

# City of South Daytona

*Redevelopment Department*

Post Office Box 214960 • South Daytona, FL 32121 • 986/322-3016



## MEMORANDUM

## AGENDA ITEM

### Item # 21

**Date: December 14, 2021**

To: James L. Gillis, Jr. City Manager

From: Patty Rippey, AICP, Redevelopment Director

Date: December 2, 2021

Re: Ordinance 2021-13: CRA District Overlay - Adding Prohibited Use of Storage Facilities

**INTRODUCTION:** This is an administrative request to amend the City's Land Development Code, Article V., Zoning Regulations, Section 5.5, Schedule of Zoning District Regulations, S. Community redevelopment district overlay, Subsection 3. Permitted uses, adding o. Storage facilities.

**BACKGROUND:** The City Council created a Community Redevelopment Area (CRA) in 1996 and adopted a redevelopment plan in 1997 for selected areas of the City that urgently needed redevelopment. In 2008, the City Council approved a *community redevelopment district overlay* to provide for the application of specific regulations modifying the underlying zoning regulations within the CRA. The addition of prohibited uses specific only to the CRA fosters quality development in accordance with the vision of the CRA.

**ANALYSIS:** To further support redevelopment efforts, staff recommends adding storage facilities, including mini warehouses, as a prohibited use in the CRA. Prohibiting storage facilities in the CRA promotes the vision of the City Council, the City's Comprehensive Plan, and the CRA Master Redevelopment Plan by reducing unsightly property conditions and uses that threaten to depreciate the value of surrounding property thereby, limiting redevelopment efforts. The desire of the City Council is to encourage and incentivize targeted businesses to locate in the CRA along the U.S.1 corridor. Targeted businesses include professional offices, sit-down restaurants, and quality high-end residential development with amenities to highlight our riverfront location.

The amendment is proposed 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 3.13. C. of this Code.

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.

**RECOMMENDATION:** Staff recommends **APPROVAL** of Ordinance 2021-13, to amend Article V, Zoning Regulations, Section 5.5, Schedule of Zoning District Regulations, as specified in strikethrough and underline in the analysis of this report. The Planning and Appeals Board unanimously recommended approval of this amendment on November 17, 2021. This is the first of two public hearings held by the City Council. The second public hearing is scheduled for January 11. 2022.

## **ORDINANCE NO. 2021-13**

**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**, storage facilities, including mini warehouses, can contribute to blight and unsightly property conditions, depreciate the value of surrounding properties, and impede redevelopment efforts; and

**WHEREAS**, prohibiting storage facilities, including mini warehouses, 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 17<sup>th</sup> day of November 2021, 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 ~~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 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:

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*S. Community redevelopment district overlay.*

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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:

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- l. Smoke shop/tobacco store, e-cigarette/vape shop, smoking bar/lounge.

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- 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.

**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 14<sup>th</sup> day of December 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 11<sup>th</sup> day of January 2022 at the regular meeting of the City of South Daytona City Council.

CITY OF SOUTH DAYTONA:

ATTEST:

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William C. Hall, Mayor

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James L. Gillis, Jr., City Manager

CERTIFIED AS TO FORM:

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Wade C. Vose, City Attorney