



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING FEBRUARY 9, 2026

**8:30 AM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the P&Z Board, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.

1. OPENING REMARKS

2. OATHS

3. MINUTES

A. Planning & Zoning Minutes October 13, 2025

4. QUASI-JUDICIAL HEARING

5. ACTION ITEMS

A. Ordinance 2026-01: Land Development Code Amendment to Create a Definition for Wine Bistro and Add Wine Bistro as a Permitted Principal Use in the GC-2 Retail/Service Commercial Development District

B. Ordinance 2026-02: Land Development Code Amendment to Streamline the Application, Approval, and Renewal Process for Certain Outdoor Dining Conditional Uses

6. OTHER

A. 2025 Concurrency Management Report

B. Annual Election: Chair and Vice-Chair

C. Discussion on change to meeting day and time

7. BOARD COMMENTS

8. ADJOURNMENT

MINUTES
PLANNING & ZONING BOARD MEETING
October 13, 2025
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Joe Monaco. **Excused:** Guy Desai and Chris Pollard.

Staff: City Clerk Cheri Schwab, City Attorney Stephanie Velo, Community Services Director Stewart Cruz and City Planner Gwyn Herstein.

2. MINUTES

A. Planning & Zoning Minutes September 8, 2025

MEMBER CHUCK HORION moved, seconded by MEMBER JAMES LILLY to Approve the Planning & Zoning Minutes of September 8, 2025.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Joe Monaco

3. ACTION ITEMS

A. Ordinance 2025-12: Comprehensive Plan Future Land Use Map Amendment to change the *Tourist Oriented Commercial* future land use designation of the property at 131 Bridgeport Road to the *Residential Low Intensity* land use designation

City Planner Gwyn Herstein stated that the property owners, out of an abundance of caution, requested to put their rezone and future land use changes on hold until the date certain of February 9, 2026. She explained a motion to continue would be required for each agenda item.

MEMBER CHUCK HORION moved, seconded by MEMBER JOE MONACO to Continue Ordinance 2025-12 to the meeting of February 9, 2026.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Joe Monaco

B. Ordinance 2025-14: Comprehensive Plan Future Land Use Map Amendment to change the *Tourist Oriented Commercial* future land use designation of the property at 133 Bridgeport Road to the *Residential Low Intensity* land use designation

MEMBER JOE MONACO moved, seconded by MEMBER CHUCK HORION to Continue Ordinance 2025-14 to the meeting of February 9, 2026.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Joe Monaco

4. QUASI-JUDICIAL HEARING

- A. Ordinance 2025-13: Rezoning application to change the *GC-1 Tourist-Oriented Commercial District* zoning classification of the property at 131 Bridgeport Road to the *RSF-2 Urban Single-Family Residential Detached District* zoning classification

MEMBER CHUCK HORION moved, seconded by MEMBER JOE MONACO to Continue Ordinance 2025-13 to the meeting of February 9, 2026.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Member Rick DeLange, Member Chuck Horion, Member James Lilly, Member Joe Monaco

- B. Ordinance 2025-15: Rezoning application to change the *GC-1 Tourist-Oriented Commercial District* zoning classification of the property at 133 Bridgeport Road to the *RSF-2 Urban Single-Family Residential Detached District* zoning classification

MEMBER JOE MONACO moved, seconded by MEMBER CHUCK HORION to Continue Ordinance 2025-15 to the meeting of February 9, 2026.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Member Rick DeLange, Member Chuck Horion, Member James Lilly, Member Joe Monaco

5. OTHER

Ms. Herstein stated there would not be any meeting in November or December.

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 8:36 am.

Cheri Schwab, Recording Secretary

Rick DeLange, Chairman



PLANNING & ZONING BOARD AGENDA MEMORANDUM FEBRUARY 9, 2026 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Gwyn Herstein, City Planner

PREPARED BY: Gwyn Herstein, City Planner

SUBJECT: Ordinance 2026-01: Land Development Code Amendment to Create a Definition for Wine Bistro and Add Wine Bistro as a Permitted Principal Use in the GC-2 Retail/Service Commercial Development District

SYNOPSIS:

Ordinance 2026-01 (Exhibit A), if approved, would add a definition for "wine bistro" to Section 2-2 of the Land Development Code of the City of Daytona Beach Shores ("Code") and would add "wine bistro" as a permitted principal use to the eleven existing permitted principal uses allowed in the GC-2 Retail/Service Commercial District, detailed in Section 14-23.2. of the Code. A wine bistro use is a type of restaurant which focuses on curated wine service, selected food pairings to accentuate the wine menu, an education component offered by formally trained staff, and the sale of wine for off-site consumption.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. Background

Dawn Rogers, business owner of the specialty wine store, Coast Wine Co., at 101 Dunlawton Boulevard, recently submitted a request to the City staff (Exhibit B). In addition to wine sales, she asked to be permitted to offer specialty wines by the glass and wine flights (small pours of 3-6 different wines served simultaneously for the purpose of comparing their qualities) along with specially paired foods. Utilizing an outdoor area for seating and service was part of the request.

101 Dunlawton Blvd. is located in the *GC-2 Retail/Service Commercial District*. This district occurs along most of the Dunlawton Blvd. corridor and along the west side of South Atlantic Avenue, primarily south of Dunlawton Blvd. (See Exhibit C). No currently permitted use in the GC-2 district allows the business owner to expand in the manner of her request.

B. Staff Analysis

The purpose and intent of the *GC-2 Retail/Service Commercial District* is to provide small attractive commercial areas to meet the needs of the resident and tourist population, while causing the least possible nuisance to adjacent residential uses. Current uses in the GC-2 district include the following:

1. Professional, business, offices, or retail stores except stores whose principle [sic] use is the sale of souvenirs and gifts.
2. Service establishments such as barber or beauty shop, photographic studio, dance or music studio, self-service laundry, tailor, drapery or dressmaker, laundry or dry cleaning pick-up station and similar activities.
3. Newspaper office (but not printing).
4. Food stores and bakery.
5. Banks and savings and loan associations, small loan agencies.
6. Medical and dental clinics.
7. Private clubs and lodges.
8. Public/quasi public facilities.
9. Automotive service station.
10. Restaurant.
11. Telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq.

Restaurants have been a permitted principal use in the GC-2 zoning district since the 1991 adoption of the Land Development Code. Taverns, establishments devoted primarily to the on-premises consumption of alcoholic beverages, are not a permitted principal use in the GC-2 district, but are permitted in the GC-1 district. Permitting the wine bistro use provides for establishments such as the requestor described without allowing full taverns or bars.

There are 28 properties in the GC-2 district. Of these, seven (7) are located on the Dunlawton Blvd. corridor and four (4) make up the Publix grocery store area. The remaining 17 properties have an average depth of 108 feet from the right-of-way to the rear-abutting properties; many of these rear-abutting properties are single-family residences.

There are 37 properties making up the GC-1 district. After deducting Surfside Plaza as an outlier, the remaining 36 properties have an average depth of 145 feet. Many lots in the GC-1 district are through lots, which means they abut streets on two opposing sides rather than directly abutting single-family properties.

In general, larger-depth through lots in the GC-1 district are better able to accommodate taverns as principal uses, while wine bistros can expand the flexibility of GC-2 district properties without negatively impacting the surrounding neighborhoods as taverns would.

Wine bistros are a desired type of business in Daytona Beach Shores for guests and residents as they will provide local food, beverage, and activities to residents and destinations attractive to tourists. Currently, the nearest beachside wine bistro is over 9 miles outside the Daytona Beach Shores city limits and well over a 20-minute drive from most parts of the City.

Adding a wine bistro use to the GC-2 district is consistent with Objective A.2 of the City's Strategic Plan to enable and promote desired redevelopment and is consistent with the City's Comprehensive Plan. All City staff reviewers support the changes contained in Ordinance 2026-01.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of Ordinance 2026-01, as presented.

SUGGESTED MOTION:

A Planning & Zoning Board Member may motion as follows:

1. "I move to recommend approval of Ordinance 2026-01, as presented."
OR
2. "I move to recommend approval of Ordinance 2026-01, with the following amendments..."
OR
3. "I move to recommend denial of Ordinance 2026-01, on the basis of the following..."

- ATTACHMENT:**
1. Exhibit A
 2. Exhibit A ORD 2026-01-LDC Text Amendment-WINE BISTRO IN THE GC-2
 3. Exhibit B
 4. Exhibit B Letter of Request from Dawn Rogers, Owner of Coast Wine Co.
 5. Exhibit C
 6. Exhibit C Daytona Beach Shores GC-2 Zoning District Map

Exhibit A

Ordinance 2026-01

ORDINANCE 2026-01

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO WINE BISTROS; AMENDING THE MUNICIPAL CODE OF ORDINANCES, APPENDIX G - LAND DEVELOPMENT CODE, BY AMENDING SECTION 2-2 ENTITLED “GENERAL DEFINITIONS”, BY CREATING A DEFINITION FOR WINE BISTRO; AMENDING SECTION 14-23 ENTITLED “GC-2 RETAIL/SERVICE COMMERCIAL DISTRICT” BY AMENDING SECTION 14-23.2. ENTITLED “PERMITTED PRINCIPAL USES” TO ADD WINE BISTRO AS A PERMITTED PRINCIPAL USE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Daytona Beach Shores to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Section 163.3202, *Florida Statutes*, provides that the City of Daytona Beach Shores shall adopt and enforce land development regulations for the purpose of implementing its comprehensive plan and protecting the public health, safety, and general welfare; and

WHEREAS, the purpose and intent of the Daytona Beach Shores “GC-2 Retail/Service Commercial District” is to provide small attractive commercial areas which would meet the daily retail and service needs of the residential and tourist population; and

WHEREAS, a wine bistro is a desired use in Daytona Beach Shores; and

WHEREAS, providing for a wine bistro permitted principal use in the “GC-2 Retail/Service Commercial District” use may provide residents and tourists additional destinations for food and beverage consumption and for the procurement of specialty wines; and

WHEREAS, a wine bistro is not currently a permitted use in the “GC-2 Retail/Service Commercial District” in the City’s Land Development Code; and

WHEREAS, Objective A2 of the City of Daytona Beach Shores Strategic Plan calls for the removal of land development regulations which are obstacles to desired redevelopment and to enable or promote desired redevelopment; and

WHEREAS, this Ordinance is consistent with the goals, objectives, and policies of the *Comprehensive Plan of the City Daytona Beach Shores*; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~strikethrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA THAT:

SECTION ONE: LEGISLATIVE FINDINGS AND INTENT.

- (a). The City staff report and City Commission agenda memorandum relating to this matter are hereby adopted as fully set forth herein.
- (b). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.
- (c). The foregoing recitals (whereas clauses) are hereby adopted as the legislative findings of the City Commission of the City of Daytona Beach Shores and incorporated into this Ordinance as set forth *in haec verba*.
- (d). This Ordinance is an exercise of the City of Daytona Beach Shores' powers as a municipality under the provisions of Article VIII, Section 2 of the *Constitution of the State of Florida*; Chapter 163, *Florida Statutes*; Chapter 166, *Florida Statutes*, and other applicable law.

SECTION TWO: The City Commission of the City of Daytona Beach Shores hereby amends the *Code of Ordinances of the City of Daytona Beach Shores*, Appendix G - *Land Development Code*, Chapter 2, Section 2-2. entitled "General definitions" as follows:

CHAPTER 2. DEFINITIONS

Sec. 2-1. Interpretations of certain terms and words.

For the purposes of this Land Development Code, the following terms, phrases, words and their derivations shall have the meanings given herein when not inconsistent with the text. Words used in the present tense include the future tense. Words used in the singular number include the plural and words used in the plural include the singular. The word "shall" is mandatory and the word "may" is permissive.

For the purpose of this Code, certain words or phrases shall be defined as follows. Webster's New Collegiate Dictionary (G & C Merriam Co., most recent edition) shall be used for the definition of any words not defined in this Glossary.

Sec. 2-2. General definitions.

Restaurant: A restaurant is an establishment where food is ordered from a menu, prepared and served for pay primarily for consumption on the premises in a completely enclosed room, under the roof of the main structure or in an interior court. A drive-in restaurant is not a restaurant. A wine bistro and a cafeteria shall be deemed a restaurant for purposes of these zoning regulations.

Wine bistro: A restaurant which offers a wine selection for consumption on premises together with curated food pairings, education regarding same from formally trained staff, and the retail sale of wine.

SECTION THREE: The City Commission of the City of Daytona Beach Shores hereby amends the *Code of Ordinances of the City of Daytona Beach Shores, Appendix G - Land Development Code, Chapter 14, Section 14-23.* entitled “GC-2 Retail/Service Commercial District.” as follows:

Sec. 14-23. GC-2 Retail/Service Commercial District.

14-23.2. *Permitted Principal Uses.*

1. Professional, business offices or retail stores except stores whose ~~principle~~ principal use is the sale of souvenirs and gifts.
2. Service establishments such as barber or beauty shop, photographic studio, dance or music studio, self-service laundry, tailor, drapery or dressmaker, laundry or dry cleaning pick-up station and similar activities.
3. Newspaper office (but not printing).
4. Food stores and bakery.
5. Banks and savings and loan associations, small loan agencies.
6. Medical and dental clinics.
7. Private clubs and lodges.
8. Public/quasi public facilities.
9. Automotive service station.
10. Restaurant.
11. Wine bistro.

~~11.12.~~ Telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq.

SECTION FOUR: SAVINGS. The prior actions of the City of Daytona Beach Shores relating to the regulation of the matters and uses which are the subject of this Ordinance are hereby ratified and affirmed.

SECTION FIVE: CODIFICATION. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections One, Four, Five, Six, Seven, and Eight shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION SIX: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION SEVEN: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION EIGHT: EFFECTIVE DATE.
This Ordinance shall take effect immediately upon adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL FOWLER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

GRETCHEN R. H. VOSE, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2026.

Adopted on second reading this _____ day of _____, 2026.

Exhibit B

Letter of Request from Dawn Rogers,
business owner of Coast Wine Co.

Good afternoon –

This is a formal request to the City of Daytona Beach Shores that my small wine retail business be re-classified from being a wine retail shop with a 2APS license for off-site consumption to a wine bistro with a 2COP license for on-site consumption selling specialty wines by the glass, and wine flights paired with light foods inside the building and also utilizing our secured outdoor patio.

I am a wine industry professional having spent the last 15+ years as the Marketing and Front of House Operations Director for a small boutique winery in Southeastern, CT. I ran a Tasting Room that served wine by the glass, bottle, and tasting flights. I oversaw all staff training and event logistics including, but not limited to, musical concerts, festivals, corporate events and weddings.

My wine training started over 10 years ago when I enrolled at Johnson & Wales University in Rhode Island to study wine education founded by the Wine and Spirit Education Trust (WSET) based out of London, England. One of the oldest and most respected wine education programs in the world. I currently hold a level 3 certification and am currently finishing up the level 4 programming.

As I was building out my small wine retail store, I had multiple curious residents swing by to see what we were doing, and they all asked the same question.... “Are you a wine bar?”. Now that we are open, we continue to receive the same inquiry as customers remark how nice it would be to come in and experience a glass a wine and a light snack on-site with friends and family.

We’ve had a family home in the Shores since the late 1980’s, so I feel deeply connected to this community. My desire is to become a hub for our Shores and local residents to have a place to connect socially. This is not just a business location, it’s also my home and I’m committed to becoming an integral part of the Shores community now and into the future.

Thank you for your consideration.

Regards,

Dawn Rogers
Owner/Coast Wine Co.



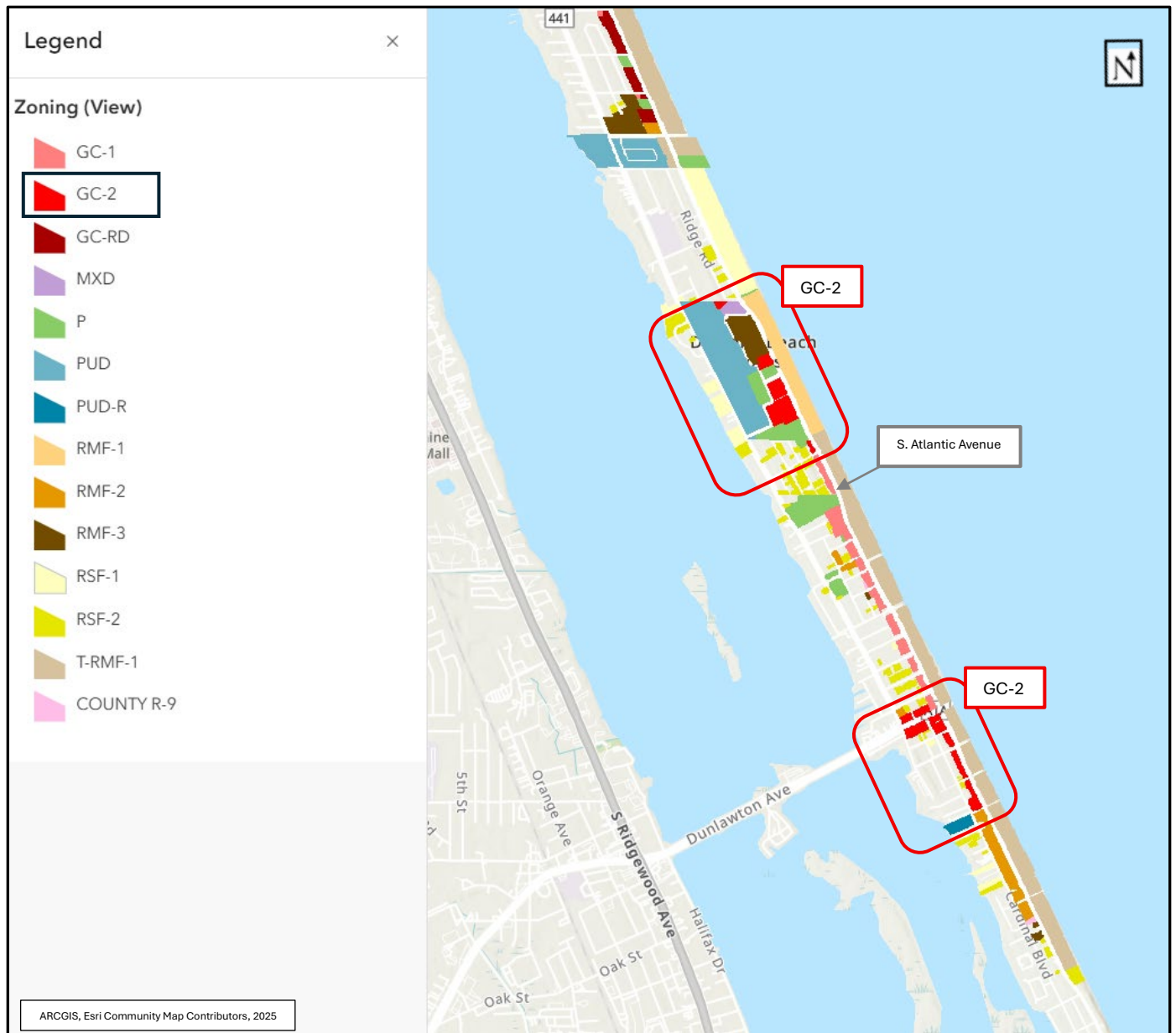
Exhibit C

Zoning Map of
Southern Daytona Beach Shores
2430 S. Atlantic Ave. to 3875 S. Atlantic Ave.

Zoning Map

Daytona Beach Shores

from to 2430 S. Atlantic Avenue to 3875 S. Atlantic Avenue



Note: Outlines demonstrate areas in which the Daytona Beach Shores commercial properties along the west side of S. Atlantic Ave. and both sides of Dunlawton Blvd. are predominantly GC-2 Retail/Service Commercial District



PLANNING & ZONING BOARD AGENDA MEMORANDUM FEBRUARY 9, 2026 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Gwyn Herstein, City Planner

PREPARED BY: Gwyn Herstein, City Planner

SUBJECT: Ordinance 2026-02: Land Development Code Amendment to Streamline the Application, Approval, and Renewal Process for Certain Outdoor Dining Conditional Uses

SYNOPSIS:

Ordinance 2026-02 (Exhibit A), if approved, would amend Section 14-58.2.1.A. of the Land Development Code of the City of Daytona Beach Shores ("Code"), which outlines the standards and criteria for approval of outdoor dining conditional use permits. The proposed amendment maintains life safety of users and others nearby while streamlining the outdoor dining conditional use process to provide ease and predictability for restaurant and wine bistro owners when considering outdoor dining as follows:

1. Allowing wine bistros to qualify for outdoor dining.
2. Providing an automatic annual renewal process and removing the renewal fee.
3. Simplification and clarification of application submission requirements.
4. Increasing the number of outdoor dining chairs allowed to be approved administratively from 25 to 28.
5. Increasing the outdoor dining parking requirement exemption threshold from 100 square feet to 150 square feet.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. Background:

Outdoor dining is not allowed by right, but may be authorized through the conditional use application submittal, review, and approval process. This process ensures minimum standards are met and maintained by all businesses offering outdoor dining. The most numerous and important of these standards require that life safety for all outdoor diners and others utilizing the services of the restaurant and nearby businesses is accounted for. Other established standards seek to minimize impacts and discomfort to neighbors of each outdoor dining site. Examples of this include outdoor dining being limited to specific hours (7:00 a.m. to 10:00 p.m.) and requiring non-administrative

approval for dining areas planned in yards abutting residential properties.

Administrative approval for outdoor dining is allowed under certain circumstances. Applications requesting front yard dining locations and those requesting tables and seats in numbers under established thresholds may be approved administratively. Outdoor dining offered eastward of oceanfront buildings in the hotel/motel zoning district may also be approved administratively.

Outdoor dining areas planned with more than 6 tables and/or more than 25 seats (this ordinance proposes changing this threshold to 28) and those areas planned to be located in the side or rear yard abutting one or more residentially zoned properties do not qualify for administrative approval. Applicants for proposed outdoor dining ineligible for administrative approval must seek a recommendation from the Planning and Zoning Board and approval from the City Commission before setting up or conducting outdoor dining. This is to ensure that proposed outdoor dining areas with the greatest potential to impact neighbors are reviewed as such, so impacts may be mitigated.

Costs associated with outdoor dining approval include an application fee paid to the City in the amount of \$110.00 for an application qualifying for administrative approval or \$220.00 for an application requiring City Commission approval. Those requiring City Commission approval must also pay costs associated with notifying all abutting property owners by Certified Mail, publishing an ad in the News Journal, and placing a placard on the property. Currently, annual renewals require a \$110.00 fee.

B. Staff Analysis:

Outdoor dining has the potential to increase a restaurant's revenue and is a desirable option for many diners. Outdoor diners and even empty-but-attractive outdoor seating areas can draw attention to restaurants, similar to the effects of well-placed banners. Regulations attempt to ensure safe use of outdoor dining spaces in a manner which enhances neighborhoods in the City. Easing, eliminating, clarifying, and simplifying these requirements where possible may encourage additional restaurants to consider and apply for approval to utilize outdoor dining. Parking needs for outdoor dining at some restaurants may be eased slightly due to both ride-sharing and guests walking from nearby lodging or residences.

Two restaurants in Daytona Beach Shores currently have approvals for outdoor dining conditional uses and another two obtained approval prior to development through a development agreement. Based on currently active businesses, the potential exists for at least eighteen additional outdoor dining sites city-wide. Multiple outdoor dining spaces can contribute to the overall appeal and vibrancy of City corridors.

Goal A. of the City's Strategic Plan calls for a redeveloped west side, with destinations for residents and visitors which include sidewalk restaurants. Streamlining the outdoor dining requirements is consistent with Objective A.2 of the City's Strategic Plan to identify and remove obstacles to desired redevelopment and is consistent with the City's Comprehensive Plan. All City staff reviewers support the changes contained in Ordinance 2026-02.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of Ordinance 2026-02, as presented.

SUGGESTED MOTION:

A Planning & Zoning Board Member may motion as follows:

1. "I move to recommend approval of Ordinance 2026-02, as presented."
- OR
2. "I move to recommend approval of Ordinance 2026-02, with the following amendments..."
- OR
3. "I move to recommend denial of Ordinance 2026-02, on the basis of the following..."

- ATTACHMENT:**
1. Exhibit A
 2. Exhibit A ORD 2026-02-LDC Text Amendment-OD CU PROCESS STREAMLINING

Exhibit A

Ordinance 2026-02

ORDINANCE 2026-02

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO OUTDOOR DINING CONDITIONAL USES; AMENDING THE MUNICIPAL CODE OF ORDINANCES, APPENDIX G – LAND DEVELOPMENT CODE, BY AMENDING SECTION 14-58 ENTITLED “SPECIAL EXCEPTIONS AND CONDITIONAL USES” TO STREAMLINE THE APPLICATION, APPROVAL, AND RENEWAL PROCESS FOR CERTAIN OUTDOOR DINING CONDITIONAL USES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Daytona Beach Shores to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Section 163.3202, *Florida Statutes*, provides that the City of Daytona Beach Shores shall adopt and enforce land development regulations for the purpose of implementing its comprehensive plan and protecting the public health, safety, and general welfare; and

WHEREAS, according to the National Restaurant Association (2023), 7 in 10 customers enjoy having an outdoor dining option when they eat at restaurants; and

WHEREAS, general restaurant industry sources indicate that outdoor dining can increase restaurant revenue; and

WHEREAS, approval of administrative outdoor dining conditional uses could be achieved through a streamlined process, while maintaining current requirements and safeguards, which is desirable to many businesses and similarly acceptable to the City; and

WHEREAS, Goal A of the City of Daytona Beach Shores Strategic Plan calls for a redeveloped west side, with destinations for residents and visitors including sidewalk restaurants; and

WHEREAS, approved outdoor dining conditional use permits require an annual renewal fee; and

WHEREAS, Objective A.2 of the City of Daytona Beach Shores Strategic Plan calls for the removal of land development regulations which are obstacles to desired redevelopment and to enable or promote desired redevelopment; and

WHEREAS, this Ordinance is consistent with the goals, objectives, and policies of the *Comprehensive Plan of the City Daytona Beach Shores*; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~struckthrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA THAT:

SECTION ONE: LEGISLATIVE FINDINGS AND INTENT.

- (a). The City staff report and City Commission agenda memorandum relating to this matter are hereby adopted as fully set forth herein.
- (b). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.
- (c). The foregoing recitals (whereas clauses) are hereby adopted as the legislative findings of the City Commission of the City of Daytona Beach Shores and incorporated into this Ordinance as set forth *in haec verba*.
- (d). This Ordinance is an exercise of the City of Daytona Beach Shores' powers as a municipality under the provisions of Article VIII, Section 2 of the *Constitution of the State of Florida*; Chapter 163, *Florida Statutes*; Chapter 166, *Florida Statutes*, and other applicable law.

SECTION TWO: The City Commission of the City of Daytona Beach Shores hereby amends the *Code of Ordinances of the City of Daytona Beach Shores*, Appendix G - *Land Development Code*, Chapter 14, Section 14-58. entitled "Special exceptions and conditional uses." as follows:

Sec. 14-58. Special exceptions and conditional uses.

14-58.2.1. *Conditional Uses Permitted.*

The following uses are permitted as conditional uses subject to the provisions of this Code.

14-58.2.1.A. *Outdoor Dining.*

1. *Outdoor Dining.* Outdoor dining may be allowed as a conditional use in all commercial, planned unit development, and hotel/motel districts consistent with the regulations of this section. Outdoor dining not associated with a conventional restaurant or wine bistro shall not serve alcoholic beverages.
2. *Notice, Review, and Approval.*
 - a. *Administrative Approval:* The City Manager shall have the power and authority to notice, review, and administratively approve the following outdoor dining conditional use applications: (i) applications proposing six (6) tables or fewer, or, applications proposing ~~twenty-five~~ eight (2528) seats or fewer; and (ii) all applications for an area facing the Atlantic Ocean in the hotel/motel zoning district, regardless of the number of tables or seats.
 - b. *City Commission Approval:* All outdoor dining applications not subject to administrative approval as set forth herein shall be noticed, reviewed and be subject to approval by the City Commission pursuant to this Code. Notwithstanding the threshold requirements for administrative approval contained herein, the following shall also be subject to approval by the City Commission: (i) all outdoor dining proposed to be located in the vicinity of the rear yard of a commercial zoning district directly adjacent to and abutting a residential zoning district on the rear yard in question; (ii) all outdoor dining proposed to be located in the vicinity of the side yard of a commercial zoning district directly adjacent to and abutting a residential zoning district on the side yard in question; and (iii) all outdoor dining in commercial zoning districts proposed to be located on or over any building or structure.
 - ~~e. *Time Limitation and Extensions:* Outdoor dining conditional uses may be permitted for a maximum period of one (1) year. Outdoor dining conditional use permits may be renewed annually for a maximum period of one (1) year subject to approval from City Manager.~~
 - c. *Time Limitation and Renewals:* Outdoor dining conditional uses shall be permitted for a period of one (1) year, with an automatic one (1) year renewal every year thereafter, provided the following:
 - (1) The principal permitted restaurant or wine bistro is in operation and possesses a valid certificate of use; and
 - (2) The terms and conditions of the development order issued at the time of approval are met; and
 - (3) The business passes the annual fire and life safety inspection and the city's review of the conditional use checklist criteria.A restaurant or wine bistro that fails to meet the above criteria for the conditional use automatic annual renewal shall have three (3) months to be brought into compliance. If compliance is not achieved within the specified period, the outdoor dining conditional use approval shall be voided and all

outdoor dining must cease until a new conditional use permit is applied for and approved.

(4) No fee shall be collected for an automatic outdoor dining renewal.

- d. *Hours Permitted:* Outdoor dining may only be permitted and conducted between the hours of 7:00 a.m. and 10:00 p.m.
3. *Submission Requirements.* In addition to the conditional use application submission requirements, ~~the each~~ applicant for an outdoor dining conditional use permit shall submit a sketch of the outdoor seating area depicting all outdoor furniture and its dimensions from nearby property lines, buildings, parking spaces, driveways, utility service points including fire hydrants, proposed screening or buffering, outdoor lighting and signage, and any fixtures related to the outdoor dining along with the adequate and proportional landscaping required. ~~floor plan, building elevation, fire hydrants, setbacks, location of refuse containers, layout of all tables, chairs and other furniture, nearby utilities and pedestrian ingress and egress, a dimensioned sketch of the seating area, and photographs, drawings or manufacturers' brochures describing specifications and the appearance of the proposed tables, chairs, umbrellas or other objects related to the outdoor dining.~~
 4. *Review Criteria.*
 - a. In commercial districts, outdoor dining may only be permitted where a restaurant or ~~retail establishment serving prepared food wine bistro~~ generates over fifty (50) percent of its gross sales from the sale of food and/or merchandise as determined by the City Manager. Establishments may be required by the City Manager to provide quarterly reports to the City Manager certifying the aforementioned. A registered state certified public accountant shall provide the required certification in accordance with sound and generally accepted accounting practices and principles.
 - b. All facilities proposing outdoor dining shall have been awarded a current and valid business tax receipt and certificate of use permit.
 - c. Permanent improvements associated with outdoor dining may be permitted in required front and side yards (setbacks), providing any permanent improvement, except for ground treatment and safety features, shall be located no less than three (3) feet from the property line. For the purposes of this section, a permanent improvement shall mean any structure, furniture, accessory or ground treatment that is anchored and/or permanently affixed on or to the ground.
 - d. Outdoor dining shall not be located in required parking or driveway elements.

- e. Outdoor dining shall not impede or obstruct the flow of pedestrian traffic. In no case shall an unobstructed walkway or sidewalk be less than five (5) feet in width.
- f. Umbrellas shall maintain seven (7) feet of vertical clearance from ground level.
- g. Temporary stanchions with chains or ropes may be approved for the outdoor dining facility, the extent and nature of which shall be set out in the conditional use permit.
- h. No fencing, railings, plantings or other barriers may be installed or erected to delineate an ~~the~~ outdoor seating area in the public right-of-way.
- i. Outdoor dining areas shall not occupy an area more than fifty (50) percent of the total area of the primary restaurant or wine bistro ~~food preparation establishment~~, unless otherwise approved by the City Commission through an Outdoor Dining Conditional Use Permit application.
- j. Outdoor dining facilities shall not create a parking deficiency inconsistent with the required off-street parking requirements of this Code. Additional parking demand created by outdoor dining shall be provided, consistent with section 14-48.6(15) of this Code, providing that an outdoor dining area which is less than one hundred fifty (100/150) square feet and no more than twelve (12) seats, in any district is exempt from providing additional parking.
- k. With the exception of menu boards that are conditionally approved by the city, no additional signage, including but not limited to umbrellas and furniture with signage, are allowed in the outdoor dining area.
- l. With the exception of outdoor dining in the hotel/motel districts, food preparation and kitchen service equipment shall be located inside.
- m. All outdoor dining elements including, but not limited to, furniture and accessories, elements shall be of quality design, materials and workmanship, as determined by the City Manager, to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the urban environment. All elements shall be of significant and adequate weight to prevent easy toppling in significant winds as determined by the City Manager. All elements shall be of commercial grade.
- n. All outdoor dining elements including, but not limited to, furniture and accessories, shall be of uniform design and style.

- o. Outdoor dining areas shall not intrude upon designated components of egress such as exit discharge, exit discharge being defined as that portion of a means of egress between the termination of an exit and a public way.
- p. Outdoor dining furniture and accessories shall be located a minimum of five (5) feet from driveways and other vehicular use areas. Use separation devices may be required to ensure a safe outdoor dining experience.
- q. Lighting shall complement the existing building and outdoor dining design and shall not cause a glare to passing pedestrians or vehicles or residential districts. Seasonal lighting and decoration shall be approved by the Building Official. Lighting must be preapproved by the Volusia County sea turtle lighting staff.
- r. All outdoor dining areas shall include adequate and proportional landscaping to enhance the patron experience. Existing landscaping may be used to satisfy this requirement as determined by the City Manager.

5. *Operation of outdoor dining facility.*

- a. Notwithstanding the abandonment provisions of this ordinance, an outdoor dining establishment may temporarily terminate the operation of the outdoor dining on a seasonal basis without the outdoor dining conditional use permit being permanently terminated. During such time that the outdoor dining may not be in operation, all tables, chairs and accessories must be removed and stored inside. The city shall be noticed in writing by the property owner of such suspension of use.
- b. The property owner shall be responsible for maintaining the outdoor dining area in a clean and safe condition. All food and drink items, trash and litter shall be removed continuously throughout the establishment's hours of operation and immediately after customer leaves the premises. Public sidewalk trash containers shall not be used as a means of disposing of table waste generated by outdoor dining customers.
- c. The operation of an outdoor dining area shall not be conducted in such a way as to cause a public nuisance and the operation of such business shall not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets.
- d. For any ~~Any~~ change in the location of or numbers of tables and/or chairs, the ~~an approved permitted~~ outdoor dining area shall require a new application and ~~permitting~~ approval unless the change is determined by the City Manager or designee to be de minimis.

- e. An outdoor dining facility shall only be used and operated in conjunction with, and under the same management and exclusive control of, a restaurant or food preparation facility located on the same or contiguous property as may be approved by the city.
- f. The outdoor dining area's hours of operation shall be no greater than operating hours of the principal restaurant or food preparation facility.
- g. Outdoor dining shall comply with all applicable local, state and federal laws including, but not limited to, life safety codes and the Americans with Disabilities Act.
- h. An outdoor dining establishment shall temporarily terminate the operation of the outdoor dining during all severe weather warnings and events. During such time all tables, chairs and accessories not permanently installed must be removed and stored inside.
- i. Outdoor dining music, activities and noise shall conform to the noise regulations contained in ~~chapter 16~~, Chapter 16, ~~a~~Article II of this Code.
- j. Feeding of wildlife shall be prohibited and unlawful.
- j. All outdoor dining furniture and accessories shall be maintained in good repair.

SECTION THREE: SAVINGS. The prior actions of the City of Daytona Beach Shores relating to the regulation of the matters and uses which are the subject of this Ordinance are hereby ratified and affirmed.

SECTION FOUR: CODIFICATION. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections One, Three, Four, Five, Six, and Seven shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION FIVE: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION SIX: SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall

be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION SEVEN: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL FOWLER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

GRETCHEN R. H. VOSE, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2026.

Adopted on second reading this _____ day of _____, 2026.



**CITY COMMISSION AGENDA MEMORANDUM
FEBRUARY 9, 2026 AGENDA**

TO: Honorable Mayor and Members of the City Commission
FROM: Stewart Cruz, Community Services Director
PREPARED BY: Stewart Cruz, Community Services Director
SUBJECT: 2025 Concurrency Management Report

SYNOPSIS:

Per Sec. 3-7 of the Land Development Code of the City of Daytona Beach Shores (hereafter the "Code"), every December, the concurrency manager shall prepare and present to the City Commission and the public a report on the public facilities capacities and level-of-Service inventory for concurrency management. This report shall include the degree of any facility deficiencies and a summary of the impacts the deficiency(s) will have on the approval of future development orders.

The concurrency manager shall then recommend a schedule of improvements necessary to prevent a deferral or moratorium on the issuance of development orders. Attached is the 2025 Concurrency Report, which evaluated all public facilities in the city's concurrency management system, i.e. Roads/Traffic Circulation, Sanitary Sewer, Solid Waste, Stormwater Drainage, Potable Water and Recreation and Open Space, Public Schools. The report identified minor deficiencies in public schools and recreation and open space. However, the school district has accommodated for the public school deficiencies, while the city's recreation and open space level of services, which created the deficiency, needs to be re-evaluated by the city because it includes amenities that are likely to be unattainable in the city. Therefore, the concurrency management report concludes that the system generally has adequate capacity and no new schedule of improvements to the concurrency management system is required.

FISCAL IMPACT STATEMENT:

BACKGROUND:

Per Sec. 3-1 of the Code, the purpose of the "Concurrency Management System" is to set forth a system by which the public facilities and services necessary to support a proposed development are available, or will be made available, concurrent with the impacts of the development. The provisions of this Code are designed to provide a systematic process for review and evaluation of all proposed development for its impact on public facilities and services, as required by Sec. 163.3180, Florida Statutes and the Daytona Beach Shores Comprehensive Plan.

Subsequent to the city review of a site development plan for new development or redevelopment, no

final development order shall be granted for a proposed development until there is a finding that all public facilities and services included in the Code have sufficient capacity at or above their adopted level-of-service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development, as defined by the Code.

Attached is the 2025 Concurrency Report, which identified minor deficiencies in public schools and recreation and open space. However, the school district has accommodated for the public school deficiencies, while the city's recreation and open space level of services, which created the deficiency, needs to be re-evaluated by the city because it includes amenities that are likely to be unattainable in the city. Therefore, the concurrency management report concludes that the system generally has adequate capacity and no new schedule of improvements to the concurrency management system is required.

LEGAL REVIEW:

RECOMMENDATION:

The 2025 Concurrency Management Report does not identify any significant deficiency in public facilities regulated by the Code; therefore, staff does not recommend any capacity concurrency related schedule of capital improvements nor development moratorium at this time.

SUGGESTED MOTION:

- ATTACHMENT:**
1. Daytona Beach Shores CMS Report-2025
 2. CMS Report-2025-Exhibits (2)

CONTENTS

I.	CONCURRENCY MANAGEMENT REPORT REQUIREMENT	2
II.	DEFINITIONS	2
III.	PURPOSE OF THE CONCURRENCY MANAGEMENT SYSTEM	2
IV.	PUBLIC FACILITIES/SERVICES SUBJECT TO CONCURRENCY REVIEW	3
V.	CONCURRENCY REVIEW PROCEDURE	3
VI.	LEVEL-OF-SERVICE STANDARDS & CURRENT STATUS	3
VII.	CONCLUSION	7

This 2025 Concurrency Management Report was prepared by the Community Services Department.

I. CONCURRENCY MANAGEMENT REPORT REQUIREMENT

Per Sec. 3-7 of the Land Development Code of the City of Daytona Beach Shores (hereafter the "Code"), every December, the concurrency manager shall prepare and present to the City Commission and the public a report on the public facilities capacities and level-of-Service inventory for concurrency management within the city's concurrency management system. This report shall include the degree of any facility deficiencies and a summary of the impacts the deficiency(s) will have on the approval of future development orders.

The concurrency manager shall then recommend a schedule of improvements necessary to prevent a deferral or moratorium on the issuance of development orders. This report contains an overview, analysis, status report and summary, which demonstrates that all public facilities in the concurrency management system, i.e. Roads/Traffic Circulation, Sanitary Sewer, Solid Waste, Stormwater Drainage, Potable Water and Recreation and Open Space, Public Schools, generally have adequate capacity.

II. DEFINITIONS

Per Sec. 2-2 of the Code defines concurrency and the concurrency management system as follows:

Concurrency: A condition where specified facilities and services have or will have the necessary capacity to meet the adopted level-of-service standard at the time of impact of the development project (Sec. 2-2, Code).

Concurrency Management System (CMS): That system of review and evaluation of all proposed development for its impact on public facilities and services as required by F.S. ch. 163, Rule 9J-5.0055, Florida Administrative Code, and the city's adopted Comprehensive Plan (Sec. 2-2, Code).

III. PURPOSE OF THE CONCURRENCY MANAGEMENT SYSTEM

Per Sec. 3-1 of the Code, the purpose of the "Concurrency Management System" is to set forth a system by which the public facilities and services necessary to support a proposed development are available, or will be made available, concurrent with the impacts of the development. The provisions of this Code are designed to provide a systematic process for review and evaluation of all proposed development for its impact on public facilities and services, as required by Sec. 163.3180, Florida Statutes and other relevant law.

Subsequent to the city review of a site development plan for new development or redevelopment, no final development order shall be granted for a proposed development until there is a finding that all public facilities and services included in the Code have

sufficient capacity at or above their adopted level-of-service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development, as defined by the Code. **Exhibit A** attached provides a list of Daytona Beach Shores entitlements for approved future development.

IV. PUBLIC FACILITIES AND SERVICES SUBJECT TO CONCURRENCY REVIEW

Sec. 3-2 of the Code outlines the public facilities and services for which concurrency review are required as follows:

1. Roads/Traffic Circulation.
2. Sanitary Sewer.
3. Solid Waste.
4. Stormwater Drainage.
5. Potable Water.
6. Recreation and Open Space.
7. Public Schools.

V. CONCURRENCY REVIEW PROCEDURE

Per Sec. 3-5 of the Code, the concurrency manager shall be responsible for conducting all concurrency reviews as required by the Code, Comprehensive Plan and Florida Statute. Concurrency review is initiated upon receipt of a completed concurrency review form during the site development plan application review process. The concurrency manager may also conduct concurrency reviews for developments in the preapplication or conceptual development plan stage and issue a nonbinding letter of concurrency findings. Concurrency reviews for public school facilities shall be conducted by the school district and letters of certification from other agencies may be required.

No final development order shall be granted for a proposed development until there is a finding that all applicable public facilities and services have sufficient capacity at or above their adopted level-of-service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development, as defined by the Code.

VI. LEVEL-OF-SERVICE STANDARDS & CURRENT STATUS

Per Sec. 3-3 of the Code, the adopted level-of-service standards for the public facilities for which concurrency is required shall be as established in the city's Comprehensive Plan, and as follows:

A. Roads/Traffic Circulation.

1. Arterials (A1A)—LOS "D." Level-of-Service D consists of high-density yet stable flow. The ability to select a desired speed and to change lanes is severely restricted, and the driver or passenger experiences a fair level of comfort and convenience. Small increases in traffic flow can cause operational problems at this LOS. Average travel speeds for vehicles at LOS "D" is ≥ 17 mph. **Status:** *The current road network is at or above acceptable level-of-service.*

2. City, County and State Collectors—LOS "E." Level-of-Service E represents unstable flow and indicates that the road is at or near capacity. Speeds are generally reduced to a low (≥ 13 mph), but relatively uniform value during peak periods. Ability to change lanes is extremely difficult and is generally accomplished by forcing another vehicle to slow down to accommodate such maneuvers. Comfort and convenience is poor and driver frustration is high. Small increases in traffic volume or other minor problems such as a stalled vehicle can cause traffic to come to a complete stop for relatively long periods. **Status:** *The current road network is at or above acceptable level-of-service.*

3. The FSUTMS (Florida Standard Urban Transportation Modeling System) and the standard Florida Department of Transportation methods for evaluation of LOS and capacity shall be used, subject to modifications based on travel speed studies.

B. Sanitary Sewer.

Ninety (90) gallons per capita per day (gpcd). For local collection/transmission capacity or Port Orange's treatment capacity of two hundred fifty (250) gallons per equivalent residential unit per day (gal/ERU/day), whichever is more restrictive, shall be the established LOS standard. **Status:** *The current sanitary sewer system treatment capacity is above acceptable level-of-service.*

C. Solid Waste.

Ten (10) pounds per capita per day. **Status:** *The current solid waste facility capacity is above acceptable level-of-service.*

D. Stormwater Drainage.

Twenty-five-year, twenty-four-hour design storm event. **Status:** *Stormwater outfalls into the Halifax River. Every new development has and is required to meet the level-of-service standard. Additionally, the city and county are in the process of developing a stormwater master plan for the city and adjacent areas from Frazer Road to Marcelle Avenue.*

E. Potable Water.

The greater amount of potable water required to meet:

- a. Ninety-five (95) gallons per capita per day (gpcd) average city-wide at peak occupancy; or
- b. For the Port Orange service area, one hundred ten (110) gallons per capita per day per permanent resident for residential units and one (1) gallon per square foot per day for commercial accounts. Port Orange has a reserved capacity of one million gallons (1,000,000) per day average daily flow (ADF) for the Daytona Beach Shores service area; or
- c. For the Daytona Beach service area, one hundred fifty (150) gallons per capita per day per permanent resident plus thirty-five (35) percent additional for peak flow. Daytona Beach has committed to provide all potable water required by new and existing development at a minimum of twenty (20) psi. A reserved capacity will be requested prior to January 1, 1991, for the Daytona Beach Shores service area.

Status: *The current potable water system treatment and pumping capacities for both the city of Port Orange and Daytona Beach are above acceptable level-of-service.*

F. Recreation/Open Space.

Facility	Unit of Measure
Playgrounds	1 per 10,000 people
Neighborhood Park	1 per 10,000 people
Community Park	1 per 25,000 people
Children's Play Areas	1 per 1,000 people
Baseball/Softball Field	1 per 15,000 people
Golf (9 Hole Course)	1 per 20,000 people
Tennis Courts	1 per 20,000 people
Football/Soccer Field	1 per 30,000 people
Swimming Pool	1 per 10,000 people
Community Center	1 per 20,000 people
Exercise Trail	1 per 14,000 people
Nature Study Trail	1 per 14,000 people

The City of Daytona Beach Shores shall not allow the conversion of park and recreational open space areas into other public or private uses, except where the public interest overrides the preservation of these uses.

Status: *The 2025 Daytona Beach Shores Parks & Recreation Master Plan identified several deficiencies (“need”) in the current park and recreation system when the adopted level-of-service-standard is applied (see below) to current and projected population.*

The deficiencies (“need”) identified are a function of the city’s population relative to its level-of-service standards, which will need to be evaluated for applicability to Daytona Beach Shores. For example, the need for a baseball/softball field, golf course, football/soccer field and a nature study trail in Daytona Beach Shores may not be applicable considering the current and projected demographic makeup of the city. In addition, land and land prices on beachside may be a limiting factor in achieving these standards. Further, the standard for children play areas may also be excessive for the city due to the very low children count within the city.

PARKS & RECREATION MASTER PLAN

Recreation Facility LoS - 2025 (Fig. 2.50)

Recreation Facility	LoS Standard	Facilities Required (2025)*	Facilities Provided (2025)	Need/ Surplus (2025)	Facilities Required (2030)*	Need/ Surplus (2030)
Playgrounds	1/10,000	1	1	0	1	1
Neighborhood Park	1/10,000	1	5	+4	1	+4
Community Park	1/25,000	1	1	0	1	0
Children's Play Areas	1/1,000	5	3	-2	6	-3
Baseball/Softball Field	1/15,000	1	0	-1	1	-1
Golf (9H)	1/20,000	1	0	-1	1	-1
Tennis Courts	1/20,000	1	6	+5	1	+5
Football/Soccer Field	1/30,000	1	0	-1	1	-1
Swimming Pool	1/10,000	1	0	-1	1	-1
Community Center	1/20,000	1	1	0	1	0
Exercise Trail	1/14,000	1	1	0	1	0
Nature Study Trail	1/14,000	1	0	-1	1	-1

*5,039 Residents - 2025; 5,176 Residents - 2030 Projected

G. Public Schools.

Consistent with the public school facilities element of the Comprehensive Plan and the interlocal agreement for public school facilities planning, the uniform, district-wide level-of-

service standards for public schools are set as follows using FISH capacity, based on the traditional school calendar:

1. Elementary Schools: One hundred fifteen (115) percent of permanent FISH capacity for the concurrency service area.
2. K-8 Schools: One hundred fifteen (115) percent of permanent FISH capacity for the concurrency service area.
3. Middle Schools: One hundred fifteen (115) percent of permanent FISH capacity for the concurrency service area.
4. High Schools: One hundred twenty (120) percent of permanent FISH capacity for the concurrency service area.
5. Special Purpose Schools: One hundred (100) percent of permanent FISH capacity.

3-3.8. Degraded Level-of-Service.

Notwithstanding the foregoing, the prescribed levels-of-service may be degraded during construction of new facilities, if upon completion of the new facilities the prescribed level-of-service will be met.

Status: *RJ Longstreet Elementary School currently has adequate capacity. Silver Sands Middle, Atlantic High and Spruce Creek High schools all show a deficiency in permanent school capacity. However, the Volusia County School District has temporary student stations and planned programmatic and permanent improvements in place and scheduled to address these deficiencies. See attached Daytona Beach Shores Concurrency Management Summary Report (**Exhibit B**) for more information.*

VII. CONCLUSION

Considering the findings of this report, which are summarized in **Exhibit B** attached, it is the opinion of the Concurrency Manager that the concurrency management system is currently stable and no relevant schedule of capital improvements or moratorium on development are needed at this time.

EXHIBIT A: DAYTONA BEACH SHORES DEVELOPMENT ENTITLEMENT LIST, DECEMBER 2025

ID	ADDRESS	PROJECT NAME	INTENSITY	DEVELOPMENT TYPE	DEVELOPMENT ORDER TYPE	DATE OF DEVELOPMENT ORDER ISSUANCE	DEVELOPMENT ORDER EXPIRATION DATE	
1	2025 S. Atlantic Ave	Treasure Island	200 Units	23 Stories	Multi-family Residential		RMF-2/1/2037	
			300 Units	23 Stories	Hotel	Development Agreement	2/2/2022	Hotel-2/1/2030
2	3723 Cardinal Blvd	Cardinal Villas	4 Units	3 Stories	Townhomes	Site Plan	7/6/2022	1/3/2029
3	3637 S. Atlantic Ave	Liv Condo	75 Units	16 Stories	Multi-family Residential	Site Plan	1/23/2024	1/23/2029
4	3411 S. Atlantic Ave	Aston Martin by the Shores	86 Units	18 Stories	Multi-family Residential	Development Agreement	4/24/2024	4/23/2031
5	2601 S. Atlantic Ave	Cambria Hotel	101 Units	7 Stories	Hotel	Development Agreement	6/24/2024	6/23/2029
6	2616 S. Atlantic Ave	All Aboard Storage	123 Units (36,405 sf)	3 Stories	Commercial Storage	Site Plan	9/8/2024	7/31/2029
7	3159 S. Atlantic Ave	Lux Condo	30 Units	7 Stories	Multi-family Residential	Site Plan	11/12/2024	11/11/2029

EXHIBIT B: DAYTONA BEACH SHORES CONCURRENCY MANAGEMENT SUMMARY REPORT, DECEMBER 2025

ID	PUBLIC FACILITY	CURRENT CAPACITY	EXISTING ENTITLEMENT	VESTED ENTITLEMENT	DIFFERENCE	ADEQUATE CAPACITY	COMMENT	SOURCE
1	Roads/Traffic Circulation	SR A1A (S. Atlantic Ave): Varies by Segment	Varies by Segment	Varies by segment	Varies by segment	YES	LOS and volume to capacity ratios are all passing for each segment within the roadway system in the city.	Traffic Online Website, 2024 and Volusia County AADT 2022 report.
		CR 4075 (S. Atlantic Ave): Varies by Segment	Varies by Segment	Varies by segment	Varies by segment	YES	LOS and volume to capacity ratios are all passing for each segment within the roadway system in the city.	Traffic Online Website, 2024 and Volusia County AADT 2022 report.
		SR 441 S. Peninsula Dr): Varies by Segment	Varies by Segment	Varies by segment	Varies by segment	YES	LOS and volume to capacity ratios are all passing for each segment within the roadway system in the city.	Traffic Online Website, 2024 and Volusia County AADT 2022 report.
		Cardinal Boulevard: Varies by Segment	Varies by Segment	Varies by segment	Varies by segment	YES	LOS and volume to capacity ratios are all passing for each segment within the roadway system in the city.	Traffic Online Website, 2024 and Volusia County AADT 2022 report.
2	Sanitary Sewer	Treatment Capacity: 12MGD	8.03MGD	3.97 MGD	YES	NA	Management Report	
3	Solid Waste	Class 1 (General household waste): 1,059,779 tons Class 3 (Yard waste): 905,401 tons	Class 1: 470,046 tons Class 3: 253,647 tons	NA	Class 1: 589,733 tons Class 3: 651,754 tons	YES	The 3,400-acre Volusia County Tomoka landfill area has a life expectancy to 2052. Additionally, a 217 acre addition for Class 3 waste is currently in the planning stages.	Enhancing Florida's Recycling Programs, Deliverable 1 Waste Management System Capacity Analysis, FDEP, May 2025
4	Stormwater Drainage	Varies by development	NA	NA	Varies by development	YES-See Comment	All new development are required to meet the city's stormwater management standards and contain the 24hr/25yr storm rainfall generation on site. All vested entitlements for new development meet the aforementioned LOS required by the city. However, the City/County will be developing a stormwater master plan for the city and county areas from Frazer Road to Marcelle Avenue. This master plan may recommend changes in LOS and capital improvements to improve the shared stormwater system in the study area.	Daytona Beach Shores Comprehensive Plan, 2025; Daytona Beach Shores Stormwater Master Plan Preliminary Scope, 2025
5	Potable Water	Daytona Beach: Treatment Capacity-16.03 MGD	14.96 MGD	1.06 MGD	YES	YES	Additionally, the City of Daytona Beach has two water reclamation facilities that produce reclaimed water which continues to aid in meeting adopted LOS and demand anticipated by projected population growth.	City of Daytona Beach Ten-Year Water Supply Facilities Work Plan, 2023
		Port Orange: Treatment Capacity-15 MGD	7.9 MGD	7.1 MGD	YES	YES	Additionally, the City of Port Orange has a reclaimed water program which continues to aid in meeting adopted LOS and demand anticipated by projected population growth.	Port Orange 2025 Concurrency Management Report, 2025
6	Recreation and Open Space	Varies by type	Varies by type	Varies by type	Varies by type	Varies by type	The recent Parks & Recreation Master Plan identified minor deficiencies in 6 recreations areas: children play areas, baseball/softball fields, golf, football/soccer field, swimming pool and nature study trail. However, due to the demographic, physical and natural make up of the city, the LOS standards that result in the deficiencies for the recreational facilities in question will need to be evaluated for omission or reduction.	Daytona Beach Shores Parks & Recreation Master Plan Daytona Beach, 2025; Daytona Beach Shores Comprehensive Plan, 2025
7	Public Schools	RJ Longstreet ES: 460	318	5	137	YES	NA	Volusia County School Planning & Business Services, 2025 Annual Report
		Silver Sands MS: 1043	1,271	94	-322	YES-See Comment	Currently, temporary student stations are being utilized to accommodate the permanent on site capacity deficiency. Additionally, the VC School Board has approved a 14-classroom addition scheduled for completion in 2028. The VC School District enrollment for this zone is projected to remain stable. Hence, the District has determined there is no need for additional scheduled plan capital improvements.	Volusia County School Planning & Business Services, 2025 Annual Report
		Atlantic HS: 1,256	1,508	107	-359	YES-See Comment	Currently, Atlantic HS does not have adequate permanent on site capacity; however, a significant number of its zoned students attend other area schools, for example over 300 students use choice variances to attend Spruce Creek HS. The VC School District enrollment for this zone is projected to remain stable. Hence, the District has determined there is no need for scheduled plan capital improvements.	Volusia County School Planning & Business Services, 2025 Annual Report
		Spruce Creek HS: 1,938	2,186	37	-285	YES-See Comment	Currently, Spruce Creek HS does not have adequate permanent on site capacity; however, temporary student stations are being utilized to accommodate the deficiency. VC School District staff is recommending programmatic and boundary shift to address this issue short term and considering permanent capacity improvements to address the long term deficiency. The district will continue to monitor the student distribution to resolve the school's capacity issues.	Volusia County School Planning & Business Services, 2025 Annual Report



**PLANNING & ZONING BOARD AGENDA MEMORANDUM
FEBRUARY 9, 2026 AGENDA**

TO: The Members of the Planning & Zoning Board

FROM:

PREPARED BY: Gwyn Herstein, City Planner

SUBJECT: Annual Election: Chair and Vice-Chair

SYNOPSIS:

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: None



**PLANNING & ZONING BOARD AGENDA MEMORANDUM
FEBRUARY 9, 2026 AGENDA**

TO: The Members of the Planning & Zoning Board

FROM:

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Discussion on change to meeting day and time

SYNOPSIS:

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: None