

ORDINANCE 2015-27

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY ADDING A NEW ARTICLE TO BE NUMBERED AND CAPTIONED AS ARTICLE VII, NORTH U.S. HIGHWAY 1 INTERLOCAL PLANNING AND MUNICIPAL SERVICE AREA; BY ADDING DIVISION 1, ITINERANT MERCHANT REGULATIONS FOR RECOGNIZED SPECIAL EVENTS AND OUTDOOR ENTERTAINMENT ACTIVITY; TEMPORARY CAMPSITES: SECTION 2-74, MUNICIPAL SERVICE AREA AND JOINT PLANNING AREA; PURPOSE; SECTION 2-75, LEGISLATIVE FINDINGS; SECTION 2-76, DEFINITIONS; SECTION 2-77, HIGH IMPACT USES ON LAND; CLASSIFICATION AND CATEGORY OF USE; RATIONALE; SECTION 2-78, AMORTIZATION SCHEDULE FOR VACANT OR UNIMPROVED LAND CATEGORY; SECTION 2-79, APPLICATION, LICENSE AND PERMIT REQUIREMENTS FOR ITINERANT COMMERCIAL ACTIVITY; SECTION 2-80, TEMPORARY CAMPSITES; SECTION 2-81, RESERVATION OF POWER; SECTION 2-82, ENFORCEMENT; BY REGULATING ITINERANT MERCHANT USES AND ACTIVITIES DURING RECOGNIZED SPECIAL EVENTS AND OUTDOOR ENTERTAINMENT ACTIVITIES; PROVIDING CLASSIFICATIONS OF LAND FOR IMPROVED LAND AND VACANT OR UNIMPROVED LAND; PROVIDING REGULATIONS FOR TEMPORARY CAMPSITES DURING RECOGNIZED SPECIAL EVENTS; PROVIDING LICENSE AND PERMIT REQUIREMENTS; PROVIDING A FIVE YEAR AMORTIZATION PERIOD FOR VACANT OR UNIMPROVED LAND; PROVIDING FOR THE INCLUSION OR REMOVAL OF LAND FROM THE IMPROVED LAND CATEGORY; RESERVING POWER TO THE CITY COMMISSION; PROVIDING FOR ENFORCEMENT OF THESE REGULATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, the North U.S. Highway 1 corridor serves as the most northern gateway (Gateway) into the County of Volusia, and the cities of Ormond Beach (City), Daytona Beach, Holly Hill, South Daytona, and Port Orange (collectively the cities), and

WHEREAS, the North U.S. Highway 1 corridor has for many years been a focus of the City's efforts to revitalize the Gateway, to eliminate blight, to encourage redevelopment and economic development on lands adjacent to and near the Gateway, and

WHEREAS, in furtherance thereof, the city commission long ago established Gateway standards and policies, and

WHEREAS, tourists, visitors, residents, business owners, and other property owners travel on the Gateway to and from various points of destination in the cities, and

WHEREAS, certain lands in the North U.S. Highway 1 corridor are located in the unincorporated territory of the County and certain other lands are located within the municipal boundaries of the City, said lands having been subject to different and often confusing zoning, land use, development and other regulations by the County and the City, and

WHEREAS, differences between County and City standards have resulted in the inefficient planning and development of lands adjacent to and near the Gateway, and have resulted in the inefficient delivery of public services and resources, and

WHEREAS, despite the efforts and expenditure by the City of significant resources to encourage the redevelopment and economic development of lands within the municipal boundaries of the City adjacent to and near the Gateway (including by way of example but not limited to the Ormond Beach Sports Complex, Ormond Crossings commercial/residential

mixed use development, S.R. Perott distribution center, Hull Point Business Park, Ormond Business Park, and Ormond Commerce Park), certain other lands in the unincorporated territory of the County (primarily vacant or unimproved lands) in the MSA and adjacent to the Gateway remain in blighted conditions, and

WHEREAS, the City of Ormond Beach and County of Volusia entered into an Interlocal Service Boundary Agreement (ISBA), which became effective on August 28, 2014 (recorded at Book 7026, Pages 878 through 895 of the Public Records of Volusia County, Florida) establishing a Municipal Service Area (MSA) for the North U.S. Highway 1 corridor, and

WHEREAS, in accordance with the requirements of section 171.203(9), Florida Statutes and the ISBA, the city commission approved Ordinance 2014-42 (on January 20, 2015) amending the future land use element and the intergovernmental coordination element of the City's Comprehensive Land Use Plan; and approved Ordinance 2015-5 (on January 20, 2015) amending the future land use map designation of the City's Comprehensive Land Use Plan appertaining to the MSA, and

WHEREAS, the city commission approved on April 7, 2015, Ordinance 2015-13 and Ordinance 2015-14, establishing zoning districts for the lands within and subject to the MSA, and

WHEREAS, the Gateway is in the MSA, and

WHEREAS, certain lands in the MSA and adjacent to the Gateway have hosted under the County's jurisdiction tourist related special events during Biketoberfest, Bike Week,

Daytona Speedway race events, and certain other outdoor entertainment activities in accordance with the County's itinerant merchant regulations as provided by Article III of the Volusia County Code of Ordinances, and

WHEREAS, the County's itinerant merchant regulations allowed itinerant merchant activities related to special events to occur on a temporary basis and for a limited duration under certain conditions, and

WHEREAS, the County adopted its itinerant merchant regulations to provide reasonable regulations for these temporary events and activities and to protect the health, safety and welfare of the general public, and

WHEREAS, under the County's itinerant merchant regulations, host licenses were issued upon certain conditions for a limited period of one year and individual vendor permits were issued upon certain conditions for a limited period of six months, allowing itinerant merchant activities to occur on a temporary basis during recognized special events, and

WHEREAS, the limited duration of host licenses and individual vendor permits issued by the county did not establish a right or expectation that itinerant merchant activities could occur beyond the limited time periods for the special events as authorized by a host licenses or individual vendor permit, and

WHEREAS, the County authorized by special exception temporary campsites and related itinerant merchant activities, subject to certain conditions, for temporary periods and limited durations during recognized special events, and

WHEREAS, the limited duration of the special exception authorizing temporary campsites and related itinerant merchant activities during recognized special events did not establish a right or expectation that temporary campsites and related itinerant merchant activities could occur beyond the limited time period and limited duration provided by the special exception, and

WHEREAS, the city commission desires to establish regulations for itinerant merchant activities and temporary campsite activities for lands in and subject to the MSA consistent with the City's long-standing policy to eliminate blight, encourage the revitalization and economic development of lands in the MSA and adjacent to and near the Gateway; and for the protection of the health, safety and welfare of visitors, tourists, residents, property owners and the general public who are otherwise affected by itinerant merchant activities associated with recognized special events, and

WHEREAS, the city commission recognizes special event activities occur on improved lands and unimproved lands in the MSA, as those terms are defined in the regulations to be adopted herein, and

WHEREAS, the city commission recognizes that itinerant commercial activities and temporary campsite activities generate significant adverse impacts related to intensive traffic, intensive parking needs, pedestrian safety, noise, and visual and aesthetic blight, which requires the utilization of additional public resources beyond the needs that would otherwise be required, and

WHEREAS, the city commission determines that itinerant merchant activities and temporary campsite activities that occur on unimproved land generate the same significant impacts that are generated by itinerant merchant activities that occur on improved land; however, the owners of improved land pay a disproportionately higher rate for the provision of public resources that are required to manage itinerant merchant activities, because: (a) owners of vacant or unimproved land pay far less in ad valorem taxes to offset the public service impacts, than do owners of improved land, (b) vacant or unimproved land is not assessed for the income received by property owners that are generated by itinerant merchant activities or temporary campsite activities, and (c) vacant or unimproved land used primarily for itinerant merchant activities or temporary campsite activities remain in blighted conditions and have debilitating effects on adjacent property values, and

WHEREAS, the city commission further determines that the nature and proximity of itinerant merchant activities and temporary campsite activities on lands in the MSA adjacent to the Gateway have debilitating visual effects on passing motorists, including visitors, tourists, residents, and families with children who must utilize the Gateway route to travel through special event and itinerant merchant activities to reach their intended destinations in the cities, and

WHEREAS, the city commission finds these regulations are necessary to protect the health, safety and welfare of the general public; that they serve both a rational basis and compelling government interest to promote the purposes stated herein; and that deference should be afforded to its legislative findings by any court of competent jurisdiction in the resolution of

any issue, should any arise, related to the adoption, implementation, enforcement or administration of these regulations, and

WHEREAS, the Planning Board of the City of Ormond Beach, as the local planning agency, has conducted a public hearing on May 14, 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. Chapter 2, District and General Regulations of the City of Ormond Beach *Land Development Code* is hereby amended by adding a new article to be numbered and titled Article VII, North U.S. Highway 1 Interlocal Planning and Municipal Service Area, which shall read as follows:

**ARTICLE VII. NORTH U.S. HIGHWAY 1 INTERLOCAL
PLANNING AND MUNICIPAL SERVICE AREA**

**Division 1: Itinerant Merchant Regulations for Recognized
Special Events and Outdoor Entertainment
Activity; Temporary Campsites.**

**Sec. 2-74. Municipal Service Area and Joint Planning Area;
purpose.**

- (a) These regulations apply to lands in and subject to the North U.S. Highway 1 Municipal Service Area and Joint Planning Area (MSA/JPA) as established by the Interlocal Service Boundary Agreement (ISBA) between the city and County of Volusia recorded at Book 7026, Pages 878 through 895 of the Public Records of Volusia County, Florida, which became effective on August 28, 2014.
- (b) As a predicate to establishing the regulations in this article, the city commission approved, in accordance with the requirements of section 171.203(9), Florida Statutes and the ISBA, on January 20, 2015, Ordinance 2014-42 and Ordinance 2015-5 amending the future land use element, the intergovernmental element, and the future land use map of the city's comprehensive land use plan; and approved on April 7, 2015 Ordinance 2015-13 and Ordinance 2015-14 establishing zoning districts for lands in and subject to the MSA.

Sec. 2-75. Legislative findings.

- (a) The North U.S. Highway 1 corridor serves as the northern most gateway (Gateway) into the County of Volusia and the cities of Ormond Beach (City), Daytona Beach, Holly Hill, South Daytona and Port Orange (collectively the cities). Visitors, tourists, residents, and business owners utilize the Gateway to travel to and from various destination points in the cities. The city commission has for many years encouraged the revitalization of the Gateway to eliminate blight and promote economic development, including the adoption of Gateway standards and policies.
- (b) Certain lands in the MSA and adjacent to the Gateway are located in the unincorporated territory of the county and certain other lands are located within the municipal boundaries of the city, which resulted in the lands being subject to different and confusing zoning, land use, development, and other regulations. Those different standards have resulted in the inefficient planning and development of lands, as well as the inefficient delivery of public services and resources. Despite the efforts and expenditure of significant resources by the City to encourage the revitalization and economic development of lands within the city adjacent to and near the Gateway

- (including by way of example but not limited to Ormond Beach Sports Complex, Ormond Crossings commercial/residential mixed use development, S.R. Perott distribution center, Hull Point Business Park, Ormond Business Park, and Ormond Commerce Park), other lands in the unincorporated territory of the county within the MSA remain in blighted conditions (primarily vacant or unimproved lands).
- (c) The city commission recognizes that certain lands in the MSA adjacent to the Gateway have hosted under the county's jurisdiction tourist related special events for limited durations or on a temporary basis in accordance with itinerant merchant regulations adopted by the county, which allowed for the issuance of a host license for a one year period and the issuance of individual vendor permits for a six month period upon the satisfaction of certain conditions. The issuance of host licenses and individual vendor permits for limited periods did not establish a right or expectation that itinerant merchant activities could occur beyond the duration of the recognized special event as authorized by a host license or individual vendor permit.
- (d) The city commission recognizes the County authorized by special exception temporary campsite activities on vacant or unimproved land during special events, subject to certain conditions, and being limited in time and duration; and that the conditions of the special exception did not create a right or expectation that temporary campsite activities could occur beyond the limited time and duration prescribed by the special exception.
- (e) The city commission recognizes that special event activities occur on improved and unimproved lands in the MSA, as those terms are defined in these regulations, and the city commission desires to establish reasonable regulations for itinerant merchant activities and temporary campsite activities consistent with the city's policies to eliminate blight and encourage economic revitalization in the MSA and along the Gateway.

- (f) The city commission recognizes that itinerant merchant activities and temporary campsite activities generate significant impacts related to intensive traffic, intensive parking needs, pedestrian safety, noise, and visual and aesthetic blight, which require additional public resources beyond the needs that would otherwise be required; that these significant impacts are generated on and from improved and unimproved lands in the MSA adjacent to the Gateway, however the owners of improved land pay a disproportionately higher rate for the provision of public resources that are required to manage itinerant merchant activities and temporary campsite activities, because: (a) owners of vacant or unimproved land pay far less in ad valorem taxes to offset the public service impacts, than do owners of improved land, (b) vacant or unimproved land is not assessed for the income received by property owners that are generated by itinerant merchant activities or temporary campsite activities, and (c) vacant or unimproved land that is used primarily for itinerant merchant activities or temporary campsite activities during recognized special events remain in blighted conditions and have debilitating effects on adjacent property values.
- (g) The city commission has determined the nature of itinerant merchant activities and temporary campsite activities that occur on lands in the MSA adjacent to the Gateway have debilitating visual effects on passing motorists, including visitors, tourists, residents, and families with children who must utilize the Gateway route, passing through the itinerant merchant activities, to reach their points of destinations, whether it be the city's Ormond Beach Sports Complex for youth recreational activities, residential neighborhoods, businesses, or other destination points in other cities.
- (h) The city commission has therefore determined that these itinerant merchant and temporary campsite regulations are necessary to protect the health, safety and welfare of the general public; to promote the elimination of blight and encourage economic development to revitalize the MSA and Gateway, and to protect property values; that these regulations serve both a rational basis and compelling

government interest; and that the findings of the city commission should be afforded broad deference by any court of competent jurisdiction in the resolution of any issue, should any arise, regarding these regulations.

Sec. 2-76. Definitions.

The following definitions apply to this article. For words that are not defined in this section, the definitions in section 1-22 of this Code shall apply if not in conflict with this article. For words that are not defined by this section or section 1-22 of this Code, the definition in the most recent edition of Webster's New Collegiate Dictionary shall apply if not in conflict with this article.

Building means a permanent structure having a roof that is impervious to weather and enclosing a space with four walls that is utilized for a primary business use.

Business use shall mean a 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.

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. It must be authorized by a valid local business tax receipt, regardless whether such activity is for-profit or not-for-profit. It does not include itinerant commercial activity or a temporary campsite activity; nor does it include land for which a business tax receipt has issued where discernible business activity that is customarily associated with such business is not being conducted. The purpose of this definition and these regulations is to ensure that vacant, unimproved or blighted land is not utilized primarily or solely for itinerant commercial activities or temporary campsite activity for limited periods during temporary special events.

High Impact Use shall mean itinerant commercial uses or activities on improved land, or on vacant or unimproved land; and shall include activities related to temporary campsites.

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

Vacant or Unimproved Land Category shall mean itinerant commercial uses or activities on vacant or unimproved land; it shall also include temporary campsite activity.

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 business use in accordance with all legal requirements.

Itinerant commercial activity shall mean a commercial 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.

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

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.

Outdoor Entertainment Activity shall mean an activity specific to a primary business use, that is typically smaller in scope than Recognized Special Event activities, and that must occur on site as an accessory activity to the primary 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 section 2-78 of this Article. for land in the 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 primary 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 section 2-78 of this article, for land in the Vacant or Unimproved Land Category.

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.

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 business use; and shall include land for which a business tax receipt has issued authorizing a business use where discernible business activities that are customarily associated with such business are not being conducted.

Temporary Campsites shall mean that land described in section 2-80 of this article upon which campsites and related activities of a temporary nature and limited duration may be authorized during Recognized Special Events. Temporary campsites shall not constitute a primary business use.

Organized or criminal gang, organized or criminal gang member, and organized or criminal gang associate shall have the meanings described in Chapter 874, Florida Statutes, as the same presently exists or may be hereafter amended. Organized or criminal gangs shall also include, but shall not be limited to, those organizations or gangs described in the most recent editions of the national gang report or other national gang threat assessment published by the National Gang Intelligence Center, the Federal Bureau of Investigation, or any other state or nationally recognized agency or authority on criminal gangs; and shall include any organization or gang that meets the elements of Chapter 874, Florida Statutes, regardless of any conviction or official adjudication. Organized or criminal gang associate shall also include any owner of, or other person having an equitable, beneficial or leasehold interest in, land, property, building, structure, business, object, device, motorcycle or vehicle who allows or permits his or her land, property, building, structure, business, object, device, motorcycle or vehicle to be occupied or utilized by an organized or criminal gang, or to facilitate or permit unlawful activity, or for the assembly of organized or criminal gang members or gang associates.

Sec. 2-77. High impact uses on land; classification and category of use; rationale.

(a) High Impact Uses. Itinerant commercial uses or activities generate significant impacts on the use of improved land, and (including temporary campsite activity) on vacant or unimproved land, including but not necessarily limited to intensive parking needs, intensive traffic, pedestrian safety, noise, and visual and aesthetic blight. 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 or

unimproved land that is used primarily or solely for the purpose of hosting itinerate commercial activities or uses, and temporary campsite activities, for a Recognized Special Event that has limited duration is problematic because:

- (1) Owners of vacant or unimproved land pay little in taxes to offset the costs of public service impacts related to the event;
- (2) Vacant or unimproved land is not assessed by the property appraiser for the income to property owners generated by itinerate commercial activities or uses, or temporary campsite activities;
- (3) Vacant or unimproved land that is used primarily or solely for itinerate commercial activities or uses, or temporary campsite activities, have debilitating effects on adjacent property values in the MSA and adjacent Gateway.

To promote the use of land for primary business use purposes, an amortization schedule shall be imposed for itinerant merchant activities and uses, for outdoor entertainment activities, and for temporary campsites, for the Vacant or Unimproved Land Category as provided in section 2-78 this Article.

- (b) *Improved Land Category.* According to the host itinerant merchant records of the County, the improved lands with primary business uses described below engaged in itinerant commercial uses or activities during recognized special events in the unincorporated territory of the county during the 2013-2014 year immediately preceding the effective date of the ISBA, and during the 2014-2015 year following the effective date of the ISBA. Lands with primary business uses in this category shall be allowed to continue engaging in such uses or activities after the effective date of the ISBA and shall be exempt from the amortization schedule that applies to the Vacant or Unimproved Land Use Category for so long as said lands are used for primary business use purposes:

(1) Recognized Special Event Host:

- i. 1635 N. US Hwy 1 (Destination Daytona, activities as specified in the 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. 1622 N. US Hwy 1 (Sunshine #230 Store)
- viii. 1080 N. US 1 (Harris Village RV/Eagles Nest)
- ix. 1105 N. US Hwy 1 (Low Country Oysters of Ormond Beach)
- x. 1481 N. US Hwy 1 (Annie Oakley's Saloon)
- xi. 1074 N. US Hwy 1 (Ocean Club)
- xii. 470 Destination Daytona Blvd (Wyotec)
- xiii. 1041 N. US Hwy 1 (J Discount #2)
- xiv. 1069 & 1077 N. US Hwy 1 (Paul's Mobile Village/Hog Pen)
- xv. 1090 N. US Hwy 1 (Kurras Mobile Village/Wild Bill)

(2) Outdoor Entertainment Activity:

- i. 1635 N. US Hwy 1 (Destination Daytona, activities as specified in the county development order)
- ii. 1068 N. US Hwy 1 (Iron Horse Saloon)
- iii. 1065 N. US Hwy 1 (Standard Cycle/Biker Haven)

- iv. 1105 N. US Hwy 1 (Low Country Oysters of Ormond Beach)
- v. 1069 & 1077 N. US Hwy 1 (Paul's Mobile Village/Hog Pen)
- vi. 1090 N. US Hwy 1 (Kurras Mobile Village/Wild Bill)

(c) Amortization Scheduled for Vacant or Unimproved Land Category. Itinerant commercial uses or activities, including temporary campsite activities, 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 included in the Improved Land Category described in paragraph (b) of this section shall be in the Vacant or Unimproved Land Category for purposes of these regulations. Itinerant Commercial Activities and Outdoor Entertainment Activities, and Temporary Campsites, for lands in the Vacant or Unimproved Land Category shall be subject to amortization as provided in section 2-78 of this article:

Sec. 2-78. Amortization schedule for Vacant or Unimproved Land Category.

(a) Vacant or Unimproved Land Category; amortization schedule. Lands that are subject to the Vacant or Unimproved Land Category described section 2-77(c) of this article above may host Itinerant Commercial Activities and Outdoor Entertainment Activities, or Temporary Campsite activities as provided by section 2-80 of this article, during Recognized Special Events for a period that shall automatically terminate five years from the effective date of the Interlocal Service Boundary Agreement (said effective date being August 28, 2014). Licenses and permits for Itinerant Commercial Activities and Outdoor Entertainment Activities must be obtained in accordance with the requirements of Section 2-79, and must be obtained for Temporary Campsite activities in accordance with section 2-80, of this article as

a condition of engaging in such activities. Itinerant Commercial Activities and Outdoor Entertainment Activities, and Temporary Campsites, shall be prohibited after the five year termination date prescribed in this section.

- (b) Primary business use; inclusion or exclusion from list based on reasonable cause and accounting. In the event a city official who is responsible for administering, implementing or enforcing these regulations has reasonable cause to believe any land in the Improved Land Category is not being utilized for a primary business use as required by these regulations, then in such event the owner of, or other person having an equitable, beneficial or leasehold interest in, such lands or business shall, upon request by the city official, produce proof or evidence sufficient to demonstrate that the land is being used for a primary business use. A request for proof or evidence may include:
- i. Inspection of the land and/or business use.
 - ii. Marketing or advertisement material.
 - iii. Evidence of the utilization of goods, services, and wares by customers (e.g., sales receipts; receipts evidencing the delivery of goods, services, or wares, etc.).
 - iv. Monthly sales tax remittance, quarterly Internal revenue Code 941 filing, annual federal tax return, and/or other financial documentation that is deemed reasonable and appropriate under the circumstances.
 - v. Any other documentation reasonably related to a request for information to substantiate a primary business use.

A failure to provide the information requested within the time period prescribed in a written request for information or the failure to provide information satisfactory to demonstrate the land is being utilized for a primary business use shall result in the land being removed by the city commission from the Improved Land Category. The absence of primary business use activity for a period of sixty consecutive days shall create a rebuttable presumption

that a primary business use does not exist or has been abandoned. In such event, the lands and business shall be subject to the amortization requirements in this section.

(c) Request for inclusion of land in the Improved Land Category. In the event an owner of land who's land and business is not included in the Improved Land Category believes his or her land and business should be included in that category, said owner may produce to the appropriate city officials the same type of evidence described in paragraph (b) of this section in support of such claim, and upon an affirmative finding by the city official a recommendation shall be made to the city commission for inclusion of the land and business in the Improved Land Category.

(d) Removal of land/business from Improved Land Category. The city commission reserves the right and authority to remove lands and businesses from the Improved Land Category in the absence of a primary business use. The amortization requirements of section 2-78 of this article shall apply to any such land/business so removed.

Sec. 2-79. Application, license and permit requirements for itinerant commercial activity.

Applications for a host license and individual vendor permit for itinerant commercial activity shall be reviewed by members of the city's Site Plan Review Committee, and upon a determination an application satisfies all conditions provided herein and any other conditions that may be deemed to be reasonably necessary, a license or permit shall be issued administratively by the Site Plan Review Committee:

Recognized Special Events.

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

(b) A Master vendor shall be responsible to ensure all individual itinerant vendors operating under the Master Vendor Permit comply with these provisions.

- (c) A fully completed application for a Master Vendor Permit shall include attachments containing the following information:
- (1) 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 (i.e., arranged through Volusia County Sheriff's Office, Ormond Beach Police Department, or State Highway Patrol)
 - v. Measures for the provision of medical care
 - vi. Lighting
 - vii. Solid waste disposal
 - viii. Parking
 - ix. Location of bands, music venues, dance venues, and motorcycle/car wash venues
 - x. Sanitation facilities
 - xi. Vendor permits (i.e., vendor list with vendor names, goods and/or services to be provided.)
- (2) If more than one event is 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 information provided.
- (3) 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.

(4) Individual itinerate vendors will be required during special events to have an Itinerant Vendor Permit to do business.

(5) 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 are displayed or 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; or

v. Activities involving the discharge of any toxic or harmful substance.

(6) Portable side-by-side stationary racing dynamometers for bike drag race simulation are permitted.

(7) 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.

- (8) 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.
- (9) 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. Any other form of sign including but not necessarily limited to human sign, human signage, or any sign held by, attached to, affixed to, or covering any person is prohibited.
- (10) 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.
- (11) Individual Vendors shall physically vacate the vending space after the event officially closes, as follows:
- i. Recognized Special Event – 72 hours
 - ii. All other events – 24 hours
- (12) 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.
- (13) 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.

- (14) Motorcycle/car wash events or activities that are not a primary business use are prohibited.
- (15) All forms of dance, music, or other live entertainment events or activities, as authorized by a license or vendor permit, must be a minimum of fifty feet from the nearest paved edge of the North U.S. Highway 1 (Gateway) right-of-way, and must be completely screened from view from the Gateway by an opaque cover or material approved by members of the Site Plan Review Committee. These distance and screening requirements are determined to be reasonable time, place, manner restrictions for the protection of the health, safety and welfare of the general public, particularly considering the mix of motorists traveling on the Gateway and pedestrians and spectators traversing on or along the Gateway.
- (16) Dance poles are prohibited.
- (17) Dance stages and dance platforms shall not exceed a height of 18-inches from the ground; and shall only be available for use by customers, patrons or spectators. No other use shall be allowed for any purpose or by any other persons, specifically including any use by an employee, agent, independent contractor, or volunteer of any host land owner or vendor.
- (18) Must be open to and accessible by members of the general public; and must not discriminate against race, color, gender, religion, creed, nation origin, sex, age, or sexual orientation, or handicap.
- (19) No land, property, business, or structure shall be used for any unlawful purpose, or purpose inconsistent with the Land Development Code or Code of Ordinances of the City of Ormond Beach;

and shall not be used by an organized or criminal gang, or for the assembly of organized or criminal gang members, or for the assembly of associates of organized or criminal gang members.

(d) Outdoor Entertainment Activity (OEA). In addition to applicable provisions for Special Event Activities, the following items shall be required for the 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.
- (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.

- (11) 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.
- (12) Motorcycle/car wash events or activities that are not a primary business use are prohibited.
- (13) All forms of dance, music, or other live entertainment events or activities, as permitted by a license or permit, must be a minimum of fifty feet from the nearest paved edge of the North U.S. Highway 1 (Gateway) right-of-way, and must be completely screened from view from the Gateway by an opaque cover or material approved by members of the Site Plan Review Committee. These distance and screening requirements are determined to be reasonable time, place, manner restrictions for the protection of the health, safety and welfare of the general public, particularly considering the mix of motorists traveling on the Gateway and pedestrians and spectators traversing on or along the Gateway.
- (14) Dance poles are prohibited.
- (15) Dance stages and dance platforms shall not exceed a height of 18-inches from the ground; and shall only be available for use by customers, patrons or spectators. No other use shall be allowed for any purpose or by any other persons, specifically including any use by an employee, agent, independent contractor, or volunteer of any host land owner or vendor.
- (16) Must be open to and accessible by members of the general public; and must not discriminate against race, gender, religion, creed, nationality, or sexual orientation.
- (17) Land and/or business shall not be used for any unlawful purpose, or purpose inconsistent with the

Land Development Code or Code of Ordinances of the City of Ormond Beach; and shall not be used by an organized or criminal gang, or for the assembly of organized or criminal gang members, or for the assembly of associates of organized or criminal gang members.

Sec. 2-80. Temporary campsites.

- (a) The land at 1725 North U.S. Highway 1 (Parcel No. 3126-00-00-0080) is vacant or unimproved land and is in the Vacant or Unimproved Land Category. On December 20, 2012, Volusia County issued a special exception (Case # S-12-041) for a three-year period that will expire on December 20, 2015 authorizing the operation of temporary campsites three days before, during, and three days after Recognized Special Events, subject to certain conditions.
- (b) Temporary campsites may be authorized at 1725 North U.S. Highway 1 (Parcel # 3126-00-00-0080) during Recognized Special Events, subject to filing an application that must be reviewed and approved by members of the Site Plan Review Committee. Upon satisfying the conditions described herein, and any other condition that is reasonably required by the SPRC members, a license or permit shall be issued subject to the following conditions:
- (1) The license or permit shall be valid only for a one year period, beginning on October 1 of a given year and expiring on September 30 the following year.
 - (2) Temporary campsites shall only be allowed three days before, during, and three days after a Recognized Special Event.
 - (3) Temporary campsites shall not exceed 100 in number and shall be limited to the areas depicted on a site plan to be approved by the SPRC members.
 - (4) The size of individual campsites, number of portable toilets, hand wash sinks, and portable water and shower facilities shall comply with Volusia County Health Department requirements.

- (5) Public safety, building inspection, and public health personnel shall have complete and unlimited access to the premises at all times.
- (6) The land owner shall be responsible for ensuring the provision of fire protection services.
- (7) Recreational vehicles with self contained holding tanks for wastewater shall secure all sewer waste line caps to prevent leakage; and signs must be posted prohibiting the discharge of wastewater.
- (8) Adequate traffic control must be provided, including the provision of one or more uniformed law enforcement officers.
- (9) An adequate number of solid waste containers must be provided, and emptied and cleaned on a regular as-needed basis. The premises shall be kept completely clear of litter and waste material.
- (10) Special event contests are prohibited.
- (11) Compliance with all applicable city, county, state and federal laws and regulations is required at all times.
- (12) Must be open to and accessible by members of the general public; and must not discriminate against race, gender, religion, creed, nationality, or sexual orientation.
- (13) Land and/or business shall not be used for any unlawful purpose, or purpose inconsistent with the Land Development Code or Code of Ordinances of the City of Ormond Beach; and shall not be used by an organized or criminal gang, or for the assembly of organized or criminal gang members, or for the assembly of associates of organized or criminal gang members.
- (14) Any other condition that is reasonably required by the SPRC members.

- (15) Any use or activity that is not specifically authorized by the license or permit shall be prohibited.
- (16) A violation of any of the prescribed conditions or a violation of any other applicable city, state or federal law may result in the immediate revocation the license or permit.
- (c) The amortization requirements provided in section 2-78 of this article shall apply to the land at 1725 North U.S. Highway 1 (Parcel # 3126-00-00-0080).

Sec. 2-81. Reservation of power.

- (a) The policy of the city commission is to encourage owners of land and businesses in the MSA adjacent to and near the Gateway to eliminate blight, and to revitalize and develop land for primary business use purposes, especially including vacant or unimproved land; and to discourage the use of blighted, vacant or unimproved land primarily or solely for itinerant merchant activities or uses, or temporary campsites, during Recognized Special Events.
- (b) In furtherance of the policies expressed in these regulations, the city commission reserves the complete and absolute right and power to add land to the Improved Land Category, land that is in the Vacant or Unimproved Land Category in the event such land is redeveloped or developed in accordance with the city's Gateway standards and other applicable development requirements.
- (c) The city commission further reserves the complete and absolute right and power to remove land from the Improved Land Category upon a determination by the city commission that the land is not being used for a primary business use purpose.

Sec. 2-82. Enforcement.

- (a) Any violation of the requirements or provisions in this article may be enforced through the special magistrate code enforcement system as provided in Chapter 2, Article VII of the Code of Ordinances, or any other legal or equitable action or proceeding as provided by law. No enforcement

remedy shall be the exclusive remedy, and any remedy may be exercised separately from or concurrent with any other remedy, including the revocation of any license or permit.

- (b) Organized or criminal gang, organized or criminal gang member, and organized or criminal gang associate, including the assembly thereof, is prohibited on all land, property, building, structure, business, object, device, motorcycle or vehicle throughout the incorporated boundaries of the city and the MSA. The prohibitions provided in this Article shall be broadly construed, administered, and enforced in favor of the city, and may be enforced in accordance with Article X, Chapter 14 of the Code of Ordinances.

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

SECTION THREE. 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 FOUR. This Ordinance shall take effect immediately upon its adoption.

PASSED UPON at the first reading of the City Commission, this 2nd day of June, 2015.

PASSED UPON at the second and final reading of the City Commission, this
23rd day of June, 2015.



ATTEST:



J. SCOTT MCKEE
City Clerk



ED KELLEY
Mayor



CITY OF ORMOND BEACH

City Manager • 22 S. Beach Street • Ormond Beach • Florida • 32174 • (386) 676-3200 • Fax (386) 676-3384

CITY MANAGER MEMORANDUM

To: The Honorable Mayor Kelley and City Commissioners
Through: Joyce A. Shanahan, City Manager
From: Ric Goss, Planning Director
Date: June 2, 2015
Subject: Land Development Code Amendment: Itinerant Vendor Criteria
Commission Goal: Planning /Comm Dev – US 1 Joint Agreement

Introduction

This is an ordinance that amends the City's Land Development Code by adding definitions and itinerant merchant criteria related to the Interlocal Services Boundary Agreement (ISBA) executed by the City and County in August, 2014.

Background

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 2015-05 approved the ISBA land use plan amendments to the City's Comprehensive Plan Land Use Map.
3. Ordinance 2015-13 amended the City's Zoning Map for each individual unincorporated parcel by providing a zoning similar to character and use as in Volusia County
4. Ordinance 2015-14 amended the City's Zoning map for four individual unincorporated properties by adopting Planned Development Orders by reference previously issued by Volusia County.

Discussion

The ordinance adopting the itinerant vending criteria creates the following new article, division, and sections to be part of Chapter 2 of the Land Development Code:

1. Article VII, North US Highway 1 Interlocal Planning and Municipal Service area;
2. Division 1: Itinerant Merchant Regulations for Recognized Special Events and Outdoor Entertainment Activity; Temporary Campsites;
3. Section 2-74 through 2-82.

The Itinerant Vending provisions carve out an exception for uses within the Municipal Services Area where special events are administratively approved rather than approved through a discretionary process. 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. Fifteen properties are classified as High Impact Improved lands.

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 events 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. Three properties have been classified as High Impact Unimproved lands and are therefore subject to a 5 year amortization schedule which terminates the host license use in 2019. Properties subject to amortization are the Broken Spoke, Boothill and the Moonshine Campground. Should properties be improved with permanent businesses, re-establishment of master/itinerant vending activities could be permitted at the sole discretion of the City Commission.

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 have 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.

Prior to voting, the Planning Board discussed the screening and setback for bike washes. The Planning Board expressed a preference to prohibit itinerant-related motorcycle/car wash events in the Municipal Service Area, except as otherwise allowed as part of a permanent business. While the Planning Board made no amendment and after hearing no objection, recommended approval (7-0 vote), the prohibition of itinerant-related motorcycle/car wash events was incorporated into the Ordinance.

Budget Impact

Permit fees are being proposed to offset increased costs related to enforcement monitoring of permits.

Recommendation

Staff is recommending that the Land Development Code be amended to incorporate the proposed itinerant merchant criteria as provided.

Attachments:

- 15-027A,O - LDC AMEND ITINERANT VENDOR CRITERIA P15-0048G MT# 2363 (PDF)
- Staff Report Binder (PDF)
- Slides for LDC 15-076 Host Vendor License Permit Provisions (PDF)

REVIEWED BY:


Kelly McGuire, Finance Director 5/20/2015


Theodore MacLeod, Assistant City Manager 5/21/2015

APPROVED BY:


Joyce A. Shanahan, City Manager 5/21/2015

Addendum to Staff Report for LDC 15-76

This page represents an update to the staff report for LDC 15-76 dated April 1, 2015. The following additional changes have been reviewed as part of staff’s analysis regarding Master Vending Permits and individual Itinerant Vending Permits:

Changes	Comments
Draft Ordinance Title revised	Reflects additions to the Ordinance
Preamble amended	Additional “Whereas” clauses added as prefatory statements explaining findings of fact. The “Whereas” determine the intent of the City and aids in the interpretation of the provisions.
Division 1: Purpose	Amended to reflect ISBA execution and are of applicability.
Division 2: Legislative Findings added	Establishes the reasons for the City’s purpose of assuming jurisdiction control of unincorporated land pursuant to the ISBA.
Section 2-76 Definitions amended	Added definitions of Building, Temporary Campsites and Organized or criminal gang, organized or criminal gang member and organized or criminal gang associate.
Section 2-78 (b) – (d)	Establishes a process by which a primary business use may be included or excluded from the Improved Land and Unimproved Land Category.
Section 2-79 (c)(14) added	Establishes setbacks and screening requirements for dance, music, or wash activities for Recognized Special Events.

Section 1-79 (c) (d) and Section 2-80	Added two sections each regarding anti-discrimination and land shall not be used for unlawful purposes.
Section 2-79 (c) (15) added	Prohibits dance poles and dance platforms.
Section 2-79 (d) (12) added	Establishes setbacks and screening requirements for dance, music or wash activities related to Outdoor Entertainment Activity.
Section 2-80 added	Establishes provisions by which the Moonshine RV Park and Campground may continue as a temporary campground during Recognized Special Events for five years as an Unimproved Land Category.
Section 2-81 added	Reserves to the City Commission complete and absolute right and power to add or include to the Improved Land Category should redevelopment occur.
Section 2-92 Enforcement	Violations of IML provisions shall be subject to the special magistrate code enforcement process as outline in the City Code of Ordinances.

**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 PLANNER: Richard P. Goss, AICP

Affected LDC Sections	Amendments
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 propeliy 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.
- 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

LDC 15-76 Host Vendor License/Itinerant Merchant Permit Provisions

Two amendments:

1. Adds 17 new definitions to the LDC
1. Adds as a new Overlay District the Municipal Service Area/Joint Planning Area for the US 1 N. Corridor

Definitions

- Building
- 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
- Master Vendor Permit
- Outdoor Entertainment Activity
- Outdoor Entertainment Permit
- Recognized Special Events
- Vacant or unimproved land
- Temporary Campsites
- Organized or Criminal Gang, organized or criminal gang member, and organized or criminal gang associate.

Contents

- Provides the intent of the regulations.
- Establishes the area to which the regulations apply.
- Provides a rationale for the amortization of Host Vendor License on vacant or unimproved lands.
- Identifies 14 improved properties for which Host Vending for Recognized Special Events are permitted (Based on 2014-15 VC Host License)
- Three properties (Broken Spoke; Boothill and Moonshine Campground are subject to 5 year amortization.
- Provides City Commission sole discretion to add or delete to the Recognized Special Event list
- Establishes application submittals for Master Vendor Permit and OEA Permit.

Master Vendor and Outdoor Entertainment Activity Requirements

- Recognized Specialized Events - Application required, Hand drawn to scale site plan required, master Vendor responsible for individual Itinerant Merchant Vendors. Set up and break down times provided. Prohibits bike and car washes by itinerant vendors. 17 criteria in all must be addressed if applicable. 6 or 12 month permits. Permit can be for year round activities if listed.
- Outdoor Entertainment Activity (OEA) – Applies to events > than 500 participants. < than 500 participants outdoor event considered accessory and no OEA Permit required. 15 criteria must be addressed if applicable.

Planning Board Recommendation

- Recommendation: Approve as presented

Staff Recommendation

- Approve the Ordinance as presented to include the bike wash prohibition if desired by the City Commission.

The Daytona Beach
News-Journal

Daytona Beach News-Journal
The Sunday News-Journal
Southeast Volusia Edition
West Volusia Edition
News-Journal Focus
Flagler/Palm Coast News-Tribune
Volusia Review

<i>Advertiser / Client Name</i>		<i>Billing Date</i>	
CITY OF ORMOND BEACH		6/15/2015	
<i>Customer Account #</i>		<i>Total Amount Due</i>	
001070		\$ 417.20	
<i>Customer Type</i>		<i>Terms of Payment</i>	<i>Page</i>
Ledger		Upon Receipt	1
Invoice Number : I02140645-06132015			

Advertising Invoice

Daytona News-Journal

P O Box 919423
Orlando, FL 32891-9423
Phone (866)470-7133

CITY OF ORMOND BEACH
ATTN ACCTS PAYABLE
PO BOX 277
ORMOND BEACH, FL 32175

Amount Paid : \$ _____ . _____ Check # : _____ Amount to Pay : **\$ 417.20**

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

Start Date	Ad# - Trans#	Pub	Description	P. O. Number	Times	Size/Charge	Amount
6/13/2015	0002140645	NJ	46CLS Legal NOTICE OF CHANGE OF REGULATION AFFECTING THE USE OF LAND NOTICE	LOIS TOWEY	1	1.00 x 95Lines	\$417.20

Amount to Pay : **\$417.20**

The Daytona Beach
News-Journal

Daytona News-Journal
P O Box 919423
Orlando, FL 32891-9423
Phone (866)470-7133

<i>Advertiser / Client Name</i>		<i>Billing Date</i>	
CITY OF ORMOND BEACH		6/15/2015	
<i>Customer Account #</i>		<i>Total Amount Due</i>	
001070		\$ 417.20	
<i>Customer Type</i>		<i>Terms of Payment</i>	<i>Page</i>
Ledger		Upon Receipt	1
Invoice Number : I02140645-06132015			

THANK YOU FOR YOUR BUSINESS
TERMS: NET DUE UPON RECEIPT

THE NEWS-JOURNAL

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

**State of Florida,
County of Volusia**

Before the undersigned authority personally appeared

Cynthia Anderson

who, on oath says that she is

LEGAL COORDINATOR

of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida; the
attached copy of advertisement, being a
.....

PUBLIC NOTICE

L 2140645

in the Court,
was published in said newspaper in the issues.....

JUNE 13, 2015

Affiant further says that The News-Journal is a newspaper
published at Daytona Beach, in said Volusia County, Florida,
and that the said newspaper has heretofore been continuously
published in said Volusia County, Florida, each day and
Sunday and has been entered as second-class mail matter at
the post office in Daytona Beach, in said Volusia County,
Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant
further says that he has neither paid nor promised any person,
firm or corporation any discount, rebate, commission or
refund for the purpose of securing this advertisement for
publication in the said newspaper

Cynthia Anderson
.....

Sworn to and subscribed before me

This **15TH** of **JUNE**

A.D. 2015

Cynthia E. Maley
.....

49D



**NOTICE OF CHANGE OF REGULATION
AFFECTING THE USE OF LAND**

NOTICE IS HEREBY GIVEN that the City Commission of the City of Ormond Beach, Florida, will hold a Public Hearing at 7:00 p.m. on Tuesday, June 23, 2015, in the City Hall Commission Chambers, Ormond Beach City Hall, 22 South Beach Street, Ormond Beach, Florida 32174, to consider an administrative request, to amend the Land Development Code, as follows:

ORDINANCE NO. 2015-27

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY ADDING A NEW ARTICLE TO BE NUMBERED AND CAPTIONED AS ARTICLE VII, NORTH U.S. HIGHWAY 1 INTERLOCAL PLANNING AND MUNICIPAL SERVICE AREA; BY ADDING DIVISION 1, ITINERANT MERCHANT REGULATIONS FOR RECOGNIZED SPECIAL EVENTS AND OUTDOOR ENTERTAINMENT ACTIVITY; TEMPORARY CAMPSITES: SECTION 2-74, MUNICIPAL SERVICE AREA AND JOINT PLANNING AREA; PURPOSE; SECTION 2-75, LEGISLATIVE FINDINGS; SECTION 2-76, DEFINITIONS; SECTION 2-77, HIGH IMPACT USES ON LAND; CLASSIFICATION AND CATEGORY OF USE; RATIONALE; SECTION 2-78, AMORTIZATION SCHEDULE FOR VACANT OR UNIMPROVED LAND CATEGORY; SECTION 2-79, APPLICATION, LICENSE AND PERMIT REQUIREMENTS FOR ITINERANT COMMERCIAL ACTIVITY; SECTION 2-80, TEMPORARY CAMPSITES; SECTION 2-81, RESERVATION OF POWER; SECTION 2-82, ENFORCEMENT; BY REGULATING ITINERANT MERCHANT USES AND ACTIVITIES DURING RECOGNIZED SPECIAL EVENTS AND OUTDOOR ENTERTAINMENT ACTIVITIES; PROVIDING CLASSIFICATIONS OF LAND FOR IMPROVED LAND AND VACANT OR UNIMPROVED LAND; PROVIDING REGULATIONS FOR TEMPORARY CAMPSITES DURING RECOGNIZED SPECIAL EVENTS; PROVIDING LICENSE AND PERMIT REQUIREMENTS; PROVIDING A FIVE YEAR AMORTIZATION PERIOD FOR VACANT OR UNIMPROVED LAND; PROVIDING FOR THE INCLUSION OR REMOVAL OF LAND FROM THE IMPROVED LAND CATEGORY; RESERVING POWER TO THE CITY COMMISSION; PROVIDING FOR ENFORCEMENT OF THESE REGULATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

ALL INTERESTED PARTIES are invited to appear and submit oral or written objections or comments. The failure of a person to appear during said hearing and comment on or object to the amendments, either in person or in writing, may preclude the ability of such person to contest the amendments at a later date. Copies of the amendments are available for inspection by the public in the Planning Department, Ormond Beach City Hall, 22 South Beach Street, Ormond Beach, Florida 32175.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, 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 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.

J. SCOTT MCKEE, CITY CLERK
CITY OF ORMOND BEACH

L2140645, June 13, 2015 1t

LEGAL AD

**NOTICE OF CHANGE OF REGULATION
AFFECTING THE USE OF LAND**

NOTICE IS HEREBY GIVEN that the City Commission of the City of Ormond Beach, Florida, will hold a Public Hearing at 7:00 p.m. on Tuesday, June 23, 2015, in the City Hall Commission Chambers, Ormond Beach City Hall, 22 South Beach Street, Ormond Beach, Florida 32174, to consider an administrative request, to amend the Land Development Code, as follows:

ORDINANCE NO. 2015-27

AN ORDINANCE AMENDING CHAPTER 2, DISTRICT AND GENERAL REGULATIONS OF THE CITY OF ORMOND BEACH LAND DEVELOPMENT CODE BY ADDING A NEW ARTICLE TO BE NUMBERED AND CAPTIONED AS ARTICLE VII, NORTH U.S. HIGHWAY 1 INTERLOCAL PLANNING AND MUNICIPAL SERVICE AREA; BY ADDING DIVISION 1, ITINERANT MERCHANT REGULATIONS FOR RECOGNIZED SPECIAL EVENTS AND OUTDOOR ENTERTAINMENT ACTIVITY; TEMPORARY CAMPSITES: SECTION 2-74, MUNICIPAL SERVICE AREA AND JOINT PLANNING AREA; PURPOSE; SECTION 2-75, LEGISLATIVE FINDINGS; SECTION 2-76, DEFINITIONS; SECTION 2-77, HIGH IMPACT USES ON LAND; CLASSIFICATION AND CATEGORY OF USE; RATIONALE; SECTION 2-78, AMORTIZATION SCHEDULE FOR VACANT OR UNIMPROVED LAND CATEGORY; SECTION 2-79, APPLICATION, LICENSE AND PERMIT REQUIREMENTS FOR ITINERANT COMMERCIAL ACTIVITY; SECTION 2-80, TEMPORARY CAMPSITES; SECTION 2-81, RESERVATION OF POWER; SECTION 2-82, ENFORCEMENT; BY REGULATING ITINERANT MERCHANT USES AND ACTIVITIES DURING RECOGNIZED SPECIAL EVENTS AND OUTDOOR ENTERTAINMENT ACTIVITIES; PROVIDING CLASSIFICATIONS OF LAND FOR IMPROVED LAND AND VACANT OR UNIMPROVED LAND; PROVIDING REGULATIONS FOR TEMPORARY CAMPSITES DURING RECOGNIZED SPECIAL EVENTS; PROVIDING LICENSE AND PERMIT REQUIREMENTS; PROVIDING A FIVE YEAR AMORTIZATION PERIOD FOR VACANT OR UNIMPROVED LAND; PROVIDING FOR THE INCLUSION OR REMOVAL OF LAND FROM THE IMPROVED LAND CATEGORY; RESERVING POWER TO THE CITY COMMISSION; PROVIDING FOR ENFORCEMENT OF THESE REGULATIONS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

ALL INTERESTED PARTIES are invited to appear and submit oral or written objections or comments. The failure of a person to appear during said hearing and comment on or object to the amendments, either in person or in writing, may preclude the ability of such person to contest the amendments at a later date. Copies of the amendments are available for inspection by the public in the Planning Department, Ormond Beach City Hall, 22 South Beach Street, Ormond Beach, Florida 32175.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO

ANY MATTER CONSIDERED AT THIS PUBLIC MEETING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, 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 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.

J. SCOTT McKEE, CITY CLERK
CITY OF ORMOND BEACH

INSTRUCTIONS TO PUBLISHER:

THIS LEGAL AD to appear one time only in the Daytona Beach News Journal on June 13, 2015.

Please send proof of publication to: City of Ormond Beach
Attention: J. Scott McKee, City Clerk
P.O. Box 277
Ormond Beach, Florida 32175-0277

The Daytona Beach
News-Journal

Daytona Beach News-Journal
The Sunday News-Journal
Southeast Volusia Edition
West Volusia Edition
News-Journal Focus
Flagler/Palm Coast News-Tribune
Volusia Review

<i>Advertiser / Client Name</i>		<i>Billing Date</i>	
CITY OF ORMOND BEACH		6/15/2015	
<i>Customer Account #</i>		<i>Total Amount Due</i>	
001070		\$ 699.80	
<i>Customer Type</i>		<i>Terms of Payment</i>	<i>Page</i>
Ledger		Upon Receipt	1
Invoice Number : I02140644-06132015			

Advertising Invoice

Daytona News-Journal

P O Box 919423
Orlando, FL 32891-9423
Phone (866)470-7133

**CITY OF ORMOND BEACH
ATTN ACCTS PAYABLE
PO BOX 277
ORMOND BEACH, FL 32175**

Amount Paid : \$ _____ . _____

Check # : _____

Amount to Pay : **\$ 699.80**

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

Start Date	Ad# - Trans#	Pub	Description	P. O. Number	Times	Size/Charge	Amount
6/13/2015	0002140644	NJ	46Legal PUBLIC HEARING	LOIS TOWEY	1	2.00 x 10.0000	\$699.80
							Amount to Pay : \$699.80

The Daytona Beach
News-Journal

Daytona News-Journal
P O Box 919423
Orlando, FL 32891-9423
Phone (866)470-7133

<i>Advertiser / Client Name</i>		<i>Billing Date</i>	
CITY OF ORMOND BEACH		6/15/2015	
<i>Customer Account #</i>		<i>Total Amount Due</i>	
001070		\$ 699.80	
<i>Customer Type</i>		<i>Terms of Payment</i>	<i>Page</i>
Ledger		Upon Receipt	1
Invoice Number : I02140644-06132015			

THANK YOU FOR YOUR BUSINESS
TERMS: NET DUE UPON RECEIPT

THE NEWS-JOURNAL

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

**State of Florida,
County of Volusia**

Before the undersigned authority personally appeared

Cynthia Anderson

who, on oath says that she is

LEGAL COORDINATOR

of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida; the
attached copy of advertisement, being a
.....

NOTICE OF PUBLIC HEARING

L 2140644

in the Court,
was published in said newspaper in the issues.....

JUNE 13, 2015

Affiant further says that The News-Journal is a newspaper
published at Daytona Beach, in said Volusia County, Florida,
and that the said newspaper has heretofore been continuously
published in said Volusia County, Florida, each day and
Sunday and has been entered as second-class mail matter at
the post office in Daytona Beach, in said Volusia County,
Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant
further says that he has neither paid nor promised any person,
firm or corporation any discount, rebate, commission or
refund for the purpose of securing this advertisement for
publication in the said newspaper

Cynthia Anderson
.....

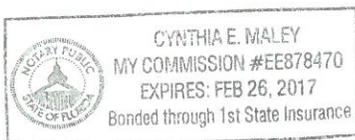
Sworn to and subscribed before me

This **15TH** of **JUNE**

A.D. 2015

Cynthia E. Maley
.....

49D



0002140644

**CITY OF ORMOND BEACH
NOTICE OF PUBLIC HEARING
LARGE SCALE COMPREHENSIVE
PLAN LAND USE**

NOTICE IS HEREBY GIVEN that the City Commission of the City of Ormond Beach, Florida, will hold a Public Hearing at 7:00 p.m. on Tuesday, June 23, 2015, in the City Commission Chambers, City Hall, 22 South Beach Street, Ormond Beach, Florida, to consider an administrative request for a Large Scale Comprehensive Plan Land Use Map amendment for a 23.44+ acre property located at 500 South Nova Road from the existing land use designation of Volusia County "Urban Medium Intensity (UMI)" to City of Ormond Beach "Medium Density Residential (MDR)" as the result of annexation. The Ordinance title is as follows:

ORDINANCE NO. 2015-XX

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 23.44± ACRES LOCATED AT 500 SOUTH NOVA ROAD FROM VOLUSIA COUNTY "URBAN MEDIUM INTENSITY (UMI)" TO ORMOND BEACH "MEDIUM DENSITY RESIDENTIAL (MDR)"; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

A full length legal description and Volusia County parcel ID numbers are on file in the Planning Department, Ormond Beach City Hall, 22 South Beach Street, Room 104, Ormond Beach, Florida. The property is shown on the map below:



ALL PARTIES ARE INVITED to appear and submit oral or written objections or comments. The failure of a person to appear during said hearing and comment on or object to the Large Scale Comprehensive Plan Land Use Map amendment, either in person or in writing, may preclude the ability of such person to contest the amendment at a later date. Copies of the request are available for inspection by the public in the Department of Planning, Ormond Beach City Hall, 22 South Beach Street, Room 104, Ormond Beach, Florida.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PUBLIC MEETINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, SUCH 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 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.

**J. SCOTT McKEE, CITY CLERK
CITY OF ORMOND BEACH**