

City of South Daytona

Office of the City Manager

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



MEMORANDUM

To: James L. Gillis Jr., City Manager
From: Becky Witte, Deputy City Clerk
Re: **Second and Final Reading of Ordinance No. 2022-02.** Residential Design Requirements. Recommended by the Planning and Appeals Board on April 28, 2022. **Public Hearing.**
Date: May 31, 2022

With limited infill lots remaining within the City of South Daytona, it is critical new homes are compatible within our existing neighborhoods. Providing clarification and guidance for the limited residential lots remaining within the established subdivisions will further the City's goal of promoting, protecting and maintaining the City's residential character and small-town atmosphere. The establishment of design requirements will assist in maintaining a strong community image, identity and sense of place as well as a positive visual ambiance for the community. The inclusion of stronger landscape requirements will provide for well-landscaped community and promote compatibility of the existing structures within the community. The design clarification for new residential structures will foster civic pride and community spirit by maximizing the positive impact of quality development.

The amendment also designates the Planning and Appeals Board as the City's Design Review Board, which make final determinations of appeals of Section 8.5 (Residential Design Requirements) to comply with state requirements.

The City Council reviewed Ordinance 2022-02 on May 10, 2022. During discussion Councilman Sander suggested a clarification in Section B, 5 regarding the front entrance of the home.

Original Proposed Ordinance: The building's entrance shall face parallel to the public road as determined by the City. In the event that access is provided by two (2) or more roads, the building's entrance shall face parallel to the road that is determined by the City to be the major road.

Modification for clarity: The plane of the building's front entrance shall be parallel to the public road as determined by the City. In the event that access is provided by two (2) or more roads, the plane of the building's front entrance shall be parallel to the road that is determined by the City to be the major road.

Ordinance No. 2022-02 was approved by the City Council at first reading held on May 10, 2022.

The Planning and Appeals Board reviewed the proposed Ordinance on April 28, 2022 and along with staff recommends that the City Council approve the Second and Final Reading of Ordinance No. 2022-02, Residential Design Guidelines.

ORDINANCE NO. 2022-02

AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING THE CITY OF SOUTH DAYTONA LAND DEVELOPMENT REGULATIONS, SECTION 8.5, RESIDENTIAL DESIGN REQUIREMENTS; AMENDING SECTION 3.2, PLANNING AND APPEALS BOARD, TO CODESIGNATE THE PLANNING AND APPEALS BOARD AS THE DESIGN REVIEW BOARD; 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, the City Council recognized a need for clarification and guidance for the limited residential lots remaining within the established subdivisions of the City of South Daytona; and

WHEREAS, the Council has the goal of promoting, protecting and maintaining the City's residential character and small-town atmosphere; and

WHEREAS, establishment of design requirements will maintain a strong community image, identity and sense of place as well as a positive visual ambiance for the community; and

WHEREAS, establishment of landscape requirements will provide for well-landscaped community and promote compatibility of the structures within the community;

WHEREAS, the design clarification for new residential structures will foster civic pride and community spirit by maximizing the positive impact of quality development; and

WHEREAS, the City of South Daytona Planning and Appeals Board, serving as the local planning agency, held a public hearing on the 20th 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 ~~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. Adoption. The City Council of the City of South Daytona hereby amends the *City of South Daytona Land Development Regulations* to amend Section 3.2, and create Section 8.5, all to read as follows:

Sec. 3.2. - Planning and appeals board.

- A. *Establishment.* There is hereby created a planning and appeals board (PAB), which shall serve in an advisory capacity to the South Daytona City Council and shall make final determinations for certain issues. It shall issue recommendations on land use, zoning, land development regulations, general community development policies and such other matters as may be delegated to it by the city council. The PAB shall serve as the city's designated local planning agency as defined in F.S. chapter 163. The PAB shall make final determinations of appeals of orders of administrative officials in the enforcement of any provision of the Land Development Code, variances and Fair Housing Act accommodations requests. Further, the PAB is hereby codesignated and created as the design review board, which shall make final determinations of appeals of orders of administrative officials in the enforcement of Section 8.5 (Residential Design Requirements) in the manner provided in Section 3.2(I)(2)(a).

...

Section 8.5. Residential Design Requirements

- A. *Intent.* It is the intent of this Section to:

1. promote, protect and maintain the City's residential character and small-town atmosphere;
2. create and maintain a strong community image, identity and sense of place;
3. create and maintain a positive visual ambiance for the community;
4. provide for well-landscaped community;

5. enhance and sustain property values;
6. promote a high degree of compatibility between surrounding structures;
7. establish and promote a standard for quality design and enduring quality development;
8. foster civic pride and community spirit by maximizing the positive impact of quality development.

B. *New Residential Structures Design Requirements.* The following design requirements shall apply to the development of new single-family and two-family dwellings:

1. Buildings shall be oriented so as to enhance the appearance of the City's streetscape. This requirement shall be met by incorporating the techniques set forth herein into the project design.
2. Building design and construction including, but not limited to, exterior building materials specifications, shall conform to the Mediterranean, Mid-Century Modern, Craftsman, Colonial or Florida Vernacular architectural styles. In the case where a Homeowners Association exists, the requirements of the adopted Declaration of Covenants shall prevail.
3. Other styles may be permitted upon application to the City Council where the applicant demonstrates, and the City Council or its designee determines, that the utilization of such style contributes positively to the character of the City and is consistent with the intent of this article.
4. Selection of the appropriate architectural style for any building shall consider compatibility of such style with surrounding and nearby buildings. Buildings massing and style shall reflect the surrounding neighborhood.
5. The plane of the building's front entrance shall be parallel to the public road as determined by the City. In the event that access is provided by two (2) or more roads, the plane of the building's front entrance shall be parallel to the road that is determined by the City to be the major road.
6. The architectural treatment requirements of this section shall also be applied to any building exterior unless completely blocked by fence, wall or natural vegetation or the City approves the use of increased landscaping as an alternative to the required architectural treatments.
7. In order to create a multidimensional, attractive exterior, new Residential Structures are required to incorporate a minimum of six (6) corners on the exterior wall, excluding roof. A corner shall be at least a 90 degree change of direction.
8. Incorporate a front porch area that is a minimum one-third (1/3) the width of the overall front façade.
9. Residential garages are required and shall accommodate at least two (2) cars.
10. All residential lots must include a driveway with a minimum width of 20 feet and provide entry to the garage.

11. All buildings shall be faced with materials that exhibit a durable, high-quality appearance. Materials shall be of a low maintenance type, retaining a consistent, clean appearance.
12. Exterior building construction materials, to include, but not be limited to, materials used in the construction of walls, windows, roofs and doors, shall be consistent with the architectural style of the building and shall also be consistent on all exterior surfaces that are, or will be, exposed to the general public.
13. Exterior colors shall be consistent with colors that are consistent with the architectural style of building. Colors that are deemed loud, clashing or garish shall be prohibited.
14. Building materials and colors shall be consistent around the entire building.

C. Minimum Landscaping Requirements for Residential Development.

1. It is the intent of this section to provide minimum landscaping requirements for new single-family and two-family residential development. Existing plant materials, other than invasive species, may be counted toward meeting the landscaping requirements set forth in this section. Based on the number/DBH of trees removed at construction, the requirements below may be required to be exceeded. The maximum of the below required minimum or the required number of replacement trees shall prevail.
2. New Single-family and two-family development shall submit a Landscape Plan which includes, at a minimum:
 - a. One (1) shade tree for every 2,500 square feet of lot area or fraction thereof.
 - b. At least two (2) trees shall be located in the front yard, unless this requirement is waived by the Community Development Director or his/her designee due to front yard design constraints.
 - c. A minimum of three (3) shrubs shall be planted or preserved for every 2,000 square feet of lot area, excluding areas of landscaping required to be preserved by law.
 - d. The entire site, outside of the planting areas immediately surrounding the trees and shrubs, shall contain grass, ground cover, or other impervious materials such as stones, mulch, leaves, or other materials commonly accepted in xeriscaping principles.
 - e. Grass areas, including lawn and sod areas, shall be planted with natural growing species well adapted to localized growing conditions in the city. Grass areas shall be sodded and used in swales or other areas subject to erosion with plants such as Bahia, Bermuda, Centipede, Paspalum, St. Augustine, and Zoysia.

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