

City of South Daytona
Community Development Department

1672 S. Ridgewood Avenue • South Daytona, FL 32121 • 386/322-3022 • Fax 386/322-3018



MEMORANDUM

To: James L. Gillis Jr.
City Manager

From: S. Laureen Kornel, AICP
Community Development Director

Date: August 4, 2021

Re: First Reading of Ordinance No. 2021-11 Land Development Code Amendment: Clarifying accessory uses and structures and clarifying sheds, adding regulations for garages, and prohibiting bike washes, small box discount stores and liquor stores within the CRA.

AGENDA ITEM

Item # D17

Date: August 10, 2021

Introduction

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:

Amendment #	LDC Section	Proposed Amendment
(1)	5.6	Clarify accessory uses and structures.
(2)	5.6	Clarify sheds are not required to be the same building material, color, or shape as the principal structure and require Homeowner Association approval (if applicable).
(3)	5.6	Add garage regulations where none have existed to limit the maximum square footage of a garage.
(4)	5.6	Prohibit bike washes within the boundaries of the Community Redevelopment Area (CRA).
(5)	5.5	Prohibit Small Box Discount Store within the CRA.
(6)	5.5	Prohibit Liquor Stores within the CRA.

Please note, Item 5 (Prohibiting shipping containers) listed in the original Planning and Appeals Board staff report was tabled at the Planning and Appeals Board meeting and will not be included with the proposed Ordinance 2021-11 at this time. The subsequent proposed amendments have been re-numbered for the purpose of the City Council Memorandum.

Background

Over time there are minor updates to the LDC that have been identified as in need of amending. Staff has grouped the proposed amendments under two sections of the LDC. The attached ordinance specifies in strikethrough and underline each of the proposed amendments.

Analysis

The proposed Land Development Amendment is consistent with the City's guiding policy documents as provided in the attached Planning and Appeals Board staff report and attached to this Memorandum. The Planning and Appeals Board met on July 21, 2021, to discuss this item and unanimously voted (7-0) to recommend approval of all items to the City Council, except for the prohibition of the shipping containers which was tabled to the tentatively scheduled August 18, 2021, Planning and Appeals Board for further discussion.

Staff Recommendation

Staff recommends amending Article V, Zoning Regulations, Section 5.6, Supplementary Regulations, and Section 5.5, Schedule of Zoning District Regulations, as specified in strikethrough and underline in the attached proposed ordinance. Attached as Exhibit B is Ordinance 2021-11 which achieves this purpose.

As stated earlier in this Memorandum, the City Council may vote on the amendments individually if desired or the Council may elect to vote on the entire packet as one motion. The proposed amendments are itemized below:

Amendment #	LDC Section	Proposed Amendment
(1)	5.6	Clarify accessory uses and structures.
(2)	5.6	Clarify sheds are not required to be the same building material, color, or shape as the principal structure and require Homeowner Association approval (if applicable).
(3)	5.6	Add garage regulations where none have existed to limit the maximum square footage of a garage.
(4)	5.6	Prohibit bike washes within the boundaries of the Community Redevelopment Area (CRA).
(5)	5.5	Prohibit Small Box Discount Store within the CRA.
(6)	5.5	Prohibit Liquor Stores within the CRA.

Attachments: Attachment A – July 21, 2021, Planning and Appeals Board Staff Report
Attachment B - Ordinance 2021-11

ATTACHMENT 1

Planning and Appeals Board Staff Report

STAFF REPORT

City of South Daytona Community Development Department

DATE: July 14, 2021

SUBJECT: Administrative Land Development Code Amendment: clarifying accessory uses and structures and clarifying sheds, adding regulations for garages, and prohibiting bike washes, small box discount stores and liquor stores within the CRA and shipping containers throughout the City.

APPLICANT: Administrative (City initiated)

NUMBER: LDC 2021-16

PROJECT PLANNER: S. Lauren Kornel, AICP, Community Development Department and Patty Rippey, AICP, Redevelopment Director

INTRODUCTION: 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:

Amendment #	LDC Section	Proposed Amendment
(1)	5.6	Clarify accessory uses and structures.
(2)	5.6	Clarify sheds are not required to be the same building material, color, or shape as the principal structure and require Homeowner Association approval.
(3)	5.6	Add garage regulations where none have existed to limit the maximum square footage of a garage.
(4)	5.6	Prohibit bike washes within the boundaries of the Community Redevelopment Area (CRA).
(5)	5.6	Reinforce the prohibition of shipping containers (Conex containers) throughout the entire City of South Daytona.
(6)	5.5	Prohibit Small Box Discount Store within the CRA.
(7)	5.5	Prohibit Liquor Stores within the CRA.

BACKGROUND: Over time there are minor updates to the LDC that been identified as in need of amending. Staff has grouped the amendments under two sections of the LDC. The staff report specifies in strikethrough and underline each of the proposed amendments under the analysis section of this report. The Planning and Appeals Board

may vote on the amendments individually if desired or elect to vote on the entire amendments in whole.

Analysis:

Amendment 1: Modifying General regulations for Accessory Uses and Structures

LDC Reference	Amendment
Article V, Zoning Regulations, Section 5.6, Supplementary regulations	<p><u><i>In general.</i> Accessory structures and uses are permitted in conjunction with any principal use, provided that they are recognized as clearly incidental and subordinate to the principal use and do not alter the characteristics of the lots.</u> Regulations under this section shall apply to all zoning districts and to all buildings, structures, and uses of land or water in all zoning districts except as may otherwise be provided in the following regulations:</p> <p>A. <i>Accessory uses and structures.</i> Specific uses and structures, except for fences and walls, which are covered under a separate section of this Code, shall be additionally governed by the following regulations <u>unless otherwise specified within this article:</u></p> <ol style="list-style-type: none"><u>1. No accessory structure or use shall be permitted on any lot which does not have an existing or permitted principal use or structure.</u><u>2. All accessory uses are required to be located on the same lot as the principal structure or use.</u><u>3. No accessory structure or use shall be permitted in any platted easement, unless otherwise specifically permitted by the easement dedication. Fences may be located within certain easements with the condition that if the fence is required to be removed, the property owner is solely responsible for replacement of the fence.</u><u>4. Unless otherwise expressly permitted in this section, any structure with a hard roof is required to meet the principal building setbacks for the respective zoning district.</u><u>5. All accessory structures require the issuance of building permits by the city building department.</u>

	<p><u>64.</u> <i>Setback encroachments for uses and structures other than sheds.</i> No accessory use or structure shall be located in any required front yard or in any required side or rear yard except as provided for below:</p> <ul style="list-style-type: none"> a. Accessory structures may be located no closer than five feet from the rear property line. b. Air conditioner compressors may extend three and one-half feet into a required yard. In no case should this encroachment exceed 50 percent of the required setback. c. Roof overhangs may extend three feet into a required yard. In no case should this encroachment exceed 50 percent of the required setback. d. Structures which are not enclosed by walls or roofs may be allowed in any required side or rear yards as long as a minimum distance of five feet from the lot line is maintained, except that driveways, concrete pads, sidewalks, etc. may be closer than five feet from the lot line if the chief building official determines that proper drainage can be maintained. e. In all residential districts, the height of accessory structures shall not exceed 15 feet. f. <u>Accessory structures and uses in nonresidential zoning districts shall be required to meet the principal building setbacks for the subject property.</u>
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The purpose of this amendment is to update and clarify Accessory uses and structures to improve the facilitation of land use throughout the City. The current interpretation of this section of the LDC is reflective of the proposed policies and is a codification of current practices.

Amendment 2: Modifying Shed regulations

Article V, Zoning Regulations, Section 5.6, Supplementary regulations, Subsection A.(2)	<p><u>72.</u> <i>Setback encroachments and number and size limitations for sheds.</i></p> <ul style="list-style-type: none"> a. No shed shall be located in the front yard or side corner yard of a residential property. b. A shed may be located in the rear yard but no
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	<p>closer than five feet from the rear property line.</p> <p>c. A shed may be located in the side yard of a residential property provided that it does not encroach into the required side yard setback.</p> <p>d. The number of sheds on a residential property is limited to two.</p> <p>e. The combined total footprint area of all sheds, including existing ones, on a residential property shall not exceed 200 square feet. <u>A shed greater than 200 square feet shall be considered a garage and shall be subject to the requirements of a garage.</u></p> <p>f. Sheds in zoning districts other than residential shall not be located in the required front yard, side yard, or side corner yard.</p> <p>g. No shed shall exceed 11 feet in height.</p> <p>hg. <u>Sheds in residential zoning districts shall not be required to be of the same building material, color, or shape as the principal structure.</u></p> <p>ih. <u>If the property is governed by a Home Owner's Association, then written approval from the Home Owner's Association will be required.</u></p> <p>jh. "Side corner yard" is defined as that portion of the yard behind the front yard that lies between the plane of the side of the house and the paved street which it faces.</p> <p>kj. "Side yard" is defined as that portion of the yard behind the front yard that lies between the side of the house and adjoining side lot line with the neighboring property.</p> <p>lk. "Shed" is defined as any storage structure that is either attached to or detached from the principal structure and designed primarily for storage of small items such as yard equipment, tools, toys, bicycles etc., but the term does not include a garage designed for the storage of automobiles.</p>
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The purpose of this amendment is to allow more flexibility for applicants who may wish to install prefabricated, commercially available, sheds. Currently, the LDC, under Section 5.6(A)(5), Prohibited accessory structures, requires that accessory structures be of the same building material, color, shape and dimension as the principal structure on the same property. This policy as it exists will remain unchanged. Under the shed regulations, the amendment proposes to exempt sheds from the accessory structure requirement to be of the same building material, color, shape and dimension as the principal structure. Additionally, the amendment proposes to require Home Owners Association approval where applicable.

Amendment 3: Adding Garage regulations

<p>Article V, Zoning Regulations, Section 5.6, Supplementary regulations, (A) adding in new Subsection 8 and renumbering subsequent sections.</p>	<p><u>8. Garages. No garage may be enclosed for additional living area, unless an additional garage is constructed or presently exists on the subject property. No garage shall be used as a rental unit or as living quarters. No commercial business shall be permitted in a residential garage. Garages shall be governed by the following regulations:</u></p> <ul style="list-style-type: none"> <u>a. The garage shall not exceed 50% of the total square footage of the principal structure.</u> <u>b. The building setbacks of the garage shall conform to the principal building setbacks of the assigned zoning district.</u> <u>d. Garages shall be of the same building material and finish, color, and shape as the principal house structure on the same property. For example, if the principal structure is constructed with concrete block, then the garage shall be constructed out of concrete block.</u> <u>e. Garages shall have a roof pitch that is consistent with the principal house structure. The pitch of the garage roof is not required to be the same slope as the principal house structure.</u> <u>f. A detached garage shall be located on the same parcel as the principal structure.</u> <u>g. If the property is governed by a Home Owner's Association, then written approval from the Home Owner's Association will be required.</u>
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Recently staff has received recurring requests for large garages. The requests have resulted in a number of citizen complaints from abutting property owners where large garages have been permitted which prompted a review of the accessory uses and structures regulations. Currently the LDC does not contain specific garage regulations and has been applying the general accessory structure regulations to regulate garages without requiring a maximum garage size limit. The general regulations for accessory structures require a 5' rear yard setback not to exceed 15' in height. Accessory structures are required to meet the side yards setback requirements for each respective residential zoning district (typically 7.5 or up to 20' depending on the residential zoning district). Since the general regulations for accessory structures have been used to regulate garages, no maximum garage size limit has been imposed. This can lead to oversized garages which are not in keeping with the scale of typical single-family homes in South Daytona and more appropriate for commercially or industrially zoned properties. The amendment proposes the above garage regulations with the most substantial change being a maximum total square footage requirement not to exceed 50% of the total square footage of the principal structure. As a rule of thumb, most

Code's in this area customarily impose garage regulations with a maximum building square footage.

Amendment 4: Prohibiting bike washes within the CRA

Article V, Zoning Regulations, Section 5.6, Supplementary regulations, renumbering 4. <i>Special events</i> to 10. and adding item [7].	[7] <u>Motorcycle/car wash events shall be prohibited within the boundaries of the Community Redevelopment Area.</u>
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The purpose of this amendment is to prohibit bike washes within the CRA. Staff is anticipating bike washes will be requested in the future during special event times such as bike weeks. Bike washes have the potential to substantially interrupt the safe and orderly movement of vehicular and pedestrian traffic. Expected attendance can exceed parking availability with an inadequate end result to accommodate attendance. Additionally, bike wash activities are inconsistent with the overall vision of the CRA to improve the visual quality of the CRA.

Amendment 5: Prohibiting storage shipping contains (Conex containers)

Article V, Zoning Regulations, Section 5.6, Supplementary regulations, renumbering 5. Prohibited accessory structure to 11.	b. Any structure that is inconsistent and/or incompatible with the surrounding structures. Examples of such structures would include but not limited to: Igloos, domes or geodesic domes, teepees, log cabins, western "false fronts", medieval castles, caves, <u>storage shipping containers (conex containers)</u> , and other structures of a similar architectural oddity.
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The purpose of this amendment is to reinforce the prohibition of storage shipping containers, throughout the City of South Daytona, to reduce unsightly property conditions that threaten to depreciate the value of surrounding property. Section 5.6, Supplementary Regulations, Subsection 5. Prohibited accessory structures, requires accessory structures shall be of the same building material, shape, color, shape and dimension as the principal structure on the same property. This existing language currently prohibits shipping containers. Recently, staff has seen an influx of shipping containers showing up in the City. The City has handled removal of shipping containers through code enforcement action. Business owners have complained that if the City Code specifically referenced shipping containers as being prohibited, they would not have purchased the containers. As a result, the proposed language will be added to further clarify and reinforce the prohibition of shipping containers. Prohibiting storage shipping containers throughout the City of South Daytona is a means toward protecting the public health, safety and welfare, and the aesthetic quality of the City.

Amendment 6: Prohibiting small box discount Store within the CRA

<p>Article V, Zoning Regulations, Section 5.5, Schedule of Zoning District Regulations, subsection S. Community redevelopment district overlay, Subsection 3. Permitted Uses, adding m. Small Box Discount Retail</p>	<p><u>m. Small box discount Store.</u></p> <p><u>“Small Box Discount Store” is defined as a retail store that is 16,000 square feet or less in size, which offers for sale a variety of convenience shopping goods and continuously offers the majority of the items in their inventory for sale at a price lower than traditional retail stores, and does not include a pharmacy, does not sell gasoline or diesel fuel, or specialty items and food items as a primary product (i.e., greeting cards, consignment, meats, seafood, cheese, or oils and vinegars).</u></p>
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The purpose of this amendment is to prohibit “Small Box Discount Stores” within the CRA to protect the CRA and the goals set forth in the CRA Master Plan and South Ridgewood Avenue Design Standards, and guiding policy documents including the Comprehensive Plan and the LDC. Development of commercial land uses such as Small Box Discount Stores can have significant economic and social impacts. The character and development pattern can be adversely altered by the approval of Small Box Discount Stores, and such stores have been proliferating throughout the City. The City has concerns that additional Small Box Discount Stores will adversely impact the sound economic growth of the City, as well as the land use trends that are necessary to support sound economic growth. Over concentration of small box discount stores is a reported business strategy of these uses. By saturating communities with multiple outlets, it is more difficult for new grocers and other local business to take root and grow. The proposed regulation to prohibit Small Box Discount Stores serves to protect community character especially within its residential neighborhoods. The proliferation of small box discount stores is inconsistent with the overall vision of the CRA to improve the economics the CRA. Future growth and land development, through proper planning and zoning, to address compatible and sustainable growth are vital to the health, safety and welfare of the residents of the City.

Amendment 6: Prohibiting “Liquor Stores” within the CRA

<p><u>Article V, Zoning Regulations, Section 5.5, Schedule of Zoning District Regulations, subsection S. Community redevelopment district</u></p>	<p><u>n. Liquor Store.</u></p> <p><u>“Liquor Store” is defined as a retail store licensed pursuant to the Beverage Law (Chs. 561-568, Fla. Stat.) with a 3PS quota class alcoholic beverage license or a 4COP quota class alcoholic beverage license, which sells alcohol for off-premises consumption.</u></p>
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<p><u>overlay, Subsection 3.</u> <u>Permitted Uses, adding</u> <u>n. Liquor Stores</u></p>	
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The purpose of this amendment is to add “Liquor Stores” to the list of prohibited uses in the CRA. Development of commercial land uses such as Liquor Stores can have significant economic and social impacts. The CRA Master Plan goals include eliminating slum and blight conditions and reducing crime. Currently, there are two liquor stores located within the CRA district. The CRA continues to have the highest call volume by far as reported in the Annual CRA Report (*note: annual call data provided for three City zones, one being the CRA, by our Police Department*). Oversaturation of liquor store establishments is detrimental to the quality of life of neighborhoods and existing small businesses, as well as retail siting and advertising target disadvantaged communities and youth. Alcohol retail stores are an impediment to highest and best land uses and can adversely alter community character and development pattern. According to the Pacific Institute for Research and Evaluation, a study titled “*How Alcohol Outlets Affect Neighborhood Violence*”, found that in and near neighborhoods where there is a high density of places that sell alcohol, there is a higher rate of violence. Research has proven when bars, liquor stores, and other businesses that sell alcohol are in close proximity, more assaults and other violent crimes occur. Furthermore, the Centers for Disease Control and Prevention, Alcohol and Public Health, “*Community Strategies to Reduce Excessive Alcohol Use*” fact sheet recommends the regulation of alcohol outlet density in an area, thereby reducing harms from excessive alcohol use, including deaths, and other related harms such as motor vehicle crashes. The proposed amendment is necessary to plan for future growth and land development through proper planning and zoning to ensure compatible and sustainable growth vital to the health, safety and welfare of the residents of the City.

CONCLUSION: In accordance with *Section 3.2(J)(1)* of the LDC, there are certain criteria that must be evaluated before adoption of a LDC amendment. The Planning & Appeals Board must consider the following criteria when making their recommendation to amend the LDC:

1. Identifies any provision of the LDC, Comprehensive Plan or other law relating to the proposed change and describes how the proposal relates to them.

The proposed amendments are consistent with the Comprehensive Plan and the LDC. Objective 5 of the Future Land Use Element of the Comprehensive Plan supports reviewing and updating the LDC as needed.

2. States factual and policy considerations pertaining to the recommendation.

The purpose of the amendments is to clarify zoning regulations and add criteria for accessory uses where none existed before. There are no other policy

considerations pertaining to the recommendations other than what has been stated in the background and analysis of this report.

3. Includes the written comments, if any, received from the Development Review Committee.

Comments from the Development Review Committee have been incorporated into the proposed amendments.

It is expected that the amendment will be reviewed by the City Council on August 10, 2021 (1st reading) and September 14, 2021 (2nd reading).

RECOMMENDATION: It is recommended that the Planning and Appeals Board recommend **APPROVAL** of LDC 2021-16, to amend Article V, Zoning Regulations, Section 5.6, Supplementary Regulations, and Section 5.5, Schedule of Zoning District Regulations, as specified in ~~strikethrough~~ and underline in the analysis of this report.

As stated earlier in this report, the Planning and Appeals Board may vote on the amendments individually if desired or the Board may elect to vote on the entire packet as one motion. The proposed amendments are itemized below:

Amendment #	LDC Section	Proposed Amendment
(1)	5.6	Clarify accessory uses and structures.
(2)	5.6	Clarify sheds are not required to be the same building material, color, or shape as the principal structure and require Homeowner Association approval.
(3)	5.6	Add garage regulations where none have existed to limit the maximum square footage of a garage.
(4)	5.6	Prohibit bike washes within the boundaries of the Community Redevelopment Area (CRA).
(5)	5.6	Reinforce the prohibition of shipping containers (Conex containers) throughout the entire City of South Daytona.
(6)	5.5	Prohibit Small Box Discount Store within the CRA.
(7)	5.5	Prohibit Liquor Stores within the CRA.

ATTACHMENT 2

Ordinance No. 2021-11

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING THE CITY OF SOUTH DAYTONA LAND DEVELOPMENT REGULATIONS ARTICLE V., ZONING REGULATIONS, SECTION 5.5., SCHEDULE OF ZONING DISTRICT REGULATIONS, PROHIBITING SMALL BOX DISCOUNT STORES AND LIQUOR STORES WITHIN THE COMMUNITY REDEVELOPMENT AREA; AMENDING SECTION 5.6, SUPPLEMENTARY REGULATIONS, CLARIFYING THE REGULATIONS FOR ACCESSORY USES AND STRUCTURES; PROVIDING REGULATIONS FOR SHEDS AND GARAGES; PROHIBITING MOTORCYCLE AND CAR WASH SPECIAL EVENTS IN THE COMMUNITY REDEVELOPMENT AREA; RENUMBERING SUBSECTIONS; AND 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 District 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 in the Community Redevelopment District; and

WHEREAS, the Community Redevelopment District Overlay established in 2008 provides for the application of specific regulations modifying the underlying zoning regulations within the Community Redevelopment District; and

WHEREAS, the Community Redevelopment District Overlay was established to enhance the quality and improve property values in the redevelopment district; and

WHEREAS, the permitted uses within the Community Redevelopment District Overlay shall be the same as the underlying 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 Community Redevelopment District; and

WHEREAS, the addition of prohibited uses in the Community Redevelopment District has received a unanimous and favorable recommendation from the Planning and Appeals Board; and

WHEREAS, currently the City of South Daytona addresses sheds in its *Land Development Code*; and

WHEREAS, the City of South Daytona does not currently contain standards for the building of garages in its *Land Development Code*; and

WHEREAS, the City of South Daytona desires to amend the standards for the building of sheds and create standards for garages in of its *Land Development Code*; and

WHEREAS, the City of South Daytona Planning and Appeals Board, serving as the local planning agency, held a public hearing on the 16th day of July, 2021, 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 approval of Ordinance No. 2021-11 to the City of South Daytona City Council; 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 the amendment 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," and Section 5.6., entitled "Supplementary regulations," as follows:

ARTICLE V. - ZONING REGULATIONS

Sec. 5.5. Schedule of zoning district regulations.

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.

m. Small box discount stores.

(i) Definition.

"Small Box Discount Store" is defined as a retail store that is 16,000 square feet or less in size, which offers for sale a variety of convenience shopping goods and continuously offers the majority of the items in their inventory for sale at a price lower than traditional retail stores, and does not include a pharmacy, does not sell gasoline or diesel fuel, or specialty items and food items as a primary product (i.e., greeting cards, consignment, meats, seafood, cheese, or oils and vinegars).

n. Liquor stores.

(i) Definition.

"Liquor Store" is defined as a retail store licensed pursuant to the Beverage Law (Chs. 561-568, Fla. Stat.) with a 3PS quota class alcoholic beverage license or a 4COP quota class alcoholic beverage license, which sells alcohol for off-premises consumption.

Sec. 5.6. - Supplementary regulations.

In general. Accessory structures and uses are permitted in conjunction with any principal use, provided that they are recognized as clearly incidental and subordinate to the principal use and do not alter the characteristics of the lots. Regulations under this section shall apply to all zoning districts and to all buildings, structures, and uses of land or water in all zoning districts except as may otherwise be provided in the following regulations:

- A. *Accessory uses and structures.* Specific uses and structures, except for fences and walls, which are covered under a separate section of this Code, shall be additionally governed by the following regulations unless otherwise specified within this article:

1. No accessory structure or use shall be permitted on any lot which does not have an existing or permitted principal use or structure.

2. All accessory structures are required to be located on the same lot as the principal structure or use.

3. No accessory structure or use shall be permitted in any platted easement, unless otherwise specifically permitted by the easement dedication. Fences may be located within certain easements with the condition that if the fence is required to be removed as a result of the existing easement, the property owner is solely responsible for replacement of the fence.

4. Unless otherwise expressly permitted in this section, any structure with a hard roof

is required to meet the principal building setbacks for the respective zoning district.

5. All accessory structures require the issuance of building permits by the city building department.

6. ~~1.~~ Setback encroachments for uses and structures other than sheds.

7. ~~2.~~ Setback encroachments and number and size limitations for sheds.

a. No shed shall be located in the front yard or side corner yard of a residential property.

b. A shed may be located in the rear yard but no closer than five feet from the rear property line.

c. A shed may be located in the side yard of a residential property provided that it does not encroach into the required side yard setback.

d. The number of sheds on a residential property is limited to two.

e. The combined total footprint area of all sheds, including existing ones, on a residential property shall not exceed 200 square feet. A shed greater than 200 square feet shall be considered a garage and shall be subject to the requirements of a garage.

f. Sheds in zoning districts other than residential shall not be located in the required front yard, side yard, or side corner yard.

g. No shed shall exceed 11 feet in height.

h. Sheds in residential zoning districts shall not be required to be of the same building material, color, or shape as the principal structure.

i. If the property is governed by a Home Owner's Association (HOA), then written approval from the HOA is required.

j. ~~i.~~ "Side corner yard" is defined as that portion of the yard behind the front yard that lies between the plane of the side of the house and the paved street which it faces.

k. ~~j.~~ "Side yard" is defined as that portion of the yard behind the front yard that lies between the side of the house and adjoining side lot line with the neighboring property.

l. ~~k.~~ "Shed" is defined as any storage structure that is either attached to or detached from the principal structure and designed primarily for storage of small items such as yard equipment, tools, toys, bicycles etc., but the term does not include a garage designed for the storage of automobiles.

8. Garages. No garage may be enclosed for additional living area, unless an additional garage is constructed or presently exists on the subject property. No garage shall be used as a rental unit or as living quarters. No commercial business shall be permitted in a residential garage. Garages shall be governed by the following regulations:

- a. The garage shall not exceed 50% of the total square footage of the principal structure.
- b. The building setbacks of the garage shall conform to the principal building setbacks of the assigned zoning district.
- c. Garages shall be of the same building material, color, and shape as the principal house structure on the same property. For example, if the principle structure is constructed with concrete block, then the garage shall be constructed out of concrete block.
- d. Garages shall have a roof pitch that is consistent with the principal house structure. However, the pitch of the garage roof is not required to be the same slope as the principal house structure.
- e. A detached garage shall be located on the same parcel as the principal structure.
- f. If the property is governed by a Home Owner's Association (HOA), then written approval from the HOA is required.

9. 3. Outside storage.

10. 4. Special events. There are two types of special events, site-specific special events and community-wide special events. All special events that are not community-wide special events shall be classified as site-specific special events. Site-specific special events shall be limited to 30 days per year with no more than one site-specific special event per quarter. However, all 30 days may be used in a single special event. For parcels with multiple licensed businesses, the limitation for site-specific special events shall be allowed for each lawfully licensed business. Community-wide special events and the duration of such special events shall be designated annually by the city council. For parcels with multiple licensed businesses, community-wide special events shall be reviewed based on the entire parcel. If more than one licensed business wants to engage in special event activity during a community-wide special event, the businesses or the property owner must coordinate the special event activities, including site planning and layout. Motorcycle/car wash events are prohibited within the boundaries of the Community Redevelopment Area. Special events shall be reviewed and approved subject to the provisions below:

11. 5. Prohibited accessory structures.

SECTION 3. Applicability. This ordinance shall not apply to applications for development approval for a project for which a pending application for a zoning approval, site plan approval, building permit, or other development order has been submitted to the City before the date the proposed revisions contained in this ordinance first appeared on

an agenda of the Planning and Appeals Board (July 16, 2021).

SECTION 4. 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 5. 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; provided, however, that Sections 1, 3, 4, 5, 6, 7, and 8 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 6. Conflicts. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. 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 8. Effective Date. This Ordinance shall take effect immediately upon enactment.

APPROVED upon first reading on the 10th day of August, 2021 at a regular meeting of the City Council of the City of South Daytona.

APPROVED AND ADOPTED upon second and final reading on the __ day of ____, 2021 at the regular meeting of the City of South Daytona City Council.

CITY OF SOUTH DAYTONA:

ATTEST:

James L. Gillis, Jr., City Manager

William C. Hall, Mayor

CERTIFIED AS TO FORM:

Wade C. Vose, City Attorney