



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA PLANNING & ZONING BOARD MEETING MAY 8, 2023

**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. MINUTES

A. Planning & Zoning Minutes April 10, 2023

3. QUASI-JUDICIAL HEARING

A. Ordinance 2023-03: Tour Service Conditional Use and Live/Work Facilities.

4. ACTION ITEMS

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

MINUTES
PLANNING & ZONING BOARD MEETING
April 10, 2023
3000 Bellemead Drive Daytona Beach Shores, FL 32118

1. OPENING REMARKS

Present: Member Rick Delange, Member James Lilly, Member Rose ann Tornatore, Member Jeni Groot-Begnaud, Member Chuck Horion and Member Guy Desai.

Staff: City Clerk Cheri Schwab, City Attorney Paul Waters, Community Services Director Stewart Cruz, and City Planner Noel Eaton.

2. MINUTES

A. Planning & Zoning Minutes March 13, 2023

MEMBER CHUCK HORION moved, seconded by JENI GROOT-BEGNAUD to Approve the Planning & Zoning Minutes of March 13, 2023.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Rose ann Tornatore, Jeni Groot-Begnaud

3. QUASI-JUDICIAL HEARING

A. Variance ZV2023004: 3126 Liberty Street-Front and Side Yard Variance to Construct Detached Garage

The quasi-judicial hearing began at 8:31 am. All witnesses were sworn in by the City Clerk. There was no ex-parte communication by any member of the board. City Planner Noel Eaton gave a brief staff presentation. The property owners would like to build a detached garage in the front yard. In order to accomplish this, the front and side yard setbacks will be reduced. The backyard is restricted by a fence, vegetation and an in-ground swimming pool. The criteria analysis was shown and it was staff's opinion that all seven areas were met. The due public notice requirement was met by the applicant. There was no one in attendance to speak for or against the variance.

The hearing ended at 8:43 am.

MEMBER ROSE ANN TORNATORE moved, seconded by MEMBER CHUCK HORION to Approve Variance ZV2023004 for 3126 Liberty Street.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Member Rick Delange, Member Chuck Horion, Member James Lilly, Member Rose ann Tornatore, Jeni Groot-Begnaud

4. ACTION ITEMS

5. OTHER

6. BOARD COMMENTS

7. ADJOURNMENT

The meeting ended at 8:44 am.

Cheri Schwab, Recording Secretary

Rick DeLange, Chairman



PLANNING & ZONING BOARD AGENDA MEMORANDUM MAY 8, 2023 AGENDA

TO: The Members of the Planning & Zoning Board

FROM: Noel Eaton, Planner

PREPARED BY: Noel Eaton, Planner

SUBJECT: Ordinance 2023-03: Tour Service Conditional Use and Live/Work Facilities.

SYNOPSIS:

Ordinance 2023-03, if approved, would amend Section 2-2 entitled "General Definitions" and Section 14-58 entitled "Special Exceptions and Conditional Uses," of the City's Land Development Code to create associated definitions and conditions of a tour service conditional use in the GC-RD zoning district and amend the live/work facility conditional use requirements. This amendment is an administrative amendment proposed by staff, with direction from the City Commission (minutes attached), consistent with Objective A.2 of the City of Daytona Beach Shores Strategic Plan, which calls for the removal of land development regulations that are obstacles to desired redevelopment and to enable or promote desired redevelopment.

The proposed regulations contained in Ordinance 2023-03 (attached) are consistent with the City's adopted Comprehensive Plan Update (2030). Among other things, the proposed ordinance would accomplish the following:

1. Define a tour service.
2. Establish, among other administrative items, the tour service conditional use, review, and entitlement process.
3. Permit a tour service use as a conditional use in the GC-RD District, provided specific requirements are met. Existing structures may be used or new structures may be constructed to meet this end.
4. Permit a tour service to be approved conditionally by the City Manager, or designee.
5. Create a submission, review and operational criteria and regulations governing the establishment and operation of tour service facilities in the GC-RD District.
6. Amend the existing live/work facility requirements to permit owners and daily operators to occupy the residential components of live/work facilities as a conditional use in commercial districts (GC-RD, GC-1 and GC-2 districts), providing specific requirements are met. Existing structures may be used or new structures constructed to meet this end.
7. Amend the existing live/work facility requirements to require a minimum of seven hundred (700) square feet of residential space. Existing structures may be used or new structures constructed to meet this end.

FISCAL IMPACT STATEMENT:

BACKGROUND:

Recently, potential buyers have inquired about opening a tour service establishment in the GC-RD to fill a vacant storefront. Currently, the City's Land Development Code (LDC) does not recognize a tour service use and therefore is not permitted in any zoning district in the city.

On April 11, 2023, at the request of a prospective business, "Joyride Beachside", the City Commission directed staff to begin work on amending the City's Land Development Code to permit tour service businesses within GC-RD zoning district and amend the live/work facility requirements (minutes attached).

Further, in 2012 the City Commission approved Ordinance 2012-04 which allowed live/work facilities as conditional uses in commercial zoning districts under certain requirements. Over the years and even recently, business owners and potential buyers have inquired and requested the authorization of residential components that are less than the minimum 800 square feet required under the current regulations. Over time and through different ownerships, including out of city or even out of state owners, the owner-occupied residential component of the live/work facilities could not support the daily operators of the associated business under the current requirements which states only bona fide owners shall occupy the residential component.

Considering (1) the history of Daytona Beach Shores, (2) requests made, (3) the current and foreseen state of the economy, (4) the layout and built environment of the City, and (5) direction from the City Commission, staff drafted proposed Ordinance 2023-03, which would establish a tour service conditional use with associated requirements and permit owners or daily operators to occupy live/work facilities with a minimum of 700 square feet of residential space in the commercial districts, given certain conditions are met.

The staff report (attached) further analyzes the amendments and potential properties that could benefit from the proposed changes in Ordinance 2023-03.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of Ordinance 2023-03 as presented.

SUGGESTED MOTION:

A Planning and Zoning Board member may motion as follows:

1. "I move to approve Ordinance 2023-03 as presented."
OR
2. "I move to approve Ordinance 2023-03, with the following amendments..."
OR
3. "I move to deny Ordinance 2023-03, on the basis of the following..."

- ATTACHMENT:**
1. ORD 2023-03-LDC TEXT AMENDMENT-TOUR SERVICE
CONDITIONAL USE IN THE GC-RD & LIVE WORK FACILITY
REQUIREMENTS
 2. STAFF REPORT-ORD 2023-03
 3. City Commission Minutes April 11, 2023
 4. DBS Zoning Maps

ORDINANCE 2023-03

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO THE CREATION OF A TOUR SERVICE CONDITIONAL USE; AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G” CHAPTER 2 ENTITLED “DEFINITIONS” BY AMENDING SECTION 2-2 ENTITLED “GENERAL DEFINITIONS” BY CREATING ASSOCIATED DEFINITIONS FOR A TOUR SERVICE CONDITIONAL USE; AMENDING CHAPTER 14 ENTITLED “ZONING REGULATIONS” BY AMENDING SECTION 14-58 ENTITLED “SPECIAL EXCEPTIONS AND CONDITIONAL USES” TO ESTABLISH THE USE AND ASSOCIATED CONDITIONS OF A TOUR SERVICE CONDITIONAL USE IN THE GC-RD (GENERAL COMMERCIAL-REDEVELOPMENT DISTRICT) AND AMENDING THE GENERAL AND FACILITY REQUIREMENTS OF A LIVE/WORK FACILITY CONDITIONAL USE; 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 GC-RD (General Commercial-Redevelopment District) zoning district encourages redevelopment of properties; and

WHEREAS, there are twenty two (22) vacant properties/storefronts in the GC-RD zoning district; and

WHEREAS, there are atypical buildings previously housing non-conforming uses in the GC-RD district; and

WHEREAS, a car wash facility is not a permitted use in the GC-RD zoning district; and

WHEREAS, a tour service is a desired form of redevelopment in Daytona Beach Shores; and

WHEREAS, a tour service is not a use permitted in the City's Land Development Code; and

WHEREAS, a tour service use could provide residents and tourists historical and current information about the City of Daytona Beach Shores, its businesses and amenities, and the surrounding communities and attractions; and

WHEREAS, live/work facilities are a desired conditional use in qualifying structures in commercial zoning districts in Daytona Beach Shores; and

WHEREAS, the current live/work facility requirements do not allow potential live/work facilities with residential components smaller than the minimum eight hundred (800) square feet required; and

WHEREAS, smaller residential components of live/work facilities are similarly acceptable for housing; and

WHEREAS, the current live/work facility requirements only allow owners of the associated business to utilize the residential component of said live/work facility; and

WHEREAS, expanding the live/work facility criteria under certain conditions to allow daily operators of a business to utilize the residential component of said live/work facilities provides similar value to the area as allowing property owners; and

WHEREAS, the Objective A.2 of the City of Daytona Beach Shores Strategic Plan (2019) calls for the removal of land development regulations which are obstacles to desired redevelopment and to enable or promote desired redevelopment; and

WHEREAS, on April 11, 2023 the City Commission directed staff to create an Ordinance which amends the Land Development Code to establish the tour service conditional use and amend the live/work facility conditions; 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 DETERMINATIONS.

(a). The City staff report and City Commission agenda memorandum relating to this matter are hereby adopted as if 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 if 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 *Land Development Code*, Chapter 2, Appendix “G”, *Code of Ordinances of the City of Daytona Beach Shores*, entitled “Definitions” as follows:

CHAPTER 2. DEFINITIONS

Sec. 2-2. General definitions.

Daily operator: A person employed to manage or operate an established business during normal and regular business hours.

Golf cart: A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and is not capable of exceeding speeds of 20 miles per hour.

Low-speed vehicle: A four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122.

Tour vehicle: A special-purpose passenger vehicle, designed to transport no more than twelve (12) passengers plus the driver, provided however, low speed vehicles shall be limited to no more than six (6) passengers plus the driver, and used exclusively to

transport said passengers from a point of origin to various points of interest and return them to the same or a different specified location. Such term shall not include motorbuses and coaches legitimately engaged in interstate or intercity tourist transportation provided that the transportation commences outside Volusia County, Florida

Tour service: A special-purpose passenger vehicle for hire service which uses tour vehicles to transport passengers upon any public road having a posted maximum speed limit of 35 miles per hour.

SECTION THREE: The City Commission of the City of Daytona Beach Shores hereby amends the *Land Development Code*, Chapter 14, Appendix “G”, *Code of Ordinances of the City of Daytona Beach Shores*, entitled “Special exceptions and conditional uses” as follows:

CHAPTER 14.- ZONING REGULATIONS

ARTICLE VIII. SUPPLEMENTARY REGULATIONS

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

14-58.2.1.B. Live/Work Facilities.

Any conditional use permit issued for live/work facilities shall be subject to the following criteria:

1. Administrative Approval.

- a. The city manager, or designee, shall have the power and authority to notice, review and administratively approve all live/work conditional use applications.
- b. Approvals shall be implemented by means of a development order.
- c. Denials shall be implemented by a denial development order consistent with the provisions of F.S. § 166.033, and other controlling law.

2. General Requirements.

- a. Only bona fide owners or daily operators of the business associated with the live/work facility may occupy the living unit portion of the live/work facility.
- b. No portion of a live/work facility may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

- c. All facilities proposing a live/work facility uses must be awarded a business tax receipt and a certificate of use permit by the city and must maintain such matters in current status. Proof of working status shall be submitted in conjunction with a certificate of use permit application and provided as requested by the administrative official.
- d. Lots or parcels with an approved live/work facility shall not be combined with another lot or parcel containing or proposing an additional live/work facility.
- e. The termination, closing or abandonment of the work or commercial portion of a live/work facility shall cause the immediate revocation of the live/work conditional use permit without any action being taken by the city.

3. *Facility Requirements.*

- a. Live/work facilities shall only be located in singular buildings with two (2) floors on an approved lot or parcel of land.
- b. The live/work facility shall comply with the Florida Building Code and National Fire Prevention Act requirements applicable to the co-location of uses at the particular site.
- c. Live/work facilities may not be changed or converted to residential use greater than the approved work or commercial square footage.
- d. Ground floors shall not be used for residential or living purposes.
- e. Residential units shall have a minimum floor area of ~~eight hundred (800)~~ seven hundred (700) square feet.
- f. Commercial units shall have a minimum floor area of eight hundred (800) square feet.

14-58.2.2 Conditional Uses Permitted in the GC-RD district.

The following uses are permitted as conditional uses in the GC-RD district subject to the provisions of this code.

14-58.2.2.A. Tour service.

- 1. Tour Service. Tour services may be allowed as a conditional use in the GC-RD zoning district consistent with regulations of this section.
- 2. Notice, Review and Approval.
 - a. Administrative Approval: The city manager shall have the power and authority to notice, review, and administratively approve tour service conditional use applications provided the regulations of this section are met.
 - b. Approvals shall be implemented by means of a development order.
 - c. Denials shall be implemented by a denial development order consistent with the provisions of F.S. § 166.033, and other controlling law.

3. Submission Requirements. In addition to the conditional use application submission requirements of this code, the applicant for a tour service conditional use permit shall submit a floor plan, building elevation, parking plan, location of ready-for-use and stored tour vehicles, landscape plan, proposed tour route(s), and product description of all tour vehicles to be used in operation.
4. Review Criteria.
 - a. Tour services may only be permitted in conjunction with a bona fide restaurant establishment.
 - b. All facilities proposing tour services shall have been awarded a current and valid certificate of use permit for the restaurant use located on the property.
 - c. Proposed development and operations, including parking, shall be consistent with this code.
 - d. Tour service facilities shall provide a minimum 20% green area in the front yard.
5. Location
 - a. Tour service facilities shall be located in the "GC-RD" General Commercial-Redevelopment District.
6. Minimum Lot Size
 - a. Twenty thousand (20,000) square feet.
7. Minimum Lot Width
 - a. Seventy-five (75) feet.
8. Permitted Accessory Uses.
 - a. Accessory uses, including storage of tour vehicles and maintenance and servicing of tour vehicles, shall be conducted entirely within a completely enclosed structure completely out of public view from adjacent rights-of-way.
 - b. Maintenance and servicing vehicles which are not tour vehicles is prohibited.
9. Parking.
 - a. Off-street parking shall be consistent with section 14-48 of this code.
 - b. Employee/owner parking shall be in the rear of the property out of public view from adjacent rights-of-way.
 - c. Tour vehicles shall not be parked, staged, standing or placed in off-street parking areas or driveways/drive aisles.
10. Signage.
 - a. Signage on or through the windows of the principal building shall be limited to twenty-five (25) percent of the total window area.

- b. All other signage shall conform with Chapter 6 of this code.

11. Operation of Tour Service and Appearance Standards.

- a. All facilities proposing tour services shall obtain a valid certificate of use permit.
- b. All tour vehicles shall be stored in a completely enclosed building and at no point shall tour vehicles which are not in use be visible from the public right of way.
- c. The operation of a tour service shall not cause a public nuisance and the operation shall not interfere with the circulation of pedestrian or vehicular traffic on adjoining rights of way or offsite destinations or drop-off locations.
- d. A tour service facility shall only be used and operated in conjunction with a bona fide restaurant located on the same property.
- e. All tour vehicles and accessories shall be maintained in good working condition and comply with the requirements of F.S. Chapter 316, 320, and other controlling law.
- f. Tour service facilities shall comply with the Florida Building Code and National Fire Prevention Act requirements.
- g. Each application to conduct a tour service in a structure that lawfully existed prior to the effective date of this ordinance shall be accompanied by a proposed landscape plan for the property. This plan, upon approval, shall be included as a condition in the development order approving the use.
- h. Each application to conduct a tour service conditional use in a structure built subsequent to the effective date of the ordinance from which this section is derived shall meet the following standards:
 - (1) The principal structure shall be designed, constructed, and treated with a uniform theme or architectural style approved by the city, based upon sound and generally accepted land use planning practices and principles, when elevation is visible from a public right-of-way or a residential district. The burden of proof shall be on the applicant to meet this requirement.
 - (2) Accessory structures, including but not limited to fences, walls, detached buildings and dumpster enclosures, shall be consistent with the approved architectural treatment and style of the principal building so as to create a uniform architectural style and appearance as determined by the city, based upon sound and generally accepted land use planning practices and principles. The burden of proof shall be on the applicant to meet this requirement.
 - (3) Accessory structures noted above and fronting a public right-of-way or a residential district shall be fully treated.

12. Lighting.

- a. Neon lighting on buildings and structures are prohibited and unlawful.
- b. All lighting shall conform to the Volusia County Sea Turtle Lighting Regulations.
- c. Glare and direct lighting shall not project offsite.

13. Outdoor Activities.

- a. Unless otherwise authorized by this code and permitted by the city, all work activities and storage shall take place in fully enclosed areas.

14. Outdoor Displays.

- a. The display of any merchandise, tour vehicle, or accessory outside the principal building is prohibited and unlawful.
- b. Outdoor displays and events in conformance with Chapter 16 ³/₄, Sec. 14-60.2., and Sec. 14-60.3 of this code are permitted.

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

KURT SWARTZLANDER, 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 _____, 2023.

Adopted on second reading this _____ day of _____, 2023.

	PLANNING STAFF REPORT
SUBJECT:	Ord. 2023-03: Tour Service Conditional Use and Live/Work Facilities.
IMPACTED AREA:	Tour Service Conditional Use: GC-RD Live/Work Facilities Conditional Use: GC-1, GC-2, and GC-RD
APPLICANT:	City of Daytona Beach Shores
CONTACT:	Noel Eaton, City Planner: Tel. (386) 763-5376
SUMMARY:	Ordinance 2023-03 would amend Section 2-2 entitled “General Definitions” and Section 14-58 entitled “Special Exceptions and Conditional Uses,” of the City’s Land Development Code to create associated definitions and conditions of a tour service conditional use in the GC-RD zoning district and amend the live/work facility conditional use requirements.
RECOMMENDATION:	Approval

A. BACKGROUND

Small businesses, vacant properties, and tenant spaces have been challenged with changes in local, regional, and national economic and demographic conditions. The City of Daytona Beach Shores is no exception to this fact. Over the past twenty years, the City’s gradual transition from a resort to a more residential community and the aforementioned circumstances, have resulted in many small businesses closing down or relocating; today there are nine (9) vacant parcels and thirteen (13) vacant storefronts in the GC-RD (General Commercial-Redevelopment District) alone and a total of eighteen (18) vacant parcels in all three commercial zoning districts.

Recently, potential buyers have inquired about opening a tour service establishment in the GC-RD to fill a vacant storefront. Currently, the City’s Land Development Code (LDC) does not recognize a tour service use and therefore is not permitted in any zoning district in the city.

On April 11, 2023, at the request of a prospective business, “Joyride Beachside”, the City Commission directed staff to begin work on amending the City’s Land Development Code to permit tour service businesses within GC-RD zoning district and amend the live/work facility requirements (minutes attached). Ordinance 2023-03 articulates the discussion and intent of the City Commission to permit and provide land development regulations regarding tour service conditional uses in the GC-RD.

Further, in 2012 the City Commission approved Ordinance 2012-04 which allowed live/work facilities as conditional uses in commercial zoning districts under certain requirements. Over the years and even recently, business owners and potential buyers have inquired and requested the

authorization of residential components that are less than the minimum 800 square feet required under the current regulations. Over time and through different ownerships, including out of city or even out of state owners, the owner-occupied residential component of the live/work facilities could not support the daily operators of the associated business under the current requirements which states only bona fide owners shall occupy the residential component.

Considering (1) the history of Daytona Beach Shores, (2) requests made, (3) the current and foreseen state of the economy, (4) the layout and built environment of the City, and (5) direction from the City Commission, staff drafted proposed Ordinance 2023-03, which would establish a tour service conditional use with associated requirements and permit owners or daily operators to occupy live/work facilities with a minimum of 700 square feet of residential space in the commercial districts, given certain conditions are met.

B. PROPOSED ORDINANCE

The proposed regulations contained in Ordinance 2023-03 (attached) are consistent with the City's adopted Comprehensive Plan Update (2030). Among other things, the proposed ordinance would accomplish the following:

1. Define a tour service.
2. Establish, among other administrative items, the tour service conditional use, review, and entitlement process.
3. Permit a tour service use as a conditional use in the GC-RD District, provided specific requirements are met. Existing structures may be used or new structures may be constructed to meet this end.
4. Permit a tour service to be approved conditionally by the City Manager, or designee.
5. Create a submission, review and operational criteria and regulations governing the establishment and operation of tour service facilities in the GC-RD District.
6. Amend the existing live/work facility requirements to permit owners and daily operators to occupy the residential components of live/work facilities as a conditional use in commercial districts (GC-RD, GC-1 and GC-2 districts), providing specific requirements are met. Existing structures may be used or new structures constructed to meet this end.
7. Amend the existing live/work facility requirements to require a minimum of seven hundred (700) square feet of residential space. Existing structures may be used or new structures constructed to meet this end.

Table 1 below provides a summary of the requirements for Ordinance 2023-03 that were requested by the City Commission at the April 11th City Commission meeting.

Table 1: City Commission requested regulations for Ordinance 2023-03.

Requested Regulation	ORD 2023-03
Restaurants uses should be established prior to or in conjunction with a Tour Service.	<u>Tour services may only be permitted in conjunction with a bona fide restaurant establishment.</u>
Increased landscaping and landscaping plan required.	<u>Submission Requirements. In addition to the conditional use application submission requirements of this code, the applicant for a tour service conditional use permit shall submit a floor plan, building elevation, parking plan, location of ready-for-use and stored tour vehicles, landscape plan, proposed tour route(s), and product description of all tour vehicles to be used in operation.</u> <u>Tour service facilities shall provide a minimum 20% green area in the front yard.</u>
Tour vehicles shall not be seen from the rights of ways.	<u>All tour vehicles shall be stored in a completely enclosed building and at no point shall tour vehicles which are not in use be visible from the public right of way.</u>
Daily operators utilizing live/work facilities shall provide proof of employment.	All facilities proposing a live/work facility uses must be awarded a business tax receipt and a certificate of use permit by the city and must maintain such matters in current status. <u>Proof of working status shall be submitted in conjunction with a certificate of use permit application and provided as requested by the administrative official.</u>

Note: Underlined text indicates addition to the Land Development Code.

C. SUMMARY ANALYSIS

BENEFITS OF TOUR SERVICES

Tour services have been introduced and regulated in large and small cities throughout the country. Tour services showcase both historic and current tourist attractions. Daytona Beach Shores and its neighboring communities experience tourism and have many diverse tourist attractions including but not limited to, the beaches, historic hotels, restaurants and the overall history and community impacts that are directly related to racing on the beaches in the 1900's. In general, increasing tourism by permitting tour services could lead to the following benefits:

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Patron Benefits: Tours are conducted by trained professional drivers and provide point to point service for customers while showcasing historic and current attractions, restaurants, hotels, and amenities that serve the residents and tourists that live in or visit Daytona Beach Shores and its surrounding communities; etc.

Business Benefits: Increased positive business presence and community image by developing relationships with local businesses and restaurants that can be showcased through the tour service; etc.

Community Benefits: Increased tourism and knowledge of the community; economic investment stimulated; community development and enhancement; commercial neighborhoods may become revitalized; empty buildings become occupied; properties are enhanced and better maintained; neighborhoods become vibrant and more appealing; added value to certain properties and overall neighborhood; etc,

BENEFITS OF LIVE/WORK FACILITIES

Live/work facilities have been an integral component of small well-knit communities for years and have operated successfully in Daytona Beach Shores since 2012. Live/work facilities are a form of mixed-use that provides a housing and employment option that is transportation efficient and low impact on adjacent neighborhoods. In general, live/work facilities with residential components that are 700 square feet or more and permit owners and daily operators to utilizes the residential component have similar benefits in the community and could lead to the following benefits:

Patron Benefits: Enhanced shopping experience and lower prices.

Owner/Daily Operator-Business Benefits: Increased savings/profits, increased reliable workforce, no commute resulting in time and fuel/energy savings; positive business and community image, increased security and pride in overall appearance of property; etc.

Community Benefits: Mixed use housing type still maintained; economic investment stimulated; community development and enhancement; neighborhoods may become revitalized; owners or daily operators become stakeholders in community; empty buildings become occupied; properties are enhanced and better maintained; neighborhood becomes vibrant and more appealing; added value to certain properties and overall neighborhood; etc,

PRACTICAL APPLICATION AND POTENTIAL IMPACT

Table 2 below analyzes and provides a summary of the properties in the GC-RD district that could benefit from the tour service conditional use proposed in Ordinance 2023-03 and **Table 3** analyzes and provides a summary of properties in all commercial districts that could benefit form the live/work facility updates proposed in Ordinance 2023-03

Table 2: Tour Service Summary Land Use Analysis-GC-RD.

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Ord. 2023-03: Establish a tour service as a conditional use in the GC-RD and amend the general and facility requirements of live/work facilities.

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Land Use	Amount
Vacant storefronts in the GC-RD zoning district.	13
Vacant parcels in the GC-RD zoning district.	9
Vacant commercial parcels/storefronts that meet the minimum lot dimensions for a tour service under Ord. 2023-03	9
Potential properties in the GC-RD district benefiting from Ord. 2023-03	9

Table 3: Live/Work Summary Land Use Analysis-GC-1, GC-2, and GC-RD.

Land Use	Amount
Two-story buildings w/ active residential occupancy* and commercial use	7
Two-story buildings w/ active residential occupancy* and no commercial use	3
Other two-story buildings that could qualify for live/work under Ord. 2023-03	6
Vacant commercial parcels that could qualify for live/work under Ord. 2023-03	18
Potential commercial properties benefiting from Ord. 2023-03	34

Note: * These units are “grandfathered” and it is uncertain how many of these units are owner occupied.

Currently, there are 9 properties in the GC-RD that are vacant or have vacant storefronts that meet both the proposed 75’ foot lot width requirement and the 20,000 square feet lot area requirement and could potentially support a tour service conditional use.

Staff could identify 34 commercial properties that either have a vacant two-story structure, have existing “grandfathered” residential, or are vacant and could benefit from the proposed changes of live/work facilities contained in Ordinance 2023-03.

D. PLANNING AND ZONING BOARD

A public hearing is scheduled for May 8th, 2023 for the Planning and Zoning Board to consider and make recommendations regarding Ordinance 2023-03

E. RECOMMENDATION

Staff recommends approval of Ordinance 2023-03 as presented.

MINUTES
CITY COMMISSION MEETING
April 11, 2023
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Commissioner Richard Bryan, Commissioner Mel Lindauer, Vice Mayor Michael Politis, Commissioner Chris Conomos

Staff: City Manager Kurt Swartzlander, City Clerk Cheri Schwab, City Attorney Becky Vose, Community Services Director Stewart Cruz, Finance Director Lory Irwin, Economic Development and Public Affairs Director Nancy Maddox, and Public Safety Director Michael Fowler.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

A. Presentation by James Moore Audit firm

James Halleran, partner with James Moore Audit firm, presented the city's annual financial report to the commission. He stated that there were no material weaknesses in internal control over financial reporting and no instance of non-compliance. The city's finances were in a very good position.

6. APPROVAL OF MINUTES

A. City Commission Minutes March 28, 2023

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the City Commission of Minutes March 28, 2023.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Vice Mayor Michael Politis, Commissioner Chris Conomos

7. CONSENT AGENDA:

- A. Acceptance of AdventHealth Centra Care Exposure Hotline Contract
- B. Access Agreement & Construction License For Seawall Construction: Bella Vista Condominium, 2515 S. Atlantic Avenue
- C. Access Agreement & Construction License For Seawall Construction: Palma Bella Condominium, 3245 S. Atlantic Avenue
- D. Access Agreement & Construction License For Seawall Construction: St. Croix Condominium, 3145 S. Atlantic Avenue
- E. Access Agreement & Construction License For Seawall Construction: St. Kitts Condominium, 2853 S. Atlantic Avenue

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the consent agenda.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Vice Mayor Michael Politis, Commissioner Chris Conomos

8. REPORTS OF THE CITY ATTORNEY:

The City Attorney had nothing to report for the agenda.

9. REPORTS OF THE CITY MANAGER:

City Manager Kurt Swartzlander provided an update on the dune walk-overs. He also gave a brief update on his recent trip to Tallahassee with Mayor Miller for legislative days.

10. OLD BUSINESS:

- A. Ordinance 2023-01: Repeal of the Supplemental Economic or Tourism Development Incentive Program (AKA The ATR Program)

City Attorney Becky Vose read the ordinance by title. There were no comments or discussion on the item.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Ordinance 2023-01 on second reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Vice Mayor Michael Politis, Commissioner Chris Conomos

11. NEW BUSINESS:

A. Ordinance 2023-02: Floodplain Management Regulations Update

City Attorney Becky Vose read the ordinance by title. Community Services Director Stewart Cruz explained the proposed ordinance would implement administrative changes needed for the city to maintain its Federal National Flood Insurance Program community rating system status class 5. This classification allows property owners a 25% discount. The proposed changes were drafted by the Florida Department of Emergency Management Office of Flood Management.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Approve Ordinance 2023-02 on first reading..

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Vice Mayor Michael Politis, Commissioner Chris Conomos

B. Joyride Golf Cart Tours Establishment Land Use Proposal: 2120 S. Atlantic Avenue

City Planner Noel Eaton gave a brief presentation on the proposed business. The location is 2120 S. Atlantic Avenue (GC-RD). Mayor Miller inquired if they owned the property and Mr. Eskra replied that they currently have the property under contract. It is the old car wash/Baskin Robbins ice cream location. Devon and Danielle Eskra wish to open a small restaurant in the front of the building and use the rear bays to house golf carts in the back. They would operate a golf cart tour business around the Daytona Beach and Daytona Beach Shores area. This business type is currently not permitted in the district. They would also like to utilize the live/work component for the small upstairs unit. The current code states that the owner must live on the property. The Eskra's would like their manager to live onsite. The live/work component residential area requires a minimum floor area of 800 square feet. The upstairs unit is only 704 square feet. Staff would like direction from the commission in regards to the zoning designation and the live/work requirements. The potential property owners, the Eskra's, also gave a quick presentation of their Joyride experience to the commission. They plan to update all the exterior code violations, install fresh landscaping, and provide outdoor tables with umbrellas. The restaurant would be a lunch and dinner concept. Commissioner Lindauer had a concern with the business manager living onsite instead of the property owner. After a brief discussion, it was decided that an employee contract could be submitted to the city to allow an employee to live onsite. The commission gave staff a consensus to bring back a document to address the code variations.

12. COUNCIL COMMENTS:

Vice Mayor Politis inquired if a representative from Chase Bank could give a presentation regarding the city's investments. Commissioner Bryan felt his recent seawall informational meeting went very well. He had two important take aways from the meeting. First, it is very important to have temporary armoring in place, and second, save money by working with your neighbors to create a contiguous seawall.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

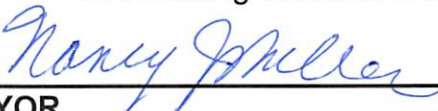
Debra Taylor informed the commission that her condo was having a struggle with getting their seawall permitted. The information that their engineer sent had been declined regarding the height of the seawall. She was advised to have the engineer re-submit information ASAP. Emma Clark from the Port Orange- South Daytona Chamber of Commerce introduced herself.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items added to the next agenda.

15. ADJOURNMENT:

The meeting ended at 7:13 pm.



MAYOR
NANCY MILLER

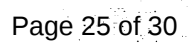


CITY MANAGER
KURT D. SWARTZLANDER

ATTEST:



CITY CLERK, CHERI SCHWAB



Zoning Map

City of Daytona Beach Shores, FL

 Daytona Beach Shores

1925

Address Numbers

R-9

County Zoning

Zoning Category

RSF-1

RSF-2

RMF-1

RMF-2

RMF-3

T-RMF-1

MXD

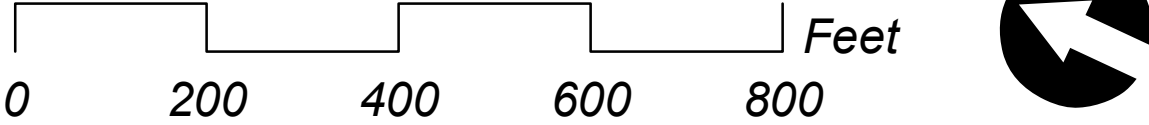
PUD

GC-1

GC-2

GC-RD

P



CERTIFICATE OF AUTHENTICITY

This is to certify that this Official Zoning Map supercedes and replaces the Official Zoning Map adopted on April 22, 1987 as part of Ordinance No. 87-21 of Daytona Beach Shores, Florida.

By: _____
Mayor

Attest: _____
City Manager

[City Seal]

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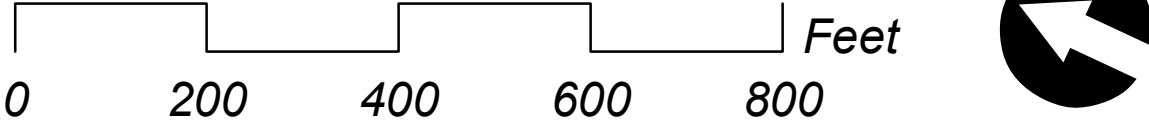
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GC-2

GC-RD

P

0

200

400

600

800

Feet

The map displays a coastal area with various zoning districts. Key streets include SR A1A, S ATLANTIC AVE, RIDGE RD, OCEANS WEST BLVD, BELLEMEAD DR, LIBERTY ST, CRESCENT, VAN AVE, ESPERANZA AVE, S PENINSULA DR, RIVER POINT DR, GLADYS TER, THAMES AVE, DACH AVE, and S PENINSULA DR. The map is color-coded by zoning category: RSF-1 (light yellow), RSF-2 (yellow), RMF-1 (orange with diagonal lines), RMF-2 (orange), RMF-3 (brown), T-RMF-1 (tan), MXD (purple), PUD (blue), GC-1 (red with diagonal lines), GC-2 (red), GC-RD (red with cross-hatch), and P (green). Address numbers are shown along the streets, and the map is bounded by a dashed line representing the city limits.

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Zoning Map

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1925

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1925

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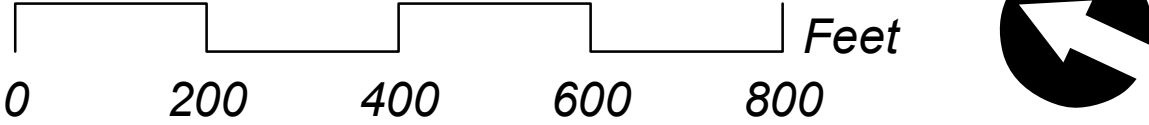
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