



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING AUGUST 8, 2022

**8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the P&Z Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.

1. OPENING REMARKS

2. MINUTES

A. Planning & Zoning Minutes July 18, 2022

3. QUASI-JUDICIAL HEARING

4. ACTION ITEMS

A. Ordinance 2022-14: Amendment Of Monument Sign Regulations Regarding Nonconforming Freestanding Signs On Multifamily Residential Properties

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

MINUTES
PLANNING & ZONING BOARD MEETING
July 18, 2022
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Chairman John Schmitz, Member James Lilly, Member Rose Ann Tornatore, Member Rick Delange, Member Jeni Groot. **Member excused:** Chuck Horion, **Member not excused:** Anthony Rembiszewski. **Staff:** City Clerk Cheri Schwab, City Attorney John Cary, Community Services Director Stewart Cruz.

2. MINUTES

A. PLanning & Zoning Minutes June 6, 2022

Chairman Schmitz wanted the roll call updated to reflect that Alternate Member Jeni Groot Begnaud was excused from the June meeting.

MEMBER RICK DELANGE moved, seconded by MEMBER ROSE ANN TORNATORE to approve the PLanning & Zoning Minutes of June 6, 2022 as amended.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Member Rick Delange, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Jeni Groot-Begnaud

3. QUASI-JUDICIAL HEARING

A. Variance ZV12022016: Max Beach Resort, 1903 S. Atlantic Avenue

Chairman Schmitz inquired if there had been any ex-parte communication. The board members responded there was none. All participants who were going to testify were sworn in for the record.

Community Services Director Stewart Cruz provided the location details for the property. During a property inspection, it was determined that the fencing around the property adjacent to the pool area was 7.5 feet high. The maximum height per the city's code is 6 feet high. Since the fence was already installed, the property owner has requested a variance. All due public notice requirements have been met. Slides were shown of the rear pool area that included the fence. It was noted that there is a grade change in the south-eastern corner of the property. The seven criteria for allowing a variance were briefly discussed. The applicant felt that the first criteria, which is that a special condition or circumstance exist, was created from the grade change on the property. Staff concurred on one portion of the fence but not the entire structure. Overall, staff felt the criteria had been met for the southern property line

fence, but not for the pool equipment area. Mr. Lilly inquired if the grade could be changed along the southern property line but Director Cruz advised that was not feasible. It would impact the stormwater drain off and potentially cause an issue with the Department of Environmental Protection. Attorney Joey Posey spoke on behalf of the applicant. He explained that the taller fence was installed to assist in deterring the public from trying to gain access to the beach. There was no public input for or against the project.

MEMBER RICK DELANGE moved, seconded by JENI GROOT-BEGNAUD to follow staff's recommendation and approve one portion and deny one portion of Variance ZV12022016.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Member Rick Delange, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Jeni Groot-Begnaud

B. Special Exception SPEX12022013: Max Beach Resort, 1903 S. Atlantic Avenue

Director Cruz presented his staff report for the board. There were no ex-parte communication for this item. For the record, the property is the same as agenda item 3A. The property owner would like to paint a mural in the pool deck area that would only be visible by hotel guests. Both a sign permit and special exception application were submitted. All due public notice has been met. Staff has reviewed the request and recommends approval. Chairman Schmitz was concerned about the maintenance schedule on the mural. He felt every two years was not often enough due to the weather conditions on the beachside. Director Cruz advised that the board could recommend a more formal maintenance plan be included. Attorney Posey spoke for the applicant. He was in agreement to include a maintenance plan for the mural. There was no public input either for or against the project.

JENI GROOT-BEGNAUD moved, seconded by MEMBER RICK DELANGE to approve Special Exception SPEX12022013 with the condition that the property owner enters into a maintenance agreement for the mural.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Member Rick Delange, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Jeni Groot-Begnaud

4. ACTION ITEMS

A. Regular Site Plan RSP121021034: Villa Cardinal Townhomes, 3723 Cardinal Boulevard

Community Services Director Stewart Cruz provided a brief staff report to the board. The property is vacant and the project would place four townhomes on the site. Each unit will be three stories with two bedrooms, 2.5 bathrooms and a garage. All criteria for the site plan have been met by the developer. The project is consistent with both the city's Land Development Code and the Comprehensive Plan. Staff recommended approval. The property owner, Ursula Amon was present to answer questions. She stated that construction is hoped to begin by end of the year. There were no other questions from the board.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER JAMES LILLY to recommend approval of Regular Site Plan RSP121021034 to the City Council.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Member Rick Delange, Member James Lilly, Chairman John Schmitz, Member Rose ann Tornatore, Jeni Groot-Begnaud

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 9:19 am.

Cheri Schwab, Recording Secretary

John Schmitz, Chairman



PLANNING & ZONING BOARD AGENDA MEMORANDUM AUGUST 8, 2022 AGENDA

TO: The Members of the Planning & Zoning Board
FROM: Stewart Cruz, Community Services Director
PREPARED BY: Stewart Cruz, Community Services Director
SUBJECT: Ordinance 2022-14: Amendment Of Monument Sign Regulations Regarding Nonconforming Freestanding Signs On Multifamily Residential Properties

SYNOPSIS:

Ordinance 2022-14, if adopted, would exempt nonconforming freestanding signs on multifamily residential properties from having to meet the prescribed nonconforming sign removal deadline of April 11, 2023. However, all new or reconstructed freestanding signs on multifamily residential properties are still required to be consistent with the existing monument sign regulations. There are currently a total of 17 nonconforming freestanding signs on multifamily residential properties that would be impacted positively by the adoption of this ordinance.

FISCAL IMPACT STATEMENT:

BACKGROUND:

In 2006 the citizens of Daytona Beach Shores voted to implement a \$30 million citywide underground utility and streetscape project. The goal of this project was to improve hurricane resiliency and beautify the city's streetscape for the betterment of city residents, businesses, and visitors. The project was completed in 2011. Shortly thereafter, to complement and enhance the project's goals and benefits, the Daytona Beach Shores City Council approved Ordinance 2012-02, which established monument sign standards. The also monument sign standards sought to reduce the negative safety impacts of visual clutter associated with tall and congested aerial signage. Finally, the law created a deadline of April 9, 2022 for property owners to remove or replace existing nonconforming pole signs with shorter freestanding monument signs. This deadline was recently extended by the City Council to April 11, 2023.

As is normal after the implementation of an ordinance, staff recently reviewed the sign regulations and their impact on the streetscape and built environment to determine if the goals, objectives and original intent of the ordinance have been met. In doing so, staff determined the following:

1. Existing nonconforming multifamily residential freestanding signs make up twenty-seven percent of nonconforming freestanding signage.
2. Existing nonconforming multifamily residential freestanding signs fit into their surrounding built and natural environment and do not conflict with the city's streetscape.
3. Existing nonconforming multifamily residential freestanding signs do not pose a threat to the health, safety and welfare of the community.
4. Existing owners of nonconforming multifamily residential freestanding signs have not been beneficiaries of the Daytona Beach Shores Nonconforming Sign Removal Incentive Grant Program.

Consequently, staff is proposing the subject ordinance for City Council consideration.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval as presented.

SUGGESTED MOTION:

A Planning and Zoning Board Member may motion as follow:

1. "I move to recommend approval of Ordinance 2022-14 as presented."
- OR
2. "I move to recommend approval of Ordinance 2022-14 with the following amendment(s)..."
- OR
3. "I move to recommend denial of Ordinance 2022-14 on the basis of..."

- ATTACHMENT:**
1. Ord 2022-14-Monument Sign RMF Exemption-7-15-22
 2. NC Multifamily Residential Signs Exhibit

ORDINANCE 2022-14

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO FREESTANDING SIGNS; AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G”, AMENDING CHAPTER 6 ENTITLED “SIGNS AND ADVERTISING,” BY EXEMPTING NONCONFORMING FREESTANDING SIGNS ON MULTIFAMILY RESIDENTIAL PROPERTIES FROM THE PRESCRIBED SIGN REMOVAL REQUIREMENT AND AMORTIZATION PERIOD; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Daytona Beach Shores to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Section 163.3202, *Florida Statutes*, provides that the City of Daytona Beach Shores shall adopt and enforce land development regulations for the purpose of implementing its comprehensive plan and protecting the public health, safety, and general welfare; and

WHEREAS, existing nonconforming multifamily residential freestanding signs make up twenty-seven percent of nonconforming freestanding signage in the City of Daytona Beach Shores; and

WHEREAS, existing nonconforming multifamily residential freestanding signs fit into their surrounding built and natural environment within the City of Daytona Beach Shores; and

WHEREAS, existing nonconforming multifamily residential freestanding signs do not pose a threat to the health safety and welfare of the citizens of Daytona Beach Shores; and

WHEREAS, existing owners of nonconforming multifamily residential freestanding signs have not been beneficiaries of the Daytona Beach Shores Nonconforming Sign Removal Incentive Grant Program; and

WHEREAS, the City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, this Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City Daytona Beach Shores*; and

WHEREAS, the recitals to this Ordinance (whereas clauses) are adopted as the legislative findings and intent of the City Council of the City of Daytona Beach Shores; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~strikethrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA THAT:

SECTION ONE: Section 6-7, *Land Development Code*, Chapter 6, Appendix “G”, *Code of Ordinances of the City of Daytona Beach Shores*, entitled “Removal of abandoned, deteriorated, and other nonconforming signs,” is amended to read as follows:

CHAPTER 6. - SIGNS AND ADVERTISING

Sec. 6-7. - Removal of abandoned, deteriorated, and other nonconforming signs.

5. Amortization Period for Nonconforming Ground and Pole Signs: All nonconforming ground, pole, or low profile signs shall be removed, modified, or altered to comply with this ordinance no later than one (1) year from the effective date of this ordinance. Notwithstanding the foregoing, the following signs lawfully located on the effective date of the ordinance from which this chapter derives at the following parcels shall not be subject to removal and amortization; provided, however, that the signs shall not be enlarged or altered in any way to increase their nonconformity: the Aku Tiki, the Sun Viking Lodge, multifamily residential properties and the Oceans PUD signs. Notwithstanding the aforementioned exempt signs, all new signage within the City shall comply with the sign standards established in this code.

Sec. 6-7.1. - Repairs, maintenance, and improvements of nonconforming signs.

Nonconforming Signs. Except for the exempt signs outlined in Sec. 6-7.1.5 of this code, repairs, ~~Repairs~~ and improvements of nonconforming signs are prohibited. Provided

however, ordinary maintenance and sign copy changes are allowed so long as the sign's nonconformity is not increased.

SECTION TWO: ENFORCEMENT AND PENALTIES.

(a). It is prohibited and unlawful for any person to fail to comply with the requirements of this Ordinance.

(b). The City may enforce the provisions of this Ordinance by any lawful means available to the City under the controlling provisions of State law and Section 1.8 of the *Code of Ordinances of the City of Daytona Beach Shores, Florida*.

(c). The penalties for violation of this Ordinance shall be as set forth in the code enforcement method asserted by the City under the *Code of Ordinances of the City of Daytona Beach Shores, Florida* or as may be available under the controlling provisions of State law.

SECTION THREE: SAVINGS. The prior actions of the City of Daytona Beach Shores relating to the regulation of the matters and uses which are the subject of this Ordinance are hereby ratified and affirmed.

SECTION FOUR: CODIFICATION. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections Two, Three, Four, Five, Six, and Seven shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION FIVE: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION SIX: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION SEVEN: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

KURT SWARTZLANDER, CITY MANAGER CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2022.

Adopted on second reading this _____ day of _____, 2022.

Nonconforming Multifamily Residential Freestanding Signs
Date: 7-15-22

ID	Business Name	Address	LDC Inconsistency
1	Ocean Vistas Condominium	1925 S. Atlantic Avenue	Dimension
2	Towers Grande Condominium	2055 S. Atlantic Avenue	Sign Type
3	Caribbean Condominium	2425 S. Atlantic Avenue	Dimension
4	Peninsula Condominium	2545 S. Atlantic Avenue	Sign Type
5	Sherwin Condominium	2555 S. Atlantic Avenue	Sign Type
6	Oceans Six Condominium	2967 S. Atlantic Avenue	Sign Type
7	DiMucci Twin Towers Condominium	3311/3313 S. Atlantic Ave.	Sign Type
8	Surfside Club Condominium	3601 S. Atlantic Avenue	Sign Type
9	Curran Shores South Condominium	3641 S. Atlantic Avenue	Sign Type
10	Royal Atlantic Condominium	3743 S. Atlantic Avenue	Sign Type
11	Colony Villas Condominium	3750 S. Atlantic Avenue	Sign Type
12	The Ashley Condominium	3757 S. Atlantic Avenue	Dimension
13	Sanibel Condominium	3799 S. Atlantic Avenue	Dimension
14	Captiva Condominium	3807 S. Atlantic Avenue	Dimension
15	Sea Fern Condominium	3807 S. Atlantic Avenue	Sign Type
16	Palmas de Mallorca Condominium	3811 S. Atlantic Avenue	Dimension
17	Kingston Condominium	3851 S. Atlantic Avenue	Dimension

Examples of Nonconforming Multifamily Residential Freestanding Sign
Date: 7-15-22

DIMENSIONAL INCONSISTENCY

Ocean Vistas Condo: 1925 S. Atlantic Ave.



SIGN TYPE INCONSISTENCY

Towers Grande: 2055 S. Atlantic Ave.



Peninsula Condo: 2545 S. Atlantic



Royal Atlantic Condo: 3743 S. Atlantic Ave.



Kingston Tower: 3851 S. Atlantic

