

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING THE CITY OF SOUTH DAYTONA LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 5.5, SCHEDULE OF ZONING DISTRICT REGULATIONS, TO REVISE BUILDING HEIGHT REGULATIONS WITHIN THE PLANNED UNIT DEVELOPMENT DISTRICT; AND PROVIDING FOR CONFLICTS, SEVERABILITY, APPLICABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapters 166 and 163, *Florida Statutes*, include authority to enact regulations to protect the health, safety, and welfare, and in the interest of the citizens of the City; and

WHEREAS, currently the City of South Daytona regulates maximum building height under the Planned Unit Development District of its *Land Development Code* ("LDC"), which requires clarification to facilitate administration of land use in the City; and

WHEREAS, the City Council recognizes the need to update and amend the LDC from time to time, to provide clarification of policies and to correct inconsistencies within the LDC of the City of South Daytona; and

WHEREAS, the City Council finds that the current building height regulations under the planned unit development district need to be revised to accommodate the evolution of market expectations, including with respect to ceiling height; and

WHEREAS, planned development districts in the City of South Daytona have historically been used to provide flexibility with regard to land use, density and dimensional standards such as height, and other requirements of the LDC, to encourage developments that incorporate innovative concepts of site planning, coordinated architectural and functional design, higher level of amenities, increased amounts of open space, recreation and landscaping, and a better living environment overall; and

WHEREAS, the City of South Daytona Planning and Appeals Board, serving as the local planning agency, held a public hearing on the 28th day of April, 2022, on a version of the proposed amendment to the *Land Development Code* and found such amendment to be consistent with the City of South Daytona *Comprehensive Plan*, and recommended to the City Council adoption of such amendment; and

WHEREAS, the City of South Daytona City Council finds the proposed amendment to the *Land Development Code* to be consistent with the provisions of the *Comprehensive Plan* of the City of South Daytona, and that it is in the best interest and welfare of the citizens of the City to enact this Ordinance; and

WHEREAS, the City of South Daytona has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance including but not limited to Section 166.041(3)(c)(2), *Florida Statutes*; 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA, THAT:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Amending Section 5.5, O.(11). The specified portions of Section 5.5, O.(11) of the LDC are amended as follows:

f. Maximum building height:

- (1) Items excluded: The maximum building height shall not include roof-mounted mechanical equipment, antennae, elevator housing, exit stairways, roof parapets, or other non-habitable accessory, chimneys, roof parapets or cupulas, or other non-habitable accessory, decorative or service features not visible from the street frontage lot line.
- (2) Height measurement method: The maximum building height shall be measured vertically from the lowest residential floor or 25 feet above finished grade where lower-level under-residential-floors parking is provided, whichever is lower.
- (3) For Multi-family with a density of more than ten units per gross acre but less than 25 units per gross acre: The maximum height shall be up to 75 50 feet, ~~exclusive of chimneys, parapets, or cupulas.~~ The maximum height shall be measured from finished grade.
- (4) Multi-family with a density of 25 units or more per gross acre: The maximum height shall be 120 feet, exclusive of lower-level, under-residential-portion-of-building parking; except that additional building height may be approved by the city council on a case-by-case basis according to the following formula: an additional ten feet of height may be granted for each additional ten feet of setback beyond the minimum required; if the project abuts an R1A residential zone, the additional setback must at least be provided up against that residential zone; the additional height may be provided anywhere on the building or buildings. However, in no case may the maximum building height exceed 185 feet through any combination of parking or residential stories as measured from the finished grade ~~exclusive of roof-mounted mechanical equipment, antennae, elevator housing, exit stairways, roof parapets, or other non-habitable accessory, decorative, or service features.~~
- (5) Multi-family with a height greater than 75 50 feet must be located on parcels with Halifax River frontage.

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i. *Public street access requirements:*

- (1) Projects of less than 25 units per gross acre: Such projects must have a direct connection access to a collector roadway; direct connection access to a local street is prohibited.
- (2) Projects of 25 units per gross acre or more: Such projects must have a direct connection access to an arterial roadway; direct connection access to a local street is prohibited.
- (3) Multi-family with a height greater than 75 50 feet: Such projects must have a ratio of South Ridgewood Avenue frontage to Halifax River frontage no greater than 100 divided by 70 (i.e. 1.42857) (the reciprocal of the ratio does not apply), which equates to a maximum difference between the two frontages of 30 percent. For example, a site with 100 lineal feet of roadway frontage must have a minimum of 70 feet of Halifax River frontage.

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SECTION 3. Administrative Actions. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

SECTION 4. Codification. The provisions of this Ordinance, including its recitals, shall become and be made a part of the City of South Daytona Code of Ordinances and the Sections of this Ordinance may be re-numbered or re-lettered 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 1, 3, 4, 5, 6, and 7 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 5. Conflicts. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. 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 7. Effective Date. This Ordinance shall take effect immediately upon enactment.

APPROVED upon first reading on the 26th day of July 2022 at a regular meeting of the City Council of the City of South Daytona.

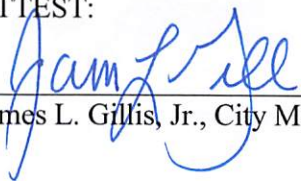
APPROVED AND ADOPTED upon second and final reading on the 9th day of August 2022 at the regular meeting of the City of South Daytona City Council.

CITY OF SOUTH DAYTONA:




William C. Hall, Mayor

ATTEST:



James L. Gillis, Jr., City Manager

CERTIFIED AS TO FORM:



Wade C. Vose, City Attorney