

ORDINANCE NO. 18-139

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 2 § 2.11.C. TO ADJUST THE MEMBERSHIP OF THE BOARD OF BUILDING CODES; AMENDING ARTICLE 3 § 3.2 SUMMARY TABLE TO INCLUDE NOTIFICATION TO ADJACENT JURISDICTIONS TO ALLOW THE OPPORTUNITY FOR REVIEW OF NON-RESIDENTIAL DEVELOPMENT WITHIN THE LOW INTENSITY URBAN (LIU) FUTURE LAND USE; AMENDING ARTICLE 3 § 3.4.K.5.d., (SUBDIVISION PLAT) AND APPENDIX A (ADDITIONAL APPLICATION REQUIREMENTS FOR FINAL PLATS) TO ALLOW THE CITY COMMISSION TO WAIVE THE LAND DEVELOPMENT CODE REQUIREMENTS FOR SUBDIVIDERS TO PROVIDE PERFORMANCE AND MAINTENANCE GUARANTEES FOR INFRASTRUCTURE IMPROVEMENTS WHERE THE SUBDIVIDER IS ANOTHER GOVERNMENT AGENCY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, amendment to Article 2 § 2.11.C (Board of Building Codes) of the Land Development Code has been proposed to adjust the membership of the Board of Building Codes; and

WHEREAS, amendment to Article 3 § 3.2 (Summary Table) of the City's Land Development Code (LDC) has been proposed to include notification to adjacent jurisdictions to allow the opportunity for review of non-residential development within the Low Intensity Urban (LIU) Future Land Use and amendment to Article 3.4.K.5.d (Subdivision Plat) and Appendix A (Additional Application Requirements for Final Plats) to allow the City Commission to waive the LDC's requirement that subdividers provide performance and maintenance guarantees for infrastructure improvements, where the subdivider is another government agency; and

WHEREAS, the Planning Board has reviewed the proposed amendment and recommends approval.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The Land Development Code, Article 2 § 2.11.C is hereby amended to add the following [~~strikeout~~ indicates deleted text, underline indicates added text]:

Article 2.11. Board of Building Codes.

C. Membership, Appointment, and Terms of Office.

1. The Board of Building Codes shall consist of ~~seven~~ five members appointed by the City Commission as a whole.
2. Board members shall be chosen on an at large basis. Each member shall have substantial experience in one or more areas of professional service within the building industry such as fire safety consulting, building inspection, engineering, architecture, or general contracting. ~~include one architect, one engineer, one general contractor, and one member with expertise in fire safety standards. The remaining three at large members shall be from the building industry.~~
3. A majority of board members shall be residents of the City.
4. Board members shall be appointed for three-year, staggered terms, and may be reappointed to successive terms. Members shall continue to serve until their successors are appointed.
5. Vacancies occurring for reasons other than expiration of term shall be filled for the period of the unexpired term only.
6. Board members shall serve without compensation.

SECTION 2. The Land Development Code, Article 3 § 3.2 is hereby amended to add the following [underline indicates added text]:

Sec. 3.2. - Summary table.

Table 3.2, Summary of Development Procedures, identifies the various development permits authorized by this Code and indicates the role staff and City boards have in making recommendations or decisions on applications for each type of development permit. It also identifies those applications that require a public hearing, and the type of public hearing (standard or quasi-judicial) involved. Also noted is whether a pre-application staff conference or neighborhood meeting is required. Reading table rows from left to right provides a summary view of the major steps involved with each type of application for a development permit.

TABLE 3.2: SUMMARY OF DEVELOPMENT PROCEDURES

X = Staff Report R = Recommendation D= Decision
< > = Standard Public Hearing [] = Quasi-Judicial Public Hearing
M = Mandatory O = Optional

Application Review Procedure	Review and Decision-Making Authorities										
	Pre-Application Conference	Neighborhood Meeting	City Staff	Board of Building Codes	Concurrency Appeals Board	Wellfield Appeals Board	Board of Adjustments	Historic Preservation Board	Redevelopment Board	Planning Board	City Commission
Amendments and Planned Developments ¹											
Text Amendment (Sec. 3.4.B)	M		X							R	<D> ²
General Zoning District Map Amendment (Sec. 3.4.C) <i>Note 10</i>	M	O	X						R ⁵	R	<D> ³
Site-Specific Zoning District Map Amendment (Sec. 3.4.D) <i>Note 10</i>	M	M	X					[R] ⁴	[R] ⁵	[R]	[D] ³
Historic Overlay Zoning District Map Amendment (Sec. 3.4.E)	M	M	X					[R]	[R] ⁵	[R]	[D] ³
Planned Development	M	M	X					[R] ⁴	[R] ⁵	[R]	[D] ³

(Sec. 3.4.F)

Note 19

Permits and Development Approvals

Special Use Permit (Sec.3.4.G)	M	M	X	[R] ⁴	[R] ⁵	[R]	[D]
Public or Semipublic Use Permit (Sec. 3.4.H)	M	M	X			[R] ⁶	[D]
Major Site Plan (Sec. 3.4.I.2 .b.i) Outside Redevelopment District	M	O	X			[D]	
Major Site Plan (Sec. 3.4.I.2 .b.i) Within Redevelopment District	M	O	X			[D]	
Minor Site Plan (Sec. 3.4.I.4)	O		D				
Major Certificate of Appropriateness (Sec. 3.4.J.3)	M	O	X	[D]			
Minor Certificate of Appropriateness (Sec. 3.4.J.4)	O		D				
Major Subdivision Preliminary Plat (Sec. 3.4.K.3)	M	O	X	[R] ⁴		[R]	[D]
Minor Subdivision Plat (Sec. 3.4.K.4)	O		D				
Final Plat (Sec. 3.4.K.5)	O		X				[D]
Tree Removal Permit (Sec. 3.4.L)	O		D				

Wetlands Alteration Permit (Sec. 3.4.M)	O	D
Wellfield Protection Permit (Sec. 3.4.N)	O	D

NOTES:

1. Proposals to amend this Code (including rezonings and planned developments) may trigger the need for a prior or concurrent small- or large-scale amendment of the comprehensive plan.
2. The City Commission holds two public hearings on Text Amendment applications proposing to revise the Principal Use Tables (Section 5.2.A) to change the actual list of permitted uses, special uses, or prohibited uses within a zoning district.
3. The City Commission holds two public hearings on General Zoning District Map Amendment, Site-Specific Zoning District Map Amendment, Historic Overlay Zoning District Map Amendment, or Planned Development applications initiated by the City and proposing the zoning of ten or more contiguous acres of land.
4. The Historic Preservation Board reviews and makes a recommendation on applications subject to this note if they involve land within a Historic Overlay district.
5. A Redevelopment Board reviews and makes a recommendation on applications subject to this note if they involve land within the Redevelopment district served by the board.
6. The Planning Board does not review applications for a Public or Semipublic Use Permit by the City.
7. A Floodplain Development Permits or Approval is decided by the Floodplain Administrator, who is the City Manager or a City staff member designated by the City Manager.
8. Review procedures for Building Permits and Certificates of Occupancy, appeals of decisions on such permits/certificates, and other appeals involving construction Codes are established in the Florida Building Code, incorporated into this Code by reference, They are shown in this table because they closely relate to the review procedures described in this Code.
9. Review procedures for comprehensive plan amendments are established in the Florida Statutes (F.S. 163.3184). It is shown in this table because an amendment to the comprehensive plan may be necessary to justify proposed changes to this Code.

10. When non-residential development is proposed in Low Intensity Urban (LIU) Future Land Use areas within ¼ mile of another jurisdictional boundary, the City shall notify the adjacent jurisdiction for their review and comment.

SECTION 3. The Land Development Code, Article 3 § 3.4.K.5.d, is hereby amended to add the following [~~strikeout~~ indicates deleted text, underline indicates added text]:

Article 3. Review Procedures, Subdivision Plat, 3.4.K.5.d.

d. *Completion of Required Infrastructure Improvements.*

- i. An approved Final Plat may be recorded only after construction or installation of all infrastructure improvements required to serve the area covered by the Final Plat is completed or such installation or completion is ensured by a subdivision improvements agreement (SIA). Except as provided below, the SIA will include a requirement that the subdivision developer provide ~~that includes~~ performance and maintenance guarantees approved by the City in accordance with Section 7.2.S, Performance Guarantees, and Section 7.2.T, Maintenance Guarantees.
- ii. Before submitting a Final Plat to the City for certification and recordation (see subparagraph [e] below), the subdivider shall submit to City staff a request to inspect all infrastructure improvements required to serve the area covered by the Final Plat for completion in accordance with the applicable development permit. ~~ii. Except as provided below, if~~ City staff determines that any required infrastructure improvements are not complete, the subdivider shall provide a performance guarantee to ensure their completion in accordance with Section 7.2.S, Performance Guarantees. The subdivider shall also provide maintenance guarantees in accordance with Section 7.2.T, Maintenance Guarantees, to ensure maintenance of completed infrastructure improvements for one year after they are accepted by the City.
- iii. The City Commission may waive the Performance Guarantee and Maintenance Guarantees otherwise required by this Section 3.4.K.5.d. when the subdivider is a government agency, and the SIA clearly obligates such government agency to complete the infrastructure improvements for which such Performance Guarantees and Maintenance Guarantees would otherwise be required above.

SECTION 4. The Land Development Code, Appendix A (Additional Application Requirements for Final Plats) is hereby amended to add the following [underline indicates added text]:

Appendix A – Additional Application Requirements for Final Plats

G. If the plat is to be recorded prior to completion of some or all of the required public improvements, three copies of an executed subdivision improvement agreement (SIA).

1. The SIA shall warrant that all required public improvements will be built in accordance with City requirements, and that all required public improvements will be free from defect for a period of one year after acceptance by the City. The SIA shall be accompanied by an improvement guarantee, except where the City Commission specifically waives this requirement for certain governmental agencies developing property as referenced in Section 3.4.K.5.d. The improvement guarantee shall be in the amount of 120 percent of the estimated construction costs or of the sum of the actual construction contracts of the required public improvements. The SIA shall require the property owner to submit a maintenance guarantee on all public improvements completed pursuant to the SIA, for a one-year period beginning on the date of City acceptance, in the amount of ten percent of the actual construction cost. The property owner shall be required to provide such supporting information as the City Engineer may reasonably require to support the actual or estimated construction cost. All SIAs and guarantees shall be on forms furnished or approved by the City Attorney.

SECTION 5. The City Commission has received the report of the Planning Board and hereby finds that the amendment is consistent with the City's Comprehensive Land Use Plan.

SECTION 6. A Public Hearing at 6:00 p.m., April 18, 2018, in Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida, after notice published, is deemed to comply with the requirements of the LDC and state law.

SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. This Ordinance shall take effect as provided by law.


DERRICK L. HENRY
Mayor

ATTEST:


LETITIA LAMAGNA
City Clerk

Passed: April 4, 2018

Adopted: April 18, 2018