ORDINANCE NO. 2007-10

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING ORDINANCE NO. 1998-78, RELATING TO COMMUNITY REDEVELOPMENT; AMENDING AND APPROVING A COMMUNITY REDEVELOPMENT PLAN FOR PORT ORANGE TOWN CENTER; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution No. 98-18 adopted on May 26, 1998, the City Council of the City of Port Orange, Florida, determined that a blighted area exists within the City of Port Orange, and that the rehabilitation, conservation, or redevelopment, or a combination thereof of such area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Port Orange; and

WHEREAS, pursuant to Resolution No. 98-18 adopted on May 26, 1998, the City Council of the City of Port Orange, Florida, found that there is a need for a community redevelopment agency to function in the City of Port Orange to carry out the community redevelopment purposes of Chapter 163, Part III, Florida Statutes; and

WHEREAS, pursuant to Resolution No. 98-20 adopted on June 16, 1998, the City Council of the City of Port Orange, Florida, declared itself to be the community redevelopment agency of the community redevelopment area for Port Orange Town Center, and provided for the appointment of two (2) additional members of said agency; and

WHEREAS, Herbert Halback, Inc. and Real Estate Research Consultants, Inc. prepared the community redevelopment plan for Port Orange Town Center as adopted in 1998; and

WHEREAS, the Planning Commission, sitting as the local planning agency, has reviewed and recommended approval of the community redevelopment plan, as amended, as to conformity of said plan with the comprehensive plan for the City of Port Orange; and
WHEREAS, after due consideration, the Community Redevelopment Agency for Port Orange Town Center has reviewed and recommended approval of the community redevelopment plan, as amended; and

WHEREAS, after due consideration and public hearing as required by law, the City Council of the City of Port Orange has reviewed and approved the community redevelopment plan for Port Orange Town Center, as amended; and

WHEREAS, public notice has been provided and notices have been mailed by registered mail to all taxing authorities as required by Section 163.346 and Section 163.360, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council of the City of Port Orange hereby approves and adopts the Port Orange Town Center Redevelopment Plan as originally prepared by Herbert Halback, Inc. and Real Estate Research Consultants, Inc. dated November 24, 1998, and amended hereby for pages 3, 9, 35, 37, Appendix B and Appendix C, adding the Riverwalk Planned Community Conceptual Development Plan, copies of which are attached hereto as Exhibit "A" and made a part hereof and deleting the 1998 Riverwalk District Conceptual Development Plan and Elevations. Said plan is hereby designated as the official community redevelopment plan for the community redevelopment area, the boundaries of which are described in the plan.

Section 2. Upon the effective date of this ordinance, the community redevelopment plan for Port Orange Town Center, as amended, shall be deemed in full force and effect for the community redevelopment area. The Community Redevelopment Agency for Port Orange Town Center shall carry out the community redevelopment plan in accordance with its terms.
Section 3. All ordinances or resolutions or parts of ordinances or resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any part of this ordinance is held to be unconstitutional, invalid or unenforceable for any reason, such holding shall not affect the constitutionality, validity or enforceability of the remainder of this ordinance, which shall remain in full force and effect.

Section 5. This ordinance shall take effect immediately upon final passage by the City Council.

MAYOR ALLEN GREEN

ATTEST:

Kenneth W. Parker, City Manager

Passed on first reading on the 6 day of March, 2007

Passed and adopted on second and final reading on the 20 day of March, 2007

Reviewed and Approved: City Attorney

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The blight study is a data collection and analysis report that examines the study area in terms of the aforementioned blighted conditions. Specifically, this report examines transportation facility deficiencies, existing land uses, building and site conditions, non-conforming lots, public utilities, stormwater management facilities and the loss of potential tax revenues.

This blight study serves as the basis for the POTC Redevelopment Plan. The primary intent of the Plan is to develop a means to address issues of blight and set the stage for subsequent implementation and redevelopment activities and programs.

### 3.2 Establishment of the Redevelopment Agency

POTC Community Redevelopment Agency (CRA), hereinafter know as the Redevelopment Agency, consists of the five members of the City Council and two additional persons from the community at large. Their task was to guide the creation of a plan for the redevelopment of POTC. This Plan was approved by the Port Orange City Council on December 15, 1998 (refer to Appendix G for copy of this resolution).

### 3.3 Intent of the Plan

The POTC Plan is intended to guide the city over the next 30 years and beyond. Implementation shall result in the development of a thriving mixed-use core comprised of residential, retail and entertainment, office and public uses. To accomplish this, the plan:

- establishes a vision, goals and objectives for redevelopment;
- identifies redevelopment projects;
- identifies financing and implementation strategies and
- identifies management and administration opportunities.

The Plan also identifies economically feasible projects that may be undertaken by the city of Port Orange to reverse blighting trends. Recommendations range from POTC-wide initiatives to district specific ones. To facilitate redevelopment, the POTC has been subdivided into distinct special character districts. Each requires area-specific projects to realize redevelopment.
5.0 REDeVELOPMENT PLAN

5.1 District-Wide Goals and Objectives

In partnership with the private sector, the city shall reverse the process of blighting conditions and develop, redevelop and revitalize the area over a thirty (30) or more year period. Strategic initiatives will be identified and put into action. Ultimately, POTC will be reinstated as the city’s traditional downtown and riverfront accessibility will be enhanced to the benefit of residents, visitors and business and property owners alike. POTC issues and opportunities are outlined in Figure 2.

Several strategic objectives common to each of the special character districts within POTC have been identified. Achieving these objectives will guide the community to the realization of their overall vision.

- Framework: develop five (5) special character districts recognizing that these areas are distinct in terms of uses and built environment;

- Land Use & Zoning: identify and promote land uses and zoning which are compatible with the special character districts and the overall POTC vision;

- Economic Development & Revitalization: introduce mixed-use development comprised of commercial, office and residential uses and active programming to draw people to POTC;

- Aesthetic Infrastructure: develop a coordinated design concept for open space, streetscape, furniture and recreation facilities in a manner that emphasizes the nautical history and location of POTC;

- Housing Opportunities: identify suitable locations for housing and promote a variety of dwelling types to complement the mixed-use nature of POTC;

- Architectural Design: establish architectural guidelines to provide architectural consistency within the special character districts over time;

- Pedestrian & Transportation Improvements: provide for an interconnected transportation network which aims at balancing the needs of pedestrians, cyclists and vehicles;

- Funding: identify and secure all feasible sources of funding including tax increment finance (TIF) revenues and other sources, that will aid in implementing the redevelopment Plan throughout both short and long term; and

- Incentives: identify and offer an array of initiatives to encourage the redevelopment and revitalization of POTC through realization of specific plan objectives over time.
5.9.7 Duration of the Plan

The Redevelopment Agency, rights and responsibilities delegated to the City of Port Orange by Volusia County, pursuant to Chapter 163, Part III, Florida Statutes, shall be effective until December 31, 2036, or as otherwise allowed by state and local law.

5.9.8 Severability

If any provision of the Plan is held to be unconstitutional or otherwise legally infirm, such provision shall not affect the remaining portions of the Plan.

5.9.9 Consistency with other Plans

The Plan establishes a 30–plus year framework for comprehensive area-wide redevelopment. The city should update its Comprehensive Master Plan to assure conformity in policies as indicated in this Plan. Both plans should be consistent in final form and intent. On November 20, 1998, the Planning Commission determined that the Plan was consistent with the city’s Comprehensive Plan and recommended it for approval to the City Commission on December 1, 1998.
6.0 Conclusions

The Plan provides a substantial framework for redeveloping the area as a multi-purpose destination for shopping, entertainment, housing, services and recreation. The riverside promenade, with connections to surrounding special character districts and existing neighborhoods provides a great civic amenity which would become an attraction in itself to all residents and visitors. Supporting streetscapes and redeveloped commercial boulevards anchor the area and make it attractive to business investment once more.

Many projects have been identified in the overall objectives, for the special character districts. To realize effective redevelopment community leaders, businesspersons and residents alike must unilaterally support these objectives and must continue to do so over time and through differing administrations. This will encourage a positive private market response to redevelopment which is presently not occurring.

Realization of the Plan is a thirty (30) –plus year effort and it is anticipated the community will update, or amend the Plan on a regular time frame to keep the Plan requirements focused and timely.
RIVERWALK PLANNED COMMUNITY
CONCEPTUAL DEVELOPMENT PLAN

THEMED GATEWAY FEATURE

AREA 2
RESIDENTIAL HIGH 400 UNITS
RESIDENTIAL LOW 25 UNITS
NON-RESIDENTIAL 56,000 SF

AREA 1
RESIDENTIAL HIGH 320 UNITS
RESIDENTIAL LOW 25 UNITS
NON-RESIDENTIAL 142,000 SF

AREA 3
RESIDENTIAL HIGH 0 UNITS
RESIDENTIAL LOW 30 UNITS
NON-RESIDENTIAL 92,000 SF

DEVELOPMENT TOTALS
RESIDENTIAL UNITS 800
NON-RESIDENTIAL SF 292,000

March 2007
APPENDIX B

The concept selected indicates a rather traditional urban form that has a minimum building setbacks. The concept features a large civic space that opens onto the Halifax River. Parking would be provided both north and south of the main complex and would have good access form the major highway corridors. The redevelopment is envisioned to take place mainly between Ocean, Dunlawton and Ridgewood Avenues and the Halifax River. The Halifax Riverfront would be lined with a pedestrian promenade connecting the Chamber of Commerce property to the north and Causeway and Halifax Drive, to the south.

Florida Vernacular Design Requirements

To assure new development that is architecturally in keeping with the POTC and its waterfront setting, Port Orange has adopted architectural design requirements. These requirements are designed to create a Florida Vernacular architectural theming which relates to the historic nature of the POTC. Please refer to Appendix C for more details on architectural requirements.

Development Program

To ensure consistency between the Plan for Town Center and the Port Orange Comprehensive Plan, Update '98 (as amended by Ordinance No. 2006-24 adopted on September 5, 2006), the Development Program for the 35.4-acre Riverwalk Planned Community lying east of U.S. 1 and north of S.R. 421, shall reflect a mixed-use development scenario inclusive of the following:

- 800 Residential Dwelling Units (maximum)
- 292,000 gross leaseable sq. ft. of Non-Residential Development (maximum)
- Public Marina expansion of existing Private Marina
- Riverwalk Promenade/Waterfront Park (6 +/- acres)
- US 1/SR 421 Streetscape Enhancements including Underground Utilities
- Multi-Modal Transportation Facilities (2,500 +/- vehicular spaces)
- Master Planned Stormwater Facilities on and off-site
- Riverwalk Planned Community Design Manual
- Florida Vernacular; Key West; Nautical/Coastal & Mediterranean themes
Design Regulations

To ensure consistency between the Plan for Town Center and the Port Orange Comprehensive Plan, Update '98 (as amended by Ordinance No. 2006-24 adopted on September 5, 2006), the design of all improvements in the 35.4-acre Riverwalk Planned Community lying east of U.S. 1 and north of S.R. 421 shall be regulated by the Riverwalk Planned Community Design Manual. The Riverwalk Planned Community Design Manual shall be formally adopted by the Community Redevelopment Agency for Port Orange Town Center and the Port Orange City Council. Upon adoption, said regulations shall supersede the design guidelines of Ordinance No. 1998-22 within the Riverwalk Redevelopment Project Area.
March 5, 2007

Re: Amendments to Port Orange Town Center Community Redevelopment Plan

Dear Taxing Authority,

Pursuant to Florida Statutes, Section 163.346, this letter is to notify you of the City's intent to adopt amendments to the Port Orange Town Center Community Redevelopment Plan. A copy of proposed Ordinance No. 2007-10 pertaining to these amendments is enclosed. A staff report summarizing the proposed amendments has also been provided for your review.

A public hearing will be held on this proposed Ordinance by the Port Orange City Council at 7:00 p.m. on March 20, 2007. This hearing will be held in the City Council Chambers, 1st Floor, Port Orange City Hall, 1000 City Center Circle, Port Orange Florida.

Please feel free to contact me at (386) 506-5506 should you have any questions or concerns.

Sincerely,

[Signature]
Donna J. Steinebach, AICP
Assistant to the City Manager

DJS/ds
Enclosures
cc: Shirley Kelly, Deputy City Clerk
    Margaret Roberts, City Attorney

“Growing In Beauty and Opportunity”