

City of Palm Coast, Florida

Agenda Item

Agenda Date: 08/04/2020

Department	PLANNING	Amount
Item Key	8443	Account
Subject	ORDINANCE 2020-XX AMENDING THE UNIFIED LAND DEVELOPMENT CODE TO DEFINE AND REGULATE THE LOCATIONS OF SMALL BOX DISCOUNT STORES	
Presenter : Ray Tyner		
<u>UPDATED BACKGROUND FROM THE AUGUST 4, 2020 BUSINESS MEETING</u>		
This item was heard by City Council at their August 4, 2020 Workshop. There were no changes suggested to this item. This item is being heard at the August 18, 2020 Business meeting as second and final read of this Ordinance.		
<u>ORIGINAL BACKGROUND FROM THE AUGUST 4, 2020 BUSINESS MEETING</u>		
<u>PREVIOUS COUNCIL ACTIONS</u>		
<ul style="list-style-type: none">• January 7, 2020 Regular Business Meeting, City Council request staff look into regulating small box stores.• January 14, 2020 Special Business Meeting – Pass Resolution #2020-16, “legislation in progress” to inform the public of potential changes to the City of Palm Coast Land Development Code regarding regulation of small box discount stores. This is a 120-day period to complete study and adopt regulations as appropriate (May 13, 2020).• March 3, 2020 Regular Business Meeting – Passed on 1st reading (3-2 vote), Ordinance 2020-XX, a moratorium on small box discount stores. This ordinance was reviewed by the PLDRB at their February 19, 2020 meeting and recommended by 4-3 vote in favor of 120-day moratorium.• March 10, 2020 City Council Workshop – Discussed options for regulating small box discount stores. During the workshop, City Council generally discussed options such as:<ul style="list-style-type: none">○ Prohibit small box discount stores from Neighborhood Commercial (COM-1) zoning districts,○ Create a distance separation between small box discount stores, and○ Compatibility of small box discount stores adjacent to residential uses.• March 17, 2020 Regular Business Meeting – Cancelled as precaution due to COVID-19.• June 16, 2020 Regular Business Meeting – City Council adopts 2nd reading of moratorium ordinance, extending moratorium to 60 days after adoption date of ordinance.		

Planning and Land Development Regulation Board (PLDRB) Meeting

The PLDRB held a public hearing on July 15, 2020 to discuss and take action on the proposed text amendment. The PLDRB voted 5-2 to recommend approval of the proposed amendment. The main focus of discussion among the dissenting Board Members was as to whether or not the proposed amendment does enough to try and potentially limit the number of small box discount stores in the City.

BACKGROUND

In crafting the ordinance for a moratorium on small box discount stores, the following definition was developed:

Moratorium Definition: Small Box Discount Store - A retail store that is 16,000 sq. ft. or less in size, which offers for sale a variety of convenience shopping goods and continuously offers the majority of the items in their inventory for sale at a price lower than traditional retail stores. Small box discount store does not include a pharmacy, does not sell gasoline or diesel fuel, or specialty items and food items as a primary product (i.e., greeting cards, consignment, meats, seafood, cheese, or oils and vinegars).

Background research found that the City currently has 6 retail operations that fit the moratorium definition of a small box discount store. These stores range from about 7,500 sq. ft. to 12,600 sq. ft. and are mainly found in the General Commercial (COM-2) or Master Planned Development District (MPD) zoning districts. These operations are not clustered in any area of the City but operate between distances of about .6 to 4.5 miles from each other. (The Table below and an attached map provides a graphic summary).

**TABLE OF SMALL BOX RETAIL STORES
BACKGROUND**

STORE NAME	ADDRESS	SIZE	ZONING DESIGNATION
Dollar General	1000 Matanzas Woods Pkwy.	10,640	COM-1
Dollar General	500 Palm Coast Parkway SW	12,633	COM-2
Dollar General	20 Old Kings Rd. N.	7,570	COM-2
Dollar General	11 Market Ave.	9,173	MPD
Dollar Tree	140 Cypress Edge Dr.	9,880	MPD
Dollar Tree	5200 State Hwy. 100 E101	8,959	MPD

During the March 20, 2020 City Council Workshop, the City Council was presented a series of alternatives to address the impacts of small box discount stores on the City's residential neighborhoods. City Council directed staff to analyze the following for consideration as amendments to the Land Development Code (LDC):

- Prohibit small box discount stores from Neighborhood Commercial (COM-1) zoning districts,
- Create a distance separation between small box discount stores, and
- Compatibility of small box discount stores adjacent to residential uses.

ANALYSIS

Based on City Council direction for proposed amendments to the LDC, staff finds the following:

1. There is a limited availability of Neighborhood Commercial (COM-1) zoning districts in the City. COM-1 zoning districts are mainly found on Palm Harbor Pkwy. which is classified as a two-lane minor arterial roadway. Palm Harbor Pkwy. mainly serves residential traffic and is bordered by residential uses on either side along a significant majority of its route.

In contrast, General Commercial Zoning District (COM-2) along with High Intensity Commercial Zoning District (COM-3) are mainly found on the City's major arterials such as Palm Coast Pkwy., State Road 100, or Old Kings Rd (identified as a four-lane roadway in the future). These corridors serve as the hub of commercial/service activities in the City.

2. A special exception approval for proposed small box discount stores which are 500 feet of a residentially zoned property provides an opportunity to ensure compatibility with the surrounding neighborhoods and promotes the value of surrounding land, structures, and buildings.

The Planning and Land Development Regulation Board recommends approval.

Recommended Action :

ADOPT ORDINANCE 2020-XX AMENDING THE UNIFIED LAND DEVELOPMENT CODE TO DEFINE AND REGULATE THE LOCATIONS OF SMALL BOX DISCOUNT STORES

ORDINANCE 2020-____
SMALL BOX DISCOUNT STORES REGULATIONS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE TO DEFINE AND REGULATE THE OPERATIONS AND LOCATIONS OF SMALL BOX DISCOUNT STORES BY AMENDING CHAPTER 3, SECTION 3.03.02, NONRESIDENTIAL AND MIXED USE DISTRICTS-ALLOWABLE USE; AMENDING CHAPTER 14. GLOSSARY; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the development of certain commercial land uses within certain areas of the City of Palm Coast have a particularly significant economic and social impact upon the residents of the City of Palm Coast; and

WHEREAS, the character and development pattern of the City of Palm Coast could be significantly and adversely altered by the approval of small box discount stores, which will be generally defined and described as a retail store that is 16,000 square feet or less in size, which offers for sale a variety of convenience shopping goods and continuously offers the majority of the items in their inventory for sale at a price lower than traditional retail stores. Small box discount store does not include a pharmacy, does not sell gasoline or diesel fuel, or specialty items and food items as a primary product (i.e., greeting cards, consignment, meats, seafood, cheese, or oils and vinegars); and

WHEREAS, the City of Palm Coast seeks to enact regulations for small box discount stores to protect its residential neighborhoods from the traffic, noise impacts of such uses; and

WHEREAS, the City of Palm Coast seeks to prohibit small box discount stores from its Neighborhood Commercial (COM-1) Zoning District which are mainly found along two-lane minor arterial roads; and

WHEREAS, the City of Palm Coast seeks to use the Special Exception process for small box discount stores within 500' of residentially zoned properties to ensure compatibility with the surrounding neighborhoods and to promote the value of surrounding land, structures, and buildings; and

WHEREAS, the City of Palm Coast is concerned that the overdevelopment of more small box discount stores would adversely impact the sound economic growth of the City, and the land use trends that are necessary to support that sound economic growth, and have a deleterious impact on neighboring properties by lowering property values and adversely affecting rental rates of nearby commercial properties; and

WHEREAS, future growth and land development, and proper planning and zoning, to address that compatible and sustainable growth, are vital to the health, safety, and welfare of the residents of the City of Palm Coast; and

WHEREAS, the City Council, based upon the foregoing, and the contents of the various documents prepared for and by the Planning and Land Development Regulation Board, finds that adopting land development regulations applicable to small box discount stores will allow the City to prevent unsound development and inadequate growth management based on application of normal and generally accepted land use and planning principles; and

WHEREAS, the City Council and the Planning and Land Development Regulation Board find that the proposed Land Development Regulations applicable to small box discount stores and services as set forth herein is consistent with and furthers the City's

Comprehensive Plan and other applicable law relating to land use planning and development and growth management; and

WHEREAS, words with underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text, and asterisks (***) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

SECTION 2. AMEND SECTION 3.03.02, TABLE 3-4. It is hereby ordained by the City of Palm Coast, Florida: That Chapter 3, Section 3.03.02, Table 3-4 of the City of Palm Coast Unified Land Development Code is hereby amended as shown on the attached Exhibit 1.

SECTION 3. AMEND CHAPTER 14 GLOSSARY. It is hereby ordained by the City of Palm Coast, Florida: That Section Chapter 14, Glossary, of the City of Palm Coast Unified Land Development Code is hereby amended as follows to add a definition:

Small Box Discount Store: A retail store that is 16,000 square feet or less in size, which offers for sale a variety of convenience shopping goods and continuously offers the majority of the items in their inventory for sale at a price lower than traditional retail stores. Small box discount store does not include a pharmacy; and does not sell gasoline or diesel fuel, or specialty items and food items as a primary product (i.e., greeting cards, consignment, meats, seafood, cheese, or oils and vinegars).

SECTION 4. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance

shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance

SECTION 5. CODIFICATION. It is the intention of the City Council of the City of Palm Coast, Florida and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the *Unified Land Development Code of the City of Palm Coast*; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word “Ordinance,” or similar words, may be changed to “Section,” “Article,” or other appropriate word.

SECTION 6. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this 4th day of August, 2020.

Adopted on second reading after due public notice and hearing this 18th day of August, 2020.

ATTEST:

CITY OF PALM COAST, FLORIDA

Virginia Smith, City Clerk

Milissa Holland, Mayor

APPROVED AS TO FORM AND
LEGALITY:

William E. Reischmann, Jr., Esq.
City Attorney

Attachment: Exhibit 1 –Table 3-4 Nonresidential and Mixed Use Zoning Districts – Use Table

Exhibit 1

3.03.02. *Nonresidential and Mixed Use Districts—Allowable Uses.* The following table contains a list of uses allowed in each district, and specifies if they are permitted by right (P) or if they require special exception approval (S) in accordance with [Chapter 2](#). Uses permitted only as accessory to a principal use are noted with an (A). All uses marked with an (L) have additional limitations specific to that use listed in [Chapter 4](#).

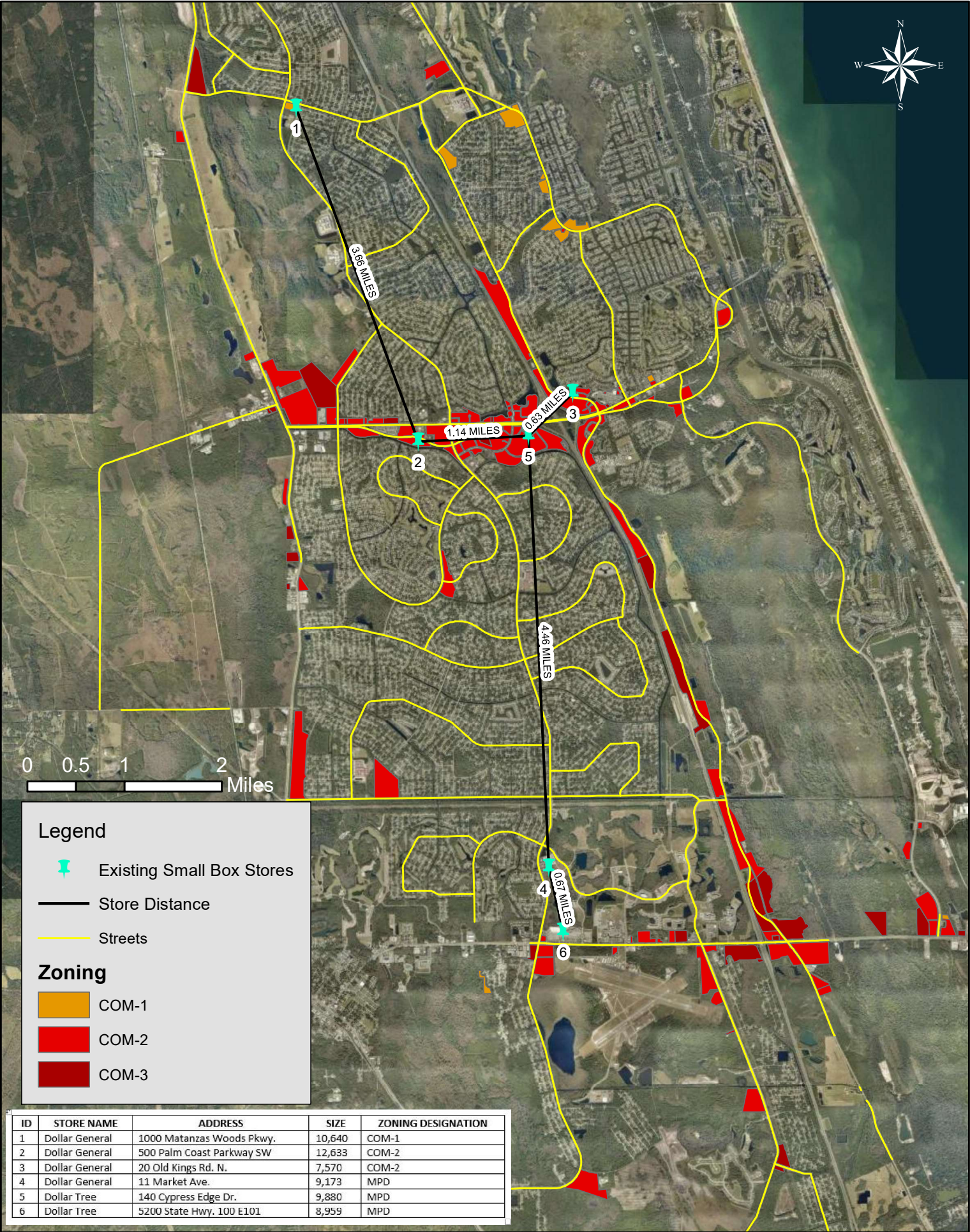
Table 3-4. Nonresidential and Mixed Use Zoning Districts—Use Table

Specific Use	COM-1	COM-2	COM-3	OFC-1	OFC-2	IND-1	IND-2	PSP	P&G	PRS	MPD ⁽¹⁾
Retail Sales and Services											
Automotive Parts (e.g. accessories and tires)	-	S	P	-	-	P	-	-	-	-	P
Building Material Stores (paint, hardware)	P	P	P	-	-	P	-	-	-	-	P
Clothing and Accessory Stores (e.g. shoes and luggage)	P	P	P	S	P	-	-	-	-	-	P
Retail (L)	P	P	P	-	-	-	-	-	-	-	P
Florists	P	P	P	P	P	-	-	-	-	-	P
Food and Beverage Stores (supermarkets and specialty foods)	P	P	P	P	P	-	-	-	-	-	P
Furniture and Home Furnishings Stores	P	P	P	-	P	P	-	-	-	-	P
Home Improvement Centers	-	P	P	-	-	P	-	-	-	-	P
Large-Scale Retail Centers (L)	-	P	P	-	-	-	-	-	-	-	P
Lawn and Garden Equipment and Supplies Stores	P	P	P	-	-	P	-	-	-	-	P
Model Home Centers (L)	P	P	P	P	P	-	-	-	-	-	P
Pet (domestic) Stores	P	P	P	-	-	-	-	-	-	-	P
Plant Nurseries	P	P	P	-	-	-	-	-	-	-	P
Photo Finishing	P	P	P	P	P	-	-	-	-	-	P
Small Box Discount Stores ⁽³⁾	-	P	P	-	-	-	-	-	-	-	P
Sporting Goods, Hobby, Book and Music Stores	P	P	P	P	P	-	-	-	-	-	P
Used Merchandise Stores	S	P	P	-	-	-	-	-	-	-	P

Footnotes for Table 3-4:

⁽³⁾If subject property is within 500 feet of any residential property, a special exception for the use is required in accordance with [Section 2.07](#)—Special Exceptions.

Small Box Stores



Small Box Discount Store Text Amendments to the Land Development Code

**City Council
Public Hearing**



Small Box Discount Store LDC Amendment-

Background



- January 14, 2020 - City Council approves Legislation In Progress for 120-day moratorium (ends on May 13, 2020)
- February 19, 2020 - Planning and Land Development Regulation Board approves Moratorium Ordinance by 4-3 vote
- March 3, 2020 - City Council approves Moratorium Ordinance 1st reading



Small Box Discount Store LDC Amendment-

Background



- March 10, 2020 - City Council Workshop – Discussed options for regulating small box discount stores, including:
 - Prohibit from Neighborhood Commercial (COM-1) zoning districts,
 - Create a distance separation between operations, and
 - Compatibility of small box discount stores adjacent to residential uses.
- March 17, 2020 Regular Business Meeting – 2nd reading of moratorium ordinance cancelled as precaution due to COVID-19.
- June 16, 2020 Regular Business Meeting – City Council adopts moratorium ordinance, extending moratorium to 60 days after adoption date of ordinance (August 15, 2020).



Small Box Discount Store LDC Amendment- Background



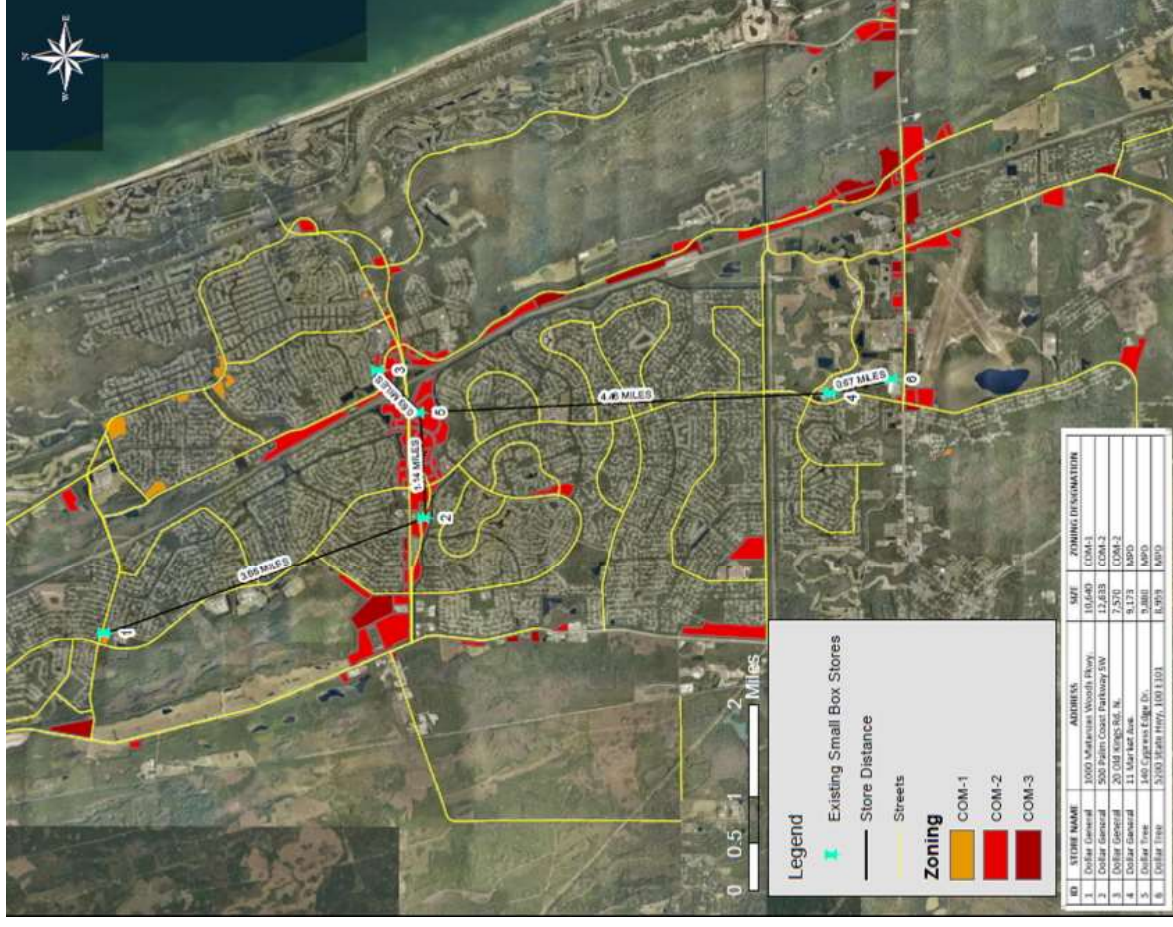
From moratorium:

Small Box Discount Store was defined as:

A retail store that is 16,000 square feet or less in size, which offers for sale a variety of convenience shopping goods and continuously offers the majority of the items in their inventory for sale at a price lower than traditional retail stores. Small box discount store does not include a pharmacy; and does not sell gasoline or diesel fuel, or specialty items and food items as a primary product (i.e., greeting cards, consignment, meats, seafood, cheese, or oils and vinegars).

Small Box Discount Store LDC Amendment

- City currently has 6 retail operations that meet definition of a small box discount store.
- Size range from 7,500 sq. ft. to 12,600 sq. ft.
- Mainly found in the General Commercial (COM-2) or Master Planned Development District (MPD) zoning districts.
- Not clustered in any area
- Operate between distances of about .6 to 4.5 miles from each other.



Small Box Discount Store LDC Amendment - Analysis

Based on City Council direction for proposed amendments to the LDC, staff finds the following:

LDC Amendment – Define Small Box Discount Stores

Findings:

1. There is currently no definition for Small Box Discount Store in LDC.
2. Other municipalities create a specific definition to address specific use in order to regulate.

Small Box Discount Store LDC Amendment - Analysis

LDC Amendment - Permit Small Box Discount Stores in General Commercial (COM-2) and High Intensity Commercial Districts (COM-3) and MPD (when specifically listed as permitted use)

Findings:

1. General Commercial Zoning District (COM-2) and High Intensity Commercial Zoning District (COM-3) are mainly found on the City's major arterials such as Palm Coast Pkwy., State Road 100, or Old Kings Rd (identified as a four-lane roadway in the future). These corridors serve as the hub of commercial/service activities in the City.
2. MPD zoning with commercial use component can be found mainly along major road corridors (Palm Coast Pkwy.-Island Walk, SR100-Target Center, US-1-Palm Coast Park)



Small Box Discount Store LDC Amendment - Analysis

- 3 . There are limited areas with Neighborhood Commercial (COM-1) zoning districts. They are mainly found along Palm Harbor Pkwy. which is classified as a two-lane minor arterial roadway. Palm Harbor Pkwy. mainly serves residential traffic and is bordered by residential uses on either side along a significant majority of its route.
- 4 . Existing small box retail are mainly in COM-2 and MPD zoned areas. Therefore, they are along major corridors such as Palm Coast Pkwy., N. Old Kings Rd., State Road 100 or within large commercial nodes such as Target Center or Cobblestone Village.
5. One existing operation in COM-1 is along Matanzas Woods Pkwy. (which is planned as a 4-lane road in the future).



Small Box Discount Store LDC Amendment - Analysis

Amendment - Require Special Exception approval for proposed small box discount stores which are 500 feet of a residentially zoned property.

Findings:

1. Special Exception process provides an opportunity to ensure compatibility with the surrounding neighborhoods and promote the value of surrounding land, structures, and buildings.

Small Box Discount Store LDC Amendment

Recommendation

Staff and the PLDRB recommends that the City Council approve of the following amendments to the LDC for Small Box Discount Stores:

- Definition for Small Box Discount Stores

Table 3-4. Nonresidential and Mixed Use Zoning Districts – Use Table												
Specific Use	COM-COM-COM-OFC-OFC-				IND-1	IND-2	PSP	P&G	PRS	MPD-		
	1	2	3	1	2							(1)
Retail Sales and Services												
Automotive Parts (e.g. accessories and tires)	-	S	P	-	-	P	-	-	-	-	-	P
Building Material Stores (paint, hardware)	P	P	P	-	-	P	-	-	-	-	-	P
Clothing and Accessory Stores (e.g. shoes and luggage)	P	P	P	S	P	-	-	-	-	-	-	P
Retail (L)	P	P	P	-	-	-	-	-	-	-	-	P
Florists	P	P	P	P	P	-	-	-	-	-	-	P
Food and Beverage Stores (supermarkets and specialty foods)	P	P	P	P	P	-	-	-	-	-	-	P
Furniture and Home Furnishings Stores	P	P	P	-	P	P	-	-	-	-	-	P
Home Improvement Centers	-	P	P	-	-	P	-	-	-	-	-	P
Large-Scale Retail Centers (L)	-	P	P	-	-	-	-	-	-	-	-	P
Lawn and Garden Equipment and Supplies Stores	P	P	P	-	-	P	-	-	-	-	-	P
Model Home Centers (L)	P	P	P	P	P	-	-	-	-	-	-	P
Pet (domestic) Stores	P	P	P	-	-	-	-	-	-	-	-	P
Plant Nurseries	P	P	P	-	-	-	-	-	-	-	-	P
Photo Finishing	P	P	P	P	P	-	-	-	-	-	-	P
Small Box Discount Stores (3)	P	P	P	P	P	-	-	-	-	-	-	P
Sporting Goods, Hobby, Book and Music Stores	P	P	P	P	P	-	-	-	-	-	-	P
Used Merchandise Stores	S	P	P	-	-	-	-	-	-	-	-	P

Footnote for Table 3-4: (3) If subject property is within 500' of any residential property, a special exception for the use is required in accordance with Section 2.07-Special Exceptions



Questions?

