



'VCARD DEVELOPMENTS'

November 9, 2010

FCARD Wins Award From American Planning Association

By FCARD Vice Chair **Charles Faulkner** and VCARD Chair **R. Sans Lassiter**

We are pleased to announce that FCARD (Flagler County Association for Responsible Development, and the Flagler County branch chapter of VCARD) has been awarded the **2010 Outstanding Public Outreach Award** from the First Coast Section of the American Planning Association (APA) Florida.

This award recognizes the significant contributions of FCARD in educating local government representatives and for its role as a liaison between the development community and local government on growth management and related issues.

In the award application, FCARD / VCARD was lauded for its **fact-based newsletter** explaining issues related to development trends and growth management programs and regulations throughout Florida. The application further noted that FCARD / VCARD members monitor activities in these areas and form committees on topics of major importance. These committees then educate the association's membership and assist local government staffs as they draft language to address code changes required by legislative actions.

The Inside News

Growth Management

Pages 2, 3

- Senate Bill 360 Voided by Court
- Water District CUP Changes
 - Nutrient Discharge Rule Is Being Opposed
 - Water Conservation In ERP Permitting

Volusia / Flagler

Pages 3-6

- Volusia Unified Land Code
- Ormond Downtown Overlay
- Daytona Land Code Rewrite
 - DeLand 2050 Vision Plan
 - New Flagler County Comprehensive Plan
- Palm Coast Concurrency Tracking System
 - Palm Coast Online 'Weekly Updates'

VCARD / FCARD News

Pages 6, 7

Two New Members

VCARD Holiday Lunch Is December 3

It is through these committees that FCARD / VCARD establishes its leadership role in reviewing and understanding development issues. These committees are drawn from our industry professionals in land use law, civil engineering, traffic engineering, geotechnical engineering, land development marketing, contracting, educational institutions, land use planning, land surveying, environmental assessment, marine consulting, finance, land development, public sector land development reviewers and elected officials.

~ ~ ~ ~ ~

Please join us in thanking Don Smith with member firm **England-Thims & Miller (ETM)** for nominating FCARD for this award. ETM, a Jacksonville-based firm with offices in Palm Coast, joined FCARD / VCARD last year and has already proven to be a valuable member through their support and recognition of FCARD's efforts.

~ ~ ~ ~ ~

Please see our application and a copy of the award posted on our web page at www.responsibledevelopment.com

... On a different subject, we also want to thank the VCARD / FCARD membership in supporting our efforts to take a stand on **Amendment 4**, the so-called 'Hometown Democracy' amendment.

As stated in our April 2010 issue of the VCARD Newsletter, we could not stand idly by and let the Pro-Amendment 4 Campaign be the sole voice on this critical growth management issue.

... continued on page 2 ...

... Message from FCARD and VCARD Chairs ... continued from page 1 ...

Our position was, and will continue to be, that **technical land use decisions need to have technical solutions and not political solutions** whipped up by a frenzied anti-growth campaign. Legitimate issues were raised that do need to be addressed and that is why VCARD has long been a supporter of Smart Growth.

We were surprised by the **large margin by which this amendment was voted down**. Our faith in the electorate's ability to weigh complex issues has been restored. Or maybe the issue was so complex that it could not be adequately explained, in which case voting down the amendment was a negative reaction to incomprehensible wording. Or maybe, our support of the "Vote No on 4" campaign, as well as strong support from many other organizations throughout the State, was the deciding factor.

Regardless, this move to have the public vote directly on issues that should be handled through a representative process is evidence of dissatisfaction by the public with the political process. The fact is that democracy is not easy. Our form of government requires public involvement. Involvement solely at the polls IS easy and that is something of which we should all be wary.

Charlie and Sans

~~ GROWTH MANAGEMENT ~~

The 2009 Florida Legislature's much-discussed **SENATE BILL 360** has been declared unconstitutional by the Leon County Circuit Court after being challenged last year by eight municipal governments. State government, however, already has filed an appeal to the court decision.

... Also known as Florida's '**Community Renewal Act**', SB 360 was geared to promote economic development. Among other things, the bill designated about 250 local governments throughout Florida as **Dense Urban Land Areas** (DULAs) – thus exempting future development within their boundaries from transportation concurrency requirements.

... The bill also required all of the affected governments to amend their comprehensive plans within two years to adopt "land use and transportation strategies to support and fund mobility within the concurrency exception area, including alternative modes of transportation." Local governments objected that this requirement was an unconstitutional "unfunded mandate" from state government. The Circuit Court agreed although a final ruling awaits the appellate decision.

... SB360 also exempted Developments of Regional Impact (DRIs) within the transportation concurrency exception areas from DRI review and provided a two-year extension to most state and local government development-related permits.

... Although the "unfunded mandate" only applied to the portion of SB360 relating to comprehensive plan requirements, the Circuit Court declared the entire bill unconstitutional – thus nullifying all other parts of the Community Renewal Act as well.

... Anticipating the potential recent court decision, **this year's Legislature adopted SB1752** during the 2010 spring session. SB1752 creates a new two-year permit extension similar to the first one. It also re-authorizes parts of SB360 regarding the DRI review exemption and local comp plan amendments of DULA governments that implement the transportation concurrency.

... Call VCARD for a summary of the court decision and its impact on SB360 provisions. And thanks to **Cathy Vogel** (The Catalina Group) for helping VCARD members to stay updated on this topic.

... MAJOR WATER ISSUES ...

Beginning in 2011, more **water supply permits** issued by the St. Johns River Water Management District must be approved by the agency's Governing Board. This new policy impacts Consumptive Use Permits (CUP) for allocations exceeding an average 500,000 gallons per day, and permit applications that have been the focus of objections or administrative hearings.

... The revisions were prompted by a new state law and they actually reverse a policy change made last year that delegated the permit applications to the district's executive director and staff unless a denial had been recommended by staff. The recent change to state law doesn't affect Environmental Resource Permit (ERP) application approvals. District staff will continue to approve ERP applications and the Governing Board only will consider applications that staff has recommended for denial.

This month's planned implementation of new statewide numeric **NUTRIENT DISCHARGE** regulations is raising major concerns among local governments, landowners (particularly agricultural) and business / industrial groups. They are lobbying federal environmental regulators and elected officials to reconsider and / or delay the new strict rules on the discharge of nutrients into Florida's inland lakes and fresh water bodies. (Similar standards for coastal waters, estuaries, downstream protection values and South Florida canals are scheduled for implementation in August, 2012.)

... A study also should be completed soon that analyzes the **economic impacts** of the nutrient runoff rules. Some opponents estimate these impacts could reach billions of dollars, far exceeding figures from the federal Environmental Protection Agency (EPA), the agency that is mandating that Florida become the first state to adopt such strict regulations.

... The rules will **impact nearly all domestic and industrial wastewater dischargers** and many existing stormwater discharges. Some local governments are warning residents of significant utility rate increases that could result when they have to retrofit water, wastewater and stormwater facilities.

... The increased standards are geared to improve water quality and prevent unnatural growth such as algae blooms by greatly decreasing nutrient discharges, particularly nitrogen and phosphorous. Aside from economic considerations, opponents argue that the numeric limits are not based on scientific evidence; fail to consider nutrient runoff from natural causes; and also fail to consider ecological differences among various regions of Florida.

... **Cathy Vogel** (Catalina Group) and **Shannon Julien** (Environmental Services) have actively kept VCARD members and local government representatives updated on this topic. Call VCARD if you would like to be forwarded the update materials they continuously provide.

Water conservation requirements are being incorporated into the **Environmental Resource Permitting** (ERP) program of the St. Johns River Water Management District. The move is part of the agency's expanded water conservation initiatives that also propose to consolidate the review process for projects that need both an ERP and a Consumptive Use Permit (CUP).

... Under the proposed permitting change, ERP applicants for projects that include irrigated landscape, golf courses or recreational areas would be required to **develop and implement a water conservation-based irrigation plan**. The plan would have to meet designated criteria such as **separate irrigation zones** for turf and non-turf areas, and **limitations on high-volume irrigation** to no more than 60 percent of the landscaped area. Applicants also would need to design their irrigation systems to use lower-quality sources of water, such as **reclaimed water and stormwater** when feasible, and specific requirements would be set for projects with wet detention ponds as part of the stormwater management project.

... **Consolidating ERP and CUP permitting processes** is geared to assure that proposed projects will facilitate the use of lower quality sources and implement feasible water conservation measures.

... For the past year, Water District staff has been analyzing alternative concepts to increase water conservation. The current development-related proposals (*that are moving through the adoption process*) do not include **public supply water conservation measures** that also are being discussed. Those measures will be forthcoming.

... For more information on the proposed rule amendments, visit the District's water conservation website at www.floridaswater.com

~~ VOLUSIA / FLAGLER LOCAL GOVERNMENTS ~~

Volusia County government planners are working on a new unified **land development code** as well as a **conservation subdivision ordinance** to steer future growth patterns and standards within the county's developable rural areas.

... As planned, the conservation ordinance will be incorporated into the land code and promote concepts for clustered, compact and sustainable communities. A preliminary draft should be released soon for public review. Interested VCARD members will meet with county planners to review the draft and provide input. Call VCARD if you would like to be involved with this project.

... **Volusia Local Governments ... continued from page 3 ...**

Leaders of West Volusia governments are preparing for the arrival of **COMMUTER SUNRAIL**. A **transit-oriented development** (TOD) plan has been approved by **DeBary** officials for areas surrounding the most-eastern rail station for SunRail's Phase I -- linking DeBary with downtown Orlando. Phase I, with 12 stations, is planned to be operational by 2013.

... Meanwhile, officials from county and impacted governments are coordinating plans for SunRail's future expansion eastward -- including a **DeLand** station that is confirmed for Phase II and other potential stops between DeBary and DeLand.

... For more information about the overall SunRail project, visit www.sunrail.com

~~~~~

A new **Downtown Overlay District Redevelopment Code** is being adopted by **ORMOND BEACH** officials, designed to implement the 2007 Downtown Master Plan as well as the recently-approved Multi-Modal Strategy. The new code is "form based," placing less emphasis on land use distinctions and instead focusing on form, scale and character of development to achieve a specific urban intent. The form based code analyzes the relationship between building facades and the public street, the bulk and mass of buildings in relation to one another, and the scale and types of streets and blocks.

... Ormond Beach's redevelopment area is divided into three districts, extending along Granada Boulevard from the ocean west across the Halifax River -- to the mainland downtown -- and across US1 to Orchard Street. The redevelopment form based code includes preferred concepts for each of the districts. Call VCARD for a copy.

~~~~~

DAYTONA BEACH planning consultants have completed a draft of Module 1 of the city's new **land development code**. It covers the land code articles that establish and govern how the code is administered including general provisions, administrative authorities, review procedures, nonconformities, construction codes and enforcement.

... The draft is geared to reflect a more user-friendly organization and format, with consolidation of procedures and definitions, a more logical structure, the use of tables and flow charts, and better page layout. It is being distributed for review by interested groups, including a VCARD Committee chaired by **Rob Merrell** (Cobb Cole). Within the next month, it will be forwarded to the Planning Board and City Commission for comments -- although Module 1 won't be formally adopted until it is incorporated with other modules (forthcoming from the consultants) that comprise the entire updated land code.

... Call VCARD for summaries of the land code drafts or to participate in the VCARD Committee.

... In the meantime, city leaders already are moving forward with individual **land code amendments** geared to increase the efficiency in the site plan review process, particularly in **redevelopment districts**. The revisions enable applicants to appeal decisions of the city's redevelopment boards to the City Commission. Currently, these boards have final approval rights and there is not an administrative appeal process in place.

Daytona Beach Commissioners soon will endorse a master plan for the 20-year redevelopment of the beachside tourist area known as the **E-ZONE** (*E standing for entertainment*). The Ocean (convention) Center, Main Street, oceanfront boardwalk and pier, and Halifax Riverfront are focal points of the E-Zone that extends between Ora and Harvey streets, and the ocean and Halifax River.

... **Zev Cohen & Associates** (a VCARD Member Firm) is part of the consulting team that is crafting the E-Zone master plan. They have conducted public workshops to gain input for alternative redevelopment concepts. After already gaining City Commission input on those alternatives, the team is scheduled to present a final proposal by the end of this year.

... As discussed thus far, the master plan likely will include a mix of pedestrian-friendly retail and hotel / condominium development complemented with a riverfront marina, parking garages, and entertainment and recreation activities particularly centered around the boardwalk and pier. Background and highlights of the E-Zone master plan are featured on the city's web site:

www.ci.daytona-beach.fl.us

... **Volusia Local Governments ... continued from page 4 ...**

SIGN ORDINANCE updates are pending in **Flagler Beach, Ormond Beach and Daytona Beach**. Of particular debate are methods to regulate **electronic changeable copy signage (ECC)**. Call VCARD for ordinance drafts from any of these cities.

A new fee schedule for **building and development-related permits** is being adopted by **HOLLY HILL** officials. The new schedule increases rates for many permits and also adds some new ones.

NEW SMYRNA BEACH planners are updating the city's **site plan review** regulations and procedures -- seeking input from interested citizens and business professionals to assist the process.

... A city-hired consultant is drafting a form based development code for New Smyrna Beach's downtown / Canal Street Area. (See page 4 Ormond Beach news item for more details about form based codes.)

... New limits have been established on the maximum allowed **impervious coverage area** for any future development within New Smyrna Beach's **conservation zoning district**.

EDGEWATER voters have agreed to confine the city's **35-foot residential height limit** to development east of US1. The November 2 vote alters a city-wide residential height cap approved by voters in 2006 -- allowing the height of residential dwellings west of US1 to be determined by provisions of the land development code instead of the mandatory limits in the city charter. With expansive mixed-use development and master planned communities envisioned for the city's western areas, City Council members asked voters to consider the exemptions for those tracts. Non-residential building height limits already are regulated by the land code and not the city charter.

~ ~ ~ ~ ~

A **DELAND 2050** vision plan is being crafted through a series of community workshops being co-sponsored by the City in conjunction with Volusia County and Stetson University. The longrange community plan is aimed at "creating sustainability that protects and enhances quality of life; uses resources efficiently; and invests in efficient and sustainable infrastructure."

... The 2050 Plan will address land use, transportation, community planning and design standards within the city's current limits -- as well as growth management and development patterns within the city's **unincorporated utility service area (USA)** -- land areas surrounding the city's limits that have been identified for future annexation and city services.

... In an effort to boost community participation, interested persons also can fill out an online survey at http://www.deland.org/Pages/DeLandFL_Planning/DeLand2050/index

... **IN FLAGLER COUNTY ...**

After more than two years of study and review, **FLAGLER COUNTY** government officials have approved an updated **comprehensive plan** and forwarded it to the state Department of Community Affairs (DCA) for review and comment.

... Based on an Evaluation and Appraisal Report (EAR), the updated plan affects all elements of the county's growth management document. It has been the focus of extensive review and workshops by the County Commission, planning advisory boards, a citizens' "Futures Committee" and interested groups, including FCARD. The document can be accessed through www.flaglercounty.org

PALM COAST has gone "live" with a new Concurrency Management System (CMS) module as a means of tracking concurrency for transportation and other facilities such as parks and recreation, wastewater, water, and solid-waste usage, and schools.

... For transportation purposes, the CMS module will automatically vest trip counts on road links, show how much of the vested counts went to permits issued, how many received certificates of occupancy, and replace vested counts when concurrency is expired.

... *Palm Coast News ... continued from page 5 ...*

“Week In Review” is now posted on the City of Palm Coast’s web site: www.ci.palm-coast.fl.us with updates by city departments on current events, programs and projects. The **Community Development Department report** covers pending building / development projects, city capital projects, and new planning programs and guidelines that are being implemented.
... **“Week In Review”** can be found under “popular links” on the city’s site. Or contact VCARD if you would like these reports automatically delivered to you each week.

... **ELECTIONS ...**

- Congratulations** to these **Volusia and Flagler Representatives** who were elected on November 2.
- U.S. Congressional Representatives **Corrine Brown** (District 2), **John Mica** (District 7) and **Sandy Adams** (District 24)
 - Florida Senators **John Thrasher** (District 8) and **Alan Hayes** (District 20)
 - Florida House Representatives **William Proctor** (District 20), **Larry Metz** (District 25), **Fred Costello** (District 26), **Dwayne Taylor** (District 27), **Dorothy Hukill** (District 28) and **Jason Brodeur** (District 33)
 - **Volusia County Council** Members **Joie Alexander** (District 3) and **Joyce Cusack** (At-Large)
 - Volusia County **School Board** Incumbent **Stan Schmidt** (District 3)
 - **Flagler County School Board** Member **John Fischer** (District 5)
 - **Daytona Beach** City Commissioners **Edith Shelley** (Zone 1) and **Kelly White** (Zone 3)
 - **Daytona Beach Shores** Mayor **Harry Jennings**; and City Council Members **Peggy Rice** (Seat 1) and **Billie Wheeler** (Seat 3)
 - **DeBary** City Council Members **Christopher Carson** (Seat 1), **Nick Koval** (Seat 2) and **Dan Hunt** (Seat 3)
 - **Deltona** Mayor **John Masiarczyk**; and Commission Members **Heidi Herzberg** (District 3) and **Fred Lowry** (District 5)
 - **Edgewater** Incumbent Mayor **Mike Thomas**; and City Council Members **Justin Kennedy** (District 1) and **Mike Ignasiak** (District 3)
 - **Holly Hill** Mayor **Roy Johnson**
 - **Lake Helen** City Commissioner **Cameron Lane**
 - **Ormond Beach** Mayor **Ed Kelley**; and City Commissioners **James Stowers** (Zone 1) and **Rick Boehm** (Zone 3)
 - **Pierson** Incumbent Town Council Member **James Peterson**
 - **Ponce Inlet** Incumbent Town Council Members **Kris Derr** (Seat 2) and **Barbara Davis** (Seat 4)
 - **South Daytona** Incumbent City Council Member **Lisa O’Neal** (Seat 3)

~~ **VCARD / FCARD NEWS** ~~

... **VCARD / FCARD Welcomes New Members ...**

- **Florida Public Utilities**, an energy distribution provider of natural gas, propane gas and electric service. Address: 450 S. Highway 17-92, DeBary, FL 32713-9703 Web site: www.fpuc.com VCARD Representatives are **Kim Landry** (386-668-9316 klandry@fpuc.com) **Dan Lynch** (386-668-9312 dlynch@fpuc.com) and **Lynn Reck** (386-668-9522 lreck@fpuc.com)
- **Kittelson & Associates, Inc.**, a transportation, engineering and planning company at 225 East Robinson Street, Suite 450, Orlando, FL 32801 Phone: 407-540-0555 FAX: 407-540-0550 Web site: www.kittelson.com VCARD / FCARD Representative is **Chris Walsh** (cwalsh@kittelson.com)

~~~~~

... **VCARD Member News ... continued from page 6 ...**

**Congratulations To ...**

**Michael J. Woods** (Cobb Cole) -- recognized as a **Young Business Leader for 2010** by the *Volusia/Flagler Business Report*.

... Mr. Woods, an attorney, is an associate in Cobb Cole's Deland office and practices in the areas of Land Use/ Zoning and Administrative Law. He is a 2010 graduate of the Leadership Daytona program and is the Immediate Past President of The House Next Door. Michael also is a member of the Boards of Directors for the Volusia County Bar Association and the DeLand Area Chamber of Commerce; and he is an active member of VCARD, participating on many Association committees.

**Colleen Nicoulin** (Lassiter Transportation Group) successfully completed the ultra-challenging **"Ironman World Championship"** in Kailua-Kona, Hawaii on October 9<sup>th</sup>. This race consists of a 2.4 mile ocean swim, 112-mile bicycle ride, and 26.2-mile run. Colleen completed the race in 11 hours, 16 minutes, describing it as "insanely tough, but amazing..." with strong ocean currents, "ho'omumuku" crosswinds, extreme temperatures, hilly terrain and a scorching sun.

~ ~ ~ ~ ~

**Much appreciation is extended** to the many **sponsors of VCARD's 24<sup>th</sup> Annual 'Icebreaker' Reception** on September 28, 2010. Their support enabled our Association to continue the success of this popular event. We also thank Graphic Artist **Kim Barnick** (Dickens & Associates) who designed this year's Icebreaker invitation – as well as the announcements for most other VCARD events.

VCARD extends a major thank you to the **Ford Family – Lisa (Ford Williams), Alex and Frank** – for their hospitality in hosting our Association's October 27<sup>th</sup> picnic on their West Volusia farm. This year's attendance was the largest in the four consecutive years that VCARD has been sponsoring this popular event.

~ ~ ~ ~ ~

Presenters at VCARD's **November 5 seminar** provided excellent overviews of the land use and facility development plans of Bethune-Cookman University (**Pamela G. Browne**); Daytona State College (**Steve Eckman**); Embry-Riddle Aeronautical University (**Dr. Christina M. Frederick-Recascino**); Stetson University (**George Herbst**); and the University of Central Florida (**Montel Watson**). Copies of their power point presentations are available through VCARD.

... Special thanks to Stetson University for hosting this program -- especially **Elizabeth Bhimjee, Janet Lyon, Peggy Fox** and **Albert Allen** – as well as the program coordinators: VCARD Chair **R. Sans Lassiter** (Lassiter Transportation Group), VCARD Chair-Elect **Mark Watts** (Cobb Cole) and **Iris Bly** (Wade Trim).

Thanks to [Consolidated-Tomoka Land Co. / LPGA International](http://www.consolidatedtomoka.com)  
([www.consolidatedtomoka.com](http://www.consolidatedtomoka.com) / [www.lpgainternational.com](http://www.lpgainternational.com));  
[CPH Engineers](http://www.cphengineers.com) ([www.cphengineers.com](http://www.cphengineers.com));  
and [S & ME](http://www.smeinc.com) ([www.smeinc.com](http://www.smeinc.com))

for sponsoring VCARD's newsletter. Please visit their corporate web sites for details about the development-related services they provide:

