

**SOUTH DAYTONA
PLANNING AND APPEALS BOARD
Regular Meeting**

July 21st, 2021,

6:00 P.M.

South Daytona City Council Chambers
1672 South Ridgewood Avenue
South Daytona, FL

PURSUANT TO SECTION 286.0105 FLORIDA STATUTES, if an individual decides to appeal any decisions made with respect to any matter considered at a meeting or hearing, that individual will need a record of the proceeding and will need to ensure that a verbatim record of the proceeding is made. The City does not prepare or provide a verbatim record of the proceedings.

In accordance with the American Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in the proceedings should contact the City of South Daytona's Deputy City Clerk at (386) 322-3011 for assistance at least 48 hours before the date of the meeting.

I. CALL TO ORDER AND ROLL CALL

Members Present

Abe Agront, Chairman
David Beery
Marian (Sam) Buckman
Ari Morse
Jerry Masters
Phil Trimarchi, Vice-Chairman

Staff Present

Les Gillis, City Manager
Wade Vose, City Attorney
S. Laureen Kornel, Comm. Dev. Director
Amber Kraft, Recording Secretary

Members Excused

Rick Jackson

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF THE MINUTES: June 16th, 2021

Mr. Trimarchi made a motion to approve the June 16th, 2021, meeting minutes. Ms. Buckman seconded the motion. Hearing no objections, the minutes were unanimously approved. (6-0).

IV. DISCLOSURE OF EXPARTE COMMUNICATION

None disclosed.

V. PUBLIC HEARINGS

A. **LDC 2021-16: This is an administrative request to amend Article V, Zoning Regulations, Section 5.6, Supplementary Regulations, and Section 5.5, Schedule of Zoning District Regulations, of the South Daytona Land Development Code (LDC). The proposed amendments are as follows:**

Ms. Kornel presented case number LDC 2021-16 to amend Sections 5.5 and 5.6 of the LDC as stated in the staff report. Ms. Kornel advised Board members have the option to make a recommendation on all of the amendments at one time or individually.

1. **Amendment: Clarify accessory uses and structures.**

Ms. Kornel presented Amendment 1 and stated the amendment adds language clarifying accessory structures and uses to clearly spell out accessory structures and uses may only be permitted in conjunction with a principal use. For example, the City would not permit a fence, driveway, or a garage on vacant land without first having a principal structure. The purpose of this amendment is to strengthen the Code to provide the back-up for policy directive already being implemented.

2. **Amendment: Clarify sheds are not required to be the same building material, color, or shape as the principal structure and require Homeowner Owner Association approval.**

Ms. Kornel presented Amendment 2 and stated the amendment will permit a prefabricated, commercially sold shed. For examples, a prefabricated shed from Lowes or Home Depot could be purchased.

3. **Amendment: Add garage regulations to limit the maximum square footage of a garage.**

Ms. Kornel presented Amendment 3 and stated there has been an increase in requests for large garages which has led to a number of citizen complaints. Currently, garages are regulated as an accessory structure under the general accessory structure requirements without a maximum square footage. As a result, very large garages have been permitted that are not in keeping with the size and scale of the residential character of South Daytona. This amendment proposes a maximum square footage not to exceed 50% of the total square footage of the principal structure.

4. **Amendment: Prohibit bike washes within the boundaries of the Community Redevelopment Area (CRA).**

Ms. Kornel presented Amendment 4 and stated currently, there are no regulations associated with bike washes and staff is anticipating there may be requests in the future. Bike washes have the potential to interrupt traffic, cause safety issues related to vehicular movement, pedestrian traffic, and issues with parking. Bike and car washes are considered inconsistent with the policy directive and vision of the Community Redevelopment Area (CRA) to improve the visual quality of the CRA.

5. Amendment: Reinforce the prohibition of shipping containers (Conex containers) throughout the entire City of South Daytona.

Ms. Kornel presented Amendment 5 and stated there has been an influx of shipping containers. Shipping containers can lead to depreciated property values and blight. Historically, it has been the City's interpretation of the LDC that shipping containers are prohibited since accessory structures are required to be the same building material, shape, color, and dimension as the principal structure. It is through this language that shipping containers are prohibited. The City has been working over the last few years to remove shipping containers through Code Enforcement action. Business owners have complained there is no specific reference to shipping containers. The proposed amendment serves to clarify that shipping containers are prohibited throughout the City of South Daytona.

6. Amendment: Prohibit Small Box Discount Stores within the CRA.

Ms. Kornel presented Amendment 6 and stated there has been an increase in interest in developing small box discount stores within the CRA. Staff has concerns about the over concentration of discount stores. The over saturation of small box discount stores can have serious consequences in terms of economic and social impacts. Small box discount stores can make it difficult for the success of new grocers and local businesses. To avoid the proliferation of small box discount stores in the CRA and to protect the community character of South Daytona, the amendment proposes to prohibit small box discount stores throughout the CRA. This amendment is consistent with the City's vision for the CRA and the City's guiding policy documents.

7. Amendment: Prohibit Liquor Stores within the CRA.

Ms. Kornel presented Amendment 7 and stated the CRA Master Plan goal includes eliminating slum, blight conditions, and reducing crime. Currently, there are two liquor stores located within the CRA. It is not uncommon for the highest police call volumes to come from areas of high concentration of liquor stores. Over saturation of liquor store establishments is detrimental to the quality of life of neighborhoods and existing small businesses. Liquor stores can adversely alter community character and development pattern and higher rates of assaults and violence are typically found in neighborhoods where there is a high density of places that sell alcohol. The proposed amendment to prohibit liquor stores within the CRA is in keeping with the CRA Master Plan as the City continues toward the preservation of its community character.

Board discussion ensued about how each LDC amendment could be discussed and voting. The Board agreed to review each item individually followed by a vote. The Amendments discussed were as follows:

1. Amendment: Clarify accessory uses and structures.

Chad Collins, 802 Big Tree Road asked generally about the amendment. Ms. Kornel restated the amendment and defined hard roofs in response to Mr. Collins questions.

Mr. Trimarchi made a motion to recommend approval of Amendment 1 to clarify accessory uses and structures. Ms. Buckman seconded the motion. Hearing no objections, the motion was unanimously approved. (6-0).

2. Amendment: Clarify sheds are not required to be the same building material, color, or shape as the principal structure and require Homeowner Association approval.

No further Board discussion ensued.

Mr. Trimarchi made a motion to recommend approval of Amendment 2 clarifying sheds are not required to be the same building material, color, or shape as the principal structure and require Homeowner Owner Association approval. Mr. Beery seconded the motion. Hearing no objections, the motion was unanimously approved (6-0).

3. Amendment: Add garage regulations to limit the maximum square footage of a garage.

Mr. Masters questioned Item E on Amendment 3, regarding the roof pitch. Ms. Kornel clarified garages will no longer be required to match the principal structure. Mr. Morse questioned the primary difference between a garage and an addition to a home. Ms. Kornel answered a garage would not be part of the living unit, where as an addition could be considered a habitable living.

Ms. Buckman advised she has seen a single-family home with two attached garages and questioned if this is allowable. Ms. Kornel answered there are no specific regulations in the Code associated with garages at this time. Garages are regulated through the accessory use regulations.

Mr. Beery questioned, if you have an existing home and wanted to add a 500 square foot garage, if someone wanted to convert that garage into a living space and build a detached garage, this Code seems to prevent that. Ms. Kornel stated the new language requires a garage shall not exceed the 50% square footage of the principal structure. Another thing to consider is mother in-law dwellings and accessory dwelling units are prohibited in the City of South Daytona. An addition could be added to a garage, if the principal building setbacks and total square footage in terms of 50% of the total square footage of the home are met. Ms. Kornel further explained the way the provision reads is that no garage can be enclosed as additional living area unless an additional garage is constructed. Mr. Beery questioned Item D on Amendment 3 regarding same building material. If someone wanted a detached garage with stucco over frame construction and the house is stucco over block with the same roof pitch what would the difference be, if the garage is framed as long as the appearance is the same. Ms. Kornel stated that the policy requires the building be constructed with the same material as it is already stated in the Code.

Mr. Trimarchi made a motion to recommend approval of Amendment 3 adding garage regulations to limit the maximum square footage of a garage. Ms. Buckman seconded the motion. Hearing no objections, the motion was unanimously approved (6-0).

4. Amendment: Prohibit bike washes within the boundaries of the CRA.

No further Board discussion ensued.

Mr. Morse made a motion to recommend approval of Amendment 4 to prohibit bike washes within the boundaries of the CRA. Ms. Buckman seconded the motion. Hearing no objections, the motion was unanimously approved (6-0).

5. Reinforce the prohibition of shipping containers (Conex containers) throughout the entire City of South Daytona.

Mr. Beery asked if the amendment is related to PODS? Ms. Kornel stated yes.

Chairman Agront stated PODs are usually used for moving and renovating. He asked if PODs are allowed in the front driveway. Ms. Kornel further explained PODs are not allowed as the Code is written now. Chairman Agront asked if they must be moved the same day. City Manager Gillis explained, the problem we have is that there are PODS sitting for extended periods of time. Staff is trying to remove these PODs through Code enforcement action.

Mr. Morse asked if the time period for PODS could be longer? City Manager Gillis, advised yes, the time frame in present time is 10 days. If they do not comply within the time frame there is a process to achieve compliance.

Jessica Gale, attorney with Cobb Cole Law Firm, 1449 South Ridgewood Ave, Daytona Beach, commented on a slight inconsistency with the proposed language and other areas of the Code. There are certain situations where storage containers are necessary for industrial and heavy commercial areas. The way the proposed amendment reads is that shipping containers are included under the section that accessory structures must be made from the same building material as the main structure. Structure is a defined term in the LDC that requires the structure to be permanently fixed to a location. Storage containers are movable. It does not meet the definition as an accessory structure regulated underneath that section. Cobb Cole had sent a recommendation letter earlier in the day to staff for consideration.

Chad Collins, 802 Big Tree Road, stated shipping containers are a very viable piece for businesses. They are cost effective and secure. If you put something into a shed, it can easily be broken into compared to a shipping container which is made of steel and the locking mechanism is kept from using bolt cutters. The City should allow shipping containers as long as a business meets criteria. Shipping containers are not permanent they are temporary.

City Attorney Vose explained the Cobb Cole letter to make it clear, the definition of the structure in the Code does not reference permanently fixed structures. It does reference fixed locations. The intent of staff is to address that shipping containers are a widespread practice as Conex shipping containers are being used as structures. Chairman Agront asked Ms. Kornel if a business wanted to use a shipping container as a structure could they request a variance? Ms. Kornel explained no, as they would not meet the variance criteria.

Mr. Trimarchi made a motion to recommend approval of Amendment 5 to reinforce the prohibition of shipping containers (Conex containers) throughout the entire City of South Daytona. Mr. Masters seconded the motion. Hearing objections, the motion was denied (0-6).

6. Amendment: Prohibit Small Box Discount Stores within the CRA:

No further Board discussion ensued.

Ms. Buckman made a motion to recommend approval of Amendment 6 to prohibit Small Box Discount Stores within the CRA. Mr. Trimarchi seconded the motion. Hearing no objections, the motion was unanimously approved (6-0).

7. Amendment: Prohibit Liquor Stores within the CRA.

No further Board discussion ensued.

Ms. Buckman made a motion to recommend approval of Amendment 7 to prohibit liquor stores within the CRA. Mr. Morse seconded the motion. Hearing no objections, the motion was unanimously approved (6-0).

B. LDC 2021-18: Administrative LDC Amendments to Sections 5.6, 6.9 and Appendix A for fees listed in these sections to be relocated to a consolidated fee schedule within the Code of Ordinances.

Ms. Kornel presented this amendment proposed to compile all of the City's fees and add them under a new chapter 21 of the Code of Ordinances so that the fees will be centralized in one location. No further Board discussion ensued.

Ms. Buckman made a motion to recommend approval of LDC 2021-18 to relocate fees as a consolidated Fee Schedule into the Code of Ordinances as new Chapter 21. Mr. Trimarchi seconded the motion. Hearing no objections, the motion was unanimously approved (6-0).

C. Targeted Business Program (TBP 2021-17) – Patty Rippey, AICP, Redevelopment Director.

Ms. Rippey presented a proposed targeted businesses program to incentivize targeted business to locate in the City's Community Redevelopment Area.

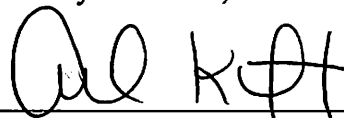
No further discussion ensued.

Ms. Buckman made a motion to recommend approval of the Targeted Business Program. Mr. Trimarchi seconded the motion. Hearing no objections, the motion was unanimously approved (6-0).

ADJOURNMENT


The meeting was adjourned at 7:20 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amber Kraft", written over a horizontal line.

Amber Kraft, Recording Secretary.

ATTEST:

A handwritten signature in black ink, appearing to read "Abe Agront", written over a horizontal line.

Abe Agront, Chairman

Minutes transcribed by Amber Kraft