



**A G E N D A**  
**ORMOND BEACH PLANNING BOARD**  
**Regular Meeting**

**April 9, 2015**

**7:00 PM**

**City Commission Chambers**

22 South Beach Street  
Ormond Beach, FL

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH A DISABILITY, SUCH AS A VISION, HEARING OR SPEECH IMPAIRMENT, OR PERSONS NEEDING OTHER TYPES OF ASSISTANCE, AND WHO WISH TO ATTEND CITY COMMISSION MEETINGS OR ANY OTHER BOARD OR COMMITTEE MEETING MAY CONTACT THE CITY CLERK IN WRITING, OR MAY CALL 677-0311 FOR INFORMATION REGARDING AVAILABLE AIDS AND SERVICES.

- I. ROLL CALL**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. NOTICE REGARDING ADJOURNMENT**

THE PLANNING BOARD WILL NOT HEAR NEW ITEMS AFTER 10:00 PM UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. ITEMS WHICH HAVE NOT BEEN HEARD BEFORE 10:00 PM MAY BE CONTINUED TO THE FOLLOWING THURSDAY OR TO THE NEXT REGULAR MEETING, AS DETERMINED BY AFFIRMATIVE VOTE OF THE MAJORITY OF THE BOARD MEMBERS PRESENT (PER PLANNING BOARD RULES OF PROCEDURE, SECTION 2.7).

- V. APPROVAL OF THE MINUTES: March 12, 2015**
- VI. PLANNING DIRECTOR'S REPORT**
- VII. PUBLIC HEARINGS**

- A. LDC 15-069: Land Development Code Amendments: Deleting the Special Standards of the T-2 Zoning District for previously existing manufactured home parks and adding Special Standards to the T-1 Zoning District for previously existing manufactured/mobile home parks**

This is an administrative request to amend the Land Development Code as follows:

1. Amend Article II, District Regulations, Chapter 2, District and General Regulations, Section 2-21, T-2, Manufactured Home Zoning District of the Land Development Code (LDC) to eliminate the special standards to allow replacement of manufactured homes, located within previously established Manufactured Home Parks, with new manufactured homes. Since the City

of Ormond Beach does not permit manufactured/mobile home parks under the T-2 Zoning District, the special standards should be eliminated from the T-2 Zoning District.

2. Amend Article II, District Regulations, Chapter 2, District and General Regulations, Section 2-20, T-1, Manufactured/Mobile Home Zoning District of the LDC to add special standards to allow replacement of manufactured/mobile homes, located within previously established Manufactured/Mobile Home Parks, with new manufactured/mobile homes. Since the City of Ormond Beach only permits manufactured/mobile home parks under the T-1 Zoning District, the special standards that are proposed for elimination under the T-2 Zoning District should be added to the T-1 Zoning District.

The purpose of the amendments are to permit replacement of manufactured/mobile homes, located within previously established manufactured/mobile home parks, with new manufactured/mobile homes as needed under the T-1 Zoning District so that there is no additional nonconformity with respect to dimensional requirements.

**B. LDC Amendment: 15-76: Land Development Code Amendments: Adding definitions to Section 1-22 and establishing Section 2-74 entitled, "Municipal Service Area/Joint Planning Overlay District."**

This is a city initiated request to amend the Land Development Code as follows:

1. Amend Section 1-22, Definition of terms and words, of Article III, Definition and Acronyms, of Chapter 1, General Administration. The following new definitions shall apply to the Municipal Service Area/Joint Planning Area Overlay for the US 1 North Corridor: business use; Primary business use, High Impact Use; High Impact use on Improved Land Category; High Impact Use on Vacant or Unimproved Land Category; Improved Land; Itinerant commercial activity; Itinerant Vendor Permit; Local business tax receipt (BRT); Master Vendor Permit; Outdoor Entertainment Activity; Outdoor Entertainment Activity Permit; Recognized Special Events; and Vacant or unimproved land.
2. Add Section 2-74, entitled, "Municipal Service Area/Joint Planning Area Overlay, of Article IV, Overlay Districts, of Chapter 2, District and General Regulations. Amendments set forth an amortization schedule for unimproved vacant lands as it pertains to Itinerant Vending while providing grandfathering protections to those improved lands with permanent businesses that have Volusia County 2014-15 Host License. Included are required submittal requirements for Master Vendor and Itinerant Vendor Permits as well as for Outdoor Entertainment Activity Permits.

**VIII. OTHER BUSINESS**

**IX. MEMBER COMMENTS**

**X. ADJOURNMENT**

**M I N U T E S**  
**ORMOND BEACH PLANNING BOARD**  
**Regular Meeting**

March 12, 2015

7:00 PM

**City Commission Chambers**  
22 South Beach Street  
Ormond Beach, FL 32174

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SAID PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

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**I. ROLL CALL**

Members Present

Pat Behnke  
Harold Briley, Vice Chair  
Lewis Heaster  
Al Jorczak  
Rita Press  
Lori Tolland  
Doug Thomas, Chair

Staff Present

Ric Goss, Planning Director  
Steven Spraker, AICP, Senior Planner  
Randy Hayes, City Attorney  
Melanie Nagel, Recording Technician

**II. INVOCATION**

Mr. Briley led the invocation.

**III. PLEDGE OF ALLEGIANCE**

**IV. NOTICE REGARDING ADJOURNMENT**

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**V. MINUTES**

February 12, 2015

Mr. Jorczak asked that the 7<sup>th</sup> paragraph on page 7 be changed to reflect that he said the “City” used to do a 5-year strategic plan. Mr. Briley asked that the 6<sup>th</sup> paragraph on page 8 be changed to reflect that “we have a vision for downtown.”

**Mr. Jorczak moved to approve the February 12, 2015 Minutes. Mr. Briley seconded the motion. Vote was called, and the motion unanimously approved.**

## **VI. PLANNING DIRECTOR’S REPORT**

Mr. Goss, Planning Director, stated that at the April Planning Board meeting there will be a public hearing on the Itinerant Merchant license criteria. That will be the last portion coming through on the Interlocal Service Boundary Agreement Land Development Code amendment. There will be a meeting from 1:30 – 3:00 on March 24, at Destination Daytona, with the master vendors. The packets have already been sent to them, with criteria for the final draft. Everything will be reviewed with them, so that any additional changes can be made.

Site plans have been received for Nova Road and West Granada, for the Texaco and Burger King properties, so the project is moving forward.

## **VII. PUBLIC HEARINGS**

### **A. PBD 14-099: 555 & 875 Sterthaus Drive, Ormond Renaissance Condominium: PBD Rezoning and Preliminary Plat**

Mr. Steven Spraker, Senior Planner, City of Ormond Beach, stated this is a request to rezone approximately 27 acres from B-1, which is Professional Office/Hospital to a Planned Business Development. The property is along Sterthaus from North Old Kings Road to North Center Street, and was the former hospital site. The B-1 zoning district is typically made up of smaller lots, whereas the other office zoning designations have larger lot requirements and also allow additional height.

Mr. Spraker continued that there are four aspects of the one application. The first is for a zoning map amendment, going from B-1 to the Planned Business Development. The second part is the issuance of a Development Order, since the applicant has submitted a site specific site plan that would be incorporated into the overall approval. The third part is the Preliminary Plat, where there are presently two parcels of land that make up the hospital property, and they are seeking to take the two parcels and make them into three parcels. The fourth part of the project is the Historic Tree Removal, proposing to remove 9 of 39 historic live oak trees from the site, with 30 live oaks remaining.

The project has a total of 11 buildings. Each building has 26 units, with the ground floor being a parking garage, with the living units above. The total maximum height on the project is 74’-4”, with the actual roof line being at 54’. There is one main entry and exit point onto Sterthaus, with a secondary access out of the project a little further to the east. There will be a 6’ wrought iron fence around the entire property, offering security to the site, and restricting access.

There are three PBD allowances that the applicant is seeking. One is density, where in the B-1 zoning district, multi-family development is allowed 10 units per acre, and the land use allows 15 units per acre. The second is height, where B-1 zoning

allows a maximum height of 30', and the project is requesting an allowable height of 75' as in the B-9 and B-10 zoning districts. The third allowance is for the building length which would be 207 linear feet, and the conditional use criteria of the LDC states that no multi-family building can exceed 180 linear feet without a planned development approval.

Mr. Spraker stated that the Planned Business Development requires public benefits, and the applicant provided many of them, including landscaping, redevelopment of the property, the multi-family use, location for utilizing the surrounding businesses and The Trails shopping center. This will fit well with the overall development complex of the existing city. Staff is recommending approval of the application.

Mr. Briley questioned that out of the nine historic trees that have been identified to be removed, how many of them were listed in "good" condition. Chairman Thomas had gone through the list, and he believes there are about five of them listed as "good." Mr. Spraker stated that originally the project included a church at the end of the property where the most trees are, and that part was pulled out of the project, in order to save the trees.

Mr. Heaster questioned the height of the hospital, guessing it was higher than 75'. Mr. Spraker stated that when the charter amendment for the height was enacted, the hospital was one of the properties that got an exemption. Although Mr. Spraker doesn't have the numbers in front of him, he believes the height was about 110' and the tower was another 80'.

Mr. Heaster then asked what additional landscape measures did staff ask the developer to provide, for the removal of the nine trees. Mr. Spraker stated that the buffers are double what is required, so the tree preservation well achieves what the code minimum is. Overall, the site has more trees than what is required.

Ms. Tolland thanked Mr. Spraker for the great detailed analysis of the trees. Ms. Tolland questioned if the developers are comfortable having just one entryway for emergency vehicles. Ms. Tolland also noted that weeping willow trees are identified in the plans, and generally weeping willows are not good for septic systems, and the root systems tend to destroy underground pipes.

Mr. Spraker stated that the one entryway was discussed between the applicant and staff. The second exit, which will not be an entry point, will be accessible for emergency vehicles to enter the property, if needed.

Ms. Press stated that she went and walked the site, and questioned if one section of the condos was going to be along North Center Street. Mr. Spraker stated that North Center Street has a large number of the historic trees, which will remain. Ms. Press asked if people will be able to see the buildings from North Center Street. Mr. Spraker stated that possibly part of them, but the trees in the buffer will cover most of the views of the buildings from that street.

Ms. Press questioned that if the condominiums don't sell, can the units be rented? Mr. Spraker stated yes, that the goal is condominium ownership, but they do have the ability to also rent the units.

Mr. Jorczak had the same question as Ms. Tolland, in regards to the single ingress and egress, as far as residents getting in and out of the development, and would it be better served to have two entrances and exits for the residents.

Ms. Behnke stated that this is also a concern of hers, just the one entryway, if the residents had to make a mass exodus due to some kind of catastrophic event. Ms. Behnke also has questions about the parking garage underneath the building, which she will defer to the builder.

Chairman Thomas asked about tree #2, on the corner of Sterthaus and Center Street, if it has to be removed. Mr. Spraker explained that it is not proposed for removal.

Jeff Brock, 444 Seabreeze Blvd, Daytona Beach, Florida, representative for the applicant, stated that they are seeking approval of the Planned Business Development rezoning and development order, and both the developer and architect are in attendance to address the Board.

Mr. Buddy LaCour, developer, stated that it has taken two years to develop the possibilities for this site. Mr. LaCour stated that the design of the buildings include a real eclectic design of architecture to bring about an old Florida feel with a Spanish renaissance theme. They tried to create a focus on the community so people could not only enter securely through a single access, get into their building through a remote controlled security access, they would go up into the building from their parking garage, and they would be able to come down and exit the building through a secure lobby and walk the complete property through inter-connectivity.

Mr. LaCour explained the layout of Phase I, with its many amenities. Within Phase I there are five buildings with approximately 130 units. There was a thorough discussion with staff as to why there should be a single entrance and two exits, and that is done to provide security for the residents. If there were a catastrophic event, both exits would be utilized. Police and fire would also have remote access to the entryway and the second exit.

Mr. LaCour continued that they have worked very hard to preserve the oak trees, and keep the trees along Center Street. At one time they were going to propose putting a church on the site, but backed off of that idea once they got into the site and analyzed the trees.

Mr. LaCour explained that each unit will have private balconies, exterior corridors, 26 units per building, a private single elevator, and access/exits from the smoke towers. There is an excessively large walkway in front of the units to provide shade and protection from wind and rain, and the view corridor sides have all private balconies. It was decided to do a solid concrete structure, which will be a very high quality building with very high standards of efficiency glass, doors, window treatments and roof systems. Mr. LaCour continued that 286 units is a substantial investment in the community and welcome the opportunity to work in the city.

Ms. Behnke wanted to know how many parking spaces will there be per unit. Mr. LaCour stated that each unit will have a parking space inside the garage, and one parking space outside. Ms. Behnke then asked if there was going to be an age

restriction on the properties. Mr. LaCour stated that the initial phase will not be restricted, but possibly one of the other phases could be for age 55 and over. Ms. Behnke is concerned that if a family has a teenager, and they have three cars between them, that there won't be enough parking for everyone.

Mr. Parker Mynchenberg, 1729 Ridgewood Ave., Civil Engineer and Landscape Architect for the project, stated the requirements for units such as this is typically two parking spaces per unit. Ms. Behnke stated that if a family had a teenager with a car, then there wouldn't be a parking space for the third car. Mr. Mynchenberg stated that since the outdoor spaces are not reserved, and there would more than likely be a retired couple with only one car, the parking standards that are established will usually even out the spaces so that everyone would have a parking space available.

Mr. Jorczak asked about the security issue and only wanting to put in one entrance, and if it is being accessed with a code or a card, why would it make any difference if there were two, instead of one. Mr. Mynchenberg explained that there are two entrance lanes, and one exit lane. If someone lives in the community, they will have a remote that will open the right entrance gate and they can drive in. If someone is visiting the community, they will use the left entrance lane, pull up to a box and call the person they are visiting, who can then remotely open the gate for them. There will also be a keypad with a code, if someone wants to give that out.

Mr. Mynchenberg continued that at the second entrance, there was not enough room, without taking down some oak trees, to put the identical type of entrance in as the first one. The initial plan that was submitted had a 15' exit, but after discussion with City staff, that was increased to 20' to allow for emergency vehicles. They also added a special lock so that the fire department can get through it at any time. So, basically there are always two entrances in case of an emergency, two exits all the time, and one main entrance that has remote and box entry.

Ms. Press asked what the anticipated cost would be for one of the condos. Mr. LaCour stated that the final pricing is not in yet, but they will probably start in the low \$200,000. The mix is three 3-bedroom and four 2-bedroom units per floor. So the lowest price will be for the 2-bedroom units on the lowest floor, and the pricing will go up, per floor. The penthouse units are larger, about 2,200 sq. ft. and will be priced higher.

Chairman Thomas stated that it is his experience that at the price point, and the fact that they are condominiums, there won't be a lot of families with teenagers buying units here. Chairman Thomas also sees a problem at Nova Road with people turning left onto Nova from Sterthaus. Mr. LaCour stated that the traffic will be much less than what was there with the hospital, and they can certainly put signage at the corner of Sterthaus and Old Kings Rd. stating that there is no left turn allowed on Nova.

Mr. Briley commented that he is really glad to see what is being done with the trees at the corner of Sterthaus and Center Rd.

Mr. Jorczak asked what the estimated build-out time is for the entire complex. Mr. LaCour stated that they think they can have 286 units completed in four years from the start time of the first unit. Right now there are indications that people are very interested in the project, and they get calls daily inquiring about it. As a non-waterfront condominium, it will be interesting to see how quickly they sell.

Mr. Briley asked how soon they envision getting started with the project, which will probably be based on pre-sales. Mr. LaCour stated that they have a pre-sale requirement, but they are hoping to start the site work once they have 25 units sold.

Mr. Mark Avery, 7 Manderley Lane, asked what the estimated HOA fees would be for the units and what it would provide. Mr. LaCour stated that nothing is finalized yet, but they are trying to keep it around \$300.00, and there is still discussion on what it will include, such as trash.

Ms. Marie Avery, 7 Manderley Lane, was wondering when they would be breaking ground on the project. Mr. LaCour stated that once the site plan is approved, they think they can start the site work in the late 3<sup>rd</sup> quarter. The site work will take about 6 months, and one of the buildings could take 6 months, so they could possibly be seeing occupancy by June, 2016 at the earliest estimate.

Ms. Behnke inquired what elements are making them “green” buildings. Mr. LaCour stated that they will use the highest quality materials they can afford, and still keep the price palatable. They will use very high efficiency air-conditioning, treated glass, insulated doors, and the building itself will be insulated inside the block, and the R-factor on the roof will exceed the minimum requirements. Ms. Behnke then asked about the sound-proofing between the units. Mr. LaCour stated that all of them will be sound proofed. The interior walls will be metal studs, insulation and drywall. The floors will be solid concrete, poured in place, with a column system.

Mr. Heaster stated that a few years ago, when the hospital relocated, a huge volume of people and businesses left the area, and there has been a huge void in this part of Ormond. It is nice to see a project like this, which will be a compliment to the city and to the area. It will be a lot better fit that should bring more traffic to the area.

**Mr. Briley moved to approve PBD 14-099: 555 & 875 Sterthaus Drive, Ormond Renaissance Condominium: PBD Rezoning and Preliminary Plat. Ms. Press seconded the motion. Vote was taken and the motion carried unanimously (7-0).**

## **OTHER BUSINESS**

None.

## **VIII. MEMBER COMMENTS**

Ms. Press commented about a development on Orchard Street that was discussed at a past meeting, which would be putting a storage area in for boats and RV's. Ms. Press is glad that the storage did not go in, and hopefully all of the development that goes in will complement each other. Ms. Press is also delighted to know that there

is some action taking place with the Texaco station. Chairman Thomas stated that the Texaco station can't be leveled quick enough, in his opinion.

Mr. Jorzak stated that he thinks the Ormond Renaissance Condo is an excellent use of the hospital property, and he is glad to see this going in, and he feels it will benefit The Trails shopping area. It looks like it will be a first class construction project.

Ms. Behnke agrees that this is a great project, and is happy to see it move forward.

Chairman Thomas stated that he would like to see a project like this where City Hall is presently at. Imagine a building that had commercial on the first floor, with residents above, next to two parks on this side of the river, that would add to our downtown, and bring in high-end revenue with it being on the inter-coastal. City Hall doesn't need to be in the hub of downtown.

Mr. Jorzak was pleased that the City Manager has proposed to City Commission to look at doing a strategic plan. They will be setting up meetings for the citizens of Ormond Beach to come and express their views with respect to where they want to see the city in the future. This kind of forward thinking is an excellent way to begin this process of strategizing where we want to be, and it will be interesting to see what comes out of it.

Mr. Briley knows that year's ago, if taking parking off of Granada was brought up, there was a lot of resistance from business owners. Since that time the City Hall has allowed parking in their lot after hours, and Bill Jones has bought a lot of property on the north side of Granada. Mr. Briley feels we don't have a very pedestrian friendly downtown. If we took the parking off the street, and extended the sidewalks out, you could have your sidewalk cafés, and businesses could sell items out on the sidewalk.

Chairman Thomas asked Mr. Goss about any activity at the old Food Lion store. Mr. Goss stated that he knows the lease expires on the building, and hopefully something will get going with that store.

## **IX. ADJOURNMENT**

The meeting was adjourned at 8:13 p.m.

Respectfully submitted,

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Ric Goss, AICP, Planning Director

ATTEST:

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Doug Thomas, Chairman

*Minutes transcribed by Melanie Nagel.*

# STAFF REPORT

## City of Ormond Beach Department of Planning

**DATE:** April 9, 2015

**SUBJECT:** Land Development Code Amendments: Deleting the Special Standards of the T-2 Zoning District for previously existing manufactured home parks and adding Special Standards to the T-1 Zoning District for previously existing manufactured/mobile home parks

**APPLICANT:** Administrative

**NUMBER:** LDC 15-069

**PROJECT PLANNER:** S. Lauren Kornel, AICP, Senior Planner

### **INTRODUCTION:**

This is an administrative request to amend the Land Development Code as follows:

1. Amend Article II, District Regulations, Chapter 2, District and General Regulations, Section 2-21, T-2, Manufactured Home Zoning District of the Land Development Code (LDC) to eliminate the special standards to allow replacement of manufactured homes, located within previously established Manufactured Home Parks, with new manufactured homes. Since the City of Ormond Beach does not permit manufactured/mobile home parks under the T-2 Zoning District, the special standards should be eliminated from the T-2 Zoning District.
2. Amend Article II, District Regulations, Chapter 2, District and General Regulations, Section 2-20, T-1, Manufactured/Mobile Home Zoning District of the LDC to add special standards to allow replacement of manufactured/mobile homes, located within previously established Manufactured/Mobile Home Parks, with new manufactured/mobile homes. Since the City of Ormond Beach only permits manufactured/mobile home parks under the T-1 Zoning District, the special standards that are proposed for elimination under the T-2 Zoning District should be added to the T-1 Zoning District.

The purpose of the amendments are to permit replacement of manufactured/mobile homes, located within previously established manufactured/mobile home parks, with new manufactured/mobile homes as needed under the T-1 Zoning District so that there is no additional nonconformity with respect to dimensional requirements.

### **BACKGROUND:**

In January 2010, the T-1, Manufactured/Mobile Home Zoning District which was absent from the City's LDC was re-established in the Code. The purpose of that amendment was to establish uses and dimensional standards for manufactured and mobile home communities/parks currently zoned as T-1 and eliminate the requirement for a rezoning

to PMHC (Manufactured Home Community). However, when the T-1 Zoning District was re-established into the LDC, the special conditions for previously existing manufactured homes parks to allow replacement of old units with new units without creating dimensional nonconformities was inadvertently not deleted from the T-2 Zoning District where communities/parks are not permitted and then added back into the T-1 Zoning District. It was not the intent of the 2010 LDC amendment to re-establish the T-1 Zoning District to create a condition where existing manufactured/mobile home parks or parks that exist in the city or may annex into the City of Ormond Beach become non-conforming with respect to dimensional standards.

In January 2015, the city annexed 500 South Nova Road (Life Mobile Home Park) into the City of Ormond Beach. The city is required by law to assign a land use and zoning to the newly annexed mobile home park. At the time of staff's review and analysis of the rezoning, the T-1 Zoning District was determined the most appropriate zoning district to apply to the Life Village Mobile Home Park. However, the Life Village Mobile Home Park has been developed under Volusia County zoning standards that do not meet the dimensional standards of the T-1 Zoning District. The primary issue is that most of the existing mobile homes do not meet the city dimensional standards as they have an average front yard setback of between 10 and 12 feet. The City's minimum front yard setback under the current T-1 Zoning District Standards is 20 feet.

It is not the intention of the city to annex parcels, including manufactured/mobile home communities/parks, and then create or expand non-conformities. It is important to note that manufactured/mobile home parks do not have lot lines, but instead lease lines where the units are placed. The key consideration is not to place the manufactured/mobile home structures too close together in accordance with the Uniform Fire Safety Standards for Mobile Home Parks. In reviewing the current Land Development Code, the T-1 Zoning District does not have a special standard that allows replacement of units within existing communities outside of the required minimum setbacks. The T-2 (Manufactured Home) zoning district contains a special standard that allows the replacement of units within existing communities with different setbacks provided that the units comply with the Uniform Fire Safety Standards for Mobile Home Parks. However, the T-2 Zoning District does not allow for manufactured/mobile home communities/parks. At the time of the 2010 LDC amendment to re-establish the T-1 Zoning District the special standards should have been deleted from the T-2 Zoning District and added into the T-1 Zoning District. The proposed amendment is a remedy to ensure that units within established manufactured/mobile home communities can be replaced without creating dimensional non-conformities by adding special standards into the T-1 Zoning district and deleting the same special standards in the T-2 Zoning District.

### **ANALYSIS:**

The proposed amendments are to remove the special standards from the T-2 Zoning District and replace the standards under the T-1 Zoning District.

The amendment involves two sections of the LDC as follows:

- 1. Amend Article II, District Regulations, Chapter 2, District and General Regulations, Section 2-21, T-2, Manufactured Home Zoning District.**

**Action Required:** Delete the Special Standards of the T-2 Zoning District to remove standards that do not apply since manufactured/mobile home communities/parks are not permitted under the T-2 Zoning District. There are only two areas within the city currently designated with the T-2 Zoning District (**see Attachment 1**). The special standard is proposed to be added under the T-1 Zoning District where manufactured/mobile home parks are permitted.

The text amendment as denoted in strikethrough is as follows:

**~~H. SPECIAL STANDARDS:~~**

**~~Previously Existing Manufactured Home Parks.~~** ~~The provisions of this section not withstanding, individual units within manufactured home parks which were in operation on July 1, 1984, and which have continued in operation without abandonment or closure for 6 months, and which manufactured home parks do not comply with one or more of the dimensional requirements set forth in subsection (b) of this section, may be replaced with new units provided there is no greater nonconformity than existed with prior unit and provided that the Uniform Fire Safety Standards for Mobile Home Parks, as set forth in F.A.C. ch. 4A 42, as the same may be amended from time to time, are fully complied with.~~

~~The following dimensions shall apply to lots of record in existence on November 6, 1996, that are located within the T-2 zoning district, when such lots are used for mobile home, a single family modular dwelling unit, or a single family dwelling unit:~~

- ~~a. Lot Width 50'~~
- ~~b. Lot Area: 5,500 Square Feet~~

Without the amendment the City's LDC is inconsistent because manufactured/mobile home parks/communities are not permitted under the T-2 Zoning District.

**2. Amend Article II, District Regulations, Chapter 2, District and General Regulations, Section 2-20, T-1, Manufactured/Mobile Home Zoning District.**

**Action Required:** Replace the deleted standards from the T-2 Zoning District into the T-1 Zoning District which were not included with the 2010 LDC amendment to re-establish the T-1 Zoning District, to allow replacement of manufactured/mobile homes, located within previously established Manufactured/Mobile Home Parks, with new mobile/manufactured homes. The goals of this amendment are to:

- a. Add Special Standards to the T-1 zoning district. There are ten properties currently designated with the T-1 Zoning District (**see Attachment 2**). The addition of special standards for previously existing Manufactured/Mobile Home Parks will ensure that replacement of manufactured/mobile homes in mobile/manufactured communities will be able to replace their homes with new mobile/manufactured homes without creating dimensional non-conformities;
- b. Maintain the provisions of the Uniform Fire Safety Standards for Mobile Home Parks. Regardless of the proposed special standards for previously existing manufactured/mobile home parks, and any existing dimensional standards for manufactured/mobile homes within the City's LDC, at a minimum

manufactured/mobile homes must maintain a certain distance between each home as specified in the Uniform Fire Safety Standards for Mobile Home Park;

- c. To allow existing manufactured/mobile home parks with the T-1 designation to maintain the existing number of mobile homes and to change out individual units with new units as necessary;
- d. To establish special standards for previously existing manufactured/mobile home parks with the T-1 zoning district to allow future annexations of manufactured/mobile home parks if they occur without creating dimensional non-conformities at such time the community is rezoned; and
- e. It is not the intent of this amendment to expand the use of the T-1 zoning district to vacant land, but instead to allow previously existing manufactured/mobile home parks to replace existing units with new units without creating dimensional non-conformities.

The text amendment as denoted in underline is as follows:

**H. SPECIAL STANDARDS:**

Previously Existing Manufactured/Mobile Home Parks. The provisions of this section not withstanding, individual units within manufactured home parks which were in operation on July 1, 1984, and which have continued in operation without abandonment or closure for 6 months, and which manufactured home parks do not comply with one or more of the dimensional requirements set forth in subsection (b) of this section, may be replaced with new units provided there is no greater nonconformity than existed with prior unit and provided that the Uniform Fire Safety Standards for Mobile Home Parks, as set forth in F.A.C. ch. 4A-42, as the same may be amended from time to time, are fully complied with.

The following dimensions shall apply to lots of record in existence on November 6, 1996, that are located within the T-1 zoning district, when such lots are used for mobile home, a single-family modular dwelling unit, or a single-family dwelling unit:

- a. Lot Width 50'
- b. Lot Area: 5,500 Square Feet

The proposed special standards language is identical to the language deleted from the T-2 Zoning District accept for two changes:

1. In the sub heading, the word “Mobile” is added after “Manufactured” to be consistent with the sub heading of the T-1 Zoning District, “Manufactured/Mobile Home Zoning District”; and
2. In the second paragraph “T-1” was changed from “T-2” again to be consistent with the T-1 Zoning District.

The action required is necessary to prevent any manufactured/mobile home parks which have or may annex into the City of Ormond Beach from being or becoming non-conforming with respect to dimensional standards. In reviewing the average front yard setback typically found in mobile/manufactured home parks, generally front yard setbacks are less than the minimum 20’ required in

the City's T-1 Zoning District. As such, since the original LDC amendment to re-establish the T-1 Zoning District did not include the special standards for previously existing mobile/manufactured home parks, most of the mobile/manufactured home parks in the City of Ormond Beach would not be able to meet the dimensional requirements of the City's T-1 Zoning District in the event of replacing an old unit with a new unit.

Without the amendment the city may not apply the T-1 Zoning District to manufactured/mobile home parks where the T-1 Zoning District is most appropriate because most manufactured/mobile home parks would not be able to meet the dimensional standards of the city's T-1 Zoning District in the event the desire may be to replace an old unit with a new unit. By adding the special standards to the T-1 Zoning District, the city will avoid making the Life Village Mobile Home Park, any other manufactured/mobile homes that may annex into the City of Ormond Beach and any other manufactured/mobile home parks already assigned the T-1 Zoning District non-conforming with respect to dimensional standard.

## **CONCLUSION:**

There are certain criteria that must be evaluated before adoption of an amendment. According to the LDC, the Planning Board must consider the following criteria when making their recommendation.

**1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The proposed LDC amendments will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life. The purpose of the amendments are to remove special standards from the T-2 Zoning District where manufactured/mobile home parks/communities are not permitted and replace the special standards in to the T-1 Zoning District where manufactured/mobile home parks/communities are permitted. The LDC amendments will allow replacement of old units with new units under the T-1 Zoning District without creating dimensional non-conformities. In cases where existing units do not meet the T-1 Zoning District dimensional standards, an old unit will be allowed to be replaced with a new unit provided the standards of the Uniform Fire Safety Standards for Mobile Home Park can be met.

**2. The proposed development is consistent with the Comprehensive Plan.**

The proposed Land Development Code amendments are consistent with the Comprehensive Plan. Objective 2.1 of the Future Land Use Element of the Comprehensive Plan discussed the need to update LDC regulations. The amendments are a matter of housekeeping to include special standards for previously existing manufactured/mobile home parks.

3. **The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

The proposed LDC amendments will not have an adverse impact on environmentally sensitive lands.

4. **The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

The proposed LDC amendments will have no adverse effect on surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare or visual impacts on adjoining properties.

5. **There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

The proposed LDC amendments are not applicable to public facilities.

6. **Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

The proposed LDC amendments will not result in a hazardous situation for adjoining property owners.

7. **The proposed development is functional in the use of space and aesthetically acceptable.**

There is no development proposed for this amendment. The application pertains to a LDC amendment.

8. **The proposed development provides for the safety of occupants and visitors.**

There is no development proposed for this amendment. The application pertains to a LDC amendment.

9. **The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.**

There is no development proposed for this amendment. The application pertains to a LDC amendment.

## **10. The testimony provided at public hearings.**

The comments from the Planning Board meeting will be incorporated into the City Commission packet.

The LDC amendments are tentatively scheduled to be reviewed by the City Commission May 19<sup>th</sup>, 2015 and June 2, 2015.

### **RECOMMENDATION:**

It is recommended that the Planning Board **APPROVE** LDC 15-069, to amend the City's LDC as described within this report and detailed within **Attachment 3** of this report.

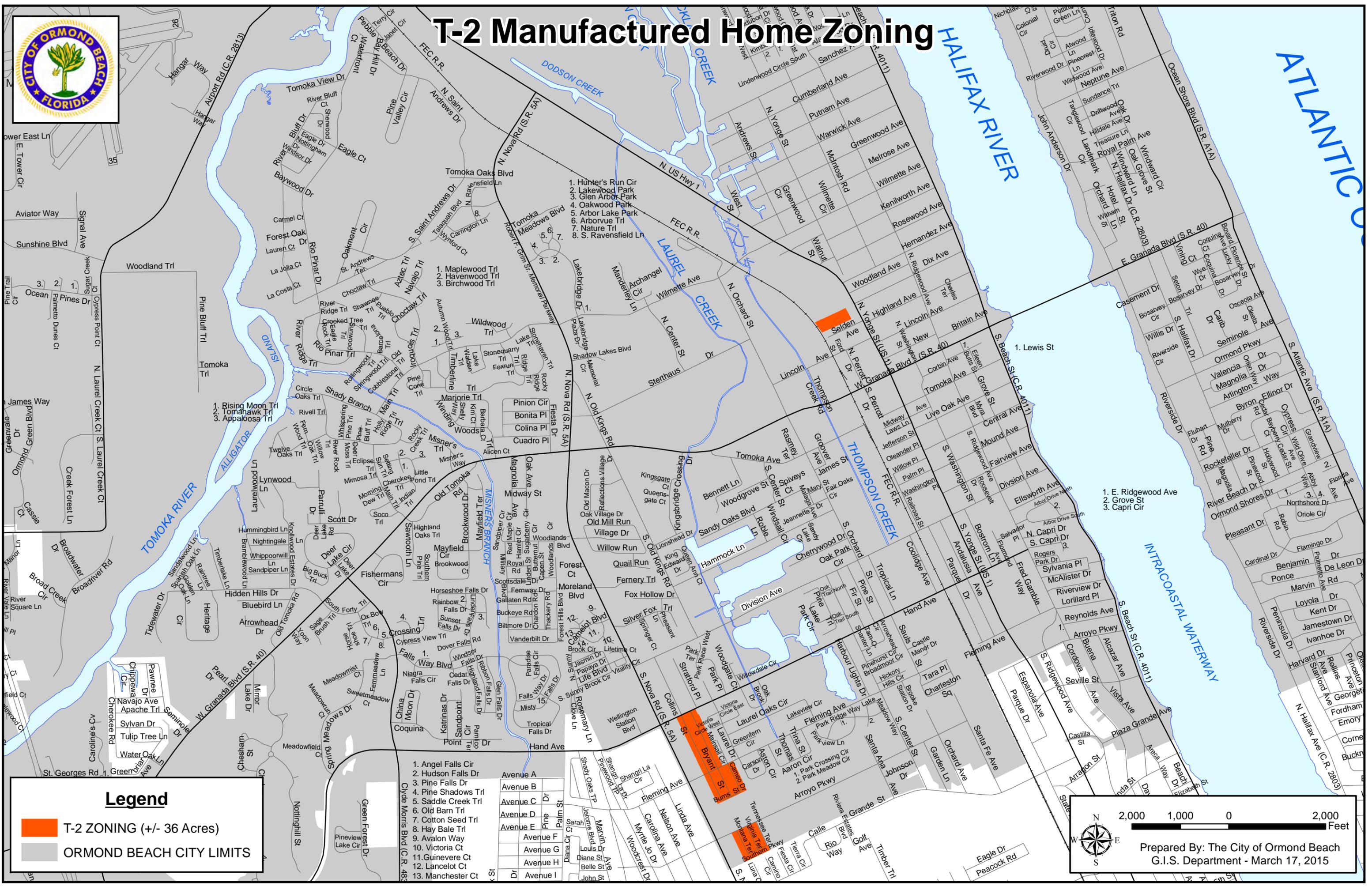
Attachments: Attachment 1: T-2 Zoning District Map  
Attachment 2: T-1 Zoning District Map  
Attachment 3: T-2 and T-1 Zoning Districts LDC amendments  
(~~strikethrough and underline~~)

# **ATTACHMENT 1**

T-2 Zoning District Map



# T-2 Manufactured Home Zoning



**Legend**

- T-2 ZONING (+/- 36 Acres)
- ORMOND BEACH CITY LIMITS

1. Hunter's Run Cir
  2. Lakewood Park
  3. Glen Arbor Park
  4. Oakwood Park
  5. Arbor Lake Park
  6. Arborvue Trl
  7. Nature Trl
  8. S. Ravensfield Ln
1. Rising Moon Trl
  2. Tomahawk Trl
  3. Appaloosa Trl
1. Maplewood Trl
  2. Havenwood Trl
  3. Birchwood Trl
1. Angel Falls Cir
  2. Hudson Falls Dr
  3. Pine Falls Dr
  4. Pine Shadows Trl
  5. Saddle Creek Trl
  6. Old Barn Trl
  7. Cotton Seed Trl
  8. Hay Bale Trl
  9. Avalon Way
  10. Victoria Ct
  11. Guinevere Ct
  12. Lancelot Ct
  13. Manchester Ct

2,000 1,000 0 2,000 Feet

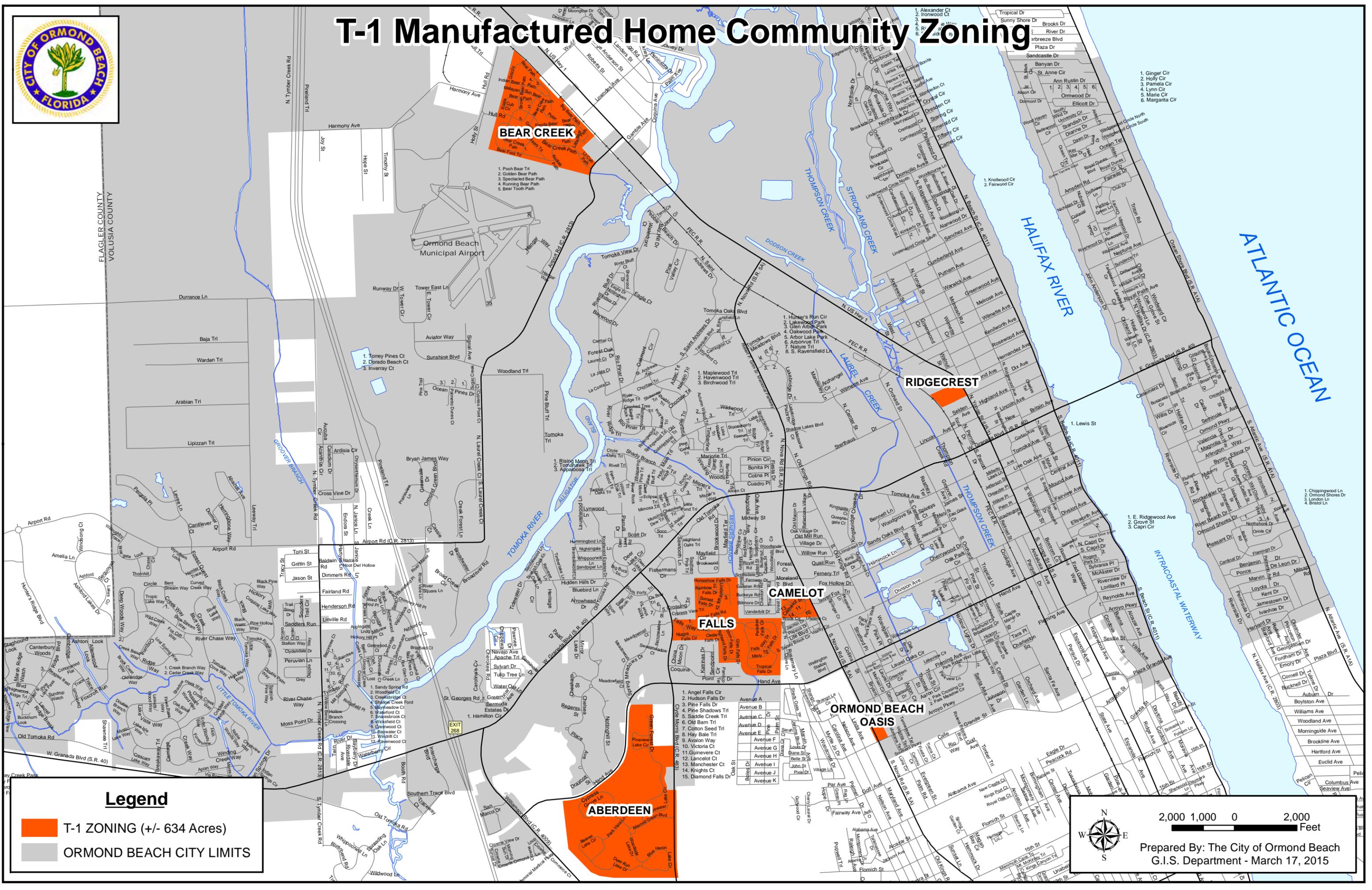
Prepared By: The City of Ormond Beach  
G.I.S. Department - March 17, 2015

# **ATTACHMENT 2**

T-1 Zoning District Map



# T-1 Manufactured Home Community Zoning



**BEAR CREEK**

- 1. Pooh Bear Trl
- 2. Golden Bear Path
- 3. Spectacled Bear Path
- 4. Running Bear Path
- 5. Bear Tooth Path

**RIDGECREST**

**CAMELOT**

**FALLS**

**ORMOND BEACH OASIS**

**ABERDEEN**

- 1. Angel Falls Cir
- 2. Hudson Falls Dr
- 3. Pine Falls Dr
- 4. Pine Shadows Trl
- 5. Saddle Creek Trl
- 6. Old Barn Trl
- 7. Cotton Seed Trl
- 8. Hay Bale Trl
- 9. Avalon Way
- 10. Victoria Ct
- 11. Guinevere Ct
- 12. Lancelot Ct
- 13. Manchester Ct
- 14. Knights Ct
- 15. Diamond Falls Dr

## Legend

- T-1 ZONING (+/- 634 Acres)
- ORMOND BEACH CITY LIMITS



Prepared By: The City of Ormond Beach  
G.I.S. Department - March 17, 2015

FLAGLER COUNTY  
VOLUSIA COUNTY

ATLANTIC OCEAN

INTRACOSTAL WATERWAY

HALIFAX RIVER

DODSON CREEK

LAUREL CREEK

ALLEGATOR CREEK

TOMOKA RIVER

GROOVER BRANCH

LITTLE TOMOKA RIVER

INTRACOSTAL WATERWAY

THOMPSON CREEK

LAUREL CREEK

DODSON CREEK

ALLEGATOR CREEK

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# **ATTACHMENT 3**

T-2 and T-1 Zoning Districts  
LDC amendments  
(~~strikethrough~~ and underline)

**Chapter 2, District General Administration**

**Article II, District Regulations**

**Section 2-21, T-2, Manufactured Home Zoning District.**

**A. PURPOSE:** through **G. PERMITTED ACCESSORY USES** (no change in existing text)

**H. SPECIAL STANDARDS:**

~~**Previously Existing Manufactured Home Parks.**—The provisions of this Subsection notwithstanding, individual units within manufactured home parks which were in operation on July 1, 1984, and which have continued in operation without abandonment or closure for 6 months or more, and which manufactured home parks do not comply with one or more of the Dimensional Requirements set forth in Paragraph 2 of this Subsection, may be replaced with new units provided there is no greater nonconformity than existed with the prior unit and provided that the Uniform Fire Safety Standards for Mobile Home Parks, as set forth in Chapter 4A-42, Florida Administrative Code, as the same may be amended from time to time, are fully complied with.~~

~~The following dimensions shall apply to lots of record in existence on November 6, 1996, that are located within the T-2 zoning district, when such lots are used for mobile home, a single-family modular dwelling unit, or a single family dwelling unit:~~

- ~~a. Lot Width 50'~~
- ~~b. Lot Area: 5,500 Square Feet~~

~~Sec. 2-22. B-1, Professional Office/Hospital Zoning District. ...(No Change in existing text)~~

~~Retail, showroom ...(No change in existing text)...~~

**Chapter 2, District and General Regulations**

**Article II, District Regulations**

**Section 2-20, T-1, Manufactured/Mobile Home Zoning District.**

**A. PURPOSE:** through **G. PERMITTED ACCESSORY USES** (no change in existing text)

**H. SPECIAL STANDARDS:**

**Previously Existing Manufactured/Mobile Home Parks.** The provisions of this Subsection notwithstanding, individual units within manufactured home parks which were in operation on July 1, 1984, and which have continued in operation without abandonment or closure for 6 months or more, and which manufactured home parks do not comply with one or more of the Dimensional Requirements set forth in Paragraph 2 of this Subsection, may be replaced with new units provided there is no greater nonconformity than existed with the prior unit and provided that the Uniform Fire Safety Standards for Mobile Home Parks, as set forth in Chapter 4A-42,

Florida Administrative Code, as the same may be amended from time to time, are fully complied with.

The following dimensions shall apply to lots of record in existence on November 6, 1996, that are located within the T-1 zoning district, when such lots are used for mobile home, a single-family modular dwelling unit, or a single-family dwelling unit:

- a. Lot Width 50'
- b. Lot Area: 5,500 Square Feet

**By STAFF REPORT  
City of Ormond Beach  
Department of Planning**

**DATE:** April 1, 2015

**SUBJECT:** LDC Amendment

**APPLICANT:** City of Ormond Beach

**NUMBER:** LDC 15-76

**PROJECT** Richard P. Goss, AICP  
**PLANNER:**

<b>Affected LDC Sections</b>	<b>Amendments</b>
Article III, Chapter 1, Section 1-22 Definitions	14 added definitions
Article IV, Chapter 2, Overlay Districts	Section 2-74 New

**A. INTRODUCTION:**

As the City completes the final action related to the Interlocal Services Boundary Agreement (ISBA), it would be beneficial to review the important milestones leading to this Land Development Code (LDC) amendment for itinerant Vendor Criteria.

There were three major actions required prior to moving forward with the Itinerant Vendor Criteria amendment to the Land Development Code. They were:

1. Ordinance 2014-27 approved the ISBA which provided Ormond Beach authority over all unincorporated Volusia County along US 1 North provided land use amendments were completed.

2. Ordinance 2014-42 approved text amendments to the Comprehensive Plan's Land Use and Intergovernmental Element by incorporating provisions of the ISBA. In addition, Ordinance 2015-5 approved the ISBA land use plan amendments to the City's Comprehensive Plan Land Use Map.
3. Ordinance 2015-XX amended the City's Zoning Map for each individual unincorporated parcel by providing a zoning similar to character and use as in Volusia County.

**B. LDC AMENDMENTS:**

1. It is proposed to amend the Definition section of Section 1-22, Land Development Code, by adding the following definitions (underlined) in alphabetical order:

*Business services ..... (No change in existing text).....*

Business use shall be broadly construed to mean any lawful activity that is commonly and customarily recognized as a business or commercial activity, regardless whether or not such activity is for-profit or not-for-profit.

*Caliper ..... (No change in existing text).....*

*Preschool... (No change in existing text).....*

Primary business use shall mean a chief, dominate or main business use of permanent and continuous existence, on a year-round basis, on improved land that

is authorized by a valid local business tax receipt, regardless whether such activity is for-profit or not-for-profit.

*Primary containment* ..... (No change in existing text)  
.....

*Highest adjacent grade* ..... (No Change in existing text).....

*High Impact Use shall mean itinerant commercial uses or activities.*

*High Impact Use on Improved Land Category shall mean itinerant commercial use or activities on improved land.*

*High Impact Use on Vacant or Unimproved Land Category shall mean itinerant commercial uses or activities on vacant or unimproved land.*

*Hip roof* ..... (No Change in text).....

*Improved and open road*..... (No Change in text).....

*Improved land shall mean land on which permanent improvements consisting of one or more buildings are being utilized for the express purpose of engaging in a primary and lawful business use.*

*Improved property* ..... (No Change in text).....

*Irrigation system* ..... (No Change in text).....

*Itinerant commercial activity shall mean a business use or activity of intermittent or temporary existence, or not being of a permanent and continuous existence on a year-round basis, regardless whether such use or activity is for-profit or not-for-profit. These activities commonly include but shall not be limited to tattoo services, food vending, retail, and portable stationary simulation rides. Itinerant commercial activity shall not be a primary business use.*

*Itinerant Vendor Permit shall mean a permit issued to an individual person or business authorizing the person or business to engage in itinerant commercial activities at a specific location and for a temporary duration specified in the permit.*

*Joint-use driveway*..... (No Change in Text).....

*Livestock feed lot* ..... (No Change in Text) .....

*Local business tax receipt (BTR) shall have the meaning prescribed in Chapter 205, Florida Statutes. Specifically, it is a receipt issued by the County or City granting a privilege to engage in a lawful business activity.*

exclusive of any fees for applicable licenses, permits, registrations, examinations or inspections.

*Lodges* ..... (No Change in Text) .....

*Massing* ..... (No Change in Text) .....

*Master Vendor Permit* shall mean a permit that is issued to a property owner authorizing one or more individual itinerant vendors to conduct itinerant commercial activities on the property owner's land for a temporary duration specified in the permit. The permit duration may be annual or 6 months in duration.

*Maximum utilization of capacity* ..... (No Change in Text).....

*Outdoor activity* ..... (No Change in Text) .....

*Outdoor Entertainment Activity* shall mean an activity specific to a primary business use, that is typically smaller in scope than Recognized Event Activities, and that must occur on site as an accessory activity to the principal business use of the property. For purposes of this definition, music, participant contests, auto exhibits, games and similar activities hosted on-site of a primary business use shall not be Outdoor Entertainment Activity. Administrative approvals shall be required for outdoor entertainment activities. Except during and for

the limited exception provided in paragraph 5 below for land in the High Impact Use on Vacant or Unimproved Land Category, Outdoor Entertainment Activity shall not be allowed or permitted on vacant or unimproved land. No Outdoor Entertainment Activity Permit shall be required for accessory use events conducted totally on site with the principal business use and which do not exceed an anticipated attendance of 500 or more participants. An inspection fee each may be required if tents are proposed, outside vendor food preparation is involved or other activities requiring inspection is proposed.

Outdoor Entertainment Activity Permit shall mean a permit issued for outdoor entertainment activity that is to occur on the property where a primary business use occurs, and for a temporary duration specified in the permit; except only that outdoor entertainment activities may be allowed during and for the limited exception provided in paragraph 5 below, for land in the High Impact Use on Vacant or Unimproved Land Category.

*Outdoor dining or café* ..... (No Change in Text).....

*Reclaimed water* ..... (No Change in Text) .....

Recognized Special Events shall mean Daytona Beach Bike Week Festival, as established by the Bike Week Executive Committee; Daytona Beach Biketoberfest Special Event, as established by the Biketoberfest

Development Committee of the Daytona Beach Area Convention & Visitors Bureau; Daytona Speed Weeks, encompassing that time period commencing with the Rolex 24 Hour Race and ending with the Daytona 500 Race, as established by the Daytona International Speedway; and Pepsi 400 Race, as established by the Daytona International Speedway and any other specially licensed outdoor entertainment activity involving more than one properly owner.

*Recreational facilities, commercial* ..... (No Change in Text).....

*Utility structure* ..... (No Change in Text) .....

*Vacant or unimproved land* shall mean land on which permanent improvements consisting of one or more buildings do not exist or are NOT being utilized for the express purpose of engaging in a primary and lawful business use.

*Variance* ..... (No Change in Text) .....

2. The second amendment to the Land Development Code is a new Section 2-75 (underlined) entitled Municipal Service Area/Joint Planning Area Overlay which is to read as follows:

**Sec. 2-74. - Municipal Service Area/Joint Planning Area Overlay for the US 1 North Corridor**

- (a) These Itinerant Vendor Criteria are to be established in furtherance of the Interlocal Service Boundary Agreement, and Planning and Services Delivery Sub-Agreement between the City of Ormond Beach and County of Volusia regarding the North U.S. I Joint Planning Area/Municipal Service Area (JPA/MSA). The criteria are intended to be established as part of the city's adopted land development regulations.
- (b) Incorporation of Map 1. The unincorporated area depicted in Map I attached to the ISBA shall constitute the Joint Planning Area (JPA) and Municipal Service Area (MSA) for purposes of the following criteria.
- (c) Area of application. These provisions shall apply to all land in the unincorporated territory of Volusia County as more fully described and depicted in the JPA/MSA to the Interlocal Service Boundary Agreement and Planning and Services Delivery Sub-Agreement.
- (d) Category of Use.
- 1) **High Impact Use on Improved Land Category.** Itinerant commercial uses or activities are deemed to have significant impacts on the use of improved land, including but not necessarily limited to intensive parking, traffic, and pedestrian safety. The following businesses are known to engage in itinerant commercial uses or activities in the unincorporated territory of the County, as of the effective date of the Agreements and shall be allowed to continue engaging in such uses or activities after

the effective date of said Agreements:

a. Recognized Special Event Host:

- i. 1635 N. US Hwy 1, (Destination Daytona, activities as specified in County Development Order)
- ii. 1065 N. US Hwy 1, (Standard Cycle/Biker Haven)
- iii. 1068 N. US Hwy 1, (Iron Horse Saloon)
- iv. 1106 N. US Hwy 1, (Hired Gun)
- v. 253 Destination Daytona Lane, (J&P Cycles)  
1658 US Hwy 1, (Love's Travel Stop)
- vi. 1622 N. US Hwy 1, (Sunshine#230 Store)
- vii. 1080 N. US 1, (Harris Village RV/Eagles Nest)
- viii. 1105 N. US Hwy 1, (Low Country Oysters of Ormond Beach)
- ix. 1481 N. US Hwy 1, (Annie Oakley's Saloon)  
1074 N. US Hwy 1, (Ocean Club)
- x. 470 Destination Daytona Blvd, (Wyotec) 1041  
N. US Hwy 1, (JDiscount#2)

b. Outdoor Entertainment Activity: 1635 N. US Hwy 1, (Destination Daytona, activities as specified in County Development Order)

- i. 1068 N. US Hwy 1, (Iron Horse Saloon)
- ii. 1065 N. US Hwy 1, (Standard Cycle/Biker Haven)
- iii. 1105 N. US Hwy 1, (Low Country Oysters of Ormond Beach)

2) **High Impact Use on Vacant or Unimproved**

**Land.** Itinerant commercial uses or activities are deemed to have the same significant impacts on vacant or unimproved land as those impacts that occur on improved land. Business establishments and lands that are not described in paragraph 4a(1) and (2) above shall be in the High Impact Use on Vacant or Unimproved Land Category for purposes of this Agreement. Itinerant Commercial Activities and Outdoor Entertainment Activities for lands within the High Impact Use on Vacant or

3) **Unimproved Land Category** shall be subject to an amortization schedule described in paragraph 5 below.

(e) *Rationale for Use of Land Classification and Amortization.* Property values in Florida are based on the aggregate total of building improvement and land value. Much of the total taxable value in property involves a building improvement to land value ratio of approximately 70:30. Consequently, vacant land reserved solely for the purpose of itinerate commercial activities or uses for an event that has limited duration is problematic for several reasons, including:

- i. Pays little in taxes to offset the costs of public service impacts related to the event;
- ii. Vacant or unimproved land is not assessed by the property appraiser for the income to property owners generated by itinerate commercial activities or uses;
- iii. Vacant or unimproved land that is used solely for

itinerate commercial activities or uses have debilitating effects on adjacent property values and the North U.S. 1 corridor in general.

In order to promote the use of land for primary business use purposes, an amortization schedule shall be imposed for itinerant activities and uses, and outdoor entertainment activities, as follows:

- 1) **High Impact Use on Improved Land.** The businesses and land described in paragraph 4a (1) and (2) above shall be exempt from the amortization schedule that applies to those businesses and land in the High Impact Use on Vacant or Unimproved Land Category described below and from the Outdoor Activity provisions of the City's Land Development Code that would require authorization and approval by a Special Exception development order.
  
- 2) **High Impact Use on Vacant or Unimproved Land; Amortization Schedule.** Lands that are subject to the High Impact Use on Vacant Land Category described in paragraph 4b above may host Itinerant Commercial Activities and Outdoor Entertainment Activities during Recognized Special Events for a period that shall automatically terminate five years from the effective date of the Interlocal Service Boundary Agreement. Permits for Itinerant Commercial Activities and Outdoor Entertainment Activities must be obtained from the City's Site Plan Review Committee in accordance with the

requirements of Section 6 or 7 of this Agreement as a condition of engaging in such activities. Itinerant Commercial Activities and Outdoor Entertainment Activities shall be prohibited after the five year termination date prescribed in this section.

(f) Specialized Itinerant Provisions in the North US 1 Corridor.

- 1) Specialized Itinerant Provisions ("SIP") applications shall be approved administratively by the City's Site Plan Review Committee.
- 2) All retail and service activities shall occur outside public rights-of-way.
- 3) The Master vendor shall be responsible to ensure all individual itinerant vendors operating under the Master Vendor Permit comply with these provisions.
- 4) A fully completed application for a Master Vendor Permit shall include attachments containing the following information:
  - a. A single site plan 8.5 x 11 inches, drawn to scale must show all necessary elements and shall include the following if applicable:
    - i. Location of existing facilities/structures
    - ii. Location of proposed temporary facilities/structures

- iii. Proposed traffic flow and provisions for ingress/egress
  - iv. Measures for security/crowd control (VC Sheriff's Office OR OBPD)
  - v. Measures for provision of medical care
  - vi. Lighting
  - vii. Solid waste disposal
  - viii. Parking
  - ix. Location of bands and or music venues
  - x. Sanitation facilities
  - xi. Vendor permits (i.e., vendor list with Vendor Names, goods and/or services to be provided.)
- b. If a number of events are anticipated to occur throughout the year, a list of events with approximate event dates and anticipated participant level shall be provided for each event. A permit and/or inspection shall be determined based upon the submitted information.
- c. A list or schedule of events that are to occur at the location for the duration of the permit, including any host drinking contests or games, motorcycle/car washes (excluding those held by a church, school, or civic organizations). Contests involving disrobing or wet t-shirt contests, slaw/pudding/jello wrestling, bobbing or similar contests are prohibited.
- d. Individual itinerate vendors will be required during special events to have an Itinerant

Vendor Permit to do business.

- e. No person or business receiving a Master Vendor Permit or Individual Vendor Permit may engage in any of the following activities:
  - i. Activities involving the operation of aircraft;
  - ii. Events involving the discharge of explosive devices in violation of state or federal law;
  - iii. Activities in which farm animals or wild animals interact with the public;
  - iv. Outdoor event involving the exhibition of moving, driver-occupied motorized vehicles such as stunt shows, dyno-drag or dyno unit; except that the Wall of Death and burn-out pit activities, only, are allowed.
  - v. Activities involving the discharge of any toxic or harmful substance.
- f. Portable side-by-side stationary racing dynamometers for bike drag race simulation and motorcycle safety demonstrations are permitted.
- g. The Master Vendor shall have the following set up times:
  - i. Recognized Special Events: up to 5 days prior to the official start up of the event.
  - ii. All other events: 24 hours.
- h. All vendors setting up outside a permanent building, using a tent or other temporary structure

shall have an inspection by the City's Building Division 24 hours prior to operating.

- i. A vendor may be allowed the use of one portable out-door sign in the form of a sandwich board or other similar design to be used for advertisement of daily specials, events or services of the vendor during the event. The sign may only be set out each day at the opening of business hours and shall be removed each day at the end of business hours. All signs shall require a sign permit. The sign shall not exceed 16 square feet in size and must be constructed of sufficient material to withstand adverse weather events.
- j. Vendor activities and advertising must at all times be confined to the vendor space identified either in the Master Vendor Permit or Individual Vendor License.
- k. Individual Vendors shall physically vacate said vending space after the event officially closes as follows:
  - i. Recognized Special Event – 72 hours
  - ii. All other events – 24 hours
  - iii. Inclement weather – An additional 12 hours after inclement weather ends may be permitted to vacate vendor space.
- l. Food vendors must operate in compliance with the requirements of the Division of Hotels and Restaurants of the Florida Department of Business

and Professional regulation. Food vendors must show proof that they meet all applicable health department regulations and hold all valid food service licenses required for their operations.

m. Zoning restrictions on tattoo services shall not apply during recognized events but must operate in compliance with the provisions set forth in F.S. §877.04, as amended, and any other applicable state laws and city regulations.

(g) Outdoor Entertainment Activity (OEA) Provisions.  
The following items shall be required for approval of an OEA permit:

- 1) The permit shall be administratively reviewed and approved in accordance with the city's regulations;
- 2) The permit shall be for an individual outdoor activity only;
- 3) A drawing to scale depicting the placement of structures, tents, lighting and sound plans, and provisions for vehicular parking and access;
- 4) Department of Health approval for food vendors if applicable;
- 5) Provisions for adequate security and traffic control approval from the Ormond Beach Police Department;

- 6) Provisions for emergency services and fire;
- 7) Written notarized authorization for unlimited and unconditional 24 hour access to the site for city inspectors;
- 8) Compliance with local and state laws and regulations regarding food and beverage concession operations; and
- 9) Vendors must possess a valid Business Tax Receipt or Registration.
- 10) OEA involving less than 500 participants and located on site with the sponsoring business use shall be considered accessory to that business use and may be included in the list of activities for an annual Master Vendor Permit.

### **C. ANALYSIS OF AMENDMENTS:**

The Itinerant Vending provisions carve out a unique advantage that properties outside of the ISBA boundaries do not possess. The provisions apply only to those improved lands within the ISBA boundary Map during Recognized Special Events. These events are specified in the definition of Recognized Events. In addition, all Improved Lands are permitted Outdoor Entertainment Activity year around. This is considered accessory provided there are less than 500 participants anticipated to attend and it involves only the business on which the activity is to occur. Otherwise all properties will be subject to the Land Development Code outside of Recognized Special Events and Outdoor Entertainment Activity.

The criteria divides lands into two categories: improved lands on which there has historically been a permanent business vs. unimproved lands on which historically there has not been a permanent business.

Those improved lands on which there has been, from an historical perspective, a permanent business will be “grandfathered” for purposes of being allowed to continue to provide itinerant vendor activities. The “grandfathered” properties have been specifically identified.

Those unimproved lands (i.e., those that are not included in the list of properties described) will not be “grandfathered” for purposes of being allowed to continue engaging in master/itinerant vendor activities. If a property is not listed, then a Master Permit may be allowed to host vents involving itinerant vendors and outdoor entertainment activities but *only* for a period of 5-years, after which such activities will not be allowed. The purpose of this is to encourage the re-development of unimproved properties and revitalization of the U.S. 1 corridor. Should properties be improved with permanent businesses, reestablishment of master/itinerant vending activities would be permitted.

Master Vendors and Itinerant Vendors may apply for 1 year or 6 month permits. The Master Vendor is responsible for all Itinerant Vendors listed under the Master Vendor Permit. It is up to the Master Vendor to ensure all itinerant vendors listed under the Master Vendor Permit has the required inspections, permits, Business Tax Receipts and/or Registrations to operate. The Master Vendor will be responsible for filing with the City the required information needed to issue a permit. A Master Vendor may submit for one permit application which covers all Recognized Special Events and Outdoor Entertainment Activities. Information such as

dates of events and number of participants anticipated will be needed to determine applicable fees and if inspections are required. Improved and vacant lands may have individual music events of less than 500 participants which are considered accessory. When the participant level is expected to exceed 500, an Outdoor Activity Entertainment Permit shall be required.

For both Master Vendor Permits and Outdoor Entertainment Activities, specific submittal requirements are needed prior to permits being issued.

#### **D. SUBSEQUENT ACTION BY CITY:**

City Commission approval on First Reading and Public Hearing: May 5, 2015

City Commission approval on Second Reading and Public Hearing: May 19, 2015

**E. CONCLUSION:** There are certain criteria that must be evaluated before M-10-110 can be approved. According to Article I of the Land Development Code, the Planning Board shall consider the following when making its recommendation:

- 1. The proposed development conforms to the standards and requirements of this Code and will not create undue crowding beyond the conditions normally permitted in the zoning district, or adversely affect the public health, safety, welfare or quality of life.**

The City's involvement with the US 1 North Corridor area was neither by chance nor happenstance. The US 1 North Corridor Utility Service Area and Planning Report presented to the City Commission in October, 2010 identified a number of actions by the city that clearly demonstrates that the US 1 N corridor area

has been a long term focus of the City and that it was planned to be part of Ormond Beach at some time in the future. The City's utility service area on US 1 and policies governing service provision along with the Interlocal agreement of 1991 with Volusia County cemented the US 1 North Corridor/Ormond Beach relationship far into the future. Exclusive utility service and a requirement for annexation at time of service request made managing growth by the City for the US 1 North Corridor effective. The missing link was how to ensure development would have the look and feel envisioned by the elected officials of Ormond Beach. The city's Greenbelt and Gateway Preservation District and Volusia County's passage of Section 72-303 (b) 1 combined accomplished this matter somewhat however with the approval of an adult use entertainment facility and motorcycle club – both of which were not permitted under Volusia County regulations presented the City no other option than to take over regulation of the corridor. A vision for the corridor as the gateway to not only Ormond Beach but as the showcase for the Ormond Crossing mix use development seemed a much closer reality as a result of the ISBA.

**2. The proposed development is consistent with the Comprehensive Plan.**

The amendment is consistent with the Interlocal Services Boundary Agreement adopted pursuant to FS 171, Part II and the Comprehensive Plan text and map amendments made pursuant to the ISBA.

**3. The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells.**

This is not a project-specific development application and the proposed Land Development Code amendment will not have an adverse impact on environmentally sensitive lands.

**4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties.**

The Itinerant Vendor criterion represents a careful balance between recognizing Special Events and improving the City's gateway off of I-95. Property values in Florida are based on the aggregate total of building improvement and land value. Much of the total taxable value in property involves a building improvement to land value ratio of approximately 70:30. Consequently, vacant land reserved solely for the purpose of itinerate uses for an event that has limited duration is problematic for several reasons:

1. Pays little in taxes to offset public service impacts related to the event;
2. Vacant property is not assessed by the PAO for the income to property owners generated by itinerate uses;
3. Land or buildings left vacant solely for itinerate uses involving a few limited weeks have debilitating effects on adjacent property and the corridor in general.

In order to maximize the use of land all year long, an amortization schedule is included

**5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.

- 6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe. This finding shall be based on a traffic report where available, prepared by a qualified traffic consultant, engineer or planner which details the anticipated or projected effect of the project on adjacent roads and the impact on public safety.**

The criteria requires that each Master Vendor must provide an acceptable circulation plan outlining the anticipated ingress/egress points for the Special Events as well as provide a Security Plan for how traffic and pedestrians will safely move about.

- 7. The proposed development is functional in the use of space and aesthetically acceptable.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.

- 8. The proposed development provides for the safety of occupants and visitors.**

The criteria are designed to ensure a safe experience by visitors to the event whether it involves food preparation, security, traffic control or the use of rides. The following Activities are not permitted:

\* The operation of aircraft is not permitted.

\* The discharge of explosive devices in violation of state or federal law

- \* Farm animals or wild animals interact with the public
- \* The discharge of any toxic or harmful substance
- \* Outdoor event involving the exhibition of moving, driver-occupied motorized \*vehicles such as stunt shows, dyno-drag or dyno unit; except that the Wall of Death and burn-out pit activities, only, are allowed.

**9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area.**

There is no development proposed for this amendment. The application pertains to a Land Development Code amendment.

**10. The testimony provided at public hearings.**

The criteria have been the focus for many Volusia County 2014-15 Host License holders. Staff has met with representatives of both Iron Horse and Destination Daytona as well as with all the license holders at the Iron Horse. In addition, the criteria were sent to all license holders for a final review and another meeting was held on March 24, 2015 at Destination Daytona to discuss the criteria.

**F. SUMMARY:**

The amendment to the LDC outlining the special exception for Special Events on the US 1 North corridor is the last action required before the City will have final authority for land use, zoning, and code related matters on the corridor. The entire process was estimated to take up to 6-9 months from the time the ISBA was approved in August, 2014. Based upon the required subsequent actions to remain, the process will be completed in 9 months.

**G. RECOMMENDATION:**

Staff recommends that the Planning Board approved the Land Development Code amendment as it pertains to definitions and the MSA/JPA Overlay involving Itinerant Vendor Criteria.

C: Draft Ordinance

**ORDINANCE 2015-XX**

AN ORDINANCE RELATIVE TO ITINERANT MERCHANT DEFINITIONS AND CRITERIA; AMENDING CHAPTER 1, GENERAL ADMINISTRATION, ARTICLE III, DEFINITIONS AND ACRONYMS AND CHAPTER 2 DISTRICT AND GENERAL REGULATIONS, ARTICLE IV, OVERLAY DISTRICTS, OF THE CITY LAND DEVELOPMENT CODE BY ADDING DEFINITIONS MASTER, ITINERANT, AND OUTDOOR ENTERTAINMENT ACTIVITY CRITERIA AND CREATING A NEW SECTION 2-74, MUNICIPAL SERVICE AREA/JOINT PLANNING AREA OVERLAY FOR THE US 1 NORTH CORRIDOR; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEROF; PROVIDING FOR SEVERABILITY; AND SETTING FOTH AN EFFECTIVE DATE.

**WHEREAS**, the joint City/County Interlocal Service Boundary Agreement (ISBA) was adopted by respective jurisdiction in August, 2014, and

**WHEREAS**, pursuant to the ISBA the City Commission approved the land use plan amendments for the lands contained within the Municipal Services Area (MSA) in January, 2015, and

**WHEREAS**, pursuant to the land use amendments the City adopted corresponding zoning amendments for the lands contained within the Municipal Services Area in March, 2015, and

**WHEREAS**, the MSA is a major site for tourist related special events which are recognized as Biketoberfest, Bike Week, Daytona Speedway race events and Outdoor Entertainment Activities, and

**WHEREAS**, amendments to the City’s Land Development Code are needed to regulate, permit and enforce special events involving property owners and itinerant vendors, and

**WHEREAS**, the Planning Board of the City of Ormond Beach, as the local planning agency, has conducted a public hearing on **April 9, 2015**, on the requested amendment and has made recommendations thereon to the City Commission, and

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

**WHEREAS**, the City Commission finds the amendment to be consistent with the provisions of the *Comprehensive Plan* of the City of Ormond Beach, and in the overall best interest of the public health, safety and welfare, now therefore,

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT**

**SECTION ONE.** Section 1-22, Definition of terms and words, of Chapter 1, General Administration, of Article III, Definition and Acronyms, of the City of Ormond Beach *LDC* is hereby amended to read as follows

*Business services* ...(No change in existing text)...

*Business use* shall be broadly construed to mean any lawful activity that is commonly and customarily recognized as a business or commercial activity, regardless whether or not such activity is for-profit or not-for-profit.

*Caliper* ...(No change in existing text)...

*Preschool* ...(No change in existing text)...

Primary business use shall mean a chief, dominate or main business use of permanent and continuous existence, on a year-round basis, on improved land that is authorized by a valid local business tax receipt, regardless whether such activity is for-profit or not-for-profit.

*Primary containment* ...(No change in existing text)...

*Highest adjacent grade* ...(No change in existing text)...

High Impact Use shall mean itinerant commercial uses or activities.

High Impact Use on Improved Land Category shall mean itinerant commercial use or activities on improved land.

High Impact Use on Vacant or Unimproved Land Category shall mean itinerant commercial uses or activities on vacant or unimproved land.

*Hip roof* ...(No change in existing text)...

*Improved and open road* ...(No change in existing text)...

Improved land shall mean land on which permanent improvements consisting of one or more buildings are being utilized for the express purpose of engaging in a primary and lawful business use.

*Improved property* ...(No change in existing text)...

*Irrigation system* ...(No change in existing text)...

Itinerant commercial activity shall mean a business use or activity of intermittent or temporary existence, or not being of a permanent and continuous existence on a year-round basis, regardless whether such use or activity is for-profit or not-for-profit. These activities commonly include but shall not be limited to tattoo services, food vending, retail, and portable stationary

simulation rides. Itinerant commercial activity shall not be a primary business use.

Itinerant Vendor Permit shall mean a permit issued to an individual person or business authorizing the person or business to engage in itinerant commercial activities at a specific location and for a temporary duration specified in the permit.

*Joint-use driveway* ...(No change in existing text)...

*Livestock feed lot* ...(No change in existing text)...

Local business tax receipt (BTR) shall have the meaning prescribed in Chapter 205, Florida Statutes. Specifically, it is a receipt issued by the County or City granting a privilege to engage in a lawful business activity, exclusive of any fees for applicable licenses, permits, registrations, examinations or inspections.

*Lodges* ...(No change in existing text)...

*Massing* ...(No change in existing text)...

Master Vendor Permit shall mean a permit that is issued to a property owner authorizing one or more individual itinerant vendors to conduct itinerant commercial activities on the property owner's land for a temporary duration specified in the permit. The permit duration may be annual or 6 months in duration.

*Maximum utilization of capacity* ...(No change in existing text)...

*Outdoor activity* ...(No change in existing text)...

Outdoor Entertainment Activity shall mean an activity specific to a primary business use, that is typically smaller in scope than Recognized Event Activities, and that must occur on site as an accessory activity to the principal business use of the property. For purposes of this definition, music, participant contests, auto exhibits, games and similar activities hosted on-site of a primary business use shall not be Outdoor Entertainment Activity. Administrative approvals shall be required for outdoor

entertainment activities. Except during and for the limited exception provided in paragraph 5 below for land in the High Impact Use on Vacant or Unimproved Land Category, Outdoor Entertainment Activity shall not be allowed or permitted on vacant or unimproved land. No Outdoor Entertainment Activity Permit shall be required for accessory use events conducted totally on site with the principal business use and which do not exceed an anticipated attendance of 500 or more participants. An inspection fee each may be required if tents are proposed, outside vendor food preparation is involved or other activities requiring inspection is proposed.

*Outdoor Entertainment Activity Permit* shall mean a permit issued for outdoor entertainment activity that is to occur on the property where a primary business use occurs, and for a temporary duration specified in the permit; except only that outdoor entertainment activities may be allowed during and for the limited exception provided in paragraph 5 below, for land in the High Impact Use on Vacant or Unimproved Land Category.

*Outdoor dining or café* ...(No change in existing text)...

*Reclaimed water* ...(No change in existing text)...

*Recognized Special Events* shall mean Daytona Beach Bike Week Festival, as established by the Bike Week Executive Committee; Daytona Beach Biketoberfest Special Event, as established by the Biketoberfest Development Committee of the Daytona Beach Area Convention & Visitors Bureau; Daytona Speed Weeks, encompassing that time period commencing with the Rolex 24 Hour Race and ending with the Daytona 500 Race, as established by the Daytona International Speedway; and Pepsi 400 Race, as established by the Daytona International Speedway and any other specially licensed outdoor entertainment activity involving more than one properly owner or includes 500 or more participants.

*Recreational facilities, commercial* ...(No change in existing text)...

*Utility structure* ...(No change in existing text)...

Vacant or unimproved land shall mean land on which permanent improvements consisting of one or more buildings do not exist or are NOT being utilized for the express purpose of engaging in a primary and lawful business use.

*Variance* ...(No change in existing text)...

**SECTION TWO.** The City of Ormond Beach, Florida, Land Development Code, is hereby amended by adding a section to be numbered 2-74, which reads as follows:

**Sec. 2-74. Municipal Service Area/Joint Planning Area Overlay for the US 1 North Corridor**

(a) These Itinerant Vendor Criteria are to be established in furtherance of the Interlocal Service Boundary Agreement, and Planning and Services Delivery Sub-Agreement between the City of Ormond Beach and County of Volusia regarding the North U.S. I Joint Planning Area/Municipal Service Area (JPA/MSA). The criteria are intended to be established as part of the city's adopted land development regulations.

(b) *Incorporation of Map I.* The unincorporated area depicted in Map I attached to the ISBA shall constitute the Joint Planning Area (JPA) and Municipal Service Area (MSA) for purposes of the following criteria.

(c) *Area of application.* These provisions shall apply to all land in the unincorporated territory of Volusia County as more fully described and depicted in the JPA/MSA to the Interlocal Service Boundary Agreement and Planning and Services Delivery Sub-Agreement.

(d) *Category of Use.*

**(1) High Impact Use on Improved Land Category.**

Itinerant commercial uses or activities are deemed to have significant impacts on the use of improved land, including but not necessarily limited to intensive parking, traffic, and pedestrian safety. The following businesses are known to

engage in itinerant commercial uses or activities in the unincorporated territory of the County, as of the effective date of the Agreements and shall be allowed to continue engaging in such uses or activities after the effective date of said Agreements:

a. Recognized Special Event Host:

- i. 1635 N. US Hwy 1, (Destination Daytona, activities as specified in County Development Order)
- ii. 1065 N. US Hwy 1, (Standard Cycle/Biker Haven)
- iii. 1068 N. US Hwy 1, (Iron Horse Saloon)
- iv. 1106 N. US Hwy 1, (Hired Gun)
- v. 253 Destination Daytona Lane, (J&P Cycles)
- vi. 1658 US Hwy 1, (Love's Travel Stop)
- vii. 1080 N. US 1, (Harris Village RV/Eagles Nest)
- viii. 1105 N. US Hwy 1, (Low Country Oysters of Ormond Beach)
- ix. 1481 N. US Hwy 1, (Annie Oakley's Saloon)
- x. 1074 N. US Hwy 1, (Ocean Club)
- xi. 1041 N. US Hwy 1, (JDiscount#2)

b. Outdoor Entertainment Activity: 1635 N. US Hwy 1, (Destination Daytona, activities as specified in County Development Order)

- i. 1068 N. US Hwy 1, (Iron Horse Saloon)
- ii. 1065 N. US Hwy 1, (Standard Cycle/Biker Haven)

iii. 1105 N. US Hwy 1, (Low Country Oysters of Ormond Beach

**(2) High Impact Use on Vacant or Unimproved Land.** Itinerant commercial uses or activities are deemed to have the same significant impacts on vacant or unimproved land as those impacts that occur on improved land. Business establishments and lands that are not described in paragraph 4a(1) and (2) above shall be in the High Impact Use on Vacant or Unimproved Land Category for purposes of this Agreement. Itinerant Commercial Activities and Outdoor Entertainment Activities for lands within the High Impact Use on Vacant or

**(3) Unimproved Land Category shall be subject to an amortization schedule described in paragraph 5 below.**

(e) Rationale for Use of Land Classification and Amortization. Property values in Florida are based on the aggregate total of building improvement and land value. Much of the total taxable value in property involves a building improvement to land value ratio of approximately 70:30. Consequently, vacant land reserved solely for the purpose of itinerate commercial activities or uses for an event that has limited duration is problematic for several reasons, including:

- i. Pays little in taxes to offset the costs of public service impacts related to the event;
- ii. Vacant or unimproved land is not assessed by the property appraiser for the income to property owners generated by itinerate commercial activities or uses;
- iii. Vacant or unimproved land that is used solely for itinerate commercial activities or uses have debilitating effects on adjacent property values and the North U.S. I corridor in general.

In order to promote the use of land for primary business use purposes, an amortization schedule shall

be imposed for itinerant activities and uses, and outdoor entertainment activities, as follows:

**(1) High Impact Use on Improved Land.** The businesses and land described in paragraph 4a (1) and (2) above shall be exempt from the amortization schedule that applies to those businesses and land in the High Impact Use on Vacant or Unimproved Land Category described below and from the Outdoor Activity provisions of the City's Land Development Code that would require authorization and approval by a Special Exception development order.

**(2) High Impact Use on Vacant or Unimproved Land; Amortization Schedule.** Lands that are subject to the High Impact Use on Vacant Land Category described in paragraph 4b above may host Itinerant Commercial Activities and Outdoor Entertainment Activities during Recognized Special Events for a period that shall automatically terminate five years from the effective date of the Interlocal Service Boundary Agreement. Permits for Itinerant Commercial Activities and Outdoor Entertainment Activities must be obtained from the City's Site Plan Review Committee in accordance with the requirements of Section 6 or 7 of this Agreement as a condition of engaging in such activities. Itinerant Commercial Activities and Outdoor Entertainment Activities shall be prohibited after the five year termination date prescribed in this section.

**(f) Specialized Itinerant Provisions in the North US 1 Corridor.**

**(1) Specialized Itinerant Provisions ("SIP") applications shall be approved administratively by the City's Site Plan Review Committee.**

**(2) All retail and service activities shall occur outside public rights-of-way.**

- (3) The Master vendor shall be responsible to ensure all individual itinerant vendors operating under the Master Vendor Permit comply with these provisions.
- (4) A fully completed application for a Master Vendor Permit shall include attachments containing the following information:
- a. A single site plan 8.5 x 11 inches, drawn to scale must show all necessary elements and shall include the following if applicable:
    - i. Location of existing facilities/structures
    - ii. Location of proposed temporary facilities/structures
    - iii. Proposed traffic flow and provisions for ingress/egress
    - iv. Measures for security/crowd control (VC Sheriff's Office OR OBPD)
    - v. Measures for provision of medical care
    - vi. Lighting
    - vii. Solid waste disposal
    - viii. Parking
    - ix. Location of bands and or music venues
    - x. Sanitation facilities
    - xi. Vendor permits (i.e., vendor list with Vendor Names, goods and/or services to be provided.)
  - b. If a number of events are anticipated to occur throughout the year, a list of events with approximate event dates and anticipated participant level shall be provided for each event. A permit and/or

inspection shall be determined based upon the submitted information.

- c. A list or schedule of events that are to occur at the location for the duration of the permit, including any host drinking contests or games, motorcycle/car washes (excluding those held by a church, school, or civic organizations). Contests involving disrobing or wet t-shirt contests, slaw/pudding/jello wrestling, bobbing or similar contests are prohibited.
- d. Individual itinerate vendors will be required during special events to have an Itinerant Vendor Permit to do business.
- e. No person or business receiving a Master Vendor Permit or Individual Vendor Permit may engage in any of the following activities:
  - i. Activities involving the operation of aircraft;
  - ii. Events involving the discharge of explosive devices in violation of state or federal law;
  - iii. Activities in which farm animals or wild animals interact with the public;
  - iv. Outdoor event involving the exhibition of moving, driver-occupied motorized vehicles such as stunt shows, dyno-drag or dyno unit; except that the Wall of Death and burn-out pit activities, only, are allowed.
  - v. Activities involving the discharge of any toxic or harmful substance.

- f. Portable side-by-side stationary racing dynamometers for bike drag race simulation and motorcycle safety demonstrations are permitted. The Master Vendor shall have the following set up times:
- i. Recognized Special Events: up to 5 days prior to the official start up of the event.
  - ii. All other events: 24 hours.
- h. All vendors setting up outside a permanent building, using a tent or other temporary structure shall have an inspection by the City's Building Division 24 hours prior to operating.
- i. A vendor may be allowed the use of one portable out-door sign in the form of a sandwich board or other similar design to be used for advertisement of daily specials, events or services of the vendor during the event. The sign may only be set out each day at the opening of business hours and shall be removed each day at the end of business hours. All signs shall require a sign permit. The sign shall not exceed 16 square feet in size and must be constructed of sufficient material to withstand adverse weather events.
  - j. Vendor activities and advertising must at all times be confined to the vendor space identified either in the Master Vendor Permit or Individual Vendor License.

k. Individual Vendors shall physically vacate said vending space after the event officially closes as follows:

i. Recognized Special Event – 72 hours

ii. All other events – 24 hours

iii. Inclement weather - An additional 12 hours after inclement weather ends may be permitted to vacate vendor space.

l. Food vendors must operate in compliance with the requirements of the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation. Food vendors must show proof that they meet all applicable health department regulations and hold all valid food service licenses required for their operations.

m. Zoning restrictions on tattoo services shall not apply during recognized events but must operate in compliance with the provisions set forth in F.S. §877.04, as amended, and any other applicable state laws and city regulations.

(g) Outdoor Entertainment Activity (OEA) Provisions. The following items shall be required for approval of an OEA permit:

(1) The permit shall be administratively reviewed and approved in accordance with the city's regulations;

(2) The permit shall be for an individual outdoor activity only;

- (3) A drawing to scale depicting the placement of structures, tents, lighting and sound plans, and provisions for vehicular parking and access;
- (4) Department of Health approval for food vendors if applicable;
- (5) Provisions for adequate security and traffic control approval from the Ormond Beach Police Department;
- (6) Provisions for emergency services and fire;
- (7) Written notarized authorization for unlimited and unconditional 24 hour access to the site for city inspectors;
- (8) Compliance with local and state laws and regulations regarding food and beverage concession operations; and
- (9) Vendors must possess a valid Business Tax Receipt or Registration.
- (10) OEA involving less than 500 participants and located on site with the sponsoring business use shall be considered accessory to that business use and may be included in the list of activities for an annual Master Vendor Permit.

**SECTION THREE.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

**SECTION FIVE.** This Ordinance shall take effect immediately upon its adoption.

**PASSED UPON** at the first reading of the City Commission, this 5th day of May, 2015.

**PASSED UPON** at the second and final reading of the City Commission, this 19th day of May, 2015.

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**ED KELLEY**  
Mayor

**ATTEST:**

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**J. SCOTT McKEE**  
City Clerk

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