

City of South Daytona

Community Development Department

1672 S. Ridgewood Avenue • South Daytona, FL 32121 • 386/322-3022 • Fax 386/322-3018



MEMORANDUM

To: James L. Gillis Jr., City Manager

From: Josh McEnany, Economic Development Director

Date: May 6, 2025

Re: Consideration of approving Resolution No. 2025-16 which involves a Special Exception with Conditions to allow a bar use at 2045 South Ridgewood Avenue

Mark's Sports Pub has been in existence for multiple decades at 2045 South Ridgewood Avenue in the Oak Tree Plaza. Recently, the bar had a change of ownership. During our research on the property and the use, it was discovered that the bar never received approval as a Special Exception from the City Council. In combination with our recent ordinance change which requires a new special exception approval with a change in ownership, the applicant is formally requesting a special exception hearing from our City Council.

Given the fact that this bar has been in use for decades and the City has not received any complaints regarding its operation over the years, the special exception seems appropriate to approve. To ensure the new owners operate the bar as the previous owners did without being a problem to the surrounding businesses and homes, certain conditions are being recommended.

It is recommended that the City Council **APPROVE** the request for a Special Exception to allow a bar use at the property located at 2045 South Ridgewood Avenue with the following additional conditions in addition to the general ones that come with all special exceptions:

1. the hours of operation shall not extend beyond midnight, unless the applicant has been issued an annual Permit for Extended Hours of Operation which may be revoked if the City receives complaints;
2. there shall be no live entertainment;
3. there shall be no outside storage, activities, seating, or displays;
4. there shall be no gambling;
5. the doors to the bar shall remain closed so as to reduce the internal sound of the patrons and bar use inside;
6. the name of the bar, Mark's Sports Pub, cannot be changed without obtaining City Council approval.

These additional conditions should ensure the bar operates as intended without complaints from the neighbors. The PAB met to discuss this item on May 7, 2025, and unanimously recommended approval.

Attached to this memorandum is Resolution No. 2025-16 which formally approves the Special Exception request.

RESOLUTION NO. 2025-16

A RESOLUTION OF THE CITY OF SOUTH DAYTONA, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR A BAR USE AT THE PROPERTY LOCATED AT 2045 SOUTH RIDGEWOOD AVENUE; ESTABLISHING CONDITIONS AND AN EXPIRATION DATE OF APPROVAL; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Micah Graham, authorized agent, (“Applicant”), on behalf of Mich & Jims Enterprises, the property owner, has applied for the issuance of a Special Exception to allow the property located at 2045 South Ridgewood Avenue, South Daytona, Florida, bearing Property Tax Identification No. 5344-16-00-0321 (hereinafter “the Property and more particularly described in Exhibit “A”) to be used for a bar; and

WHEREAS, the property is located within the BGC (Business General Commercial) zoning district; and

WHEREAS, the BGC zoning district allows as a Special Exception bar use subject to approval by the City Council based on findings of consistency with the City of South Daytona Comprehensive Plan and compliance with, and satisfaction of, criteria and conditions contained in Article V, Sections 5.7(B)(2) and 5.7(C) of the Consolidated Land Development Regulations for the City of South Daytona (“Land Development Code”); and

WHEREAS, the City of South Daytona Planning Advisory Board held a public hearing on May 7, 2025, regarding this Special Exception application as required by Article III, Section 3.2(K), and found the Special Exception application: 1) in compliance with Article V, Sections 5.7(B)(2) and 5.7(C) of the Land Development Code and Florida law; and 2) consistent with the City of South Daytona Comprehensive Plan;

WHEREAS, the City of South Daytona Planning Advisory Board thereafter unanimously recommended approval of the Special Exception application to the City of South Daytona City Council; and

WHEREAS, the City of South Daytona City Council considered the Planning Advisory Board’s recommendation and based upon the foregoing and in consideration thereof, the City Council found that the Special Exception application: 1) in compliance with Article V, Sections 5.7(B)(2) and 5.7(C) of the Land Development Code and Florida law; and 2) consistent with the City of South Daytona Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA:

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

SECTION 2. Conditions. Approval of the Special Exception is subject to the following conditions:

- a) the lot containing the proposed use shall conform to all alcoholic beverage requirements of the City Code;
- b) the site will not directly abut a residential zone unless special buffering based on an intensity factor of 6 and functional separation is provided;
- c) the site shall be on an arterial road;
- d) the hours of operation shall not extend beyond midnight, unless the applicant has been issued an annual Permit for Extended Hours of Operation which may be revoked if the City receives complaints;
- e) there shall be no live entertainment;
- f) there shall be no outside storage, activities, seating, or displays;
- g) there shall be no gambling;
- h) the doors to the bar shall remain closed so as to reduce the internal sound of the patrons and bar use inside;
- i) the name of the bar, Mark's Sports Pub, cannot be changed without obtaining City Council approval; and
- j) all applicable provisions of the Land Development Code shall be complied with at all times, such provisions being incorporated herein by reference and hereby specifically made a part of this approval;

SECTION 3. Administration. In the event a Code Enforcement Officer subsequently determines there to be any violation of this Special Exception, the Officer shall promptly present the matter to the Special Master for hearing. The ownership of a Special Exception use may not be transferred to another party without a new public hearing under the provisions of Section 5.7 of the Land Development Code. If the primary use proposed by the Applicant is not initiated within one (1) year of the approval of this Special Exception or if the activity that is authorized by this Special Exception is abandoned for a period in excess of six months, the authority provided herein shall be deemed to be automatically revoked; and a business tax receipt for a new use shall not be issued without a zoning approval for a new use, subject to Special Exception requirements, and shall not be issued until the Development Review Committee determines that all of the conditions of Article III, Section 3.2(K) and Article V, Sections 5.7(B)(2), and 5.7(C)(2) of the Land Development Code have been satisfied. This Resolution shall be recorded in the public records of Volusia County, Florida, at the expense of the Applicant and shall be binding upon the property owner and its successors and assigns, and shall run with the Property.

SECTION 4. Conflicts. Any provision of this Resolution in conflict with any City of South Daytona Land Development Code is hereby repealed to the extent of any conflict.

SECTION 5. Severability. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Resolution, is contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Resolution shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this Resolution, and such holding shall in no manner affect the validity of the remaining words, phrases, portions,

sub-sub-sections, sub-sections, or sections of this Resolution, which shall remain in full force and effect. This Resolution shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this Resolution as expressed herein. It will be presumed that the City Council for the City of South Daytona did not intend to enact any invalid or unconstitutional provision. It shall further be presumed that the City Council would have enacted the remainder of this Resolution without any invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED at the meeting of the City Council of the City of South Daytona, Florida, on the 10th day of June 2025.

**CITY OF SOUTH DAYTONA,
FLORIDA**

William C. Hall, Mayor

ATTEST:

James L. Gillis, Jr., City Manager
as Appointed City Clerk

Approved as to form and sufficiency

Wade C. Vose, City Attorney