

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

Section 1. Definitions.

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

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

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

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

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

- (a) The outside sales area shall be located on the same private property on which the permanently licensed business operates; or on property contiguous to and owned by the permanently licensed year-round business; or on property contiguous to and a part of the permanently licensed year-round business's year-round leased premises.
- (b) The outside sales area shall not exceed 500 square feet.
- (c) Merchandise sold must be identical to that sold inside.
- (d) Pursuant to § 5.4.C.3.d., LDC, and notwithstanding § 5.4.C.3.c.ii., TPA activities may be permitted during the seven day period prior to the event, provided such activities shall comply with all other requirements of § 5.4.C.3 and violations shall be subject to the same remedies and penalties set forth therein. In addition, no sound amplification shall be permitted prior to the first day of the event.

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

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

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

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

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

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

Section 7. Amplified Sound. Outside amplified sound must remain at a level that is acceptable to the community standard. This operating level shall be reduced at midnight, lowered further at 1:00 a.m., lowered further at 2:00 a.m., and completely shut down by 2:45 a.m. Properties fronting on West International Speedway Boulevard between Dr. Martin Luther King Boulevard and Keech Street shall limit noise levels to 65dBA from 7 a.m. to 10 p.m. and 60dBA from 10 p.m. to 7 a.m. The review committee providing recommendations to the City Commission shall include at least three members representing the interests of residents of the City.

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

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

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

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

RESOLUTION NO. 19-54

A RESOLUTION AMENDING SECTION 5 OF THE BIKE WEEK AND BIKETOBERFEST MASTER PLAN GUIDELINES TO ALLOW EVENT PARKING ON ALL PROPERTY, WHETHER UNIMPROVED OR NOT, IN AREAS DEPICTED ON THE MASTER PLAN JURISDICTIONAL MAPS FOR THESE EVENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 5 of the Bike Week and Biketoberfest Master Plan Guidelines allows unimproved lots in a defined area to operate Event Parking during Bike Week and Biketoberfest of each year; and

WHEREAS, the Commission has elected to amend the policy to allow Event Parking on both unimproved and improved lots as depicted in the Bike Week and Biketoberfest Master Plan jurisdictional maps; and

WHEREAS, the Commission reserves the right, and hereby notifies all members of the public of the Commission's reservation, at any time in the future to delete all or part of the exception allowed by Section 5 as originally existing or as modified by this Resolution.

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

SECTION 1. City Commission policy, as expressed via Bike Week and Biketoberfest Master Plan Guidelines Section 5 is hereby amended as follows [~~strikeout~~ indicates deleted text, underline indicates added text]:

Section 5. Parking.

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

SECTION 2. The City Commission hereby reserves the right for itself and future Commissions, to at any time in its sole discretion to modify or repeal the policy expressed herein. With this reservation, the public is hereby placed on notice of the same and the Commission's intent that no vested right or property right shall be granted by the passage of this Resolution or the policy modification it reflects.

SECTION 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 4. This Resolution shall take effect immediately upon its adoption.


DERRICK L. HENRY
Mayor

ATTEST:


LETITIA LAMAGNA
City Clerk

Adopted: March 6, 2019

RESOLUTION NO. 18-34

A RESOLUTION APPROVING THE BIKE WEEK 2018 MASTER PLAN FOR OUTSIDE ACTIVITIES ON PRIVATE PROPERTY; AUTHORIZING OUTSIDE ACTIVITIES DURING BIKE WEEK 2018 ON PRIVATE PROPERTY LOCATED ON MAIN STREET, FAIRVIEW AVENUE, BALLOUGH ROAD, NORTH BEACH STREET, DR. MARY MCLEOD BETHUNE BOULEVARD, MARTIN LUTHER KING BOULEVARD, BETHUNE STREET, FULTON STREET, WEAVER STREET, MCLEOD AVENUE, WALNUT STREET, AND OAK STREET, PURSUANT TO SECTION 5.4.C.11., TEMPORARY OUTSIDE ACTIVITIES ASSOCIATED WITH A FESTIVAL, OF THE LAND DEVELOPMENT CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Daytona Regional Chamber of Commerce Bike Week Festival Task Force has submitted a proposed Bike Week 2018 Master Plan for outside activities on private property during the Bike Week special event period, March 9-18, 2018; and

WHEREAS, the proposed activities and uses meet the Master Plan Guidelines as most recently approved; and

WHEREAS, the Bike Week Festival Task Force recommends approval of the Plan.

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

SECITON 1. In accordance with § 5.4.C.11., *Temporary Outside Activities Associated with a Festival*, of the Land Development Code, the Bike Week 2018 Master Plan for outside activities on private property, a copy of which is attached hereto and incorporated by reference herein, is hereby approved in accordance with the conditions set forth. The areas included in the plan are Main Street, Fairview Avenue, Ballough Road, North Beach Street, Dr. Mary McLeod Bethune Boulevard, Martin Luther King Boulevard, Weaver Street, Fulton Street, McLeod Avenue, Walnut Street, and Oak Street.

SECTION 2. All private property uses are subject to the following conditions:

a. All activities are subject to final review and approval by the City Manager for consistency with the Guidelines adopted by the City Commission.

b. Outdoor sound amplification shall be permitted for the areas requested, in accordance with the Guidelines.

c. Temporary signs including banners, pennants, flags, balloons, and inflatables, are hereby authorized on all business properties fronting Main Street, Fairview Avenue, Beach Street between Bay Street and Fairview Avenue, Ballough Road between Fairview Avenue and Mason Avenue, Dr. Mary McLeod Bethune Boulevard, Martin Luther King Boulevard, and West International Speedway Boulevard between Martin Luther King Boulevard and Keech Street.

d. In addition to the business tax, the following fees shall be paid: each permanent business shall pay an administrative fee of \$300, an additional \$.12 for each square foot of outdoor vending area, and a \$20 sign permit fee.

e. Each vendor (not a permanent business) shall pay a \$530 regulation fee, a \$50 sanitation fee to partially defray the expenses of waste collection, and a \$20 sign permit fee.

f. All tents and canopies shall comply with flame spread requirements of SFPC 4902.4.

g. Pay parking lots shall post conspicuous signs advertising parking fees. Signs shall be professional in appearance.

h. All required City, County, and State licenses and permits shall be obtained prior to the event.

i. Police, private security, and emergency medical services for event activities shall be provided in a manner acceptable to the City Manager, and all costs shall be paid by the applicants.

j. Each food vendor shall provide a receptacle approved by the City of adequate capacity for the disposal of all grease and cooking by-products. It is the responsibility of each food vendor to properly dispose of the contents of the receptacle at an appropriate site and comply with any and all other City ordinances. Failure to do so may cause the property owner to lose the privilege of participating in Master Plan events for a period of three years.

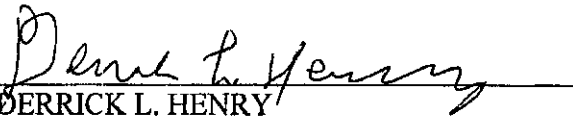
k. In order to clearly delineate and restrict access to public areas where alcoholic beverage consumption is unlawful, a rigid barrier at least 4 ft. in height shall be erected and maintained around any outdoor alcoholic beverage service or consumption area.

l. Any other conditions determined appropriate and reasonable by the City Manager to protect City property and the health and safety of the public and to ensure the success of the event, including but not limited to hours of operation.

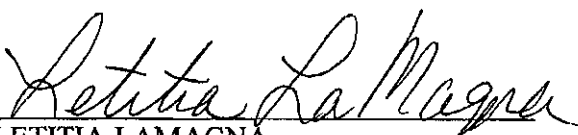
SECTION 3. Churches and nonresidential business lots in the Main Street and Midtown Redevelopment Area may use their parking lots to offer paid parking, provided the church lot is operated by church members for the benefit of the church or its charitable enterprises. Unimproved lots in the RDB-3 district may be used for parking in accordance with the Guidelines.

SECTION 4. All applications not recommended for approval by the Bike Week Festival Task Force are hereby denied. Applicants may appeal denial of their applications to the Special Magistrate as provided in Section 9 of the Master Plan Guidelines. After all appeals are heard and decided a written report shall be provided to the City Commission of the outcome, including the site plan for applications approved by the magistrate.

SECTION 5. This Resolution shall take effect immediately upon its adoption.


DERRICK L. HENRY
Mayor

ATTEST:


LETITIA LAMAGNA
City Clerk

Adopted: January 17, 2018