

## The CITY OF DAYTONA BEACH

"THE WORLD'S MOST FAMOUS BEACH" -

#### SUPPLEMENTAL MEMORANDUM

DATE:

January 4, 2019

TO:

James V. Chisholm, City Manager

FROM:

Dennis Mrozek, Planning Director

SUBJECT:

Land Development Code Text Amendments – Mobile Food Vending

(DEV2018-080)

At the City Commission workshop on December 19, 2018, changes were discussed regarding additional zoning districts where mobile food vending would be permitted to operate as a temporary use within the City. Attached are the revised Temporary Use Tables 5.4.B.5, 5.4.B.6, and 5.4.B.7. showing that all zoning districts would allow mobile food vending provided the operational standards implemented in the creation of Chapter 103 of the Code of Ordinances are followed.

This amendment will be adopted concurrent with the Code of Ordinances creation of Chapter 103 – Mobile Food Vendors as a new business market in the City that is not currently permitted.

#### Sec. 5.4. - Temporary Uses and Structures.

A. **Purpose.** This section allows for the establishment of certain temporary uses (including special events) of a limited duration and temporary structures, provided that such uses, structures, and events do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

#### B. General.

- 1. Applicability. Section 5.4.B.2, Prohibited Temporary Uses and Structures, lists several temporary uses and structures that are expressly prohibited. Section 5.4.B.3, General Standards for All Temporary Uses and Structures, establishes general standards that apply to all allowed temporary uses and structures. Section 5.4.B.4, Abbreviations Used in Temporary Use/Structure District Tables, explains the abbreviations used in the tables showing whether a particular type of temporary use or structure is permitted or prohibited within the various zoning districts. Section 5.4.C, Standards for Specific Temporary Uses and Structures, establishes standards that apply to particular types of temporary uses or structures regardless of the zoning district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary. These standards may be modified by other applicable requirements in this Code. The uses are organized alphabetically.
- 2. Prohibited Temporary Uses and Structures. Without limiting the standards of this Code, the following activities are prohibited in all districts:
- a. Retail\_retail\_sales or display of goods, products, or services within the public right-of-way, is prohibited in all districts, except as part of an authorized not-for-profit, special, or City-recognized or authorized event—; and mobile food vendors licensed by the City.
  - b. Retail sales or display of goods, products, or services from a motor vehicle, trailer, or shipping container.
- 3. General Standards for All Temporary Uses and Structures. Unless otherwise specified in this Code, any temporary use or structure shall:
  - a. Obtain a Temporary Use Permit (if required) and any other applicable City, county, or State permits;
  - b. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
  - c. Be compatible with the principal uses taking place on the site;
  - Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
  - Not include permanent alterations to the site;
  - f. Meet all the setback requirements of the underlying base and overlay zoning districts;
  - g. Comply with temporary signage standards in Section 6.10, Signage.
  - h. Not maintain temporary signs associated with the temporary use or structure after the activity ends;
  - i. Not violate the applicable conditions of approval that apply to a site or a use on the site;
  - j. Not interfere with the normal operations of any permanent use located on the property; and
  - k. Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and accommodate associated pedestrian, parking, traffic movement without disturbing environmentally sensitive lands.
- 4. Abbreviations Used in Temporary Use/Structure District Tables. In the tables designating the zoning districts in which a temporary use or structure is allowed, the following abbreviations apply:

- a. A check "\" indicates that the use or structure is allowed as a temporary use by right in the corresponding zoning district, subject to compliance with Section 5.4.B.3, General Standards for All Temporary Uses and Structures, any standards set forth for the specific use or structure, and all other applicable regulations of this Code. No Temporary Use Permit is required.
- b. A "T" indicates that the use or structure is allowable as a temporary use in the corresponding zoning district only on approval of a Temporary Use Permit in accordance with Section 3.4.P, Temporary Use Permit, and subject to compliance with Section 5.4.B.3, General Standards for All Temporary Uses and Structures, any standards set forth for the specific use or structure, and all other applicable regulations of this Code.
- c. A blank cell indicates that the use or structure is prohibited as a temporary use or structure in the corresponding zoning district. For the overlay districts, in which prohibitions of uses allowed by underlying base districts is an exception, an "X" indicates that the use or structure is prohibited as a temporary use or structure in the overlay district.
- 5. Temporary Use/Structure Table for Residential, Business, Industrial, Tourist, and Specialty Districts.

# Table 5.4.B.5: Temporary Use/Structure Table for Residential, Business, Industrial, Tourist, and Specialty Districts

√ = Temporary Use/Structure allowed without a Temporary Use Permit
T = Temporary Use/Structure allowed with a Temporary Use Permit
Blank Cell = Prohibited Temporary Use/Structure

	Residential Districts						sine	ss D	istri	cts			stria ricts			Tou Dist	rist ricts		17.5	ecia istri	Use-	
Temporary Use/ Structure Type	SFR-5	MFR-12	MFR-20	MFR-40	RP	ОР	ВР	BR-1	BR-2	ВА	M-1	M-2	M-4	M-5	T-1	T-2	T-4	T-5	AG	MH	MS	Specific Standards
Farmers' market				Т			Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	5.4.C.1
Garage or yard sale	Т	Т	Т	Т	Т																	5.4.C.2
Mobile Food Vending	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<u>√</u>	✓	✓	✓	
Outside temporary promotional activity (TPA)						Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	5.4.C.3
Special event	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	5.4.C.4
Temporary construction-related structure or facility	1	1	1	1	1	1	1	<b>√</b>	1	1	1	<b>√</b>	<b>√</b>	1	<b>√</b>	<b>√</b>	<b>√</b>	<b>√</b>	<b>√</b>	<b>√</b>	✓	5.4.C.5
Temporary factory-fabricated transportation building	1	1	1	1	1	1	1	1	1	✓	1	1	1	1	1	1	1	1	1	1	<b>✓</b>	5.4.C.6
Temporary mobile/ manufactured home/ trailer living unit	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	Т	5.4.C.7
Temporary model sales home/unit	1	1	1	1	1	1	1	1	1	<b>√</b>	1	1	1	1	1	1	1	1	1	1	<b>√</b>	5.4.C.8
Temporary			<b>√</b>	1	1			<b>√</b>	1	1	1	1	1	1	1	1	1	1	1	1	1	5.4.C.9

5.4.C.14	<b>/</b>	<b>^</b>	^	^	^	^	^	^	^	^	^	^	^	^	^	^	^	^	^	^	^	Temporary use of an accessory structure structure as a principal dwelling after a catastrophe
5.4.C.13																						Vnenoquer redevelopment project parking lot
5.4.C.12	^	^	^	^	^	^	^	^	^	^	^	^	^	^	^	^	^	^	^	^	^	Temporary portable storage unit
S1.0.15								Τ	Τ	T	T											Temporary overnight parking (RVs only)
11.0	.4.2	noi	poect	; əə	s—	вчо	bbu	e uc	issi	шш	oე <i>i</i>	City	ų;į	w st	zint.	sib l	lle n	i bə	MO	IIΑ		Temporary outside activities associated with a festival
01.2.4.2	^	^	^	^	^	^	<b>/</b>	^	^	^	^	^	^	^	^	^						Temporary off-street event parking
																						not-for-profit carwash

### Temporary Use/Structure Table For Redevelopment Districts.

Table 5.4.8.6: Temporary Use/Structure Table for Redevelopment Districts

\( = \temporary \text{ Use/Structure allowed without a Temporary Use Permit } \)

T = Temporary Use/Structure allowed with a Temporary Use Permit \)

Blank Cell = Prohibited Temporary Use/Structure

		ι	IMO:	tbiN	V				umo	vntc	Dov							əbi	syse	Bes					-
-9sU Specific -nst2 sbrsb	RDM-6	RDM-5	RDM-4	RDM-3	RDM-2	RDM-1	RDD-7	RDD-6	RDD-5	RDD-4	RDD-3	RDD-2	RDD-1	RDB-11	RDB-10	RDB-9	RDB-8	RDB-7	RDB-6	RDB-5	RDB-4	RDB-3	RDB-2	RDB-1	Temporary Use/ Structure Type
5.4.C.1																									Farmers' market
5.4.C.2								T	1					T	1			Τ	Τ						Garage or yard sale
	下	7	<u></u>	<u></u>	7	7	7	了	不	7	不	不	不	7	7.	不	7	不	不	不	7	7	7	7	<u>Mobile Food</u> <u>Anibne√</u>
5.4.C.3	1	Т	1	Τ	T	1	1	Т	1	Τ	1	Τ	1	T	1	1	1	1	1	T	1	T	1	Τ	Outside temporary promotional (AAT)
5.4.C.4	1	T	T	1	T	1	1	T	T	1	1	T	T	T	T	T	T	T	T	T	1	T	T	Τ	Special event
S.4.C.5	1	T	1	T	T	T	T	T	T	T	1	T	1	T	T	T	1	T	1	T	ı	T	1	T	Temporary construction- related

structure or facility  Temporary factory-fabricated transportation building  Temporary mobile/	5.4.C.6
Temporary factory- fabricated transportation building Temporary mobile/	5.4.C.6
factory- fabricated transportation building  Temporary mobile/	5.4.C.6
transportation building Temporary mobile/	5.4.C.€
Duilding  Temporary mobile/	
Temporary mobile/	
mobile/	ı
	†
manufactured	5.4.C.7
home/trailer	
living unit	
Temporary	1
model sales   T	5.4.C.8
home/unit	
Temporary	
not-for-profit	′ 5.4.C.9
carwash	
Temporary off-	5.4.C.1
street event	3.4.C.1
parking	0
Temporary	
outside	
activities Allowed in all districts with City Commission approval—see Section 5.4.C.1	
associated	
with a festival	
Temporary	5.4.C.1
portable     \sqrt{  \sq \sq   \sq   \sq   \sq   \sq   \sq   \sq   \sq   \sq   \sq   \sq   \sq   \sq	' I
storage unit	2
Temporary	T
redevelopmen T T T T T T T T T T T T T T T T T T T	5.4.C.1
t project   '	3
parking lot	
Temporary use	İ
of an accessory	
structure as a	5.4.C.1
of an accessory structure as a principal	5.4.C.1 4
structure as a	

7. Temporary Use/Structure Table for Planned Development and Overlay Districts.

Table 5.4.B.7: Temporary Use/Structure Table for Planned Development and Overlay Districts

√ = Temporary Use/Structure Allowed without a Temporary Use Permit

T = Temporary Use/Structure Allowed with a Temporary Use Permit

PD Districts: Blank Cell = Prohibited Temporary Use

Overlay Districts (Only Modifications of Underlying Base District Use Standards Are Shown):

X = Prohibited Temporary Use

	Plar					0	verla	y Di	stric	cts								
Temporary Use/	Develo Dist	His- toric	Tr	ans	itior	nal	Airp	ort			Use-							
Structure Type	PD-G	PD-RD	Ю	TA	TB	7	5	АНО	ANO	STO	WO	EPO	NRO	E-Zone	AO	ISBGO	Specific Standards	
Farmers' market	Т	T							1								5.4.C.1	
Garage or yard sale	Т	Т							T								5.4.C.2	
Mobile Food Vending	✓	✓																
Outside temporary promotional activity (TPA)	Т	Т															5.4.C.3	
Special event	T	T															5.4.C.4	
Temporary construction-related structure or facility	✓	<b>/</b>															5.4.C.5	
Temporary factory-fabricated transportation building	✓																5.4.C.6	
Temporary mobile/manufactured home/trailer living unit	<b>√</b>																5.4.C.7	
Temporary model sales home/unit	✓	<b>/</b>															5.4.C.8	
Temporary not-for-profit carwash	✓	1															5.4.C.9	
Temporary off-street event parking	✓	<b>√</b>															5.4.C.10	
Temporary outside activities associated with a festival	1	1															5.4.C.11	
Temporary portable storage unit	✓																5.4.C.12	
Temporary redevelopment project parking lot		Т															5.4.C.13	
Temporary use of an accessory structure as a principal dwelling after a catastrophe	✓	<b>✓</b>															5.4.C.14	

1. Allowed with City Commission approval.