

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: September 3, 2025

Re: Consideration of approving Ordinance No. 2025-08 amending the City of South Daytona, Land Development Regulations Section 5.5 to provide for additional uses prohibited within the Community Redevelopment District Overlay.

The Community Redevelopment District (CRA) Overlay was established to enhance the quality of development and improve property values within the CRA. Over time, staff has observed an increasing number of requests for various uses within the CRA that are inconsistent with the intended vision for a vibrant, pedestrian-friendly, and economically diverse commercial district.

These uses include automotive, vehicle, or vessel-related facilities such as oil change stations, repair shops, tire services, paint and body shops, parts sales with installation services, automotive/vehicle/vessel sales, bus garages, vehicle impound lots, towing services, and other services involving automobiles, boats, motorcycles, tractors, mowers, construction equipment, all-terrain vehicles (ATVs), scooters, golf carts, low-speed vehicles, e-bikes, or bicycles. Other proposed uses include bait and tackle stores; houses of worship, private meeting halls, and halls for hire; schools (through higher education), tutoring facilities, childcare and daycare centers, nursing homes and group living facilities, and instructional studios or facilities, including but not limited to those for martial arts, dance, and gymnastics; laundromats and dry cleaners; contracting, landscaping services, or pest control services, including contracting yards and landscape nurseries; and sign and print shops.

Additional uses observed include bars, lounges, and nightclubs; amusement centers; manufacturing; cell phone repair; morgues, mortuaries, cemeteries, or funeral homes; cannabis sales, including dispensaries, retail sales, or any establishment selling cannabis or cannabis-derived products for medicinal or recreational use; fireworks sales excluding a small seasonal retail display in grocery and existing discount stores; appliance repair; pain clinics; mobile home parks; bail bonds; counseling services; and fitness gyms.

Staff has found that these types of uses often necessitate extensive parking, must include outdoor storage and displays to generate sales, or otherwise detract from the desired development pattern and aesthetic of the CRA. If permitted, such uses could negatively impact the surrounding properties and overall character of the district.

To maintain the integrity of the CRA Overlay and uphold the City Council's vision for a high-quality, economically vibrant commercial corridor, staff recommends prohibiting the above-listed uses within the CRA Overlay.

This recommendation is not intended to eliminate these business types from the City. These uses would continue to be permitted in other appropriate zoning districts outside of the CRA, where their operational characteristics are more compatible with surrounding uses. **Those businesses that currently exist on the corridor shall continue to be allowed until the business closes down or is abandoned for a period of 90 days.** A change in ownership will not discontinue the business use unless the use is a special exception. A use that changes ownership that is designated as a special exception, such as a bar, must go through the approval process again per our current code requirements.

The Planning Advisory Board recommended approval of the Ordinance at their regular meeting held on May 7, 2025.

Staff recommends that the City Council approve the first reading of Ordinance No. 2025-08, amending the City of South Daytona Land Development Regulations Section 5.5 to expand the list of uses prohibited within the Community Redevelopment District Overlay.

ORDINANCE NO. 2025-08

**AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA,
AMENDING THE CITY OF SOUTH DAYTONA LAND DEVELOPMENT
REGULATIONS, SECTION 5.5, TO PROVIDE FOR ADDITIONAL USES
PROHIBITED WITHIN THE COMMUNITY REDEVELOPMENT
DISTRICT OVERLAY; AND 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, the City Council adopted a redevelopment plan in 1997 creating a Community Redevelopment Area (CRA) and programs for selected areas of the City that have been designated as needing redevelopment under State Statute; and

WHEREAS, the City Council desires continued improvement of the appearance and quality of commercial activity throughout the City including the CRA; and

WHEREAS, the Community Redevelopment District Overlay established in 2008 provides for the application of specific regulations modifying the underlying zoning regulations within the CRA; and

WHEREAS, the Community Redevelopment District Overlay was established to enhance the quality and improve property values in the CRA; and

WHEREAS, the permitted uses within the Community Redevelopment District Overlay shall be the same as the underlying zoning classification except for prohibited uses established by this and previous ordinances; and

WHEREAS, adding prohibited uses to the Community Redevelopment District Overlay is essential to a rational and continued improvement of the commercial corridors in the CRA; and

WHEREAS, there is an abundance of certain uses within the CRA which have demonstrated rapid growth which contributes to parking and traffic issues as well as zoning conflicts with adjacent established uses which can impede redevelopment efforts; and

WHEREAS, prohibiting the uses specified herein within the CRA promotes the vision of the City Council and the guiding policy documents of the City, including the Comprehensive Plan and the Redevelopment Master Plan; and

WHEREAS, the desire of the Council is to encourage and incentivize targeted businesses in the CRA, such as professional offices, sit-down restaurants and quality, high-end residential development that highlights our riverfront location; and

WHEREAS, the City of South Daytona Planning Advisory Board, held a public hearing

on the 7th day of May 2025, on this proposed amendment and recommended to the City Council adoption of the proposed 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. 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,” as follows:

S. Community redevelopment district overlay.

...

3. *Permitted uses:* Permitted uses within the community redevelopment district overlay shall be the same as the underlying zoning classification except the following uses shall be prohibited within the overlay district. Any prohibited uses currently established within the community redevelopment district overlay shall be subject to the nonconforming use provisions of Section 3.13 C. of this Code.
 - a. Thrift stores, pawn shops, secondhand stores, and any other retail activity in which ~~25 percent or more of~~ the inventory consists of used and/or damaged items.
 - b. Check cashing businesses.
 - c. Animal grooming; unless provided by full service veterinarian clinic.
 - d. Animal day care; unless provided by full service veterinarian clinic.
 - e. Substance abuse clinics or clinics which provide walk-in treatment or any other type of treatment for addictive substances such as methadone clinics.
 - f. Tattoo parlors.
 - g. Internet gambling businesses including any sweepstakes operations that use internet gaming systems for the promotion of a product.
 - h. Employment agencies that offer day labor services where workers congregate at the business location to receive daily assignments.
 - i. Blood banks and laboratories that offer cash or any other form of compensation for blood or plasma.

- j. ~~Soup kitchens or similar services~~ Services that encourage regular congregation of homeless populations.
- k. Massage therapist establishments, ~~except:~~
 - ~~(i) When the massage therapist services are provide in a licensed health spa, beauty salon, nail salon, gym or other similar business in less than one-half of the space dedicated to providing services to customers;~~
 - ~~(ii) A board approved massage school as defined in state law;~~
 - ~~(iii) Massage therapist services provided in a licensed medical or chiropractic business; or~~
 - ~~(iv) A massage therapist establishment that is a member of the Florida State Massage Therapy Association or the American Massage Therapy Association.~~
 - ~~(v) Any massage therapist operating under one of the above exceptions shall be subject to the hours of operations limitation contained in Section 5.5 J.8.~~
- ...
- l. Smoke shop/tobacco store, e-cigarette/vape shop, smoking bar/lounge.
- ...
- m. Small Box Discount Stores
- ...
- n. Liquor Stores
- ...
- o. Storage facilities. Storage facilities include all commercial storage structures, constructed for the purpose of storage for personal or commercial goods and equipment, for rent to the general public or to commercial businesses, including mini warehouses.
- p. Call Centers.
- q. Automotive, vehicle, or vessel related facilities including but not limited to oil change, repair shops, tire services, paint and body shops, parts sales with installation services, automotive, vehicle, or vessel sales, bus garages, vehicle impound lots, towing services, and other services related to automobiles, vehicles, boats, motorcycles, tractors, mowers, construction equipment, all-terrain vehicles (ATVs), scooters, golf carts, low-speed vehicles, e-bikes or bicycles.
- r. Bait and Tackle Stores.
- s. Houses of worship, private meeting halls, and halls for hire.
- t. Schools (through higher education), tutoring facilities, childcare and daycare centers, nursing homes and group living facilities, and instructional studios or facilities, including but not limited to those for martial arts, dance, and gymnastics.
- u. Laundromats and Dry Cleaners.
- v. Contracting, Landscaping Services, or Pest Control Services (including contracting yards and landscape nurseries).
- w. Sign and Print Shops.
- x. Bars, lounges and night clubs.
- y. Amusement centers.
- z. Manufacturing.
- aa. Cell Phone Repair.

- ab. Morgues, Mortuaries, Cemeteries or Funeral homes.
- ac. Cannabis sales, including dispensaries, retail sales, or any establishment selling cannabis or cannabis-derived products for medicinal or recreational use.
- ad. Fireworks sales, including seasonal or year-round retail operations engaged in the sale of consumer fireworks or similar pyrotechnic devices. This prohibition excludes a small seasonal retail display in grocery and existing discount stores.
- ae. Appliance Repair.
- af. Pain Clinics.
- ag. Mobile Home Parks.
- ai. Bail Bonds.
- aj. Counseling Services
- ak. Fitness Gyms

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 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 12th day of August 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 8th day of September 2025 at the regular meeting of the City of South Daytona City Council.

CITY OF SOUTH DAYTONA:

ATTEST:

William C. Hall, Mayor

James L. Gillis, Jr., City Manager

CERTIFIED AS TO FORM:

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. 2025-08. An Ordinance of the City of South Daytona, Florida, amending the City of South Daytona Land Development Regulations, Section 5.5, to provide for additional uses prohibited within the Community Redevelopment District Overlay; 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):**

Providing for additional uses prohibited within the Community Redevelopment District Overlay

- 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.