

# Attachment B

RESOLUTION NO. 16-148

A RESOLUTION AMENDING THE MASTER PLAN GUIDELINES FOR BIKE WEEK AND BIKETOBERFEST TO REVISE THE CITATIONS TO THE CURRENT LAND DEVELOPMENT CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission has approved Master Plan Guidelines for Bike Week and Biketoberfest which establish the criteria for application, review, and approval of outside activities during the two motorcycle-related special events consistent with the Land Development Code (LDC); and

WHEREAS, the Guidelines were most recently revised by Resolution No. 13-279 adopted November 6, 2013; and


WHEREAS, in January 2015, the City Commission repealed the former LDC and approved a new LDC effective March 1, 2015; and

WHEREAS, the current Master Plan Guidelines refer to sections of the former LDC, and the Deputy City Manager/Administrative Services recommends the Guidelines be amended to reflect current LDC sections.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The Master Plan Guidelines for Bike Week and Biketoberfest is hereby amended to revise the citations to the current Land Development Code. A complete copy of the Guidelines as amended hereby is attached hereto and incorporated herein by reference.

SECTION 2. This Resolution shall take effect immediately upon its adoption.

  
DERRICK L. HENRY  
Mayor

ATTEST:

  
LETTIA LAMAGNA  
City Clerk

Adopted: June 1, 2016

**MASTER PLAN GUIDELINES  
FOR BIKE WEEK AND BIKETOBERFEST**

**Section 1. Definitions.**

**Permanently licensed year-round business.** A permanently licensed year-round business is:

- (a) A business which has been open and operating for a minimum of 250 days, 6 hours per day, during the one-year period immediately preceding the application date; or
- (b) A business which opens and operates in a new structure for which the Certificate of Occupancy was first issued during the one-year period immediately preceding the application date.

**Contiguous.** Contiguous properties are parcels which abut each other. In addition, parcels of property shall be considered contiguous where they are separated only by a dedicated right-of-way no more than 60' wide and are located directly across the dedicated right-of-way from each other, provided:

- (a) the open area is paved and landscaped;
- (b) the property is located within the Master Plan area; and
- (c) the applicant business owner has at least a 50% ownership interest in the property to be considered contiguous.

**Section 2. Temporary Promotional Activity Permit (TPA), § 5.4.C.3, LDC.** Any business operating pursuant to a permanent business license for a continuous period of at least 90 days may obtain one TPA permit for one outside sales area pursuant to § 5.4.C.3, LDC, and the following conditions:

- (a) The outside sales area shall be located on the same private property on which the permanently licensed business operates; or on property contiguous to and owned by the permanently licensed year-round business; or on property contiguous to and a part of the permanently licensed year-round business's year-round leased premises.
- (b) The outside sales area shall not exceed 500 square feet.
- (c) Merchandise sold must be identical to that sold inside.
- (d) Pursuant to § 5.4.C.3.d., LDC, and notwithstanding § 5.4.C.3.c.ii., TPA activities may be permitted during the seven day period prior to the event, provided such activities shall comply with all other requirements of § 5.4.C.3 and violations shall be subject to the same remedies



and penalties set forth therein. In addition, no sound amplification shall be permitted prior to the first day of the event.

**Section 3. Outside activities, § 5.4.C.11, LDC.** In accordance with § 5.4.C.11, LDC, the City Commission may authorize other outside activities which meet the following conditions:

- (a) The outside activities shall be permitted only in open areas of permanently licensed year-round businesses, which front on the following streets:
- Main Street and Fairview Avenue from the Atlantic Ocean to Beach Street
  - Beach Street from Bay Street to Fairview Avenue
  - Ballough Road from Fairview Avenue to Mason Avenue
  - Dr. Mary McLeod Bethune Boulevard from Segrave Avenue to Dr. Martin Luther King Boulevard
  - Dr. Mary McLeod Bethune Boulevard from Beach Street to Palmetto Avenue
  - Dr. Martin Luther King Boulevard from Shady Place to George Engram Boulevard
  - West International Speedway Boulevard from Dr. Martin Luther King Boulevard to Keech Street ~~for events in calendar year 2013 only.~~
- (b) The outside activities shall be conducted only in open areas contiguous to and owned by a permanently licensed year-round business, or contiguous to and a part of the permanently licensed year-round business's year-round leased premises.
- (c) The outside activities may include:
- static trade shows
  - entertainment
  - food courts and itinerant vending, provided the commercial activities operating outside shall be the same as those licensed or regularly conducted by the permanently licensed year-round business operating at that location.
- (d) Set up for the event, including tents and stages, is to take place no more than ten calendar days prior to the event and all items are to be removed no later than five calendar days after the event.
- (e) Applications for approval of outside activities shall be reviewed and recommendations submitted to the City Commission as follows:
- The reviewer shall be responsible for collecting the City application fee and shall remit all

fees collected to the City.

- The review committee providing recommendations to the City Commission shall include at least three members representing the interests of residents of the City.
- City staff representing the Police, Public Works, and Development Services Departments shall meet with the reviewing committee to provide information and assistance.
- Written recommendations for all requests for Bike Week activities shall be submitted to the City Commission no later than the second Wednesday in January.
- Written recommendations for all requests for Biketoberfest activities shall be submitted to the City Commission no later than the second Wednesday in July.
- Only applications which comply with all conditions set forth in these guidelines on the date the recommendation is submitted to the City Commission shall be recommended for approval. The only exception to this requirement shall be for activities in connection with a new building under construction at the time of submittal to the City Commission and for which a CO is anticipated prior to the event date.

**Section 4. Use of Open Spaces in RDB-3 District.** In the RDB-3 zoning district only, open spaces not connected to a permanently licensed business may be used for paid temporary parking, or static product display or exhibits only with no retail sales. Admission may be charged for a bike show. Such parking, displays or exhibits must be permitted by the City of Daytona Beach.

**Section 5. Parking.** Event parking on unimproved vacant lots is allowed in the area bounded by Main Street, Halifax Avenue, Auditorium Boulevard, and Peninsula Drive. Signage shall be professionally painted with prices conspicuously posted and include a reference that the lot provides authorized parking. Additionally, any landscaping that is damaged or displaced by the activity is required to be corrected after the event.

**Section 6. Charitable activities.** Charitable or not-for-profit organizations shall operate on private property only as provided in Section 3 above. The organization shall obtain a permit from the City. Churches in the Mary McLeod Bethune Blvd area shall be permitted to have paid parking for fund raising purposes.

**Section 7. Amplified Sound.** Outside amplified sound must remain at a level that is acceptable to the community standard. This operating level shall be reduced at midnight, lowered further at 1:00 a.m., lowered further at 2:00 a.m., and completely shut down by 2:45 a.m. Properties fronting on West International Speedway Boulevard between Dr. Martin Luther King Boulevard and Keech Street shall limit noise levels to 65dBA from 7 a.m. to 10 p.m. and 60dBA from 10 p.m. to 7 a.m.

**Section 8. Fees.** Master Plan application fees shall be required for the review and approval of applications pursuant to the Land Development Code and Guidelines. Fees shall be submitted in full concurrently with the application for review.

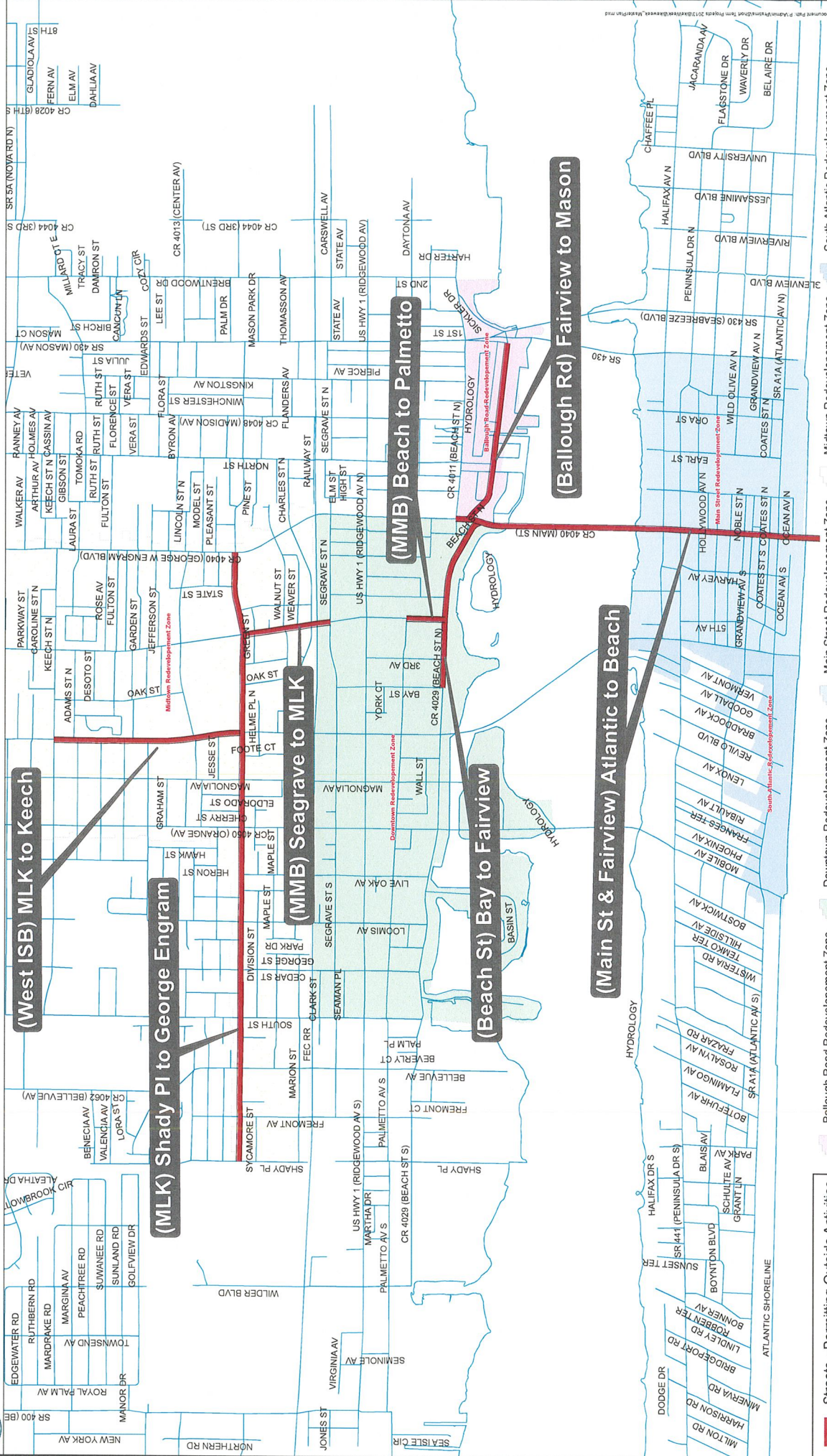
- Master Plan application fee: \$300 plus 12 cents per square foot of outdoor vending area

**Section 9. Appeals.** An applicant who submits a timely application and is determined to be non-compliant with § 5.4.C.11 of the City's Land Development Code or any of the provisions of these guidelines and thereby denied participation may appeal the denial. The appeal shall be heard by the City of Daytona Beach Special Magistrate. Appellant shall contact the Code Enforcement Division Administrator's office to schedule a hearing. The Special Magistrate may waive compliance with a provision and grant participation in the Special Event upon a determination that just cause exists for the noncompliance. In determining whether just cause exists, the Special Magistrate shall consider:

- (a) Where the applicant is an individual, the fault of the applicant in creating the condition;
- (b) Where the applicant is a corporation, limited liability company, or similar business firm, the fault of the firm's principals in creating the condition;
- (c) The gravity of the violation; and
- (d) Any prior opportunity that the applicant, and where the applicant is a business firm the applicant's principals, had to remedy the condition.



# Bike Week Streets Reso. 16-148 Sec. 3. (a)



Streets - Permitting Outside Activities

Ballogh Road Redevelopment Zone

Downtown Redevelopment Zone

Main Street Redevelopment Zone

Midtown Redevelopment Zone

South Atlantic Redevelopment Zone





## PERMIT & LICENSING DIVISION

301 South Ridgewood Avenue  
Daytona Beach, FL. 32114  
386-671-8140

### 2018 Tent Guidelines

- 1.) Tent permits are good for no more than 7 days unless otherwise approved by the city.
- 2.) Tents shall not cover more than 75% of the property. (NFPA 101, 11.11.4.1)
- 3.) All permitted assembly, **merchandise tent over 900 sq/ft.**, or cooking tents shall have a current (within the last 12 months) Florida or Other State Certified minimum 2A:10B:C portable fire extinguisher. The definition of an assembly tent is when more than 50 people could congregate under. The Public shall not congregate under any Cooking Tent.
- 4.) All cooking tents (regardless of size) shall also require a current Florida or Other State Certified Class 'K' portable fire extinguisher in addition to the 2A:10B:C extinguisher. \*\*\*Fire extinguishers purchased from many retail stores are not certified and will not be accepted. (NFPA 101, 11.11.5)
- 5.) All permitted assembly, **merchandise tent over 900 sq/ft.**, and cooking tents must be Flame Retardant and shall meet the flame propagation performance criteria specified by NFPA 701. All tents must be certified by an approved testing agency and the vendor shall provide evidence of the flame spread certification. Keep the tag on the tent visible when setting up the tent for ease of inspection. (NFPA 101, 11.11.2.1)  
\*\*\*Non-flame retardant tent fabrics or materials such as retail store camping tents or tarps do not meet the NFPA 701 Standard and will not be accepted.
- 6.) "Cooking Tents" must be located a minimum of 4 feet away from buildings and a minimum of 10 feet away from any "Public Use Tent" which is defined as "If the public can enter under the tent to congregate, sit, view merchandise, or any other activity that allows anyone from the public to enter under the covered tent area." All cooking tents must provide a space no less than 18" from the cooking surface to the location where someone could be walking by or ordering food. (NFPA 101, 11.11.3.3)
- 7.) When a cooking tent is placed near the sidewalk, the tent must be 4' from the sidewalk to allow the flow of people along the public right of way.
- 8.) All hood suppression systems, including those located in mobile trailers shall be currently certified. All cooking equipment must be in good working condition and adhere to the testing agency label that certified the equipment.
- 9.) "Cooking" tents shall be arranged as close as possible to the sample arrangement in Diagram "A". The intent is to keep the cooking appliances away from the public and to ensure that Gas Cylinders are secured at all times. LP Gas Cylinders should be located a minimum of 5' away from the tent. The Public shall not gather under any Cooking Tent.
- 10.) Electrical Fire Safety used for temporary wiring, extension cords, overloaded circuits, etc... will be evaluated on a case-by-case basis for compliance. A temporary power pole may be required at the discretion of city personnel. All equipment used during the event must be in good, safe working condition, and UL listed for the proposed use.

This is only a summary of the guidelines. During the inspection process and at any time during the event, if a situation is deemed "unsafe" by a fire inspector, code enforcement personnel, police officers, or Permits and Licensing personnel, it will be required to be corrected immediately. If this is not done, the permit may be revoked at the discretion of the Building Official or designee. All tent types and locations on such property shall be in accordance with the master plan approved by the City Commission.

Public Safety is our foremost concern. We wish everyone a very safe and enjoyable event. If you have any questions you may contact the Permits and Licensing Division at 386 671-8140 or the Fire Department at 386-671-4000.