

A G E N D A
SOUTH DAYTONA
PLANNING AND APPEALS BOARD
Regular Meeting

June 3, 2020, 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**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
 - A. APPROVAL OF THE MINUTES:** March 18, 2020
- IV. DISCLOSURE OF EXPARTE COMMUNICATION**
- V. PUBLIC HEARINGS**
 - A. SE 2020-05: Special Exception, Elite Auto Services, LLC
2325 S. Ridgewood Avenue**

This is a request for a Special Exception by Michael J. Woods, applicant and authorized agent acting on behalf of Stephen M. Wallace, Property Owner, for a Special Exception to allow automotive parts service and installation at the property located at 2325 South Ridgewood Avenue. The subject property is zoned BGC (Business General Commercial) which provides for automotive parts service and installation as a Special Exception under certain conditions. The proposed use would be conducted in a fully enclosed building and **no additional building or site construction is proposed** as part of the Special Exception application.

- B. LDC 2020-06: Land Development Code Amendments, 1. Deletion of Certified Mail requirement, 2. Registered Landscape Architect requirement, and 3. Addition of paved drive isle requirement.**

This is an administrative request for the following three Land Development Code (LDC) amendments:

- 1. Amend *Article III, Section 3.1 General provisions under subsection (D) Notification* to remove the requirement for certified mail notification to abutting property owners and to change the certified mail requirement to require regular mail unless otherwise required by State Statute;

2. Amend *Article III, Section 3.6 Development plan submittal requirements under subsections (E)(2)(f) Landscaping* to require Landscape Plans be prepared by a Registered Landscape Architect;
3. Amend *Article VII, Section 7.5 Traffic/parking management under subsection (B)(1) Parking and loading* to clarify that for all new construction off-street parking areas shall be hard surfaced with concrete or asphalt; and
4. Amend *Article V, Section 5.6 Supplementary Regulations under subsections (A)(3)(b) Industrial zones* to create subsection [5] and amend; and, to amend *Article VII, Section 7.5 Traffic/parking management under subsection (B) Parking control* to create a new subparagraph (8) called *Required surface for accessways, driveways and drive aisles* after subparagraph (7) *Buffering, surfacing and lighting requirements*, and renumbering subsequent sections accordingly to require that drive aisles in commercial and industrial zoning districts be hard surfaced with concrete or asphalt.

VI. OTHER BUSINESS AND DISCUSSION ITEMS

VII. MEMBER COMMENTS

VIII. ADJOURNMENT

M I N U T E S
SOUTH DAYTONA PLANNING AND APPEALS BOARD
Regular Meeting

February 19, 2020

6:00 PM

City Council Chambers
1672 South Ridgewood Avenue
South Daytona, FL 32121

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING & APPEALS BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COUNCIL MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 386-322-3011 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

I. CALL TO ORDER AND ROLL CALL (Recording Secretary)

Members Present

Eric Sander, Chair
Abe Agront, Vice Chair
David Beery
Marian (Sam) Buckman

Staff Present

James L. Gillis Jr., City Manager
S. Laureen Kornel, Community Dev. Dir.
Scott Simpson, City Attorney
Lauren Rizzo, Recording Secretary

Members Excused

Phil Trimarchi

Members Absent

Jerry Masters
Ari Morse

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

January 15, 2020

Vice-Chair Agront mad a motion to approve the January 15, 2020 Meeting Minutes. Mr. Berry second the motion. Hearing no objections, the minutes were unanimously approved (4-0).

IV. DISCLOSURE OF EXPARTE COMMUNICATION

None disclosed.

V. PUBLIC HEARINGS

Consider recommendation of amending the Land Development Code to update the sign code and associated special event regulations as follows:

- A. Amendment #1:** Adding and repealing language to Article VIII General Design Standards, Section 8.2 Sign Regulations, A. Statement of Purpose, C. Definitions, D. Permits required, Exempt Signs, F. General, G. Permitted signs, H. Temporary signs, and I. Miscellaneous sign regulations.

Ms. Patty Rippey, Redevelopment Director, came to the podium. Ms. Rippey stated sign language was last brought before the Land Development Code in 2018. Since that time, there has been no changes within the city and staff has been working to revise the amendment. In the spirit of transparency and given the time lapse and additional changes by staff, the amendment has been brought back to the Planning and Appeals Board for their review and recommendations to the City Council. The goal of the amendment is to improve visual aesthetics along the commercial corridors in South Daytona, Ms. Rippey continued. Recommended changes were provided in each member's agenda packet. To summarize, there are ten topics for the Board's consideration as follows:

- 1. Window Signage 20%** - Staff researched other city codes on window coverage and it was found that a maximum of 20% window coverage was a common standard.
- 2. Window coverage** - Window coverings not manufactured specifically for signage or window treatments will need to be removed.
- 3. A-Frame Sign** – A-frame signs were permitted in the past by the street but not allowed in the Right-of-Way. The change requested is to remove the ability to have an A-frame sign by the street with the new requirement of ten feet from the business doorway.
- 4. Vehicle Signage** – Clarification of the definition of vehicle signage and formation of criteria mandating that vehicles must be operable and insured. The signage must be permanently affixed to the vehicle and legally parked.
- 5. Temporary Signage** – The city became aware last year no guidelines have been set for signage of new construction and promotional signs.
- 6. Prohibited Signs** – Prohibiting string lights, rope lighting, neon rope lighting, roof signs, hand painted signs and human directional signs.
- 7. Window Tint** – If window tint or perforated window coverings obscure 100% of the window, the main entry door must remain clear and unobstructed. Window tint with writing or images will be considered signage and can only cover a maximum of 20% of the window.
- 8. Special Event Advertising** – A Special Event permit must be permitted and issued. A site plan must be submitted with the application. The total number of temporary signs is limited to one

every 50 feet of road frontage, with corner or double frontage allowed three signs. Signage can be set out two days prior to an event and removed two days after.

9. **Wall signage** – Adding murals is considered wall signage including awnings as part of overall signage.
10. **Flags** – To establish criteria for flag signs at one per 100 feet of frontage. All parcels are allowed up to three flag signs.

With this body's recommendation the next step will be to take the recommended changes before city council for approval.

Vice-Chair Agront had two questions: Would a Home-Owners Association Subdivision (HOA) or Apartment Building Complex apply for one sign for each side of the entrance? Secondly, should garage sale signs be allowed one sign for property and two off site property signs? Member Beery agreed with the idea of two off site garage sale signs. A discussion on placement of a sign in the Right-of-Way and the amount of garage signs allowed and placement of garage sale signs ensued.

Ms. Rippey stated she would research HOA/Apartment complex entrance signage codes in reference to permit applications. Stating signage would be discussed during the planning stages of development and considerations would be done at that time.

Under Amendment #1, Vice-Chair Agront made a motion to allow temporary signs in the Right-of-Way. Mr. Beery seconded the motion. Vote was called, and the motion failed (2-2).

Discussion continued. City Attorney Simpson stated the city can regulate time, space and manner of signs but the Land Development Code would need to stay content neutral. Ms. Rippey added the current code allows one professional sign per lot.

Vice-Chair Agront made a motion to change the code allowing two off premise garage sale signs. Mr. Beery seconded the motion. Vote was called, and the motion as approved (4-0).

Vice-Chair Agront made a motion to approve Amendment #1: Adding and repealing language to Article VIII General Design Standards, Section 8.2 Sign Regulations, A. Statement of Purpose, C. Definitions, D. Permits required, Exempt Signs, F. General, G. Permitted signs, H. Temporary signs, and I. Miscellaneous sign regulations. Ms. Buckman seconded the motion. Vote was called, and the motion was approved (4-0).

- B. Amendment #2:** Adding and repealing language in the Land Development Code, Article V. Zoning Regulations, Section 5.6 Supplementary Regulations, (A.)(4). Other outdoor events and activities, (P.)(4.) Itinerant Merchant activities, Definitions, (P.)(6.) Biketoberfest, (P.)(8.) Other special events and adopting new section 5.6 (A.)(4.) Special events, adopting application review procedures, enforcement procedures and regulations for itinerant merchants.

Ms. Rippey addressed the Board with attachments and details provided in the agenda packet. The last time special events were reviewed was in 2018 by the Land Development Regulation Board and no changes have been made since. The purpose of this amendment is to modernize and to ensure consistency with the sign code for special events increasing time frame and clarifying types of events. One of the significant changes will be the creation of three types of special events as follows:

- (1) Community-wide special events, for examples, Bike Week, and the Turkey Rod Run set by Resolution adopted by City Council on an annual basis;
- (2) Site-Specific special events for examples, a Grand Opening, or a Going Out of Business; and

(3) Exempt special events, for examples, Grillers Gone Wild, and an Easter Egg Hunt

Previously, special events permitting was limited only during major sanctioned racing events. Presently, 30 days are allocated annually for special events, including itinerant merchant events. The proposed amendment recommends 30 days for site-specific events and an additional 30 days for county-wide events. The amendment proposes to increase the number of special events allowed, and the actual increase will depend on the number of days designated for community-wide special events by the City Council. Regulations have been reworded to ensure the business is a legitimate operating business to qualify for an itinerant merchant license. It is also proposed food and beverage sales are not limited to not-for-profits organizations, explained Ms. Rippey. The new section, Special Events, will define and create types of events, permitting process, to establish an event review committee, to set standards for events, lengthen time allowable for signage and allow special event vendors/ food trucks to participate during all special events.

City Attorney Scott Simpson added the review process by staff has been strengthened from what it was previously.

Vice-Chair Agront motioned to approve Amendment #2: Adding and repealing language in the Land Development Code, Article V. Zoning Regulations, Section 5.6 Supplementary Regulations, (A.)(4). Other outdoor events and activities, (P.)(4.) Itinerant Merchant activities, Definitions, (P.)(6.) Biketoberfest, (P.)(8.) Other special events and adopting new section 5.6 (A.)(4.) Special events, adopting application review procedures, enforcement procedures and regulations for itinerant merchants. Ms. Buckman seconded the motion. Vote was called, and the motion was approved (4-0).

VII. OTHER BUSINESS AND DISCUSSION ITEMS

There was no other business or discussion items.

VIII. MEMBER COMMENTS

No further comments were made.

IX. ADJOURNMENT

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Patty Rippey, Redevelopment Director

ATTEST:

Eric Sander, Chairman

Minutes transcribed by Jay Robinson

STAFF REPORT

City of South Daytona Community Development Department

DATE: June 3, 2020

SUBJECT: 2325 South Ridgewood Avenue, Automotive Parts Service and Installation – Special Exception

APPLICANT: Michael J. Woods, applicant and authorized agent on behalf of Stephen M. Wallace, property Owner

NUMBER: SE 2020-05

PROJECT PLANNER: S. Laureen Kornel, AICP, Community Development Director

INTRODUCTION:

This is a request for a Special Exception by Michael J. Woods, applicant and authorized agent acting on behalf of Stephen M. Wallace, Property Owner, for a Special Exception to allow automotive parts service and installation at the property located at 2325 South Ridgewood Avenue. The subject property is zoned BGC (Business General Commercial) which provides for automotive parts service and installation as a Special Exception under certain conditions. The proposed use would be conducted in a fully enclosed building and **no additional building or site construction is proposed** as part of the Special Exception application.

BACKGROUND:

The subject property is located within the City's Community Redevelopment Area and is zoned BGC which allows automotive parts service and installation through a Special Exception. The applicant requested a Business Tax Receipt (BTR) earlier this year. As staff was reviewing the BTR, it was discovered that the last active BTR had expired in April 2018. In accordance with Section 3.13(G), *Abandonment of non-conforming uses of land or structures*, if a non-conforming use of land or a non-conforming use of structure has been abandoned for a period of 180 consecutive days, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this Code. Since the BTR had lapsed for greater than 180 days, the applicant is required to apply for a Special Exception to re-establish the use within the BGC zoning district.

According to the Property Appraiser, the property at 2325 South Ridgewood Avenue has been a developed site since 1973 with a 3,104 square foot building that consists of an office and five bay doors suitable for automotive parts service and installation. The building lies on a corner lot facing Ridge Boulevard with an office fronting South Ridgewood Avenue. A six-foot high masonry wall lies along the east side of the subject property separating the property from the adjacent multi-family use. A 34' segment of

Podocarpus hedge lies along the frontage of the property on South Ridgewood Avenue. There exists a gap in landscaping south of the existing pole sign.

The property has historically been used for automotive repair formerly known as Honest-1 Auto Care. As explained by the applicant in their application, the current property owner has been using the property for personal automotive repair on personal vehicles continuously without a BTR. The applicant submitted a survey providing evidence that the subject property has a lot area of 11,333 square feet and is seeking the requested Special Exception to re-establish the automotive parts service and installation use in accordance with the Land Development Code. On May 15, 2020, the property owner was cited by the Code Enforcement Department for violations, including operating without a BTR and inoperable vehicles on the property. Below is a summary of the abutting uses along with their respective land use designations and zoning classifications:

Surrounding Uses with Land Use and Zoning Designations:

North property; Use: convenience store with gas station (vacant); Future Land Use Designation: Commercial; Zoning Classification: BGC (Business General Commercial).

South property; Use: commercial; Future Land Use Designation: Mixed Use-1; Zoning Classification: BGC (Business General Commercial).

East property; Use: multi-family residential; Future Land Use Designation: Mixed Use-1; Zoning Classification: R-3 (Multi-family Residential).

West property; Use: CVS; Future Land Use Designation: Mixed Use-2; Zoning Classification: MX-2 (Mixed Use-2).

There are no site improvements or building expansion associated with the Special Exception application. The applicant would be required to request appropriate permits for any proposed work.

ANALYSIS:

Special Exception Criteria:

In accordance with Section 5.7(B)(2) of the Land Development Code, *Review criteria and requirements*, when reviewing an application for a Special Exception, the Planning and Appeals Board and City Council shall consider the following requirements and criteria when making their recommendation.

- a. Traffic generated and its access and flow to the proposed use shall not adversely impact adjoining properties and the general public safety.**

The subject property is located within a designated Transportation Concurrency Exception Area. It is anticipated that traffic generated by the site and traffic flow around the business will not adversely impact the area and general public safety. The property has historically been used for automotive parts service and installation and

an increase in traffic other than what has historically occurred on the site is not expected.

- b. Off-Street parking, loading, and service areas shall be provided and located such that there is no additional impact on adjoining properties, beyond that generally experienced in the district.**

In accordance with Section 7.5(B)(2)(d), Table 10 Off-street Parking Requirements, the site requires a total of 23 spaces including one ADA space (one space per 200 square feet of retail space, plus 1.5 spaces per automotive bay). The building square footage is roughly 3,104 square feet according to the Property Appraiser website and there are twelve automotive spaces. The total required spaces is greater than the number of spaces provided and does not meet current parking standards for the BGC zoning district. The property is an existing non-conforming property; however, no additional impacts are anticipated beyond that generally experienced in that past when the property was formerly used for automotive parts service and installation. It should be noted that the property was constructed in the early 1970s when the parking space requirement may have been lower. In lieu of the parking requirement, the applicant has agreed to add additional landscaping and irrigation to match the existing landscaping and irrigation along the front of South Ridgewood Avenue to fill in the gap between the existing landscaping on the southwest side of the property to the existing pole sign. An approved site plan showing the additional landscaping is attached to this report.

As conditions of the requested special exception staff recommends the development order specify that additional landscaping and irrigation will be added along the front of the property on South Ridgewood Avenue in accordance with the attached approved site plan; and that no vehicles will be stored outside of the boundaries of the property.

- c. Required yards, screening, or buffering and landscaping shall be consistent with the district in general and specific needs of the abutting land uses.**

The east side or rear of the property abuts multi-family residential and is adequately screened by a 6' masonry wall. The west side (front of the property) along South Ridgewood Avenue is partially landscaped with Podocarpus. The applicant has agreed to add additional landscaping to the greatest extent practical by cutting out a portion of asphalt to extend the landscaping between the gap along the South Ridgewood Avenue right-of-way. The proposed landscaping will match the existing landscaping of Podocarpus, and the applicant has agreed to irrigate the new landscaping in accordance with the attached approved site plan.

- d. Architectural and signage treatments shall be sensitive to surrounding land uses.**

No additional development of the site is proposed other than to add landscaping. The site was originally designed and constructed to handle automotive parts service and installation. A pole sign currently exists along the South Ridgewood Avenue frontage. A sign permit in accordance with the requirements of the Land Development Code will be required for any change to the existing sign or any newly proposed sign.

- e. **Utility service levels to the surrounding area shall not be reduced below design standards.**

No new development is proposed.

- f. **Size, location, or number of Special Exception uses in an area shall be limited so as to maintain the overall character of the district as intended by the Code.**

The application meets the conditions of the Land Development for a Special Exception. There have been no other recent Special Exceptions in this area.

In accordance with Section 5.7(C), *Special requirements and conditions for Special Exception uses*, for the requested Special Exception use, the following special requirements shall apply in addition to those of Section 5.7(B)(2). Under Section 5.7(C)(2) *Automotive parts service and installation*: A Special Exception may be granted under the following conditions:

- a. **All work is conducted in a fully enclosed building.**

Business operations shall be conducted in an existing fully enclosed building with 5 bay doors designed for the purpose of automotive parts service and installation.

- b. **The site has a minimum lot area of 10,000 square feet.**

The applicant provided evidence as attached in the exhibits of this report that the subject property is greater than 10,000 square feet.

- c. **The site is a corner location or adjacent to an automotive use.**

The subject property is located on a corner lot on the south east corner of South Ridgewood Avenue and Ridge Boulevard.

CONCLUSION:

In accordance with Section 3.2(K) *Criteria for Review*, the Planning and Appeals Board and City Council, in their deliberations on matters of development orders, shall make findings of fact based upon the following criteria:

1. **That the use(s) of the property is (are) consistent with the land development regulations and comprehensive plan.**

The proposed use of the property is consistent with the Land Development Code regulations. Other than the addition of landscaping, no new development is proposed. The BGC zoning classification implements the Mixed Use 1 land use. The proposed use is allowed through the Special Exception process under certain conditions as stated above and is consistent with the Comprehensive Plan.

2. **That the use(s) is (are) compatible with the adjacent existing or planned uses.**

The proposed use is compatible with adjacent uses including commercial and multi-family.

3. **That the use provides adequate ingress/egress, parking open space, and other amenities for the benefit of the users.**

The proposed use provides adequate ingress/egress. In lieu of meeting the parking requirement, the applicant has agreed to add additional landscaping along South Ridgewood Avenue.

4. That the use does not impair rights of other properties to light, air, sunlight, other natural phenomena.

The proposed automotive parts service use is proposed entirely inside of the existing building designed for automotive use. The use will not impair rights of other properties to light, air, sunlight, or other natural phenomena.

5. That the subject project meets or exceeds tests for concurrency management.

The site is already developed and is not anticipated to generate traffic flow that will adversely impact the area. The property has historically been used for automotive parts service and installation and an increase in traffic other than what has historically occurred on the site is not expected.

It is expected that the proposed Special Exception will be reviewed by the City Council at a final adopted hearing on June 9, 2020.

RECOMMENDATION:

It is Staff's recommendation that the Planning and Appeals Board **APPROVE** Case #SE 2020-005, a Special Exception to allow automotive parts service and installation, at property located at 2325 South Ridgewood Avenue with the following two conditions:

1. Additional landscaping and irrigation will be added along the front of the property on South Ridgewood Avenue in accordance with the attached approved site plan; and
2. No vehicles will be stored outside of the boundaries of the property.

Attachments:

Attachment 1 – Location Map and Site Pictures

Attachment 2 – Applicant Submitted Information

STAFF REPORT

City of South Daytona Community Development Department

DATE: June 3, 2020

SUBJECT: Land Development Code Amendments: 1) Deletion of Certified Mail requirement; 2) Registered Landscape Architect requirement; 3) Off Street Parking for New Construction requirement; and 4) Addition of Paved Drive Aisle requirement.

APPLICANT: Administrative (City Initiated)

NUMBER: SE 2020-06

PROJECT PLANNER: S. Laureen Kornel, AICP, Community Development Director

INTRODUCTION: This is an administrative request for the following three Land Development Code (LDC) amendments:

1. Amend *Article III, Section 3.1 General provisions under subsection (D) Notification* to remove the requirement for certified mail notification to abutting property owners and to change the certified mail requirement to require regular mail unless otherwise required by State Statute;
2. Amend *Article III, Section 3.6 Development plan submittal requirements under subsections (E)(2)(f) Landscaping* to require Landscape Plans be prepared by a Registered Landscape Architect;
3. Amend *Article VII, Section 7.5 Traffic/parking management under subsection (B)(1) Parking and loading* to clarify that for all new construction off-street parking areas shall be hard surfaced with concrete or asphalt; and
4. Amend *Article V, Section 5.6 Supplementary Regulations under subsections (A)(3)(b) Industrial zones* to create *subsection [5]* and amend; and, to amend *Article VII, Section 7.5 Traffic/parking management under subsection (B) Parking control* to create a new *subparagraph (8) called Required surface for accessways, driveways and drive aisles after subparagraph (7) Buffering, surfacing and lighting requirements*, and renumbering subsequent sections accordingly to require that drive aisles in commercial and industrial zoning districts be hard surfaced with concrete or asphalt.

BACKGROUND AND ANALYSIS: Staff is recommending three Land Development Code text amendments affecting several sections of the Land Development Code. The proposed revisions are discussed below:

1. The City's Land Development Code currently requires notification of public hearings to all abutting properties through certified mail. It is not uncommon for certified mailouts to be returned to the City because certified mail requires individuals to be present to receive notice. By removing the certified mail requirement, unless the hearing specifically requires certified mail by State Statute, staff believes more people will receive notice since regular mail does not require an individual to be present. In addition, certified mailings are significantly more expensive to the City than regular mail. There will be a cost savings to the City by removing the certified mail requirement. The certified mail amendment proposes a Land Development Code change (deleted text is shown in ~~strikethrough~~ and new text is underlined) as shown below:

Article III, Section 3.1(D)

D. *Notification.* The city shall notify all property owners whose property adjoins the subject property. This shall include all properties separated from the subject property by a road, canal, easement, right-of-way, or similar barrier. Such notice shall include the date, time and place the public hearing will be held, as well as a clear and concise description of the proposed action and the reasons it is being requested. Such notification shall be made by ~~certified~~regular mail unless otherwise required by State Statute.

2. The City's Land Development Code currently requires a Landscape Plan as part of submittal for a Final Development Plan; however, there is no requirement that the Landscape Plan be signed, sealed, and submitted by a Registered Landscape Architect. To strengthen the Landscape Plan submittal requirement, staff believes that, at a minimum, a Landscape Plan should be designed and submitted by a Registered Landscape Architect who has the knowledge and skill level to deliver an enhanced Landscape Plan that complies with City regulations. The Registered Landscape Architect amendment proposes a Land Development Code change (deleted text is shown in ~~strikethrough~~ and new text is underlined) as shown below:

Article III, Section 3.6(E)(2)(f)

f. *Landscaping.* A landscape plan prepared by a person registered as a landscape architect under F.S. ch. 481, pt. II (F.S. § 481.301 et seq.), shall be submitted in conjunction with any development requiring site plan approval. All landscape plan sheets shall be signed and sealed. The landscape plan shall indicate the following, using acceptable methods of drafting and delineation techniques:

3. The City's Land Development Code currently requires off-street parking areas to be hard surfaced; however, the Code does not specify if the requirement applies to new development vs. an already developed site, nor does the Code specify required material. To clarify the requirement, an amendment to specify that the requirement applies to new construction only with required hard surface material to be concrete or asphalt is proposed (deleted text is shown in ~~strikethrough~~ and new text is underlined) as shown below:

Article VII, Section 7.5(B)(1):

Parking and loading. Provision of off-street parking areas is required for all uses in all zoning districts. Provision of off-street loading area is required for all industrial, commercial and residential uses over the minimum size prescribed by this section. Required off-street parking areas and off-street loading areas shall be located on-site and designed to function independently of each other allowing simultaneous use. For all new construction, off-street parking areas shall be a hard surfaced with concrete or asphalt pavement with a suitable sub-base as may be approved by the eCity eEngineer. All off-street parking and loading areas shall be designed in accordance with this section.

4. The City's Land Development Code currently does not require drive aisles be paved in commercial and industrial zoning districts. Paved drive aisles are often necessary for traffic circulation, especially for fire safety. In addition, paved drive aisles require less maintenance, cut down on dust, and reduce risks for washouts. Staff recommends that paved drive aisles be required for commercial and industrial properties. The paved drive aisle amendment proposes a Land Development Code change (deleted text is shown in ~~strikethrough~~ and new text is underlined) as shown below:

Article V, Section 5.6(A)(3)(b):

b. *Industrial zones:* No outside storage shall be allowed in industrial zones, except under the following conditions:

- [1] All storage areas shall be enclosed by an opaque wall, fence, or hedge sufficient to screen such storage from view from off-site.
- [2] All material shall be secured, if necessary, to withstand winds.
- [3] Required landscape areas along property lines shall be maintained on the exterior of storage screening walls.
- [4] Screening shall not be required around storage areas for landscape plant material.
- [5] All aisles and driveways shall be hard surfaced with concrete or asphalt pavement with suitable sub-base as approved by the City Engineer.

Article VII, Section 7.5(B):

8. Required surface for accessways, driveways and drive aisles.

In addition to off-street parking and loading requirements required by Section 7.5(B)(1) of Article VII of the Land Development Code, in all industrial and commercial zoning districts, all accessways, driveways and drive aisles shall be hard surfaced with concrete or asphalt pavement with a suitable sub-base as approved the City Engineer.

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

1. Identifies any provision of the Code, 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 Land Development Code.

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

The purpose of the amendments is to strengthen the regulations of the Land Development Code. 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.

There were no comments received from the Development Review Committee.

RECOMMENDATION: It is expected that the proposed amendments will be reviewed by the City Council on June 9, 2020 (1st Reading) and July 28, 2020 (2nd reading). It is recommended the Planning & Appeals Board **APPROVE** Case #LDC 2020-06 to amend the City's Land Development Code as follows:

1. Amend *Article III, Section 3.1 General Provisions under subsection (D) Notification* to remove the requirement for certified mail notification to abutting property owners and to change the certified mail requirement to require regular mail unless otherwise required by State Statute;
2. Amend *Article III, Section 3.6 Development plan submittal requirements under subsections (E)(2)(f) Landscaping* to require Landscape Plans be prepared by a registered landscape architect;
3. Amend *Article VII, Section 7.5 Traffic/parking management under subsection (B)(1)* to clarify that for all new construction, off-street parking areas shall be hard surfaced with concrete or asphalt; and
4. Amend *Article V, Section 5.6 Supplementary Regulations under subsections (A)(3)(b) Industrial zones* to create subsection [5]; and, amend *Article VII, Section 7.5 Traffic/parking management under subsection (B)* to create a new subparagraph (8) called *Required surface for accessways, driveways and drive isles* after subparagraph (7) *Buffering, surfacing and lighting requirements*, and renumbering subsequent sections accordingly, to require that drive aisles in commercial and industrial zoning districts be hard surfaced with concrete or asphalt.