

**Heritage Preservation Trust
P.O. Box 1845
Daytona Beach, FL 32115-1845**

APPLICATION: New Historic District w/ Zoning Overlay

NAME: *Uptown Daytona Historic & Garden District*

I. DISTRICT DESCRIPTION/AREA:

(E) Halifax River to (W) Railroad Tracks; (N) Mason Avenue to (S) Fairview Avenue, including all parcels on south side of street.

This District shall be registered and recognized by the State of Florida, Dept. of State, Bureau of Historic Preservation. (Grant funds are available from this bureau to complete this process.)

The new district will not only apply to existing structures, but the preservation of historical trees as well.

(SEE MAP 1 ATTACHED)

II. ZONING OVERLAY:

Purpose/Intent: Identifies and preserves primarily all frame (and in certain instances red brick, keystone, coral rock or shell) structures originally constructed as single or multi-family houses during the periods from (or before) 1880 to 1940, regardless of present zoning usage or deed records. (Many deed records have recorded dates of lot subdivision in this neighborhood, but not accurate structure construction dates). Single-story, frame barrack, multi-family structures and concrete, infill residential structures built after 1940 shall be exempt.

OBJECTIVES FOR CHANGES TO COMPREHENSIVE ZONING PLAN

- 1) Zoning changes set forth in this application shall take president over all previous, pending or further future neighborhood designations, entitlements or overlays.
- 2) In order to provide legroom for future redevelopment of the area, concrete structures on N. Beach Street, Ballough Road, Madison Avenue, Mason Avenue, Fairview Avenue, N. Ridgewood Avenue, Seagrave Street and all those surrounding the Root Canal shall be exempt. However, any historical trees located on these parcels may not be removed and will need to be incorporated in future uses.

(SEE MAP 2 ATTACHED)

- 3) Any future land use changes or new construction permits on N. Beach Street shall not be considered until RFP's have been executed, completed, surveyed and estimated for:
 - A. The widening of N. Beach St., from Fairview to Mason to 4 lanes w/ median and diagonal parking spaces.
 - B. The defining of new lot lines for future setback definitions, after the widening project has been surveyed.
 - C. Permitting of any parking structures shall be limited to the east side of N. Beach Street only.
 - D. Linking this segment to the rest of Beach Street, as adopted in the Nottingham Plan.
 - E. Storm water system for all streets within entire district, including proposed retention ponds.
- 4) In order to protect existing Residential areas from encroachment from Commercial projects, maximum lot depths of 200ft will be imposed for all commercial projects adjacent to residential neighborhoods on east side of Ballough Road (Orange Isles only); west side of N. Beach Street; and on either side of N. Ridgewood. Future applications to increase existing lot depths shall not be allowed for consideration for either side of Madison Avenue or east side of Seagrave Street.

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- 5) Future projects on residential streets adjacent to these commercial setbacks (off the streets listed above), must remain R1/R2 and all new projects must reflect the established lot widths of 50ft increments in large parcel developments on these streets, thus retaining the existing footprint of the residential neighborhood. The use of town or row houses of 50ft width would be permitted and encouraged for such projects.
- 6) All commercial projects adjacent to residential streets must erect 6 ft fence in either painted stucco concrete or red brick in a historic style and provide maintained landscaping for them which may include hedges and trees – but must include dense, covering vines on both sides. Self watering planters may also be used on the top of these walls, provided they meet historical design elements.
- 7) Commercial garbage dumpsters must be enclosed as either part of the commercial structure or a separate building. Immediate plumbing connections and drains are required to keep refuse areas clean.
- 8) A maximum height shall be limited to 5 stories for all proposed commercial, residential and retail structures on N. Beach Street, all parcels surrounding the Root Canal, Mason Avenue and Madison Avenue. High rise projects may only be considered for N. Ridgewood Avenue and on the east side of Ballough Road, from the Seabreeze Bridge to the Root Canal River access only. Mid-rise projects may be grand-fathered in for Central Baptist Church parcel of a maximum height of 12 stories, with entrances located on Fairview only.
- 9) All concept plans for any new construction within the district must have a conforming architectural appearance from the periods of 1880 to 1930, and must be approved by the Historic Preservation Board. The concept must also address incorporation of all existing historical trees into any project. This conceptual process must be completed and approved before any zoning variances or land use changes are to be considered by any applicant.
- 10) Commercial structures with the design element of street-facing, second-floor wrought-iron balconies used in New Orleans, Savannah, GA and Charleston, SC streetscapes should receive highest consideration for projects on N. Beach Street, Madison Ave and the Fairview Roundabout.
- 11) All single and multi-family residential frame structures which have been destroyed by fire or natural disasters shall be grand-fathered in for reconstruction without the need for a variance request for such issues as set-back requirements. This shall also include detached garage or guest house structures originally constructed on zero-lot lines. The new structures will need to conform to architectural style design guidelines for the historic periods represented in the district.
- 12) A survey and inventory for all historical trees within the new district shall be completed and recorded for each parcel. We have identified grant sources to assist with this project. A new COA system for tree removal will need to be implemented and approved by the Historic Preservation Board. New code will need to be written to ensure parcel owners are caring and maintaining these trees to established health standards as determined by a certified Arborist working for the Historic Preservation Board, who will also be used as a determination by Code Enforcement. Hefty fines and impact fees (which monies should be ear-marked for tree replacement in that neighborhood), should also be determined for violators who destroy/remove trees without city permission. Our recommendation is \$100,000 impact fee per tree and \$250,000/tree for those who applied and were denied – but proceeded to destroy the tree anyway.
- 13) Rollout dates for residential owners. As new code will be adopted, a schedule for new enforcement dates should be gradual, allowing homeowners to adjust and comply over a staggered period of time. Workshops and public hearings will need to educate residences in advance of these changes and effective dates. Owners of single and multi-family residences that are corporations, REIT's, LLC's or partnerships shall be exempt from the rollout dates.
- 14) Issues affecting the new District shall be governed by recommendations and decisions made to the City Commission by the Historic Preservation Board. This Board may request the formation of a new committee for specific issues pertaining to this District.

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15) For Remodels and Renovations, all concepts must be presented and approved by the Preservation Board, prior to any permitting. The present project cap limits set forth for such projects (i.e. \$50,000) shall now be changed to unlimited.

PROGRAM FOR SAVING HISTORICAL FRAME STRUCTURES

All requests (including administrative) for demolition permits of frame structures in this District shall no longer be allowed and be prohibited.

Argument: Property owners who have neglected for decades the basic maintenance of these structures to the point of them being compromised may no longer claim restoration is cost prohibitive. The demolition and erection of a new structure will actually hinder, not enhance the historical characteristics of this neighborhood district. Allowances of such requests actually reward the irresponsibility of such owners.

Administrative requests for demolition on the basis of high crime activity shall no longer be permitted as well, as again where is the responsibility of the current owner? In such cases, the City should consider seizing the property for liens and selling it to a new owner through a first-time homebuyer or senior housing program.

Impact fees shall be assessed for the cost of relocating historic frame structures currently occupying commercial parcels in which new commercial projects are requested.

Concept: As part of an Affordable Housing Program used in other cities, historic frame structures are relocated to other in-fill lots in the neighborhood or city. The applicant pays the relocation costs and any hazardous material removal costs (which would be required anyway for a demolition), as part of an impact fee. The recipient receives the structure for \$1, but pays for the new lot, new foundation hook-ups, any re-inforcements and insurance needed to relocate the structure and promises to rehabilitate the structure to an agreed specifications contract in an allotted time such as 4 years. Grants for rehabilitation and assistance for financing will be assembled as a package to assist home buyers. The new buyer must promise to reside in the house and may not rent it.

Structures could also be offered to developers of large parcels, other housing agencies, local governments or other non-profit groups in this or adjoining counties, provided they absorb the relocation, reinforcement and insurance costs.

ECONOMIC DEVELOPMENT CONCEPTS

Use of immediate remedies such as tax abatements, adjustments, rebates for commercial properties located on specific corridors within the District for businesses which meet a definition of purpose. These remedies should have a time window such as 5 or 10 years, can be transferred to new property owners, can be renewed and have defined time limits (such as 20 years, etc.) and should be tailored to success of such project for each street area. Limits should be set for the quantity of each business type for each street area, in order to retain diversity of businesses in neighborhood.

Landlords would be required to deduct these savings to qualified tenants who operate such businesses as part of the lease agreement. The city will provide timely updates of available business vacancies for each street area to the public. If numerous applicants of the same business type request consideration for participation in the program, a proposal or lottery system should be defined beforehand as part of the application process.

(SEE MAP 3 ATTACHED)

- 1) Cultural Arts Overlay – Madison Avenue
Art Gallery/Studio, Art Restoration, Photo Gallery/Studio, Music Studio/Store, Jewelry Design, Stained Glass Studio, Advertising Agency, Community Press, Website Design, Video Production or Graphic/Typesetting Studio. This concept could also be extended to other corridors such as N. Beach St or N. Ridgewood.

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- 2) Industrial Craftsman/Historical Trades – Seagrave Street
Historic building materials – sourcing, repair, restoration. Wrought Iron works, Master carpentry, decorative stone works and architectural fittings, furniture. Antique lighting, restoration and rewiring. Export/distribution of these products, provided they have retail operation to community.
- 3) Designer District – N. Beach Street
Because many of the businesses in this area are relocating, it now creates new challenges and opportunities for creating a new theme for this business hub. Interior Design firms and upscale furnishings showrooms for this trade including flooring, furniture, plumbing, kitchen/bath design, fabrics and upholstery studios. Also real estate agents, bakery/catering/patio bistro, bookstore and health food store will add diversity and serve residential neighborhood.
- 4) Suggested Redevelopment Businesses/Projects which would enhance District
 - Local Supermarket
 - Boutique Business Hotel on Riverfront or Root Canal
 - Multi-Use, Water-Theme/Marina Shopping Mall around Root Canal
- 5) Use Of Residential Garages As Artist Studios
For painters, sculptors, potters, photographers and musicians, etc.. Permits required. Also special issues as addressing fire/electrical safety for kilns and their size limits for use in frame structures; disposal of photo chemicals; rehearsal times for musicians which are permissive, yet limited.
- 6) Encourage Incubation of Bed & Breakfasts/Guest Houses Opening in District
Many properties in this District are only 1 or 2 bedroom homes. Some were built originally as fishing cabins or road houses off US1 or railroad. Some properties have detached garages with above in-law suites or separate guest houses. If a reputable booking agent were to be used for such enterprises, this operation would create a win-win situation.

Work on constructing a plan that will allow operation on a tier system based on available beds and length of operation.

For example, someone may have an in-law suite above their garage they wish to make available for rental during special events only. Or as a seasonal rental only for snow birds. This type of operation should not be taxed for permits and fees on the same level as a 6 bedroom Victorian that is used year round as a B&B. Bed Tax is based on occupancy. Sales tax is also based on occupancy (through sales). Why not create licensing, permits and fees based on usage as well?

Caution: Plan should not allow for abuse from use by day laborers or prostitutes. Purpose should be to mainly allow elderly owners supplement their incomes through use of their property and hospitality skills.

UPTOWN DAYTONA NEIGHBORHOOD (“D”) VISIONING ADDENDUM

The following items are in ADDITION to the items outlined in the Historic District application:

The following infrastructure items must be planned on paper with cost estimates of implementation prior to permit of any large-scale commercial or residential projects, in order to assess appropriate impact fees for new projects:

- Bury all utilities underground (should be prioritized by city Tree Board based on historic tree density of each city neighborhood streets, due to FPL butchering trees.)
- Storm Water & Retention Ponds
- Running of recycled water (purple) pipes (sewage affluent) and installation of sprinkler systems to proposed street/median for beautification/landscaping (forthcoming mentions)
- Widening, connection (Nottingham Plan) and beautification (mirroring S. Beach St.) of N. Beach Street; N. Ridgewood Avenue
- Beautification & Landscaping of these neighborhood streets: Fairview/George Ingram, Madison and Mason.
- Public parking garages for east side of N. Beach Street.
- Dredging Root Canal (and re-naming it), Implementing Nottingham Plan for Ballough Road (Cul-de-sac or bridge) at Root Canal River Access.
- Upgrading/replacing City water & sewage pipes
- Landscaping, parking and boat ramp for park under Seabreeze Bridge. Creation of neighborhood park on either Mulberry St. or Madison Ave. Public picnic park or dog run park on Root Canal/east side of N. Beach St.
- Vacating the following streets to allow for comprehensive development projects (low-rise, waterfront mall, supermarket) connecting adjacent lot parcels: Root St, Gore St and Bungalow St.
- Street “calming” plan for residential streets (speed bumps, forced exiting, cul-de-sacs, etc.)
- In addition to Volusia County School concurrency capacity requirements, additional funds will be required for all future multiple residential projects to include school capacity based on ACTUAL and FORECASTED child population statistics at the time the project is estimated to be completed/opened (not on enrollment statistics).
- Land will be purchased and set aside for future elementary and middle schools serving the Uptown/Downtown neighborhoods. (Note: there are presently only 5 sites available 4 acres or more in this area)

OTHER ITEMS:

- Social Service agencies, pawn shops and day labor halls in the neighborhood will be re-zoned/relocated to Tiger Bay area.
- Property owners shall be required to display and maintain (but not pay for sourcing or installation of) historical markers on their property within public view/access, even if the marker denotes the location of a previous structure or historical event.
- Fines for ALL zoning, tree violations AND bonus density public housing funds paid by developers from within the neighborhood will go into a special neighborhood fund earmarked to future projects in this neighborhood.
- Unresponsive landlords of rental properties with habitual tenant criminal activities or zoning violations shall be seized and resold to a new party – not demolished.
- Written notification requirement for zoning/comprehensive plan changes shall be based on distance of apex VIEW of proposed building height to surrounding property owners – not set distance to property parcel.
- All future comprehensive plan changes shall be specific to proposed concept/site plan – and shall NOT be transferable with sale of approved parcels.
- All requests for ANY zoning changes (except fencing) or demolition permits MUST include either a concept or site plan being approved by designated city boards prior to ANY zoning changes being presented forward for approval by ANY board or city entity for voting.
- The city has the right to suspend, revoke, cancel or deny a specific business or occupational license or certificate of occupancy for habitual violations or offenses, through appropriate public hearings or board meetings.
- The city Planning Board shall cast a separate vote for EACH proposed development presented to them, for the finding of the traffic study, it’s stated accuracy and the need for funding road widening or improvement projects as a direct result from the requested proposal. This vote shall determine if the applicant developer set aside special funds for these road projects and the RFP’s for such road projects ARE IMPLEMENTED AND COMPLETED PRIOR TO a construction permit being issued.

Attached is the grant info. ideas presented for the Uptown Daytona Neighborhood Vision Plan:

1. Arts District Overlay

Comp. Plan Objective attached. Encourage artists of all types to own homes, businesses and studios in this neighborhood.

<http://celebratingculture.com/artsmap.htm>

<http://volusiaforever-echo.com/echo/overview.htm>

<http://www.florida-arts.org/grants/forindividuals.htm>

<http://www.florida-arts.org/grants/fororganizations.htm>

<http://www.flheritage.com/preservation/folklife/>

<http://www.nea.gov/grants/apply/index.html>

2. Enterprise Zone

Our neighborhood exists within the boundaries of an Urban Enterprise Zone. Rezone Commercial Street areas to limited businesses and use Enterprise Zone Tax and Small Business Incentives to incubate Arts District. (See Historic document info. on concept details.) Also use incentives to rehab historical homes as affordable housing partnerships.

http://www.floridaenterprisezone.com/Pageview.asp?edit_id=15

http://www.floridaenterprisezone.com/Pageview.asp?edit_id=10

<http://www.floridacommunitydevelopment.org/cdbg/about.cfm>

3. Special Policing District -- Safe Neighborhoods Program

Establish our neighborhood as a special policing district to qualify for state "Safe Neighborhoods" grant funding to implement it. (Document attached.)

4. Historic District Overlay - Certified Local Government (CLG) Funding

Once the city has been designated to receive historic grant funding, and our neighborhood is given Historic District status, we would be able to provide the following grants to improve properties. NOTE: Residents want public meetings for specific input on key zoning issues and wording before voting on the proposal.

<http://www.flheritage.com/grants/>

5. Scenic/Historic Highway Designation

- US1/Ridgewood Ave (All-American Highway Designation)
- Beach Street (Historic Trail Designation as part of Old Kings Road)

<http://www.bywaysonline.org/program/iq.html>

http://www.bywaysonline.org/grants/application/help/guidance_intro

<http://www.bywaysonline.org/program/>

http://www.enhancements.org/Factsheets/TE_4.htm

<http://www.dot.state.fl.us/emo/scenic Hwy/default.htm>

6. Scenic Thoroughfare Zoning Overlay

Overlay classification available through Land Development Code (attached document). Request overlays for commercial streets in neighborhood: Mason Ave, Madison Ave, N. Beach St, Fairview Ave and N. Segrave St.

Beautification projects could be financed through these grants:

http://www.fl-dof.com/forest_management/cfa_urban_grants.html

7. Affordable Housing Programs

Revitalize Residential houses through various grants to encourage home ownership, rather than rental properties. Relocate historical houses on commercial streets to other lots and use them as affordable housing, so lots can be developed and history saved.

<http://www.hud.gov/local/fl/homeownership/buyingprgms.cfm>

<http://www.hud.gov/offices/cpd/communitydevelopment/programs/entitlement/>

<http://www.hud.gov/offices/hsg/sfh/ins/singlefamily.cfm>

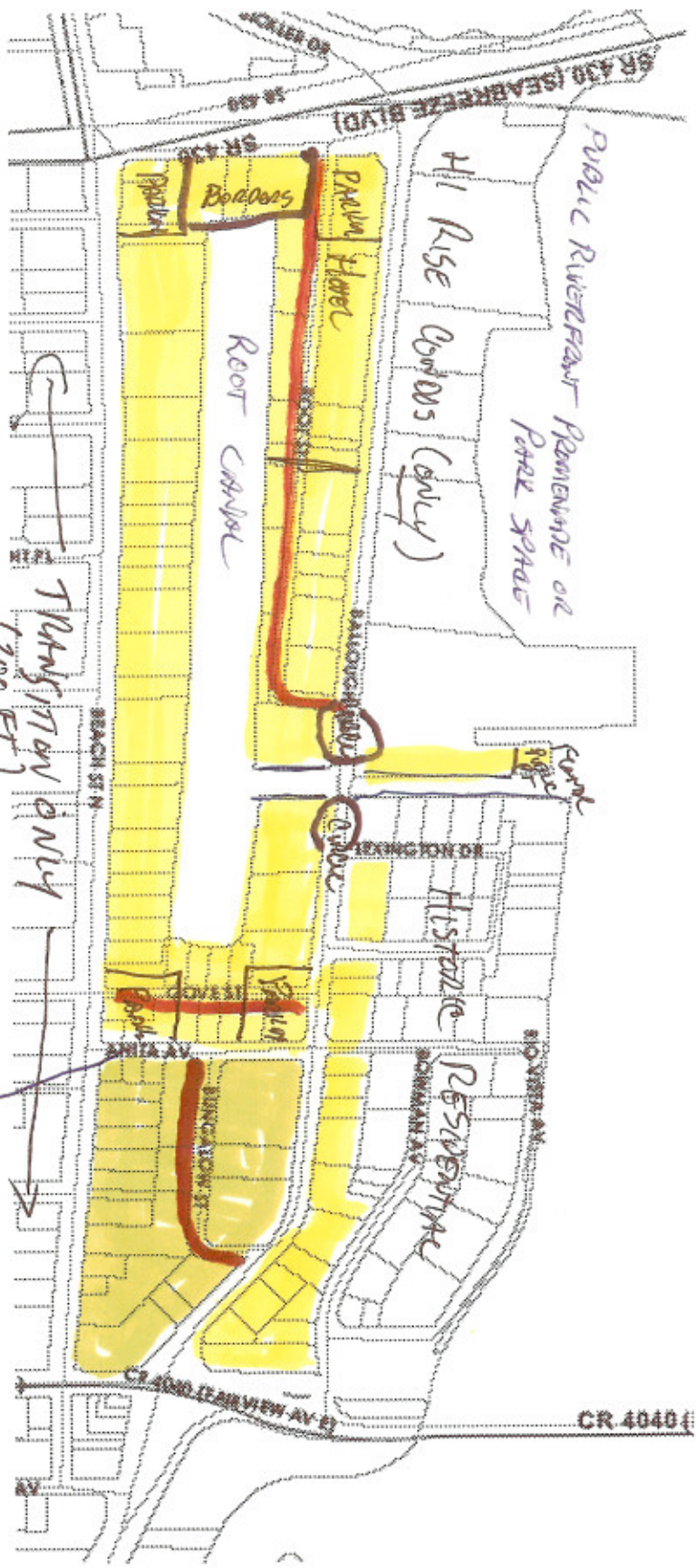
<http://www.mfhp.org/daytona.php>

<http://www.halifaxhabitat.org>

8. Develop Community Public Park and Recreation Facilities

There is presently no public park space in this area. We are interested in identifying and developing parcels for this purpose through the following Florida Forever grant program:

http://www.floridacommunitydevelopment.org/fct/florida_forever.cfm



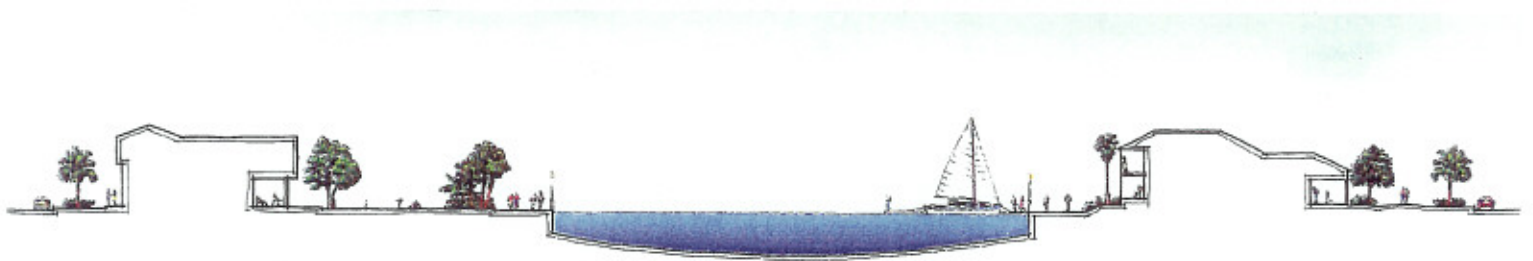
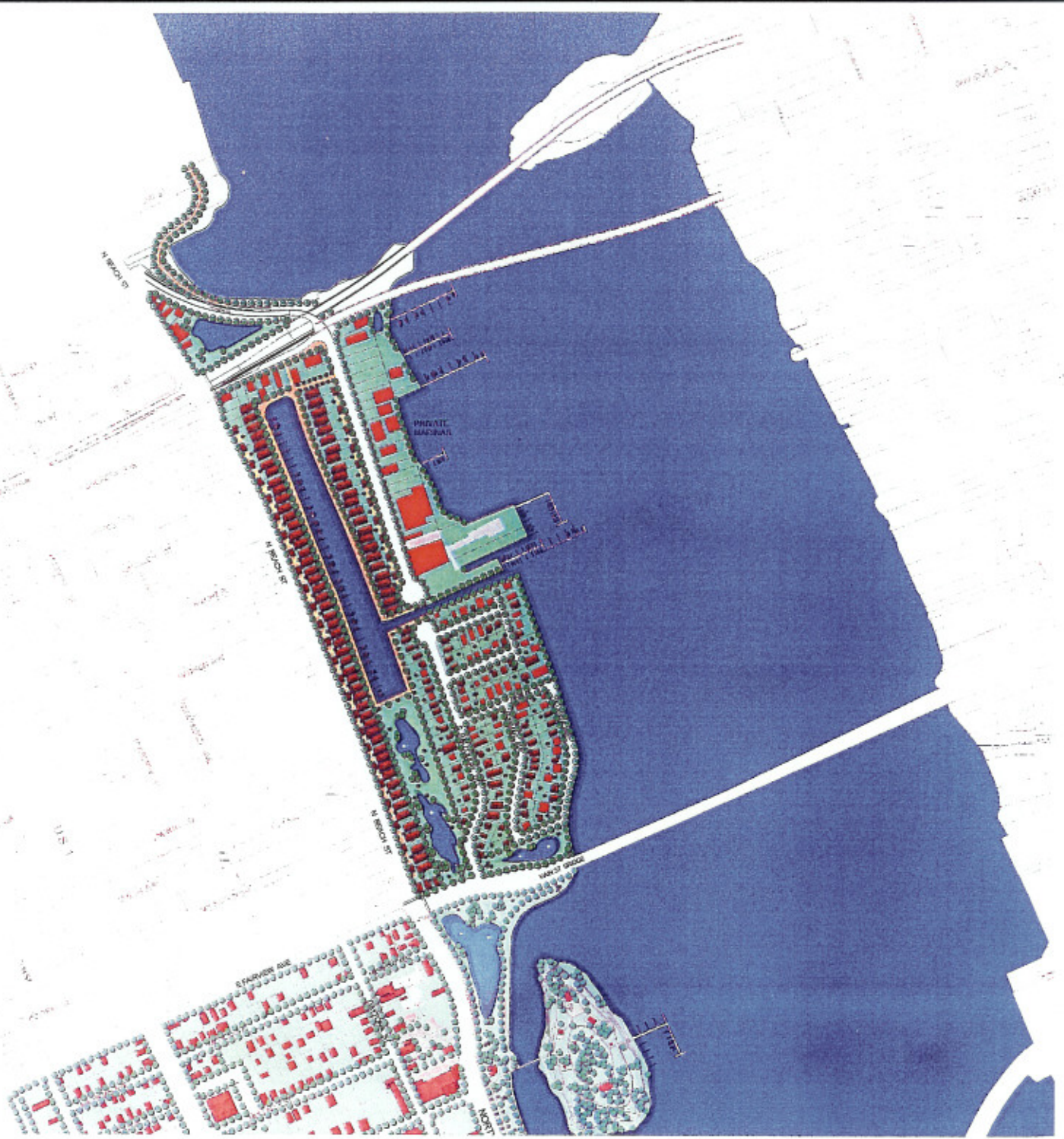
VACATED STREETS

GROcery/RESTOR Parking Garage (Public)

WATERSIDE MALL w/ PARKING GARAGEs, Boutique Hotel + OFFICES

ANALOG: BARBERS NEGA Bookstore (MULT-LEVEL w/ OFFICE)

NOTE: BEACH STREET UNIFICATION, UNDERWAYS, PARKING + RESTORATIONS (NO STAG)



MARINA RESIDENTIAL SECTION

DAYTONA BEACH, FLORIDA

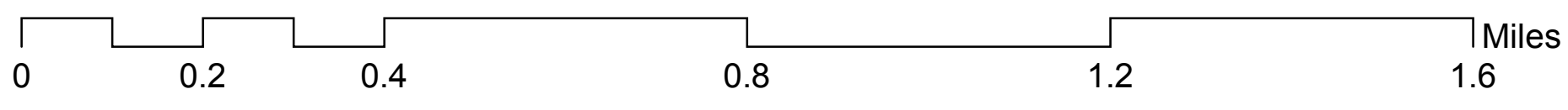
SUB-DISTRICT A LONG TERM REDEVELOPMENT MASTER PLAN

NOTTINGHAM AND ASSOCIATES / MORRIS ARCHITECTS

N
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- CENTERLINE
- +— RAILROAD
- ENTERPRISE ZONE
- MUNICIPAL BOUNDARY



**CITY OF DAYTONA BEACH
ENTERPRISE ZONE MAP**

Daytona Beach Map Disclaimer:
 These maps were developed and produced by the City of Daytona Beach GIS. They are provided for reference only and are not intended to show map scale accuracy or all inclusive map features. As indicated, the accuracy of the map has not been verified and it should be used for informational purposes only. Any possible discrepancies should be brought to the attention of City Engineering and Development Services.
 Projection: GCS_North_American_1983.
 Map Produced by James R. Benderson, Principal Planner

THE CITY OF DAYTONA BEACH

Comprehensive Plan

Section 10 – Historic and Cultural Facilities Element

Howard Thurman Home
Jackie Robinson Ball Park
Josie Roger's Home
Mary McLeod Bethune Home
Old Daytona Historic Districts
Seaside Music Theater, Inc.
Surfside Village
Tarragona Arch
Visitors and Convention Bureau

Policy 1.2.4 The City shall continue support of the Cultural and Historic Tourism Economic Development Marketing Matching Grant program and seek to leverage federal, state and other funds to match the City's capital and other programs.

Policy 1.2.5 The city will partner with the Convention and Visitors Bureau to create a pamphlet identifying cultural and historical destinations in Daytona Beach.

Objective 1.3

Art Districts

The City shall provide incentives to cause the establishment of art districts in redevelopment areas which allow artists to live and work in studios conducive to their craft.

Policy 1.3.1 By 1999, the City shall amend the Land Development Code to create an art district in the Main Street area which will allow the use of vacant buildings on Main Street during the off-season.

Policy 1.3.2 Dedicate redevelopment funding to provide banners creating a festive arts atmosphere.

Objective 1.4 Art in Public Places

The City shall provide locations for works of art to be viewed and enjoyed by the public.

Policy 1.4.1 By 1999, the City shall create a sub-committee to select various public locations throughout the City acceptable for displaying sculptures, statues and other works of art.

Policy 1.4.2 The sub-committee shall be charged with choosing pieces of art which will be semi-permanent and change based on a predetermined schedule.

Policy 1.4.3 By the year 2000, the City shall create an ordinance directing up to 1% of the construction cost of any city public building for the purchase of art to be selected by an Art in Public Places committee. The ordinances for Volusia County and State of Florida shall be used as a model.

Goal 2

To preserve and protect the City's historic resources

Objective 2.1

The City shall maintain and expand when appropriate its Historic Districts and sites, and associated Historic Preservation Ordinance. The City shall continue to have a historic preservation board. The City shall maintain and expand when appropriate its local register of historic places. The City shall maintain the 7 existing National Register Historic Districts. (By 2005, the City shall evaluate the potential for creation of additional districts.) (reference: Coastal Element Objective 2.3)

The 2004 Florida Statutes

Title XI

COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS

Chapter 163

INTERGOVERNMENTAL PROGRAMS

163.504 Safe neighborhood improvement districts; planning funds.--

(1) The governing body of any municipality or county may authorize the formation of safe neighborhood improvement districts through the adoption of a planning ordinance which specifies that such districts may be created by one or more of the methods established in ss. 163.506, 163.508, 163.511, and 163.512. No district may overlap the jurisdictional boundaries of a municipality and the unincorporated area of a county, except by interlocal agreement.

(2) If the governing body of a municipality or county elects to create a safe neighborhood improvement district, **it shall be eligible to request a grant from the Safe Neighborhoods Program**, created pursuant to s. 163.517 and administered by the Department of Legal Affairs, to prepare a safe neighborhood improvement plan for the district.

(3) Municipalities and counties may implement the provisions of this section without planning funds from the Department of Legal Affairs. However, nothing in this section shall be construed to exempt any district from the requirements of providing a safe neighborhood improvement plan pursuant to s. 163.516.

History.--s. 58, ch. 87-243; s. 25, ch. 88-381; s. 5, ch. 91-86; s. 10, ch. 93-120.

163.517 Safe Neighborhoods Program.--

(1) The Safe Neighborhoods Program is hereby created. The purpose of the program shall be to provide planning grants and technical assistance on a 100-percent matching basis to the neighborhood improvement districts authorized by this part. Planning grants shall be awarded to eligible applicants, pursuant to the process described in subsections (2) and (3), as follows:

(a) Property owners' association neighborhood improvement districts may receive up to \$20,000.

(b) Local government neighborhood improvement districts may receive up to \$100,000.

(c) Special neighborhood improvement districts may receive up to \$50,000.

(d) Community redevelopment neighborhood improvement districts may receive up to \$50,000.

(2) Applications for planning grants from the Safe Neighborhoods Program shall be considered when the following criteria are met:

(a) Verification that the local governing body has passed an ordinance creating neighborhood improvement districts.

(b) Verification of commitment to provide matching funds for purposes of planning for neighborhood improvement districts. A local match may include in-kind services such as office space and supplies. The fair market value of such in-kind services must be documented.

(3) All applications determined to be eligible for consideration shall be reviewed, evaluated, and rank ordered based on the following criteria:

(a) Evidence of commitment from neighborhood organizations, homeowners, property owners, business or merchant's associations, or concerned individuals to participate in the activities of their neighborhood improvement districts.

(b) Need of the community for neighborhood improvement districts for purposes of reducing crime, including the degree to which crime data indicates an escalation of criminal activities which impact area physical and economic conditions, identification of environmental factors which support criminal activities, previous crime prevention plans and efforts which impact the physical environment, excessive traffic counts for residential roads, and crime rates in enterprise zones and in business and commercial areas.

(c) Need of the community for state planning funds to successfully implement neighborhood improvement districts, including consideration of the community's existing planning, law enforcement, and other appropriate local services and resources.

(4) Population distribution of Florida's cities and counties shall be considered in order to give communities of all sizes an opportunity to benefit from the matching funds provided by the Safe Neighborhoods Program for the establishment of neighborhood improvement districts. No more than one neighborhood improvement district within the boundaries of a local government shall be awarded a planning grant in any given funding cycle.

(5) Each neighborhood improvement district which receives funds under this section shall submit an audit to the department. Such audits shall be submitted no less than one time per year. Neighborhood improvement districts must submit an audit to the department at least 30 days prior to making application for additional planning grants. A local government audit performed in accordance with the provisions of chapter 218, covering the period of the grant, may be submitted to satisfy this requirement.

(6) The department shall promulgate rules to carry out this section.

History.--s. 66, ch. 87-243; s. 36, ch. 91-45; s. 15, ch. 91-86; s. 9, ch. 93-120.

**LAND DEVELOPMENT CODE
City of DAYTONA BEACH, FLORIDA**

**Codified through
Ord. No. 07-36, adopted Jan. 24, 2007.
(Supplement No. 29)**

Article 16 OVERLAY CLASSIFICATIONS AND REGULATIONS*

*Cross references: Zoning, art. 1, § 4.

SECTION 4. SCENIC THOROUGHFARE CLASSIFICATION*

*Code cross reference--Streets, sidewalks and other public places, ch. 86.

Sec. 4.1. Purpose.

The purpose of the scenic thoroughfare classification is to provide for continuous, neat, aesthetically pleasing landscaped frontages along the city's main travel routes. These provisions set minimum requirements for the depth of the frontage landscape yards; the design, installation, and maintenance of new plantings; and the preservation of existing healthy native plant materials within the frontage landscape yards.

Sec. 4.2. Scenic thoroughfare classification established.

The scenic thoroughfare classification is hereby established as an overlay classification. All properties adjacent to the roadway segments identified in the table in section 4.4 of this article are hereby classified as scenic thoroughfare properties.

(Ord. No. 01-586, § 6, 12-19-2001)

Sec. 4.3. Applicability.

(a) The requirements of this section shall be met on all properties subject to the scenic thoroughfare classification when any of the following occur:

1. Development of an unimproved property.
2. The use of a developed property is changed.
3. A previously existing use of the property is reestablished after a vacancy of three months or more in a redevelopment district, or six months or more in any other district.
4. An existing developed site or building is renovated or improved, and the proposed improvements exceed \$5,000.00 in cost and the cumulative improvement costs during any five-year period equal or exceed 20 percent of the total assessed value of the principal structure.

Sec. 4.4. Minimum landscape yards along scenic thoroughfares.

Minimum landscape yards are established in the table below for all scenic thoroughfare properties. The minimum landscape yard shall be designed, installed, and maintained in accordance with this section and article 18, section 2, LDC. These provisions supplement and are in addition to the requirements of article 18, section 2.

TABLE INSET:

Thoroughfare	Location from R-O-W	Min. Yard Depth
Beville Rd.	From Clyde Morris Blvd. west to corporate limits	50 ft.
Bill France Blvd.	Entire corridor	50 ft.
Clyde Morris Blvd.	North of Mason Ave.	50 ft.
	From Bellevue Ave. to Beville Rd., excluding	25 ft.

	Ridgecrest Unit II Subdivision	
	Pine St. south to corporate limits	25 ft.
Dunn Ave.	West of Clyde Morris Blvd.	50 ft.
Hancock Blvd.	Entire corridor	30 ft.
Interstate 95	Entire corridor	50 ft.
Jimmy Ann Dr.	South of Mason	50 ft.
	North of Mason	25 ft.
LPGA Blvd.	Entire corridor	50 ft.
Mason Ave.	West of Clyde Morris except south side in Madison Heights Subdivision	50 ft.
	South side of Mason Ave. west of Clyde Morris Blvd. and within Madison Heights Subdivision	20 ft.
Nova Rd.	Entire corridor	25 ft.
Oakridge Blvd.	Entire corridor	10 ft.
Ridgewood Ave.	From north corporate limit to Live Oak Ave.	15 ft.
	From Live Oak Ave. to south corporate limit	20 ft.
Tomoka Farms Road	Entire Corridor	50 ft.
W. Int'l. Speedway Blvd.	From Nova Rd. to Clyde Morris Blvd.	40 ft.
	From I-95 to west corporate limits	50 ft.
Williamson Blvd.	East side from W. Int'l. Speedway Blvd., north to Mason Ave.	25 ft.
	Remainder of corridor	50 ft.

Sec. 4.5. Plant materials.

- (a) The plant species preserved or installed pursuant to this section shall be as identified on the city plant list referenced in article 18, section 2.7, LDC.
- (b) All plant materials preserved shall be healthy. Preservation of larger trees and shrubs is preferred over smaller trees and shrubs.
- (c) All introduced plant materials shall conform to the sizes and specifications set forth in article 18, section 2.11, LDC.

Sec. 4.6. Minimum preservation and coverage requirements.

- (a) Within the landscape yard of scenic thoroughfare properties used for residential purposes, all trees and native vegetation shall be preserved. If the quantity of existing healthy trees does not meet the requirements of the table below, then new tree plantings shall be required to meet the required coverage criteria. If the quantity of shrubs and understory vegetation does not provide a minimum coverage of one-third of the landscape yard and/or does not satisfy any screening or buffer requirement, then new shrub plantings will be required.
- (b) Within the landscape yard of all scenic thoroughfare properties used for nonresidential properties, the existing trees shall be preserved to meet the minimum requirements set forth in the table below in section 4.6(c). If the quantity of existing healthy trees is insufficient, new tree plantings shall be installed to meet the required coverage and design criteria. If the quantity of existing six-inch diameter at breast height trees

exceeds the minimum tree requirements, trees may be removed to the minimum required quantity noted in the table following the design criteria noted below in section 4.6(c); a clearing permit would be required pursuant to article 18, section 3. Priority will be placed on preserving healthy tree species that are well shaped and spaced to provide the best aesthetic and balanced look within the landscape yard. A minimum of one-third of the landscape yard shall be covered with preserved understory vegetation or with planted shrubs. Sufficient quantities and distribution of shrubs or native vegetation shall be added where necessary to satisfy any buffer or screening requirements set forth in the LDC.

(c) Minimum tree quantities shall be preserved and planted according to the following table:
TABLE INSET:

Landscape Area Depth	Number of Shade Trees (per 40 lineal feet or portion thereof)	Number of Small Trees (per 80 lineal feet or portion thereof)
0'--15'	1	1
+15'--30'	2	2
+30'--40'	3	3
+40'--50'	3.5	3.5
+50'	4	4

(d) All other land within the landscape yard of all properties shall be preserved or planted with a suitable ground cover to provide a neat and clean appearance. Sod, flowers, and other ground covers shall be used singly or in combination to provide continuous coverage throughout the landscape yard.

Sec. 4.7. Design criteria.

(a) The preserved and installed plant materials shall present an integrated natural yet neat and kept appearance. Curvilinear and massing arrangements shall be used, simulating natural growth patterns while still providing a balanced overall scheme. The landscape plan shall show the location of all existing and proposed plant material integrated with the overall landscape and preservation design.

(b) Trees shall be preserved and planted to create a balanced and continuous appearance of trees across the frontage with a maximum spacing of 40 feet viewed from the street and a maximum distance of 25 feet from any side property line to a tree, except to provide a visibility zone for permitted signs as described in article 18, section 2.8(d) and for required driver visibility at driveways per article 8, section 2.4.

(c) Decisions on which trees may be removed shall conform to the requirements noted in this Code and to the following criteria: save the minimum number of trees based on the quantity table; save hardwood species as priority before pines; save large trees over small trees; save trees that are healthy and well shaped; and allow the removal of pines in favor of planting new hardwood species. Existing healthy four-inch-caliper hardwood trees may be preserved to satisfy the tree requirements as long as they conform to the spacing requirements and design intent.

(d) Any new trees required to be planted to meet the requirements of this section shall be a minimum size of four-inch caliper and 16-foot height.

(e) Stormwater retention areas, ponds, berms, swales, ditches, easements, driveways, walkways, paths, fountains, landscape lighting, and permitted signage may occupy the landscape yard provided their design and location does not conflict with the purpose of this section.

(f) Special pavement treatments, such as textured and earth-tone colored brick, pavers, and concrete, are encouraged at permitted entrances provided they meet roadway construction and safety standards. Patios, decks, balconies, projections, playfields, ornaments, banners, balloons, structures, and like uses are prohibited. Permitted fences, retaining walls, and freestanding walls may be located along the interior edge of the landscape yard.

Sec. 4.8. Maintenance.

(a) All plant materials within the landscape yard shall be maintained as provided in article 18, sections 2.13 and 3.7, LDC.

(b) Foliage within the lower one-third of a tree's overall height may be pruned to provide visibility of nonresidential structures.

Sec. 4.9. Modification.

Modification of these requirements may be granted as follows:

(a) Where the location of existing facilities which will remain prohibit strict adherence to these requirements, the required landscape areas and materials may be reduced, reconfigured, relocated, or clustered. However, the developer shall make every reasonable effort in project design and construction to accommodate the required landscaping, and the design shall fulfill the intent of this section.

(b) The use of innovative designs and landscaping techniques not contemplated herein which clearly fulfill the purpose of this section may be grounds for modification of these requirements.

(c) Requests for modifications shall include a dated transmittal letter from the property owner explaining the request and three sets of plans showing the proposed modifications, including a detailed tree and vegetation survey.

(d) No other variances from these provisions shall be granted.

(Ord. No. 03-92, § 1(Exh. A), 2-20-2003)

Sec. 4.10. Appeal.

Appeal of any decision pursuant to this section may be made to the planning board. Appeals shall be in writing and submitted with the appropriate fee and copies of plans at least ten days prior to the planning board meeting at which the appeal will be heard. The decision of the planning board shall be final administrative action. No other variances from these provisions shall be granted.

(Ord. No. 03-92, § 1(Exh. A), 2-20-2003)

NEIGHBORHOOD D

Portions of this neighborhood are in the City's Redevelopment Area. For specific policies in those areas, see the Redevelopment Element.

Development Policies:

(a) Issue: *The areas along Madison Avenue and a portion of North Beach Street are zoned BR-1 and do not require on-site parking.*

Policy: By 2005, the City shall examine the existing land uses and development in this area and determine if rezoning to districts which require parking is appropriate or, in the alternative, investigate means of insuring the businesses in the area provide their share of the cost of necessary public parking facilities.

(b) Issue: *The large BR-1 zoning district south of Mason Avenue on Ridgewood Avenue is deteriorated. The area has no setbacks and no parking requirements. This in turn has promoted congestion and unattractive strip commercial development. Should the City attempt to improve conditions in this area?*

Policy: By 2005, develop a detailed improvement plan, which could be implemented through cooperative efforts by businessmen and government.

(c) Issue: *Should the City attempt to provide public off-street parking in the BR-1 district on Ridgewood Avenue in this neighborhood?*

Policy: By 2005, investigate means of insuring the businesses in this BR-1 district provide their share of the cost of necessary public parking facilities.

(d) Issue: *Should the large office transitional zone on Ridgewood Avenue be maintained?*

Policy: The large office transitional district zoned BP on Ridgewood Avenue shall be retained from Taylor Avenue on the north and San Juan Avenue on the south. No retail uses shall be allowed to encroach into this area.

(e) Issue: *Should the residential enclave along the Halifax River be preserved? This area is experiencing private rehabilitation of the houses.*

Policy: To maintain existing residential property and encourage rehabilitation of existing structures.

(f) Issue: *Mason Avenue is unsightly. Should the City initiate efforts to upgrade the appearance of this thoroughfare?*

Policy: The City shall assist in the improvement of the appearance of Mason Avenue through the continued enforcement of ordinances. Property owners are encouraged to make improvements.

(g) Issue: *Ridgewood Avenue is one of the City's major arterial highways. How may this highway's appearance be improved?*

Policy: The City shall maintain this major road as a scenic thoroughfare. The City shall require front yard landscaping on Ridgewood Avenue, as redevelopment occurs. It is important to attempt to preserve the remaining large oak trees.