

# City of South Daytona

## Code Compliance

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3025



### MEMORANDUM

To: James L. Gillis, Jr., City Manager  
From: Josh McEnany, Code Compliance Manager  
Re: Consideration of Ordinance No. 2023-04, establishing a time limit of 30 minutes for parking, loading, unloading, towing, and fueling of oversized vehicles and equipment within the US 1 Overlay District.  
Date: February 9, 2023

The attached proposed Ordinance No. 2023-04 establishes a time limit of 30 minutes for parking, loading, unloading, towing, and fueling of oversized vehicles and equipment within the US 1 Overlay District.

**Background:** The City Council adopted a redevelopment plan in 1997 creating a Community Redevelopment Area (CRA) to improve the appearance and quality of commercial activity in the CRA. Furthermore, the Community Redevelopment District Overlay established in 2008 provides for the application of specific regulations modifying the underlying zoning regulations to enhance the quality and improve property values in the CRA/ US 1 Overlay District.

The appearance of oversized vehicles and equipment for an extended period of time can contribute to blight and unsightly property conditions, depreciate the value of surrounding properties, and impede redevelopment efforts. Limiting the time oversized vehicles and equipment can park, load, unload, tow, or fuel within our US 1 Overlay District promotes the vision of the City Council.

The Planning and Appeals Board (PAB) reviewed this item at their meeting on February 8, 2023 and recommended the City Council approve the attached Ordinance.

**Recommendation:** Staff recommends the City Council approve the first reading of Ordinance No. 2023-04 to amend Article VII. – Engineering/Environmental Standards of the Land Development Code of the City of South Daytona, Section 7.5. entitled “Traffic/parking management” as follows:

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*B. Parking control.*

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*6. Location of parking spaces.*

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f. Parking standards for commercial zoning districts.

[3] Oversized vehicles and equipment shall be limited to 30 minutes for parking, loading, unloading, towing, and fueling within the Community Redevelopment Area.

a. Oversized Vehicles or equipment shall be classified as those with a size which exceeds any of the following:

1. 96 inches in height, measured from the road surface to the highest top point, excluding any antennas.
2. 22 feet in length, measured from the most extreme front point to the most extreme rear point, including any bumpers, hitches, or towing devices, etc.
3. 80 inches in body width, excluding any mirrors, fenders, or wheel axle assemblies.
4. Trailers which: exceed 96 inches in height, measured from the road surface to the highest top point; or exceed 16 feet in length, measured from the most extreme front point to the most extreme rear point, including any bumpers, hitches, or towing devices, etc.; or exceed 80 inches in body width, excluding any mirrors, fenders, or wheel axle assemblies.

### **Attachments:**

Proposed Ordinance No. 2023-04

## **ORDINANCE NO. 2023-04**

**AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING THE CITY OF SOUTH DAYTONA LAND DEVELOPMENT REGULATIONS SECTION 7.5 TO PROVIDE A TIME LIMIT ON OVERSIZED VEHICLES AND EQUIPMENT FOR PARKING, LOADING, UNLOADING, TOWING, AND FUELING OF OVERSIZED VEHICLES AND EQUIPMENT WITHIN THE COMMUNITY REDEVELOPMENT DISTRICT OVERLAY, 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 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 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 CRA; and

**WHEREAS**, the appearance of oversized vehicles and equipment for an extended period of time can contribute to blight and unsightly property conditions, depreciate the value of surrounding properties, and impede redevelopment efforts; and

**WHEREAS**, limiting the time oversized vehicles and equipment can park, load, unload, tow, or fuel within 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 8<sup>th</sup> day of February 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 ~~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 VII. – Engineering/Environmental Standards of the Land Development Code of the City of South Daytona, Section 7.5. entitled “Traffic/parking management” as follows:

\*\*\*

B. *Parking control.*

\*\*\*

6. *Location of parking spaces.*

f. Parking standards for commercial zoning districts.

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4. Trailers which: exceed 96 inches in height, measured from the road surface to the highest top point; or exceed 16 feet in length, measured from the most extreme front point to

the most extreme rear point, including any bumpers, hitches, or towing devices, etc.; or exceed 80 inches in body width, excluding any mirrors, fenders, or wheel axle assemblies.

**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 February, 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 \_\_\_\_ day of \_\_\_\_\_ 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:

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Wade C. Vose, City Attorney