### ORDINANCE NO. 2021-41

AN ORDINANCE AMENDING THE PRINCIPAL USE TABLES LOCATED IN ARTICLE 5, § 5.2 OF THE LAND DEVELOPMENT CODE ("LDC"), TO ADD "FURNITURE OR APPLIANCE STORE" AS A PERMITTED USE IN THE BR-1, BR-2, BA, M-1, RDB-2, RDB-3, RDB-5, RDD-1, RDD-2, RDD-3, RDD-4, RDD-5, RDD-7, RDM-3 AND RDM-5 ZONING DISTRICTS, SUBJECT TO USE-SPECIFIC STANDARDS; REPEALING ALL **ORDINANCES PARTS** OR OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Land Development Code ("LDC") currently allows "Furniture or Appliance Store" as a principal permitted use only in the T-2 and T-4 zoning districts; and

WHEREAS, City Development Services staff propose to amend the LDC to add "Furniture or Appliance Store" as a permitted principal use in the following zoning districts: (BR-1), (BR-2), (BA), (M-1), (RDB-2), (RDB-3), (RDB-5), (RDD-1), (RDD-2), (RDD-3), (RDD-4), (RDD-5), (RDD-7), (RDM-3), and (RDM-5) zoning districts; and

WHEREAS, the Planning Board has reviewed Staff's proposal and recommends approval.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The Principal Use Table for Residential, Business, Industrial, Tourist, and Specialty Districts, Article 5 § 5.2.A.2 of the Land Development Code ("LDC"), is hereby amended to add "Furniture or Appliance Store" use as a permitted use in the Business Retail-1 (BR-1), Business Retail-2 (BR-2), Business Automotive (BA), and Local Industry (M-1) zoning districts, as more fully described in Exhibit A, attached hereto and incorporated herein.

SECTION 2. The Principal Use Table for Redevelopment Districts, Article 5 § 5.2.A.3 of the LDC, is hereby amended to add "Furniture or Appliance Store" use as a permitted use in the Redevelopment Beachside-Specialty Retail (RDB-2), Redevelopment Beachside-Gateway Residential/Mixed Use (RDB-3), Redevelopment Beachside-Atlantic Retail (RDB-5), Redevelopment Downtown-Beach Street Retail (RDD-1), Redevelopment Downtown-Central Business District (RDD-2), Redevelopment Downtown-Commercial (RDD-3), Redevelopment Downtown-Riverfront Mixed Use (RDD-4), Redevelopment Downtown-Ridgewood Corridor (RDD-5), Redevelopment Downtown-Local Business Services (RDD-7), Redevelopment Midtown-Activity Center Mixed Use (RDM-3), and Redevelopment Midtown-Neighborhood Transition (RDM-5) zoning districts, as more fully described in Exhibit B, attached hereto and incorporated herein.

SECTION 3. The City Commission has received the report of the Planning Board and hereby finds that the amendment is consistent with the City's Comprehensive Plan.

SECTION 4. Public Hearings at 6:00 p.m., January 20, 2021 and February 3, 2021 in Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida, after notice published, are deemed to comply with the requirements of the LDC and Section 166.041(3)(c), Florida Statutes.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

### SECTION 6. This Ordinance shall take effect as provided by law.

DERRICK L. HENRY

Mayor

ATTEST:

Letita La Magna

City Clerk

Passed: January 20, 2020 Adopted: February 3, 2021

### **EXHIBIT A TO ORDINANCE**

## [underline indicates added text to Table 5.2.A.2]

P = Permitted by Right S = Allowed with a Special Use Permit Blank Cell = Not Permitted By Right Table 5.2.A.2: Principal Use Table for Residential, Business, Industrial, Tourist, and Specialty Districts

Use		*** [omitted				Retail Sales and Service Uses						
Use Type		*** [omitted text not affected by this ordinance]	Antique store	Bank or financial institution	through service	Dry cleaning or laundry drop-off establishment	Dry cleaning or laundry establishment	Florist shop	Furniture or appliance store			
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Residential Districts	MFR-12	is ordin	ű.					~				
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Specialty Districts	T-1 T-2 T-4 T-5 AG HM	, ;		:	i	· <del>''</del>			,			
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Use- Specific	Standards		5.2.B.22.a	5.2.B.22.a 5.2.B.22.c		5.2.B.22.a	5.2.B.22.a 5.2.B.22.h	5.2.B.22.a	5.2.B.22.a			

<sup>\*\*\* [</sup>omitted text not affected by this ordinance]

### **EXHIBIT B TO ORDINANCE**

[underline indicates added text to Table 5.2.A.3]

# Table 5.2.A.3: Principal Use Table for Redevelopment Districts

P = Permitted by Right S = Allowed with a Special Use Permit Blank Cell = Not Permitted By Right

Uses	Sales and Service	Retail	*** [on	Use
appliance store	Florist shop P	Dry cleaning or laundry establishment	*** [omitted text not affected by this ordinance]	Use Type
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5.2.B.22.a	5.2.B.22.a	5.2.B.22.a 5.2.B.22.h		Midtown  Use-Specific  RDD- RDD- RDM- RDM- RDM- RDM- RDM- Standards  5 6 7 1 2 3 4 5 6

<sup>\*\*\* [</sup>omitted text not affected by this ordinance]

### **EXHIBIT A TO ORDINANCE**

[underline indicates added text to Table 5.2.A.2]

			.2: Princi I by Right	-	Table for Allowed										d Spec	-							
Use Category	Use Type	Residen	tial District	s	Busi	ness I	District	s		Indus	Toui	rist Di	strict	s		cialty ricts	Use- Specific						
		SFR-5	MFR-12	MFR-20	MFR-40	RP	OP	ВР	BR-1	BR-2	ВА	M-1	M-3	M-4	M-5	T-1	T-2	T-4	T-5	AG	НМ	MS	Standards
*** [omitted text not affected by this ordinance]																							
	Antique store								Р	Р	Р								Р				5.2.B.22.a
	Bank or financial institution without drive-through service								Р	Р	Р								Р				5.2.B.22.a 5.2.B.22.c
Retail Sales and Service Uses	Dry cleaning or laundry drop-off establishment								Р	Р	Р								Р		Р		5.2.B.22.a
Uses	Dry cleaning or laundry establishment									Р	Р							Р					5.2.B.22.a 5.2.B.22.h
	Florist shop								Р	Р	Р							Р	Р				5.2.B.22.a
	Furniture or appliance store								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					Р	Р					5.2.B.22.a
*** [omitted	l text not affected	by thi	s ordina	ance]	1	1	1	1	1		1	1	1		1				1	1	1		ı

### EXHIBIT B TO ORDINANCE

[underline indicates added text to Table 5.2.A.3]

	Table 5.2.A.3: Principal Use Table for Redevelopment Districts  P = Permitted by Right S = Allowed with a Special Use Permit Blank Cell = Not Permitted By Right																									
Use Category	Use Type	Beach	nside										Downtown							Midtown						Use-Specific
		RDB- 1	RDB- 2	RDB-	RDB-	RDB- 5	RDB-	RDB-	RDB-	RDB- 9	RDB- 10	RDB- 11	RDD-1	RDD-2	RDD-3	RDD-4	RDD-5	RDD-6	RDD-7	RDM- 1	RDM- 2	RDM- 3	RDM- 4	RDM- 5	RDM-	Standards
*** [on	itted text not	affe	cted	by th	is or	dina	nce]				Į				ļ			ļ								•
Retail	Dry cleaning or laundry establishment			Р											Р	Р			Р			Р				5.2.B.22.a 5.2.B.22.h
Sales and Service	Florist shop	Р	Р	Р		Р			Р	Р			Р	Р	Р	Р				Р	Р	Р	Р	Р		5.2.B.22.a
Uses	Furniture or appliance store		<u>P</u>	<u>P</u>		<u>P</u>							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>			<u>P</u>		<u>P</u>		5.2.B.22.a
*** [on	itted text not	affe	cted	by th	is or	dina	nce]																			•