

MINUTES
SOUTH DAYTONA
PLANNING AND APPEALS BOARD
Regular Meeting

June 16th, 2021

6:00 P.M.

South Daytona City Council Chambers
1672 South Ridgewood Avenue
South Daytona, FL

PURSUANT TO SECTION 286.0105 FLORIDA STATUTES, if an individual decides to appeal any decisions made with respect to any matter considered at a meeting or hearing, that individual will need a record of the proceeding and will need to ensure that a verbatim record of the proceeding is made. The City does not prepare or provide a verbatim record of the proceedings.

In accordance with the American Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in the proceedings should contact the City of South Daytona's Deputy City Clerk at (386) 322-3011 for assistance at least 48 hours before the date of the meeting.

I. CALL TO ORDER AND ROLL CALL

Members Present

Abe Agront, Chairman
David Beery
Marian (Sam) Buckman
Rick Jackson
Jerry Masters

Staff Present

Les Gillis, City Manger
John Cary, City Attorney
S. Laureen Kornel, Comm. Dev. Director
Amber Kraft, Recording Secretary

Members Excused

Phil Trimarchi, Vice-Chairman
Ari Morse

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF THE MINUTES: April 21st and May 19th, 2021

Ms. Buckman made a motion to approve the April 21st and May 19th, 2021, meeting minutes. Mr. Jackson seconded the motion. Hearing no objections, the minutes were unanimously approved. (5-0).

IV. DISCLOSURE OF EXPARTE COMMUNICATION

None disclosed.

V. PUBLIC HEARINGS

A. COO 2021-12: Temporary Urban Chicken Pilot Program Code of Ordinances Amendment – Chapter 4, Article 1 sections 4-9 and 4-13

Ms. Kornel presented case COO 2021-10, a Code of Ordinances Amendment to amend Article III, Chapter 3.5 of the Code of Ordinances to allow a Temporary Urban Chicken Pilot Program for one year for the keeping of chickens on residential lots under certain conditions for no more than 10 households and limiting the keeping of chickens to one active temporary chicken permit on any given street.

This item was previously reviewed by the Board at the May 21st, 2021, Planning and Appeals Board (PAB) meeting. A copy of the original staff report is attached to the Board's memo. The PAB at the May 21st meeting asked staff to add additional sanitation language and discussed distance requirements for notification. A revised ordinance was also included with the Board's memo. New sanitation language has been added. Based on previous discussions staff made a recommendation for a 250' notice requirement. In addition, staff added language proposing that the Pilot Program not apply throughout the Community Redevelopment Area which is consistent with the vision of the CRA to improve visual quality.

Mr. Jackson asked Ms. Kornel to further define the boundaries of the Community Redevelopment Area (CRA). Ms. Kornel generally defined the CRA limits as being from the North end of the City, to the South end of the City, and East of the railroad to the river.

Ms. Kornel explained that staff included an aerial in the staff memorandum showing the various distance options for the notification requirements that were discussed at the previous meeting. A 100' radius requirement is essentially the same as staff's original recommendation for all abutting property owners to be notified. For an average residential lot as shown in the aerial provided in the staff memorandum, notice would equate to roughly 8 properties. A 200' radius would equate to roughly 12 properties while a 250' radius would include roughly 14 properties. Based on previous discussions staff has recommended 250' though the Board is welcome to make any other recommendation they wish. If approved by the City Council, the Pilot Program will expire on August 31, 2022. A decision will be made at that time as to whether the Council will support the adoption of permanent regulations.

Mr. Beery asked staff for a justification for the staff recommended 250' radius. Ms. Kornel stated the recommendation for 250' was based on the Board discussions from the previous meeting. Mr. Gillis added that a 250' radius is reasonable in consideration of potential odor and noise.

Mr. Masters stated he agreed with Mr. Beery that the 250' seemed to be excessive and asked where the radius will be measured from. Ms. Kornel explained that notification is measured from the subject property boundaries.

Mr. Gillis added he once conducted an experiment with the lift stations. There are occasional times an odor might come from the lift stations. Mr. Gillis stated in his experience an odor from a lift station can travel between 200' and 250' until the odor dissipates to the point where it can no longer be detected.

Mr. Jackson asked from a policing standpoint if when the permit application has been applied, whether an inspector will inspect the coop to make sure it is built correctly. Ms. Kornel answered yes, the animal control officer has the right to go out and inspect the coop before and after a permit is issued. The permit process begins with the animal control division reviewing the permit. If there are issues, then Code Enforcement may follow up

and issue a Notice of Violation if necessary. If the applicant does not correct the violation, then the case would then be reviewed by the Magistrate. Mr. Gillis stated on the chicken permit itself the animal control officer must certify the chicken coop dimensions and that all requirements have been physically inspected. Sign off is required.

Lacy Peek, 2028 Magnolia Avenue, questioned Item G in the proposed ordinance. Ms. Peek asked if inspections are complaint drive. Mr. Gillis responded that inspections are not necessarily complaint driven. The City will have the right to inspect a coop at any time. Ms. Peek asked for clarification if more than one person is listed on a deed would all the names on the deed be required to sign off on a permit request.

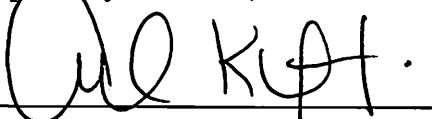
Chairman Agront asked Mr. Cary for clarification as whether all signatures are needed in a case where there is more than one property owner on a deed. Mr. Carey advised that the way the ordinance is written, if the property is owned by multiple owners, then the signatures from all property owners listed on the deed will be required. Chairman Agront further asked what happens when an attempt has been made to get all owner signatures but has failed. Mr. Cary responded that the way the proposed Ordinance is written, the City will not issue a permit without consent from all property owners.

Mr. Jackson made a motion to recommend approval of COO 2021-12 with the proposed revised wording as stated in the staff memorandum with a notification requirement of 200'. Ms. Buckman seconded the motion. Hearing three ayes and two nays, the motion was approved (3-2).

ADJOURNMENT


The meeting was adjourned at 6:45 PM.

Respectfully submitted,



Amber Kraft, Recording Secretary.

ATTEST:



Abe Agront, Chairman

Minutes transcribed by Amber Kraft