

**ORDINANCE NO. 2020-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA; AMENDING THE CODE OF ORDINANCES, ARTICLE VIII. STORMWATER UTILITY FEE, SECTION 20.121 (DEFINITIONS) AND SECTION 20.122 (IMPOSED) OF THE CITY'S CODE OF ORDINANCES TO ENSURE ONLY DEVELOPED COMMERCIAL PROPERTIES ARE CHARGED A STORMWATER UTILITY FEE; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, this is an administrative proposal to amend the City of South Daytona Code of Ordinances, Article VIII. Stormwater Utility Fee, Section 20.121 to more clearly define developed property and introduce a definition for impervious surface and Section 20.122 to clarify imposition of the stormwater utility fee, and

**WHEREAS**, the City Council finds the recommended amendment to be consistent with the provisions of the Comprehensive Plan of the City of South Daytona, and in the overall best interest of the public health, safety and welfare, and

**WHEREAS**, the City Council believes the intent of the City's Code of Ordinances, Article VIII Stormwater Utility Fee, is to apply the stormwater utility fee to developed properties; and

**WHEREAS**, the City Council believes that undeveloped property consists of natural, pervious land that causes little to no stormwater run-off; and

**WHEREAS**, the City Council understands that many jurisdictions in Volusia County do not charge stormwater utility fees for undeveloped property; and

**WHEREAS**, the City Council believes that charging a stormwater utility fee for undeveloped, vacant parcels could be a deterrent to commercial or residential development.

**WHEREAS**, words which are underlined (underlined) are additions to text and words that are struck through (~~struck through~~) are deletions from the text.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA**

**SECTION 1.** The City Council of the City of South Daytona hereby amends Article VIII

Stormwater Utility Fee of the Code of Ordinances, Section 20-121 Definitions to more clearly define developed property to read as follows:

Developed property means that which has been altered from its natural state by the addition of any improvements, such as building, structure, or any other impervious surface, change of grade or landscaping. All property not meeting the definition of developed property shall be deemed undeveloped. A property shall cease being considered developed upon the removal of all structures and impervious surface improvements, excluding seawalls as they are necessary for shoreline protection.

For new construction, a property shall be considered developed pursuant to this article:

- (1) Upon issuance of a certificate of occupancy, or upon completion of construction or final inspection if no such certificate is issued; or
- (2) ~~Where construction is at least fifty percent (50%) complete, and construction is halted for a period of three (3) months.~~ Where impervious structures have been installed and construction has halted for three (3) months; or
- (3) A utility account has been established by the City of South Daytona on the subject property.

**SECTION 2.** The City Council of the City of South Daytona hereby amends Article VIII Stormwater Utility Fee of the Code of Ordinances, Section 20-121 Definitions to define impervious surface to read as follows:

Impervious surface means surfaces found in urban and suburban landscapes such as roads, sheds, structures, parking lots, driveways, sidewalks, slabs, and roofs that allow little or no stormwater infiltration into the ground. The term impervious surface shall not apply to seawalls as they are necessary for shoreline protection. Impervious surfaces increase the volume and rate of surface water runoff, allowing less water to percolate into the soil and thereby decreasing groundwater recharge.

**SECTION 3.** The City Council of the City of South Daytona hereby amends Article VIII Stormwater Utility Fee of the Code of Ordinances, Section 20-122 Imposed to alter when a stormwater utility fee is imposed to read as follows:

A stormwater utility fee is hereby imposed on all developed lots ~~or parcels of land~~ within the city.

**SECTION 4.** 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, 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 or application hereof.

**SECTION 5.** That all ordinances made in conflict with this Ordinance are hereby repealed.

**SECTION 6.** That this Ordinance shall become effective immediately upon its adoption.

**PASSED** upon first reading at a regular meeting of the City Council of the City of South Daytona held in the City of South Daytona, Florida, on the 9 day of June 2020.

**PASSED AND ADOPTED** upon second and final reading at a regular meeting of the City Council of the City of South Daytona held in the City of South Daytona, Florida, on the \_\_\_\_ day of \_\_\_\_\_, 2020.

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William C. Hall, Mayor

ATTEST:

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James L. Gillis, Jr.  
City Manager

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Scott Simpson  
City Attorney