIONS OF A RETAINING WALL THAT IS LOCATED SUB-GRADE).
MINIMUM LOT WIDTH:	N/A
MINIMUM LOT DEPTH:	N/A
THE STRUCTURES WITHIN THE PD WILL BE DETERMINED BY THE ENGINEER OF RECORD. THE FINISHED FLOOR ELEVATION(FFE) SHALL BE MINIMUM ELEVATION OF 7.	
UTILITIES:	PROVIDED BY CITY OF PORT ORANGE

PARKING:

- MULTIFAMILY DEVELOPMENT: MINIMUM RATIO OF 1.25 PARKING SPACES PER DWELLING UNIT. PARKING FOR MULTIFAMILY RESIDENTIAL USES MAY BE PROVIDED THROUGH THE USE OF TANDEM GARAGE/PARKING SPACES SO LONG AS THE TANDEM SPACES ARE ASSIGNED FOR THE EXCLUSIVE USE OF ONE RESIDENTIAL UNIT.
- COMMERCIAL USES: A RATIO OF 5 SPACES PER 1,000 SQUARE FEET.
- HOTEL USES: A RATIO OF 1 SPACE PER GUEST ROOM AND 0.10 PER EMPLOYEE.
- NO ADDITIONAL PARKING SHALL BE REQUIRED FOR FOOD TRUCK OR MARINA USES.
- A MINIMUM OF 300 PARKING SPACES WILL BE SET ASIDE FOR USE BY THE PUBLIC, ALTHOUGH SUCH SPACES SHALL COUNT TOWARDS THE MINIMUM REQUIRED PARKING STANDARDS FOR INDIVIDUAL USE TYPES.
- PARKING PARKING DIMENSIONS. THE MINIMUM PARKING DIMENSIONS ON SITE SHALL BE AS FOLLOWS: 90 DEGREE SPACES MEASURING 9' X 18', PARALLEL SPACES MEASURING 8' X 20'. PARKING AREAS SHALL HAVE A MINIMUM DRIVE AISLE WIDTH OF 22'. COMPACT SPACES ARE ALLOWED UP TO 10% OF TOTAL REQUIRED SPACES AND SHALL BE A MINIMUM OF 8'-0" X 16'-0". ANGLED PARKING SPACES ARE ALLOWED EXCEPT ON HALIFAX DRIVE AND HERBERT STREET AND SHALL BE 45 DEGREE ANGLE, 9'-0" MIN. WIDTH FROM SIDE TO SIDE, 19'-1" MIN. DEPTH FROM CURB TO BACK OF SPACE, AND 12'-9" MIN. WIDTH AS MEASURED ALONG THE CURB FROM SPACE TO SPACE.
- GARAGE PARKING DIMENSIONS SHALL BE AS FOLLOWS:
PARKING SPACE: 9'-0" WIDE X 18'-0" DEEP
DRIVE AISLES: 24'-0" WIDE MINIMUM

DEVELOPER:

BRISTOL PORT ORANGE PARTNERS, LLC
381 MALLORY STATION RD, SUITE 204
FRANKLIN, TN 37064

PHONE NUMBER: 615-415-7326

FAX NUMBER

CONTACT PERSON: CHARLES CARLISLE

e-mail: carlisle@bristoldevelopment.com

CIVIL ENGINEER:

ZEV COHEN & ASSOCIATES, INC.
300 INTERCHANGE BLVD, SUITE C
ORMOND BEACH, FL 32174

PHONE NUMBER: (386) 677-2482

FAX NUMBER: (386) 677-2505

CONTACT: RANDY M. HUDAK, P.E.

e-mail: rhudak@zevcohen.com

SURVEYOR:

SLIGER & ASSOCIATES, INC.
3921 NOVA ROAD
PORT ORANGE, FL. 32127

PHONE NUMBER: (386) 761-5385

FAX NUMBER

CONTACT PERSON: JOE ZAPERT, P.L.S.

e-mail: jzapert@sligerassociates.com

LANDSCAPE ARCHITECT:

DIX-HITE
150 WEST JESSUP AVE.
LONGWOOD, FL 32750

PHONE NUMBER: : (407) 667-1777

FAX NUMBER

CONTACT PERSON: JAMIE WRIGHT PLA,
LEED-AP

e-mail: jwright@dixhite.com

SHEET INDEX:

- | | |
|----|-------------------|
| C1 | COVER SHEET |
| C2 | CDP |
| C3 | PC-R AREA EXHIBIT |
| C4 | DRAINAGE EXHIBIT |
| C6 | UTILITY PLAN |
| C7 | EASEMENT EXHIBIT |

LEGAL DESCRIPTION:

A PORTION OF LOTS 1 THRU 9, INCLUDING HERBARIAN RIGHTS, BLOCK B, WILSON'S PORT ORANGE, AS RECORDED IN MAP BOOK 1, PAGE 154, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LING IN SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, TOGETHER WITH LOTS 2 THRU 4, INCLUDING, AND INCLUDING HERBARIAN RIGHTS, DANIELS PORT ORANGE, AS RECORDED IN MAP BOOK 3, PAGE 29, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THE EAST 55 FEET OF THE WEST 155 FEET OF THE SOUTHERLY 100 FEET, EXCLUDING PART IN STREET, BLOCK "C" WILSON'S PORT ORANGE, ACCORDING TO THE PLAT OR MAP THEREOF AS RECORDED IN MAP BOOK 1, PAGE 154, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH THE EAST 105 FEET OF THE WEST 260 FEET OF THE SOUTH 100 FEET, BLOCK "C", WILSON'S MAP OF PORT ORANGE, AS RECORDED IN MAP BOOK 1, PAGE 154 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A PORTION OF HERBERT STREET AND A PORTION OF HALIFAX DRIVE, LESS AND EXCEPT THE SOUTHERLY 60 FEET OF THE WESTERLY 140 FEET OF LOT 7, BLOCK B, WILSON'S PORT ORANGE, AS PER MAP IN MAP BOOK 1, PAGE 154, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LESS THAT PORTION DEEDED FOR STREET, AND THE WEST 140 FEET OF THE NORTH 15 FEET OF LOT 7 AND THE WEST 140 FEET OF LOT 8, ALL IN BLOCK B, WILSON'S SUBDIVISION OF PORT ORANGE, AS PER MAP IN MAP BOOK 1, PAGE 154, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPT THAT PORTION THEREOF DEEDED TO THE STATE OF FLORIDA FOR WIDENING OF THE PUBLIC HIGHWAY LOCATED THEREON, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF DUNLAWTON AVENUE(KEP) FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 79180-25440(N/VARIES)AND THE EASTERLY RIGHT OF WAY LINE OF RIDGEWOOD AVENUE(US HIGHWAY 1)FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 7901-2790(N/VARIES), THENCE ALONG THE SAID EASTERLY RIGHT OF WAY LINE N025°44'N, A DISTANCE OF 571.83 FEET TO THE SOUTHLINE OF LOT 7, WILSON'S PORT ORANGE, AS RECORDED IN MAP BOOK 1, PAGE 154, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THENCE ALONG SAID SOUTHLINE N64°41'02" E, A DISTANCE OF 130.09 FEET TO THE EASTERLY LINE OF THE WESTERLY 140 FEET OF LOTS 7 AND 8, BLOCK B, SAID WILSON'S PORT ORANGE, THENCE ALONG SAID EASTERLY LINE N025°44'N, A DISTANCE OF 129.84 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF HERBERT STREET (407 R/W), THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, S64°43'17" W, A DISTANCE OF 127.53 FEET, THENCE DEPART SAID SOUTHERLY RIGHT OF WAY LINE N025°44'N, A DISTANCE OF 40.93 FEET TO THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF HERBERT STREET AND THE EASTERLY RIGHT OF WAY OF RIDGEWOOD AVENUE, THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE N64°50'16" E, A DISTANCE OF 81.32 FEET TO THE EASTERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7268, PAGE 4214, THENCE ALONG SAID EASTERLY LINE N025°35'57" W, A DISTANCE OF 100.36 FEET TO THE SOUTHERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5560, PAGE 408, THENCE ALONG SAID SOUTHERLY LINE N64°40'02" E, A DISTANCE OF 178.01 FEET, THENCE CONTINUE ALONG SAID SOUTHERLY LINE N025°22'46" W, A DISTANCE OF 79.78 FEET, THENCE CONTINUE ALONG SAID SOUTHERLY LINE N64°50'16" E, A DISTANCE OF 280.63 FEET TO THE MEAN HIGH WATER LINE OF THE HALIFAX RIVER, THENCE CONTINUE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING 22 COURSES S10°33'07" E, A DISTANCE OF 19.09 FEET, THENCE S22°04'17" E, A DISTANCE OF 35.64 FEET, THENCE S22°19'30" E, A DISTANCE OF 49.64 FEET, THENCE S22°46'14" E, A DISTANCE OF 56.19 FEET, THENCE S22°27'26" E, A DISTANCE OF 61.77 FEET, THENCE S30°20'50" E, A DISTANCE OF 36.57 FEET, THENCE S01°14'40" E, A DISTANCE OF 60.48 FEET, THENCE S22°19'30" E, A DISTANCE OF 107.97 FEET, THENCE S01°06'58" E, A DISTANCE OF 63.36 FEET, THENCE S18°04'02" E, A DISTANCE OF 28.61 FEET, THENCE S10°07'06" E, A DISTANCE OF 57.62 FEET, THENCE S04°56'16" E, A DISTANCE OF 18.59 FEET, THENCE S22°08'07" E, A DISTANCE OF 20.17 FEET, THENCE S30°01'02" E, A DISTANCE OF 58.08 FEET, THENCE S01°06'58" E, A DISTANCE OF 38.80 FEET, THENCE S01°06'58" E, A DISTANCE OF 49.86 FEET, THENCE S22°19'30" E, A DISTANCE OF 28.50 FEET, THENCE S01°06'58" E, A DISTANCE OF 16.68 FEET, THENCE N40°56'16" E, A DISTANCE OF 48.88 FEET, THENCE S01°02'10" E, A DISTANCE OF 35.23 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF APRESAID DUNLAWTON AVENUE, THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE S15°59'36" W, A DISTANCE OF 224.18 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HALIFAX DRIVE, THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE S08°03'45" E, A DISTANCE OF 34.57 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF APRESAID DUNLAWTON AVENUE, THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE S02°22'59" W, A DISTANCE OF 16.76 FEET, THENCE CONTINUE ALONG SAID LINE S89°26'15" W, A DISTANCE OF 107.40 FEET, THENCE CONTINUE ALONG SAID LINE S81°44'19" W, A DISTANCE OF 335.19 FEET TO THE POINT OF BEGINNING.

CONTAINING 480,471 SQUARE FEET, OR 11.030 ACRES MORE OR LESS.

PARCEL 1

LOTS 5 AND 6, EXCEPT THE EAST 216 FEET AND EXCEPT THE STREET (US HIGHWAY #1), BLOCK 2, PORT ORANGE HAND TRACT, THE SAID EAST 216 FEET BEING MEASURED ON THE NORTH LINE OF LOT 5, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 2, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL 2

REFER TO A POINT IN THE ORIGINAL EAST LINE OF RIDGEWOOD AVENUE, (US HIGHWAY #1, STATE ROAD NO. 5, A 66 FOOT RIGHT-OF-WAY), SAID POINT BEING THE INTERSECTION OF THE NORTH LINE OF U.S. GOVERNMENT LOT TWO (2), OF SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, ALSO BEING THE NORTH LINE OF LOT ONE (1), MRS DANIEL'S ADDITION TO PORT ORANGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 3, PAGE 29, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, WITH SAID ORIGINAL EAST RIGHT-OF-WAY, THENCE N89°14'45" E, FOR A DISTANCE OF 3.83 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY #1 (STATE ROAD 5), NOW A 100 FOOT RIGHT-OF-WAY, THENCE S20°15'45" E, ALONG THE EAST RIGHT-OF-WAY LINE NOW IN USE, FOR A DISTANCE OF 150.42 FEET, THENCE DEPARTING APRESAID RIGHT-OF-WAY N77°17'09" E, FOR A DISTANCE OF 338.83 FEET, THENCE N22°55'41" W, FOR A DISTANCE OF 75.00 FEET TO THE NORTH LINE OF SAID U.S. GOVERNMENT LOT 2, THENCE S89°14'45" W, ALONG SAID SOUTH LINE FOR A DISTANCE OF 328.83 FEET TO THE POINT OF BEGINNING.

ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

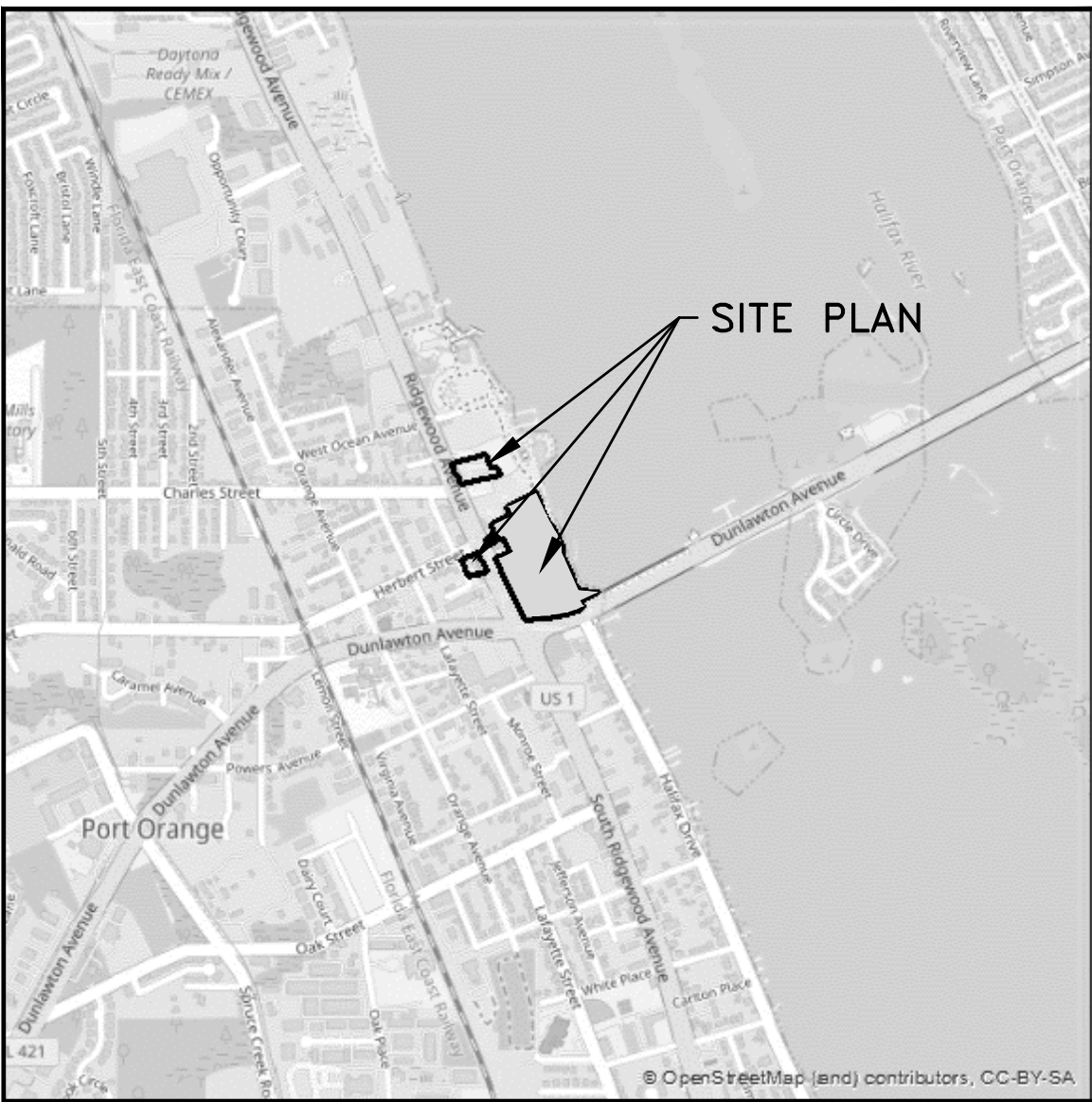
COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF GOVERNMENT LOT 2, SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST AND THE ORIGINAL EASTERLY RIGHT OF WAY LINE OF RIDGEWOOD AVENUE, THENCE N89°07'57" E, A DISTANCE OF 3.31 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY #1 (STATE ROAD 5) PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 7901-279 R/W (VARIES), THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE N225°02'07" W, A DISTANCE OF 46.18 FEET TO THE NORTHERLY LINE OF LOT 5, HAP. HAND TRACT, AS RECORDED IN MAP BOOK 2, PAGE 185 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ALSO BEING THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5560, PAGE 408, THENCE ALONG SAID NORTHERLY LINE N89°10'06" E, A DISTANCE OF 287.02 FEET TO THE BOUNDARY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5560, PAGE 408, THENCE ALONG SAID BOUNDARY LINE S22°15'47" E, A DISTANCE OF 123.07 FEET TO THE SAID NORTHERLY LINE OF GOVERNMENT LOT 2, ALSO BEING THE NORTHERLY LINE OF LOT 1, DANIEL'S ADDITION TO PORT ORANGE, AS RECORDED IN MAP BOOK 3, PAGE 29, THENCE ALONG SAID NORTHERLY LINE N89°10'06" E, A DISTANCE OF 45.83 FEET TO THE BOUNDARY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5560, PAGE 408, THENCE ALONG SAID BOUNDARY LINE S22°14'56" E, A DISTANCE OF 74.27 FEET TO THE BOUNDARY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5560, PAGE 408, THENCE ALONG SAID BOUNDARY LINE S77°29'15" W, A DISTANCE OF 340.70 FEET THE SAID EASTERLY RIGHT OF WAY LINE OF RIDGEWOOD AVENUE, THENCE ALONG THE SAID EASTERLY RIGHT OF WAY LINE N225°02'07" W, A DISTANCE OF 147.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 60796 SQUARE FEET, OR 1.386 ACRES MORE OR LESS.

TOGETHER WITH

LOT 1 & 2, AND THE NORTHERLY 21.25 FEET OF THE EASTERLY 136.8 FEET OF LOT 3, BLOCK F, EXCLUDING RIGHT-OF-WAY, WILSON'S PORT ORANGE, AS PER MAP IN MAP BOOK 1, PAGE 154, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

NOTE: THE SCALE OF THESE PLANS MAY HAVE CHANGED DUE TO REPRODUCTION.



VICINITY MAP

SCALE: 1" = 1500'



ZONING MAP

SCALE: 1" = 300'

CURRENT ZONING FOR THIS SITE IS: PC-R



SOILS MAP

SCALE: 1" = 300'

THE SITE LIES WITHIN THE FOLLOWING VOLUSIA COUNTY SOIL CLASSIFICATIONS:
0 - WATER, 8 - BASSINGER FINE SAND, DEPRESSIONAL, 12 - CANAVERAL SAND, 0 TO 5 PERCENT SLOPES, 15 - COCOA SAND, 0 TO 5 PERCENT SLOPE, 57 - SATELLITE SAND

FLOOD ZONE MAP

SCALE: 1" = 300'

THE PROPERTY LIES IN:
FLOOD ZONE AE PER FEMA MAPS 12127C038J EFF. 9/29-2017

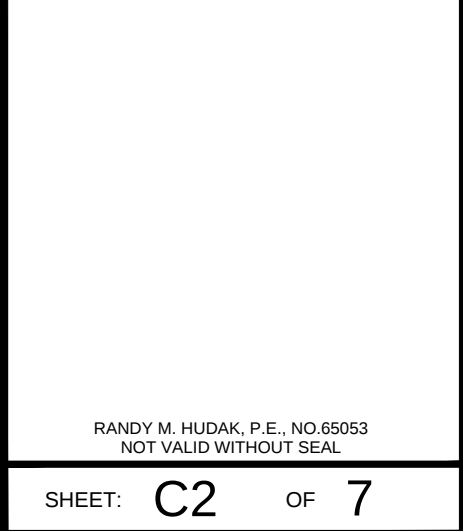


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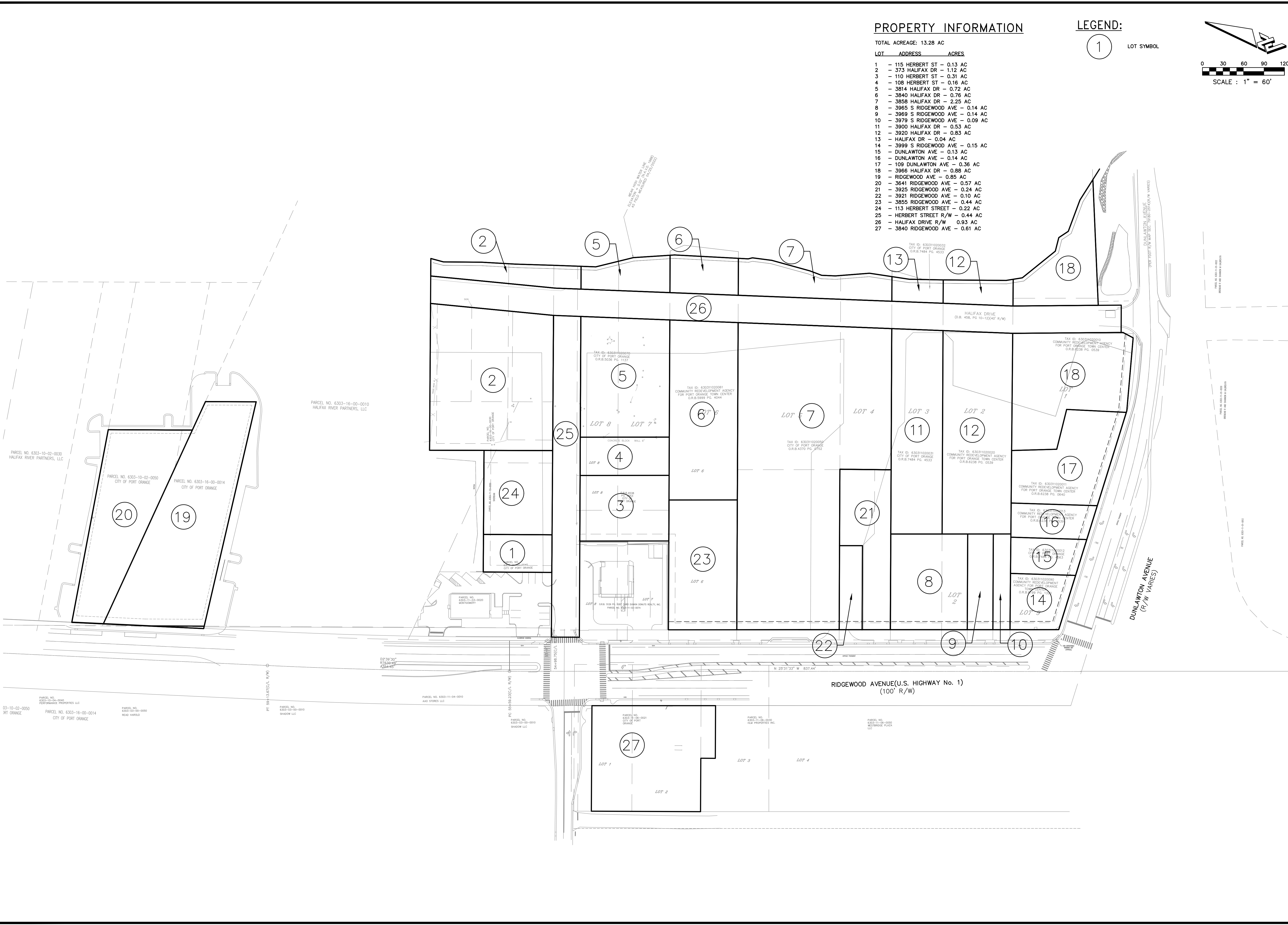
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3	08/06/24	RMH/CTR	REVISED PER CITY COMMENTS DATED 08/02/24
4	08/12/24	RMH/CTR	REVISED PER CITY COMMENTS DATED 09/12/24

RIVERYARD
EXHIBIT B
COVER SHEET

PROJECT NO.: ZC 21336
DESIGNED BY: RH
DRAFTED BY: CM
CHECKED BY: RH
DRAWING FILE: 01-21336-COV-PUD



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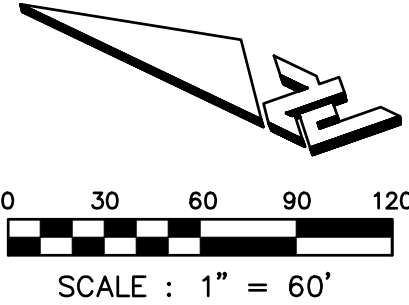
PROPERTY INFORMATION

TOTAL ACREAGE: 13.28 AC

LOT	ADDRESS	ACRES
1	115 HERBERT ST	0.13 AC
2	373 HALIFAX DR	1.12 AC
3	110 HERBERT ST	0.31 AC
4	108 HERBERT ST	0.16 AC
5	3814 HALIFAX DR	0.72 AC
6	3840 HALIFAX DR	0.76 AC
7	3858 HALIFAX DR	2.25 AC
8	3985 S RIDGEWOOD AVE	0.14 AC
9	3969 S RIDGEWOOD AVE	0.14 AC
10	3979 S RIDGEWOOD AVE	0.09 AC
11	3900 HALIFAX DR	0.53 AC
12	3920 HALIFAX DR	0.83 AC
13	HALIFAX DR	0.04 AC
14	3999 S RIDGEWOOD AVE	0.15 AC
15	DUNLAWTON AVE	0.13 AC
16	DUNLAWTON AVE	0.14 AC
17	109 DUNLAWTON AVE	0.36 AC
18	3966 HALIFAX DR	0.88 AC
19	RIDGEWOOD AVE	0.85 AC
20	3641 RIDGEWOOD AVE	0.57 AC
21	3925 RIDGEWOOD AVE	0.24 AC
22	3921 RIDGEWOOD AVE	0.10 AC
23	3855 RIDGEWOOD AVE	0.44 AC
24	113 HERBERT STREET	0.22 AC
25	HERBERT STREET R/W	0.44 AC
26	HALIFAX DRIVE R/W	0.93 AC
27	3840 RIDGEWOOD AVE	0.61 AC

LEGEND:

1 LOT SYMBOL



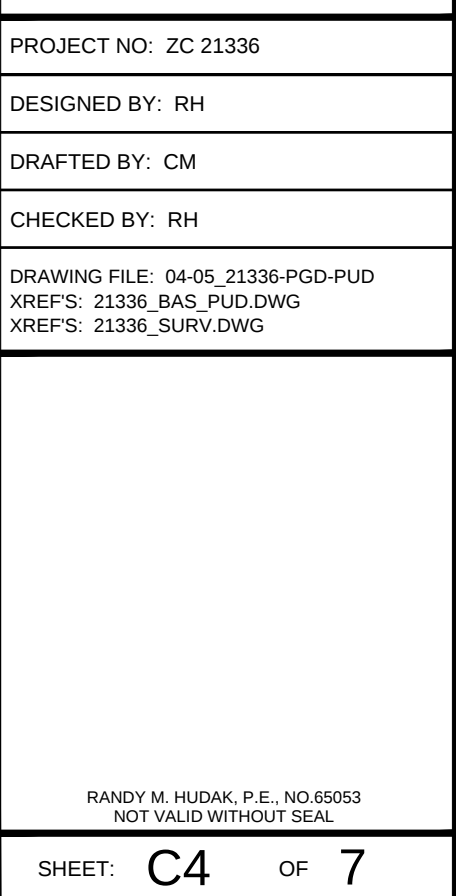
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NO.	DATE	BY	SUBMITTAL / REVISIONS
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2	08-02-24	CM	DESIGN
3	08-06-24	RM/HT	REVISED PER CITY COMMENT'S DATED 08/02/24
4	08-12-24	RM/HT	REVISED PER CITY COMMENT'S DATED 09/12/24

RIVERYARD
EXHIBIT B
PC-R AREA EXHIBIT

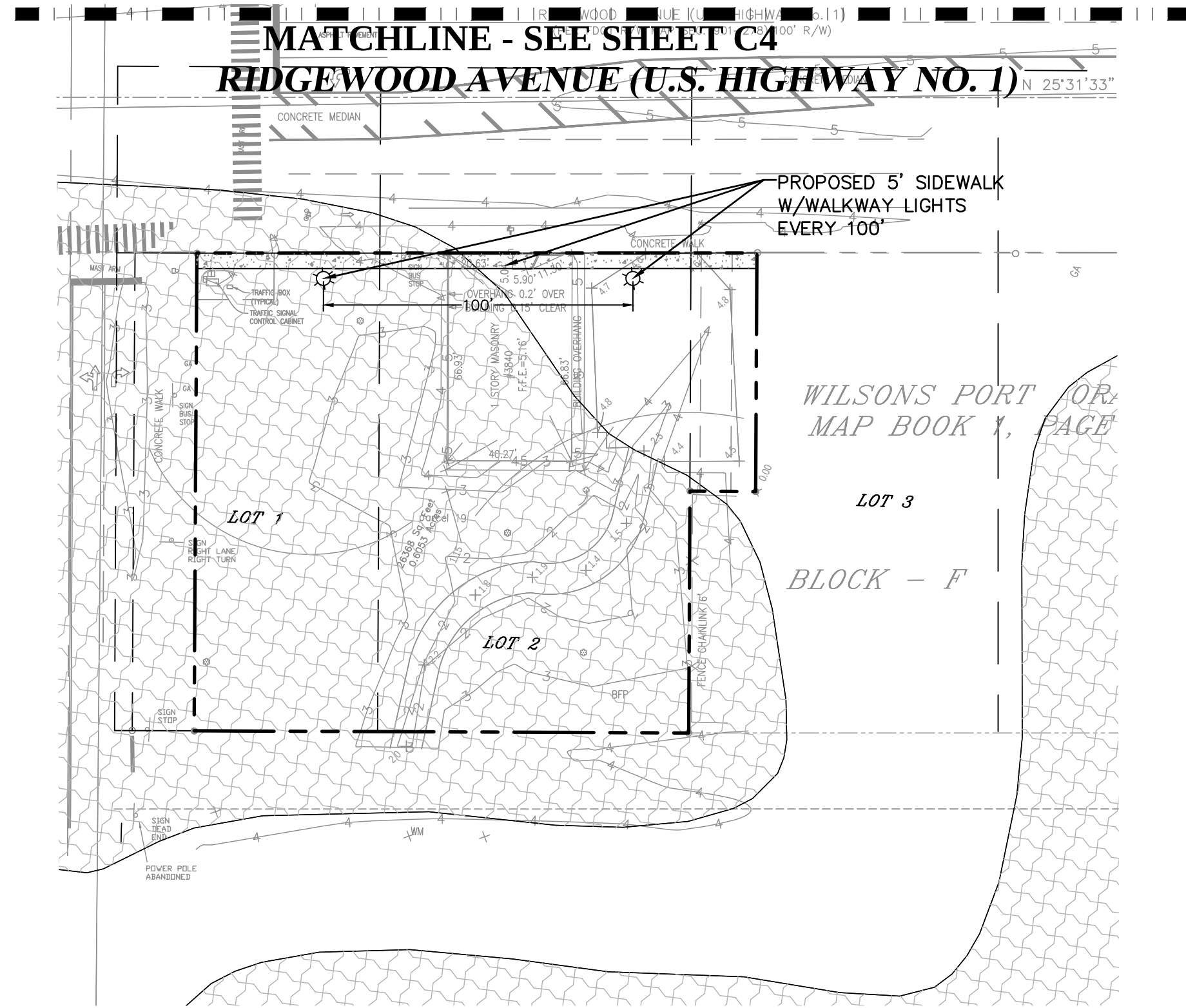
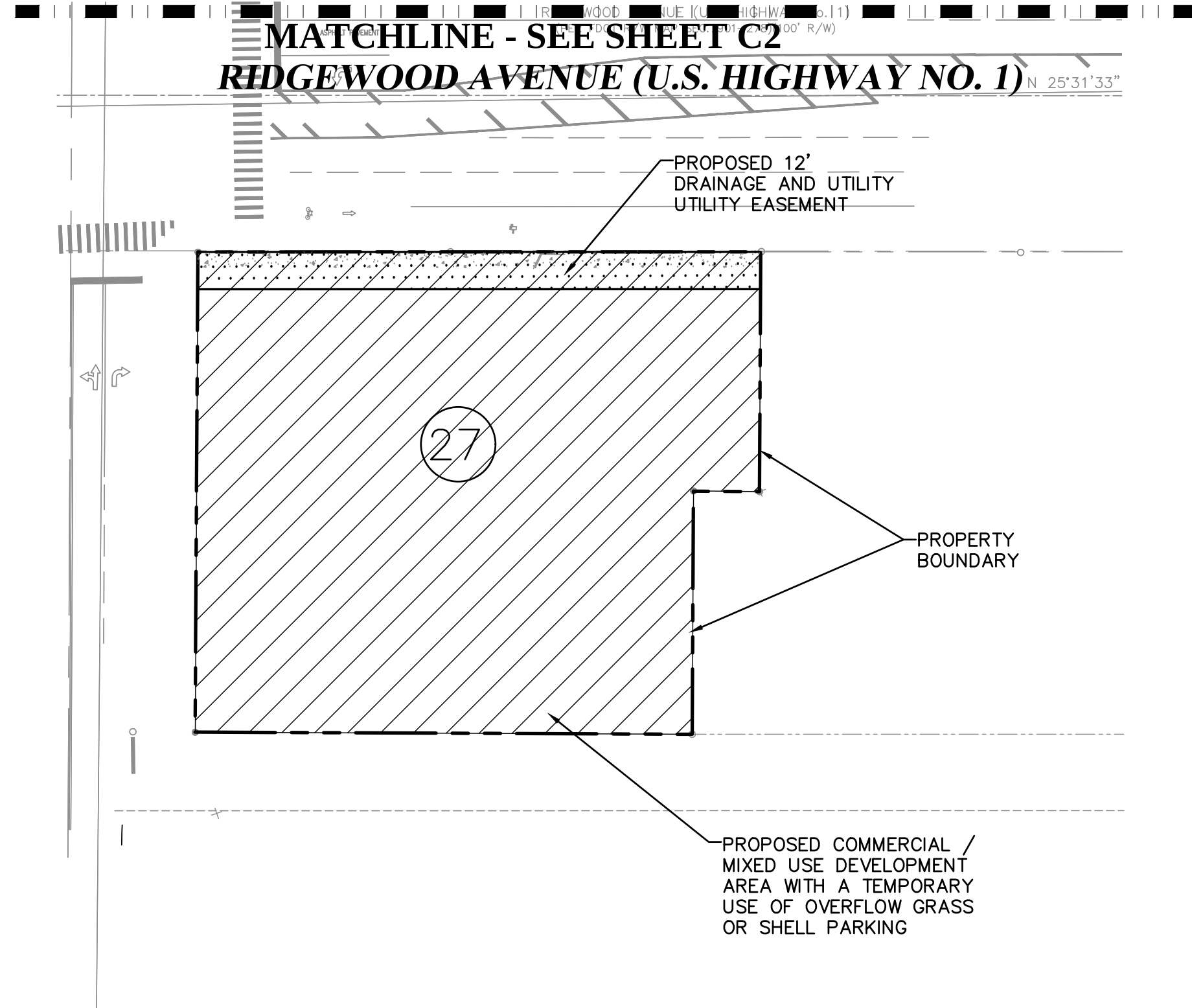
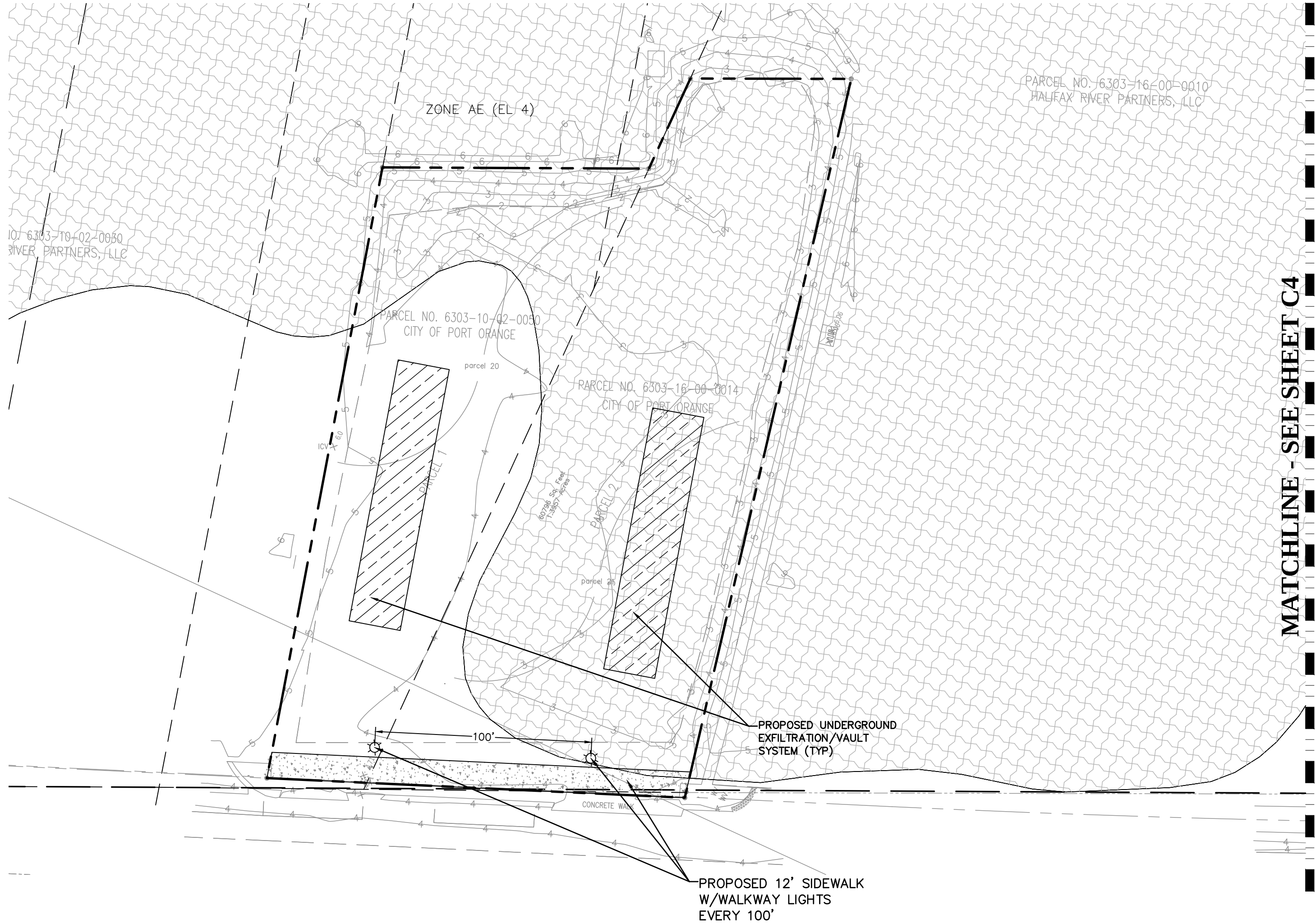
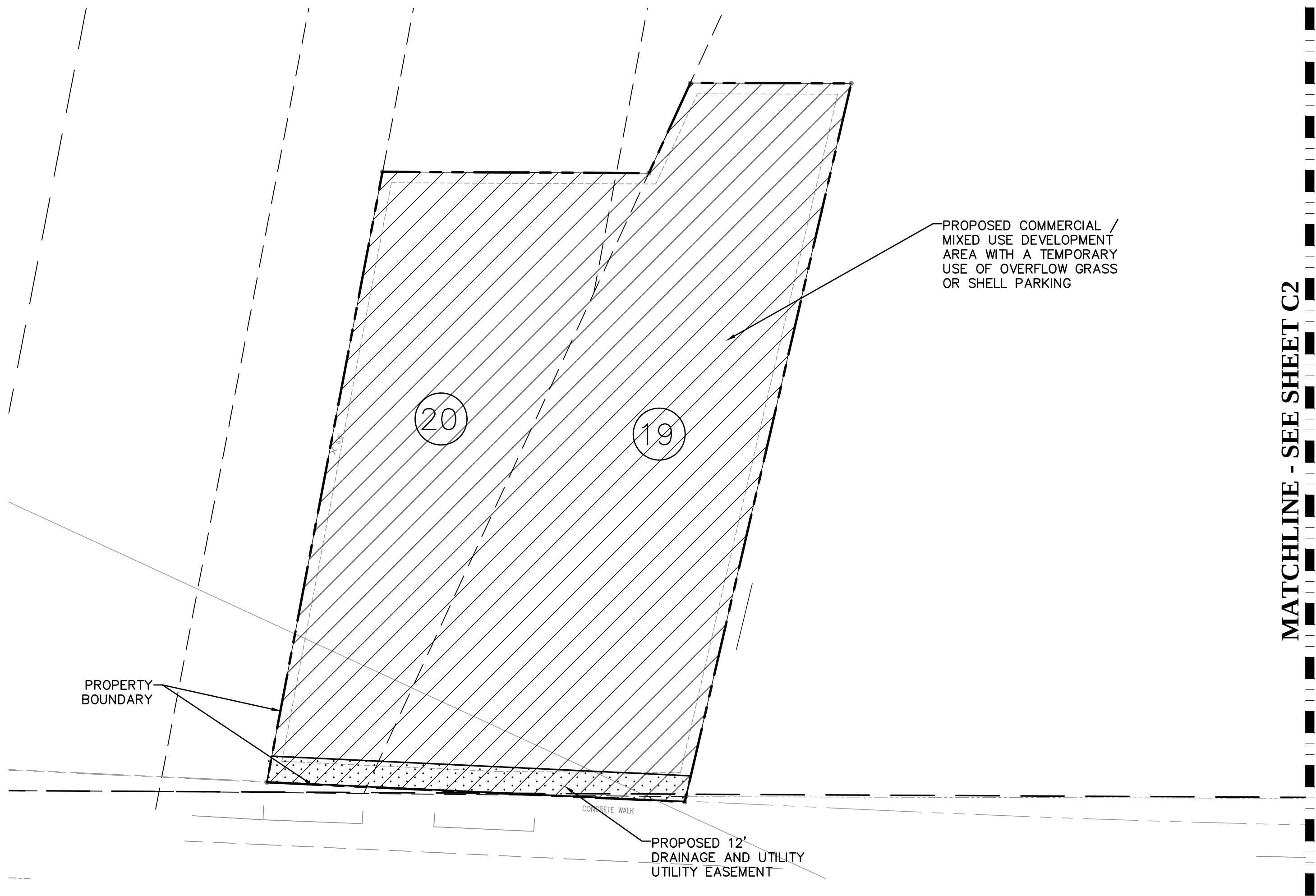
CITY OF PORT ORANGE
VOLUSIA COUNTY, FLORIDA

PROJECT NO:	ZC 21336
DESIGNED BY:	RH
DRAFTED BY:	CM
CHECKED BY:	RH
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XREF'S:	21336_BAS_PUD.DWG
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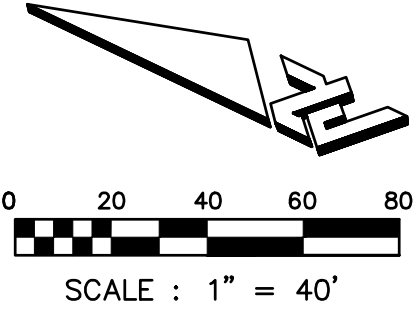
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R:\21336-PORT ORANGE\RIVERVIEW\PD\04-05-21336-PG0-RUD.DWG - PRINTED 9/19/2024 4:18 PM



LEGEND:

- PROPOSED CONCRETE
- PROPOSED UNDERGROUND EXFILTRATION/VAULT SYSTEM
- ZONE AE (ELE 4)
- ZONE AE (ELE 5)
- ZONE AE (ELE 6)
- PROPOSED COMMERCIAL/MIXED USE DEVELOPMENT
- 12' DRAINAGE AND UTILITY EASEMENT
- LOT SYMBOL



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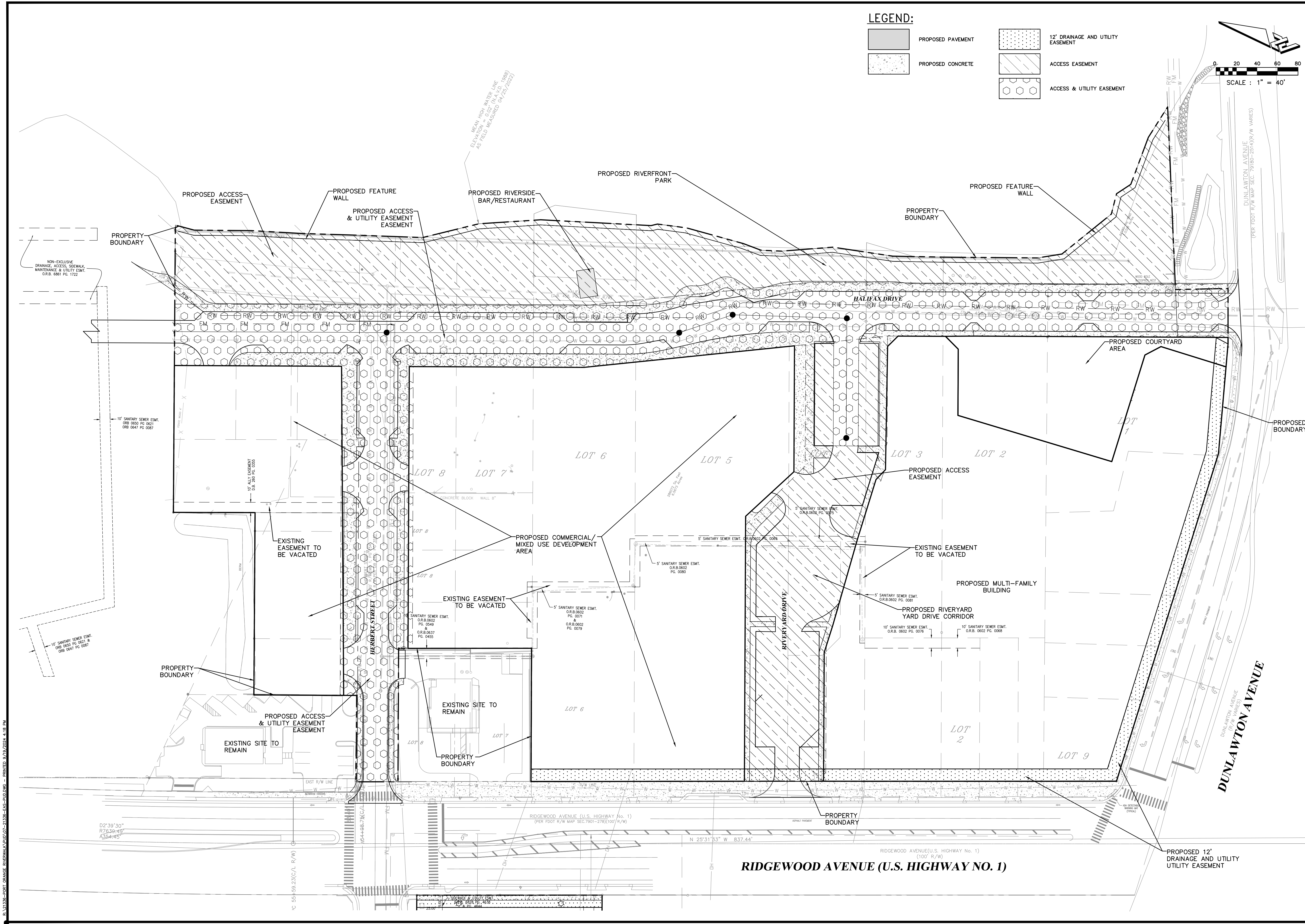
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3	08-06-24	RMH/CTR	REVISED PER CITY COMMENTS DATED 08/02/24
4	08-12-24	RMH/CTR	REVISED PER CITY COMMENTS DATED 09/12/24

PROJECT NO: ZC 21336
DESIGNED BY: RH
DRAFTED BY: CM
CHECKED BY: RH
DRAWING FILE: 04-05_21336-PG0-PUD
XREF'S: 21336_BAS_PUD.DWG
XREF'S: 21336_SURV.DWG

RANDY M. HUDAK, P.E., NO. 65093
NOT VALID WITHOUT SEAL

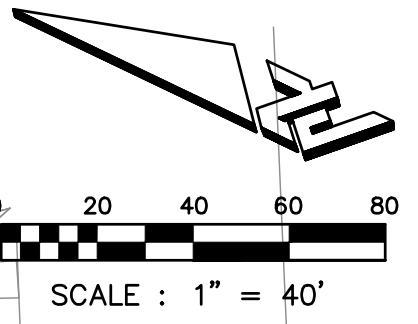
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LEGEND:

- PROPOSED PAVEMENT
- PROPOSED CONCRETE
- 12' DRAINAGE AND UTILITY EASEMENT
- ACCESS EASEMENT
- ACCESS & UTILITY EASEMENT



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2	08-02-24	CM	REVISION
3	08-06-24	CM	REVISED PER CITY COMMENTS DATED 08/02/24
4	08-12-24	CM	REVISED PER CITY COMMENTS DATED 09/12/24

RIVERYARD EXHIBIT B EASEMENT EXHIBIT
VOLUSIA COUNTY, FLORIDA
CITY OF PORT ORANGE

PROJECT NO. ZC 21336
DESIGNED BY: RH
DRAFTED BY: CM
CHECKED BY: RH

DRAWING FILE: 07-21336-EAS-PUD
XREFS: 21336_BAS_PUD.DWG
XREFS: 21336_SURV.DWG

EXHIBIT D

Amended Riveryard Architectural Styles Exhibit

EXHIBIT "D"

RIVERWALK // APARTMENTS //

CONCEPTUAL DEVELOPMENT
PLAN PRESENTATION

RIVERWALK
CONCEPTUAL DEVELOPMENT
PLAN PRESENTATION

02/03/23

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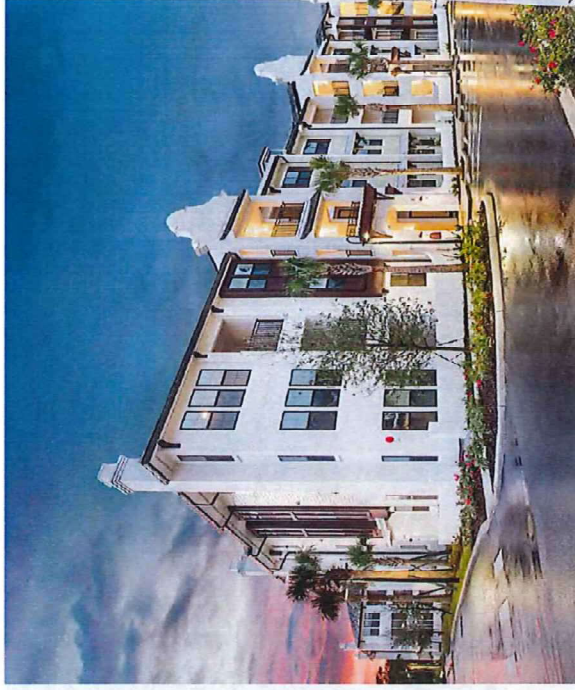
RIVERWALK
CONCEPTUAL DEVELOPMENT
PLAN PRESENTATION

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Classical



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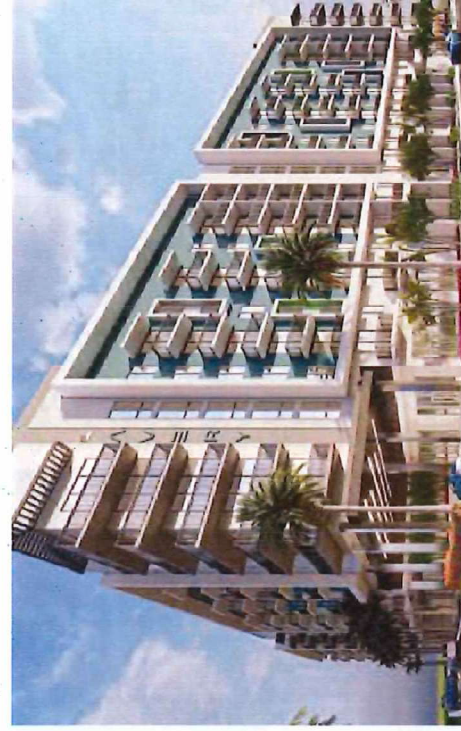
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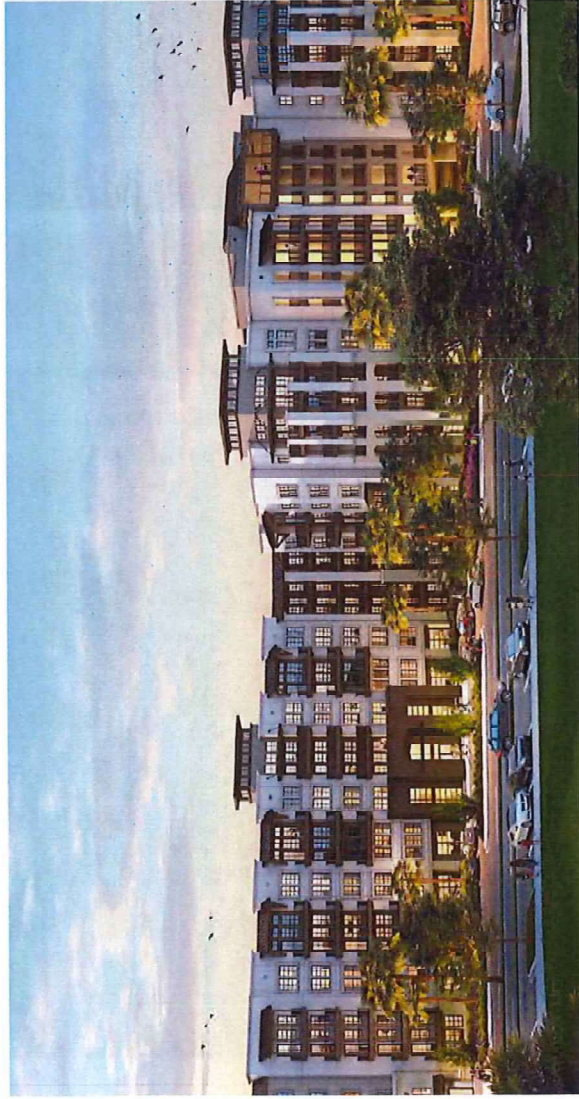
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Contemporary.....



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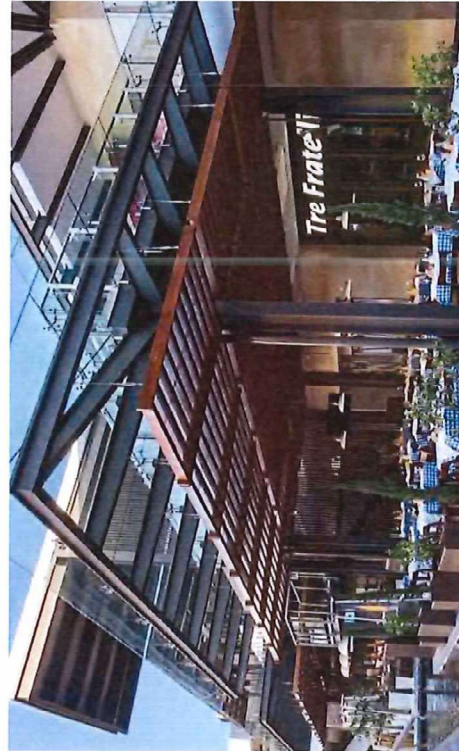
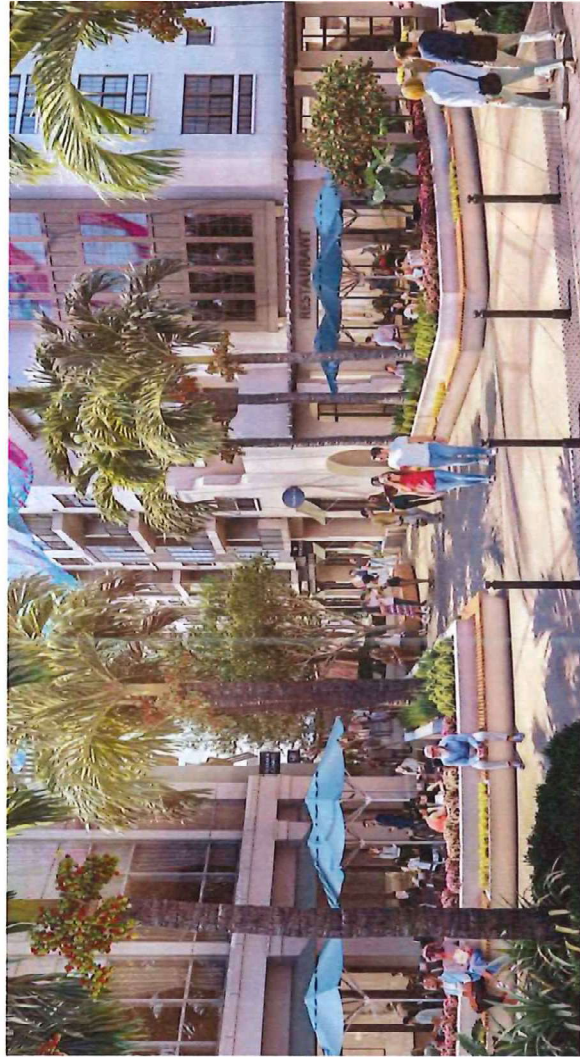
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Retail



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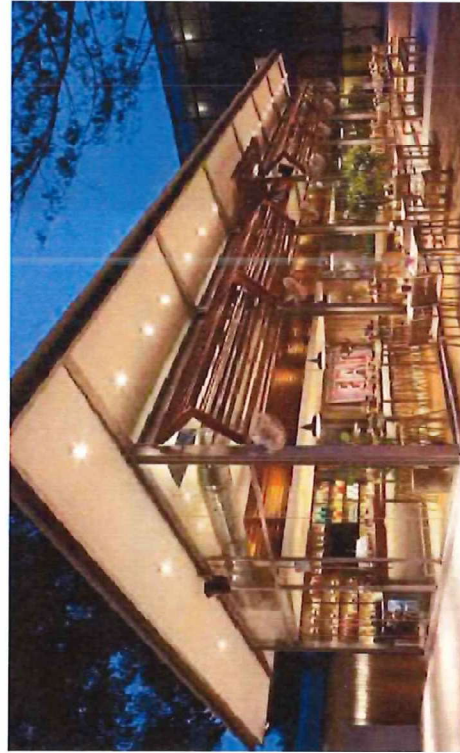
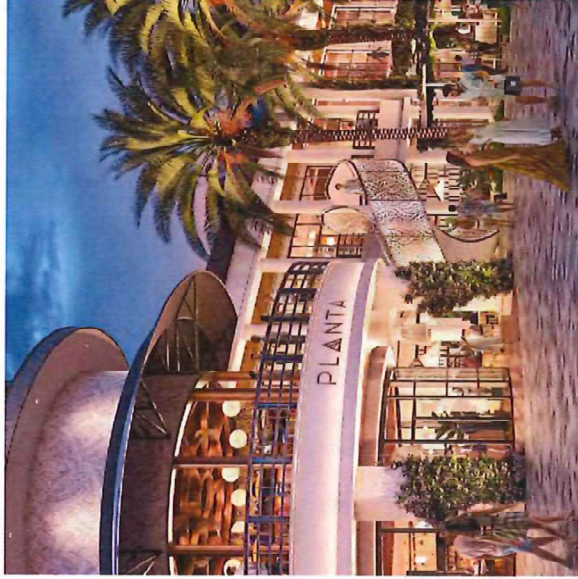
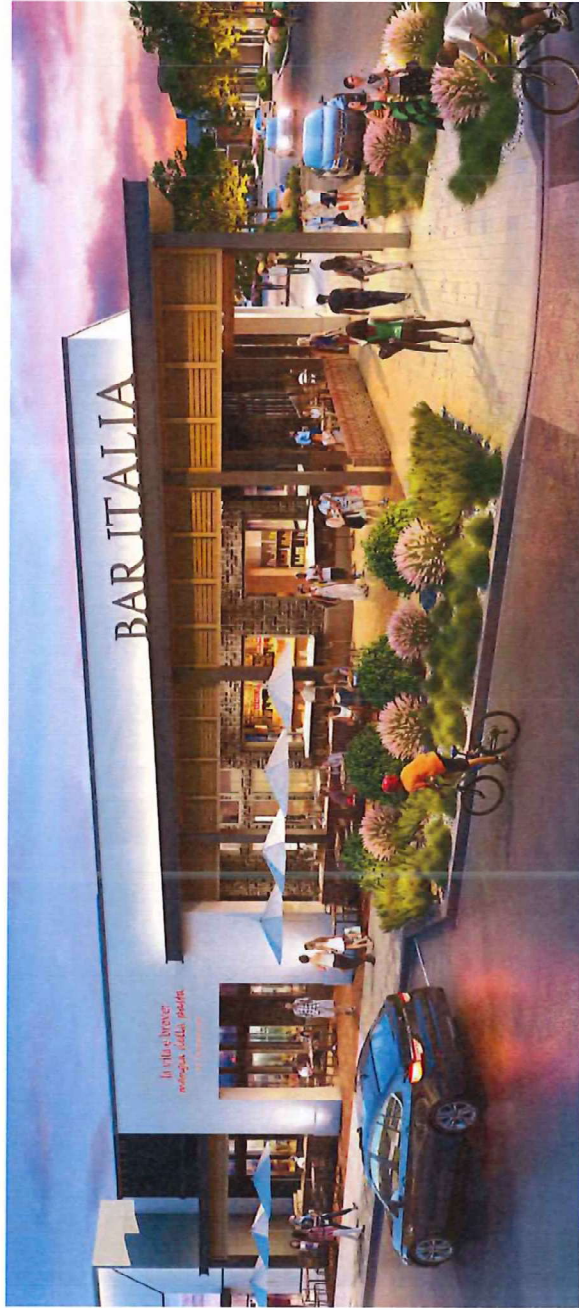
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STAFF REPORT

First Amendment to Angler's Cove Planned Unit Development Master Development Agreement
CASE NO. PRZA-24-0007

REQUEST:	Approve an amendment to the Angler's Cove Master Development Agreement to establish a minimum 20 percent open screen area requirement for a screen room on Lot 4 of the Angler's Cove Subdivision.
LOCATION:	3657 Haller Point (Figure 1 - Location Map)
APPLICANT:	City of Port Orange
OWNER:	Gary Comfort, Jr., Genevieve Comfort, Kimberly Comfort, Mary Comfort
STAFF CONTACT:	Tim Burman, Community Development Director (386) 506-5675
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION DATE:	September 26, 2024

PROPOSED AMENDMENT

The proposed 1st Amendment to the Angler's Cove Planned Unit Development (PUD) Master Development Agreement (MDA) is to establish a modified definition for a screen room for Lot 4 of the Angler's Cove Subdivision. Lot 4 of the Angler's Cove Subdivision (subject property) is located at 3657 Haller Point, south of the Admiralty Club condominium. The proposed amendment is to allow each wall or elevation for a screen room on Lot 4 to have a minimum of 20 percent open screen area.

According to the Land Development Code (LDC), a screen room is defined as "an addition to a structure or integral part of a structure which is enclosed with screen, permitting unobstructed flow of air in and out of the addition. A screen room may have a permanent floor and roof structure integral to the principal structure; however, for purposes of this code, no elevation of any wall of the room shall have less than 60 percent open screen area."

Since the open screen area percentage allowed for a screen room is provided in the definition for a screen room in the LDC and not a specific code requirement, a variance cannot be processed. Therefore, the only way to establish an alternative percentage requirement is to process an amendment to the MDA and create a standalone requirement to allow a minimum 20 percent open screen area requirement for a screen room. If the open screen area percentage requirement were a code requirement in the LDC and not part of a definition, this request would have been processed as a variance.

Figure 1. Location Map



BACKGROUND

In Summer 2023, building permits were inadvertently issued that allowed for a screen room on the subject property to be constructed with only 20 percent of the enclosure consisting of an open screen area. In Spring 2023, building permit applications for a single-family home, pool, and screen enclosure on the subject property were submitted to the city. The permits were issued in Summer 2023, and construction began at the end of 2023. During a site meeting in Summer of 2024 to review the required grading for Lot 4 with the builder of the single-family home, staff observed that the exterior walls for the screen enclosure had been constructed, and there would only be about 20 percent of the screen enclosure exterior having an open screen area.

Once city staff and the contractor reviewed the approved building permit for the single-family home along with the approved building permit for the screen enclosure, it was discovered that the building plans for the single-family home included walls on the south and east sides of the pool deck, that along with the north and west exterior walls of the home created a courtyard, and the approved building permit for the screen enclosure call for a small screen wall to be attached to the south and east walls and a screen roof over the courtyard and pool. Based on the approved permits, the screen enclosure will consist of a 10-foot-tall wall with a 2-foot-tall open screen wall on the west and south sides of the pool deck, with an open screen roof.



Aerial photo of the Single-Family Home and Screen Enclosure on Lot 4 of the Angler's Cove Subdivision

Typically, when building permits for a single-family home and pool screen enclosure are submitted at the same general time, building staff reviews the building plans for the permits for compliance with the Florida Building Code (FBC), and Community Development staff reviews

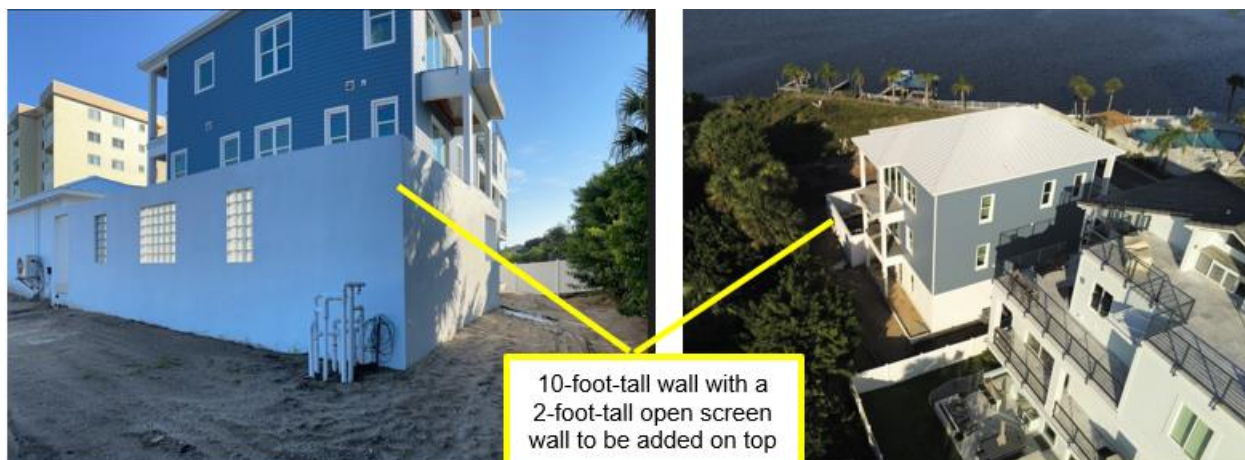
the site layout plan for compliance with the dimension (setbacks, open space, building coverage, building height, etc.) and lot grading requirements in LDC and/or a MDA. This allows for an overall review of the proposed work and for staff to communicate if specific details are not fully shown on both the building and the site layout plans.

In this case, the contractor for the single-family home had the building plans reviewed by a 3rd party plan review firm (private provider) for compliance with the Florida Building Code (FBC) instead of the city's building staff. The use of a private provider to review building plans or conduct inspections on a home, building, or structure for compliance with the FBC instead of city staff is allowed by Florida Statutes. If a contractor uses a private provider to review the building plans for a single-family home, the private provider is responsible for reviewing the building plans to ensure the plans meet the requirements of the FBC. Once the private provider approves the building plans for compliance with the FBC, the contractor submits a building permit to the city. When the city receives a single-family home permit, and the plans have been reviewed and approved by a private provider, city staff will apply the required development fees (impact fees, water connect fee, stormwater fee, etc.) and verify that the site layout plan for the single-family home complies with the dimensional (setback, open space, building height, etc.), lot grading, and landscape requirements in the LDC or a MDA are met.

The site layout plan for the single-family home submitted as part of the single-family home permit showed the footprint of the single-family home and driveway, along with a pool and wall around two sides of the pool, which were to be permitted separately. It appears staff assumed that a future permit would be submitted for a 4-foot to 6-foot wall around the pool, as is typically done around new pools. Since a private provider completed the review of the building plans for this single-family home, the city review for this single-family home was limited to the site layout plan for compliance with the LDC and was not aware that the building plans for the single-family home included the walls for the screen enclosure.

As for the screen enclosure permit, it was reviewed by city staff and met the requirements of the FBC and setback requirements in the LDC and Anglers Cove MDA, and it was assumed that the walls for the enclosure would be open screen area from top to bottom, as typically seen with pool screen enclosure.

If the amendment is approved, it will allow the two walls that make up the pool screen enclosure to have a minimum of 20% open screen area instead of the 60% required by the LDC. The proposed amendment only applies to Lot 4 and does not modify any dimensional requirements in the LDC or Anglers Cove MDA.



There is adequate separation or existing vegetation between the screen enclosure and the adjacent homes to the south and east to minimize the visual appearance of the screen room from adjacent properties. Due to the location of the screen enclosure on the subject property, configuration of the surrounding lots, and existing vegetation, having a larger percentage of the screen room with a solid wall or less open screen area is not anticipated to negatively impact any of the surrounding properties.

The south wall of the enclosure is set 15 feet from the south property and meets the setback requirement for a screen enclosure, according to the LDC. If the south wall was set 5 feet to the north, the screen room wall would have met the 20-foot rear setback, and the proposed amendment would not have been required. Therefore, approval of the MDA amendment does not allow a screen enclosure that would not typically be allowed on this lot; it just allows there to be a screen enclosure with less open screen to be closer to a property line than typically allowed. As indicated above, due to the location of the screen room on the subject property, existing vegetation in the area, and configuration of the adjacent home, a screen enclosure with less open screen area than required by code is not anticipated to negatively impact the adjacent properties.



Aerial Photo of Lot 4 and the Surrounding Properties

CONSISTENCY WITH COMPREHENSIVE PLAN

The subject property is designated *Suburban Residential* (2-4 units/acre) on the City's Future Land Use (FLU) Map. The Angler's Cove PUD was found to be consistent with the Comprehensive Plan when it was approved in 2018. The proposed amendment does not

change the FLU designation or density allowed for the subject property and is consistent with the general intent of the Comprehensive Plan.

PUBLIC NOTICE

A Public Notice sign was posted on the site on September 6, 2024. As of September 20, 2024, staff has not received any phone calls regarding the proposed PUD Amendment.

RECOMMENDATION

Staff recommends **approval** of the First Amendment to the Angler's Cove PUD Master Development Agreement.

ATTACHMENT

Exhibit 1 – First Amendment to the Angler's Cove PUD Master Development Agreement

EXHIBIT 1

FIRST AMENDMENT TO ANGLER'S COVE PLANNED UNIT DEVELOPMENT MASTER DEVELOPMENT AGREEMENT

The **CITY OF PORT ORANGE, FLORIDA**, a Florida municipal corporation (the "City"), and **GENEVIEVE H COMFORT, KIMBERLY C COMFORT, GARY C COMFORT JR, and MARY E COMFORT**, owners (the "Owner"), hereby covenant and agree, and bind their successors and assigns as follows:

WHEREAS, the Owner is the owner of the property more particularly described in **Exhibit "A"**, attached hereto and made a part here by reference ("Subject Property"); and

WHEREAS, the City and Intracoastal Lots, LLC (developer) previously entered into the Angler's Cove Planned Unit Development Master Development Agreement, adopted June 19, 2018, and recorded in Official Records Book 7561, Page 3038, Public Records of Volusia County, Florida (the "MDA"); and

WHEREAS, the Owner requests the City to amend the MDA to address screen room requirements for the Subject Property, the only property impacted by this First Amendment to Angler's Cove Planned Unit Development Master Development Agreement ("First Amendment"); and

WHEREAS, the City is willing to grant the Owner's request, subject to the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City and the Owners hereby agree to amend the MDA as follows:

1. The recitals provided above are recognized as true and correct representations and are incorporated herein.
2. **Exhibit C of the MDA is amended in part to read as follows: [additions shown in UNDERLINE, deletions shown in STRIKETHROUGH]**

EXHIBIT "C"

MINIMUM DIMENSIONAL REQUIREMENTS

Lot Number	Minimum Lot Area	Minimum Lot Width	Front Setback	Side Setback	Rear Setback	Rear Buffer Easement
1	7,500	75	25	7.5	20	5
2	7,500	75	25	7.5	20	5
3	7,500	75	25	7.5	20	5
4*	7,500	75	25	7.5	20	5
5	7,500	75	25	7.5	20	5

*Lot 4 may have a screen room which is enclosed with screen, permitting unobstructed flow of air, with no elevation of any wall of the room having less than 20 percent open screen area.

3. This First Amendment shall be effective as of the date it is executed by all parties. The MDA, as previously enacted, shall remain in full force and effect except with the respect to those matters specifically amended by this First Amendment.
4. This First Amendment shall be recorded in the Public Records of Volusia County, Florida, at the Owner's expense. The dimensional requirements imposed by this First Amendment shall be binding upon all successors in interest in the Subject Property.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties hereto attached their hands and seals on the dates set forth below.

Signed, sealed and delivered in the presence of:

**THE CITY OF PORT ORANGE,
FLORIDA, a Florida municipal corporation**

Witness 1

By: _____
Donald O. Burnette, Mayor

Print Name of Witness 1

Attest:

Witness 2

By: _____
Robin L. Fenwick, MMC, City Clerk

Print Name of Witness 2

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this _____ day of _____, 2024 by Donald O. Burnette, Mayor, and Robin L. Fenwick, City Clerk, both of The City of Port Orange, Florida, a chartered municipal corporation, on behalf of the City. They are personally known to me and did not take an oath.

Notary Public
Commission No: _____

My commission expires _____

Signed, sealed and delivered in the presence of:

Witness 1

By: _____
GENEVIEVE H. COMFORT

Print Name of Witness 1

Date: _____

Witness 2

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2024, by **GENEVIEVE H. COMFORT**. He or she is ☐ personally known to me or ☐ produced as identification and did not take an oath.

Notary Public
Commission No. _____

Signed, sealed and delivered in the presence
of:

Witness 1

By: _____
KIMBERLY C. COMFORT

Print Name of Witness 1

Date: _____

Witness 2

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☐ physical presence
or ☐ online notarization this ____ day of _____, 2024, by **KIMBERLY C. COMFORT**.
He or she is [☐] personally known to me or [☐] produced as identification and did not take an
oath.

Notary Public
Commission No. _____

Signed, sealed and delivered in the presence
of:

Witness 1

By: _____
GARY C. COMFORT JR.

Print Name of Witness 1

Date: _____

Witness 2

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☐ physical presence
or ☐ online notarization this _____ day of _____, 2024, by **GARY C. COMFORT JR.** He
or she is ☐ personally known to me or ☐ produced as identification and did not take an oath.

Notary Public
Commission No. _____

Signed, sealed and delivered in the presence
of:

Witness 1

By: _____
MARY E. COMFORT

Date: _____

Print Name of Witness 1

Witness 2

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☐ physical presence
or ☐ online notarization this ____ day of _____, 2024, by **MARY E. COMFORT**. He or
she is ☐ personally known to me or ☐ produced as identification and did not take an oath.

Notary Public
Commission No. _____

EXHIBIT "A"

LEGAL DESCRIPTION

Tax Parcel: 6302-49-00-0040

LOT 4, ANGELER'S COVE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 60, PAGE 109 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.



STAFF REPORT

CASE NO. DCAM-24-0001
LDC Amendment/Chapter 20

REQUEST:	Approve amendments Chapter 20 of the Land Development Code (LDC) that include clarifications and minor changes that are simple clean-up items that make the development review process more efficient.
APPLICANT:	City of Port Orange
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Tim Burman, Community Development Director (386) 506-5675
PLANNING COMMISSION:	September 26, 2024

INTRODUCTION

Over the past several years, staff has been updating the Land Development Code (LDC) in phases. Prior amendments included updates to sign regulations, erosion control, floodplain management, updates to Building Code references, county-wide Traffic Impact Analysis standards, school concurrency, Construction Standards modifications, site plan, and subdivision regulations, removal of select uses from the Ridgewood Corridor zoning district, zero lot line homes in the R-2D zoning district, microbreweries, architecture requirements, economic development – Ridgewood targeted businesses, tree preservation, and others.

SUMMARY OF PROPOSED AMENDMENT

The proposed amendments are intended to improve and update the content of the existing code as part of an ongoing maintenance effort. The proposed amendments include clarifications and minor changes that are simple clean-up items that make the code more efficient to use, update information, or address problems or issues encountered when applying the code.

Amendment #1: Removal of Conflicting Requirements (Chapter 20)

The proposed amendment includes various formatting and revisions to clarify existing text. These include revising specific references to code requirements to be more general, updating language that city impact fees (Fire, Police, and Transportation) and city water and sewer development fees can be deferred until a Certificate of Occupancy or Letter of Completion is requested to be consistent with the recently adopted requirements in Chapter 21 of the Land Development Code and past practice, and remove references to being able to provide credits for water or sewer development fees.

Amendment #2: Extend Timeframe to Request Fee Waiver or Refund

Over the last several years, the City has approved Economic Incentive Agreements (EIA) that waived or refunded building permit or site development (PUD/PCD, Site Plan, Future Land Use Amendment, Rezoning, etc.) fees for recent projects in the Port Orange Town Center Community Redevelopment Area (CRA) or Eastport Business Center CRA. The LDC currently allows the City Council to consider waiving or refunding building permit and site development fees for targeted businesses developed, but the request must be made within one year from when the Certificate of Occupancy was issued. The list of city-wide targeted businesses is defined in the LDC and includes the following uses: marina; full-service hotel with multi-room conference center serving not less than 500 conference participants; college/university; aviation operations; professional sport operations; entertainment industry operations; regional distribution facility; Fortune 500 company; corporate headquarters; master developer(s) for the riverwalk, causeway or down under districts; master developer(s) for the Eastport Business Center redevelopment area; commercial or industrial venture(s) promising extensive value-added jobs; any other enterprise/project referenced within the City's vision statement.

The proposed amendment extends the timeframe a developer of a targeted business in a CRA can request an EIA to waive or refund building permit and site development fees to six years from when the Certificate of Occupancy was issued. In addition to being a targeted business and in a CRA, the business for which the initial certificate of occupancy (C/O) was issued must still be operating. The proposed amendment does **NOT** change the process for requesting an EIA or that the City Council reviews all requested EIAs, and the council can award or decline to enter into an EIA with any particular business or targeted business.

Over the last several years, staff has prepared amendments to support the City's redevelopment efforts to create commercial/entertainment destination areas within the Port Orange Town Center CRA. Those amendments included adding uses such as "Brewery" and "Farmers Market," incentives for the redevelopment of targeted businesses, establishing site development standards for the redevelopment of infill commercial properties, alternative signage options, and entertainment districts (Riverwalk and Down Under). Like the past amendments, the proposed amendment is intended to support existing businesses and encourage business development that provides entertainment activities such as live music or performances, restaurants, breweries, and places to gather.

RECOMMENDATION

Approval of the amendments to Chapter 20 of the Land Development Code.

ATTACHMENT

Exhibit 1 – Proposed Amendments to Chapter 20 of the Land Development Code

EXHIBIT 1

Words ~~stricken~~ are deletions; words underlined are additions.

City of Port Orange Land Development Code Chapter 20 - ECONOMIC DEVELOPMENT INCENTIVES

[No changes to Section 1]

Section 2: Overview of available city incentives.

[No changes to subsections (a) and (b)]

- (c) *Deferment of impact fee payments.* Payment of city impact fees may be deferred in accordance with the Land Development Code and payment of city water and sewer development fees may be deferred in accordance with the Code of Ordinances. ~~Upon written request, payment of city water and sewer fees and recreation impact fees may be deferred to a later point in the development review process. Rather than being paid just prior to the issuance of the building permit(s), these fees may be paid just prior to the issuance of the certificate of occupancy.~~ Payment of county road and school impact fees may be deferred in a similar fashion, pursuant to article III, section 70-75(2)(b) of the Volusia County Code of Ordinances.

[No changes to subsections (d) through (i)]

- (k) *Targeted businesses program.* The targeted businesses program (TBP) is hereby created to provide assistance to unique business ventures which, from time to time, may be targeted by the city by virtue of the anticipated socio-economic benefits. Targeted businesses may be extended incentives to aid in retaining their operations within the city; to aid in enhancing/expanding their operations in the city, or to aid in relocating their operations to viable property within the city. If approved, an agreement shall be prepared outlining the given incentives, their allocation and the conditions applicable thereto. The agreement shall then be executed and carried out in accordance with its terms.
- (1) *Targeted businesses—City-wide.* The following businesses shall be targeted businesses city-wide and may be extended assistance by the city pursuant to review and approval by the city council: marina; full service hotel with multi-room conference center serving not less than 500 conference participants; college/university; aviation operations; professional sport operations; entertainment industry operations; regional distribution facility; Fortune 500 company; corporate headquarters; master developer(s) for the riverwalk, causeway or down under districts; master developer(s) for the Eastport Business Center redevelopment area; commercial or industrial venture(s) promising extensive value-added jobs; any other enterprise/project referenced within the city's vision statement; and any other enterprise/project proposed and supported by ordinance of council.
- (a) *City council approval.* The city council shall retain the sole discretion to award or decline incentives in whole or in part and shall be under no obligation to enter into an incentive agreement with any particular business whether or not listed in subsection (k)(1) as stated above. In arriving at a decision the council shall consider the critical factors, including but not limited to the following: number of jobs, number of value added jobs, average wage, type of business

venture, how the business venture addresses the critical needs within the city, location of business venture, value of construction, significance of improvements, anticipated tax revenue, multiplier implications on the local economy, health of the economy, availability of city funds and other factors deemed essential by the city council. To be considered by council, a written request providing a detailed overview of the business/project and the circumstances surrounding the need for assistance, shall be submitted to the city.

- (b) *Possible incentives.* Possible city incentives which may be extended to a targeted business as defined herein include, but shall not be limited to, one or more of the following: waive fees for applications, permits and/or inspections; grants/loans; water/sewer impact fee credits/deferrals; wetland mitigation; engineering, landscaping, surveying, architectural design services; pre-permitted sites; dollars for value-added jobs; utility cost-sharing; and expedited review and approval.

- (c) *Request.*

(1) For properties not located in the Port Orange Town Center CRA or Eastport Business Center CRA, Requests shall be filed with the city within one year of the issuance of a certificate of occupancy (C/O).

(2) For properties located in the Port Orange Town Center CRA or Eastport Business Center CRA, requests shall be filed with the city within six years of the issuance of a certificate of occupancy (C/O) so long as the business for which the certificate of occupancy (C/O) was initially issued is still operating.

- (d) *Accountability.* In situations where the city council elects to issue a grant based on the type, number and/or wages associated with jobs to be created then the required agreement shall specify; a) by what time (e.g. 18 months from commencement of construction) the targets must be met; b) the penalty specifics if the targets are not met, such as reimbursing the city to a prorated dollar amount based on the number/type/wage of jobs falling short of the respective targets, with interest; and c) when the city's grant shall be issued meaning at the time the certificate of occupancy is issued, half now/half later or when the targets are met. Incidentally, the city shall verify whether targets have been met by reviewing an audit of the business in question at their expense. In situations where the city council elects to issue a grant based on the size and/or value of the physical improvements to the property, then the agreement shall address similar specifics.

- (2) *Targeted businesses—Ridgewood Corridor.* The following businesses shall be targeted businesses along the Ridgewood Corridor and may be extended assistance by the city: restaurants; professional offices; adult/vocational education; appliance/electronic repair shops; business service; convenience stores without fuel operations; financial services; fleet-based services; health/exercise club; laboratory, research and development; personal services; developments that assemble land to create a connection from Ridgewood to the riverfront; water-based businesses (e.g. watersports sales and rentals, such as kayaks, jet skis, paddle boards, etc., water taxis, boat tours, fish markets, bait and tackle shops); eco-tourism (e.g. guided tours); grocery store; craft food and beverage producer; microbrewery; manufacturing (craftsman shop and limited); retail home building materials; and any other enterprise/project with an anticipated socio-economic benefit and supported by the city council.

- (a) *Approval.* The city manager is authorized to award or decline incentives in whole or in part and shall be under no obligation to enter into an incentive agreement with any particular business whether or not listed in subsection (k)(2) as stated above. In arriving at a decision, the city manager shall consider the following factors, including but not limited to: whether the proposed business may conceivably spur similar investment in surrounding properties, whether the proposed business is expected to have a positive socio-economic impact on the Ridgewood Corridor, availability of city funds and other factors deemed essential by the city manager. To be considered by the city manager, a written request providing a detailed overview of the

business/project and the circumstances surrounding the need for assistance, shall be submitted to the city. Priority for redevelopment grants shall be as identified in subsection (j)(2).

- (b) *Possible incentives.* Possible city incentives which may be extended to a targeted business as defined herein include, but shall not be limited to, one or more of the following: waive fees for planning and engineering applications, permits and/or inspections; grants/loans; ~~water/sewer impact fee credits/deferrals~~; dollars for value-added jobs; utility cost-sharing; phased site improvements; and expedited review and approval.
- (c) *Request.* Requests shall be filed with the city within one year of the issuance of a certificate of occupancy (C/O).
- (d) *Accountability.* In situations where the city manager elects to issue a grant based on the type, number and/or wages associated with jobs to be created then the required agreement shall specify; a) by what time (e.g. 18 months from commencement of construction) the targets must be met; b) the penalty specifics if the targets are not met, such as reimbursing the city to a prorated dollar amount based on the number/type/wage of jobs falling short of the respective targets, with interest; and c) when the city's grant shall be issued meaning at the time the certificate of occupancy is issued, half now/half later or when the targets are met. Incidentally, the city shall verify whether targets have been met by reviewing an audit of the business in question at their expense. In situations where the city manager elects to issue a grant based on the size and/or value of the physical improvements to the property, then the agreement shall address similar specifics.
- (e) *Rescinding approval.* If a request is approved, the construction of the improvements has not commenced and the applicant then decides to significantly revisit the conditions/circumstances as approved, then the city manager shall have the right to rescind said approval, and the applicant shall be required to re-apply based on the revised set of conditions and circumstances.
- (f) *Transfer of approvals.* Approvals run with the business and property. An approval may only be transferred to another individual, for that same business on that same property, subject to an appropriate amendment to the incentive agreement.
- (g) *Expiration of approval.* Incentives shall expire if within 12 months of the request being filed, the development order or the principal building permits as applicable have not been issued, or if at the discretion of the administrative official, are not imminent.