

## Agenda Item 13 (Quasi-Judicial Hearing)

### **LDC Text Amendment**

DEV2018-048

### Section 4.9.E, Waterfront Overlay (WO) District

## **STAFF REPORT**

**DATE:** September 10, 2018

**TO:** Planning Board Members

**FROM:** Hannah Ward, Planner

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### **AMENDMENT REQUEST**

A text amendment to remove the LDC regulations for the City's Waterfront Overlay (WO) District was originally scheduled to be heard by the Planning Board on August 26, 2018. At the meeting, Staff requested to continue the item to the May 24, 2018, Planning Board meeting in order to make revisions to the proposed text amendment. At the May 24, 2018, Planning Board meeting, Staff again requested to continue the item to a later date. Now, the Development and Administrative Services Department, Planning Division, is requesting to reintroduce a text amendment to remove the regulations in Article 4 (Zoning Districts), Section 4.9.E (WO District) of the LDC; remove all references to the WO District in the LDC; and relocate the regulations relating to boat slips in Article 4 (Zoning Districts), Section 4.9.E.5.g of the WO District's regulations, as shown *Attachment A*.

### **BACKGROUND**

The City's Waterfront Overlay (WO) District applies to all properties abutting the Halifax River and/or the Atlantic Ocean beach. The WO District establishes building and bulkhead lines for the Atlantic Ocean and the east and west shores of the Halifax River, while also limiting the types of development activities that can occur waterward of their established boundaries.

The WO District's current regulations predate State and Federal regulations for properties located in coastal areas. Review of the ordinances that established the Waterfront Overlay (WO) district does not reflect any identifiable basis for its current regulations. The last substantial changes to the Halifax River's Building and Bulkhead Lines were approved in 1963, pursuant to Ordinance No. 63-57, while the last substantial changes to the City's Atlantic Ocean's Building and Bulkhead Lines were approved in 1971, pursuant to Ordinance No. 71-457.

Properties within the City that abut the Atlantic Ocean beach are ultimately subject to and regulated by the Florida Department of Environmental Protection's (FDEP) Coastal Construction Control Line (CCCL) Program. The CCCL program regulates structures and activities which can cause beach erosion, destabilize dunes, damage upland properties, or interfere with public access. In 1991, the CCCL Program established the Volusia County Coastal Construction Control Line (CCCL), as shown in the attached map series, to uphold stringent permitting requirements for altering, excavating, and/or constructing on property seaward of the line. The current line is based

on coastal engineering models; surveys; bathymetric data, which measures that depth in water bodies; and scientific principles, all of which have been used to determine the projected upland/landward extent of damage that might occur as a result of an 100-year storm event.

Properties within the City that abut both the Halifax River and/or the Atlantic Ocean beach are also subject to FEMA’s Special Flood Hazard Areas (SFHAs), as shown in the attached map series. SFHAs establish minimum development requirements for properties within their boundaries in order to safeguard public health, safety, and general welfare, and minimize public and private losses due to flooding. The boundaries to SFHAs are updated as information is obtained from flood insurance studies. ***Note: the most recent update to the SFHA that includes the City’s coastal areas occurred in September 2017.***

FEMA’s Special Flood Hazard Areas (SFHAs) ultimately represent the areas within which a flood has a 1% chance of occurring within any given year; this is known as the “base flood” or “100-year flood”. They also represent the areas within which FEMA’s floodplain management regulations must be enforced in order for municipalities to remain eligible for participation in the National Flood Insurance Program (NFIP). The NFIP requires properties within SFHAs to maintain flood insurance for the purpose of safeguarding the public health, safety, and general welfare, and minimize public and private losses due to flooding, as stated above. The NFIP’s requirements are administered and enforced by Section 6.15.C – Floodplain Management of the City’s Land Development Code (LDC) and the Florida Building Code.

Please note: on June 16, 2010, the City Commission approved a LDC text amendment pursuant to Ordinance. 10-157 to provide criteria and procedures for allocating boat slips. The regulations regarding boat slips were incorporated into different sections of the LDC, including Section 4.9.E relating to the City’s Waterfront Overlay (WO) District, as shown below:

f. *Boat Slips.*

- i. *Purpose. The comprehensive plan, in accordance with the Volusia County Manatee Protection Plan and Daytona Beach Resolution No. 05-233, limits the number of boat slips allowed in the City on, adjacent to, or with direct access to the Halifax River to 4,182. This section, in conjunction with Section 3.4.CC, Excess Boat Slip Allocation, is intended to establish a fair and reasonable means of allocating the limited number of boat slips among existing and new waterfront development.*
- ii. *City to Maintain Boat Slip Inventory. The City shall maintain and continuously update a boat slip inventory list for the purpose of determining remaining boat slip capacity. The inventory shall specifically identify:*
  - (a) *The number of slips that currently exist;*
  - (b) *The number of undeveloped slips for which permits have been issued;*
  - (c) *The number of undeveloped slips remaining; and*
  - (d) *The number of slips designated for non-motorized vessels.*
- iii. *Limits on Number of Boat Slips. Except as otherwise allowed.*
  - (a) *Lots Zoned or Developed for Single-Family Residential Use.*
    - (1) *A lot zoned or developed solely for a single-family residential use shall have no more than two boat slips.*
    - (2) *The owners of two or more adjacent waterfront parcels zoned or developed solely for a single-family residential use may jointly construct and maintain a*

*docking facility, provided the facility has no more than two boat slips for each upland single-family residential parcel served.*

- (b) *All Other Lots. The maximum number of boat slips shall be one slip per 25 feet of shoreline, unless excess boat slips are allocated in accordance with Section 3.4.CC, Excess Boat Slip Allocation.*
- iv. *Excess Boat Slip Allocation. The limits on the number of boat slips in subparagraph [iii] above may be exceeded only if excess boat slips are allocated in accordance with Section 3.4.CC, Excess Boat Slip Allocation.*

As part of the proposed LDC text amendment, Staff proposes to relocate the boat slip regulations detailed above to Section 3.4.CC of the LDC, *Excess Boat Slip Allocation*, and rename Section 3.4.CC of the LDC *Boat Slip Allocation*. Pursuant to these changes, Section 3.4.CC will include procedures and regulations for the allocation of boat slips that are permitted by right *and* the allocation of excess boat slips, as shown in *Attachment A*.

### **TEXT AMENDMENT REVIEW STANDARDS**

The purpose of Section 3.4.B.3, *Text Amendment Review Standards*, of the Land Development Code (LDC) is to provide a uniform means for amending the text of the LDC whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.

The advisability of amending the text of the Land Development Code (LDC) is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

**a. Is consistent with the comprehensive plan;**

The proposed text amendment is consistent with the Comprehensive Plan.

**b. Is in conflict with any provision of this Code or the Code of Ordinances;**

If approved, the proposed text amendment will be in compliance with the City's Land Development Code (LDC) and Code of Ordinances.

**c. Is required by changed conditions;**

The proposed text amendment is being requested to simplify the process for individuals to develop properties abutting the Halifax River or the Atlantic Ocean beach. Review of the ordinances that established the Waterfront Overlay (WO) district does not reflect any identifiable basis for its current regulations. That being said, if the proposed text amendment is approved, development will still be required to comply with the Florida Department of Environmental Protection's Coastal Construction Control Line (CCCL) Program, the Florida Building Code (FBC), and the Federal Emergency Management Agency (FEMA)'s floodplain management regulations, as enforced by Section 6.15.C – Floodplain Management of the Land Development Code (LDC).

Please note: Staff proposes to retain the regulations in Section 4.9.E of the LDC related to boat slips and relocate these regulations to Section 3.4.CC – *Excess Boat Slip Allocation* of the LDC. Staff proposes to rename Section 3.4.CC *Boat Slip Allocation*, so as to include

procedures and regulations for the allocation of boat slips that are permitted by right and the allocation of excess boat slips.

**d. Addresses a demonstrated community need;**

The proposed text will eliminate outdated regulations for development along the City's coastal waterways. Compliance with the requirements of the Florida Building Code, Florida Coastal Construction Control Program, and FEMA's floodplain management requirements will still be required.

**e. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;**

The City's Technical Review Team (TRT) has reviewed the proposed text amendment and has found it to be acceptable.

**f. Would result in a logical and orderly development pattern; and**

The requirements of the Federal Emergency Management Agency (FEMA), the Florida Department of Environmental Protection (FDEP), and the Florida Building Code (FBC), will ensure that coastal development within the City follows a logical and orderly development pattern.

The City's Technical Review Team (TRT) has reviewed the proposed text amendment and found it to be acceptable.

**g. Would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.**

Staff does not have any indication that the proposed text amendment will result adverse impacts to on the natural environment.

**RECOMMENDATION**

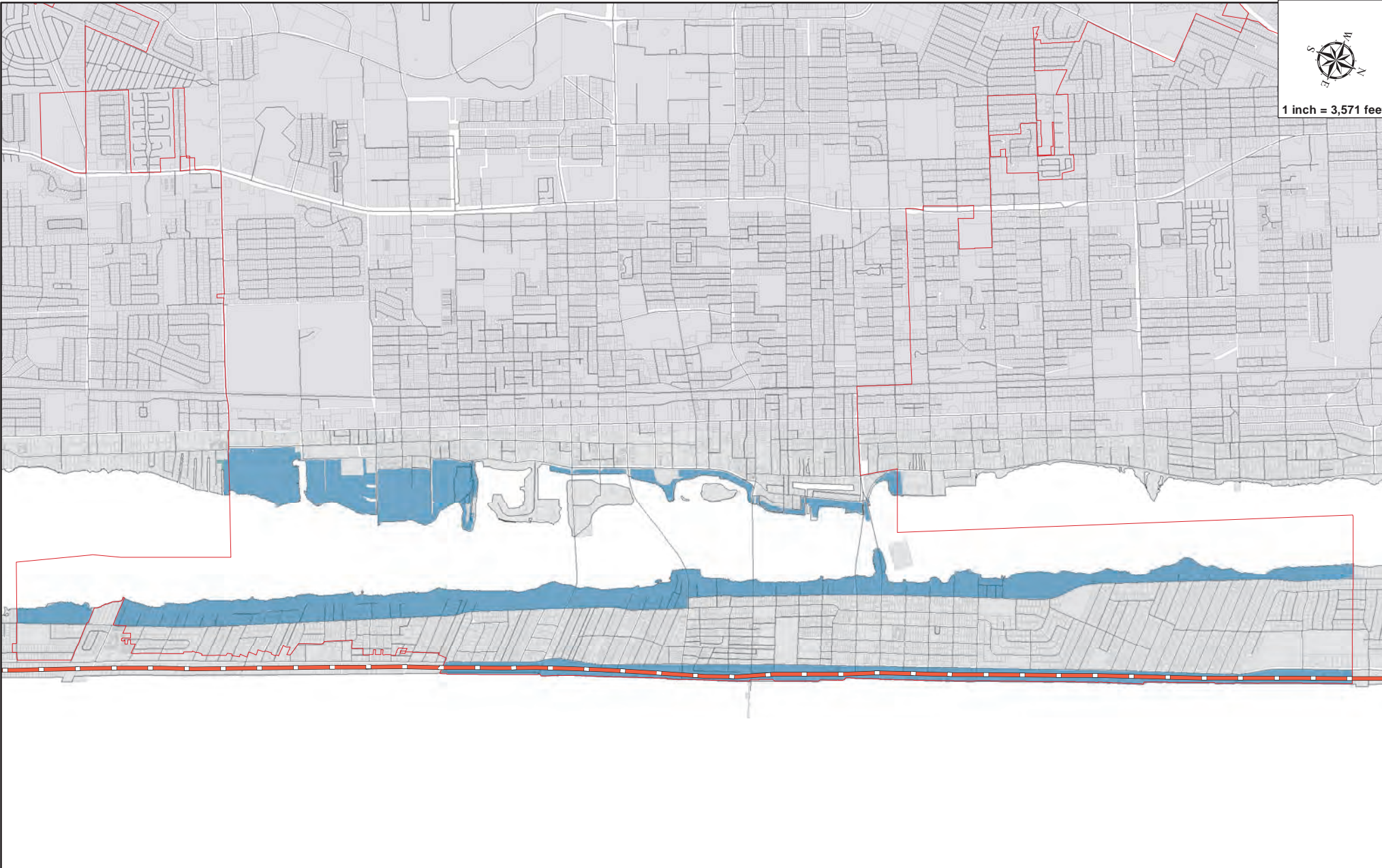
Based on staff analysis and review of the above standards, staff recommends approval of the proposed text amendment to remove the regulations in Section 4.9.E for the City's Waterfront Overlay (WO) District.

A majority vote of the Planning Board members present and voting is required to recommend approval to the City Commission.

The item is tentatively scheduled to be heard by the City Commission for first reading on November 7, 2018, and for second reading (public hearing) on November 21, 2018.






1 inch = 3,571 feet



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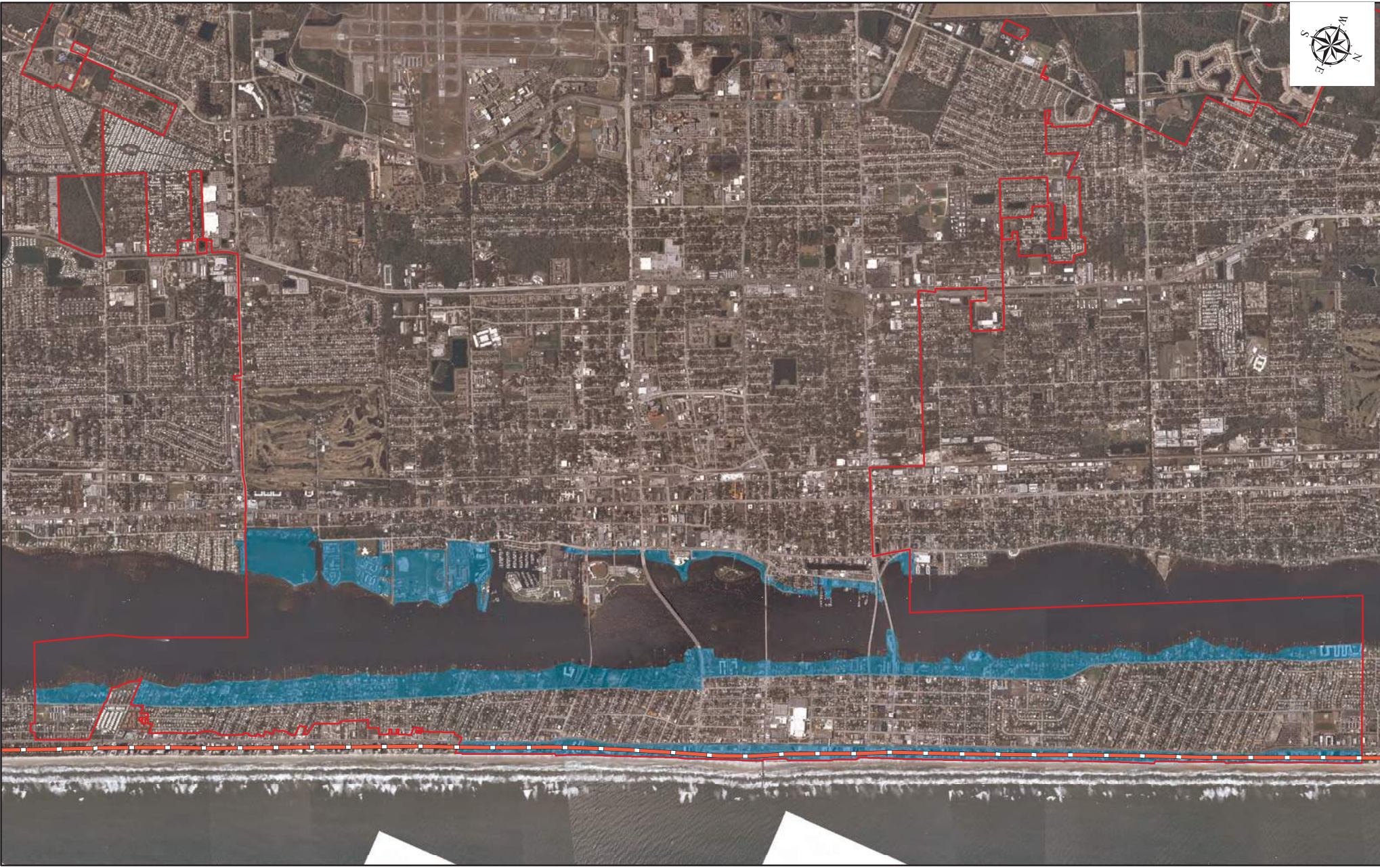
## DEV2018-048 LAND DEVELOPMENT CODE TEXT AMENDMENT LOCATION MAP

-  Waterfront Overlay District
-  City Limits
-  Coastal Construction Control Line




City of Daytona Beach Map disclaimer:  
These maps were developed and produced by the City of Daytona Beach GIS. They are provided for reference only and are not intended to show map scale accuracy or all inclusive map features. As indicated, the accuracy of the map has not been verified and it should be used for informational purposes only. Any possible discrepancies should be brought to the attention of City Engineering and or Development Services.



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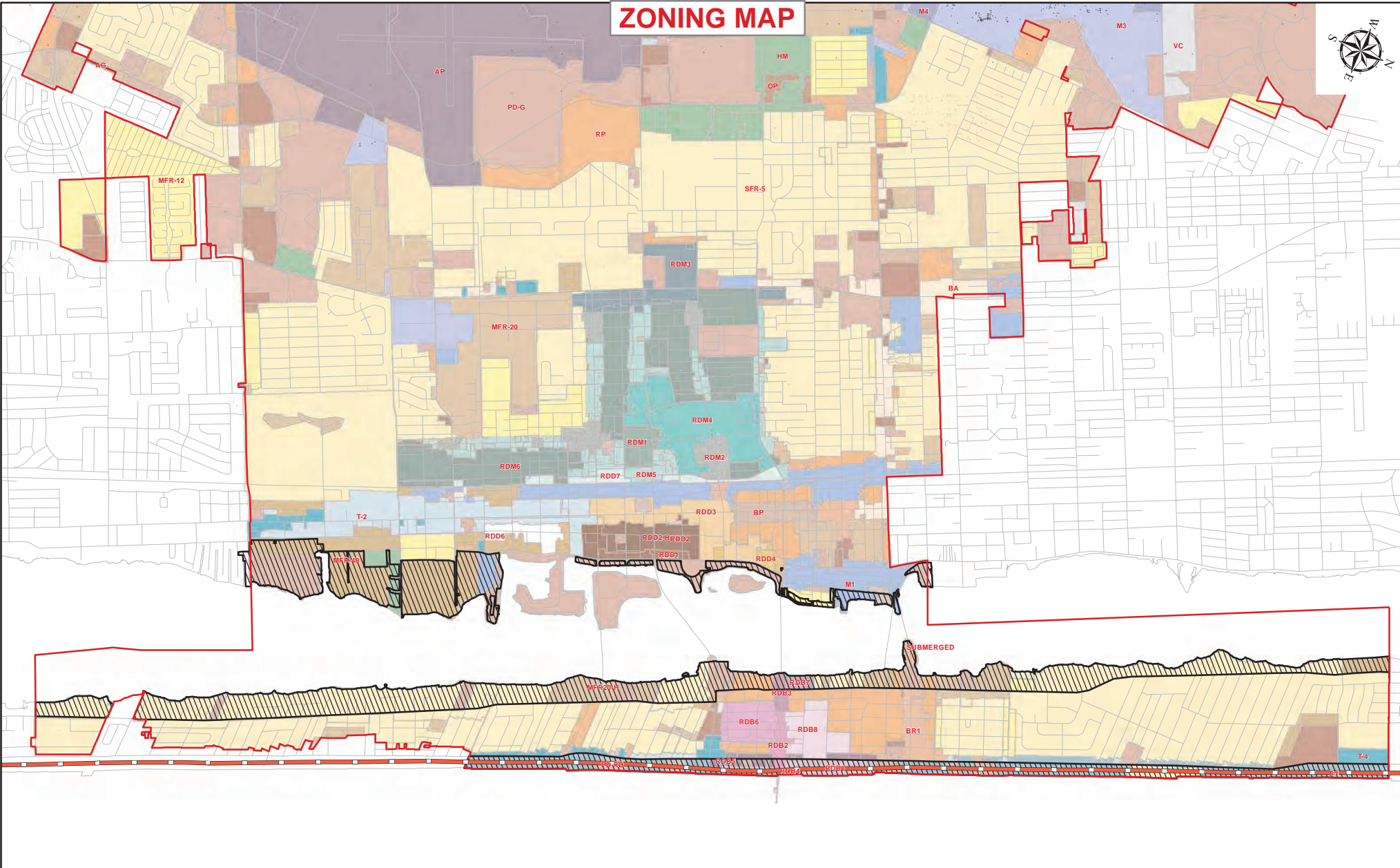


## DEV2018-048 LAND DEVELOPMENT CODE TEXT AMENDMENT AERIAL MAP

-  Waterfront Overlay District
-  City Limits
-  Coastal Construction Control Line

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# ZONING MAP



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## DEV2018-048 LAND DEVELOPMENT CODE TEXT AMENDMENT ZONING MAP

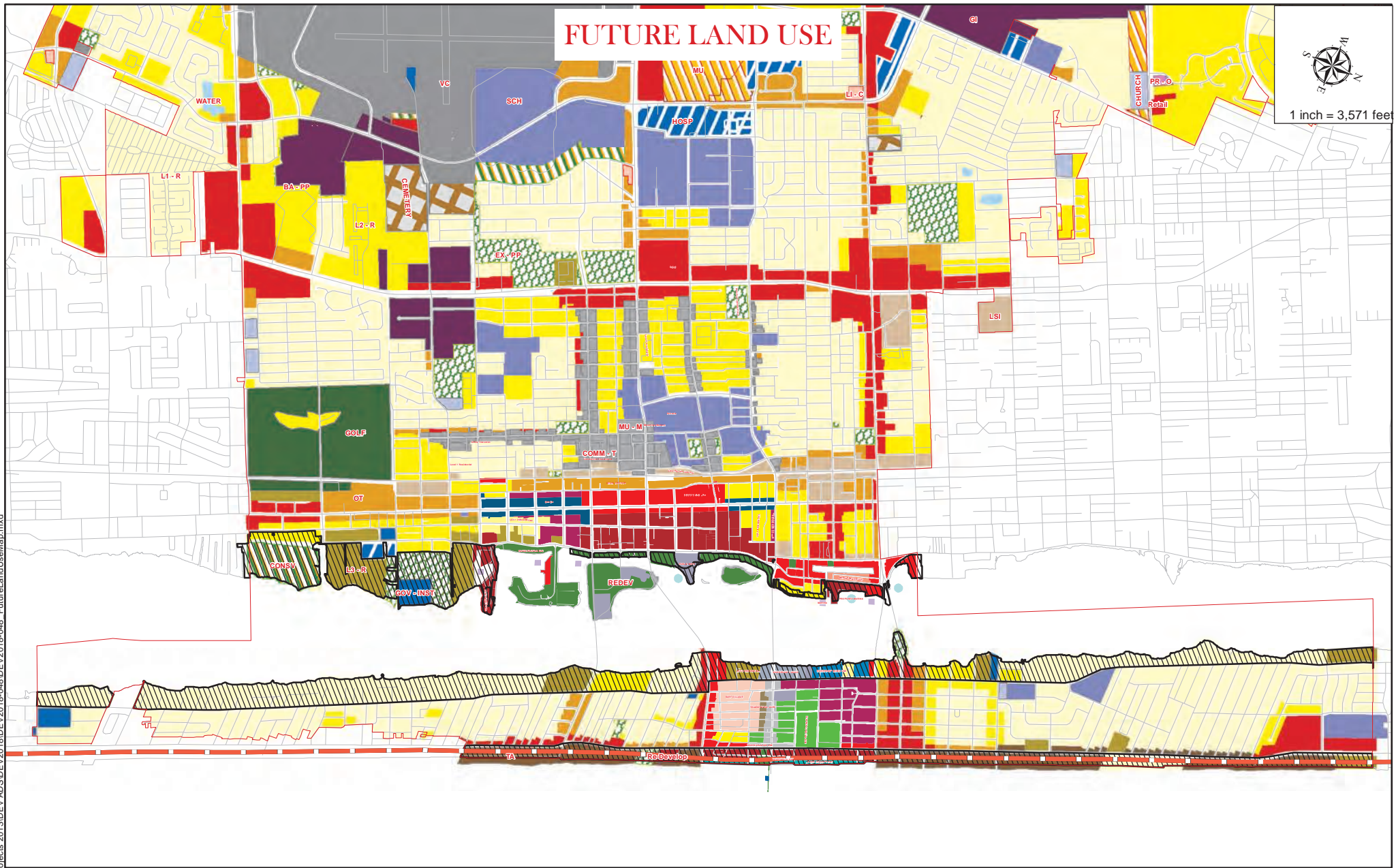
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# FUTURE LAND USE



1 inch = 3,571 feet



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## DEV2018-048 LAND DEVELOPMENT CODE TEXT AMENDMENT FUTURE LAND USE MAP

- Waterfront Overlay District
- City Limits
- Coastal Construction Control Line

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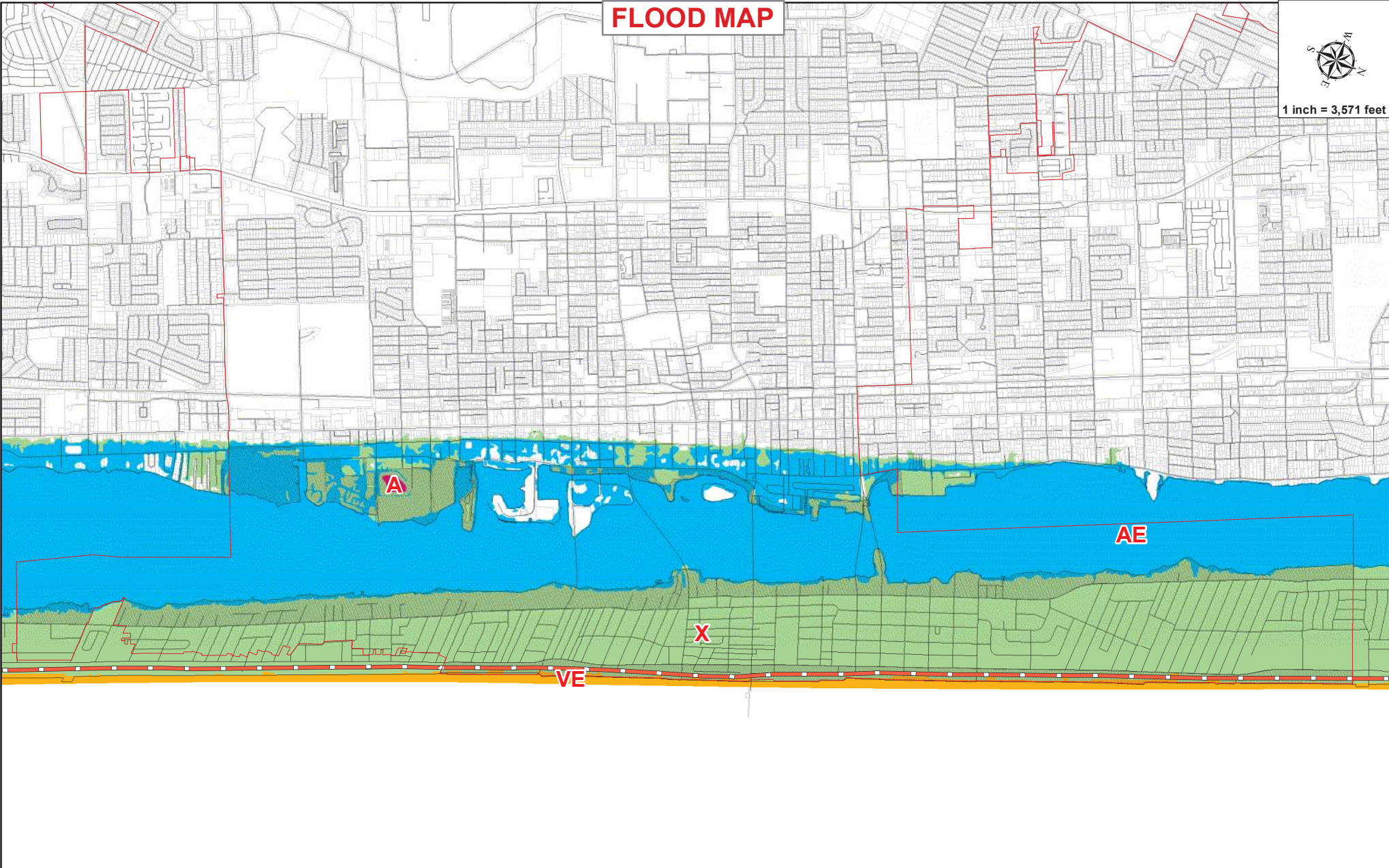


# FLOOD MAP



1 inch = 3,571 feet

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## DEV2018-048 LDC TEXT AMENDMENT FLOOD ZONES - WATERFRONT OVERLAY DISTRICT

- A
- AE
- VE
- X
- City Limits
- Coastal Construction Control Line

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Sec. 1.8. - Transitional provisions.

<b>Table 1.78.B: Transition to New Zoning Districts</b>	
<b>Overlay Districts</b>	
<i>Historic</i>	
H Historic Overlay	HO Historic Overlay
<i>Transition</i>	
TA Transition Overlay	TA Transition Overlay A
TB Transition Overlay	TB Transition Overlay B
TC Transition Overlay	TC Transition Overlay C
TD Transition Overlay	TD Transition Overlay D
<i>Other</i>	
Scenic Thoroughfare Overlay	STO Scenic Thoroughfare Overlay
<del>Waterfront Overlay</del>	<del>WO Waterfront Overlay</del>
Airport Impact Height Restriction Overlay	AHO Airport Height Overlay
Airport Impact Noise Zone Overlay	ANO Airport Noise Overlay
Enterprise Overlay	EPO Enterprise Overlay
North Ridgewood Overlay	NRO North Ridgewood Overlay
E-Zone Overlay	E-Zone Overlay
	AO Arts Overlay [NEW]
	ISBGO International Speedway Boulevard Gateway Overlay [NEW]

NOTES:

1. Lands formerly designated one of the "Former Zoning District" classifications shown in the left column are translated to the corresponding new "New Zoning District" classification shown in the right column. These translations occurred on March 1, 2015.
2. An existing mobile/manufactured home park on land formerly designated "TM" is a nonconforming use subject to the provisions of Article 8: Nonconformities, and the mobile/manufactured home replacement standards in Section 5.2.B. 3.d, Mobile/Manufactured Home Park.
3. Lands in one of these former "Planned" districts remain subject to the approved conceptual master plan and development agreement associated with the former Planned district zoning classification.

...

Sec. 3.4. - Application—Specific procedures.

CC. **Excess Boat Slip Allocation.**

~~1. 4.~~ *Purpose.* The comprehensive plan, in accordance with the Volusia County Manatee Protection Plan and Daytona Beach Resolution No. 05-233, limits the number of boat slips allowed in the City on, adjacent to, or with direct access to the Halifax River to 4,182. This section is intended to establish a fair and reasonable means of allocating excess boat slips for new development, which includes those boat slips that are not already used on waterfront parcels or allowed by right on waterfront parcels, as referenced below. ~~in accordance with Section 4.9.E.5.f, Boat Slips.~~ It is further intended that 25 percent of allocated boat slips are reserved for use by the general public.

2. City to Maintain Boat Slip Inventory. The City shall maintain and continuously update a boat slip inventory list for the purpose of determining remaining boat slip capacity. The inventory shall specifically identify:

(a) The number of slips that currently exist;

(b) The number of undeveloped slips for which permits have been issued;

(c) The number of undeveloped slips remaining; and

(d) The number of slips designated for non-motorized vessels.

3. Limits on Number of Boat Slips. Except as otherwise allowed.

(a) Lots Zoned or Developed for Single-Family Residential Use.

(1) In addition to the requirements in Section 5.3.C.7 of the LDC for docking facilities as an accessory use, a lot zoned or developed solely for a single-family residential use shall have no more than two boat slips.

(2) The owners of two or more adjacent waterfront parcels zoned or developed solely for a single-family residential use may jointly construct and maintain a docking facility, provided the facility has no more than two boat slips for each upland single-family residential parcel served.

(b) All Other Lots. The maximum number of boat slips shall be one slip per 25 feet of shoreline, unless excess boat slips are allocated in accordance with this section.

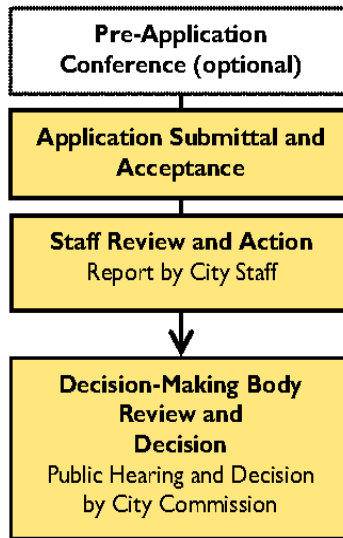
(c) The limits on the number of boat slips referenced above may be exceeded only if excess boat slips are allocated in accordance with this section.

~~42.~~ *Applicability.* The City Commission shall review and decide applications for the allocation of excess boat slips in accordance with this section.

~~53.~~ *Excess Boat Slip Allocation Procedure.*

a. *Pre-Application Staff Conference.* Optional. (See Section 3.3.A.)

## Excess Boat Slip Allocation



- b. *Neighborhood Meeting*. Not applicable.
- c. *Application Submittal and Acceptance*. Applicable. (See Section 3.3.C.)
- d. *Staff Review and Action*. Applicable. (See Section 3.3.D.) City staff reviews and prepares a staff report on the application.
- e. *Public Hearing Scheduling and Notice*. Applicable (See Section 3.3.E.)
- f. *Public Hearing Procedures*. Applicable. (See Section 3.3.F.)
- g. *Advisory Body Review and Recommendation*. Not applicable.
- h. *Decision-Making Body Review and Decision*. Applicable to a final decision by the City Commission following a quasi-judicial public hearing. (See Section 3.3.H.) The City Commission's final decision shall be based on the review standards in paragraph 4 below, and shall be one of the following:
  - i. Approval of the application as submitted;
  - ii. Approval of the application with a reduction in the number of slips allocated; or
  - iii. Denial of the application.

64. *Excess Boat Slip Allocation Review Standards*. An application for the allocation of excess boat slips shall be approved only after evaluation of the City's inventory of the allocated number of boat slips remaining and on a finding that the effect of the allocation on public use and access to the waterway would result in a net benefit to the public. Factors to be considered in determining the public benefit of a proposed allocation include, but are not limited to, the following:

- a. The number of proposed slips that will be made available for purchase, lease, or use by the general public;
- b. Construction, expansion, or improvements to new or existing public spaces, parks, plazas, walkways, or other features providing access to the waterfront for the general public, on- or off-site;
- c. Construction, expansion, or improvement of a public dock or boat ramp and related facilities on- or off-site;

- d. Redevelopment of upland uses in a Redevelopment Area consistent with the adopted area plan;
- e. Preservation of upland historic properties or structures;
- f. Construction or allocation of slips designed to benefit an underserved segment of the boating public;
- g. Acquisition of upland for public use;
- h. Improvements to existing water-related facilities for use by the general public;
- i. Activities such as dredging that improve access to, or navigability of, the waterway;
- j. Financial contribution toward a project as described above or any public project that will enhance public use of and access to the waterway and riparian lands within the City; and
- k. Construction, expansion, or improvement of stormwater management facilities for existing streets that dead end into the river.

~~75~~. *Effect of Approval.* Approval of an excess boat allocation by the City Commission reserves the approved number of boat slips for subsequent development in accordance with this Code.

~~86~~. *Expiration.*

- a. Approval of an excess boat slip allocation and the associated reservation of the approved number of boat slips shall automatically expire 15 days after the date of approval if the applicant has not yet paid 100 percent of the nonrefundable boat slip permit fee. If the boat slip fee is paid within the prescribed time period, the approval and reservation shall automatically expire if construction of the approved boat slips is not commenced within three years after the date of the approval, or an extension of this time period that is authorized in accordance with subparagraph [b] below.
- b. City staff may extend the approval and reservation of excess boat slips for a period of one additional year if the applicant demonstrates significant good faith efforts in moving forward toward construction permitting approval. Determination of good faith efforts shall be based on the applicant's attempts to secure required permits at the commencement of the three-year reservation period and evidence of continuous effort and progress throughout the three-year reservation period.
- c. On expiration of the approval and reservation, the right to develop the slips shall cease and the reserved slips shall be released and entered into the City's boat slip inventory as available.

Sec. 4.1. - General Provisions.

<b>TABLE 4.1.C: ZONING DISTRICTS ESTABLISHED</b>	
<i>Other Overlay Districts</i>	
STO	Scenic Thoroughfare Overlay
<del>WO</del>	<del>Waterfront Overlay</del>
AHO	Airport Height Overlay
ANO	Airport Noise Overlay
EPO	Enterprise Overlay
NRO	North Ridgewood Overlay
EZOE-Zone	E-Zone Overlay
AO	Arts Overlay
ISBGO	International Speedway Boulevard Gateway Overlay

Sec. 4.5. - Tourist Base Zoning Districts.

**B. Tourist Accommodations (T-1).**

**Typical Building Type**



1. *Purpose.* The purpose of the Tourist Accommodations (T-1) district is to accommodate primarily visitor accommodation uses (including accessory snack bars, guest recreation sales and service, florists, gift shops, beach apparel shops, ticket and auto rental offices), plus restaurants (other than drive-in or drive-through) and bars and lounges that serve visiting tourists. It also accommodates personal service establishments, residential development, and limited institutional and open area uses.
2. *Use Standards.* See use tables and use-specific standards in Article 5 and any modified use standards for any overlay districts (Section 4.9), subject to the modifications in Section 4.5.B.5, Modified Use Standards.
3. *Intensity and Dimensional Standards.* <sup>1</sup>

		All Other Development	
	Single-Family		All Other Lots
	Detached	Oceanfront	Street Frontage
	Dwellings	Lots	≤100 ft      >100 ft
Lot area, minimum	6,000 sf <sup>2</sup>	40,000 sf	10,000 sf
Lot width, minimum	60 ft	75 ft	50 ft
Lot depth, minimum	100 ft	100 ft	n/a
Lot frontage on an improved street, minimum	50 ft <sup>3</sup>	20 ft	
Density, maximum (du/ac)	n/a	40 du/ac	
Floor area ratio (FAR), maximum <sup>4</sup>	n/a	3.0	
Living area per dwelling unit,	900 sf	n/a	



minimum					
Lot coverage, maximum (% of lot area)	35%		60%		
Structure width along Atlantic Ave, maximum	n/a	250 ft	n/a		
Structure height, maximum <sup>5,6,7,8</sup>	n/a	All development along the west side of SR A-1-A abutting or within 50 feet of a Level 1 or Level 2 residential land use designation (see comprehensive plan) shall be limited to a maximum building height of 35 ft plus a maximum of 10 ft for architectural design			
Front yard setback, minimum	25 ft	25 ft	20 ft		
Street side yard setback, minimum	25 ft + 6 in per foot of height >35 ft	15 ft + 6 in per foot of height >55 ft above mean sea level <sup>9,10</sup>	10 ft + 4 in per foot of height >42.5 ft	15 ft + 4 in per foot of height >57.5 ft	
Interior side yard setback, minimum	<table border="1"> <tr> <td>≤2 stories</td> <td>7.5 ft</td> </tr> <tr> <td>≥3 stories</td> <td>15 ft + 6 in per foot of height &gt;35 ft</td> </tr> </table>				≤2 stories
≤2 stories	7.5 ft				
≥3 stories	15 ft + 6 in per foot of height >35 ft				
Rear yard setback, minimum	25 ft + 6 in per foot of height >35 ft	<del>n/a</del> Atlantic Ocean building line <sup>11</sup>	10 ft + 4 in per foot of height >35 ft		
Spacing between principal buildings, minimum	n/a	Sum of setbacks applicable to each structure <sup>12</sup>	n/a		

**Special Standards for Accessory Structures of Single-Family and Duplex Dwellings <sup>13</sup>**

Number of detached structures per lot, maximum	2
Floor area, maximum (% of principal building floor area)	50%
Structure height, maximum	20 ft
Floor area in rear yard, maximum	200 sf
Rear yard coverage, maximum (% of rear yard area)	30%
Setback from rear or side lot line, minimum	7.5 ft
Spacing from principal building, minimum	5 ft

NOTES: [sf = square feet; ft = feet; in = inches; du/ac = dwelling units/acre]

1. See measurement rules and allowed exceptions/variations in Section 11.4, Measurement, Exceptions, and Variations of Intensity and Dimensional Standards.

2. May be reduced for an irregularly shaped lot such as those on a cul-de-sac turnaround, provided the lot is at least 50 ft wide at a line located within 400 ft from the right-of-way of an improved street.

3. Applicable to regularly shaped lots containing a dwelling; 20 ft for all other lots.
4. Parking garages and drive aisles shall not be included in the gross floor area of a building for purposes of calculating FAR (though any floor area located on a floor of a parking garage that is not used for parking or drive aisles (e.g. residential units) is included in calculations or gross floor area).
5. See minimum street side and interior side yard setback standards, which require additional setbacks for structures exceeding a height of 55 ft above mean sea level.
6. No space above 35 feet in height shall be utilized for living space. Existing structures in excess of 35 feet in height shall be permitted to remain and if destroyed, may be rebuilt at the existing height. Any proposed development in excess of 35 feet in height holding a valid site plan approval on September 1, 2007, shall not become subject to this restriction until the site plan approval expires. After construction, any such development shall be permitted to remain and if destroyed, may be rebuilt at the existing height.
7. The existing Bellair Plaza site is developed as a commercial shopping center. Redevelopment of the site for structures over 65 feet in height shall require a planned development zoning designation to allow public review of proposed projects.
8. All development from International Speedway Blvd. to Harvey Ave. between Grandview Ave. and A-1-A shall be a planned development with heights required to transition from commercial on A-1-A to residential along Grandview Ave.
9. For any multifamily residential or hotel or motel building whose footprint incorporates an aboveground parking garage or deck, the top of the building may be increased by one additional story, without requiring a corresponding increase in the minimum side yard setback, for each aboveground level of the parking garage or deck where at least 50 percent of the area is devoted to parking.
10. May be reduced to accommodate multiple buildings along Atlantic Avenue, provided the area of another required yard setback on the site is increased by an amount equal to or greater than that by the side yard setback is reduced.
11. ~~If applicable, rear yard setback shall be established in accordance with Section 161.053, Florida Statutes (F.S.) and the FDEP Coastal Construction Control Line (CCCL) Program. A principal structure may encroach into the required rear yard setback to within 50 ft of the existing bulkhead or a bulkhead line established in Section 4.9.E.3.c, Atlantic Ocean Building and Bulkhead Lines, provided the front yard setback is increased by distance equal or exceeding the distance of the rear yard encroachment.~~
12. May be reduced to the larger of the applicable setbacks, provided the setback depth by which the spacing is reduced is added to a setback elsewhere on the site.
13. No accessory structure to a single-family dwelling other than one commonly located in a front yard (e.g., light post, mailbox—but not swimming pools and tennis courts) shall be located closer to the front lot line than the front wall of the dwelling.

Sec. 4.9. - Overlay Zoning Districts.

**E. ~~Waterfront Overlay (WO) District.~~**

- ~~1. *Purpose.* The purpose of the waterfront classification is to provide uniform regulation of development activity along the City's waterfronts with respect to physical characteristics and development activity unique to upland parcels.~~
- ~~2. *Applicability.* The Waterfront Overlay district applies to all properties in the City that abut the Halifax River or the Atlantic Ocean beach.~~
- ~~3. *Building and Bulkhead Lines Established.*~~
  - ~~a. *Halifax River East Shore.* All properties abutting the east shore of the Halifax River shall be subject to the building line defined by straight lines connecting points along the building line that are established in Table 4.9.E.3.a below in reference to points along the centerline of Peninsula Drive or Halifax Avenue.~~

<b>Table 4.9.E.3.A: Halifax River East Shore Building Line</b>			
<b>Segment Number</b>		<b>Beginning and End Points for Segments Along Peninsula Drive or Halifax Avenue Centerline (as distance from centerline or right of way (ROW) boundary of intersecting street)</b>	<b>Beginning and End Points for Segments Along Building Line (as perpendicular distance from Peninsular Drive or Halifax Avenue centerline)</b>
<b>Peninsula Drive</b>			
1	From	South corporate limits	156 ft
	North To	430 ft north of Thames Avenue centerline	240 ft
2	From		
	North To	147 ft north of Richards Lane centerline	295 ft
3	From	77 ft north of Granville Circle centerline	556 ft
	North To	88 ft south of Debiasi Lane centerline	450 ft
4	From		
	North To	238 south of Amos Lane centerline	419 ft

5	From		
	North To	118 ft north of Pleasant View Circle centerline	468 ft
6	From		
	North To	111 ft north of Homan Terrace centerline	552 ft
7	From		
	North To	170 ft north of Collins Avenue centerline	489 ft
8	From		
	North To	6.22 ft north of Bonner Drive centerline	582 ft
9	From		
9 (Cont'd)	North To	132.82 ft south of Park Avenue centerline	533 ft
10	From		
	North To	57.75 ft south of River Dunes Drive centerline	587 ft
11	From		
	North To	155.14 ft north of Botefuhr Avenue centerline	542 ft
12	From		
	North To	50 ft south of Rosalyn Avenue centerline	599 ft
13	From		
	North To	170.41 ft north of W. Ocean Dunes Road centerline	515 ft
14	From		
	North To	158 ft south of Ocean Dunes Road	518.5 ft

15	From	centerline	488.75 ft
	North To	452 ft north of Ocean Dunes Road centerline	
16	From		416.5 ft
	North To	126 ft south of Wisteria Road centerline	
17	From		433.5 ft
	North To	574 ft north of Wisteria Road centerline	
18	From		629 ft
	North To	1,257 ft north of Wisteria Road centerline	
19	From		548.25 ft
	North To	28 ft north of Silver Beach Avenue centerline	
20	From		454.75 ft
	North To	418 ft north of Silver Beach Avenue centerline	
21	From		467.5 ft
	North To	618 ft north of Silver Beach Avenue centerline	
22	From		403.75 ft
	North To	10 ft north of Ribault Avenue centerline	
23	From		514.25 ft
	North To	160 ft north of Revilo Boulevard centerline	
24	From		680 ft
	North To	775 ft north of Revilo Boulevard	

25	From	centerline	
	North To	885 ft north of Revilo Boulevard centerline	1,000 ft
26	From		
	North To	Broadway centerline	1,000 ft
<b>Halifax Avenue</b>			
27	From	E. International Speedway Boulevard centerline	1,000 ft
	North To	87 ft north of Hewen Place north ROW line	720 ft
28	From		
	To	87 ft north of Hewen Place north ROW line	590 ft
29	From		
	North To	112 ft north of Hewen Place north ROW line	442 ft
30	From		
	North To	742 ft north of Hewen Place north ROW line	395.25 ft
31	From		
	North To	968 ft north of Hewen Place north ROW line	365.05 ft
32	From		
	North To	112 ft south of Main Street north ROW line	365.05 ft
33	From		
	North To	110.5 ft north of Main Street north ROW line	323 ft
34	From		

	North To	725 ft south of Ora Street north ROW line	314.05 ft
35	From		
	North To	Ora Street north ROW line	373.05 ft
36	From		
	North To	140 ft north of Ora Street north ROW line	407 ft
37	From		
	North To	290 ft north of Ora Street north ROW line	383 ft
38	From		
	North To	390 ft south of Seabreeze Boulevard centerline	374 ft
39	From		
	North To	Seabreeze Boulevard centerline	457 ft
40	From		
	North To	340 ft north of Seabreeze Boulevard centerline	397.05 ft
41	From		
	North To	Riverview Boulevard south ROW line	323 ft
42	From		
	North To	100 ft north of Riverview Boulevard south ROW line	446.25 ft
43	From		
	North To	199 ft north of Riverview Boulevard south ROW line	446.25 ft
44	From		

	North To	369 ft north of Riverview Boulevard south ROW line	321.99 ft
45	From		
45 (Cont'd.)	North To	469 ft north of Riverview Boulevard south ROW line	321 ft
46	From		
	North To	569 ft north of Riverview Boulevard south ROW line	327.39
47	From		
	North To	789 ft north of Riverview Boulevard south ROW line	655 ft
48	From		
	North To	1,149 ft north of Riverview Boulevard south ROW line	655 ft
49	From		
	North To	University Boulevard centerline	540 ft
50	From		
	North To	360 ft north of University Boulevard centerline	510 ft
51	From		
	North To	545 ft north of University Boulevard centerline	510 ft
52	From		
	North To	775 ft north of University Boulevard centerline	465 ft
53	From		
	North To	1,095 ft north of University Boulevard centerline	650.25 ft
54	From		



	North To	Prolongation of north property line of parcel #9, N. H. Laskey's Subdivision	425 ft
55	From		
		North To	40 ft north of Golf Boulevard centerline
56	From		
		North To	280 ft north of Golf Boulevard centerline
57	From		
		North To	664 ft north of Golf Boulevard centerline
58	From		
		North To	932 ft north of Golf Boulevard centerline
59	From		
		North To	1,217 ft north of Golf Boulevard centerline
60	From		
		North To	1,372 ft north of Golf Boulevard centerline
61	From		
		North To	1,695 ft north of Golf Boulevard centerline
62	From		
		North To	32 ft south of Columbus Avenue centerline
63	From		
		North To	170 ft south of Euclid Avenue centerline
64	From		

	North To	180 ft north of Euclid Avenue centerline	467.05 ft
65	From		
65 (Cont'd.)	North To	205 ft north of Euclid Avenue centerline	365.05 ft
66	From		
	North To	505 ft north of Euclid Avenue centerline	314.05 ft
67	From		
	North To	665 ft north of Euclid Avenue centerline	289 ft
68	From		
	North To	1,115 ft north of Euclid Avenue centerline	272 ft
69	From		
	North To	1,495 ft north of Euclid Avenue centerline	216.75 ft
70	From		
	North To	1,837 ft north of Euclid Avenue centerline	114.75 ft
71	From		
	North To	2,217 ft north of Euclid Avenue centerline	204 ft
72	From		
	North To	The westerly prolongation of the north property line and Ortona Subdivision and the north corporate limits	311 ft

~~b. Halifax River West Shore Bulkhead Line. All properties abutting the west shore of the Halifax River shall be subject to the bulkhead line set forth in the riverfront bulkhead line~~

maps, originally adopted pursuant to Ordinance No. 61-49, certificate of approval filed at O.R. Book 391, page 347, public records of Volusia County, FL, which maps are hereby readopted and made a part hereof.

- c. ~~Atlantic Ocean Building and Bulkhead Lines.~~ All properties abutting the Atlantic Ocean shall be subject to the building line and bulkhead line defined by straight lines connecting points along the building line or bulkhead line, as appropriate, that are established in Table 4.9.E.3.c below in reference to points along the centerline of Atlantic Avenue (A-1-A) in accordance with the Florida State Department of Transportation right-of-way maps, except as otherwise noted.

<b>Table 4.9.E.3.C: Atlantic Ocean Building and Bulkhead Lines</b>				
<b>Segment Number</b>		<b>Beginning and End Points for Segments Along Atlantic Avenue (A-1-A) Centerline (as Distance From Centerline or Right of Way (ROW) Boundary of Intersecting Street, or Property Line)</b>	<b>Beginning and End Points for Segments Along Building Line or Bulkhead Line (as perpendicular distance from Beginning and End Points Along Atlantic Avenue centerline)</b>	
			<b>Building Line</b>	<b>Bulkhead Line</b>
1	From	North corporate limits	307 ft	372 ft
	South To	North line of block 23, Ortona Park Subdivision	315 ft	380 ft
2	From			
	South To	South line of Ortona Park Subdivision	140 ft	205 ft
3	From			
	South To	Williams Avenue centerline	164.4 ft	229.4 ft
4	From		4 ft	239.4 ft
	South To	Hartford Avenue centerline	180 ft	260 ft
5	From		210 ft	

	South To	Seaview Avenue centerline	210.5 ft	275.5 ft
6	From		240.5 ft	
	South To	Golf Boulevard	240 ft	320 ft
7	From			
	South To	University Boulevard centerline	236.9 ft	336.9 ft
8	From		241.9 ft	
	South To	Riverview Boulevard	245 ft	315 ft
9	From			
	South To	Lot 5, Block 5½ Brush and Stewart Seabreeze	245 ft	
10	From			
	South To	Lot 7, Block 5½ Brush and Stewart Seabreeze	245 ft	
11	From			
	South To		245 ft	393 ft
12	From	Butler Boulevard centerline	Existing building line	Existing bulkhead line
	South To	Auditorium Boulevard centerline	Boardwalk	Boardwalk

13	From		50 ft west of bulkhead line	Existing bulkhead line of Boardwalk
	South To	Main Street centerline		
14	From		395 ft	445 ft
	South To	Broadway centerline	353.9 ft	402.9 ft
15	Reserved			
16	From	E. International Speedway Boulevard	424 ft	404 ft
	South To	Vermont Avenue centerline	280 ft	360 ft
17	From			
	South To	Lenox Avenue centerline	225 ft	305 ft
18	From			
	South To	Phoenix Avenue centerline	375 ft	455 ft
19	From			
	South To	Silver Beach Avenue centerline	304.6 ft	484.6 ft
20	From			
	South To	Temko Terrace centerline	210 ft	304 ft
21	From			
	South	South corporate limits	222.7 ft	292.7 ft

	To			
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4. ~~Development Activity Beyond Building and Bulkhead Lines.~~

- a. ~~It shall be unlawful for any person to remove or cause to be removed any sand or to fill or change the grade or cause the grade to be changed in the area lying east of a bulkhead line.~~
- b. ~~No structure, building, bulkhead, retaining wall, dike, vehicular access, ramp approach, walkway, pipe railing, or any other construction or obstruction, or any portion thereof, shall extend beyond or east of the building line or the bulkhead line except as specifically permitted herein.~~

5. ~~Exceptions.~~

- a. ~~City and County Structures. The City of Daytona Beach and Volusia County may construct and maintain structures easterly of the Atlantic Ocean bulkhead line as necessary for the protection of public property or to further the use and enjoyment of the beach by the public.~~
- b. ~~Additions to Existing Single-Family Detached Dwellings. An addition to an existing single-family detached dwelling may extend channelward of the Halifax River building line provided it is no closer to the river than the existing principal structure and is not located within the 100-year floodplain.~~
- c. ~~Steps Permitted Beyond Bulkhead Line.~~
  - i. ~~Uncovered steps for pedestrian use may be constructed and maintained a maximum of four feet channelward of the Halifax River bulkhead line to permit access to and from boats or the shore.~~
  - ii. ~~Uncovered steps for pedestrian use may be constructed parallel to the Atlantic Ocean bulkhead line and a maximum of four feet beyond or waterward of the bulkhead line.~~
- d. ~~Swimming Pool Facilities Beyond Building Line.~~
  - i. ~~Uncovered swimming pools and accessory structures not exceeding four feet in height may be located within the area between the Halifax River bulkhead line and the building line.~~
  - ii. ~~Swimming pools and accessory structures may be located within the area between the Atlantic Ocean bulkhead line and the building line in accordance with the following restrictions:~~
    - (a) ~~No permitted structure or finished grade shall exceed a slope of one foot vertical rise per ten feet horizontal run as measured westerly from the allowable seawall height at the bulkhead line to the established building line, except as specifically provided otherwise.~~
    - (b) ~~Swimming pools and accessory structures shall be uncovered, or covered with an inflatable shelter that complies with the following standards:~~
      - (1) ~~The shelter shall be made of flameproof material.~~
      - (2) ~~The shelter may be maintained and inflated only for the winter season from November through March 31.~~
      - (3) ~~The shelter shall not cover any equipment pumping chlorine gas for purification of pool water, unless vented to satisfaction of the fire marshal.~~



~~(1) A lot zoned or developed solely for a single-family residential use shall have no more than two boat slips.~~

~~(2) The owners of two or more adjacent waterfront parcels zoned or developed solely for a single-family residential use may jointly construct and maintain a docking facility, provided the facility has no more than two boat slips for each upland single-family residential parcel served.~~

~~(b) All Other Lots. The maximum number of boat slips shall be one slip per 25 feet of shoreline, unless excess boat slips are allocated in accordance with Section 3.4.CC, Excess Boat Slip Allocation.~~

~~iv. Excess Boat Slip Allocation. The limits on the number of boat slips in subparagraph [iii] above may be exceeded only if excess boat slips are allocated in accordance with Section 3.4.CC, Excess Boat Slip Allocation.~~

~~g. Seawalls.~~

~~i. Riverfront seawalls may be erected beyond the bulkhead line, subject to the following standards:~~

~~(a) The seawall shall be no higher than eight feet above mean sea level.~~

~~(b) A fence or wall may be placed on the waterfront perimeter of the property or on the seawall, provided it does not exceed a height of four feet and provides at least 85-percent visibility through it.~~

~~ii. Oceanfront seawalls may be erected beyond the bulkhead line, subject to the following standards:~~

~~(a) The seawall shall be no less than 15 feet above mean sea level, and no higher than 20 feet above mean sea level, provided, however, that the seawall shall not be more than five feet higher than an adjoining seawall.~~

~~(b) The top of the seawall shall be parallel to the mean sea level.~~

~~(c) A fence or wall may be placed on the waterfront perimeter of the property or on the seawall, provided it does not exceed a height of four feet and provides at least 85-percent visibility through it.~~

~~h. Temporary Vehicle Ramp. A temporary vehicular ramp from the Atlantic Ocean to a property abutting the Atlantic Ocean beach may be constructed and maintained for a period not to exceed 90 days for the purpose of construction and landscaping operations.~~

**FE. Airport Overlay Zoning Districts.**

1. *Purpose.* The Airport Height Overlay (AHO) and Airport Noise Overlay (ANO) districts are intended to ensure that property surrounding the Daytona Beach International Airport is developed and used in a manner that will not create hazards for air traffic, and to allow appropriate uses to be established in existing residential areas impacted by airport noise.
2. *Applicability.*
  - a. *Airport Height Overlay (AHO) District.* The Airport Height Overlay District applies to all land designated as Airport Hazard Area on the most recent Florida Department of Transportation, Part 77, FAA, Daytona Beach International Airport Hazard Area Map.
  - b. *Airport Noise Overlay (ANO) District.* The Airport Noise Overlay District applies to all land located within the 65 LDN and greater noise contour for the Daytona Beach International Airport, as shown in the Airport Noise Report, exhibit F. Where the 65 LDN noise contour crosses a lot and at least 50 percent of the lot is within the 65 LDN noise contour, the entire lot shall be considered within the Airport Noise Overlay District.
3. *Airport Height Overlay (AHO) District Standards.*



- a. No structure shall be constructed and no tree shall be permitted to grow higher than the maximum height limitation established by the Airport Hazard Area Map, or exceed the obstruction standards contained in 14 CFR 77.21, 77.23, and 77.25, or any amendment thereto.
  - b. Proposed development of any aboveground structure within one nautical mile of the ASR-9 radar site, as shown on the ASR-9 Operational Area Map prepared by the County of Volusia, shall be reviewed and approved by the FAA prior to issuance of a permit. Proposed development of any structure over 100 feet above mean sea level within four nautical miles of the ASR-9 site shall be reviewed and approved by the FAA prior to issuance of a permit.
  - c. The Board of Adjustment may grant a variance from the height restrictions in accordance with the procedures in Section 3.4.V, Variance. A variance may be conditioned on installation, at the owner's expense, of markers and lights as necessary to indicate the presence of an airport hazard. All applications for a variance shall be reviewed by the State of Florida, Department of Transportation, Bureau of Aviation, to determine effects the proposed structure or tree would have on safe airport operations.
4. *Airport Noise Overlay (ANO) District Standards.*
- a. Plant nurseries, florist shops, greenhouse operations, and business services offices, and professional services offices are permitted as special uses where the Airport Noise Overlay District overlays a residential base district. To protect nearby residential properties from obnoxious, detrimental, or adverse effects, such uses are subject to the following standards:
    - i. The use shall comply with all intensity and dimensional standards applicable in the underlying base district unless stricter or lesser requirements are determined necessary or sufficient to protect neighboring residential areas and ensure consistency with the comprehensive plan.
    - ii. No outside storage or business activities shall be allowed, except in the case of nurseries or greenhouse operations.
    - iii. Signage shall comply with signage standards applicable in the underlying base district unless a different signage allotment would not adversely impact the area and would be consistent with the comprehensive plan.

**GF. Enterprise Overlay (EPO) Zoning District.**

1. *Purpose.*
  - a. The City of Daytona Beach has identified an "enterprise zone" pursuant to applicable provisions of State law for the purpose of creating and expanding economic activities benefiting unemployed and underemployed people, particularly those residing in the enterprise zone.
  - b. Activities which benefit unemployed and underemployed people include, but are not limited to, employment opportunities, vocational and general training opportunities, employment counseling, support for business enterprises, and increased commercial and business opportunities. This section establishes standards which can facilitate development and redevelopment activities within the enterprise zone, and particularly facilitate the development of light manufacturing employment which usually offers higher wages.
  - c. Where there is a conflict between these provisions and other generally applicable provisions, the provision or interpretation which facilitates development of employment opportunities shall prevail.
2. *Applicability.* The Enterprise Overlay (EPO) zoning district includes those areas identified in Ordinance No. 95-231.

3. *Modified Use Standards.* In addition to uses provided by the underlying district regulations, the following uses shall be permitted in the Enterprise Overlay (EPO) district, subject to the additional standards applicable to each:
  - a. Games of skill, where the underlying base zoning district is a BR, BA, or M-1 district and the site fronts on Martin Luther King Boulevard, Dr. Mary McLeod Bethune Boulevard, or Orange Avenue.
  - b. Industrial uses, where the underlying base zoning district is a BR-2, BA, or M-1 district and the following standards are met:
    - i. The use may be established only in buildings designed and constructed for non-residential use.
    - ii. The use shall comply with all other requirements of this Code and the underlying zoning district, except that where an existing building is non-conforming, City staff may reduce requirements for parking and loading areas based on the size and nature of the proposed use.
  - c. Auto detailing, where the underlying base zoning district is a BR district and the site fronts on Orange Avenue, Dr. Martin Luther King, Jr., Boulevard, or Dr. Mary McLeod Bethune Boulevard.
  - d. Personal service establishments, where the underlying base zoning district is a BP district.

**HG. North Ridgewood Overlay (NRO) District.**

1. *Purpose.* The North Ridgewood area, adjacent to some of the City's Redevelopment Areas, is a gateway to the City and currently does not project that image. The area has developed indications of economic regression. The North Ridgewood classification is intended to protect this depressed area from migration of uses that may be located or relocated to the area as a result of Redevelopment Area restrictions.
2. *Prohibited Uses.*
  - a. The following principal or accessory uses are found to be detrimental to the economic sustainability of the North Ridgewood area and, except as otherwise provided in subparagraph [c] below, are prohibited in the North Ridgewood Overlay (NRO) District irrespective of whether they are listed in Article 5, Use Standards, or elsewhere as a permitted or allowed use in the underlying base district.
    - i. Community residential home or similar facility
    - ii. Blood/tissue collection center
    - iii. Congregate meal facility
    - iv. Food pantry or feeding program
    - v. Homeless shelter or service facility
    - vi. Recovery home or treatment facility
    - vii. Adult bookstore or adult theater
    - viii. Day labor service
    - ix. Check cashing service
    - x. Flea market
    - xi. Pawn shop
    - xii. [Reserved.]
    - xiii. Any visitor accommodation use except a hotel or motel or a historic bed and breakfast inn

- xiv. Outdoor storage for properties fronting Ridgewood Avenue
- b. The prohibited uses listed in subparagraph [a] above shall not be permitted through the Planned Development rezoning process, a Special Use Permit, or a Public or Semipublic Use Permit.
- c. Any use listed in subparagraph [a] above that was legally established as an accessory use prior to January 18, 2012, shall not be subject to the Section 8.2.D, Discontinuance of Use.

**H.** **E-Zone Overlay District (E-Zone).** Reserved.

**J.** **Arts Overlay (AO) District.**

1. *Purpose.* The Arts Overlay (AO) District is established to encourage development in the City that supports retail, arts, entertainment, and if appropriate, residential uses, and an increased presence and integration of the arts and related cultural and arts-related support uses. The AO district is a flexible tool that may be applied to multiple districts, each of which might have its own unique cultural, architectural, and physical attributes.
2. *Establishment of Individual Arts Overlay (AO) Districts.* The City Commission may establish individual Arts Overlay (AO) Districts in accordance with this section and Section 3.4.D, Site-Specific Zoning District Map Amendment, after approving an area plan for the land to be designated an AO District specifying the additional or prohibited uses in the district, if different from the underlying base zoning district. In establishing a new AO District, the City Commission may also establish a unique set of development standards applicable to all development in the particular district. Each district shall comply with the standards in 4.9.J.5, General Development Standards for All AO Districts.
3. *Underlying Base Zoning District.* The regulations governing uses of land and structures shall be as established in the underlying base zoning district(s), other applicable overlay districts, except as expressly modified by the AO District. Where there is a conflict the provisions in the AO District shall control.
4. *Minimum Standards for Designation of an AO District.* The City Commission may approve an application for designation of an AO District only if:
  - a. The owners of at least 65 percent of the land in the proposed AO District request the designation to AO District;
  - b. An area plan is prepared by City staff, working in conjunction with residents of the proposed AO District, which is reviewed and approved by the City Commission;
  - c. Development patterns in the district demonstrate an on-going effort to maintain or rehabilitate the character and physical features of existing structures in the district;
  - d. There is existing or potential pressure for new development, redevelopment, or infill development within the district;
  - e. The area possesses one or more of the following distinctive features that create a cohesive identifiable setting, character, or association:
    - i. Scale, size, type of construction, or distinctive building materials;
    - ii. Lot layouts, setbacks, street layouts, alleys, or sidewalks;
    - iii. Streetscape characteristics; or
    - iv. Land use patterns, including mixed or unique uses or activities; and
  - f. The uses and development standards proposed to be applied to the district will encourage and support revitalization and the establishment of an increased presence and integration of the arts and related cultural and arts-related support uses with retail and residential development.
5. *General Development Standards for All AO Districts.*

- a. *Compliance with Underlying Zoning District Standards.* These standards supplement the applicable development and district-specific standards found in the underlying base zoning district and do not affect the use regulations applicable in the underlying zoning, unless expressly stated otherwise.
  - b. *Compliance with Approved Design and Development Standards.* No development approval or permit for any new construction or expansion of an existing structure resulting in an increase in building footprint area of ten percent or more may be issued until City staff determines that the development proposal complies with all the standards established for the AO District where the land is located, the requirements of the underlying base zoning district (as appropriate), and all other provisions of this Code.
6. *AO District-Specific Use and Development Standards.*
- a. All lands designated as an AO District shall identify, with specificity, the use and development standards to be applied to all new construction and expansion of existing structures.
  - b. The types of uses that the standards may address and encourage include, but are not limited to:
    - i. Accessory dwelling units for artists that work on the site;
    - ii. Art galleries, including sales;
    - iii. Art and craft retail sales;
    - iv. Artist housing;
    - v. Artist studios;
    - vi. Art services, including set design and restoration of art work;
    - vii. Book stores, except for adult book stores;
    - viii. Coffee shops;
    - ix. Craftsman or artisan studios or workspace;
    - x. Live/work units;
    - xi. Mixed uses, if the uses include single-family units and arts and craft retail sales made on the site;
    - xii. Outdoor retail sales of arts and crafts;
    - xiii. Outdoor cultural events and performances on Fridays, Saturdays, and Sundays only;
    - xiv. Outdoor crafting of art associated with the business on the premises, and storage of materials associated with the crafting area;
    - xv. Photographic studios;
    - xvi. Small-scale restaurants, with limited outdoor dining;
    - xvii. Temporary arts shows and festivals; and
    - xviii. Teaching of visual and performing arts.
  - c. Aspects of development that the standards may address include, but are not be limited to, the following:
    - i. Bonuses for preferred uses;
    - ii. Building height;
    - iii. Building size (for principal and accessory structures);
    - iv. Building orientation;

- v. Building roof line and pitch;
  - vi. Demolition of structures;
  - vii. Exterior building materials and colors;
  - viii. Exterior lighting;
  - ix. Landscaping and screening;
  - x. Location of proposed buildings or additions;
  - xi. Lot size;
  - xii. Neighborhood character and compatibility;
  - xiii. Parking;
  - xiv. Paving requirements or limitations;
  - xv. Required features on a front façade;
  - xvi. Setbacks or required yards;
  - xvii. Sidewalks;
  - xviii. Signage; and
  - xix. Streetscape.
- d. The City Commission may approve additional development standards addressing aspects of development not listed above.

7. *Specific Arts Overlay Districts.* Reserved.

**KJ. International Speedway Boulevard Gateway Overlay (ISBGO) District.** [Reserved.]

(Ord. No. 17-07, § 1, 1-4-2017; Ord. No. 17-116, § 1(Exh. A), 4-19-2017)

Sec. 5.2. - Principal Uses.

**B. Standards for Specific Principal Uses.**

16. *Commercial: Boat and Marine Sales and Service Uses.*

- d. *Docking Facility, Commercial.* A commercial docking facility shall comply with the following standards:
  - i. Only one dock is allowed on a lot with less than 100 feet of water frontage. An additional dock is allowed for each additional 50 feet of water frontage.
  - ii. The dock shall set back at least 20 feet inward of the street side lot lines and interior side lot lines, as extended out over the water.
  - iii. The dock shall extend no more than 350 feet over the water.
  - iv. The dock walkway shall be no more than 12 feet above mean high water level.
  - v. The dock walkway shall be at least ten feet wide for the entire length of the dock.
  - vi. The dock platform shall be no more than 500 square feet in area.
  - vii. No part of the dock platform or walkway may be covered, though roofs may be provided over boat storage or mooring areas.
  - viii. No part of the dock or any boat shelter may be enclosed or provided with siding.
  - ix. The facility shall comply with all applicable requirements of the U.S. Army Corps of Engineers (USACE) and Florida Department of Environmental Protection (FDEP). For nonresidential docks, an agreement from the FDEP for use of submerged lands shall be submitted before the start of construction.
  - x. The facility shall be sized, located, designed, constructed and used in a way that is compatible with other uses and conditions on the site and the neighborhood and has no adverse impacts on the use and enjoyment of adjacent properties or on navigation and boat traffic.
  - xi. ~~The A facility within the Waterfront Overlay (WO) district shall~~ facility shall comply with the boat slip limits in Section 3.4.CC4.9.E.5.f, Boat Slip Allocation Boat Slips.
- e. *Docking Facility, Commercial Passenger Boat.* A commercial passenger boat docking facility shall comply with the following standards:
  - i. Only one dock is allowed on a lot with less than 100 feet of water frontage. An additional dock is allowed for each additional 50 feet of water frontage.
  - ii. The facility shall not permit the docking of a "casino" boat, which operates primarily for the purpose of transporting passengers outside the territorial limits of the United States to engage in on-board gambling.
  - iii. No part of the dock platform or walkway may be covered, though roofs may be provided over boat storage or mooring areas.
  - iv. No part of the dock or any boat shelter may be enclosed or provided with siding.
  - v. If the facility includes a combination of uses, the minimum number of off-street parking spaces required by Section 6.2.C, Off-Street Parking Space Standards, shall be the sum of the numbers required for each component use.
  - vi. If the facility serves more than one boat, the minimum number of parking spaces required by Section 6.2.C, Off-Street Parking Space Standards, shall be calculated for each boat.
  - vii. On days when more than one boat departure is scheduled, boat arrivals and subsequent boat departures shall be scheduled at least three hours apart unless

parking areas include a sufficient number of parking spaces to accommodate the parking demands of passengers of both the arriving and departing boats.

- viii. Parking areas shall be open to passengers no earlier than two hours before the earliest scheduled boat departure time of the day and no later than two hours after the last boat arrival of the day. No overnight parking in parking areas is allowed.
  - ix. Access to parking areas shall be directly from an arterial or collector street, or indirectly from an arterial street exclusively by way of streets within a nonresidential area. No access shall rely on local streets or on any street passing directly through a residential area. The capacity of any access streets or intersections between the facility and the arterial street shall be reviewed to determine that level of service standards will be met after the facility begins operation. Intersections must be capable of handling traffic without relying on police to direct traffic.
  - x. The facility shall be sized, located, designed, constructed and used in a way that is compatible with other uses and conditions on the site and the neighborhood and has no adverse impacts on the use and enjoyment of adjacent properties or on navigation and boat traffic.
  - xi. ~~A-The facility within the Waterfront Overlay (WO) district shall comply with the boat slip limits in Section-3.4.CC, Boat Slip Allocation4.9.E.5.f, Boat Slips.~~
- f. *Marina.* A marina shall comply with the following standards:
- i. ~~The facility A marina within the Waterfront Overlay (WO) district shall comply with the boat slip limits in Section-3.4.CC, Boat Slip Allocation4.9.E.5.f, Boat Slips.~~
  - ii. If the marina is combined with a boat dry storage facility, boat or marine repair and servicing use, docking facility, Laundromat, convenience store, liquor or package store, or other use, the combined use shall comply with the standards (including districts where permitted) applicable to each component use.
  - iii. A marina in the RDD-4 zoning district shall comply with the following standards:
    - (a) The development shall incorporate brick or other textured treatment in pedestrian areas, using materials consistent or compatible with City standards.
    - (b) Structures facing commercially-oriented streets or open spaces shall have a mix of tenants or be designed to generate uses providing a range of activities and services for day and evening hours.
    - (c) The development shall be in the Ballough Road Redevelopment Area and have access to Ballough Road and have direct access to its required off-street parking area(s).
    - (d) The development may be a mixed use development utilizing the waterfront and containing water-oriented activities.
    - (e) Marinas in the RDD-4 zoning district may have boat marine parts sales and installation, boat or marine repair and servicing, and boat or marine sales or rental as accessory uses.

...

21. *Commercial: Recreation/Entertainment Uses.*

- g. *Pier, Ocean.* An ocean pier shall comply with the following standards:
  - i. The pier shall be established in accordance with Section 161.053, Florida Statutes (F.S.) and the FDEP Coastal Construction Control Line (CCCL) Program. ~~not extend more than 2,000 feet eastward of the established bulkhead line at its base.~~

Sec. 5.3. - Accessory Uses and Structures.

C. **Standards for Specific Accessory Uses and Structures.**

7. *Docking Facility.*

- a. One dock shall be permitted for each lot of record located along a waterfront.
- b. Where water frontage of a parcel is 100 feet or more, one additional dock may be permitted for each additional 50 feet of frontage.
- c. No portion of the dock platform, boat shelter, or walkway may be covered by an enclosure, siding, or roof. A roof may be permitted over boat storage or mooring areas.
- d. Docks shall comply with the dimensional standards in Table 5.3.C.7 below:

<b>Table 5.3.C.7: Docking Facility Standards</b> <b>[ft = feet; sf = square feet]</b>	
Setback from extended side property line, minimum	20 ft
Walkway width, maximum	10 ft
Platform area, maximum	500 sf
Height, maximum	18 ft above mean high water level

- e. All requirements of the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection shall be met prior to approval to construct a dock.
- f. For nonresidential docks, agreement for use of submerged lands from Florida Department of Environmental Protection shall be submitted before the beginning of construction.
- g. A facility ~~within the Waterfront Overlay (WO) district~~ shall comply with the boat slip limits in Section 3.4.CC, Boat Slip Allocation~~4.9.E.5.f, Boat Slips~~.