

MINUTES

REGULAR MEETING – PLANNING BOARD

June 23, 2011

Minutes for the Regular Planning Board for The City of Daytona Beach, Florida, held on Thursday, June 23, 2011, at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board members Present were as follows:

Tracey Remark
Bob Hoitsma
Janet LeSage
John McGuinness
Larry Moore
James Neal (6:35)
Cathy Washington
Shirley Benjamin
Matthew Bohon

Absent Members:

Jeff Hurt
Kevin Fishback

Staff members present:

Thomas Weitnauer, Principal Planner
Dennis Mrozek, Senior Planner
Carrie Lathan, Assistant City Attorney
Jason Jeffries, Redevelopment Project Manager
Rose Williams, Planning Technician

1. **Call to Order**

Larry Moore, Chair called the meeting to order at 6:03 pm.

2. **Roll Call**

Ms. Washington called the roll and noted members present as listed above.

3. **Approval of the Minutes:** May 26, 2011

Board Motion

It was moved by Mrs. Remark to approve the May 26, 2011 Planning Board Meeting Minutes. Seconded by Mr. Hoitsma.

Board Action

The motion was approved 8-to-0.

Continued Items:

4. **Land Development Code – Text Amendment: Building Appearance Standards, DEV2011-030**

A request by the Development and Administrative Services Department, Planning Division, to amend the Land Development Code (LDC), Article 10, Tourist Districts, and Article 18, Appearance Standards, to improve existing architectural design standards and to insert new architectural design requirements to increase the design regulations' effectiveness. *(Continued from the May 26, 2011 Planning Board Meeting)*

Staff Presentation

Thomas Weitnauer, Principal Planner gave a brief PowerPoint presentation that included the request as stated above and why the changes were being recommended. He stated a thorough presentation was given by staff at the May 26th meeting but there were a few inconsistencies in the current LDC and the proposed LDC text changes. He stated there were three replacement pages in each Board member's folder that reflect proposed changes that have been added since the May meeting *(Attachment)*. He stated staff recommends approval and that six affirmative votes are required to recommend approval to the City Commission.

Mr. Hoitsma asked if there was a way to clear up the change regarding staff authority on minor changes. He stated he has always had trouble with the word "minor" and feels the language should be more specific as to what types of changes would be considered minor. He also referenced the text change in Article 18, Section 1.2(a) and asked why the language "*where there is a change of use, or where a use is reestablished after a vacancy of six months or more*" was being deleted.

Mr. Weitnauer replied he would check his notes but he believed this change was requested by Paul McKittrick based on his knowledge of the permitting and licensing process.

Mr. Hoitsma asked why the same rule was not being applied to use changes also. He stated the last thing he had a question on was page three, Section 1.4 of the same article. He asked if the language that read "*55 feet plus 1 foot for every inch of setback over 125 feet*" was correct.

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Mr. Weitnauer replied it was brought to his attention that this might be an error and needed to be analyzed a little further.

Mr. Moore asked if this was a change that could come back at a later date.

Mr. Weitnauer replied yes. He stated with the exception of the codes that specifically address building architectural standards, staff tried not to make changes that would affect a lot of the code because of the LDC Re-write being performed by Clarion. He stated staff was requesting some flexibility in the area pertaining to regulations relating to off-sets or some architectural breaks in the plane of three feet/every thirty feet. He stated the three foot off-set is pretty important because it creates the shade shadow that reflects the depth change.

Mr. Moore asked if he was speaking in reference to staff recommending these changes when the application was submitted for initial review.

Mr. Weitnauer replied correct.

Mr. Moore asked if this would save the applicant both time and money.

Mr. Weitnauer replied yes.

Mrs. Remark recommended on the bottom of page one, Article 10, Section 5.5(10), adding the language "*per cluster*" to the language; page eight, Article 18, Section 4.3(c), keep the numbers 1 and 2 for clarity purposes and on the same page at the bottom number four, in front of the number 50 the word "thirty" should be changed to "fifty"; same page last line, horizontal feet is written twice; page 11 request that the language pertaining to minor deviations be more clearly spelled out as suggested by Clarion. She stated she was not sure what "*advertised public meetings*" meant and was uncomfortable with that language. She stated she thought if the request was on the advertised Planning Board Meeting Agenda then they were automatically public meetings. She asked staff for clarification.

Mr. Weitnauer replied it was his understanding if it was an administrative appeal; mail notice to surrounding property owners was a requirement.

Mrs. Remark stated this language is only addressing mail notice and if so she feels it should be posted on the property because neighbors should always have some form of notification other than the legal ad in the newspaper. She referenced Mr. Weitnauer's PowerPoint presentation that reflected staff's removal of proposed prohibition against variances for oceanfront standards and asked if that meant the language would stay in the code. She stated her understanding when oceanfront standards were done, part of it was there would be no variances from side or front setbacks. Mrs. Remark stated the Planning Board did a lot of work to put those requirements in place and she feels it should be left in.

Mr. Weitnauer replied the existing LDC gives a set of sections that prohibit variances and one of them reference architectural standards. He stated when he started his research to prepare this amendment, he removed that cross reference but after discussion with other staff members and acquiring more background on the history behind the reference he took out the proposal to remove that language.

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Mrs. Remark stated so the language will remain in the code.

Mr. Weitnauer replied yes the language is being left as is, which prohibits variances from side or front setbacks on oceanfront properties.

Mr. McGuinness stated he wanted to be clear on what Mr. Weitnauer was saying. He stated if a project deviated too much from the new design guidelines for major City thoroughfares and was denied by staff because the applicant could then revise the project to meet the guidelines and then move forward through the process if staff approves it.

Mr. Weitnauer replied, he was suggesting staff have the ability to sit with the applicant and review the proposal to determine why the project was not meeting the standards and come to an agreement on how they could bring the project into compliance and move forward.

Mr. McGuinness asked if he was talking about projects that had already gone before the Planning Board.

Mr. Weitnauer replied there are quite a few projects that do not go to the Planning Board because of their size and would only be reviewed by staff.

Mr. Moore stated what he believed Mr. McGuinness was asking was if staff agreed to a deviation, when it comes before the Planning Board it would not come as a variance but staff would inform the Board that staff had administratively approved the variance.

Mr. Weitnauer stated that was not staff's recommendation because if staff were in agreement with the variance but still had to bring it to the Board for approval, it would add another month onto the process. Staff was suggesting the applicant be allowed to appeal to the Board if staff denied the variance.

Mrs. Remark stated it might be helpful to have work on this amendment a little bit more and bring it back to the Board. She asked if the Board was just discussing the item tonight or if staff was asking the Board to make a recommendation on an amendment that does not seem to have clarity.

Mr. Moore stated he believed staff was requesting the Board have discussion on the amendment and if the Board is in agreement then the new proposed changes would become a part of the amendment and move forward to the City Commission and if not leave it as and move it forward to the City Commission. He asked Ms. Lathan if there was anything she needed to add to the discussion.

Ms. Lathan stated she agreed with Mrs. Remark's recommendation to bring back a written proposal if the Board was not clear on what was being proposed tonight. She stated it does not sound like the Board or staff is in agreement as to what the amendment should be regarding variances.

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Mrs. Remark stated right now it does not sound clear that the Board or staff understand what is being proposed. She stated listening to the discussion; right now she was totally lost.

Mr. Weitnauer stated he would try to clarify. He stated if staff was given some authority to consider deviations and they are in agreement with the project team, would the Board still want the deviation to be brought before the Board for approval.

Mrs. Remark stated she would like to have time to think about that request because it is not as simple as it sounds. She stated she needed something more concrete.

Mr. McGuinness stated he would like to see more examples of what a minor deviation would consist of.

Mr. Moore asked if that part could come back as a separate item.

Mr. Weitnauer replied yes.

Citizen Comments

No citizen comments.

Board Comments

No additional Board comments.

Board Motion

It was moved by Mrs. Remark and seconded by Mr. McGuinness to approve Land Development Code Text Amendment, Building Appearance Standards, DEV2011-030 with the following recommendations:

- Grammatical changes
- Staff replacement/additional changes
- Prepare an appeal process as a separate amendment

Board Action

The motion was approved 8-to-0.

New Items:

5. **Planned Commercial Development – Rezoning: Daytona Kennel Club, DEV2010-069**

A request by Robert A. Merrell, III, Esq., of Cobb Cole, on behalf of Daytona Beach Kennel Club, Inc. (successor to North Delaware Land Acquisition company, Inc.), to approve the second amendment to the Daytona Beach Kennel Club, Planned Commercial Development (PCD), located at 960 South Williamson Boulevard, to allow for an electronic message center sign.

Staff Presentation

Dennis Mrozek, Senior Planner gave a brief PowerPoint presentation that included the request as stated above and the current LDC requirements for rezonings. He stated the site is located on the southwest corner of Bellevue Avenue and Williamson Boulevard, adjacent to Interstate 95; the future land use is mixed use and the zoning is PCD. He stated the current sign is approximately seven feet tall and 15 feet wide, totaling 105 feet. Mr. Mrozek stated some of the measurements on the proposed electronic message center (EMC) sign may have been erroneous so staff recalculated them to make sure everyone was on the same page. He stated the measurements of the sign are as follows: total width of the proposed sign 14-feet 4-inches (from the top plate) and 13-feet, 7-inches (from the bottom to the top of top plate); sign cabinet area from side to side is 12-feet, 10-inches and from top to bottom is 10-feet, 9-inches for a total of 138 square-feet of allowable signage on that portion of the sign. He moved on sign calculations for the proposed EMC sign and the static sign above it. The calculations are as follows: EMC sign, located on the bottom is 46 square-feet, which takes up 33 percent of the sign cabinet area. The current LDC would allow 50 percent of the sign area to be EMC so that portion does meet the code. He stated the top/static portion is 66 square-feet of sign area which accounts for approximately 48 percent of the total cabinet space on the sign, which makes up a total of 112 square-feet of signage on each side of the sign. He showed an artist rendition of what the sign would look like approximately 200 feet away looking north on the same side of the street. Mr. Mrozek stated requested waivers are as follows: Sign Height - from 8 feet maximum, to 13 feet 7 inches; additional signage (non-EMC) from 15 percent of cabinet, to 48 percent. He stated this was the first EMC to come before the Board since the EMC ordinance was adopted. He stated if the proposed sign were to move forward meeting current LDC requirements; it would have 35 percent of blank monument space. He stated staff was recommending approval of the amendment request and an affirmative vote of six is required by the Board to recommend approval to the City Commission.

Applicant Presentation

Robert Merrell, Cobb Cole, 150 Magnolia Avenue stated Mr. Mrozek had done a pretty good job of giving the measurements and percentages for the EMC sign. He reminded the Board that the item was a PCD amendment and the context of the request was in fact a PD. He stated he was sensitive to the fact that this Board made a recommendation to the City Commission that resulted in a somewhat different ordinance being approved as it relates to EMCs. He reminded the Board that one of things the City Commission did that was different than the

Board was make it clear that PDs would be allowed some flexibility and this was a case where flexibility was being requested. Mr. Merrell stated he was not clear what Mr. Mrozek's intent was when he referenced the part of the EMC ordinance that addressed the 15 percent. He stated the primary request tonight was to allow for a variance from the maximum height requirement of eight feet tall and that he and several others involved in the process relied on the fact that the PUD and comprehensive sign plan opportunities for flexibilities would allow some flexibility from the height requirement. He distributed two sets of photographs of the current sign that he felt focused on the height aspect of the request. He stated the first set of photographs were a windshield shot of the current sign, going north on Williamson Boulevard. He stated the second sets of photographs were a windshield shot of the current sign coming from the south and a simulation of the proposed EMC sign. He noted the size of the building size in relation to the sign size. Mr. Merrell stated he believed from the standpoint of the compatibility with the scale, size and architecture of the building the proposed sign fits with the surroundings. He stated he ventured to say he did not believe there was anyone present tonight that would object the request. He stated the Kennel Club was a very big employer in the area and a good corporate citizen and asked the Board to keep that in mind when they made their decision.

Citizen Comments

Jim Cameron, Senior Vice-president, Government Relations, Daytona Beach Regional Chamber, 126 East Orange Avenue, Daytona Beach, Florida spoke in favor of the request.

Weegie Kuendig, 718 North Wild Olive Avenue, Daytona Beach, Florida spoke in opposition of the request because it did not meet the requirements of the EMC ordinance.

Board Comments

Mr. Bohon stated he was not on the Board when a criterion was put together for EMC signs and he was concerned about people being allowed to request waivers and variances from the approved criteria. He asked the Board what would constitute too many waiver requests.

Mr. McGuinness stated he shared Mr. Bohon's concern and he understood if someone came in with a comprehensive sign plan and were requesting flexibility in the design standards for the entire project but he did not understand the Commission's recommendation to be for a project that does not have a comprehensive plan or a development that does not meet the criteria in the EMC ordinance. He asked where the line would be drawn.

Mr. Hoitsma stated this discussion had been discussed several times over the past 20 years he had served on the Board and he feels the Board took a good look at the issue two years ago and came up with a set of rules. He stated he agreed that this would set precedence and once it is done it makes future requests much more difficult. He stated he felt 13 feet was a good size and recommended sticking with the code.

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Mrs. Remark asked Ms. Lathan for the legal interpretation of the EMC ordinance pertaining to waivers. She asked if the only type of PD process that was allowed to do this was for PDs in sports and entertainment venues on sites exceeding 35 acres.

Ms. Lathan replied it appears that way.

Mrs. Remark stated part C that reads, “except as specifically permitted in an approved comprehensive sign plan or PCD agreement EMC signs shall meet the following design, construction, location and operational standards.” She stated it was her understanding that the city attorney was going to speak to the word “specifically” meaning those that were currently in place.

Ms. Lathan replied that was not her understanding and she had spoken with the city attorney. She stated her interpretation of that part of the ordinance was those were the standards unless it was a CSP or PD agreement.

Mrs. Remark asked if that meant anyone with a PD agreement could request a waiver from the standards.

Ms. Lathan replied, they could ask.

There were comments from Board members on their opinion of the current sign.

Mr. Merrell rebutted the Board’s comments.

Mrs. Remark gave lengthy comments on justification for the waiver based on research she had done regarding traffic safety and stated she feels the sign height recommended by the Board was a mistake. She stated from a traffic safety point she does not feel the rules make sense and hopes the Board approves the request.

Ms. Washington stated she has driven past the sign several times and said if you are not familiar with the area especially after dark you will not see it. She stated she lives in the area and bypassed the sign twice and feels visitors would have even more difficulty seeing it.

Ms. LeSage stated she agreed people do not see things as well at night but the applicant would have the advantage of having the EMC display that is a brighter contrast than what the current sign has. She stated rules were made for a reason and she appreciates bending them when appropriate however she does not feel this would outweigh the benefit they will receive with allowing the EMC.

Board Motion

It was moved by Mrs. Remark to approve Planned Commercial Development – Rezoning - Daytona Kennel Club, DEV2010-069. Seconded by Ms. Washington.

Board Action

The motion was denied 4-to-5 by roll-call-vote, with the breakdown as follows:

Mrs. Remark	Yes
Mr. Hoitsma	No
Mrs. Lesage	No
Ms. Benjamin	Yes
Mr. Moore	No
Mr. Neal	Yes
Mr. Bohon	No
Ms. Washington	Yes
Mr. McGuinness	No

6. **Planned Commercial Development – Rezoning: Robbie O’Connell’s, DEV2011-007**

A request by Glenn Storch, P.A., on behalf of TOLC, LLC to rezone 2,680± square-foot of land, located at 550 Seabreeze Boulevard, from BR-1, to Planned Commercial Development (PCD), to allow live music on the site.

Staff Presentation

Dennis Mrozek, Senior Planner gave a brief PowerPoint presentation that included the request as stated above and the current LDC requirements for rezonings. He stated the site is located on southwest corner of Seabreeze Boulevard and North Grandview Avenue and is currently operating as bar with a 4-COP alcohol license (beer, wine and liquor). He stated currently live entertainment is not allowed on the site, which was done through a settlement agreement with the City based on live entertainment regulations. The agreement allowed the applicant to continue to serve alcohol on a 4-COP license without having a restaurant, provided they would not have live entertainment at the site. Mr. Mrozek stated the applicant is now requesting to add “live entertainment” to the list of permitted uses for the property and has designated live entertainment on the first and second floor of the building (100 square feet per area) with the use being limited to “Irish styles” of music and an acoustic guitar, with amplified sound. Ordinance No. 10-101 that approved regulations pertaining to live entertainment states “*Live entertainment may be presented provided the entertainment shall occupy one contiguous area of no more than 100 square feet, shall occur only between the hours of 11:00 a.m. and 11:00 p.m., and there shall be no cover charge.*” He stated PCDs are allowed to request waivers from the LDC and the waivers being requested by the applicant are as follows:

- Requirements for Restaurant Use – Currently regulations do not allow restaurants that serve alcohol to have live entertainment and the proposed site does not have a full restaurant.
- Limits to only one contiguous area of no more than 100 square feet – Current regulations allow only one area allowed per property.
- Required Building Setbacks for PCD’s – It is an existing building and it would be impossible to comply with current regulations.

- Minimum district area for PCD's – Minimum district area to rezone a property to PCD is one acre. The total area for the proposed property is .0615 acre.

Mr. Mrozek stated the current regulations only allow live entertainment between the hours of 11:00:00 a.m. to 11:00 p.m., and no cover charge is allowed. He stated the applicant is not requesting to operate between the allowable hours, so their hours would be flexible based on their schedule, which would be a waiver from the current code and nothing was included in the request to reflect they would not have a cover charge so a waiver would have to be requested. He stated staff recommends approval of the rezoning request and an affirmative vote of six is required by the Board to recommend approval to the City Commission.

Applicant Presentation

Glenn Storch, 420 South Nova Road, Daytona Beach stated every once and a while something happens with government that just does not make sense and he believes that is what has happened in this case. He stated he was trying to figure out why an Irish pub cannot have an Irish band or someone playing a guitar perform there. He stated as Mr. Mrozek stated the reason why live entertainment was not permitted on the site was because it was originally part of an adult entertainment facility with a different owner. He stated Robbie and Tonya O'Connell leased from the previous owner since 2003 and have turned it into a place that is really beloved by the people in the area and young professionals. He stated he feels this was the type of facility that should be encouraged by the City because it is special, unique and tourists would love to visit. Mr. Storch stated the only thing missing was music and that component would make a world of difference. He stated in their discussions with staff the question was asked if the previous owner no longer owned the property would it be possible to seek some other option. He stated staff's reply was yes and based on this response, the applicants purchased the property. He stated when they originally opened they had live entertainment but ceased when they were told by the City that there was an agreement in place that did not allow it. He stated since then they have been trying to find a solution to the problem. Mr. Storch stated his clients have looked at the possibility of putting in a kitchen, relocating out of Daytona Beach but neither were viable solutions. He stated they worked with staff and came up with the idea of doing a PD with the only change of allowing live music as opposed to recorded music. He stated no changes would be made to the outside appearance and everything on the inside would remain the same except for the fact that a band would be allowed to come in and play for customers. He stated a point that concerned him with Mr. Mrozek's presentation was the indication that cover charges were an issue. He stated currently they do not have a cover charge and have never thought of having a cover charge. He stated they did not feel having live entertainment would have any impact to the neighborhood because the closest residential zoning is 750 feet away.

Mrs. Remark asked if the applicant would be willing to adjust hours to 11:00 to 11:00.

Mr. O'Connell replied 2:00 a.m.

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Mr. Storch stated they would prefer the finish time to be 2:00 am but if any of the neighbors had a problem with the time they would look at adjusting the hours.

Mrs. Remark asked if they were requesting a cover charge.

Mr. Storch replied absolutely not.

Citizen Comments

Tom Leek, share holder with Cobb Cole and Chairman, Daytona Regional Chamber of Commerce, 126 East Orange Avenue, Daytona Beach spoke in favor of the request.

Jim Cameron, Vice President, Government Relations, Daytona Regional Chamber, 126 East Orange Avenue, Daytona Beach spoke in favor of the request.

Mark Dowst, 536 North Halifax Avenue, Daytona Beach stated he has an engineering business around the corner from this business and he was in favor of the request.

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated as a resident that lives close to the business, he does not mind live entertainment but he does have a problem with the debris that is left on the ground around the building.

Mrs. Remark informed Mr. Nicholson that this request was only for the property located at 550 Seabreeze.

Patricia Smith, 255 Lexington Drive, Daytona Beach stated nothing in the language addressed music only being allowed inside the building.

Mr. Storch replied it is inside only and they were willing to add language that says no speakers or furniture will be allowed outside and no cover charge.

Board Comments

Mr. Hoitsma asked what could be allowed under live entertainment.

Mr. Storch replied under the terms of the proposed PCD live music would be limited to "Irish styles" of music and an acoustic guitar, with amplified sound.

Mr. Hoitsma asked if there were any other kinds of live entertainment that could be allowed.

Mr. Storch replied absolutely not. He stated they were very concerned with making sure they did not duplicate what took place previously. He stated they worked closely with the City's legal department and that is why they have no objections to the request.

Mrs. Remark stated there was nothing in the language that would keep the PD from being amended.

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Mr. Storch replied correct.

Mrs. Remark stated those terms could be requested to be changed at any time.

Mr. Storch replied that was certainly possible but at the same time it would have to come back before this Board.

Mrs. Remark stated so that could mean all of things are flexible and open to negotiation where there could be a request for outside seating, to change the stage size, etc.

Mr. Storch replied no, the agreement was not flexible and open to negotiation. He stated they could ask for anything at any time but they would have to start the process all over again.

Ms. LeSage stated she was a little bit on the fence about this request. She stated the bands the applicant was talking about were very well known, tour all over and have a following and will be spending money in the City. She stated she has also seen Irish bands that are not what we would want in the City.

Mr. Storch replied they were limited on the types of bands that would be allowed to play.

Mr. Bohon stated he was also on the fence about the request. He asked what would happen if someone else comes and tries to manipulate the system.

Mr. McGuinness stated currently it is a legal non-conforming use. To add other uses must come in with a PD. He stated he feels it will set a very bad precedent if the Board allows PDs on properties less than one acre and it will open the door for other small businesses to follow.

There was additional discussion between Mrs. Remark and Mr. Storch.

Board Motion

It was moved by Mrs. Remark and seconded by Ms. Washington to approve Planned Commercial Development – Rezoning: Robbie O’Connell’s, DEV2011-007 with the following conditions

- No cover charge
- No outside seating
- Hours 11:00 a.m. to 2:00 a.m.
- No outside speakers

Board Action

The motion failed 3-to-6 by-roll-call vote, with the breakdown as follows:

Mrs. Remark	No
Mr. Hoitsma	No
Mrs. Lesage	No
Ms. Benjamin	Yes
Mr. Moore	No
Mr. Neal	Yes
Mr. Bohon	No
Ms. Washington	Yes
Mr. McGuinness	No

7. **Land Development Code – Text Amendment: Prohibited Uses in Redevelopment Areas, DEV2010-025**

A request by the Development and Administrative Services Department, Planning Division to amend the Land Development Code (LDC), Article 2, Definitions, Article 12, Redevelopment Areas and Districts, and Article 17, Conditions and Requirements for Specific Uses, to modify the specifically prohibited uses in redevelopment areas.

Staff Presentation

Dennis Mrozek, Senior Planner gave a PowerPoint presentation that included the request as written and the chronology of events. He touched briefly on the numerous public meetings held in an effort to include all stakeholders and on the pending ordinance. He stated the City Commission passed the pending ordinance on first reading and then decided it would be in the best interest of the City to hold a social service workshop to get input from residents and social service agencies. At the workshop the Commission discussed issues surrounding the pending ordinance and formed a taskforce responsible for reviewing and providing input for possible improvements. The taskforce was made up of all stakeholders and Ray Salazar was appointed as the chair. The taskforce held several meetings that resulted in an alternative social service ordinance being proposed. The Commission directed staff to research the following areas:

- Additional social service use regulations.
- To look at possible commercial uses that may have a negative effect in the redevelopment areas.
- To look at City wide requirements to determine if anything could be done throughout the City regarding social services.
- Look at the North Ridgewood corridor to develop a plan to protect the area.
- Amortization Schedule
- Grandfathered Uses

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Mr. Mrozek stated that in April of this year staff presented the results of the Taskforce to the City Commission and received quite a bit of feedback. The Taskforce proposed converting some of the prohibited uses in redevelopment areas to conditional uses. Their thought was if conditions could be added to the uses some of the impacts could be mitigated. Some of the proposed conditions were:

- Distance separation requirements
- Requiring patrons to be inside the building to prevent loitering
- Facility size

Mr. Mrozek stated after discussion, there was consensus of the Commission on the following:

- Commission was not in support converting some of the prohibited uses in redevelopment areas to conditional uses. *Staff was directed not to change any of the current prohibited uses in the redevelopment areas and to add some commercial and/or social service uses where they might be needed.*
- Commission did not support the amortization schedule.
- Commission did support grandfathering of legal non-conforming uses through an identification program. He stated they felt this program would assist the City in identifying illegal non-conforming uses to allow Code Enforcement the opportunity to do something about the illegal uses.

Mr. Mrozek stated staff made the changes/corrections recommended by the City Commission and brought the modified prohibited use schedule back to redevelopment boards and presented the alternative ordinance that addresses uses in redevelopment areas. He stated the redevelopment boards were encouraged to look at uses their specific areas might need addressing. He stated all three redevelopment boards recommended approval of the alternative ordinance. Mr. Mrozek stated staff used the Comprehensive Plan, Redevelopment Element, Goal 1 as the road map to determine how they should look at the redevelopment goals as they moved forward. He stated staff determined that currently there are 476 social service uses in Volusia County of which 271 are located within the City of Daytona Beach (57%). The City of Daytona Beach has 87 social service uses in redevelopment areas; Ormond Beach, Port Orange, South Daytona and Holly Hill combined have 85 social service uses. He went through the current list of prohibited uses in redevelopment areas that is comprised of social service businesses, commercial businesses and adult businesses and the proposed changes to the list. He stated the alternative social service ordinance is currently scheduled for the July 20th City Commission Meeting on first reading and August 3rd for second reading. He stated it was very important that the alternative ordinance be placed on the July 20th City Commission Meeting because there was a pending social service ordinance on that same agenda prohibiting all social services in all redevelopment areas. He stated staff recommends approval of the LDC text amendment.

Mrs. Remark stated the Planning Board unanimously approved the pending ordinance on August 27, 2009.

Mr. Mrozek replied correct.

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Mrs. Remark asked if it would cause a conflict if the Planning Board approves the alternative presented tonight.

Ms. Lathan replied the first pending ordinance that was recommended for approval in 2009 is scheduled for second reading (adoption) on July 20th. The Commission's vote on that ordinance will determine whether or not the alternative ordinance will be voted on.

Mr. McGuinness asked to have the definition of a feeding program added.

Ms. Lathan stated she believed it was a general enough term that it covered whether it was a large or small scale program.

Mr. Mrozek stated the LDC does not have definitions for everything and because of that, interpretations of what things mean are used.

Mr. McGuinness asked a question about food pantries and feeding programs.

Mr. Mrozek replied it had been in the code for quite some time without a definition but he would be happy to try to find a definition that fits the needs. He stated they were taking out Turkish baths and missions because they did not have definitions.

Ms. Lathan stated the one concern staff had with defining feeding programs was creating a definition and then missing something. She stated having a general definition allows it to fit a wide variety of things.

Mrs. Remark asked if the understanding was if there was not a definition in the code then the generally accepted definition was used.

Mr. Mrozek replied yes and that was what staff had been doing.

Citizen Comments

Mark Dowst, 536 North Halifax Avenue, Daytona Beach stated he has been tracking the ordinance for quite a while and he was really glad to see this issue addressed. He stated approximately one week ago he was notified that if this ordinance gets adopted, convenience stores would no longer be allowed in the Midtown Redevelopment Area. He stated he represents two gentlemen that purchased a convenience store in the Midtown Redevelopment Area in April of this year. He stated at the time they purchased the store it had been closed for three months and were told by City staff that they needed to get a site plan. He stated just before they were able to submit the site plan, they were told by City staff that convenience stores had been added to the list of prohibited uses in the Midtown Redevelopment Area and therefore under the pending ordinance provision, they were not permitted to submit the site plan. Mr. Dowst stated usually ordinances protect against people being damaged by the grandfathering provision and the problem his clients have is their store was not in operation for more than three months, so they do not meet the grandfathering requirements. He requested that the Board strike convenience stores from the list of prohibited uses in Midtown or grant

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grandfathering status to this business so they could complete their plan and reopen the store and operate as a conforming business subject to non-conforming status if they ever close. He stated his clients were present and ready to speak if needed.

Mr. Moore stated to Mr. Mrozek that the list distributed to the Board tonight was quite a large list of businesses in the Midtown area that would be affected and the Midtown Board had been waiting on the results of the FAMU study. He stated he was wondering why it would not be logical to wait on the study instead of doing this tonight.

Mr. Mrozek stated the FAMU Study looks at all of the zoning in the Midtown area to put a plan together to revitalize the area. He stated recently an amendment was passed that excluded the Midtown area in an effort to see what the outcome of the study would do. He stated the Midtown Redevelopment Area Board meetings are not advertised and he attended the Midtown meeting when the Board decided on the uses they wanted prohibited and there wasn't anyone in the audience for the discussion. He stated it was his belief that if the property owners had been notified, they might have been there. He stated he feels this is a good opportunity to wait for the outcome of the FAMU Study to see if this request from the Midtown Board is in line with the outcome of the study.

Mr. Moore asked if Mr. Mrozek was saying the Board should strike that language.

Ms. Benjamin stated the understanding of the Midtown Board was the existing businesses would remain but no new business would be allowed.

Mr. Mrozek replied typically that is the case if it is a legal non-conforming use; they would not be allowed to expand or change the use. He stated in the example Mr. Dowst used earlier, the use would not be allowed to come back and would be a vacant building just sitting there. He stated staff was trying to put a plan in place that would not require constant tweaking, changing and modifying and that is why it would be a good idea to see the FAMU Study before widespread prohibitions were put in place.

Mr. Hoitsma asked what recommendations staff had to resolve the problem.

Mr. Mrozek replied for this particular one, the Board could make a recommendation without the specific Midtown Board's recommendations and move forward with a recommendation the uses in Midtown should follow the FAMU Plan when it is completed.

Mrs. Remark asked if the Midtown Board had the list distributed tonight when they made their recommendation.

Mr. Mrozek replied no, they went down the list of uses and determined which ones they did not want in the area.

Mahbubor Ahsanulbah, 3600 Carmel Avenue, Daytona Beach spoke in opposition of the

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request. He is the co-owner of a convenience store located at 710 South Martin Luther King, Jr. Boulevard.

Omar Iman, 3610 Carmel Avenue, Daytona Beach spoke in opposition of the request. He is the co-owner of a convenience store located at 710 South Martin Luther King, Jr. Boulevard.

The Board asked staff for options.

Mr. Mrozek and Jason Jeffries, Redevelopment Project Manager went through the list of uses and made the following options:

- Go down the list of uses and select specific uses to move forward and ones that would be postponed until the FAMU Study was complete.
- Move all of the uses forward as requested by the Midtown Board and allow the City Commission decide.
- Hold all of them back until the FAMU Study is completed.
- Add specific locations to the list that would be allowed to continue as a legal non-conforming use.

Mr. Mrozek stated because commercial uses were not included in the original amendment, what staff would like the Board to do is move the request forward to the July 20th City Commission agenda, without this section. He stated this would allow staff more time to analyze what is being requested after which, the request would be brought back to the redevelopment boards and the Planning Board for discussion and recommendations before moving forward to the City Commission for action.

Mr. Hoitsma asked what happens to the Midtown area in the meantime.

Mr. Mrozek replied if it is taken out of this amendment it would no longer be a part of the pending ordinance. He stated the applicants would be allowed to move forward with the process to re-establishment the use.

Ms. Washington asked for the address of the property being discussed.

Mr. Moore replied 719 Martin Luther King (MLK) Boulevard.

Ms. Benjamin stated she needed to know exactly where that piece of property was located.

Mr. Dowst replied it was located on the corner of MLK and Wells Street.

Mrs. Remark stated she felt the language on page two of Attachment D under Midtown Redevelopment Area prohibited uses was a little misleading because when you strike through the words "light vehicular service" and leave in "convenience stores" without underlining the words, it makes it appear that convenience stores have always been prohibited. She stated when you cross out vehicular service it makes convenience stores a new type of business.

Mr. Mrozek stated the reason that language was taken out was because the original intent was

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to leave convenience stores on. He asked Mr. Jeffries if that was correct.

Mrs. Remark stated convenience stores without light vehicular service would be a new service and she believes that makes it a new prohibition.

Mr. Mrozek asked Mr. Jeffries to respond to Mrs. Remark's statement.

Mr. Jeffries replied he agreed with Mr. Mrozek that some additional research needed to be done in regards to prohibiting certain business in Midtown Redevelopment Area that are not being prohibited in any other redevelopment area. He stated what has been prohibited in other redevelopment areas are social services and commercial uses such as pawn shops and check cashing services, which are inconsistent with the redevelopment element of the Comprehensive Plan and detrimental to redevelopment efforts. He stated what he believed he was hearing from the Board was they would prefer to wait on the results from the FAMU Study and then revisit certain commercial uses such as vehicular sales/service, convenience stores, and carwashes.

Mr. Hoitsma asked Mr. Jeffries what he thought the Board should do in regards to the two business owners at 719 MLK that spoke earlier.

Mrs. Remark and Mr. Jeffries replied that this would solve their problem.

Ms. Benjamin stated she lives in the Midtown area and there are a lot of little convenience stores there. She stated the Midtown Board does not want any more to be established there. She stated the ones in the Midtown area create traffic that is terrible and if you ask the police chief he will tell you what the problem was at the convenience store the two business owners are trying to re-establish.

Chris Daun, 132 Pierce Avenue, Daytona Beach spoke in opposition of the request.

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated he is sympathetic to the two business owners but he is on the Nuisance Abatement Board and there have been nine cases brought before the Board from the Midtown area. He stated two were from night clubs and the rest were all convenience stores that were drug related. He asked the Board to discuss this with the Midtown Board before they make a recommendation. He spoke briefly on food feeding programs. He stated he thought the only way to prohibit them was to have a coalition but there are still programs throughout the City where feeding programs are being administered. He asked if feeding programs were being grandfathered in or are they being prohibited. He also asked if the Board would consider implementing an amortization schedule for the Salvation Army.

Board Comments

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Mrs. Remark asked if feeding programs would become a legal non-conforming use. She asked if this amendment would grandfather feeding programs that are currently in existence.

Mr. Mrozek replied it would grandfather feeding programs that are a legal non-conforming use. He stated it would require research to make that determination and if it were determined they were existing illegally, the use would have to cease.

Mrs. Remark asked about the status of pain clinics.

Ms. Lathan stated staff reviewed what was just passed in the legislature and feel comfortable that the computer database that has been put in place will address these types of operations from setting up shop.

Ms. Washington stated she was concerned how the Midtown Redevelopment Area Board would be affected without having the results of the FAMU Survey or the results of the Planning Board's decision tonight.

Mr. Mrozek replied that could not be answered because no one knew what the results of the FAMU Study would be.

Ms. Washington stated she was asking with the information the Board received in their packets, the list of businesses that were distributed tonight and without the results of the FAMU Study, just what was the Board being asked to vote on tonight.

Mr. Mrozek replied the Board was being asked to take action on the full ordinance, without the uses that were recommended by the Midtown Redevelopment Area Board. He stated he feels there should be involvement from the community before that part is voted on. He stated if it is something the Midtown Board feels strongly about it can be taken back through the process.

Ms. Benjamin asked Mr. Mrozek if he was saying the two gentlemen present tonight would be able to reopen the convenience store.

Mr. Mrozek replied if it is pulled out tonight, yes. Because it would not be a part of the pending ordinance.

There was additional discussion on the Midtown Redevelopment Board list that was distributed.

Mr. Jeffries stated there were some uses on the list like outdoor storage, used clothing sales and used furniture sales that should move forward because those uses were consistent with the other redevelopment area plans.

9:33 PM – Mr. Neal took a break.

The Board asked Mr. Jeffries which uses should be taken off.

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Mr. Jeffries replied, strike the addition of carwash, the change to convenience stores, leave in check cashing service because it is already prohibited, vehicular service, both light and heavy, keep the recommendation on outdoor storage and package alcohol beverage stores because Article 17 already prohibits them with the exception of the Midtown Plaza; keep pawn shops on the list, strike sales and rental of vehicles, keep used sales of clothes and furniture on the list because it is consistent with the other redevelopment areas.

Mr. McGuinness asked if the language regarding grandfathering from page four could be included in the ordinance.

Ms. Lathan replied they might be able to put that language in the ordinance adopting the legislation and she assumes the Planning Division would be responsible for notifying businesses.

9:35 Mr. Neal returns from break.

There were additional questions regarding legal and illegal non-conforming uses.

Board Motion

It was moved by Mrs. Remark, seconded by Mr. Hoitsma to approve Land Development Code – Text Amendment: Prohibited Uses in Redevelopment Areas, DEV2010-025 with exclusions under the Midtown Redevelopment Area prohibited uses of removing carwash, vehicular service light and heavy, sales and rental of vehicles light and heavy; putting the language back on the list “with light vehicular service” back on the list; and recommendation by staff to clarify the principal and accessory use that grandfathers legal non-conforming uses.

Board Action

The motion was approved 7-to-1 by roll-call-vote with the breakdown as follows:

Ms. Remark	Yes
Mr. Hoitsma	Yes
Ms. Benjamin	No
Mr. Moore	Yes
Mr. Neal	Yes
Mr. Bohon	Yes
Ms. Washington	Yes
Mr. McGuinness	Yes

8. **North Ridgewood Overlay Area**

a. **Rezoning: North Ridgewood Overlay Area, DEV2011-038**

A request by the Development and Administrative Services Department, Planning Division to establish a North Ridgewood Overlay Classification in a defined area generally located between Spruce, Aberdeen and Revere Streets, to the west, Mason Avenue to the north, Beach Street to the east and George W Engram Boulevard and Fairview Avenue to the south.

Staff Presentation

Dennis Mrozek, Senior Planner gave a brief PowerPoint presentation that included the request as stated above and the current LDC requirements for rezonings. He stated staff was directed by the City Commission to research reducing possible negative impacts to the North US1 Corridor that may result from the proposed changes in surrounding redevelopment areas and to provide a restriction of uses that may be located or relocated to the area as a result of proposed changes. Staff met with residents on two occasions to review and discuss community concerns. He displayed maps that outlined the proposed overlay area and stated the North Ridgewood Overlay classification is being proposed to provide additional regulations for certain properties and to operate as supplemental to the underlined zoning district regulations. He stated regulations governing the uses within the proposed North Ridgewood Area are included in the accompanying Ordinance; Item 8b – LDC Text Amendment. He stated for the record, this request is to establish the area where the regulations will apply and is in concert with DEV2011-034, LDC Text Amendment which establishes the purposes and regulations for the North Ridgewood Area. He stated staff recommends approval and an affirmative vote of six by the Planning Board is required to recommend approval to the City Commission.

Mr. Moore asked if his understanding was correct that staff was still waiting for more information on the overlay classification and the text amendment.

Mr. Mrozek replied yes and if it was ok with the Board, he would like to introduce item 8b to give a better understanding of exactly what it is that staff is looking for; then come back to 8a and decide what to do.

Board Motion

It was moved by Mr. Hoitsma, seconded by Mrs. Remark to continue Rezoning: North Ridgewood Overlay Area, DEV2011-038 to the August 25, 2011 Planning Board Meeting.

Board Action

The motion was approved 8-to-0. *(The motion was made at the end of discussion for 8b)*

b. **Land Development Code – Text Amendment: DEV2011-034**

A request by the Development and Administrative Services Department, Planning Division to amend the Land Development Code (LDC), Article 2, Definitions, Article 4, Land Development Orders and Procedures, Article 16, Overlay Classifications and Regulations, and Article 17, Conditions and Requirements for Specific Uses, to establish regulations for the North Ridgewood Overlay Area and to prohibit specific uses within the designated overlay area.

Staff Presentation

Mr. Mrozek stated this is the LDC Text Amendment for North Ridgewood Overlay area. He stated the request, as written above, and reiterated that it was derived as a result of City Commission directive to research reducing possible negative impacts to the North US1 Corridor that may result from the proposed changes in surrounding development areas and to provide a restriction of uses that may be located or relocated to the area as a result of proposed changes. He stated the location of the overlay is to the north of the City and is an at risk area. He stated the North Ridgewood area is a gateway into the City and currently does not project that image and has developed indications of economic regression. Mr. Mrozek stated a list was included in each Board member's packet that lists the proposed uses to be prohibited in the overlay area. He stated a substantial number of the uses would currently be prohibited in redevelopment areas. The list of uses are as follows:

General Prohibitions.

The following primary or accessory uses are found to be detrimental to the economic sustainability to the North Ridgewood area whether or not they are generally or customarily included in a general use category:

- Any accommodations except hotel, motel and historic bed & breakfasts
- Adult bookstores and theaters
- Blood banks
- Check cashing service
- Community residential homes and similar facilities
- Congregate meal facilities
- Flea markets
- Food pantries and Feeding programs
- Homeless services
- Homeless shelters
- Plasma center
- Recovery homes or treatment facilities
- Tattoo parlors
- Temporary labor hiring hall

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Mr. Mrozek stated as staff moved forward with the proposed amendment request, the redevelopment areas were presented to the City Commission for their input. He stated the Board might want to consider conditional uses. He stated these uses currently are not prohibited in the North Ridgewood area so making them a conditional use might be more appropriate. He stated making them a prohibited might also be an option. The task force came up with the following example as a conditional use:

Example

- Food Pantry - Any program that acquires food products through donations, canned food drives, food bank programs or purchase and distributes the food to individuals. The following conditions apply: *(Some flexibility could be applied but be sure to include conditions that would mitigate impact to the area)*
 - Does not provide prepared food to clients for consumption on or off site – prevents people from coming to the site; not allowed to eat at the site; not allowed to get prepared food.
 - Not located within 250 feet of residential zoned areas – keep residential areas safe and protected from people wondering the neighborhood.
 - Not located within 500 feet of a similar facility – Used to prevent clustering.

Mr. Mrozek stated the Board may also want to consider grandfathering of legal nonconforming. He stated a program could be set to identify principal or assessor nonconforming uses; if they were legal nonconforming uses they would be allowed to stay, if they were illegal nonconforming uses there is proposed language in the amendment to handle those properties. He stated staff recommends the following process:

- Agencies would be required to notify the City of their location and specific use.
- The City will establish a timeframe to allow agencies to comply (30 – 90 days from date of adoption).
- Those that fail to identify will not be considered legal nonconforming uses and will not be grandfathered.
- Legal nonconforming uses may have the opportunity to become conforming by meeting the requirements of the LDC.

Mr. Mrozek stated a third consideration the Board might want to consider is an Amortization Schedule which would allow landowners to recoup the value of a nonconforming use within a particular period of time. After that time, the community could force the owner to discontinue the use without the payment of compensation. (Land Use Law and Zoning Digest, January 1985) He stated although the City Commission did not support the amortization schedule for the Redevelopment Areas at this time, staff wanted to present this option to the Board for consideration. He stated staff is requesting a 60 day continuance of the amendment request to allow time to gather more area research.

Citizen Comments

Hannah Byers, 230 Anita Avenue, Daytona Beach spoke in favor of the request.

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John Anderson, 159 Congress Avenue, Daytona Beach spoke in favor of the request.

John Nicholson 413 North Grandview Avenue, Daytona Beach spoke in favor of the request.

Chris Daun, 132 Pierce Avenue, Daytona Beach spoke in favor of the request. He distributed a handout that entailed a list of documents he felt should have been presented and also several tasks he felt needed to be performed before the amendment request could be voted on. He asked about pending semi-public uses and asked the Board to continue the request to a later date to allow more research and input from residents.

Board Comments

Mrs. Remark stated several of the documents Mr. Daun referenced had already been distributed to the Board including the April 27, 2011 City Commission Workshop documents. She stated she did not have a problem recommending a continuance of the amendment request but wanted to know if the area research currently being collected by staff would give the Board a better idea about the proposed conditional uses, grandfathering of nonconforming uses and amortization schedule staff was proposing.

Mr. Mrozek replied yes and he would like the Board to consider some of the conditional uses or maybe add some additional ones that may work for the North Ridgewood area.

Board Motion

It was moved by Mrs. Remark, seconded by Mr. Hoitsma to continue Rezoning, Land Development Code – Text Amendment, North Ridgewood Overlay Area, DEV2011-034 to the August 25, 2011 Planning Board Meeting.

Board Action

The motion was approved 8-to-0.

9. Other Business

a. Downtown/Balough Road Redevelopment Area Board Report

Ms. Washington stated the Board met on June 7, 2011 at 12:00 noon in the City Commission Chambers. She stated the Board received an update on the Downtown Market and crime report update from Police Department that included a list of code enforcement actions taken. She stated the Board discussed a project located across the street from the Downtown Market that was already in progress and the downtown redevelopment area's budget.

b. Midtown Redevelopment Area Board Report

Ms. Benjamin stated the Board met on June 14, 2011 at 4:00 pm in the City Commission Chambers. She stated the 4:00 meeting time was due to the Juneteenth Banquet. She stated the Board received a Code Enforcement update from Police Department and took action on DEV2011- 025, Social Service Uses in Redevelopment Areas. She stated the 2012 AMVETS

Ladies Auxiliary and Sons of AMVETS will host their national convention in Daytona Beach.

c. **Main Street/South Atlantic Redevelopment Area Board Report**

Mrs. Remark stated the Board met on June 8, 2011 at 6:30 pm in the City Commission Chambers and Mr. Mrozek covered her report in his presentation.

d. **Public Comments**

No comments.

e. **Staff Comments**

Mr. Weitnauer reminded Board members that the Volusia County Elections Office had not received 2010 Statement of Financial Interests (Form 1) from everyone and fines would be incurred if the form was not received by July 1, 2011.

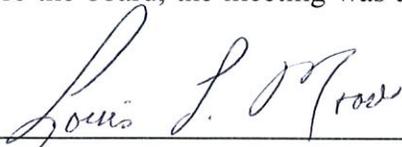
Mr. Moore stated he received his on May 20, 2011 and would complete and mail his on tomorrow.

f. **Board Member Comments**

Mrs. Remark stated one of the nicest parking garages she has ever seen was Kansas City Library. She stated it looks like a book and is stunning.

Adjournment

There being no further actions to come before the board, the meeting was adjourned at 10:35 pm.



LOUIS MOORE
Chair

ATTEST:



CATHY WASHINGTON
Secretary

Item No. 4 - Staff Handout**Attachment****Article 10 (TOURIST DISTRICTS), Section 5 (LOT AND BUILDING REQUIREMENTS), Subsection 5.5 is proposed to be amended as follows:****Sec. 5.5. Site design and architectural standards for oceanfront lots.**

(a) High standards of site design and architectural quality are essential to the success of the city's tourism industry. Therefore, all ~~hotels, motels, non-residential~~ and multifamily buildings on oceanfront lots ~~(deleted previous addition that proposed abutting a major city thoroughfare)~~ shall meet the following site design and architectural standards:

- (1) Building materials shall be resistant to the effects of the sun and salt water.
- (2) Each elevation shall have multiple surface planes such that relief from flat, boxy surfaces is provided. All building wall elevations shall comply with the appearance standards in article 18, sec. 4.3(c).
- (3) ~~The typical floor shall have the following~~ Walls of each story of a building shall have a certain percentage of window area based on whether the walls face the front, rear or sides:
 - a. Front and rear walls, shall have at least 25 percent window area.
 - b. Each side wall, shall have at least 15 percent window area.
- (4) All windows shall have exterior ornamentation (sills, frames, awnings, shutters, louvers, balconies, false balconies, etc.) such that relief from a flat building surface is provided.
- (5) ~~Each elevation~~ Buildings shall have a color scheme consisting of three complementary colors; one of which shall be the principal (base) color and the others used as highlights and accents.
- (6) ~~All buildings shall have multiple or pitched rooflines such that relief from a flat roof is provided. Mansards, parapet walls, fascia or other ornamentation shall satisfy this requirement. Elevator shafts and mechanical rooms shall not.~~ All building roofs shall comply with article 18, sec. 4.3(c).
- (7) Pedestrian level lighting shall be provided on the A1A side from the sidewalk to the building, consistent with any applicable federal, state and local environmental requirements relating to protected or endangered species. ~~Attractive, non-glare~~ Non-glare exterior lighting in the landscape areas is encouraged.
- (8) Water features such as reflecting pools and lighted fountains are encouraged.
- (9) Signage shall be limited to monument signs that are appropriately integrated into the project architecture or landscaping plans. Signage shall not be permitted on seawalls.
- (10) Landscaping shall consist of Palm tree groves established on the Atlantic Avenue frontage, ocean frontage, at the building corners, and within side setbacks. Palm tree groves shall consist of at least ~~five~~ three palms per cluster, the trunks being in close proximity to each other. Cabbage Palms shall not be acceptable unless increasing the

(b) Buildings in redevelopment districts, locally designated historic districts and historic sites are exempt from regulations set forth in Sec. 4.3.

~~(b)~~(c) At the time of renovation or improvement of an existing developed site or building, compliance with this section shall be required if both of the following thresholds are met:

1. The improvements exceed ~~\$5,000.00~~ \$25,000 in cost; and
2. Total improvement costs during any five-year period equal 20 percent of the total assessed value of the principal structure.

(Ord. No. 00-208, § 1, 5-17-2000)

Sec. 1.3. Project orientation.

(a) Multifamily uses shall be oriented toward multifamily uses or districts, or other higher intensity districts across a street or adjacent to the site.

(b) Nonresidential uses shall be oriented toward nonresidential uses or districts across a street or adjacent to the site.

Sec. 1.4. Height and setbacks.

(a) The required minimum setback for a multifamily or nonresidential structure adjacent to a single-family or duplex residential use or district shall be 25 feet. The maximum height shall be determined as follows:

Setback	Max. Height
25—75 feet	35 feet
75—125 feet	45 feet
125 feet or more	55 feet plus 1 foot for every inch of setback over 125 feet

(b) These requirements are supplemental and are not intended to allow structures within a minimum yard area established by district setbacks.

Removed all proposed amendments to Sec. 1.5

Item No. 4 - Staff Handout
(Ord. No. 03-92, § 1(Exh. A), 2-20-2003)

Attachment

SECTION 2. LANDSCAPING

[This proposed set of amendments does not include any proposed revisions to Section 2. Landscaping]

SECTION 3. TREES AND NATIVE VEGETATION

[This proposed set of amendments does not include any proposed revisions to Section 3. Trees and Native Vegetation]

SECTION 4. BUILDINGS

Sec. 4.1. Purpose.

The purpose of these regulations is to protect the city's appearance for residents, tourists, and visitors; enhance desirability of property investment; foster civic pride and community spirit; and stabilize and improve property values and prevent potentially blighting influences.

Sec. 4.2. Graffiti.

All buildings, structures, and walls in the city shall be maintained in a secure and attractive condition, free from graffiti. No letters, symbols, or other markings shall appear on exterior surfaces unless permitted in accordance with the sign ordinance.

Sec. 4.3. Exterior color and design standards on ~~arterial streets~~ major city thoroughfares.

(a) Applicability.

1. All new development on property abutting a major city thoroughfare ~~as defined in article 2, section 2,~~ shall conform to the elevation, design, and exterior color requirements of this section. Projects that are exempt from these color and design standards include except single-family detached units, and duplex residential units, buildings in the redevelopment districts, locally designated historic districts and historic sites. Walls and roofs that are not visible from major city thoroughfares are not required to comply with the requirements in this section.
2. ~~By May 5, 1998, all existing buildings abutting a major city thoroughfare as defined in article 2, section 2 except single family dwellings shall comply with the exterior color requirement. Prior to that date, existing buildings shall comply with the exterior color requirement if the use or occupancy changes, the principal use reopens after having been closed for six months or more, or the structure is renovated at a cost in excess of 50 percent of its assessed value.~~
3. ~~No variances from the design, exterior color, or maintenance provisions of this section shall be granted.~~

(b) For all new development, color drawings of the building elevations shall be submitted with color chips for all walls, awnings, and accent colors proposed, as part of the site plan