

ORDINANCE NO. 2021-07

AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING THE CITY OF SOUTH DAYTONA LAND DEVELOPMENT REGULATIONS TO CLARIFY REGULATIONS RELATED TO RECREATIONAL VEHICLE STORAGE; AMENDING SECTIONS 5.5 TO PROVIDE THAT RECREATIONAL VEHICLE STORAGE IN THE BUSINESS HEAVY COMMERCIAL DISTRICT AND THE LIGHT INDUSTRIAL DISTRICT SHALL BE A SPECIAL EXCEPTION RATHER THAN A PERMITTED USE; AMENDING SECTION 5.7 TO CLARIFY SPECIAL EXCEPTION CRITERIA FOR RV AND BOAT STORAGE, PARKING, AND RENTAL; PROVIDING FOR CONFLICTS, SEVERABILITY, APPLICABILITY, 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 references recreational vehicle storage in several sections of its *Land Development Code*, which references require clarification to facilitate the administration of land use in the City; 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, 2021, on this proposed amendment to the *Land Development Code* and found the proposed amendment to be consistent with the City of South Daytona *Comprehensive Plan* and recommended approval of Ordinance No. 2021-07 to the City of South Daytona City Council; 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 the amendment 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 ~~striketrough~~ 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. Adoption. The City Council of the City of South Daytona hereby amends

Article V of the Land Development Code of the City of South Daytona, entitled "Zoning Regulations," Section 5.5., entitled "Schedule of Zoning District Regulations," and Section 5.7, entitled "Special Exceptions," as follows:

ARTICLE V. - ZONING REGULATIONS

Sec. 5.5. - Schedule of zoning district regulations.

M. BHC - business heavy commercial district.

1. *Purpose and intent:* The purpose and intent of the business heavy commercial district is to provide for those storage and commercial uses which are too intensive for general commercial areas or are disruptive of general commercial development patterns. These uses would include mini-warehouses, retail sales, activities which typically require outdoor storage, and automotive repair.

Proper buffering is required in relation to other uses, and these districts should generally be located on arterial roadways.

2. *Permitted uses:* Uses permitted in the business heavy commercial district are limited to those specifically stated below:

Permitted Use	SDOL Code
Antique Dealer	1301—1304
Building supplies (retail and wholesale)	1301—1304
Industrial equipment sales	1301—1304
Automobile service centers	0702, 0703
Mini-warehouses	1511
Exterminators-pest control	0819
Moving and storage facilities	1524
New boat sales with used boat sales as accessory use	1301—1304
Skating rink/skateboard center	0410
Catering service	1504
Janitorial service	1506
Photostat/blueprinting/graphics	1508
Rental equipment stores	1509
Reupholster/repair/refinishing	1516
Answering service	1523
Building contractor	0801
General contractor	0803
Residential contractor	0804
Aluminum material installers	0805

Electrical contractors	0806
Elevator installation	0807
Equipment installers	0808
Fire sprinkling equipment	0810
Floor and floor coverings	0811
Glass and glazing	0812
Heating and air conditioning	0813
Lathing, plastering, drywall	0816
Masonry and concrete	0817
Painting, waterproofing, wallpapering	0818
Plumbing	0820
Solar heating equipment	0824
Swimming pool contractors	0825
Cabinet makers	0830
Welding	0832
RV storage-	1519-
Cable TV company	1701
Electronic equipment sales and service	1301—1304
Funeral homes	0302
Furniture store	1301—1304
Print shop	1508, 1525
Sign shop or manufacturer	0106, 0108
Surveyor	1611
U-Haul type trailer rental agency	0709
Vending machine distributor	0414
Tattoo establishment and body piercing	no code

3. *Accessory uses:* Those uses associated with, incidental to and dependent on the principal use.

4. *Special exceptions:*

Laboratories - scientific and industrial;-

Vehicle dealer-

Recreational Vehicle Storage

5. *Development plan review:* Prior to the issuance of a building permit, a development plan shall be required under the provisions of this Code.

6. *Dimensional requirements* - see Figure 2.

N. *LI - light industrial district.*

1. *Purpose and intent:* The primary purpose and intent of this district is to adequately locate and regulate limited industrial operations engaged in the fabricating, repair, or storage of manufactured goods from which no objectionable by-products of the activity (such as odors, smoke, dust, refuse, electromagnetic interference, or excessive noise) are noticeable beyond the lot on which the facility is located. Other uses which are not readily compatible with other zoning districts may be considered for location in the LI district.
2. *Permitted uses:* Manufacturing or distribution of the following products or location of the following businesses is permitted in the LI district:

Permitted Use	SDOL Code
Automobile repair facility	0703
Automotive paint and body shop	0702
Bakery products	1301
Bicycle repair and assembly	1510
Boot manufacturing and repair	1201
Bus garage	1511
Cable TV company	1701
Candy manufacturing	1201
Carpet cleaning	1506
Concrete products	0817, 1301—1304
Contractor's yards and shops	0801—0836
Distribution and delivery	0901—0906
Exterminators	0819
Furniture manufacturing, distribution, Storage and sales	1201, 0907 1301—1304
Glass and mirror products	0812, 1301—1304
Heating, air conditioning, ventilating	0813
Ice cream manufacturing	1201, 0902
Ice	1201, 0903
Knitting, weaving, printing, finishing of textiles and fibers into fabric goods	1201
Lumber yards	1301—1304
Machinery manufacturing and machine shop	1201
Metal fabrication	1201
Moving and storage	1524

Painting and coating application only	0818
Petroleum products (storage)	0905
Planing and millwork	1201, 0830
Plumbing and plumbing supplies	0820, 1301—1304
Printing, publishing and engraving	1508
Radio and television broadcasting station, studios, tower	0227, 1701
Roofing	0821
RV storage	1519
Sheet metal products	0821, 1301—1304
Sign manufacturing, sign painter, shop	0106, 0107, 0108
Tattoo establishment and body piercing	no code
Tool, die, gauge and machine shop	1201
Trade show/exposition	0109
Truck and freight transfer terminal	1524
U-Haul type trailer rental agency	0709
Upholstery	1516
Warehousing (including mini-warehouses)	1511
Welding	0832

3. *Accessory uses:* Those uses associated with, incidental to and dependent on, the principal use, including caretaker's residence.
4. *Special exceptions:*
Laboratories - scientific and industrial;
Recreational Vehicle Storage
5. *Development plan review:* Prior to the issuance of a building permit, a development plan approval shall be required under the provisions of this Code.
6. *Dimensional requirements* - see Figure 2. Note that there shall be no minimum rear yard setback requirements where the rear yard in a light industrial zone abuts the Florida East Coast Railroad right-of-way. Also, the front yard setback shall be 25 feet instead of 50 feet if the front yard is not designed or used for loading/unloading.

Sec. 5.7. - Special exceptions.

(. . .)

13. *Operations which are in the business of providing locations for outside storage, parking, or rental of operational RV's or boats:* A special exception may be granted under the following conditions:
 - a. The site must be in a Light Industrial (LI) or Business Heavy Commercial (BHC) zone.

- b. The area for storage/parking must not exceed three acres in size.
- c. The site must be served by a Nova Road access.
- d. The site cannot be at a corner lot at the intersection of Nova Road with any arterial or collector roadway.
- e. If the site is located such that the named vehicles or equipment stored or parked are readily visible from South Nova Road, for purposes of buffering, appearance and security special measures ~~must~~ shall be taken. Special measures to be considered, ~~either singly or in combination,~~ include: ~~fences or masonry~~ walls, heavy perimeter landscaping, planting of trees, and landscaping and trees on the "out"-side of perimeter fencing or walls. Perimeter ~~fences or~~ walls must be set back from the street right-of-way a distance of at least 15 feet. Considerable discretion may be exercised by the city council in determining the exact nature of the buffering program for a specific site. The city council shall consider the recommendations of the development review committee (staff) and the ~~LDRB-PAB~~ when deciding upon any buffering program.
- f. Any repair and service operations shall be conducted in a completely enclosed building.

Sec. 5.5. – Table 2 – Permitted Uses by District.

(...)

	GC	PO	NC	HC	LI	SU
Business Services						
Service agency	•					
Alterations/tailoring	•		•			
Barber Shop (requires state license)	•		•			
Beauty Salon (requires state license)	•		•	•	•	
Catering service	•			•	•	
Coin laundromat	•		•			
Janitorial service	•			•	•	
Laundry/dry cleaners	•		Pick Up			
Photostat/blueprinting/graphics	•			•		
Rental store	•					•
Repair store	•			•	•	
Mini-storage facilities or RV-storage				•	•	
Interior decorators/designers	•					
Photographer	•	•	•			
Physical therapy	•	•				
Health spa/fitness center/massage parlor	•					
Reupholstery/repair/refinishing	•			•	•	
Animal grooming and care center	•			•		
Professional trade association	•	•				
Dance/art studio	•	•				
Optician	•	•	•			

Taxidermist	.			.		
Answering service (telephone)	.	.	.			
Moving and transfer company				.	.	
Newspaper or periodical				.	.	

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 Land Development Code 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.

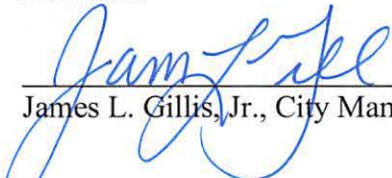
SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent 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 11th day of May, 2021 at a regular meeting of the City Council of the City of South Daytona.

APPROVED AND ADOPTED upon second and final reading on the 8th day of June, 2021 at the regular meeting of the City of South Daytona City Council.

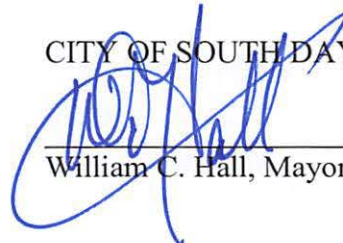
ATTEST:


James L. Gillis, Jr., City Manager

CERTIFIED AS TO FORM:


Wade C. Vose, City Attorney

CITY OF SOUTH DAYTONA:


William C. Hall, Mayor