

ORDINANCE 2015-05

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G”, CHAPTER 14 ENTITLED “ZONING REGULATIONS,” BY AMENDING SECTION 14-46 ENTITLED “LANDSCAPING STANDARDS,” TO PROVIDE ALTERNATIVE LANDSCAPE OPTIONS IN LIEU OF LANDSCAPING ON GARAGE DECKS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Daytona Beach Shores to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Section 163.3202, *Florida Statutes*, provides that the City of Daytona Beach Shores shall adopt and enforce land development regulations for the purpose of implementing its comprehensive plan and protecting the public health, safety, and general welfare; and

WHEREAS, among other things, the purpose and intent of the Daytona Beach Shores Landscaping Standards is to “promote innovative and cost-conscious approaches to the design, installation and maintenance of landscaping, and encourage water and energy conservation;” and

WHEREAS, among other things, the purpose and intent of the Daytona Beach Shores Landscaping Standards is to “promote innovative and cost-conscious approaches to the design, installation and maintenance of landscaping, and encourage water and energy conservation;” and

WHEREAS, required landscaping in outdoor parking areas over time tend to leak from planters and cause damage to the parking deck structure and the contents of the underground garage; and

WHEREAS, there is no proven technology and/or construction methodology that prevents leakage of water from garage decks into underground parking garages from landscape planters; and

WHEREAS, providing developers and owners the option to opt out of providing landscaping in parking areas above garage decks may add to the longevity of parking decks and result in savings for existing and future residents; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds it is in the best interest and welfare of the citizens; and

WHEREAS, the City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, this Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City Daytona Beach Shores*; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and strikethrough shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA THAT:

SECTION ONE: The City Council of the City of Daytona Beach Shores hereby amends the *Land Development Code*, Chapter 14, Appendix “G”, *Code of Ordinances of the City of Daytona Beach Shores*, entitled “Zoning Regulations,” as follows:

CHAPTER 14. – Zoning Regulations

Sec. 14-46. - Landscaping standards.

14-46.1. Purpose and Intent.

It is the intent of the City of ~~Daytona Beach Shores~~ to promote the health, safety and welfare of existing and future residents of the ~~{city and}~~ City and visitors to the City by establishing minimum standards for the protection of natural plant communities and the installation and continued maintenance of landscaping within the City, in order to:

1. Improve the aesthetic appearance of commercial, residential, tourist and public areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environment.
2. Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment, including:
 - a. Improving air quality through such natural processes as photosynthesis and mineral uptake;
 - b. Reducing and reversing air, noise, heat and chemical pollution through the biological filtering capacities of trees and other vegetation;
 - c. Promoting energy conservation through the creation of shade, reducing heat gain in or on buildings or paved areas; and
 - d. Reducing the temperature of the microclimate through the process of evapotranspiration.
3. Maintain and increase the value of land by requiring a minimum amount of landscaping to be incorporated into development, thus becoming by itself a valuable capital asset.
4. Provide direct and important physical and psychological benefits to people through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.
5. Preserve existing natural vegetation and incorporate native plants, plant communities and ecosystems into landscape design, whenever possible.
6. Eradicate or control certain exotic plant species that have become nuisances because of their tendency to damage public and private works, or to disrupt or destroy native ecosystems.

7. Promote innovative and cost-conscious approaches to the design, installation and maintenance of landscaping, and encourage water and energy conservation.

~~8. To further the community redevelopment goals of the city's community redevelopment agency, including, but not limited to, the realization of the city's S.R. A1A streetscape project.~~

14-46.2. Definitions.

Definitions for this chapter shall be defined as provided in section 2-3 of this Code.

14-46.3. - 14-46.4.

14-46.5. Landscape Design Standards.

1. Minimum tree and shrub planting or preservation requirements:

a. Trees shall not be placed where they interfere with site drainage or where they shall require frequent pruning to avoid interference with overhead power lines.

(1) Single-family residential lots. One (1) tree shall be planted or preserved for every two thousand five hundred (2,500) square feet of area of a single family residential unit site or fraction thereof in accordance with section 14-46.11, Tree Protection Requirements, Minimum Tree Coverage Requirements of the Zoning Regulations, Chapter 14 of this Code. A minimum of fifty (50) percent of all required trees shall be shade trees if it can be determined that such species are available and which are salt tolerant and wind resistant.

(2) Multi-family residential lots. One (1) tree shall be planted or preserved for every two thousand five hundred (2,500) square feet of multifamily residential unit site or fraction thereof in accordance with section 14-46.11, Tree Protection Requirements, Minimum Tree Coverage Requirements of the Zoning Regulations, Chapter 14 of this Code. A minimum of twenty-five (25) percent of all required trees shall be shade trees if it can be determined that such species are available and which are salt tolerant and wind resistant.

(3) Non-residential lots. One (1) tree shall be planted or preserved for every two thousand five hundred (2,500) square feet of ~~multifamily residential unit~~ non-residential site or fraction thereof in accordance with section 14-46.11, Tree Protection Requirements, Minimum Tree Coverage Requirements of the Zoning Regulations, Chapter 14 of this Code. A minimum of fifty (50) percent of all required trees shall be shade trees if it can be determined that such species are available and which are salt tolerant and wind resistant.

b. In enacting this minimum tree planting requirement, it is the intent of the City of ~~Daytona Beach Shores~~ that a canopy of trees be throughout a site development. The City recognizes that salt tolerant canopy and shade trees are not always available and generally have low survival rates within City Limits. Therefore, the City hereby establishes a palm to tree replacement ratio whereby three (3) palms may be substituted in lieu of a single required shaded and/or canopy tree. This section establishes a formula for allocating a certain number of trees to each sub-area in a site development. Preservation areas are excluded from the total area in calculating the tree planting requirements as an incentive to preserve significant vegetation. Site development plans shall indicate the minimum number of trees that shall be planted in each sub-area, and identify their common name and botanical name.

c. The minimum number of trees required to be planted or preserved within a site development shall be determined by applying the formula established within said section 14-46.5.1(a) and in accordance with section 14-46.8 through 14-46.18, Tree Protection, Coverage, Relocation, Survival, Removal, of the Zoning Regulations, Chapter 14 of this Code. The minimum number of trees required to be planted or preserved in a sub-area of a site development shall be proportion of the total number of trees required for the overall site. This proportion shall be determined by comparing the area of the sub-area to the area of the total site.

d. Standards for landscape materials:

(1) All plant materials shall be a minimum of Florida Number One as defined in "Grades and Standards Revised, Part II," as published by the Florida Department of Agriculture and Consumer Services. Exceptions and substitutions from this regulation may be reviewed and approved by the building official to promote the use of slow growing or native plant materials.

(2) Immediately upon planting, trees shall be a minimum of eight (8) feet in height and shall have a minimum caliper of one and one-half (1½) inches.

(3) When more than ten (10) trees are required to be planted to meet the requirements of these regulations, a mix of species shall be provided. The number of species to be planted are indicated in Figure One. Species shall be planted in proportion to the required mix. This species mix shall not apply to areas of vegetation required to be preserved by law.

FIGURE ONE. REQUIRED
SPECIES MIX

Required Number of Trees	Minimum Number of Species
11—20	2
21—30	3
31—40	4
41	5

(4) When required by these regulations, shrubs shall be a minimum of twenty-four (24) inches in height immediately upon planting, and spaced eighteen (18) to thirty-six (36) inches on center. Spacing of individual plants shall depend on the type of shrubs used. Hedges, where required, shall form a solid continuous visual screen at least three (3) feet in height within two (2) years after the time of planting but in no way shall conflict with section 14-44, Fences, Walls and Hedges, within the Zoning Regulations, Chapter 14 of this Code. Exceptions and substitutions from this requirement may be approved by the building official to promote the use of slow growing or native plant materials.

2. Landscaping the interior of vehicular use areas: It is the intent of the City of ~~Daytona Beach Shores~~ that vehicular use areas be both functional and aesthetically pleasing. It is the intent of these regulations to achieve this goal by providing for greater design flexibility while increasing minimum standards for required landscaping. A distinction is made among landscape regulations applicable to two types of vehicular use areas. These are:

Off-street parking; and

Other vehicular use areas (such as "stacking" areas in automotive service stations, fast food outlets, or banks) that are used by the public, but not for parking.

Within off-street parking areas, developers are permitted to choose between two (2) design alternatives. The first, the traditional approach, required land to be set aside in the form of interior islands and perimeter landscape strips. The second eliminates interior islands, but increases tree canopy through increased planting. This design option is only available, however, if parking stalls are laid out so that four (4) stalls intersect.

Regarding vehicular use areas not used for off-street parking but that are open to the public, it is required that an area equal to a percentage of the total paved area be set aside for interior landscaping. This approach gives greater design flexibility and is relatively easily administered.

a. Landscaping the interior of off-street parking areas.

(1) Design alternative one.

(a) A minimum of fifteen (15) square feet of landscaping for each parking space shall be provided within the interior of an off-street parking area.

(b) Each row of parking spaces shall be terminated by landscaped islands that measure not less than five (5) feet in width and not less than eighteen (18) feet in length. At least one (1) tree shall be planted in each terminal landscaped island.

(c) Interior landscaped islands shall also be provided within each row of parking spaces. One (1) interior island shall be provided for each twelve (12) parking spaces or fraction thereof. Landscaped interior islands shall measure not less than five (5) feet in width and not less than eighteen (18) feet in length. At least one (1) tree shall be planted in each interior island.

(d) Landscaped divider medians may be used to meet interior landscape requirements. If divider medians are used, they should form a continuous landscaped strip between abutting rows of parking spaces. The minimum width of a divider median shall be five (5) feet. One (1) tree shall be planted for each forty (40) linear feet of median or fraction thereof. Trees in a median may be planted singly or in clusters.

(e) All interior landscaped areas not dedicated to trees or to the preservation of existing vegetation shall be landscaped with grass, ground cover or shrubs. Sand or other pavement shall not be considered appropriate landscape treatment.

(2) Design alternative two.

(a) This alternative shall be available only in off-street parking areas in which four (4) parking spaces intersect. They need not intersect at right angles. If the parking area is designed to have staggered spaces, the developer shall use Design Alternative One.

(b) One tree shall be planted or preserved for each nine (9) parking spaces.

(c) Each row of parking spaces shall be terminated by landscaped islands that measure not less than five (5) feet in width and eighteen (18) feet in length. At least one (1) tree shall be planted in each terminal island.

(d) Trees required to be planted by these regulations may be distributed throughout the interior of a parking area in any way that encourages adequate shading of parked cars and visual access. Grade level tree planting areas shall be located in the common intersection of four (4) parking spaces. The minimum area of a tree planting area shall be twenty (20) square feet. The minimum dimensions shall be four (4) feet by five (5) feet. Trees shall be planted on center at the point of intersection of the four (4) parking spaces. The ground surface within the tree planting area shall receive appropriate landscape treatment, including mulch or ground cover.

3. Landscaping the interior of other types of vehicular use areas that are open to the public. A minimum of ten (10) percent of the gross paved area of vehicular use areas that are open to the public but are not used for off-street parking shall be devoted to interior landscaping. Such vehicular use areas include access roads in automotive service stations and "stacking" areas in fast food restaurant and drive-in banks.

If the landscaped area developed to meet this requirement is moved to the perimeter of the lot, it shall be designed as an integral part of perimeter landscaping. This landscaped area may also be designed to accommodate one (1) tree for each forty (40) lineal feet of divider median or fraction thereof.

4. Landscaping the perimeter of lots.

a. Perimeter Landscape Strips Separating Vehicular Use Areas from Abutting Rights-of-Way.

(1) Wherever a vehicular use area abuts a dedicated right-of-way, a perimeter landscape strip shall be created that meets the minimum standards established herein. The perimeter landscape strip shall extend along the length of the boundary between the right-of-way and the vehicular use area. A perimeter landscape strip may be pierced by access ways to the extent necessary to comply with these regulations, or other applicable ordinances.

(2) The minimum width of a perimeter landscape strip shall be ten (10) feet.

(3) One (1) tree shall be planted for each thirty-five (35) feet or fraction thereof of a perimeter landscape strip separating a vehicular use area from an abutting right-of-way.

(4) Trees in a perimeter landscape strip may be planted singly or in clusters. The maximum spacing of planted trees shall be sixty (60) feet.

(5) A hedge, berm or other landscape barrier shall be located within the perimeter landscape strip. This barrier shall be no less than three (3) feet and no more than eight (8) feet in height within two (2) years after installation but in no way shall conflict with section 14-44, Fences, Walls and Hedges or section 14-47, Obstruction to Vision at Road Intersections within the Zoning Regulations, Chapter 14 of this Code.

b. Perimeter Landscape Strips Separating a Vehicular Use Area from the Interior Lot Line of an Abutting Property.

(1) Every vehicular use area shall be screened from view at ground level from abutting properties. This requirement shall not prohibit the interconnecting of adjoining off-street parking lots to more efficiently and safely handle the access and egress of traffic on to South Atlantic Avenue.

(2) The minimum width of the perimeter landscape strip between a vehicular use area and an abutting property shall be five (5) feet.

(3) The perimeter landscape strip shall extend along the length of the interior lot line. The landscape strip may be pierced by accessways as necessary to comply with the requirements of these regulations or other applicable ordinances.

(4) One (1) tree shall be planted for each thirty-five (35) linear feet or fraction thereof of the perimeter landscape strip. These trees may be planted singly or in clusters. The maximum spacing of planted trees shall be sixty (60) feet.

(5) A hedge, berm or other landscape barrier shall be located within this perimeter landscape strip. If a condominium high-rise is proposed to be built next to an existing hotel or motel, or vice-versa, this barrier shall be no less than six (6) feet and no more than twelve (12) feet in height within two (2) years after installation. If a special exception is granted under the provisions of section 14-58 of the Zoning Regulations, Chapter 14 of this Code, the barrier shall be eight (8) feet in height within two (2) years after installation. If a service station is built under the provisions of section 14-45.3 [14-55.3] of the Zoning Regulations, Chapter 14 of this Code, where the lot abuts a residentially zoned property, an eight (8) foot barrier shall be provided.

For all other abutting use combinations, this barrier shall be no less than three (3) feet and no more than eight (8) feet in height within two (2) years after installation but in no way shall conflict with section 14-44, Fences, Walls and Hedges or section 14-47, Obstruction to Vision at Road Intersections within the Zoning Regulations, Chapter 14 of this Code.

5. Curbing and encroachment of vehicles into landscape areas.

a. Except as provided in paragraph 5.b within section 14-46.5, all landscape areas shall be separated from vehicular use areas by non-mountable, reinforced concrete curbing of the type characterized as "Type D" in the "Roadway and Traffic Design Standards Manual," prepared by the Florida Department of Transportation, or curbing of comparable durability. Unreinforced extruded curbing shall be prohibited.

b. All landscaped areas adjacent to off-street parking areas shall be protected from encroachment or intrusion of vehicles through the use of wheel stops. Wheel stops shall have a minimum height of six (6) inches above finished grade of the parking area, and shall be properly anchored and maintained in good condition.

c. The width of curbing shall not be included in the calculation of the minimum dimensions of all required landscape areas.

6. Vehicular Use Areas Above Garage Decks

Where vehicular use areas including, but not limited to, parking stalls and driveways are proposed or located on or above garage decks the interior landscaping standards pursuant to Sec. 14-46.5.2 and Sec. 14-46.5.3 shall not apply if one (1) of the following alternative landscaping options from the Alternative Landscape Option Table is provided:

Alternative Landscape Option Table

<u>Option</u>	<u>Development Type</u>	<u>Min. number of General Criteria Required</u>	<u>Min. number of Perimeter Landscape Criteria Required</u>
<u>Option 1</u>	<u>New-Conforming Lot</u>	<u>2</u>	<u>3</u>
<u>Option 2</u>	<u>New- Conforming Lot</u>	<u>3</u>	<u>2</u>
<u>Option 3</u>	<u>New-Nonconforming Lot</u>	<u>2</u>	<u>2</u>
<u>Option 4</u>	<u>New-Nonconforming Lot</u>	<u>3</u>	<u>1</u>
<u>Option 5</u>	<u>Existing</u>	<u>1</u>	<u>1</u>

a. General Landscaping Criteria.

1. The total onsite tree requirement is at least ten (10) percent more than required.
2. The total onsite tree mixture requirement is at least fifty (50) percent more than required.
3. The total onsite green area requirement is at least five (5) percent more than required.
4. The required interior and terminal landscape island trees are placed in anchored containers, structures or areas within the vicinity of the vehicular use area as approved by the Building Official. The Building Official may require bollards, curbing or other systems to ensure safety of all users.

a. Perimeter Landscaping Criteria.

1. The minimum required perimeter landscape strip width adjacent to the vehicular use area (Sec. 14-46.5.4) is at least fifty (50) percent more than required.
2. The total perimeter landscape strip tree requirement adjacent to the vehicular use area (Sec. 14-46.5.4) is at least twenty-five (25) percent more than required. Trees in this portion of

the perimeter landscape strip may be planted singly or in clusters. The maximum spacing of planted trees shall be sixty (60) feet.

3. Notwithstanding, and in addition to the minimum tree and landscape barrier requirements of Sec. 14-46.5.4 and Sec. 14-46.5.6 of this Code, each perimeter landscape strip adjacent to the vehicular use area shall contain at least one (1) accent landscaped area, at least one-hundred (100) square feet in size, for every sixty (60) linear feet or fraction thereof of the perimeter landscape strip area adjacent to the vehicular use area. This accent area shall include a mixed variety of plantings and incorporate a harmonious design with the overall landscaped perimeter strip.
4. Notwithstanding, and in addition to the minimum tree and landscape barrier requirements of Sec. 14-46.5.4 and Sec. 14-46.5.6 of this Code, each perimeter landscape strip adjacent to the vehicular use area shall contain a mixed landscape border. This landscaped border shall include a mixed variety of plantings and incorporate a harmonious design with the overall landscaped perimeter strip.

14-46.6. Landscape Plan Required.

Prior to the issuance of any building permit, a landscape plan shall be submitted to, reviewed by and approved by the building official in all cases where a regular site plan is not required, the beautification board and the planning and zoning board of Daytona Beach Shores. When regular site plan review is required, the City Council shall review and approve the landscape plan subsequent to the receipt of action relative the consideration of a recommendation by the Beautification Advisory Board.

1. Single-family detached residences. The landscape plan submitted for the development of a single-family detached residence on its own lot may be in the form of a plot plan or a drawing prepared by the owner or his agent.
2. All other development. The landscape plan for all other development shall be prepared by and bear the seal of a landscape architect or otherwise be prepared by persons authorized to prepare landscape plans or drawings by Chapter 481, Part II (Landscape Architecture) of the Florida Statutes. Plans may be prepared by other legally qualified person such as:
 - a. Architects, where applicable;
 - b. Engineers, where applicable;
 - c. Nurserymen;
 - d. Nursery stock dealers; and
 - e. Nursery agents, etc.
3. Contents of landscape plans. The landscape plan shall:
 - a. Be drawn to scale, including dimensions and distances;
 - b. Delineate the existing and proposed parking spaces or other vehicular areas, access aisles, driveways and similar features;
 - c. Indicate the location of sprinklers or water outlets;
 - d. Designate by name and location the plant material to be installed or preserved in accordance with these regulations;
 - e. Identify and describe the location and characteristics of all other landscape materials to be used;
 - f. Show all landscape features, including areas of vegetation required to be preserved by law, in context with the location and outline of existing and proposed buildings and other improvements on the site, if any;

g. Include a tabulation clearly displaying the relevant statistical information necessary for the building official, beautification board and planning and zoning board to evaluate compliance with the provisions of these regulations. This includes:

- (1) Gross acreage;
- (2) Calculated amount of preservation area;
- (3) Number of trees to be planted or preserved;
- (4) Square footage of paved areas;
- (5) Any other information the building official may require.

h. Identify which alternative landscape plan option is selected pursuant to Sec. 14-46.5.6 of this Code and demonstrate compliance with the standards relating to the selected option.

~~h.~~ i. Contain such other information that may be required by the building official that is reasonable and necessary for determination that the landscape plan meets the requirements of these regulations.

14-46.7. - 14-46.18.

~~14-46.19. Landscape Requirements for RMF RD Residential Multifamily Redevelopment District (High Density):~~

- ~~1. A fifteen-foot-wide landscape buffer shall be placed in the front and side yard setbacks of any development in this district.~~
- ~~2. The landscape buffer in this district shall meet the minimum requirements as outlined in section 14-46.5.4.a.(3), (4) and (5) of these Land Development Regulations.~~
- ~~3. Landscape in this district shall apply for an annual landscape review and certificate of compliance.~~

~~14-46.20. Landscape Requirements for TOR RD Tourist Oriented Residential Redevelopment District:~~

- ~~1. A fifteen-foot-wide landscape buffer shall be placed in the front and side yard setbacks of any development in this district.~~
- ~~2. The landscape buffer in this district shall meet the minimum requirements as outlined in section 14-46.5.4.a.(3), (4) and (5) of these Land Development Regulations.~~
- ~~3. All new developments in this district, approved after the effective date of this regulation, shall be required to apply for an annual landscape certificate of compliance.~~

~~14-46.21. Landscape Requirements for GC RD General Commercial Redevelopment District:~~

- ~~1. A fifteen-foot-wide landscape buffer shall be placed in the front and side yard setbacks of any development in this district.~~
- ~~2. The landscape buffer in this district shall meet the minimum requirements as outlined in section 14-46.5.4.a.(3), (4) and (5) of these Land Development Regulations.~~
- ~~3. All new developments in this district, approved after the effective date of this regulation, shall be required to apply for an annual landscape certificate of compliance.~~

~~14-46.22. Landscape Requirements for TC MUPUD Town Center Mixed Use Planned Unit Development:~~

~~14-46.22.1.~~

~~All landscape requirements shall be approved through the PUD agreement.~~

SECTION TWO: ENFORCEMENT AND PENALTIES.

- (a). It is prohibited and unlawful for any person to fail to comply with the requirements of this Ordinance.
- (b). The City may enforce the provisions of this Ordinance by any lawful means available to the City under the controlling provisions of State law and Section 1.8 of the *Code of Ordinances of the City of Daytona Beach Shores, Florida*.
- (c). The penalties for violation of this Ordinance shall be as set forth in the code enforcement method asserted by the City under the *Code of Ordinances of the City of Daytona Beach Shores, Florida* or as may be available under the controlling provisions of State law.

SECTION THREE: SAVINGS. The prior actions of the City of Daytona Beach Shores relating to landscaping and related standards are hereby ratified and affirmed.

SECTION FOUR: CODIFICATION. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections Two, Three, Four, Five, Six and Seven shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION FIVE: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION SIX: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION SEVEN: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

HARRY JENNINGS, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

LONNIE GROOT, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2015.

Adopted on second reading this _____ day of _____, 2015.