

# City of South Daytona

## Economic Development

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386-322-3025



### MEMORANDUM

To: James L. Gillis, Jr., City Manager

From: Becky Witte, Deputy City Clerk  
Josh McEnany, Economic Development Director

Date: June 23, 2025

Re: Consideration of approving Ordinance No. 2025-12 amending Section 5-217 – Minimum Standards for Maintenance of Commercial Properties and Prohibition of Vehicles with Visible Debris on Public or Private Property

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The first reading of Ordinance No. 2025-12 was held on June 10, 2025.

Section 5-217 of the City of South Daytona Code of Ordinances establishes minimum property maintenance standards for commercial properties. These standards are designed to protect property values, promote safety, and enhance the overall appearance of the community and should be extended to all properties within the City. In addition, staff has observed an increasing number of incidents where vehicles, including trucks, pickups, and trailers, are parked or stored with visible junk, trash, or debris in open compartments such as cargo beds. These conditions detract from the aesthetic appeal of commercial areas and can contribute to the perception of neglect or blight.

To address this issue, the proposed ordinance modifies the minimum standards to apply to all properties and adds a new subsection (10) to Section 5-217, stating:

“No person shall park, store, or leave any vehicle on public or private property with junk, trash, garbage, refuse, debris, propane or gasoline tanks, tools, or discarded materials visible in the bed, rear cargo area, or open compartment of any truck, pickup, trailer, or similar vehicle.”

This provision is intended to improve the visual appearance of all properties and reduce the accumulation of debris that may contribute to code enforcement concerns.

The ordinance also revises Section 5-215 (Unsafe structures) and Section 5-216 (Conditions constituting public nuisance) to also apply to all properties, rather than just commercial properties.

Staff recommends the City Council approve the second and final reading of Ordinance No. 2025-12, amending the City of South Daytona Code of Ordinances.

## ORDINANCE NO. 2025-12

**AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING THE CITY OF SOUTH DAYTONA CODE OF ORDINANCES, CHAPTER 5 - BUILDINGS, HOUSING AND STRUCTURAL REGULATIONS, ARTICLE XI. - MAINTENANCE OF COMMERCIAL PROPERTIES, SECTION 5-215 (UNSAFE STRUCTURES), SECTION 5-216 (CONDITIONS CONSTITUTING A PUBLIC NUISANCE), AND SECTION 5-217 (MINIMUM STANDARDS), TO REVISE THE TITLE OF THE ARTICLE, APPLY SPECIFIED STANDARDS TO ALL PROPERTIES WITHIN THE CITY, AND PROHIBIT VEHICLES WITH VISIBLE DEBRIS OR OTHER SPECIFIED MATERIALS IN PUBLIC OR PRIVATE PROPERTY; AND PROVIDING FOR CONFLICTS, SEVERABILITY, APPLICABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of South Daytona seeks to maintain a clean, safe, and attractive environment for residents, businesses, and visitors; and

**WHEREAS**, the City has determined that minimum standards should apply to all properties within the City; and

**WHEREAS**, the presence of vehicles parked or stored with visible junk, trash, or other debris detracts from the overall appearance of the community and may pose a public nuisance; and

**WHEREAS**, the City Council finds that it is in the best interest of the public health, safety, and welfare to amend the existing minimum standards for commercial properties accordingly; 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. Amendment to Code of Ordinances.** The specified portions of Chapter 5 – Buildings, Housing and Structural Regulations, Article XI. Maintenance of Commercial Properties, of the City of South Daytona Code of Ordinances are hereby amended as follows:

### **ARTICLE XI. MAINTENANCE OF ~~COMMERCIAL~~ PROPERTIES**

#### **Sec. 5-215. Unsafe structures.**

All ~~commercial~~ buildings or structures which are unsafe, unsanitary, unfit for human occupancy, not provided with adequate egress, constitute a fire hazard, are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, or which constitute a nuisance, are considered unsafe structures. All such unsafe structures are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition.

#### **Sec. 5-216. Conditions constituting public nuisance.**

It is a public nuisance for any person owning, leasing, occupying, or having charge of any ~~commercial~~ premises in this city to maintain, or permit to exist, such premises in such a manner that any one (1) or more of the following conditions exist thereon:

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(17) Care of premises. It shall be unlawful for the owner or occupant of a ~~commercial~~ building, structure, or property to utilize the premises for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items except as allowed by the zoning regulations. It shall be the duty and responsibility of every such owner or occupant to keep the premises of the property clean and to remove from same all such abandoned items as listed above, including, but not limited to, weeds, dead trees, trash, garbage, etc., upon notice from the code enforcement officer. Premises shall be kept free from health hazards, including debris accumulation and breeding conditions for mosquitoes.

#### **Sec. 5-217. Minimum standards.**

{The minimum standards for the maintenance of ~~commercial~~ properties are as follows:}

- (1) All buildings shall present a neat and fresh appearance and be free of all peeling paint, mildew, rust, graffiti, dirt, and deteriorated or mismatched roofing material.
- (2) All parts of any building and/or structure shall be structurally sound. Rotten or weakened sections shall be repaired, replaced, or removed.
- (3) Nonfunctional elements on any building, structure, or premises, such as unused sign poles, brackets, empty electrical conduit, etc., shall be removed and the remaining surface shall, if damaged, be repaired or rebuilt to match adjacent surfaces and the original condition. All loose wires and/or conduits shall be secured.
- (4) Broken or missing windows shall be repaired, replaced, or properly abandoned. All windows must fit tightly and have sashes of proper size and design. Abandonment of window openings shall be accomplished by using the same material as the adjacent surface.
- (5) Awnings that are torn, badly faded, frayed, or structurally compromised shall be repaired, replaced, or removed.
- (6) All roofs, gutters, and downspouts shall be maintained to prevent damage to the structure and adjoining properties.
- (7) All retaining walls, seawalls, nonstructural walls, dumpster enclosures, fences, lighting devices and supports, outdoor service and seating areas, and signs and their supporting elements shall be structurally sound and kept free of graffiti, overgrowth, trash and debris, and shall be maintained to present a painted, rust-free, neat and fresh appearance.

(8) All parking areas and vacant lots shall be kept free of overgrowth, weeds, trash and debris. Potholes and broken pavement shall be repaired. Paving and striping shall be maintained to a neat and clean condition with a fresh appearance. All dead tree limbs and dead trees shall be removed from parking areas and vacant lots.

(9) Landscaping shall be kept in a neat and well-maintained condition. Tree branches shall be maintained at a minimum distance of three (3) feet from building roofs and walls. Plant growth, such as shrubs, bushes, and palm trees, shall be maintained at a minimum distance of twelve (12) inches from building walls.

(10) No person shall park, store, or leave any vehicle on public or private property with junk, trash, garbage, refuse, debris, propane or gasoline tanks, tools, or discarded materials visible in the bed, rear cargo area, or open compartment of any truck, pickup, trailer, or similar vehicle.

**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 specified provisions of this Ordinance shall become and be made a part of the City of South Daytona Land Development Code and Code of Ordinances, as applicable, 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; 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 10<sup>th</sup> day of June 2025 at a regular meeting of the City Council of the City of South Daytona.

**APPROVED AND ADOPTED** upon second and final reading on the 22<sup>nd</sup> day of July 2025 at the regular meeting of the City of South Daytona City Council.

CITY OF SOUTH DAYTONA:

ATTEST:

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William C. Hall, Mayor

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James L. Gillis, Jr., City Manager

CERTIFIED AS TO FORM:

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Wade C. Vose, City Attorney

**City of South Daytona**  
**Office of the City Manager**

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3014



## Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, the City may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

**Proposed ordinance’s title/reference:**

Ordinance No. 2025-12. An Ordinance of the City of South Daytona, Florida, amending the City of South Daytona Code of Ordinances, Chapter 5 - Buildings, Housing and Structural Regulations, Article XI. - Maintenance of Commercial Properties, Section 5-215 (Unsafe Structures), Section 5-216 (Conditions Constituting a Public Nuisance), and Section 5-217 (Minimum Standards), to Revise the title of the article, apply specified standards to all properties within the city, and prohibit vehicles with visible debris or other specified materials in public or private property; and providing for conflicts, severability, applicability, and an effective date.

**Applicable Exemptions:**

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:

- ☐ Development orders and development permits, as those terms are defined in s. 163.3164 and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
- ☐ Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
- ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

**Business Impact Estimate:**

**The City hereby publishes the following information:**

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

Section 5-217 of the City of South Daytona Code of Ordinances establishes minimum property maintenance standards for commercial properties. These standards are designed to protect property values, promote safety, and enhance the overall appearance of the community and should be extended to all properties within the City. In addition, staff has observed an increasing number of incidents where vehicles, including trucks, pickups, and trailers, are parked or stored with visible junk, trash, or debris in open compartments such as cargo beds. These conditions detract from the aesthetic appeal of commercial areas and can contribute to the perception of neglect or blight.

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This provision is intended to improve the visual appearance of all properties and reduce the accumulation of debris that may contribute to code enforcement concerns.

The ordinance also revises Section 5-215 (Unsafe structures) and Section 5-216 (Conditions constituting public nuisance) to also apply to all properties, rather than just commercial properties.

**2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:**

**(a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

No additional costs will be incurred.

**(b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

None.

**(c) An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

None.

**3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:**

None.

**4. Additional information the governing body determines may be useful (if any):**

None.

**Note:** The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.