

ORDINANCE NO. 2020-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA; AMENDING THE CODE OF ORDINANCES, SECTION 7.5 TRAFFIC/PARKING MANAGEMENT, B. PARKING CONTROL (6) LOCATION OF PARKING SPACES; ADDING F. PARKING STANDARDS FOR COMMERCIAL ZONING DISTRICTS AND PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this is an administrative proposal to amend the City of South Daytona Land Development Code, Article VII. Engineering and Environmental Standards, Section 7.5 Parking and Traffic Management, B. Parking control, (6) Location of parking spaces, providing clear guidance for commercial parking by adding f. parking standards for commercial zoning districts; and

WHEREAS, the City Council finds the recommended amendment to be consistent with the provisions of the Comprehensive Plan of the City of South Daytona, and in the overall best interest of the public health, safety, and welfare, and

WHEREAS, the City Council concurs that zoning districts have been applied to the City to separate and provide buffers between uses that are incompatible; and

WHEREAS, the City Council desires to protect the character of the community and its neighborhoods; and

WHEREAS, the City Council desires to improve the quality of its business districts; and

WHEREAS, the City Council concurs that large, unsightly, commercial vehicles and equipment should be parked behind the associated commercial structures to shield them from surrounding uses and to enhance the appearance of the City's commercial districts.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA

SECTION 1. The City Council of the City of South Daytona hereby amends

Article VII. Engineering and Environmental Standards, Section 7.5 Parking and Traffic Management, B. Parking controls, 6. Location of parking spaces, adding f. Parking standards for commercial zoning districts of the Land Development Code as follows:

f. Parking standards for commercial zoning districts.

[1.] Parking spaces in commercial zoned districts may be utilized by commercial vehicles that fit into a standard commercial parking space as defined in Section 7.5 Traffic/parking management (B) (5). Any commercial vehicle exceeding the confines of a standard parking space shall be parked in the rear yard behind and five feet within the back plane of the associated commercial building when parking in Business Neighborhood Commercial BNC, Business Professional Office BPO and Business General Commercial BGC zoning districts.

[2.] Equipment, for purposes of Section 7.5 Traffic/parking management of the LDC, means implements used in the operation of a business including any implements or vehicles that are hauled behind a commercial vehicle or used in the operation of a business. Equipment includes, but is not limited to, utility trailers, installation equipment, and enclosed haulers/trailers. Equipment shall be parked in the rear yard behind and five feet within the back plane of the associated commercial building when parking in Business Neighborhood Commercial BNC, Business Professional Office BPO and Business General Commercial BGC zoning districts. Equipment may only be stored in Business Heavy Commercial BHC and Light Industrial LI zoning districts.

SECTION 2. 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, 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 or application hereof.

SECTION 3. That all ordinances made in conflict with this Ordinance are hereby repealed.

SECTION 4. That this Ordinance shall become effective immediately upon its adoption.

PASSED upon first reading at a regular meeting of the City Council of the City of South Daytona held in the City of South Daytona, Florida, on the ___ day of _____, 2020.

PASSED AND ADOPTED upon second and final reading at a regular meeting of the City Council of the City of South Daytona held in the City of South Daytona, Florida, on the ___ day of _____, 2020.

William C. Hall, Mayor

ATTEST:

James L. Gillis, Jr.
City Manager

Scott Simpson
City Attorney

ATTACHMENT B

ARTICLE VII, SECTION 7.5 TRAFFIC/PARKING MANAGEMENT

Sec. 7.5. - Traffic/parking management.

A. Roadways.

1. *Classification of streets.* Streets or roads shall be classified as arterial, major collector, minor collector or local roads according to the designations in the traffic circulation element of the comprehensive plan.
2. *Access control.* The following regulations are established to promote the safety of vehicular and pedestrian traffic, minimize traffic congestion, promote roadside aesthetics and enhance the functional capacity of roads and highways within the city.

It is the intent of these regulations to allow the minimum number of access points to adequately serve each parcel of land. On corner properties, access should be provided from the lower classification of street. These regulations shall be in addition to those imposed by the Florida Department of Transportation on roads under their jurisdiction. Where recorded cross-access easements exist, all properties with cross-access shall be considered as one parcel under the provisions of this section.

- a. *Number of entrances.* Any property with a minimum of 25 feet frontage on a public street may install one two-way access drive. A parcel may have two access aisles if the minimum frontage as set forth on the following table is met:

**Table 6.
Entrances**

	Arterial	Major Coll.	Minor Coll.	Local
Residential	N/A	200 ft.	150 ft.	100 ft.
Commercial	300 ft.	250 ft.	150 ft.	N/A
Industrial	350 ft.	250 ft.	150 ft.	N/A

Note: An additional access point may be allowed for each additional 200 feet of frontage.

- b. *Size of entrances.* A driveway opening onto a public road shall not exceed 24 feet in width. In lieu of any two openings permitted onto any one road, there may be permitted a single point of access up to 35 feet in width.
- c. *Distance between access points and intersections.* Access points upstream from intersections of higher or similar classification to the accessed road should be located as far as feasible from the intersection to provide for stacking and protection of left turn movements. Minimum distance from the intersecting right-of-way line to nearest edge of driveway shall be as follows:

**Table 7
Distances**

	Arterial	Major Coll.	Minor Coll.	Local
Residential	N/A	35 ft.	35 ft.	25 ft.
Commercial	50 ft.	35 ft.	35 ft.	25 ft.
Industrial	60 ft.	45 ft.	45 ft.	35 ft.

There shall be a minimum of 12 feet between any two openings onto the same road.

- d. *Distance between two two-way access points on one parcel.* The minimum distance between two two-way access point centerlines on one parcel shall be as follows:

Table 8.
Distances - 2 Way Access

	Arterial	Major Coll.	Minor Coll.	Local
Residential	N/A	35 ft.	25 ft.	25 ft.
Commercial	45 ft.	35 ft.	25 ft.	N/A
Industrial	45 ft.	25 ft.	25 ft.	N/A

- e. *Obstruction to vision at road intersections.* In order to minimize accidents caused by obstruction to vision at road intersections, the following regulations shall apply to all residential districts:
- [1] Within the area formed by the rights-of-way lines of intersection roads, and a straight line at a distance of 30 feet from their point of intersection, such connecting line extending beyond the points to the curb lines, there shall be a clear space with no obstruction to vision between the height of three feet and the height of eight feet above the average grade of each road as measured at the centerline thereof.
 - [2] The requirements of this section shall not be deemed to prohibit any necessary retaining wall.
 - [3] Trees shall be permitted in the clear space provided that foliage is cut away within the prescribed heights.
 - [4] Lamp posts and street name sign posts shall also be permitted, provided that illuminating fixtures or name plates are not within the prescribed clear space.

- f. *Variances from this section.* Where the city engineer and the community development director concur that unique traffic engineering considerations exist on a specific site, variances from this section may be administratively granted through the site plan review process, or at the time of building permit application for one- and two-family residences. However, if either the city engineer or the community development director objects to a proposed variance from this section, a variance request shall be formally presented to the board of adjustments and appeals.

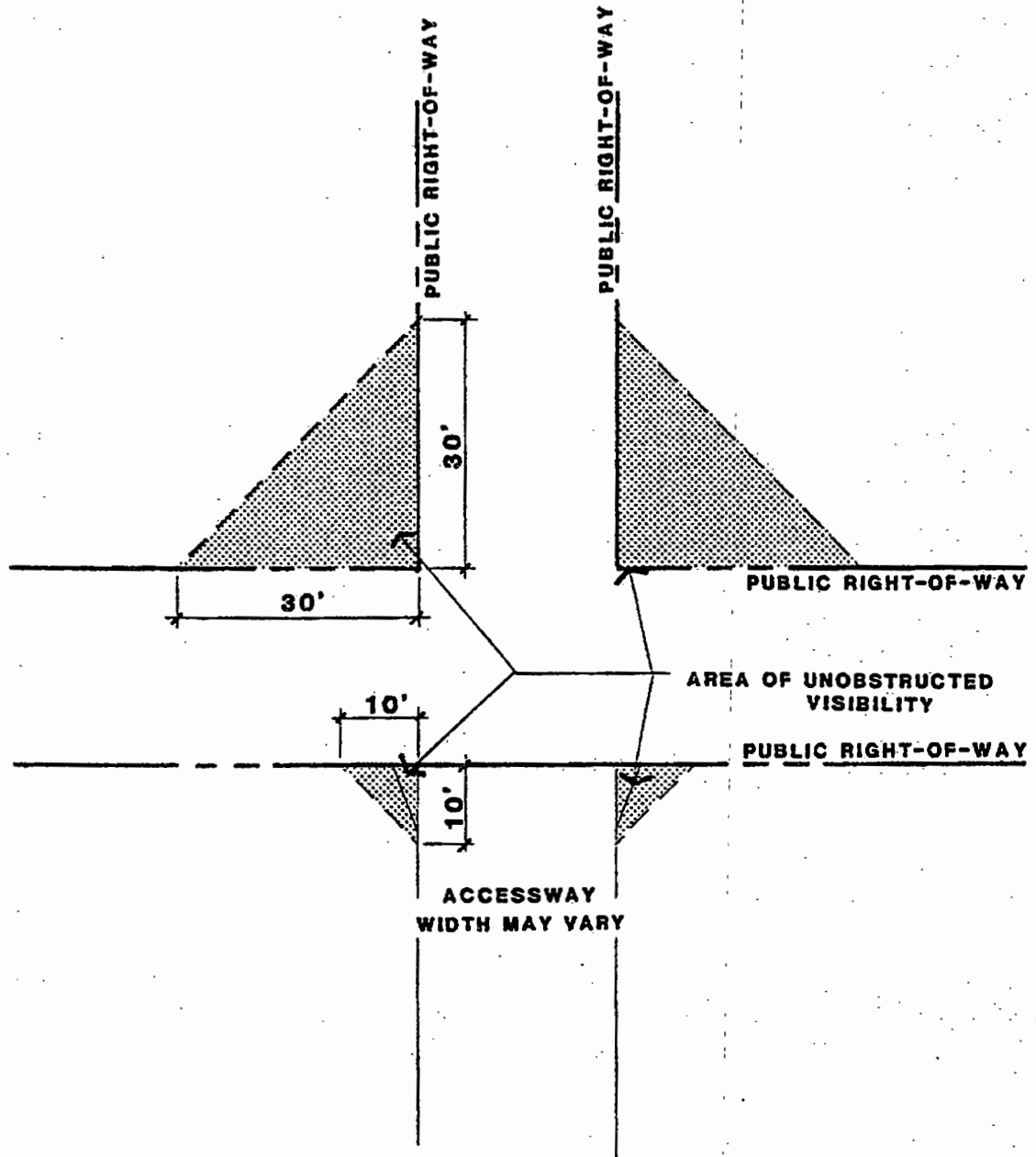


FIGURE 5
UNOBSTRUCTED VISIBILITY AT INTERSECTIONS

- g. *Rights of way/pavement width.*
- [1] Required development along any roadway in the city shall be required to dedicate right-of-way per these standards.

**Table 9.
Minimum Paving and Right-of-Way Widths**

Street Classification	Minimum Paving Width	Minimum R.O.W.
Limited access highway		
D.O.T.		
D.O.T.		
Major arterial	54 ft.	100 ft.
Minor arterial	44 ft.	80 ft.
Urban collector street (major)	40 ft.	70 ft.
Urban collector (minor)	24 ft.	60 ft.
Local street	20 ft.	50 ft.
Cul-de-sacs	20 ft.	50 ft.
Marginal access street	20 ft.	40 ft.

[2] Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. All roads shall be extended at equal or greater width, but in no case less than the required width. If adjacent lands are unplatted, stub-outs in the new development shall be provided for future connection to the adjacent unplatted land to include reserved right-of-way upon future road construction.

h. *Easement or public access.* Any parcel of property must have a 25-foot publicly dedicated access in order to be eligible for a development permit.

3. *Limited-use service drives.* The provisions of this section shall not generally apply to limited-use service drives. Dimensions regarding this type of drive shall be based on the specific traffic safety considerations of the location and proposed use of the drive.

4. *Abandoned vehicles.* Within all zoning districts, all vehicles which are inoperative or unlicensed for a period of 30 days shall be prohibited on any public right-of-way or on private property except within a completely enclosed garage.

5. *Abandoned watercraft.*

- a. Within all zoning districts, all watercraft which are inoperative or unlicensed and appear to be in a state of decay or abandonment as determined by the administrative official shall be prohibited on any waterway, shore, private or public property unless contained within a completely enclosed building.

b. Dilapidated or inoperable boats.

[1] It shall be unlawful for any person to place or abandon any dilapidated or inoperable boat or watercraft in the public waterways within the city, or to moor the same in such a manner as to cause such boat or watercraft to be or to potentially become a menace to navigation, public health, safety or aesthetics.

[2] No dilapidated or inoperable boat or watercraft of any kind whatsoever shall be permitted to moor or tie up or otherwise be stopped or allowed to drift at any place in the public waterways of the city when such vessel is likely to damage docks or otherwise become a menace to navigation, public welfare or the aesthetics of the city. Boats or other watercraft in such condition are hereby declared to be a public nuisance.

[3] The city manager or his designee shall determine whether any boat or watercraft is of such unsightly appearance or in deteriorated condition or constitutes a hazard to public health, safety and welfare so as to constitute a public nuisance, and if so determined, to abate the public nuisance created thereby. In the event the city manager or his designee makes such a finding, the boat or watercraft shall be posted with a notice to owner indicating said finding and providing a five-day time period for the owner of the boat to remove it from the public waterways of the city.

If the dilapidated or inoperable boat or other watercraft is not moved out of the public waterways of the city within five days of posting, the city manager or his designee is authorized to take possession of the vessel and remove it to a secure location. All costs of towing and storage shall become a lien on the vessel, and it shall not be released to its owner until all costs of towing and storage are paid.

If, within 14 days of removal by the city, the owner of the dilapidated boat or other watercraft has not notified the city in writing of his intention to reclaim the vessel and tendered payment for all costs of towing and storage, the city manager is hereby authorized to advertise the vessel for sale to the highest bidder. The advertisement for sale shall be published one time only, no sooner than ten days before the sale, in a newspaper of local circulation. If there are not any bids equal to the cost of towing, storage, advertising and sale of the vessel, the city may enter its own bid for the vessel and take possession of it for disposal in a safe manner.

If the dilapidated boat or other watercraft is sold at auction, the proceeds of sale shall go first toward costs of towing, storage, advertising and sale. Any monies left thereafter shall be paid to the record owner of the vessel.

[4] The owner of the dilapidated boat or other watercraft may appeal the decision of the city manager to the city council. A condition precedent to the filing of the appeal shall be the posting of a bond equal to the cost of towing and storing the vessel until the city council may consider the appeal. No appeal shall be considered, unless the required bond is paid in advance.

B. *Parking control.*

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. Off-street parking areas shall be a hard surface as may

be approved by the city engineer. All off-street parking and loading areas shall be designed in accordance with this section.

2. *Minimum required number of off-street parking spaces.* The minimum number of required off-street parking spaces shall be determined from the following table. Requirements for any use not specifically listed shall be determined by city council based upon information provided by the applicant or city staff, in the case of unique facilities.

- a. *Rules of interpretation:* Where application of these requirements results in a fractional space, any fraction of one-half or more shall require an additional space. Where seating is provided on benches, pews or other indeterminate facilities, each 24 linear inches shall be counted as one seat. All square footage requirements refer to gross area, except as noted otherwise. Public areas shall refer to gross area less storage, maintenance, office and rest room areas. Where a non-retail building contains two or more different types of use, i.e., warehouse and office, the parking may be based on separate calculations for each use.
- b. *Review of parking:* Parking will initially be reviewed when the development plans are submitted for approval. The required parking will be based on the minimum parking required based on the permitted uses within the zoning category, unless the developer specifies a particular use, in which case the required parking will be based on the use identified. Parking will again be reviewed each time a business tax receipt is requested. A business tax receipt will not be issued if there is not sufficient available parking spaces for the proposed use, unless the site qualifies as a grandfathered non-conformity. Available parking spaces are parking spaces that have not been officially reserved for other uses or unit and spaces that have not be used to determine sufficient parking for other uses. The same parking space cannot be used to satisfy the parking requirements for more than one use at a time.
- c. *Non-residential condominiums:* Development plans for non-residential condominiums shall reserve parking spaces for each condominium unit sufficient to meet the minimum parking requirement for any permitted use in the zoning classification, unless the developer designates a specific use for a particular condominium unit, in which case the required reserved parking shall be based on the use identified. Reserved parking spaces shall not be used to meet a parking requirement of a proposed use in another condominium unit even if said condominium unit is vacant.
- d. The community development director shall have the authority to work with the developer/owner to modify the operations of the proposed use to meet the parking requirements. The operational modification must be reflected in an operational agreement approved by the city attorney and city manager and recorded by the developer/owner in public records so that it is binding on successors, heirs and assigns of the developed property. However, the community development director does not have the authority to approve a development or use that does not meet the required minimum parking for the proposed use.

**Table 10.
Off-Street Parking Requirements**

<i>Use</i>	<i>Requirement</i>
<i>Residential</i>	
Single-family dwellings	Two spaces per dwelling unit

Two-family dwellings	Two spaces per dwelling unit
Mobile home parks	Two spaces per dwelling unit
Multi-family dwellings	Two spaces per dwelling unit, plus ten percent of required resident parking as guest parking.
Rooming houses, boarding houses, motels and hotels, tourist homes	One space/bedroom or unit, plus ten percent for employees
<i>Institutional/recreational</i>	
Child care, nursery school	One space/state required staff person, plus one space/ten children, based on state licensed maximum.
Houses of worship, stadiums, funeral homes	One space/every five seats.
Hospitals, nursing and rest homes, congregate living facilities (group quarters)	One space/bed.
Library, community center, recreation center	One space/100 sq. ft. of public area.
Schools	One space/staff member + one space/three seats in the largest assembly room or one space/five high school students or one space/two adult students, whichever is greater.
<i>Residential</i>	
Country clubs, health clubs, racquet clubs	One space/100 sq. ft. in public areas + two spaces/ court, four spaces/golf hole.
<i>Commercial</i>	

Banks, financial institutions main offices	One space/each 200 sq. ft.
Medical offices and clinics	One space/each 200 sq. ft.
Professional and business offices	One space/each 200 sq. ft.
Personal services	One space/each 200 sq. ft.
Retail sales-general merchandise	One space/each 200 sq. ft.
Restaurants, night clubs, bars	One space/four seats, +one space each three employees.
Shopping centers	One space/each 200 sq. ft. of public area
Service stations	1.5 spaces/bay,
Auto service centers	One space/200 sq. ft. plus 1.5 sp/bay.
<i>Industrial-warehouse</i>	
Mini-warehousing	One space/ten cubicles, + continuous loading spaces clear of through traffic access.
Warehousing-dead-storage	One space/4,000 sq. ft.
Warehousing-wholesale and contractor storage	One space/4,000 sq. ft.
Manufacturing and industrial uses	One space/600 sq. ft. or one space/employee on largest shift, whichever is greater.

3. *Minimum requirements for handicapped parking spaces.* The minimum number of off-street parking spaces designed and designated for handicapped parking shall be determined from the following table. Handicapped parking spaces shall be included in meeting the minimum number of required parking spaces.

Table 11.
Handicapped Parking

Total Number of Parking Spaces	Number of Handicapped Parking Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000	20 plus 1 for each 100 over 1000

4. *Minimum required number of off-street loading spaces.*

Table 12.
Off-Street Loading Spaces

Use	Sq. Ft. of Floor Area	# of Spaces
General commercial uses	5,000—10,000	1
(Retail, service, etc.)	10,000—30,000	2

	Each 20,000 or major	1 add'l space fraction above 30,000
Office, hotel, motel	10,000—20,000	1
Multi-family, medical	20,000—40,000	2
Institutions	Each 20,000 or major	1 add'l space fraction above 40,000
Arenas, stadiums,	10,000—50,000	1
Recreation centers	50,000—100,000	2
Auditoriums, museums	Over 100,000	3
Industrial, manufacturing	2,000—15,000	1
Warehouse	15,000 - 30,000	2
	Each 15,000 or major	1 add'l space fraction above 30,000

5. *Dimensional requirements of off-street parking and loading.* The standard dimension of an off-street parking space shall be nine feet wide by 18 feet long. The standard dimension for a handicapped designated parking space shall be 12 feet wide by 20 feet long. The standard dimension of an off-street loading space shall be 12 feet wide by 45 feet long, with an overhead clearance of 14 feet. (See Figure 6.)
6. *Location of parking spaces.*
 - a. Off-street parking spaces, as required in this section, shall in no part exist upon and no portion of any vehicle shall overhand the right-of-way of any public road, street, alley, or walkway. There shall be no off-street parking in the front yards of residential districts except as normally exists in driveways.
 - b. Parking spaces for all dwellings shall be located on the same plot with the main building.
 - c. Parking spaces for all other uses shall be provided on the same plot with the main building, or not more than 300 feet distant, as measured along the nearest pedestrian walkway, provided that there is legal permission for that use of such area. Except for multiple family uses, such parking area may be located as a matter of right in any adjacent residential district, provided that such parking area is adequately screened so as to prevent headlights from shining on residential properties and to minimize vehicular noise. Detailed plans for such parking in adjacent residential districts shall be presented to the land development regulation board, which shall have the right to impose such regulations or conditions, including, but not limited to, screening to prevent headlights from shining on residential properties and to minimize vehicular noise, as it may deem appropriate for the protection of residential properties. Lots adjacent to a development in either a commercial or residential district may be used by right for parking under the following conditions:

- [1] The lot is contiguous;
- [2] The lot is owned/or under control by the owner of the primary use property or the owner has a legally binding agreement to so use it.
- [3] All requirements for screening and buffering are met.

The applicant for a building permit which proposes to use an area for required off-street parking on a lot remote from the principal use, shall submit evidence of a restrictive covenant running with the land to be used for off-street parking purposes stating that such land shall not be encroached upon, used, leased, or conveyed for any other purpose until such time as the principal building ceases to be required to provide such off-street parking facilities.

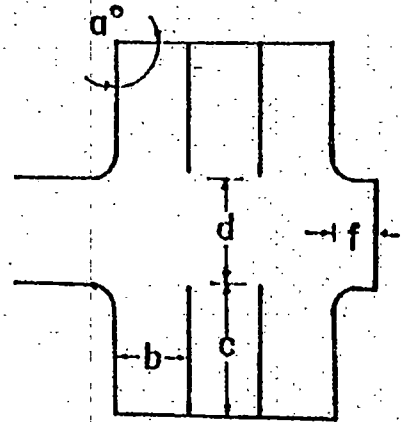
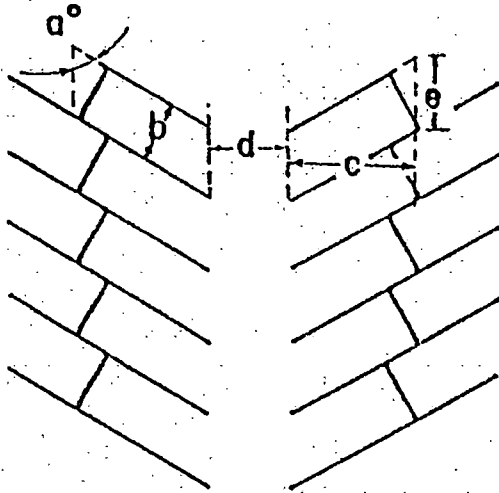
- d. Parking requirements for two or more uses, of the same or different types, may be provided by the establishment of the required number of spaces for each use in a common parking area, provided that all such uses being served by a common parking area are under the same ownership. Accessory uses shall not be required to have additional parking space other than those required by the principal use.
- e. Required bufferyard areas shall not be used for off-street parking area.
- f. Parking standards for commercial zoning districts.

[1.] Parking spaces in commercial zoned districts may be utilized by commercial vehicles that fit into a standard commercial parking space as defined in Section 7.5 Traffic/parking management (B) (5). Any commercial vehicle exceeding the confines of a standard parking space shall be parked in the rear yard behind and five feet within the back plane of the associated commercial building when parking in Business Neighborhood Commercial BNC, Business Professional Office BPO and Business General Commercial BGC zoning districts.

[2.] Equipment, for purposes of Section 7.5 Traffic/parking management of the LDC, means implements used in the operation of a business including any implements or vehicles that are hauled behind a commercial vehicle or used in the operation of a business. Equipment includes, but is not limited to, utility trailers, installation equipment, and enclosed haulers/trailers. Equipment shall be parked in the rear yard behind and five feet within the back plane of the associated commercial building when parking in Business Neighborhood Commercial BNC, Business Professional Office BPO and Business General Commercial BGC zoning districts. Equipment may only be stored in Business Heavy Commercial BHC and Light Industrial LI zoning districts.

FIGURE 6

PARKING LOT DIMENSIONS



<u>a</u>	<u>b</u>	<u>c</u>	<u>d</u>	<u>e</u>
20°	9.0'	14.6'	11.0'	26.3'
30°	9.0'	16.8'	11.0'	18.0'
40°	9.0'	18.5'	12.0'	14.0'
45°	9.0'	19.1'	13.0'	12.7'
50°	9.0'	19.6'	12.0'	11.8'
60°	9.0'	20.2'	18.0'	10.4'
70°	9.0'	19.9'	18.0'	9.6'
80°	9.0'	19.4'	24.0'	9.2'
90°	9.0'	18.0'	24.0'	9.0'

f. TURNOUTS SHALL BE A MINIMUM OF TEN FEET.

7. *Buffering, surfacing and lighting requirements.* Any off-street parking lot serving any use other than dwellings of four units per building or less shall meet the following off-street parking lot improvement requirements:

- a. *Buffer wall.* The parking area will be provided with a screening materials as identified in the bufferyard requirements of this Code.
 - b. *Surfacing.* For all retail sales and services, business services, and professional services serving the general public and having access to and abutting a paved street, the off-street parking area shall be provided with a hard all weather surface, and shall be so graded and drained as to provide for the adequate runoff and disposal of surface water.
 - c. *Lighting.* Where lighting facilities are provided for the parking area, they shall be designed and installed so as to reflect the light away from a contiguous residentially-zoned property.
8. *Required stacking area for drive-through facilities.* All commercial and office uses utilizing drive-in windows or tellers shall provide vehicle stacking area based on the following criteria:
- a. *Size of space.* Stacking area shall be designed based on a ten-foot by 20-foot space per required vehicle.
 - b. *Design of stacking area.* The stacking area required below shall be designed so as to operate independently of other required parking and circulation areas.
 - c. *Required stacking area.* (Includes vehicle(s) being serviced):
 - [1] Financial institutions - Five vehicles per service lane.
 - [2] Restaurants - Six vehicles per service lane, minimum of three spaces behind order station.
 - [3] Car wash (self service) - Three vehicles per service lane.
 - [4] Car wash (attendant service or drive-through auto service) - Eight vehicles per service lane.
 - [5] Service stations - Four vehicles per service lane.
 - [6] All other drive-through facilities - Three vehicles per service lane.
9. *Miscellaneous parking regulations.* Commercial vehicles and equipment in residential zones and residentially-zoned areas: The following types of vehicles and equipment shall be prohibited from outdoor (to include carports) parking or storage in residentially-zoned areas exclusive of the exceptions cited:
- a. *Prohibited vehicles.* The parking of the following vehicles shall be prohibited in residentially-zoned areas:
 - [1] Vehicles or equipment with a size which exceeds:
 - (a) 96 inches in height, measured from the road surface to the highest top point, excluding any antennas.
 - (b) 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.
 - (c) 80 inches in body width, excluding any mirrors, fenders, or wheel axle assemblies.
 - [2] 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.
- Trailers not exceeding these dimensions shall be considered the same as MRE for parking or storage.
- [3] Trucks with the following types of bodies exceeding 80 inches in width: flat or stake-bed body, utility body, or dump body.

- [4] Truck tractors and/or semi-trailers.
- [5] Trucks fitted with wrecker equipment.
- [6] Beach buggies, swamp buggies, mud buggies, etc.
- [7] Vehicles specially equipped for racing.
- [8] Bulldozers, earthmovers, front-end loaders, backhoes, forklifts, farm tractors, road graders, and similar machinery.
- [9] Vehicles or equipment which display business advertising in the form of signs, lettering, bumper stickers, decals, or the like, exclusive of identification items affixed by the dealer or original manufacturer. As an exception, one such vehicle per dwelling unit shall be allowed if it is used by a resident of that unit as part of an occupation and usually leaves the premises on weekdays.
- [10] Vehicles or equipment containing operating refrigeration devices which are powered by electricity or gas or which emit noise or odor.
- [11] Equipment such as lawn mowers, edgers, bench saws, air compressors, mortar mixers, etc. The prohibition on outdoor parking does not apply when the equipment is being used. However, when not in use, it must be parked or stored in an enclosed garage, utility building, or enclosed vehicle, with the exception that such equipment may be parked or stored on an open trailer or vehicle in the side or rear yard provided that it is screened from the view of adjacent residences and the general public on all sides by either a six-foot high opaque fence or other approved barrier above which the equipment shall not protrude.
- [12] Step vans.
- [13] Buses.

b. *Exceptions.*

- [1] A vehicle making deliveries to or servicing a residential unit if that vehicle is suited for such a function.
- [2] Vehicles actively used in activities conducted in conjunction with approved non-conforming business uses.
- [3] Vehicles or equipment parked or stored within a completely enclosed garage.
- [4] Major recreational vehicles or equipment (MRE) parked or stored in accordance with the applicable regulations of this ordinance. This exception shall not include step vans or any other prohibited vehicles listed above in a-3 through a-13 of this section.

c. *Major recreational vehicles and equipment including recreational vehicles, boats, and utility trailers:* Major recreational equipment (MRE) may be parked or stored outdoors in a residentially zoned district provided the following conditions are met:

- [1] No more than three pieces of MRE may be parked or stored outdoors (including carports) at any one residential property.
- [2] MRE may be parked or stored in the rear yard, an enclosed garage, carport, or side yard behind the front plane of the house. The ground beneath any MRE stored behind the front plane of the house must be maintained in compliance with city regulations.
- [3] MRE may be parked in the side yard behind the front plane of the house of a corner lot abutting a street only if it is obscured by a six-foot-tall solid fence installed with the required setback as dictated by this Code.
- [4] MRE shall not be parked in the front yard except under conditions specified in "B", "C" and "D" of this section.

- [5] All MRE must be properly licensed with the State of Florida and in an operable condition.
- [6] All boats parked or stored in any yard must be "trailed."
- [7] No MRE shall be used for living, sleeping, or housekeeping purposes when parked or stored on residential premises or in any location not approved for such use.
- [8] The operation of compressors, generators, or other noise-generating equipment associated with MRE when parked or stored on residential premises is prohibited.
- [9] Any property owner or tenant who, prior to the enactment of Ordinance No. 92-11, was previously eligible to obtain a sticker to park MRE in the side yard closer than five feet from the property line, lost eligibility with the enactment of said ordinance and can no longer renew that sticker.

- d. *Temporary parking.* MRE, except utility trailers used for business or work purposes, may be temporarily parked in the front yard on a driveway or other hard surface area of residential premises for a period not to exceed 48 consecutive hours only for the purpose of maintenance, loading, or unloading. Once the MRE is moved off the premises, the "up to 48 consecutive hour period" ends, and the next such period cannot begin until a minimum of seven consecutive calendar days goes by.

In the case of utility trailers used for business or work purposes, they may be temporarily parked in the front yard driveway or other hard surface area between the hours of 7:00 a.m. and 7:00 p.m. each day. Otherwise, they must be parked behind the front plane of the house.

- e. *MRE's parked or stored prior to August 1, 1989.* Where MRE's were parked or stored on a property by the present owner(s) and/or tenant(s) prior to August 1, 1989 and cannot now be parked or stored thereon in conformance with the other requirements of this section, one MRE only may be parked or stored in the front yard on a driveway or other hard surface area, provided that the property owner conforms to the following conditions:

- [1] The site meets all off-street parking and storage requirements.
- [2] The MRE owner must reside in the premises and register the MRE with the city and annually renew the registration.
- [3] Any MRE approved for parking or storage in the front yard in accordance with this section may be replaced by other like equipment, but may not be replaced by a different type of recreational equipment.
- [4] The right to park or store a MRE under this provision is nontransferable by the owner(s) and/or tenant(s). Any owner(s) and/or tenant(s) obtaining possession after the cut-off date set forth above shall not have any rights under this provision.

- f. *MRE parked or stored in the side yard (now, the front yard) of a corner lot prior to May 26, 1992.* Such MRE owner(s) and/or tenant(s) is eligible to register with the city to continue to park or store the MRE in said yard under the following conditions:

- [1] The owner must furnish the city with convincing evidence that the MRE was parked or stored in the then side yard of the corner lot prior to May 26, 1992 (the adoption date of Ordinance No. 92-11); and
- [2] The owner must comply with conditions C-1, C-2, C-3 and C-4 above of this ordinance; and
- [3] Eligibility for such parking or storage will only be granted if one of the following criteria is met:

- a. There exist significant obstacles to locating the MRE in the rear yard, ie. trees, lack of open space, etc. or

- b. The owner is able to provide the city with convincing evidence that he/she made a significant "infrastructure" investment, such as a concrete pad or driveway, to site the MRE in the side yard; and
- [4] Only one MRE may be located in said yard.
- g. *Motor vehicle parking limitation on residential property:*
1. The term "motor vehicle" includes such machinery as "automobiles," "trucks," "motorcycles," etc.
 2. On single-family, duplex, triplex and other multi-family zoned property, other than property with an local business tax receipt to operate as an apartment, one operational and registered motor vehicle for each licensed driver residing at the residence shall be allowed to be parked in the designated driveway of the residence. These vehicles shall be referenced as primary vehicles.
 3. In addition to the primary vehicles allowed on the property, a property owner shall be allowed two additional licensed and operational motor vehicles, which shall be referred to as accessory vehicles.
 4. Primary and accessory vehicles are only allowed to be parked on the hard surface (concrete or asphalt pavement) driveway, parkage area as long as the hard surface driveway is not empty, or behind the front plane of the house. These vehicles may be parked in the side yard behind the front plane of the house of a corner lot abutting a street only if they are obscured by a six-foot-tall solid fence installed with the required setback as dictated by this Code. the ground beneath any primary or accessory vehicle parked behind the front plane of the house must be maintained in compliance with city regulations.
 5. Operational and registered motor vehicles parked on residential property that are owned by guests shall not be considered an accessory vehicle. However, motor vehicles owned by guests shall not remain on the property for more than 30 days during any 12-month period of time and must comply with all other parking regulations of the city.
 6. Motor vehicles located within a totally enclosed garage shall not be considered an accessory vehicle and are not regulated.
 7. For a licensed driver to be considered a resident of said residence, the driver's license must identify the address of the residence as the address for the licensed driver. If the driver's license identifies a different address, then there shall be a rebuttable presumption that the licensed driver is not a resident of the residence.
 8. Except as otherwise specifically provided within this subsection G, the parking of primary and accessory vehicles must be in compliance with all city regulations, as amended in the future.
- h. *Motor vehicle repairs in residential zonings:*
- (A) It is illegal to do major auto repairs on vehicles that are in a publicly visible location in a residential area. Vehicles under major repairs must be located in a totally enclosed garage or totally enclosed accessory structure at all times during repair work. Major motor vehicle repairs include, but are not limited to the following.
1. Repairs that cannot be completed within a 48 consecutive hour period.
 2. Repairs that involve removal of major components of a vehicle.
 3. Extensive body work that requires painting, welding, sandblasting or extensive sanding.
 4. Repairs or activities that generate excessive noise and/or dust.
- (B) The following are types of repairs that are allowed in a residential zoning.

1. Those repairs considered "minor" repairs include any work which is completed within 48 consecutive hours including, but not limited to:
2. Changing headlights or bulbs.
3. Changing or rotating tires.
4. Fixing a flat tire.
5. Replacement of batteries.
6. Audio system installation or repair.
7. Change of oil, oil filter, air filters.
8. Replacement of brake pads.
9. Engine tune-up.

(C) In a residential district a property owner or tenant on an improved property having a principal building may perform minor repairs to an automobile in operative condition and on his property, only if all of the following requirements are met:

1. The property owner or tenant owns the automobile.
2. The repairs take place only during the hours between 7:00 a.m. and 9:00 p.m. and shall be under a cover when not being actively repaired.

(D) A violation of this Code shall result in the issuance of a city citation that provide the violator with the option of contesting the violation of paying the fine. The specific code violations that can be enforced through this procedure and the fine amount shall be established by resolution. In the event that the person issued the city citation does not pay the fine amount as set forth in the city citation within the required time, it shall be presumed that the violator desires to contest the violation. In the event a violator elects to contest the violation, if the special master finds a violation, the special magistrate shall have the right to levy a fine as outlined in the South Daytona Code of Ordinances, Chapter 2, Section 2-303.

C. *Bikeway standards.*

1. *When required:*

- a. Where a proposed development includes improvements to or new construction of collector or arterial facilities, provisions shall be made for bikeways in accordance with the appropriate city regulations.
- b. Residential projects adjacent to or in the immediate vicinity of a school, playground, shopping center, transportation hub or other community facility shall provide paved bicycle access from the development.
- c. Requirements for bicycle facilities along major collector/arterial streets will consider, if appropriate, addition of pavement width, traffic loops and special signals and striping per the FDOT Manual.
- d. All required bikeway facilities shall, where feasible, tie into the city's master bicycle route.

2. *Design and construction standards:*

- a. Design and construction of bicycle facilities shall consider standards in the FDOT Bicycle Facilities Planning and Design Manual.
- b. All bikeways shall be free of drainage grates and utility covers. In the event that it is impossible to keep bikeways clear of these hazards, the grates shall be designed to safely accommodate bicycles.
- c. All bikeways shall consider using signage as defined in the MUTCD.

3. *Bicycle parking.*

General requirements:

- a. Bicycle parking facilities shall be considered for all new development on a site specific basis.
- b. A standard bicycle space shall be two feet by six feet.
- c. Bicycle parking facilities shall provide a means to secure the bicycle while parked.

Specific parking standards:

- a. All development, unless otherwise exempted, shall provide bicycle parking, if it is needed. Bicycle parking shall be provided in addition to other parking requirements.
- b. The following uses shall be exempt from meeting the bicycle parking standards.
 - [1] Single-family dwelling.
 - [2] Mobile homes in mobile home subdivisions.
 - [3] Multiple-family housing units.
 - [4] Commercial and industrial uses with less than 40 total parking spaces.

(Ord. No. 04-19, § 1, 8-10-04; Ord. No. 07-03, § 1, 2-13-07; Ord. No. 12-09, § 3, 9-10-12; Ord. No. 15-01, § 1, 2-24-15; Ord. No. 19-15, § 1, 8-13-19)

ATTACHMENT C

PAB STAFF REPORT

STAFF REPORT

City of South Daytona Community Development Department

DATE: July 8, 2020
SUBJECT: Land Development Code Amendments: Article VII.
Engineering/Environmental Standards, Section 7.5
Traffic/parking management (B) Parking Control (6)
Location of parking spaces.
APPLICANT: Administrative (City initiated)
NUMBER: LDC 2020-08
PROJECT PLANNER: Patty Rippey, AICP, Redevelopment Director

INTRODUCTION: This is an administrative request to amend the Land Development Code (LDC) Article VII. Engineering/Environmental Standards, Section 7.5 Traffic/parking management (B)(6).

BACKGROUND AND ANALYSIS: The purpose of the proposed amendment is to prevent negative impacts from large, unsightly, commercial vehicles and equipment parking in commercial zoning districts. The LDC identifies zoning districts and land use designations that separate and provide buffers between uses that are incompatible. These zoning districts account for surrounding uses, roadway capacity, neighborhood character and the quality of business districts. The City is divided into the following zoning districts:

- Single-Family and Multi-Family Residential (R1A, R1B, R1C, R2, R3)
- Mobile Home Park - MHP; Mobile Home Subdivision - MHS
- Business Neighborhood Commercial - BNC
- Business Professional Office - BPO
- Business General Commercial - BGC
- Business Heavy Commercial - BHC
- Light Industrial - LI
- Planned Commercial Development - PCD
- Planned Unit Development - PUD
- Mixed-Use 1 and Mixed-Use 2 – MXD1/MXD2
- Community Redevelopment Area - CRA

While commercial vehicles may park on-site in commercial districts, the intent of the permitted uses in the BPO, BNC and BGC zoning districts is to prevent the parking and storage of extremely large commercial/industrial vehicles and equipment such as cement mixing trucks or bucket trucks. In the past, staff has utilized industry standards and legal opinions to require large trucks and equipment to park behind buildings, effectively screening them from view.

Outdoor storage of equipment and materials is only permitted in BHC and LI zoning districts. The only exception for outdoor storage is for landscape or garden supplies in a fenced area approved as part of an overall site plan or a display set-up of products customarily used out of doors.

Over the years, the LDC has been amended and the CRA district was established in 1997 to improve commercial corridors, in part, by relocating heavy commercial business and industrial uses to more appropriate locations citywide. While zoning and land use regulations would typically prevent commercial parking and storage issues from arising, there were existing companies that use large and heavy equipment for their associated trade located in the BGC and CRA districts prior to the more recent changes. These are the locations where parking standards need to be clearly identified to ensure that commercial vehicles and equipment are not negatively affecting commercial districts and surrounding neighborhoods. The parking standards for commercial districts amendment proposes an LDC change (deleted text is shown in ~~strikethrough~~ and new text is underlined) as shown below.

Amend Article VII. Engineering/Environmental Standards, Section 7.5 Traffic/parking management, B. Parking Control, 6. Location of parking spaces, adding:

f. Parking standards for commercial zoning districts.

[1.] Parking spaces in commercial zoned districts may be utilized by commercial vehicles that fit into a standard commercial parking space as defined in Section 7.5 Traffic/parking management (B) (5). Any commercial vehicle that is not completely enclosed in a structure and exceeds the confines of a standard parking space shall be parked in the rear yard behind and five feet within the back plane of the associated commercial building when parking in Business Neighborhood Commercial BNC, Business Professional Office BPO and Business General Commercial BGC zoning districts.

[2.] Equipment, for purposes of Section 7.5 Traffic/parking management of the LDC, means implements used in the operation of a business including any implements or vehicles that are hauled behind a commercial vehicle or used in the operation of a business. Equipment includes, but is not limited to, utility trailers, installation equipment, and enclosed haulers/trailers. Any equipment that is not completely enclosed in a structure shall be parked in the rear yard behind and five feet within the back plane of the associated commercial building when parking in Business Neighborhood Commercial BNC, Business Professional Office BPO and Business General Commercial BGC zoning districts. Equipment may only be stored in Business Heavy Commercial BHC and Light Industrial LI zoning districts.

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 update and 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.

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

RECOMMENDATION: It is expected that the proposed amendments will be reviewed by the City Council on August 11, 2020 (1st Reading) and September 14, 2020 (2nd reading). It is recommended the Planning & Appeals Board **APPROVE** Case #LDC 2020-08 Article VII. Engineering/Environmental Standards, Section 7.5 Traffic/parking management (B)(6) adding *f. Parking Standards for Commercial Zoning Districts* as specified in this report.