

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: Josh McEnany, Economic Development Director

Date: September 28, 2023

Re: Consideration of Ordinance No. 2023-16. 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; providing for conflicts, severability, applicability, and an effective date. **Second and Final Reading, Public Hearing.**

The first reading of Ordinance No. 2023-16 was held on September 26, 2023.

The Community Redevelopment District Overlay was established to enhance the quality and improve property values in the CRA. Staff has recognized an abundance of Call Center requests within the CRA. Staff's experience with call centers in South Daytona involves a call center opening up within a plaza. The number of employees within the call center expands and overwhelms the parking in the entire plaza. The lack of parking drives other businesses from the plaza and leaves unoccupied units which is not the vision for our CRA. In order to continue to promote the vision of the City Council as well as continue to enhance the quality and improve property values in the CRA, staff recommends prohibiting Call Centers within the CRA.

Staff defines call centers as an establishment primarily engaged in answering telephone calls and relaying messages to clients or in initiating or receiving communications for telemarketing purpose, such as promoting clients' products or services, taking orders for clients, or soliciting contributions or providing information for clients.

The objective of this request is not to prohibit call centers from our City entirely. Call Centers would still be allowed in Business General Commercial (BGC) zoning districts outside of the CRA.

The Planning & Appeals Board recommended the City Council approve the Ordinance for Land Development Code amendment (Section 5.5) to prohibit Call Centers in the Community Redevelopment Area (CRA) at their regular meeting on September 20, 2023.

Staff recommends the City Council approve the first reading of Ordinance No. 2023-16. 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.

ORDINANCE NO. 2023-16

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, 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 underling 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 are an abundance of Call Centers within the CRA which have demonstrated rapid growth which contribute to parking and traffic issues as well as zoning conflicts with adjacent established uses which can impede redevelopment efforts; and

WHEREAS, prohibiting Call Centers in 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 and Appeals Board, held a public hearing on the 20th day of September 2023, 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 that encourage regular congregation of homeless populations.
 - k. Massage therapist establishments except:
 - 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.

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 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 26th day of September 2023 at a regular meeting of the City Council of the City of South Daytona.

APPROVED AND ADOPTED upon second and final reading on the 10th day of October 2023 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