ORDINANCE NO. 2014-22

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; AMENDING ORDINANCE NO. 2007-10, RELATING TO COMMUNITY REDEVELOPMENT; AMENDING AND APPROVING A COMMUNITY REDEVELOPMENT PLAN FOR PORT ORANGE TOWN CENTER AND THE RIVERWALK PLANNED COMMUNITY CONCEPT DEVELOPMENT PLAN, SECTIONS 5.4.5 AND 5.6.2 AND APPENDIX B; REPEALING CONFICTING ORDINANCES AND RESOLUTIONS; AND 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, moral, 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, declare itself to be a 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.

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (strikethrough) type shall constitute deletions from the original text.

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 amends Section 5.4.5 of the Community Redevelopment Plan for Port Orange Town Center to read as follows:

5.4.5 Environmental Quality

The Plan provides for initiatives including the planting of additional street trees, stormwater improvements, a two-acre public waterfront park, riverfront promenade, additional code enforcement, landscape protection and the promotion of water-based and land-based recreational activities all bringing the environment to the forefront of the public issues and concerns. The Halifax River is a rich resource that has attracted people to the area for centuries; it will be enhanced with a community promenade to encourage greater use and respect of the resource.

Section 2. The City Council of the City of Port Orange hereby amends Section 5.6.2 of the Community Redevelopment Plan for Port Orange Town Center to read as follows:

5.6.2 Developer Incentive Program

This program is intended to spur private investment in the POTC. Development incentives should recognize and meet the particular needs of individual developers, insure the public benefits derived from incentives outweighs the investment of public resources and assure the projects fit their site and the POTC vision. Recommended initiatives for consideration in the developer incentive program are listed below.

- Develop a low interest loan program through partnerships with local banks.
- For major catalyst projects, provide assistance in bond issues.
- Purchase and resell/assemble parcels through the City, POTC, or other sources to attract new investment.
- POTC and City assistance with funding infrastructure improvements for building fees, water, sewer, parking or roadway improvements for leveraging development on strategic parcels.
- Incentives in the form of reimbursement to developers from increment revenues attributable to a project for the costs of improvements, facilities or services which provide public benefits. Public benefits promoted by such incentives include encouragement and acceleration of the timing of the development, thus preserving the property values in the POTC, enhancing and expanding economic
development and activity within POTC in order to provide a stronger, more balanced, and stable economy, enhancement and preservation of employment opportunities for residents, promotion of the redevelopment of the POTC and assistance in the funding of public improvements, access to and use of public and commercial areas provided by transportation, parking improvements, and other facilities publically or privately owned which are to be routinely accessible to and used by the general public when visiting, using or traversing the project. Facilities providing public benefits may include:

- Exterior signage and devices that provide for a permit or enhance public way-finding and direction, building and business identification to the public, traffic control, and parking management within the project and/or proximate areas.

- Parking structures, parking lots, drive aisles, streets and ways within the project and/or proximate areas provided that such locations are routinely accessible to and available for use by the general public.

- Lighting fixtures, power lines, transformers, and other lighting-related improvements to illuminate parking areas, sidewalks, drive aisles, loading areas, and other locations within the project and/or proximate areas which are routinely accessible to the general public and which equipment will aid public safety and security.

- Drainage retention and detention ponds and holding areas, culverts, pipes, inlets, gates, grates, swales, retaining walls and water quality facilities within the project and/or proximate areas which improvements provide for the management of surface water and the controlled retention or release in order to reduce adverse impacts upon and damage to public streets, public intersections, and adjacent private property.

- Utilities (e.g., water, sewer, gas, electric, communications) and utilities extensions serving the project and/or proximate areas to the extent that the costs of such utilities improvements are the obligation of the developer and are not within the responsibility or obligation of the utility service provider.

- Landscaping, including plant materials and landscape-related features (including any artwork) located along the perimeter of the project or proximate areas or within the parking areas or other areas within the project or proximate areas which are routinely accessible to the general public.

- Physical improvements and amenities intended to serve the general public while upon the project and/or proximate areas, including but not limited to sidewalks, crosswalks, bicycle paths, bicycle racks and storage areas, benches and seating, and trash cans, rest areas, overpasses, and street medians to provide pedestrian safe zones for crossing of roadways and drive aisles.

- Traffic control devices including traffic lights and crosswalk signals within the Project and/or proximate areas.
Improvements to meet local, state, of federal accessibility standards such as the Americans with Disabilities Act and to aid access for handicapped persons to and within the portions and areas of the project and/or proximate areas which are intended for public access.

Acceleration lanes, deceleration lanes, turn lanes and lane striping widening or modification intended to benefit the project and/or proximate areas.

Any other public-related improvements, whether on-site or off-site, if such improvements are for public purpose, promote the redevelopment of the POTC, and provide a public benefit.

Incentives in the form of reimbursement to developers for costs of improvements, facilities or services which provide public benefits shall be by written agreement only. Each agreement to provide the incentives described above shall be subject to approval by the CRA and the City Council.

Section 3. The City Council of the City of Port Orange hereby amends the Riverwalk Planned Community Concept Development Plan as included for the Community Redevelopment Plan for Port Orange Town Center as shown on the attached Exhibit A.

Section 4. The City Council of the City of Port Orange hereby amends Appendix B as included in the Community Redevelopment Plan for Port Orange Town Center. Appendix B, as amended, is attached hereto.

Section 5. The City Council of the City of Port Orange hereby designated the Community Redevelopment Plan for Port Orange Town Center, as amended, including the Riverwalk Planned Community Concept Development Plan and all Appendices as the official community redevelopment plan for the Community Redevelopment Area for Port Orange Town Center.

Section 6. Upon the effective date of this ordinance, the Community Redevelopment Plan and Concept Development 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 term.

Section 7. 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 8. If any part is 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 9. This ordinance shall become effective immediately upon final passage by the City Council.

MAYOR ALLEN GREEN

ATTEST:

Robin L. Fenwick, CMC, City Clerk

Passed on first reading, this 21 day of October, 2014.

Passed and adopted on second and final reading, this 11 day of November, 2014.

Reviewed and Approved: City Attorney
RIVERWALK PLANNED COMMUNITY
CONCEPTUAL DEVELOPMENT PLAN

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

AREA 2
RESIDENTIAL HIGH 400 UNITS
RESIDENTIAL LOW 25 UNITS
NON-RESIDENTIAL 58,000 SF

AREA 3
RESIDENTIAL HIGH 30 UNITS
RESIDENTIAL LOW 0 UNITS
NON-RESIDENTIAL 82,000 SF

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

MIXED USE
RECREATION/CONSERVATION
DUNLAWTON AVENUE
THEMED GATEWAY FEATURE
HILLSTONE AVENUE
MAJOR PROJECT/PARKING ENTRY
OCEAN AVE
CHARLES STREET
DEVELOPMENT TOTALS
RESIDENTIAL UNITS 800
NON-RESIDENTIAL 292,000 SF

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APPENDIX B

The concept selected indicates a rather traditional urban form that has a minimum building setback. 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 from 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