




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;
 - d. Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
 - e. 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:

Temporary Use/ Structure Type	Planned Development Districts		Overlay Districts														Use- Specific Standards	
			His- toric	Transitional				Airport		Other								
	PD-G	PD-RD		HO	TA	TB	TC	TD	AHO	ANO	STO	WO	EPO	NRO	E-Zone	AO		ISBGO
Farmers' market	T	T																5.4.C.1
Garage or yard sale	T	T																5.4.C.2
<u>Mobile Food Vending</u>	✓	✓																
Outside temporary promotional activity (TPA)	T	T																5.4.C.3
Special event	T	T																5.4.C.4
Temporary construction-related structure or facility	✓	✓																5.4.C.5
Temporary factory-fabricated transportation building	✓																	5.4.C.6
Temporary mobile/manufactured home/trailer living unit	✓																	5.4.C.7
Temporary model sales home/unit	✓	✓																5.4.C.8
Temporary not-for-profit carwash	✓	✓																5.4.C.9
Temporary off-street event parking	✓	✓																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		T																5.4.C.13
Temporary use of an accessory structure as a principal dwelling after a catastrophe	✓	✓																5.4.C.14

NOTE:

1. Allowed with City Commission approval.