



# CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE - 12/13/05

**SUBJECT:** AMENDMENT TO CHAPTER 20, LAND DEVELOPMENT CODE

**DEPARTMENT:** COMMUNITY DEVELOPMENT


**RECOMMENDED MOTION:** To approve Ordinance No. 2005-10 amending the Port Orange Land Development Code to repeal Section 2(b), Chapter 20, relating to economic development incentives.

**SUMMARY:** The City of Port Orange is proposing to repeal Section 2(b), Chapter 20, of the Land Development Code (LDC). This Section provides for a 100% reduction (waiver) of all development-related fees for specified properties within the City.


The Planning Commission is scheduled to review this proposed ordinance amendment at a Special Meeting on December 8, 2005. The Commission's recommendation will be provided subsequent to that meeting.

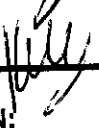
**ATTACHMENTS:**     Ordinance     Resolution     Budget Resolution

Other     Support Documents Available for Review in Manager's Office

**DEPARTMENT HEAD**  Donna J. Steinebach    Date 12-02-05

**FINANCE DEPARTMENT**    Approved as to Budget Requirements    Date

**CITY ATTORNEY**  Approved as to Form and Legality    Date 12-5-05

**CITY MANAGER**  Approved Agenda Item For:    12/13/05

**COUNCIL ACTION:**     Approved as Recommended     Disapproved  
 Tabled Indefinitely     Continued to Date Certain     Approved with Modification

ORDINANCE NO. 2005-10

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY REPEALING SECTION 2(b) AND 2(b)(1) OF CHAPTER 20, RELATING TO ECONOMIC DEVELOPMENT INCENTIVES, FEES WAIVED; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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 ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council hereby repeals Section 2(b) and 2(b)(1), of Chapter 20 of the Land Development Code, Economic Development Incentives, Fees Waived, as follows:

Sec. 2: Overview of available city incentives.

(a) *Reduced development requirements on Ridgewood.* To encourage investment along the city's original main street, a series of reduced development requirements have been established for all properties zoned Ridgewood Development (RD). The development requirements shall apply within the Ridgewood Development (RD) zoning classification, as follows:

- (1) Chapter 12, section 6(f)(3), alternative surfaces for off-street parking and vehicular use areas.
- (2) Chapter 13, sections 3(c), 3(d)(1)(c), 3(d)(3), 3(e)(1)(b), 3(e)(2), 4(b) and 5(d), landscape buffers.
- (3) Chapter 14, sections 3(a)(2) and 3(f), special provisions.
- (4) Chapter 15, sections 3(f), 5(b)(5), 6(b), 6(d), 7(c)(1)(b) and 7(c)(2)(c), signs.
- (5) Chapter 17, sections 25 and 27, zoning district regulations.

~~b) *Fees waived.* For all business and multifamily properties with direct frontage on Ridgewood Avenue (regardless of zoning); for properties with industrial zoning located east of Clyde Morris Boulevard; and for properties located within the Port Orange Town Center and Eastport Business Center redevelopment areas, all "development related" fees shall be reduced by 100 percent. Development related fees shall include, but shall not be limited to the following: site development plan review, subdivision plan review, variances, rezonings, development agreements and amendments, special exceptions, conditional uses, land use amendments, comprehensive plan amendments, annexations, public hearing notices, development orders, development order extensions, change of grade permits, easement vacations, street vacations, subdivision inspections, site inspections, building inspections, building permits, sign permits, Building Code Administrative~~

~~Inspector's Fund, Radon Fund, fire flow assessments, plan submittals, plan reviews and plan resubmittals. Development related fees shall not include: occupational licenses, contractor registration, sidewalk sales and hazardous use permits. As for work/activity without proper permits in hand, payment of a penalty fee(s) shall apply and (at the discretion of the administrative official) the permit fee(s) in question may then also be required.~~

~~(1) The above described waiver of development related fees shall be applicable from the date of adoption of this section until October 1, 2006, upon which said incentive shall expire unless readopted by ordinance of the city council. In order to be subject to the waiver, permit applications for given projects must be submitted and deemed complete and accepted by city staff prior to such expiration date.~~

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective immediately upon adoption by the City Council.

\_\_\_\_\_  
MAYOR ALLEN GREEN

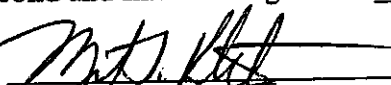
ATTEST:

\_\_\_\_\_  
Kenneth W. Parker, City Manager

Passed on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2005

Passed and adopted on second and final reading on the \_\_\_\_ day of \_\_\_\_\_, 200\_\_

Reviewed and Approved:

  
\_\_\_\_\_  
City Attorney



**STAFF REPORT**  
**AMENDMENT TO THE LAND DEVELOPMENT CODE**  
**Chapter 20, Section 2(b), Economic Development Incentives**  
City of Port Orange, applicant  
December 1, 2005

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**INTRODUCTION:**

The City of Port Orange is proposing to repeal Section 2(b), Chapter 20, of the Land Development Code (LDC). This Section provides for a 100% reduction (waiver) of all development-related fees for specified properties within the City.

**DISCUSSION:**

The 100% fee reduction/waiver provided by Section 2(b), Chapter 20, LDC was initially established as an economic development incentive to encourage reinvestment in the City's designated redevelopment districts and in specified "job creation" areas. The properties that are automatically eligible for fee waivers include all business and multi-family properties with direct frontage on U.S. 1/Ridgewood Avenue (regardless of zoning); all properties with industrial zoning located east of Clyde Morris Boulevard; and all properties located within the Port Orange Town Center and Eastport Business Center community redevelopment areas.

The development-related fees that are waived for eligible properties include, but are not limited to: site development plan review, subdivision plan review, variances rezonings, development agreements and amendments, special exceptions, conditional uses, land use amendments, comprehensive plan amendments, annexations, public hearing notices, development orders, development order extensions, change of grade permits, easement vacations, street vacations, subdivision inspections, site inspections, building inspections, building permits, sign permits, Building Code Administrative Inspector's Fund, Radon Fund, fire flow assessments, plan submittals, plan reviews and plan resubmittals.

Ordinance No. 2001-55, adopted in November 2001, established the "sunset" for the subject development-related fee waivers as October 1, 2006, unless readopted by the City Council. The proposed ordinance, therefore, will accelerate the termination of this economic development incentive by approximately seven (7) months, and clearly establish the policy direction of not extending this incentive beyond the October 1, 2006 sunset date. This position is advocated by staff due to the current robust real estate investment climate and the diminished value of the fee waivers as a development incentive. It is staff's recommendation that the City immediately begin to recapture this revenue to apply it to economic development projects in more targeted and effective manner.

As an aside, the Memorandum of Understanding for the Riverwalk Redevelopment Project Area specifies that the developer shall pay all development-related fees. This ordinance would ensure that all other redevelopment and industrial development projects do likewise, unless specifically offered as an economic development incentive by the City under the Targeted Business Program.

**RECOMMENDATION:**

Staff recommends **approval** of the proposed ordinance repealing Section 2(b) of Chapter 20 of the Port Orange Land Development Code.

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Prepared by: Donna J. Steinebach, AICP, Assistant to the City Manager  
City of Port Orange Department of Community Development

(386) 506-5505  
(386) 506-5600

PLANNING COMMISSION DATE:  
CITY COUNCIL DATE (1<sup>st</sup> Reading of Ordinance):

December 8, 2005  
December 13, 2005

**Sec. 1: Purpose and intent.**

(a) All of the city's economic development related incentives are described or referenced within this chapter. The purpose of the incentives is to accomplish the following within the city: promote positive forms of new development and redevelopment; reward the creation and retention of value-added jobs; attract targeted businesses; revitalize the Port Orange Town Center and Eastport Business Center redevelopment areas; increase the nonresidential tax-base; and foster a diverse employment base within the city.

(b) This chapter is not intended to remain static. It is anticipated that the incentives listed herein shall be amended from time to time to improve upon their focus, delivery and impact. (Ord. No. 2001-55, § 1, 11-7-01)

**Sec. 2: Overview of available city incentives.**

(a) *Reduced development requirements on Ridgewood.* To encourage investment along the city's original main street, a series of reduced development requirements have been established for all properties zoned Ridgewood Development (RD). The development requirements shall apply within the Ridgewood Development (RD) zoning classification, as follows:

- (1) Chapter 12, section 6(f)(3), alternative surfaces for off-street parking and vehicular use areas.
- (2) Chapter 13, sections 3(c), 3(d)(1)(c), 3(d)(3), 3(e)(1)(b), 3(e)(2), 4(b) and 5(d), landscape buffers.
- (3) Chapter 14, sections 3(a)(2) and 3(f), special provisions.
- (4) Chapter 15, sections 3(f), 5(b)(5), 6(b), 6(d), 7(c)(1)(b) and 7(c)(2)(c), signs.
- (5) Chapter 17, sections 25 and 27, zoning district regulations.

➔ (b) *Fees waived.* For all business and multifamily properties with direct frontage on Ridgewood Avenue (regardless of zoning); for properties with industrial zoning located east of Clyde Morris Boulevard; and for properties located within the Port Orange Town Center and Eastport Business Center redevelopment areas, all "development-related" fees shall be reduced by 100 percent. Development-related fees shall include, but shall not be limited to the following: site development plan review, subdivision plan review, variances, rezonings, development agreements and amendments, special exceptions, conditional uses, land use amendments, comprehensive plan amendments, annexations, public hearing notices, development orders, development order extensions, change of grade permits, easement vacations, street vacations, subdivision inspections, site inspections, building inspections, building permits, sign permits, Building Code Administrative Inspector's Fund, Radon Fund, fire flow assessments, plan submittals, plan reviews and plan resubmittals. Development-related fees shall not include: occupational licenses, contractor registration, sidewalk sales and hazardous

use permits. As for work/activity without proper permits in hand, payment of a penalty fee(s) shall apply and (at the discretion of the administrative official) the permit fee(s) in question may then also be required.

- (1) The above-described waiver of development-related fees shall be applicable from the date of adoption of this section until October 1, 2006, upon which said incentive shall expire unless readopted by ordinance of the city council. In order to be subject to the waiver, permit applications for given projects must be submitted and deemed complete and accepted by city staff prior to such expiration date.

(c) *Deferment of impact fee payments.* Upon written request, payment of city water, sewer 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.

(d) *Owner-occupied business establishments.* Recognizing that many of the properties within the Port Orange Town Center redevelopment area and those with direct frontage on Ridgewood Avenue (regardless of zoning) have historically been developed with "mom and pop" and "homegrown" type businesses, the city shall permit owner-occupied business establishments in such areas, provided that these establishments comply with all other requirements of this code and adopted building and fire codes. More specifically, the city shall permit given business owners/managers to reside in a dwelling unit which is set within the principal (business establishment) structure.

(e) *Phasing of required site improvements.* For all business and multifamily properties with direct frontage on Ridgewood Avenue (regardless of zoning); for all properties with industrial zoning located east of Clyde Morris Boulevard; or for all property located within the Port Orange Town Center and Eastport Business Center redevelopment areas, developers may be permitted to phase the required improvements of chapter 12 (road and vehicular use areas), chapter 13 (landscaping and buffers) and/or chapter 14 (architectural design) over a period not to exceed three years from the date of issuance of the development order. However, with respect to chapter 13 improvements, phasing shall not be permitted for landscaping and irrigation within required right-of-way buffers, and shall not be permitted within bufferyards adjacent to residential/institutional uses. To secure permission to phase improvements, a letter of request shall be filed with the city outlining the unique time sensitive conditions/circumstances. The request along with a proposed phasing agreement outlining the installation of improvements in annual installments, shall be scheduled for city council review and approval. If the request is approved, the phasing agreement shall be executed between the city and the property owner(s), and shall be recorded in the public records of Volusia County. In the event that the developer violates the recorded agreement and has not completed the required improvements by the time specified for each improvement in the agreement, the violation(s) may be referred to the code enforcement board and the city shall have the right to pursue such