

City of South Daytona
Community Development Department

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3022 • Fax 386/322-3018



MEMORANDUM

To: James L. Gillis Jr., City Manager

From: S. Laureen Kornel, AICP, Community Development Director

Date: May 3, 2022

Re: Consideration of approving the first reading of Ordinance No. 2022-07 - Removing conflicting building height requirements under the Planned Unit Development District.

INTRODUCTION: This is an administrative request to amend Article V Zoning Regulations, amending Section 5.5, Schedule of Zoning Districts of the Land Development Code (LDC) requirements to remove conflicting building height requirements under the Planned Unit Development District. The proposed amendment will provide clarification and facilitate administration of land use throughout the City.

BACKGROUND: Currently the LDC, under Section 5.5, O.(11)(f), Planned Unit Development District, includes conflicting language regarding maximum building height. In one section of the LDC, the Code requires that maximum building height for a specific project shall be determined as part of the development review process and set forth in the master development agreement as approved by the Council. The Code later, also under the Planned Unit Development (supplemental requirements), specifies building heights for multi-family developments as being 50' for multifamily with a density of between 10 and 25 units per gross acre and 120' for multifamily with a density of 25 units per acre or more which conflicts with the earlier stated language providing for the authority of the City Council to negotiate building height.

ANALYSIS: The planned development districts provide a voluntary management framework for coordinating objectives of the development community which may be inconsistent with conventional zoning district provisions. The purpose of planned development districts in the City of South Daytona have historically been used to provide flexibility with regard to land use, density and dimensional standards such as height, and other requirements of the LDC, to encourage developments that incorporate innovative concepts of site planning, coordinated architectural and functional design, higher level of amenities, increased amounts of open space, recreation and landscaping, and a better living environment, overall.

Recently multifamily development interests have been in providing market value luxury units that incorporate higher end development including taller ceilings that provide greater volume.

The current 50' height standard limits the ability of the City to provide greater flexibility to applicants wishing to provide a higher end project in accordance with the market demand. In discussions with the Building Department, the current 50' maximum height standard is considered antiquated because the new normal is between 9 and 12-foot tall finished ceiling heights. Construction type also plays a big part in building height as building and fire code regulations have evolved over time. Limiting building height under the Planned Unit Development standards takes away the ability of the City to provide flexibility in exchange for innovative modern design. Typically, maximum building heights are determined as part of the development review process and set forth in a master development agreement with consideration of heights of buildings near or along the perimeter of a project area being related to and consistent stent with building heights in adjoining zoning districts.

The Planning and Appeals Board reviewed and recommended unanimous (5-0) approval of the LDC amendment on April 28, 2022.

CONCLUSION: By amending the Planned Unit Development (PUD) requirements to remove specific building height requirements as shown in the attached ordinance, the amendment clarifies the intent of the PUD requirements to negotiate maximum building height through the PUD process set forth in the master development agreement as approved by the Council such that proposed uses and structures can be planned and developed as unified coordinated developments.

RECOMMENDATION: Staff recommends **APPROVAL** of Ordinance No. 2022-07, to remove conflicting building height requirements under the Planned Unit Development District requirements.

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING THE CITY OF SOUTH DAYTONA LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 5.5, SCHEDULE OF ZONING DISTRICT REGULATIONS, TO REMOVE CONFLICTING BUILDING HEIGHT REGULATIONS UNDER THE PLANNED UNIT DEVELOPMENT DISTRICT ONLY; AND PROVIDING FOR CONFLICTS, SEVERABILITY, APPLICABILITY, CODIFICATION, 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, currently the City of South Daytona regulates maximum building height under the Planned Unit Development District of its *Land Development Code* (“LDC”), which requires clarification to facilitate administration of land use in the City; and

WHEREAS, the City Council recognizes the need to update and amend the LDC from time to time, to provide clarification of policies and to correct inconsistencies within the LDC of the City of South Daytona; and

WHEREAS, current specific height requirements under the planned unit development district conflict with the authority of the City Council to determine maximum height for a specific project as part of the development review process set forth through a Master Development Agreement under the planned unit development district requirements; and

WHEREAS, planned development districts in the City of South Daytona have historically been used to provide flexibility with regard to land use, density and dimensional standards such as height, and other requirements of the LDC, to encourage developments that incorporate innovative concepts of site planning, coordinated architectural and functional design, higher level of amenities, increased amounts of open space, recreation and landscaping, and a better living environment overall; and

WHEREAS, the City of South Daytona Planning and Appeals Board, serving as the local planning agency, held a public hearing on the 28th day of April, 2022, on this proposed amendment to the *Land Development Code* and found the proposed amendment to be consistent with the City of South Daytona *Comprehensive Plan*, 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. Amending Section 5.5, O.(11)(f) to remove conflicting Maximum Building Height regulations. The specified portion of Section 5.5, O.(11)(f) of the LDC is amended as follows:

f. Maximum building height:

- (1) Items excluded: The maximum building height shall not include roof-mounted mechanical equipment, antennae, elevator housing, exit stairways, roof parapets, or other non-habitable accessory, decorative or service features not visible from the street frontage lot line.
- (2) Height measurement method: The maximum building height shall be measured vertically from the lowest residential floor or 25 feet above finished grade where lower-level under-residential-floors parking is provided, whichever is lower.
- (3) The maximum building height for a specific project shall be determined as part of the development review process and set forth in the master development agreement as approved by the city council.
- ~~(4) Multi-family with a density of more than ten units per gross acre but less than 25 units per gross acre: The maximum height shall be 50 feet, exclusive of chimneys, parapets, or cupulas. The maximum height shall be measured from finished grade.~~
- ~~(5) Multi-family with a density of 25 units or more per gross acre: The maximum height shall be 120 feet, exclusive of lower level, under residential portion of building parking; except that additional building height may be approved by the city council on a case-by-case basis according to the following formula: an additional ten feet of height may be granted for each additional ten feet of setback beyond the minimum required; if the project abuts an R1A residential zone, the additional setback must at least be provided up against that residential zone; the additional height may be provided anywhere on the building or buildings. However, in no case may the maximum building height exceed 185 feet through any combination of parking or residential stories as measured from the finished grade exclusive of roof-mounted mechanical equipment, antennae, elevator housing, exit stairways, roof~~

~~parapets, or other non-habitable accessory, decorative, or service features.~~

~~(6) Multi family with a height greater than 50 feet must be located on parcels with Halifax River frontage.~~

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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 provisions of this Ordinance, including its recitals, shall become and be made a part of the City of South Daytona Code of Ordinances 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; provided, however, that Sections 1, 3, 4, 5, 6, and 7 shall not be codified. 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 10th day of May 2022 at a regular meeting of the City Council of the City of South Daytona.

APPROVED AND ADOPTED upon second and final reading on the 14th day of June 2022 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