

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE CITY OF SOUTH DAYTONA, FLORIDA AMENDING ARTICLE V, ZONING REGULATIONS, SECTION 5.6, SUBSECTIONS (E)(2)(C) OF THE CITY'S LAND DEVELOPMENT CODE TO ALLOW SIX-FOOT TALL FENCES IN SIDE CORNER YARDS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, this is an administrative amendment to the City of South Daytona *Land Development Code* ("the *LDC*"), of the City of South Daytona, by amending the fence requirements before the City Council, and

WHEREAS, the local planning agency, being the Planning and Appeals Board of the City of South Daytona, has conducted a public hearing on October 21, 2020, on the requested amendment and has made recommendations thereon to the City Council, and

WHEREAS, all applicable notice requirements of Section 166.041(3)(a), *Florida Statutes*, have been complied with, and

WHEREAS, the City Council finds the 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, now therefore,

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

SECTION ONE. Subsection (E)(2)(c), Fences and walls of Section 5.6, Supplementary Regulations of Article VI, Zoning Regulations, of the *LDC* is hereby amended to read as follows:

c. *Side yards:* For side yards which abut a street, fences or walls of open or solid face construction shall be permitted in compliance with the following criteria:

No fence or wall may be installed closer than ten feet from the right-of-way of the abutting street. Any such fence or wall shall not exceed a height of six feet if it is located at or behind the front plane of the principal building; however, if it is located streetward of the front plane of the principle building outside of the required 25' front yard setback where fences are

~~prohibited, the fence shall step down to the required maximum height of 4'. street-facing wall of the principal building; however, if it is located streetward of such plane, it shall not exceed four feet in height.~~

SECTION TWO. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION THREE. In the event any word, phrase, clause, sentence, paragraph, term, or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, such judicial determination shall not affect any other word, clause, phrase, sentence, paragraph, term or provision, of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

SECTION FOUR. This Ordinance shall take effect immediately upon its adoption.

Passed upon first reading at a regular meeting of the City Council of the City of South Daytona, Florida on the 10th day of November, 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 South Daytona, Florida on the 8th day of December, 2020.

SIGNED:

William C. Hall
Mayor

ATTEST:

James L. Gillis, Jr.
City Manager

CERTIFIED AS TO FORM:

Scott E. Simpson
City Attorney